



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**CITY COUNCIL AGENDA**  
**JULY 1, 2014**

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**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 OF  
**HAYWARD**  
HEART OF THE BAY

**CITY COUNCIL MEETING FOR JULY 1, 2014**  
777 B STREET, HAYWARD, CA 94541  
[WWW.HAYWARD-CA.GOV](http://WWW.HAYWARD-CA.GOV)

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**CLOSED SESSION**  
**Closed Session Room 2B – 5:30 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; Finance Director Vesely; Deputy City Attorney Vashi; Director of Maintenance Services McGrath; Acting Human Resources Director Collins; Senior Human Resources Analyst Monnastes; Community and Media Relations Officer Holland; Jack Hughes, Liebert, Cassidy and WhitmoreUnder Negotiation: All Groups
  3. Adjourn to City Council Meeting
- 

**CITY COUNCIL MEETING**  
**Council Chambers – 7:00 PM**

**CALL TO ORDER** Pledge of Allegiance Council Member Jones

**ROLL CALL**

**CLOSED SESSION ANNOUNCEMENT**

**PUBLIC COMMENTS**

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*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.*

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

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## CONSENT

1. Approval of Minutes of the Special Joint City Council/Housing Authority Meeting on June 17, 2014  
[Draft Minutes](#)
2. Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code to Add Regulations Relating to Tobacco Retail Sales Establishments  
[Staff Report](#)  
[Attachment I Summary of Notice](#)
3. Adoption of Ordinance Amending Hayward Municipal Code Section 10-1.1000 Et Seq., Regulating the City's General Commercial (CG) District to Implement the Tobacco Retail Sales Ordinance  
[Staff Report](#)  
[Attachment I Summary of Notice](#)
4. Adoption of an Ordinance Amending Hayward Municipal Code Section 5-6.02, Smoking and Pollution Control Definitions, to Conform to the Tobacco Retail Sales Ordinance  
[Staff Report](#)  
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5. Authorization for the City Manager to Execute an Agreement with Taser International for the Purchase of Body Worn Camera and Digital Evidence Management System  
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[Attachment IV City of Rialto Case Study](#)  
[Attachment V Body Worn Camera FAQ](#)
6. Adoption of a Resolution Authorizing the City Manager to Execute an Agreement with the Matrix Consulting Group to Conduct a Workload and Staffing Study for the Police Department  
[Staff Report](#)  
[Attachment I](#)

July 1, 2014



7. Resolution Authorizing Waiver of Cost of Living Increases to Mayor and City Council Compensation in FY 2015, Increasing Medical Contributions from Twenty Percent (20%) to Thirty Percent (30%) and Continuation of Previously Approved Salary and Benefit Reductions  
[Staff Report](#)  
[Attachment I](#)
  8. Authorization for the City Manager to Apply for and, if awarded, to accept 2014 CalHome General Program Grant Funding for Manufactured Housing  
[Staff Report](#)  
[Attachment I Resolution](#)
  9. Authorization for the City Manager to Execute a Professional Services Agreement for Adult Literacy Learning Consultant Services Including Reading Specialist/Tutor Advisory Services  
[Staff Report](#)  
[Attachment I Resolution](#)
  10. New Highland 1530 Reservoir: Authorization for the City Manager to Execute a Professional Services Agreement  
[Staff Report](#)  
[Attachment I Resolution](#)  
[Attachment II Location Map](#)
  11. Resolution and Letter in Support of an Allocation from the Alameda County Board of Supervisors to Help Construct a New Family and Children's Service Center at 680 West Tennyson Road  
[Staff Report](#)  
[Attachment I Resolution](#)  
[Attachment II Draft Letter to Board](#)
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*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**

12. Downtown Business Improvement Area Consideration of Annual Levy (Report from Assistant City Manager McAdoo)  
[Staff Report](#)  
[Attachment I Resolution](#)  
[Attachment II Downtown Business Improvement Area Zones and Fee Structure](#)  
[Attachment III DBIA FY 2015 Adopted Budget](#)

July 1, 2014



13. Adoption of the Hayward 2040 General Plan and Certification of the Final Environmental Impact Report (Report for Development Services Director Rizk)

[Staff Report](#)

[Attachment I Resolution](#)

[Exhibit A](#)

[Exhibit B](#)

[Attachment V](#)

[Attachment VI](#)

[Attachment VII](#)

## LEGISLATIVE BUSINESS

14. Update on Status of Exclusive Negotiating Period with Waste Management of Alameda County and Approval of an Amendment to Existing Franchise Agreement to provide for an Additional 150-Day Extension of Existing Franchise with Same Terms and Conditions at City's Sole Discretion (Report from Director of Utilities & Environmental Services Ameri)

[Staff Report](#)

[Attachment I Resolution](#)

[Attachment II Resolution](#)

[Attachment III Summary of Community Outreach Effort](#)

15. Designation of Voting Delegates and Alternates for the League of California Cities 2014 Annual Conference (Report from City Manager David)

[Staff Report](#)

[Attachment I Resolution](#)

[Attachment II Notice from LLC](#)

## COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

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

## ADJOURNMENT

**NEXT SPECIAL MEETING – 7:00 PM, TUESDAY, JULY 8, 2014**

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**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.*

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**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.

July 1, 2014



**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.

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**\*\*\*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, 4<sup>th</sup> 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. \*\*\***

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*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.*

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**Please visit us on:**





**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, June 17, 2014, 7:00 p.m.**

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

**ROLL CALL**

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

Mayor Sweeney noted that Council Member Salinas was representing the City of Hayward in China at a “Silicon Valley Mayor’s Delegation China Trip” sponsored by the China Silicon Valley Business Development.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson reported that the Council met in closed session concerning two items: 1) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; and 2) conference with real property negotiators pursuant to Government Code 54956.8 regarding South Hayward BART Land Purchase and Requisition. There was no reportable action.

**PUBLIC COMMENTS**

Mr. Kim Huggett, Hayward Chamber of Commerce President, announced the “Downtown Hayward Street Parties” and “Car Shows” events on June 19, July 17, and August 21, 2014.

Mr. Jim Drake, Hayward resident, noted that various City departments were requesting to increase staffing levels and spoke about the importance of increasing safety personnel.

**BOARDS AND COMMISSIONS**

1. Appointments and Reappointments to the Hayward Youth Commission and Swearing-In Ceremony

Staff report submitted by City Clerk Lens, dated June 17, 2014, was filed.

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

Resolution 14-077, “Resolution Appointing and Reappointing Members to the Hayward Youth Commission”

City Clerk Lens administered the Oath of Office to newly appointed, alternates, and reappointed members of the Hayward Youth Commission.

## CONSENT

2. Approval of Minutes of the City Council Meeting on May 27, 2014

It was moved by Council Member Peixoto, seconded by Council Member Zermeño, and carried with Council Member Salinas absent, to approve the minutes of the City Council Meeting on May 27, 2014.

3. Resignation of Peggy Guernsey from the Community Services Commission

Staff report submitted by City Clerk Lens, dated June 17, 2014, was filed.

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

Resolution 14-078, “Resolution Accepting the Written Resignation of Peggy Guernsey from the Community Services Commission”

4. Downtown Business Improvement Area Annual Report and Proposed Budget for FY 2014-2015 and Setting Public Hearing for July 1, 2014

Staff report submitted by Assistant City Manager McAdoo, dated June 17, 2014, was filed.

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

Resolution 14-079, “Resolution Accepting the Annual Report and Declaring Intention to Levy Annual Charges for the Downtown Hayward Business Improvement Area (DBIA) for Fiscal Year 2015 and Providing Notice of Hearing Thereon”

5. Adoption of a Resolution Approving Extensions and Modifications to Employment Agreements with the City Manager, City Attorney and City Clerk and Authorizing the Mayor to Execute Those Agreements on Behalf of the Council

Staff report submitted by Acting Human Resources Director Collins, dated June 17, 2014, was filed.

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



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Resolution 14-080, “Resolution Approving the Extension and Modification of the City Manager’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council”

Resolution 14-081, “Resolution Approving the Extension and Modification of the City Attorney’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council”

Resolution 14-082, “Resolution Approving the Extension and Modification of the City Clerk’s Employment Agreement and Authorizing the Mayor to Execute the Agreement on Behalf of the Council”

6. Adopt a Resolution of Intention to Preliminarily Approve the Engineer’s Report and Assessments for Fiscal Year 2015, and set July 15, 2014, as the Public Hearing Date for Such Actions for Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13

Staff report submitted by Development Review Engineer Aghamir, dated June 17, 2014, was filed.

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

Resolution 14-083, “Resolution Preliminarily Approving Engineer’s Report, Declaring Intention to Levy Assessments for Fiscal Year 2015 for Consolidated Landscaping and Lighting District No. 96-1, Zones 1-13, and Setting July 15, 2014, as the Public Hearing Date”

7. Adopt a Resolution of Intention to Preliminarily Approve the Engineer’s Report and Levy Assessments for Fiscal Year 2015 for Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit Located at Pacheco Way, Stratford Road and Ruus Lane, and Set July 15, 2014, as the Public Hearing Date for Such Actions

Staff report submitted by Development Review Engineer Aghamir, dated June 17, 2014, was filed.

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

Resolution 14-084, “Resolution of Intention Preliminarily Approving Engineer’s Report, Declaring Intention to Levy Assessments for Fiscal Year 2015, and Setting July 15, 2014, as the Public Hearing Date Concerning Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road, and Ruus Lane”

8. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2015 for Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer, and Set July 15, 2014, as the Public Hearing for Such Actions

Staff report submitted by Development Review Engineer Aghamir, dated June 17, 2014, was filed.

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

Resolution 14-085, “Resolution of Intention Preliminarily Approving Engineer’s Report, Declaring Intention to Levy Assessments for Fiscal Year 2015, and Setting July 15, 2014, as the Public Hearing Date Concerning Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer”

9. Pavement Rehabilitation Gas Tax FY15: Award of Contract

Staff report submitted by Assistant City Engineer Owusu, dated June 17, 2014, was filed.

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

Resolution 14-086, “Resolution Increasing the Administrative Change Order Amount for the Pavement Rehabilitation Gas Tax FY15 Project, Project No. 05191, and Awarding Contract to Graham Contractors, Inc.

10. Fire Station No. 7 and Firehouse Clinic Construction Project: Approval of Addenda and Award of Contract

Staff report submitted by Assistant City Engineer Owusu, dated June 17, 2014, was filed.

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

Resolution 14-087, “Resolution Approving Addenda No. 1-6 for the Fire Station No. 7 and Firehouse Clinic Construction Project, Project No.



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AUTHORITY MEETING OF THE CITY OF HAYWARD  
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07472, and Awarding the Contract to D.L. Falk Construction, Inc.”

Resolution 14-088, “Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with WLC Architects, Inc. for Additional Design and Construction Support Services Associated with the Design of the Firehouse Clinic as Part of the New Fire Station No. 7 and Firehouse Clinic Construction Project, Project No. 07472”

**PUBLIC HEARING**

11. Public Hearing for the Proposed FY 2015 Annual Operating Budget for the City of Hayward, Hayward Redevelopment Successor Agency, and Hayward Housing Authority; and the FY 2015 Capital Improvement Program Budget

Staff report submitted by Finance Director Vesely, dated June 17, 2014, was filed.

City Manager David announced the report and introduced Finance Director Vesely who provided a synopsis of the report.

Discussion ensued among Council members and City staff regarding the proposed FY 2015 Annual Operating Budget concerning. Council members offered the following recommendations for staff: 1) include in the budget resolution, language that Council identified as the priorities for the revenue that would be generated from the passage of Ballot Measure C such as improving police protection, updating fire stations, replacing the aging library, and repairing potholes and streets; 2) support to fund a feasibility study for a possible Hotel Conference Center; and 3) delay additional staffing recommendations and present to Council, during the FY 2015 mid-year review process, confirmation for the staffing recommendations.

Mayor Sweeney opened the public hearing at 7:58 p.m.

Mr. Jim Drake, Hayward resident, stated that the public’s safety was more important than increasing staffing. Mr. Drake supported the City Clerk’s request for additional personnel in order to maintain the high quality customer service that is provided through the City Clerk’s office.

Mayor Sweeney closed the public hearing at 8:01 p.m.

Mayor Sweeney noted that the Council would take action on the proposed FY 2015 Annual Operating Budget at its Council meeting on June 24, 2014.

12. Adopt Resolutions Relating to (1) the Assignment of JMJ Development, LLC's Rights and Obligations Under the South Hayward BART Owner Participation Agreement to AMCAL

Equities, LLC; and (2) Modifications and Clarifications to the Conditions of Approval Related to the First Phase of the South Hayward BART Transit-Oriented Development; and (3) a \$1,000,000 Housing Authority Conditional Loan to Eden Housing, Inc., for the Affordable Housing Component of the South Hayward BART Transit-Oriented Development

Staff report submitted by Project Manager DeClercq and Planning Manager Buizer, dated June 17, 2014, was filed.

Assistant City Manager McAdoo provided a synopsis of the report.

Mayor/Chair Sweeney opened the public hearing at 8:14 p.m.

Mr. Kurt Wittek, Principal of JMJ Development formerly Montana-Wittek, thanked the City for its support of AMCAL acquiring JMJ's interest.

Mr. Percy Vaz, CEO of AMCAL Equities, LLC, stated that 65 percent of AMCAL's work was affordable housing projects and 35 percent was market rate projects. Mr. Vaz responded to questions posed by Council members.

Ms. Linda Mandolini, with Eden Housing, Inc., thanked the Council and staff for considering the JMJ Development and spoke about the timeline for the proposed project and the conditional \$1,000,000 loan to Eden Housing, Inc.

Mayor/Chair Sweeney closed the public hearing at 8:24 p.m.

Council/HA Member Zermeño offered a motion per staff recommendation approving the assignment of JMJ Development, LLC's rights and obligations; modifying certain conditions of approval related to the South Hayward BART transit-oriented development, and approving a conditional \$1,000,000 loan to Eden Housing, Inc.

Council/HA Member Halliday seconded the motion. Ms. Halliday concurred with the staff recommendation, noted the proposed area was an important part of the City that needed to move forward, and mentioned it fit in with the plans to build transit-oriented development.

Council/HA Member Jones supported the motion, and hoped that all parties continue to work and negotiate in good effort.

Council/HA Member Mendall supported the motion and expressed he wanted to see the project built.

Council/HA Member Peixoto supported the motion, expressed concern the City had made sufficient concessions, and looked forward to get the project on the right path.

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



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Tuesday, June 17, 2014, 7:00 p.m.**

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Resolution 14-089, “A Resolution of the City Council of the City of Hayward Approving AMCAL Equities, LLC (Or an Affiliate Thereto) as Successor in Interest to JMJ Development, LLC and Modifying Certain Conditions of Approval Associated with the South Hayward BART Transit Oriented Development”

Housing Resolution 14-03, “Resolution Authorizing the Executive Director to Negotiate and Execute Loan Documents Between the Housing Authority of the City of Hayward and Eden Housing, Inc., in Connection with the Development of Approximately One Hundred Fifty One Units of Affordable Housing, a Portion of the First Phase of the South Hayward BART Transit Oriented Development Project”

Mayor Sweeney presented Assistant City Attorney, Maureen Conneely, with a Proclamation upon her retirement in honor of her dedication and commitment to the City of Hayward.

13. Adopt Resolutions and Introduce Ordinances Regarding Establishment of Zoning Regulations Related to the Retail Sales of Tobacco and Tobacco-Related Products, Including Electronic Cigarettes, as well as Proposed New Fees and Amendments to the City’s Smoking Pollution Control Ordinance (Text Amendment Application No. PL-2013-0389); the City has Prepared a Negative Declaration, which Concludes That the Project Will Not Have a Significant Negative Impact on the Environment; Applicant: City of Hayward

Mayor Sweeney announced the item was continued to June 24, 2014.

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

There were none.

**ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 8:38 p.m.

**APPROVED:**

Michael Sweeney  
Mayor, City of Hayward  
Chair, Housing Authority

**ATTEST:**

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

**DATE:** July 1, 2014  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code to Add Regulations Relating to Tobacco Retail Sales Establishments

**RECOMMENDATION**

That the City Council adopts the Ordinance introduced on June 24, 2014.

**BACKGROUND**

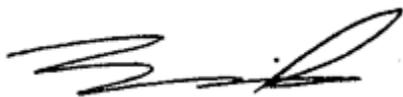
The Ordinance was introduced by Council Member Mendall at the June 24, 2014 meeting of the City Council with the following vote:

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

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, June 28, 2014. Adoption at this time is therefore appropriate.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



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Fran David, City Manager

**Attachment:**  
Attachment I Summary of Ordinance Published on 06/28/14

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

ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 OF THE HAYWARD  
MUNICIPAL CODE TO ADD REGULATIONS RELATING TO TOBACCO  
RETAIL SALES ESTABLISHMENTS

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

Section 1. Sections 10-1.2780 through 10-1.2797 of the Hayward Municipal Code, entitled “Tobacco Retail Sales Establishments,” are hereby enacted to read as follows:

**SECTION 10-1.2780 TOBACCO RETAIL SALES ESTABLISHMENTS**

Sections:

Section 10-1.2780	Purpose
Section 10-1.2781	Applicability
Section 10-1.2782	Definitions
Section 10-1.2783	Requirements and Operational Standards for Tobacco Retail Sales Establishments
Section 10-1.2784	Large-Format Tobacco Retailers
Section 10-1.2785	Tobacco Retailer License (TRL)
Section 10-1.2786	Conditional Use Permit for New Tobacco Retail Sales Establishments
Section 10-1.2787	Posting of Conditions of Approval
Section 10-1.2788	Findings
Section 10-1.2789	Application for Conditional Use Permit
Section 10-1.2790	Prohibited Uses
Section 10-1.2791	Existing Tobacco Retail Sales Establishments
Section 10-1.2792	Liability for Expenses
Section 10-1.2793	Inspection and Right of Entry
Section 10-1.2794	Public Nuisance
Section 10-1.2795	Cumulative Remedies
Section 10-1.2796	Revocation of Tobacco Retailer Licenses and Conditional Use Permits; Appeals
Section 10-1.2797	Annual Report

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

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

## ATTACHMENT I

Introduced at the meeting of the Hayward City Council held June 24, 2014, the above-entitled Ordinance was introduced by Council Member Mendall.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on July 1, 2014, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: June 28, 2014  
Miriam Lens, City Clerk  
City of Hayward

**DATE:** July 1, 2014

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT:** Adoption of Ordinance Amending Hayward Municipal Code Section 10-1.1000 Et Seq., Regulating the City's General Commercial (CG) District to Implement the Tobacco Retail Sales Ordinance

**RECOMMENDATION**

That the City Council adopts the Ordinance introduced on June 24, 2014.

**BACKGROUND**

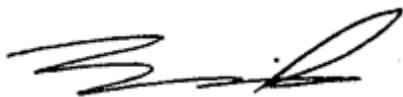
The Ordinance was introduced by Council Member Mendall at the June 24, 2014 meeting of the City Council with the following vote:

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

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, June 28, 2014. Adoption at this time is therefore appropriate.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



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Fran David, City Manager

Attachment:

Attachment I      Summary of Ordinance Published on 06/28/14

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

ORDINANCE AMENDING HAYWARD MUNICIPAL CODE SECTION 10-1.1000 ET SEQ.,  
REGULATING THE CITY'S GENERAL COMMERCIAL (CG) DISTRICT, TO  
IMPLEMENT THE TOBACCO RETAIL SALES ORDINANCE

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY  
ORDAIN AS FOLLOWS:

Section 1. The City Council incorporates by reference the findings contained in Resolution \_\_\_\_\_, approving the text changes requested in Zone Change Application PL-2013-0389TA.

Section 2. Zoning Ordinance Sections 10-1.1000 through 10-1.1020, relating to the General Commercial (CG) District, are hereby amended to add certain text (as indicated by underline) and delete certain text (as indicated by strikeout), to implement the City's Tobacco Retail Sales ordinance introduced herewith and as such amendments are more specifically shown on Attachment "A" hereto.

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

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

Introduced at the meeting of the Hayward City Council held June 24, 2014, the above-entitled Ordinance was introduced by Council Member Mendall.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on July 1, 2014, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: June 28, 2014  
Miriam Lens, City Clerk  
City of Hayward

**DATE:** July 1, 2014  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adoption of Ordinance Amending Hayward Municipal Code Section 5-6.02, Smoking and Pollution Control Definitions, to Conform to the Tobacco Retail Sales Ordinance

**RECOMMENDATION**

That the City Council adopts the Ordinance introduced on June 24, 2014.

**BACKGROUND**

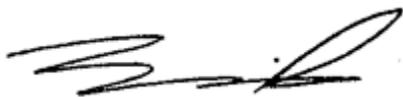
The Ordinance was introduced by Council Member Mendall at the June 24, 2014 meeting of the City Council with the following vote:

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

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, June 28, 2014. Adoption at this time is therefore appropriate.

*Prepared and Recommended by:* Miriam Lens, City Clerk

Approved by:



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Fran David, City Manager

Attachment: Attachment I Summary of Ordinance Published on 06/28/14

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

ORDINANCE AMENDING HAYWARD MUNICIPAL CODE SECTION  
5-6.02, SMOKING AND POLLUTION CONTRIOL DEFINITIONS, TO  
CONFORM TO THE TOBACCO RETAIL SALES ORDINANCE

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY  
ORDAIN AS FOLLOWS:

Section 1. The City Council incorporates by reference the findings contained in Resolution \_\_\_\_\_, approving the text changes requested in Zone Change Application PL-2013-0389TA.

Section 2. Zoning Ordinance Section 5-6.02, relating to definitions, is hereby amended to add certain text (as indicated by underline) to conform to the City's Tobacco Retail Sales Outlets ordinance introduced herewith and as such amendments are more specifically shown on Attachment "A" hereto.

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

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

Introduced at the meeting of the Hayward City Council held June 24, 2014, the above-entitled Ordinance was introduced by Council Member Mendall.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on July 1, 2014, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: June 28, 2014  
Miriam Lens, City Clerk  
City of Hayward

DATE: July 1, 2014

TO: Mayor and City Council

FROM: Information Technology Director  
Chief of Police

SUBJECT: Authorization for the City Manager to Execute an Agreement with Taser International for the Purchase of Body Worn Camera and Digital Evidence Management System

### **RECOMMENDATION**

That the Council adopts the attached resolution (Attachment I) authorizing the City Manager to execute an agreement with Taser International for the purchase of body worn cameras and a digital evidence management system (DEMS).

### **BACKGROUND**

The proliferation of smartphones has empowered citizens to capture high quality video and photos at their fingertips at any moment. As many of us have seen from the news media and social media websites, encounters with public safety personnel have also been recorded and shared using these same devices. Body worn cameras help tell both sides of the incident and protect the city and public safety agency from false accusations and wrongful claims while simultaneously providing digital evidence for public safety personnel to assist in the prosecution of criminals.

Staff has conducted a year-long evaluation process that included researching the current body worn camera and DEMS marketplace and selecting multiple widely-used systems for detailed field testing by law enforcement officers. A comprehensive analysis of the data captured during the field testing, combined with feedback from the field testers and the staff members of the City's Public Safety Technology Committee (PSTC) has yielded a vendor recommendation of Taser International for both body worn cameras and the DEMS.

### **DISCUSSION**

Coupled together, Taser's Axon and Evidence.com worked seamlessly to provide the best end-to-end solution to meet the Department's diverse needs and was the overwhelming vendor of choice by the officers involved in the evaluation as well as the PSTC. The body worn camera evaluation examined solutions from Taser, VieVu, Wolfcom, and MPH while the DEMS evaluation compared Taser and Veripic. At the conclusion of each week of the trial, field testers filled out surveys

outlining their experience with the body worn camera and DEMS. The survey results revealed that the best overall performance rating went to Taser's body worn cameras and DEMS.

At the conclusion of the trial period, a field tester debrief and PSTC session were held to share the results of the survey as well as give staff members the opportunity to voice positive and negative feedback for each body worn camera and DEMS solution. Despite the large difference in costs as noted in the Fiscal Section below, both the field tester debriefs and PSTC sessions confirmed Taser as the preferred vendor. The ease to capture, categorize, upload, find, watch, and export the digital evidence using Taser versus all other vendors were the primary deciding factors. Another key differentiator between Taser's solution and all other vendors was that Taser's upload docking station reduced the time spent at the end of an officer's shift uploading and categorizing digital evidence. The Police Chief's executive staff met on May 12, 2014 to review the proposed body camera deployment, and recommended implementation.

### Critical features

There are four key features that set this technology apart from other vendors.

Pre-record buffer: Video recorded with Taser's solution includes a thirty- second pre-event buffer that can capture the key events leading up to the incident. Adding body worn cameras as a public safety tool fills in this critical gap of time, providing critical evidence to be used in the prosecution of criminal and civil cases. In addition to capturing key evidence, the pre-record buffer can also be used to gauge the City's liability exposure if a citizen complaint is filed against the City. Data contained in the buffer could serve as the key factor in dismissing a lawsuit against the City. This pre-event buffer is only offered by Taser.

Cost/time savings: This technology has the potential to reduce costs by saving end of shift officer data upload and categorization time. The time spent at the end of an officer's shift uploading and categorizing digital evidence can add up quickly and become a drain on already tapped resources. Taser's video categorization tool and docking station upload process eliminates this potential cost, and represents a much more efficient way of performing this process. Using a conservative estimate of 15 minutes spent at the end of an officer's shift uploading and categorizing video translates into an estimated savings of nearly \$300,000 per year. Over five years, the total cost savings is estimated at \$1.5 million, which is greater than the total five year cost of the body camera and DEMS solution.

Integration with Evidence.com DEMS: Taser's docking station allows the video evidence captured in the field to easily upload into Evidence.com, Taser's DEMS solution. Evidence.com is a secure, cloud-based, data warehouse used to upload, view, track, and manage digital evidence. Evidence.com is used by a number of California law enforcement agencies including BART, San Leandro, Chula Vista, San Diego, and Coronado. Within Evidence.com, access to evidence is controlled by a user hierarchy and all actions within the system are tracked and logged. This validates that the evidence follows the strict right to know and need to know protocols and protects the data from unauthorized access. Taser's Evidence.com provides agencies the flexibility to set different retention periods for routine data, as well as categorize non-routine data that can adhere to alternate retention periods.

Flexible application: Taser's product can be adapted to be used in a variety of police functions. Taser offers both the Axon FLEX (multiple mounts) and the Axon BODY (center mass camera) to fit a variety of preferences and needs. By having multiple mounting options, the officer is given tremendous flexibility on how to record video, which lines up with the unpredictable nature of law enforcement.

### Community outreach plan

To properly inform the community about the deployment of this technology, staff recommends the following approach which covers multiple communication channels:

- Announcement on Police Department website
- Social media announcement utilizing Nixle, Twitter, and Facebook
- Flyer distribution at community meetings
- Press release a few days before technology release

Using these methods provides a wide range of communication to properly message the arrival of this technology. All outreach will be done in accordance with recommended best practices of the Police Executive Research Forum.

Two community meetings have been held to date at the Northern District Station to present the proposal to implement a body worn camera program and the associated digital evidence management system to the community. The presentation addressed frequently asked questions, and staff also responded to questions regarding proposed Commission on Accreditation for Law Enforcement Agencies (CALEA) standards for this technology, data access and retention policies and procedures, and the anticipated timeline of the proposed implementation.

### Policy update

This new technology will require an extensive policy to be put in place prior to going live to govern the recording, review, and retention of digital evidence. First, the initial test group of officers was asked to weigh in on policy matters as they debriefed about the testing of the body worn camera equipment. Then, a draft policy was developed merging their insights with best practices recommended by the American Civil Liberties Union, Police Executive Research Forum (PERF), the Alameda County District Attorney's Office and the Rains, Lucia, & Stern litigation law firm. Lastly, department managers and executive staff, in addition to the City Attorney's Office, reviewed the policy to ensure its suitability to the Department.

The Department intends to message key elements of the body worn camera policy to the community. Attachment II is an executive summary of the internal policy for proposed body worn camera and digital evidence management system (DEMS). Attachment III is a report published by the ACLU on the subject of police body-mounted cameras.

## FISCAL IMPACT

System cost: The estimated cost for body worn camera deployment and DEMS is \$350,000 in the first year and \$131,000 in years two through five. The estimated total five-year cost of this program is \$874,000. The estimated total five-year cost for the alternate camera and DEMS vendors tested in the evaluation range between \$245,000 and \$354,000. As noted above, the critical features of the Taser system and the potential savings achieved by a dependable and fully integrated system make the additional cost worthwhile.

	<b>FY 2014/15</b>	<b>FY 2015/16</b>	<b>FY 2016/17</b>	<b>FY 2017/18</b>	<b>FY 2018/19</b>
<b>Camera System</b>	\$219,000	\$0	\$0	\$0	\$0
<b>Storage</b>	\$131,000	\$131,000	\$131,000	\$131,000	\$131,000
<b>TOTAL</b>	<b>\$350,000</b>	<b>\$131,000</b>	<b>\$131,000</b>	<b>\$131,000</b>	<b>\$131,000</b>

Staff recommends funding the initial implementation with \$350,000 funded through a combination of the Police Department's narcotics asset forfeiture fund, and the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Funding for costs in years two (2) through five (5) and into the future will need to be included in the budget starting in FY 2016.

Cost savings : This deployment has the opportunity to reduce costs in the following areas:

- 1) Reducing the number of paid liability claims against the City.
- 2) Reducing the number of staff resources expended by Internal Affairs and the City Attorney's Office staff investigating and researching claims against the City.

Body worn cameras have the potential to serve as a risk-management tool to reduce paid liability claims against the City. Each case is unique and will be evaluated accordingly; however the City Attorney projects a reduction of twenty-five to fifty percent in claims and lawsuits alleging excessive force. The reduction in claims and lawsuits will substantially reduce direct and indirect costs related to defense or resolution of claims and lawsuits.

An often cited study that demonstrates the potential of this was conducted by the Rialto Police Department in Southern California. In partnership with the University of Cambridge, the Rialto Police Department evaluated body worn cameras for a twelve month period and found that there was an 88% decrease in the number of complaints filed against officers and nearly a 60% decline in use-of-force when body worn cameras were implemented. Attachment IV summarizes these results in a case study published by Taser International Inc. It stands to reason that if there are fewer complaints and use-of-force incidents, then the hours investigating those claims and paid liability claims should also decrease.

## PUBLIC CONTACT

Staff provided an overview of body worn camera and DEMS technology used by law enforcement to capture and house digital evidence to the Council Technology Application Committee at its November 20, 2013 meeting. At the June 11, 2014 committee meeting, staff presented the recommendations in this report to the Committee.

In addition to the community outreach plan described previously, on Wednesday, June 18th and Thursday, June 26th from 6:30-7:30 pm, District Commander Lieutenant Bryan Matthews held public community meetings on the subject of body worn cameras at the Northern District Office, located at 22701 Main Street in downtown Hayward. During these meetings, a presentation regarding the proposal to implement a body worn camera program and the associated digital evidence management system was shared. The presentation addressed frequently asked questions and provided information on the proposed technology. Staff responded to questions regarding proposed Commission on Accreditation for Law Enforcement Agencies (CALEA) standards for this technology, data access and retention policies and procedures, and the anticipated timeline of the proposed implementation. Attachment V is a list of frequently asked questions (FAQs) that was distributed at these meetings.

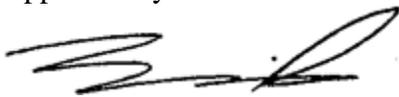
## **NEXT STEPS**

Staff has conducted their analysis and recommends Taser for the body worn camera and DEMS solution vendor. This technology will be used as a tool to assist public safety personnel in the prosecution of crimes while simultaneously protecting the City by reducing its civil liability. The DEMS will protect digital evidence and track all access to the data, thereby reducing the risk of unauthorized use and access to the data. It is anticipated that a phased implementation will be used, with the first phase bringing these tools to the Hayward Police Department within the next four to six months.

*Prepared by:* Nathaniel Roush, Technology Solutions Analyst

*Recommended by:* Mark Guenther, Information Technology Director  
Diane E. Urban, Chief of Police

*Approved by:*



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Fran David, City Manager

### Attachments

- Attachment I: Resolution
- Attachment II: Executive Summary of Policy
- Attachment III: Report from ACLU
- Attachment IV: City of Rialto Case Study
- Attachment V: Body Camera FAQs

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH TASER INTERNATIONAL INC FOR PURCHASE OF BODY WORN CAMERA AND DIGITAL EVIDENCE MANAGEMENT SYSTEM.

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 contracts, and any supporting documents, with Taser International, Inc., for a body worn camera and digital evidence management system, all in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2014

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: June 18, 2014

TO: Mayor and City Council

FROM: Chief of Police

SUBJECT: Executive Summary of Policy for Proposed Body Worn Camera and Digital Evidence Management System (DEMS)

The Hayward Police Department's (HPD) policy governing the use of body worn cameras (BWCs) by authorized Hayward Police Officers aims to balance the efficacy of the technology with sensitivity toward potential public concerns. The policy aims to achieve the optimal benefit of collecting unbiased documentation of police-public interactions, while reducing liability exposure for HPD. As required by the policy, officers authorized to wear and use a body camera must be trained on the equipment prior to its use. Future training for all authorized officers will be held periodically to refresh, change or update policy, practice or equipment as it relates to BWCs.

Second, this policy clearly defines the specific limitations regarding what an officer can or cannot record and when an officer can activate their BWC, as governed by law or industry best practice. In HPD's case, even though California is governed by a two-party consent law, Penal Code Section 633 exempts law enforcement from having to gain consent to record interactions that fall under the parameter of their official duties. Also, HPD policy dictates activation procedures to provide officers a clear expectation of when they are required to use the BWCs. HPD will require a mandatory activation on all enforcement-related and investigation-related contacts with the public.

Lastly, when recorded media is uploaded into the digital evidence management system, this policy provides a strict outline for review, use and retention of recorded media files. HPD policy states that recorded media must only be reviewed and used for law enforcement purposes and clearly defines all parties authorized to review or use said media with approval from the Chief of Police. With respect to the retention of recorded media files, recordings containing administrative or evidentiary value will be retained for up to five years, as consistent with Department policy; all non-criminal recordings will be retained for up to 90 days.

HPD is prepared to flexibly and promptly revise policy based on changing trends, current case law or industry best practice.

*Prepared by:* Lauren Sugayan, Police Programs Analyst

*Recommended by:* Diane E. Urban, Police Chief

# Police Body-Mounted Cameras: With Right Policies in Place, a Win For All

By Jay Stanley, ACLU Senior Policy Analyst  
October, 2013

## Introduction<sup>1</sup>

When a New York judge found that the NYPD's stop and frisk tactics violated the constitutional rights of New Yorkers, one of the remedies she ordered was for the department to begin testing wearable police cameras, sparking debate and discussion of the technology there.

These "on-officer recording systems" (also called "body cams" or "cop cams") are small, pager-sized cameras that clip on to an officer's uniform or sunglasses or are worn as a headset, and record audio and video of the officer's interactions with the public. We have heard reports of police body cameras being deployed in numerous cities, and one prominent manufacturer told NBC that it had sold them to "hundreds of departments."

The ACLU has commented on police body cameras in the media several times over the years (and in stories surrounding the stop and frisk ruling), but the ACLU's views on this technology are a little more complicated than can be conveyed through quotes in a news story.

Although we generally take a dim view of the proliferation of surveillance cameras in American life, police on-body cameras are different because of their potential to serve as a check against the abuse of power by police officers. Historically, there was no documentary evidence of most encounters between police officers and the public, and due to the volatile nature of those encounters, this often resulted in radically divergent accounts of incidents. Cameras have the potential to be a win-win, helping protect the public against police misconduct, and at the same time helping protect police against false accusations of abuse.

We're against pervasive government surveillance, but when cameras primarily serve the function of allowing public monitoring of the government instead of the other way around, we generally regard that as a good thing. While we have opposed government video surveillance of public places, for example, we have supported the installation of video cameras on police car dashboards, in prisons, and during interrogations.

At the same time, body cameras have more of a potential to invade privacy than those deployments. Police officers enter people's homes and encounter bystanders, suspects, and victims in a wide variety of sometimes stressful and extreme situations.

For the ACLU, the challenge of on-officer cameras is the tension between their potential to invade privacy and their strong benefit in promoting police accountability. Overall, we think they can be a win-win—but *only* if they are deployed within a framework of strong policies to ensure

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<sup>1</sup> The author would like to thank Doug Klunder of the ACLU of Washington, who did much of the thinking behind the analysis set forth in this paper; Scott Greenwood of Ohio; and his colleagues at the national office, for their valuable feedback and advice.

they protect the public without becoming yet another system for routine surveillance of the public, and maintain public confidence in the integrity of those privacy protections. Without such a framework, their accountability benefits would not exceed their privacy risks.

On-officer cameras are a significant technology that implicates important, if sometimes conflicting, values. We will have to watch carefully to see how they are deployed and what their effects are over time, but in this paper we outline our current thinking about and recommendations for the technology. These recommendations are subject to change.

### **Control over recordings**

Perhaps most importantly, policies and technology must be designed to ensure that police cannot “edit on the fly” — i.e., choose which encounters to record with limitless discretion. If police are free to turn the cameras on and off as they please, the cameras’ role in providing a check and balance against police power will shrink and they will no longer become a net benefit.

The primary question is how that should be implemented.

Purely from an accountability perspective, the ideal policy for body-worn cameras would be for continuous recording throughout a police officer’s shift, eliminating any possibility that an officer could evade the recording of abuses committed on duty. Of course, just as body cameras can invade the privacy of many innocent citizens, continuous deployment would similarly impinge on police officers when they are sitting in a station house or patrol car shooting the breeze — getting to know each other as humans, discussing precinct politics, etc. We have some sympathy for police on this; continuous recording might feel as stressful and oppressive in those situations as it would for any employee subject to constant recording by their supervisor. True, police officers with their extraordinary powers are not regular employees, and in theory officers’ privacy, like citizens’, could be protected by appropriate policies (as outlined below) that ensure that 99% of video would be deleted in relatively short order without ever being reviewed. But on a psychological level, such assurances are rarely enough. There is also the danger that the technology would be misused by police supervisors against whistleblowers or union activists — for example, by scrutinizing video records to find minor violations to use against an officer.

If the cameras do not record continuously, that would place them under officer control, which would create the danger that they could be manipulated by some officers, undermining their core purpose of detecting police misconduct. This has sometimes been an issue with patrol car “dashcams” — for example, in the case of two Seattle men who filed a claim for excessive force and wrongful arrest. Parts of the arrest were captured by a dashcam, but parts that should have been captured were mysteriously missing. And with body cams, two Oakland police officers were disciplined after one of the officers’ cameras was turned off during an incident.

The balance that needs to be struck is to ensure that officers can’t manipulate the video record, while also ensuring that officers are not subjected to a relentless regime of surveillance without any opportunity for shelter from constant monitoring.

One possibility is that some form of effective automated trigger could be developed that would allow for minimization of recording while capturing any fraught encounters — based, for example, on detection of raised voices, types of movement, etc. When it comes to dashcams,

the devices are often configured to record whenever a car's siren or lights are activated, which provides a rough and somewhat (though not entirely) non-discretionary measure of when a police officer is engaged in an encounter that is likely to be a problem. That policy is not applicable to body cams, however, since there is no equivalent to flashing lights. And it's not clear that any artificial intelligence system in the foreseeable future will be smart enough to reliably detect encounters that should be recorded. In any case, it is not an option with today's technology.

If a police department is to place its cameras under officer control, then it must put in place tightly effective means of limiting officers' ability to choose which encounters to record. That can only take the form of a department-wide policy that mandates that police turn on recording during every interaction with the public.

And this requirement must have some teeth associated with it — not only a risk of disciplinary action but also perhaps an exclusionary rule for any evidence obtained in an unrecorded encounter (for police who have been issued the cameras, unless there is an exigency to justify the failure to record). Another means of enforcement might be to stipulate that in any instance in which an officer wearing a camera is accused of misconduct, a failure to record that incident would create an evidentiary presumption against the officer.

### **Limiting the threat to privacy from cop cams**

Most of the discussion around police recording has focused on its oversight potential. But that is only one of the significant interests implicated by recording. Equally important are the privacy interests and fair trial rights of individuals who are recorded. Ideally there would be a way to minimize data collection to only what was reasonably needed, but there's currently no technological way to do so.

Police body cameras mean that many instances of entirely innocent behavior (on the part of both officers and the public) will be recorded, with significant privacy implications. Perhaps most troubling is that some recordings will be made inside people's homes, whenever police enter — including in instances of consensual entry (e.g., responding to a burglary call, voluntarily participating in an investigation) and such things as domestic violence calls. In the case of dashcams, we have also seen video of particular incidents released for no important public reason, and instead serving only to embarrass individuals. Examples have included DUI stops of celebrities and ordinary individuals whose troubled and/or intoxicated behavior has been widely circulated and now immortalized online. The potential for such merely embarrassing and titillating releases of video is significantly increased by body cams.

Therefore it is vital that any deployment of these cameras be accompanied by good privacy policies so that the benefits of the technology are not outweighed by invasions of privacy. The core elements of such a policy follow.

#### **Notice to citizens**

Most privacy protections will have to come from restrictions on subsequent retention and use of the recordings. There are, however, a couple of things that can be done at the point of recording.

- 1) Recording should be limited to uniformed officers and marked vehicles, so people know what to expect. An exception should be made for SWAT raids and similar planned uses of force when they involve non-uniformed officers.
- 2) Officers should be required, wherever practicable, to notify people that they are being recorded (similar to existing law for dashcams in some states such as Washington). One possibility departments might consider is for officers to wear an easily visible pin or sticker saying "lapel camera in operation" or words to that effect.
- 3) Although if the preceding policies are properly followed it should not be possible, it is especially important that the cameras not be used to surreptitiously gather intelligence information based on First Amendment protected speech, associations, or religion.

### **Recording in the home**

Because of the uniquely intrusive nature of police recordings made inside private homes, officers should be required to be especially sure to provide clear notice of a camera when entering a home, except in circumstances such as an emergency or a raid. Departments might also consider a policy under which officers ask residents whether they wish for a camera to be turned off before they enter a home in non-exigent circumstances. (Citizen requests for cameras to be turned off should themselves be recorded to document such requests.) Cameras should never be turned off in SWAT raids and similar police actions.

### **Retention**

Data should be retained no longer than necessary for the purpose for which it was collected. For the vast majority of police encounters with the public, there is no reason to preserve video evidence, and those recordings therefore should be deleted relatively quickly.

- Retention periods should be measured in weeks not years, and video should be deleted after that period unless a recording has been flagged. Once a recording has been flagged, it would then switch to a longer retention schedule (such as the three-year period currently in effect in Washington State).
- These policies should be posted online on the department's website, so that people who have encounters with police know how long they have to file a complaint or request access to footage.
- Flagging should occur automatically for any incident:
  - involving a use of force;
  - that leads to detention or arrest; or
  - where either a formal or informal complaint has been registered.
- Any subject of a recording should be able to flag a recording, even if not filing a complaint or opening an investigation.
- The police department (including internal investigations and supervisors) and third parties should also be able to flag an incident if they have some basis to believe police misconduct has occurred or have reasonable suspicion that the video contains evidence of a crime. We do not want the police or gadflies to be able to routinely flag all recordings in order to circumvent the retention limit.
- If any useful evidence is obtained during an authorized use of a recording (see below), the recording would then be retained in the same manner as any other evidence gathered during an investigation.

- Back-end systems to manage video data must be configured to retain the data, delete it after the retention period expires, prevent deletion by individual officers, and provide an unimpeachable audit trail to protect chain of custody, just as with any evidence.

### **Use of Recordings**

The ACLU supports the use of cop cams for the purpose of police accountability and oversight. It's vital that this technology not become a backdoor for any kind of systematic surveillance or tracking of the public. Since the records will be made, police departments need to be subject to strong rules around how they are used. The use of recordings should be allowed only in internal and external investigations of misconduct, and where the police have reasonable suspicion that a recording contains evidence of a crime. Otherwise, there is no reason that stored footage should even be reviewed by a human being before its retention period ends and it is permanently deleted.

### **Subject Access**

People recorded by cop cams should have access to, and the right to make copies of, those recordings, for however long the government maintains copies of them. That should also apply to disclosure to a third party if the subject consents, or to criminal defense lawyers seeking relevant evidence.

### **Public Disclosure**

When should the public have access to cop cam videos held by the authorities? Public disclosure of government records can be a tricky issue pitting two important values against each other: the need for government oversight and openness, and privacy. Those values must be carefully balanced by policymakers. One way to do that is to attempt to minimize invasiveness when possible:

- Public disclosure of any recording should be allowed with the consent of the subjects, as discussed above.
- Redaction of video records should be used when feasible — blurring or blacking out of portions of video and/or distortion of audio to obscure the identity of subjects. If recordings are redacted, they should be discloseable.
- Unredacted, unflagged recordings should not be publicly disclosed without consent of the subject. These are recordings where there is no indication of police misconduct or evidence of a crime, so the public oversight value is low. States may need to examine how such a policy interacts with their state open records laws.
- Flagged recordings are those for which there is the highest likelihood of misconduct, and thus the ones where public oversight is most needed. Redaction of disclosed recordings is preferred, but when that is not feasible, unredacted flagged recordings should be publicly discloseable, because in such cases the need for oversight outweighs the privacy interests at stake.

### **Good technological controls**

It is important that close attention be paid to the systems that handle the video data generated by these cameras.

- Systems should be architected to ensure that segments of video cannot be destroyed. A recent case in Maryland illustrates the problem: surveillance video of an incident in

which officers were accused of beating a student disappeared (the incident was also filmed by a bystander). An officer or department that has engaged in abuse or other wrongdoing will have a strong incentive to destroy evidence of that wrongdoing, so technology systems should be designed to prevent any tampering with such video.

- In addition, all access to video records should be automatically recorded with immutable audit logs.
- Systems should ensure that data retention and destruction schedules are properly maintained.
- It is also important for systems be architected to ensure that video is only accessed when permitted according to the policies we've described above, and that rogue copies cannot be made. Officers should not be able to, for example, pass around video of a drunk city council member, or video generated by an officer responding to a call in a topless bar, or video of a citizen providing information on a local street gang.

It is vital that public confidence in the integrity of body camera privacy protections be maintained. We don't want crime victims to be afraid to call for help because of fears that video of their officer interactions will become public or reach the wrong party. Confidence can only be created if good policies are put in place and backed up by good technology.

As the devices are adopted by police forces around the nation, studies should be done to measure their impact. Only very limited studies have been done so far. Are domestic violence victims hesitating to call the police for help by the prospect of having a camera-wearing police officer in their home, or are they otherwise affected? Are privacy abuses of the technology happening, and if so what kind and how often?

Although fitting police forces with cameras will generate an enormous amount of video footage and raises many tricky issues, if the recording, retention, access, use, and technology policies that we outline above are followed, very little of that footage will ever be viewed or retained, and at the same time those cameras will provide an important protection against police abuse. We will be monitoring the impact of cameras closely, and if good policies and practices do not become standard, or the technology has negative side effects we have failed to anticipate, we will have to reevaluate our position on police body cameras.



# City of Rialto Case Study



Department Profile



<b>Agency</b>	Rialto, CA
<b>Industry</b>	Law Enforcement
<b>Country</b>	United States
<b>Personnel</b>	115 sworn & 42 non-sworn
<b>Tech Solution</b>	AXON flex and EVIDENCE.com
<b>Web site</b>	<a href="http://www.rialtopd.com">www.rialtopd.com</a>

## Challenge

When facing the public, Rialto PD found two main areas for improvement: Use of Force, and Officer Complaints. These issues cost the department valuable time and resources. Rialto PD believed that improving oversight, gathering more video evidence, and improving trust within the community would decrease the frequency of these issues.

## Solution

Rialto PD invested in TASER's Digital Evidence Ecosystem, AXON flex and EVIDENCE.com. After purchasing 66 cameras and licenses to EVIDENCE.com<sup>1</sup>, the PD began a scientific research study to determine the effects of TASER's AXON flex and EVIDENCE.com solution.

To protect the integrity of data gathered during the experiment, Rialto PD used the "Cambridge Randomizer" and followed a strict scientific process. This strategy shaped a sophisticated, web-based experiment with data protected

Rialto PD's comprehensive, randomized experiment proves that TASER's AXON cameras reduced citizen complaints by 87.5% and reduced use of force by 59%.

## Agency

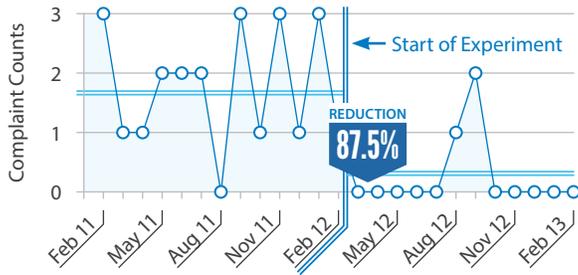
Rialto PD serves the family-friendly City of Rialto with 115 Sworn Officers and 42 non-sworn Officers. The PD covers 28.5 square miles and serves a population of 100,000. The City of Rialto retains its small-town atmosphere amidst quickly developing areas nearby and prioritizes Public Safety in order to maintain the City's safe, small-town feel.

<sup>1</sup> 61% deployment

from outside influences. Officers, shifts, and days were randomly assigned to experiment or control assignments. During the experiment, there were 498 experimental uses of AXON Flex and 499 control instances. The Study reached its 1-year mark in February 2013.<sup>2</sup>

Because of Rialto PD's extensive data gathering and controlled study, the data is compelling. Over the course of 1 year, **officer complaints fell by 87.5%** in the experimental group. The data shows the officers increased interactions with the public compared to the previous year, and still complaints fell dramatically.

### Monthly Complaints Received

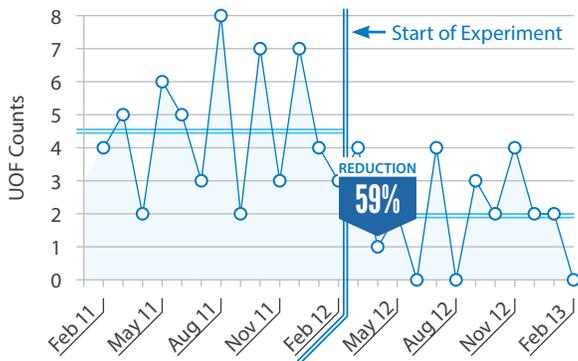


Decrease in Complaints



Rialto PD also focused on their Officer use-of-force data. During the experiment, individuals wearing an AXON flex **reduced use-of-force by 59%**. This data indicates that the presence of the camera not only encouraged compliance from the public but it also reduced instances of use of force by officers.

### Patrol Officer's Use-of-Force



Reduced Use-of-Force



## Conclusion

Rialto PD addressed their biggest areas for improvement with one system: TASER's Digital Evidence Ecosystem. Rialto PD justified the purchase of additional AXON flex and EVIDENCE.com licenses using their data. In the future, they'll use the study to educate other agencies on the benefits of on-officer video and cloud-based evidence management.

<sup>2</sup> The study is ongoing and will yield further data regarding: conviction rates, number of complaints dismissed, cost savings, time saved, and reduction of assaults on Officers. AXON™ and AXON Flex™ are trademarks of TASER International, Inc., and TASER® and  are registered trademarks of TASER International, Inc., registered in the U.S. © 2013 TASER International, Inc. All rights reserved.

# FAQ

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## **What is a body worn camera?**

A body worn camera is a wearable recording device, which collects audio and video evidence in the field from the vantage point of an officer.

## **Where is a body worn camera located on an officer?**

An officer has several options for wearing the body worn camera for use in the field. He or she can wear a body worn camera on his or her uniform, hat/helmet, glasses, etc.

## **What body worn camera model are the HPD officers going to be wearing in the field?**

The HPD conducted an extensive 12 month evaluation process, which included the field testing of a variety of body worn camera models such as the Taser AXON, VieVu, Wolfcom, and MPH. After this evaluation process, the Hayward Public Safety Technology Committee elected to deploy the Taser AXON Flex model as it provides the wearer with the widest range of options for wearing/mounting it in the field and it contains a wide angle, 75 degree lens. The wide range of options for wearing/mounting the Taser AXON Flex provides officers with tremendous flexibility in recording audio and video evidence. Additional information on the Taser AXON Flex can be found at: <http://www.taser.com/products/on-officer-video/axon-flex-on-officer-video>



# FAQ

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## **Does the Taser AXON Flex continuously record?**

No. An officer can activate his or her Taser AXON Flex through its controller, which is also wearable and has a 12+ hour battery life.

## **Once evidence is recorded on a body worn camera, can it be modified or deleted?**

No. This technology was designed so an officer will not have the ability to modify or delete any recording once it has been captured.

## **Once an HPD officer records evidence, how will that data be stored?**

In conjunction with the purchase and deployment of body worn cameras, the HPD will utilize a digital evidence management system (DEMS) called "Evidence.com". "Evidence.com" is a web-based DEMS that will allow the HPD to securely store and track access to any digital evidence, including recordings from the Taser AXON Flex, audio files, digital photographs, etc. It does not require server space, it is completely secure/encrypted, and it digitally tracks evidence chain of custody. Additional information on "Evidence.com" can be found at: <http://www.evidence.com/>

## **What are the anticipated benefits in deploying body worn cameras?**

The HPD anticipates the following benefits will result from the deployment of body worn cameras:

- It is anticipated that body worn cameras will be a highly useful tool for HPD personnel in the investigation and prosecution of crimes. They will allow officers to capture digital evidence, record victim/witness statements, document crime scenes, etc.
- It is anticipated body worn cameras will save officer time and increase efficiency in automated workflow processes. In contrast to other body worn camera models, it also allows an officer to quickly and automatically upload digital evidence into the DEMS by simply plugging the Taser AXON Flex into a computer's ETM dock at the end of his or her shift.
- It is anticipated body worn cameras will enhance the HPD's existing public trust by providing unbiased documentation of a contact or interaction (even in low light conditions).
- It is anticipated body worn cameras will allow for internal training reviews and employee evaluations as recordings/recorded contacts can allow officers to learn from the experiences of other officers. In turn, officer safety and the safety of the community will be enhanced.
- It is anticipated body worn cameras will reduce the HPD's liability exposure as the unbiased documentation of a contact can be used to investigate complaints or allegations of misconduct and to address allegations relative to civil lawsuits (especially in cases where the documentation of a contact is in direct contrast to allegations made against an HPD officer).
- It is anticipated body worn cameras will reduce the workload of identified HPD and City staff as well as the costs associated with researching, investigating, and defending false claims against

# FAQ

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the City. Field studies, including one that was conducted by the University of Cambridge and the Rialto Police Department, shown a significant reduction in overall complaints as well as a reduction in use of force incidents.

- It is anticipated body worn cameras will reinforce the HPD's commitment to employee accountability and providing outstanding customer service to our community.
- It is anticipated body worn cameras will encourage the improved behavior of individuals contacted during the course of an officer's shift.

## **Do body worn cameras have limitations?**

Yes. A body worn camera cannot capture a 360 degree field of view and will only record when activated by an officer. Additionally, while designed to capture video evidence from the vantage point of an officer, it will not necessarily capture an officer's specific viewpoint or perspective. For example, if an officer is wearing his or her body worn camera on a uniform shirt/collar, it will not capture the officer's specific viewpoint or perspective if he or she is looking to the left or right.

## **Will the HPD have a policy that governs the use of body worn cameras?**

Yes. Prior to actual deployment in the field, the HPD will introduce a comprehensive policy governing an officer's use of body worn cameras and the retention/disposition of subsequent digital evidence that is collected. Extensive research has been done in researching and developing this comprehensive policy, including the solicitation of input regarding best practices from the following stakeholders: the American Civil Liberties Union (ACLU), the Alameda County District Attorney's Office, the Police Executive Research Forum (PERF), the International Association of Chiefs of Police (IACP), and the law firm Rains, Lucia, and Stern, PC (the law firm that represents the members of the Hayward Police Officer's Association).

**DATE:** July 1, 2014

**TO:** Mayor and City Council

**FROM:** Chief of Police

**SUBJECT:** Adoption of a Resolution Authorizing the City Manager to Execute an Agreement with the Matrix Consulting Group to Conduct a Workload and Staffing Study for the Police Department

### **RECOMMENDATION**

That the City Council adopts the attached Resolution (Attachment I) authorizing the City Manager to execute an agreement with the Matrix Consulting Group (“Matrix”) to conduct a workload/staffing study of the police department’s sworn ranks. The total amount for this scope of work is \$45,000. Since the total amount paid to this vendor will exceed the City Manager’s contracting authority of \$25,000, Council approval of this agreement is required.

### **BACKGROUND**

CALEA Standard 16.1.2 requires the Police Department to “allocate personnel to, and distribute them within, all organizational components in accordance with a documented workload assessment conducted at least once every three years.” In past practice and to comply with this standard, a committee of police personnel was selected to review the efficiency and effectiveness of Department functions and then make recommendations to the Chief of Police regarding improvement or restructure. This committee relied on their combined law enforcement experience, but had marginal, if any, experience in conducting analytical assessments of police services. Moreover, as staffing resources diminished, it prevented the Police Department from committing valuable staff time to this labor intensive process that requires dedicated personnel to complete the evaluation within a reasonable time frame. Therefore, Police and Human Resources Department managers discussed and agreed that the comprehensive analysis of all Department functions and services needs to be conducted by a professional team of experts in the field of workload/staffing studies.

### **DISCUSSION**

Conducting staffing and workload assessment studies for law enforcement agencies is a specialized field with a limited number of firms that conduct such studies. Three such reputable firms were recommended by members of the Alameda County Chief’s Association: the Matrix Consulting

Group, the International City/County Management Association (ICMA) Center for Public Safety, and the California Peace Officers Standards and Training (POST). All have experience in conducting staffing studies, but in conducting the research it became apparent that the Matrix Consulting Group and ICMA had greater experience, including national experience, with conducting workload and staffing studies for law enforcement agencies.

Both the Matrix Consulting Group and ICMA have conducted over 175 staffing and workload studies at various size law enforcement agencies nationally and within the state of California. Each employs team members with extensive and varied law enforcement backgrounds with experience in conducting analysis of law enforcement services and neither firm outsources any work associated with the project.

The Matrix Consulting Group bid \$45,000 compared to ICMA's bid of \$61,000. POST would conduct their study at no cost, but could not begin the process for approximately eighteen months.

The Matrix Consulting Group is the recommended consultant to complete this work due to their extensive experience, responsiveness to meet the City's needs to conduct and complete their study within five months, and the cost effectiveness of their proposal compared to ICMA. The Matrix Consulting Group has a known reputation for this type of work conducting over 250 workload/staffing assessment studies at various size law enforcement agencies within the State of California, as well as nationally.

In conducting this study, Matrix will:

- Examine the organization's functions;
- Examine staffing levels in each unit and deployment among units;
- Examine spans of control for management and supervisory personnel;
- Examine patrol operations and investigative case management approaches;
- Examine the ways in which proactive services are prioritized and tasked;
- Conduct a data-driven analysis to identify actual workload; and
- Compare the "as is" of the department to the best practices of industry standards.

The completed report will provide the City Manager with an assessment of the efficiency and effectiveness of Department operations, strength and improvement opportunities relating to service delivery, organization, staffing, and management.

## **FISCAL IMPACT**

The cost of services related to Matrix conducting this comprehensive assessment will not exceed \$45,000. Because this amount exceeds the City Manager's annual contracting authority of \$25,000, Council approval of this agreement is required.

The cost will be shared equally between the Police and Human Resource Departments covered by their respective departmental operating budgets.

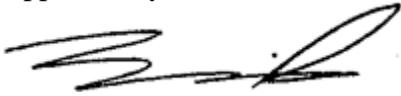
## **NEXT STEPS**

In order to complete the workload/staffing assessment in a timely manner, work will begin immediately upon adoption of this resolution and will take approximately fifteen weeks to complete.

*Prepared by:* Bob Palermini, Police Captain

*Recommended by:* Diane Urban, Chief of Police

Approved by:



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Fran David, City Manager

Attachments:

Attachment I      Resolution Authorizing City Manager to Execute an Agreement with the Matrix Consulting Group to Conduct a workload/staffing study of the police department's sworn ranks.

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MATRIX CONSULTING GROUP TO CONDUCT A WORKLOAD & STAFFING STUDY OF THE POLICE DEPARTMENT

WHEREAS, the Police Department requests a workload & staffing study to determine appropriate staffing levels and the patrol operations and investigative case management effectiveness; and

WHEREAS, the workload & staffing study will determine the efficiency and effectiveness of the Police Departments operations, identifying strengths and improvement opportunities relating to service delivery, organization, staffing, and management, and

WHEREAS, CALEA Standard 16.1.2 requires the Police Department to allocate personnel to, and distribute them within, all organizational components in accordance with a documented workload assessment conducted at least once every three years, and

NOW, THEREFORE, BE IT RESOLVED that the City council of the City of Hayward does hereby authorize and direct the City Manager to execute an agreement with Matrix Consulting Group in an amount not to exceed the sum of Forty Five Thousand Dollars (\$45,000) effective July 1, 2014, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2014

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:

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City Attorney of the City of Hayward

**DATE:** July 1, 2014

**TO:** Mayor and City Council

**FROM:** Acting Director of Human Resources

**SUBJECT:** Resolution Authorizing Waiver of Cost of Living Increases to Mayor and City Council Compensation in FY 2015, Increasing Medical Contributions from Twenty Percent (20%) to Thirty Percent (30%) and Continuation of Previously Approved Salary and Benefit Reductions

#### **RECOMMENDATION**

That the City Council adopts the attached Resolution (Attachment I) agreeing to waive cost of living increases to their own salaries for FY 2015, increasing their medical contribution from twenty percent (20%) to thirty percent (30%) and continuation of salary and benefit reductions previously implemented under Resolution 11-089.

#### **BACKGROUND**

In 2012, the City of Hayward projected a \$14.9 million shortfall in the General Fund for FY 2013 and further projected that this deficit would grow to \$19.4 million in FY 2014 unless significant changes were made. At that time, the City also projected an annual deficit of \$20-\$30 million annually over the next ten years absent the implementation of on-going structural budget changes.

The City's employee groups have all given back in salary and/or benefits in order to assist the City with reducing the projected budget cap. The concessions made by the employees include waiving cost of living increases in multiple future years, agreeing to changes in employee contributions to pension benefits, and increasing employee contributions to medical and other fringe benefits. Nevertheless, the City still faces a continuing operating structural gap, which is currently projected at \$5 million for FY 2015.

Under Hayward Municipal Code (Code) Section 2-1.10, the Mayor and members of the Council are eligible for annual adjustments to their compensation in an amount equivalent to the percent increase in the Consumer Price Indexes (CPI) for the Bay Area, up to a maximum increase of five percent (5%).

For the past ten years, the Mayor and Council have agreed to forego any cost of living increases that were due under the Code. Waiver of the cost of living increases saved the City approximately \$329,350 in salary related costs over a ten-year period.

Table 1: CPI for 2004-2013

Year	% Change
2003	1.6%
2004	1.4%
2005	1.1%
2006	3.9%
2007	3.4%
2008	4.2%
2009	0.2%
2010	1.1%
2011	2.4%
2012	2.6%
2013	2.6%
Total	24.5%

In 2011, in addition to foregoing cost of living increases, the Mayor and Council agreed to contribute towards health and dental insurance premiums. Currently, the Mayor and Council pay 20% of the cost of participation in City sponsored health insurance programs and 50% towards the cost of participation in dental programs. These contributions are greater than the contribution made by any other group of City employees participating in the same programs and represent a General Fund savings of approximately \$30,000 through FY 2014.

The Mayor and Council recognize the significant concessions given by City employees. The Mayor and Council have consistently led employees in the City's cost savings efforts by being among the first to forego cost of living adjustments, authorizing salary reductions, and agreeing to reductions in City contributions to health and other insurance benefits. They have paid the full employee's share of pension costs for nearly twenty five years, making them among the first to do so. The Mayor and Council have expressed their intention to continue this leadership and agree to concessions that are in line with or exceed those given by employees.

## DISCUSSION

Under the Code, the Mayor and Council are eligible for a cost of living increase estimated at 2.6% in FY 2015. This equates to an annual increase of approximately \$1,100 for the Mayor and \$700 for the Councilmembers. The Mayor and Council have indicated that they will continue their leadership and waive the cost of living increases in FY 2015.

Furthermore, they have also indicated that their contributions to health care premiums should be increased from 20% to 30% beginning July 1, 2015, which is a savings of approximately \$5,785, in FY 2015. By increasing the amount they pay towards health care premiums, the Mayor and

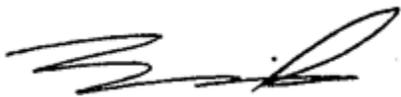
Council contributions continue to be significantly greater than those made by any other group of City employees participating in the same programs. In FY 2015, their medical contributions will be approximately 11% of total gross earnings for employee only coverage and approximately 30% for two party plans.

### **FISCAL IMPACT**

The concessions made by the Mayor and Council through waiver of cost of living adjustments and contributions to medical and dental benefits between FY 2004 and FY 2014 have resulted in a General Fund savings of approximately \$359,350. The FY 2015 concessions of waiving cost of living increases and increasing the contribution toward medical premiums from 20% to 30%, represents an estimated \$11,000 additional General Fund savings for FY 2015.

*Prepared and Recommended by:* Nina Collins, Acting Human Resources Director

Approved by:



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Fran David, City Manager

Attachments:

Attachment I: Resolution Authorizing Waiver of Cost of Living Increases to Mayor and City Council Compensation in FY 2015, Increasing Medical Contributions from Twenty Percent (20%) to Thirty Percent (30%) and Continuation of Previously Approved Salary and Benefit Reductions

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING WAIVER OF COST OF LIVING INCREASES TO MAYOR AND CITY COUNCIL COMPENSATION IN FY 2015, INCREASING MEDICAL CONTRIBUTIONS FROM TWENTY PERCENT (20%) TO THIRTY PERCENT (30%) AND CONTINUATION OF PREVIOUSLY APPROVED SALARY AND BENEFIT REDUCTIONS

WHEREAS, in 2012, the City of Hayward faced a General Fund deficit of \$14.9 million for FY 2013, \$19.4 million in FY 2014 and \$20-\$30 million in future years as projected in the 10 Year Plan absent the implementation of ongoing structural changes; and

WHEREAS, certain salary and benefits are established pursuant to the City of Hayward Municipal Code Chapter 2, Article 1, Section 2-1.10; and

WHEREAS, the Mayor and City Council of the City of Hayward led the effort to balance the City of Hayward’s budget through ongoing and structural changes by not taking salary increases they were otherwise entitled to in FY 2004 through FY 2014 and in FY 2012 authorized additional concessions of reduced salaries and increased contributions to medical and other fringe benefits to achieve the necessary cost savings to offset declining revenues, which has resulted in General Fund Savings of \$359,350; and

WHEREAS, the Mayor and City Council fully recognize the significant concessions given by City employees and have made the personal commitment to continue to lead the effort to make ongoing and structural change through concessions in FY 2015 by agreeing to make the following changes to their salaries and benefits: 1) Waive any salary increases they are entitled to in FY 2015 and 2) Increase employee paid medical premium from 20% to 30% of the employee selected plan, which will result in further General Fund savings of approximately \$11,000 in FY 2015; and

NOW, THEREFORE, BE IT RESOLVED that as part of the City’s effort to balance its budget for FY 2015, that the City Council hereby approves the changes to the Mayor and City Council Members salary and benefits effective July 1, 2014.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**DATE:** July 1, 2014  
**TO:** Mayor and City Council  
**FROM:** Director of Library & Community Services  
**SUBJECT:** Authorization for the City Manager to Apply for and, if awarded, to accept 2014 CalHome General Program Grant Funding for Manufactured Housing

**RECOMMENDATION**

That the City Council adopts the attached resolution (Attachment I) authorizing the City Manager to apply for 2014 CalHome General Program Manufactured Housing grant funding on behalf of the City of Hayward, and if said funding is awarded, to execute a grant agreement with the California Department of Housing and Community Development (HCD).

**BACKGROUND**

The California Department of Housing and Community Development (HCD) published its Notice of Funding Availability (NOFA) for the 2014 CalHome General Program. There is approximately \$43 million in CalHome funding being made available in the 2014 NOFA. These funds were authorized by Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006.

The goal of the CalHome General Program is to increase homeownership, encourage neighborhood revitalization and sustainable development, and maximize use of existing homes. Approximately \$10 million of the 2014 NOFA will be reserved for the rehabilitation or purchase of manufactured housing. To help the City better meet the critical need for manufactured housing rehabilitation projects in our community, staff proposes to apply for \$517,500 in CalHome General Program funding.

The City has operated a Housing Rehabilitation Program (HRP) with Community Development Block Grant (CDBG) funds since the early 1980s, to help low-income Hayward seniors and people with disabilities to age in place and live more independently in their homes. Through the HRP program, the City provides grants and loans to eligible homeowners for vitally important housing rehabilitation and repair projects such as disability access improvements, heating system repairs, roof replacements, and abatement of code violations.

The HRP program is administered and delivered by the Library & Community Services Department, and currently serves approximately thirty low-income households per year. Should the City be

awarded the full request for CalHome General Program grant funding in the amount of \$517,500, the HRP program could serve up to an additional thirty low-income households in fiscal year 2014-15. There is no matching requirement for these funds. CalHome allows a portion of awarded funds to be used for grant administration by City staff,

## **DISCUSSION**

Organizations that are eligible to apply for 2014 CalHome General Program funds include any local public agency or nonprofit corporation that: a) operates as a housing program administrator and is authorized to engage or assist in the operation of housing programs for households with low- or very low-income; or, b) is authorized to engage or assist in the development of housing for households with low- or very low-income.

Only one application from a local public agency will be accepted from each jurisdiction. Staff recommends that the City submit one application for the Manufactured Home set aside funds reserved for the rehabilitation of owner-occupied manufactured housing.

Hayward's 7,655 manufactured housing units represent five percent of the City's housing stock, more than any other jurisdiction in Alameda County. Of the nine mobile home parks in Hayward, five are dedicated senior sites providing some of the more affordable housing in the City. The CalHome General Program funds would provide a new opportunity to assist eligible applicants who may not qualify for conventional home financing, by providing loans to address deferred maintenance or accessibility repairs.

If awarded, the CalHome program would be administered by the Library & Community Services Department in parallel with the existing Housing Rehabilitation Grants and Loans program. Eligible homeowners of owner-occupied manufactured homes would apply for assistance through the existing Housing Rehabilitation application process.

## **FISCAL IMPACT**

Should Council authorize the City Manager to apply for CalHome funding, the City could potentially receive up to \$517,500 to support the City's long-term efforts to rehabilitate and sustain affordable housing in Hayward. There is no matching requirement. Because the CalHome Program allows a portion of awarded funds to be used for grant administration by City staff, it would have no direct impact on the City's General Fund.

## **PUBLIC CONTACT**

City staff has met with several local agencies that serve seniors and people with disabilities, to discuss the City's long-term strategies to support housing rehabilitation and the CalHome NOFA.

## **NEXT STEPS**

If authorized by Council, staff will prepare and submit an application for CalHome General Program funding in the amount of \$517,500 to provide deferred loans to owner-occupied manufactured housing units in select mobile home parks within City borders. A resolution in the format requested by HCD is provided as Attachment I.

*Prepared by:* Dana Bailey, Senior Housing Rehabilitation Specialist

*Recommended by:* Sean Reinhart, Director of Library & Community Services

*Approved by:*



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Fran David, City Manager

Attachment I: Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO: SUBMIT AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR CALHOME PROGRAM FUNDING AND, IF FUNDING IS AWARDED, TO EXECUTE A STANDARD GRANT AGREEMENT AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALHOME PROGRAM

WHEREAS, The California Department of Housing and Community Development (hereinafter referred to as “HCD”) issued a Notice of Funding Availability (“NOFA”) on April 29, 2014, for the CalHome Program; and

WHEREAS, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the CalHome program, subject to the terms and conditions of the enabling statutes and the CalHome Program Regulations adopted by HCD in April 2004; and

WHEREAS, the CalHome Program was established by Chapter 84, Statutes of 2000 (SB 1656 Alarcon), and codified in Chapter 6 (commencing with Section 50650) of Part 2 of Division 31 of the Health and Safety Code ; and

WHEREAS, the City of Hayward, a political subdivision of the State of California, wishes to submit an application to HCD for CalHome funds in the amount of \$517,500.

NOW, THEREFORE, BE IT RESOLVED that the City of Hayward shall submit an application for CalHome Program grant funds in the amount of \$517,500 to provide deferred loans for rehabilitation of owner occupied manufactured housing units located in the City of Hayward.

BE IT FURTHER RESOLVED that, if the application for funding is approved, the City of Hayward hereby agrees to use the CalHome funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program regulations cited above.

BE IT FURTHER RESOLVED that the Hayward City Council authorizes and directs the City Manager on behalf of the City of Hayward to execute the application, the Standard Agreement, any and all other instruments necessary or required by HCD for participation in the CalHome Program, and any amendments thereto.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2014

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 1, 2014

**TO:** Mayor and Council

**FROM:** Director of Library and Community Services

**SUBJECT:** Authorization for the City Manager to Execute a Professional Services Agreement for Adult Literacy Learning Consultant Services Including Reading Specialist/Tutor Advisory Services

### **RECOMMENDATION**

That the City Council adopts the attached resolution authorizing the City Manager to execute a professional services agreement with independent consultant Tracy Maiden-Baillie, in an amount not to exceed \$31,200, to deliver literacy learning and tutor advisory services to the Literacy Plus program of the Hayward Public Library.

### **BACKGROUND**

The Literacy Plus program of the Hayward Public Library has been delivering specialized educational support services to low-literate and illiterate Hayward adults since 1985. Since its inception, the Literacy Plus program has helped over 2,200 Hayward adult clients learn how to read with the support of highly trained and dedicated volunteer tutors. An overview of Literacy Plus services and program requirements can be found online at <http://user.govoutreach.com/hayward/faq.php?cid=10991>.

### **DISCUSSION**

The Literacy Learning Consultant provides specialized professional support services to the Literacy Plus program in the following areas:

- Conducts assessments and reassessments of adult literacy learners
- Trains volunteer tutors how to teach basic reading skills to adult learners
- Leads volunteer tutor training classes
- Plans and leads literacy training workshops for adult learners and their tutors
- Supervises the adult Literacy Computer Learning Lab at the Main Library
- Recruits, tracks, and evaluates volunteer tutors
- Monitors adult learner attendance; contacts learners who don't attend regularly and replaces as needed
- Other related services as needed.

The services provided by the Literacy Learning Consultant, along with 125 volunteer tutors, will enable the City to assist approximately 120 adult learners during FY 2015. This Consultant was previously contracted by the City to provide identical services in FY 2014; this action would extend the contract term for an additional fiscal year.

**FISCAL IMPACT**

The Consultant’s fee for the current year would be charged on an hourly basis at a rate of \$25 per hour, not to exceed 1,248 hours, or a total of \$31,200 for this professional services agreement. Since 1985, the State of California has provided an annual allocation of grant funding to the City to support and augment adult literacy activities in public libraries, including at the Hayward Public Library. Funding for the Consultant’s services would come from that source. As such, this professional services agreement will have no impact to the General Fund.

**PUBLIC CONTACT**

No public discussion of this matter has previously been scheduled.

**NEXT STEPS**

Following Council approval at this meeting, staff will finalize a contract amendment for execution with Tracy Maiden-Baillie, and will appropriate the funding. The timeline for this agreement is for one year - from July 1, 2014 thru June 30, 2015.

Recommended by: Sean Reinhart, Director of Library and Community Services

Approved by:



\_\_\_\_\_  
Fran David, City Manager

Attachment I: Resolution Authorizing Execution of Consulting Agreement for Professional Services

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH TRACY MAIDEN-BAILLIE TO PROVIDE SPECIALIZED LITERACY LEARNING CONSULTANT SERVICES INCLUDING TUTOR TRAINING AND ADVISORY SERVICES

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 Tracy Maiden-Baillie, to provide Literacy Learning Consultant services, including reading specialist/tutor advisory services to City in an amount not to exceed \$31,200, utilizing Literacy grant funds received from the State of California, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2014

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 1, 2014

**TO:** Mayor and City Council

**FROM:** Director of Utilities & Environmental Services

**SUBJECT:** New Highland 1530 Reservoir: Authorization for the City Manager to Execute a Professional Services Agreement

### **RECOMMENDATION**

That Council adopts the attached resolution (Attachment I) authorizing the City Manager to execute a Professional Services Agreement with Simon Wong Engineering, Inc., for design and to provide technical support during construction of the second water storage tank of the New Highland 1530 Reservoir, in an amount not to exceed \$120,000.

### **BACKGROUND**

The vesting tentative tract map (Vesting Tentative Map No. 5354) for Stonebrae Country Club was approved by the City Council in September 2002. The first Final Map Tract 5354 for Village A was approved on April 19, 2005 and recorded on July 29, 2005. The second Final Map Tract 7736 for Village B was approved on November 14, 2006 and recorded on May 24, 2007. Condition of Approval No. 171, in its original form, required the developer to construct two 2.85 million gallon (MG) water storage reservoirs in the water system's 1530 elevation zone. The developer constructed the first tank, and the City now owns, operates, and maintains it.

The Conditions of Approval require the developer to construct the second tank prior to issuance of building permits for more than 365 single-family residences. On April 5, 2011, City Council approved a reduction in the size of the second tank to 1.2 MG, due to demonstrated better-than-expected water conservation results, improved technology for metering irrigation flow, and less acreage for golf course and common area landscaping. The combined total storage of 4.05 MG between the two tanks will fully meet the projected water demand for the development. On January 15, 2014, the City entered into an agreement with Stonebrae L.P. for design and construction of new water storage reservoir under the City's auspices and reimbursement of all costs by Stonebrae L.P.

To ensure the second reservoir is built in a timely way and to provide a greater degree of control over the design and construction of critical infrastructure, it is in the City's best interest to manage the work. It is particularly important that the tank be designed with attention to all details and constructed with high quality materials. Further, as the tank will be constructed on what is now City property, and will be adjacent and connected to an in-service City tank, it is preferable that the work be done under staff's supervision. This will ensure the City has maximum flexibility and prerogative to direct the contractor on how and when to do the work.

## **DISCUSSION**

This project will be designed jointly by City's Utilities & Environmental Services engineers and an engineering consultant. Staff reviewed qualifications of eight consultants, and asked five firms to submit proposals for the required services. Four consultants, Carollo Engineers, Brown and Caldwell, Chicago Bridge & Iron, and Simon Wong Engineering, Inc., submitted proposals for City's consideration. Staff reviewed the proposals. The following factors were considered for selection: 1) the relevant experience of the firm and its sub-consultants; 2) the experience and qualifications of the project manager and professional team; 3) understanding of the City's specific issues of concern; 4) demonstrated ability to meet the City's needs within the defined budget and schedule; and 5) innovative proposal components that would add value to the project above and beyond the standard tasks. All of the proposals were strong with each firm having particular areas of strength.

While each of the four firms is highly qualified and assembled very strong teams for the City's projects, in staff's view, Simon Wong Engineering demonstrated the best combination of qualifications and responsiveness to the City's requirements. Simon Wong Engineering achieved higher ratings in the selection criteria by providing a solid and innovative approach to water reservoir design, and proposing a knowledgeable and experienced project team. Simon Wong Engineering demonstrated an excellent understanding of the City's needs and has performed satisfactorily on other similar projects.

While cost was not a deciding factor in staff's recommendation, Simon Wong Engineering has proposed the lowest number of labor hours and competitive hourly rates. As part of the negotiation process, staff further reduced the hours and lowered the fees. Staff believes that the final negotiated not-to-exceed cost of \$120,000, including \$20,035 reserved for additional services that the City may require, is reasonable for the scope of services required.

Simon Wong Engineering will be responsible for the design of the water tank structure and associated piping & connection details. The City staff will be responsible for the design of the site improvements, field survey work, administration of bidding process, and construction management.

## **ENVIRONMENTAL REVIEW**

The City certified a Supplemental Environmental Impact Report (SEIR) for the project in 1998 and thereafter adopted an Addendum to the SEIR when it approved the Precise Development Plan and Vesting Tentative Tract Map in 2002. Staff has reviewed the requested amendment to Condition of Approval 171 and determined that it is in substantial compliance with the existing condition, as amended in April 2011, and does not present any new or increased environmental impacts not previously analyzed; thus, no additional environmental review under the California Environmental Quality Act (CEQA) Guidelines is required. Therefore, the SEIR with the Addendum is sufficient from a CEQA perspective for the City Council to adopt the attached resolution approving this phase of the project.

## **ECONOMIC IMPACT**

There are no economic impacts to Hayward customers as a result of the recommended change in project administration and management. The upfront costs of design and construction will be paid from reserves in the Water System Capital Improvement Fund, and, in accordance with the terms of the

agreement mentioned in the second paragraph under Background in this report, the developer will reimburse the City for all costs, with interest, as new homes are constructed and connected to the water system.

**PUBLIC CONTACT**

City staff has worked closely with representatives of Stonebrae L.P. through all elements of this project. There is no material impact on other Hayward water customers.

**FISCAL IMPACT**

The estimated project costs are as follows:

Professional Engineering Services – Consultant	\$ 120,000
In-house Design and Project Administration – City Staff	\$ 70,000
Testing and Inspection Services	\$ 50,000
Construction of New Reservoir	<u>\$ 1,650,000</u>
Total:	\$ 1,890,000

The current total estimated cost to design and construct the water reservoir is \$1.89 million. Sufficient funds are available in the Water System Improvement Fund. A total of \$1,890,000 has been appropriated for this project in the Water System Capital Improvement Fund in the FY 2014-15 Program. As mentioned previously, Stonebrae L.P. will be responsible for reimbursing the City for all costs related to this project.

**SCHEDULE**

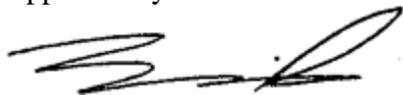
The estimated schedule for this project is summarized as follows:

Execute Professional Service Agreement	July 2014
Complete Design of New Reservoir	February 2015
Construction Completion	November 2015

*Prepared by:* Henry Louie, Senior Utilities Engineer

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

Approved by:



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Fran David, City Manager

Attachments: Attachment I – Resolution  
Attachment II – Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO.14-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH SIMON WONG ENGINEERING, INC. FOR THE DESIGN OF NEW HIGHLAND 1530 RESERVOIR , PROJECT NO. 07184

WHEREAS, the City Council certified the Supplemental Environmental Impact Report (SEIR) for the project in 1998, and thereafter adopted an Addendum to the SEIR when it approved the Precise Development Plan and Vesting Tentative Map in 2002; and

WHEREAS, the City Council, under Resolution No. 06-137, on November 14, 2006, approved Final Map Tract 7736, which primarily encompasses Village B of the Stonebrae Country Club development; and

WHEREAS, Condition of Approval No. 171 for Final Map Tract 7736, as amended by the City Council on April 5, 2011 under Resolution No. 11-030, requires a second 1.2 million gallon water storage reservoir to be constructed at the Highland 1530 Zone before the City issues building permits for more than 365 single-family homes; and

WHEREAS, Stonebrae L.P. has requested an amendment to Condition of Approval 171 of Final Map Tract 7736 to allow the City to manage the design and construction of the second water storage reservoir, with all cost to be paid by Stonebrae L.P.; and

WHEREAS, staff has reviewed Stonebrae L.P.'s request and determined that the amendment of Condition No. 171 as it related to the entity designing and constructing the second water storage reservoir does not present any new or increased environmental impact not previously analyzed in the SEIR and the Addendum to the SEIR; and

WHEREAS, Stonebrae L.P. and the City have agreed upon a reimbursement method whereby Stonebrae shall pay to the City a fee for each new single-family residence prior to issuance of building permit; and

WHEREAS, City and Stonebrae L.P. entered an agreement that the City will be reimbursed for all costs associated with the design and construction of the second water storage reservoir.

WHEREAS, staff reviewed the qualifications of eight consultants for the purpose of identifying a consultant to prepare the plans for New Highland 1530 Reservoir; and

WHEREAS, staff and Stonebrae L.P. invited five consultants to submit proposals for the required engineering services; and

WHEREAS, staff has determined that Simon Wong Engineering, Inc. is the most qualified of the consultants;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute a Professional Services Agreement with Simon Wong Engineering, Inc., for the New Highland 1530 Reservoir, Project No. 07184, in an amount not to exceed \$120,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2014

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



**PROJECT LOCATION MAP**

**DATE:** July 1, 2014

**TO:** Mayor and City Council

**FROM:** City Manager

**SUBJECT:** Resolution and Letter in Support of an Allocation from the Alameda County Board of Supervisors to Help Construct a New Family and Children's Service Center at 680 West Tennyson Road

### **RECOMMENDATION**

That Council approves the attached letter and Resolution, authorize the Mayor to sign and send the letter, and direct the City Manager to forward the letter and Resolution to the Alameda County Board of Supervisors.

### **BACKGROUND**

On June 24, 2014, Council Member Mendall asked Council if there was general agreement to express Council support to encourage the Alameda County Board of Supervisors to allocate at least \$9 million in County funding to help build a new Family and Children's Services Center at 680 West Tennyson Road. Council agreed and staff was directed to prepare the required documents; a draft letter and Resolution are attached for Council's consideration.

### **DISCUSSION**

The effort to build a new Family and Children's Services Center at 680 West Tennyson Road has been on-going for a number of years. It has recently come to the City's attention that the Board of Supervisors, upon Supervisor Richard Valle's initiative, is considering allocating \$9M toward the construction of a Family Service Center in South Hayward.

The City currently owns a parcel of land (680 West Tennyson Road) next to the Matt Jimenez Community Center and adjacent to Tennyson Park. This location is in a prime area at the heart of the Tennyson community and is the site of a former elementary school that has been crudely converted to a make-shift family services center. This center has been host to the Silva Pediatric Clinic, an Early Childhood program, the Eden Computer Clubhouse, and other resource centers.

The building is old and beyond reclaiming in any cost-effective manner. In addition, it is improperly and inefficiently configured to support effective service delivery. The Tennyson Area is in extreme need of the coordinated services that could and should be delivered through a modern Family Service Center located in the area. The current building will have to be closed soon as it is deteriorating and its infrastructure is largely dysfunctional.

Both City and County staff have roughly estimated that a new Center can be built for approximately \$18 million. Supervisor Valle and Mayor Sweeney have been instrumental in meeting with philanthropic organizations to secure an additional \$9 million to add to the County's allocation. Receiving the first \$9 million from Alameda County will provide a powerful catalyst for securing the second half of the funding. Without financial assistance, the City cannot build and operate a new Center, and the Tennyson Area will eventually go without badly needed family and children support services. In addition, we will all miss a unique opportunity to make this site a true community catalyst in conjunction with the adjacent Community Center and Tennyson Park.

Alameda County has assisted other communities in building similar centers (the Ashland REACH Center and the Youth Uprising Center in Oakland). The Tennyson area is one of the most critical service areas in the County, and qualifies as a prime site for County funding and service delivery.

### **ECONOMIC IMPACT**

This is an amazing opportunity to plan and develop a coordinated community site in the heart of the Tennyson Area. 680 West Tennyson (at the corner of Ruus Road) is adjacent to both the Matt Jimenez Community Center and Tennyson Park. Should the Center get built, there is great potential to upgrade the entire complex in conjunction with HARD. Such an upgraded complex will likely provide badly needed incentive for other developments to locate within the Tennyson corridor.

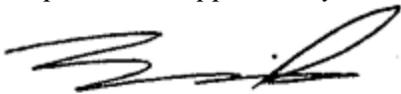
### **FISCAL IMPACT**

If the City can secure the roughly estimated \$18 million to construct the Center, and if final construction costs meet or are less than this preliminary estimation, there will be no capital cost impact to the City, as the land is already under City ownership. However, unless the City can also secure a commitment from the County, HARD, and others to operate the facility, there is a potential for the City to be asked to provide annual operating funds, which could be substantial and is not currently included in any General Fund financial projections into the future.

### **NEXT STEPS**

If Council approves the attached letter and Resolution, staff will immediately forward them to the Board of Supervisors prior to their taking any official action on the requested allocation. In addition, staff will continue to work with County representatives and others to secure the additional \$9 million in capital funds, as well as to continue identifying and developing funding options for annual operations and refurbishment of Tennyson Park.

*Prepared and Approved by:* Fran David, City Manager



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Fran David, City Manager

#### Attachments:

Attachment I Resolution

Attachment II Letter to Alameda County Board of Supervisors

**HAYWARD CITY COUNCIL**

RESOLUTION NO. 14-

Introduced by Council Member \_\_\_\_\_

**RESOLUTION** to strongly encourage the Alameda County Board of Supervisors to allocate \$9 million towards the construction of a new Family and Children Service Center in South Hayward at 680 West Tennyson Road.

**WHEREAS**, the Tennyson Corridor has the highest need for family and children services in the City and is one of the highest need areas in Alameda County; and

**WHEREAS**, the City has provided a facility for the last thirty-five years to house services delivered to the Tennyson Area of South Hayward; and

**WHEREAS**, that facility is now beyond its useful life and cannot be efficiently and cost-effectively rehabilitated and must be replaced; and

**WHEREAS**, 680 West Tennyson is adjacent to the Matt Jimenez Community Center and Tennyson Park making it a prime catalyst area for delivering family and children’s services; and

**WHEREAS**, Supervisor Richard Valle, in partnership with the City, has been seeking additional philanthropic funding to complete the needed funding to build a new Family and Children’s Service Center in South Hayward; and

**WHEREAS**, funding from Alameda County toward the building of this new Center will act as a powerful catalyst to secure the additional sought-after philanthropic funds.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hayward does hereby strongly encourage the Alameda County Board of Supervisors to allocate at least \$9 million in funding toward the construction of a new Family and Children’s Services center at 680 West Tennyson Road in Hayward; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Hayward does also encourage both the Alameda County Board of Supervisors and County staff to continue partnering with the City of Hayward to build the new Family and Children’s Services Center and to assure that it is operated in the most effective manner for quality service delivery to the Tennyson community.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2014

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



June 23, 2014

Alameda County Board of Supervisors  
County Administration Building  
1221 Oak Street, Suite 536  
Oakland, CA 94612

Re: Support for Grant for Hayward Family and Children's Services Center

Honorable Board of Supervisors:

It has come to our attention that the Board of Supervisors, upon Supervisor Valle's initiative, is considering allocating \$9M toward the construction of a Family Service Center in South Hayward. We are writing to express our appreciation and to strongly encourage you to make that allocation. This \$9M will take us halfway to our goal of the \$18M needed to build this badly needed new Family Center in South Hayward; and will add considerable leverage to our joint discussions with philanthropic organizations to secure the remaining capital funding.

As you know, the City currently owns a parcel of land (680 West Tennyson Road) next to the Matt Jimenez Community Center and adjacent to Tennyson Park. This location is in a prime area at the heart of the Tennyson community and is the site of a former elementary school that has been crudely converted to a make-shift family services center. This center has been host to the Silva Pediatric Clinic, an Early Childhood program, the Eden Computer Clubhouse, and other services.

The building is old and beyond reclaiming in any cost-effective manner. In addition, it is improperly and inefficiently configured to support effective service delivery. The Tennyson Area is in extreme need of the coordinated services that could and should be delivered through a modern Family Service Center located in the area, and operated by professionally-trained staff.

The current building will have to be closed soon as it is deteriorating and its infrastructure is largely dysfunctional. Without assistance from your Board and the responsive philanthropic organizations with which we are currently engaged in conversation, the Tennyson Area will go without badly needed family and children support services. In addition, we will all miss a unique opportunity to make this site a true community catalyst in conjunction with the adjacent Community Center and Tennyson Park.

Attached, you will find a Resolution passed unanimously by our Council urging you to assist us in providing for our community by allocating at least the \$9M, and by continuing to partner with us as we develop the remaining funding, build our badly needed Center, congregate essential family services in a single location, maximize an amazing opportunity site, and provide for quality service delivery and daily operations well into the future.

Sincerely,

Michael Sweeney  
Mayor

**Office of the Mayor**

777 B Street • Hayward • CA • 94541-5007  
Tel: 510-583-4340 • Fax: 510-583-3601 • Website: [www.hayward-ca.gov](http://www.hayward-ca.gov)

**DATE:** July 1, 2014  
**TO:** Mayor and City Council  
**FROM:** Assistant City Manager  
**SUBJECT:** Downtown Business Improvement Area Consideration of Annual Levy

### **RECOMMENDATION**

That the City Council holds a public hearing to take testimony regarding the proposed 2015 levy for the Downtown Business Improvement Area (DBIA), and subsequently adopts the attached resolution (Attachment I) authorizing the levy and collection of assessments within the DBIA for the calendar year 2015.

### **BACKGROUND**

The DBIA exists for the purpose of undertaking improvements and activities designed to promote the business environment in downtown Hayward. Most retail, service, professional, and financial institutions within the boundaries of the DBIA are assessed an annual levy, which is collected by the City's Finance Department. The levy amount, as shown in Attachment II, varies by business license category and by the zone in which the business is located. A small minority of non-profit business license holders located within the DBIA are exempt from the levy.

In accordance with State law, the levy may be approved each year by City Council only after the adoption of an annual report submitted by the DBIA Advisory Board, and after holding a public hearing regarding the proposed levy. On June 17, 2014, the City Council accepted the DBIA Annual Report and FY 2015 Budget Recommendations submitted by the DBIA Advisory Board.

### **DISCUSSION**

The DBIA's Annual Report recommended no changes to DBIA district boundaries, benefit zones, method, or assessment amounts of levy at this time. The DBIA levy was last modified in June 2001. The Board does not recommend an increase in membership assessments in 2015.

Business Improvement Districts exist to create the conditions that support a robust downtown economy. The DBIA mission/vision statement is: "To create a safe, clean and inviting downtown environment that supports existing businesses, attracts new businesses, and increases the number of downtown visitors."

The DBIA levy is collected from downtown businesses in conjunction with the annual invoicing for the City's business licenses. Staffing for the DBIA is provided by the City. Over the past year, the DBIA Advisory Board evaluated the most strategic use of limited funds, and how to use the budget reserve to achieve their vision and goals of maintaining a clean, safe, and inviting downtown environment. The Board decided to place greater emphasis on events, security, and clean streets, increasing the events budget by \$10,000 to be added to revenues to fund a yet-to-be-determined downtown event and adding \$20,000 to the street cleaning budget to have a deep clean of all the sidewalks within the DBI area. In addition, the Board decided to budget \$20,200 for increased security in the Downtown. This money could be used to support mini-grants of up to \$1,000 to increase security in downtown businesses by funding cameras, shatterproof glass, or other security features.

### **FISCAL AND ECONOMIC IMPACT**

Additional well-presented events bring people Downtown to patronize shops and restaurants. Improving cleanliness and security in the Downtown adds to the attractiveness of the area and improves the shopping and dining experience.

The DBIA approved FY 2015 budget is \$87,000 as shown on Attachment III. Revenue from the assessment fees is expected to increase slightly from the previous year, at around \$57,000. As stated above, the Advisory Board has proposed to use \$30,000 of the budget reserve in FY 2015 to fund a new event and deep clean sidewalks. The DBIA's budget reserve fund has grown to an estimated balance of \$115,017 before the use of \$30,000. The budget reserve accumulated in years when actual revenues received were greater than the budgeted revenues. These funds have been set aside for one-time expenditures based on priorities determined by the Board.

### **PUBLIC CONTACT**

The DBIA Advisory Board met on the following dates during FY 2014: October 2, 2013; January 8, 2014; and April 2, 2014. A representative from the Hayward Chamber of Commerce attended these DBIA Board meetings to report on Chamber activities and the BIA and Chamber will closely coordinate on Street Party implementation. A special BIA meeting was held on February 24, 2014 and April 30, 2014 to discuss budget options and these meetings were advertised in a mailing to all DBIA businesses. A newly created Banner Subcommittee met on February 6, 2014 and April 1, 2014.

These regularly scheduled meetings and the addition of the special meetings allowed the DBIA to develop and approve a FY 2015 budget. Feedback was also collected through an online survey available to all DBIA fee payers that included questions regarding spending priorities and ideas for future actions. On April 30, 2014, a quorum of the DBIA Advisory Board adopted a motion approving the proposed FY 2015 budget.

## **NEXT STEPS**

Notice for the July 1, 2014 public hearing was published by the City Clerk on June 21, 2014, ten days prior to the public hearing. If the levy is adopted, the City will issue the billing in January 2015.

*Prepared by:* Economic Development Specialist

*Recommended by:* Kelly McAdoo, Assistant City Manager

Approved by:



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Fran David, City Manager

Attachments:

Attachment I: Resolution

Attachment II: Downtown Business Improvement Area Zones and Fee Structure

Attachment III: DBIA FY 2015 Adopted Budget

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION CONFIRMING THE ANNUAL REPORT AND  
AUTHORIZING THE DOWNTOWN BUSINESS  
IMPROVEMENT AREA (DBIA) LEVY FOR CALENDAR  
YEAR 2015

WHEREAS, on June 17, 2014, the City Council accepted the FY 2015 DBIA  
Annual report; and

WHEREAS, the Council established July 1, 2014, as the date for the public  
hearing on the levy and provided for oral and written protests at that hearing; and

WHEREAS, the DBIA Advisory Board recommended no changes to the DBIA  
district boundaries, benefit zones or the method of the levy.

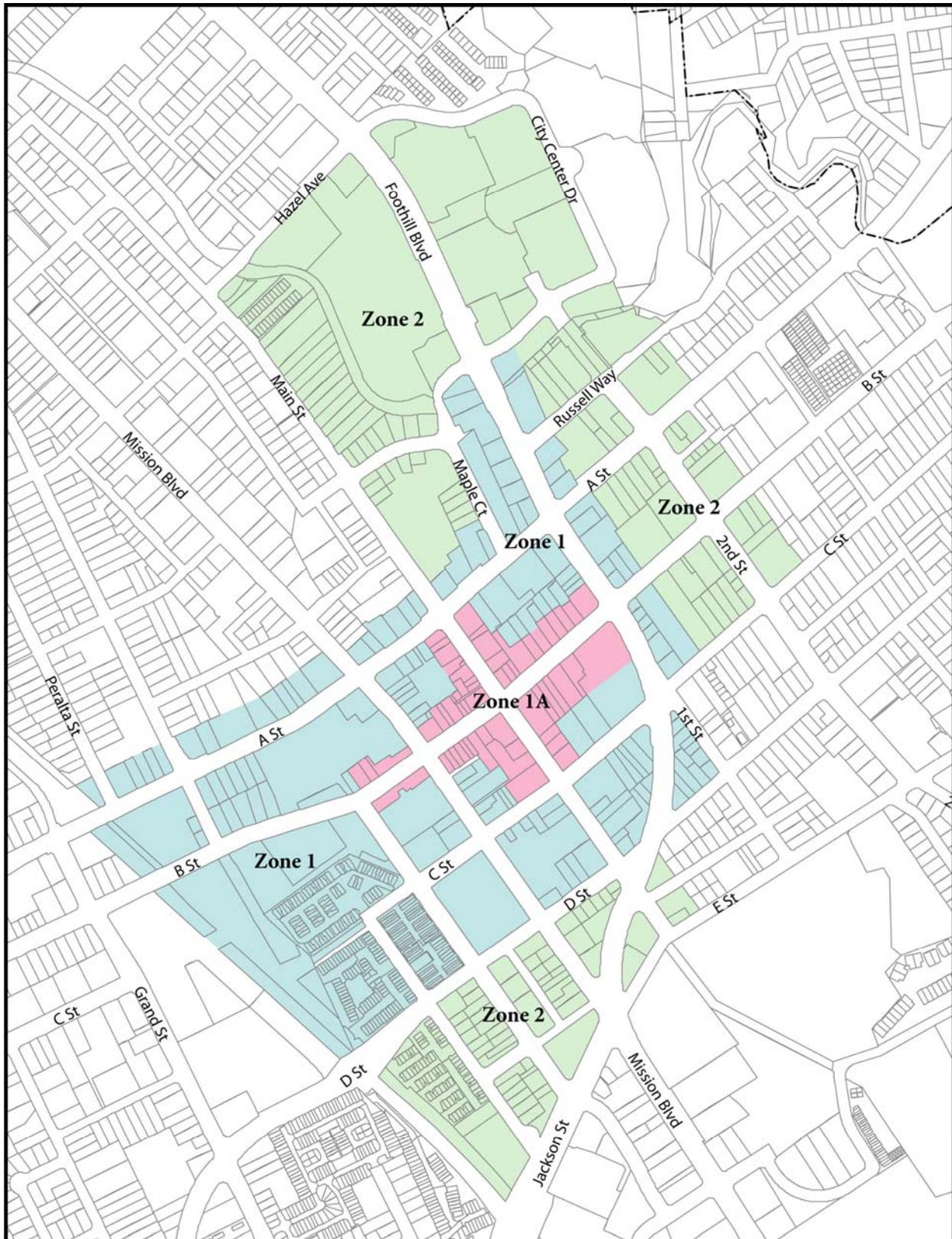
NOW THEREFORE BE IT RESOLVED that the City Council of the City of  
Hayward finds as follows:

1. The resolution of intention was appropriately adopted and the required  
notice of the assessment hearing given.
2. The hearing has been held and all oral and written protests considered.
3. There has not been a majority protest to the levy.
4. All properties in the district will derive benefit from the levy in proportion  
to the levy amounts.

BE IT FURTHER RESOLVED that the Council hereby confirms the DBIA  
Annual Report and levies the assessments contained in the report.



### Downtown Hayward BIA Current Zones and BIA Fee Structure



## Business Improvement Area Zones



## BIA FEE STRUCTURE

All businesses classified as PROFESSIONAL SERVICE AND MISCELLANEOUS NON-RETAIL which are located in **Zone 1A** shall pay a flat fee of \$125.00 per year. **Zone 1** is a flat fee of \$75.00 per year.

All businesses classified as FINANCIAL which are located in **Zone 1A** shall pay a flat fee of \$325.00 per year. **Zone 1** is a flat fee of \$200.00 per year.

All businesses classified as PROFESSIONAL SERVICE AND MISCELLANEOUS NON-RETAIL which are located in **Zone 2** shall pay a flat fee of \$75.00 per year.

All businesses classified as FINANCIAL which are located in **Zone 2** shall pay a flat fee of \$200.00 per year.

All businesses classified as RETAIL shall pay an assessment based on the following gross receipts schedule:

<b>GROSS RECEIPTS</b>	<b>ZONE 1A</b>	<b>ZONE 1</b>	<b>ZONE 2</b>
Less than \$100,000	\$145.00	\$120.00	\$90.00
\$100,001 - \$150,000	\$175.00	\$150.00	\$115.00
\$150,001 - \$200,000	\$205.00	\$180.00	\$135.00
\$200,001 - \$300,000	\$255.00	\$230.00	\$175.00
\$300,001 - \$400,000	\$305.00	\$280.00	\$210.00
\$400,001 - \$500,000	\$355.00	\$330.00	\$250.00
\$500,001 - \$750,000	\$425.00	\$400.00	\$300.00
\$750,001 - \$1,000,000	\$495.00	\$400.00	\$300.00
\$1,000,001 and up	\$525.00	\$400.00	\$300.00

**Downtown Hayward Business Improvement Area  
Proposed Budget FY 2015**

<b>REVENUES</b>	
DBIA Assessments	\$ 57,000
DBIA Budget Reserve	\$ 30,000
<b>Total Revenues</b>	<b>\$ 87,000</b>
<b>EXPENSE ITEMS</b>	
<b>Summer Street Parties (1)</b>	
July 2014	\$ 7,500
August 2014	\$ 7,500
June 2015	\$ 7,500
Special Event	\$ 10,000
Fall Car Show	\$ 0
<b>Item Subtotal:</b>	<b>\$ 32,500</b>
<b>Security</b>	
Security	\$ 20,200
<b>Item Subtotal:</b>	<b>\$ 20,200</b>
<b>Sidewalk Cleaning Contract</b>	
Sidewalk Cleaning Entire BIA 2 x Year	\$ 14,300
Deep Cleaning of all Sidewalks in the BIA	\$ 20,000
<b>Item Subtotal:</b>	<b>\$ 34,300</b>
<b>Total Budget</b>	<b>\$ 87,000</b>

**DATE:** July 1, 2014

**TO:** Mayor and City Council

**FROM:** Director of Development Services

**SUBJECT:** Adoption of the Hayward 2040 General Plan and Certification of the Final Environmental Impact Report

### **RECOMMENDATION**

That the City Council adopts the attached resolution:

1. Certifying the [Environmental Impact Report](#) as being prepared in accordance with the California Environmental Quality Act and City implementing guidelines; adopting the Statement of Overriding Considerations; and approving the Mitigation Monitoring and Reporting Program, based on the required findings;
2. Adopting the [Hayward 2040 General Plan](#) which incorporates recommended changes made by Council, Planning Commission, and staff during the review process; and
3. Adopting the proposed amendments to the General Plan Land Use Map for certain properties within the Planning area

### **SUMMARY**

The Hayward 2040 General Plan contains a vision, guiding principles, policies and implementation programs, as well as a background report, to direct Hayward's future growth through the year 2040. It was developed with significant community input, including through public meetings and workshops, City Council and Planning Commission work sessions and public meetings, online forums, and through the General Plan Update Task Force. Some of the top priorities identified through the outreach process include education and the Hayward public schools, parks and open space, downtown development, and safety.

This public hearing is being held to allow the public and the City Council an opportunity to provide final comments on the Draft Hayward 2040 General Plan and Final Environmental Impact Report (Final EIR) before the City Council approves and certifies the General Plan and related environmental documents. Environmental impacts associated with implementation of the proposed Hayward 2040 General Plan have been assessed, and the Final EIR identifies significant and unavoidable environmental impacts associated with air quality and transportation/circulation.

## **BACKGROUND**

The Hayward 2040 General Plan project that entailed a comprehensive update of Hayward's 2002 General Plan was authorized by the City Council and initiated in July of 2012. The preparation of the Hayward 2040 General Plan involved six work sessions/meetings before the City Council and/or Planning Commission, fourteen meetings with the General Plan Update Task Force, nine community meetings, and fourteen meetings with neighborhood or community organizations. Additionally, input on the General Plan Update project was received through a community survey and the City's online discussion tool at Hayward2040.org. Information on past meetings and the General Plan Update project and process can be found on the General Plan webpage on the City's website.

On January 31, 2014, the Draft Hayward 2040 General Plan was released for public review and comment. The Draft Environmental Impact Report (DEIR) was released on February 4, 2014, initiating the required minimum 45-day public review period. During the public review period, the City conducted the following meetings to give the public and members of the Planning Commission and City Council the opportunity to comment on the Draft Hayward 2040 General Plan and DEIR:

- Community Open House: March 8, 2014
- Planning Commission Work Session: March 13, 2014
- City Council Work Session: March 18, 2014

The public review period for the Draft EIR ended on March 21, 2014. Staff responded to all comments received during the 45-day review period, and prepared the [Final EIR](#). The Final EIR consists of the response to comments, the Draft EIR, and revisions made to the Draft EIR.

In addition, staff has prepared responses to the comments on the Draft Hayward 2040 General Plan. As a result of submitted comments, staff is recommending changes to the Draft Hayward 2040 General Plan (Attachment VI), as discussed later in this report. Staff is asking the City Council to consider these recommended changes when taking action.

### **General Plan Content Requirements**

California State law requires each city and county to prepare and adopt a comprehensive and long-range general plan (California Government Code Section 65300). A general plan is a comprehensive planning document that provides a city or county with a policy framework to guide decision-making related to land use, growth and development, safety, and open space conservation. To emphasize its importance, the general plan has been called the "constitution" for land use and development.

Since 1937, California law has required counties and cities to adopt general plans. Over the years, the State has added requirements for specific elements of a general plan. The seven mandated elements include: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety.

State law does not require that a general plan be organized according to the required elements. The required elements may be organized to fit the needs of the local jurisdiction, as was done for the Hayward 2040 General Plan. In addition, State law permits the inclusion of optional elements that address needs, objectives, or requirements particular to that city or county. Hayward's proposed General Plan includes the following elements/chapters: Land Use, Mobility, Economic Development (an optional element), Housing, Community Services and Safety (includes content required for the safety element), Community Health and Quality of Life (an optional element, but also includes content required for open space), Natural Resources (includes content required for the noise element), Utilities (an optional element), and Natural Resources (includes content for the conservation element). The general plan must be periodically updated to assure its relevance and usefulness.

As described above and shown in the draft document, the Hayward 2040 General Plan includes additional elements/chapters. Specific plans, the zoning and subdivision ordinances, development standards, design guidelines, public capital improvements, and other City development actions and policies must all be consistent with the general plan.

### **History of Hayward's General Plans**

The City of Hayward adopted its first General Plan in 1953 and it was updated in 1965, 1974, 1986, 1998 (Circulation Element only) and 2002. In 1986 and 2002, the General Plan was prepared primarily by staff, though consultants were used for more technical analyses. The EIRs for the 1986 and 2002 updates were completed by consultants. Also, the City hired a consultant to prepare the 1998 Circulation Element and EIR.

### **New General Plan Format**

Each element in the existing 2002 General Plan, with the exception of the 2010 Housing Element, is laid out with policies and strategies. This format has made monitoring and implementation a challenge. To address this, the new General Plan has a layout similar to the 2010 Housing Element and will contain goals, policies and implementation programs. The new format will allow for goals to have a clear focus or end toward which effort will be directed, policies to be clear and feasible, and specific implementation programs that can be measured and monitored. In addition, the final product will be an interactive web-based General Plan that will be easy to navigate and will be searchable allowing decision-makers and other users to quickly locate relevant information.

## **DISCUSSION**

### **Overview of the Draft Hayward 2040 General Plan**

#### Introduction

The Draft Hayward 2040 General Plan is a comprehensive update to the current General Plan, which was adopted in 2002. The Draft Hayward 2040 General Plan reflects many of the principles and ideas that are present in the 2002 General Plan, such as transit-oriented development, shoreline protection and restoration, economic development, and Downtown and neighborhood revitalization. In addition, the Draft Hayward 2040 General Plan addresses new State mandates and new topics

that have become relevant to the City since 2002. These State mandates and topics include community health, public safety, greenhouse gas emissions, climate change (AB 32 and SB 375), flood safety planning (AB 162), complete streets (AB 1358), rising sea levels, sustainability, active transportation, education and life-long learning, and complete neighborhoods. The Draft Hayward 2040 General Plan also places a higher level of emphasis on plan implementation than the 2002 General Plan.

The Hayward 2040 General Plan also functions as a climate action plan and community risk reduction plan. A climate action plan is a comprehensive strategy to reduce greenhouse gas emissions. Hayward prepared and adopted a Climate Action Plan in 2009. As part of the General Plan update process, the City re-evaluated the greenhouse gas reduction estimates assigned to individual actions contained in the adopted Climate Action Plan. The analysis resulted in the development of new and modified actions. The 2040 General Plan integrates the new and modified actions within its overall policy framework. This integrated approach allows the 2040 General Plan to be recognized as a “Plan for the Reduction of Greenhouse Gas Emissions” (as allowed for in section 15183.5 of the California Environmental Quality Act Guidelines) and as a “Qualified Greenhouse Gas Reduction Strategy” by the Bay Area Air Quality Management District. As a result, the elements of what would otherwise be a “stand-alone” climate action plan have been incorporated into the Hayward 2040 General Plan.

A community risk reduction plan is a comprehensive strategy to minimize community health risks associated with toxic air contaminants (TACs) and fine particulate matter (PM<sub>2.5</sub>) in both existing and new development. Similar to the Climate Action Plan integration, the 2040 General Plan integrates the typical elements of a community risk reduction plan into the policy framework of the General Plan. The policy framework includes specific long- term goals, policies, and implementation programs to reduce communitywide exposure to TACs and PM<sub>2.5</sub>. This integrated approach allows the City to incorporate the analysis and components of a “stand-alone” community risk reduction plan into appropriate sections of the General Plan.

The Draft Hayward 2040 General Plan consists of two documents: the Background Report and the Policy Document. These documents are described below.

### Background Report

The Background Report provides a “snapshot” in time of the existing conditions and trends within the Planning Area. The Background Report presents the physical, social, and economic information supporting General Plan goals and policy. The data and information in this report generally reflects current (2012) conditions. The Background Report is divided into nine Chapters:

- Chapter 1: Land Use and Community Character
- Chapter 2: Mobility
- Chapter 3: Economic Conditions
- Chapter 4: Housing
- Chapter 5: Community Services and Safety
- Chapter 6: Community Health and Quality of Life
- Chapter 7: Natural Resources

- Chapter 8: Utilities
- Chapter 9: Hazards

### Policy Document

The Policy Document is the essence of the new General Plan. It contains the Vision and eight Guiding Principles from which the goals and policies were derived that will guide future decisions within Hayward. It also identifies a full set of specific implementation programs that will ensure the goals and policies in the General Plan are carried out.

### Hayward 2040 General Plan Vision

The Vision Statement in the new General Plan will guide the future of Hayward:

“Hayward will be a distinct and desirable community known for its central Bay Area location, vibrant Downtown, sustainable neighborhoods, excellent schools, robust economy, and its growing reputation as a great college town. With a variety of clean, safe, and green neighborhoods, and an accessible network of parks and natural open space, Hayward will be home to one of the most diverse, inclusive, educated, and healthy populations in the Bay Area. It will be a destination for life-long learning, entertainment, arts and culture, recreation, and commerce. It will be a community that values diversity, social equity, transparent and responsive governance, civic engagement, and volunteerism. Hayward will be a thriving and promising community that individuals, families, students, and businesses proudly call home.”

### Hayward2040 General Plan Guiding Principles

The Principles to support the Vision in the General Plan are:

1. Hayward should value, challenge, and support youth by providing excellent public schools and youth enrichment activities and programs.
2. Hayward should have safe and clean neighborhoods with an expanded network of parks and thriving commercial centers that incorporate attractive design, provide easy access to jobs, support a diverse population, encourage long-term residency, and inspire all residents to live active, healthy, and green lifestyles.
3. Hayward should develop and enhance its utility, communications, and technology infrastructure; and provide exceptional police, fire, and emergency services.
4. Hayward should be a business-friendly community that has a robust and diversified economy based in innovation, creativity, and local entrepreneurship.
5. Hayward should have a safe, walkable, vibrant, and prosperous Downtown that serves as an attractive area for business and a destination for shopping and dining, arts and entertainment, and college-town culture.
6. Hayward should have a reputation as a great college town and a community that offers a range of opportunities for life-long learning.
7. Hayward residents, workers, and students should have access to an interconnected network of safe, affordable, dependable, and convenient transportation options.
8. Hayward should preserve, enhance, increase, and connect its baylands, hillsides, greenway trails, and regional parks to protect environmental resources, mitigate the impacts of rising sea levels, and provide opportunities to live an active outdoor lifestyle.

The Hayward 2040 General Plan Policy Document is organized into four parts, each of which are further divided into several subsections:

- Part 1: Introduction
  - What is a General Plan?
  - What is the Hayward 2040 General Plan?
  - How is the General Plan Policy Document Organized?
  - How Can I Use the General Plan?
  - How was the General Plan Prepared?
- Part 2: City Profile and Vision
  - City Profile: What is Hayward Like Today (2012)? (Basic demographic data only)
  - 2040 Vision: What is the Community's Vision for the Future of Hayward? (Includes the 8 Guiding Principles)
- Part 3: General Plan Elements
  - Land Use and Community Character Element
  - Mobility Element
  - Economic Development Element
  - Community Safety Element
  - Natural Resources Element
  - Hazards Element
  - Education and Lifelong Learning Element
  - Community Health and Quality of Life Element
  - Public Facilities and Services Element
  - Housing Element (being reviewed separately and will be integrated into the new General Plan after final adoption in the fall 2014)
- Part 4: General Plan Administration and Implementation
  - Priority Implementation Programs
  - Administering the General Plan
  - General Plan Consistency in Implementation
  - Categories of Implementation Actions/Tools
  - Specific Implementation Programs

#### Land Use Diagram Changes (Exhibit A to Attachment I)

The proposed Hayward 2040 General Plan recommends minor changes to the City of Hayward. These recommended changes include:

- Changing the land use designation of several properties near Industrial Parkway SW and Whipple Road from Industrial to Retail and Office Commercial. This change is recommended because the properties are already developed with retail uses. Therefore, the map change is intended to reflect the current conditions and uses of the property and as reflected in the Economic Development Strategic Plan as the 880 Retail Area.
- Changing the land use designation of three properties on City Center Drive from Public/Quasi-Public to Central City – Retail and Office Commercial. This change is recommended to facilitate the redevelopment of these properties, which formally housed City Hall and contained Centennial Hall, with commercial or mixed-use developments. The

properties, which are identified in the City’s adopted Economic Strategic Plan as an opportunity site, are no longer used for public or quasi-public uses, and changing the land use designation will facilitate redevelopment of the properties with private sector developments that are compatible with the greater Downtown.

As the various General Plan programs are implemented, such as comprehensively revising the City’s Zoning Ordinance and developing a new Downtown Plan, there will likely be additional General Plan land use changes.

### **Public Review Period and Public Comments**

On January 31, 2014, the Draft Hayward 2040 General Plan was released for public review and comment. The Draft Environmental Impact Report (DEIR) was released on February 4, 2014, initiating the required minimum 45-day public review period required by the California Environmental Quality Act (CEQA). During the public review period, the City conducted the following meetings to give the public and members of the Planning Commission and City Council the opportunity to comment on the Draft Hayward 2040 General Plan and Draft EIR:

- Community Open House, March 8, 2014: The Open House was structured around a series of “stations” that provided information about the Hayward 2040 General Plan. A station that provided information on the Draft EIR was also provided. Community members were allowed to go from station to station to learn about the main goals, policies, and implementation programs within the Draft General Plan. Participants were also given comment cards that they filled out with specific questions, concerns, or ideas related to the Draft Hayward 2040 General Plan and the Draft EIR.
- Planning Commission Work Session, March 13, 2014: The Planning Commission held a work session to review the Draft EIR and to discuss the Draft Hayward 2040 General Plan.
- City Council Work Session, March 18, 2014: The City Council held a work session to review the Draft EIR and to discuss the Draft Hayward 2040 General Plan.

In addition to the above meetings, community members had the opportunity to post their comments on the Draft Hayward 2040 General Plan and the Draft EIR on [Hayward2040.org](http://Hayward2040.org). Community members, government agencies, and community organizations also had the opportunity to provide comments on the Draft Hayward 2040 General Plan and the Draft EIR by submitting written comments to the City.

The public review period for the DEIR ended on March 21, 2014. Staff received several comments on the Draft Hayward 2040 General Plan and Draft EIR during the public comment period. The comment letters are provided in the Final EIR.

### **Response to Comments and Recommended Changes to the Draft Hayward 2040 General Plan**

Following the close of the public comment period, staff prepared responses to all comments on the Draft Hayward 2040 General Plan and the Draft EIR. Responses to comments that are related to the Draft EIR are provided in the Final EIR. Responses to comments that are related to the Draft Hayward 2040 General Plan are provided in a separate table entitled “City of Hayward Responses

to Policy-Related Comments” (Attachment V). This table includes a summary of the comment, staff’s response to the comment, and if applicable, staff’s recommended changes to the Hayward 2040 General Plan. In addition, there is a summary of any proposed changes as recommended by the Planning Commission during the June 5, 2014 meeting. Staff is also recommending changes to the Draft Hayward 2040 General Plan to fix errors or typos and to improve policies or implementation programs. As identified in Section 2 of the Final EIR, these changes would not generate any new environmental impacts.

Examples of these recommended changes are provided below:

Examples of Recommended Changes to Fix Errors or Typos

Background Report, Page 1-53	The Alameda County General Plan consists of several documents, including the Eden Area General Plan, the Castro Valley General Plan, and the East County Area General Plan. In addition, the General Plan includes five elements that apply policies to all unincorporated areas of the county. These elements are the <del>Regional Element, the Housing Element, the Energy Element, the Safety and Noise Element, and the Natural Resources, Recreation, and Open Space Element.</del> <u>Housing, Conservation, Open Space, Noise, Safety, and Scenic Route Elements.</u>
Background Report, Page 1-101	The Park District boundaries include the cities of Hayward, <del>and Castro Valley,</del> and the unincorporated communities of <u>Castro Valley, San Lorenzo, Ashland, Cherryland, and Fairview.</u>

Examples of Recommended Changes to Improve Policies or Implementation Programs

<p><b>New Implementation Program:</b> Policy Document, General Plan Implementation and Administration, Mobility Implementation Table,</p>	<p><b>23. Transportation Impact Fees.</b> The City shall prepare a Development Impact Fee Feasibility Study and Nexus Report to assess the potential for establishing development impact fees for transportation improvements. Based on the findings of the Feasibility Study and Nexus Report and direction from the City Council, the City may prepare and adopt an Impact Fee Ordinance for transportation improvements. [Source: New Program; City Council] (RDR/FB) Implements Which Policy(ies): M-4.1, M-4.2, M-4.4 Responsible Department(s): Public Works-Engineering and Transportation, Development Services, Supporting Department(s)/Partner(s): Finance, City Manager Funding Source(s): General Fund, Grants Timeframe: 2017-2019</p>
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<p><b>Revised Policy:</b> Policy Document, Hazards Element,</p>	<p><b>HAZ-7.1 Land Use Safety Compatibility and Airspace Protection Criteria</b> The City shall consider <u>all applicable federal statutes (including 49 U.S.C. 47107), federal regulations (including 14 Code of Federal Regulations 77 et seq.), the FAA’s Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and state law, with respect to criteria related to land use safety and airspace protection when evaluating development applications within the <del>Airport Safety Zones</del>-Airport Influence Area of the Hayward Executive Airport. [Source: New Policy, City Staff] (RDR)</u></p>
<p><b>Revised Policy:</b> Policy Document, Health and Quality of Life Element,</p>	<p><b>HQL-7.6 Mold and Lead Hazards Prevention</b> The City shall partner with the Alameda County Public Health Department, <u>and the Healthy Homes Department of the County Community Development Agency, and other relevant organizations</u> to provide education and technical assistance in reducing mold and lead hazards in homes. [Source: New Policy, City staff] (IGC/PI)</p>
<p><b>Revised Policy:</b> Policy Document, Mobility Element,</p>	<p><b>M-7.13 Taxi Service</b> The City shall promote the continued operation of taxi service, including the provision of <u>a dedicated Taxi stand at the Downtown Hayward BART Station</u>, on-street loading spaces (where appropriate), incremental improvements in gas mileage, and improved access for passengers with disabilities. [Source: New Policy, City Staff] (MPSP/JP)</p>

## **June 5, 2014 Planning Commission Public Hearing**

The Planning Commission held a public hearing on June 5, 2014 to take public testimony and provide a formal recommendation to the City Council on the draft Hayward 2040 General Plan (see draft meeting minutes, Attachment VI). The Planning Commission was overall very pleased with the final draft document and expressed how impressed they were that the project was moving forward on schedule, including the extent of public outreach that had occurred. In general, they were supportive of staff's recommended changes to address comments received during the public review and circulation period for the draft policy document and the Draft EIR. They did make some recommendations for additional changes, which are identified in Attachment V "City of Hayward Responses to Policy-Related Comments."

In addition to those specific changes highlighted in Attachment V, the discussion among staff and the Planning Commission resulted in some recommendations and comments that staff indicated would be discussed with the City Council prior to adoption. These include the: (1) potential use of Transportation Impact Fee funds, should they be recommended for Transportation Demand Management (TDM) Programs; (2) the continuation of the General Plan Task Force to provide both continued community outreach and guidance to staff and City Council related to implementation of the General Plan; and (3) modifying the timeframe from 2017-2019 to 2014-2016 for completing Implementation Program M-9, Improved Traffic Flow Program.

### Transportation Impact Fee

The discussion among the Planning Commissioners was whether the new Implementation Program M-23, which describes preparing a Development Impact Fee Feasibility Study and Nexus Report to assess the potential for establishing development impact fees for local transportation improvements, could be potentially used to fund Transportation Demand Management programs as well. Staff explained that the Implementation Program simply describes conducting the study to determine if establishing such a fee would be warranted and that, through that process, if a fee is determined necessary, the Council could potentially decide for what programs those funds could be used, including TDM programs.

### General Plan Task Force

Through the General Plan update, the General Plan Task Force has been an instrumental part of the process both in their willingness to review documents and conduct research and in their dedication to the Hayward community by providing additional outreach. The Planning Commission discussed the importance of continued outreach to the community during the implementation. Staff mentioned the desire of the General Plan Task Force members to be a permanent Commission moving forward. The primary tasks of the Task Force would be to: (1) advise city staff and the Council related to the implementation programs, including timing and consistency with the goals and policies, (2) be an integral part of the annual reporting process, and (3) serve as an extension of staff, when needed, to aid in better outreach opportunities with the Hayward community. If this is something that is of interest to the City Council, staff could prepare more details for the Council's consideration at a future meeting.

### Improved Traffic Flow Program

The Commission inquired as to whether or not this Implementation Program could be completed sooner than was identified in the draft General Plan. This program, which is described as a coordinated effort with the Metropolitan Transportation Commission and the Alameda County Transportation Commission to plan and obtain funding for projects that improve traffic flow on arterials and reduce vehicle idling, is identified for completion in the 2017-2019 time period. The request was whether this could be slated for an earlier completion date. Planning staff analyzed the various programs in the General Plan in consultation with the various City departments responsible for implementation, and provided completion timeframes for programs that seemed manageable given staffing levels and other priorities. Having said that, there would be nothing to prevent a program from being completed earlier than the established timeframe, if funding became available or the program was deemed a higher priority by the City Council. In summary, should Council wish to move this implementation program to an earlier timeframe, staff would need to discuss such impact on implementing other programs and return to Council with more information at a later date.

## **ENVIRONMENTAL REVIEW**

An Environmental Impact Report (EIR) is a document that informs public agency decision makers and the public of the significant environmental effects of a project, identifies possible ways to minimize the significant effects, and describes reasonable alternatives to the project.

### Summary of the Draft EIR for the General Plan Update

The [Draft EIR](#) has been prepared in accordance with the California Environmental Quality Act (CEQA) and analyzes the potential environmental impacts associated with the proposed Hayward 2040 General Plan. The EIR has been prepared as a program EIR. A program EIR is a type of EIR authorized by section 15168 (Program EIR) of the CEQA Guidelines for use in documenting the environmental impacts of community general plans, redevelopment plans, specific plans, precise plans, and other planning “programs.” As explained in the CEQA Guidelines, a program EIR is useful in evaluating the potential environmental impacts of a project that involves a series of interrelated actions that can reasonably be characterized as a single project. This differs from another type of EIR, a project specific EIR authorized by section 15161 (Project EIR) of the CEQA Guidelines, which would examine the environmental impacts of a specific development project.

The DEIR analyzes program level impacts in the following topic areas: aesthetics and visual resources, agricultural and forestry resources, air quality, biological resources, geology, soils, and minerals, global climate change and greenhouse gas emissions, hazards and hazardous materials, historic and cultural resources, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation and circulation, and utilities and service systems. The DEIR also included review and analysis of three alternatives to the proposed project (new General Plan):

Alternative 1: No Project--Existing 2002 General Plan. Alternative 1 consists of buildout of the Planning Area in accordance with the existing Hayward 2002 General Plan. Alternative 1 would result in the same number of single family residences, approximately 659 fewer multi-family dwelling units, a reduction in employment potential of 1,734 jobs, and a more auto-

oriented development character in the Planning Area. The Planning Area population would be approximately 204,600 under the existing General Plan and 206,580 under the 2040 General Plan, a difference of less than 2,000.

- Alternative 2: Overall Lower Development Density and Intensity. Alternative 2 assumes adoption of a similar 2040 General Plan, but with an overall lower density and intensity of development in the Planning Area. Alternative 2 identifies new potential multi-family residential units and new potential employment would each be reduced by 20 percent compared to the proposed General Plan. Therefore, this alternative would result in 5,920 new multi-family units and 20,620 new jobs, compared to 7,399 new dwelling units and 25,787 new jobs under the 2040 General Plan, a reduction of 1,479 dwelling units and 5,167 jobs. ABAG projects that Hayward will grow to a total of 60,584 dwelling units by 2040; this alternative would result in about 57,308 units. The Planning Area household population would be approximately 202,000 under this alternative.
- Alternative 3: Less Employment in the Industrial Technology and Innovation Corridor. Alternative 3 assumes adoption of a similar 2040 General Plan, but with less employment in the Industrial Technology and Innovation Corridor. Alternative 3 assumes that the net change in employment across the Planning Area (including secondary employment not in the Industrial Corridor) would be reduced by 15 percent compared to the proposed General Plan. Therefore, this alternative would result in approximately 21,920 new jobs, compared to 25,787 new jobs under the 2040 General Plan, a reduction of 3,867 jobs.

The DEIR also includes a discussion of mandatory CEQA topics, including growth inducement, significant reversible changes, significant and unavoidable impacts, and cumulative impacts. For the majority of the potential impacts, the proposed General Plan policies “self-mitigate” and impacts are reduced to a less than significant level. For example, currently the City of Hayward has a policy regarding traffic impacts that requires intersection levels of service to be maintained at Level of Service (LOS) C or better, or LOS D under certain circumstances.

The proposed General Plan policies allow for flexible levels of service at intersections to accommodate multiple modes of travel, not just automobiles. This modified policy results in fewer significant intersection traffic impacts. There are, however, significant and unavoidable impacts identified for air quality and transportation and circulation. Impacts that are identified as Significant and Unavoidable are those impacts where it has been determined that no amount of mitigation would be able to reduce it to a less than significant level. As shown in Attachment I, the following are identified as significant and unavoidable impacts in the DEIR:

- Impact 7-1: Conflict With or Obstruct Implementation of Applicable Air Quality Plans
- Impact 7-2: Short-Term Construction Emissions of ROG, NOX, PM<sub>10</sub> and PM<sub>2.5</sub>
- Impact 7-3: Long-Term Operational Emissions of ROG, NOX, CO, PM<sub>10</sub> and PM<sub>2.5</sub>
- Impact 7-4: Exposure to Toxic Air Contaminants (TACs) and Fine Particulate Matter (PM<sub>2.5</sub>)
- Impact 15-2: Long-Term Traffic Noise Levels
- Impact 18-1: Project Intersection Impacts
- Impact 18-2: Cumulative Intersection Impacts

For these impacts, the public agency decision makers need to determine whether they are willing to accept such impacts based on other criteria or positive outcomes that outweigh the negative impacts. For such impacts, a Statement of Overriding Considerations is required to be adopted if the General Plan is adopted. The Statement of Overriding Considerations outlines the reasons why adoption of the draft Hayward 2040 General Plan has benefits that outweigh adoption of one of the identified alternatives. In this case, as shown in Attachment I, the benefits of the draft General Plan include, but are not limited to, focusing future development along transit corridors and near transit stations to reduce automobile dependency, creating more complete neighborhoods that offer a high-quality of life, improving public safety through better partnerships between the City and neighborhood organizations, and partnering with local school districts to upgrade school facilities, improve school safety and security, and enhance school performance.

#### Summary of the [Final EIR](#) for the General Plan Update

The Final Environmental Impact Report (Final EIR) includes responses to all comments received by the City on the DEIR, together with necessary changes or revisions to the text of the DEIR document. Related to the Draft EIR, the City received and responded to:

- all comment cards received during the Community Open House on March 8, 2014;
- all comments made, as reflected in the minutes of the March 13, 2014 Planning Commission meeting and public hearing on the Draft EIR;
- all comments made, as reflected in the minutes of the March 18, 2014 City Council/Housing Authority meeting and public hearing on the Draft EIR;
- verbatim versions of all written communications (letters and email) received during the Draft EIR review period (see specific agencies listed below);

In addition to the comments received at the General Plan Open House, the Planning Commission meeting and the City Council meeting, staff received comment letters from the following agencies and individuals: Bay Conservation and Development Commission, Alameda County Community Development Agency, Airport Land Use Commission, Caltrans, Alameda County Transportation Commission, East Bay Municipal Utility District, and the Hayward Area Planning Association.

### **FISCAL AND ECONOMIC IMPACT**

Below is a table showing the approved General Plan Update budget and the portion that has been spent and portion remaining as of June 1, 2014.

<b>Budget for General Plan Update 2012-2014 (as adopted on 9/25/2012)</b>			
	<b>Approved Budget</b>	<b>Spent</b>	<b>Remaining</b>
City Staff Time	\$475,000	\$144,456	\$330,544
Jason Jones	\$266,800	\$203,900	\$62,900
Public Engagement Activities/Tools	\$13,000	\$12,500	\$500
Mintier Harnish/MIG	\$1,157,840	\$1,094,941	\$62,899
Miscellaneous Costs (outreach materials)	\$7,000	\$6,296	\$704
Subtotal	\$1,919,640	\$1,462,093	\$457,547
10% Contingency	\$191,964		\$191,964
<b>Grand Total</b>	<b>\$2,111,604</b>	<b>\$1,462,093</b>	<b>\$649,511</b>

Based on a review of the existing contracts and costs allocated to tasks not yet invoiced or completed, such as creating the web-based General Plan and completing the Housing Element, additional budget allocated to the General Plan will be spent. However, there will be budget remaining as staff does not anticipate utilizing the entire project budget that was allocated to cover city staff time for this project.

In addition, a fiscal and economic analysis, Attachment VII, of the Draft Hayward 2040 General Plan was completed by Applied Development Economics. In summary, the proposed project would have a positive impact on the City budget. The Draft Hayward 2040 General Plan would generate \$4.3 million per year in excess revenues over costs for the General Fund. Much of this result is dependent on developing sales-tax generating commercial uses to balance the costs for services needed by the residential growth. It should be noted that the development levels for Draft Hayward 2040 General Plan represent a land use projection, not necessarily a market projection. That is, the amount of retail development, for example, shown in the projections reflect what the designated land areas would support, but if the market does not allow the sites to be built out with that much retail, the City will not achieve the sales tax revenues shown in the attached fiscal analysis.

The residential uses in Draft Hayward 2040 General Plan by themselves show a \$7.1 million annual deficit in costs over revenues. However, if the City implements a policy to mitigate this impact through the establishment of Community Facilities Districts (CFDs), or other financing programs, then the total General Fund benefit of the proposed General Plan could be as high as \$11.4 million per year.

## **PUBLIC CONTACT**

Development of the Hayward 2040 General Plan and Final EIR included extensive public outreach and input. Since the project was initiated in October of 2012, the following publicly noticed meetings have been held:

### **Public Workshops/Community Meetings**

- November 29, 2012: City Hall

- December 1, 2012: City Hall
- December 3, 2012: Martin Luther King Middle School
- December 6, 2012: Fairway Park Baptist Church
- December 10, 2012: Southland Mall
- December 12, 2012: Hayward High School
- March 6, 2013: City Hall
- March 11, 2013: Matt Jimenez Community Center
- March 8, 2014: City Hall

**General Plan Update Task Force Meetings:**

- [October 25, 2012: City Hall](#)
- [November 8, 2012: City Hall](#)
- [December 13, 2012: City Hall](#)
- [January 10, 2013: City Hall](#)
- [February 7, 2013: City Hall](#)
- [March 7, 2013: City Hall](#)
- [April 4, 2013: City Hall](#)
- [May 2, 2013: City Hall](#)
- [May 30, 2013: City Hall](#)
- [September 12, 2013: City Hall](#)
- [September 26, 2013: City Hall](#)
- [October 10, 2013: City Hall](#)
- [January 23, 2014: City Hall](#)
- [March 6, 2014: City Hall](#)

**City Committee Meetings:**

- [October 2, 2013: Council Sustainability Committee: City Hall](#)
- [November 4, 2013: Council Economic Development Committee: City Hall](#)

**Planning Commission and City Council Work Sessions:**

- [February 19, 2013: City Council and Planning Commission Joint Work Session: City Hall](#)
- [June 18, 2013: Joint Work Session with Planning Commission and City Council: City Hall](#)
- [July 9, 2013: Joint Work Session with Planning Commission and City Council: City Hall](#)
- [July 30, 2013: Joint Work Session with Planning Commission and City Council: City Hall](#)
- [October 22, 2013: City Council Work Session: City Hall](#)
- [October 24, 2013: Planning Commission Work Session: City Hall](#)
- [June 5, 2014: Planning Commission Public Hearing: City Hall](#)

In addition to the noticed public meetings listed above, staff and members of the General Plan Update Task Force conducted the following meetings to get additional input on the General Plan:

- [January 16, 2013: Community Services Commission](#)
- January 19, 2013: Prospect Hill Neighborhood Association
- January 22, 2013: Woodland Estates Community Association

- January 24, 2013: Photo Central (HARD)
- [January 24, 2013: Keep Hayward Clean and Green Task Force](#)
- January 26, 2013: Cotter Way Neighborhood
- January 30, 2013: Eden Shores Homeowners Association
- January 30, 2013: Hayward Senior Center
- January 31, 2013: Hayward Senior Center
- February 5, 2013: Chabot College
- March 22, 2013: Hayward Senior Center: Neighborhood Meeting
- March 23, 2013: Cotter Way Neighborhood Meeting
- March 29, 2013: Hayward Senior Center Neighborhood Meeting
- April 18, 2013: Highland Boulevard Neighborhood Meeting
- September 18, 2013: Hayward Democratic Society
- September 19, 2013: Hayward Nonprofit Alliance
- November 15, 2013: Latino Business Roundtable
- January 15, 2014: Leadership Hayward

Official Notice of this hearing was published in *The Daily Review* newspaper on June 21, 2014. Notice was also provided on June 19, 2014 to all property owners whose property is proposed for land use designation changes.

## **NEXT STEPS**

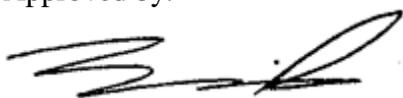
Following adoption of the Hayward 2040 General Plan, staff and the consultant team will work on converting the General Plan into html format so it can be easily accessible on the City's web page, and City staff will begin implementing the various programs in the General Plan.

As has been mentioned previously, the Housing Element is following a slightly different review and approval process. The draft Housing Element was reviewed by both the Planning Commission and City Council in April and May, 2014, respectively. Changes, as suggested by both bodies, were incorporated into the final draft Housing Element that was submitted to the California Department of Housing and Community Development (HCD) on June 12, 2014, to begin the 60-day review period. Following review by HCD, staff will return, likely in the fall, to both the Planning Commission and City Council with the Housing Element and when adopted, will be incorporated in to the balance of the General Plan.

*Prepared by:* Sara Buizer, AICP, Interim Planning Manager

*Recommended by:* David Rizk, AICP, Development Services Director

Approved by:




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Fran David, City Manager

Attachments:

Attachment I:	Draft Resolution 14-
Exhibit A:	Proposed New General Plan Land Use Designations
Exhibit B:	Mitigation Monitoring and Reporting Program
Attachment II:	<a href="#"><u>Hayward 2040 General Plan Draft Program Environmental Impact Report</u></a>
Attachment III:	<a href="#"><u>Hayward 2040 General Plan Final Program Environmental Impact Report</u></a>
Attachment IV:	<a href="#"><u>Hayward 2040 General Plan</u></a>
Attachment V:	City of Hayward Responses to Policy-Related Comments
Attachment VI:	June 5, 2014 Planning Commission Draft Meeting Minutes
Attachment VII:	Fiscal Impact Analysis

## HAYWARD CITY COUNCIL

## RESOLUTION NO. 14-\_\_

RESOLUTION CERTIFYING THE PROGRAM ENVIRONMENTAL IMPACT REPORT, ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS, APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM, ADOPTING THE HAYWARD 2040 GENERAL PLAN, AND APPROVING THE RELATED AMENDMENTS TO THE GENERAL PLAN LAND USE MAP FOR CERTAIN PROPERTIES IN THE PLANNING AREA

WHEREAS, on September 25, 2012, the City Council authorized Staff to Negotiate and Execute Professional Services Agreements with Mintier Harnish and Jones Planning & Design for the Hayward 2040 General Plan Update (the "General Plan") and accompanying Program Environmental Impact Report (the "EIR"); and

WHEREAS, the Hayward 2040 General Plan was subsequently prepared with extensive community outreach including public workshops, community meetings, General Plan Task Force meetings, Planning Commission and City Council work sessions, and various other community group meetings from October 2012 through May 2014; and

WHEREAS, to achieve the goals envisioned by the Hayward 2040 General Plan, the General Plan Land Use Map must be amended to change land use designations for certain properties within the Project Area, as set forth in attached Exhibit "A"; and

WHEREAS, a draft and final Program Environmental Impact Report ("EIR") (State Clearinghouse No. 2013082015) has been prepared to assess the potential environmental effects of the proposed Hayward 2040 General Plan and Related Land Use Actions (collectively the "Project"), describing alternatives to the Project and potential feasible mitigation measures; and

WHEREAS, the Hayward Planning Commission considered the EIR and the Project at a public hearing held on June 5, 2014, and recommended that the Hayward City Council certify the EIR, adopt the Statement of Overriding Considerations, and approve the proposed mitigation measures and Mitigation Monitoring and Reporting Program, attached hereto as Exhibit "B"; approve General Plan Amendment Application No. PL-2013-0395; and adopt the Hayward 2040 General Plan; and

WHEREAS, notices of hearings on the Project were published in the manner required by law and the hearings were duly held by the City Council on July 1, 2014.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby adopts the following findings and takes the following actions:

I. EIR - Certification. The City Council has reviewed the documents comprising the Draft and Final Program EIR for the Hayward 2040 General Plan and the Related Land Use Actions and hereby finds the EIR: (a) has been completed in compliance with CEQA; (b) was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the EIR prior to approving the Project; and (c) reflects the independent judgment of the City Council and its staff that it is an adequate and extensive assessment of the environmental impacts of the General Plan and Related Land Use Actions. The City Council also incorporates by this reference the findings contained in the EIR as to the environmental effects of the General Plan, together with the additional findings contained in this Resolution.

1. The Hayward 2040 General Plan Environmental Impact Report (“EIR”) reflects the independent judgment of the Planning Commission and its staff and is a thorough and extensive assessment of the environmental impacts of the Hayward 2040 General Plan Project.

#### **CONSIDERATION OF PROJECT ALTERNATIVES.**

2. The EIR evaluates the potential impacts of the proposed Project, including four alternatives, one of which is the No Project Alternative. The principal elements of the alternatives are summarized below.

**Alternative 1: No Project--Existing 2002 General Plan.** Alternative 1 consists of buildout of the Planning Area in accordance with the existing Hayward 2002 General Plan. Alternative 1 would result in the same number of single family residences, approximately 659 fewer multi-family dwelling units, a reduction in employment potential of 1,734 jobs, and a more auto-oriented development character in the Planning Area. The Planning Area population would be approximately 204,600 under the existing General Plan and 206,580 under the 2040 General Plan, a difference of less than 2,000.

**Alternative 2: Overall Lower Development Density and Intensity.** Alternative 2 assumes adoption of a similar 2040 General Plan, but with an overall lower density and intensity of development in the Planning Area--for example, less new (net) residential development in the Priority Development Areas (PDAs) and less new (net) potential employment in the Planning Area. For the sake of comparison, new potential multi-family residential units and new potential employment would each be reduced by 20 percent compared to the proposed General Plan. Therefore, this alternative would result in 5,920 new multi-family units and 20,620 new jobs, compared to 7,399 new dwelling units and 25,787 new jobs under the 2040 General Plan, a reduction of 1,479 dwelling units and 5,167 jobs. ABAG projects that Hayward will grow to a total of 60,584 dwelling units by 2040; this alternative would result in about 57,308 units. The Planning Area household population would be approximately 202,000 under the alternative and 206,580 under the 2040 General Plan, a difference of 4,580.

**Alternative 3: Less Employment in the Industrial Technology and Innovation Corridor.** Alternative 3 assumes adoption of a similar 2040 General Plan, but with less employment in the Industrial Technology and Innovation Corridor--for example, a

combination of less new (net) development and less employee-intensive uses (e.g., manufacturing and warehousing at 1 employee per 750 square feet vs. research & development at 1 employee per 450 square feet). For the sake of comparison, this alternative assumes that the net change in employment across the Planning Area (including secondary employment not in the Industrial Corridor) would be reduced by 15 percent compared to the proposed General Plan. Therefore, this alternative would result in approximately 21,920 new jobs, compared to 25,787 new jobs under the 2040 General Plan, a reduction of 3,867 jobs. Further details of this alternative would be based on the fiscal analysis prepared for the 2040 General Plan.

**Alternative 4: Alternative Plan Location.** Section 15126.6(a) of the CEQA Guidelines states, “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant effects of the project[.]” Further, section 15126.6(c) explains, “Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental effects.” Because an alternative project location would be infeasible, would not achieve the project objectives, and would not necessarily avoid or lessen the significant impacts of the project and might result in new significant impacts, an alternative that would involve a different project location was eliminated from further detailed consideration.

## MITIGATION MEASURES.

3. The proposed mitigations set forth in the EIR and the associated Mitigation Monitoring and Reporting Program will reduce the environmental impacts related to the implementation of the Project to an insignificant level, except for certain impacts related to air quality, noise, and traffic.

The following findings identify those impacts that, with mitigation measures, can be reduced to a less-than-significant level.

### Noise

**Potentially Significant Impact: Impact 15-1: Short-Term Construction Noise Levels.** Implementation of projects under the proposed General Plan would involve construction that would result in temporary noise generation primarily from the use of heavy-duty construction equipment. Based on modeling for typical construction activities, short-term construction-generated noise could exceed applicable standards. This would represent a *significant impact*.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

The proposed General Plan includes Goal HAZ-8; Policies HAZ-8.17, HAZ-8.20, HAZ-8.21, and HAZ-8.24; and Implementation Program HAZ 7, which establish the overall goal and intentions of the City with regards to construction-related noise. Policy HAZ-8.17 refers to a community noise control ordinance for the purposes of regulating community noise levels. The City has adopted Section 4-1.03.4 of the Municipal Code (Construction and Alteration of Structures; Landscaping Activities), which states that individual devices/pieces of construction equipment are not to exceed 83 dB at a distance of 25 feet from the source and 86 dB at any point of the property plane Monday through Saturday from 7:00 AM to 7:00 PM and Sundays from 10:00 AM to 6:00 PM, “unless otherwise provided pursuant to a duly-issued permit or a condition of approval.” Thus, while the code establishes specific standards to reduce construction noise from typical construction activities, it may not apply to all development projects requiring discretionary approval. However, Policy HAZ-8.24 establishes the City’s intent to develop specific construction noise standards, and Implementation Program HAZ-7 would result in the preparation and adoption of a Construction Noise Control Ordinance that would apply to all construction projects, including discretionary projects.

Policy HAZ-8.20 establishes that a site-specific noise study may be required by the City for discretionary projects requiring land use entitlements. In addition, Policy HAZ-8.21 establishes limits on construction noise-generating activities to the less sensitive times of the day, when people are less likely to be disturbed.

Adoption of these proposed General Plan policies and implementation program would ensure that exposure of sensitive receptors located near construction activities to excessive noise levels would be avoided or reduced to a *less-than-significant level*.

### **Traffic**

**Potentially Significant Impact: Impact 18-1: Project Intersection Impacts.** Under the 2035 Project condition, implementation of the proposed General Plan would result in traffic volumes that exceed the City standard for intersection performance. According to City guidelines, this change due to the proposed General Plan would potentially constitute a *‘considerable’ project contribution to the significant cumulative impact*.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level at the following intersections:

- NB I-880 Ramps / Whipple Road-Industrial Parkway SW.
- Industrial Boulevard / WB SR 92 ramps – Cryer St.
- Hesperian Boulevard / Industrial Parkway.
- Santa Clara Street / Winton Avenue.
- Santa Clara St / West A St.

**Facts in Support of Finding:** This impact will be avoided or reduced with the implementation of the following mitigation measures, all of which are considered feasible:

- NB I-880 Ramps / Whipple Road-Industrial Parkway SW: Widen to convert northbound shared through-right lane to separate northbound right turn lane and a northbound through lane. This may require additional right of way of approximately 12 feet.
- Industrial Boulevard / WB SR 92 ramps – Cryer St: (1) Widen to add second northbound left turn lane (which could be done with striping if 10 foot lanes allowed). (2) Add second receiving lane on on-ramp (ramp would need reconfiguring).
- Hesperian Boulevard / Industrial Parkway: (1) Widen to convert the northbound through-right lane to a third northbound through (NBT) lane and one northbound right (NBR) lane; this will require approximately 12 feet of additional right of way. (2) Widen to convert eastbound through-right lane (EBTR) to second eastbound thru (EBT) lane and one eastbound right (EBR) lane; this will require approximately 12 feet of additional right of way. (3) Widen to convert southbound through-right (SBTR) to one southbound through (SBT) lane and one southbound right (SBR) lane; this will require approximately 12 feet of additional right of way. (4) Add overlap phasing at NBR, EBR, SBR, and WBR movements.
- Santa Clara Street / Winton Avenue: (1) Widen to reconfigure northbound approach to 2 northbound left (NBL), 1 northbound through (NBT), and 1 northbound shared through-right (NBTR); this will require approximately 12 feet of additional right of way. (2) Widen to reconfigure southbound approach to 1 southbound left (SBL), 2 southbound through (SBT), and 1 southbound right (SBR); this will require approximately 12 feet of additional right of way. (3) Widen to reconfigure westbound approach to 1 westbound left (WBL), 2 westbound through (WBT), 1 westbound shared through-right (WBTR); this will require approximately 12 feet of additional right of way. (4) Add overlap on all signal phases except for the northbound-right (NBR) phase.
- Santa Clara St / West A St: (1) Widen to add exclusive northbound right (NBR) at least as far back as Amador Way and widen to have dual left, convert northbound shared through-right (NBTR) to northbound through (NBT) resulting in 2 northbound left (NBL) lanes, 2 northbound through (NBT) lanes, and one northbound right (NBR); this will require approximately 12 feet of additional right of way. (2) Add second eastbound left (EBL) lane; this will require approximately 12 feet of additional right of way. (3) Add another southbound through (SBT) lane; this will require approximately 12 feet of additional right of way. (4) Add overlap for right turns on all signal phases).

**Potentially Significant Impact: Impact 18-2: Cumulative Intersection Impacts.** Future growth in Hayward and the region would result in substandard intersection LOS under 2035 conditions with or without the project. According to the significance thresholds, these changes constitute a *significant cumulative impact*.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level at Mission Boulevard / Carlos Bee Boulevard.

Facts in Support of Finding: This impact will be avoided or reduced with the implementation of the following mitigation measure, which is considered feasible:

- Intersection 8: Mission Boulevard / Carlos Bee Boulevard: Optimize signal cycle length to 115 seconds.

Implementation of this mitigation would reduce conditions to LOS E with 73.8 seconds of delay during the PM peak hour and reduce the impact to a less-than-significant level with the new General Plan Policy of allowing LOS E.

#### **POTENTIALLY SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS.**

4. The EIR indicates that implementation of the Hayward 2040 General Plan Project may have potentially unavoidable significant environmental impacts related to:
  - Inconsistency with the regional Clean Air Plan (Impact 7-1);
  - Short-term construction emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> (Impact 7-2);
  - Long-term operational emissions of ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> (Impact 7-3);
  - Exposure of toxic air contaminants and fine particulate matter (Impacts 7-4);
  - Long-term traffic noise levels (Impact 15-2);
  - Project intersection impacts at the following intersections (Impact 18-1):
    - Santa Clara Street / Jackson Street; and
    - Foothill Blvd / Mattox Rd;
  - Cumulative intersection impacts at the following intersections (Impact 18-2):
    - Mission Boulevard / A Street;
    - SB I-880 Ramps / A Street;
    - Mission Boulevard / Industrial Parkway;
    - Industrial Parkway SW / Industrial Parkway;
    - SB I-880 / Industrial Parkway;
    - Hesperian Boulevard / EB SR 92 Ramps;
    - Hesperian Boulevard / WB SR 92 Ramps;
    - Industrial Parkway / EB SR 92 Ramps & Sleepy Hollow Avenue;
    - Hesperian Boulevard / West Winton Avenue;
    - Mission Boulevard / Sunset Boulevard;
    - Mission Boulevard / D Street; and
    - Hesperian Boulevard / Tennyson Road.

The proposed Hayward 2040 General Plan contains all the required elements, including elements determined important to the Hayward community, meets the requirements of state law, and is in the best interest of the City to adopt the draft General Plan as opposed to the alternatives as it better meets the objectives outlined through the community outreach process and as detailed in the Vision and Guiding Principles. In addition, the benefits of adopting the Hayward 2040 General Plan outweigh the significant and unavoidable environmental impacts as described in the Statement of Overriding Considerations.

- II. Statement of Overriding Considerations. The City of Hayward adopts and makes this statement of overriding considerations related to adoption of the Hayward 2040 General Plan, and the resulting unavoidable and significant impacts related to air quality, noise, and transportation and circulation, in order to explain why the benefits of implementing the project override and outweigh such impacts.

**Significant and Unavoidable Impacts**

**Impact 7-1: Conflict With or Obstruct Implementation of Applicable Air Quality Plans.** The proposed General Plan would be substantially consistent with all applicable control measures in the Bay Area 2010 Clean Air Plan. However, the proposed General Plan would still have significant and unavoidable impacts associated with short-term construction and long-term operational emissions, as well as health risk exposure associated with toxic air contaminants and PM<sub>2.5</sub>, as noted under Impacts 7-2, 7-3, and 7-4. Because the proposed General Plan exceeds the District's air quality thresholds of significance, the proposed General Plan would not be considered to be fully consistent with the Clean Air Plan goals. This would be a significant impact.

**Impact 7-2: Short-Term Construction Emissions of ROG, NOX, PM<sub>10</sub> and PM<sub>2.5</sub>.** Implementation of the proposed General Plan would involve construction of development projects that would result in the temporary generation of ROG and NOX (ozone precursors), and PM<sub>10</sub> and PM<sub>2.5</sub> (criteria pollutant) emissions from site preparation (e.g., excavation, grading, and clearing), off-road equipment, material import/export, worker commute exhaust emissions, paving, and other miscellaneous activities. Emissions from individual construction projects could exceed BAAQMD's project-level significance thresholds. This would be a significant impact.

**Impact 7-3: Long-Term Operational Emissions of ROG, NOX, CO, PM<sub>10</sub> and PM<sub>2.5</sub>.** Project-related operational emissions of the ozone precursors ROG and NOX would be reduced on an annual basis over the General Plan implementation period, as compared with existing conditions. However, operational PM<sub>10</sub> and PM<sub>2.5</sub> emissions would increase compared to baseline conditions. While the proposed General Plan would be consistent with all applicable control measures in the 2010 Bay Area Clean Air Plan, the rate of increase in VMT and vehicle trips under the proposed General Plan would be higher than the rate of population increase by 2035. Therefore, impacts associated with long-term operational emissions under the proposed General Plan would be a significant impact.

**Impact 7-4: Exposure to Toxic Air Contaminants (TACs) and Fine Particulate Matter (PM<sub>2.5</sub>).** Implementation of development projects consistent with the proposed General Plan could involve siting of sensitive receptors near major roadways or near major stationary sources of TAC and PM<sub>2.5</sub> emissions, as well as the siting of potential new sources of these emissions. Such actions could increase community health risk exposure associated with these emissions. While the proposed General Plan contains a Community Risk Reduction Strategy consisting of goals, policies, implementation programs, and specific BMPs to reduce these risks, the effectiveness of the Strategy in reducing health risk exposure cannot be quantified at this time. Therefore, impacts associated with health risk exposure to TACs and PM<sub>2.5</sub> would be a significant impact.

**Impact 15-2: Long-Term Traffic Noise Levels.** Implementation of the proposed General Plan would increase noise levels along transportation routes with nearby sensitive receptors. Proposed policies would establish noise standards for new development and require that site-specific noise studies be conducted to reduce noise exposure. However, in some instances, traffic-related noise increases could be more than 3 dB, the level typically audible to the human ear and, therefore, considered a substantial increase in noise. This would represent a significant impact.

**Impact 18-1: Project Intersection Impacts.** Under the 2035 Project condition, implementation of the proposed General Plan would result in traffic volumes that exceed the City standard for intersection performance. According to City guidelines, this change due to the proposed General Plan would potentially constitute a ‘considerable’ project contribution to the significant cumulative impact.

**Impact 18-2: Cumulative Intersection Impacts.** Future growth in Hayward and the region would result in substandard intersection LOS under 2035 conditions with or without the project. According to the significance thresholds, these changes constitute a significant cumulative impact.

### **Benefits of Project**

Adoption and implementation of the Hayward 2040 General Plan (the “Project”) will provide substantial benefits to the City of Hayward by:

1. Supporting compact and higher-density residential and commercial development near BART and Amtrak stations, and along commercial corridors that are served by bus transit.
2. Encouraging people to live with less dependence on the automobile for everyday life, resulting in lower rates of automobile use and lower greenhouse gas emissions.
3. Expanding and improving youth enrichment services and programs and partnering with local school districts to upgrade school facilities, provide access to cutting-edge technology, improve school safety and security, and enhance school performance.
4. Creating more complete neighborhoods that offer a high-quality of life and provide a mix of amenities, including parks, community centers, community gardens, affordable housing, farmers’ markets, and neighborhood shopping and dining.
5. Improving public safety through better partnerships with neighborhood and non-profit organizations, residents, businesses, and the Police and Fire Departments.
6. Ensuring that the community is prepared and equipped to survive impending disasters, such as wildland fires, coastal and stream flooding, and earthquakes.
7. Maintaining and enhancing existing infrastructure, including roads, sidewalks, power lines, and water, sewer, and storm drain facilities.
8. Investing in sustainable infrastructure improvements that reduce the long-term use of water, energy, and financial resources.
9. Improving and diversifying Hayward’s economy by making regulations and permit procedures more business-friendly, supporting local entrepreneurship, developing a

- college-town economy, enhancing the image of the City, and improving business attraction, retention, and expansion efforts.
10. Supporting the revitalization of underutilized commercial centers and corridors.
  11. Encouraging private-sector investment that transforms Downtown Hayward into a safe, vibrant, and prosperous arts and entertainment district that offers enhanced shopping, dining, and cultural experiences for residents, families, college students, and visitors.
  12. Transforming Hayward into more of a college town by supporting more student and faculty housing, encouraging businesses that cater to college students, developing better “town-gown” relationships, creating research and development partnerships, and promoting events and festivals that foster college culture and a sense of college and community pride.
  13. Creating a more balanced and multi-modal transportation system that provides more convenient and safe options and choices for commuting and everyday trips.
  14. Preserving and enhancing Hayward’s baylands, hillsides, local parks, trails, and regional parks to protect environmental resources, enhance quality of life, and provide opportunities to live an active outdoor lifestyle.
  15. Supporting sustainable lifestyles and developments to reduce resource consumption and greenhouse gas emissions.

Therefore, the City of Hayward finds that the significant and unavoidable impacts associated with adoption of the Hayward 2040 General Plan Project are acceptable in light of the above benefits.

III. General Plan Land Use Map Changes. Based on the foregoing findings, the City Council hereby approves the land use changes for certain properties within the Planning Area set forth in Exhibit “A”,

IV. Mitigation Measures. The City Council also finds that the proposed mitigations set forth in the EIR and the accompanying Mitigation Monitoring and Reporting Program will reduce some of the environmental impacts of the Project to a less than significant level. The City Council accordingly approves the mitigation measures and Mitigation Monitoring and Reporting Program, as set forth in attached Exhibit "B".

V. Administrative Record. A copy of the EIR, staff reports and communications to the Planning Commission and City Council are on file in the office of the City Clerk. In addition, other documents comprising the administrative record on this matter are on file in the office of the Development Services Department.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

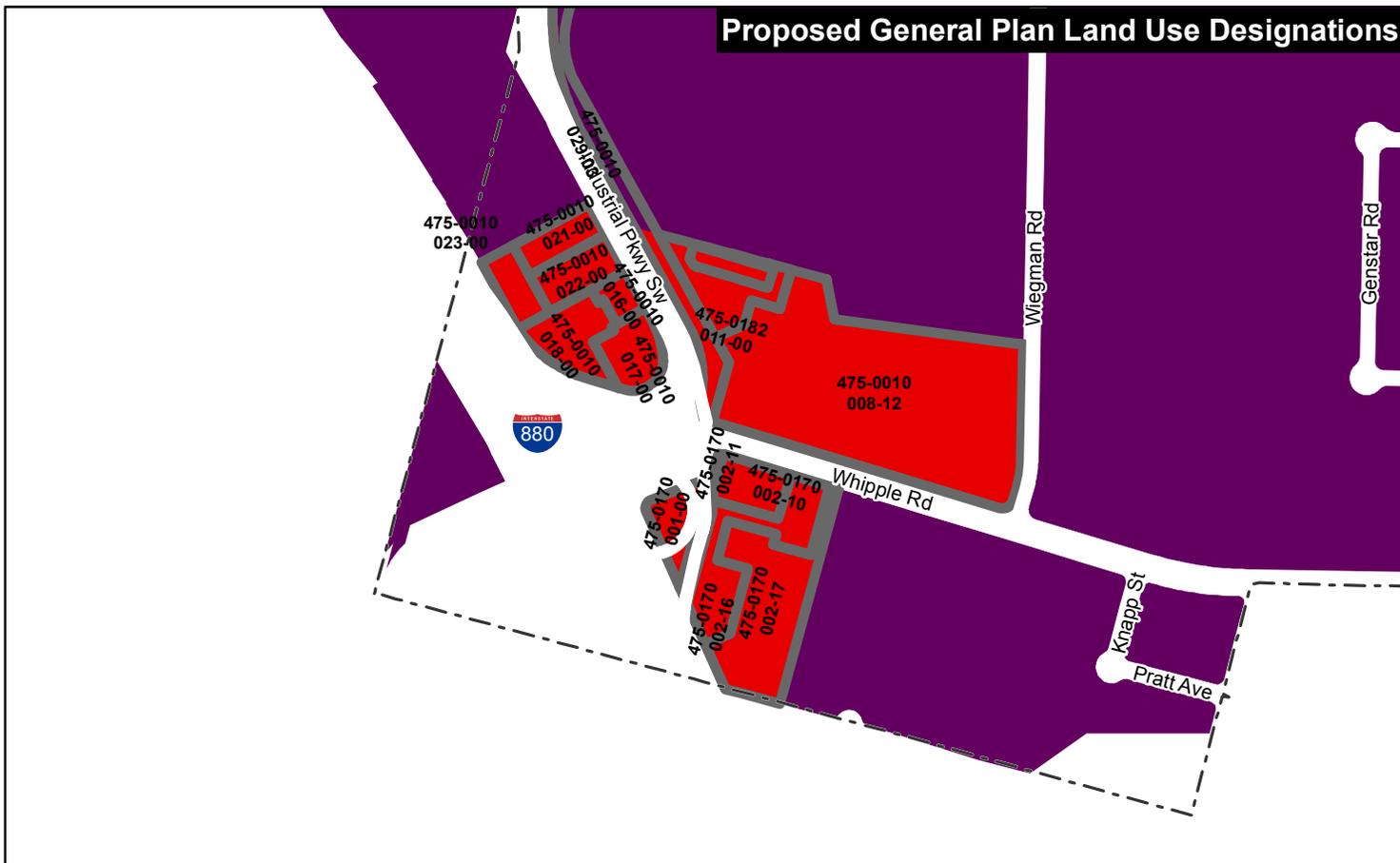
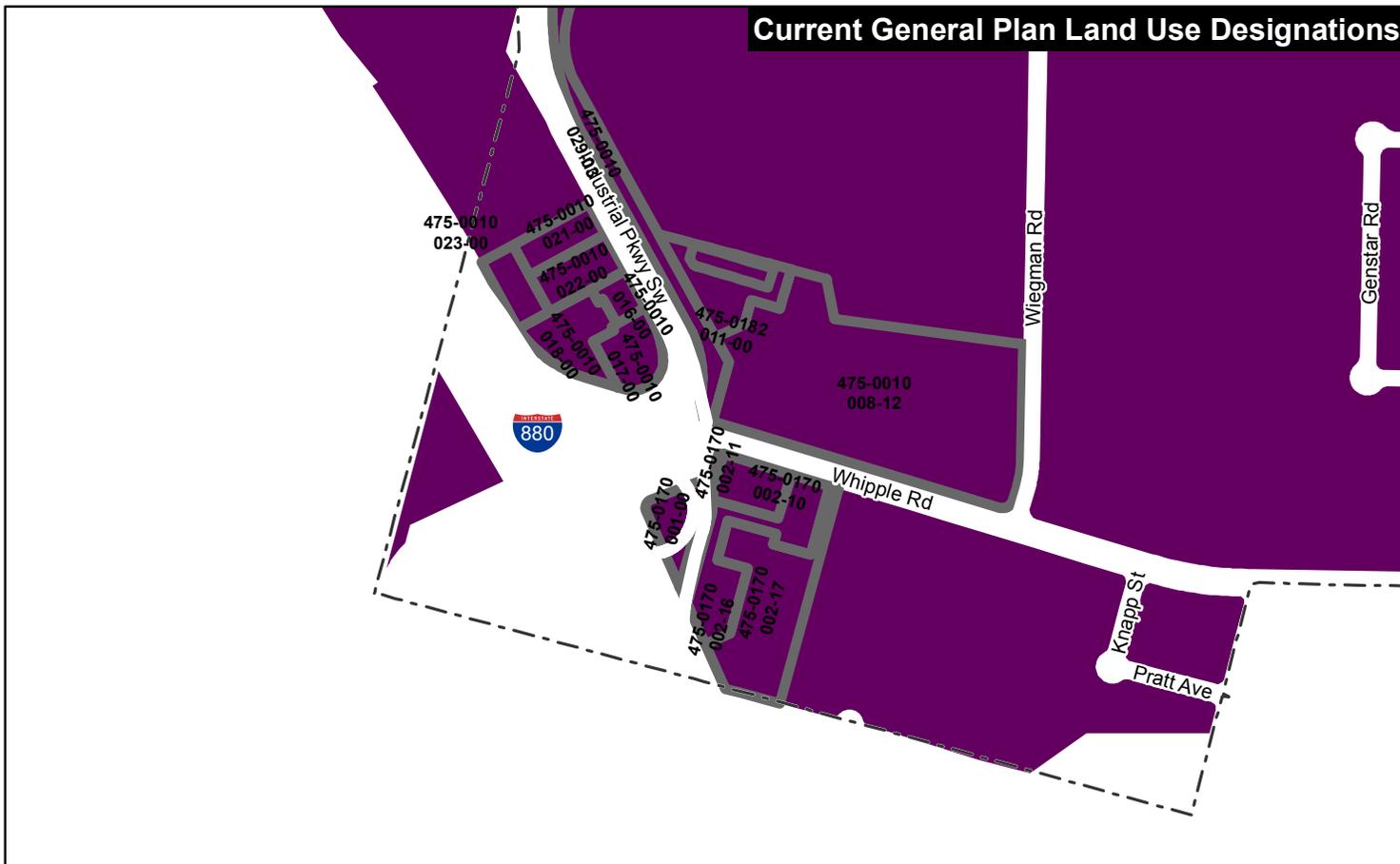
APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



# General Plan Land Use Comparisons

0 200 400 Feet

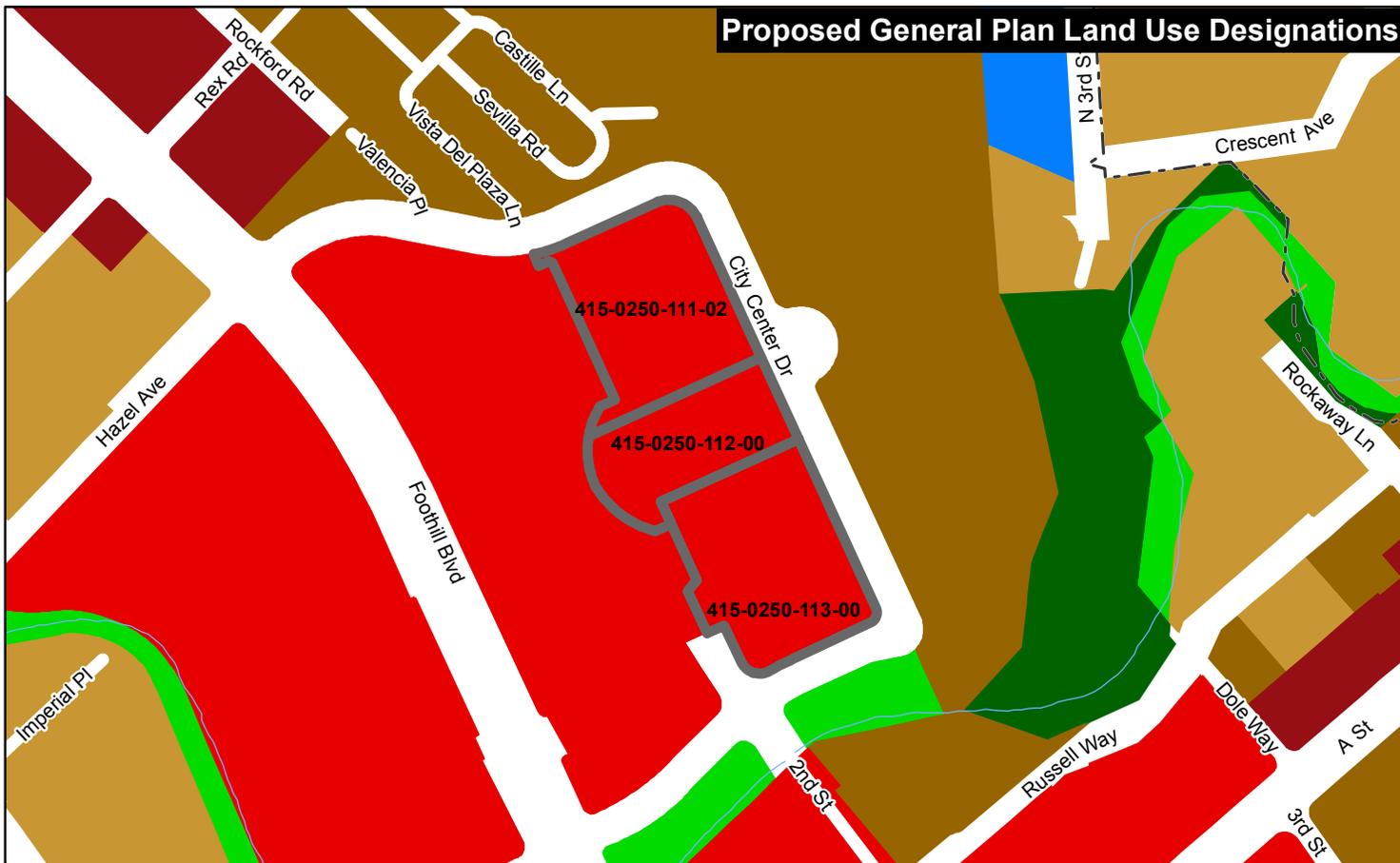
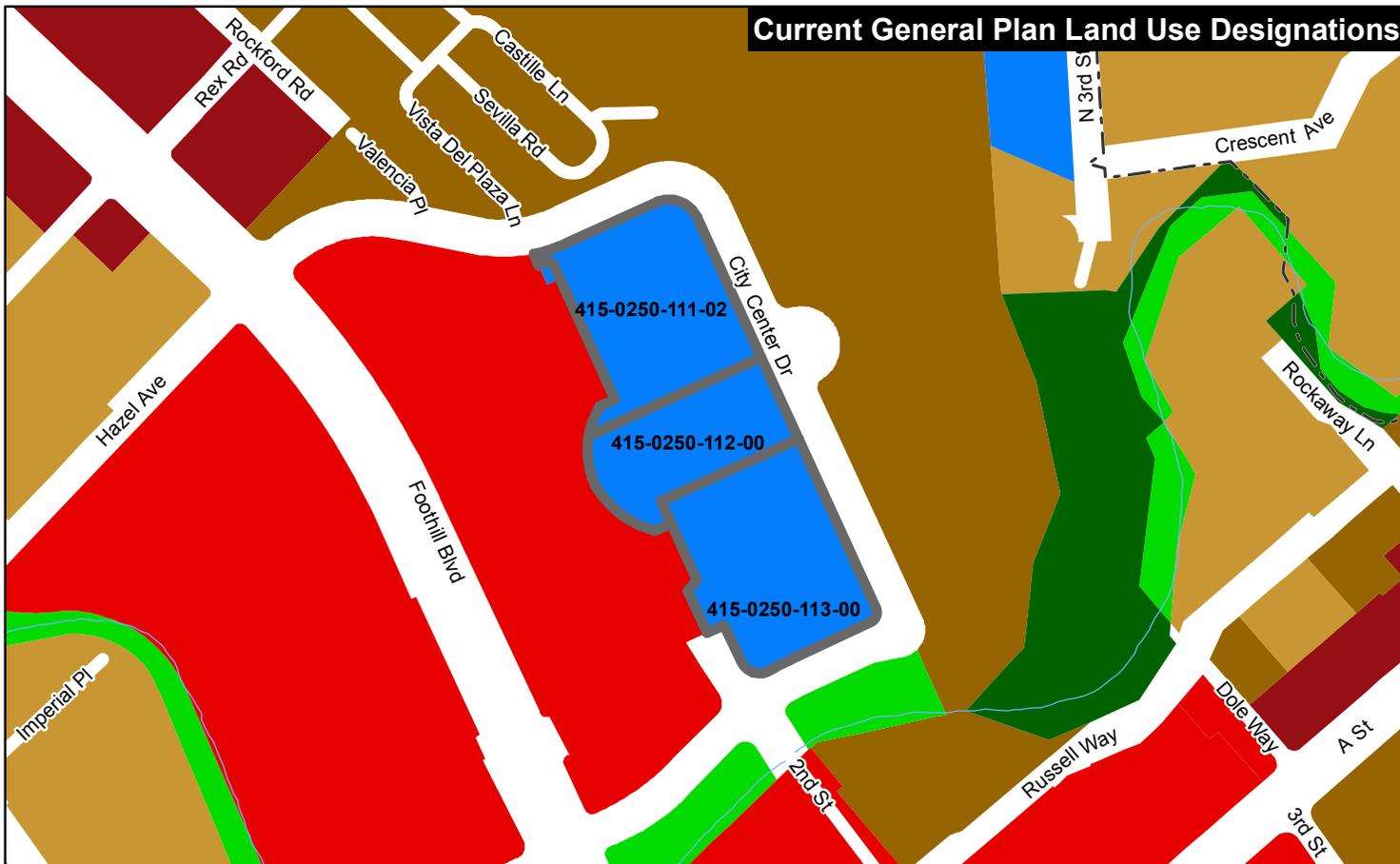
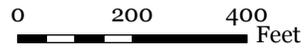


Parcels in question
  Industrial Corridor
  Retail and Office Commercial

March, 2014



# General Plan Land Use Comparisons



Parcels in question
  Public/Quasi-Public
  107 Central City – Retail and Office Commercial

## MITIGATION MONITORING CHECKLIST--HAYWARD 2040 GENERAL PLAN

The environmental mitigation measures listed in column two below have been incorporated into the conditions of approval for Hayward 2040 General Plan in order to mitigate identified environmental impacts. A completed and signed chart will indicate that each mitigation requirement has been complied with, and that City and state monitoring requirements have been fulfilled with respect to Public Resources Code section 21081.6.						
IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
<i>AIR QUALITY</i>						
<p><b>Impact 7-1: Conflict With or Obstruct Implementation of Applicable Air Quality Plans.</b> The proposed General Plan would be substantially consistent with all applicable control measures in the Bay Area 2010 Clean Air Plan. However, the proposed General Plan would still have significant and unavoidable impacts associated with short-term construction and long-term operational emissions, as well as health risk exposure associated with toxic air contaminants and PM<sub>2.5</sub>, as noted under Impacts 7-2, 7-3, and 7-4. Because the proposed General Plan exceeds the District's air quality thresholds of significance, the proposed General Plan would not be considered to be fully consistent with the Clean Air Plan goals. This would be a <b>significant impact</b>.</p>	<p><b>Mitigation 7-1.</b> There are no additional measures that would reduce this impact. As discussed under Impacts 7-2, 7-3 and 7-4, the identified impacts from short-term construction emissions, long-term operational emissions, and health risk exposure to TAC and PM<sub>2.5</sub> impacts would remain significant and unavoidable after application of all feasible mitigation. Therefore, in accordance with guidance from BAAQMD, the proposed General Plan would not be fully consistent with the primary goals of the Bay Area Clean Air Plan. This impact would be <b>significant and unavoidable</b>.</p>	City (General Plan policies and Bay Area 2010 Clean Air Plan Control Measures in EIR Table 7.1)	City	Ongoing; prior to individual project approval		
<p><b>Impact 7-2: Short-Term Construction Emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>.</b> Implementation of the proposed General Plan would involve construction of development projects that would result in the temporary generation of ROG and NO<sub>x</sub> (ozone precursors), and PM<sub>10</sub> and PM<sub>2.5</sub> (criteria pollutant) emissions from site preparation (e.g., excavation, grading, and clearing), off-road equipment, material import/export, worker commute exhaust emissions, paving, and other miscellaneous</p>	<p><b>Mitigation 7-2.</b> There are no additional measures available that would reduce impacts from short-term construction emissions. All feasible construction emission reduction measures have been incorporated into the proposed General Plan. Therefore, this impact would remain <b>significant and unavoidable</b>.</p>	City (General Plan policies in EIR Table 7.3)	City	Ongoing; prior to individual project approval		

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activities. Emissions from individual construction projects could exceed BAAQMD's project-level significance thresholds. This would be a <b>significant impact</b> .						
<b>Impact 7-3: Long-Term Operational Emissions of ROG, NO<sub>x</sub>, CO, PM<sub>10</sub> and PM<sub>2.5</sub>.</b> Project-related operational emissions of the ozone precursors ROG and NO <sub>x</sub> would be reduced on an annual basis over the General Plan implementation period, as compared with existing conditions. However, operational PM <sub>10</sub> and PM <sub>2.5</sub> emissions would increase compared to baseline conditions. While the proposed General Plan would be consistent with all applicable control measures in the 2010 Bay Area Clean Air Plan, the rate of increase in VMT and vehicle trips under the proposed General Plan would be higher than the rate of population increase by 2035. Therefore, impacts associated with long-term operational emissions under the proposed General Plan would be a <b>significant impact</b> .	<b>Mitigation 7-3.</b> There are no additional measures that would substantially reduce impacts from long-term operational emissions. All feasible long-term operational emission reduction measures have been incorporated into the goals, policies and programs in the proposed General Plan. This impact would therefore be <b>significant and unavoidable</b> .	City (General Plan policies in EIR Table 7.7)	City	Ongoing; prior to individual project approval		
<b>Impact 7-4: Exposure to Toxic Air Contaminants (TACs) and Fine Particulate Matter (PM<sub>2.5</sub>).</b> Implementation of development projects consistent with the proposed General Plan could involve siting of sensitive receptors near major roadways or near major stationary sources of TAC and PM <sub>2.5</sub> emissions, as well as the siting of potential new sources of these emissions. Such actions could increase community health risk exposure associated with these emissions. While the proposed General Plan contains a Community Risk Reduction Strategy	<b>Mitigation 7-4.</b> Incorporation of specific source-reduction and receptor-oriented risk reduction measures and best management (BMPs) into the proposed General Plan (see EIR Tables 7.9 and 7.10), would further reduce impacts associated with health risk exposure to TACs and PM <sub>2.5</sub> , as part of the Community Risk Reduction Strategy. While the above-referenced source-reduction and receptor-oriented measures and BMPs would reduce health risk exposure, the overall effectiveness of these measures and	City (General Plan policies, source reduction measures, and best management practices in EIR Tables 7.8, 7.9, and 7.10)	City	Ongoing; prior to individual project approval		

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<p>consisting of goals, policies, implementation programs, and specific BMPs to reduce these risks, the effectiveness of the Strategy in reducing health risk exposure cannot be quantified at this time. Therefore, impacts associated with health risk exposure to TACs and PM<sub>2.5</sub> would be a <b>significant impact</b>.</p>	<p>BMPs in reducing communitywide health risk exposure cannot be quantified at this time, due to lack of quantification methodology and/or limited research on their effectiveness. There are no additional mitigation measures that would substantially reduce community health risk exposure to TACs and PM<sub>2.5</sub>. All feasible risk reduction measures and BMPs have been incorporated into the Community Risk Reduction Strategy contained within the proposed General Plan. Therefore, this impact would remain <b>significant and unavoidable</b>.</p>					
<p><i>NOISE</i></p>						
<p><b>Impact 15-1: Short-Term Construction Noise Levels.</b> Implementation of projects under the proposed General Plan would involve construction that would result in temporary noise generation primarily from the use of heavy-duty construction equipment. Based on modeling for typical construction activities, short-term construction-generated noise could exceed applicable standards. This would represent a <b>significant impact</b>.</p>	<p><b>Mitigation 15-1.</b> The proposed General Plan includes Goal HAZ-8; Policies HAZ-8.17, HAZ-8.20, HAZ-8.21, and HAZ-8.24; and Implementation Program HAZ 7, which establish the overall goal and intentions of the City with regards to construction-related noise. Policy HAZ-8.17 refers to a community noise control ordinance for the purposes of regulating community noise levels. The City has adopted Section 4-1.03.4 of the Municipal Code (Construction and Alteration of Structures; Landscaping Activities), which states that individual devices/pieces of construction equipment are not to exceed 83 dB at a distance of 25 feet from the source and 86 dB at any point of the property plane Monday through Saturday from 7:00 AM to 7:00 PM and Sundays from 10:00 AM to 6:00 PM, “unless otherwise provided pursuant to a duly-issued</p>	<p>City</p>	<p>City</p>	<p>Prior to individual project approval</p>		

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	<p>permit or a condition of approval.” Thus, while the code establishes specific standards to reduce construction noise from typical construction activities, it may not apply to all development projects requiring discretionary approval. However, Policy HAZ-8.24 establishes the City’s intent to develop specific construction noise standards, and Implementation Program HAZ-7 would result in the preparation and adoption of a Construction Noise Control Ordinance that would apply to all construction projects, including discretionary projects.</p> <p>Policy HAZ-8.20 establishes that a site-specific noise study may be required by the City for discretionary projects requiring land use entitlements. In addition, Policy HAZ-8.21 establishes limits on construction noise-generating activities to the less sensitive times of the day, when people are less likely to be disturbed.</p> <p>Adoption of these proposed General Plan policies and implementation program would ensure that exposure of sensitive receptors located near construction activities to excessive noise levels would be avoided or reduced to a <b>less-than-significant level</b>.</p>					
<p><b>Impact 15-2: Long-Term Traffic Noise Levels.</b> Implementation of the proposed General Plan would increase noise levels along transportation routes with nearby sensitive receptors. Proposed policies would establish noise</p>	<p><b>Mitigation 15-2.</b> The implementation of the proposed policies and standards included in EIR Tables 15.5 and 15.6 would require all new development to comply with the City’s noise standards, noise mitigation</p>	City	City	Ongoing; prior to individual project approval		

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standards for new development and require that site-specific noise studies be conducted to reduce noise exposure. However, in some instances, traffic-related noise increases could be more than 3 dB, the level typically audible to the human ear and; therefore, considered a substantial increase in noise. This would represent a <b>significant impact</b> .	<p>procedures, and sensitive land use siting policies. The proposed policies would require new projects to evaluate noise exposure and provide mitigation measures, if applicable, to reduce noise exposure at sensitive land uses and meet noise standards for the specific project type. Therefore, conducting project-level noise studies to comply with adopted noise standards would ensure that individuals are not exposed to excessive noise levels.</p> <p>Although adoption of the proposed policies would ensure that new development would comply with adopted noise standards and, therefore, would not expose new receptors to excessive noise levels, the proposed General Plan would still result in increases in traffic-related noise (i.e., increases of 3 or more dB and up to 15 dB in some areas of the City). As a result, project-generated increases in noise would result in a substantial permanent increase in community noise levels that could adversely affect existing receptors.</p> <p>Much of the City is already built out, and anticipated growth under the proposed General Plan is expected to occur as infill, primarily in PDAs located near transit stations, in the City's downtown, and along major corridors. The ability of the City to reduce adverse effects of increased traffic noise on existing receptors by either constructing sound barriers or walls, or requiring new development to construct these sound walls, is</p>					

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	<p>constrained by a number of factors. First, many existing homes and other sensitive uses front on major traffic corridors from which the increased traffic noise is generated, and construction of new sound walls would be infeasible or incompatible with these developed uses. Second, the proposed General Plan contains Policy LU-4.10 (New Sound Walls and Fences), which discourages the construction of new sound walls and fences along corridors, and encourages new developments to front corridors whenever feasible. There are no additional, feasible measures or policies that would reduce this impact. Therefore, this impact would remain <b>significant and unavoidable</b>.</p>					
<i>TRANSPORTATION AND CIRCULATION</i>						
<p><b>Impact 18-1: Project Intersection Impacts.</b> Under the 2035 Project condition, implementation of the proposed General Plan would result in traffic volumes that exceed the City standard for intersection performance. According to City guidelines, this change due to the proposed General Plan would potentially constitute a <b>'considerable' project contribution to the significant cumulative impact.</b></p>	<p><b>Mitigation 18-1.</b> Make the following intersection improvements:</p> <p><b>(a) Intersection 13: NB I-880 Ramps / Whipple Road-Industrial Parkway SW.</b> Widen to convert northbound shared through-right lane to separate northbound right turn lane and a northbound through lane. This may require additional right of way of approximately 12 feet.</p> <p>Implementation of this mitigation would reduce conditions to LOS E with 64.5 seconds of delay during the PM peak hour and reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p>	City; Caltrans	City; Caltrans	Monitoring over time as individual projects are implemented		

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	<p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes.</p> <p>These improvements to the ramp intersection would be subject to the review and approval of other jurisdictions, including Caltrans, and not solely under the jurisdiction of the City of Hayward; therefore, the mitigation would require coordination with these jurisdictions for implementation. The buildout of the General Plan would take place over many years; the City will monitor conditions as individual projects are implemented to determine when these mitigations need to be implemented. The proposed mitigations are considered to be feasible after a determination is made for fair share contribution and coordination with Caltrans and other jurisdictions as applicable. The impact is considered to be <i>less-than-significant</i>.</p>					
	<p><b>(b) Intersection 18: Industrial Boulevard / WB SR 92 ramps – Cryer St.</b></p> <p>(1) Widen to add second northbound left turn lane (which could be done with striping if 10 foot lanes allowed);</p> <p>(2) Add second receiving lane on</p>	City; Caltrans	City; Caltrans	Monitoring over time as individual projects are implemented		

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	<p>on-ramp (ramp would need reconfiguring).</p> <p>Implementation of this mitigation would reduce conditions to LOS E with 57.2 seconds of delay during the AM peak hour and reduce the impact to a less-than-significant level with the new General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. In addition, major AC Transit routes traverse this intersection, and mitigation would require coordination with AC Transit to ensure there are no impacts to bus stop locations and bus service.</p> <p>These improvements to the ramp intersection, would be subject to the review and approval of other jurisdictions, including Caltrans, and not solely under the jurisdiction of the City of Hayward; therefore, the mitigation would require coordination with other jurisdictions. The buildout of the General Plan would take place over many years; the City will monitor conditions as individual projects are implemented to determine when these mitigations need to be implemented. The proposed mitigations are considered to be feasible after a</p>					

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	determination is made for fair share contribution and coordination with Caltrans, AC Transit, and other jurisdictions as applicable. The impact is considered to be <b>less-than-significant</b> .					
	<p><b>(c) Intersection 21: Hesperian Boulevard / Industrial Parkway.</b></p> <p>(1) Widen to convert the northbound through-right lane to a third northbound through (NBT) lane and one northbound right (NBR) lane; this will require approximately 12 feet of additional right of way.</p> <p>(2) Widen to convert eastbound through-right lane (EBTR) to second eastbound thru (EBT) lane and one eastbound right (EBR) lane; this will require approximately 12 feet of additional right of way.</p> <p>(3) Widen to convert southbound through-right (SBTR) to one southbound through (SBT) lane and one southbound right (SBR) lane; this will require approximately 12 feet of additional right of way.</p> <p>(4) Add overlap phasing at NBR, EBR, SBR, and WBR movements.</p> <p>Implementation of this mitigation would reduce conditions to LOS E with 75.7 seconds of delay during the PM peak hour and reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p>	City	City	Monitoring over time as individual projects are implemented		

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	<p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes.</p> <p>In addition, this intersection is located on the Alameda Countywide Bicycle network and resides in an area of Countywide Significance as identified in the Countywide Pedestrian Plan. Also, major AC Transit routes traverse this intersection. Mitigation would require coordination with Alameda County and AC Transit to ensure there are no impacts on the bicycle network, pedestrian amenities, bus stop locations, and bus service.</p> <p>The buildout of the General Plan would take place over many years; the City will monitor conditions as individual projects are implemented to determine when these mitigations need to be implemented. The proposed mitigations are considered to be feasible after coordination with Alameda County and AC Transit. The impact is considered to be <b>less-than-significant</b>.</p>					
	<p><b>(d) Intersection 22: Santa Clara Street / Jackson Street.</b>                      (1) Widen to add a 4<sup>th</sup> westbound through lane (WBT); this will require approximately 12 feet of additional right of way.</p>	City; Caltrans	City; Caltrans	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

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	<p>(2) Widen to add a 2<sup>nd</sup> eastbound left turn lane (EBLT); this will require approximately 12 feet of additional right of way.</p> <p>(3) Widen to add a 2<sup>nd</sup> northbound through lane (NBT); this will require approximately 12 feet of additional right of way.</p> <p>(4) Widen to add a 2<sup>nd</sup> southbound through lane (SBT); this will require approximately 12 feet of additional right of way.</p> <p>Implementation of these improvements would mitigate both Project level and Cumulative level impacts, and improve conditions to LOS E with 66.9 seconds of delay during the AM peak hour, and LOS E with 91.0 seconds of delay during the PM peak hour. The mitigations would reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E conditions or return the operations to the No Project condition. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. These improvements to the intersection would be subject to the review and approval of other jurisdictions, including Caltrans, and not solely under the jurisdiction of the City of Hayward. At this time, these</p>					

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	measures are considered to be infeasible, and the impact is considered to be <b>significant and unavoidable</b> .					
	<p><b>(e) Intersection 23: Santa Clara Street / Winton Avenue.</b></p> <p>(1) Widen to reconfigure northbound approach to 2 northbound left (NBL), 1 northbound through (NBT), and 1 northbound shared through-right (NBTR); this will require approximately 12 feet of additional right of way.</p> <p>(2) Widen to reconfigure southbound approach to 1 southbound left (SBL), 2 southbound through (SBT), and 1 southbound right (SBR); this will require approximately 12 feet of additional right of way.</p> <p>(3) Widen to reconfigure westbound approach to 1 westbound left (WBL), 2 westbound through (WBT), 1 westbound shared through-right (WBTR); this will require approximately 12 feet of additional right of way.</p> <p>(4) Add overlap on all signal phases except for the northbound-right (NBR) phase.</p> <p>Implementation of this mitigation would reduce conditions to LOS E with 75.2 seconds of delay during the PM peak hour and reduce the impact to <i>less-than-significant</i> with the new General Plan Policy of allowing LOS E.</p>	City	City	Monitoring over time as individual projects are implemented		

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	<p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes.</p> <p>In addition, this intersection is located on the Alameda Countywide Bicycle network and resides in an area of Countywide Significance as identified in the Countywide Pedestrian Plan. Also, major AC Transit routes traverse this intersection. Mitigation would require coordination with Alameda County and AC Transit to ensure there are no impacts on the bicycle network, pedestrian amenities, bus stop locations, and bus service.</p> <p>The buildout of the General Plan would take place over many years; the City will monitor conditions as individual projects are implemented to determine when these mitigations need to be implemented. The proposed mitigations are considered to be feasible after coordination with Alameda County and AC Transit. The impact is considered to be <b>less-than-significant</b>.</p>					
	<p><b>(f) Intersection 25: Santa Clara St / West A St.</b>                      (1) Widen to add exclusive northbound right (NBR) at least as far back as Amador Way and widen to have dual left, convert</p>	City	City	Monitoring over time as individual projects are implemented		

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	<p>northbound shared through-right (NBTR) to northbound through (NBT) resulting in 2 northbound left (NBL) lanes, 2 northbound through (NBT) lanes, and one northbound right (NBR); this will require approximately 12 feet of additional right of way.</p> <p>(2) Add second eastbound left (EBL) lane; this will require approximately 12 feet of additional right of way.</p> <p>(3) Add another southbound through (SBT) lane; this will require approximately 12 feet of additional right of way.</p> <p>(4) Add overlap for right turns on all signal phases.</p> <p>Implementation of this mitigation would reduce conditions to LOS D with 50.4 seconds of delay during the PM peak hour and reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. In addition, this intersection is located on the Alameda Countywide Bicycle network; mitigation would require coordination with Alameda County to ensure there are no impacts to the bicycle network.</p>					

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	<p>The buildout of the General Plan would take place over many years; the City will monitor conditions as individual projects are implemented to determine when these mitigations need to be implemented. The proposed mitigations are considered to be feasible after coordination with Alameda County. The impact is considered to be <i>less-than-significant</i>.</p>					
	<p><b>(g) Intersection 31: Foothill Blvd / Mattox Rd.</b></p> <p>(1) Reconfigure the southbound (SB) off-ramp lanes to 2 southbound left (SBL) lanes, 3 southbound through (SBT) lanes, and 1 southbound right (SBR);</p> <p>(2) Add overlaps for SBR and northbound right (NBR).</p> <p>Implementation of this mitigation would reduce conditions to LOS F with 90.7 seconds of delay during the AM peak hour and to LOS E with 76.9 seconds of delay during the PM peak hour, which returns the operations to better than the No Project condition. However, significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes.</p> <p>This intersection is under the</p>	City; Alameda County	City; Alameda County	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

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	<p>jurisdiction of Alameda County. In addition, this intersection is located on the Alameda Countywide Bicycle network and resides in an area of Countywide Significance as identified in the Countywide Pedestrian Plan.</p> <p>At this time, these measures are considered to be infeasible, and the impact is considered to be <b>significant and unavoidable</b>.</p>					
<p><b>Impact 18-2: Cumulative Intersection Impacts.</b> Future growth in Hayward and the region would result in substandard intersection LOS under 2035 conditions with or without the project. According to the significance thresholds, these changes constitute a <b>significant cumulative impact</b>.</p>	<p><b>Mitigation 18-2.</b> Make the following intersection improvements:</p> <p><b>(a) Intersection 2: Mission Boulevard / A Street.</b></p> <ul style="list-style-type: none"> <li>(1) Widen to add a 4th westbound left turn lane (WBL);</li> <li>(2) Widen to add a 2nd westbound through lane (WBT);</li> <li>(3) Widen to add 2 exclusive westbound right turn lanes (WBR)</li> <li>(4) Widen to add a 2nd southbound through lane (SBT)</li> <li>(5) Widen to add a 3rd eastbound left turn lane (EBL)</li> <li>(6) Optimize signal cycle length to 115 seconds.</li> </ul> <p>Implementation of this mitigation would improve conditions to LOS E with 65.1 seconds of delay during the AM peak hour, and LOS E with 61.6 seconds of delay during the PM peak hour, and reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E</p>	City	City	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

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	<p>conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. In addition, this intersection is located on the Alameda Countywide Bicycle network and resides in an area of Countywide Significance as identified in the Countywide Pedestrian Plan. Also, major AC Transit routes traverse this intersection.</p> <p>The City has implemented Intelligent Transportation Systems (ITS) strategies at this location, including signal coordination and adaptive traffic control systems using the Sydney Coordinated Adaptive Traffic Systems (SCATS) system. These strategies could help to improve conditions and reduce impacts. However, at this time, the additional required measures are considered to be infeasible, and</p> <p>the impact is considered to be <b>significant and unavoidable</b>.</p>					
	<p><b>(b) Intersection 6: SB I-880 Ramps / A Street.</b> Reconfigure eastbound approach to 1 eastbound through (EBT) lane, 1 eastbound through-right (EBTR) lane, and 1 right (EBR) lane and optimize signal timings. Implementation of this mitigation would reduce conditions to LOS E with 79.7 seconds of delay during the AM peak hour and LOS E</p>	City; Caltrans	City; Caltrans	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

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	with 77.8 seconds of delay during the PM peak hour, and would reduce the impact to a less-than-significant level with the new General Plan Policy of allowing LOS E. These improvements to A Street would be subject to the review and approval of other jurisdictions, including Caltrans, and not solely under the jurisdiction of the City of Hayward; therefore, until Caltrans (and other jurisdictions as applicable) approve the mitigation, the mitigation is considered to be infeasible, and the impact is considered to be <b>significant and unavoidable</b> .					
	<b>(c) Intersection 8: Mission Boulevard / Carlos Bee Boulevard.</b> Optimize signal cycle length to 115 seconds. Implementation of this mitigation would reduce conditions to LOS E with 73.8 seconds of delay during the PM peak hour and reduce the impact to a <b>less-than-significant level</b> with the new General Plan Policy of allowing LOS E.	City	City	Monitoring over time as individual projects are implemented		
	<b>(d) Intersection 11: Mission Boulevard / Industrial Parkway.</b> (1) Widen to add a 3 <sup>th</sup> southbound through lane (SBT); this will require approximately 12 feet of additional right of way. (2) Restripe the southbound shared through-right lane as a southbound right turn lane (SBR). (3) Optimize signal cycle length to 115 seconds.  Implementation of this mitigation would improve conditions to LOS E with 79.3 seconds of delay during the	City	City	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>AM peak hour, and LOS E with 57.5 seconds of delay during the PM peak hour, and reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E conditions during the AM peak hour. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. In addition, this intersection resides in an area of Countywide Significance as identified in the Countywide Pedestrian Plan, and major AC Transit routes traverse this intersection.</p> <p>At this time, these measures are considered to be infeasible, and the impact is considered to be <b>significant and unavoidable</b>.</p>					
	<p><b>(e) Intersection 12: Industrial Parkway SW / Industrial Parkway.</b></p> <p>(1) Restripe the westbound shared through-right lane as a westbound right turn lane (WBR).            (2) Widen to add 2<sup>nd</sup> and 3<sup>rd</sup> westbound through lanes (WBT); this will require approximately 24 feet of additional right of way.</p>	City	City	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>(3) Restripe the eastbound shared through-right lane as an eastbound right turn lane (EBR).                      (4) Widen to add 2<sup>nd</sup> and 3<sup>rd</sup> eastbound through lanes (EBT); this will require approximately 24 feet of additional right of way.                      (5) Widen to add a 2<sup>nd</sup> southbound through lane (SBT); this will require approximately 12 feet of additional right of way.                      (6) Restripe the southbound shared through-right lane as a southbound right turn lane (SBR).                      (7) Widen to add a 2<sup>nd</sup> northbound through lane (NBT); this will require approximately 12 feet of additional right of way.                      (8) Optimize signal cycle length to 95 seconds.</p> <p>Implementation of this mitigation would improve conditions to LOS D with 45.8 seconds of delay during the AM peak hour, and LOS E with 74.2 seconds of delay during the PM peak hour, and reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. In addition, this intersection resides in an area of</p>					

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>Countywide Significance as identified in the Countywide Pedestrian Plan.</p> <p>At this time, these measures are considered to be infeasible, and the impact is considered to be <b>significant and unavoidable</b>.</p>					
	<p><b>(f) Intersection 14: SB I-880 / Industrial Parkway.</b></p> <p>(1) Provide an additional receiving lane on the west side of the intersection to allow overlap phase for southbound right turn lane; this will require approximately 12 feet of additional right of way.</p> <p>(2) Widen to add 3<sup>rd</sup> westbound through lane (WBT); this will require approximately 12 feet of additional right of way.</p> <p>(3) Widen to add 3<sup>rd</sup> eastbound through lane (EBT); this will require approximately 12 feet of additional right of way.</p> <p>Implementation of this mitigation would improve conditions to LOS D with 54.6 seconds of delay during the AM peak hour, and LOS D with 54.9 seconds of delay during the PM peak hour, and reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and</p>	City; Caltrans	City; Caltrans	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. In addition, these improvements to the intersection would be subject to the review and approval of other jurisdictions, including Caltrans, and not solely under the jurisdiction of the City of Hayward.</p> <p>At this time, these measures are considered to be infeasible, and the impact is considered to be <b>significant and unavoidable</b>.</p>					
	<p><b>(g) Intersection 15: Hesperian Boulevard / EB SR 92 Ramps.</b>                      (1) Widen to add 3<sup>rd</sup> northbound through lane (NBT); this will require approximately 12 feet of additional right of way.                      (2) Widen to add 2<sup>nd</sup> eastbound left turn lane (EBL) ; this will require approximately 12 feet of additional right of way.</p> <p>Implementation of this mitigation would improve conditions to LOS B with 19.0 seconds of delay during the AM peak hour, and LOS D with 50.1 seconds of delay during the PM peak hour, and reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way</p>	City; Caltrans	City; Caltrans	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. In addition, these improvements to the intersection would be subject to the review and approval of other jurisdictions, including Caltrans, and not solely under the jurisdiction of the City of Hayward.</p> <p>At this time, these measures are considered to be infeasible, and the impact is considered to be <b>significant and unavoidable</b>.</p>					
	<p><b>(h) Intersection 16: Hesperian Boulevard / WB SR 92 Ramps.</b></p> <p>(1) Widen to add 3<sup>rd</sup> southbound through lane (SBT); this will require approximately 12 feet of additional right of way.</p> <p>(2) Widen to add 2<sup>nd</sup> eastbound left turn lane (EBL); this will require approximately 12 feet of additional right of way.</p> <p>(3) Widen to add separate eastbound right turn lane (EBR); this will require approximately 12 feet of additional right of way.</p> <p>(4) Provide overlap phase for eastbound right turn lane.</p> <p>Implementation of this mitigation would improve conditions to LOS E with 60.4 seconds of delay during the AM peak hour, and LOS B with 13.6 seconds of delay during the PM peak hour, and reduce the impact to a <i>less-than-significant level</i> with the new</p>	City; Caltrans	City; Caltrans	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. In addition, major AC Transit routes traverse this intersection. Also, these improvements to the intersection would be subject to the review and approval of other jurisdictions, including Caltrans, and not solely under the jurisdiction of the City of Hayward.</p> <p>At this time, these measures are considered to be infeasible, and the impact is considered to be <b>significant and unavoidable</b>.</p>					
	<p><b>(i) Intersection 17: Industrial Parkway / EB SR 92 Ramps &amp; Sleepy Hollow Avenue.</b></p> <p>(1) Widen to add 2<sup>nd</sup> southbound through lane (SBT); this will require approximately 12 feet of additional right of way.</p> <p>(2) Widen to add separate southbound right turn lane (SBR); this will require approximately 12 feet of additional right of way.</p> <p>(3) Widen to add 2<sup>nd</sup> eastbound right turn lane (EBR); this will require approximately 12 feet of additional right of way.</p>	City; Caltrans	City; Caltrans	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

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		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>Implementation of this mitigation would improve conditions to LOS C with 24.3 seconds of delay during the AM peak hour, and LOS E with 61.0 seconds of delay during the PM peak hour, and reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. In addition, these improvements to the intersection would be subject to the review and approval of other jurisdictions, including Caltrans, and not solely under the jurisdiction of the City of Hayward.</p> <p>At this time, these measures are considered to be infeasible, and the impact is considered to be <b>significant and unavoidable</b>.</p>					
	<p><b>(j) Intersection 24: Hesperian Boulevard / West Winton Avenue.</b></p> <p>(1) Widen to add 2<sup>nd</sup> westbound left turn lane (WBL); this will require approximately 12 feet of additional right of way.</p> <p>(2) Optimize signal with a 105 second cycle length.</p>	City	City	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

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		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>Implementation of this mitigation would improve conditions to LOS E with 63.3 seconds of delay during the AM peak hour, and LOS E with 69.6 seconds of delay during the PM peak hour, and reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. In addition, major AC Transit routes traverse this intersection.</p> <p>At this time, these measures are considered to be infeasible, and the impact is considered to be <b>significant and unavoidable</b>.</p>					
	<p><b>(k) Intersection 26: Mission Boulevard / Sunset Boulevard.</b></p> <p>(1) Widen to add a separate southbound left turn lane (SBL); this may require approximately 12 feet of additional right of way.</p> <p>(2) Widen to add a separate northbound left turn lane (NBL); this may require approximately 12 feet of additional right of way.</p> <p>(3) Widen to add a separate eastbound left turn lane (EBL); this may require approximately 12 feet of additional right of way.</p>	City	City	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>(4) Widen to add a separate westbound left turn lane (WSBL); this may require approximately 12 feet of additional right of way.</p> <p>(5) Optimize signal with a 105 second cycle length.</p> <p>Implementation of this mitigation would improve conditions to LOS D with 35.2 seconds of delay during the AM peak hour, and LOS E with 73.7 seconds of delay during the PM peak hour, and reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. In addition, this intersection resides in an area of Countywide Significance as identified in the Countywide Pedestrian Plan, and major AC Transit routes traverse this intersection.</p> <p>At this time, these measures are considered to be infeasible, and the impact is considered to be <i>significant and unavoidable</i>.</p>					
	<p><b>(I) Intersection 29: Mission Boulevard / D Street.</b></p> <p>(1) Widen to add 4<sup>th</sup> southbound through lane (SBT); this may</p>	City	City	Monitor as part of General Plan annual progress report, to consider		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>require approximately 12 feet of additional right of way. (2) Optimize signal with a 120 second cycle length.</p> <p>Implementation of this mitigation would improve conditions to LOS E with 60.1 seconds of delay during the AM peak hour, and LOS E with 79.5 seconds of delay during the PM peak hour, and reduce the impact to a <i>less-than-significant level</i> with the new General Plan Policy of allowing LOS E.</p> <p>Significant improvements would be required to maintain LOS E conditions. Widening and increasing capacity could require right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. In addition, this intersection resides in an area of Countywide Significance as identified in the Countywide Pedestrian Plan, and major AC Transit routes traverse this intersection.</p> <p>The City has implemented ITS strategies at this location, including signal coordination and adaptive traffic control systems using the SCATS system. These strategies could help to improve conditions and reduce impacts. However, at this time, the additional required measures are considered to be infeasible, and the impact is considered to be <b><i>significant and unavoidable</i></b>.</p>			whether mitigation is feasible		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE (Performance Criteria)	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p><b>(m) Intersection 40: Hesperian Boulevard / Tennyson Road.</b> Widen to reconfigure to 1 northbound left (NBL) lane, 3 northbound through (NBT) lanes, and 1 northbound right (NBR) lane. Implementation of this mitigation would reduce conditions to LOS E with 78.0 seconds of delay during the PM peak hour. In addition, this intersection resides in an area of Countywide Significance as identified in the Countywide Pedestrian Plan, and major AC Transit routes traverse this intersection. At this time, this mitigation is considered to be infeasible because widening and increasing capacity could require significant right-of-way acquisition and could impact the pedestrian and bicycle access and circulation at this location, which does not support the proposed General Plan policies and programs supporting alternative modes. As a result this impact is considered to be <b>significant and unavoidable</b>.</p>	City	City	Monitor as part of General Plan annual progress report, to consider whether mitigation is feasible		

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
<b>March 8, 2014 Open House Comments</b>					
OH 1.01	Conversation and noise level in the rotunda during the Open House made it difficult to hear the presentation. Benches selected for City Hall and Downtown accumulate water and do not drain well. Business signs on street poles are causing blight. Downtown sidewalks are cracking due to poor construction and maintenance.	Comments noted. Submitted comments did not recommend specific changes to the Policy Document.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 2.01	Support community health and reduce health disparities by ensuring that Hayward's housing stock is well maintained, safe, and healthy.	The goals and policies of the Community Health and Quality of Life Element address the comment. Specifically, Policy HQL-1.6 states: <i>The City shall address health inequities in Hayward by striving to remove barriers to healthy living, avoiding disproportionate exposure to unhealthy living environments, and providing a high quality of life for all residents, regardless of income, age, or ethnicity.</i> In addition, the policies associated with Goal 1 of the Housing Element address the preservation of the existing housing stock in Hayward including Program H-3 related to the Residential Rental Inspection Program which aims to safeguard the stock of safe, sanitary rental units within the City.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 3.01	Goal PFS-5 is outdated and reflects a poor understanding of current regulatory requirements and practices to develop and redevelop land to mimic natural hydrologic cycles.	When considering the policies associated with Goal PFS-5, staff believes that the Policy Document does reflect best practices related to stormwater drainage, including green stormwater infrastructure (see Policy PFS-5.4), practices to enhance recreation and habitat along storm drainage facilities (see Policy PFS 5.8), and rainwater harvesting (see Policy PFS-5.9).	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 4.01	The commenter is pleased with the topics and priorities of the plan. The redevelopment of the Mission Boulevard corridor is vitally needed. The protection of the hillsides is important. Economic retention and growth is vital to achieving the vision. Improvements to traffic flow would be appreciated to reduce fuel consumption.	Policy LU-2.12 and LU-2.13 address the Mission Boulevard Corridor. The policies under Goal LU-7 address hillside development. Goal ED-3 addresses business retention and expansion. The policies under Goal M-4 and Program M-9 address improving traffic flow.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
OH 5.01	Eldridge Elementary School needs to get rebuilt and needs new computers.	The policies under Goal EDL-3 address coordination with the school district, which is responsible for the maintenance and rehabilitation of schools, to improve school facilities and amenities.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 6.01	Question: Where are you addressing the need to bring jobs to the area so fewer people have to commute?	The Economic Development element provides goals and policies to expand job opportunities through local entrepreneurship (Goal ED-2) and business expansion and retention (Goal ED-3). In addition, Policy LU-1.1 in the Land Use Element addresses the need to improve the jobs-housing balance of the City.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 6.02	Outside of the Downtown, the City has limited transit opportunities and transit service is infrequent.	Policy M-7.3 in the Mobility Element addresses collaboration with both BART and AC Transit to expand both short-term and long-term transit opportunities.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 6.03	The Downtown Loop conflicts with pedestrian and walking goals of the plan. The Loop makes walking frightening and dangerous due to narrow sidewalks, high-speed corners, and long crossings.	The loop was planned, designed and constructed under the policy direction of the 2002 General Plan. The policies under Goal M-3, Complete Streets, will require the City to consider all modes of transportation when making future changes to the roadway network.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 6.04	Question: Where are you addressing the need for parks near housing without back-yards?	The policies under Goal LU-3, Complete Neighborhoods, promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities including parks and community centers.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 6.05	Priority #1: Bring jobs to Downtown.	Policies LU-2.1 through LU-2.7 and Programs LU-4 and LU-5 address improvement to Downtown Hayward, including job growth. In addition, policies in the Economic Development element address job growth. (See response to comment OH 6.01)	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 6.06	Build bulb-outs and signals that favor pedestrians over cars.	Policies under Goals M-3 and M-5 will require the City to consider all modes of transportation including pedestrian circulation when making future changes to intersections or the roadway network.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
OH 6.07	Create an entertainment zone in Downtown, move liquor licenses away from neighborhoods, and hire security to patrol Downtown.	Policy LU-2.1 specifically addresses the creation of a downtown arts and entertainment district. The future preparation of a Downtown Specific Plan (Program LU-4) will also address this. In regards to liquor licenses, those are regulated by the Department of Alcohol and Beverage Control and are subject to concentration requirements. Also, the City revised its alcohol establishment regulations in late 2013, establishing basic operating standards for alcohol establishments and funding for additional oversight of alcohol establishments by Hayward's Police Department. In regards to downtown safety, Goal CS-1 addresses issues of safety generally. Safety issues related to Downtown will be considered as part of the future Downtown Specific Plan.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 7.01	Open House was well planned and had attractive and informative displays and presentation. Staff and volunteers were friendly and helpful. Job well done.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 8.01	The commenter would like to see Guiding Principle 6 happen, but it seems extremely difficult.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 8.02	Guiding Principles 7 and 8 are the favorite principles of the commenter.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 8.03	The commenter is interested in the Draft EIR.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 9.01	Affordable housing for low-income households, disabled persons, and the elderly needs to be improved.	Policies under Goals H-2, H-5 and H-6 of the Housing Element address equal housing opportunities for all persons, including affordable housing and housing for persons with special needs.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 9.02	Seeing boarded-up homes on B Street is very sad.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document. However, the future preparation of a Downtown Specific Plan (Program LU-4) may consider ways to reduce this.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
OH 9.03	Comment about trash and property maintenance issues related to a specific property in the City.	Specific comment has been forwarded to Code Enforcement for follow-up. Policy ED-5.4 directs the City to maintain community appearance programs addressing such issues as graffiti, abandoned vehicles, illegal dumping, weed abatement, property maintenance, illegal signs, etc.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 10.01	Extend the Retail/Office Commercial designation along Industrial Parkway (north of Whipple and Industrial SW) to take advantage of potential land use changes on large properties.	The policies under Goal LU-6 were written to preserve the Industrial Corridor. The proposed land use changes in this area were intended to be reflective of current development patterns. Program LU-11 would prepare a Specific or Master Plan for the Industrial Technology and Innovation Corridor. This plan could consider potential land use changes. Additional land use changes would be considered as part of any future development proposals.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 11.01	Comments support changing Hayward into a series of self-reliant village-towns that are similar to European communities.	Comments noted. These comments reflect ideas that are substantially different from the vision that was developed for the Hayward General Plan via extensive community outreach. Nonetheless, policies under Goal LU-3, Complete Neighborhoods, promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities including parks, community centers, religious institutions, day care centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 12.01	Comments are related to preserving and improving Downtown properties (Post Office, Old City Hall, Mervyns site, and Safeway property), reversing the Loop, improving the Chamber of Commerce, providing more elderly housing, and not wasting tax payer money.	Policies under Goal LU-8 address the preservation of historic resources. Policies under Goal H-6 of the Housing Element address housing for persons with special needs including seniors. Policies LU-2.1 through LU-2.7 and Programs LU-4 and LU-5 address improvements to Downtown Hayward, including the preparation of a new Downtown Specific Plan, of which the City Center and former Mervyn's headquarters sites are a part.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
OH 13.01	Commenter likes Goals EDL-4, EDL-5 and EDL-6.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 13.02	Commenter noted various problems with their rental housing, including mold, old carpet, poor insulation, and code issues with stairs. More affordable housing for disabled individuals is needed in Hayward.	Policy H-1.1 of the Housing Element directs Code Enforcement to enforce adopted code requirements that set forth acceptable health and safety standards for housing units. Program H-3 in the Housing Element addresses to the Residential Rental Inspection Program which aims to safeguard the stock of safe, sanitary rental units within the City. In addition, Policy HQL-7.6 addresses coordination with Alameda County related to mold and lead issues in housing units. Policies under H-6 of the Housing Element address housing for persons with special needs.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 14.01	Commenter is impressed with the area and the work of planners.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 15.01	The key problems are crime (Cherryland and Kelly Hill area) and poor reputation of schools.	Policies in the Community Safety Element address crime and public safety issues and policies Under Goal EDL-2 in the Education and Lifelong Learning Element address reputation of public schools.	Staff does not recommend any changes.	<p>The Planning Commission recommends the addition of language to ensure coordination with other law enforcement agencies for unincorporated areas within the City's Planning Area. Staff recommends the following changes to Policy CS-2.10 to address this concern:</p> <p><b>CS 2.10 Cooperative Delivery of Services</b></p> <p>The City shall coordinate with local, State, and Federal law enforcement agencies to <u>maintain mutual aid agreements and to promote local and regional cooperation in the delivery of law enforcement services to the city and the unincorporated areas within the City's Planning Area.</u> <del>and to maintain mutual aid agreements.</del> [Source: New Policy; City Staff] (IGC)</p>	
OH 16.01	Commenter requested that the City send them a copy of Figure 5-6 and Table 5-6.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document. Documents provided as requested.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
OH 17.01	The bus route timing to Downtown BART is off and causes rider to miss trains to San Francisco.	Policies M-7.1 through M-7.5 direct the City to coordinate with BART, AC Transit and other transit providers to meet the transit needs of the Hayward community.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
OH 18.01	City needs map showing all of the street names.	In general, the maps in the General Plan depict citywide issues and conditions and only major streets are labeled. Adding more street names would make the maps difficult to read at their printed scale. The final General Plan will be in html format on the City's webpage and will be easier to incorporate all street names on these versions.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
<b>March 13, 2014 Planning Commission Work Session Comments</b>					
PC 8	Concern raised about misleading chart on page 2-1 of the Policy Document and inappropriate use of a photograph from San Francisco on page 2-18.	Comment noted.	Staff will modify the chart and replace the photo in the final version of the document.	The Planning Commission recommends Staff's proposed changes.	
PC 11	The language of some of the policies such as ED-2.5 in the policy document needs to be written so that it will transcend over time.	Comment noted. Policy ED-2.5 will be modified.	<b><u>ED-2.5—Community-Operated Workspaces, Hacklabs, Hackerspaces, and Makerspaces</u></b>  The City shall encourage the development of community-operated workspaces where people with common interests can meet, collaborate, and develop their business ideas and products (e.g. hacklabs, hackerspaces, or makerspaces). <i>[Source: New Policy; GPUTF] (PI/JP)</i>	The Planning Commission recommends Staff's proposed changes.	
<b>March 18, 2014 City Council Work Session Comments</b>					
CC 1	The General Plan needs to address the obligation that the Air Quality Management District has in monitoring air quality in the local area.	Policies under Goal NR-2 address air quality issues. Specific policies that address coordination with the Air Resources Board and the Bay Area Air Quality Management District include Policy NR-2.1, NR-2.3, NR-2.7, NR-2.13, and NR-2.17.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
CC 2	Protecting commercial property will lead to local job creation.	The proposed General Plan does not re-designate commercial properties to non-commercial uses. In addition, the Economic Development element provides goals and policies to expand job opportunities.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
CC 3	Consider developing an impact fee structure that would recognize that developments have an impact on traffic and air quality.	Comment noted. Staff recommends adding an Implementation Program to Table M in part 4 of the Policy Document to address transportation impacts of future development.	<p><b>M-23. Transportation Impact Fees.</b> The City shall prepare a Development Impact Fee Feasibility Study and Nexus Report to assess the potential for establishing development impact fees for local transportation improvements, and if deemed appropriate by City Council, regional transportation improvements. Based on the findings of the Feasibility Study and Nexus Report and direction from the City Council, the City may prepare and adopt an Impact Fee Ordinance for transportation improvements. <i>[Source: New Program; City Council] (RDR/FB)</i></p> <p><b>Implements Which Policy(ies):</b> M-4.1, M-4.2, M-4.4</p> <p><b>Responsible Department(s):</b> Public Works-Engineering and Transportation, Development Services,</p> <p><b>Supporting Department(s)/Partner(s):</b> Finance, City Manager</p> <p><b>Funding Source(s):</b> General Fund, Grants</p> <p><b>Timeframe:</b> 2017-2019</p>	The Planning Commission recommended that the City Council consider using Transportation Impact Fees to fund Transportation Demand Management Programs. Staff noted that this comment would be passed on to the Council.	
CC 4	Consider adding bicycle lanes on Hesperian Boulevard.	Bicycle lanes are planned along some portions of Hesperian Boulevard. Unfortunately there is insufficient right-of-way width to accommodate a bicycle lane along the entirety of Hesperian Boulevard. The Public Works – Engineering and Transportation Division is exploring the possibility of making remaining portions of Hesperian a bike route, which would be appropriately addressed in the City's Capital Improvement Program. Policy LU-4.12 directs the preparation of a Hesperian Boulevard College Corridor Plan that may explore this further.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
CC 5	Provide Council with a list of proposed zone changes in the General Plan.	Maps showing proposed General Plan land use changes were provided to City Council as requested. Zone changes will be done with the Comprehensive Zoning Ordinance Update in FY15-16.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
CC 6	Consider having neighborhood-serving commercial retail with residential.	Policies under Goal LU-3, Complete Neighborhoods, promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities, including parks, community centers, religious institutions, day care centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
CC 7	Consider noise and pollution issues.	Policies under Goal HAZ-8 address noise and ground vibration issues. Policies under Goal NR-2 address air quality issues.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
<b>March 18, 2014 Letter from Alameda County Airport Land Use Commission</b>					
L 2.1	Recommended changes to policy language to better reflect the City's responsibility when considering development proposals.	Comment noted. Staff recommends modifying Policy HAZ-7.1 to include language as recommended by the commenter.	<p>Staff recommended the following changes in the Planning Commission public hearing staff report:</p> <p><b>HAZ-7.1 Land Use Safety Compatibility and Airspace Protection Criteria</b>                      The City shall <u>consult the Hayward Executive Airport's Airport Land Use Compatibility Plan (ALUCP) unless it is overruled by the Hayward City Council, for specific criteria for</u> <del>consider</del> land use safety and airspace protection when evaluating development applications within the Airport <del>Safety Zones</del> <u>Influence Area</u> of the Hayward Executive Airport. <i>[Source: New Policy, City Staff] (RDR)</i></p>	<p>During the public hearing, Staff presented additional recommended changes to HAZ-7.1 to the Planning Commission:</p> <p><b>HAZ-7.1 Land Use Safety Compatibility and Airspace Protection Criteria</b>                      The City shall consider <u>all applicable federal statutes (including 49 U.S.C. 47107), federal regulations (including 14 Code of Federal Regulations 77 et seq.), the FAA's Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and state law, with respect to criteria related to land use safety and airspace protection when evaluating development applications within the Airport</u> <del>Safety Zones</del> <u>Airport Influence Area</u> of the Hayward Executive Airport. <i>[Source: New Policy, City Staff] (RDR)</i></p> <p>The Planning Commission recommends Staff's proposed changes.</p>	

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L2.2	Include a specific mechanism in General Plan Policy M-10.2, such as a Zoning Ordinance Overlay Zone with compatibility criteria for parcels within the Airport Influence Area, so that the City can consistently apply Policy M-10.2.	Comment noted. Staff recommends modifying Policy M-10.2 to be consistent with language included in Policy HAZ-7.2 and to reference Policy 10.2 in Implementation Program LU-1 and address as part of the Comprehensive Zoning Ordinance Update.	<p>Staff recommended the following changes in the Planning Commission public hearing staff report:</p> <p><b>M-10.2 Airport Land Use Compatibility</b>                      The City shall ensure uses surrounding the airport are compatible with existing and planned airport operations and are consistent with the Airport Land Use Compatibility Plan for the Hayward Executive Airport <u>unless overruled by the Hayward City Council.</u> <i>[Source: New Policy] (RDR/MPSP)</i></p> <p><b>1. Comprehensive Zoning Ordinance Update.</b>                      The City shall prepare a comprehensive update to the Hayward Zoning Ordinance to ensure that the City's zoning regulations align with the guiding principles, goals, and policies of the General Plan.  <i>[Source: New Program; City Staff] (RDR)</i></p> <p><b>Implements Which Policy(ies):</b> LU-1.4, LU-1.6, LU-1.9, LU-3.1, LU-3.3, LU-3.4, LU-3.5, LU-3.6, LU-4.1, LU-4.2, LU-4.3, LU-5.1, LU-5.2, LU-5.4, LU-5.7, LU-6.1, LU-6.2, LU-6.4, LU-6.5, <u>M-10.2</u>, ED-1.3, ED-1.12, ED-1.15, ED-6.2, NR-1.7, NR-3.3, NR-6.6, EDL-1.4, HAZ-6.3, HQL-3.1, HQL-3.2, HQL-3.4, HQL-3.5, HQL-3.6, HQL-3.8, HQL-4.3, HQL-6.5, HQL-8.3</p> <p><b>Responsible Department(s):</b> Development Services</p> <p><b>Supporting Department(s)/Partner(s):</b> Public Works – Engineering and Transportation, Public Works – Utilities and Environmental Services, City Manager, Fire</p> <p><b>Funding Source(s):</b> General Fund, Grants</p> <p><b>Timeframe:</b> 2014-2016</p>	<p>During the public hearing, Staff presented additional recommended changes to M-10.2 to the Planning Commission:</p> <p><b>M-10.2 Airport Land Use Compatibility</b>                      The City shall ensure uses surrounding the <u>Hayward Executive</u> Airport are compatible with existing and planned airport operations <del>and are consistent with the Airport Land use Compatibility Plan for the Hayward Executive Airport.</del> <u>and comply with all applicable federal statutes (including 49 U.S.C. 47107), federal regulations (including 14 Code of Federal Regulations 77 et seq.), the FAA's Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and state law, with respect to criteria related to land use safety and airspace protection.</u>  <i>[Source: New Policy, City Staff] (RDR/MPSP)</i></p> <p>The Planning Commission recommends Staff's proposed changes.</p>	
<b>March 19, 2014 Letter from Alameda County Community Development Agency – Planning Department</b>					
L 3.01	County likely to oppose City annexation of unincorporated areas in City's sphere of influence that generate high tax revenues.	Comment noted.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
L 3.02	County recommends that the City seek assistance from the County's Healthy Homes Department for mold and lead reduction efforts.	Comment noted. Staff recommends modifying Policy HQL-7.6 to include coordination with the Alameda County Healthy Homes Department of the Community Development Agency.	<b>HQL-7.6 Mold and Lead Hazards Prevention</b> The City shall partner with the Alameda County Public Health Department <u>and the Healthy Homes Department of the County Community Development Agency</u> to provide education and technical assistance in reducing mold and lead hazards in homes. <i>[Source: New Policy, City staff] (IGC/PI)</i>	The Planning Commission recommends staff's proposed changes with the following changes:  <b>HQL-7.6 Mold and Lead Hazards Prevention</b> The City shall partner with the Alameda County Public Health Department, <del>and</del> the Healthy Homes Department of the County Community Development Agency, <u>and other relevant organizations</u> to provide education and technical assistance in reducing mold and lead hazards in homes. <i>[Source: New Policy, City staff] (IGC/PI)</i>  Staff supports the Planning Commission's recommendations.	
L 3.03	In the Background Report, the County General Plan elements that pertain to unincorporated areas within the Hayward Sphere of Influence are incorrect.	Comment noted. Background Report will be updated accordingly.	<b>Alameda County General Plan</b> The Alameda County General Plan consists of several documents, including the Eden Area General Plan, the Castro Valley General Plan, and the East County Area General Plan. In addition, the County General Plan includes five elements that apply policies to all unincorporated areas of the county. These elements are the <del>Regional Element, the Housing Element, the Energy Element, the Safety and Noise Element, and the Natural Resources, Recreation, and Open Space Element.</del> <u>Housing, Conservation, Open Space, Noise, Safety, and Scenic Route Elements.</u>	The Planning Commission recommends Staff's proposed changes.	
L 3.04	In the Background Report, Castro Valley is mistakenly identified as a city and should be corrected to "unincorporated community."	Comment noted. Background Report will be updated accordingly.	The Park District boundaries include the cities of Hayward, <del>and Castro Valley</del> , and the unincorporated communities of <u>Castro Valley, San Lorenzo, Ashland, Cherryland, and Fairview.</u>	The Planning Commission recommends Staff's proposed changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
L 3.05	Statement about Measure D should be revised to clarify that Alameda County Board of Supervisors did not adopt Measure D but that the measure was passed by countywide vote in 2000.	Comment noted. No change is recommended to the Background Report as the details of how Measure D was passed is not relevant to the discussion.	Staff does not recommend any changes.	<p>The Planning Commission recommends the following changes to the background report:</p> <p>Page 7-91, second paragraph, last sentence: "However, in November 2000, Alameda County voters passed Measure D..."</p> <p>Page 7-95, Last paragraph: "In November 2000, Alameda County voters passed Measure D..."</p> <p>Staff supports the Planning Commission's recommendations.</p>	
L 3.06	County land use designations for the unincorporated area of Fairview, as described in the Fairview Area Specific Plan, should be used in the Background Report and Policy Document graphics, instead of City of Hayward land use designations.	Comment noted. The City has requested GIS data layers from the County for the Fairview area. To date, those layers have not been provided to the City. In their place, the City is applying a land use designation most closely aligned with the land use designations under the Fairview Specific Plan. This is the same approach used during the 2002 General Plan Update process. The City will continue to work with the County to correct the mapped land use designations for the Fairview area.	Staff will continue to work with the County to correct the mapped land use designations for the Fairview area.	The Planning Commission recommends that Staff continues to work with the County to correct the mapped land use designations.	
L 3.07	As shown in the County's Castro Valley General Plan, some parcels for the Five Canyons development should be open space, and graphics in the Background Report and the Policy Document should be revised to reflect this	The City has requested GIS data layers from the County for the Five Canyons area. To date, those layers have not been provided to the City. In their place, the City is using the Rural Estate Density land use designation, which allows open space as a supporting use. The City will continue to work with the County to correct the mapped land use designations for the Five Canyons area.	Staff will continue to work with the County to correct the mapped land use designations for the Five Canyons area.	The Planning Commission recommends that Staff continues to work with the County to correct the mapped land use designations.	
L 3.08	Land use designations for the unincorporated area along Center Street north of the intersection of B, Center, and Kelly Streets, and to the City of Hayward boundary, should reflect their appropriate Castro Valley General Plan land use designations.	The City has requested GIS data layers from the County for this area. To date, those layers have not been provided to the City. The City will continue to work with the County to correct the mapped land use designations for this unincorporated area.	Staff will continue to work with the County to correct the mapped land use designations for this unincorporated area.	The Planning Commission recommends that Staff continues to work with the County to correct the mapped land use designations.	

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March 20, 2014 Letter from California Department of Transportation
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Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
L 7.04	The City needs to include Caltrans under agencies for regional transportation coordination in the Policy Document (see Goal M-2). Also, the City should encourage establishment of a Regional Transportation Impact Fee program for regionally significant roadway improvements.	Comment noted. Staff recommends modifying Policy M-2.1 to include coordination with Caltrans, and the addition of an Implementation Program to Table M in part 4 of the Policy Document to address transportation impacts of future development.	<p><b>M-2.1 Regional Coordination</b>                      The City shall continue to coordinate its transportation planning with regional agencies (<u>Caltrans</u>, Metropolitan Transportation Commission and Alameda County Transportation Commission) and adjoining jurisdictions. [Source: Existing Policy; modified] (IGC)</p> <p><b>23. Transportation Impact Fees.</b> The City shall prepare a Development Impact Fee Feasibility Study and Nexus Report to assess the potential for establishing development impact fees for local transportation improvements, and if deemed appropriate by City Council, regional transportation improvements. Based on the findings of the Feasibility Study and Nexus Report and direction from the City Council, the City may prepare and adopt an Impact Fee Ordinance for transportation improvements. [Source: New Program; City Council] (RDR/FB)  <b>Implements Which Policy(ies):</b> M-4.1, M-4.2, M-4.4, M-9.2  <b>Responsible Department(s):</b> Finance  <b>Supporting Department(s)/Partner(s):</b> Public Works-Engineering and Transportation, Development Services, City Manager  <b>Funding Source(s):</b> General Fund, Grants  <b>Timeframe:</b> 2014-2016</p>	The Planning Commission recommends Staff's proposed changes.	
L 7.05	The City should coordinate with Caltrans in developing multi-modal programs for regional transportation system enhancements (see Policy M-2.3 in the Policy Document).	Comment noted. Staff recommends modifying Policy M-2.3 to include coordination with Caltrans.	<p><b>M-2.3 Multi-Jurisdictional Transportation Corridors</b>                      The City shall work with the Metropolitan Transportation Commission, <u>Caltrans</u>, AC Transit, and adjacent communities to improve city roadways, pedestrian ways, bicycle facilities, and transit corridors to connect with neighboring and regional transportation networks and contribute to a regional multimodal transportation system. Source: New Policy, City Staff] (MPSP/IGC)</p>	The Planning Commission recommends Staff's proposed changes with the following changes:  <p><b>M-2.3 Multi-Jurisdictional Transportation Corridors</b>                      The City shall work with the Metropolitan Transportation Commission, Caltrans, <u>BART</u>, AC Transit, and adjacent communities to improve city roadways, pedestrian ways, bicycle facilities, and transit corridors to connect with neighboring and regional transportation networks and contribute to a regional multimodal transportation system. Source: New Policy, City Staff] (MPSP/IGC)</p> <p>Staff supports the Planning Commission's recommendations.</p>	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
L 7.06	The City should consider other methods for managing existing local and state roadway operations, including, without limitation, system management strategies such as ramp metering, high occupancy toll lanes, and other Intelligent Transportation System tools.	Comment noted. City staff can look at alternative methods for managing existing local roadway operations and enhance coordination efforts with regional and state entities for other roadway operations. These changes can be captured in Policy M-2.3, as described above.	See change described above in Policy M-2.3.	The Planning Commission recommends Staff's proposed changes.	
L 7.07	The City should develop an alternative funding program that allows contributions from projects instead of typical contributions to the City's Transportation Demand Management Plan (TDM). This alternative funding program would be used for transportation improvements beneficial to a range of transportation modes.	Comment noted. The City Council has directed staff to look into alternative funding programs for transportation improvements. Staff has added an Implementation Program, Program 23, related to Transportation Impact Fees.	See changes described above related to adding Implementation Program 23 related to Transportation Impact fees.	The Planning Commission recommends Staff's proposed changes.	
L 7.08	Who will monitor TDM effectiveness and how? What measures will the City take if vehicle reduction targets are not met?	Comment noted. Project specific TDM requirements would be evaluated at the time of project review and the details would be incorporated into project conditions of approval.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
L 7.09	The City should reduce parking requirements for developments that contribute to the construction or operation of non-vehicular improvements such as bicycle lanes.	Comment noted. Staff recommends modifying Policy M-9.2 and adding a reference to Policy M-9.2 to Implementation program M-1.	<p><b>M-9.2 Parking Reductions</b>                      The City shall consider reduced parking requirements for <u>developments that contribute to the construction and/or operation of non-vehicular improvements (i.e. bike lane improvements), projects located near public transit, or new residential developments that fulfill senior, disabled, or other special housing needs. or are located near public transit.</u> [Source: Existing Policy; modified] (RDR/MPSP)</p> <p><b>1 Multimodal LOS and Design Standards.</b> The City shall adopt multi-modal Level of Service (LOS) and design standards and a methodology that defines the process for determining which non-vehicular transportation and transit improvements will be implemented. The multimodal LOS program, design standards, and methodology should be consistent with those adopted by the Alameda County Transportation Commission. [Source: New Program, City Staff] (RDR/MPSP)</p> <p><b>Implements Which Policy(ies):</b> M-1.2, M-1.3, M-1.4, M-1.5, <u>M-9.2</u>  <b>Responsible Department(s):</b> Public Works-Engineering and Transportation  <b>Supporting Department(s)/Partner(s):</b> Development Services, Public Works-Utilities and Environmental Services, Fire, Police  <b>Funding Source(s):</b> General Fund  <b>Timeframe:</b> 2017-2019</p>	<p>The Planning Commission expressed concerns related to Staff's recommended changes and recommends that the policy be changed back as follows:</p> <p><b>M-9.2 Parking Reductions</b>                      The City shall consider reduced parking requirements for <u>developments that contribute to the construction and/or operation of non-vehicular improvements (i.e. bike lane improvements), projects located near public transit, or new residential developments that fulfill senior, disabled, or other special housing needs. or are located near public transit.</u> [Source: Existing Policy; modified] (RDR/MPSP)</p> <p>Staff believes that Programs M-20 and M-21 would consider the recommendation from Caltrans, and therefore supports the Planning Commission's recommendation.</p>	
L 7.10	Goal M-9 in the Policy Document should be revised to encourage Shared Parking use as a means of reducing the number of underutilized parking spaces.	Comment noted. Staff recommends modifying Policy M-9.6.	<p><b>M-9.6 Reduction of Parking Areas</b>                      The City shall strive to reduce the amount of land devoted to parking through such measures as development of parking structures, the application of shared parking <del>for mixed-use developments</del>, and the implementation of Transportation Demand Management strategies to reduce parking needs. [Source: New Policy, City Staff] (RDR/MPSP)</p>	The Planning Commission recommends Staff's proposed changes.	

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<b>March 21, 2014 Letter from Hayward Area Planning Association (HAPA)</b>					
L 8.01	The 2040 General Plan does not include ideas submitted by HAPA related to better access to CSUEB from Pioneer Way.	The City of Hayward does not have jurisdictional control over the California State University, East Bay (CSUEB) campus, and therefore, cannot require specific improvements to the campus. Nonetheless, Policy LU-9.5 of the Hayward 2040 General Plan directs the City to coordinate with CSUEB to encourage campus development that improves access routes to the campus. CSUEB's Hayward Campus Master Plan identifies a variety of access and circulation improvements to the campus, including improvements at Pioneer Way.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.02	The 2040 General Plan does not include ideas submitted by HAPA related to the Beeline Bus (shuttle service to CSUEB).	While the term "Beeline Bus" is not specifically used in the Policy Document, several policies under Goal M-7 address improved transit to CSUEB, including M-7.2, M-7.4, and M-7.11.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.03	The 2040 General Plan does not include ideas submitted by HAPA related to Bayview Quarry Village (a development concept developed by HAPA).	The General Plan does not specifically discuss the Bayview Quarry Village or any other specific development concepts for private properties within Hayward. A project proposal for the Bayview Quarry Village could be considered by the City with the submittal of a planned development application or specific plan for the property.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.04	The 2040 General Plan does not include ideas submitted by HAPA related to green redevelopment along Mission Boulevard.	Policies LU-2.8, LU-2.9, LU-2.12 and LU-2.13 address the Mission Boulevard Corridor. The redevelopment of properties along Mission Boulevard are regulated by the South Hayward BART Form Based Code and the Mission Boulevard Specific Plan, both of which allow a mix of uses at relatively high densities and intensities, establish maximum (versus minimum) parking requirements, and promote transit, walking, and bicycling as an alternative to the automobile.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
L 8.05	The 2040 General Plan does not include ideas submitted by HAPA related to pedestrian access to the CSUEB Hayward campus.	The City of Hayward does not have jurisdictional control over the California State University, East Bay (CSUEB) campus, and therefore, cannot require specific improvements to the campus. Nonetheless, Policy LU-9.5 of the Hayward 2040 General Plan directs the City to coordinate with CSUEB to encourage campus development that improves access routes to the campus. CSUEB's Hayward Campus Master Plan identifies a variety of access and circulation improvements to the campus, including pedestrian enhancements.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.06	The 2040 General Plan does not include ideas submitted by HAPA related to code enforcement and Fairway Park.	Staff does not feel that it is appropriate to identify specific properties that are challenged by blight and crime within the General Plan Policy Document. Issues of blight and crime are addressed in several policies, including LU-1.14, CS-1.1, CS-1.2, CS-1.3, CS-1.5, CS-1.6, CS-1.15, CS-3.7, and ED-5.4. Specific programs related to the reduction of blight and crime are listed in CS-1.2, CS-1.3, CS-1.5, CS-1.6, and ED-5.4	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

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L 8.07	The 2040 General Plan does not include ideas submitted by HAPA related to the South Hayward BART Area.	The City of Hayward and BART formed the South Hayward BART Station Access Authority in September 2011 to manage parking and access around the South Hayward BART station. The Authority prepared the South Hayward BART Parking and Access Study in 2012, and has implemented several parking improvements, including a paid parking program and a residential permit parking program. The Authority will continue to address parking and access issues in the future as parking demand changes. The policies under Goal M-9 address parking throughout the City. Overall, the policies "support the provision and management of parking, recognizing that parking provision should be balanced with other city objectives such as encouraging transit uses, bicycling, and walking, as well as reduction in emissions." However, the General Plan contains several policies that are supported by HAPA, including parking management, parking reductions, and the reduction of parking area.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.08	The 2040 General Plan does not include ideas submitted by HAPA related to social issues related to the Green Shutter Hotel and B Street.	Staff does not feel that it is appropriate to identify specific properties that are challenged by social problems within the General Plan Policy Document. Several goals and policies are included to improve Downtown Hayward. Program LU-4 requires the preparation of a Downtown Specific Plan. This will allow the City to address specific Downtown challenges at a higher level of detail.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.09	The 2040 General Plan does not include ideas submitted by HAPA related to access to Downtown and the problems with the Loop.	The policies under Goal M-3, Complete Streets, will require the City to consider all modes of transportation when making future changes to the roadway network. Program LU-4 requires the preparation of a Downtown Specific Plan. This will allow the City to address specific Downtown challenges at a higher level of detail.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

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L 8.10	The 2040 General Plan does not include detailed ideas submitted by HAPA related to Parking Fee Pilot Projects.	Comment noted. Staff believes that an appropriate level of detail and direction are provided in the policies under Goal M-9 and Program M-21. Specific details will be provided when the Downtown Parking Management Plan is developed.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.11	The 2040 General Plan does not include ideas submitted by HAPA related to Downtown redevelopment, the Boulevard, and the convention center.	Policies LU-2.1 through LU-2.7 and LU-2.14 through LU-2.17 address improvements to Downtown Hayward. These policies address Downtown housing, Downtown activities and functions, shopping and entertainment, office and employment uses, and connections to the Downtown BART Station ED-1.4 encourages the development of hospitality and entertainment businesses within the Downtown, including shopping, dining, arts and entertainments, lodging, business conventions, and cultural events. Program LU-4 requires the preparation of a Downtown Specific Plan. This will allow the City to address specific Downtown challenges and opportunities at a higher level of detail.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.12	The 2040 General Plan does not include ideas submitted by HAPA related to a BART taxi stand.	Comment noted. Staff recommends changes to Policy M-7.13. In addition, Program LU-4, which requires the preparation of a Downtown Specific Plan, will allow the City to address specific improvements to the Downtown BART Station.	<b>M-7.13 Taxi Service</b> The City shall promote the continued operation of taxi service, including the provision of <u>a dedicated Taxi stand at the Downtown Hayward BART Station</u> , on-street loading spaces (where appropriate), incremental improvements in gas mileage, and improved access for passengers with disabilities. [Source: New Policy, City Staff] (MPSP/JP)	The Planning Commission recommends Staff's proposed changes.	
L 8.13	The 2040 General Plan does not include ideas submitted by HAPA related to the Fourth Street Extension.	The Fourth Street Extension was analyzed during the Route 238 Bypass Land Use Study. The Study requires the construction of the Fourth Street Extension. The specific alignment of the extension would be determined when the property is proposed for development.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.14	The 2040 General Plan does not include ideas submitted by HAPA related to home energy audits and energy upgrades.	The policies under Goals NR-2 and NR-4, as well as Programs NR-5, NR-6, NR-7, NR-8, NR-9, NR-10, NR-11, and NR-13 address energy efficiency audits, financing programs for energy efficiency retrofits, and financing programs for renewable energy systems.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
L 8.15	The 2040 General Plan does not include ideas submitted by HAPA related to apartment energy and waste	<p>Policy NR-4.14, Program NR-9, Policy PFS-7.16 and Policy PFS 7.21 address the City's approach related to apartment energy and waste. In addition to the above policies and program, the Public Works - Utilities and Environmental Services Department is currently developing a pilot program called Green Hayward PAYS (Pay As You Save), which will initially target multi-family properties. The PAYS program is a financing program that will allow installation of water-efficient fixtures and energy efficiency improvements in existing multi-family homes. Owners have no up-front cost and they pay for the improvements with a surcharge on their Hayward water bill.</p> <p>Regarding waste, all multi-family properties currently subscribe to recycling collection service. The mandatory recycling ordinance, authored by the Alameda County Waste Management Authority would require all multi-family properties to subscribe to organics collection by July 1, 2014. The City Council voted to opt out of the ordinance. Once negotiations for a new waste and recycling services franchise agreement are completed (anticipated for spring of 2015), staff may ask Council to reconsider participation in the ordinance.</p>	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.16	The 2040 General Plan does not include ideas submitted by HAPA related to parking for sustainability.	<p>Program M-20 requires a comprehensive update to the city's off-street parking regulations, which would include modifications to implement the policies related to unbundled parking, shared parking, and the application of transportation demand management strategies. The 2040 General Plan does not have goals or policies that support subsidized parking structures. The goals and policies support the use of parking structures to efficiently utilize land resources and to accommodate higher densities of development near transit.</p>	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
L 8.17	The 2040 General Plan does not include ideas submitted by HAPA related to "short corridor" development along Mission Boulevard.	While the term "Short Corridor" is not used in the Policy Document, Program M-12 directs the City to conduct a study to evaluate the feasibility of establishing shuttle service to address any unmet transit needs, to fill in gaps in service that are not being met by other transit providers, and to improve transit connections between major transit stations and employment center.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.18	The 2040 General Plan does not include ideas submitted by HAPA related to green smart growth and net zero energy.	Policy NR-4.11 addresses green building standards and net zero energy goals. Also, as noted in the April 3, 2013 report to the Sustainability Committee, the California Energy Commission intends to require zero net energy construction in new residential buildings by 2020 and in new commercial buildings by 2030. It is anticipated that the CalGreen building code will accomplish these goals.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.19	The update does take first steps toward community choice aggregation.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 8.20	The 2040 General Plan does not include ideas submitted by HAPA related to toilets and grey water systems.	Program PFS-6 requires the City to study the feasibility of amending the building and development codes to encourage rainwater harvesting and grey water systems.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
L 8.21	The 2040 General Plan does not include ideas submitted by HAPA related to arts, music, and history.	Staff recommends the addition of an Implementation Program to Table ED in part 4 of the Policy Document to establish a Cultural Commission.	<p><b>ED-15. Cultural Commission.</b> The City shall establish a Cultural Commission to coordinate the efforts of various arts, culture, and historical groups within Hayward and to assist with cultural event planning. The Commission shall also provide recommendations to the City Council related to the establishment of a public art program, which would fund public art projects through a development fee. <i>[Source: New Program; Community Outreach] (MPSP)</i></p> <p><b>Implements Which Policy(ies):</b> ED-5.2</p> <p><b>Responsible Department(s):</b> City Manager</p> <p><b>Supporting Department(s)/Partner(s):</b> Development Services</p> <p><b>Funding Source(s):</b> General Fund, Grants</p> <p><b>Timeframe:</b> 2020-2040</p>	<p>The Planning Commission expressed concerns related to development impact fees for public art and recommends the following changes to the program:</p> <p><b>ED-15. Cultural Commission.</b> The City shall establish a Cultural Commission to coordinate the efforts of various arts, culture, and historical groups within Hayward and to assist with cultural event planning <u>reflective of Hayward's diversity</u>. The Commission shall also <u>evaluate funding mechanisms for public art and performance projects</u>. <del>provide recommendations to the City Council related to the establishment of a public art program, which would fund public art projects through a development fee.</del> <i>[Source: New Program; Community Outreach] (MPSP)</i></p> <p>Staff supports the Planning Commission's recommendations.</p>	
L 8.22	The 2040 General Plan does not include ideas submitted by HAPA related to libraries.	<p>The policies under Goal 6 address library facilities. The policies support the construction of a new library in Downtown Hayward when funding is available. The policies also establish design principles for new library facilities, which includes sustainable design practices to reduce energy and water consumption.</p> <p>The 2040 General Plan does not establish policies for the reuse of Library Park (the current Downtown library site). Staff recommends an additional policy under Goal 6 of the Education and Lifelong Learning Element.</p>	<p><b>EDL-6.9 Library Park</b></p> <p>The City shall maintain Library Park (the home of the current Downtown Library) as a public space if and when the library is relocated to a new facility. Future improvements to Library Park should strive to preserve mature trees, promote the history and heritage of Hayward, and create attractive spaces for outdoor festivals, musical performances, cultural events, and farmer's markets. <i>[Source: New Program; Community Outreach] (MPSP)</i></p>	The Planning Commission recommends Staff's proposed changes.	
L 8.23	The 2040 General Plan does not include ideas submitted by HAPA related to trails. Trail policies are nice, but vague.	The policies under Goal HQL-11 address coordination with HARD and the EBRPD to develop new trails within Hayward.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
<b>February 5, 2014 Hayward2040.org post by Ruddel O.</b>					
L 9.1	Commenter was generally pleased with the sections of the document that they reviewed, but disappointed in the level of innovative or new approaches to some of Hayward's challenges. The commenter hopes future updates will be more visionary and take advantage of "leading edge" technology, urban models and governance.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
<b>February 7, 2014 Hayward2040.org post by JoAnn C.</b>					
L 10.1	The Mobility Element does not place enough emphasis on encouraging more walking and bicycling. The map doesn't depict many new bike lanes to be created by 2040 within the areas primarily designated residential. They are sorely needed.	Comment noted. Goals 5 and 6 in the Mobility Element cover Pedestrian Facilities and Bikeways with specific policies encouraging integrated networks for pedestrians and bicycles. Program GPA-3 requires the City to review on a biennial basis its existing plans, including the Bicycle Master Plan, and update as necessary. In addition, Program M-11 requires the City to develop, adopt and implement a Pedestrian Master Plan to improve pedestrian connections to parks, transit and neighborhood commercial and service uses.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 10.2	The one obstacle to walking that is not mentioned is safety. Many people don't walk much because they're afraid for their personal safety. How will that issue be addressed?	The issue of safety is addressed in the Community Safety Element, specifically policies under Goals CS-1 and CS-2.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 10.3	Commenter supports the car-sharing and hopes to see more demand for it in Hayward.	Policy M-8.6 supports the development of car and bike share programs. Mobility Implementation Program 17 also requires the city to prepare a study that explores the development of car-sharing and/or bike sharing programs for City employees.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
L 10.4	The airport is a great asset for the City.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	
<b>February 7, 2014 Hayward2040.org post by JoAnn C.</b>					
L 11.1	Commenter is generally pleased with the document and hopes the City will implement it in the spirit of those concepts and ideas that have been submitted by the residents.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

Comment Identifier	Summary of Comment	Staff's Response to Comment	Staff's Recommended Changes to the Draft Hayward 2040 General Plan	Planning Commission Recommendation	City Council Decision
<b>March 25, 2014 Hayward2040.org post by Mathias V.</b>					
L 12.1	The General Plan must consider the effect of low income Housing... Or the effect of High Density Housing on Hayward safety and culture.	Comment noted. Submitted comments did not recommend specific changes to the Policy Document.	Staff does not recommend any changes.	The Planning Commission agrees with Staff and does not recommend any changes.	

<b>Additional Changes Recommended by Staff to be Consistent with State Law</b>				
<b>Staff's Recommended Changes to the Draft Hayward 2040 General Plan</b>			<b>Planning Commission Recommendation</b>	<b>City Council Decision</b>
<b>HAZ-7.2 Airport Land Use Compatibility Plan</b> The City shall require all development projects within the Airport Influence Area designated in the Airport Land Use Compatibility Plan of the Hayward Executive Airport to comply with the provisions of the Hayward Executive Airport Land Use Compatibility Plan, except for sections of the plan that have been overruled by the Hayward City Council to comply with all applicable federal statutes (including 49 U.S.C. 47107), federal regulations (including 14 Code of Federal Regulations 77 et seq.), the FAA's Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and state law, with respect to criteria related to land use safety and airspace protection. [Source: New Policy, City Staff] (IGC/RDR)			The Planning Commission recommends staff's proposed changes.	
<b>HAZ-7.3 Commission Review</b> The City shall ensure that all applicable plans, ordinances, and development applications are reviewed by the Alameda County Airport Land Use Commission in compliance with if required by State law. [Source: New Policy, City Staff] (IGC/MPSP/RDR)			The Planning Commission recommends staff's proposed changes.	
<b>Additional Changes Recommended by Staff to Incorporate Recommendations from SHAPE UP Hayward</b>				
<b>ED-1.19 Local Hiring</b> The City shall promote local hiring, including youth employment and paid internships, to increase community ownership and resident retention, help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions. [Source: New Policy, City Staff] (CSO/PI)			The Planning Commission recommends staff's proposed changes.	
<b>HQL-1.5 Health Events</b> The City shall provide support to organizations engaged in citywide public health events, such as health fairs, community gardens, youth fitness programs, wellness competitions, and public health speakers and workshops. [Source: New Policy, City Staff] (CSO/IP)			The Planning Commission recommends staff's proposed changes.	
<b>HQL-3.5 Community Garden Target</b> The City, in cooperation with HARD and other community groups, shall strive to establish community gardens in existing and planned parks, and vacant lots. [Source: New Policy, City Staff] (IGC)			The Planning Commission recommends staff's proposed changes.	



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, June 5, 2014, 7:00 p.m.  
777 B Street, Hayward, CA94541**

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**MEETING**

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

**ROLL CALL**

Present: COMMISSIONERS: Loché, Trivedi, McDermott, Faria, Márquez, Lavelle  
CHAIRPERSON: Lammin  
Absent: COMMISSIONERS: None  
CHAIRPERSON: None

Commissioner Loché led in the Pledge of Allegiance.

Staff Members Present: Buizer, Conneely, Madhukansh-Singh, Rizk

General Public Present: 8

**PUBLIC COMMENTS**

City Attorney Lawson announced that Assistant City Attorney Conneely will be retiring effective June 20, 2014.

Derek Gorshow, an employee with Project EAT, noted that the organization SHAPE UP Hayward Steering Committee was formed by Project EAT through a grant from the Kaiser Community Benefit Program whose objectives are to make policy recommendations to the City of Hayward aimed at improving the health of the community. He mentioned that the membership consists of Tennyson High School students and adult allies that are professionals working in the health care field. Mr. Gorshow recommended three policy amendments to the City's General Plan document based upon research and community survey conducted by the committee. He cited the following three areas for improvement in the community: food access (including feeding the homeless, having more farmer's markets, and community gardens in unused spaces); safe places to exercise (sports facilities and improved lighting); and employment (job fairs and paid summer jobs for the youth).

Maria Ceballos, a student at Tennyson High School, noted that she has been working for Project EAT for three years. She shared that her organization surveyed people at different community health events and she presented the following survey results: 31% of the community members surveyed want more community events; 17 % want healthy food stores; and 17% want healthy activities. Ms. Ceballos reported that community members expressed they want community gardens in unused spaces in order to improve food access; they want more sports facilities to provide safe places to exercise; and paid summer jobs for youth employment.

Shamia Sandles, a youth development specialist with Project EAT, proposed that the following three General Plan policies be amended: HQL-3.5 Community Garden Target be modified to state “The City, in cooperation with HARD and other community groups, shall strive to establish community gardens in existing and planned parks, and unused spaces;” ED-1.19 Local Hiring to be modified to “The City shall promote local hiring, including youth employment and paid internships, to increase community ownership and resident retention...”; HQL-1.5 Health Events be modified to “The City Shall provide support to organizations engaged in citywide public health events, such as health fairs, community gardens, youth fitness programs...” Ms. Sandles stated that the proposed amendments to the General Plan will significantly benefit the health of the community.

In response to Commissioner McDermott’s question, Ms. Sandles stated that the survey was conducted in March 2014 and the results were analyzed in April 2014. She noted for Commissioner McDermott that they were unaware that the Hayward 2040 General Plan was being revised and that they presented the information derived from the their study recently. She indicated for Commissioner Faria that there were 60 survey participants.

## **PUBLIC HEARING**

1. Adoption of the Hayward 2040 General Plan and Certification of the Final Environmental Impact Report

Development Services Director Rizk stated that the Hayward 2040 General Plan update began two years ago and that this has been a joint effort by members of the community, members of the General Plan Update Task Force, and staff. He commended Planning Manager Buizer and the consultant team for staying on schedule and being under budget with the comprehensive update to the City’s General Plan.

Planning Manager Buizer presented a synopsis of the staff report. She noted that staff would like to make policy recommendations that were not included in the Staff Report in Attachment VI and these changes included: modifying the policy language to better reflect General Plan Consistency with State Law and to be more inclusive of the comments received by SHAPE UP Hayward after the Staff Report was prepared.

Ms. Buizer proposed the following policy recommendations: M-10.2 Airport Land Use Compatibility “The City shall ensure uses surrounding the Hayward Executive Airport are compatible with existing and planned airport operations ~~and are consistent with the Airport Land use Compatibility Plan for the Hayward Executive Airport~~, and comply with all applicable federal statutes [including 49 U.S.C. 47107], federal regulations [including 14 Code of Federal Regulations 77 et seq.]; the FAA’s Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and state law, with respect to criteria related to land use safety and airspace protection; HAZ-7.1 modified to “The City shall consider all applicable federal statutes [including 49 U.S.C. 47107], federal regulations [including 14 Code of Federal Regulations 77 et seq.], the FAA’s Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and state law, with respect to criteria related to land use safety and airspace protection when...”; HAZ-7.2 Airport Land Use Compatibility Plan modified to “The City shall require all development projects within the Airport Influence Area designated in the Airport Land Use Compatibility Plan of the Hayward Executive Airport ~~to comply with the provisions of the Hayward Executive Airport~~



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~~Land Use Compatibility Plan, except for sections of the plan that have been overruled by the Hayward City Council to comply with all applicable federal statutes [including 49 U.S.C. 47107], federal regulations [including 14 Code of Federal Regulations 77 et seq.], the FAA's Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and state law, with respect to criteria related to land use safety and airspace protection; HAZ-7.3 Commission Review modified to "The City shall ensure...Airport Land Use Commission in compliance with if required by State law.~~

Planning Manager Buizer suggested the following policy recommendations in response to comments received by SHAPE UP Hayward: ED-1.19 Local Hiring modified to "The City shall promote local hiring, including youth employment and paid internships, to increase community..."; HQL-1.5 Health Events modified to "The City shall provide support....such as health fairs, community gardens, youth fitness programs..."; HQL-3.5 Community Garden Target modified to "The City, in cooperation with HARD and other community groups, shall strive....existing and planned parks, and vacant lots."

In response to Commissioner Márquez' question, Planning Manager Buizer indicated that she had received a phone call from Mr. Gorshow about what the SHAPE UP Hayward organization does and that he was not aware that the City was finalizing the Hayward 2040 General Plan. She stated that Mr. Gorshow was pleased that many of SHAPE UP Hayward's concerns were captured in the policy document and he asked if the City would be able to modify some of the General Plan's language. Ms. Buizer said that after reviewing Mr. Gorshow's suggestions, she felt that they were positive edits to the General Plan. Commissioner Márquez thanked staff for adapting SHAPE UP Hayward's suggestions before the adoption of the General Plan. Planning Manager Buizer noted that it was the City's goal to incorporate the Climate Action plan into the General Plan and she pointed out that there were a number of policies and programs in the Draft General Plan that have a globe icon representing the policies aimed at reducing greenhouse gas emissions. She confirmed for Commissioner Márquez that there would still be unmitigated issues with noise and pollution.

Commissioner Trivedi commented that the significant impacts would be a result of the natural growth of the targeted development identified in the plan and stated that this was unavoidable.

Planning Manager Buizer noted for Commissioner Trivedi that staff received comments from Caltrans encouraging the establishment of a regional transportation impact fee program; however, staff has added an implementation program related to local Transportation Impact Fees at the request of the City Council. She indicated that staff would perform a feasibility study to determine if an impact fee ordinance should be adopted that would assess if development projects should pay a fee to offset significant impacts caused by the development; the funds generated from the impact fees could be used to make transportation improvements in the City such as bike lanes, pedestrian lanes, and trails.

Planning Manager Buizer stated that the Transportation Demand Management Plan would evaluate transportation options for how employees working at large employment centers in Hayward could commute to work, underscoring that this was different than the Transportation Impact Fees.

Director Rizk shared that a local Transportation Impact Fee was included in the Draft Capital Improvement Program and this was going to be considered for adoption by the City Council at the end of the month. He stated that if the City were to participate in a program that were to establish a regional Transportation Impact Fee, then this would have to be accomplished with the involvement of other cities and perhaps through the Alameda County Transportation Commission. He stressed that the City does not want to unfairly burden local developers through instituting an impact fee that would contribute to regional transportation networks.

Commissioner Trivedi asked staff if the City was considering smart parking or parking management plans for more efficient use of existing parking spaces. Planning Manager Buizer replied that there are studies underway by the Public Works department looking into parking management in the downtown area, especially as there will be new parking fees for parking at the Downtown Hayward BART station and other Municipal Parking lots are likely to be impacted as a result of this.

In response to Commissioner Trivedi's question about the Loop project, Planning Manager Buizer stated that the City has received grant funding to create a downtown specific plan and staff hoped to begin this process at the end of the year. She noted that the plan will consist of bicycle and pedestrian connectivity plans.

Commissioner Trivedi said that he was pleased with the language in the General Plan about having a Cultural Commission; he recommended that this language contain more specific reference to performance arts and include that Hayward has a performing arts center as this was currently lacking in the community. He pointed out that in Attachment VIII, under "Benefits of Project," bullet point No. 14 did not contain any text. Commissioner Trivedi stated that under M-9.2 Parking Restrictions, in place of "i.e." the statement should read "(e.g. bike lane improvements)."

Planning Manager Buizer noted for Commissioner Lavelle that staff will review the General Plan programs on an annual or biennial basis as part of the City Council's Budget process to ensure that there is adequate funding of the programs. She added that the law stipulates that the amendments to the General Plan cannot exceed four amendments per calendar year, highlighting that multiple items can be modified per amendment.

Commissioner McDermott was concerned with the impacts of short-term construction on air quality as this might have long-term consequences on members of the community.

Commissioner Loché spoke favorably of the addition of the language to the General Plan on promoting local hiring. He supported changing the land use designation at City Center Drive as this would facilitate redevelopment in the area.

Commissioner Faria was pleased with the meeting that was held at City Center and the opportunity it provided for the California Polytechnic State University students and the community to be engaged in making updates to the General Plan.



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Chair Lamnin recommended that it be considered to continue the General Plan Update Task Force. Planning Manager Buizer shared that members of the General Plan Update Task Force have expressed interest in continuing the Task Force as an advisory body to staff and to evaluate the implementation of the General Plan annually. She noted that the City Council would be able to determine if the Task Force should be continued.

Chair Lamnin made the following suggestions to the language of the Hayward 2040 General Plan as shown in Attachment VI to the staff report: Open House comment 15.01 make reference to other jurisdictions since Cherryland is in an unincorporated area; that City Council Work Session comment CC 3 indicate that representatives from the development committee will be consulted regarding impact fees; comment L 3.02 about the County's Healthy Homes Department include other relevant organizations; L 3.05 should note that voters passed Measure D in 2000; and that BART be referenced in L 7.05. Planning Manager Buizer noted for Chair Lamnin that there would be a separate dust control and noise ordinance that will specifically reference construction work and pointed out that new development proposals would be compared to these ordinances. Chair Lamnin requested that the time-frame for the implementation of the traffic flow program be performed sooner as this was expressed as a high priority concern by the community. She supported the recommendations made by SHAPE UP Hayward and disclosed that she briefly served as a member of this organization; however, she was not a member when the research and surveys were conducted by SHAPE UP Hayward.

Chair Lamnin opened and closed the public hearing at 8:04 p.m.

In regards to Mobility Element M-9.2 Parking Reduction, Commissioner Lavelle commented that although the City should be favorable to developers encouraging alternative transit options, she recognized the challenges that were being experienced with the Cannery development and the parking issues residents were encountering. She noted that multiple generations reside in a home nowadays and that these residents may own more vehicles per home than what was planned for by the developer. She cautioned the Planning Commission about approving developments with parking reductions. She favored starting a Cultural Commission that would recognize arts programs in Hayward and agreed with Commissioner Trivedi's comment about the need for a performing arts center in the community. She did not support a development fee being applied to fund public art projects. Commissioner Lavelle appreciated the language in the General Plan about proposed improvements at the Library Park striving to preserve the trees in this area.

Chair Lamnin recommended that the following changes be made to section No. 15 Cultural Commission of the Economic Development Implementation Table of the Policy Document: the statement "reflective of Hayward's diversity" be added so that the sentence states "The City shall establish a Cultural Commission to coordinate the efforts of various arts, culture, and historical groups within Hayward and to assist with cultural event planning reflective of Hayward's diversity; and that the sentence beginning with "The Commission shall also provide..." be removed and be replaced with "The Commission will evaluate potential funding mechanisms for public art and performance projects" so that there is no dictate of how this would be funded.

Commissioner McDermott made a motion that the Planning Commission recommend that the City Council approve the certification of the Environmental Impact Report as being prepared in accordance with the California Environmental Quality Act and City implementing guidelines; adoption of the Statement of Overriding Considerations; and approval of the Mitigation Monitoring and Reporting Program, based on the attached findings; approval of the Hayward 2040 General Plan with staff's recommended changes which would include the changes recommended by the Planning Commission; Amendments to the General Plan Land Use Map for certain properties within the Planning area.

Commissioner Trivedi seconded the motion as the General Plan document was reflective of the community and its values.

AYES: Commissioners Loché, Trivedi, McDermott, Faria, Márquez, Lavelle  
Chair Lamnin  
NOES: None  
ABSENT: None  
ABSTAIN: None

## COMMISSION REPORTS

### 2. Oral Report on Planning and Zoning Matters

Director Rizk noted that the following projects will be underway at the start of fiscal year 2014-2015: comprehensive update to the zoning ordinance, a new downtown specific plan; and zoning revisions to the Industrial Corridor.

### 3. Commissioners' Announcements, Referrals

Planning Commissioners expressed that it was a pleasure working with Assistant City Attorney Conneely and wished her well in her future endeavors.

Assistant City Attorney Conneely thanked the Planning Commissioners and staff for all their efforts and dedication towards the City and she emphasized that she enjoyed working with them.

Director Rizk indicated for Chair Lamnin that City staff sent a letter to the property owner of Hidden Hills, noting that recreational facilities do have to remain open to residents of the apartment complex, as this was included in the original conditions of approval of the development site.

## APPROVAL OF MINUTES

4. The minutes of May 8, 2014, were unanimously approved with Commissioner McDermott making the motion and Commissioner Trivedi seconding.

## ADJOURNMENT

Chair Lamnin adjourned the meeting at 8:23 p.m.



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Thursday, June 5, 2014, 7:00 p.m.  
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**APPROVED:**

\_\_\_\_\_  
Vishal Trivedi, Secretary  
Planning Commission

**ATTEST:**

\_\_\_\_\_  
Avinta Madhukansh-Singh, Senior Secretary  
Office of the City Clerk



June 2, 2014

# FISCAL IMPACT ANALYSIS OF THE PROPOSED GENERAL PLAN

Prepared for:

The City of Hayward

Prepared by:

**Applied Development Economics, Inc.**

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# INTRODUCTION AND SUMMARY

## INTRODUCTION

This report analyzes the fiscal impact on the City of Hayward of the proposed General Plan 2040. The analysis is focused on impact to the City General Fund and uses the fiscal impact model developed by Applied Development Economics to calculate annual tax revenues and services charges compared to annual operations and maintenances costs for City services. The report does not address the cost of new infrastructure to serve development or the impacts to the City's enterprise funds, which are intended to be funded through user fees. In addition to the proposed General Plan 2040, the analysis calculates the projected impact of the project alternatives as presented in the Draft Environmental Impact Report (DEIR). The alternatives include a No Project Alternative (existing General Plan), a Lower Density alternative and a Less Employment alternative.

## SUMMARY

The proposed project would have a positive impact on the City budget. As shown in Table 1, **GP 2040** would generate \$4.3 million per year in excess revenues over costs for the General Fund. Much of this result is dependent on developing sales-tax generating commercial uses to balance the costs for services needed by the residential growth. It should be noted that the development levels for **GP 2040** and the other alternatives represent a land use projection, not necessarily a market projection. That is, the amount of retail development, for example, shown in the projections reflect what the designated land areas would support, but if the market does not allow the sites to be built out with that much retail, the City will not achieve the sales tax revenues shown in the fiscal analysis.

The residential uses in **GP 2040** by themselves show a \$7.1 million annual deficit in costs over revenues. However, if the City implements a policy to mitigate this impact through the establishment of Community Facilities Districts (CFDs), or other financing programs, then the total General Fund benefit of the proposed General Plan could be as high as \$11.4 million per year (Table 1 and Figure 1).

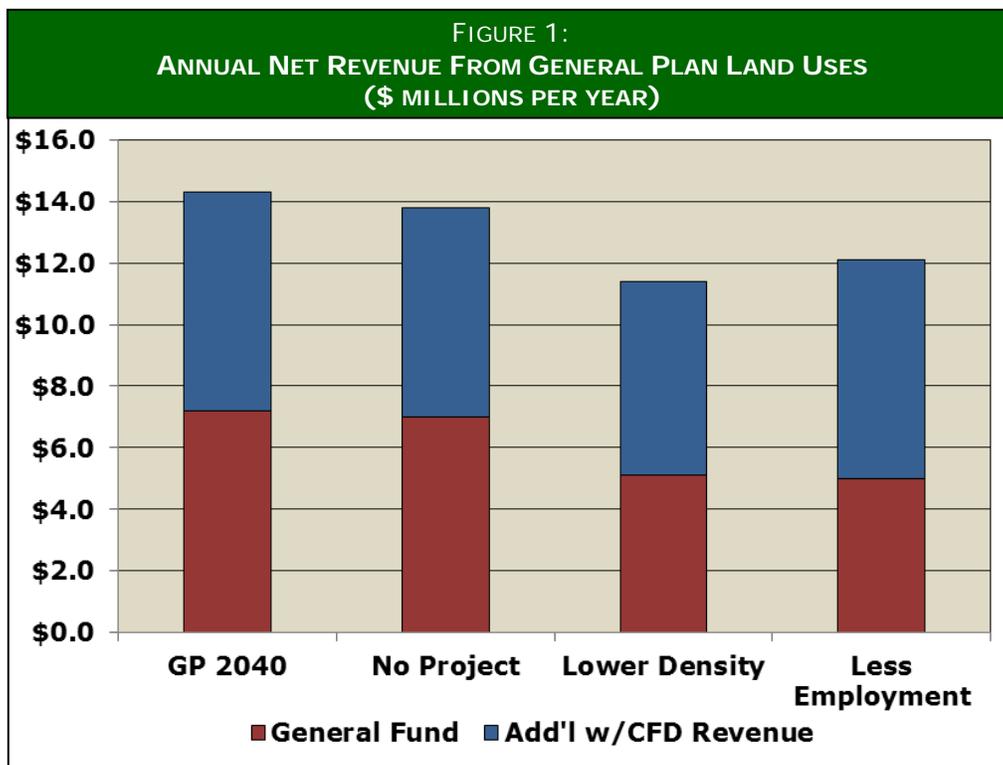
TABLE 1: SUMMARY OF ANNUAL NET REVENUE BY ALTERNATIVE (\$MILLIONS PER YEAR)				
	GP 2040	No Project	Lower Density	Less Employment
General Fund	\$4.3	\$5.3	\$2.8	\$2.6
Add'l w/CFD Revenue	\$7.1	\$6.8	\$6.3	\$7.1
<b>Total</b>	<b>\$11.4</b>	<b>\$12.1</b>	<b>\$9.1</b>	<b>\$9.7</b>

Source: ADE, Inc. Note: Totals may not add due to rounding.

The **No Project** alternative, which is essentially the existing General Plan, would create a slightly higher fiscal benefit, at \$5.3 million per year, than would **GP 2040**. The **No Project** alternative would feature less services and office development and more industrial development, which has a higher sales tax potential in Hayward. The amount of projected retail development is the same in both these alternatives.

The **Lower Density** alternative would reduce both multi-family residential and non-residential development by 20 percent. The resulting land use mix would still have a positive overall fiscal impact, but at a lower level, and thus would not generate as much net revenue as either the Proposed Project or the **No Project** alternative.

Finally, the third alternative would reduce employment levels 15 percent across the board but leave residential development the same as in **GP 2040**. This **Less Employment** alternative would result in the worst fiscal performance, although still positive at \$2.6 million in net revenues per year. If the negative fiscal impact of the residential development can be fully mitigated through CFDs, this alternative would perform better than the **Lower Density** alternative but still lower than **GP 2040** or the **No Project** alternative.



Source: ADE, Inc.

# PROJECT DESCRIPTION

The fiscal analysis is linked to the growth levels that would occur as a result of implementing the proposed General Plan or alternatives. While it is recognized that new design standards and alternative configurations of development (i.e., more pedestrian oriented), could have positive benefits for the demand for City services and how the services are delivered, the main impact is the increasing volume of demand for city services based on the amount and type of growth allowed. Therefore, the fiscal analysis relies mostly on the housing, population, and employment projections developed for the General Plan traffic analysis, and which are also used for other sections of the DEIR, rather than the policy statements included in the General Plan. The fiscal impact model, however, is designed to evaluate more detailed land use categories than is the traffic model, so we have differentiated certain residential and employment categories to better reflect differences in fiscal impact among land uses. The methodology for this land use analysis is described in the last chapter of the report. The land use, population and employment figures used in the fiscal analysis for the project and the alternatives are summarized in Table 2 below.

TABLE 2: PROJECT DESCRIPTION								
LAND USE	ALTERNATIVES							
	GP 2040		No Project		Lower Density		Less Employment	
Residential	New Units	New Pop.						
Single Family	7,472	23,088	7,472	23,088	7,472	18,471	7,472	23,088
Condominium	3,921	12,117	3,572	11,038	3,138	9,694	3,921	12,117
Rental Apartments	3,478	10,641	3,168	9,693	2,782	8,513	3,478	10,641
<b>Total Residential</b>	<b>11,393</b>	<b>45,847</b>	<b>11,044</b>	<b>43,820</b>	<b>10,610</b>	<b>36,678</b>	<b>11,393</b>	<b>45,847</b>
Non-Residential	New Building Sq.Ft.	New Emp.						
Office	1,344,426	4,481	830,043	2,767	1,075,541	3,585	1,142,762	3,809
Retail	2,698,117	4,906	2,698,117	4,906	2,158,494	3,925	2,293,400	4,170
Industrial	2,259,750	3,013	4,429,500	5,906	1,807,800	2,410	1,920,788	2,561
Warehouse	1,143,000	1,524	1,143,000	1,524	914,400	1,219	971,550	1,295
Research & Dev.	565,011	1,256	348,836	775	452,009	1,004	480,259	1,067
Service Commercial	983,950	1,789	611,050	1,111	784,740	1,427	836,358	1,521
Institutional	4,781,150	8,693	3,817,000	6,940	3,824,920	6,954	4,063,978	7,389
Lodging	137,865	125	136,765	124	104,132	95	118,285	108
<b>Total Non-Residential</b>	<b>13,913,270</b>	<b>25,787</b>	<b>14,014,311</b>	<b>24,053</b>	<b>11,122,036</b>	<b>20,620</b>	<b>11,827,379</b>	<b>21,920</b>

Source: ADE, Inc., based on data supplied by City of Hayward and Kittleson & Assoc./Dowling.

# FISCAL ANALYSIS

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## SETTING

The fiscal analysis is based on City of Hayward cost and revenue data from the 2013-2014 fiscal year (FY). As discussed in the General Plan background report, the City of Hayward has had to make significant adjustments in its expenditures to account for falling revenues during the recession. General Fund revenue sources in FY 2012-13 were about \$117.9 million while expenditures were \$123.5 million. This shortfall, which had been reduced by two-thirds from initial budget estimates, was made up through use of existing reserves. The expenditures reflected nearly a 20 percent reduction in staff levels since 2004. The following year budget (FY 2013-2014) upon which this analysis is based, shows a \$6.8 million annual General Fund deficit, but the City's fiscal projections indicate that the General Fund should be fully balanced by FY2014-2015.

Due to these circumstances, the costs estimates in the fiscal analysis reflect a lower service level for some departments than the City has provided in the past. However, in several respects the revenue estimates also reflect recent uncertain economic conditions. The fact that the proposed General Plan, as well as the alternatives, show positive net revenues over costs indicates that the City should be able to increase service levels over time as long as growth is balanced between residential and non-residential development as envisioned in the General Plan.

## DISCUSSION OF FISCAL IMPACTS

The total revenues and costs projected for each alternative are shown in Table 3 below. More detailed tables with impacts by land use are provided in the Appendix. As discussed in the summary, the Proposed Project, GP 2040, has the second best net fiscal impact, generating a \$4.3 million annual revenue surplus over costs, even absorbing \$7.1 million in negative annual impacts from the residential land uses. It is often typical that residential uses require more in City services than they generate in tax revenues. For this fiscal analysis, residential uses are credited with sales taxes generated from household expenditures in Hayward, which helps reduce the size of the impact. However, restrictions on property tax rates by Proposition 13 make it difficult for cities to fund the full extent of services needed by the residential population. Many cities require mitigation of fiscal impacts and thereby reduce this negative budgetary effect. For larger residential developments, the City may adopt policies to require mitigation of negative fiscal impacts through the establishment of Community Facilities Districts (CFDs – Mello Roos), or other forms of assessments and fees. If the full impact of the residential development is mitigated, the proposed project would have a much more significant fiscal benefit, at about \$11.4 million per year.

As discussed above, a portion of this benefit reflects the fact that City service costs are currently lower than normal due to budget cutbacks necessitated by the recession. In reality, as new revenues from development become available, it is likely the City will move to restore service levels and the actual annual fiscal net revenue will be lower than shown in Table 3.

<b>TABLE 3: SUMMARY IMPACTS FOR GP 2040 AND ALTERNATIVES</b>				
<b>REVENUES</b>	<b>Proposed Project</b>	<b>No Project</b>	<b>Lower Density</b>	<b>Less Employment</b>
Property Tax	\$10,913,009	\$11,018,085	\$9,660,192	\$10,332,496
Secured and Unsecured	\$7,667,722	\$7,741,550	\$6,787,464	\$7,259,840
VLF Swap	\$3,245,288	\$3,276,535	\$2,872,728	\$3,072,656
Sales Tax	\$14,582,882	\$14,640,805	\$12,132,154	\$13,090,415
Sales and Use	\$14,389,269	\$183,578	\$11,964,232	\$12,906,410
Public Safety	\$193,614	\$4,905,169	\$167,922	\$184,005
Utility Users Tax	\$5,185,551	\$4,905,169	\$4,446,522	\$4,852,715
Franchise Fee Tax	\$3,340,644	\$3,202,455	\$2,875,123	\$3,129,090
Waste mgmt	\$1,384,119	\$1,305,232	\$1,169,076	\$1,268,922
Water	\$834,277	\$817,006	\$724,266	\$785,582
Sewer	\$457,345	\$447,877	\$397,038	\$430,651
PG&E	\$324,644	\$307,091	\$278,377	\$303,807
Cable TV	\$340,259	\$325,249	\$306,366	\$340,128
Real Property Transfer tax	\$1,160,067	\$1,171,237	\$1,026,891	\$1,098,358
Business License Tax	\$950,276	\$887,263	\$763,745	\$813,542
Emergency Facilities Tax	\$582,250	\$553,564	\$511,553	\$563,085
Transient Occupancy Tax	\$892,051	\$884,933	\$673,782	\$765,360
Licenses and Permits	\$637,994	\$606,561	\$560,528	\$616,994
Fees and Service Charges	\$872,570	\$829,580	\$766,622	\$843,848
Inter-Governmental	\$879,014	\$835,707	\$772,283	\$850,080
Fines and Forfeitures	\$831,003	\$790,062	\$730,102	\$803,650
Other Revenues	\$411,474	\$391,202	\$361,512	\$397,930
Interest and Rents	\$102,108	\$101,146	\$87,426	\$94,604
Transfers	\$1,248,599	\$1,187,084	\$1,096,994	\$1,207,500
<b>GENERAL FUND REVENUE TOTAL</b>	<b>\$42,589,494</b>	<b>\$42,188,430</b>	<b>\$36,465,430</b>	<b>\$39,459,665</b>
<b>EXPENDITURES</b>	<b>Proposed Project</b>	<b>No Project</b>	<b>Lower Density</b>	<b>Less Employment</b>
General Government	\$6,207,693	\$5,968,938	\$5,455,933	\$5,977,320
Development Services	\$221,174	\$210,277	\$194,318	\$213,893
Fire	\$9,021,967	\$8,869,731	\$7,959,364	\$8,624,371
Library/Comm. Services	\$1,394,176	\$1,328,628	\$1,238,688	\$1,368,730
Maintenance Services	\$1,184,403	\$1,126,050	\$1,040,592	\$1,145,417
Police	\$19,862,513	\$18,935,480	\$17,414,400	\$19,154,227
Public Works - Eng. & Trans.	\$403,783	\$383,889	\$354,755	\$390,492
P W - Utilities & Env. Svcs.	\$16,655	\$15,835	\$14,633	\$16,107
<b>GENERAL FUND EXPENDITURE TOTAL</b>	<b>\$38,312,362</b>	<b>\$36,838,828</b>	<b>\$33,672,683</b>	<b>\$36,890,556</b>
<b>GENERAL FUND BUDGET NET (DEFICIT)/SURPLUS</b>	<b>\$4,277,132</b>	<b>\$5,349,603</b>	<b>\$2,792,747</b>	<b>\$2,569,110</b>
Community Facilities District Revenue	\$7,158,261	\$6,781,812	\$6,313,463	\$7,158,261
<b>TOTAL</b>	<b>\$11,435,394</b>	<b>\$12,131,414</b>	<b>\$9,106,209</b>	<b>\$9,727,371</b>

Source: ADE, Inc.

Moreover, the fiscal benefit of the proposed General Plan, as well as the alternatives, is heavily dependent on the City's ability to continue to grow its retail base and to achieve the other economic development goals in its strategic plan. Growth of commercial development and employment-generating land uses increases the fiscal revenues which can help to fund services for the residential population. The projected sales tax from new retail development in GP 2040 is \$7.8 million per year, well above the net annual benefit of the plan as a whole. If the amount of commercial development is lower than projected, or if the residential portions of the plan proceed ahead of the jobs and the sales tax revenues, then the projected fiscal benefit of the plan will not materialize, without mitigation through CFDs or other assessments.

The No Project alternative would have lower housing and population growth. This would reduce the demand for City services in new residential neighborhoods, decreasing total service costs by \$1.5 million per year (3.9%) over the proposed project. In addition, the non-residential development in this alternative would feature more industrial development and less services and office projects. This would reduce the amount of City service costs and would slightly increase the amount of new property taxes and sales tax generated. The total revenue for this alternative is \$42.2 million per year, or \$0.4 million per year lower than GP 2040, despite generating more property and sales taxes than the Proposed Project. The net result is about \$1 million per year in higher net revenues, or \$0.7 million with residential fiscal mitigation.

The Lower Density Alternative reduces multi-family residential and employment-generating land uses by 20 percent across the board. This would have proportional reduction in costs and revenues as well, resulting in \$1.5 million in lower net revenues than GP 2040, or \$2.3 million with residential impact mitigation.

The Less Employment alternative reduces only the non-residential development by 15 percent. This is perhaps the worst scenario from a fiscal perspective, in that the service demands from residential growth remain the same, but the non-residential land uses that can generate the extra tax base to support those services is reduced. The net effect is a reduction of \$1.7 million per year in net revenue. If the City can achieve residential fiscal mitigation, this alternative would be slightly better than the Lower Density Alternative, because the reduction in land uses is not as high.

# METHODOLOGY

## DEVELOPMENT CHARACTERISTICS

For purposes of the fiscal analysis, the project description for the General Plan consists of projections of future growth of single family and multi-family dwelling units, population growth and employment growth. The employment projections were divided into six business type categories for use in the traffic model. The fiscal impact model addresses the residential and population growth directly, but in order to analyze the non-residential growth, the employment figures needed to be distributed into land use categories. This analysis was conducted by using the shares of existing employment by major industry category, as shown in Table 4 below.

TABLE 4: HAYWARD AREA EMPLOYMENT BY INDUSTRY, 2012		
Industry Category	Jobs	Percent
Agriculture, Forestry, Fishing and Hunting	23	0.0%
Mining, Quarrying, and Oil and Gas Extraction	4	0.0%
Utilities	202	0.3%
Construction	5,313	7.9%
Manufacturing	9,356	13.9%
Wholesale Trade	6,509	9.7%
Retail Trade	6,746	10.1%
Transportation and Warehousing	3,612	5.4%
Information	525	0.8%
Finance and Insurance	1,039	1.5%
Real Estate and Rental and Leasing	1,277	1.9%
Professional, Scientific, and Technical Services	3,487	5.2%
Management of Companies and Enterprises	655	1.0%
Administration & Support, Waste Management and Remediation	3,692	5.5%
Educational Services	785	1.2%
Health Care and Social Assistance	7,989	11.9%
Arts, Entertainment, and Recreation	198	0.3%
Accommodation and Food Services	3,863	5.8%
Other Services (excluding Public Administration)	3,295	4.9%
Public Administration	8,518	12.7%
<b>TOTAL</b>	<b>67,088</b>	<b>100.0%</b>

Source: EMSI and US Bureau of the Census, OnTheMap. Data includes businesses in the following zip codes: 94540 to 94545 and 94557.

The traffic model uses the following business type categories:

- Retail
- Services
- Agriculture
- Manufacturing
- Wholesale
- Other

The retail category translates directly to the fiscal model and the manufacturing and wholesale employment are included in the industrial land use category. The services and other categories were distributed to the land use categories as shown in Table 5 below.

TABLE 5: CONVERSION OF INDUSTRY EMPLOYMENT TO LAND USE CATEGORIES				
DISTRIBUTION OF SERVICES EMPLOYMENT FROM TRAFFIC MODEL				
Land Use Category	Industry Category	Existing Jobs	Percent Share of Services Group	New Jobs GP 2040
Office	Information	525	2.0%	282
Office	Financial/Insurance	1,039	3.9%	558
Office	Real Estate	1,277	4.8%	686
R&D	Professional/Technical	3,487	13.2%	1,874
Office	Management	655	2.5%	352
Office	Administrative Support	3,692	14.0%	1,985
Retail	Food Services	3,643	13.9%	1,958
Lodging	Accommodations	220	0.8%	125
Service Commercial	Other Services	3,295	12.5%	1,771
Inst	Public Services	8,518	32.3%	4,579
<b>Total</b>		<b>26,351</b>	<b>100.0%</b>	<b>14,164</b>
DISTRIBUTION OF OTHER EMPLOYMENT FROM TRAFFIC MODEL				
Land Use category	NAICS Category	Existing Jobs	Percent Share of Other Group	New Jobs GP 2040
Industrial	Utilities	202	1.4%	95
Industrial	Construction	5,313	37.2%	2,491
Institutional	Education	785	5.5%	368
Institutional	Health Services	7,989	55.9%	3,746
<b>Total</b>		<b>14,289</b>	<b>100.0%</b>	<b>6,700</b>

Source: EMSI and US Bureau of the Census, OnTheMap. Data includes businesses in the following zip codes: 94540 to 94545 and 94557.

To provide a basis to calculate the property tax for non-residential land uses, it is necessary to convert the employment growth into building square footage, using employee density factors. The factors shown in Table 6 are derived from various land use and employment surveys collected by ADE.

<b>TABLE 6: EMPLOYEE DENSITY FACTORS AND ESTIMATED BUILDING SQ.FT.</b>			
<b>Land Use</b>	<b>Building Sq. Ft. Per Employee</b>	<b>Employment</b>	<b>Building Sq.Ft.</b>
Office	300	4,481	1,344,426
Retail	550	4,906	2,698,117
Industrial	750	3,013	2,259,750
Warehouse	750	1,524	1,143,000
Research & Dev.	450	1,256	565,011
Service	550	1,789	983,950
Institutional	550	8,693	4,781,150
Lodging	1,100	125	137,865
<b>Total</b>		<b>25,787</b>	<b>13,913,270</b>

Source: ADE, Inc.

In order to estimate assessed values by land use, ADE conducted an analysis of property sales in Hayward between July 2012 and June 2013, using Dataquick records. The results of this analysis are shown in Table 7 below. Unit factors for land uses that did not show up in the sample were estimated based on the available information. R&D uses are typically similar to office space and service commercial is usually of lower value than retail space. Much of the institutional category is not taxable because it is publically owned or is part of the non-profit sector. However, private health care facilities can generate significant assessed values, as well as some private educational institutions.

<b>TABLE 7: ASSESSED VALUE ESTIMATES</b>			
<b>Land Use</b>	<b>Properties in Sample</b>	<b>Average Sales Values</b>	<b>Projected Total Assessed Value</b>
<b>RESIDENTIAL</b>		<b>PER UNIT</b>	
Single Family	601	\$365,000	\$2,727,280,000
Condominium	207	\$237,000	\$929,388,390
Rental Apartments	549	\$134,000	\$465,989,020
<b>NON-RESIDENTIAL</b>		<b>PER SQ.FT.</b>	
Office	7	\$220	\$295,773,720
Retail	53	\$210	\$566,604,654
Industrial	5	\$230	\$519,742,500
Warehouse	13	\$100	\$114,300,000
Research & Dev.	---	\$220	\$124,302,420
Service Commercial	---	\$150	\$147,592,500
Institutional*	---	\$200	\$956,230,000
Lodging	2	\$150	\$20,679,780

Source: ADE, Inc.

\*Note: Among insitutional land uses, only private sector health care and educational facilities would generate property taxes.

Sales tax for non-residential land uses is estimated from Hayward sales tax reports combined with employment estimates in the Target Industry Analysis (See General Plan Background Report, Chapter 3: Economic Conditions). Table 8 below shows the detailed information available. Based on this data, ADE combined business categories into the land use types and developed the estimates in Table 9 for use in the fiscal analysis.

<b>TABLE 8: HAYWARD SALES TAX COLLECTIONS JULY 2011- JUNE 2012</b>			
<b>Business category</b>	<b>Sales Tax</b>	<b>Employment</b>	<b>Sales per Employee</b>
<b>GENERAL RETAIL</b>	<b>\$5,669,911</b>		
<b>Apparel Stores</b>	<b>\$799,780</b>	<b>466</b>	<b>\$1,716</b>
Women's Apparel	\$131,843	73	\$1,806
Men's Apparel	\$12,949	35	\$370
Family Apparel	\$436,920	221	\$1,977
Shoe Stores	\$218,068	137	\$1,592
<b>Department Stores</b>	<b>\$3,138,900</b>		
Variety Stores	\$43,067	263	\$164
Department Stores	\$1,491,053	603	\$2,473
General Stores	\$1,604,780	1537	\$1,044
<b>Furniture/Appliance</b>	<b>\$391,411</b>		
Home Furnishings	\$134,798	54	\$2,496
Appliance Stores	\$194,893	58	\$3,360
Second Hand Stores	\$61,719	108	\$571
<b>Drug Stores</b>	<b>\$233,315</b>	<b>229</b>	<b>\$1,019</b>
<b>Recreation Products</b>	<b>\$45,870</b>		
Sporting Goods	\$42,461		
Camera Stores	\$771		
Music Stores	\$2,639		
<b>Florist/Nursery</b>	<b>\$106,703</b>		
Florists	\$4,944	35	\$141
Nursery	\$101,758		
<b>Miscellaneous Retail</b>	<b>\$953,933</b>		
New Stands	\$0		
Art, Gift, Novelties	\$37,048	32	\$1,158
Stationery/Books	\$89,395	67	\$1,334
Jewelry Stores	\$55,581	41	\$1,356
Specialty Stores	\$649,070		
Cigar Stores	\$30,419		
Vending Companies	\$20,665		
Portrait Studio	\$30,094		
Shoe Repair Stores	\$28		
Personal Services	\$41,632	238	\$175

<b>Business category</b>	<b>Sales Tax</b>	<b>Employment</b>	<b>Sales per Employee</b>
<b>FOOD PRODUCTS</b>	<b>\$2,783,972</b>		
<b>Restaurants</b>	<b>\$1,714,738</b>		
Fast Food Restaurant	\$1,016,301	1,506	\$675
Restaurants w/Beer	\$343,131	1,622	\$427
Restaurants w/Onsale	\$349,169		
Hotel Food Sales	\$1,282		
Hotel Food/Bar Sales	\$0		
Club Food/Bar Sales	\$4,854		
<b>Food Markets</b>	<b>\$688,021</b>	<b>1,133</b>	<b>\$607</b>
Grocery w/o Onsale	\$4,648		
Specialty Food Stores	\$112,555		
Confectionery Stores	\$5,548		
Grocery w/Beer/Wine	\$208,152		
Supermarkets	\$357,118		
<b>Liquor Stores</b>	<b>\$137,567</b>	<b>37</b>	<b>\$3,718</b>
<b>Food Processing Eqp.</b>	<b>\$243,647</b>	<b>609</b>	<b>\$400</b>
<b>TRANSPORATION</b>	<b>\$5,505,070</b>		
<b>Auto Parts/Repair</b>	<b>\$766,155</b>		
Auto Supply Stores	\$427,701	379	\$1,128
Vehicle Repair	\$245,144	397	\$617
Vehicle Parts Mfg.	\$93,310	45	\$2,074
<b>Auto Sales/New</b>	<b>\$1,192,282</b>	<b>219</b>	<b>\$5,444</b>
<b>Auto Sales/Used</b>	<b>\$450,889</b>	<b>16</b>	<b>\$28,181</b>
<b>Service Stations</b>	<b>\$2,413,917</b>	<b>182</b>	<b>\$13,263</b>
<b>Misc. Vehicle Sales</b>	<b>\$681,828</b>		
Trailer & Supply	\$52,440	19	\$2,760
Boat/Motorcycle	\$118,938	30	\$3,965
Aircraft & Supply	\$23,641		
Transportation Eqp.	\$486,809	577	\$844
<b>CONSTRUCTION</b>	<b>\$3,986,526</b>		
<b>Bldg. Materials-Wholesale</b>	<b>\$2,705,758</b>	<b>320</b>	<b>\$8,455</b>
Construction/Farm Eqp.	\$93,988		
Plumbing & Electric	\$885,492		
Bldg. Materials - Whsle	\$1,726,277		
<b>Bldg. Materials-Retail</b>	<b>\$1,280,768</b>		
Building Materials Store	\$1,172,838	468	\$2,506
Hardware Stores	\$50,720	19	\$2,669
Paint/Glass/Wallpaper	\$57,210	30	\$1,907
<b>CONSUMER-DRIVEN TOTAL</b>	<b>\$17,945,479</b>		
<b>BUSINESS TO BUSINESS</b>	<b>\$7,182,988</b>		

<b>Business category</b>	<b>Sales Tax</b>	<b>Employment</b>	<b>Sales per Employee</b>
<b>Office Equipment</b>	<b>\$441,765</b>	<b>175</b>	<b>\$2,524</b>
Office Equipment Store	\$221,515		
Office Machines	\$220,250		
Photo Processing/Equip.	\$0		
<b>Electronic Equipment</b>	<b>\$662,017</b>	<b>517</b>	<b>\$1,280</b>
<b>Business Services</b>	<b>\$156,542</b>	<b>3,068</b>	<b>\$51</b>
<b>Energy Sales</b>	<b>\$108,413</b>		
Fuel Oil/Ice Sales	\$70,948		
Oil & Gas Products	\$37,465		
<b>Chemical Products</b>	<b>\$744,901</b>	<b>544</b>	<b>\$1,369</b>
<b>Heavy Industry</b>	<b>\$1,835,473</b>		
Mfg. Material/Textiles	\$115,447	14	\$8,246
Heavy Industry	\$1,719,996		
<b>Light Industry</b>	<b>\$1,609,853</b>		
Rental/Other Repair	\$140,188	827	\$170
Light Industry	\$1,469,665		
<b>Leasing</b>	<b>\$1,624,025</b>		
<b>MISCELLANEOUS</b>	<b>\$143,033</b>		
<b>Health &amp; Government</b>	<b>\$115,602</b>		
Health Services	\$66,501	7,989	\$8
Govt/Non-Profit Orgs.	\$49,102	8,845	\$6
<b>Miscellaneous Other</b>	<b>\$27,389</b>		
Non-Store Retailers	\$13,017		
Part-Time Business	\$192		
Mortuary Sales	\$14,180		

Source: ADE, Inc., based on City of Hayward sales tax records and EMSI employment data.

<b>TABLE 9: FISCAL ANALYSIS SALES TAX ESTIMATES</b>			
<b>NON-RESIDENTIAL</b>	<b>Sales Tax Per Job</b>	<b>Employment</b>	<b>Taxable Sales</b>
Office	\$76.68	4,481	\$343,635
Retail	\$1,589.88	4,906	\$7,799,951
Industrial	\$267.14	3,013	\$804,893
Warehouse	\$267.14	1,524	\$407,121
Research & Dev.	\$38.34	1,256	\$48,139
Service Commercial	\$236.82	1,789	\$423,671
Institutional	\$6.69	8,693	\$58,115
		<b>25,662</b>	<b>\$9,885,525</b>

Source: ADE, Inc.

## CITY BUDGET

The analysis is based on the most recent City budget (FY2013-14), shown in Table 10. However, certain adjustments have been made to the budget figures, in part to create cost factors that better reflect the marginal impact of new growth on the City. These adjustments are itemized in Table 11. The major adjustment to the budget categories is that we have deducted the salary and benefits for department heads and the City Council. The rationale is that new development projects would have an incremental impact on City service capacities but not on the top management structure of the City. In addition, one-time fees such as building permits and plan check fees are deducted from the Development Services and Public Works budgets. Equal amounts are also deducted from the service costs for these departments. These one-time fees are subtracted because the analysis is focused on the ongoing annual cost of services.

## REVENUE AND COST ESTIMATES

As described further below, many of the revenue and cost factors are calculated on a per capita basis. However, certain revenues and costs are based on legislative formulas or other cost estimating techniques. These are summarized below.

**Property Tax:** The state legislated base property tax rate of one percent of assessed value. However, of this base property tax amount, the City of Hayward receives only about 12 percent. The remaining property tax revenues are distributed to the local school districts, Alameda County, and a variety of other local and regional taxing agencies.

**Vehicle License in-Lieu Property Tax Swap:** Proposition 1A, passed in 2004, established a permanent backfill of property taxes for what had in the past been the cities' allocation of vehicle registration fees. The current mechanism for allocating these funds is based on growth in assessed value for each city jurisdiction. Hence, this revenue functions very much like an increase in the cities' allocation of base property tax. For purposes of this analysis, VLF revenues are calculated as a percent of new base property tax. For Hayward currently, the VLF swap is equivalent to 42.3 percent of the base property tax.

**Sales Tax:** The City's share of the base sales tax equals one percent of taxable sales within the City's jurisdiction. In addition, Proposition 174 created a Public Safety sales tax override that generates additional funds for police services, which amounts to about three percent of the base sales tax revenue. Different kinds of businesses have different levels of taxable sales transactions and this is reflected in the data provided in Tables 8 and 9 above. It is important to recognize that the City depends on businesses within its jurisdiction to capture taxable sales. When Hayward residents shop outside of Hayward, those sales taxes go to another jurisdiction. At the same time, it is true that local residents provide much of the purchasing power that supports local retail sales. Therefore, the fiscal analysis allocates a portion of retail sales taxes to the residential land uses, and the remainder to retail and other business types based on the factors in Table 9 above.

**Franchise Fee Tax:** The City charges a tax on both public and private sector utility services, including waste management, water and sewer service, PG&E energy services and cable TV. For water and sewer services, the City has estimated the demand for residential and non-residential land uses and these factors are used in the fiscal analysis to allocate these revenues. For other utility services, ADE

has allocated the revenues based on data obtained from other cities on energy and solid waste usage. For cable TV all the revenue is allocated to residential uses, although it is recognized that some businesses would use these services as well.

<b>TABLE 10: HAYWARD GENERAL FUND BUDGET FOR FISCAL YEAR 2013-14</b>	
<b>REVENUES</b>	<b>BUDGET</b>
<b>Property Tax</b>	<b>\$36,588,000</b>
Secured and Unsecured	\$23,795,000
In-Lieu (Ent. Funds)	\$1,629,000
RDA Pass-through	\$298,000
VLF Swap	\$10,071,000
Airport	\$795,000
<b>Sales Tax</b>	<b>\$27,312,000</b>
Sales and Use	\$20,408,000
Public Safety	\$587,000
Triple Flip	\$6,317,000
<b>Utility Users Tax</b>	<b>\$15,398,000</b>
<b>Franchise Fee Tax</b>	<b>\$9,917,000</b>
Waste mgmt	\$3,997,000
Water	\$2,490,000
Sewer	\$1,365,000
PG&E	\$964,000
Cable TV	\$1,101,000
<b>Real Property Transfer tax</b>	<b>\$3,600,000</b>
Business License Tax	\$2,497,000
Emergency Facilities Tax	\$1,807,000
Transient Occupancy Tax	\$1,460,000
Licenses and Permits	\$1,980,000
Fees and Service Charges	\$2,708,000
Construction Related Fees	\$3,571,000
Inter-Governmental	\$2,728,000
Fines and Forfeitures	\$2,579,000
Other Revenues	\$3,978,000
Interest and Rents	\$264,000
Transfers	\$3,875,000
<b>GENERAL FUND REVENUE TOTAL</b>	<b>\$120,262,000</b>
<b>EXPENDITURES</b>	<b>BUDGET</b>
General Government	\$20,883,653
Development Services	\$4,489,769
Fire	\$31,013,823
Library/Comm. Services	\$4,677,113
Maintenance Services	\$3,938,776
Police	\$60,495,523
Public Works - Eng. & Trans.	\$1,542,922
P W - Utilities & Env. Svcs.	\$51,689
Non-Departmental & Transfers	
<b>GENERAL FUND EXPENDITURE TOTAL</b>	<b>\$127,093,268</b>
<b>TOTAL GENERAL FUND (NET)</b>	<b>-\$6,831,268</b>

Source: City of Hayward Adopted Biennial Operating Budget, FY 2013 and 2014.

**TABLE 11:  
ADJUSTMENTS TO SELECTED BUDGET REVENUE AND COST CATEGORIES**

<b>Department/Cost Category</b>	<b>Amount</b>	<b>Revenue Category</b>	<b>Description</b>
General Government	\$541,590		Mayor and City Council
	\$342,528		City Manager
	\$284,768		City Attorney
	\$175,488		City Clerk
	\$273,920		Finance Director
	\$262,336		Human Res. Director
<b>General Govt Subtotal</b>	<b>\$1,880,630</b>		
Library/ Community Services	\$262,656		Director
Development Services	\$1,446,656	Construction Related Fees	Licenses and Permits
	\$2,097,506	Construction Related Fees	Fees and Service Charges
	\$259,200		Director
<b>Development Services Subtotal</b>	<b>\$3,803,362</b>		
Police	\$296,416		Police Chief
Fire	\$2,701,000	Other Revenues	Fairview Fire Protection District
	\$26,838	Construction Related Fees	Licenses and Permits
	\$287,552		Fire Chief
<b>Fire Subtotal</b>	<b>\$3,015,390</b>		
Maintenance Services	\$263,008		Director
Public Works	\$289,792		Director
<b>General Fund Total</b>	<b>\$9,811,254</b>		

Source: ADE, Inc.

**Real Property Transfer Tax:** The City receives a tax on all property transactions, based on the value of the transaction. When new residential units or commercial buildings are first built and sold, the City would receive this tax. However, since the fiscal analysis is concerned with ongoing revenues and costs, rather than one-time fees, this revenue is estimated as a percent of ongoing property tax revenues. This reflects ongoing resales of properties and incorporates increases in property values on which this revenue would be based.

**Transient Occupancy Tax:** The City charges ten percent of room revenues for lodging within the City. The fiscal analysis estimates this as a function of growth in hotel employment based on the following formula: \$150 average room revenue per night \* 65% occupancy \* 365 days per year \* 0.5 employees per room \* 10% tax.

**Interest and Rents:** The nominal rate of interest the City makes on its available bank balances, plus incidental rental of City facilities, is calculated as a percentage of total General Fund revenue.

**General Government Costs:** The City's general government functions include the City Council, the City Manager, Human Resources, Finance, the City Clerk, the City Attorney and Information Technology. These functions generally provide the management and administrative support for departments that are engaged with providing services directly to the public, including Development

Services, Fire, Police, Library and Community Services, Maintenance Services and Public Works. While costs for the latter set of departments are calculated on a per capita basis, as described in detail below, the fiscal analysis treats the General Government function as an overhead charge on the other public services. In Hayward this charge amounts to 19.3 percent of the adjusted cost of other direct services to the public. The “adjusted” costs reflect the budget adjustments detailed in Table 11 above.

**Fire Protection:** The Fire Department provides both fire protection services and also emergency medical response. Information from the Fire Department indicates that 45 percent of Department costs are devoted to emergency medical response and 55 percent to fire protection. In the fiscal analysis, the emergency medical response cost are allocated to land use based on a per capita formula, but the fire protection services are based on assessed value per land use. Fire protection costs are equal to 64.7 percent of base property tax revenues and the fiscal analysis uses this formula to estimate these costs for the Fire Department.

**Library/Community Services:** ADE estimates that 90 percent of these services are needed by the residential population and 10 percent, primarily library services, are used by businesses or workers in the City.

#### **PER CAPITA REVENUE AND COST ESTIMATES**

For all other revenues and costs, a per capita formula is used that reflects the population (148,756) and the jobs (67,088) in Hayward. The fundamental assumption here is that service impacts for non-residential uses, on a per-employee basis, are 50% of the service impact of the residential population. This approach is a standard operating procedure for fiscal impact analysis, and it reflects the difference between the daytime and nighttime population in the City. In Hayward, this per capita formula yields a distribution of 82 percent impact to residential and 18 percent impact to non-residential land uses. The specific cost and revenue factors, based on these percentages and the figures from the City budget, are shown in Tables 12 and 13 below.

**TABLE 12:  
UNIT REVENUE FACTORS**

REVENUE CATEGORY	BUSINESS UNIT REVENUES				RESIDENTIAL UNIT REVENUES			
	Proportion	Per employee	By Land Use		Proportion	Per capita	By Land Use	
			Industrial	Other Non-Res			SF DU	MF DU
Sales and Use		**			72%	\$98.23		
Public Safety Sales Tax	28%	\$2.48			72%	\$2.83		
Utility Users Tax	38%	\$86.07			62%	\$64.69		
Franchise Fee Tax								
Waste mgmt	50%	\$29.79			50%	\$13.43		
Water	38%	\$14.10	\$18.93	\$11.24	62%	\$10.38	\$38.09	\$30.40
Sewer	38%	\$7.73	\$10.38	\$6.16	62%	\$5.69	\$20.88	\$16.67
PG&E	38%	\$5.39			62%	\$4.05		
Cable TV	0%	\$0.00			100%	\$7.40		
Business License Tax	95%	\$35.36			5%	\$0.84		
Emergency Facilities Tax	18%	\$4.96			82%	\$9.91		
Licenses and Permits	18%	\$5.43			82%	\$10.86		
Fees & Service Charges	18%	\$7.43			82%	\$14.85		
Inter-Governmental	18%	\$7.48			82%	\$14.96		
Fines and Forfeitures	18%	\$7.07			82%	\$14.15		
Other Revenues	18%	\$3.50			82%	\$7.00		
Transfers	18%	\$10.63			82%	\$21.26		

Source: ADE, Inc.

\*\*Note: See Table 9

**TABLE 13:  
UNIT COST FACTORS**

Cost Category	BUSINESS UNIT COSTS		RESIDENTIAL UNIT COSTS	
	Proportion Business	Per Employee	Proportion Residential	Per Capita
Development Services	18%	\$1.88	82%	\$3.77
Fire **	18%	\$34.56	82%	\$69.11
Library/Comm. Services	10%	\$6.58	90%	\$26.71
Maintenance Services	18%	\$10.08	82%	\$20.16
Police	18%	\$165.11	82%	\$330.22
Public Works - Eng. & Trans.	18%	\$3.44	82%	\$6.87
P W - Utilities & Env. Svcs.	18%	\$0.14	82%	\$0.28
Non-Departmental & Transfers	18%	\$0.00	82%	\$0.00

Source: ADE, Inc.

\*\*Note: Fire cost factors are for emergency response only. Fire protection costs are allocated by assessed value.

# APPENDIX: DETAILED FISCAL TABLES

TABLE A-1:  
GP 2040 FISCAL IMPACT BY LAND USE

REVENUES	Total	Single Family	Condo-minium	Rental Apartments	Office	Retail	Industrial/Manu-facturing	Ware-house	Research & Develop-ment	Service Commer-cial	Institu-tional	Lodging
Property Tax	\$10,913,009	\$4,657,889	\$1,587,291	\$795,857	\$505,148	\$967,697	\$887,662	\$195,212	\$212,295	\$252,071	\$816,567	\$35,319
Secured and Unsecured	\$7,667,722	\$3,272,736	\$1,115,266	\$559,187	\$354,928	\$679,926	\$623,691	\$137,160	\$149,163	\$177,111	\$573,738	\$24,816
VLF Swap	\$3,245,288	\$1,385,153	\$472,025	\$236,670	\$150,220	\$287,772	\$263,971	\$58,052	\$63,132	\$74,960	\$242,829	\$10,503
Sales Tax	\$14,582,882	\$2,333,188	\$1,224,508	\$1,075,342	\$354,771	\$7,811,593	\$812,378	\$410,908	\$51,259	\$428,124	\$79,717	\$1,095
Sales and Use	\$14,389,269	\$2,267,954	\$1,190,272	\$1,045,277	\$343,635	\$7,799,403	\$804,891	\$407,121	\$48,139	\$423,678	\$58,115	\$783
Public Safety	\$193,614	\$65,234	\$34,236	\$30,066	\$11,136	\$12,190	\$7,487	\$3,787	\$3,120	\$4,446	\$21,601	\$311
Utility Users Tax	\$5,185,551	\$1,493,706	\$783,930	\$688,434	\$385,715	\$422,230	\$259,328	\$131,170	\$108,068	\$153,979	\$748,205	\$10,787
Franchise Fee Tax	\$3,340,644	\$1,015,256	\$486,128	\$428,499	\$235,620	\$257,926	\$194,293	\$98,275	\$66,015	\$94,061	\$457,054	\$7,517
Waste mgmt	\$1,384,119	\$310,188	\$162,793	\$142,962	\$133,498	\$146,136	\$89,755	\$45,399	\$37,403	\$53,293	\$258,958	\$3,734
Water	\$834,277	\$284,633	\$119,217	\$105,721	\$50,365	\$55,133	\$57,036	\$28,849	\$14,111	\$20,106	\$97,697	\$1,409
Sewer	\$457,345	\$156,034	\$65,354	\$57,955	\$27,610	\$30,223	\$31,267	\$15,815	\$7,736	\$11,022	\$53,557	\$772
PG&E	\$324,644	\$93,514	\$49,078	\$43,100	\$24,148	\$26,434	\$16,235	\$8,212	\$6,766	\$9,640	\$46,842	\$675
Cable TV	\$340,259	\$170,887	\$89,685	\$78,760	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$928
Real Property Transfer tax	\$1,160,067	\$495,140	\$168,731	\$84,601	\$53,698	\$102,867	\$94,360	\$20,751	\$22,567	\$26,796	\$86,802	\$3,754
Business License Tax	\$950,276	\$19,378	\$10,170	\$8,931	\$158,458	\$173,458	\$106,536	\$53,887	\$44,396	\$63,257	\$307,374	\$4,432
Emergency Facilities Tax	\$582,250	\$228,858	\$120,110	\$105,478	\$22,210	\$24,313	\$14,933	\$7,553	\$6,223	\$8,866	\$43,084	\$621
Transient Occupancy Tax	\$892,051	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$892,051
Licenses and Permits	\$637,994	\$250,769	\$131,609	\$115,577	\$24,337	\$26,641	\$16,362	\$8,276	\$6,819	\$9,715	\$47,208	\$681
Fees & Service Charges	\$872,570	\$342,971	\$179,999	\$158,072	\$33,285	\$36,436	\$22,379	\$11,319	\$9,326	\$13,287	\$64,566	\$931
Inter-Governmental	\$879,014	\$345,504	\$181,328	\$159,239	\$33,531	\$36,705	\$22,544	\$11,403	\$9,394	\$13,386	\$65,043	\$938
Fines and Forfeitures	\$831,003	\$326,633	\$171,424	\$150,542	\$31,699	\$34,700	\$21,312	\$10,780	\$8,881	\$12,655	\$61,490	\$887
Other Revenues	\$411,474	\$161,733	\$84,881	\$74,541	\$15,696	\$17,182	\$10,553	\$5,338	\$4,398	\$6,266	\$30,447	\$439
Interest and Rents	\$102,108	\$29,228	\$12,948	\$9,784	\$4,571	\$23,946	\$5,995	\$2,358	\$1,353	\$2,647	\$6,969	\$2,309
Transfers	\$1,248,599	\$490,773	\$257,568	\$226,192	\$47,629	\$52,138	\$32,022	\$16,197	\$13,344	\$19,014	\$92,390	\$1,332

	Total	Single Family	Condo-minium	Rental Apartments	Office	Retail	Industrial/Manu-facturing	Ware-house	Research & Develop-ment	Service Commer-cial	Institu-tional	Lodging
<b>GENERAL FUND REVENUE TOTAL</b>	\$42,589,494	\$12,191,026	\$5,400,627	\$4,081,089	\$1,906,368	\$9,987,833	\$2,500,658	\$983,427	\$564,337	\$1,104,123	\$2,906,914	\$963,092
<b>EXPENDITURES</b>												
General Government	\$6,207,693	\$2,450,300	\$1,210,599	\$1,010,544	\$222,291	\$452,075	\$197,637	\$77,654	\$68,502	\$93,172	\$416,838	\$8,080
Development Services	\$221,174	\$86,934	\$45,625	\$40,067	\$8,437	\$9,236	\$5,672	\$2,869	\$2,364	\$3,368	\$16,366	\$236
Fire	\$9,021,967	\$3,713,693	\$1,559,220	\$1,097,330	\$384,557	\$609,542	\$507,746	\$141,428	\$139,920	\$176,440	\$671,699	\$20,391
Library/Comm. Services	\$1,394,176	\$616,653	\$323,633	\$284,209	\$29,488	\$32,280	\$19,826	\$10,028	\$8,262	\$11,772	\$57,201	\$825
Maintenance Services	\$1,184,403	\$465,540	\$244,326	\$214,562	\$45,180	\$49,457	\$30,376	\$15,364	\$12,658	\$18,036	\$87,640	\$1,264
Police	\$19,862,513	\$7,624,278	\$4,001,389	\$3,513,951	\$665,935	\$1,619,950	\$447,729	\$226,465	\$186,578	\$265,844	\$1,291,771	\$18,624
Public Works - Eng. & Trans.	\$403,783	\$158,710	\$83,295	\$73,148	\$15,403	\$16,861	\$10,356	\$5,238	\$4,315	\$6,149	\$29,878	\$431
P W - Utilities & Env. Svcs	\$16,655	\$6,546	\$3,436	\$3,017	\$635	\$695	\$427	\$216	\$178	\$254	\$1,232	\$18
<b>GENERAL FUND EXPENDITURE TOTAL</b>	\$38,312,362	\$15,122,654	\$7,471,521	\$6,236,828	\$1,371,926	\$2,790,096	\$1,219,769	\$479,263	\$422,778	\$575,034	\$2,572,625	\$49,868
<b>GENERAL FUND BUDGET NET (DEFICIT)/SURPLUS</b>	\$4,277,132	(\$2,931,628)	(\$2,070,894)	(\$2,155,739)	\$534,443	\$7,197,737	\$1,280,890	\$504,164	\$141,559	\$529,089	\$334,289	\$913,224
Community Facilities District Revenue	\$7,158,261	\$2,931,628	\$2,070,894	\$2,155,739	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$11,435,394</b>											

Source: ADE, Inc.

**TABLE A-2:  
NO-PROJECT ALTERNATIVE FISCAL IMPACT BY LAND USE**

<b>REVENUES</b>	<b>Total</b>	<b>Single Family</b>	<b>Condo-minium</b>	<b>Rental Apartments</b>	<b>Office</b>	<b>Retail</b>	<b>Industrial/Manu-facturing</b>	<b>Ware-house</b>	<b>Research &amp; Develop-ment</b>	<b>Service Commer-cial</b>	<b>Institu-tional</b>	<b>Lodging</b>
Property Tax	\$11,018,085	\$4,657,889	\$1,445,918	\$724,973	\$311,877	\$967,697	\$1,739,971	\$195,212	\$131,070	\$156,541	\$651,901	\$35,037
Secured and Unsecured	\$7,741,550	\$3,272,736	\$1,015,934	\$509,382	\$219,131	\$679,926	\$1,222,542	\$137,160	\$92,093	\$109,989	\$458,040	\$24,618
VLF Swap	\$3,276,535	\$1,385,153	\$429,984	\$215,591	\$92,745	\$287,772	\$517,429	\$58,052	\$38,977	\$46,552	\$193,861	\$10,419
Sales Tax	\$14,824,383	\$2,333,188	\$1,115,446	\$979,566	\$219,034	\$7,811,593	\$1,592,401	\$410,908	\$31,647	\$265,872	\$63,641	\$1,086
Sales and Use	\$14,640,805	\$2,267,954	\$1,084,259	\$952,178	\$212,159	\$7,799,403	\$1,577,726	\$407,121	\$29,721	\$263,111	\$46,396	\$777
Public Safety	\$183,578	\$65,234	\$31,187	\$27,388	\$6,875	\$12,190	\$14,676	\$3,787	\$1,926	\$2,761	\$17,245	\$309
Utility Users Tax	\$4,905,169	\$1,493,706	\$714,108	\$627,118	\$238,139	\$422,230	\$508,328	\$131,170	\$66,720	\$95,624	\$597,324	\$10,701
Franchise Fee Tax	\$3,202,455	\$1,015,256	\$442,831	\$390,334	\$145,471	\$257,926	\$380,849	\$98,275	\$40,757	\$58,413	\$364,886	\$7,457
Waste mgmt	\$1,305,232	\$310,188	\$148,294	\$130,229	\$82,421	\$146,136	\$175,935	\$45,399	\$23,092	\$33,096	\$206,737	\$3,704
Water	\$817,006	\$284,633	\$108,599	\$96,305	\$31,095	\$55,133	\$111,801	\$28,849	\$8,712	\$12,486	\$77,996	\$1,397
Sewer	\$447,877	\$156,034	\$59,533	\$52,794	\$17,046	\$30,223	\$61,288	\$15,815	\$4,776	\$6,845	\$42,757	\$766
PG&E	\$307,091	\$93,514	\$44,707	\$39,261	\$14,909	\$26,434	\$31,824	\$8,212	\$4,177	\$5,987	\$37,396	\$670
Cable TV	\$325,249	\$170,887	\$81,697	\$71,745	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$920
Real Property Transfer tax	\$1,171,237	\$495,140	\$153,703	\$77,066	\$33,153	\$102,867	\$184,961	\$20,751	\$13,933	\$16,640	\$69,298	\$3,724
Business License Tax	\$887,263	\$19,378	\$9,264	\$8,136	\$97,831	\$173,458	\$208,829	\$53,887	\$27,410	\$39,284	\$245,390	\$4,396
Emergency Facilities Tax	\$553,564	\$228,858	\$109,412	\$96,084	\$13,713	\$24,313	\$29,271	\$7,553	\$3,842	\$5,506	\$34,395	\$616
Transient Occupancy Tax	\$884,933	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$884,933
Licenses and Permits	\$606,561	\$250,769	\$119,887	\$105,283	\$15,025	\$26,641	\$32,073	\$8,276	\$4,210	\$6,033	\$37,688	\$675
Fees & Service Charges	\$829,580	\$342,971	\$163,967	\$143,993	\$20,550	\$36,436	\$43,866	\$11,319	\$5,758	\$8,252	\$51,546	\$923
Inter-Governmental	\$835,707	\$345,504	\$165,178	\$145,056	\$20,702	\$36,705	\$44,190	\$11,403	\$5,800	\$8,313	\$51,926	\$930
Fines and Forfeitures	\$790,062	\$326,633	\$156,156	\$137,134	\$19,571	\$34,700	\$41,776	\$10,780	\$5,483	\$7,859	\$49,090	\$879
Other Revenues	\$391,202	\$161,733	\$77,321	\$67,902	\$9,691	\$17,182	\$20,686	\$5,338	\$2,715	\$3,891	\$24,307	\$435
Interest and Rents	\$101,146	\$29,228	\$11,795	\$8,913	\$2,822	\$23,946	\$11,752	\$2,358	\$835	\$1,644	\$5,564	\$2,291
Transfers	\$1,187,084	\$490,773	\$234,628	\$206,046	\$29,406	\$52,138	\$62,769	\$16,197	\$8,239	\$11,808	\$73,759	\$1,321
<b>GENERAL FUND REVENUE TOTAL</b>	<b>\$42,188,430</b>	<b>\$12,191,026</b>	<b>\$4,919,614</b>	<b>\$3,717,603</b>	<b>\$1,176,984</b>	<b>\$9,987,833</b>	<b>\$4,901,722</b>	<b>\$983,427</b>	<b>\$348,419</b>	<b>\$685,680</b>	<b>\$2,320,716</b>	<b>\$955,407</b>

	Total	Single Family	Condo-minium	Rental Apartments	Office	Retail	Industrial/Manu-facturing	Ware-house	Research & Develop-ment	Service Commer-cial	Institu-tional	Lodging
<b>EXPENDITURES</b>												
General Government	\$5,968,938	\$2,450,300	\$1,102,776	\$920,538	\$137,242	\$452,075	\$387,403	\$77,654	\$42,293	\$57,861	\$332,780	\$8,016
Development Services	\$210,277	\$86,934	\$41,561	\$36,498	\$5,209	\$9,236	\$11,119	\$2,869	\$1,459	\$2,092	\$13,065	\$234
Fire	\$8,869,731	\$3,713,693	\$1,420,346	\$999,595	\$237,424	\$609,542	\$995,269	\$141,428	\$86,386	\$109,573	\$536,247	\$20,228
Library/Comm. Services	\$1,328,628	\$616,653	\$294,808	\$258,895	\$18,206	\$32,280	\$38,862	\$10,028	\$5,101	\$7,310	\$45,666	\$818
Maintenance Services	\$1,126,050	\$465,540	\$222,564	\$195,452	\$27,894	\$49,457	\$59,542	\$15,364	\$7,815	\$11,201	\$69,967	\$1,253
Police	\$18,935,480	\$7,624,278	\$3,645,001	\$3,200,977	\$411,145	\$1,619,950	\$877,626	\$226,465	\$115,192	\$165,093	\$1,031,277	\$18,476
Public Works - Eng. & Trans.	\$383,889	\$158,710	\$75,876	\$66,633	\$9,510	\$16,861	\$20,299	\$5,238	\$2,664	\$3,819	\$23,853	\$427
P W-Utilities & Env. Svcs	\$15,835	\$6,546	\$3,130	\$2,748	\$392	\$695	\$837	\$216	\$110	\$158	\$984	\$18
<b>GENERAL FUND EXPENDITURE TOTAL</b>	<b>\$36,838,828</b>	<b>\$15,122,654</b>	<b>\$6,806,062</b>	<b>\$5,681,338</b>	<b>\$847,021</b>	<b>\$2,790,096</b>	<b>\$2,390,957</b>	<b>\$479,263</b>	<b>\$261,021</b>	<b>\$357,106</b>	<b>\$2,053,838</b>	<b>\$49,470</b>
<b>GENERAL FUND BUDGET NET (DEFICIT)/SURPLUS</b>	<b>\$5,349,603</b>	<b>(\$2,931,628)</b>	<b>(\$1,886,448)</b>	<b>(\$1,963,736)</b>	<b>\$329,963</b>	<b>\$7,197,737</b>	<b>\$2,510,765</b>	<b>\$504,164</b>	<b>\$87,398</b>	<b>\$328,573</b>	<b>\$266,877</b>	<b>\$905,937</b>
Community Facilities District Revenue	\$6,781,812	\$2,931,628	\$1,886,448	\$1,963,736	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$12,131,414</b>											

Source: ADE, Inc.

**TABLE A-3:  
LOWER DENSITY ALTERNATIVE FISCAL IMPACT BY LAND USE**

<b>REVENUES</b>	<b>Total</b>	<b>Single Family</b>	<b>Condo-minium</b>	<b>Rental Apartments</b>	<b>Office</b>	<b>Retail</b>	<b>Industrial/Manu-facturing</b>	<b>Ware-house</b>	<b>Research &amp; Develop-ment</b>	<b>Service Commer-cial</b>	<b>Institu-tional</b>	<b>Lodging</b>
Property Tax	\$9,660,192	\$4,657,889	\$1,270,238	\$636,686	\$404,119	\$774,158	\$710,130	\$156,169	\$169,836	\$201,037	\$653,254	\$26,677
Secured and Unsecured	\$6,787,464	\$3,272,736	\$892,497	\$447,349	\$283,943	\$543,940	\$498,953	\$109,728	\$119,330	\$141,253	\$458,990	\$18,744
VLF Swap	\$2,872,728	\$1,385,153	\$377,741	\$189,336	\$120,176	\$230,217	\$211,177	\$46,441	\$50,505	\$59,784	\$194,263	\$7,933
Sales Tax	\$12,132,154	\$2,333,188	\$979,919	\$860,274	\$283,817	\$6,249,274	\$649,903	\$328,726	\$41,007	\$341,446	\$63,773	\$827
Sales and Use	\$11,964,232	\$2,267,954	\$952,521	\$836,221	\$274,908	\$6,239,522	\$643,913	\$325,696	\$38,511	\$337,900	\$46,492	\$592
Public Safety	\$167,922	\$65,234	\$27,398	\$24,052	\$8,909	\$9,752	\$5,990	\$3,030	\$2,496	\$3,545	\$17,281	\$235
Utility Users Tax	\$4,446,522	\$1,493,706	\$627,344	\$550,747	\$308,572	\$337,784	\$207,463	\$104,936	\$86,454	\$122,804	\$598,564	\$8,148
Franchise Fee Tax	\$2,875,123	\$1,015,256	\$389,027	\$342,799	\$188,496	\$206,341	\$155,435	\$78,620	\$52,812	\$75,017	\$365,643	\$5,678
Waste mgmt	\$1,169,076	\$310,188	\$130,276	\$114,370	\$106,798	\$116,909	\$71,804	\$36,319	\$29,922	\$42,503	\$207,166	\$2,820
Water	\$724,266	\$284,633	\$95,404	\$84,577	\$40,292	\$44,106	\$45,629	\$23,080	\$11,289	\$16,035	\$78,158	\$1,064
Sewer	\$397,038	\$156,034	\$52,300	\$46,364	\$22,088	\$24,179	\$25,013	\$12,652	\$6,188	\$8,790	\$42,845	\$583
PG&E	\$278,377	\$93,514	\$39,275	\$34,480	\$19,318	\$21,147	\$12,988	\$6,570	\$5,412	\$7,688	\$37,473	\$510
Cable TV	\$306,366	\$170,887	\$71,771	\$63,008	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$701
Real Property Transfer tax	\$1,026,891	\$495,140	\$135,028	\$67,681	\$42,958	\$82,294	\$75,488	\$16,601	\$18,054	\$21,371	\$69,442	\$2,836
Business License Tax	\$763,745	\$19,378	\$8,139	\$7,145	\$126,766	\$138,767	\$85,229	\$43,109	\$35,517	\$50,450	\$245,899	\$3,347
Emergency Facilities Tax	\$511,553	\$228,858	\$96,119	\$84,383	\$17,768	\$19,450	\$11,946	\$6,042	\$4,978	\$7,071	\$34,467	\$469
Transient Occupancy Tax	\$673,782	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$673,782
Licenses and Permits	\$560,528	\$250,769	\$105,321	\$92,461	\$19,469	\$21,313	\$13,090	\$6,621	\$5,455	\$7,748	\$37,767	\$514
Fees & Service Charges	\$766,622	\$342,971	\$144,045	\$126,457	\$26,628	\$29,149	\$17,903	\$9,055	\$7,460	\$10,597	\$51,653	\$703
Inter-Governmental	\$772,283	\$345,504	\$145,109	\$127,391	\$26,825	\$29,364	\$18,035	\$9,122	\$7,516	\$10,676	\$52,034	\$708
Fines and Forfeitures	\$730,102	\$326,633	\$137,183	\$120,433	\$25,359	\$27,760	\$17,050	\$8,624	\$7,105	\$10,092	\$49,192	\$670
Other Revenues	\$361,512	\$161,733	\$67,927	\$59,633	\$12,557	\$13,746	\$8,442	\$4,270	\$3,518	\$4,997	\$24,358	\$332
Interest and Rents	\$87,426	\$29,228	\$10,362	\$7,828	\$3,656	\$19,157	\$4,796	\$1,886	\$1,082	\$2,111	\$5,575	\$1,744
Transfers	\$1,096,994	\$490,773	\$206,120	\$180,954	\$38,103	\$41,710	\$25,618	\$12,958	\$10,676	\$15,164	\$73,912	\$1,006
<b>GENERAL FUND REVENUE TOTAL</b>	<b>\$36,465,430</b>	<b>\$12,191,026</b>	<b>\$4,321,878</b>	<b>\$3,264,871</b>	<b>\$1,525,095</b>	<b>\$7,990,266</b>	<b>\$2,000,527</b>	<b>\$786,742</b>	<b>\$451,469</b>	<b>\$880,583</b>	<b>\$2,325,531</b>	<b>\$727,441</b>

	Total	Single Family	Condo-minium	Rental Apartments	Office	Retail	Industrial/Manu-facturing	Ware-house	Research & Develop-ment	Service Commer-cial	Institu-tional	Lodging
<b>EXPENDITURES</b>												
General Government	\$5,455,933	\$2,450,300	\$968,788	\$808,435	\$177,833	\$361,660	\$158,110	\$62,123	\$54,802	\$74,308	\$333,471	\$6,103
Development Services	\$194,318	\$86,934	\$36,512	\$32,054	\$6,749	\$7,388	\$4,538	\$2,295	\$1,891	\$2,686	\$13,093	\$178
Fire	\$7,959,364	\$3,713,693	\$1,247,773	\$877,864	\$307,646	\$487,634	\$406,197	\$113,143	\$111,936	\$140,718	\$537,359	\$15,402
Library/Comm. Services	\$1,238,688	\$616,653	\$258,989	\$227,367	\$23,591	\$25,824	\$15,861	\$8,022	\$6,609	\$9,388	\$45,761	\$623
Maintenance Services	\$1,040,592	\$465,540	\$195,523	\$171,650	\$36,144	\$39,566	\$24,301	\$12,292	\$10,127	\$14,384	\$70,112	\$954
Police	\$17,414,400	\$7,624,278	\$3,202,131	\$2,811,161	\$532,748	\$1,295,960	\$358,183	\$181,172	\$149,262	\$212,021	\$1,033,417	\$14,067
Public Works - Eng. & Trans.	\$354,755	\$158,710	\$66,657	\$58,518	\$12,322	\$13,489	\$8,285	\$4,190	\$3,452	\$4,904	\$23,902	\$325
P W - Utilities & Env. Svcs	\$14,633	\$6,546	\$2,749	\$2,414	\$508	\$556	\$342	\$173	\$142	\$202	\$986	\$13
<b>GENERAL FUND EXPENDITURE TOTAL</b>	<b>\$33,672,683</b>	<b>\$15,122,654</b>	<b>\$5,979,122</b>	<b>\$4,989,463</b>	<b>\$1,097,541</b>	<b>\$2,232,077</b>	<b>\$975,815</b>	<b>\$383,411</b>	<b>\$338,222</b>	<b>\$458,613</b>	<b>\$2,058,100</b>	<b>\$37,666</b>
<b>GENERAL FUND BUDGET NET (DEFICIT)/SURPLUS</b>	<b>\$2,792,747</b>	<b>(\$2,931,628)</b>	<b>(\$1,657,244)</b>	<b>(\$1,724,591)</b>	<b>\$427,554</b>	<b>\$5,758,190</b>	<b>\$1,024,712</b>	<b>\$403,331</b>	<b>\$113,247</b>	<b>\$421,970</b>	<b>\$267,431</b>	<b>\$689,775</b>
Community Facilities District Revenue	\$6,313,463	\$2,931,628	\$1,657,244	\$1,724,591	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$9,106,209</b>											

Source: ADE, Inc.

**TABLE A-4:  
LESS EMPLOYMENT ALTERNATIVE FISCAL IMPACT BY LAND USE**

<b>REVENUES</b>	<b>Total</b>	<b>Single Family</b>	<b>Condo-minium</b>	<b>Rental Apartments</b>	<b>Office</b>	<b>Retail</b>	<b>Industrial/Manu-facturing</b>	<b>Ware-house</b>	<b>Research &amp; Develop-ment</b>	<b>Service Commer-cial</b>	<b>Institu-tional</b>	<b>Lodging</b>
Property Tax	\$10,332,496	\$4,657,889	\$1,587,291	\$795,857	\$429,376	\$822,543	\$754,513	\$165,930	\$180,450	\$214,261	\$694,082	\$30,303
Secured and Unsecured	\$7,259,840	\$3,272,736	\$1,115,266	\$559,187	\$301,689	\$577,937	\$530,137	\$116,586	\$126,788	\$150,544	\$487,677	\$21,291
VLF Swap	\$3,072,656	\$1,385,153	\$472,025	\$236,670	\$127,687	\$244,606	\$224,375	\$49,344	\$53,662	\$63,716	\$206,405	\$9,011
Sales Tax	\$13,090,415	\$2,333,188	\$1,224,508	\$1,075,342	\$301,556	\$6,639,854	\$690,521	\$349,271	\$43,570	\$363,905	\$67,759	\$939
Sales and Use	\$12,906,410	\$2,267,954	\$1,190,272	\$1,045,277	\$292,090	\$6,629,492	\$684,157	\$346,052	\$40,918	\$360,126	\$49,398	\$672
Public Safety	\$184,005	\$65,234	\$34,236	\$30,066	\$9,466	\$10,362	\$6,364	\$3,219	\$2,652	\$3,779	\$18,361	\$267
Utility Users Tax	\$4,852,715	\$1,493,706	\$783,930	\$688,434	\$327,858	\$358,895	\$220,429	\$111,495	\$91,857	\$130,882	\$635,974	\$9,255
Franchise Fee Tax	\$3,129,090	\$1,015,256	\$486,128	\$428,499	\$200,277	\$219,237	\$165,149	\$83,534	\$56,113	\$79,952	\$388,496	\$6,450
Waste mgmt	\$1,268,922	\$310,188	\$162,793	\$142,962	\$113,473	\$124,216	\$76,292	\$38,589	\$31,792	\$45,299	\$220,114	\$3,203
Water	\$785,582	\$284,633	\$119,217	\$105,721	\$42,810	\$46,863	\$48,481	\$24,522	\$11,994	\$17,090	\$83,043	\$1,209
Sewer	\$430,651	\$156,034	\$65,354	\$57,955	\$23,468	\$25,690	\$26,577	\$13,443	\$6,575	\$9,369	\$45,523	\$662
PG&E	\$303,807	\$93,514	\$49,078	\$43,100	\$20,526	\$22,469	\$13,800	\$6,980	\$5,751	\$8,194	\$39,815	\$579
Cable TV	\$340,128	\$170,887	\$89,685	\$78,760	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$796
Real Property Transfer tax	\$1,098,358	\$495,140	\$168,731	\$84,601	\$45,643	\$87,437	\$80,206	\$17,639	\$19,182	\$22,776	\$73,782	\$3,221
Business License Tax	\$813,542	\$19,378	\$10,170	\$8,931	\$134,689	\$147,440	\$90,556	\$45,804	\$37,736	\$53,768	\$261,268	\$3,802
Emergency Facilities Tax	\$563,085	\$228,858	\$120,110	\$105,478	\$18,879	\$20,666	\$12,693	\$6,420	\$5,289	\$7,537	\$36,621	\$533
Transient Occupancy Tax	\$765,360	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$765,360
Licenses and Permits	\$616,994	\$250,769	\$131,609	\$115,577	\$20,686	\$22,645	\$13,908	\$7,035	\$5,796	\$8,258	\$40,127	\$584
Fees & Service Charges	\$843,848	\$342,971	\$179,999	\$158,072	\$28,292	\$30,971	\$19,022	\$9,621	\$7,927	\$11,294	\$54,881	\$799
Inter-Governmental	\$850,080	\$345,504	\$181,328	\$159,239	\$28,501	\$31,199	\$19,162	\$9,692	\$7,985	\$11,378	\$55,286	\$805
Fines and Forfeitures	\$803,650	\$326,633	\$171,424	\$150,542	\$26,944	\$29,495	\$18,116	\$9,163	\$7,549	\$10,756	\$52,266	\$761
Other Revenues	\$397,930	\$161,733	\$84,881	\$74,541	\$13,342	\$14,605	\$8,970	\$4,537	\$3,738	\$5,326	\$25,880	\$377
Interest and Rents	\$94,604	\$29,228	\$12,948	\$9,784	\$3,885	\$20,354	\$5,096	\$2,004	\$1,150	\$2,250	\$5,924	\$1,981
Transfers	\$1,207,500	\$490,773	\$257,568	\$226,192	\$40,485	\$44,317	\$27,219	\$13,768	\$11,343	\$16,162	\$78,531	\$1,143
<b>GENERAL FUND REVENUE TOTAL</b>	<b>\$39,459,665</b>	<b>\$12,191,026</b>	<b>\$5,400,627</b>	<b>\$4,081,089</b>	<b>\$1,620,413</b>	<b>\$8,489,658</b>	<b>\$2,125,560</b>	<b>\$835,913</b>	<b>\$479,686</b>	<b>\$938,505</b>	<b>\$2,470,877</b>	<b>\$826,312</b>

	Total	Single Family	Condo-minium	Rental Apartments	Office	Retail	Industrial/Manu-facturing	Ware-house	Research & Develop-ment	Service Commer-cial	Institu-tional	Lodging
<b>EXPENDITURES</b>												
General Government	\$5,977,320	\$2,450,300	\$1,210,599	\$1,010,544	\$188,947	\$384,264	\$167,992	\$66,006	\$58,227	\$79,196	\$354,313	\$6,932
Development Services	\$213,893	\$86,934	\$45,625	\$40,067	\$7,171	\$7,850	\$4,822	\$2,439	\$2,009	\$2,863	\$13,911	\$202
Fire	\$8,624,371	\$3,713,693	\$1,559,220	\$1,097,330	\$326,874	\$518,111	\$431,584	\$120,214	\$118,932	\$149,974	\$570,944	\$17,495
Library/Comm. Services	\$1,368,730	\$616,653	\$323,633	\$284,209	\$25,065	\$27,438	\$16,852	\$8,524	\$7,023	\$10,006	\$48,621	\$708
Maintenance Services	\$1,145,417	\$465,540	\$244,326	\$214,562	\$38,403	\$42,039	\$25,820	\$13,060	\$10,760	\$15,331	\$74,494	\$1,084
Police	\$19,154,227	\$7,624,278	\$4,001,389	\$3,513,951	\$566,044	\$1,376,957	\$380,569	\$192,495	\$158,591	\$225,967	\$1,098,005	\$15,979
Public Works - Eng. & Trans.	\$390,492	\$158,710	\$83,295	\$73,148	\$13,092	\$14,332	\$8,802	\$4,452	\$3,668	\$5,226	\$25,396	\$370
P W - Utilities & Env. Svcs	\$16,107	\$6,546	\$3,436	\$3,017	\$540	\$591	\$363	\$184	\$151	\$216	\$1,048	\$15
<b>GENERAL FUND EXPENDITURE TOTAL</b>	<b>\$36,890,556</b>	<b>\$15,122,654</b>	<b>\$7,471,521</b>	<b>\$6,236,828</b>	<b>\$1,166,137</b>	<b>\$2,371,581</b>	<b>\$1,036,803</b>	<b>\$407,374</b>	<b>\$359,361</b>	<b>\$488,779</b>	<b>\$2,186,731</b>	<b>\$42,785</b>
<b>GENERAL FUND BUDGET NET (DEFICIT)/SURPLUS</b>	<b>\$2,569,110</b>	<b>(\$2,931,628)</b>	<b>(\$2,070,894)</b>	<b>(\$2,155,739)</b>	<b>\$454,276</b>	<b>\$6,118,077</b>	<b>\$1,088,756</b>	<b>\$428,539</b>	<b>\$120,325</b>	<b>\$449,725</b>	<b>\$284,146</b>	<b>\$783,527</b>
Community Facilities District Revenue	\$7,158,261	\$2,931,628	\$2,070,894	\$2,155,739	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$9,727,371</b>											

Source: ADE, Inc.

**DATE:** July 1, 2014

**TO:** Mayor and City Council

**FROM:** Director of Utilities & Environmental Services

**SUBJECT:** Update on Status of Exclusive Negotiating Period with Waste Management of Alameda County and Approval of an Amendment to Existing Franchise Agreement to provide for an Additional 150-Day Extension of Existing Franchise with Same Terms and Conditions at City's Sole Discretion

## **RECOMMENDATION**

That Council adopts the attached resolutions:

1. Approving an extension in the period of exclusive negotiations with Waste Management of Alameda County (WMAC), the City's current solid waste and recycling service franchisee, by an additional 150 days to December 8, 2014; and
2. Authorizing the City Manager to execute an amendment to the existing Franchise Agreement to provide for an option for an additional 150-day extension beyond the Agreement's final expiration of May 31, 2017 to October 31, 2017, at the City's sole discretion.

## **BACKGROUND**

The City entered into the most recent franchise agreement with WMAC for services effective June 1, 2007, and an initial period of seven years. The initial period was to expire on May 31, 2014; however, on November 5, 2013, Council authorized a one year extension so that the contract is now set to expire on May 31, 2015. The City has the option of extending the contract for three one-year terms, with the same terms and conditions as the current contract, so the current franchise can be extended through May 31, 2017, if necessary.

On July 9, 2013<sup>1</sup>, staff considered its options for securing solid waste and recycling services after the expiration of the current franchise. After review of the various options, staff determined that negotiating a new agreement with the current service provider could potentially be the most cost effective and efficient approach. Based on this recommendation, on November 5, 2013<sup>2</sup>, Council authorized an initial 120-day exclusive negotiation period with WMAC; and then

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<sup>1</sup> See Item 6 at <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2013/CCA13PDF/cca070913full.pdf>

<sup>2</sup> See Item 9 at <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2013/CCA13PDF/cca110513full.pdf>

authorized a second 120-day extension on March 4, 2014<sup>3</sup>, which will expire on July 11, 2014. These extensions were authorized due to incremental but steady progress made in the negotiations.

## **DISCUSSION**

Since July 2013, staff has engaged in exclusive negotiations with WMAC to determine whether it is possible to develop an agreement that would continue to provide Hayward customers with services they currently receive from WMAC, along with additional and enhanced services. Per Council's direction, staff has also been simultaneously preparing a Request for Proposals (RFP) that may be released if an agreement is not reached with WMAC.

In the following discussion, staff presents two actions for Council's consideration that are dependent on one another: extending the current negotiating period; and providing an option for Council to add a period of time by which the City can extend the current Franchise Agreement. Staff would like to extend the current negotiating period by five months to determine whether a new (replacement) Franchise Agreement can be reached with Waste Management.

As a result of this additional recommended negotiating time, staff recommends delaying issuance of the Request for Proposals (RFP) for a new Franchise Agreement until completion of the five months and/or agreement with Waste Management is reached (whichever occurs first). However, delaying the issuance of the RFP could impact the ability of a new Franchise Agreement to be reached and of a new provider to initiate services before the existing Franchise Agreement with Waste Management expires (in 2017).

As such, staff is recommending the second Council action: extending the current Franchise Agreement with Waste Management by five months, if necessary. If the current exclusive negotiations are unsuccessful, extending the current Franchise Agreement with Waste Management by five months will allow for enough time to issue the RFP and initiate services with a new provider. This second recommended action would only be necessary if the current negotiations with Waste Management for a new (replacement) Franchise Agreement are unsuccessful and the City needs to issue a RFP. More details on the rationale for these recommendations follows.

### Extension of Negotiating Period

While substantial progress has been made on key issues, negotiations have not been concluded. It is staff's belief that there has been sufficient progress to warrant continuing the negotiations. Some issues are complex and require more time for discussion, such as how to achieve a certain level of diversion of waste from the landfill by a certain date,. Thus, staff recommends that the Council authorize an additional 150-day exclusive negotiating period with WMAC until December 8, 2014, by which time staff will report to Council on the outcome.

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<sup>3</sup> See Item 3 at <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2014/CCA14PDF/cca030414full.pdf>

## Extension of Existing Franchise Agreement

As noted above, in order to preserve the City's options for seeking new contractors if current negotiations with WMAC prove unsuccessful, staff has been preparing a Request for Proposals (RFP) for refuse and recycling services. In order to provide enough time for preparation of the proposals, selection of a service provider, negotiating a new contract, and time for the selected service provider to order required collection containers, equipment, and trucks before the expiration date of the current franchise agreement, staff had identified July 15, 2014 as the date for Council's consideration of release of the RFP. This date allows the City sufficient time to complete the process and bring a new contractor onboard in time to begin service by June 2016 (see SCHEDULE section of this report). This date is fully twelve months before the final expiration of the current Franchise Agreement and would allow for a final twelve-month extension at the City's sole discretion if such extension becomes necessary due to unforeseen reasons.

As an example of a circumstance that may warrant a final twelve-month extension, in recent weeks, a regional service provider has contacted the City's consultant who is assisting staff in preparing the RFP, and stated that it might be interested in submitting a proposal for services but only if the City provided enough additional time for the firm to design and construct a material handling facility in Hayward. The facility would be needed to meet the regulations regarding how far collected materials can be trucked away from the source before they reach a material handling facility. The firm has stated that assuming the City releases the RFP in July, the firm would be in a position to go through all necessary steps to get ready to commence services in June 2017, which would coincide with the conclusion of the final possible extension of the current WMAC franchise.

This has created a quandary: Delaying release of the RFP in order to determine whether agreement with WMAC can be achieved could reduce the number of proposals submitted if the City ultimately decides to pursue the RFP option, which would result in a negative impact to the City. On the other hand, issuing an RFP in July while staff is still negotiating with WMAC could potentially negatively impact the current negotiations with WMAC, as well as dampen the willingness of potential contractors to invest in the extensive and costly process of preparing a proposal. This is because potential proposers would be under the realistic impression that the City could at any day reach final agreement with WMAC and rescind its RFP.

A potential solution is to continue current negotiations with WMAC and delay issuing the RFP, while at the same time receiving authorization to extend the current Franchise beyond its final expiration date if that becomes necessary. This additional contract time in effect would make up for any time spent on negotiations past July 15.

This can be accomplished by amending the existing Franchise Agreement with WMAC to provide for another short-term extension beyond the final June 2017 expiration date currently specified in the Agreement. This potential short-term extension in the duration of the current Franchise Agreement would run for the same 150-day additional negotiating period that staff is requesting. If approved, staff would delay issuing the RFP by up to 150 days and continue to negotiate with WMAC. If, during anytime in this period, it is evident that the negotiations are at a final impasse, Council can then consider authorizing the release of the RFP. Any time spent

during the final period of negotiations can then be made up by Council's prerogative to extend the final expiration of the agreement by 150 days. WMAC has agreed to this option and has executed an amendment to the current Franchise Agreement to give the Council the ability to extend it by another five months.

As noted in the schedule below, if the RFP were issued in November 2014, a new franchisee could be selected in spring 2015. This would give the new franchisee, approximately two and a half years to obtain approvals for and construct a new materials receiving and recovery facility in Hayward if constructing such a facility were included in the franchisee's proposal.

It must be noted that regardless of whether the current Franchise Agreement with WMAC is extended through current negotiations, or a new franchisee is selected through an RFP process, the franchisee will be required to partner with Tri-CED Community Services and allow Tri-CED to continue providing residential recycling services. The firm has a very good track record of providing similar services in Hayward for over two decades now and Council has expressed its desire for this arrangement to continue.

### **FISCAL AND ECONOMIC IMPACT**

Until negotiations are concluded with WMAC or a new franchise agreement finalized with another provider, the financial impacts on the City and our rate payers is unknown. Clearly quality solid waste and recycling services improves the economic viability and the desirability of our community; and managing business rates well helps retain and attract businesses. A primary goal of the new franchise agreement will be to incorporate new services or changes to existing services to not only respond to new State laws and local regulations, but to meet the needs and reasonable desires of the community.

### **PUBLIC CONTACT**

During the months of March through May, staff solicited input from various community groups regarding potential new services, enhancements to existing services and to identify any current service deficiencies. These needs and desires are being evaluated, including any related cost impact, for inclusion in the new franchise. Attachment III is a summary of the feedback so far. Staff will continue to solicit ideas and feedback by collecting more outreach and surveys until negotiations are completed. Staff will attempt to balance requests for new services with the desire to minimize rate increases.

### **SCHEDULE**

The following schedule would allow adoption of a new franchise agreement by December 2014, if agreement is reached with WMAC, or by no later than October 2017 if another service provider is selected.

The estimated schedule for completing this effort is summarized as below:

**COMPLETED:**

Council Authorized Initial Negotiating Period	July 9, 2013
Council Extended Negotiating Period	November 5, 2013
RFP Issued for Consultant Services for Selecting the Franchisee	December 2013
Council Extended Negotiating Period and Authorized Contract with HF&H	March 4, 2014
Report to Council Summarizing Results of Public Outreach, Request to Extend Negotiating Period, and Request for City option for possible further extension of the current Franchise at City's option.	July 2014

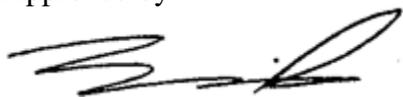
**IN PROGRESS:**

Conclude Negotiations with WMAC/Council Approval of new Agreement	November/December 2014
Issue RFP (if needed)	November 2014
Receive Proposals	February 2015
Select a Franchisee and Negotiate a Contract	April 2015
Council Approval of New Franchise Agreement with New Service Provider	June 2015
New Service Provider to Order Carts, Bins, Vehicles, etc.	June 2015
Receive Equipment	July 2016
Distribute New Collection Containers	September 2016
Begin New Service	October 1, 2016

If the City selects a contractor who chooses to construct a materials receiving facility in Hayward, an estimated twelve months would be additionally required so the new service start date would be pushed out to October 2017.

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

Approved by:



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Fran David, City Manager

Attachments:

- Attachment I Resolution for Extension of Exclusive Negotiations
- Attachment II Resolution Authorizing Amending Existing Franchise Agreement for an Additional Extension
- Attachment III Summary of Community Outreach Effort and Feedback

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND EXCLUSIVE NEGOTIATIONS WITH WASTE MANAGEMENT OF ALAMEDA COUNTY FOR AN ADDITIONAL 150-DAY PERIOD TO DECEMBER 8, 2014

WHEREAS, on July 9, 2013, the City Council of the City of Hayward authorized and directed the City Manager to enter into exclusive negotiations with Waste Management of Alameda County (WMAC), for a period of 120 days to November 15, 2013 in order to discuss terms of a new Franchise Agreement; and

WHEREAS, on November 5, 2013, the City Council of the City of Hayward authorized and directed the City Manager to enter into exclusive negotiations with Waste Management of Alameda County (WMAC), for an additional period of 120 days to March 14, 2014 in order to discuss terms of a new Franchise Agreement; and

WHEREAS, the City Council for the City of Hayward considered a report at its March 4, 2014 meeting that described the status of exclusive negotiations with WMAC, and authorized an additional 120-day exclusive negotiating period with WMAC to July 11, 2014;

WHEREAS, the City Council for the City of Hayward considered a report at its July 15, 2014 meeting that described the status of the exclusive negotiations with WMAC; and

WHEREAS, the City Council for the City of Hayward also considered in the same report staff's recommendation that the City Council authorize an additional 150-day exclusive negotiating period with WMAC which would end on December 8, 2014.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes and directs the City Manager to enter into an additional 150-day exclusive negotiating period with WMAC to end on December 8, 2014.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 14-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO EXISTING FRANCHISE AGREEMENT WITH WASTE MANAGEMENT OF ALAMEDA COUNTY TO ALLOW CITY TO EXTEND THE FRANCHISE AGREEMENT BY AN ADDITIONAL 150 DAYS

WHEREAS, the City of Hayward and Waste Management of Alameda County (WMAC) have an existing Franchise Agreement with an initial expiration date of May 31, 2014;

WHEREAS, the existing Franchise Agreement provides for three one-year extensions at the City’s sole discretion, with a final expiration of May 31, 2017;

WHEREAS, at its meeting on July 9, 2013, City Council authorized staff to negotiate with WMAC for possible extension of the existing Franchise Agreement beyond its final expiration date;

WHEREAS, while sufficient progress has been achieved to continue negotiations;

WHEREAS, City is concerned that continuing negotiations might reduce the remaining time in the existing Franchise Agreement below what is needed to request and procure a new franchise agreement with a different service provider and commence services if the negotiations with WMAC proved unsuccessful;

WHEREAS, WMAC has agreed to extend the final expiration of the existing Franchise Agreement by 150 days to October 29, 2017, if and when directed to do so by City;

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Hayward hereby authorizes and directs its City Manager to amend the existing Franchise Agreement to extend its final expiration date by 150 days to October 29, 2017, at the sole discretion of the City.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

### Summary of Community Outreach Effort and Feedback

Staff made a presentation and obtained comments from the City Council Sustainability Committee (CSC) regarding potential new services and changes to existing services. The services, described in the April 2, 2014 Council Sustainability Committee Report<sup>1</sup>, include a second bulky item appointment for single-family residents, removal of bulky items for multi-family properties, removal of abandoned debris placed in the public right-of-way, and separate collection of organics from multi-family properties. Committee members indicated support for removing abandoned debris from the public right-of-way, implementing separate collection of organics from multi-family properties, and siting new public containers in the Downtown and along other major arterials, if possible. Members expressed some uncertainty regarding the costs and need for a second bulky item appointment for single-family households because approximately 20% of eligible households currently participate in the service annually. Some members also expressed concern regarding the costs to remove bulky items for multi-family properties, for continued use of alternative fuel vehicles (AFVs) and for an annual compost give-away event.

Staff made a similar presentation to the Planning Commission on April 10, 2014. The potential services described in the April 10, 2014 Planning Commission Report<sup>2</sup> are the same as those presented to the CSC. Commissioners indicated support for removing abandoned debris from the public right-of-way, removal of bulky items from multi-family properties, separate collection of organics from multi-family properties, and web-based services for customers. Some Commissioners also expressed interest in siting new public containers in the Downtown and in offering a second bulky item appointment for single-family residents. Several members expressed concerns regarding the costs to require continued use of AFVs.

Surveys – Surveys were prepared for single-family residents, multi-family residents, multi-family property managers and business owners. Each of the four surveys pose open-ended questions regarding the quality of the current services provided and whether they would like certain additional services. Those additional services include a second annual appointment to remove bulky items for single-family residents. Possible services listed in the surveys to multi-family residents include removal of bulky items and separate collection of organics. Multi-family property owners were also asked about these two services and whether they would like a choice of carts or a bin for recycling services. Business owners and managers were similarly asked for any suggested new services or enhancements to current services. All of surveys solicited suggestions for additional outreach to the community.

Residents who are also multi-family property managers or business owners are encouraged to complete each of the surveys that apply to them. The surveys for single- and multi-family residents are also available in Spanish. The surveys are posted on the City's website and copies

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<sup>1</sup> 'Potential New and Enhanced Solid Waste Services,' April 2, 2014 City Council Sustainability Committee Meeting, Item 5; <http://www.hayward-ca.gov/CITY-GOVERNMENT/COUNCIL-STANDING-COMMITTEES/COUNCIL-SUSTAINABILITY-COMMITTEE/2014/CSC-CCSC040214full.pdf>

<sup>2</sup> 'Potential New and Enhanced Solid Waste Services,' April 10, 2014 Planning Commission Meeting, Item 1; <http://www.hayward-ca.gov/CITY-GOVERNMENT/BOARDS-COMMISSIONS-COMMITTEES/PLANNING-COMMISSION/2014/PCA14PDF/pca041014full.pdf>

have been and are still available in the City's Revenue Division, the Permit Center, the City Clerk's Office, the Utilities & Environmental Services office, and at both libraries. The survey can also be completed by visiting the City's home page and selecting the link 'Waste Management Survey,' or by selecting this link: <http://www.hayward-ca.gov/GREEN-HAYWARD/waste.shtm>.

Staff made presentations and provided copies of the surveys to the following community groups: two presentations to the Keep Hayward Clean and Green Task Force, the Latino Business Roundtable, and two meetings with the Rental Housing Owners' Association of Southern Alameda County. Copies of the surveys were mailed to members of the Business Improvement Association, the Hayward Area Recreation and Park District, the Rotary Club, and a wide variety of faith-based groups.

Staff hosted a table at the following events where we asked participants to complete one or more of the surveys, as applicable: the Cinco de Mayo Festival, the Asian American Heritage Festival, the Chamber of Commerce Mixer at the Golden Peacock Restaurant, the Farmers' Market on the City Hall Plaza, and the open house at the Hayward Executive Airport. The Chamber of Commerce also invited staff to speak at two workshops convened for restaurants and food processors held at City Hall in March and May.

Summarized below are the results of the surveys received:

- **Single-Family Residents' Responses:** A total of 75 single-family residents responded to the survey. Of that total, 45% (34 of 75) indicated an interest in a second annual bulky item appointment, while 36% (29 of 75) were not interested. The balance, 12% (16 of 75) did not respond to the question. Respondents also indicated an interest in information on the City's website, videos on the City's website and neighborhood meetings with City staff to discuss questions. Several indicated that the brochures included in the garbage bills were useful and asked that they be continued. In addition, 61% (46 of 75) indicated that the quality of the services were acceptable; the balance did not respond to the question.
- **Multi-Family Residents' Responses:** A total of 29 multi-family residents completed a survey. Of that total, 62% (18 of 29) indicated an interest in a bulky item appointment, 24% (7 of 29) were not, and the balance did not respond to that question. Respondents also indicated an interest in additional information on the City's website and neighborhood meetings with City staff to discuss their questions. In addition, 39% (9 of 23) indicated that the quality of the services were acceptable; the balance did not respond to the question.
- **Multi-Family Property Managers' Responses:** Four surveys were received from multi-family property owners or managers. None indicated an interest in implementing separate collection of organics, and one indicated interest in arranging for a bin, rather than a cart, for separate collection of recyclables. During a meeting with the Rental Housing Owners Association of Alameda County, two property managers recommended issuing a RFP to obtain competitive rates, and two explained that WMAC assesses fees to

remove small amounts of excess trash. All indicated an interest in additional literature on the City's website and neighborhood meetings with City staff to discuss their questions. Three of the four respondents to the surveys indicated that the quality of the services were acceptable. The comments by the fourth respondent have been resolved.

- Business Owner Responses: Eleven surveys were received from business owners or managers. None requested additional services or enhancements to current services. Two requested videos on the City's website regarding separate collection of recyclables and organics and others asked that the literature included in their garbage bills be continued. Two other respondents cited specific collection service requests that have been addressed. All of the businesses indicated that the quality of the services were acceptable.



CITY OF  
**HAYWARD**  
HEART OF THE BAY

DATE: July 1, 2014  
TO: Mayor and Council  
FROM: City Manager  
SUBJECT: Designation of Voting Delegates and Alternates for the League of California Cities 2014 Annual Conference

**RECOMMENDATION**

That the City Council designates a voting delegate and two alternate voting delegates as Hayward's representatives to the League of California Cities 2014 Annual Conference and adopts the attached Resolution with the designees identified; and authorizes the City Manager to complete and submit the "2014 Annual Conference Voting Delegate/Alternate Form" along with Council's adopted Resolution.

**DISCUSSION**

The League of California Cities requires that voting delegates and alternates be designated by formal Resolution of the Council, and can no longer be accomplished by individual action of the Mayor or City Manager. Voting delegates and alternates may be any City official, elected or appointed.

The voting delegate or alternate must be registered to attend the conference, which is scheduled for September 3-5, 2014, in Los Angeles, CA. The voting card may be transferred freely between the delegate and the alternates, providing that each is registered at the conference. Mayor-Elect Barbara Halliday and Council Members Greg Jones and Marvin Peixoto, expressed interest in attending the League's Annual Conference and have registered to do so.

The League's correspondence on this matter, the Annual Conference Voting Procedures, and the Voting Delegate/alternate form are attached for Council's reference. The completed form is due back to the League offices no later than July 9, 2014.

Prepared and approved by:

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Fran David, City Manager

Attachments:

- |               |                                                                                                                                             |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Attachment I  | Resolution Designating a Voting Delegate and Two Alternate Voting Delegates as Hayward's Representatives to the LCC 2014 Annual Conference. |
| Attachment II | Alternates to the LCC 2014 Annual Conference                                                                                                |

HAYWARD CITY COUNCIL

RESOLUTION NO 14-\_\_\_\_\_

Introduced by\_\_\_\_\_

A RESOLUTION DESIGNATING A VOTING DELEGATE AND TWO ALTERNATE VOTING DELEGATES AS HAYWARD'S REPRESENTATIVES TO THE LEAGUE OF CALIFORNIA CITIES 2014 ANNUAL CONFERENCE

WHEREAS, the City of Hayward is a member of the League of California Cities and the League's Annual Conference is scheduled for September 3-5, 2014, in Los Angeles, CA; and

WHEREAS, during the annual conference, the League membership considers and takes action on resolutions that establish League policy; and

WHEREAS, in order to vote on behalf of the City of Hayward at the League's Annual Business Meeting, it is necessary to designate voting delegates and alternates prior to the Annual Conference in accordance with the League's By-Laws; and

WHEREAS, Council Members Salinas, Halliday, and Mendall have expressed interest in attending the League's Annual Conference and have registered to do so.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that \_\_\_\_\_ is hereby designated as the City's voting delegate and Council Members \_\_\_\_\_ and \_\_\_\_\_ are hereby designated as the City's alternate voting delegates to the League of California Cities 2014 Annual Conference.

IN COUNCIL, HAYWARD, CALIFORNIA, \_\_\_\_\_, 2014

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

1400 K STREET  
 SACRAMENTO, CA 95814  
 PH: (916) 658-8200  
 FX: (916) 658-8240



WWW.CACITIES.ORG

**Council Action Advised by July 31, 2014**

May 1, 2014

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
 League of California Cities Annual Conference – September 3 - 5, Los Angeles**

The League's 2014 Annual Conference is scheduled for September 3 - 5 in Los Angeles. An important part of the Annual Conference is the Annual Business Meeting (*at the General Assembly*), scheduled for noon on Friday, September 5, at the Los Angeles Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 15, 2014. This will allow us time to establish voting delegate/alternate records prior to the conference.**

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one voter must be present at the

-over-

## Annual Conference Voting Procedures 2014 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.