



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
JULY 30, 2013

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

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CITY COUNCIL MEETING FOR JULY 30, 2013
777 B STREET, HAYWARD, CA 94541
WWW.HAYWARD-CA.GOV

CLOSED SESSION
Closed Session Room 2B – 4:00 PM

1. PUBLIC COMMENTS

2. Conference with Property Negotiators

Pursuant to Government Code 54956.8

➤ Property Transaction

Under Negotiation: 22738 Mission Boulevard (APNS 428-0066-045-00 and 428-0066-049-00)

Property Negotiators: City Manager David, Assistant City Manager McAdoo, City Attorney Lawson, Assistant City Attorney Conneely, Director of Development Services Rizk, Director of Human Resources Robustelli, Legal Intern Kimberly Joy

3. Conference with Real Property Negotiators

Pursuant to Government Code 54956.8

➤ Property Transaction

Under Negotiation: 1525 West Winton Avenue, APN 432-0124-002-00

Property Negotiators: City Manager David, Public Works – Engineering & Transportation Director Fakhrai, City Attorney Lawson, Airport Manager McNeeley, Assistant City Attorney Brick

4. Conference with Labor Negotiators

Pursuant to Government Code 54957.6

➤ Lead Negotiators: City Manager David, City Attorney Lawson, Assistant City Manager McAdoo, Human Resources Director Robustelli, Finance Director Vesely, Deputy City Attorney Vashi, Maintenance Services Director McGrath, Public Works- Engineering and Transportations Director Fakhrai, Human Resources Analyst II Collins, Human Resources Analyst Monnastes

Under Negotiation: All Groups

5. Conference with Legal Counsel

Pursuant to Government Code 54956.9

➤ Pending Litigation

Net Connection Hayward, LLC v. City of Hayward, U.S.D.C. No. C 13-1212 SC

IBiz, LLC v. City of Hayward, U.S.D.C. No. C13-1537 SC

City of Hayward v. Chances Are, LLC, et al., Alameda County Superior Court, Case No. RG13681065

Chances Are, LLC v. City of Hayward, U.S.D.C., Case No. CV 13-2383 SC

6. Adjourn to Special Joint City Council/Housing Authority Meeting

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

CALL TO ORDER Pledge of Allegiance Council Member Mendall

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, or Informational Staff Presentation items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

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

JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION

1. General Plan Update - Presentation of Draft Goals and Policies for three General Plan Elements: Natural Resources, Community Health and Quality of Life, and Land Use and Community Character (Report from Development Services Director Rizk)

[Staff Report](#)

[Attachment I](#)

[Attachment II](#)

[Attachment III](#)

WORK SESSION

2. Presentation and Discussion of High-Speed Hayward Fiber Optic Network (“High-Speed Hayward”)(Report from Information Technology Director Guenther)

[Staff Report](#)

[Attachment I](#)



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

CONSENT

3. Approval of Minutes of the Special City Council Meeting on July 9, 2013
[Draft Minutes](#)
4. Approval of Minutes of the City Council Meeting on July 16, 2013
[Draft Minutes](#)
5. Authorization to Negotiate and Execute a Professional Services Agreement with David Paul Rosen and Associates, and Appropriation of Housing Authority Funds to Prepare an Inclusionary Housing Ordinance and Affordable Housing In-Lieu Fee Review and Study
[Staff Report](#)
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6. Adoption of Resolution Approving the City of Hayward Salary Plan for Fiscal Year 2014
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7. Authorization for the City Manager to Amend a Professional Services Agreement for the Fire Station No. 7 Project
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- [Attachment III Scope of Services from Kutzmann & Associates, Inc.](#)
- [Attachment IV Scope of Services from ASI Consulting Engineers](#)
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10. Park In-Lieu Fee Appropriation to the Hayward Area Recreation and Park District for the Skywest Golf Course Cart Path Improvement and the Sorendale Kitchen Renovation Projects

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[Attachment III Letter of Request from HARD for Skywest Golf Course Cart Path Renovation Project, dated May 29, 2013](#)

[Attachment IV Letter of Request from HARD for Sorensdale Kitchen ADA Project, dated June 14, 2013](#)

[Attachment V Park In Lieu Zone Map](#)

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

[Staff Report](#)

[Attachment I](#)

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

[Staff Report](#)

[Attachment I](#)

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

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

July 30, 2013



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[Attachment VI a-d](#)
[Attachment VII](#)
[Attachment VII a-d](#)
[Attachment VIII](#)
[Attachment IX](#)

LEGISLATIVE BUSINESS

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

[Staff Report](#)
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[Attachment II - April 25, 2013 Planning Commission Meeting Minutes](#)
[Attachment III - Proposed Memorandum of Understanding](#)
[Attachment IV - Renderings of Proposed Memorial](#)

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

CITY COUNCIL WILL RECESS FOR THE MONTH OF AUGUST

NEXT MEETING, TUESDAY, SEPTEMBER 17, 2013

July 30, 2013



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

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

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

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

Please visit us on:



DATE: July 30, 2013

TO: Mayor and City Council
Planning Commission

FROM: Director of Development Services

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

RECOMMENDATION

That City Council and the Planning Commission review and comment on this report and its attachments.

SUMMARY

This joint work session is the third of three scheduled specifically to provide the City Council and Planning Commission the opportunity to provide initial feedback on draft goals and policies of the updated General Plan.

This work session will focus on goals and policies associated with the Natural Resources (Attachment I), Community Health and Quality of Life (Attachment II), and Land Use and Community Character (Attachment III) elements. The attachments reflect and incorporate General Plan Task Force input received on July 11, 2013.

The final and tenth element is the Housing Element. The Housing Element was most recently updated in June 2010 and subsequently certified by the State, and will follow a slightly different schedule. The Department of Housing and Community Development (HCD) has published a Housing Element Update Guidance package and is offering a streamlined review option for jurisdictions that meet certain requirements. The City will be taking advantage of this streamlined review while allowing for the Housing Element to be part of the final General Plan document presented to Council for adoption by June 2014. It is envisioned that the draft Housing Element will be available for review in November of this year.

Goal and policy development for the various elements in the updated General Plan will rely on the key findings/information from the background reports, existing General Plan policies and strategies,

community outreach, and the Vision and Guiding Principles (which entailed significant public input).

BACKGROUND

The Hayward 2040 General Plan project was authorized by City Council and initiated in July of 2012. To date, there have been seven previous work sessions/meetings before the City Council and/or Planning Commission and nine previous community meetings. Additionally, input on the General Plan project has been received via the City's Hayward 2040 online tool at Hayward2040.org.

On July 9, 2013, the most recent joint work session was held to present goals and policies associated with the Community Safety, Hazards, and Mobility elements. One of the comments raised at the July 9 work session was related to climate change. Policies related to air quality and greenhouse gas reduction can be found in Goal NR-2 of the Natural Resources Element.

Information on past meetings and the General Plan Update project and process can be found on the Hayward 2040 General Plan webpage on the City's [website](#).

DISCUSSION

This third joint work session focuses on draft goals and policies associated with the Natural Resources, Community Health and Quality of Life, and Land Use and Community Character elements. These three elements were presented to the General Plan Update Task Force for their input on July 11. A summary of the Task Force feedback is provided later in this report.

Staff is requesting that the City Council and Planning Commission review the attached draft goals and policies and provide feedback. Staff offers the following questions to guide review and discussion:

- Are the goals and policies appropriate and consistent with the Guiding Principles that were developed from the Community Vision?
- Do the goals and policies reflect the ideas that have been expressed by the community?
- Are there any goals or policies that should be eliminated?
- Are there any additional goals or policies that are needed to achieve the Community Vision?

Natural Resources – The goals and policies included in this section have been reviewed by Public Works – Utility and Environmental Services Department prior to sharing with the General Plan Update Task Force. As Attachment I shows, the draft goals are:

- (1) Biological Resources– Protect, enhance, and restore sensitive biological resources, native habitat, and vegetation communities that support wildlife species so they can be sustained and remain viable;
- (2) Air Quality and Greenhouse Gas Reduction– Improve the health and sustainability of the community through continued local efforts to improve regional air quality, reduce

- greenhouse gas emissions, and reduce community exposure to health risks associated with toxic air contaminants and fine particulate matter;
- (3) Open Space – Preserve, enhance, and expand natural baylands, wetlands, marshes, hillsides, and unique ecosystems within the Planning Area in order to protect their natural ecology, establish the physical setting of the city, provide recreational opportunities, and assist with improved air quality and carbon dioxide sequestration;
 - (4) Energy Resources and Efficiency – Reduce energy consumption through increased production and use of renewable energy, sustainable energy purchasing, and improved energy efficiency;
 - (5) Mineral Resources – Protect the economic viability of State-identified mineral resource extraction areas, while avoiding potential land use conflicts and minimizing adverse environmental impacts;
 - (6) Hydrology, Water Quality, and Conservation – Improve overall quality of water by protecting surface and groundwater sources, restoring creeks and rivers to their natural state, and conserving water resources;
 - (7) Paleontological Resources – Identify, honor, and protect historically significant paleontological resources so they can be scientifically studied and preserved for current and future generations; and
 - (8) Scenic Resources – Enhance, preserve, and increase the aesthetic qualities of undisturbed natural hillsides and shoreline, and designated scenic transportation corridors.

The Guiding Principles that directly influenced goal and policy development for the Natural Resources Element are:

- Guiding Principle #8: Hayward should preserve, enhance, **increase**, and connect its baylands, hillsides, greenway trails, and regional parks to protect environmental resources, mitigate impacts of rising sea levels, and provide opportunities to live an active outdoor lifestyle.

Note staff has suggested a minor edit to this principle as shown above, which will be incorporated into the draft General Plan document, unless the Council and Commission direct staff not to do so. For a fuller description of each of the draft Natural Resources goals and the supporting policies, please review Attachment I.

Community Health and Quality of Life – The goals and policies included in this section, which would be a new element for the General Plan, have been reviewed by various City Staff prior to sharing with the General Plan Update Task Force. As Attachment II shows, the draft goals are:

- (1) Overall Health and Well Being – Improve the health and well-being of all Hayward residents;
- (2) Active Living – Create convenient and safe opportunities to incorporate physical activity into the everyday activities of residents, employees, and visitors;
- (3) Access to Healthy Foods – Expand year round access to affordable, fresh, and healthy foods throughout the city;
- (4) Health Care Access and Disease Prevention – Promote access to affordable health care and medical services for all residents;

- (5) Safe and Cohesive Neighborhoods – Facilitate social interaction and foster a sense of security and community pride by assuring safety in neighborhoods and public spaces;
- (6) Aging in Place – Create neighborhoods that enable residents to remain in their homes and live healthy, productive lives as they age;
- (7) Environmental Health – Protect residents from the harmful effects of pollution, toxic substances, and environmental contaminants;
- (8) Urban Forest – Maintain, enhance and increase the city’s urban forest as an environmental, economic, and aesthetic resource to improve Hayward residents’ quality of life;
- (9) Community Resiliency – Build a foundation for community resilience to future threats and challenges to help ensure the City of Hayward will be able to respond and recover as quickly as possible to such threats and challenges;
- (10) Parks, Open Space, and Recreation – Create and support a diverse public park system, connecting trails, and recreation facilities suited to the needs of Hayward residents and visitors;
- (11) Trails and Open Space Corridors – Provide a continuous system of trails and open space corridors that connect local parks, regional open space areas, and other destination points within and beyond the city of Hayward; and
- (12) Recreation Programs – Create development opportunities for, and support, both public and private recreation programs suited to the broad needs and interests of all Hayward residents.

The Guiding Principles that directly influenced draft goal and policy development for the Community Health and Quality of Life Element are:

- Guiding Principle #2: Hayward should have safe and clean neighborhoods with an expanded network of parks and thriving commercial centers that incorporate attractive design, [easy access to jobs](#), support a diverse population, encourage long-term residency, and inspire all residents to live active, healthy, and green lifestyles.
- Guiding Principle #8: Hayward should preserve, enhance, [increase](#), and connect its baylands, hillsides, greenway trails, and regional parks to protect environmental resources, mitigate impacts of rising sea levels, and provide opportunities to live an active outdoor lifestyle.

As shown above, staff is recommending that a modification to Principle #2 be made to emphasize jobs. For a fuller description of each of the draft Community Health and Quality of Life goals and the supporting policies, please review Attachment II.

Land Use and Community Character – The goals and policies included in this section have been reviewed by both the the Public Works - Engineering and Transportation and Development Services Departments prior to sharing with the General Plan Update Task Force. Land Use is typically one of the, if not the, most important element of a General Plan, since many other elements are impacted by future land uses.

The approach staff is taking with the Land Use and Community Character Element, including the General Plan Land Use Map, is to look at changes from a broad policy level as opposed to making specific land use designation changes. It is staff's recommendation that the goals and policies provide the framework and guidance with implementation programs providing direction for more targeted plans and studies to be conducted following adoption of the General Plan. For example, in Goal 2 (which addresses Priority Development Areas), there are policies about maintaining a pedestrian environment in downtown and policies about downtown activities and functions, but the details, including land use changes to properties in downtown, would be sorted out through the future development of a Downtown Specific Plan. Attachment III shows the draft goals and policies for this element, which are:

- (1) Growth and Sustainable Development – Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related greenhouse gas emissions;
- (2) Priority Development Areas – Revitalize and enhance Hayward's Priority Development Areas to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the city's job centers and regional transit facilities;
- (3) Complete Neighborhoods – Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities;
- (4) Corridors – Create attractive commercial and mixed-use corridors that serve people traveling through the city, while creating more pedestrian-oriented developments that foster commercial and social activity for nearby residents and businesses;
- (5) Centers – Promote attractive and vibrant community and regional centers that provide convenient and enhanced opportunities for shopping, services, entertainment, social interaction, and culture;
- (6) Industrial Technology and Innovation Corridor – Enhance the Industrial Technology and Innovation Corridor to expand the economic and employment base of Hayward and to achieve a healthy balance between a manufacturing-based economy and an information- and technology-based economy;
- (7) Hillside Development – Preserve the rural and natural character of hillside development areas;
- (8) Historic Districts and Resources – Preserve Hayward's historic districts and resources to maintain a unique sense of place and to promote an understanding of the regional and community history; and
- (9) Public and Quasi-Public Uses – Provide quality public and quasi-public uses that benefit residents and businesses and enhance the city's overall quality of life and economic viability.

The Guiding Principles that directly influenced draft goal and policy development for the Land Use and Community Character Element are:

- Guiding Principle #2: Hayward should have safe and clean neighborhoods with an expanded network of parks and thriving commercial centers that incorporate attractive design, [easy](#)

access to jobs, support a diverse population, encourage long-term residency, and inspire all residents to live active, healthy, and green lifestyles.

- Guiding Principle #5: Hayward should have a safe, walkable, vibrant, and prosperous Downtown that serves as an attractive area for businesses and a destination for business, shopping and dining, arts and entertainment, and college-town culture.
- Guiding Principle #8: Hayward should preserve, enhance, increase, and connect its baylands, hillsides, greenway trails, and regional parks to protect environmental resources, mitigate impacts of rising sea levels, and provide opportunities to live an active outdoor lifestyle.

Staff is recommending editing the principles, as shown above. For a fuller description of each of the Land Use and Community Character goals and the supporting policies, please review Attachment III.

General Plan Update Task Force – The General Plan Update Task Force met on July 11 to review the draft goals and policies for the Natural Resources, Community Health and Quality of Life, and Land Use and Community Character Elements. The Task Force was generally supportive of the draft goals and policies.

Natural Resources - The Task Force wanted to combine policies NR-1.4 and NR-1.5 that both referenced Agency Coordination. Policy NR-1.4 was modified to include the ideas in both policies. The Task Force also wanted to modify the language in policy NR-2.1 to include protection of all residents from the health effects of air pollution rather than calling out specific groups needing protection. The policy has been updated to reflect this change. The Task Force wanted to modify the the language in NR-2.12, to not call out specific programs, but reference it as an example. The policy was modified to reflect this. The Task Force also wanted to modify policy NR-4.8 to be more inclusive of agencies to coordinate with for an educational program on energy conservation. The policy was modified to incorporate this feedback. Lastly, the Task Force requested that policy NR-6.9 be modified such that water conservation was encouraged instead of required and that change has been incorporated.

Community Health and Quality of Life – The Task Force requested that policy HQL-1.1 be removed as it was too general in nature and felt that HQL-1.2 and HQL-1.3 would be sufficient. The policy was removed and this goal section was renumbered. The Task Force requested that policy HQL-3.2 be modified from “shall support” to “shall consider” because they had concerns that the language would be too restrictive. The policy was modified accordingly.

Land Use and Community Character - The Task Force requested that the language in policy LU-1.1 be modified from “greenhouse gas emissions” to “pollution”. The policy has been modified to reflect this change. The Task Force requested that the need for adequate public space be added to policy LU-1.4. The language was added to this policy. The Task Force requested that exercise facilities be added to the list of items to attract creative-class professionals and businesses in Policy LU-2.16 and that was added. Lastly, the Task Force

requested that height limits and parcel size be removed from the list that were in policy LU-3.4 related to maintaining a pedestrian scale. That policy was modified accordingly.

General Plan Format – To allow for better monitoring and implementation of General Plan goals and policies, the updated General Plan will have a new layout similar to the 2010 Housing Element and will contain goals, policies, and implementation programs. The format will be similar to the City of Sacramento’s recently updated General Plan¹. The new format will include goals that have a clear focus or end toward which effort will be directed, policies that will be clear and feasible, and implementation programs with metrics consistent with Council’s desire to measure program outcomes. 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.

FISCAL IMPACT

The fiscal impacts associated with the General Plan Update were provided in the September 25, 2012 City Council agenda report. Below is a table showing the approved General Plan Update budget and the portion that has been spent and portion remaining as of mid-July, 2013.

Budget for General Plan Update 2012-2014 (as adopted on 9/25/2012)			
	Approved Budget	Spent	Remaining
City Staff Time	\$475,000	\$117,649	\$357,351
Jason Jones	\$266,800	\$146,800	\$120,000
Public Engagement Activities/Tools	\$10,000	\$7,000	\$3,000
Mintier Harnish/MIG	\$1,157,840	\$592,774	\$565,066
Miscellaneous Costs (outreach materials)	\$10,000	\$2,677	\$7,323
Subtotal	\$1,919,640		\$1,052,740
10% Contingency	\$191,964		\$191,964
Grand Total	\$2,111,604	\$866,900	\$1,244,704

PUBLIC CONTACT

Ongoing updates have been provided on the City’s web site and on Hayward2040.org. The City has been providing updates on the City’s Facebook and Twitter accounts as well encouraging participation on the Hayward2040.org site.

NEXT STEPS

Following input from the City Council and Planning Commission, as well as the Task Force, the goals and policies will be updated and draft Implementation Programs will be developed. Staff

¹ City of Sacramento General Plan at <http://www.sacgp.org/index.html>

intends to present the draft General Plan during work sessions with both the Planning Commission and City Council once the administrative draft policy document has been completed. The public review draft General Plan is scheduled to be released in the late fall followed by release of the program-level Environmental Impact Report.

Prepared by: Sara Buizer, AICP, Senior Planner

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

- | | |
|----------------|--|
| Attachment I | Draft Natural Resources Element |
| Attachment II | Draft Community Health and Quality of Life Element |
| Attachment III | Draft Land Use and Community Character Element |

Goal NR-1: Biological Resources

While the urbanized portions of the Planning Area are mostly devoid of native habitats, approximately 60 percent of the Planning Area is undeveloped or undisturbed open space. This includes hillsides, riparian areas, and the Bay shoreline. These natural areas support a multitude of vegetation types and habitats for numerous plant and animal species, including special status species that require special consideration and/or protection under State or Federal law.

The Planning Area's shoreline and hillsides provide ideal grassland, woodland, and aquatic habitats that are important for a number of special status species. The Planning Area is also near or adjacent to several large undeveloped areas, including Garin Regional Park, Eden Landing Ecological Reserve, and Don Edwards National Wildlife Refuge. While certain plant and animal species have successfully adapted to living within the developed areas of the Planning Area, the native vegetation and creeks within the urbanized areas have been modified to a degree that limits their value as habitat for special status plant and animal species.

The goal and policies in this section identify ways the City can protect, enhance, and restore natural areas so they can become valuable habitat for the Planning Area's diverse array of native and protected animals and plants, while also allowing these areas to be used and enjoyed by residents and visitors.

GOAL NR-1

Protect, enhance, and restore sensitive biological resources, native habitat, and vegetation communities that support wildlife species so they can be sustained and remain viable. *[Existing Goal, modified]*

NR-1.1 Native Wildlife Habitat Protection

The City shall limit or avoid new development that encroaches into important native wildlife habitats; limits the range of listed or protected species; or creates barriers that cut off access to food, water, or shelter of listed or protected species. *[Existing Policy, modified]* (RDR)

NR-1.2 Sensitive Habitat Protection

The City shall protect sensitive biological resources, including State and Federally designated sensitive, rare, threatened, and endangered plant, fish, and wildlife species and their habitats from urban development and incompatible land uses. *[Source: New Policy, City staff]* (RDR)

NR-1.3 Sensitive Species Identification, Mapping, and Avoidance

The City shall require qualified biologists to identify, map, and make recommendations for avoiding all sensitive biological resources on the project site, including State and Federally sensitive, rare, threatened, and endangered plant, fish, and wildlife species and their habitats using methods and protocols in accordance with the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and California Native Plant Society for all development applications proposed within sensitive biological resource areas. *[Source: New Policy, City staff]* (RDR)

NR-1.4 Shoreline Protection and Enhancement

The City shall coordinate with the Hayward Area Shoreline Planning Agency, Bay Conservation and Development Commission, and California Coastal

Commission to conserve, protect, and enhance natural and cultural resources along the San Francisco Bay shoreline by balancing uses that support multiple community needs, such as recreation, tourism, cultural resource preservation, and natural resource protection. *[Source: New Policy, Public]* (RDR)

NR-1.5 Large-Scale Natural Area Access

The City shall support efforts to improve access to publicly owned large-scale natural areas located within the Planning Area, including the shoreline, creeks, regional parks, riparian corridors, and hillside open space areas, by allowing them to be open for controlled access to improve public enjoyment and education, while also limiting access to extremely sensitive natural habitat and minimizing human-related environmental impacts. *[Source: New Policy, Public]* (RDR/PSR/SO)

NR-1.6 Migratory Bird Habitat Protection

The City shall support the efforts of the Hayward Area Shoreline Planning Agency and other agencies to preserve and protect tidal flats and salt ponds with low salinity for migratory waterfowl that depend on these areas. *[Existing Policy, modified]* (RDR)

NR-1.7 Native Tree Protection

The City shall encourage protection of mature, native tree species to the maximum extent practicable, to support the local eco-system, provide shade, create windbreaks, and enhance the aesthetics of new and existing development. *[Existing Policy, modified]* (RDR)

NR-1.8 Invasive Species Mitigation on Public Lands

The City shall coordinate with the East Bay Regional Park District, Hayward Area Recreation and Park District, and California Invasive Plant Council to identify ways to control invasive, non-native vegetation to the extent feasible in all public

parks and open space areas. *[Source: New Policy, City staff]* (IGC/RDR)

NR-1.9 Native Plant Species Protection and Promotion

The City shall protect and promote native plant species in natural areas as well as in public landscaping. *[Source: New Policy, City staff]* (RDR/MPSP)

NR-1.10 Creek Daylighting

The City shall identify and create opportunities for “daylighting” existing creeks that are currently contained within culverts or hardened channels to reestablish riparian habitat, provide public access and enjoyment, and improve aesthetics. *[Source: New Policy, Public]* (PSR)

NR-1.11 Creek and Floodplain Access Easements

The City shall identify and create opportunities for public access to and maintenance of creek corridors and floodplains through the creation of access easements, where practical. *[Source: New Policy, Public]* (PSR)

NR-1.12 Riparian Corridor Habitat Protection

The City shall protect creek riparian corridor habitats by requiring sufficient setbacks for new development adjacent to creek slopes, requiring sensitive flood control designs to minimize habitat disturbance, maintaining natural and continuous creek corridor vegetation, and protecting/replanting native trees. *[Source: Existing Policy, modified]* (RDR)

NR-1.13 Riparian Plant Communities Protection

The City shall protect riparian plant communities from the adverse effects of increased stormwater runoff, sedimentation, erosion, and pollution that may occur from improper development in

adjacent areas. *[Source: Existing Policy, modified] (RDR)*

Goal NR-2: Air Quality and Greenhouse Gas Reduction

Air quality is an important natural resource that influences public health and welfare, the local and regional economy, and quality of life. Air quality addresses concentrations of various pollutants in the atmosphere within a specific location. Air quality conditions at a particular location are a function of the type and amount of air pollutants emitted into the atmosphere, the size and topography of the regional air basin, and the prevailing weather conditions. Air pollutants have the potential to adversely impact public health, the production and quality of agricultural crops, native vegetation, visibility, buildings, and other structures.

The Planning Area is located in the San Francisco Bay Area Air Basin, which is currently (2013) designated as a nonattainment area for a number of different types of air pollutants (e.g., ozone precursors and various forms of particulate matter) under State and Federal ambient air quality standards. A nonattainment area is defined as an area or air basin that does not meet State or Federal ambient air quality standards for a given pollutant.

Greenhouse gases trap heat in the atmosphere and include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases (such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride). These gases have the potential to adversely affect the environment because, on a cumulative basis, they contribute to global climate change. In turn, global climate change has the potential to result in rising sea levels, which can inundate low-lying areas; affect rain and snow fall, leading to changes in water

supply; and affect habitat, leading to adverse effects on biological and other resources.

Because greenhouse gas emissions come from many different sources in both current and expected future activities in the Planning Area, identification and reduction of greenhouse gas emissions is an important consideration in long-range planning efforts.

The goal and policies in this section provide for air quality improvements and the reduction of greenhouse gases, which are fundamental objectives that underlie policies throughout the General Plan. The goal and policies in this section strive to reduce toxins, support regional coordination, and improve air quality in Hayward. These policies also provide land use, mobility, energy conservation, and similar strategies that reduce automobile trips, energy consumption, and pollution. Air quality policies provide for the management of commercial and industrial uses, as well as human activities, to reduce emissions and pollution and improve human health.

GOAL NR-2

Improve the health and sustainability of the community through continued local efforts to improve regional air quality, reduce greenhouse gas emissions, and reduce community exposure to health risks associated with toxic air contaminants and fine particulate matter. *[Source: New Goal]*

NR-2.1 Ambient Air Quality Standards

The City shall work with the California Air Resources Board and the Bay Area Air Quality Management District to meet State and Federal ambient air quality standards in order to protect all residents, from the health effects of air pollution. *[Source: New Policy, City staff] (RDR/IGC)*

NR-2.2 New Development

The City shall review proposed development applications to ensure projects incorporate feasible measures that reduce construction and operational emissions for reactive organic gases (ROG), nitrogen oxides (NOX), and particulate matter (PM10 and PM2.5) through project location and design. *[Source: New Policy, City staff]* (RDR)

NR-2.3 Emissions Reduction

The City shall require development projects that exceed Bay Area Air Quality Management District reactive organic gas (ROG), nitrogen oxide (NOX) operational thresholds to incorporate design or operational features that reduce emissions equal to at least 15 percent from the level that would be produced by an unmitigated project. *[Source: New Policy, City staff]* (RDR)

NR-2.4 Community Greenhouse Gas Reduction

The City shall reduce community GHG emissions by 20 percent below 2005 baseline levels by 2020, and strive to reduce community emissions by 62.7 percent and 82.5 percent by 2040 and 2050, respectively. *[Source: New Policy, City staff]* (RDR)

NR-2.5 Municipal Greenhouse Gas Reduction

The City shall reduce municipal greenhouse gas emissions by 20 percent below 2005 baseline level by 2020, and strive to reduce municipal emissions by 62.7 percent and 82.5 percent by 2040 and 2050, respectively. *[Source: New Policy, City staff]* (RDR)

NR-2.6 Greenhouse Gas Reduction in New Development

The City shall reduce potential greenhouse gas emissions by discouraging new development that is primarily dependent on the private automobile; promoting infill development and/or new development that is compact, mixed use,

pedestrian friendly, and transit oriented; promoting energy-efficient building design and site planning; and improving the jobs/housing balance ratio in each community. *[Source: New Policy, City staff]* (RDR)

NR-2.7 Coordination with Bay Area Air Quality Management District

The City shall coordinate with the Bay Area Air Quality Management District to ensure projects incorporate feasible mitigation measures to reduce greenhouse gas emissions and air pollution if not already provided for through project design. *[Source: New Policy, City staff]* (RDR/IGC)

NR-2.8 Reduced Emissions for City Operations and Commutes

The City shall promote reduced idling, trip reduction, routing for efficiency, and the use of public transportation, carpooling, and alternate modes of transportation for operating City departments and City employees. *[Source: New Policy, City staff]* (SO, PI)

NR-2.9 Fleet Operations

The City shall continue to purchase low-emission or zero-emission vehicles for the City's fleet and to use available clean fuel sources such as bio-diesel for trucks and heavy equipment. *[Source: New Policy, City staff]* (SO)

NR-2.10 Zero-Emission and Low-Emission Vehicle Use

The City shall encourage the use of zero-emission vehicles, low-emission vehicles, bicycles and other non-motorized vehicles, and car-sharing programs by requiring sufficient and convenient infrastructure and parking facilities in residential developments and employment centers to accommodate these vehicles. *[Source: New Policy, City staff]* (RDR/PI)

City of Hayward

Administrative Draft General Plan

Policy Document

NR-2.11 Zero-Emission and Low-Emission Vehicle Advocacy

The City shall collaborate with regional, State, and Federal entities to promote the use of alternative fuels and increased vehicle fuel efficiency standards, and to advocate for higher fuel-economy standards, or contribute to regional and state marketing and outreach efforts. *[New Policy: Climate Action Plan] (IGC)*

NR-2.12 Preference for Reduced-Emission Equipment

The City shall give preference to contractors using reduced-emission equipment for City construction projects and contracts for services (e.g., garbage collection), as well as businesses that practice sustainable operations. *[Source: New Policy, City staff] (SO/IP)*

NR-2.13 Wood Stove and Fireplace Replacement

The City shall promote the replacement of non-EPA certified fireplaces and woodstoves and encourage city residents to participate in Bay Area Air Quality Management District programs, such as the Wood Stove Rebate Program. *[Source: New Policy, City staff] (SO/IP)*

NR-2.14 Air Quality Education

The City shall educate the public about air quality standards, health effects, and efforts they can make to improve air quality and reduce greenhouse gas emissions. *[Source: New Policy, City staff] (PI)*

NR-2.15 Community Risk Reduction Strategy

The City shall maintain and implement a community risk reduction strategy to ensure that incremental cancer risk in both existing and new sensitive receptors associated with toxic air contaminants and fine particulate matter (PM2.5) sources is reduced to **X** in 1 million by 2040, compared to **X** in 1 million in the baseline year of

2012; and that non-cancer risk is reduced by **X** by 2040 compared to **X** in the baseline year of **XXXX**. *[Source: New Policy, City staff] (RDR)*

NR-2.16 Sensitive Uses

The City shall minimize exposure of sensitive receptors to toxic air contaminants (TAC), to the extent possible, and consider distance, orientation, and wind direction when siting sensitive land uses in proximity to TAC- emitting sources in order to minimize health risk. *[Source: New Policy, City staff] (RDR)*

NR-2.17 Source Reduction Measures

The City shall coordinate with and support the efforts of the Bay Area Air Quality Management District, the California Air Resources Board, the U.S. Environmental Protection Agency, and other agencies as appropriate to implement source reduction measures that address existing sources of toxic air contaminants and fine particulate matter (PM2.5). *[Source: New Policy, City staff] (PI)*

NR-2.18 Exposure Reduction BMPs for New Receptors

The City shall require development projects to implement all applicable best management practices that will reduce exposure of new sensitive receptors (e.g., hospitals, schools, daycare facilities, elderly housing and convalescent facilities) to toxic air contaminants and particulate matter (PM2.5). *[Source: New Policy, City staff] (RDR)*

NR-2.19 Exposure Reduction Measures for both Existing and New Receptors

The City shall work with area businesses, residents and partnering organizations to provide information about best management practices that can be implemented on a voluntary basis to reduce exposure of sensitive receptors to toxic air contaminants and particulate matter (PM2.5). *[Source: New Policy, City staff] (PI)*

Goal NR-3: Open Space

The Hayward Planning Area includes over 31 square miles of open space, including baylands, ridgelands, and water in the San Francisco Bay. Open space areas such as these are important because they provide habitat for native plants and animal species, provide recreational opportunities for area residents and visitors, and add scenic value to the community.

The East Bay Regional Park District (EBRPD) operates the Hayward Regional Shoreline Park, which consists of 1,811 acres of salt, fresh, and brackish water marshes, as well as seasonal wetlands and five miles of public trails. In addition to existing parkland, there have also been recent successes in acquiring/dedicating permanent open space, such as the acquisition and restoration of over 3,150 acres of shoreline marsh and wetland areas in recent years by the Hayward Area Shoreline Planning Agency.

The goal and policies in this section strive to protect and restore the Planning Area's natural open space environments as areas of both important habitat for plant and wildlife species, and recreational and scenic enjoyment for area residents and visitors.

GOAL NR-3

Preserve, enhance, and expand natural baylands, wetlands, marshes, hillsides, and unique ecosystems within the Planning Area in order to protect their natural ecology, establish the physical setting of the city, provide recreational opportunities, and assist with improved air quality and carbon dioxide sequestration. [Source: Existing Goal, modified]

NR-3.1 Permanent Open Space Acquisition

The City shall coordinate with the East Bay Regional Parks District, Hayward Area Recreation

and Park District, and Hayward Area Shoreline Planning Agency to explore all possible resources for public acquisition of permanent open space, including State and public trust funds, leases for private open space use, and additional bond measures. [Source: Existing Policy, modified] (IGC/FB/PSR)

NR-3.2 Interagency Restoration Coordination

The City shall coordinate with Federal, State, and regional agencies to identify methods for acquiring and restoring baylands and marsh habitats, expanding the National Wildlife Refuge, and funding the purchase and restoration of wetland habitats. [Source: Existing Policy, modified] (IGC/FB)

NR-3.3 Shoreline and Wetlands Restoration Coordination

The City shall continue to work with the Hayward Area Shoreline Planning Agency, East Bay Regional Park District, Bay Conservation and Development Commission, and California Coastal Commission to identify, acquire, and restore salt, fresh, and brackish water marshes and seasonal wetlands. [Source: New Policy, Public] (IGC/FB)

NR-3.4 East Hills Annex Open Space Protection

The City shall protect the rural character and utility of land in the East Hills Annex for grazing, agriculture, a regional park, or other open space uses by limiting subdivision of larger parcels. [Source: Existing Policy, modified] (RDR)

NR-3.5 Ridgelands Area Protection

The City shall continue to coordinate with Pleasanton and Alameda County to develop and implement policies that protect the Ridgelands Area from incompatible land uses and activities. [Source: New Policy, Public] (RDR/IGC)

Goal NR-4: Energy Resources and Efficiency

Electrical energy resources are critical to sustaining Hayward's economic base, infrastructure capabilities, and quality of life for residents. To avoid the need to construct new, carbon-based electricity generation facilities, both the State and regional energy purveyors have focused over the past decade on reducing growth in energy demand through energy conservation and efficiency. As such, there has been an increasing investment in a range of energy efficiency and conservation programs.

The Planning Area currently (2013) uses energy from power generating facilities located throughout Alameda County, including: 21 wind, five waste-to-energy, one hydroelectric, and one solar. There is also one existing renewable energy production facility within the city: the Hayward Wastewater Solar Facility. As traditional sources of energy become depleted, there is a need to both conserve energy and develop alternate methods of power generation. The goal and policies in this section identify ways to conserve energy consumption in Hayward, expand renewable energy production facilities, and promote businesses that help the City meet greenhouse gas and energy reduction targets.

GOAL NR-4

Reduce energy consumption through increased production and use of renewable energy, sustainable energy purchasing, and improved energy efficiency. [Source: New Goal]

NR-4.1 Energy Efficiency Measures

The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities,

infrastructure, and equipment. [Source: New Policy, City staff] (RDR)

NR-4.2 Energy Efficiency Collaboration

The City shall collaborate with partner agencies, utility providers, and the business community to support a range of energy efficiency, conservation, and waste reduction measures, including the development of green buildings and infrastructure, weatherization programs, installation of energy-efficient appliances and equipment in homes and offices, promotion of energy efficiency retrofit programs, use of green power options, and heightened awareness of the benefits of energy efficiency and conservation issues. [Source: New Policy, City staff] (RDR/PI/MPSP/JP)

NR-4.3 Efficient Construction and Development Practices

The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the life-cycle of a structure. [Source: New Policy, City staff] (RDR)

NR-4.4 Energy Resource Conservation in Public Buildings

The City shall continue to require all public facilities and services to incorporate energy and resource conservation standards and practices. [Source: New Policy, City staff] (RDR)

NR-4.5 Energy Efficient Contractors

When soliciting and awarding public contracts, professional service agreements, or grants to businesses or non-profit agencies, the City shall require, as appropriate, proposals or applications to include information about the sustainability practices of the organization. [New Policy: Climate Action Plan] (RDR)

NR-4.6 Renewable Energy

The City shall encourage and support the generation, transmission, use, and storage of locally-distributed renewable energy. *[Source: New Policy, City staff]* (RDR/JP)

NR-4.7 Renewable Portfolio Standards

The City shall strive to increase the renewable portion of utility electricity generation by advocating for increased state-wide renewable portfolio standards. *[New Policy: Climate Action Plan]* (IGC)

NR-4.8 Community Choice Aggregation

The City shall participate in community choice aggregation, or other similar programs. The City shall seek partnership with other jurisdictions to minimize start up and administration costs. (CSO) *[New Policy: Climate Action Plan]* (CSO)

NR-4.9 Renewable Energy Financing Programs

The City shall collaborate with regional agencies and organizations to promote financing programs for renewable energy systems, such as the California FIRST PACE program. *[New Policy: Climate Action Plan]* (IGC)

NR-4.10 Locally-Produced Renewable Energy

The City shall encourage public and private renewable tidal, wind, waste-to-energy, and solar energy production facilities in order to promote energy independence, efficiency, and sustainability. *[Source: New Policy, City staff]* (RDR/MPSP/JP)

NR-4.11 Public Renewable Energy Generation

The City shall ensure that all new City-owned facilities are built with photovoltaic and/or solar hot water systems, as appropriate to their functions, and shall install renewable energy systems at City facilities where feasible. *[New Policy: Climate Action Plan]* (RDR/MPSP)

NR-4.12 Energy Facility Siting

The City shall require the siting of new energy facilities and infrastructure in a manner that is compatible with surrounding land uses, limits impacts to scenic resources, and does not adversely affect sensitive natural habitats. *[Source: New Policy, City staff]* (RDR)

NR-4.14 Green Building Standards

The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020. *[Source: New Policy, City staff]* (RDR/MPSP)

NR-4.15 Urban Forestry

The City shall encourage the planting of native and diverse tree species to reduce heat island effect, reduce energy consumption, and contribute to carbon mitigation. *[Source: New Policy, City staff]* (RDR)

NR-4.16 Energy Use Data

The City shall require disclosure of energy use and/or an energy rating at time of sale for single family homes, multifamily properties, and commercial buildings. The City shall encourage residents to voluntarily share their energy use data and/or ratings on a regular basis, such as the Home Energy Rating System (HERS) or the Home Energy Score, with the City. *[New Policy: Climate Action Plan]* (RDR)

NR-4.17 Energy Efficiency Retrofits

The City shall collaborate with regional entities and others to promote incentive programs for energy efficiency retrofits such as the Energy Upgrade California program for residential properties. *[New Policy: Climate Action Plan]* (IGC/JP)

NR-4.18 Energy Efficiency Programs

The City shall promote the use of the Energy Star Portfolio Manager program and energy benchmarking training programs for nonresidential building owners. *[New Policy: Climate Action Plan]* (PI)

Goal NR-5: Mineral Resources

A variety of mineral resources have historically been mined in the Planning Area, including: stone, limestone, clay, fire clay, halite, and salt. The US Geological Survey has identified 11 past, present, or prospective mining sites within the Planning Area, including sites owned or operated by the American Salt Company, the Oliver Salt Company, East Bay Excavation Company, Ideal Cement Company, and the La Vista Quarry and Mill.

The State requires local jurisdictions to protect areas with economically significant mineral resources from incompatible development. In an effort to maintain availability of sand, gravel, and crushed rock for long-term construction needs, the California Division of Mines and Geology (under the authority of the Surface Mining and Reclamation Act of 1975) has classified aggregate mineral zones throughout the state. The only designated mineral resource "sector" of regional significance in the Planning Area is the La Vista Quarry, located in the area east of Mission Boulevard and Tennyson Road. The goal and policies in this section focus on protecting State-identified mineral resource areas for future use, while also protecting urban development from the potential adverse effects of mining activities and operations.

GOAL NR-5

Protect the economic viability of State-identified mineral resource extraction areas, while avoiding potential land use conflicts and minimizing adverse environmental impacts.
[Source: New Goal]

NR-5.1 Mineral Resource Protection

The City shall protect mineral resources in undeveloped areas that have been classified by the State Mining and Geology Board as having statewide or regional significance for possible future extraction by limiting new residential or urban uses that would be incompatible with mining and mineral extraction operations. *[Source: New Policy, City staff]* (RDR)

NR-5.2 Mining Operations Nuisance and Hazard Abatement

The City shall require applicants for any new or expanded mining operation to demonstrate, prior to issuance of a conditional use permit, that the operation will not create significant nuisances, hazards, or adverse environmental effects on neighboring land uses. *[Source: New Policy, City staff]* (RDR)

NR-5.3 Mining Reclamation Requirements

The City shall require mining operators to prepare reclamation plans and implement reclamation programs to restore land for alternative uses consistent with the California Surface Mining and Reclamation Act once mining operations are no longer viable. *[Source: New Policy, City staff]* (RDR)

Goal NR-6: Hydrology, Water Quality, and Conservation

Water is vital to both natural processes and human activities. The quantity, quality, and availability of the Bay Area's surface and groundwater resources are of vital importance to community health and ecosystem preservation.

Like much of the Bay Area, portions of the Planning Area have experienced problems with both water supply and quality. In addition to protecting water sources, it is also critical to develop active strategies for reducing overall water demand. The goal and policies in this section identify methods for protecting valuable surface and groundwater resources from contaminants, restoring natural features to improve their functionality, and conserving water for future generations.

GOAL NR-6

Improve overall water quality by protecting surface and groundwater sources, restoring creeks and rivers to their natural state, and conserving water resources. [Source: Existing Goal, modified]

NR-6.1 Surface Watercourse Restoration

The City shall coordinate with local and regional partners to improve and restore surface watercourses to their natural condition to the greatest extent possible. [Source: Existing Policy, modified] (IGC/PSR/RDR)

NR-6.2 Saltwater Intrusion Prevention

The City shall prohibit groundwater withdrawals in industrial and commercial areas near the Bay shoreline which could result in saltwater intrusion into freshwater aquifers. [Source: Existing Policy, modified] (RDR)

NR-6.3 Saltwater Slough and Marsh Sedimentation Protection

The City shall ensure that dredging and grading activities do not contribute to sedimentation of saltwater sloughs or marshes. [Source: Existing Policy, modified] (RDR)

NR-6.4 Minimizing Grading

The City shall minimize grading and, where appropriate, consider requiring onsite retention

and settling basins. [Source: Existing Policy, modified] (RDR)

NR-6.5 Erosion Control

The City shall concentrate new urban development in areas that are the least susceptible to soil erosion into water bodies in order to reduce water pollution. [Source: Existing Policy, modified] (RDR)

NR-6.6 Stormwater Management

The City shall develop strategies to promote stormwater management techniques that minimize surface water runoff and impervious ground surfaces in public and private developments, including requiring the use of Low-Impact Development (LID) techniques to best manage stormwater through conservation, onsite filtration, and water recycling. [Source: New Policy, City staff] (RDR/MPSP)

NR-6.7 Toxic Metal Waste Remediation

The City shall protect baylands by ensuring that proper measures are in place to safely remove toxic metals in sewage prior to their disposal. [Source: Existing Policy, modified] (RDR/MPSP)

NR-6.8: NPDES Permit Compliance

The City shall continue to comply with the San Francisco Bay Region National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit. [Source: New Policy, City staff] (RDR/MPSP/IGC)

NR-6.9 Water Conservation

The City shall require residents, businesses, and industries to actively conserve water year-round, and especially during drought years. [Source: New Policy, City staff] (RDR)

NR-6.10 Water Recycling

The City shall support efforts by the regional water provider to increase water recycling by

residents, businesses, industries, and developers, including identifying methods for water recycling and rainwater catchment for indoor and landscape uses in new development. *[Source: New Policy, City staff] (IGC)*

NR-6.11 Reclaimed Water Usage

The City shall take an active role in increasing the use of reclaimed water and educating the community about the benefits of using reclaimed water. *[Source: Existing Policy, modified] (RDR/PI)*

NR-6.12 Dual Plumbing Systems

The City shall encourage the installation and use of dual plumbing systems in new buildings to recycle greywater. *[Source: Existing Policy, modified] (RDR)*

NR-6.13 Water Recycling Program Advocacy

The City shall coordinate with the East Bay Municipal Utility District and the Hayward Area Recreation and Park District to advance water recycling programs, including using treated wastewater to irrigate parks, golf courses, and roadway landscaping and encouraging rainwater catchment and greywater usage techniques in new buildings. *[Source: New Policy, City staff] (RDR/IGC)*

NR-6.14 Native and Drought-Tolerant Landscaping

The City shall use native or drought-tolerant vegetation in the landscaping of all public facilities. *[Source: Existing Policy, modified] (RDR)*

NR-6.15 Native Vegetation Planting

The City shall encourage private property owners to plant native or drought-tolerant vegetation in order to preserve the visual character of the area and reduce the need for toxic sprays and groundwater supplements. *[Source: Existing Policy, modified] (RDR)*

NR-6.16 Landscape Ordinance Compliance

The City shall continue to implement the Bay-Friendly Water Efficient Landscape Ordinance. *[Source: New Policy] (RDR)*

Goal NR-7: Paleontological Resources

Paleontological resources include any fossilized remains, traces, or imprints of organisms preserved in or on the earth's crust that provide information about the history of life on earth, evolution, and our place as humans in the world. Most of the Planning Area is located on Quaternary sedimentary deposits which are from the most recent geologic periods dating back to 1.6 million years ago. Some of eastern Hayward is located on sedimentary rocks from the Mesozoic period dating back to 245 million years ago, when dinosaurs inhabited the earth. The goal and policies in this section seek to protect paleontological resources so they can be preserved for current and future generations.

GOAL NR-7

Identify, honor, and protect historically significant paleontological resources so they can be scientifically studied and preserved for current and future generations. *[Source: New Goal]*

NR-7.1 Paleontological Resource Protection

The City shall prohibit any new public or private development that damages or destroys a historically- or prehistorically-significant fossil, ruin, or monument, or any object of antiquity. *[Source: New Policy, City staff] (RDR)*

NR-7.2 Paleontological Resource Mitigation

The City shall develop or ensure compliance with protocols that protect or mitigate impacts to

paleontological resources, including requiring grading and construction projects to cease activity when a paleontological resource is discovered so it can be safely removed. *[Source: New Policy, City staff] (RDR/MPSP)*

Goal NR-8: Scenic Resources

Views of natural topography, open grassland vegetation, rolling hills, and the Bay shoreline make up the prominent elements of Hayward's scenic landscape. While the city is largely urban, with a relatively dense development pattern that can restrict scenic views, higher elevations in the hills and portions of the shoreline provide scenic vistas of the San Francisco Bay and views to the East Bay hills. These natural scenic resources are a sense of pride for the community and a major attraction for visitors that need to be protected. In addition, there are three freeways in the Planning Area which have a County scenic highway designation: I-580, I-880, and SR 92. The goal and policies in this section focus on protecting and enhancing valuable scenic resources, hillsides, the Bay shoreline, and designated scenic corridors. Similar policies related to protecting scenic views of historical resources are provided under Goal LU-8 of the Land Use and Community Character Element.

GOAL NR-8

Enhance, preserve, and increase the aesthetic qualities of Hayward's undisturbed natural hillsides and shoreline, and designated scenic transportation corridors. *[Source: New Goal]*

NR-8.1 Hillside Residential Design Standards

The City shall regulate the design of streets, sidewalks, cluster home development, architecture, site design, grading, landscaping, utilities, and signage in hillside areas to protect

aesthetics, natural topography, and views of surrounding open space through the continued Hillside Design and Urban/Wildland Interface Guidelines. *[Source: New Policy, City staff] (RDR)*

NR-8.2 Hillside Site Preparation Techniques

The City shall require low-impact site grading, soils repair, foundation design, and other construction methods to be used on new residential structures and roadways above 400 feet in elevation to protect aesthetics, natural topography, and views of surrounding open space. *[Source: New Policy, City staff] (RDR)*

NR-8.3 Scenic Transportation Corridor Protection

The City shall protect the visual characteristics of transportation corridors that are officially designated as having unique or outstanding scenic qualities, including portions of I-580, I-880, and SR 92. *[Source: New Policy, City staff] (RDR)*

NR-8.4 Shoreline Views Protection

The City shall maintain and implement residential and non-residential design guidelines in order to protect existing views of the Bay shoreline. *[Source: New Policy] (RDR)*

Goal 1 Overall Health and Well Being

The City is committed to improving quality of life and increasing opportunities for residents to make healthy lifestyle choices. Improving access to healthy living requires making health a City priority and taking a cross-jurisdictional and collaborative approach to promoting improved community health. The City is committed to improving health and to acting as a leader and role model of healthy living. Policies in this section express the City's overarching commitment to healthy living and support the City in expanding its role as a health leader in the community.

GOAL HQL-1

Improve the health and well-being of all Hayward residents.

HQL-1.1 Health in All Policies

The City shall establish strategies, programs, and practices that prioritize the overall health in Hayward. *[Source: New Policy, City staff] (MPSP)*

HQL-1.2 Health Education

The City shall educate the public about the links between public health behaviors and outcomes and the built environment. *[Source: New Policy, City staff] (PI)*

HQL-1.3 Health in All City Operations

The City shall integrate public health goals into daily operations. *[Source: New Policy, City staff] (CSO)*

HQL-1.4 Healthy Workplace

The City shall act as a leader by implementing workplace wellness programs and policies that maintain and improve the health and well-being of City employees. Programs may focus on diet and

exercise, and providing private space for new mothers. *[Source: New Policy, City staff] (CSO)*

HQL-1.5 Collaboration for Improved Health

The City shall collaborate with local health officials, planners, nonprofit organizations, businesses, schools, hospitals, local health clinics, and community groups to improve community health. *[Source: New Policy, City staff] (IGC)*

HQL-1.6 Health Statistics

The City shall support the Alameda County Department of Public Health by providing information for its ongoing monitoring and tracking of health outcomes to inform the community and support better decision-making on issues related to health. *[Source: New Policy, City staff] (IGC/PI)*

HQL-1.7 Health Events

The City shall provide support to organizations engaged in citywide public health events, such as health fairs, youth fitness programs, wellness competitions, and public health speakers and workshops. *[Source: New Policy, City staff] (CSO/JP)*

HQL-1.8 Address Health Inequities

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. *[Source: New Policy, City staff] (RDR/MPSP)*

HQL-1.9 Balanced Participation

The City shall strive to increase participation of low-income, immigrant, non-English-speaking, racially and ethnically diverse, and special needs residents in implementation of health programs and initiatives. *[Source: New Policy, City staff] (MPSP/PI)*

Goal 2 Active Living

The design of the built environment has a significant impact on the opportunities residents have to live active and healthy lifestyles. Neighborhoods that have a diverse mix of land uses can help reduce vehicle miles traveled and increase walking and bicycling. In general, walking and biking to destinations can provide an increase in physical fitness, social cohesion, and actual and perceived public safety. Studies have shown that residents living in communities with a mix of shops and businesses within easy walking distance have a lower risk of obesity than residents of communities that do not have these services within easy walking distance. Policies in this section promote active living through alternative transportation options, a well-designed built environment that encourages walking and biking, improved park access, and actions that encourage physical activity.

Policies in several other General Plan Elements also support active living. Policies in the Mobility Element and Land Use and Community Character Element seek to create complete and walkable neighborhoods and improve bicycle and pedestrian facilities and transit access. Policies in the Community Safety Element support safe public spaces through law enforcement and community policing.

GOAL HQL-2

Create convenient and safe opportunities to incorporate physical activity into the everyday activities of residents, employees, and visitors.

HQL-2.1 Physical Activity and the Built Environment

The City shall support new developments or infrastructure improvements in existing neighborhoods that enable people to drive less and walk, bike, or take public transit more. *[Source: New Policy, City staff] (RDR)*

HQL-2.2 Remove Physical Barriers

The City shall remove or plan for ways to address physical barriers that bisect neighborhoods and discourage walking or biking. *[Source: New Policy, City staff] (MPSP)*

HQL-2.3 Education about Walking, Cycling and Using Public Transit

The City shall partner with schools, employers, transit agencies, and community groups to teach bicycle and pedestrian safety in schools and workplaces and to educate residents and businesses about the health and environmental benefits of walking, bicycling, and using public transit. *[Source: New Policy, City staff] (IGC/JP)*

HQL-2.4 Bicycle Security

The City shall strive to reduce bicycle theft through well designed bicycle parking facilities that are located in secure locations with high visibility. *[New Policy, City staff] (RDR/MPSP)*

HQL-2.5 Safe Routes to School

The City shall support the Alameda County Safe Routes to School and other similar programs that promote walking and biking to and from school for children and parents. *[Source: New Policy, City staff] (IGC)*

HQL-2.6 Education on Sharing the Road

The City shall support local and regional programs that educate motorists to be aware of non-vehicle roadway users to promote overall safety of multi-modal streets. *[Source: New Policy, City staff] (PI)*

HQL-2.7 Funding to Reduce Collisions

The City shall pursue funding for projects that improve pedestrian and biking safety by reducing the risk of non-motorized/motorized vehicle collisions, particularly in areas where such collisions frequently occur. *[Source: New Policy, City staff] (FB)*

HQL-2.8 Physical Activity in the Workplace

The City shall encourage employers to provide fitness facilities, support facilities (e.g., bike lockers, showers), flexible policies (e.g., flexible schedules, longer breaks), and programs (e.g., walking, running, and cycling clubs) to promote physical activity in the workplace. *[Source: New Policy, City staff] (JP)*

Goal 3 Access to Healthy Foods

A healthy, varied diet is a critical component to a healthy life. Several factors determine what people choose to eat, but access is a major factor. Studies have found that people buy food that is readily available. Today, communities with the highest rates of obesity are typically places where residents have few opportunities to conveniently purchase nutritious food. A healthy, nutritious diet can reduce the risk of obesity and associated chronic diseases, directly improving one's health and well-being and minimizing health care costs for local governments. While food is a personal choice, the City of Hayward recognizes the need to create an environment in which all residents have access to affordable and healthy food. Policies in this section promote healthy eating habits in Hayward by increasing access to farmers' markets, community gardens, and other sources of healthy

food; promoting nutrition education; and limiting sources of unhealthy food.

GOAL HQL-3

Expand year round access to affordable, fresh, and healthy foods throughout the city.

HQL-3.1 Access to Healthy Foods

The City shall strive to ensure that all residents are within walking distance of sources of fresh and healthy foods (e.g., grocery stores, healthy corner stores, farmers' markets, and community gardens). *[Source: New Policy, City staff] (RDR/MPSP)*

HQL-3.2 New Healthy Food Venues

The City shall support the development of new retail venues that sell local, fresh produce, including farmers' markets, community-supported agriculture programs, and grocery stores, especially in underserved areas and near schools. *[Source: New Policy, City staff] (RDR)*

HQL-3.3 Incentives for Grocery Stores

The City shall provide incentives, such as small business development programs, tax incentives, or flexible development standards to encourage grocery stores to locate in underserved areas of the city. *[Source: New Policy, City staff] (RDR/FB)*

HQL-3.4 Healthy Corner Stores

The City shall use incentives or other programs to encourage existing small grocery or convenience stores to offer healthy food options, with a focus on underserved areas and areas near schools. *[Source: New Policy, City staff] (MPSP/FB)*

HQL-3.5 Partnerships for Farmers' Markets

The City shall strive to increase the number of farmers' markets throughout the city and frequency in which they occur by encouraging partnerships between organizers of farmers' markets and the Hayward Unified School District,

neighborhood groups, senior facilities, and business groups. *[Source: New Policy, City staff] (IGC/JP)*

HQL-3.6 Community Garden Target

The City, in cooperation with the Hayward Area Recreation and Park District, shall strive to establish community gardens in existing and planned parks. *[Source: New Policy, City staff] (IGC)*

HQL-3.7 Community Gardens in Multi-Family Housing Developments

The City shall encourage all new multi-family housing developments to contain designated areas or other shared spaces for community gardens and shall count community gardens toward the common open space requirement. *[Source: New Policy, City staff] (RDR)*

HQL-3.8 Rooftop Gardens

The City shall support the development of rooftop gardens that provide opportunities to grow local produce on new and renovated buildings. *[Source: New Policy, City staff] (RDR)*

HQL-3.9 Local and Organic Food Purchase

The City shall promote the purchase of healthy locally-produced and/or organic food at government and school facilities. *[Source: New Policy, City staff] (CSO)*

HQL-3.10 Support for School Gardens

The City shall support programs (e.g., Alameda County Office of Education Project EAT) that provide school gardens and garden-based nutrition education and cooking classes for students, parents, and community members. *[Source: New Policy, City staff] (IGC)*

HQL-3.11 School Nutrition

The City shall encourage the Hayward Unified School District to establish strong nutritional standards for school lunches, offer locally-grown

foods in school breakfast and lunch programs, phase out unhealthy snacks and sugar-sweetened beverages, and include nutrition education, such as school gardens and farm-to-school programs, in school curricula. *[Source: New Policy, City staff] (JP)*

HQL-3.12 Restrict Unhealthy Food Options

The City shall discourage new liquor stores and fast food restaurants near schools and in areas with an existing high concentration of such stores. *[Source: New Policy, City staff] (RDR)*

HQL-3.13 Healthy Restaurants

The City shall encourage restaurants to serve healthy foods, provide nutritional information to customers, and voluntarily eliminate trans fats from their menus. *[Source: New Policy, City staff] (PI/RDR)*

HQL-3.14 Backyard Chicken Keeping

The City shall support the keeping of chickens on single-family residential lots to enable residents to produce their own eggs. *[Source: New Policy, City staff] (RDR)*

Goal 4 Health Care Access and Disease Prevention

Access to health care and preventative care is an important component of community health. A lack of access to health care can exacerbate chronic diseases such as heart disease or diabetes. Health insurance coverage is also strongly correlated with better health outcomes. Uninsured people generally receive much less care, either preventive or for acute and chronic conditions, than insured people. Policies in this section promote the expansion of health care facilities and services and expanded access to health insurance to meet the health needs of Hayward residents.

GOAL HQL-4

Promote access to affordable health care and medical services for all residents. *[New Goal; City Staff]*

HQL-4.1 Promote Preventative Treatment and Access to Health Care

The City shall work with local and regional health care agencies to promote preventive treatment and provide broad access to affordable health care. *[Source: New Policy, City staff] (JP)*

HQL-4.2 Adequate Health Care Facilities

The City shall encourage the development and maintenance of a full range of health care facilities, including hospitals, acute care facilities, and mental health facilities, to meet the needs of all residents. *[Source: New Policy, City staff] (RDR)*

HQL-4.3 Reuse of Kaiser Facility

The City shall encourage the reuse or continued use of the Kaiser Permanente and St. Rose Hospital sites for health-related services. *[Source: New Policy, City staff] (RDR)*

HQL-4.4 Obesity Prevention

The City shall support cross-cultural education, social marketing, and media campaigns about the prevention and treatment of obesity. *[Source: New Policy, City staff] (PI)*

HQL-4.5 Solutions for Childhood Obesity

The City shall partner with schools and other organizations to develop solutions for reducing childhood obesity. *[Source: New Policy, City staff] (JP)*

HQL-4.6 Public Transit Access to Medical Facilities

The City shall work with transit service providers and healthcare providers to improve connections to local and regional health care facilities for people who are transit-dependent. *[Source: New Policy, City staff] (JP)*

HQL-4.7 Adequate Health Coverage

The City shall encourage employers to provide adequate health coverage and benefits to employees, and shall educate residents on options for health coverage. *[Source: New Policy, City staff] (PI/MPSP)*

HQL-4.8 Equitable and Culturally-Sensitive Health Programs

The City shall encourage health care providers to provide equitable and culturally-sensitive health programs for all Hayward residents. *[Source: New Policy, City staff] (PI)*

HQL-4.9 Programs for Seniors

The City shall pursue partnerships with local health service providers to provide health-related programs for seniors, such as health screening, medication monitoring, senior abuse education/prevention, adult day care/support for care givers, and in-home assistance. *[Source: New Policy, City staff] (JP/PI)*

HQL-4.10 Combating Drug and Alcohol Dependency

The City shall participate in community service programs that aim to combat tobacco, alcohol, and drug dependency. *[Source: New Policy, City staff] (MPSP)*

HQL-4.11 Tobacco Education

The City shall support public education programs regarding the hazards of tobacco use and secondhand smoke through media and educational events, and by encouraging community-based organizations to provide treatment and prevention programs. *[Source: New Policy, City staff] (PI)*

HQL-4.12 Smoking Cessation Services

The City shall ensure that information and services to quit smoking are readily available and

accessible in Hayward. *[Source: New Policy, City staff]*
(PI)

HQL-4.13 Prohibiting Cigarette Sales Near Schools

The City shall prohibit the sale of cigarettes near schools. *[Source: New Policy, City staff]* (RDR)

HQL-4.14 Protecting Residents from Physical Harm

The City shall strive to protect residents from physical harm resulting from natural disasters, violent crimes, and other threats. *[Source: New Policy, City staff]* (RDR/MPSP)

HQL-4.15 Fire Station Health Centers

The City shall encourage the co-location of health services at fire stations as a way to expand the geographic reach of primary health care. *[Source: New Policy, City staff]* (MPSP)

Goal 5 Safe and Cohesive Neighborhoods

A healthy community is one that promotes safety through the design of the built environment. Increasing healthy outcomes is dependent on an environment where residents feel safe and secure. People are more likely to walk, bike, and generally live an active lifestyle if they feel safe in their neighborhood. The policies in this section support safe neighborhoods that encourage community interaction and social cohesion.

Several policies in the Community Safety Element also support safe neighborhoods through law enforcement and community policing.

GOAL HQL-5

Facilitate social interaction and foster a sense of security and community pride by assuring safety in neighborhoods and public spaces.
[New Goal; City Staff]

HQL-5.1 Cohesive Neighborhoods

The City shall support cohesive neighborhoods that sustain mental health, increase social capital, and reduce crime. *[Source: New Policy, City staff]* (MPSP)

HQL-5.2 Safe Public Spaces

The City shall develop public spaces that provide safe, convenient, and pleasant gathering places for neighbors to meet and congregate. *[Source: New Policy, City staff]* (RDR)

HQL-5.3 Eyes on the Street

The City shall promote urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides “eyes-on-the-street” to enhance public safety in these areas. *[Source: New Policy, City staff]* (RDR)

HQL-5.4 Safety Measures

The City shall improve safety and the perception of safety by requiring adequate lighting, street visibility, and defensible space. *[Source: New Policy, City staff]* (RDR)

HQL-5.5 Neighborhood Partnership Program

The City shall maintain and expand the Neighborhood Partnership Program to support local residents who want to work together to improve their neighborhoods. *[Source: New Policy, City staff]* (CSO)

HQL-5.6 Maintenance of Private Property

The City shall encourage private landowners to maintain and upgrade their property in residential neighborhoods and in commercial and industrial areas. *[Source: New Policy, City staff] (RDR)*

Goal 6 Aging in Place

Policies in this section support opportunities for Hayward residents to remain in their community as they age. Hayward's senior population will continue to grow in the coming years as the current population ages. Rather than move to a new community, many seniors prefer to stay in their homes and their communities. Aging in place promotes self-sufficiency and preserves valuable social networks that support a higher quality of life for seniors. The current physical environment and provision of services can be improved to promote independence as residents age.

GOAL HQL-6

Create neighborhoods that enable residents to remain in their homes and live healthy, productive lives as they age. *[New Goal; City Staff]*

HQL-6.1 Aging in Place

The City shall promote community health, safety, and neighborhood cohesiveness by supporting housing and neighborhood amenities that allow residents to age in place. *[Source: New Policy, City staff] (RDR)*

HQL-6.2 "Villages" Concept

The City shall support local efforts to create a non-profit organization modeled on the "villages" concept (a national model that supports aging-in-place by creating a non-profit organization that provides case-management services, resources, and assistance to aging seniors that wish to remain in their homes). *[Source: New Policy, Public] (MPSP/CSO/ RDR)*

HQL-6.3 Range of Housing for Seniors

The City shall facilitate the development of a range of housing types, including affordable housing, multi-generational housing, independent living, and assisted living for Hayward seniors. *[Source: New Policy, City staff] (RDR/MPSP)*

HQL-6.4 Housing Maintenance Assistance

The City shall support efforts of seniors to maintain and renovate their homes by providing service assistance, grants, loans, and/or special concessions in permitting procedures to maintain or modify homes to meet needs of senior residents. *[Source: New Policy, City staff] (RDR/MPSP)*

HQL-6.5 Universal Design

The City shall promote the use of Universal Design Principles in new construction and rehabilitation of housing to improve accessibility for seniors. *[Source: New Policy, City staff] (RDR)*

HQL-6.6 Senior Daycare

The City shall encourage the development of senior daytime care facilities in appropriate areas in the community. *[Source: New Policy, City staff] (RDR)*

HQL-6.7 Transit Service for Seniors

The City shall support efforts to make public transit more accessible to seniors, and shall ensure that public transit services are provided at or near senior housing. *[Source: New Policy, City staff] (RDR/MPSP/IGC)*

HQL-6.8 Safe Pedestrian Environment

The City shall strive to create a pedestrian environment that is safe and comfortable for seniors. *[Source: New Policy, City staff] (RDR/MPSP)*

HQL-6.9 Entertainment and Recreation for Seniors

The City shall periodically assess the city's entertainment/recreation resources for seniors to ensure that their needs are being met. *[Source: New Policy, City staff] (PSR)*

HQL-6.10 Education on Predatory Lending

The City shall educate citizens and provide access to financial counseling so older adults are better prepared to recognize and resist the solicitations of predatory lenders. *[Source: New Policy, City staff] (PI)*

Goal 7 Environmental Health

Environmental health is a significant component of public health. Environmental health concerns include air pollutants, contaminated land or water, and exposure to toxic substances in everyday household items. The policies in this section seek to reduce or eliminate environmental health risks through efforts to protect air and water quality and eliminate toxic substances in the home, workplace, and public spaces.

Several policies in the Natural Resources Element also support environmental health by supporting improved water and air quality, and policies in the Hazards Element address the safe handling of hazardous materials.

GOAL HQL-7

Protect residents from the harmful effects of pollution, toxic substances, and environmental contaminants. *[New Goal; City Staff]*

HQL-7.1 Support Sustainability Practices

The City shall support sustainability practices that promote clean water, healthy soils, and healthy ecosystems. *[Source: New Policy, City staff] (RDR/MPSP)*

HQL-7.2 Use of Hazardous Materials on Public Property

The City shall reduce or eliminate, as feasible, the use of pesticides and herbicides that negatively impact human health on City properties, especially in parks and publicly accessible open spaces. *[Source: New Policy, City staff] (CSO)*

HQL-7.3 Home Use of Hazardous Materials

The City shall encourage and educate residents and businesses to implement integrated pest management principles, reduce or discontinue the use of pesticides, herbicides, and toxic cleaning substances. *[Source: New Policy, City staff] (PI)*

HQL-7.4 Non-Toxic Cleaning Supplies

The City shall use green and non-toxic cleaning supplies in all public buildings, and shall encourage schools, hospitals, and local business to use green and non-toxic cleaning supplies. *[Source: New Policy, City staff] (CSO/IGC)*

HQL-7.5 Proximity to Pollution Sources

The City shall avoid locating new sensitive uses such as schools, childcare centers, and senior housing, to the extent feasible, in proximity to sources of pollution or near existing businesses that handle toxic materials. Where such uses are located in proximity to sources of air pollution or toxic materials, the City shall encourage building design, construction safeguards, and technological techniques to mitigate the negative impacts of hazardous materials and/or air pollution on indoor air quality. *[Source: New Policy, City staff] (RDR)*

HQL-7.6 Tobacco Control Laws

The City shall strive to reduce exposure to second hand cigarette smoke by enforcing tobacco control laws, smoking restrictions, and smoking-free home and workplace laws and programs. *[Source: New Policy, City staff] (RDR)*

HQL-7.7 Mold and Lead Hazards Prevention

The City shall partner with the Alameda County Public Health Department to provide education and technical assistance in reducing mold and lead hazards in homes. *[Source: New Policy, City staff] (IGC/PI)*

Goal 8 Urban Forest

Extensive tree canopies reduce the urban heat island effect and make streets and sidewalks more pleasant places to walk. Trees absorb carbon dioxide and pollution and produce oxygen, which contributes to improved air quality and human health. Trees also shelter wildlife and promote biodiversity. Policies in this section sustain and enhance the city's urban forest.

GOAL HQL-8

Maintain, enhance, and increase the city's urban forest as an environmental, economic, and aesthetic resource to improve Hayward residents' quality of life. *[New Goal; City Staff]*

HQL-8.1 Manage and Enhance Urban Forest

The City shall manage and enhance the urban forest by planting new trees, ensuring that new developments have sufficient right-of-way width for tree plantings, managing and caring for all publicly owned trees, and working to retain healthy trees. *[Source: New Policy, City staff] (RDR/MPSP/SO)*

HQL-8.2 Urban Forest Management Plan

The City shall maintain and implement an Urban Forest Management Plan. *[Source: New Policy, City staff] (MPSP)*

HQL-8.3 Trees of Significance

The City shall require the retention of trees of significance (such as heritage trees) by promoting stewardship and ensuring that project design

provides for the retention of these trees wherever possible. Where tree removal cannot be avoided, the City shall require tree replacement or suitable mitigation. *[Source: New Policy, City staff] (RDR/MPSP)*

HQL-8.4 Urban Heat Island Effects

The City shall promote planting shade trees with substantial canopies, and require, where feasible, site design that uses appropriate tree species to shade parking lots, streets, and other facilities to reduce heat island effects. *[Source: New Policy, City staff] (RDR/PI)*

HQL-8.5 Tree Giveaway Program

The City shall continue to provide free street trees to help beautify and keep Hayward green. *[Source: New Policy, City staff] (MPSP)*

HQL-8.6 Public Education on the Urban Forest

The City shall promote the importance and benefits of trees and of the urban forest through awareness, partnerships, and efforts that educate residents on the best methods of planting and maintaining trees. *[Source: New Policy, City staff] (IGC/JP/PI)*

Goal 9 Community Resiliency

Community resiliency is a measure of the sustained ability of a community to use available resources to respond to, withstand, and recover from natural and manmade disasters and other adverse situations, such as economic hardship. Healthy communities are resilient communities that have the necessary tools to confront challenges of climate instability, rising energy costs, and economic recession. The policies in this section support a more resilient community that is better prepared to respond to future threats and challenges.

Several policies in the Hazards Element also support a more resilient community by addressing flooding, sea level rise, and other hazards. Policies in the Economic Development Element support a more resilient economy.

GOAL HQL-9

Build a foundation for community resilience to future threats and challenges to help ensure the City of Hayward will be able to respond and recover as quickly as possible to such threats and challenges. [New Goal; City Staff]

HQL-9.1 Resiliency

The City shall strive to create a strong and resilient community and region that can withstand or accommodate change and respond to challenges. [Source: New Policy, City staff] (RDR/MPSP)

HQL-9.2 Improve Social Support Networks

The City shall support residents and organizations efforts to mobilize assets and improve social support networks to improve local preparedness and respond to and recover from incidents. [Source: New Policy, City staff] (PI/IGC/JP)

HQL-9.3 Collaborate on Resiliency Efforts

The City shall work with residents and businesses to identify priorities for organizing support, implementing programs, and evaluating outcomes of resilience efforts. [Source: New Policy, City staff] (JP)

HQL-9.4 Economic Resiliency

The City shall encourage a diversity of businesses and employers and expanded tax base to protect the community from economic shocks and recessions and ensure the City can continue providing adequate services. [Source: New Policy, City staff] (MPSP/RDR)

HQL-9.5 Financial Resiliency

The City shall support local organizations and financial institutions programs and efforts that encourage residents and businesses to make financially prudent decisions and maintain sufficient savings as a precaution against future economic shocks and recessions. [Source: New Policy, City staff] (IGC/JP)

HQL-9.6 Hazards Resiliency

The City shall continue to assess and monitor risks from local environmental (e.g., flooding, earthquake) and man-made hazards and work with community groups and State and regional agencies to prepare residents, business, and visitors in the event of an incident. [Source: New Policy, City staff] (MPSP)

HQL-9.7 Energy Resiliency

The City shall continue to encourage residents and businesses to use less gasoline for transportation, and improve energy efficiency in and renewable energy generation from buildings and industry processes to reduce impacts from rising oil and energy prices. [Source: New Policy, City staff] (RDR/MPSP)

HQL-9.8 Climate Adaptation Planning

The City shall examine the potential long-term impacts of climate change on social, economic, and environmental well-being of the city of Hayward. [Source: New Policy, City staff] (MPSP)

HQL-9.9 Climate Adaptation in Plans

The City shall address climate adaptation in all disaster preparedness and emergency response plans. [Source: New Policy, City staff] (MPSP)

HQL-9.10 Reduce Impacts of Climate Change on Vulnerable Populations

The City shall support plans, standards, regulation, incentives, and investments to reduce the impacts of climate change on those populations most

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vulnerable to the impacts of climate change.

[Source: New Policy, City staff] (MPSP)

Goal 10 Parks, Open Space, and Recreation

Policies in this section provide for coordinated efforts between the City, Hayward Area Recreation and Park District (HARD), and East Bay Regional Park District (EBRPD) to maintain existing and develop new local and regional parkland and facilities throughout Hayward. Parks and open space contribute to the quality of life in Hayward and provide residents opportunities to live active, healthy lifestyles. Parklands help to sustain natural environmental resources by providing landscapes that absorb greenhouse gases, produce oxygen, and filter pollutants into the groundwater basin, and provide biodiversity. Additionally, the location of local parks and school recreational facilities can serve as a focal point of neighborhood identity and activity. Parks and recreation policies promote enhancement of existing amenities, as well as development of new parks and recreation facilities as character-defining resources that emphasize the retention of natural landforms and plant communities.

GOAL HQL-10

Create and support a diverse public park system, connecting trails, and recreation facilities suited to the needs of Hayward residents and visitors. [New Goal; City Staff]

HQL-10.1 Parks and Recreation Master Plan

The City shall work with HARD to maintain and implement the Parks and Recreation Master Plan. [Source: Hayward 2002 General Plan] (MPSP/IGC)

HQL-10.2 Parks Standard

The City shall work with HARD to achieve and maintain the following park standards per 1,000 population: two acres of local parks, two acres of school parks, three acres of regional parks, one mile of trails and linear parks, and five acres of

parks district-wide. [Source: Background Report] (RDR/MPSP/IGC)

HQL-10.3 Miniparks

The City shall encourage the creation and maintenance of neighborhood “miniparks” through partnerships with private, non-profit and business interests in areas where it is not possible to meet HARD standards related to park size. [Source: Hayward 2002 General Plan] (RDR/IGC)

HQL-10.4 Urban Infill Parks

The City shall, for development in urban infill areas where traditional neighborhood and community parks are not feasible or appropriate, work with HARD and developers to produce creative and flexible solutions for providing urban parks, such as plazas and rooftop gardens. [Source: New Policy, City Staff] (RDR)

HQL-10.5 Neighborhood Focal Points

The City shall require that neighborhood parks be integrated into, and be focal *points of new residential neighborhoods*. [Source: New Policy, City Staff] (RDR)

HQL-10.6 Parks as Buffers

The City shall consider the use of parks and recreational corridors as buffers between incompatible land uses. [Source: New Policy, City Staff] (RDR)

HQL-10.7 Parks Access

The City shall work with HARD to ensure that new parks are accessible to pedestrians and bicyclists, and are connected with transit, to the extent feasible. [Source: New Policy, City Staff] (RDR)

HQL-10.8 Drought Tolerant Landscaping

The City shall encourage the use of drought-tolerant and drought-resistant landscaping, as well as low impact development (LID) technologies in the development of City parks. [Source: New Policy, City Staff] (RDR)

HQL-10.9 Security and Maintenance

The City shall work with HARD to ensure parks are located, oriented, and designed in such a way as to facilitate security, policing, and maintenance.

[Source: New Policy, City Staff] (RDR)

HQL-10.10 Neighborhood-Based Security and Maintenance

The City shall encourage citizens, neighborhood groups, businesses, schools, organizations, and public agencies to assist in the security and maintenance of publicly-owned park and recreational facilities. *[Source: New Policy, City Staff]* (SO/PI)

HQL-10.11 Buffer Potential Impacts

The City shall strive to ensure new high-activity level parks and parks intended for night use are designed to buffer existing and planned surrounding residential uses from excessive noise, light, and other potential nuisances. *[Source: New Policy, City Staff]* (RDR)

HQL-10.12 Maximum Park Dedications

The City shall maintain park dedication requirements and in lieu fees for new residential development at the maximum allowed under State law. *[Source: Hayward 2002 General Plan]* (RDR)

HQL-10.13 Park Funding

The City shall support HARD efforts to restore the District's revenue base, and shall pursue all available funding for the acquisition of parkland, the development of park facilities, and the maintenance of existing parks. *[Source: Hayward 2002 General Plan]* (IGC/FB)

HQL-10.14 Joint Use Facilities

The City shall continue to work with HARD and EBRPD, the school districts, churches, and the private sector to expand joint use park and recreation facilities through cooperative

agreements. *[Source: Hayward 2002 General Plan]* (IGC)

HQL-10.15 Multipurpose Facilities

The City shall seek to increase the number and availability of multipurpose facilities in order to provide a variety of community services, recreational activities, and cultural amenities that are accessible to and benefit a cross-section of the community. *[Source: Hayward 2002 General Plan]* (RDR/MPSP)

HQL-10.16 Public Facilities for Recreation

The City shall continue to provide access to public facilities that can be used for open space and/or recreation activities. *[Source: Hayward 2002 General Plan]* (SO)

HQL-10.17 Park Maintenance

The City shall work with HARD and EBRPD to maintain parks in a consistent manner throughout the city. *[Source: Hayward 2002 General Plan]* (SO/IGC/PI)

HQL-10.18 Neighborhood Involvement

The City shall encourage neighborhood (i.e., residents and businesses) involvement in park maintenance and enhancement. *[Source: Hayward 2002 General Plan]* (SO/IGC/PI)

Goal 11 Trails and Open Space Corridors

Policies in this section support the coordinated preservation, maintenance, and expansion of the City's trails and open space corridors. Ease of access and connectivity for bicycles and pedestrians are essential characteristics of a successful trail system. The City will support the integration and connection of parklands, natural open spaces, and neighborhoods through greenways and trails that enhance the city's urban character. Trails and open space corridors provide Hayward's residents and workforce with

opportunities to be active and enjoy the natural environment, provide visual “relief” from urban development, and protect significant plant and animal habitats.

GOAL HQL-11

Provide a continuous system of trails and open space corridors that connect local parks, regional open space areas and other destination points within and beyond the city of Hayward. [New Goal; City Staff]

HQL-11.1 Recreational Corridors

The City shall establish and maintain an integrated recreational corridor system that connects regional trails (e.g., Bay Trail, Ridge Trail, the Juan Bautista DeAnza National Historic Trail), Baylands (i.e., Hayward Regional Shoreline), local creeks and open space corridors, hillside areas, and EBRPD areas. [Source: New Policy, City Staff] (MPSP)

HQL-11.2 Greenway Corridors

The City shall consider additional greenway linkages along fault line corridors and in other areas (e.g., rail line, creek, and utility corridors) to encourage walking and cycling and to provide improved access to activity centers. [Source: Hayward 2002 General Plan] (MPSP)

HQL-11.3 Pedestrian/Bicycle System

The City shall develop and maintain a system of pedestrian and bicycle pathways linking parks, neighborhood shopping areas, major activity centers, and major open space areas with one another and with nearby residential areas. [Source: New Policy, City Staff] (RDR)

HQL-11.4 Creekside Paths and Trails

The City shall seek to accentuate, “daylight,” and “green” creeks, culverts, and underground drainage infrastructure through infrastructure improvements and the development review

process to establish or extend pathways and trails. [Source: Hayward 2002 General Plan] (RDR)

HQL-11.5 Trail Access for the Disabled

The City shall provide trail access and features such as seating areas along paths and trails for disabled persons. [Source: Hayward 2002 General Plan] (MPSP)

HQL-11.6 Hayward Regional Shoreline Access

The City shall require, as appropriate, the dedication of public access easements through new developments along the Hayward Regional Shoreline. [Source: New Policy, City Staff] (RDR)

HQL-11.7 Vista Points

The City shall seek to establish vista points or view parks along public walkways or scenic routes. [Source: Hayward 2002 General Plan] (MPSP)

HQL-11.8 Regional Coordination

The City shall coordinate with HARD, regional agencies (e.g., MTC, ABAG, and EBRPD), and surrounding jurisdictions to ensure that recreational corridors within the city connect with existing and planned recreational facilities and trails outside the city. [Source: New Policy, City Staff] (IGC)

Goal 12 Recreation Programs

Policies in this section support the coordinated effort of the City, Hayward Area Recreation and Park District (HARD), East Bay Regional Park District (EBRPD), and school districts to provide for a variety of recreational activities at local and regional parks. Access to a broad range of recreational activities is important to improving public health through exercise and to improving quality of life for Hayward residents.

GOAL HQL-12

Create development opportunities for, and support, both public and private recreation programs suited to the broad needs and interests of all Hayward residents. [New Goal; City Staff]

HQL-12.1 Recreation Activities for All People

The City shall encourage the provision of recreational activities for all people, consistent with the changing demographic composition of Hayward. [Source: Hayward 2002 General Plan] (MPSP)

HQL-12.2 After School Recreation Programs

The City shall work with the school districts and HARD to examine the feasibility of implementing additional after school or summer child care and recreational activities. (IGC/PSR) [Source: New Policy, City Staff]

HQL-12.3 Cultural and Ethnic Programs

The City shall encourage and/or promote cultural and ethnic programs and activities of local interest. [Source: New Policy, City Staff] (SO/IGC/JP)

HQL-12.4 Neighborhood Needs

The City shall work with HARD and EBRPD to consider unique neighborhood needs in developing facilities and programs for indoor and outdoor activities. [Source: New Policy, City Staff] (SO/IGC)

HQL-12.5 Special Needs

In planning recreation programs and facilities, the City shall work with HARD and EBRPD to promote the active involvement of all residents, including those with special needs, such as the physically and mentally disabled and the elderly. [Source: New Policy, City Staff] (SO/IGC)

HQL-12.6 Public Spaces

The City shall encourage incorporation of design features in new construction that can provide venues and public spaces for community programs and activities. [Source: Hayward 2002 General Plan] (RDR)

HQL-12.7 School Joint Use

The City shall work with HARD and EBRPD to establish cooperative agreements with school districts for the use of school facilities for City-, HARD-, and EBRPD-sponsored recreation programs. [Source: New Policy, City Staff] (IGC)

HQL-12.8 Surveys

The City shall support HARD and EBRPD efforts to periodically survey community attitudes and preferences concerning recreational programs. [Source: New Policy, City Staff] (PI/IGC/SO)

Goal 1 Growth and Sustainable Development

The Bay Area is projected to grow by an additional 2.0 million people and 1.1 million jobs by the year 2040. With its centralized Bay Area location and regional transportation network, the city of Hayward will undoubtedly receive a share of the region's overall growth. This goal and its supporting policies are designed to promote sustainable development and local growth patterns that enhance Hayward's overall quality of life. Sustainable development is generally defined as an approach to land development that meets the needs of the current population without compromising the ability of future generations to meet their own needs. In more practical terms, a sustainable development project is designed and operated to minimize resource consumption, reduce dependency on the automobile, preserve sensitive environmental resources, reduce maintenance and utility expenses, and improve social health and interaction. The policies in this section support growth patterns that protect Hayward's open space and natural resources by maintaining established urban limit lines and directing housing and employment growth toward infill sites and underutilized properties. In addition, the policies in this section align with the Bay Area's Regional Transportation Plan and Sustainable Communities Strategy by directing growth toward walkable and mixed-use areas that are planned to integrate housing with regional transit, employment, services, and amenities. These areas, which are called Priority Development Areas, are discussed further under Goal 2.

The policies in this section address growth and sustainable development at a city-wide level. Other goals in this Element provide more specific

direction related to how growth and development should occur within the many neighborhoods, corridors, and centers of Hayward.

GOAL LU-1

Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related greenhouse gas emissions. [Source: New Goal; City Staff]

LU-1.1 Jobs-Housing Balance

The City shall support efforts to improve the jobs-housing balance of Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution. *[Source: Existing Policy; modified] (IGC/MPSP/RDR/PSR)*

LU-1.2 Urban Limit Lines

The City shall maintain its established Urban Limit Lines to protect the Hayward shoreline and hillsides as natural open space and recreational resources. *[Source: Existing Policy, modified; City Staff] (MPSP/RDR)*

LU-1.3 Growth and Infill Development

The City shall direct local population and employment growth toward infill development sites within the city. *[Source: New Policy; GPUTF, Public] (MPSP)*

LU-1.4 Compact Infill Development

The City shall promote compact infill development patterns with adequate open space to efficiently use remaining land resources within Hayward and to promote walkable neighborhoods and districts. *[Source: New Policy; City Staff] (MPSP/PSR/RDR)*

LU-1.5 Revitalization and Redevelopment

The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth. *[Source: New Policy; GPUTF, Public] (MPSP/RDR)*

LU-1.6 Transit-Oriented Development

The City shall support high-density transit-oriented development within the city's Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions. *[Source: Existing Policy, modified] (MPSP/RDR)*

LU-1.7 Mixed-Use Neighborhoods

The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities. *[Source: New Policy; GPUTF, Public] (MPSP/PSR, RDR)*

LU-1.8 Design Guidelines

The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies. *[Source: New Policy; City Staff] (MPSP/RDR)*

LU-1.9 Green Building and Landscaping Requirements

The City shall maintain and implement green building and landscaping requirements for private- and public-sector development to:

- Reduce the use of energy, water, and natural resources.
- Minimize the long-term maintenance and utility expenses of infrastructure, buildings, and properties.

- Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors.
- Encourage the use of durable, sustainably-sourced, and/or recycled building materials.
- Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste.

[Source: New Policy; City Staff] (RDR)

LU-1.10 Development Standards and Greenhouse Gas Emissions

The City shall explore the use of zoning and development standards that help reduce greenhouse gas emissions when preparing or updating plans and ordinances. *[Source: Climate Action Plan] (RDR/MPSP)*

LU-1.11 Infrastructure Capacities

The City shall ensure that adequate infrastructure capacities are available to accommodate planned growth throughout the city. *[Source: Existing Policy, modified] (RDR/MPSP)*

LU-1.12 Annexations

The City shall consider the annexation of adjoining unincorporated properties if the annexation would improve the fiscal health of the City, provide a more efficient delivery of City services to the area, and/or create a more logical City boundary. *[Source: New Policy; City Staff] (IGC/PSR/RDR)*

LU-1.13 Regional Planning

The City shall coordinate with regional and local agencies to prepare updates to regional growth plans and strategies, including the Bay Area's Regional Transportation Plan, Sustainable Communities Strategy, and Regional Housing Needs Allocation (RHNA). *[Source: New Policy; City Staff, GPUTF] (IGC/PSR/MPSP)*

LU-1.14 Local Plan Consistency with Regional Plans

The City shall strive to develop and maintain local plans and strategies that are consistent with the Regional Transportation Plan and the Sustainable Communities Strategy to qualify for State transportation funding and project CEQA streamlining. *[Source: New Policy; City Staff] (MPSP/PSR)*

LU-1.15 Joint Planning with Alameda County

The City shall coordinate with Alameda County in reviewing proposed developments and plans within the unincorporated areas of the City's Sphere of Influence to ensure that they align with Hayward's 2040 Vision. *[Source: Existing Policy, modified] (RDR/IGC/PSR)*

Goal 2 Priority Development Areas

The Bay Area's Regional Transportation Plan and Sustainable Communities Strategy directs housing and employment growth toward Priority Development Areas located throughout the region. These areas include downtowns, employment centers, corridors, neighborhoods, and districts that are served by regional transit. Hayward has five Priority Development Areas:

- The Downtown City Center
- The Cannery Transit Neighborhood
- The Mission Boulevard Mixed-Use Corridor
- The South Hayward BART Mixed-Use Corridor
- The South Hayward BART Urban Neighborhood

This goal and its supporting policies encourage development within Hayward's Priority Development Areas. Development within Hayward's Priority Development Areas will

decrease dependency on the automobile and allow more people to walk, bike, or take transit for commute and daily trips. This will help reduce automobile use, local and regional traffic congestion, and related greenhouse gas emissions.

The City of Hayward has adopted specific plans, area plans, or form-based codes for all of the Priority Development Areas. These plans and codes contain specific land use policies and design regulations for new development. With the exception of the Downtown City Center, the policies within this section support the implementation of these plans and codes to guide future development and infrastructure improvements within the Priority Development Areas. The adopted plan for the Downtown City Center is relatively dated and new policies, strategies, and regulations are needed to support Downtown investment and revitalization. As a result, this section provides more policies for the Downtown City Center than the other Priority Development Areas. A policy is also provided to support the development of an updated Specific Plan for the Downtown City Center.

GOAL LU-2

Revitalize and enhance Hayward's Priority Development Areas to accommodate and encourage growth within compact, mixed-use, and walkable neighborhoods and districts that are located near the city's job centers and regional transit facilities. *[Source: New Goal; GPUTF; Public; CC/PC]*

LU-2.1 Downtown Arts and Entertainment

The City shall encourage private-sector investment in Downtown to transform it into a safe, vibrant, and prosperous arts and entertainment district that offers enhanced shopping, dining, recreational, and cultural experiences and events for residents,

families, college students, and visitors. *[Source: New Policy; GPUTF, Public] (MPSP/RDR)*

LU-2.2 Downtown Activities and Functions

The City shall maintain the Downtown as a center for shopping and commerce, social and cultural activities, and political and civic functions. *[New Policy; GPUTF, Public] (MPSP/JP/RDR/CSO)*

LU-2.3 Downtown Pedestrian Environment

The City shall strive to create a safe, comfortable, and enjoyable pedestrian environment in the Downtown to encourage walking, sidewalk dining, window shopping, and social interaction. *[Existing Policy, modified] (MPSP/RDR)*

LU-2.4 Downtown Retail Frontages

The City shall encourage retail frontages or storefronts on new and renovated buildings within the “retail core” of Downtown Hayward, which includes properties along:

- “A” Street between Mission Boulevard and Foothill Boulevard
- “B” Street between Watkins Street and Foothill Boulevard
- “C” Street between Mission Boulevard and Foothill Boulevard
- Main Street between “A” Street and “C” Street
- Mission Boulevard between “A” Street and “C” Street
- Foothill Boulevard between “C” Street and City Center Drive

This policy does not apply to historic buildings that were originally designed without a retail frontage or storefronts. *[Source: Existing Policy, modified] (MPSP/RDR)*

LU-2.5 Downtown Housing

The City shall encourage the development of a variety of urban housing opportunities in the Downtown to:

- Increase market support for businesses,
- Extend the hours of activity,
- Encourage workforce housing for a diverse range of families and households,
- Create housing opportunities for college students and faculty, and
- Promote lifestyles that are less dependent on automobiles.

[Existing Policy, modified; GPUTF, Public] (RDR/MPSP)

LU-2.6 Downtown BART Station

The City shall encourage a mix of commercial, office, high-density residential, and mixed-use development in the area surrounding the Downtown BART Station. *[Source: Existing Policy, modified] (MPSP/RDR)*

LU-2.7 Downtown Specific Plan

The City shall develop, maintain, and implement a Specific Plan to establish a vision for Downtown Hayward and to guide and regulate future development and infrastructure improvements. *[Source: New Policy; City Staff] (MPSP/PSR)*

LU-2.8 South Hayward BART Urban Neighborhood and Mixed-Use Corridor

The City shall encourage the development of vibrant, compact, mixed-use, and walkable urban neighborhoods within the South Hayward BART Urban Neighborhood and the South Hayward BART Mixed-Use Corridor. *[Source: Existing Policy, modified] (MPSP/RDR)*

LU-2.9 South Hayward BART Form-Based Code

The City shall maintain and implement the South Hayward BART Form-Based Code to guide and regulate future development and infrastructure improvements within the South Hayward BART Urban Neighborhood and the South Hayward BART Mixed-Use Corridor. *[Source: New Policy; City Staff]* (MPSP/RDR)

LU-2.10 The Cannery Transit Neighborhood

The City shall encourage redevelopment of the remaining industrial parcels in the former Hunt's Cannery Area to complete the urban neighborhood with a variety of residential uses, a network of parks, a school, and supporting commercial, office, and live-work uses. *[Source: Existing Policy; modified]* (MPSP/RDR)

LU-2.11 The Cannery Design Plan

The City shall maintain and implement the Cannery Area Design Plan to guide and regulate future development and infrastructure improvements within The Cannery Transit Neighborhood. *[Source: Existing Policy; modified]* (MPSP/RDR)

LU-2.12 Mission Boulevard Mixed-Use Corridor

The City shall encourage the redevelopment of the Mission Boulevard corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit. *[Source: Existing Policy; modified]* (MPSP/RDR)

LU-2.13 Mission Boulevard Specific Plan

The City shall maintain and implement the Mission Boulevard Specific Plan to guide and regulate development within the Mission Boulevard Mixed-Use Corridor. *[Source: New Policy; City Staff]* (MPSP/RDR)

LU-2.14 University-Oriented Uses

The City shall support the development of university-oriented uses, including student and faculty housing, satellite campuses, and university-oriented retail and service uses, within the City's Priority Development Areas (excluding the Cannery Transit Neighborhood). *[Source: New Policy; GUTF, Public]* (MPSP/RDR/IGC)

LU-2.15 Office and Employment Uses and Amenities

The City shall encourage the establishment of professional office and employment uses within the Priority Development Areas. Major office and employment uses should include amenities for employees, such as courtyards and plazas, outdoor seating areas, fitness facilities, bicycle storage areas, and showers. *[Source: New Policy, City Staff]* (MPSP/RDR)

LU-2.16 Uses to Attract the Creative Class

The City shall encourage the development of uses and amenities to attract creative-class professionals and businesses to Hayward's Priority Development Areas, including:

- Restaurants and cafes;
- Art studios and galleries;
- Entertainment and cultural venues;
- Urban housing and live-work units;
- Exercise and physical fitness facilities;
- Office space and business incubators; and
- Community-operated workspaces where people with common interests can meet, collaborate, and develop their business ideas and products (e.g. hacklabs, hackerspaces, or makerspaces).

[Source: New Policy; GPUTF] (RDR/MSPS)

LU-2.17 Youth and Family Entertainment

The City shall encourage the establishment of youth and family entertainment uses within the Downtown and/or the Mission Boulevard Corridor. Appropriate uses include ice skating, climbing walls, bowling alleys, trampoline gyms, indoor miniature golf, arcades, billiards, climbing and play structures, water play or “spray parks”, and family-friendly dining. *[Source: New Policy; GPUTF, Public] (RDR/MSPS)*

LU-2.18 Future Priority Development Areas

The City shall work with the Alameda County Transportation Commission and the Metropolitan Transportation Commission to consider establishing new Priority Development Areas during future updates to the Regional Transportation Plan and Sustainable Communities Strategy. *[Source: New Policy; City Staff] (IGC/MPSP/PSR)*

LU-2.19 Unincorporated Priority Development Areas within the Hayward Planning Area

The City shall coordinate with Alameda County to pursue joint planning efforts and to review future plans for County Priority Development Areas that are located within the City’s Sphere of Influence (i.e., Hesperian Boulevard Transit Neighborhood, the Meekland Avenue Mixed-Use Corridor, and the East 14th Street and Mission Boulevard Mixed-Use Corridor). *[Source: New Policy; City Staff] (IGC/PSR)*

Goal 3 Complete Neighborhoods

Most of Hayward’s neighborhoods were developed under land use and zoning regulations that required the separation of land uses. As a result, many Hayward neighborhoods do not provide their residents with safe and convenient access to schools, parks, shopping, community services, and other neighborhood amenities. This

goal and its supporting policies are designed to create more complete neighborhoods. Complete neighborhoods meet the daily needs of residents and provide a mix of amenities, including pedestrian- and bicycle-friendly streets, parks, community centers, day care centers, community gardens, affordable housing, libraries, and neighborhood commercial and service uses. Supporting goals and policies related to complete neighborhoods are also provided in the Mobility Element and the Health and Quality of Life Element.

The policies in this section apply to most neighborhoods within the City. They do not apply to the City’s Priority Development Areas, as more specific policies for those areas are provided under Goal 2.

GOAL LU-3

Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities. *[Source: New Goal; Public; GPUTF, CC/PC].*

LU-3.1 Complete Neighborhoods

The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments. *[Source: New Policy; GPUTF, City Staff] (RDR)*

LU-3.2 Centralized Amenities

The City shall encourage the development of neighborhood amenities and complimentary uses in central locations of the neighborhood whenever feasible. *[Source: New Policy; City Staff; GPUTF; Public] (RDR/IGC)*

LU-3.3 Neighborhood Commercial and Mixed-Use Developments

The City shall allow neighborhood commercial and mixed-use developments on properties with residential land use designations, subject to community input from residents and conditions of approval that ensure that these uses are located, designed, and operated in a manner that maintains neighborhood compatibility and contributes to an enhanced quality of life. Appropriate locations for neighborhood commercial and mixed-use developments include:

- Corner lots located along collector or arterial streets.
- Corner lots located adjacent to or across from a school, park, community center, or other neighborhood gathering place.

[Source: New Policy; City Staff] (RDR)

LU-3.4 Design of New Neighborhood Commercial and Mixed Use Development

The City shall require new neighborhood commercial and mixed-use developments to have a pedestrian-scale and orientation by:

- Placing the building and outdoor gathering spaces along or near the sidewalk.
- Locating parking to the rear of the building or along the internal side yard of the property.
- Designing the building with ground floor retail frontages or storefronts that front the street.

- Enhancing the property with landscaping, lighting, seating areas, bike racks, planters, and other amenities that encourage walking and biking.

[Source: New Policy; City Staff] (RDR)

LU-3.5 Hillside Fruit and Vegetable Stands

The City shall allow fruit and vegetable stands on properties within the hillside neighborhoods of Hayward, subject to community input from residents and conditions of approval that ensure that these uses are located, designed, and operated in a manner that maintains neighborhood compatibility, reinforces the rural character of the hillside area, and contributes to an enhanced quality of life. Appropriate locations for fruit and vegetable stands include corner lots along collector streets. *[Source: New Policy; City Staff] (RDR)*

LU-3.6 Mixed-Density Development Projects

The City shall encourage infill residential developments that provide a mix of housing types and densities within a single development on multiple parcels. Individual parcels within the development may be developed at higher or lower densities than allowed by the General Plan, provided that the net density of the entire development is within the allowed density range. *[Source: New Policy; City Staff] (RDR)*

LU-3.7 Residential Design Strategies

The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by:

- Creating a highly connected block and street network.
- Designing new streets with wide sidewalks, planting strips, street trees, and pedestrian-scaled lighting.

- Orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces.
- Locating garages for homes and townhomes along rear alleys (if available) or behind or to the side of the front facade of the home.
- Locating parking facilities below or behind apartment and condominium buildings.
- Enhancing the front facade of homes, townhomes, and apartment and condominium buildings with porches, stoops, balconies, and/or front patios.
- Ensuring that windows are provided on facades that front streets or public spaces.

[Source: New Policy; City Staff] (RDR)

LU-3.8 Infill Development in Neighborhoods

The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features. *[Source: New Policy; City Staff] (RDR)*

LU-3.9 Home Additions

The City shall require home additions to be compatible with the mass, scale, and character of the existing home and neighborhood by using compatible building forms, materials, and features. Home additions along rear or side facades are encouraged. *[Source: New Policy; City Staff] (RDR)*

LU-3.10 Home Conversions

If residential homes are converted to non-residential uses, the City shall ensure that the property maintains the residential character of the neighborhood by minimizing changes to landscaped front yards and exterior building elevations, and requiring low-profile monument signs for businesses. *[Source: New Policy; City Staff] (RDR)*

LU-3.11 Mobile Home Parks

The City shall encourage private-sector investments to maintain local mobile homes parks, and shall discourage the conversion of mobile home parks to alternative uses. *[Source: New Policy; City Staff] (RDR/PI/JP)*

LU-3.12 Gated Communities

The City shall discourage gated communities to encourage social cohesion and to promote an interconnected and accessible street network that allows public access through all city neighborhoods. *[Source: New Policy; City Staff; GPUTF; Public] (MPSP, RDR)*

LU-3.13 Neighborhood Partnership Program

The City shall maintain its Neighborhood Partnership Program to strengthen and revitalize neighborhoods through community partnerships and strategic planning initiatives. *[Source: New Policy; City Staff] (CSO/FB/JP/PSR)*

Goal 4 Corridors

The city of Hayward has a variety of arterial streets that traverse the community. These arterial corridors are generally lined with auto-oriented commercial uses, such as gas stations, fast-food restaurants, and a variety of strip commercial developments. The land uses and development patterns along Hayward's corridors generally serve motorist driving through the neighborhood or city. Most of the commercial properties do not offer convenient access and attractive amenities that encourage nearby residents and employees to walk or bike to businesses and services. Some corridor segments are also lined with blighted properties and residential sound walls and fences. These areas are targets for litter and graffiti, which degrade the image and perceived safety of the city. This goal and its supporting policies are designed to reinvent Hayward's corridors to create more

attractive and economically viable uses. Rather than creating conditions that exclusively serve motorists driving through the neighborhood or city, the policies support efforts to create more pedestrian-oriented developments that foster commercial and social activity for nearby residents and employees. Supporting policies related to the development of complete and multi-modal streets are provided in the Mobility Element.

The policies in this section apply to the majority of corridors within the City. They do not apply to corridor segments within the City's Priority Development Areas and Industrial Technology and Innovation Corridor. Policies for the Priority Developments Areas and the Industrial Technology and Innovation Corridor are provided under Goal 2 and Goal 6, respectively.

GOAL LU-4

Create attractive commercial and mixed-use corridors that serve people traveling through the city, while creating more pedestrian-oriented developments that foster commercial and social activity for nearby residents and businesses. [Source: New Goal; City Staff; GPUTF, Public]

LU-4.1 Mixed-Use Corridors

The City shall encourage a variety of development types and uses along corridors to balance the needs of residents and employees living and working in surrounding areas with the needs of motorists driving through the community. [Source: New Policy; City Staff] (RDR)

LU-4.2 Transformation of Auto-Oriented and Strip Commercial Uses

The City shall support the transformation of auto-oriented and strip commercial uses into attractive pedestrian-oriented developments that frame and

enhance the visual character of the corridor. [Source: New Policy; GPUTF, City Staff] (RDR)

LU-4.3 Mixed-Use Developments within Commercial-Zoned Properties

The City shall allow mixed-use developments within commercially-zoned properties along corridors and ensure that these uses are located, designed, and operated in a manner that maintains compatibility with adjacent residential uses. [Source: New Policy; City Staff] (RDR)

LU-4.4 Design Strategies for Corridor Developments

The City shall encourage corridor developments to incorporate and maintain the following design strategies:

- Widen and improve public sidewalks to accommodate street trees, pedestrian-scaled lighting, and streetscape furniture. When sidewalks cannot be widened within the public right-of-way, the City shall encourage developers to extend sidewalk improvements on private property to create room for improvements.
- Place buildings and outdoor gathering and dining spaces along or near the public sidewalk of the corridor.
- Locate parking lots to the rear or side of buildings or place parking within underground structures or above-ground structures located behind buildings.
- Design commercial and mixed-use buildings with articulated facades and transparent storefront entrances that front the corridor.
- Design residential buildings with articulated facades and entries that front the corridor.
- Enhance commercial and mixed-use building facades with awnings, shade structures, pedestrian-oriented signage, decorative

lighting, and other attractive design details and features.

- Enhance residential building facades with stoops, porches, balconies, and other attractive design details and features.

[Source: New Policy; City Staff] (RDR)

LU-4.5 Massing, Height, and Scale

The City shall require corridor developments to transition the massing, height, and scale of buildings when located adjacent to residential properties. New development shall transition from a higher massing and scale along the corridor to a lower massing and a more articulated scale toward the adjoining residential properties. *[Source: New Policy; City Staff] (RDR)*

LU-4.6 Commercial Signs

The City shall maintain, implement, and enforce sign regulations and design standards to reduce sign clutter and illegal signage along corridors. *[Source: New Policy; City Staff] (RDR)*

LU-4.7 Parcel Consolidation

The City shall promote the consolidation of small and irregular shaped parcels along corridors to improve the economic feasibility of development projects. *[Source: New Policy; City Staff] (RDR)*

LU-4.8 Shared Driveways and Parking Lots

The City shall encourage adjoining properties along corridors to use shared driveways and shared parking lots to promote the efficient use of land, reduce the total land area dedicated to parking, and to create a more pedestrian-friendly environment by minimizing curb-cuts along the sidewalk. *[Source: New Policy; City Staff] (MPSP/RDR)*

LU-4.9 Existing Sound Walls and Fences

The City shall encourage landscaping improvements along sound walls and fences to discourage graffiti and to enhance the visual character of corridors. Where landscaping is not feasible, the City shall encourage the painting of murals on sound walls. *[Source: New Policy; City Staff] (RDR/CSO/MPSP)*

LU-4.10 New Sound Walls and Fences

The City shall discourage the construction of new soundwalls and fences along corridors and shall encourage new developments to front corridors whenever feasible. This policy does not apply to the reconstruction of existing soundwalls or fences that shield existing residential uses from noise. *[Source: New Policy; City Staff] (RDR)*

LU-4.11 Streetscape Enhancements

The City shall strive to improve the visual character of corridors by improving streetscapes with landscaped medians, and widened sidewalks that are improved with street trees, pedestrian-scaled lighting, landscaping, and streetscape furniture and amenities. *[Source: New Policy; City Staff] (RDR/MPSP)*

LU-4.12 Hesperian Boulevard College Corridor

The City shall develop, maintain, and implement a plan to create a mixed-use and pedestrian-oriented corridor along the segment of Hesperian Boulevard near Chabot College (between Winton Avenue and State Route 92). The City shall encourage a variety of student- and neighborhood-oriented uses along the corridor, including student housing, restaurants, entertainment uses, and cafes. *[Source: New Policy; City Staff] (MPSP/PSR)*

LU-4.13 “A” Street and Redwood Road Corridor

The City shall coordinate with Alameda County to prepare a coordinated corridor enhancement and land use plan for the “A” Street and Redwood Road Corridor. *[Source: New Policy; City Staff] (IGC/MPSP)*

LU-4.14 Grants for Corridor Planning

The City shall pursue grant funding to prepare land use, urban design, and mobility plans for additional corridors in Hayward. *[Source: New Policy; City Staff] (CSO/MPSP/PSR)*

LU-4.15 Gateway Monument Signs

The City shall provide gateway monument signs at major corridor entrances to the city, including:

- Mission Boulevard (at the north and south City Limits),
- Hesperian Boulevard (at the north and south City Limits),
- Foothill Boulevard (at the north City Limit),
- “A” Street and Redwood Road (at the north City Limit),
- B Street (at the northeast City Limit), and
- Industrial parkway Southwest (at the south City Limit).

[Source: New Policy; City Staff] (MPSP)

Goal 5 Centers

Centers are commercial and mixed-use developments that contain a mix of commercial businesses and at least one anchor tenant. For the purpose of this General Plan, the City of Hayward has two types of centers: regional centers and community centers. Regional centers, such as the Southland Mall, are large commercial developments that serve residents from Hayward and other nearby communities in Alameda

County. Regional centers are generally located at the intersections of major arterial streets and near freeway interchanges. Community centers are smaller commercial developments that primarily serve local residents and business within nearby neighborhoods. Community centers are typically located along arterial streets. As a result, they may be confused with corridor developments (see Goal 4). The key differences between community centers and corridor developments are the size of the property and the tenant mix. Community centers are larger properties that contain a mix of commercial businesses and at least one anchor tenant, such as a grocery store or large health gym. Corridor developments are located on smaller sites and do not have an anchor tenant.

This goal and its supporting policies are designed to promote attractive and vibrant regional and community centers that provide opportunities for commerce, shopping, services, entertainment, and culture. The policies support the renovation, reuse, and redevelopment of underutilized and obsolete centers to create more economically viable developments. In some circumstances, residential and mixed-use developments may be appropriately integrated within existing and new centers to improve the economic viability of properties. However, the integration of these uses should support, rather than replace, the primary commercial and service functions of the center.

Because of the continuing growth of online retailing, convenience and experience are becoming more and more important in the design of regional and community centers. To attract customers and drive sales, centers need to give people additional reasons to visit. As a result, centers are being reinvented to enhance the social experience of shopping by offering quality indoor and outdoor spaces, wireless networks, quality dining experiences, and community gathering spaces, such as sidewalk dining, play areas for children, and plazas for community events. The

policies in this section support these types of improvements and enhancements to existing and new centers.

The policies in this section apply to most centers within the City. They do not apply to the centers within the City's Priority Development Areas, as more specific policies for those areas are provided under Goal 2.

GOAL LU-5

Promote attractive and vibrant community and regional centers that provide convenient and enhanced opportunities for shopping, services, entertainment, social interaction, and culture. [Source: New Goal; City Staff]

LU-5.1 Mix of Uses and Activities

The City shall encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs. [Source: New Policy; City Staff] (MPSP/RDR)

LU-5.2 Flexible Land Use Regulations

The City shall maintain flexible land use regulations that allow the establishment of economically productive uses in regional and community centers. [Source: New Policy; City Staff] (MPSP/RDR)

LU-5.3 Design Strategies for New Centers

The City shall encourage new and redeveloped centers to incorporate the following site design strategies:

- Place large anchor retail buildings (big-box stores) to the rear of the site and away from streets.
- Place smaller commercial or mixed-use buildings along street frontages and/or internal driveways that function as small pedestrian-oriented "Main Street"

environments. Orient the main entrances to these buildings toward streets rather than internal parking lots.

- Minimize large expanses of parking along streets by placing parking lots and structures behind buildings and within the interior of the site.
- Encourage pedestrian-friendly sidewalks and outdoor gathering and dining spaces along building frontages.
- Incorporate pedestrian connections and access routes to connect building entrances to adjacent sidewalks, transit stops, parks and greenways, and neighborhoods.
- Design buildings with articulated facades and transparent storefront entrances.
- Enhance building facades with awnings, shade structures, pedestrian-oriented signage, decorative lighting, and other attractive design details and features.

[Source: New Policy; City Staff] (RDR)

LU-5.4 Parking Lot Enhancements

The City shall require new and renovated community and regional centers to incorporate landscaping and shade trees into parking lots to capture and filter stormwater runoff, minimize the heat island affect, and improve the visual appearance of properties. Parking lot shade structures with solar panels may also be used as an alternative to shade trees. [Source: New Policy; City Staff] (RDR)

LU-5.5 Southland Mall

The City shall support private-sector efforts to improve the economic health and vitality of the Southland Mall, including major redevelopment efforts that transform the property into a regional destination for shopping, dining, and family and

youth entertainment and recreation. *[Source: New Policy; GPUTF, Public] (MPSP/RDR/JP/PSR)*

LU-5.6 Adaptive Reuse, Renovation or Redevelopment

The City shall support the adaptive reuse, renovation, or redevelopment of community and regional shopping centers that are no longer viable due to changing market conditions, demographics, or retail trends. The City shall consider alternative land uses if market conditions limit the feasibility of commercial uses. *[Source: New Policy; City Staff] (RDR)*

LU-5.7 Integrating Centers with Residential or Mixed-Use Developments

The City shall consider the integration of residential or mixed-use developments into new and existing community and regional centers. The integration of these uses should support, rather than replace, the primary commercial and service functions of the center. *[Source: New Policy; City Staff] (RDR)*

Goal 6 Industrial Technology and Innovation Corridor

The Industrial Technology and Innovation Corridor is a crescent-shaped corridor located along the western and southwestern edge of the City's Urban Limit Line. Due to its centralized Bay Area location, freeway access, and relatively low land costs, the Industrial Technology and Innovation Corridor has attracted a variety of warehouse and distribution facilities, food manufacturing companies, bio-technology firms, and high technology businesses. As the main employment area of the city, the Corridor is an important economic asset that needs to be protected and enhanced. This goal and its supporting policies are designed to maintain and improve the Industrial Technology and Innovation Corridor and expand the economic

and employment base of Hayward. The policies support land use changes that will help Hayward transition from a manufacturing-based economy to an information- and technology-based economy. Supporting goals and policies related to the Industrial Technology and Innovation Corridor are provided in the Economic Development Element and Mobility Element. Additional policies related to the regulation of industrial uses that involve hazardous materials are provided under Goal HAZ-6 of the Hazards Element.

GOAL LU-6

Enhance the Industrial Technology and Innovation Corridor to expand the economic and employment base of Hayward and to achieve a healthy balance between a manufacturing-based economy and an information- and technology-based economy.
[Source: New Goal; City Staff].

LU-6.1 Land Uses

The City shall encourage employee-intensive uses, such as professional office, corporate campuses, research and development, and specialized manufacturing, throughout the Industrial Technology and Innovation Corridor. *[Source: New Policy; GPUTF, Public] (MPSP/RDR)*

LU-6.2 Industrial and Warehouse Conversions

The City shall encourage the conversion of obsolete industrial and warehouse distribution space to professional office centers, corporate campuses, research and development parks, and flex space. *[Source: Existing Policy, modified] (MPSP)*

LU-6.3 Parcel Consolidation

The City shall promote the consolidation of small and irregular shaped parcels within the Industrial Technology and Innovation Corridor to improve

the economic feasibility of development projects.

[Source: New Policy; City Staff] (RDR)

LU-6.4 Incidental Commercial Uses

The City shall encourage incidental commercial uses that support employees and businesses within the Industrial Technology and Innovation Corridor, such as restaurants, business services, business hotels, gas stations, and similar uses.

[Source: Existing Policy, modified] (RDR)

LU-6.5 Incompatible Uses

The City shall protect the Industrial Technology and Innovation Corridor from the encroachment of uses that would impair industrial operations or create future land use conflicts. *[Source: New Policy, City Staff]* (RDR)

LU-6.6 Property Upgrades

The City shall encourage property owners to upgrade existing buildings, site facilities, and landscaped areas to improve the economic viability of properties and to enhance the visual character of the Industrial Technology and Innovation Corridor. *[Source: New Policy, City Staff]* (PI/RDR)

LU-6.7 Design Strategies

The City shall encourage developments within the Industrial Technology and Innovation Corridor to incorporate the following design strategies:

- Provide attractive on-site landscaping and shade trees along street frontages and within employee and visitor parking lots.
- Screen areas used for outdoor storage, processing, shipping and receiving, and other industrial operations with a combination of landscaping and decorative fences or walls.
- Encourage consistent architectural facade treatments on all sides of buildings.

- Screen roof-top equipment with roof parapets.
- Design shipping and receiving areas and driveways to accommodate the turning movements of large trucks.
- Develop coordinated and well-designed signage for tenant identification and way-finding.
- Incorporate attractive building and site lighting to prevent dark pockets on the site.
- Provide pedestrian walkways to connect building entrances to sidewalks.
- Use landscaped buffers with trees and attractive sound walls to screen adjacent residential areas and other sensitive uses.

[Source: New Policy, City Staff] (RDR)

LU-6.8 Employee Amenities

The City shall encourage the provision of employee-serving amenities for major employment uses within the Industrial Technology and Innovation Corridor, such as courtyards and plazas, outdoor seating areas, fitness facilities, bicycle storage areas, and showers. *[Source: New Policy, City Staff]* (MPSP/RDR)

LU-6.9 Industrial Technology and Innovation Corridor Assessment District

The City shall encourage the creation of an assessment district or other funding mechanisms to implement streetscape improvements and enhanced transit or shuttle service within the Industrial Technology and Innovation Corridor. *[Source: Existing Policy, modified; City Staff]* (CSO/JP/PI/MPSP/PSR)

Goal 7 Hillside Development

Hayward contains a number of unique hillside neighborhoods and hillside developments. This goal and its supporting policies are designed to preserve the rural and natural character of hillside development areas. The policies in this section support hillside developments that are sensitively located and designed to retain natural slopes, ridgelines, and sensitive habitat areas. They also require developments to provide connections to adjacent open space and trail networks. Additional policies related to hillside development, such as landslide hazards and wildland fires, are provided under Goal HAZ-1 and Goal HAZ-5 of the Hazards Element.

GOAL LU-7

Preserve the rural and natural character of hillside development areas. [Source: Existing Policy, modified]

LU-7.1 Slopes

The City shall prohibit the construction of buildings on unstable and steep slopes (slopes greater than 25 percent). [Source: Existing Policy, modified] (RDR)

LU-7.2 Ridgelines

The City shall discourage the placement of homes and structures near ridgelines to maintain natural open space and preserve views. If ridgeline development cannot be avoided, the City shall require grading, building, and landscaping designs that mitigate visual impacts and blend the development with the natural features of the hillside. [Source: Existing Policy, modified] (RDR)

LU-7.3 Hillside Street Layouts

The City shall require curvilinear street patterns in hillside areas to respect natural topography and minimize site grading. [Source: Existing Policy, modified] (RDR)

LU-7.4 Hillside Street Design

The City shall encourage narrow streets in hillside areas. Streets should be designed with soft shoulders and drainage swales (rather than sidewalks with curbs and gutters) to maintain the rural character of hillside areas and minimize grading impacts. The City shall prohibit parking along narrow street shoulders to provide space for residents to walk and ride horses. [Source: Existing Policy, modified] (RDR)

LU-7.5 Clustered Developments

The City shall encourage the clustering of residential units on hillsides to preserve sensitive habitats and scenic resources as natural open space. Sensitive areas and scenic resources include woodlands, streams and riparian corridors, mature trees, ridgelines, and rock outcroppings. [Source: New Policy, City Staff] (MPSP/RDR)

LU-7.6 Open Space Access

The City shall require new hillside developments to provide public trail access (as appropriate) to adjacent greenways, open space corridors, and regional parks. [Source: Existing Policy, modified] (RDR)

LU-7.7 De-Annexations

The City shall consider de-annexing properties outside of the City's sphere of influence (e.g., Pleasanton Ridgeline) if cooperative agreements with Alameda County, Pleasanton, and the East Bay Regional Park District are in place to permanently preserve the properties as open space or regional parkland. [Source: New Policy; City Staff] (PSR/IGC)

Goal 8 Historic Districts and Resources

Historic preservation greatly enhances a community's overall sense of place and quality of life. Not only does it help residents and visitors

appreciate local history, but it also helps to revitalize and stabilize downtowns, business districts, and neighborhoods. Historic preservation efforts can also produce local jobs, promote heritage tourism, and increase local property values. This goal and its supporting policies strive to preserve Hayward's many unique historic resources, including its civic and commercial buildings, and colonial, Victorian and Queen Anne homes and cottages. The policies also support the establishment of historic districts to preserve the character of Downtown Hayward, the Upper B Street District, the B Street Historic Streetcar District, and the Prospect Hill Historic Neighborhood.

GOAL LU-8

Preserve Hayward's historic districts and resources to maintain a unique sense of place and to promote an understanding of the regional and community history. [Source: New Goal; City Staff]

LU-8.1 Value of Historic Preservation

The City shall recognize the value and co-benefits of local historic preservation, including job creation, economic development, increased property values, and heritage tourism. [Source: New Policy; City Staff] (CSO)

LU-8.2 Local Preservation Programs

The City shall strive to enhance its local historic preservation programs to qualify for additional preservation grants and financing programs. [Source: New Policy; City Staff] (MPSP)

LU-8.3 Historic Preservation Ordinance

The City shall maintain and implement its Historic Preservation Ordinance to safeguard the heritage of the city and to preserve historic resources. [Source: New Policy; City Staff] (MPSP/RDR)

LU-8.4 Survey and Historic Reports

The City shall maintain and expand its records of reconnaissance surveys, evaluations, and historic reports completed for properties located within the city. [Source: New Policy; City Staff] (CSO)

LU-8.5 Flexible Land Use Standards

The City shall maintain flexible land use standards to allow a variety of economically viable uses on historic properties, while not impacting the historic value and character of sites and structures. [Source: New Policy; City Staff] (MPSP/RDR)

LU-8.6 Historic Preservation Standards and Guidelines

The City shall consider *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* when evaluating development applications involving historic resources, or development applications that may affect scenic views or the historic context of nearby historic resources. [Source: New Policy; City Staff] (MPSP/RDR)

LU-8.7 Historic Districts

The City shall encourage the establishment of National Park Service Certified Historic Districts to encourage the preservation of Hayward's historic neighborhoods and districts, and to qualify property owners for the Federal Preservation Tax Incentives Program. [Source: New Policy; GPUTF] (PSR/IGC,/JP)

LU-8.8 Marks Historic Rehabilitation District

The City shall maintain the current Marks Historic Rehabilitation District for Downtown Hayward to issue tax-exempt revenue bonds for financing the rehabilitation of historic structures. [Source: New Policy; City Staff] (MPSP/IGC/JP)

LU-8.9 State Historic Building Code

The City shall promote the use of the State Historic Building Code to facilitate the reuse and conversion of historic buildings to alternative uses. *[Source: New Policy; City Staff] (MPSP/CSO)*

LU-8.10 Mills Act

The City shall participate in the California Mills Act Property Tax Abatement Program to provide property owners of historic resources an economic incentive (property tax relief) to restore, preserve, and maintain qualified historic properties. *[Source: New Policy; City Staff] (MPSP/IGC/JP)*

LU-8.11 Federal Historic Preservation Tax Incentives

The City shall promote the use of the Federal Historic Preservation Tax Incentives Program to encourage the rehabilitation of income-producing historic structures in Hayward. *[Source: New Policy; City Staff] (PI)*

LU-8.12 Federal Historic Preservation Tax Credit Program

The City shall promote the Federal Historic Preservation Tax Program to encourage the charitable contribution of historic resources and the establishment of conservation easements for historic preservation purposes. *[Source: New Policy; City Staff] (PI)*

LU-8.13 Planning Study Considerations

The City shall consider historical and cultural resources when developing planning studies and documents. *[Source: New Policy; City Staff] (MPSP/PSR)*

LU-8.14 Demolition of Historic Resources

The City shall prohibit the demolition of historic resources unless one of the following findings can be made:

- The rehabilitation and reuse of the resource is not structurally or economically feasible.
- The demolition is necessary to protect the health, safety, and welfare of the public.
- The public benefits of demolition outweigh the loss of the historic resource.

[Source: New Policy; City Staff] (RDR)

LU-8.15 City-Owned Historic Resources

The City shall strive to maintain all City-owned historic and cultural resources in a manner that is consistent with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*. *[Source: New Policy; City Staff] (CSO)*

Goal 9 Public and Quasi-Public Uses

Hayward has a variety of public and quasi-public uses, including government facilities, college campuses, medical centers, and a municipal airport. This goal and its supporting policies are designed to ensure that public and quasi-public land uses enhance the quality of life of residents and meet the service needs of the community. Policies encourage public and quasi-public uses to be designed and operated in a manner that is compatible with surrounding properties. Similar policies that are related to medical centers, parks and recreation, and senior care facilities are provided in the Health and Quality of Life Element.

GOAL LU-9

Provide quality public and quasi-public uses that benefit residents and businesses and enhance the city's overall quality of life and economic viability. [Source: New Goal; City Staff]

LU-9.1 Design of City Public Facilities

The City shall ensure that all City-owned facilities are designed to be compatible in scale, mass, and character with the neighborhood, district, or corridor in which they are located. [Source: New Policy; City Staff] (RDR)

LU-9.2 Design of Non-City Public Facilities

The City shall coordinate with school districts, park districts, utility providers, and other government agencies that are exempt from local land use controls to encourage facility designs that are compatible in scale, mass, and character with the neighborhood, district, or corridor in which they are located. [Source: New Policy; City Staff] (IGC)

LU-9.3 Medical Centers

The City shall coordinate with the owners of existing and planned medical centers to encourage site development or redevelopment in a manner that is compatible with surrounding areas. [Source: New Policy; City Staff] (JP/IGC/MPSP)

LU-9.4 Alameda County Government Center

The City shall encourage the expansion and enhancement of the Alameda County Government Center on Winton Avenue to increase employment opportunities and provide additional services and amenities to employees and nearby residents. [Source: New Policy; City Staff] (IGC/RDR)

LU-9.5 Cal State University, East Bay

The City shall coordinate with California State University, East Bay to encourage campus development that:

- Maintains compatibility with adjacent residential areas,
- Improves access routes to the campus,
- Protects sensitive habitat and steep slopes as open space,
- Provides additional student and faculty housing and services on campus,
- Supports the City's economic development policies and programs,
- Enhances opportunities for students, residents, and visitors to experience arts, culture, recreation, and entertainment, and
- Promotes sustainable design and maintenance practices.

[Source: New Policy; City Staff] (IGC, MPSP)

LU-9.6 Chabot College

The City shall coordinate with Chabot College to encourage campus development that maintains compatibility with adjacent residential areas, promotes sustainable design and maintenance practices, and mitigates neighborhood compatibility issues, such as student parking on city streets. [Source: New Policy; City Staff] (IGC/MPSP)

LU-9.7 Hayward Municipal Airport

The City shall maintain and implement an airport master plan to guide the long-term development of the Hayward Municipal Airport. [Source: New Policy; City Staff] (MPSP)

LU-9.8 Co-location of Public and Quasi-Public Uses

The City shall encourage the co-location of public and quasi-public uses within commercial and mixed-use developments. *[Source: New Policy; City Staff] (IGC/JP/RDR/PSR)*

DATE: July 30, 2013

TO: Mayor and City Council

FROM: Information Technology Director
Economic Development Manager

SUBJECT: Presentation and Discussion of High-Speed Hayward Fiber Optic Network
("High-Speed Hayward")

RECOMMENDATION

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

BACKGROUND

In late 2012, the City was approached by representatives of San Leandro (SL) Dark Fiber LLC to discuss the idea of partnering with the City to create a fiber optic network capable of providing extremely high-speed data communications to Hayward businesses. SL Dark Fiber LLC recently built a similar eleven-mile long fiber optic network in the City of San Leandro (called Lit San Leandro) and wanted to explore whether Hayward was interested in a similar partnership. This high speed broadband infrastructure has the potential to serve as a business development tool, allowing Hayward to attract businesses that could benefit from very high-speed internet connectivity with the potential to move large amounts of data. This proposal was discussed at the June 19, 2013 Council Technology Application Committee and the July 1, 2013 Council Economic Development Committee meetings and received general support.

DISCUSSION

SL Dark Fiber, LLC has proposed that the City enter into a long term license agreement with a new LLC (yet to be named, hereafter referred to as the 'new LLC'), formed specifically for the purpose of installing fiber optic facilities within the City's existing underground conduit. Under this agreement, the City would basically lease space inside its existing underground conduit for a minimum of twenty years. This existing underground conduit was installed for traffic control purposes; some sections contain fiber optic cable and/or copper cabling, while other sections were installed during other construction and are currently empty.

This new LLC would install and maintain a fiber optic network built inside this underground conduit. Another entity (tentatively named "High-Speed Hayward") would be formed to operate the network and sell very high speed internet service to business and industrial subscribers in Hayward. The long term nature of this agreement is required because of the substantial investment needed to install and manage the fiber optic infrastructure.

The City's Economic Development Strategic Plan for FY 2014 – FY 2018 identifies exploring a public/private partnership to secure broadband/fiber optic network in the industrial area as a work task to support the goal of expanding the public infrastructure that businesses need to thrive. Since this proposal works toward satisfying that goal, if Council so directs, staff will continue to work cooperatively with the provider to help identify and provide information on businesses that might gain value from this service, as well as provide information on opportunity sites that could benefit from having this service available.

A draft concept map showing the tentative location of the proposed fiber installation is attached as Attachment I. The plan outlined on the map follows the location of existing conduit identified by staff. The map also indicates areas where new conduit installation may be considered. Feedback from existing businesses and property owners will be important to ensure the maximum impact from this potential tool to assist businesses.

Once the lines are installed, it is hoped Hayward businesses could cost-effectively connect to the system. Currently, access to this type and speed of internet connection isn't possible in most parts of Hayward. This network, once completed, could service existing firms and allow easier recruitment of firms needing internet speed. Firms that transfer data to other locations and those that use cloud-based storage are likely candidates. To ensure maximum availability, as the project is implemented over the next several years, phasing and final fiber location will be determined based on the needs of businesses. In addition, the very high speeds associated with this fiber could be beneficial for other local resources such as libraries and other governmental uses. The cooperative nature of this arrangement is intended to allow High-Speed Hayward to become a profitable ongoing concern with the ability to offer cost-effective very high-speed internet service to a significant section of our business community. .

Staff has worked for the past few months on negotiating a proposed license agreement. The following provides an overview of some of the key terms under negotiation as part of the proposed agreement.

Term –A long-term agreement is crucial to the success of the fiber system because a substantial capital investment is required by the new LLC to build the system. However, staff is also concerned about assuring that the system gets built out and sold as quickly as possible, and that the City participates in the revenue early on in the process.

License Fee – Because of the substantial investment required to build the network, it is unlikely that the fiber enterprise will be very profitable in the near-term. Therefore, discussion is on-going to assure that the City does not place an onerous burden on the new LLC in the early years, but does apply a market rate License Fee as profits accrue. Use of a market rate fee structure will allow the new LLC to gain strength and the City to collect equitable license fee revenue when the system becomes profitable.

City Approval of Sale, Right of First Refusal and Abandonment – If the new LLC wishes to sell the system, the City will have the right of first refusal to purchase the system. If the City does not

wish to purchase the system, it can be sold to another party with the City's consent. If the LLC abandons the system, the City will take ownership at no cost.

Dedication of Fiber Strands for City Use – Currently, the draft agreement requires the new LLC to dedicate thirty strands, or roughly ten percent of the new fiber system, to the City for its unrestricted use. (Thirty fiber strands could carry several thousand times more data than what is currently used on a daily basis by City staff located at City Hall.) Exactly how and in what manner these strands may be made operational and utilized is under discussion. During design and construction, the City could choose to purchase additional dark fiber strands at a negotiated price.

Project Costs – The new LLC is solely responsible for all project costs incurred in order to install and operate fiber optic cables and related facilities in existing City conduit.

Maintenance – The new LLC is solely responsible for all costs associated with the installation, operation, maintenance, security, replacement, and repair of the new fiber network. The City retains its existing responsibility for the maintenance and repair of City conduit after the system is operational. This ensures that the City will oversee the maintenance and repair and maintain control over City's Right-of-Way and the underground conduit space, which also houses existing City assets.

As-Is Conveyance – The City will grant this license for the property in its conduit "as-is" condition and makes no representation as to the condition of the conveyed property or its fitness for the new LLC's purpose.

In addition to the points outlined above, the agreement as currently developed, limits the City's financial risk, protects the security of existing City infrastructure, and seeks to minimize the regulatory burden on the new LLC to the extent possible; and to maximize the likelihood of the fiber enterprise being successful. Council should be aware of the fact that these are ongoing negotiations and the terms outlined herein are not final. Going forward, staff work will include terms that ensure the City shares in any financial success of the fiber enterprise.

FISCAL IMPACT

Staff does not yet know the full cost of the system to the City: this will be clarified during continued negotiations. However, other than City staff time utilized to work with Hayward Dark Fiber during design, construction, and marketing of the new system, there are no other City expenses identified at this time. The system should generate license fee revenue when it reverts to a market rate in future years. As outlined earlier, the primary goal of this proposal is supporting economic development in Hayward. Therefore, the real fiscal benefit to the City would be derived from the impact on improved economic activity and business expansion in industrial sectors from businesses that will be attracted by and benefit from high speed internet connectivity.

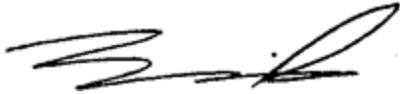
NEXT STEPS

A tentative schedule for this project is as follows:

Council approves moving ahead with negotiations of a possible license agreement	July 2013
Draft Final agreement is presented to CTAC	September 2013
Draft Final Agreement is presented to Council	October/November 2013
Construction Begins	January 2014

Prepared and Recommended by: Mark Guenther, Information Technology Director
Lori Taylor, Economic Development Manager

Approved by:



Fran David, City Manager

Attachments:

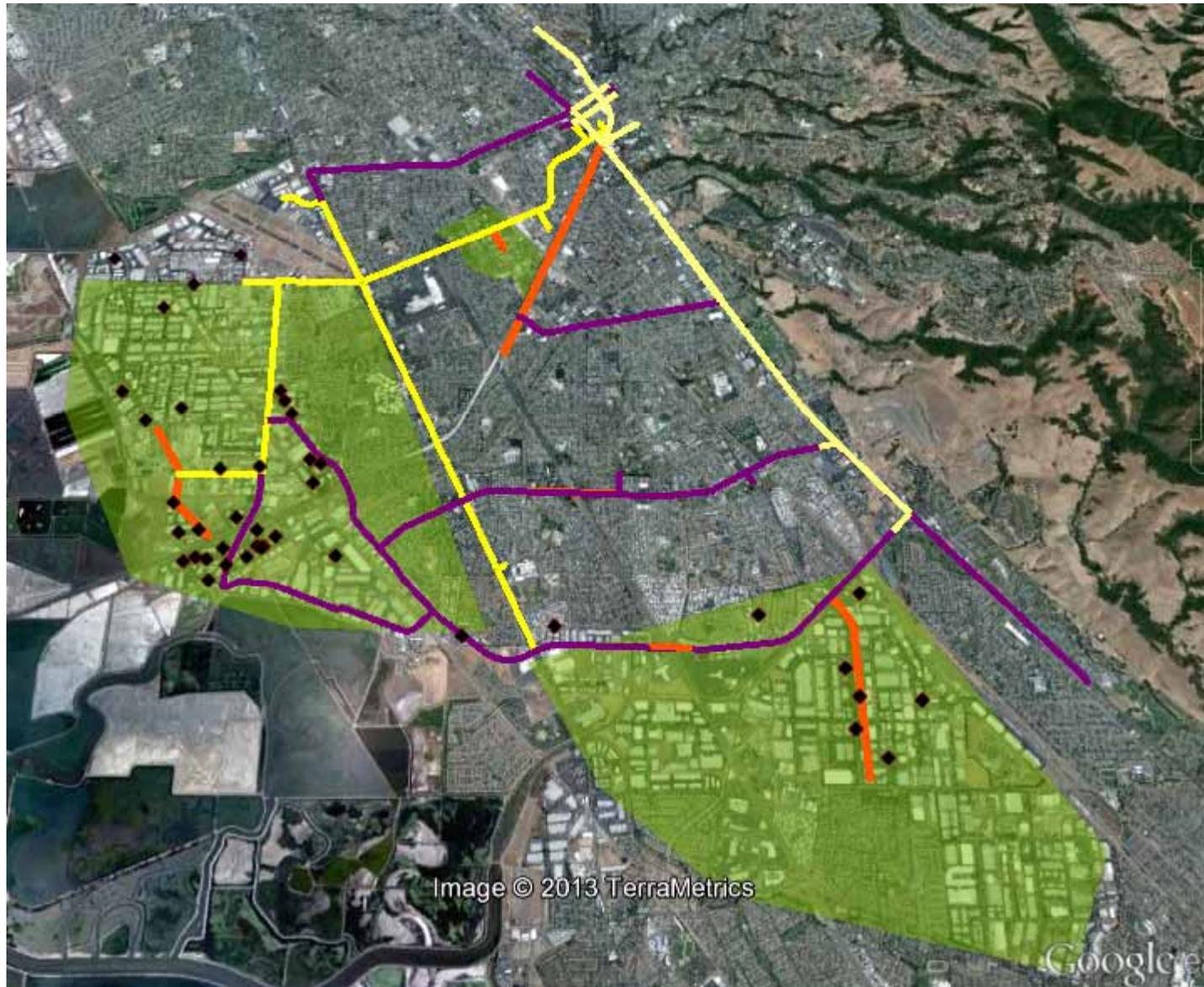
Attachment I: Draft concept map showing tentative location of the proposed fiber installation

Existing
Conduit
with fiber
(Yellow)

Future
Conduit
(Orange)

Existing
Conduit
without
fiber
(Magenta)

High Interest
Service
Areas
(Green shaded)





**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 9, 2013, 7:00 p.m.**

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

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that Council met regarding public employment for City Manager pursuant to Government Code 54957, met with labor negotiators pursuant to Government Code 54957.6, and took no reportable action. Mr. Lawson noted that Council also met with legal counsel pursuant to Government Code 54956.9 regarding pending litigation for Ayala/City of Hayward WCAB No. ADJ8438374 and Smith/City of Hayward WCAB No. ADJ8926623, and the Council unanimously approved compromising release of both matters. It was also noted that pending litigation concerning Scott/City of Hayward WCAB No. ADJ8072894 was removed from the agenda.

PRESENTATION

The Business Recognition Award for July was presented to Chavez Supermarket. The company was founded by David Chavez in 1984 and will be celebrating its 30th Anniversary in 2014. Chavez Supermarket has nine locations in the Bay Area with two in Hayward. Owners David and Esperanza Chavez and their son, General Manager Beto Chavez, accepted the award on behalf of Chavez Supermarket.

PUBLIC COMMENTS

Ms. Beverly Reliford, Sleepy Hollow resident, thanked the Council for lowering the annual child care facility inspection fee for large child care facilities.

Mr. Dennis Butler, Claiborne Court resident and Hayward Rotary Club representative, spoke in favor of the clock tower and the electronic reader board proposed by the Hayward Rotary Club.

Mr. Jim Drake, Franklin Avenue resident, claimed Hayward had a high rate of vehicle theft in the nation and he requested that Council ask the District Attorney to prosecute car thieves.

Mr. S.J. Samiul, Alden Gateway resident, noted that Fairtax.org provided tax information, suggested that Council provide Hayward students with iPads, and recommended declaring July as First Responders' Month.

SPECIAL JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION

1. General Plan Update - Presentation of Draft Goals and Policies for three General Plan Elements: Community Safety, Hazards, and Mobility

Staff report submitted by Senior Planner Buizer, dated July 9, 2013, was filed.

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

The following Planning Commissioners were in attendance: Chair Faria, Commissioners Lavelle, Trivedi, and Márquez. It was noted that Commissioner McDermott had a schedule conflict and could not attend the meeting.

Planning Commissioners commented on the Draft General Plan related to Community Safety: Goal 1 Crime Prevention, Goal 2 Police Protection Services, Goal 3 Fire Prevention, Goal 4 Fire Protection and Emergency Medical Services; Hazards: Goal 6 Hazardous Materials, Goal 8 Noise Hazards; and Mobility: Goal 5 Pedestrian Facilities, Goal 7 Public Transit, Goal 8 Transportation Demand Management, Goal 9 Parking.

Council Members commented on the Draft General Plan related to Community Safety: Goal 1 Crime Prevention, Goal 2 Police Protection Services, Goal 3 Fire Prevention, Goal 4 Fire Protection and Emergency Medical Services, Goal 5 Disaster Preparedness, Response and Recovery; Hazards: Goal 2 Seismic and Geological Hazards; and Mobility: Goal 3 Complete Streets, Goal 6 Bikeways, Goal 7 Public Transit, Goal 9 Parking. It was noted that the Council's priority related to gang injunction needed to be included in the Community Safety policy of the proposed General Plan. Furthermore, it was noted that the General Plan needed to provide the necessary guidance for future City staff, Council and Planning Commission.

REGULAR WORK SESSION

2. Rotary Clock Tower - Presentation of Preliminary Design Drawings and Location for a Clock Tower Proposed by the Hayward Rotary Club

Staff report submitted by Planning Manager Thomas, dated July 9, 2013, was filed.

City Manager David introduced the report and Development Services Director Rizk provided a synopsis of the design.



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Council Members offered the following recommendations for the clock tower and electronic reader board proposed by the Hayward Rotary Club: provide beefier support for the structural frame; make aesthetic improvements to the structure; maintain consistency with the design of downtown features and with the colors of the City and Rotary logos; agree to have the Rotary's logo and identification on the tower; establish mutually agreed guidelines for the use of the reader board; work out details for maintenance and liability; have the City maintain full rights to move the clock tower; and agree with proposed location but mitigate the visually-busy intersection with design treatment.

CONSENT

Consent Item Nos. 5, 6, and 7 were removed for separate vote.

3. Approval of Minutes of the Special Joint City Council/Redevelopment Successor Agency/Housing Authority Meeting on June 18, 2013

It was moved by Council/RSA/HA Member Peixoto, seconded by Council/RSA/HA Member Mendall, and unanimously carried, to approve the minutes of the Special Joint City Council/Redevelopment Successor Agency/Housing Authority Meeting of June 18, 2013.

4. Centex Sewer Lift Station Upgrade Project: Award of Contract

Staff report submitted by Associate Civil Engineer Lam, dated July 9, 2013, was filed.

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

Resolution 13-109, "Resolution Approving Addenda No. 1, 2 and 3 Providing Minor Revisions to the Plans and Specifications and Awarding the Contract for Centex Sewer Lift Station Upgrade Project, Project No. 7549 to Clyde G. Steagall, Inc."

5. Pavement Rehabilitation Measure B FY14: Award of Contract

Staff report submitted by Assistant City Engineer Owusu, dated July 9, 2013, was filed.

Mayor Sweeney abstained from participating on the item because he lives near certain streets proposed for rehabilitation.

Council Member Jones abstained from participating on the item because his business is served by Municipal Lot 6.

Mayor Pro Tempore Salinas presided over the meeting and gave opportunity for public comment on the item.

Mr. Steve Brockhage, representing Gallagher & Burk, Inc., spoke to the bid protest presented by Gallagher & Burk, Inc., and respectfully disagreed with the staff recommendation of awarding the contract to G. Bortolotto & Co., Inc.

Mr. Joseph Sweeney, representing G. Bortolotto & Co., Inc., supported the staff recommendation finding the omission to provide information about the work to be performed by a contractor and the amount of the subcontractor was a minor irregularity and urged Council to move forward and award the contract to G. Bortolotto & Co., Inc.

City Attorney Lawson noted the proposed staff report and resolution had the right findings.

Council Member Zermeño offered a motion per the staff recommendation and Council Member Halliday seconded the motion.

It was moved by Council Member Zermeño, seconded by Council Member Halliday, and carried to adopt the following with Mayor Sweeney and Council Member Jones abstaining themselves.

Resolution 13-110, “Resolution Increasing the Administrative Change Order Amount for the Pavement Rehabilitation Measure B FY14 Project, Project No. 5147, Rejecting the Bid Protest of Gallagher & Burk, Inc. and Awarding the Contract to G. Bortolotto & Co., Inc.”

6. Authorization for an Exclusive Negotiating Period with Waste Management of Alameda County

Staff report submitted by Director of Public Works – Utilities & Environmental Services Ameri, dated July 9, 2013, was filed.

Mr. Jim Drake, Franklin Avenue resident, asked Council to call for a competitive bidding process for the City’s solid waste and recycling services.

Mr. Felix Martinez, representing Teamsters Local 70, urged the Council to approve the staff recommendation.

Mr. Gil Cheso, representing Republic Services, Inc., requested that Council call for a request for proposal (RFP) process which would provide for a competitive bidding process.

Mr. S.J. Samiul, Alden Gateway resident, requested a better garbage service and reduction of fee rates.



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It was noted that there would be opportunity for Council, community, and business input via a work session, public hearing process or through the Council Sustainability Committee.

Council Member Zermeño offered a motion per staff recommendation and Council Member Halliday seconded the item.

Council Member Jones noted he would not support the motion because he felt that by starting the process as proposed the City would be sabotaging the nature of the competitive bidding process. Mr. Jones did not agree the cost associated with an RFP should be a deterrent.

Council Member Mendall expressed he would not support the motion because he believed there should be a competitive bidding process for long-term service contracts that impact all residents.

It was moved by Council Member Zermeño, seconded by Council Member Halliday, and carried with Council Members Jones and Mendall voting against, to adopt the following and direct staff to return to Council and report the progress of the negotiations and to advise Council to extend the current contract or issue an open RFP process.

Resolution 13-111, “Resolution Authorizing the City Manager to Enter Into Exclusive Negotiations with Waste Management of Alameda County to Extend the Solid Waste and Recycling Franchise Agreement”

7. Consideration of Converting the Format of City Council Minutes to Action Minutes

Staff report submitted by City Clerk Lens, dated July 9, 2013, was filed.

Mr. Jim Drake, Franklin Avenue resident, wanted to ensure that converting the format of Council minutes to action minutes would be beneficial to the community.

It was noted that converting the format of Council minutes would make the City Clerk’s operation more efficient; furthermore, the public would have access to an improved webcast video of each Council meeting.

Council Member Halliday offered a motion per staff recommendation and Council Member Zermeño seconded the item.

Council Member Mendall offered a friendly amendment to review the performance and progress of the City’s webcast in one year. Council Members Halliday and Zermeño accepted the friendly amendment.

It was moved by Council Member Halliday, seconded by Council Member Zermeño, and unanimously carried to adopt the following with a friendly amendment to review the performance and progress of the City's webcast in one year.

Resolution 13-112, "Resolution Adopting the Use of Action Minutes as the Official and Permanent Record for City Council Meetings"

PUBLIC HEARING

8. Proposed FY2014 and FY2015 Water and Sewer Rates

Staff report submitted by Director of Public Works – Utilities & Environmental Services Ameri, dated July 9, 2013, was filed.

Director of Public Works Ameri provided a synopsis of the report and noted that a total of 20 written protests had been received prior to the meeting.

Mayor Sweeney opened the public hearing at 9:56 p.m.

Mr. Dale Silva, Clover Road resident and President of the Hayward Hills Property Owners Association, requested that the 50% surcharge for water services cost to properties located outside of the City limits be eliminated. Mr. Silva submitted a Petition, signed by 161 residents, to revise the Hayward Municipal Code and eliminate the 50% surcharge.

Mr. John Kriege, Clover Road resident, opposed the 50% surcharge and he provided a statement for the record.

Mr. Bob Zapotosky, Amyx Court resident, did not object to the water and sewer rate increase, but he opposed the 50% surcharge.

Mr. Dennis Gould, Clover Road resident, opposed the 50% surcharge on water charged to unincorporated Fairview residents.

Ms. Joan Shumate, Picea Court resident, opposed the 50% surcharge.

Mr. Jim Drake, Franklin Avenue resident, spoke against the high sewer rates.

Mr. Soresh Patel, Willimet Way resident, protested the water and sewer rate increase.

Mr. Eugene Surrell, 7th Street resident, spoke against the water rate methodology for multi-family residential properties noting that increase costs get passed to tenants.

Mr. Henry Guzman Villalobos, Sycamore Avenue resident, said the cost of water and sewer rates were too high.



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Mr. Eric Rajasalu, China Court resident, requested that Council consider eliminating the 50% surcharge.

Mr. Keith Hembree, Star Ridge Road resident, requested that the 50% surcharge be eliminated and consider looping the water lines with previously collected funds.

Mr. S.J. Samiul, Alden Gateway resident, asked the City to activate permits for water wells and he requested that water and sewer rate increase for senior citizens be waived. He also suggested that the 50% surcharge be eliminated.

Mr. Cecil Robertson, Arbutus Court resident, asked that the 50% surcharge be repealed.

Mayor Sweeney closed the public hearing at 10:32 p.m.

In response to Mayor Sweeney's question, City Clerk Lens reported she had received one written protest during the public hearing, which brought the total to 21 written protests.

Council Member Zermeño offered a motion per the staff recommendation with direction to staff to evaluate whether the 50% surcharge for water services cost to properties located outside of the City limits was appropriate. Council Member Halliday seconded the motion.

Council Member Halliday noted that water and sewer services were important to the quality of life and it was important to study and administer the system efficiently. Ms. Halliday appreciated that the 50% surcharge concern was brought to Council's attention.

Council Member Mendall supported the motion and agreed that staff conduct a study to evaluate the appropriateness of the surcharge. Council Member Mendall noted that new subdivisions would have individual meters for each dwelling.

Council Member Salinas supported the motion and reassured the audience that the Council would find a solution that is fair and equitable.

Council Member Jones supported the motion and concurred to evaluate the appropriateness of the 50% surcharge. Mr. Jones noted it was important to be vigilant about water conservation and suggested researching the benefits of a graywater system.

Council Member Peixoto noted the Hetch Hetchy water was a precious commodity and he favored evaluating the 50% surcharge and adjusting it appropriately as long as the city or its residents did not have to subsidize water for Castle Home residents.

It was moved by Council Member Zermeño, seconded by Council Member Halliday, and unanimously carried to adopt the following with direction to staff to evaluate whether the 50% surcharge for water service cost to properties located outside of the City limits was appropriate.

Resolution 13-113, “Resolution Amending the Master Fee Schedule and Approving Water and Sewer Rates”

9. Downtown Business Improvement Area Consideration of Annual Levy

Staff report submitted by Analyst Thomas, dated July 9, 2013, was filed.

City Manager David provided a synopsis of the report.

There being no public comments Mayor Sweeney opened and closed the public hearing at 10:50 p.m.

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

Resolution 13-114, “Resolution Confirming the Annual Report and Authorizing the Downtown Business Improvement Area (DBIA) Levy for Calendar Year 2014”

LEGISLATIVE BUSINESS

10. Designation of Voting Delegates and Alternates for the League of California Cities 2013 Annual Conference

Staff report submitted by City Manager David, dated July 9, 2013, was filed.

Mayor Sweeney noted the Council was designating Council Member Mark Salinas as the City’s voting delegate and Council Members Barbara Halliday and Al Mendall as the City’s alternate voting delegates to the League of California Cities 2013 Annual Conference.

There being no public comments Mayor Sweeney opened and closed the public hearing at 10:52 p.m.

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

Resolution 13-115, “A Resolution Designating a Voting Delegate and Two Alternate Voting Delegates as Hayward’s Representatives to the League of California Cities 2013 Annual Conference”



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COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced upcoming events in downtown Hayward and invited all to attend and support local businesses.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 10:54 p.m., in memory of Mr. Jim Forsyth. Mayor Sweeney noted that Mr. Forsyth was a grassroots friend of Hayward democracy, was a Hayward activist, and was passionate and involved in the things that he thought were right for Hayward and the planet. Mayor Sweeney asked staff to work with Mr. Forsyth's family and find a suitable place to plant a tree in his memory.

APPROVED:

Michael Sweeney
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



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

ROLL CALL

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

Mayor Sweeney noted that Council Member Jones had a family emergency and was not able to attend the meeting.

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met with labor negotiators pursuant to Government Code 54957.6, and took no reportable action.

PRESENTATIONS

Mr. Gary Smith presented a \$5,000 Peter Sategna Scholarship Award to Hayward resident and Berkeley University student Aaron Torres for his academic achievement, community service record, motivation, and potential to pursue graduate education. Mr. Aaron Torres thanked Mr. Smith and Mayor Sweeney and Council Members Zermeño and Salinas for selecting and awarding him with the scholarship.

Mayor Sweeney read a Certificate of Commendation recognizing and commemorating the Centennial of the adoption of the National Association of REALTORS® Code of Ethics. Mr. Craig Ragg, 2013 President of the Bay East Association of REALTORS®, accepted the certificate and thanked the Council for such honor.

PUBLIC COMMENTS

The following speakers, some of whom represented the Friends of the Library, Library Commission, and Literacy Plus, spoke in support of the 21st Century Library & Community Learning Center.

Mr. Philip Roberts
Mr. Steve Evert
Ms. Judith Harrison
Ms. Helene Carr
Ms. Stephanie Ayala
Ms. Caroline Gurkweitz

Mr. Rick Imsdahl
Mr. Anthony Nobriga
Mr. Chinmay Trivedi
Ms. Loretta Siegel
Ms. Lori Miller
Ms. Evelyn Cormier
Ms. Kari McAllister
Ms. Zalak Trivedi
Ms. Sarahi Bautista
Mr. Howard Edwards
Mr. Stephen David
Mr. Peter Bufete
Ms. Niambi Kee
Ms. Leah Lass
Mr. Anthony Rosendez
Mr. Jessie Rosendez
Ms. Veronica Araiza
Ms. Linda Bennett
Mr. Peter Lewis
Ms. Idalia Gomez

Mr. Gabriel Altamirano, Freitas Drive resident, spoke in favor of a new library and recommended that the grass of the proposed park be removed, that the fountain be moved to the center of the park, and that the City consider ways to mitigate negative impacts.

Mr. Jim Drake, Franklin Avenue resident, asked Council to call for a competitive bidding process for the City's solid waste and recycling services.

Mr. Kim Huggett, President and CEO of the Hayward Chamber of Commerce, invited everyone to the July 18, 2013 Downtown Street Party.

Ms. Wynn Greich submitted a card but did not speak.

Mr. Eugene Surrell, 7th Street resident, spoke in support of the new library. Mr. Surrell said the electronic reader board as proposed by the Hayward Rotary Club was dangerous for drivers and he suggested changing the timing of the signal lights.

Ms. Josephine Ghanaat, spoke on behalf of her sister regarding her water bill and she was advised to speak with Director of Public Works Ameri.

Ms. Bonnie Peyton, Pinedale Court resident, spoke about the mini-loop and expressed it was difficult and dangerous to navigate through it and there were no pedestrian crosswalks.

Ms. Jolene Adams, Pinedale Court resident, spoke about the mini-loop and she expressed it was dangerous for pedestrians to walk in the area due to the new traffic configuration. She added that the barricades put up by the Farmer's Market prevented pedestrians from walking to the Library.



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Mr. Charlie Peters, with Clean Air Performance Professionals, spoke about smog and gasoline issues and the efforts to improve the quality and cost of gasoline.

WORK SESSION

1. Design Visualizations of a 21st Century Library & Community Learning Center for Hayward

Staff report submitted by Library and Community Services Director Reinhart, dated July 16, 2013, was filed.

City Manager David announced the report and introduced the Library and Community Services Director Reinhart who provided a synopsis of the report. Mr. Reinhart introduced Mr. Abraham Jason with Noll & Tam Architects, who presented the conceptual visualizations for the proposed library.

Mayor Sweeney and Council Members offered the following recommendations: engage Congressman Eric Swallwell about the proposed new library and the post office building; research funding for the project through grant funding; obtain a design for the park; and research having a consultant poll Hayward residents on the feasibility of a bond measure. There was support for the new library's design visualizations.

Mayor Sweeney directed staff to place on a future agenda the following items: a) the completed schematic and construction design phases of the project; b) a recommendation from the Council Budget and Finance Committee outlining a plan for the financing of the new library; and c) a recommended timeline to move forward with start of construction.

CONSENT

Consent Item No. 3 was removed for discussion and separate vote.

2. Approval of Minutes of the Special Joint City Council/Redevelopment Successor Agency/Housing Authority Meeting on June 25, 2013

It was moved by Council Member Halliday, seconded by Council Member Mendall, and carried with Council Member Zermeño and Jones absent, to approve the minutes of the Special Joint City Council/Redevelopment Successor Agency/Housing Authority Meeting of July 25, 2013.

3. Pavement Reconstruction FY14 – Alberta Court, Alonda Court, Cottonwood Avenue, Forselles Way, Mitchell Place, O'Neil Avenue, and Stafford Avenue: Award of Contract

Staff report submitted by Assistant City Engineer Owusu, dated July 16, 2013, was filed.

Mayor Sweeney provided for public testimony.

Mr. Mike McElroy, business owner of Fonseca/McElroy Grinding (F.M.G.) Company, Inc. noted that the minor omission by F.M.G. did not change the bid amount and requested that Council award of the contract to F.M.G. as recommended by City staff.

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

Resolution 13-122, “Resolution Rejecting the Bid Protest of Gallagher & Burk, Inc. and Awarding the Contract to Fonseca/McElroy Grinding (F.M.G.) Co., Inc. for the Pavement Reconstruction FY14 – Alberta Court, Alonda Court, Cottonwood Avenue, Forselles Way, Mitchell Place, O’Neil Avenue, and Stafford Avenue Project, Project Nos. 5144 and 5183”

4. Filing Nuisance Abatement/Municipal Code Violations with the County Recorder’s Office for Non-Abatable Code Violations

Staff report submitted by Neighborhood Partnership Manager Bristow, dated July 16, 2013, was filed.

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

Resolution 13-116, “Resolution Confirming the Report and Non-Abatable Code Violations and Penalties Lien List Associated with the Code Enforcement Department Community Preservation/Rental Housing Programs”

5. Report and Special Assessments for Delinquent Water Bills and Sewer Bills Incurred by Property Owners

Staff report submitted by Administrative Analyst III Mosher, dated July 16, 2013, was filed.

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

Resolution 13-117, “Resolution Confirming the Report and Special Assessment List Associated with Delinquent Water and Sewer Bills and Authorizing the Delinquent Charges to Become a Special Assessment Against the Properties If Not Paid by July 31, 2013”



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6. Report and Special Assessments for Residential Rental Inspection Fees Past Due

Staff report submitted by Neighborhood Partnership Manager Bristow, dated July 16, 2013, was filed.

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

Resolution 13-118, “Resolution Confirming the Report and Special Assessment List and Authorizing Transmittal of Assessments to the County Auditor for Collection Associated with Overdue Residential Rental Inspection Fees for Calendar Year 2012 and Through May 3, 2013”

7. Report and Special Assessments for Community Preservation Fees Past Due

Staff report submitted by Neighborhood Partnership Manager Bristow, dated July 16, 2013, was filed.

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

Resolution 13-119, “Resolution Confirming the Report and Special Assessment List Associated with Overdue Community Preservation Charges for the Period from January 1, 2012 through May 3, 2013”

8. Report and Special Assessments for Vehicle Abatement Fees Past Due

Staff report submitted by Neighborhood Partnership Manager Bristow, dated July 16, 2013, was filed.

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

Resolution 13-120, “Resolution Confirming the Report and Special Assessment List and Authorizing Transmittal of Assessments to the County Auditor for Collection Associated with Overdue Vehicle Abatement Inspection Fees for Calendar Year 2012 and Through April 30, 2013”

9. Report and Special Assessments for Delinquent Garbage Bills Incurred by Property Owners of Single-Family Residences

Staff report submitted by Solid Waste Manager Dahle-Lacaze, dated July 16, 2013, was filed.

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

Resolution 13-121, “Resolution Confirming the Report and Special Assessment List Associated with Delinquent Garbage Bills Incurred by Residential Property Owners with Cart Service”

PUBLIC HEARING

Council Member Mendall disclosed he had a conflict of interest with Public Hearing No. 10, pertaining to Consolidated Landscaping and Lighting District No. 96-1, Zone 7 as he lived in that Zone, and he chose to abstain from participating and voting on the item as it pertained to Zone 7.

10. Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13 –Approving the Engineer’s Report, Confirming the Assessment Diagrams and Assessments, and Ordering the Levy and Collection of Assessments for Fiscal Year 2014

Staff report submitted by Development Review Engineer Nguyen, dated July 16, 2013, was filed.

Development Review Engineer Nguyen provided a synopsis of the report.

There being no public comments Mayor Sweeney opened and closed the public hearing at 9:52 p.m.

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

Resolution 13-123, “Resolution Approving the Engineer’s Report, Confirming the Assessment Diagrams and Assessments, and Ordering Levy and Collection of Assessments for Fiscal Year 2014 of the Landscaping and Lighting District No. 96-1, Zones 1-6 and 8-13”

Council Member Mendall left the Council Chambers.

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

Resolution 13-124, “Resolution Approving the Engineer’s Report, Confirming the Assessment Diagrams and Assessments, and



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Ordering Levy and Collection of Assessments for Fiscal Year 2014
of the Landscaping and Lighting District No. 96-1, Zone 7”

11. Maintenance District No. 1 – Storm Drain Conduit and Pumping Station - Pacheco Way, Stratford Road and Ruus Lane - Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, and Order the Levy and Collection of Assessments for Fiscal Year 2014

Staff report submitted by Development Review Engineer Nguyen, dated July 16, 2013, was filed.

Development Review Engineer Nguyen provided a synopsis of the report. City Manager David mentioned the Maintenance District No. 1 did not provide sufficient funds to maintain the pump in the incoming years and she indicated it was important to formally contact property owners of MD No. 1 to advise them about the assessment and reserve concerns.

There being no public comments Mayor Sweeney opened and closed the public hearing at 9:59 p.m.

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

Resolution 13-125, “Resolution Approving the Engineer’s Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessments for Fiscal Year 2014 for Maintenance District No. 1: Storm Drain Conduit and Pumping Station – Pacheco Way, Stratford Road, and Ruus Lane (MD No. 1)”

12. Maintenance District No. 2 – Eden Shores Storm Water Buffer and Facilities - Approve the Engineer's Report, Confirm the Assessment Diagram and Assessment, and Order the Levy and Collection of Assessments for Fiscal Year 2014

Staff report submitted by Development Review Engineer Nguyen, dated July 16, 2013, was filed.

Development Review Engineer Nguyen provided a synopsis of the report.

There being no public comments Mayor Sweeney opened and closed the public hearing at 10:01 p.m.

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

Resolution 13-126, “Resolution Approving the Engineer’s Report, Confirming the Assessment Diagram and Assessment, and Ordering Levy and Collection of Assessments for Fiscal Year 2014 for Maintenance District No. 2: Eden Shores Water Buffer Zone and Pre-Treatment Pond (MD No. 2)”

LEGISLATIVE BUSINESS

13. Refinancing of Outstanding Water Revenue Bonds

Staff report submitted by Director of Finance Vesely, dated July 16, 2013, was filed.

Director of Finance Vesely provided a synopsis of the report. Ms. Vesely introduced the City’s consultants Mr. Craig Hill of NHA Advisors and Mr. Chris Lynch of Jones Hall.

There being no public comments Mayor Sweeney opened and closed the public hearing at 10:06 p.m.

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

Resolution 13-127, “Resolution of the City Council of the City of Hayward Authorizing the Issuance and Sale of Water Revenue Refunding Bonds to Refinance Outstanding Water Revenue Obligations of the City, and Approving Related Agreements and Actions”

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Salinas reminded parents that the “Let’s Do Lunch Hayward... and breakfast too” continued to serve free summer meals throughout Hayward. Mr. Salinas reported he would be representing Mayor Sweeney at the "Alameda County Mayors' Healthy Cook-Off" event on July 18, 2013, in the City of Dublin.

Council Member Zermeño announced the Hayward Police Department vs. Los Chilonos de Hayward Basketball Game Fundraiser on July 20, 2013, at the Chabot College Gym. Mr. Zermeño noted the proceeds would go to the Hayward Youth Commission Scholarship.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 10:10 p.m., in memory of Ms. Lili Artel who passed away on June 5, 2013. Mayor Sweeney noted Ms. Artel was a longtime Hayward resident, activist, and artist. Mayor Sweeney asked staff to work with Ms. Artel’s family and find a suitable place to plant a tree in her memory.



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APPROVED:

Michael Sweeney
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward

DATE: July 30, 2013

TO: City Council and Housing Authority Board Members

FROM: Kelly McAdoo, Assistant City Manager

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

RECOMMENDATION

That the City Council and Housing Authority Board:

- Adopt the attached resolutions authorizing the City Manager/Executive Director to negotiate and execute a professional services agreement with David Paul Rosen and Associates in an amount not to exceed \$53,000, in order to conduct a review and study of the City's Inclusionary Housing Ordinance and Affordable Housing In-Lieu Fee, appropriating said funds from the Housing Authority Fund.

BACKGROUND

In June 2003, the City of Hayward (the "City") adopted the Inclusionary Housing Ordinance (the "Ordinance") to help increase the supply of housing that is affordable to low and moderate-income households.¹ The Ordinance requires that fifteen percent (15%) of the units in new residential developments be made affordable to low and moderate-income households. The Ordinance applies to both ownership and rental housing developments consisting of 20 or more units.

Pursuant to the Ordinance, the City also established an Affordable Unit In-lieu Fee (the "In-lieu Fee") by resolution. To date, the City has entered into several Inclusionary Housing Agreements ("IHAs"). Some of these IHAs involved the designation of units on-site for sale to moderate-income households, and other IHAs followed the "development incentives and alternatives" provision of the Ordinance, which allows for the provision of off-site affordable housing – or a combination of off-site and on-site housing.

¹ The Ordinance is now included in Article 17 of the Hayward Municipal Code

Due to the downturn in the new housing construction market, as well as recent court decisions, in 2010 the City hired a consultant to conduct a review of the Ordinance and an Affordable Housing Nexus Study (Nexus Study) to determine the impact of market rate housing on the need for affordable housing. The study also attempted to calculate the appropriate amount of the In-lieu Fee and the recommended method of payment consistent with the cost of market rate “for-sale” and “rental” housing for single-family detached, single-family attached (townhome), condominium, and rental apartments in Hayward. Finally, the study attempted to calculate the affordable housing cost differential (the subsidy or differential needed to provide market-rate housing at affordable rents or prices) and to review best practices for calculating in-lieu fees.

Based on the consultant’s conclusions and recommendations, on December 14, 2010, the City Council introduced an ordinance that provided interim relief from certain inclusionary housing provisions (the Relief Ordinance) and subsequently adopted the Relief Ordinance on January 18, 2011. The Relief Ordinance enacted the following temporary measures to the Ordinance effective until December 31, 2012:

- Reduced the inclusionary housing percentage from 15% to 10% for single-family detached housing and to 7.5% for condominiums, townhomes, and other attached housing;
- Allowed developers to pay in-lieu fees “by right” rather than providing units on site, at the developers’ option;
- Allowed developers to defer payment of in-lieu fees until close of escrow or up to one year after issuance of a certificate of occupancy; and
- Exempted rental housing developments approved without a subdivision or condominium map from any inclusionary requirements – unless they received City assistance of some type.

In response to recommendations from staff and members of the development community, on November 15, 2011, the City Council introduced an ordinance that clarified certain provisions of the Relief Ordinance (the “First Amendment to the Relief Ordinance”). Neither the Relief Ordinance nor the First Amendment to the Relief Ordinance modified the existing In-lieu Fee of \$80,000 per inclusionary unit, as staff recommended that the City not modify any existing fees until the impacts of Proposition 26 are further clarified.

DISCUSSION

On December 18, 2012 – at the sunset of the Relief Ordinance – the City Council extended the inclusionary housing relief provisions for twelve months to allow staff conduct a nexus study similar to the one conducted in 2010 to further amend the Relief Ordinance or to either reinstate or permanently modify the Ordinance.² To this end, early in June this year, staff issued a Request for

² At this meeting Council also authorized allowing further extensions of the Relief Ordinance by resolution in case there is not a significant and permanent change in the housing market and/or a noticeable increase in local residential construction activity during 2013. Those resolutions would need to return to Council for consideration and adoption.

Proposals (RFP) from consultants to review the Ordinance and other local policies, and to conduct an analysis to determine an In Lieu Fee amount that is appropriate and sustainable in Hayward's housing market.

Five consultants submitted proposals in response to the RFP: David Paul Rosen and Associates (DRA), Keyser Marston Associates (KMA), Economic Planning Systems Inc., Bay Area Economics, and Rosenow Spevacek Group Inc. All five firms have undertaken real estate/housing economics and nexus studies previously, and are qualified to undertake this study. However, staff interviewed only the top two ranked firms, KMA and DRA, and later selected DRA in consideration of the firm's qualifications and the quality of the proposal with emphasis on the firm's experience in the area of policy and program design for affordable housing nexus fees. Another important criterion for DRA's selection was a better understanding (compared to the other proposals) of Hayward's Ordinance, affordable housing policies, and Nexus Study-related requirements.

DRA (the Consultant) is a nationally recognized public interest consulting firm with offices in Oakland and Irvine, California. Since its foundation in 1980 to date, DRA has conducted more than forty inclusionary housing analyses and more than twenty affordable housing nexus analyses for California jurisdictions. DRA has completed residential nexus studies for the cities of East Palo Alto, Oakland, Elk Grove, Long Beach, San Rafael, Novato, Oxnard, Los Angeles, and San Diego, among other cities. DRA has prepared nexus analyses for other types of impact categories, including jobs-housing impacts and commercial linkage fees. Also, DRA has advised clients in forty states and more than two hundred jurisdictions on affordable housing development, policy, underwriting, origination, asset management, program design, strategic planning, and best practices. The lead consultants for this study will be Mr. David Rosen and Ms. Nora Lake-Brown.

Pursuant to the scope of work described in the RFP, DRA will undertake a Nexus Study to determine the impact that the addition of new market-rate housing has on the need for additional affordable housing in Hayward. DRA proposes to use an approach for the Nexus Study that is based on the relationship between new market-rate housing development, spending on goods and services, associated employment impacts, and the affordable housing requirements of the new workers. In addition, the Consultant will also conduct an analysis to determine an In Lieu Fee amount that is appropriate and sustainable in Hayward's housing market.

DRA will be required to consult with representative stakeholders in the community, including market-rate developers and local real estate industry representatives, as well as affordable housing providers and advocates to obtain information to evaluate the financial impact of the Ordinance on the overall feasibility of new market rate rental and ownership housing development. Finally, the Consultant will evaluate the effectiveness and value of the incentives the City lists in its current Housing Element (and provides to developers to foster affordable housing production) in order to recommend new or improved incentives.

At the end of this process, staff and attorneys, and the Consultant will consider any changes that may be necessary or advisable to further amend or extend the Relief Ordinance, or to reinstate or

permanently modify the Ordinance taking into account the applicable legal standards and most recent legal decisions. These will be brought forward along with any proposed change to the In-Lieu fee.

The consultant has proposed \$49,500 for the City-specified scope of work; however, staff is recommending that \$53,000 be appropriated in order to allow for incidentals and contingencies, including potential additional meetings or interviews with stakeholders to discuss the costs, benefits, impacts, and opportunities presented by the Ordinance. It is also anticipated that DRA will be present at a City Council work session and required Council meetings to discuss the findings of the Nexus Study and the proposed In-Lieu Fee.

ECONOMIC IMPACT

As mentioned in the staff report when the Relief Ordinance was last discussed (on December 18, 2012), the housing market for a large number of factors is perceived as having turned a corner, even though it is yet unclear whether this turn reflects a long-term change in market characteristics, especially at the local level. Any changes to the Ordinance or Relief Ordinance will consider this environment with a two-prong goal: a) as with the current relief measures, mitigating the impact of those changes on new residential construction and job creation, and b) maximizing the opportunities the Ordinance may represent for the creation of affordable housing in case the economy in general and housing construction have permanently or substantially recovered. The latter is particularly important given the continuous and significant decreases in Federal funding for affordable housing and social services, and the dissolution of Redevelopment by the State legislature which eliminated the main source of local funding for housing affordable to low- and moderate-income households.

FISCAL IMPACT

It is recommended that the amount of \$53,000 be appropriated from the Housing Authority Fund (Fund 245) for the cost of the study. Moneys from the Housing Authority fund are to be used to promote affordable housing opportunities for low- and moderate-income households, which is one the goals of this undertaking.

PUBLIC CONTACT

The Ordinance and In-Lieu Fee have been discussed at length during the previous years in several staff reports to Council that led to the enactment of the Relief Ordinance in December, 2010, its First Amendment in 2011, and subsequent amendment and extension at the end of 2012. Solicited and unsolicited input from several stakeholders has been obtained at every step during this process.

The findings of the Nexus Study and the proposed In-Lieu Fee will be brought to Council at a work session during the fall. Staff recommendations to further amend or extend the Relief Ordinance, or to reinstate or permanently modify the Ordinance will be brought for Council consideration before the end of 2013 following Council input at the work session.

NEXT STEPS

If the proposed contract is approved, the Consultant can begin immediately by undertaking both local housing market research as well as stakeholder interviews. The Nexus Study itself will take approximately two months to prepare. It is estimated that a draft of the proposed study can be ready by early October of 2013, and that any proposed modifications to the Ordinance, In-Lieu Fee, or Interim Relief Ordinance can be presented to Council shortly thereafter.

Prepared by: Omar Cortez, Housing Development Specialist

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Resolution Authorizing Negotiating and Entering into A Professional Services Agreement with David Paul Rosen and Associates
- Attachment II Resolution Authorizing Appropriation of \$53,000 from Housing Authority Fund (Fund 245) for In-lieu Fee and Nexus Study

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH DAVID PAUL ROSEN AND ASSOCIATES TO PREPARE AN INCLUSIONARY HOUSING ORDINANCE AND AFFORDABLE HOUSING IN-LIEU FEE STUDY

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 David Paul Rosen and Associates to prepare an Inclusionary Housing Ordinance and Affordable Housing In-Lieu fee study, in an amount not to exceed \$53,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HOUSING AUTHORITY OF THE CITY OF HAYWARD

RESOLUTION NO. HA 13-_____

Introduced by Commissioner _____

RESOLUTION AMENDING RESOLUTION HA 13-01, AS AMENDED, THE BUDGET RESOLUTION FOR FISCAL YEAR 2013 RELATING TO AN APPROPRIATION OF FUNDS FROM THE HOUSING AUTHORITY, FUND 245.

BE IT RESOLVED by the Board of the Housing Authority of the City of Hayward that Resolution No. HA 13-01, as amended, the Budget Resolution for fiscal year 2013, is hereby further amended by approving an appropriation of \$53,000 in order to prepare an Inclusionary Housing Ordinance and Affordable Housing In-Lieu Fee Study from the Housing Authority Fund, Fund 425.

HAYWARD, CALIFORNIA, _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COMMISSION MEMBERS:
CHAIR:

NOES: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ATTEST: _____
Secretary of the Housing Authority
of the City of Hayward

APPROVED AS TO FORM:

General Counsel of the Housing Authority
of the City of Hayward

DATE: July 30, 2013

TO: Mayor and City Council

FROM: Human Resources Director

SUBJECT: Adoption of Resolution Approving the City of Hayward Salary Plan for Fiscal Year 2014

RECOMMENDATION

That the City Council adopts the attached Resolution approving the City of Hayward Salary Plan for Fiscal Year 2014 (“FY 2014”), which designates all classifications and the corresponding salary range for employment in the City government of the City of Hayward as of July 1, 2013, superseding Resolution No. 13-099 and all amendments thereto.

BACKGROUND

After a public hearing on July 11, 2013, the Personnel Commission recommended that the City Council adopts the FY 2014 Salary Plan. The Salary Plan has been updated to reflect the adjusted salaries for twenty-three classifications, the elimination of four classifications, and the creation of the Accountant classification. All meet and confer obligations have been met.

DISCUSSION

As required by the Municipal Code, the Salary Plan for FY 2014 (Attachment I) has been updated to reflect all of the classifications in the City’s classified and unclassified service, including the creation of the Accountant classification. The Salary Plan has also been updated to reflect the adjusted salary for twenty-three classifications and the elimination of four classifications. The following changes were made:

1. Deputy City Attorney I/II – A total compensation market survey was conducted and it was found that the classifications are under market by 14.6%. To remain competitive in the market, and to attract a talented applicant pool, the salary of these two classifications were adjusted so that that total compensation for these classifications was equal to market average. The hourly salary range for the Deputy City Attorney I is \$45.01 at Step 1 and \$54.70 at Step 5. The hourly salary range for the Deputy City Attorney II is \$49.50 at Step 1 and \$60.17 at Step 5.

2. Accounting Manager and Revenue Manager – To maintain internal equity within the Finance Department, the Account Manager and Revenue Manager classifications are being adjusted such that they are set equal to the Purchasing and Services Manager classification. By making this adjustment, all three managers within the Department will be compensated at the same level. The hourly salary range for both Accounting Manager and Revenue Manager is \$47.23 at Step 1 and \$57.40 at Step 5.
3. Accountant - This newly created journey level classification provides a greater level of analytical financial support to the Finance Department. A total compensation market survey was conducted and the salary for the newly created position was set so the total compensation of the position was equal to market average. The hourly salary range for the Accountant is \$33.02 at Step 1 and \$40.13 at Step 5.
4. Sworn Fire Classifications – In accordance with the Addendum between the International Association of Firefighters, Local 1909, and the City of Hayward, the classifications of Staff Fire Captain, Fire Captain (56 Hour), Fire Captain (40 Hour), Fire Prevention Inspector (56 Hour), Fire Prevention Inspector (40 Hour), Apparatus Operator (56 Hour), Apparatus Operator (40 Hour), Firefighter (56 Hour), Firefighter (40 Hour) and Firefighter Trainee (40 Hour) have been increased by 2%. Furthermore, in accordance with the Addendum between the International Association of Firefighters, Local 1909 Fire Officers and the City of Hayward, as well as the Addendum between the Hayward Fire Chiefs Associations and the City of Hayward, the classifications of Battalion Chief (40 Hour), Battalion Chief (56 Hour), Fire Training Officer (40 Hour), Fire Marshall (40 Hour) and Deputy Fire Chief (40 Hour) have been increased to maintain the negotiated salary differentials between the management and non-management classifications. Not included, but provided for informational purposes, the Fire Chief, a position in the unclassified service, is being adjusted to minimize the impact of salary compaction with the Deputy Fire Chief due to the Fire Chief also picking up additional contributions towards the pension benefit. Without this adjustment, the Fire Chief's total compensation would only be 5.5% percent above Deputy Fire Chief. The adjustment provides for an approximate 10% differential, well below industry standard, however, the Fire Chief has agreed to maintain status quo as an additional savings measure.
5. Human Resources Department – With the vacancy of the Human Resources Manager position, the Human Resources Director is considering a restructure of the Department. In preparation for the restructure and subsequent recruitments that may be required, a total compensation market survey was conducted and it was found that the benchmark classification, Human Resources Analyst II, is under market average by 4.82%. To remain competitive in the market, and to attract a talented applicant pool, the salary of this series was adjusted so that that total compensation for Human Resources Analyst II was equal to market average. To maintain a 10% differential between the Human Resources Analyst I, Human Resources Analyst II, Senior Human Resources Analyst and Human Resources Manager, all 4 classifications were adjusted accordingly. The hourly salary range for Human Resources Analyst I is \$34.42 at Step 1 and \$41.84 at Step 5. The hourly salary range for Human Resources Analyst II is \$37.86 at Step 1 and \$46.02 at Step 5. The hourly salary

range for Senior Human Resources Analyst is \$41.64 at Step 1 and \$50.62 at Step 5. The hourly salary range for Human Resources Manager is \$45.81 at Step 1 and \$55.68 at Step 5.

6. The Airport Maintenance Manager title was changed to Airport Maintenance Supervisor to align with the job specification change that was approved by the Personnel Committee at the June 13, 2013 meeting.
7. The following classifications were deleted from the salary plan as they no longer are being utilized, are outdated and/or have been reclassified to new positions and the City does not plan to utilize the classifications for future positions:
 - a. Community Preservation Inspection Supervisor
 - b. Supervising Housing Inspector
 - c. Employee Benefits Administrator
 - d. Auditorium Leadworker

FISCAL IMPACT

The changes to the City's Salary Plan from the above-described changes will positively impact the Hayward community because it enhances the current level of service with greater efficiency and utilization of resources, as well as improves the City's ability to attract and retain talent. The above mentioned changes reflect an approximate \$83,000 annual increase to the General Fund, which will be absorbed in the annual operating budget.

The increases provided to sworn Fire staff outlined in this report cost approximately \$442K in FY 2014. However, had the City and employees not reached mutual agreement and we were unable to achieve the implementation of on-going structural changes, the cost of the current contract for FY 2014 would have cost the City approximately \$2.2M.

Prepared and Recommended by: Frances M. Robustelli, Human Resources Director

Approved by:



Fran David, City Manager

Attachment I: Resolution Approving Amendment to the FY 2014 Salary Plan

Attachment II: Revised FY 2014 Salary Plan

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING THE FISCAL YEAR 2014 SALARY PLAN DESIGNATING POSITIONS OF EMPLOYMENT IN THE CITY GOVERNMENT OF THE CITY OF HAYWARD AND SALARY RANGE; AND SUPERSEDING RESOLUTION NO. 13-099 AND ALL AMENDMENTS THERETO

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

Section 1. That a revised Positions and Salaries Schedule relating to the positions of employment in the City of Hayward, and the hourly rates of pay for those positions, is hereby set forth in Attachment "II," attached hereto and made a part hereof. The positions enumerated under the columns headed "Class Title" are hereby designated as the positions of employment in the City of Hayward, and the hourly rates of pay shown in the columns under the heading "Hourly Salary Range" are the salary rates or the maximum rates of pay for such positions, effective July 1, 2013.

Section 2. Salaries paid to occupants of said positions shall be administered in accordance with the Personnel Rules and Memoranda of Understanding and Side Letter Agreements approved by the City Council and currently in effect.

Section 3. All class titles used herein refer to the specifications of the position classification plan as reviewed by the Personnel Commission of the City of Hayward, or as set forth in the City Charter.

Section 4. The City Manager may approve in advance of an established effective date, payment to certain classifications in the Management Unit of all or a portion of a general salary increase previously approved by the City Council. Such advance payments shall be made only for those management classifications where the salary range is less than ten percent above an immediately subordinate classification. The amount of advance payment approved by the City Manager shall not exceed the amount required to establish a ten percent salary differential between the affected classifications. The City Manager shall advise the City Council and each bargaining unit in advance of any payments made pursuant to the provisions of this section.

Section 5. The salary ranges set forth in Attachment "II" shall be revised to reflect salary changes provided in any Memorandum of Understanding, Side Letters of Agreement, or resolution setting forth the wages, hours, and other terms and conditions of employment for a bargaining unit or group of unrepresented employees of the City. Any revisions made pursuant to the provisions of this section shall be incorporated into a document prepared by the Human Resources Director and distributed to affected employees or their representatives that reflects the date of the revision and cites both the authority provided by this section and the provision of the memorandum or resolution being effectuated by the revision.

Section 6. This resolution supersedes Resolution No. 13-099 and all amendments thereto.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2014**

ATTACHMENT II
Recommended by
Personnel Commission
on July 11, 2013
Approved by Council
on [DATE]

Classification Title	Hourly Salary Range					Job Code	Service Type
	A	B	C	D	E		
CITY WIDE ADMINISTRATIVE/ANALYTICAL SUPPORT							
ADMINISTRATIVE ANALYST III	42.64	44.77	47.01	49.36	51.83	723	Classified
ADMINISTRATIVE ANALYST II	38.38	40.30	42.31	44.43	46.65	724	Classified
ADMINISTRATIVE ANALYST I	34.90	36.65	38.48	40.40	42.42	744	Classified
EXECUTIVE ASSISTANT	34.79	36.39	38.03	39.66	41.41	418	Unclassified
ADMINISTRATIVE SECRETARY (CONFIDENTIAL)	32.17	33.49	34.80	36.09	37.53	420	Classified
ADMINISTRATIVE SECRETARY	30.62	31.89	33.14	34.38	35.76	108	Classified
SENIOR SECRETARY (CONFIDENTIAL)	29.40	30.51	31.77	32.93	34.22	414	Classified
SENIOR SECRETARY	27.99	29.09	30.27	31.38	32.59	107	Classified
ADMINISTRATIVE ASSISTANT	27.30	28.67	30.10	31.60	33.18	743	Classified
SECRETARY (CONFIDENTIAL)	25.91	27.07	28.45	29.79	31.13	413	Classified
SECRETARY	24.63	25.76	27.05	28.31	29.66	106	Classified
ADMINISTRATIVE CLERK II (CONFIDENTIAL)	23.85	24.82	25.80	26.93	28.28	401	Classified
ADMINISTRATIVE CLERK II	22.71	23.63	24.59	25.69	26.95	102	Classified
ADMINISTRATIVE CLERK I (CONFIDENTIAL)	21.01	22.07	23.20	24.46	25.71	400	Classified
ADMINISTRATIVE CLERK I	19.99	21.04	22.11	23.28	24.50	101	Classified
ADMINISTRATIVE INTERN				15.00	20.00	907	Classified
MAIL CLERK			12.47	13.12	13.76	134	Classified
CITY WIDE MAINTENANCE							
ELECTRICIAN II	39.14	40.70	42.30	44.09	45.92	329	Classified
ELECTRICIAN I	35.59	37.06	38.53	40.15	41.77	328	Classified
LABORER	22.72	23.56	24.50	25.50	26.42	336	Classified
CITY ATTORNEY DEPARTMENT							
CITY ATTORNEY					88.99	1216	Unclassified
ASSISTANT CITY ATTORNEY	59.90	62.90	66.05	69.35	72.82	1134	Classified
DEPUTY CITY ATTORNEY II	49.50	51.97	54.57	57.30	60.17	1179	Classified
DEPUTY CITY ATTORNEY I	45.01	47.26	49.62	52.10	54.70	1178	Classified
LEGAL SECRETARY II	28.89	30.57	32.87	33.56	35.29	416	Classified
LEGAL SECRETARY I	26.02	27.39	28.83	30.38	32.00	415	Classified
CITY CLERK DEPARTMENT							
CITY CLERK					54.84	1225	Unclassified
DEPUTY CITY CLERK	32.63	34.26	35.97	37.77	39.66	747	Classified
CITY MANAGER DEPARTMENT							
OFFICE OF THE CITY MANAGER							
CITY MANAGER					107.04	1297	Unclassified
ASSISTANT CITY MANAGER	73.72	77.41	81.28	85.34	89.61	1122	Unclassified
DEPUTY CITY MANAGER	64.02	67.22	70.58	74.11	77.82	1121	Unclassified
ASSISTANT TO CITY MANAGER	46.10	48.41	50.83	53.37	56.04	1126	Classified
COMMUNITY AND MEDIA RELATIONS OFFICER	40.34	42.36	44.48	46.70	49.04	1103	Classified
MANAGEMENT FELLOW					16.82	1128	Classified
CODE ENFORCEMENT SUPERVISOR	39.78	41.77	43.86	46.05	48.35	786	Classified
SENIOR CODE ENFORCEMENT INSPECTOR	36.71	38.55	40.48	42.50	44.62		
CODE ENFORCEMENT INSPECTOR II	33.37	35.04	36.79	38.63	40.56		
CODE ENFORCEMENT INSPECTOR I	30.33	31.85	33.44	35.11	36.87		

**SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2014**

ATTACHMENT II
Recommended by
Personnel Commission
on July 11, 2013
Approved by Council
on [DATE]

Classification Title	Hourly Salary Range					Job Code	Service Type
	A	B	C	D	E		
ECONOMIC DEVELOPMENT							
ECONOMIC DEVELOPMENT MANAGER	56.50	59.32	62.29	65.40	68.67	709	Classified
ECONOMIC DEVELOPMENT COORDINATOR	50.82	53.36	56.03	58.83	61.77	711	Classified
ECONOMIC DEVELOPMENT SPECIALIST	40.53	42.57	44.65	46.92	49.21	669	Classified
NEIGHBORHOOD PARTNERSHIP SERVICES							
NEIGHBORHOOD DEVELOPMENT MANAGER	56.50	59.32	62.29	65.40	68.67	799	Classified
NEIGHBORHOOD PARTNERSHIP MANAGER	50.82	53.36	56.03	58.83	61.77	703	Classified
COMMUNITY PRESERVATION INSPECTION SUPERVISOR	39.78	41.77	43.86	46.05	48.35	715	Classified
REDEVELOPMENT AGENCY							
REDEVELOPMENT DIRECTOR	56.50	59.32	62.29	65.40	68.67	795	Classified
REDEVELOPMENT PROJECT MANAGER	50.82	53.36	56.03	58.83	61.77	794	Classified
REDEVELOPMENT SPECIALIST	40.53	42.57	44.65	46.92	49.21	649	Classified
HOUSING MANAGER	50.82	53.36	56.03	58.83	61.77	726	Classified
HOUSING DEVELOPMENT SPECIALIST	40.53	42.57	44.65	46.92	49.21	674	Classified
HOMEOWNERSHIP COORDINATOR	35.60	37.39	39.19	41.18	43.20	605	Classified
DEVELOPMENT SERVICES DEPARTMENT							
DEVELOPMENT SERVICE ADMINISTRATION							
DIRECTOR OF DEVELOPMENT SERVICES	66.64	69.97	73.47	77.14	81.00	1116	Unclassified
BUILDING DIVISION							
CITY BUILDING OFFICIAL	56.50	59.32	62.29	65.40	68.67	740	Classified
HOUSING REHABILITATION COORDINATOR	37.35	39.29	41.29	43.32	45.44	662	Classified
SUPERVISING BUILDING INSPECTOR	47.97	50.37	52.89	55.53	58.31	741	Classified
SENIOR BUILDING INSPECTOR/STRUCTURAL	40.04	42.17	44.30	46.40	48.71	663	Classified
SENIOR BUILDING INSPECTOR/PLUMBING-MECHANICAL	40.04	42.17	44.30	46.40	48.71	659	Classified
SENIOR BUILDING INSPECTOR/ELECTRICAL	40.04	42.17	44.3	46.4	48.71	658	Classified
BUILDING INSPECTOR	34.57	36.19	38.04	39.97	42.59	656	Classified
SUPERVISING HOUSING INSPECTOR	47.97	50.37	52.89	55.53	58.31	748	Classified
PLAN CHECKING ENGINEER	46.81	49.08	51.55	54.23	57.00	610	Classified
SUPERVISING PLAN CHECKER AND EXPEDITOR	40.93	42.98	45.13	47.39	49.76	798	Classified
SENIOR PLAN CHECKER	40.04	42.17	44.30	46.40	48.71	611	Classified
PLAN CHECKER	36.41	38.33	40.27	42.19	44.29	609	Classified
SENIOR PERMIT TECHNICIAN	31.66	32.96	34.24	35.74	37.56	179	Classified
PERMIT TECHNICIAN	28.55	29.69	30.88	32.21	33.85	180	Classified
PLANNING DIVISION							
PLANNING MANAGER	56.50	59.32	62.29	65.40	68.67	797	Classified
PRINCIPAL PLANNER	50.82	53.36	56.03	58.83	61.77	720	Classified
SENIOR PLANNER	45.52	47.80	50.19	52.70	55.34	796	Classified
ASSOCIATE PLANNER	40.65	42.64	44.77	47.07	49.32	650	Classified
ASSISTANT PLANNER	33.36	34.99	36.87	38.67	40.65	624	Classified
JUNIOR PLANNER	29.57	31.14	32.60	34.23	35.90	622	Classified
GRAPHICS/PLANNING ILLUSTRATOR	28.12	29.48	31.04	32.59	34.17	627	Classified
DEVELOPMENT REVIEW ENGINEER	49.19	51.65	54.23	56.94	59.79	781	Classified
DEVELOPMENT REVIEW SPECIALIST	35.54	37.27	39.29	41.22	43.32	604	Classified
LANDSCAPE ARCHITECT	45.52	47.80	50.19	52.70	55.34	753	Classified

**SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2014**

ATTACHMENT II
Recommended by
Personnel Commission
on July 11, 2013
Approved by Council
on [DATE]

Classification Title	Hourly Salary Range					Job Code	Service Type
	A	B	C	D	E		
FINANCE DEPARTMENT							
ADMINISTRATION DIVISION							
DIRECTOR OF FINANCE	70.42	73.94	77.64	81.52	85.60	1118	Unclassified
DEPUTY DIRECTOR OF FINANCE	59.17	62.13	65.24	68.50	71.93	1106	Classified
BUDGET OFFICER	45.34	47.61	49.99	52.49	55.11	700	Classified
AUDITOR	45.34	47.61	49.99	52.49	55.11	745	Classified
FINANCIAL ANALYST	41.22	43.28	45.44	47.71	50.10	712	Classified
COLLECTIONS OFFICER	33.40	35.11	36.90	38.75	40.67	653	Classified
ACCOUNTING MANAGER	47.23	49.59	52.07	54.67	57.40	730	Classified
REVENUE MANAGER	47.23	49.59	52.07	54.67	57.40	729	Classified
FINANCE SUPERVISOR	41.2	43.26	45.42	47.69	50.07	734	Classified
SENIOR ACCOUNTANT	41.2	43.26	45.42	47.69	50.07	749	Classified
ACCOUNTANT	33.02	34.67	36.40	38.22	40.13		Classified
SENIOR ACCOUNTING TECHNICIAN	31.24	32.78	34.38	36.11	37.94	100	Classified
ACCOUNTING TECHNICIAN	28.39	29.82	31.28	32.83	34.49	140	Classified
FINANCE TECHNICIAN	31.21	32.77	34.41	36.13	37.94	115	Classified
SENIOR ACCOUNT CLERK	26.11	27.38	28.56	29.95	31.34	156	Classified
ACCOUNT CLERK	23.80	24.84	26.02	27.22	28.58	155	Classified
SENIOR CUSTOMER ACCOUNT CLERK	26.11	27.38	28.56	29.95	31.34	130	Classified
CUSTOMER ACCOUNT CLERK	23.80	24.84	26.02	27.22	28.58	125	Classified
PURCHASING DIVISION							
PURCHASING AND SERVICES MANAGER	47.23	49.59	52.07	54.67	57.40	739	Classified
PURCHASING TECHNICIAN	28.39	29.82	31.28	32.83	34.49	110	Classified
PURCHASING ASSISTANT	28.03	29.18	30.33	31.46	32.68	111	Classified
MAIL AND PURCHASING CLERK	21.55	22.63	23.69	24.92	26.15	112	Classified
FIRE DEPARTMENT							
SWORN							
FIRE CHIEF	77.25	81.11	85.17	89.43	93.90	1101	Unclassified
DEPUTY FIRE CHIEF (40 HR)	70.06	73.56	77.24	81.10	85.16	1006	Classified
FIRE MARSHAL (40 HR)	63.70	66.88	70.22	73.73	77.42	1003	Classified
FIRE TRAINING OFFICER (40 HR)	63.70	66.88	70.22	73.73	77.42	1007	Classified
BATTALION CHIEF (56 HR)	41.36	43.43	45.60	47.88	50.27	1004	Classified
BATTALION CHIEF (40 HR)	57.90	60.80	63.84	67.03	70.38	1005	Classified
STAFF FIRE CAPTAIN (40 HR)			55.75	58.54	61.47	244	Classified
FIRE CAPTAIN (56 HR)			36.20	38.01	39.91	245	Classified
FIRE CAPTAIN (40 HR)			50.68	53.21	55.87	246	Classified
FIRE PREVENTION INSPECTOR (40 HR)	42.91	45.06	47.31	49.68	52.16	230	Classified
FIRE PREVENTION INSPECTOR (56 HR)	30.66	32.19	33.80	35.49	37.26	231	Classified
APPARATUS OPERATOR (56 HR)	29.04	30.49	32.01	33.61	35.29	220	Classified
APPARATUS OPERATOR (40 HR)	40.62	42.65	44.78	47.02	49.37	221	Classified
FIREFIGHTER (56 HR)	27.37	28.74	30.18	31.69	33.27	215	Classified
FIREFIGHTER (40 HR)	38.31	40.23	42.24	44.35	46.57	216	Classified
FIREFIGHTER TRAINEE (40 HR)	34.83	36.57				973	Classified
PROFESSIONAL STAFF							
HAZARDOUS MATERIALS PROGRAM COORDINATOR	47.97	50.37	52.89	55.53	58.31	705	Classified
FIRE PROTECTION ENGINEER	46.81	49.08	51.55	54.23	57.00	640	Classified
EMERGENCY MEDICAL SERVICES COORDINATOR	43.05	45.20	47.46	49.83	52.32	710	Classified
HAZARDOUS MATERIALS INVESTIGATOR	39.45	41.42	43.49	45.67	47.93	676	Classified
ENVIRONMENTAL SPECIALIST	39.45	41.42	43.49	45.67	47.93	677	Classified
FIRE SERVICES SUPERVISOR	43.05	45.20	47.46	49.83	52.32	701	Classified
FIRE TECHNICIAN II	27.85	29.24	30.70	32.24	33.85	113	Classified

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FIRE TECHNICIAN I	25.30	26.57	27.90	29.30	30.77	109	Classified
HUMAN RESOURCES DEPARTMENT							
DIRECTOR OF HUMAN RESOURCES	67.45	70.82	74.36	78.08	81.98	1119	Unclassified
HUMAN RESOURCES MANAGER	45.81	48.10	50.50	53.03	55.68	1156	Classified
EMPLOYEE BENEFITS ADMINISTRATOR	39.09	41.04	43.09	45.24	47.50	1142	Classified
SENIOR HUMAN RESOURCES ANALYST	41.64	43.72	45.91	48.21	50.62	1155	Classified
HUMAN RESOURCES ANALYST II	37.86	39.75	41.74	43.83	46.02	1177	Classified
HUMAN RESOURCES ANALYST I	34.42	36.14	37.95	39.85	41.84	1176	Classified
HUMAN RESOURCES TECHNICIAN	27.49	28.86	30.30	31.81	33.40	1174	Classified
HUMAN RESOURCES ADMINISTRATIVE SECRETARY	30.88	32.42	34.04	35.74	37.53	1175	Classified
LIBRARY AND COMMUNITY SERVICES DEPARTMENT							
ADMINISTRATION DIVISION							
DIRECTOR OF LIBRARY AND COMMUNITY SERVICES	67.52	70.90	74.45	78.17	82.08	1120	Unclassified
COMMUNITY SERVICES							
COMMUNITY SERVICES MANAGER	51.73	54.32	57.04	59.89	62.88	774	Classified
SOCIAL SERVICES PLANNING MANAGER	50.82	53.36	56.03	58.83	61.77	785	Classified
COMMUNITY DEVELOPMENT SPECIALIST	40.53	42.57	44.65	46.92	49.21	647	Classified
COMMUNITY PROGRAMS SPECIALIST	37.35	39.29	41.29	43.32	45.44	670	Classified
COMMUNITY PROGRAMS AIDE	24.24	25.37	26.60	27.83	29.15	648	Classified
SENIOR PROPERTY REHABILITATION SPECIALIST	41.08	43.21	45.41	47.64	49.97	673	Classified
PROPERTY REHABILITATION SPECIALIST	37.35	39.29	41.29	43.32	45.44	665	Classified
PARATRANSIT COORDINATOR	35.60	37.39	39.19	41.18	43.20	664	Classified
EDUCATIONAL SERVICES COORDINATOR	27.76	29.15	30.61	32.14	33.75	644	Classified
LIBRARY SERVICES DIVISION							
LIBRARY OPERATIONS MANAGER	36.01	37.81	39.70	41.68	43.76	768	Classified
SUPERVISING LIBRARIAN I	36.01	37.81	39.70	41.68	43.76	736	Classified
LIBRARIAN II	30.65	32.18	33.75	35.46	37.13	626	Classified
LIBRARIAN I	27.79	29.19	30.64	32.10	33.75	625	Classified
LEAD LIBRARY ASSISTANT	25.17	26.45	27.71	29.07	30.59	191	Classified
SENIOR LIBRARY ASSISTANT	23.24	24.27	25.39	26.51	27.79	189	Classified
LIBRARY ASSISTANT	21.06	22.04	23.03	24.09	25.22	187	Classified
SENIOR LIBRARY PAGE					16.47	199	Classified
LIBRARY PAGE					15.03	198	Classified
LITERACY PROGRAM COORDINATOR	27.79	29.19	30.64	32.10	33.75	623	Classified
MAINTENANCE SERVICES DEPARTMENT							
ADMINISTRATION DIVISION							
DIRECTOR OF MAINTENANCE SERVICES	67.62	71.00	74.55	78.28	82.19	1113	Unclassified
FACILITIES MANAGEMENT							
FACILITIES AND BUILDING MANAGER	48.18	50.59	53.12	55.78	58.57	760	Classified
FACILITIES LEADWORKER	43.30	45.02	46.78	48.71	50.79	300	Classified
FACILITIES MAINTENANCE SUPERVISOR	35.68	37.46	39.33	41.30	43.37	792	Classified
FACILITIES PAINTER II	31.95	33.25	34.55	35.98	37.48	330	Classified
FACILITIES PAINTER I	29.07	30.24	31.47	32.79	34.08	324	Classified
FACILITIES CARPENTER II	31.82	33.08	34.47	35.89	37.39	327	Classified
FACILITIES CARPENTER I	28.94	30.14	31.38	32.65	34.01	326	Classified

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AUDITORIUM LEADWORKER	26.24	27.22	28.30	29.44	30.64	304	Classified
STOREKEEPER - EXPEDITER	25.86	26.93	27.94	29.01	30.13	371	Classified
FACILITIES SERVICEWORKER II	23.51	24.45	25.45	26.34	27.39	320	Classified
FACILITIES SERVICEWORKER I	21.42	22.20	23.08	24.03	24.88	318	Classified
FLEET MANAGEMENT DIVISION							
EQUIPMENT MANAGER	48.18	50.59	53.12	55.78	58.57	738	Classified
FLEET MANAGEMENT SUPERVISOR	43.70	45.89	48.18	50.59	53.12	771	Classified
SENIOR EQUIPMENT MECHANIC	32.42	34.04	35.74	37.53	39.40	305	Classified
EQUIPMENT MECHANIC II	29.49	30.87	32.43	34.13	35.82	312	Classified
EQUIPMENT MECHANIC I	26.85	28.20	29.63	31.10	32.62	310	Classified
EQUIPMENT PARTS STOREKEEPER	24.78	26.09	27.35	28.72	30.17	307	Classified
EQUIPMENT SERVICE ATTENDANT	22.86	23.76	24.75	25.58	26.57	308	Classified
LANDSCAPE MAINTENANCE DIVISION							
LANDSCAPE MAINTENANCE MANAGER	48.18	50.59	53.12	55.78	58.57	752	Classified
LANDSCAPE MAINTENANCE SUPERVISOR	43.70	45.89	48.18	50.59	53.12	761	Classified
GROUNDSKEEPER III	32.41	33.72	35.08	36.56	37.99	343	Classified
GROUNDSKEEPER II	28.42	29.55	30.76	31.84	33.07	342	Classified
GROUNDSKEEPER I	25.81	26.84	27.97	28.93	30.08	338	Classified
TREE TRIMMER	29.16	30.32	31.55	32.67	33.95	340	Classified
STREET MAINTENANCE DIVISION							
STREETS MAINTENANCE MANAGER	48.18	50.59	53.12	55.78	58.57	756	Classified
STREETS MAINTENANCE SUPERVISOR	43.70	45.89	48.18	50.59	53.12	764	Classified
SENIOR MAINTENANCE LEADER	33.03	34.35	35.73	37.25	38.71	367	Classified
MAINTENANCE LEADER	29.00	30.13	31.38	32.48	33.73	360	Classified
SENIOR SWEEPER EQUIPMENT OPERATOR	28.57	30.00	31.50	33.07	34.72	306	Classified
SWEEPER EQUIPMENT OPERATOR	27.09	28.00	29.12	30.36	31.56	362	Classified
MAYOR AND COUNCIL DEPARTMENT							
MAYOR				Annual Salary:	39,960.00	1300	Unclassified
CITY COUNCIL				Annual Salary:	24,975.00	1301	Unclassified
POLICE DEPARTMENT							
SWORN							
CHIEF OF POLICE	76.21	80.02	84.02	88.22	92.63	1102	Unclassified
POLICE CAPTAIN	65.79	69.08	73.23	76.89	80.73	802	Classified
POLICE LIEUTENANT				66.67	69.91	555	Classified
POLICE SERGEANT			55.06	57.72	60.67	545	Classified
INSPECTOR	47.29	49.65	52.08	54.55	57.22	520	Classified
POLICE OFFICER	41.95	43.96	46.10	48.33	50.62	515	Classified
POLICE OFFICER TRAINEE	29.95	31.44				174	Classified
PROFESSIONAL STAFF							
PERSONNEL AND TRAINING ADMINISTRATOR	54.90	57.65	60.53	63.56	66.74	751	Classified
CRIME ANALYST	42.64	44.77	47.01	49.36	51.83	731	Classified
POLICE PROGRAMS ANALYST	38.38	40.30	42.31	44.43	46.65	704	Classified
FIELD OPERATIONS DIVISION							
CRIME PREVENTION SUPERVISOR	30.19	31.49	32.98	34.50	36.14	190	Classified
SENIOR CRIME PREVENTION SPECIALIST	28.77	29.97	31.42	32.86	34.42	186	Classified
CRIME PREVENTION SPECIALIST	26.16	27.27	28.55	29.89	31.29	188	Classified

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TRAFFIC SAFETY ASSISTANT					12.43	901	Classified
SPECIAL OPERATIONS DIVISION							
YOUTH AND FAMILY SERVICES ADMINISTRATOR	54.90	57.65	60.53	63.56	66.74	790	Classified
COUNSELING SUPERVISOR	43.05	45.20	47.46	49.83	52.32	737	Classified
FAMILY COUNSELOR I	34.80	36.52	38.36	40.12	42.21	632	Classified
SUPPORT SERVICES DIVISION							
OPERATIONS SUPPORT SERVICES MANAGER	65.79	69.08	73.23	76.89	80.73	1104	Classified
PUBLIC SAFETY INFORMATION SYSTEMS ADMINISTRATOR	40.08	42.08	44.18	46.39	48.71	708	Classified
PROPERTY/EVIDENCE ADMINISTRATOR	42.57	44.70	46.94	49.29	51.75	725	Classified
PROPERTY AND EVIDENCE SUPERVISOR	38.71	40.65	42.68	44.81	47.05	776	Classified
POLICE ID SPECIALIST	30.68	32.21	33.83	35.53	37.21	652	Classified
CRIME SCENE TECHNICIAN	27.37	28.59	29.91	31.26	32.76	175	Classified
PROPERTY TECHNICIAN	26.23	27.37	28.69	30.00	31.43	170	Classified
ANIMAL SERVICES ADMINISTRATOR	41.44	43.51	45.69	47.97	50.37	714	Classified
ANIMAL SERVICES SUPERVISOR	28.85	30.14	31.54	32.99	34.56	144	Classified
VETERINARY TECHNICIAN	29.79	31.27	32.83	34.49	36.20	103	Classified
ANIMAL SHELTER SUPERVISOR	23.83	24.88	25.84	26.95	28.31	145	Classified
SENIOR ANIMAL CONTROL OFFICER	27.48	28.69	30.05	31.42	32.91	184	Classified
ANIMAL CONTROL OFFICER	24.81	26.09	27.28	28.56	29.90	185	Classified
SENIOR ANIMAL CARE ATTENDANT	22.67	23.69	24.61	25.68	26.96	183	Classified
ANIMAL CARE ATTENDANT	20.65	21.52	22.38	23.36	24.51	181	Classified
COMMUNICATIONS ADMINISTRATOR	42.57	44.70	46.94	49.29	51.75	775	Classified
COMMUNICATIONS SUPERVISOR	35.33	37.11	38.96	40.89	42.96	141	Classified
SENIOR COMMUNICATIONS OPERATOR	33.64	35.34	37.12	38.95	40.91	164	Classified
COMMUNICATIONS OPERATOR	30.65	32.21	33.80	35.51	37.30	165	Classified
RECORDS ADMINISTRATOR	40.46	42.48	44.60	46.83	49.17	707	Classified
RECORDS SUPERVISOR	28.36	29.64	31.15	32.54	34.08	143	Classified
SENIOR POLICE RECORDS CLERK	26.99	28.23	29.66	30.97	32.48	121	Classified
POLICE RECORDS CLERK II	24.92	25.91	26.95	28.14	29.52	120	Classified
POLICE RECORDS CLERK I	21.90	23.04	24.26	25.48	26.84	119	Classified
JAIL ADMINISTRATOR	40.46	42.48	44.60	46.83	49.17	706	Classified
JAIL SUPERVISOR	31.53	32.85	34.44	36.05	37.78	142	Classified
SENIOR JAILER	30.01	31.29	32.81	34.32	35.97	168	Classified
COMMUNITY SERVICE OFFICER	26.23	27.37	28.69	30.00	31.43	169	Classified
PUBLIC WORKS DEPARTMENT							
ADMINISTRATION DIVISION							
DIRECTOR OF PUBLIC WORKS	74.50	78.23	82.14	86.25	90.56	1111	Unclassified
DEPUTY DIRECTOR OF PUBLIC WORKS	64.13	67.34	70.71	74.25	77.96	1112	Classified
SENIOR UTILITY SERVICE REPRESENTATIVE	32.19	33.79	35.40	37.21	39.03	373	Classified
STOREKEEPER - EXPEDITER	25.86	26.93	27.94	29.01	30.13	371	Classified
AIRPORT DIVISION SUMMARY							
AIRPORT MANAGER	56.50	59.32	62.29	65.40	68.67	713	Classified
AIRPORT OPERATIONS MANAGER-SUPERVISOR	45.23	47.49	49.86	52.35	54.97	732	Classified
NOISE ABATEMENT ANALYST	27.79	29.19	30.64	32.10	33.75	643	Classified
SENIOR AIRPORT MAINTENANCE WORKER	30.35	31.47	32.72	34.06	35.43	302	Classified
AIRPORT MAINTENANCEWORKER	27.57	28.58	29.70	30.94	32.21	303	Classified
AIRPORT ATTENDANT	20.64	21.55	22.34	23.32	24.48	301	Classified
ENGINEERING/TRANSPORTATION DIVISION							
ASSISTANT CITY ENGINEER	56.56	59.39	62.36	65.48	68.75	721	Classified
DESIGN AND CONSTRUCTION SERVICES MANAGER	53.97	56.67	59.50	62.48	65.50	787	Classified

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SENIOR CIVIL ENGINEER	49.19	51.65	54.23	56.94	59.79	788	Classified
ASSOCIATE CIVIL ENGINEER	43.75	45.95	48.18	50.63	53.10	606	Classified
ASSISTANT CIVIL ENGINEER	37.69	39.63	41.66	43.68	45.85	602	Classified
JUNIOR CIVIL ENGINEER	32.78	34.39	36.05	37.82	39.75	601	Classified
REAL PROPERTY MANAGER	41.46	43.53	45.71	48.00	50.40	763	Classified
REAL PROPERTY ASSOCIATE	36.80	38.72	40.67	42.64	44.75	667	Classified
REAL PROPERTY ASSISTANT	31.36	32.92	34.50	36.22	38.05	666	Classified
ENGINEERING TECHNICIAN	29.91	31.35	32.94	34.59	36.24	668	Classified
SENIOR UTILITIES ENGINEER	49.19	51.65	54.23	56.94	59.79	765	Classified
SURVEY ENGINEER	45.52	47.80	50.19	52.70	55.34	778	Classified
SURVEYOR	35.58	37.34	39.20	41.14	43.21	612	Classified
TRANSPORTATION MANAGER	54.11	56.82	59.66	62.64	65.77	757	Classified
SENIOR TRANSPORTATION ENGINEER	49.19	51.65	54.23	56.94	59.79	733	Classified
ASSOCIATE TRANSPORTATION ENGINEER	43.75	45.95	48.18	50.63	53.10	608	Classified
ASSISTANT TRANSPORTATION ENGINEER	37.69	39.63	41.66	43.68	45.85	615	Classified
JUNIOR TRANSPORTATION ENGINEER	32.78	34.39	36.05	37.82	39.75	616	Classified
SENIOR TRANSPORTATION PLANNER	45.52	47.80	50.19	52.70	55.34	770	Classified
ASSOCIATE TRANSPORTATION PLANNER	40.65	42.64	44.77	47.07	49.32	671	Classified
TRAFFIC SIGNAL TECHNICIAN	29.91	31.35	32.94	34.59	36.24	675	Classified
SUPERVISING CONSTRUCTION INSPECTOR	47.97	50.37	52.89	55.53	58.31	780	Classified
SENIOR CONSTRUCTION INSPECTOR	40.04	42.17	44.30	46.40	48.71	642	Classified
CONSTRUCTION INSPECTOR	33.55	35.27	36.92	38.79	40.76	661	Classified
RECYCLING-SOLID WASTE							
SOLID WASTE MANAGER	42.64	44.77	47.01	49.36	51.83	727	Classified
RECYCLING SPECIALIST	31.64	33.20	34.83	36.60	38.42	636	Classified
WATER POLLUTION CONTROL FACILITY (WPCF)							
WATER POLLUTION CONTROL FACILITY MANAGER	54.76	57.50	60.37	63.39	66.56	759	Classified
WPCF OPERATIONS AND MAINTENANCE MANAGER	49.44	51.91	54.51	57.24	60.10	717	Classified
WPCF MAINTENANCE SUPERVISOR	44.59	46.82	49.16	51.62	54.20	719	Classified
WPCF OPERATIONS SUPERVISOR	44.59	46.82	49.16	51.62	54.20	718	Classified
WPCF LEAD OPERATOR	34.66	36.04	37.46	38.94	40.51	351	Classified
WPCF OPERATOR	31.51	32.77	34.08	35.41	36.84	350	Classified
OPERATOR-IN-TRAINING	28.84	29.99	31.24	32.30	33.56	347	Classified
LAB SUPERVISOR	44.59	46.82	49.16	51.62	54.20	702	Classified
LABORATORY TECHNICIAN	32.49	33.71	35.01	36.45	37.81	637	Classified
WATER POLLUTION SOURCE CONTROL							
ENVIRONMENTAL SERVICES MANAGER	51.28	53.84	56.53	59.36	62.33	738	Classified
WATER POLLUTION CONTROL ADMINISTRATOR	44.59	46.82	49.16	51.62	54.20	769	Classified
SENIOR WATER POLLUTION SOURCE CONTROL INSPECTOR	37.15	39.08	41.04	42.98	45.17	680	Classified
WATER POLLUTION SOURCE CONTROL INSPECTOR	33.76	35.52	37.14	39.05	40.99	679	Classified
TECHNICAL INTERN					15.00	908	Classified
WATER DISTRIBUTION							
UTILITIES SUPERINTENDENT	60.24	63.25	66.41	69.73	73.22	735	Classified
UTILITIES OPERATIONS AND MAINTENANCE SUPERINTENDENT	49.44	51.91	54.51	57.24	60.10	716	Classified
UTILITIES OPERATIONS AND MAINTENANCE MANAGER	56.18	58.99	61.94	65.04	68.29	716	Classified
UTILITIES OPERATIONS AND MAINTENANCE SUPERVISOR	46.82	49.16	51.62	54.20	56.91	773	Classified
UTILITIES FIELD SERVICES SUPERVISOR	46.82	49.16	51.62	54.20	56.91	784	Classified
WATER INSTALLATION AND MAINTENANCE SUPERVISOR	38.78	40.72	42.76	44.90	47.14	793	Classified

**SALARY PLAN FOR ALL CLASSIFICATIONS
(PER MUNI CODE SEC.2-4.30)
FY 2014**

ATTACHMENT II
Recommended by
Personnel Commission
on July 11, 2013
Approved by Council
on [DATE]

Classification Title	Hourly Salary Range					Job Code	Service Type
	A	B	C	D	E		
SENIOR UTILITY CUSTOMER SERVICE LEADER	33.63	34.98	36.37	37.91	39.42	378	Classified
CROSS CONNECTION CONTROL SPECIALIST	29.47	30.49	31.69	33.00	34.31	376	Classified
WATER METER MECHANIC	28.64	29.74	30.97	32.24	33.53	375	Classified
WATER METER READER	25.60	26.61	27.70	28.71	29.85	369	Classified
BACKFLOW/CROSS CONNECTION TESTER	24.77	25.95	27.16	28.48	29.85	370	Classified
UTILITIES MAINTENANCE SUPERVISOR	44.59	46.82	49.16	51.62	54.20	766	Classified
UTILITIES SERVICE WORKER	28.24	29.36	30.57	31.64	32.87	368	Classified
GENERAL MAINTENANCE							
EQUIPMENT OPERATOR	28.39	29.43	30.60	31.84	33.13	361	Classified
MAINTENANCE WORKER	26.33	27.39	28.53	29.50	30.68	357	Classified
SENIOR UTILITY LEADER	35.35	36.77	38.23	39.88	41.46	377	Classified
UTILITY LEADER	31.06	32.30	33.64	34.82	36.16	374	Classified
UTILITY WORKER	28.24	29.36	30.57	31.64	32.87	372	Classified
UTILITIES MAINTENANCE MECHANIC	32.39	33.64	34.96	36.37	37.84	325	Classified
TECHNOLOGY SERVICES DEPARTMENT							
DIRECTOR OF INFORMATION TECHNOLOGY/CHIEF INFORMATION OFFICER (CIO)	67.71	71.10	74.65	78.38	82.30	1105	Unclassified
INFORMATION SYSTEMS MANAGER	50.57	53.10	55.76	58.55	61.48	772	Classified
DATA AND SYSTEMS COORDINATOR	45.50	47.78	50.17	52.68	55.31	728	Classified
NETWORK SYSTEMS SPECIALIST	40.90	42.95	45.10	47.35	49.72	755	Classified
GEOGRAPHIC INFO SYSTEMS COORDINATOR	39.30	41.26	43.22	45.40	48.41	635	Classified
PROGRAMMER ANALYST	38.58	40.47	42.57	44.67	46.87	628	Classified
WEB SPECIALIST	38.02	39.94	41.92	44.01	46.21	634	Classified
INFORMATION TECHNOLOGY ANALYST II	38.56	40.49	42.51	44.64	46.87	655	Classified
INFORMATION TECHNOLOGY ANALYST I	35.06	36.81	38.65	40.58	42.61	646	Classified
TECHNOLOGY SOLUTIONS ANALYST II	38.56	40.49	42.51	44.64	46.87	684	Classified
TECHNOLOGY SOLUTIONS ANALYST I	35.06	36.81	38.65	40.58	42.61	683	Classified
NETWORK/MICROCOMPUTER SPECIALIST	35.02	36.77	38.60	40.52	42.58	630	Classified
INFORMATION SYSTEMS SUPPORT TECHNICIAN	28.68	30.11	31.65	33.22	34.83	633	Classified
COMPUTER OPERATOR ANALYST	32.42	34.03	35.69	37.50	39.37	629	Classified
COMPUTER OPERATOR	27.33	28.66	30.13	31.63	33.14	631	Classified
DATA SYSTEMS OPERATOR	24.65	25.78	27.05	28.33	29.67	160	Classified
AUDIO VIDEO SPECIALIST	27.33	28.66	30.13	31.63	33.14	641	Classified
VIDEO ASSISTANT					15.00	645	Classified



DATE: July 30, 2013

TO: Mayor and Council

FROM: Director of Public Works – Engineering & Transportation

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

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to amend the Professional Services Agreement with WLC Architects, Inc. for an additional amount not-to-exceed \$100,000 for architectural services to design a new Health Center in conjunction with the design of Fire Station No. 7.

BACKGROUND

The Alameda County Grand Jury (Grand Jury) has stated that Alameda County suffers from a critical shortage of access to health care for uninsured and low income residents, thus causing many to seek care in hospital emergency departments that are already overcrowded. Alameda County has attempted to improve this system by opening many community-based health clinics and has pioneered the establishment of school-based health clinics to help better serve this population. The Alameda County Health Care Services Agency (ACHCSA) has expanded upon this concept by proposing a pilot program to build community-based health clinics at a number of firehouses throughout the county. Besides providing much-needed medical care to this segment of the population, staff at these clinics will also be able to help patients enroll into the healthcare system.

The Grand Jury has concluded that initiating fire station health clinics is a creative approach to providing access to health care for all ages and that the clinics would be suited to serving the basic health care needs of the general population in a non-traditional and practical location and endorses the pilot program at Fire Station No. 7. The Grand Jury found that the fire station health clinic proposal is an innovative and worthwhile idea to both improve the delivery of basic health care and reduce the burden on local emergency departments. Furthermore, the Grand Jury recommends that the Board of Supervisors must approve the construction and funding of a health care clinic at the site of the new fire station in the City of Hayward.

DISCUSSION

Hayward Fire Station No. 7, located at 27280 Huntwood Avenue in Hayward, is currently a four-piece modular building with an adjacent apparatus bay which opened in 1998. The modular building is 4,300 square feet, and the apparatus bay is 2,300 square feet. This modular fire station is

dilapidated and lacking in several areas primarily due to its original purpose as a temporary facility. On July 17, 2012, Council authorized the City Manager to negotiate and enter into an agreement with WLC Architects, Inc. (WLC) for the design of a new Fire Station No. 7 in an amount not to exceed \$370,000.

Staff has determined that it is cost-effective to have the same architect design and prepare construction documents for a new Health Center. An amendment to the agreement with WLC is required to provide for additional design services pertaining to the Health Center at the site of Fire Station No. 7.

The proposed Health Center is envisioned to be a 2,400 square foot, one story building, which will consist of seven exam rooms, a waiting area, a treatment room, a consultation room, a laboratory, and restrooms. The outside architectural features will be compatible with the new Fire Station No. 7 building design.

WLC has extensive experience in the design of public buildings. Staff has found WLC's proposal to design the Health Center in conjunction with the new Fire Station No. 7 to be reasonable.

FISCAL IMPACT

The proposed amendment will add \$100,000 to the existing WLC agreement for architectural services, for a new total not-to-exceed amount of \$470,000. The Capital Projects – Governmental Fund includes \$400,000 in the Adopted FY 2014 Capital Improvement Program (CIP) for this design work. The fund contains adequate balance to accommodate this additional appropriation, which will be utilized to complete the design for the Health Center.

Once the architect completes the design and develops a construction cost estimate for the Fire Station No. 7 and the Health Center, a construction budget and a source of funding will be presented to Council for approval. It is worth noting that there may be other future sources of funds for the construction of this Health Center, and that County funds will be available to cover the operational costs.

PUBLIC CONTACT

Once the preliminary design is complete, a public information meeting will be scheduled to receive input from the community.

SCHEDULE

Began Design	August 6, 2012
Complete Design	September 2013

Prepared by: Yaw Owusu, Assistant City Engineer

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

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution

Attachment II: Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH WLC ARCHITECTS, INC. FOR ARCHITECTURAL SERVICES ASSOCIATED WITH THE DESIGN OF A HEALTH CENTER AS PART OF THE NEW FIRE STATION NO. 7 PROJECT, PROJECT NO. 07465

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, on behalf of the City of Hayward, an amendment to the agreement with WLC Architects, Inc. for architectural services associated with the design of a Health Center as part of the new Fire Station No. 7 Project, Project No. 07465, in an amount not-to-exceed \$100,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



HEALTH CENTER AT FIRE STATION NO. 7 SITE LOCATION MAP

DATE: July 30, 2013

TO: Mayor and City Council

FROM: Director of Public Works – Utilities & Environmental Services

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

RECOMMENDATION

That Council adopts the attached:

1. Resolution approving the designation of the Alameda County Source Reduction and Recycling Board as the Local Task Force under State Law for the purpose of reviewing and commenting on County Integrated Waste Management Plan Amendments; and
2. Resolution authorizing an amendment to the Alameda County Waste Management Authority Joint Powers Agreement (JPA).

BACKGROUND

The Alameda County Waste Management Authority (Authority) is a public agency formed in 1976 by a Joint Exercise of Powers Agreement among each of the fourteen cities within the county, the County of Alameda and two sanitary districts that provide collection services for garbage and recyclables. The Authority has a seventeen-member board composed of elected officials appointed by each member agency. The Authority is responsible for preparation of the Alameda County Integrated Waste Management Plan and the Alameda County Hazardous Waste Management Plan.

The Alameda County Source Reduction and Recycling Board (Recycling Board) was created in 1990 by the voters of Alameda County through a ballot initiative, Measure D. The eleven-member board includes six citizen experts appointed by the Alameda County Board of Supervisors and five elected officials from the Alameda County Waste Management Authority (For a list of members, their terms and the agency they represent, please see Attachment III). The Recycling Board is responsible for programs that promote waste reduction, residential and commercial recycling, recycled product procurement and market development.

DISCUSSION

Local Task Force - State law has established that all proposed County Integrated Waste Management Plan amendments be reviewed by a Local Task Force (LTF), which is an advisory group. For a number of years, the Local Task Force was a separate advisory body, appointed by the Authority Board. At the direction of the Authority Board and as part of the agency's Strategic Workplan, agency staff conducted a governance review to identify opportunities for a more efficient committee structure. One of the changes recommended by staff is to incorporate the Local Task Force function into the Recycling Board's area of responsibility. Doing so will provide a more efficient and streamlined approach. Staff recommends that Council adopt the attached resolution designating the Recycling Board as the Local Task Force.

Modification to Waste Management Authority Joint Powers Agreement JPA – During the governance review, an inconsistency was identified in Section 8 of the Authority's JPA. Section 8 of the JPA, "RESTRICTIONS UPON EXERCISE OF POWER OF BOARD" is a standard 'boilerplate' clause used in most JPAs to make clear that the JPA is not authorized to exercise its powers in contravention of law. However, as currently written, the JPA does not clarify which member agency's legal limitations apply if the boundaries of what is legal vary from member agency to member agency. In the absence of this clarification, the most stringent rule of any member agency applies. Knowing which member agency has the most stringent rules may be difficult to ascertain. Historically, the JPA has used the County's rules unless there was a more stringent rule known by one of the member agencies.

On Advice from their legal counsel, Authority staff has requested approval of additional text to Section 8 of the JPA on to eliminate the ambiguity and use the County's rules. The exact wording to be considered is as follows (modifications are in italics):

8. RESTRICTIONS UPON EXERCISE OF POWER OF BOARD

This agreement is entered into under the provisions of Government Code section 6500 et. Seq. concerning joint powers agreements. The powers to be exercised hereunder shall be subject to the restrictions upon the manner or exercising those powers as limited by law. *"The manner of exercising powers granted by this Agreement shall be subject to the same restrictions as imposed upon the County of Alameda. If at any time the County of Alameda is not a party to this Agreement, the manner of exercising powers granted by this Agreement shall be subject to the same restrictions as imposed upon the largest city within Alameda County that is a Waste Management Authority member."*

Staff recommends that Council adopt the attached resolution.

ECONOMIC IMPACT

These actions have no known economic impact on the community.

FISCAL IMPACT

These actions have no known fiscal impact on the City’s General Fund or other funds.

PUBLIC CONTACT

No public contact was made for this approval as they have no known impact on the community.

Prepared by: Vera Dahle-Lacaze, Solid Waste Manager

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

Approved by:



Fran David, City Manager

Attachments:

- Attachment I - Resolution
- Attachment II - Resolution
- Attachment III- Recycling Board Membership Dates
- Attachment IV- Chart showing existing and proposed structure of Waste Management Authority and Local Task Force

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION APPROVING DESIGNATION OF THE ALAMEDA COUNTY SOURCE REDUCTION AND RECYCLING BOARD AS THE LOCAL TASK FORCE UNDER STATE LAW FOR THE PURPOSE OF REVIEWING AND COMMENTING ON COUNTY INTEGRATED WASTE MANAGEMENT PLAN AMENDMENTS

WHEREAS, the California Public Resources Code Section 40950 requires the creation of a Local Task Force (LTF) to comment on possible County Integrated Waste Management Plan amendments and to otherwise provide non-binding guidance with respect to integrated solid waste planning, and

WHEREAS, the Alameda County Waste Management Authority (Authority), via Section 5.g. of the Joint Powers Agreement (JPA) creating it, is empowered to make replacement appointments to the LTF, subject to approval by the County Board of Supervisors and a double majority of the Cities in the County, and

WHEREAS, the Authority has appointed the Alameda County Source Reduction and Recycling Board as the LTF, as an efficiency improving measure in government (doing so consolidated a committee of the Authority with the LTF, eliminating the need for separate committee and task force meetings), pending approval by the County and a double majority of the Cities in the County.

WHEREAS, the Alameda County Charter Subsection 64.130.C., states that in order to avoid unnecessary administrative duplication the County Board of Supervisors shall seek the consent of a double majority of the Cities for the Alameda County Recycling Board to serve as the LTF, but in the event such appointment does not occur, the Recycling Board shall review any recommendations of the LTF regarding source reduction and recycling.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward approves designation of the Alameda County Source Reduction and Recycling Board as the Local Task Force.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION APPROVING AN AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT CREATING THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

WHEREAS, the Alameda County Waste Management Authority (Authority) was founded in 1976 and currently operates under a Joint Exercise of Powers Agreement (JPA) most recently revised October 10, 2008, for the purpose of preparing, adopting, revising, amending, administering, implementing and enforcing the Countywide Integrated Waste Management Plan and Alameda County Hazardous Waste Management Plan,

WHEREAS, the Authority, as part of its Strategic Workplan 2020 (developed collaboratively with the Alameda County Source Reduction and Recycling Board) initiated a complete governance review in 2010 which has concluded that a specific amendment to the Authority JPA would promote transparency and efficiency in government; and

WHEREAS, Section 8 of the existing Authority JPA does not include typical language that states the member agency rules that govern in the event of a conflict between member agency rules.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward approves adding the following sentences to the end of Section 8 of the existing Authority JPA: “The manner of exercising powers granted by this Agreement shall be subject to the same restrictions as imposed upon the County of Alameda. If at any time the County of Alameda is not a party to this Agreement, the manner of exercising powers granted by this Agreement shall be subject to the same restrictions as imposed upon the largest city within Alameda County that is a Waste Management Authority member”

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Alameda County Source Reduction and Recycling Board
Membership Roster
 July 2013

MEMBER	REPRESENTING	APPT. DATE	TERM EXPIRING
Biddle, Don	City of Dublin	1. March 27, 2013	1. March 26, 2015
Barbara Halliday	City of Hayward	1. June 24, 2013	2. June 23, 2015
Ivy, Nathan	Environmental Educator	1. June 16, 2009 2. July 26, 2011	1. June 15, 2011 2. June 16, 2013
Jewell, Rebecca	Solid Waste Industry	1. October 27, 2009 2. October 27, 2011	1. October 26, 2011 2. October 27, 2013
Kirschenheuter, Chris	Recycling Programs	1. December 4, 2012	1. December 3, 2014
Natarajan, Anu	City of Fremont	1. May 13, 2010 2. July 12, 2012	1. May 12, 2012 2. July 12, 2014
O'Donnell, Daniel	Environmental Organization	1. July 16, 2012	1. July 15, 2014
Reid, Treva	Recycling Materials Processing Industry	1. June 16, 2009 2. July 27, 2011	1. June 15, 2011 2. June 16, 2013
Turner, Laureen	City of Livermore	1. February 22, 2012	1. February 21, 2014
Wozniak, Gordon	City of Berkeley	1. July 28, 2010 2. September 26, 2012	1. July 27, 2012 2. September 25, 2014
Vacant	Source Reduction and Recycling		
Terms Expiring in 2013			
June 16, 2013	Nathan Ivy	2nd Term	
June 16, 2013	Treva Reid	2nd Term	
October 27, 2013	Rebecca Jewell	2nd Term	

Existing and Proposed Structure of Waste Management Authority Board and Local Task Force

PREVIOUS MODEL

Waste Management Authority Board

- 17 members from each of the 14 cities, County, and two local sanitary districts.

Source Reduction and Recycling Board

- 11 member board
- 5 appointed by and from Waste Management Authority Board
- 6 others appointed by the Board of Supervisors

Local Task Force

- Appointed by Waste Management Authority Board

PROPOSED MODEL

Waste Management Authority Board

Source Reduction and Recycling Board (Serves as Local Task Force)

DATE: July 30, 2013

TO: Mayor and City Council

FROM: Development Services Director

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

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to execute contracts with four firms for outside plan check and inspection services.

BACKGROUND

The City of Hayward has historically entered into agreements with private firms for plan check services regarding demand that exceeds the availability or capacity of City staff. The cost for such services is entirely borne by permit applicants. This arrangement lets the City employ the number of permanent staff necessary to meet the average level of demand for plan check services, yet remain flexible enough to provide additional more specialized plan check services when required. Keeping several firms under contract and available to respond also insulates the City from the difficulty of trying to find qualified firms or persons to assist us on short notice. Having several firms under contract also allows the City to distribute work to firms based on their specific area of specialization and on their staff availability. The continuous relationship also encourages the firms to give the City special consideration on turnaround time and priority review. The City last solicited proposals from plan check firms three years ago. The contracts are for three years with annual evaluation, with an expiration date of November 30, 2013.

DISCUSSION

Given the limited in-house staff capacity and because a few large projects will begin or have begun construction in the near term that will take at least a year to construct and require a significant number of inspections (Stonebrae Clubhouse; South Hayward BART Transit-Oriented Development), staff is recommending that in addition to plan check services, the City also seek outside inspection services. Staff issued a request for proposals (RFP) to eleven firms on June 21 for such services. Staff reviewed the eight proposals received and has selected the four firms identified below, whose rates and experience justify their selection. All selected firms have indicated their rates will not exceed the City's plan check and inspection fees. Three of the

recommended firms, ASI, Consulting Engineers, West Coast Consultants, and Kutzmann & Associates, are currently under contract and have met both the City's and customers' needs for several years. Staff is suggesting adding a fourth firm, CSG, Consultants, to increase our plan check and inspection capacity. CSG, Consultants is being recommended as they provide these services for over sixty jurisdictions in Northern California and Nevada.

Each firm has the capacity to perform thorough inspections and review of plans with timely turnaround of reviews and to provide excellent customer service. The Council has approved multi-year contracts for plan check services in the past with the proviso that they are subject to annual appropriation through the budget process.

The four firms for which authorization to execute agreements are sought are: West Coast Consultants (WC₃); Kutzmann & Associates, Inc.; ASI Consulting Engineers; and CSG, Consultants.

FISCAL IMPACT

The cost of contracting for consultant plan check services is offset by the fees paid for plan check by the permit applicant at the time plans are submitted. Inspection costs are offset by the permit fee at the time the permit is issued. As stated earlier, consultants' plan check and inspection fees shall not exceed the City's plan check and inspection fees collected for permits by the City. Consultants are hired for each project they review or inspect, so there is no cost to the City if demand for plan check or inspection services is diminished. Staff is recommending authorization to enter into agreements in an amount not to exceed \$240,000 for plan check services and \$100,000 for inspection services per fiscal year. The \$340,000 amount is already included in the adopted FY14 budget. These services will allow staff to assure large projects, such as complex commercial and industrial projects or subdivisions that involve multiple sets of plans, can be reviewed in a timely manner.

Staff is also recommending that no more than half the requested total \$340,000 amount, or \$170,000, be contracted to any one consulting firm annually. As an example: One firm may receive \$170,000, another firm \$100,000, another firm \$40,000, and the remaining firm \$30,000. In no case would the total exceed \$340,000, or would any firm receive more than one-half (\$170,000) of the total. Variations in the amount of work a consultant receives may depend on the consultant's ability to provide expedited or timely services as needed by the City. This approach will provide flexibility to increase efficiencies and provide better customer service to our customers.

PUBLIC CONTACT

A formal RFP process was used, as described above. As noted earlier, staff gave consideration in the selection process to the past performance of the consultants regarding customer service. Three of the consultants have proactively searched for ways to help our customers resolve difficult technical issues and have met our shortened review periods in the past, and the fourth firm has provided information and references that have indicated a priority on customer service.

SCHEDULE

Staff recommends the City Council approve the attached resolution authorizing the execution of agreements for plan check and inspection services with each of the above named firms for a period of three years in an amount not to exceed \$340,000 total per fiscal year. These contracts will be effective from August 15, 2013 through June 30, 2016.

Prepared by: Gary Lepori, City Building Official

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

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Resolution
Attachment II	Scope of Services from West Coast Consultants (WC ₃)
Attachment III	Scope of Services from Kutzmann & Associates, Inc.
Attachment IV	Scope of Services from ASI Consulting Engineers
Attachment V	Scope of Services from CSG, Consultants

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS FOR OUTSIDE PLAN CHECK AND INSPECTION SERVICES

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized to negotiate and execute agreements for plan check and inspection services with each of the firms named below for a term of three years through June 30, 2016 and in a total amount not to exceed \$340,000 in any fiscal year for all outside plan check and inspection services authorized by this resolution, in a form to be approved by the City Attorney.

- West Coast Consultants (WC3)
- Kutzmann & Associates, Inc.
- ASI Consulting Engineers
- CSG, Consultants

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

SOQ

Statement of Qualifications

for Plan Check and
Inspection Services

RFP#1323-062113

PREPARED FOR THE CITY OF
HAYWARD



West Coast Code Consultants, Inc.

www.WC-3.com

2400 Camino Ramon
Suite #240
San Ramon, CA 94583
Office: (925) 275-1700
Fax: (925) 275-0600

July 7, 2013

Gary Lepori, CBO
City of Hayward
777 B Street, Third Floor
Hayward, CA 94541



Re: Proposal for Plan Check and Inspection Services | RFP No. 1323-062113

Dear Mr. Lepori:

West Coast Code Consultants, Inc. (WC³) is pleased to present our proposal. We understand the City is requesting assistance in plan review and inspection services for review of commercial and residential plans and compliance with pertinent codes. Our team of highly qualified staff and our track-record of outstanding service to our clients makes our firm ideally suited for providing the City services requested; we are an established firm and perform these same services for many neighboring communities.

Our scope of services, comprehensive approach and work plan, compensation, the firm's background and years of experience, staff qualifications, a sampling of various projects, and terms of agreement are all presented within our proposal. We offer services and personnel for onsite as well as plan review from our conveniently located office. Our key strategies are as follows:

- ◆ *Conduct quality **plan reviews that meet or beat the required turnaround times***
- ◆ *Furnish **accurate and responsive** inspection services for compliance with current codes and City regulations*
- ◆ *Provide all services in a **cost-effective** manner*
- ◆ *Provide the **highest level of customer service** for internal and external customers*
- ◆ *Balance the need to ensure conformance to standards and regulations with the need for **predictability, uniformity, and efficiency***

Should you have any questions or require further information, please do not hesitate to contact me at (925) 766-5600 or giyan@wc-3.com.

Thank you for considering WC³ for your building and safety services. We look forward to the opportunity to work with you and your staff, and are confident in delivering outstanding service and technical excellence for the City of Hayward.

Sincerely,

West Coast Code Consultants, Inc.

Giyan A. Senaratne, PE, SE, LEED AP, CASp
Principal/CEO
2400 Camino Ramon, Suite 240 | San Ramon, CA 94583
T: 925.275.1700 or C: 925.766.5600
giyan@wc-3.com | www.wc-3.com



Letter of Introduction



PROVIDING SEAMLESS SERVICE AND OUTSTANDING SOLUTIONS FOR YOUR COMMUNITY'S BUILDING DEPARTMENT



WEST COAST CODE CONSULTANTS, INC.
2400 Camino Ramon, Suite 240
San Ramon, CA 94583
Office: 925.275.1700 • Fax: 925.275.0600
www.WC-3.com

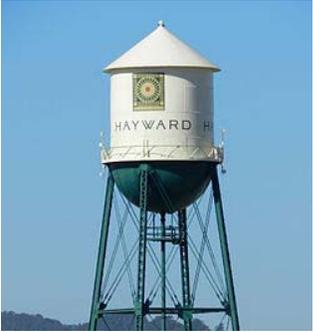


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Summary

Project Goals

WC³ has read and will comply with all requested and required elements of the RFP. We acknowledge the City's request for on-call plan review and inspection services including (but not limited to) review of commercial and residential plans and documents for compliance with the 2010 California Codes as adopted/ amended by the City and subsequent code cycles, the 2013 California Codes in effect 1/1/14. WC³ brings extensive experience with all types of construction and occupancies, from single family homes to high rise construction. Our experience extends to industrial projects, hazardous facilities, medical clinics (OSHPD 3), data centers and much more. WC³ performs comprehensive plan reviews and building inspections for compliance to the adopted California Building Codes, local ordinances, and state and federal laws.

Company Highlights

- ▶ Staff members are licensed professionals, certified plans examiners, permit technicians, and inspectors with expertise in the latest California Building Codes.
- ▶ WC³ has certified combination inspectors with substantial experience readily available.
- ▶ WC³ can assist with Building Official Services, Civil Review, Planning Services, and Code Enforcement Services.
- ▶ Professional, high quality and timely service is our top priority.
- ▶ WC³ has three full-time Structural Engineers (S.E.) on staff with extensive plan checking experience.
- ▶ Our office is skilled in the oversight of complex projects such as mixed occupancies, industrial facilities, hazardous occupancies, and high-rise construction.
- ▶ On staff are certified LEED, HazMat, and CASp specialists.
- ▶ WC³ only works for government institutions which prevents any conflict of interest.
- ▶ WC³ is committed to maintaining our clients' plan review turnaround times.
- ▶ Third party and expedited plan reviews are available.
- ▶ Our staff works collaboratively with our clients and their customers to achieve project code compliance with the fewest plan review cycles as possible.
- ▶ We have several seasoned instructors who provide quality training to building departments, architects, engineers, and building safety industry organizations.
- ▶ WC³ has developed an Electronic Document Management System (EDMS) that can be utilized for electronic plan review, document management, and data storage and retrieval.



Summary



Description and Capabilities

Firm History

WC³ was founded by Giyan Senaratne, PE, SE, LEED AP, CASp, in 2006 to provide outstanding building and safety code consulting services to city, county, state, and federal government agencies. Our services have naturally expanded to include planning, code enforcement, and public works review and inspections. Within six years WC³, a California “S” Corporation, has grown from four employees and one client to a team consisting of over thirty-five engineers, architects, planners, plans examiners, inspectors, code enforcement officers, building officials, permit technicians and administrative support providing services for more than 20 jurisdictional agencies. Our San Ramon location houses our corporate office where 25+ employees work and will be assisting the City of Hayward. Key to this growth is an outstanding group of experienced professionals; committed and passionate about their work.

Relevant Experience

Our firm and team of professionals deliver longtime experience in furnishing comprehensive consultant services to jurisdictions and agencies. Leading-edge digital plan review capacity, quick turnaround times and responsive staffing capabilities leads to time and cost-savings for all clients. WC³ will furnish the highest level of customer service to the City, staff and departments, and to the ultimate client—the citizens of Hayward. We encourage contact with all references highlighted later within this proposal to explore the entire scope of our accomplishments and successes. We have significant experience with neighboring communities.

Most recently, WC³ was awarded plan review services for the landmark Apple Campus 2 Project in the City of Cupertino. Our work with the California Energy Commission as acting Building Official managing the plan review, inspections, and document control has furthered WC³'s recognition as a building code consultant. WC³ has experienced yearly growth since the company was founded in 2006, and is looking forward to continuing this strong performance in the future.

The following pages represent a small listing of notable projects and staff ability with a variety of construction types and occupancies. Distinct features of each project required a comprehensive understanding of the multiple building codes and the ability to work with design teams to help resolve code issues.



Description and Capabilities



WALNUT CREEK LIBRARY



Occupancy: A-3, B, and S-3
Location: City of Walnut Creek, CA
Valuation: \$10.5 Million
Contact: Sharron Goie,
 Chief Building Official
 925.943.5828
Construction: V-1hr and I-FR, Sprinklers
Date: 2008

New two-story, 42,000 s.f. steel framed building over a Type I garage. WC³ provided complete building plan review for this project.

PIXAR ANIMATION STUDIOS



Occupancy: A-1, A-2, A-3, B, F -1, S-1
Location: City of Emeryville, CA
Valuation: \$68 Million
Contact: Charles Bryant,
 Planning and Bldg. Director
 510.596.4361
Construction: Type 1-B, Sprinklers
Date: 2010

New three-story building with basement consisting of theaters, screening rooms, office space, and a grand atrium all protected by a smoke control system. The structural system is poured in place concrete slabs with concrete shear walls. Scope of work included the complete plan review along with building inspection and project management.

AGE SONG



Occupancy: I-1, R-2, B, M, and S-2
Location: City of Emeryville, CA
Valuation: \$20 Million
Contact: Charles Bryant,
 Planning and Building Director
 510.596.4361
Construction: Type I-B, Sprinklers
Date: 2009

New five-story, 120,000 sq. ft. assisted care and mixed use facility. This project included a therapy pool and recreational facility on the top floor. The scope of work included the complete plan review, building inspections, and project management.



Description and Capabilities



EMERY STATION EAST



Occupancy:	B, L, H-3, S-2, M
Location:	City of Emeryville, CA
Valuation:	55.0 Million
Contact:	Charles Bryant, 510.596.4361
Construction:	Type I-A, Sprinklers
Date:	2008

Project consists of a four building campus on a 10.6 acre site. The six-story building including two stories of parking one below grade. This building is used for bio-medical research and development. The scope of work included the complete plan review, inspections, and project management.

BAY STREET MALL



Occupancy:	R-2, S-2, M
Location:	City of Emeryville, CA
Valuation:	300 Million - 5 Bldgs.
Contact:	Charles Bryant, 510.596.4361
Construction:	Type I-A, III-A, Sprinklers
Date:	2004

This large retail mall is anchored by a large 6-theater cinema and covered by four stories of residential condominiums rerouted in the center of downtown. A private street runs the length of the mall and a reconstructed public street provides access. Contaminated soil mitigation and Native Indian artifact relocation were significant mile stones in construction. New fire mains were constructed providing for fire loops. The scope of work included the complete plan review, building inspections, and project management.

GLAUSHOUSE



Occupancy:	R-2, M, S-2
Location:	City of Emeryville, CA
Valuation:	50 Million
Contact:	Charles Bryant, 510.596.4361
Construction:	Type V-A, I-A, Sprinklers
Date:	2007

A 125,000 sf. podium type building consisting of four stories of residential wood construction over a Type I concrete garage. Street improvements included sidewalks, sewer, joint utility trenches, C-3 stormwater pollution prevention, landscaping, and street lighting. Stormwater pollution prevention (SWPPP) was incorporated during construction procedures. The scope of work included complete plan review, building inspections, public works inspection and project management.



Description and Capabilities



Project Team, Credentials and Experience

Project Management

Should WC³ be awarded the contract, WC³ will assign **Mr. Giyan Senaratne, PE, SE, LEED AP, CASp** as our Project Manager for this engagement. Mr. Senaratne will carry the overall responsibility of this engagement as the Principal and CEO of WC³, ensuring an open and efficient line of communication between City staff, WC³'s staff, and the applicant. He will maintain the work flow and oversee quality to meet the plan review and inspection needs of the City. His contact information is below:

Giyan A. Senaratne, PE, SE, LEED AP, CASp
 2400 Camino Ramon, Suite 240
 San Ramon, CA 94583
 T: 925.275.1700 | C: 925.766.5600
 giyan@wc-3.com

WC³ Team

Our employees are well known in the construction industry and have developed long-standing relationships with not only our clients but also project owners, architects, engineers, and contractors. We earn the confidence of all project stakeholders by going the extra mile to resolve code issues, delivering services on time, and assisting in ensuring projects will be designed and constructed in accordance with the multiple codes, regulations, and ordinances.

All key personnel have experience with building departments and have worked directly with municipalities providing building plan review, building inspection, over-the-counter plan reviews, counter services, and building official services. The following is a brief description of qualifications for staff who will work directly with the City of Hayward. Complete resumes are provided in the Appendix.



Project Team, Credentials and Experience



Staff Qualifications

All key personnel have experience with building departments and have worked directly with municipalities providing building plan review, building inspection, over-the-counter plan reviews, counter services, and building official services.

Plan review staffing listed below is available for offsite plan review services. If onsite review is requested, the following individuals as well as additional staffing would be discussed and appropriate candidates offered. Inspection staff listed highlights the level of experience and certification available to the City; upon award of contract, potential candidates will be selected and presented to the City for approval. The following is a brief description of qualifications and capabilities:

Name	Position	Licenses / Certifications / Education	Experience
Giyon Senaratne, PE, SE, CASp, LEED AP	Principal-in-Charge	Registered Structural Engineer - CA #4457 Registered Civil Engineer - CA #46194 Registered Structural Engineer - AZ #41242 Registered Civil/ Structural – NV # 021418 Registered Civil/Structural Engineer - WA #49198 ICBO & ICC Certified Plans Examiner LEED AP Credential Certified Access Specialist (CASp) M.S. Structural Engineering, 1990 B.S. Civil Engineering, 1985	25 years WC3: 7 Years
Curtis Hume, PE, SE	Senior Structural Engineer	Registered Structural Engineer - CA #3134 Registered Civil Engineer - CA #38266 Registered Structural Engineer - AZ # 52439 Registered Civil/Structural Engineer – WA # 49086 Masters of Business Administration, 1987 M.S. Structural Engineering, 1981 B.S. Civil Engineering, 1980	31 Years WC3: 3 Years
Chris Kimball, PE, SE	Senior Structural Engineer	Registered Structural Engineer - UT #4775874 Registered Civil Engineer - CA #C67857 Registered Civil Engineer - NV #019503 Registered Civil Engineer - AZ #48503 M.S. Structural Engineering, 2001 B.S. Civil Engineering, 2000	11 Years WC3: 3 Years



Project Team, Credentials and Experience



Donald Zhao, PE, MCP, CBO	Plan Review Engineer, Master Code Professional, CBO	Registered Professional Engineer - CA #79273 ICC Certifications - #53000664: Accessibility Inspector/Plans Examiner Building Inspector Building Plans Examiner California Commercial Mechanical Inspector California Commercial Plumbing Inspector California Residential Building Inspector Certified Building Code Official Certified Building Official Certified Mechanical Code Official Certified Plumbing Code Official Combination Inspector Commercial Building Inspector Commercial Combination Inspector Commercial Electrical Inspector Commercial Mechanical Inspector Commercial Plumbing Inspector Electrical Inspector Master Code Professional Mechanical Inspector Mechanical Plans Examiner Plumbing Inspector Plumbing Plans Examiner Residential Building Inspector Residential Combination Inspector Residential Electrical Inspector Residential Energy Inspector/Plans Examiner Residential Mechanical Inspector Residential Plans Examiner Residential Plumbing Inspector CAL EMA Safety Assessment Program Evaluator, ID# 69019	7 Years WC3: Recently Hired
Chris Bradbury, PE, SE	Senior Structural Engi- neer	Registered Structural Engineer - CA #5329, Registered Professional Engineer - CA #C-63919 Disaster Services Worker - (SAPV10961)	13 Years WC3: 2 Years
Fardad Foroutan, PE	Plan Review Engineer	Registered Civil Engineer - CA #43935 M.S. Structural Engineering, 1983 B.S. Civil Engineering, 1981	29 Years WC3: 3 Years
Kenny Hou, Architect	Plan Review Architect	Registered Architect - CA #27626 ICC Certified Plans Examiner ICC Certified Building Inspector ICC Cert. Combination Inspector ICC Cert. Plumbing Inspector ICC Cert. Mechanical Inspector ATC - 20 Post Disaster Safety SAP - Safety Assess. Program B.A. Architecture, 1990	22 Years WC3: 3 Years
Chris Cunan, Architect	Plan Review Architect/ Non-Structural Plan Review	Registered Architect - CA #26950, NV #4979, OR #5003, UT #7706540-0301, MT #3283 National Council of Arch. Reg. Boards #97296 Bachelor of Architecture, 1989 ICC Certified Plans Examiner	25 Years WC3: 2 Years



Project Team, Credentials and Experience



Todd Snider, PE	Plan Review Engineer	Registered Professional Engineer – UT # 7697949-2202 Registered Professional Engineer – TX # 107991 ICC Certified Plans Examiner M.S. Structural Engineering, 2010 B.S. Civil Engineering, 2006	6 Years WC3: 3 Years
Lisa O'Malley Architect	Plans Examiner Plan Review Architect	B. A., Architecture, 1984 ICC Certified Plans Examiner	25 Years WC3: 2 Years
Zahra Fattah	Plans Examiner Engineer	B.S. Structural Engineering, 1997 B.S. Applied Physics, 1995 ICC Certified Plans Examiner	11 Years WC3: 7 Years
Vinith Bogoda	Plans Examiner Building Inspector	ICC Certified Plumbing Plans Examiner B.S. , Mechanical Engineering, 1981	30 Years WC3: 4 Years
Martin Olsen	Senior Building Inspector	Building Code Official Building Official Electrical Code Official Building Plans Examiner Electrical Plans Examiner Combination Inspector—Legacy Combination Inspector Commercial Combination Inspector Building Inspector Plumbing Inspector Plumbing Inspector - UP Electrical Inspector Mechanical Inspector Mechanical Inspector - UMC ATC-20 Disaster Response Code Enforcement P.C. 832 Module 1 California Private Instructors Credential - Electrical 40-Hour Hazwoper	15 Years WC3: 3 Years



Project Team, Credentials and Experience

WC³ Network

Our participation in local building departments has formed a strong network of professionals ready to assist in planning, building, code enforcement, and public works. Should the City require extra support, we can assist in finding the right person to fit the position. Our prominent reputation and considerable benefits package provides incentive to the most experienced of professionals.



Building Plan Review

WC³ will provide the following scope of building plan review services by performing plan reviews at our main office in San Ramon or, if requested, at the City's Building Division. Plans will be carefully reviewed for their compliance with the model codes adopted by the State of California and amended by the City of Hayward. We have read and will comply with specifics set forward within the Request for Proposal. Plans are thoroughly reviewed for the following:

- ◆ *Life Safety Plan Review*
- ◆ *Structural Plan Review*
- ◆ *Electrical Plan Review*
- ◆ *Mechanical Plan Review*
- ◆ *Plumbing Plan Review*
- ◆ *Fire Plan Review*
- ◆ *City Ordinances, Policies and Conditions of Project Approval*
- ◆ *Title-24 Accessibility Plan Review*
- ◆ *Title-24 Energy Plan Review*
- ◆ *CAL Green Plan Review*
- ◆ *Geotechnical Report Review*
- ◆ *Historical Building Code Plan Review*
- ◆ *OSHPD - 3 Plan Review*

Our structural plan review staff is experienced in reviewing new and retrofit projects utilizing wood, masonry, reinforced concrete, pre-stressed concrete, structural steel, and light gauge steel construction. We have reviewed projects using the following codes, standards, and criteria:

- ◆ *2010 California Building Code*
- ◆ *ASCE 7-05 and 7-10*
- ◆ *2009 IEBC*
- ◆ *FEMA 350, 351, and 353*
- ◆ *ACI 318-05*
- ◆ *TMS 402-08*
- ◆ *2010 California Residential Code*
- ◆ *ASCE 31 and 41*
- ◆ *NEHRP Guidelines*
- ◆ *AISC 341-05, 358-05, and 360-05*
- ◆ *ANSI/AF&PA NDS-08*
- ◆ *AISI S100 to S230-07*



Project Team, Credentials and Experience



Plan Review Turnaround Schedules

Our comprehensive plan reviews are returned promptly to meet your needs. WC³ will commit to completing plan reviews within the timeline expectations required by the City of Hayward; our typical turnaround times are listed below. For extraordinarily complex projects, WC³ will immediately inform the City and agree on an appropriate turnaround time prior to starting the review. Typical turnaround time for complex projects is 15-days for the first review and 10 days for the recheck.

Typical Plan Review Turnaround Schedule		
Type of Project	Turnaround Time *	
	First Review (Working Days)	Recheck (Working Days)
New Residential Construction, Additions, and Remodels	10	5
New Multi Family	10	5
New Commercial Construction	10	5
Commercial Additions	10	5
Tenant Improvements	10	5

**All turnaround times have been specified from the day they are received in our San Ramon office.*

Accelerated Plan Review

Accelerated plan review can be accommodated given a 24-hour notice to allow for schedule modifications and possible weekend or overtime work. WC³ will require compensation for accelerated reviews as specified in the Cost/Finance section of this proposal and agreed upon with the City.



Project Team, Credentials and Experience



Plan Review Process

Outlined below is the general process WC³ utilizes to provide plan review services. This is presented as a guideline to be adjusted according to the unique processing procedures of your jurisdiction. We will work with the City in a seamless manner for review of plans for code compliance, keeping projects accurately and swiftly moving to the finish line. We have read and will comply with the City's requirements as outlined in the RFP. We understand the City requires all plans to be reviewed for structural design and compliances with the California Building, Plumbing, Mechanical and Electrical Codes and all applicable State, Federal and local laws.

REVIEW

- ◆ *Plan reviews result in typewritten lists of comments always referring to specific details, drawing sheets, and applicable code sections. Should the City have a specific format for correction or approval letters we are happy to utilize your format.*
- ◆ *An information binder for the City of Hayward will be maintained to identify items of specific interest to the City. This binder is accessed during each review to ensure City concerns are addressed.*
- ◆ *WC³ understands code interpretations are subject to final review and approval by the Building Official. It is further understood all plan review comments are subject to the review by City staff members.*
- ◆ *Revisions to plans previously approved for permit issuance or changes that occur to plans prior to such approval will be performed as requested by the City of Hayward and billed per our hourly rates.*
- ◆ *Plan checks will be conducted within timeframe guidelines established by the City and identified under the Plan Review Turnaround Schedule.*
- ◆ *Expedited reviews can be accommodated given a 24-hour notice.*

PROCESS

- ◆ *Offsite plan reviews will be performed at WC³'s San Ramon office. Conveniently located just over a 30-minute drive to the City Hall.*
- ◆ *Courier service will be assigned for plans pick-up on the same day when notified by noon or otherwise within one working day. WC³ will utilize established UPS ground service to pick up all documents to be delivered to our San Ramon office at no additional cost to the City.*
- ◆ *A tracking log will be maintained per request.*
- ◆ *Correction lists will be electronically sent to the City-designated staff members for inclusion in a consolidated correction letter. Any other applicable correspondence will be sent via electronic mail.*
- ◆ *All communication with the applicant's designee will be conducted and coordinated as required to assist in responding to our plan review letters. We will work with the City's preferred method of communication.*



Project Team, Credentials and Experience



- ◆ *Plan review approval will not be recommended to the City until all code compliance issues are resolved to the best of our knowledge and all permit issuance requirements of the City Building Division are satisfied. WC³ will contact the City if there are any questions.*
- ◆ *Plans with deferred correction items will require 2 sets of plans returned for the Building Official's determination and include copies of correction lists and applicable correspondence.*
- ◆ *Any appeals and/or requests for use of alternative materials, design and methods of construction will be forwarded to the Building Official for determination with recommendations on appropriate response.*
- ◆ *Upon completion of the plan review, WC³ will forward to the City a transmittal and required complete sets of all final plans and associated documents, and a copy of the tracking log.*
- ◆ *WC³ will obtain special inspectors' names, firm and signature for special inspection forms.*
- ◆ *The project manager will be designated as the contact person for any review of engineering reports that analyze seismic adequacy of buildings.*

STAFF

- ◆ *WC³ will assign professional, qualified personnel to perform plan reviews for residential, commercial, and industrial projects. A summary of qualifications are included within this proposal.*
- ◆ *WC³ has staff members with exceptional experience reviewing complex structures and specialized facilities including the review of OSHPD-3 regulations.*
- ◆ *Plan review staff is available for onsite work for temporary or part time plan review needs given a 24-hour notice. For more full time or long term onsite plan review, WC³ carries a network of personnel from which to draw. WC³ continuously researches and interviews prospective employees to fill requested positions quickly.*
- ◆ *Staff members are available to discuss projects with City staff, project designers, and the construction team by telephone, e-mail, web conference, and fax during all normal business hours, at no additional cost to the City for projects paid on percentage.*



Project Team, Credentials and Experience



Communication

Staff members are available to discuss projects with City staff, project designers, and the construction team by telephone, e-mail, web conference, and fax during all normal business hours, at no additional cost to the City for projects paid on percentage. All inspection personnel are thoroughly trained and familiar with jurisdictional processes, working within multiple departments, and serving the public.

Online Portal

A protected online portal can be established for quick access and information regarding plan review status during the review process.

Code Interpretations

Code interpretations are subject to final review and approval by the Building Official. WC³ engineers and plans examiners will provide unbiased recommendations and background information to help the Building Official make an informed decision. All plan review comments are subject to review and approval by the City of Hayward Building Department.



Project Team, Credentials and Experience



Online Plan Check Services

WC³ will provide electronic plan review and the required protocol for electronic submittals and processing when this service is utilized. WC³ can easily train City staff regarding submittals, processing, and issuance of projects reviewed electronically. WC³ has the ability to review, mark-up and transport plans of any size electronically.

Electronic Document Management System

Should the City request documents be transported electronically or tracked electronically, WC³ provides a web-based **Electronic Document Management System (EDMS)** which allows applications to be 100% paperless. Our **EDMS** allows applicants to submit plans and documents electronically, and much more:

- ◆ *Electronic submission of large or small documents such as plans, specifications, calculations and reports.*
- ◆ *Electronic plan reviews.*
- ◆ *View all submitted documents.*
- ◆ *View red-marked comments on files.*
- ◆ *Track submittal status.*
- ◆ *Sign and issue permit documents electronically.*
- ◆ *Track field reports and scan project photos.*
- ◆ *Maintain a distinct and secure **EDMS** per jurisdiction or large project.*
- ◆ *Send notification of submittal /permit status.*
- ◆ *Provide secure usernames and passwords to interested parties.*
- ◆ *Electronic archiving of plans, specifications, calculations and reports.*
- ◆ *Can accommodate any type or size of project.*

We are also introducing our **ePROCESS360 Document Management System**. With the great success of our EDMS system, WC³ is expanding its functionality to accommodate the growing need for government organizations to go paperless. Our electronic document management system and document portal not only manages the jurisdiction's process, but also allows access to the public for submitting documents, retrieving and viewing files, and verifying project status. More importantly, the system can be easily customized for specific forms and processes as the need arises.

Status Reports

WC³ will provide the City with a monthly plan review status report on all projects assigned.



Project Team, Credentials and Experience



CASp Review and Inspection Services

Our CASp certified staff are knowledgeable of state and federal accessibility laws and regulations and possesses the expertise necessary to promote access to facilities for persons with disabilities. In accordance with newly-formed rules and regulations we can supply CASp certified professionals for review and/or inspection for accessibility and will comply with regulations to provide a sufficient number of building department staff who are CASP certified by January 1, 2014.

Building Inspection Services

WC³ understands building inspection is critical to every project. Each of our inspectors can perform combination building inspections to ensure construction complies with the applicable codes as depicted on the approved plans. Having worked in various jurisdictions our inspection staff can assess procedures quickly. They will perform inspections and provide reports and associated inspection services in the manner established by the City of Hayward. All inspections will be performed for structural design and compliances with the California Building, Plumbing, Mechanical and Electrical Codes and all applicable State, Federal and local laws. WC³ proposes the use of any one of our experienced inspectors to perform on-call inspection services for the City of Hayward. A typical response to a request for on-call inspections services is within 24 hours. WC³'s inspectors will provide services to the City as if they were regular members of your inspection staff. Typical inspection services include, but are not limited to:

- ◆ *All field inspections will be performed through the City Building Division and under the direction of City staff members.*
- ◆ *WC³ will assign personnel who are professionally qualified to perform commercial and residential construction inspection. All materials, resources, tools, and training will be provided by WC³.*
- ◆ *Projects under construction by permit from the City will be inspected for compliance with all applicable state codes and local ordinances.*
- ◆ *WC³ staff will coordinate all inspection and re-inspection requests in the same manner established by the City.*
- ◆ *Our field inspectors will enter all inspection records into the City's permit tracking system, will maintain all inspection records, correction notices, and all documentation related to design changes for all assigned projects.*
- ◆ *WC³ staff will coordinate with the Chief Building Official and/or Inspection Services Supervisor on all Certificates of Occupancy to confirm that all applicable City departments and regulatory agencies have approved the project.*
- ◆ *Our field inspectors will confer with the Chief Building Official and/or Inspection Services Supervisor on all discretionary decisions or requests for alternate materials or types of construction.*



Project Team, Credentials and Experience



- ◆ *WC³ field inspectors will attend and participate in weekly Division staff meeting and training events sponsored by the City.*
- ◆ *Our inspectors will be available within one business day to respond to questions from the City that may be generated during field inspection.*
- ◆ *At the end of each month, a final invoice for field inspection services shall be provided and submitted to the Chief Building Official for verification. The invoice will include a list of the projects inspected by address and/or permit number.*

Additional Services Available

As a leading consultant with exceptional resources, we also offer the following additional services. We would be pleased to expand on any of our qualifications:

- ◆ *Front Counter Support | Permit Technician Services*
- ◆ *Sustainability Review*
- ◆ *Fire Prevention Plan Review and Inspection*
- ◆ *Public Works Plan Review and Field Inspection*
- ◆ *Code Enforcement*
- ◆ *Planning Services*
- ◆ *Electronic Document Management and Review*



Project Team, Credentials and Experience



References

WC³ prides itself in providing excellent customer service to all. The following list highlights our California clients, served over the last five years, who may be contacted as a reference. Services include plan review and/or inspection involving multiple personnel for plan review and a variety of available inspectors for inspections.

City of San Jose

Chu Chang, PE, CBO | Building Official
200 E. Santa Clara Street
San José, CA 95113
408.535.7887
page.benway@sanjoseca.gov
984,299 Population
Services: 2013 - Ongoing

City of Santa Clara

Sheila Lee, PE | Building Official
1500 Warburton Avenue
Santa Clara, CA 95050
408.615.2404
slee@santaclaraca.gov
984,299 Population
Services: 2007 - Ongoing

Yolo County

Lonell Butler | Building Official
292 W. Beamer Street
Woodland, CA 95695
530.666.8803
lonell.butler@yolocounty.org
204,118 Population
Services: 2009 - Ongoing

City of Milpitas

Keyvan Irannejad, PE | Building Official
455 E. Calaveras Boulevard
Milpitas, CA 95035
408.586.3244
kirannejad@ci.milpitas.ca.gov
66,790 Population
Services: 2007 - Ongoing

County of Santa Clara

Mike Harrison | Building Official
Judy Saunders | Assistant Fire Marshal
70 W. Hedding Street
San Jose, CA 95110
408.299.5718 | 408.299.5761
mike.harrison@pln.sccgov.org
judy.saunders@pln.sccgov.org
1,842,254 Population
Services: 2013 - Ongoing

City of Emeryville

Charles Bryant | Planning & Building Director
1333 Park Avenue
Emeryville, CA 94608
510.596.4361
cbryant@emeryville.org
10,269 Population
Services: 2006 - Ongoing

City of Campbell

Bill Bruckart | Building Official
70 N. First Street
Campbell, CA 95008
408.866.2132
bbruckart@cityofcampbell.com
47,252 Population
Services: 2007 - Ongoing

City of Cupertino

Albert Salvador, PE, CBO | Building Official
1030 Torre Avenue
Cupertino, CA 95014
408.777.3206
alberts@cupertino.org
58,700 Population
Services: 2007 - Ongoing

City of Palo Alto

Peter Pirnejad | Building Official
250 Hamilton Avenue
Palo Alto, CA 94301
650.329.2349
peter.pirnejad@cityofpaloalto.org
64,571 Population
Services: 2006 - Ongoing

City of Concord

Robert Woods | Building Official
1950 Parkside Drive
Concord, CA 94519
925-671-3119
Robert.Woods@cityofconcord.org
122,481 Population
Services: 2013 - Ongoing



References



Cost/Finance

The following proposed rates are presented to the City of Hayward. We are open to exploring additional options of cost-savings pertinent to the City if needed.

Plan Review

West Coast Code Consultants, Inc. (WC³) proposes the following fees based on a percentage of the plan review fees collected by the City of Hayward:

Complete Building Plan Review 75%

Plan review services include an initial review, second review and a minor third review (if needed) for approval of the plans. Any additional time required beyond the third plan review will be billed on an hourly basis, with prior approval by the City, per the Schedule of Hourly Billing Rates (see below).

Pick-up and delivery fees are not charged to the City but processed through WC³'s established account.

Preliminary plan reviews, review of revisions after a project has been approved, review of shop drawings, and review of deferred submittals will be completed on an hourly basis with a mutually acceptable not-to-exceed amount.

For expedited or fast-track projects requested by the City, we propose a fee of 150% of the above noted fees.

In-House Staff Augmentation

Staff assigned to work in-house at the City will be billed at the hourly rate provided below and invoiced monthly.

SCHEDULE OF HOURLY BILLING RATES

Classification	Hourly Billing Rate
Senior Structural Engineer	\$125
Plan Review Engineer/Architect	110
On-Call Building Official	110
Inspector II (Commercial).....	80
Inspector I (Residential).....	70
Front Counter Support	65

Additional Costs

WC³ proposes the following reimbursable costs for miscellaneous expenses to be authorized by the City prior to charge:

Mileage *Current IRS Rate*
Reimbursable Expenses *Actual Cost without Mark Up*

Reimbursable expenses may include specialized equipment rental, and printing costs. Reimbursements for mileage are for the use of personal automobiles within the City limits; typically by Field Inspectors.



Cost/Finance



Proposal for
Plan Check & Inspection Services

RFP # 1323-062113

Prepared for the

City of Hayward
Building Division

By

Kutzmann & Associates, Inc.

June 21, 2013

City of Hayward
Building Inspection Department
777 B Street
Hayward, CA 94541-007

Attention: Gary Lepori, Building Official

**Re: PROPOSAL FOR PLAN CHECK & INSPECTION SERVICES FOR THE
CITY OF HAYWARD
RFP #1323-062113**

Dear Mr. Lepori:

Kutzmann & Associates, Inc. is pleased to submit this proposal for plan check services for the City of Hayward.

The proposal is formatted as prescribed in the RFP and attempts to provide all the information request but if additional information or clarification is needed, please do not hesitate to contact us.

Sincerely,

Patricia Kutzmann, P.E.
President



KUTZMANN & ASSOCIATES, INC.

39355 California St., Suite 200 Fremont, CA 94538 ☐ TEL: (510) 796-3003 ☐ FAX: (510) 796-9422

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PROJECT SUMMARY

Kutzmann & Associates has provided plan check services to the City of Hayward for many years and we propose to continue to provide those services along with the specific duties responsibilities outlined in the RFP.

Our services shall include the following: The review of plans and related documents for compliance with the codes adopted by the City of Hayward; we shall complete these reviews within the time periods specified in the RFP; for each project a list of all corrections required to achieve code compliance shall be provide to the City; when needed we will communicate with permit applicants regarding the relevant code issues; we shall sign and stamp all plans approved by Kutzmann & Associates prior to returning them to the City. Additionally, inspection services may be provided on an as needed basis, and provided that advance notice is provided so that qualified inspection staff can be acquired.

Additional information can be provided if requested in order to answer any questions regarding the proposal.

Contacts for this Proposal

Patricia Kutzmann, President
39355 California St., Ste 200
Fremont, CA 94538
Tel 510-796-3003
Fax 510-796-9422
Email kutz@pacbell.net

Mike Baird, Vice President
39355 California St., Ste 200
Fremont, CA 94538
Tel 510-796-3003
Fax 510-796-9422
Email mikebaird@pacbell.net

COMPANY DESCRIPTION & CAPABILITIES

Our firm has been in business for over 24 years and reviews over 1800 projects annually for more than 10 jurisdictions in California with an excellent record of completing projects on time. The staff at K/A has a combined total of more than 111 years experience in plan review and building inspection.

The projects we have checked range from residential additions to high rises. They include single family dwellings, various residential additions and remodels, multi-story mixed use retail and residential projects, multi-story office buildings, banks, doctors offices, churches, stores in the Stanford and Valley Fair shopping malls, small strip retail projects with multiple tenants, a large shopping mall, hardware stores, wholesale stores, motels and hotels, historical URM buildings, and headquarters campuses for Sun Microsystems, Visa, Silicon Graphics and Facebook as well as OSHPD-3 licensed surgical and dialysis clinics, biotech facilities and various industrial complexes.

Kutzmann & Associates maintains a high level of commitment to ensuring the quality of work we perform. All plan check letters are reviewed for accuracy before they are sent out. All staff members are required to receive ongoing training in their chosen areas of expertise, to stay current with code updates and industry practices. Training is usually in the form of outside seminars sponsored by ICC and industry groups. We also attend annual ICC and CALBO conferences, to keep up with the new code and specialized educational offerings.

Please note that additional information and details regarding the specific experience with various types of projects and client lists can be provided upon request.

PERSONNEL & QUALIFICATIONS

The following is a list of names of the key personnel. Complete resumes containing education and work experience are available upon request.

- **Patricia Kutzmann**, *President, Registered Civil Engineer, ICC Certified Plans Examiner, CASp*
 Final review of projects; Founder and K/A employee for 24 years.
 6 years structural design experience; 29 years structural and non-structural plan check experience; past president of Peninsula Chapter ICC; CALBO Industry Achievement Award, 1999.
- **Mike Baird**, *Vice President, ICC Certified Building Official & Certified Plans Examiner*
 Final review of projects; Architectural, Accessibility, Mechanical, Electrical and Plumbing, & Energy plan review; K/A employee for 7 years.
 10 years construction experience; 22 years municipal building department experience.
- **Jim Lau**, *Licensed Architect, ICC Certified Plans Examiner*
 Architectural, Accessibility, Mechanical, Electrical, Plumbing and Energy plan review; K/A employee for 16 years. 8 years architectural design experience; 6 years estimating/design in environmental graphics; 16 years plan review experience.
- **Mario A. Fovinci**, *Civil & Structural Engineer;*
 Structural Review; K/A employee for 16 years.
 Civil engineer for 30 years and structural engineer for 25 years; 21 years engineering design experience; 1+ year municipal plan check engineer; Eleven years structural plan check experience.
- **Hossein Sanikhatam**, *Civil and Structural Engineer*
 Structural Review; K/A employee for 8 years.
 7 years structural design experience; 20 years experience structural and non-structural plan checking.
- **Carroll Woods**, *Civil and Mechanical Engineer, ICC Certified Plans Examiner*
 Structural and Nonstructural Review; K/A employee for 11 years.
 20+ years experience plan review.
- **Brent Hipsher**, *ICC Certified Building Official, Certified Commercial & Residential Combination Inspector; Building Inspector; K/A employee for 6 year.*
 13 years municipal building department experience, 20 years inspection experience.

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- **Perlina Strain, *Office Manager***
Invoices & Status of Projects; K/A employee for 16 years.

Sub-Contractors

The following sub-contractors are individuals who provide consulting services for our office. Resumes shall be provided to the City upon request.

- Parviz Ezzatyar, Structural Engineer
- Dan Neri, Civil Engineer -Post Tensioned Slab Review

REFERENCES

The following individuals are from public agencies for which we provide plan checking and/or inspection services and may be contacted for references:

Ron La France, Building Official
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025
(650) 858-3390

Homer Maiel, Acting Building Official
City of Palo Alto
285 Hamilton Ave, 1st floor
Palo Alto, CA 94301
(650) 329-2496

Gary Fitzer, Building Official
Town of Portola Valley
765 Portola Road
Portola Valley, CA 94028
(650) 851-1700

William Schock, Chief Building Official
City of San Leandro
835 E. 14th Street
San Leandro, CA 94577
(510) 577- 3422

Chuck Haney, Chief Building Official
City of Foster City
610 Foster City Blvd.
Foster City, CA 94404
(540)349-1200

COSTS & FEES

Basic Fees

Our standard fee for a full plan check (including structural and non-structural, disabled access, energy conservation, mechanical, electrical and plumbing) is 80% of the plan check fee as charged by the City of Hayward. The fee for a structural only plan check is 50% of the plan check fee as charged by the City. This fee includes the initial review and the two rechecks. Additional rechecks are billed on a time & materials basis.

Expedited Plan Check Fees

Expedited fees are typically 1.5 times our standard fee but may be negotiable dependant on the size of the project.

Hourly Rates

Additional rechecks, revisions to existing permits, deferred submittals and other non-standard plan checks as well as consultation and in-house plan checking services, are billed on a Time & materials basis.

At the present time, the rate for each plan checker will be ninety-five dollars per hour (\$95.00/hr.).

The present time, the rate for each building inspector is one hundred dollars per hour (\$100.00/hr.).

CASp Services

The following rates shall apply if CASp services are requested by the City.

Retainer: \$450.00 per year

Disabled access consulting: \$150.00 per hour

Personnel charges are not billed for general secretarial services, office management, accounting and maintenance; these items are included in overhead.

Miscellaneous Charges

Printing and copying costs are based on fifteen cents (\$0.15) per sheet. (8½ x 11).

Mileage rate for automobile travel and inspections (if personal vehicle is used) is \$0.50/mile.

Any other outside services are billed based on the actual cost plus ten percent (10%).

Method of Invoicing

Our services are invoiced monthly and are due within 30 days unless other arrangements are made.

SCOPE OF SERVICES

Kutzmann & Associates, Inc. will provide plan check services for conformance with the current editions of the California Building Code, California Plumbing Code, California Mechanical Code, California Electrical Code, Title 24 Disabled Access standards, Energy regulations and local ordinances. The review can be limited to the structural provisions of the Code if that is desired. Kutzmann & Associates performs plan checking in accordance with its interpretation and knowledge of the governing codes. In cases of disputes in interpretation or application of the codes, the final decision lies with the governing agency (e.g. City of Hayward).

Additionally, the following services shall be provided:

1. **Provide plan checking in a timely manner.**

Kutzmann & Associates agrees to the plan check turnaround times specified in the RFP, as follows:

- | | | |
|----|--|---|
| a. | Large Projects: | 20 working days from the date of plan submittal. |
| b. | All Other Projects: | 10 working days from the date of submittal. |
| c. | Re-checks, Revisions
Deferred Submittals: | 10 working days from the date of submittal.
(Our standard however is 5 working days) |

A reduced turnaround time of 5 working days for small TI's and residential additions may be provided when requested by the City.

Note: Agreement to the specified turnaround times is based on the understanding that the City will endeavor to notify K/A in a timely manner so that the plans can be picked up from the City within 24 hours of plan submittal.

2. **Coordinate activities with the Plan Checker(s) on the Building staff.**

Kutzmann & Associates will maintain copies of all City Building Code amendments and policies. We will coordinate with City staff to apply codes, regulations and policies in a manner that is consistent with City policies and interpretations. As necessary, we will provide assistance to City staff to resolve project specific issues.

3. **Conduct necessary site analysis when required.**

The Staff at Kutzmann & Associates is available to meet with permit applicants and/or City staff on an as needed basis to provide technical support. We have often been involved in meetings with architects and jurisdictional personnel to resolve basic code items during the design stage. In special cases we can be available to conduct job site visits and analysis.

4. Plans will be picked up and delivered to the City via courier usually within 1 day of request by City.
5. **Prepare correction lists.**

We will prepare a complete and legible list of corrections citing code references and including the name and phone number of the plan checker available to answer any of the applicant's questions. After each review, the list of corrections shall be sent (via mail, email or facsimile) directly to the Building Department. Applicants will be instructed to submit all plans and documents directly to the City. If required for clarification or to expedite the plan review, items may be discussed by telephone directly with the applicant. When the plans are in compliance, they shall be stamped "approved" on every page, signed and forwarded via UPS, or other carrier, to the City, at no additional charge.
6. **Perform an independent project valuation estimate.**

When requested by the City, K/A will perform an independent evaluation of the applicant's estimate of the value of the construction project in accordance with the City's valuation guidelines and will inform the Building Official when there is a discrepancy.
7. **Preparation and delivery of approved plans.**

Approved plans and calculations will be stamped and signed by the plan checker of record. We will provide a courier service to deliver approved plans to the City.
8. **Maintain records of plans in process.**

Kutzmann & Associates will maintain records of all plan checks conducted and will provide status reports either verbally, or in writing as required.
9. **In the event of termination of any employee or sub-contractor, provide ongoing plan check services through completion of any one project.**

Through our plan check records system and our internal system of review and oversight, we maintain the ability to provide plan check continuity that is not dependent on the availability of specific individuals.
10. **CASp (Certified Access Specialist) Services.**

If requested, Kutzmann & Associates can be placed on retainer and provide consultation services as a means for the City to comply with the requirements and July 1, 2010 deadline established in Senate Bill 1608.
11. **Inspection Services**

If requested (and staff is available) provide inspection services under the direction of the Building Official.

OTHER CONDITIONS & REQUIREMENTS

General Conditions of the Contract:

Kutzmann & Associates agrees to the general conditions outlined in the RFP regarding:

Execution of the contract

Rights and remedies in the event of default

Governing law and venue

Transfer of interest

Loss or damage

Indemnification

Non appropriation of funds

Termination

Failure to perform

Not an agent of the City of Hayward

Public records

Attorney's fees

Insurance:

Kutzmann & Associates carries and shall be maintain the following types of insurance in the amounts required, during the term of the contract and shall provide certificates for:

Workers' compensation insurance

General and Automobile Liability

Professional Liability and Errors and Omission Insurance (not specified in the RFD)

Conflict of Interest:

Kutzmann & Associates does not provide any design services, so we do not anticipate a conflict of interest.



10 Rollins Rd. Suite 217, Millbrae, CA. 94030
Tel. (650) 444-5374 Fax (650) 697-2501

PROPOSAL FOR
RFP#1323-062113
PLAN CHECK AND INSPECTION SERVICES
FOR THE CITY OF HAYWARD BUILDING DIVISION



JULY 2, 2013
ICC/ICBO Plans Examiner #0853009

This Proposal is firm until August 31, 2013

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Project Summary:

ASI Consulting Engineers is pleased to prepare a proposal for providing plan review services for the City of Hayward. We have served the City of Hayward with high quality plan review services for the past ten years.

ASI strives to provide the highest caliber of customer service possible. ASI has extensive experience performing plan examination and inspection duties on behalf of a diverse client group. Projects have ranged from the simple to the complex across all occupancy classifications and types of construction. As we have highly qualified and experienced staff, we expect our plan review, permitting services and building inspection services to be technically superior, and able to cite applicable code sections for reference to all information requested. We strongly encourage feedback on each project, as it greatly improves our abilities to expeditiously customize our services to match the City's requirements. As always, the margin between a good plan check and a great plan check is small, but the ability to communicate with our clients allows us to stay current with client driven issues, and deliver a product that is custom-fit to their precise needs.

ASI provides services to Building and Safety Departments including:

- Building Plan Review
- Fire Safety Plan Review
- Building Department Administration
- Building Inspections
- Staff Augmentation
- Inspection Services

Company Description:

ASI Consulting Engineers is located at 10 Rollins Rd., Suite #217, Millbrae, CA 94030

Amir Shahmirza, Principal Engineer who has been with ASI for more than 20 years, will be responsible for reviewing all City of Hayward projects, Giovanni Del Moral, who has been with the firm for more than 11 (eleven) years will be in charge of scheduling and tracking all plan checks.

Amir Shahmirza, the founder, President, Operations Manager, and Project Manager graduated from Michigan Technological University in 1981, with a Bachelor's degree in Civil Engineering. He has had more than 25 years of experience in engineering, has designed hundreds of residential, commercial and industrial buildings, and is a registered Civil Engineer. (Lic#CE42941). He also is a Certified Plans Examiner (ICC Certification #0853009) and has more than 20 years of experience as Plan Checker for City of Hayward, Daly City and South San Francisco. Amir Shahmirza will be responsible for all plan check services including structural, building code and disabled access plan checks.

Personnel:

ASI embraces the concept of a fully integrated team. We are committed to providing personnel and resources necessary to help you succeed in your projects. Our staff members have dealt with the issues and challenges encountered on many municipal agency operations and processes, therefore, we are able to foresee and prepare for project challenges rather than react to them.

Our Qualified project management team maintains clear and effective communications between the client, the project team, and other key project participants. To achieve this, our approach is to maintain a flexible organization with a single point of contact. Our main goal is to provide a cohesive, experienced team from the beginning through the completion of all your projects.

Amir Shahmirza, President, Contract Manager and Operations Manager

Mr. Shahmirza brings more than 20 years of experience in structural design and plan review. Amir has experience in both design and providing plan review for multi-story steel and concrete-framed buildings as well as one and two story structures using steel, concrete, timber, and masonry materials. His experience includes schools, commercial projects, and residential projects.

Vanni Del Moral, Plan Check

Mr. Del Moral brings more than 12 years experience in Architectural Design, Engineering and Construction and Plan Checking. He has served the Cities of San Francisco, Daly City, San Mateo, and Hayward. He has extensive knowledge in managing all aspects of a building department, including inspection, plan review, code enforcement, and permitting.

References

Glen Martinez
 Building Official
 City of Hayward
 (510) 583-4159
glen.martinez@hayward-ca.gov

Patrick Sweetland
 Director of Water & Wastewater Resources
 City of Daly City
 (650) 991-8201
psweetland@dalycity.org

Mark Kahler
 Contract Building Official
 City of Albany
 (916) 496-0274
bds@skybeam.com

Fee Schedule

ASI Consulting Engineers Schedule of fees is as follows:

1. The fee for plan review services will be charged an hourly rate of \$90.00/hour
2. The fee for inspection services will range from \$65.00 to \$80.00/hour based on availability of inspectors
3. Expedited plan review may be provided at the rate of 1 ½ times the regular fee
4. The fee for complete plan check review, including building code, disabled access and structural plan review will be charged an hourly rate of \$90.00/hour not to exceed 75% of City of Hayward's plan review fee, which will include one back check.
5. Any further back checks will be charged an hourly rate of \$90.00/hour.

Outline of Services/ Scope of Work:

ASI Consulting Engineers Scope of work is as follows:

1. Perform plan checking & inspection services in a diligent and professional manner.
2. Perform plan checking & inspection services at ASI's office, at project sites & in the permit center as needed.
3. Perform independent evaluations of applicants' estimates of the value of construction projects and immediately informing the Building Official if there is a discrepancy between the applicant's estimate and the City's or industry standards & practices.
4. Provide the City of Hayward a punchlist including all plan check comments for each submittal and re-submittal of plans.
5. Interfacing with permit applicants and/or their representatives to clarify plan check comments as required.
6. Sign all approved plans as the "plans examiner of record" in accordance with standard Building Department practice.
7. Perform services in a prompt and expeditious manner within the following time frames:
 - a. Large Projects – 12 working days from date of submittal.
 - b. All other projects – 5 working days from date of submittal.
 - c. Re-checks - 5 working days from date of re-submittal.
 - d. Expedited plan checks done in ½ of the time as needed.
8. Meet with City representatives and/or permit applicants or their representatives to review requirements of governing codes for projects in preliminary design or working drawing stages.
9. Perform qualified building, combination and other trade inspections as needed, assigned or regular basis on residential, commercial and industrial projects.

Proposal to provide the

City of Hayward

Plan Check and Inspection Services



B.

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Project Summary

July 9, 2013

City of Hayward
 Jasmine R. Gacusan
 777 B Street
 Hayward, CA 94541

Re: Plan Check and Inspection Services

Thank you for allowing CSG Consultants the opportunity to present this proposal for plan check and inspection services. CSG can furnish services cost effectively through our knowledgeable and experienced staff, and our convenient proximity.

All proposed CSG staff are fully registered, ICC certified, with additional qualifications including LEED, DSA, and CASp experience and certification. Many of our proposed staff members are cross-trained in the provision of multiple service levels providing our clients with increased efficiency as well as the ability to provide on-call staffing depending upon the City's fluctuating needs. We furnish these same services to many neighboring jurisdictions and can easily be available for meetings at City Hall when requested; our local office is located in Pleasanton.

CSG promises high level plan review within the designated 10 day turn around. We utilize next day couriers or digital review for paperless submittal to achieve the utmost customer satisfaction.

Doug Rider, Regional Manager will serve as the primary contact. His contact information is as follows:

Doug Rider, CBO | *Regional Manager*
 1700 S Amphlett Blvd Suite 300 | San Mateo, CA 94402
 (650) 522-2500 Phone | (650) 522-2511 Fax | (650) 333-0852 Cell
 doug@csgengr.com

Please feel free to contact me, or our proposed Project Manager, Doug Rider, with any questions or comments you may have regarding our statement of qualifications. We look forward to the opportunity to further serve the City of Hayward.

Sincerely,

Cyrus Kianpour, PE, PLS
 President



1700 S. Amphlett Blvd. Suite 300 | San Mateo, CA 94402
 phone (650) 522-2500 | fax (650) 522-2511 | www.csgengr.com

D.

Company Description / Capability

CSG Consultants, Inc. (CSG) was established in 1991 and is a California company with our headquarters located in San Mateo, and regional offices in Pleasanton, Sacramento, Salinas, Newman, and Santa Ana. We furnish a wide range of municipal services to community development and public works departments offering talented building officials, plan reviewers, inspectors, specialized planning staffing, grading improvement plan reviewers and inspectors, fire prevention plan reviewers and inspectors, information technology, program and project managers, engineers, construction managers, and sustainability professionals. The majority of the 140+ individuals within our firm have provided public agency services throughout their entire career. Our talented personnel bring a wealth of ideas and experiences having held similar positions with communities dealing with the same development issues as the City of Hayward.

CSG will provide the City of Hayward professional, qualified personnel to add to the current level of quality in customer service. Depending upon the needs of our clients, we can serve in either a project specific or on-call staff augmentation capacity. CSG's proposed staff has been uniquely selected to support and deliver the highest level of quality in customer service—highly technical expertise, knowledge of processes and procedures, efficient and effective patron care, application of code compliance partnered with innovative and helpful alternatives. Additional staff can be added when workload warrants. With each additional staff member proposed, CSG will obtain prior approval from the City's designated manager. CSG will not utilize the services of sub-consultants for this contract.

PLAN REVIEW SERVICES

Compliance Standards

Our team of professionals is ready to assist in all aspects of plan review and focus on the unique needs and requirements of each of our clients. We promise prompt turnaround times and offer comprehensive online status reports. Our plan checkers carefully review all documents for compliance with building codes, fire codes, energy conservation standards, State accessibility regulations, and all local ordinances. We understand and will comply with the City's requirements for plan review services. Our engineers and plan reviewers review plans for compliance with all policy and model codes adopted by the State of California, including but not limited to:

- *2010 California Building Code, Volumes 1 and 2*
- *2010 California Residential Code*
- *2010 California Electrical Code 2010 California Plumbing Code*
- *2010 California Mechanical Code*
- *2010 California Fire Code as jointly published by the Western Fire Chiefs Association and the National Fire Protection Association (NFPA) as amended and adopted by the State of California (Title-24, Part 9 California Fire Code)*
- *National Fire Codes as published by the National Fire Protection Association (NFPA); as adopted and referenced by the State of California (California Code of Regulations, Title-19, Section 1.09)*
- *2010 State Historical Building Code*
- *2008 / 2010 California Energy Code*
- *2010 California Green Building Code*
- *OSHPD Regulations*
- *NPDES/WQMP/SWPPP Compliance*
- *City adopted ordinances and amendments relative to building and municipal codes, including project Conditions of Approval from other City departments, divisions, regulating agencies, and jurisdictions*

Geotechnical Plan Review

CSG can provide geotechnical review as part of our plan review process. CSG has professional licensed engineers with the necessary skills and experience to perform this type of review upon request and as required by the State Resources Code. We will review the plans and supporting documents for compliance with geotechnical recommendations.

OSHPD3 Reviews

Our staff of professional engineers, architects, and certified plans examiners is experienced with the differences between the CBC and OSHPD 3 facilities and have successfully completed many OSHPD 3 plan reviews for multiple client agencies. CSG can also provide certified OSHPD Inspectors of Record for a variety of different projects upon request.

Green Building and LEED Certifications

CSG Consultants has all the qualifications necessary to assist the City in both the development of policy and the implementation of green and sustainable building practices.

Plan Check Comments

All plan check comments will be formatted to the City's established correction list templates. Any additional forms established by the City for alternative methods of construction and/or deviations from requirements, such as disabled access, will be incorporated into the correction comments and returned with the appropriate recommendations. In addition, Internet access is available for transferring plan check comments to enable City staff to immediately modify our checklist for incorporation with other department comments.

Online Plan Check Status

CSG offers a convenient service allowing clients to check plan review status and comments online. By logging on to our website, clicking on Plan Check Status, and entering a password, staff as well as authorized applicants, can view each project document and communicate with the plan checker via e-mail or post-a-note. With a password, staff or authorized applicants can download comments from the web upon completion of the plan review. There is no additional cost for this service.

Digital Plan Review | Scanning

CSG has utilized the digital plan review process for over 7 years, leading the consultant field with this ground-breaking service. All paper plans submitted to CSG are immediately scanned into digital files and stored on our servers for speedy access to both our clients and our plan reviewers. Plan reviews are performed with no disruption to the workflow using a dual monitor system. Our plan reviewers furnish electronic versions of their plan comments conforming to each client's formatted templates.

For several jurisdictions requesting a pure digital plan review workflow, we have developed an online web application for an applicant to submit their digital files directly to us; including an online portal for the applicant/jurisdiction to retrieve their comments and submitted digital files with redlines. This online portal tracks all submittals, including re-submittals until the plans have been approved. Projects submitted digitally are processed through an easy-to-use web portal which can be customized to suit the needs of a jurisdiction.

Quality Control / Quality Assurance

CSG's in-house quality assurance / quality control program utilizes a peer review process with multi-level internal plan checking and project management. A Senior Plan Check Engineer directly associated with the project is supported by technical staff in the review process to ensure consistency between observations and field data. The Project Manager (not directly involved with the project) will review the preliminary report to ensure compliance with our internal quality control standards.

Office Hours and Meeting Availability

CSG staff is available for applicant inquiries or conferences anytime during regular business hours without charge via telephone; 8:00 AM to 5:00 PM, Monday through Friday. We can easily alter our hours to meet the City's needs. Evenings and weekends for special events and meetings can be accommodated with 48 hours notice. For your convenience, we can also meet with City staff, architects and applicants. We recognize the value of pre-design consultation with prospective applicants and are available to provide this service as well. Our Project Manager will be available in person for consultation and meetings with a reasonable lead time.

Response to City Questions or Requests

CSG staff can typically respond to the City for all questions or requests generated during field inspection on any plan review during the same day, but no longer than the following day a request is received.

Plans Pickup and Delivery

We coordinate the pickup and return of all plans to via CSG staff or a licensed courier service. This service is provided at no additional cost.

Accelerated Plan Check

CSG completes initial accelerated plan check in fewer than 5 working days. Rechecks are completed in less time. At your request, we can perform plan check services within an accelerated time frame; negotiated between the applicant, the City, and CSG. If an unusually large and/or complex plan review project is requested at the accelerated, expedited level, CSG will contact the City representative to determine a mutually agreed upon timing for thorough, accurate plan review.

FIELD INSPECTION SERVICES

Selection and Standards

CSG will select qualified, certified candidates for inspection services for City review and approval by the Building Official. All proposed inspection staff are fully qualified and hold current ICC certifications.

Continuing Certification and Training

We take pride in working with inspectors motivated to achieve the highest level of experience and certification. We work hard to match your jurisdiction's level of safety and code compliance and understand that personality and customer service is crucial to on-the-job success. All CSG inspectors are ICC certified and are routinely updated through specialized training classes and seminar attendance in approved and modern methods, materials, tools and safety used in building inspection, as well as the most current building standards.

CURRENT CUSTOMERS

Our track record of success with our clients is outstanding and we encourage you to contact our references with any questions or clarification you might require. We have provided representative building services within the last year or longer for the following:

City of Millbrae

Marcia Raines

City Manager

621 Magnolia Avenue

Millbrae, CA 94030

(650) 259-2334

Plan Review/Inspection/Building Official

City of San Mateo

Susan M. Loftus

City Manager

330 W 20th Ave

San Mateo, CA 94403

(650) 522-7202

Plan Review/Inspection/Building Official/Permitting

City of Lincoln

Todd Cunningham

Chief Building Official

600 Sixth Street

Lincoln, CA 95648

(916) 434-2483

Inspection/Plan Check/Fire Protection

New Commercial | Commercial TI |

Residential Master Plans

City of San Bruno

Gary Lepori,

Chief Building Official

567 El Camino Real

San Bruno, CA 94066

(650) 616-7074

Plan Review/Inspection/Building Official/Permitting

City of South San Francisco

Jim Kirkman

Building Official

400 Grand Avenue

South San Francisco, CA 94080

650-829-6664

Plan Review/Inspection/Permitting

City of Fremont

Chris Gale

Chief Building Official

3300 Capitol Ave.

Fremont, CA 94538

(510) 494-4470

Inspection/Counter Technician

F.

Informational Content

Doug Rider, CBO, will serve as Project Manager for this contract and ensure adequate resources are applied as well as oversight and quality control at all levels. Doug has acted as a building services manager for many California communities throughout his extensive career. His direct contact information is:

1257 Quarry Lane | Pleasanton, CA 94566
 (925) 931-0370 Phone | (925) 931-0388 Fax | (650) 333-0852 Cell
 Doug@csgengr.com

If selected, all staff is available by phone or email anytime during regular business hours and phone numbers as well as email addresses will be provided. Doug will oversee the following proposed staff members who are available immediately. The Project Manager will allocate appropriate staff and hours to complete all projects on time.

Primary Personnel Qualifications

NAME	QUALIFICATIONS	LICENSE/ CERTIFICATION	SERVICES PROVIDED
Doug Rider, CBO Regional Manager	Certified Building Official, ICC Certified	0876432	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical
	Certified Building Inspector, ICC Certified	0876432	
	Certified Electrical Inspector, ICC Certified	0876432	
	Certified Mechanical Inspector, ICC Certified	0876432	
	Certified Plumbing Inspector, ICC Certified	0876432	
	Certified Access/ Plans Examiner, ICC Certified	0876432	
Michael Brinkman, CBO, CASp Senior Plans Examiner, Senior Building Inspector, Building Official	Building Official, ICC Certified	5230795-60	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical, CASp
	CASp Specialist, DSA Certified	071	
	Plans Examiner, ICC Certified	5230795-60	
	Building Inspector, ICC Certified	5230795-10	
	Plumbing Inspector UPC , ICC Certified	5230795-34	
	Plumbing Inspector, ICC Certified	5230795-P5	
	Governor's Office of Emergency Services	SAPC61387	
	Mechanical Inspector UMC, ICC Certified	5230795-44	
	Mechanical Inspector, ICC Certified	5230795-M5	
	FEMA IS-00700 National Incident Management Systems	6-1-06	
Residential Electrical Inspector, ICC Certified	5230795-E1		
Commercial Electrical Inspector, ICC Certified	5230795-E2		
Frank Linhart, SE Structural Plan Review Engineer	Professional Engineer, State of California	31076	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical
	Structural Engineer, State of California	2544	
	Professional Engineer, State of Nevada	13372	
	Structural Engineer, State of Nevada	013372	
	Plans Examiner, ICC Certified	0869092	
Paul Armstrong, PE, CBO Senior Plan Review Engineer, Building Official	Professional Engineer, State of California	45464	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical
	Building Official, ICC Certified	0002014-CB	
Michael Loomis, PE, SE, CBO, LEED, CASp Structural Plan Review Engineer	Structural Engineer, State of California	SE4824	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical, LEED, CASp
	Civil Engineer, State of California	C60787	
	Certified Building Official, ICC Certified	8000164	
	Plans Examiner, ICC Certified	8000164-16	
	California Residential Building Inspector, ICC Certified	8000164-J1	
	LEED Accredited Professional CASp Specialist, DSA Certified	099	
Ed Chock, SE, PE Structural Plan Review Engineer	Structural Engineer, California	SE3759	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical
	Structural Engineer, Nevada	018605	
	Structural Engineer, Arizona	51735	
	Structural Engineer, Utah	7850765	
	Civil Engineer, California	2203	
	Civil Engineer, Nevada	24158	
	Civil Engineer, Texas	018605	
	Certified Building, ICC Certified	106754 3118	
	Plans Examiner, ICC Certified	88554	
	Building Plans Examiner CBC Certified	0123030	

	Building Plans Examiner Certified	0123030	
	Certified Building Official Certified	0123030	
	Registered Civil Engineer	24158	
	Registered Structural Engineer	3759	
Ginsun Ku, SE, PE Structural Plan Review Engineer	Structural Engineer, State of California Civil Engineer, State of California Certified Plans Examiner	SE3089 C33204	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical
Khoa Duong, PE Senior Plan Review Engineer	Civil Engineer, State of California Certified Plans Examiner	C43901 0840436	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical
Kevin Chan, PE Plan Review Engineer	Civil Engineer, State of California Plans Examiner, ICC Certified	C70329	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical
Sayaka Yamane, PE Plan Review Engineer, Permit Technician	Civil Engineer, State of California Building Plans Examiner, ICC Certified	C78195 5303943	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical
Steve Adcock Senior Building Inspector	Building Inspector Residential Plumbing Inspector Residential Building Inspector Residential Mechanical Inspector Residential Electrical Inspector Residential Combination Inspector CA Residential Building Inspector CA Residential Mechanical Inspector CA Residential Combination Inspector CA Residential Electrical Inspector CA Residential Plumbing Inspector	5232500 5232500 5232500 5232500 5232500 5232500 5232500 5232500 5232500 5232500 5232500	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical
Jerry Schnell, CBO Building Official, Senior Building Inspector	Certified Building Official Certified Building Inspector Certified Plumbing Inspector CA Contractor's License	0091488 0091488 0091488 420743	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical
Rick Trent Combination Building Inspector	ICC Building Inspector ICC Electrical Inspector ICC Plumbing Inspector ICC Mechanical Inspector ICC Combination Inspector	5012667 5012667 5012667 5012667 5012667	Building (Structural & Non-Structural), T24 Energy, Accessibility, Plumbing, Mechanical, Electrical

G.

References

Relevant Projects and Current Clients

CSG's high level digital plan review system allows our team of professional plans examiners to successfully collaborate across many regions, delivering an accurate, comprehensive, and meticulously checked for quality plan review for any type project. Inspection personnel are thoroughly trained and familiar with a wide range of commercial and residential projects resulting from a knowledge base of statewide experience. This valuable collaboration delivers our clients plan review and inspection experience virtually covering any and all types of construction, easily tailored to fit any jurisdiction's specific needs. A brief sampling of our many years of experience is presented below.

Clarum Homes Vista Montana Subdivision | CITY OF WATSONVILLE

Performed Building and Structural Plan Review and Inspection services

- Provided Geotechnical Site Peer Review Services
- Provided plan review for California's largest zero energy home development (building and fire)
- Provided one full-time inspector exclusive to this project

Date: 2002
Valuation: \$28 Million
Contact: City of Watsonville | 275 Main Street, Suite 400, Watsonville, CA | (831) 768-3050
Population: 177 Single-Family Homes
 80 Townhomes
 155 Apartments
 51,000 people in jurisdiction
No. of Employees: 6



San Joaquin County Administration Building | SAN JOAQUIN COUNTY, CA

- 215,728 sq. ft., 6-story structure with underground parking garage
- Staff performed complete structural and architectural plan review.
- Staff worked with the architects and engineers to check RFI's on an ongoing basis
- The Administration Building won the American Public Works Association's 2009 Project of the Year Award. The award was based on the project being completed on time, safety performance, and quality control, among others.

Date: 2008
Valuation: \$92 Million +
Contact: Marcella Tavalis | 275 Main Street, Suite 400, Watsonville, CA | (831) 768-3050
Population: 700,000
No. of Employees: 4



Shops At Tanforan | CITY OF SAN BRUNO

CSG established professional working relationships with the project developer, design architect, sub-consultant engineers and project superintendent. The team met during construction in order to clarify developer's responsibilities for code compliance, facilitate project completion, and to meet an unyielding construction schedule. Initial superstructure was in plan review for one month, permits were issued in two months. Tenant improvements were 1-2 day turnaround and over the counter. All deadlines and expectations were met or exceeded.

Date: 2004 - 2006
Valuation: \$4.8 Million
Contact: Gary Laponi, Building Official | 567 El Camino Real, San Bruno, CA | (650) 616-7076
Population: 41,000
No. of Employees: 3



City of Stockton Essential Services Building | STOCKTON, CA

100,000 sq. ft., four-story, office building

- 280,000 sq. ft. eight level, parking structure
- Complete plan review and inspections were done on this building
- Staff worked with architects and engineers to check RFI's on an ongoing basis

Date: 2009
Valuation: \$43 Million
Contact: Eric Elias, Building Official | 425 N. El Dorado Street, Stockton, CA | (209) 937-8561
Population: 300,000
No. of Employees: 3



Meridian at the Crossing | CITY OF SAN BRUNO

- On site plan review and digital plan review for all RFIs were completed with a next day turnaround schedule
- Worked cooperatively pursue alternate means and methods which assure code compliant fire and life safety
- Provide on-call building inspection services
- Phase I was in plan review for two months, including resubmittals and revisions
- Project is ongoing through Phase V

Date: 2003 - 2010
Valuation: \$20 Million
Contact: Gary Laponi, Building Official | 567 El Camino Real, San Bruno, CA | (650) 616-7076
Population: 41,000
No. of Employees: 3



Terra Bay Development | CITY OF SOUTH SAN FRANCISCO, CA

CSG worked with the City and developers of this multi-phased project. Staff provided full plan review on the Centennial Towers, approximately 300,000 square foot, 12-story office building, and a 21-story, approximately 350,000 square feet office building, as well as a 2,000 car garage with approximately 25,000 square feet of retail use at the ground level of both offices. The curving façade exterior for the south tower is meant to evoke a sail. Terra Bay development has been one of the most challenging development projects in the Bay Area. The project entitlement process involved wet lands, endangered species of plants and butterflies with one of the most significant archeological sites as well as significant infrastructure and freeway improvements in several phases. Under City direction, CSG provided plan assistance in the entitlement process, plan checking, construction observation for conformance with City standards and SWPPP requirements. The mixed use project consists of single family residential dwellings, town homes, condominiums, as well as office and commercial space.

Date: 2001
Valuation: \$143,456,000
Contact: Jim Kirkman, Building Official | 400 Grand Ave,
 South San Francisco, CA | (650) 726-8270
Population: 65,000
No. of Employees: 4



Civic Center Courthouse, Library, Museum & Parking | CITY OF WATSONVILLE, CA

CSG provided coordination of pre-construction meetings to clarify and resolve all matters prior to plan submittal as well as furnished on-going building plan check and building inspection services. Staff coordinated with the City, project architect and project engineer to approve change orders and requests for information (RFI's) in a timely manner.

Date: 2007
Valuation: \$3 Million
Contact: City of Watsonville | 275 Main Street, Suite 400,
 Watsonville, CA | (831) 768-3050
Population: 51,000
No. of Employees: 5



State-Wide Residential Projects

- Coordinate and provide building and structural plan check and inspection services for new residences, remodels and alterations, ranging from 2,000 to 10,000 sq. feet
- Provide on-call building inspection services
- Evaluate individual projects and provide recommendations, based on specific needs
- Ensure compliance with local building codes, fire codes, energy conservation standards, ADA regulations and local ordinances

No. of Employees: 10





Cost / Finance

CSG will mail an invoice at the beginning of every month for services rendered during the previous month. The fee schedule for proposed work is as follows:

Plan Review Services

CSG proposes the use of a percentage option based on plan review fees collected by the City or compensation utilizing hourly rates.

Description	Percentage
<i>*Fee includes initial review and 2 reviews, if necessary; additional reviews will incur hourly fees</i>	
Building Plan Review Services	65% of the City's Collected Plan Review Fee
Structural Plan Review	50% of the City's Collected Plan Review Fee
Accelerated / Expedited Plan Review	80% of the City's Collected Plan Review Fee

Description	Hourly Rates
Plan Review by Licensed Structural Engineer	\$125 per hour
Plan Review by Licensed Engineer	\$110 per hour
Certified Plan Examiner	\$90 per hour

CASp Services

CASp Consultation and Inspection	\$125 per hour
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Inspection Services

Description	Hourly Rates
Building Inspector	\$90 per hour

Permit Technician Services

Description	Hourly Rates
Permit Technician	\$65 per hour

All hourly rates include overhead costs including, but not limited to, salaries, benefits, Workers Compensation Insurance, office expenses, etc. Should the scope of work change or circumstances develop which necessitate special handling, we will notify the City prior to proceeding. Annual adjustments may be made by mutual agreement based upon current CPI.

Project Timelines | Turnaround Times

We work hard to provide the best quality, and most timely service in the industry. We pride ourselves in maintaining our requested plan review turnaround times—even delivering faster than our own deadlines—for our clients. Our goal is to approve code-complying projects and to successfully and quickly move work through jurisdiction processes. We can provide the following turnaround times:

TYPE OF JOB	INITIAL REVIEW	RE-CHECK
Single Family Dwellings / Additions/ Remodels	10 Working Days	5 Working Days
Tenant Improvements / Commercial / Industrial Projects	10 Working Days	5 Working Days
Single Family Subdivisions	10 Working Days	5 Working Days
Multi-Family Apartments / Condominiums	10 Working Days	5 Working Days
Complex Commercial Projects	10 Working Days	5 Working Days

If a review is anticipated to take longer than the maximum turnaround timing, we will notify the City representative for negotiation as to additional time required to ensure an appropriate level of review.

I. Additional Information

Optional Contract Services

As a multi-discipline firm, CSG can provide additional consulting services in response to the City's needs and requests. When additional staff is needed, our experienced professionals are ready at a moment's notice. We will work side-by-side with existing staff to meet needs and budget requirements. We currently augment staffing in many Building Departments, serving as building officials, inspectors, and counter technicians during periods of transition or high level project flow. CSG can also furnish code enforcement, geotechnical plan check, grading, subdivision map, and improvement review. We can work full-time or part-time, on a long-term or temporary basis.

Fire Plan Review Services

We furnish fire sprinkler and fire alarm plan review for any and all structures including industrial and commercial buildings, single-family and multi-family complexes for compliance with all local ordinance and State and Federal codes and regulations pertaining to Fire and Life Safety. Our talented professionals are prepared to review all types of projects for the City; from complex custom homes to shopping centers and high-rise buildings.

Code Enforcement

Code enforcement activities are a crucial service to ensure not only public health and safety but also to enhance economic development throughout the City. Blighted conditions such as vacant lots, overgrown weeds, deteriorated building exteriors, missing or broken windows and screens, foreclosures, and inoperable vehicles all contribute to City deterioration. CSG can supply code enforcement specialist to identify and work with property owners to correct code violations to the exact specifications needed to satisfy the City. Codes and ordinances enforced include:

- *Zoning Codes*
- *Building Codes*
- *Housing*
- *Public Nuisances*
- *State Health & Safety Codes*
- *Other Issues Relating to Health, Safety, and Community Welfare*

Typical services include preparing abatement cases for and testifying in public hearings and court proceedings on behalf of the City; serving as a resource and providing information on the City of Hayward regulations to property owners, residents, businesses, the general public, and other City departments and divisions.

DATE: July 30, 2013

TO: Mayor and City Council

FROM: Director of Development Services

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

RECOMMENDATION

That Council approves final reimbursement payment of \$297,561.25 for the Skywest Golf Course Cart Path Renovation Project from the district-wide in-lieu accounts; and a first progress reimbursement of \$122,556.95 toward the Sorensdale Recreation Center Americans with Disabilities Act Compliant-Kitchen Renovation Project from the in-lieu account Zone C.

BACKGROUND

The City of Hayward requires all subdivisions and other development of land for residential purposes to set aside public parkland and/or pay in-lieu fees to provide for public park and recreational facilities. Collected park-in-lieu fees may be used to acquire land for developing new parks or to rehabilitate existing parks in the park dedication zone in which the development property is located. Reimbursements from multiple zones may be made for district-wide parks and facilities.

HARD seeks final reimbursement payment of a total of \$297,561.25 for the Skywest Golf Course Cart Path Renovation Project from the district-wide in-lieu accounts; and a first progress reimbursement of \$122,556.95 for the Sorensdale Recreation Center Americans with Disabilities Act Compliant-Kitchen Renovation Project from the in-lieu account for Zone C. Both accounts have sufficient funds to reimburse these projects, and therefore, staff recommends approval of the proposed use of the park-in-lieu funds for these two projects.

DISCUSSION

Skywest Golf Course Cart Path Renovation Project -

Skywest Golf Course, located at 1401 Golf Course Road, is an 18-hole public golf course situated on 125 acres, and the facility also includes a pro shop and restaurant. The Hayward Area Recreation and Park District (HARD) has completely renovated the golf cart paths between holes 1 and 5 for the cost of \$297,561.25. The project included grading and new asphalt golf cart paths.

This project will provide golfers and other visitors to the golf course with improved access and better amenities when using the facility.

HARD requests a total reimbursement payment of \$297,561.25 from the district-wide in-lieu accounts for the golf cart renovation project. This reimbursement will require an appropriation of \$59,512.25 from each of Zones A, B, C, D and E, and there are sufficient funds in those Zone accounts to fund the renovation project.

Sorensdale Americans with Disabilities Act-compliant Kitchen Renovation Project – Sorensdale Recreation Center is located at 275 Goodwin Street and has provided special-needs programs to its patrons for over 30 years. The center provides opportunities for people with intellectual disabilities to learn and practice recreational, educational, daily living, and community skill activities. Program activities include functional literacy, functional math, computer skills, communication skills, personal health skills, physical fitness, gardening, woodworking, arts and crafts, performing arts, and music. Life skills learned in the classroom are also practiced in the community.

The existing kitchen was built in 1954, and the renovation of the kitchen was required to bring the facility into compliance with Americans with Disabilities Act (ADA) and current Health Department codes. The kitchen renovation project also included renovation of the dishwashing room and food storage areas as well as construction of a new trash enclosure and an ADA accessible path of travel. In February 2013, HARD provided the City with an estimated renovation project cost of \$800,000.

HARD seeks a first progress reimbursement payment of \$122,556.95 from the in-lieu account for Zone C to fund the Sorensdale Recreation Center Americans with Disabilities Act Compliant-Kitchen Renovation Project (see table below), and staff confirms that there are sufficient funds in the Zone C account for this project.

Park In-Lieu Funds

	Zone A	Zone B	Zone C	Zone D	Zone E
Available funds	\$1,199,971.51	\$81,866.66	\$1,597,202.49	\$134,800.00	\$157,954.68
Funding required for John F. Kennedy Master Plan Project (Requested total \$110,000)	-\$22,000	-\$22,000	-\$22,000	-\$22,000	-\$22,000
Earmarked appropriation for Greenwood Park Expansion	-\$1,091,598.70				
Sorensdale Kitchen ADA Project (Requested total \$800,000)			-\$122,556.95		
Skywest Golf Course Cart Path Renovation Project (Requested total \$297,561.25)	-\$59,512.25	-\$59,512.25	-\$59,512.25	-\$59,512.25	-\$59,512.25
Remaining balance after the Appropriation	\$26,860.56	\$354.41	\$1,393,133.29	\$53,287.75	\$76,442.43

FISCAL IMPACT

No general fund fiscal impacts to the City are anticipated, in that the funds from the in-lieu park fee accounts will be used, as is their intended purpose.

Prepared by: Michelle Koo, RLA ASLA, Landscape Architect

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Draft Resolution
Attachment II	Location Map
Attachment III	Letter of Request from HARD for Skywest Golf Course Cart Path Renovation Project, dated May 29, 2013
Attachment IV	Letter of Request from HARD for Sorensdale Kitchen ADA Project, dated June 14, 2013
Attachment V	Park In-Lieu Zone Map

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING REQUEST OF HAYWARD AREA RECREATION AND PARK DISTRICT FOR REIMBURSEMENT OF PARK DEDICATION IN-LIEU FEES FOR RENOVATING GOLF CART PATHS AT SKYWEST GOLF COURSE AND UPGRADING FACILITIES AT THE SORENSDALE RECREATION CENTER KITCHEN, IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)

BE IT RESOLVED that the City Council of the City of Hayward does hereby approve the request of the Hayward Area Recreation and Park District for reimbursement of park dedication in-lieu fees in the amount of \$297,561.25 for renovation of cart paths for holes one through five at the Skywest Golf Course; and \$122,556.95 as a first progress reimbursement payment for kitchen upgrades at the Sorensdale Recreation Center, to be funded as follows:

- 1. Skywest Golf Course Cart Path Renovation Project –
In Lieu Fee Zones A, B, C, D and E: \$297,561.25 (\$59,512.25 from each zone)
- 2. Sorensdale Recreation Center ADA Compliant-Kitchen Renovation Project –
In Lieu Fee Zone C: \$122,556.95

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

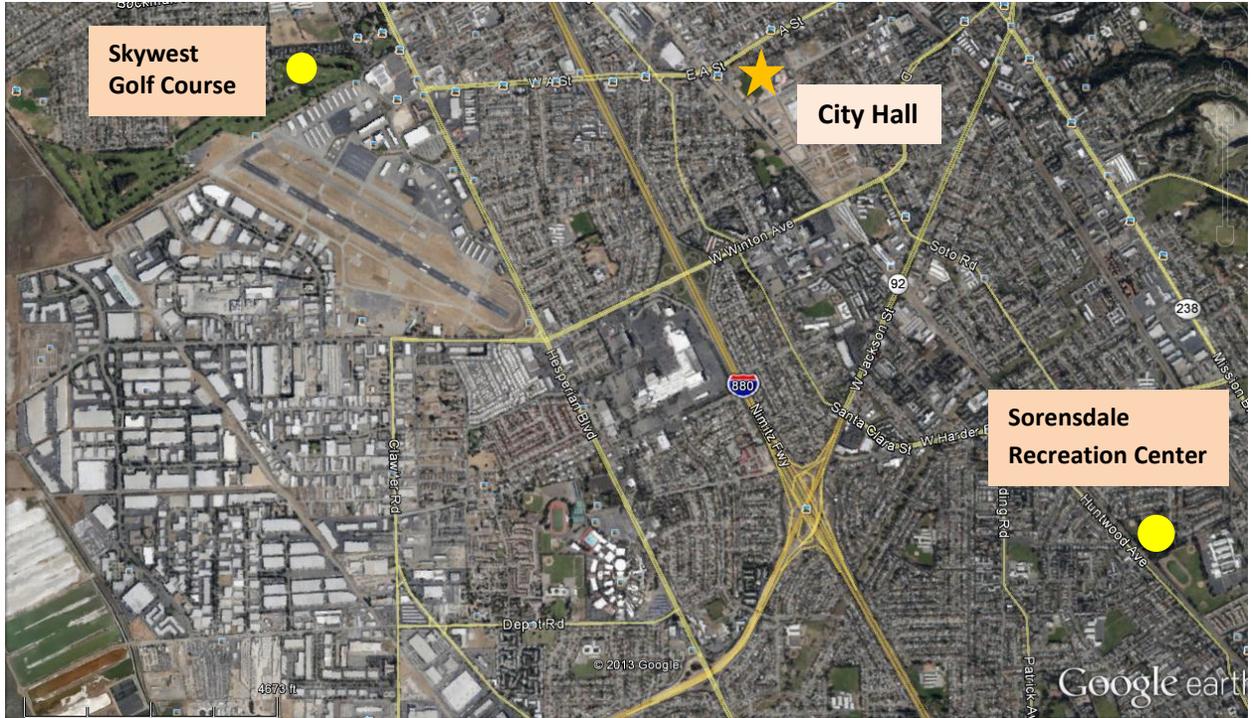
ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

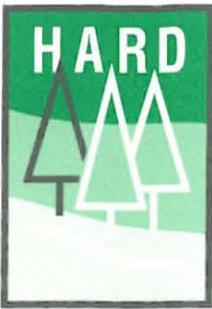
APPROVED AS TO FORM:

City Attorney of the City of Hayward

 **Location Map**



July 30, 2013



HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

May 29, 2013

Kelly McAdoo
Assistant City Manager
City of Hayward
777 "B" Street
Hayward, CA 94541



RE: Skywest Golf Course Cart Path Renovation Project

Dear Ms. McAdoo:

The Hayward Area Recreation and Park District (HARD) submitted a request on February 28, 2013 to spend in-lieu funds at Skywest Golf Course to completely renovate the cart paths between holes 1 through 5. This work has been completed. The work involved grading and new asphalt cart paths, which will provide greater accessibility through the golf course, especially during the rainy season. The estimated cost for this project was \$300,000.

The District is now seeking reimbursement of **\$297,561.25** from the Hayward District Wide In-lieu accounts, which have sufficient funds to fund this project. If you have any questions, please call me at (510) 881-6716 or email me at lepl@haywardrec.org.

Sincerely,

Larry Lepore
Superintendent of Parks

090602 Hayward In-Lieu

Cc: Michelle Koo
Landscape Architect



BOARD OF DIRECTORS

- Louis M. Andrade
- Paul W. Hodges Jr.
- Minane Jameson
- Carol A. Pereira
- Dennis M. Waespi

GENERAL MANAGER

John Gouveia



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541
(510) 881-6700

INVOICE NO. 13-24

TO: Kelly Morariu McAdoo
Assistant City Manager
City of Hayward
777 'B' Street
Hayward, CA 94541

DATE: May 30, 2013

REQUESTED BY: Karl Zabel
Operations & Development
Supervisor

DESCRIPTION	AMOUNT
<p>Invoice for Skywest Golf Course Cart Path Renovation Project</p> <p>See Attachment</p>	<p>\$297,561.25</p>
<p>DUE UPON RECEIPT</p>	<p>\$297,561.25</p>
<p>DATE PAID:</p>	
<p>RECEIPT #:</p>	
<p>AMOUNT PAID:</p>	
<p>TOTAL BALANCE:</p>	

REMIT PAYMENT TO:
H.A.R.D. Accounting Department, 1099 'E' Street, Hayward, CA 94541

4-136C SKYWEST CARTPATH RENOVATION

Asset ID	Suf	Asset Description	Acquisition Date	Acquisition Cost	Extended Description
4-136	100	R2406/4-136C NOV 2012 PROF SVC	12/13/2012	\$6,200.00	ALEXANDER & ASSOCIATES
4-136	102	R2406/4-136C DEC 2012 PROF SVC	1/31/2013	\$6,200.00	ALEXANDER & ASSOCIATES
4-136	104	4-136C/TRIM 40 TREES	4/17/2013	\$1,900.00	AAA TREE SERVICE
4-136	105	4-136C/R2448-95% PROGRESS PYMT	4/25/2013	\$257,026.30	SILICON VALLEY PAVING INC.
4-136	106	4-136C/R2448 CH.#1-INSTL ASPHALT	5/2/2013	\$7,600.00	SILICON VALLEY PAVING INC.
4-136	107	4-136C/R2428-GEOTECHNICAL SVCS	5/2/2013	\$4,000.00	NINYO & MOORE
4-136	108	4-136C/R2428-GEOTECHNICAL SVCS	5/23/2013	\$707.25	NINYO & MOORE
		4-136C/R2448-RETENTION		\$13,927.70	SILICON VALLEY PAVING INC.

\$297,561.25



HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

RECEIVED

JUN 21 2013

Development Services Department



June 14, 2013

Kelly McAdoo
Assistant City Manager
City of Hayward
777 "B" Street
Hayward, CA 94541

RE: Sorensdale Kitchen ADAProject

Dear Ms. McAdoo:

PLANNING DIVISION

The Hayward Area Recreation and Park District (HARD) submitted a request on April 10, 2013 to spend in-lieu funds for the Sorensdale Kitchen ADA Project to completely renovate the kitchen. The work is currently in progress. The upgraded kitchen will provide greater accessibility and will meet the new Health Department codes. The estimated cost for this project was \$800,000.

The Park District is now seeking the first progress payment of **\$122,556.95** from the Hayward Zone C account. If you have any questions, please call me at (510) 881-6716 or email me at lepl@haywardrec.org.

Sincerely,

Larry Lepore
Superintendent of Parks

090602 Hayward In-Lieu

Cc: Michelle Koo
Landscape Architect

BOARD OF DIRECTORS

- Louis M. Andrade
- Paul W. Hodges Jr.
- Minane Jameson
- Carol A. Pereira
- Dennis M. Waespi

GENERAL MANAGER

John Gouveia



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541
 (510) 881-6700

INVOICE NO. 13-29

TO: Kelly McAdoo
Assistant City Manager
City of Hayward
777 'B' Street
Hayward, CA 94541

DATE: Jun. 14, 2013

REQUESTED BY: Karl Zabel
Operations & Development
Supervisor

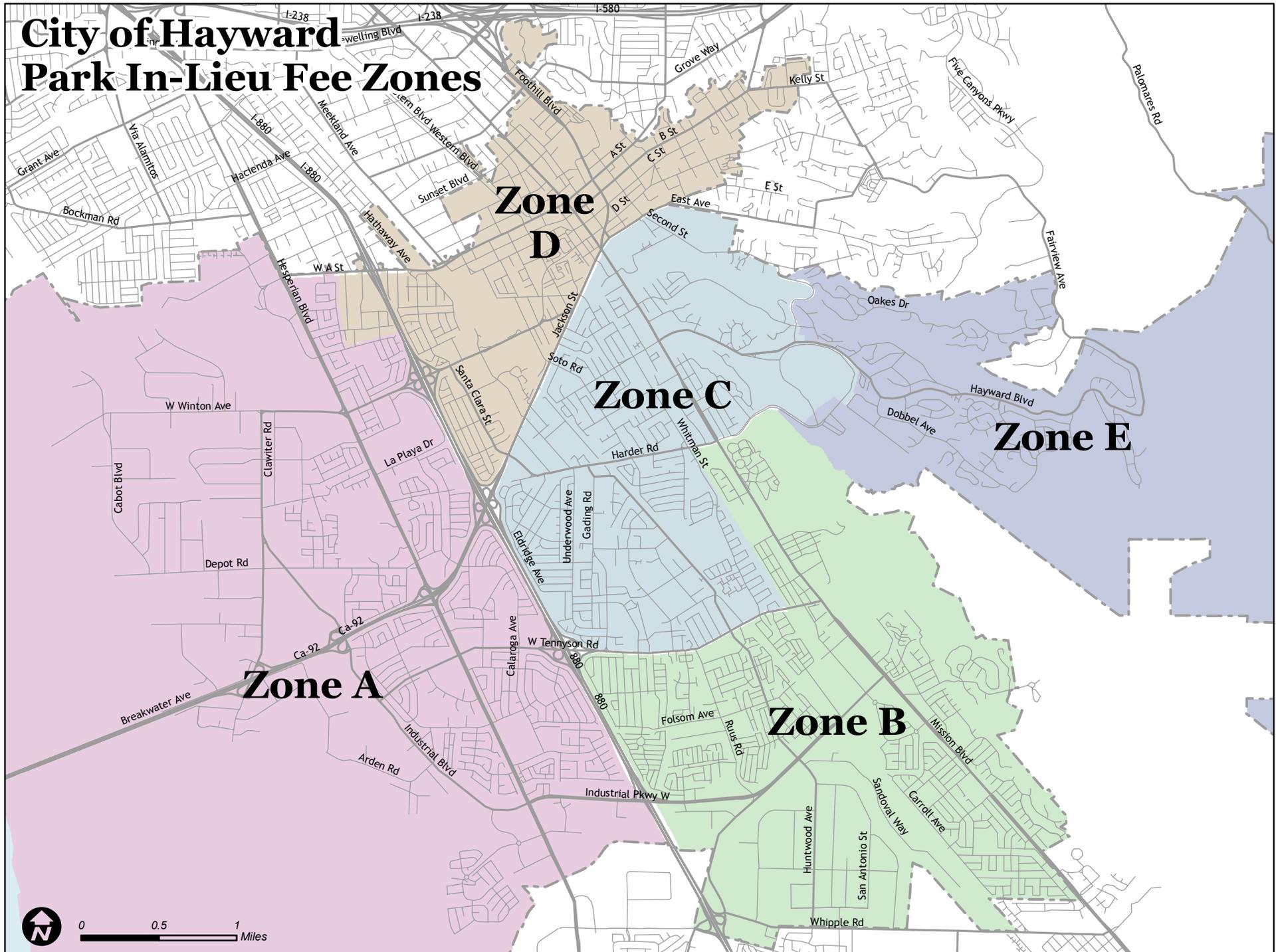
DESCRIPTION	AMOUNT
First Progress payment for Sorensdale Kitchen Project	\$122,556.95
See Attachment	
DUE UPON RECEIPT	\$122,556.95
	DATE PAID:
	RECEIPT #:
	AMOUNT PAID:
	TOTAL BALANCE:

REMIT PAYMENT TO:
 H.A.R.D. Accounting Department, 1099 'E' Street, Hayward, CA 94541

4-021B-SORENSDALE KITCHEN UPGRADE

Asset ID	Suf	Asset Description	Asset Class ID	Acquisition Date	Acquisition Cost	Extended Description	Asset Status
4-121	21	4-121B/R2388-PROF SVCS	LND BLD IMP	9/20/2012	\$33,440.00	GUTIERREZ/ASSOCIATES	Active
4-121	22	4-121B HEALTH DEPT. PLAN F	LND BLD IMP	10/31/2012	\$1,150.00	K. ZABEL CC OCT 2012	Active
4-121	23	4-121B PLAN REVISION	LND BLD IMP	10/31/2012	\$625.00	GUTIERREZ/ASSOCIATES	Active
4-121	24	4-121B KITCHEN PERMIT-CIT	LND BLD IMP	12/31/2012	\$2,879.08	K.ZABEL DEC 2012 CC	Active
4-121	25	4-121B/TEST MATERIALS	LND BLD IMP	1/3/2013	\$162.00	FORENSIC ANALYTICAL	Active
4-121	26	4-121B/TEST MATERIALS		1/17/2013	\$144.00	FORENSIC ANALYTICAL	
4-121	27	4-121B/K. ZABEL FEB13 CC		2/28/2013	\$6,843.87	CITY OF HAYWARD	
4-121	28	4-121B/R2388 PROF SVCS		3/28/2013	\$5,000.00	GUTIERREZ & ASSOCIATES	
4-121	29	4-121B/R2459 PROGRESS PYMNT		4/11/2013	\$51,300.00	B SIDE INC.	
4-121	30	4-121B EMERGNCY SERVICE CALL		4/25/2013	\$125.00	FIRE PROTECTION SPECIALIST	
4-121	31	4-121B/LABOR & SERVICE TRIP		4/25/2013	\$218.00	STANLEY CONVERGENT & SECURITY SOLUT	
4-121	32	4-121B/R2459-PROGRESS PYMNT		5/9/2013	\$69,825.00	B SIDE INC.	
4-121	33	4-121B/R2459-PROGRESS PYMNT		5/30/2013	\$47,025.00	B SIDE INC.	
4-121	34	4-121B/R2429-HAZARDOUS ABTEMNT		6/6/2013	\$3,820.00	SYNERGY ENTERPRISE	
					\$222,556.95		

City of Hayward Park In-Lieu Fee Zones



DATE: July 30, 2013

TO: Mayor and City Council

FROM: Information Technology Director

SUBJECT: Extension of Contract with Chabot College for Continuation of Public Television Broadcast and Services

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to extend an existing executed agreement with Chabot Community College to continue providing cable services to the Hayward government, education, and public broadcast communities for up to an additional three years.

BACKGROUND

Cable companies are required to carry three “public” channels: Public, Education, and Government (PEG). The Government channel is KHRT Channel 15 (Government) and broadcasts the City's revolving bulletin board, as well as Council meetings, Planning Commission meetings, and the Hayward Unified School District meetings. The channel designated for education, Channel 27 KGTH (Education), is controlled by Chabot College and is used to broadcast educational content. Channel 28 (Public/community) is the designated Public access channel. Together, these channels and similar ones in other communities make up what is known as Public, Education, and Government (PEG) cable access in communities across California.

For many years, Comcast Communications (and its predecessors) provided community members with studio space and technical assistance to create their own “community” television programming, which was then broadcast by Comcast on Channel 28 in Hayward and the eden Area. , All local programming on the cable system was pursuant to the terms and conditions of the local cable franchise agreement with the City to provide public access on the airwaves. In 2006, with the state's passage of the Digital Infrastructure and Video Competition Act, (DIVCA), the authority of local governments in California to grant a local cable franchise was eliminated as was our ability to require the cable provider (Comcast) to continue these services to the community. Statewide cable/video franchises are now issued by the California Public Utilities Commission.

As a result of the transition to a State-issued and controlled franchise agreement, Comcast is no longer required to manage the public access channel and provide related and essential public access

services. As of September 30, 2009, the studio at Comcast was closed and the public denied access for production, and Comcast no longer cablecasts programs on Public Access Channel 28 in Hayward.

In 2008, the City passed an ordinance that activated certain rights of the City under DIVCA, including the right to receive 1% of the gross, taxable video revenues from each company granted a state video franchise, to be used for PEG access purposes. In 2010, the City entered into an agreement with Chabot College to provide Community Media Center (CMC) services that allowed public access Channel 28 broadcasting to resume. Under this agreement, the College makes its studio available for public and government access purposes. This agreement is implemented annually with the ability to extend it on an annual basis. Although the agreement has been allowed to lapse due to staff attention being given to other critical projects within the City and staff turnover, both Chabot College and the City have continued to operate pursuant to the terms of the existing, but technically expired agreement. With this agreement in place, the community of Hayward has the ability to receive the three separate PEG channels in our area.

DISCUSSION

In many other cities, PEG access channels and resources have been most successfully and cost-efficiently managed by non-profit, tax exempt organizations established specifically for that purpose. There are many successful examples of such access organizations in northern California in communities such as Berkeley, Gilroy, Monterey, Santa Rosa, Palo Alto, San Jose, Davis, and Sacramento.

Several of Hayward's neighboring cities that have also sustained the loss of access to public channel broadcasting have indicated an interest in collaborating on this process. Over the past several years, staff members from Hayward, San Leandro, Fremont, the City of Alameda, and Alameda County have been meeting to develop a Joint Powers Authority (JPA), non-profit Community Meeting Center, or similar structure to assure on-going Public access to cable broadcasting and supporting services.

Chabot College has been working collaboratively, under our existing agreement, with the City to address both the interim loss of service issues and the need to establish a nonprofit organization that would coordinate access to PEG channels and operate a Community Media Center (CMC) on a permanent basis. More specifically, Chabot is interested in providing the facility space for the CMC that would be established as a result of the creation of the JPA or nonprofit organization.

Over the past several years the City and Chabot College have attempted to organize a joint venture with the interested cities and educational organizations. These attempts have met with a number of challenges and the effort has not yet yielded a permanent solution. The other entities involved were not able to agree upon a strategy to create a JPA or a 501(C)(3) nonprofit to facilitate a CMC to coordinate PEG broadcasting. These discussions are still active and may, in the future, facilitate the creation of such an organization. Until this occurs it will be necessary to renew the existing agreement with Chabot College in order to assure the continuity of of PEG broadcasts.

FISCAL IMPACT

The annual cost of the agreement is \$117,000 for PEG services to the community, which is currently budgeted. This agreement is funded by the 1 % of gross revenue collected through the City's existing DIVCA ordinance. These funds are in excess of \$220,000 per annum and can only be expended for PEG services as dictated by the State Franchise Agreement. The City has been collecting these revenues from current cable providers (e.g., Comcast and AT&T) per the stipulations in the State Franchise legislation, DIVCA. The funds have been placed in a designated account for PEG purposes.

PUBLIC CONTACT

Information Technology staff has met with representatives from Fremont, San Leandro, City of Alameda, as well as discussions with Alameda County, Union City and Newark to include them in any regional solution. Information Technology staff is working with area community producers of public video content to inform them of the City's progress with our PEG initiative. Staff will continue working with these other agencies to develop a permanent mechanism, and will report progress and issues to the Council Technology Committee.

NEXT STEPS

The issue of broadcasting existing content will be addressed with the extension of our existing agreement with Chabot. Further work is required on the future establishment of a JPA or Community Media Center that may include participation from neighboring cities.

Prepared and Recommended by: Mark Guenther, Information Technology Director

Approved by:



Fran David, City Manager

Attachments: Attachment I: Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN EXISTING AGREEMENT WITH THE CHABOT-LAS POSITAS COLLEGE COMMUNITY DISTRICT FOR INTERIM PUBLIC/EDUCATION/GOVERNMENT (PEG) CABLE SERVICES

WHEREAS, as a result of the changes in State law regarding cable franchises and the closure of the Comcast facility that previously provided public channel access and services, City staff recommends that the City Council approve renewal of an existing agreement with Chabot-Las Positas College Community District for interim Public/Education/Government (PEG) cable services, pending the establishment of an entity to deliver PEG services on a permanent basis,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to renew an existing agreement with Chabot- Las Positas College Community District to provide PEG services to the community for a term of up to an additional three years, in an amount not to exceed \$117,000 annually, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DATE: July 30, 2013

TO: Mayor and City Council

FROM: Assistant City Manager

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

RECOMMENDATION

That City Council adopts the attached resolution (Attachment I) authorizing the City Manager to negotiate and execute the Second Amendment to the Owner Participation Agreement (“Second Amendment”) for the South Hayward BART Transit Oriented Development to modify the timelines for commencement and completion of construction.

SUMMARY

The Council approved the Owner Participation Agreement (the “OPA”) for the South Hayward BART Transit Oriented Development (the “Project”) on July 26, 2011. The OPA memorializes the various terms and conditions of the development and documents the various security mechanisms and remedies to protect the City in a case of default by either of the developers.

Earlier this year, Eden and JMJ Development (collectively the “Developers”) requested and Council granted an initial four-month extension of the Project construction commencement and completion deadlines. The Developers are requesting, and staff is recommending, a second five-month extension of the Project commencement and completion deadlines under the OPA to address the market rate project market study, obtain market rate financing, and coordinate with the CDLAC award calendar for the affordable housing financing.

BACKGROUND

The first extension granted to the Developers earlier this year by Council was necessary to synchronize the OPA deadlines with the adoption and implementation of the Parking Action Plan at the South Hayward BART station and the surrounding neighborhood. The four-month extension was memorialized in the First Amendment to OPA, and extended the construction commencement deadline to August 15, 2013 and the completion deadline to September 15, 2015.

The deadlines in the OPA are driven in part by the timing requirements that HCD has imposed on the Developers as a condition of the Proposition 1C funding. Earlier this summer, the Governor signed AB 92 into law, which allows for additional extensions to be provided to Proposition 1C funded projects, including this Project. However, HCD must still adopt guidelines to implement the Legislative extensions to project deadlines. These guidelines are expected to be issued in the coming months.

Since the execution of the First Amendment to OPA, the Developers have reported to staff that, due to the timing of adoption of the Parking Action Plan and consequent closure of the BART East Lot, JMJ's market study for the market rate portion of the Project has become outdated and must be updated before JMJ will be able to secure construction and permanent financing for the market rate portion of the Project. Once the market study is complete, JMJ will need sufficient time to secure its financing.

In addition, because Eden must coordinate the timing of the affordable housing financing with JMJ's financing, Eden delayed in releasing its California Debt Limit Allocation Committee ("CDLAC") bond financing application. Due to CDLAC's calendar, Eden must now wait until later this year to release its application and receive a CDLAC bond financing award. To accommodate the update to the market study, JMJ's financing negotiations, and the CDLAC allocation timing, the proposed Second Amendment to the OPA would extend the construction commencement to January 15, 2014 and the completion deadlines to February 1, 2016 (or February 15, on the occurrence of certain contingencies).

DISCUSSION

The Project is partially funded with approximately \$18 million of Proposition 1-C Bond "Round II" Infill Infrastructure Grant and Transit Oriented Development Housing Program Funds (the "HCD IIG Funds"). Because the City is jointly and severally liable for the appropriate use and timing of use of the HCD IIG Funds under the IIG Disbursement Agreement (which governs the disbursement of the Funds), the City required security under the terms of the OPA.

The City Council originally approved the OPA for the Project on July 26, 2011. The staff report associated with the approval included a discussion related to the risks associated with the joint and several liability required by HCD. The City holds a deed of trust on the property being developed so that in the case of default by either of the developers, the City could utilize the value of the property to repay any grant funds expended at the time of default to HCD. The City also maintains the ability to step into the developers' role and cure the default through a variety of mechanisms, including securing a replacement developer. These remedies all create security for the City. It is difficult to quantify the City's potential exposure at any given point, as this will fluctuate during the project timeline and with the amount of HCD funds disbursed at that time.

During the construction period, when the amount of HCD IIG Funds disbursed increases and the City IIG deeds of trust may be subordinated to the construction lender, the City will still have security through its deed of trust, but there is a greater risk that the subordinated deeds of trust will not make the City whole in the event of a Developer default. However, as construction progresses, the underlying value of the property increases and the risk of default may decrease. The City also retains step-in rights until project completion, pursuant to which the City may step in and complete the projects or select a new developer or developers to complete. There is no way to completely eliminate the risk to the City given the joint and several liability provision required by HCD for the IIG funds. However, the OPA contains appropriate mechanism[s] to help mitigate the City's risk and exposure.

In addition, the Affordable Development portion of the Project is also funded with approximately \$16 million of Transit Oriented Development Program Funds (the "HCD TOD Funds"). Under the existing regulations governing the use of the TOD Funds, Eden was required to complete construction of the Affordable Development and close its TOD-funded permanent loan no later than February 1, 2016. However, this summer, the Legislature approved and the Governor signed AB 92, which extends the deadlines to disburse IIG and TOD Funds until June 30, 2017. HCD is required to issue guidelines to implement this extension and is expected to extend construction completion deadlines, as well. Consequently, granting an additional five month time extension to the developers, as requested, should not jeopardize the ability of the developers to meet the TOD and IIG funding deadlines.

The Developers have moved the Project forward. In addition to the OPA execution and JPA approvals noted above, they have submitted building plans, which are nearly final and upon which building permits may be issued soon; and they have demolished the abandoned Perry & Key building. The City has agreed to issue multifamily tax-exempt bonds to finance the Affordable Project and has held the required TEFRA hearing before the City Council. A \$562,000 Neighborhood Stabilization Program loan from the County of Alameda and a \$900,000 HOME loan from the City for the affordable development closed on March 1. However, the developers will not be able to secure the necessary financing and commence construction by the required August 15, 2013 OPA and First Amendment to OPA deadline. They have requested an additional extension of the construction commencement date. This extension is reasonably necessary given the timing needed to develop and market study and CDLAC's scheduled committee meetings.

ECONOMIC IMPACT

The successful development of the SHB-TOD Project will have an immense, positive economic impact on south Hayward. The commencement of the housing construction in this area should spur the development of the area. Proposed nearby projects would likely

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

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July 30, 2013

re-commence their planning, leading to construction. The development of housing in the area should lead to stronger interest from retailers, and thereby, planning and construction of retail centers. Initial development under Phase 1 of the Project would also have a positive economic impact by creating approximately 500 immediate high-quality construction, design and engineering service jobs through the three-year development cycle. The SHB-TOD Project will increase BART ridership and decrease vehicle miles traveled and thus will help reduce greenhouse gas emissions associated with vehicles, which is in line with the goals in the City's Climate Action Plan. Total Phase I Project costs are estimated to be more than \$100 million, exclusive of land costs.

FISCAL IMPACT

In the extreme case, the City may incur significant liability if the Developers do not comply with the HCD timelines; and may become liable to repay any / all funds disbursed by HCD to the Project. If the Project is stalled mid-stream, the City will need to step in and complete the Project. If the Project is slightly late, then the City would need to join the Developers and request, at that time, additional reasonable extensions of the timelines from HCD.

NEXT STEPS

The City Manager will negotiate and execute an amendment to the OPA in a manner that is consistent with this staff report.

Prepared by: John DeClercq, Project Manager

Recommended by: Kelly McAdoo, Assistant City Manager
Tracy Vesely, Finance Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution Authorizing Second Amendment to Owner Participation Agreement

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

Page 4 of 4

July 30, 2013

CITY COUNCIL OF THE CITY OF HAYWARD

RESOLUTION NO. 2013-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HAYWARD AUTHORIZING THE CITY MANAGER TO
NEGOTIATE, EXECUTE AND IMPLEMENT A SECOND
AMENDMENT TO THE OWNER PARTICIPATION AGREEMENT
FOR THE SOUTH HAYWARD BART TRANSIT ORIENTED
DEVELOPMENT

WHEREAS, the City of Hayward (the “City”), Eden Development Corporation (“Eden”) and JMJ Development LLC (“JMJ”), as the successor in interest to Wittek Development LLC and Montana Property Group LLC, are parties to that certain Owner Participation Agreement, as amended by that certain First Amendment to Owner Participation Agreement dated as of March 5, 2013 (collectively the “OPA”) that governs the development and operation of Phase I of the South Hayward BART TOD Project, all as more specifically described in the staff report accompanying this Resolution (the “Staff Report”); and

WHEREAS, under the terms of the OPA, Eden and JMJ are required to commence construction of the Phase I of the South Hayward BART TOD Project (the “Project”) by August 15, 2013 and complete construction of the Project by September 15, 2015; and

WHEREAS, due to delays in implementation of certain aspects of the Project, JMJ’s market study for the market rate portion of the Project became outdated and must be updated before JMJ can secure construction and permanent financing for its portion of the Project; and

WHEREAS, to make the OPA consistent with the update of the market study and project financing timelines, Eden and JMJ have requested an extension of the Project construction commencement and completion deadlines; and

WHEREAS, under Section 4.22 of the OPA, the parties may amend the OPA in writing; and

WHEREAS, the City, Eden and JMJ desire to amend: (1) Section 7.8 of the OPA to extend the construction commencement deadline to January 15, 2014; and (2) Section 7.9 of the OPA to extend the construction completion deadline to February 1, 2016 (or February 15, 2016, upon the occurrence of certain contingencies); and

WHEREAS, the City prepared and, by Resolution No. 09-025, approved the Mitigated Negative Declaration (the “Mitigated Negative Declaration”) studying the environmental effects under CEQA for the Project, and thereby evaluated the environmental effects of the of the Project; and

WHEREAS, the City prepared an Addendum to that Mitigated Negative Declaration in June 2011 studying the environmental effects under CEQA for the Project; and

WHEREAS, the City Council acting as the lead agency considered the environmental effects of the South Hayward BART TOD as shown in the Mitigated Negative Declaration and related Addendum.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Recitals above are true and correct and by this reference makes them a part hereof.

BE IT FURTHER RESOLVED, that the City Council hereby approves the Second Amendment and authorizes the City to enter into the Second Amendment.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager, or the City Manager's designee, to execute the Second Amendment on behalf of the City, , in a form consistent with the terms described in the Staff Report and as approved by the City Attorney, with such revisions as are reasonably determined necessary by the City signatory, such determination to be conclusively deemed to have been made by the execution of the Second Amendment by the City signatory. A copy of the Second Amendment when executed shall be placed on file in the office of the City Clerk.

BE IT FURTHER RESOLVED, that the City Manager is authorized to take all reasonable steps which may be necessary to implement the Second Amendment and take all further actions and execute all other documents which are necessary or appropriate to carry out the First Amendment.

BE IT FURTHER RESOLVED, that the City Council determines that no further CEQA analysis is required because pursuant to 14 California Code of Regulations Section 15162: (1) there have not been substantial changes in the program for the Project that would require major revisions to the Mitigated Negative Declaration; (2) there have not been substantial changes with respect to the circumstances under which the program for the Project is being implemented that would require major revisions to the Mitigated Negative Declaration; and (3) there has not been the appearance of new information that was not known and could not have been known as of the date of consideration and approval of the Mitigated Negative Declaration that are relevant to the consideration and approval of the Mitigated Negative Declaration.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect from and after its passage.

HAYWARD, CALIFORNIA, July 30, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk, City of Hayward

APPROVED AS TO FORM:

City Attorney



CITY OF
HAYWARD
HEART OF THE BAY

____13____

DATE: July 30, 2013

TO: Mayor and City Council

FROM: Director of Public Works – Engineering & Transportation

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

RECOMMENDATION

That Council adopts the attached resolutions of necessity declaring a public need for and authorizing the acquisition and immediate possession by eminent domain proceedings or otherwise of real property interests for the I-880/SR-92 Reliever Route Phase 1 Project for the following properties:

1. Portions of APN 432-0060-105-03, owned by OQ Enterprises, Inc.;
2. Portions of APN’s 439-0099-051 and 052, owned by Joe Van Dera, Trustee of the Joe Van Dera Living Trust and Denis James Van Dera, Trustee of the Denis James Van Dera Living Trust;
3. Portions of APN 439-0070-002-01, owned by Depot Road LLC;
4. Portions of APN’s 439-0070-003 and 004, owned by Ruben Paul Dorris, Dorris Auto Wreckers, and Paul R. Dorris;
5. Portions of APN 439-0070-005-01, owned by Baryalai Feroz and Masood Feroz;
6. Portions of APN 439-0070-005-02, owned by Ghulam and Najeeba N. Rabani and Asad Shir and Zakia Niru; and
7. Portions of APN 439-0070-006-00, owned by Jasbir and Tajender Nagra and Jagdev and Sarbjinderpal Nagra.

BACKGROUND

On March 22, 2011, Council adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program and approved the I-880/SR-92 Reliever Route – Phase 1 Project (Project). On July 12, 2011, Council authorized the City Manager to negotiate and execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for Final Design and Right-of-Way Acquisition Services.

The Project will provide for better access to and from the industrial area located north of State Route 92 (SR-92) and west of Interstate 880 (I-880). It will also help to relieve the congestion on I-880, SR-92 and several major arterials such as Winton Avenue, Clawiter Road, Depot Road, Hesperian Boulevard and Industrial Boulevard.

The first phase of the Project consists of extending and widening Whitesell Street from Depot Road to Breakwater Avenue, installing intersection improvements at Hesperian Boulevard and Winton Avenue, modifying traffic signals at Hesperian Boulevard/Middle Lane and Winton Ave/Clawiter Road, and installing intersection improvements at Clawiter Road and SR-92 eastbound and westbound ramps. In addition, the project includes pedestrian and bicycle improvements, and lighting and landscaping enhancements along the Whitesell Street segment. The second phase of the Project consists of constructing a new combined interchange on SR-92 at Clawiter Road/Whitesell Street and will proceed when additional funding becomes available.

Phase 1 of the Project as approved requires the partial acquisition of ten parcels. Two parcels have been acquired by the City. The remaining eight parcels to be acquired are owned by seven property owners.

DISCUSSION

The City obtained property appraisals for these parcels by Dean Chapman and Associates in January 2012. The City recently updated its appraisals reaffirming the validity of the City's initial offers.

In October and November 2012, the City sent the first offers in writing to purchase the properties. The reimbursement offers were made to all property owners in an amount not to exceed \$5,000 should they seek an independent appraisal of the property in addition to compensation for a loss of business goodwill. Subsequently, the City also sent a Notice of Eligibility for relocation assistance of personal property and full relocation assistance to eligible property owners and any known tenants at the time. In February 2013, the City followed-up by scheduling individual meetings with all affected property owners and tenants to discuss the project design and address any questions and concerns regarding the Project.

The City's Planning Division is requiring the automobile salvage yard businesses on Depot Road to obtain conditional use permits to continue business operations. These properties were annexed from Alameda County into the City in 2007, at which time, the City held off processing applications for conditional use permits for these businesses pending the start of this project. Now that the Project has commenced, any businesses on recently annexed properties in the project vicinity choosing to continue operations will be required to apply for a conditional use permit. The Project will

compensate business owners along this new extension of Whitesell Street for conditional use permit improvements such as a screening wall, landscaping, and irrigation required along the new roadway frontage.

1. APN 432-0060-105-03, owned by OQ Enterprises, Inc.

The Winton Valero Gas Station is located on this property at 23990 Hesperian Boulevard in the northwesterly corner of the intersection of Hesperian Boulevard and Winton Avenue. The partial parcel acquisition consists of 1,294 square feet. Without this additional right-of-way, the Project will not be able to widen Winton Avenue and construct a second southbound left turn lane and a third westbound through lane. The property's current use is an owner-operated gas service station with a convenience store and leased automotive bay. On October 19, 2012, the City offered, in writing, to purchase this property from OQ Enterprises, Inc. for its appraised value.

On November 16, 2012, the City sent a Notice of Eligibility for relocation assistance of personal property to OQ Enterprises, Inc. On February 22, 2013, the City met with property owner Oscar Quiambao and his team, including his appraiser, design consultants, and attorney, to discuss the project design and address the property owner's questions and concerns regarding the project. On April 30, 2013, the City sent a copy of the Preliminary Analysis for Summary of Goodwill Loss Analysis Methodology to the property owner's legal representative. The City is continuing to exchange information and negotiate a settlement with the owner through the property owner's legal representative.

2. APN's 439-0099-051 & 052, owned by Joe Van Dera, Trustee of the Joe Van Dera Living Trust and Denis James Van Dera, Trustee of the Denis James Van Dera Living Trust

This property is located at 3484 Enterprise Avenue, in the southeasterly corner of the intersection of Enterprise Avenue and Whitesell Street. The partial parcel acquisition consists of 12,783 square feet. Without this additional right-of-way, the Project will not be able to widen the existing Whitesell Street. The property's current use is an owner-operated truck and trailer repair and storage facility.

On October 12, 2012, the City offered, in writing, to purchase this property from Joe Van Dera and Denis James Van Dera for its appraised value. The property owners have indicated their intent to perform an independent appraisal of the property, but have not done so to date.

On November 16, 2012, the City sent a Notice of Eligibility for relocation assistance of personal property to Joe Van Dera and Denis James Van Dera. After multiple attempts to schedule a meeting with the property owners through their legal representative, City staff, the property owners and their legal representative finally met on July 10, 2013 to discuss the project design and address the property owner's questions and concerns regarding the project. The property owner had several questions and requested more information about the project. On July 17, 2013, the City received a letter from the property owners' legal representative objecting to the public hearing and listing requests that were discussed at the July 10, 2013 meeting (see Attachment IX). The City is following up on those questions and requests and will continue to exchange information and

negotiate a settlement with the owners through the property owners' legal representative. As soon as permission is granted to enter the property, the City consultant will provide survey stakes outlining the parcel required for the widened roadway and for the temporary construction easement. This is the only property where preliminary soils testing results concluded that hazardous materials were present in nearby representative samples.

3. APN 439-0070-002-01, owned by Depot Road LLC

This property is located at Depot Road (no address), southeasterly of the intersection of Depot Road and Cabot Boulevard. The partial parcel acquisition consists of 43,983 square feet. Without this additional right-of-way, the Project will not be able to construct the new Whitesell Street roadway extension. The property's current use is a leased contractor's yard.

On November 6, 2012, the City offered, in writing, to purchase this property from Depot Road LLC for its appraised value.

On February 27, 2013, the City received a counter offer, in writing, from Mr. Chess requesting a full parcel acquisition at his suggested higher valuation. The property owner assigned his own property values and has not provided the City with an independent appraisal document to substantiate his valuation assumptions. On March 13, 2013, the City met with Mr. Chess to discuss the project design and address the property owner's questions and concerns regarding the Project. On April 12, 2013, the City sent a response, in writing, to Mr. Chess' counter offer indicating the City stands by its initial offer for a partial parcel acquisition at the City's appraised value. Staff is continuing to exchange information and negotiate a settlement with the owner.

4. APN's 439-0070-003 and 004, owned by Ruben Paul Dorris, Dorris Auto Wreckers, and Paul R. Dorris

This property is located at 3696 and 3720 Depot Road, southeasterly of the intersection of Depot Road and Cabot Boulevard. The partial parcel acquisition consists of 23,796 square feet. Without this additional right-of-way, the Project will not be able to construct the new Whitesell Street roadway extension. The property's current use is an owner-operated automobile salvage yard.

On October 12, 2012, the City offered, in writing, to purchase this property from Ruben Paul Dorris, Dorris Auto Wreckers, and Paul R. Dorris for its appraised value. The property owners have stated their intent to perform an independent appraisal of the property, but have not yet done so. The City is also finalizing its determination for compensation for loss of business goodwill.

On November 16, 2012, the City sent a Notice of Eligibility for relocation assistance of personal property to the property owners. On February 13, 2013, the City met with the property owners to discuss the project design and address the property owner's questions and concerns regarding the Project. Then on March 15, 2013, the City sent a Notice of Eligibility for full relocation assistance to Ruben Paul Dorris, Dorris Auto Wreckers, and Paul R. Dorris.

Staff is continuing to exchange information and negotiate a settlement with the owner in addition to working with them on a conditional use permit application that they have submitted to the City's Planning Division.

5. APN 439-0070-005-01, owned by Baryalai Feroz and Masood Feroz

This property is located at 3744 Depot Road, southeasterly of the intersection of Depot Road and Cabot Boulevard. The partial parcel acquisition consists of 8,999 square feet. Without this additional right-of-way, the Project will not be able to construct the new Whitesell Street roadway extension. The property's current use is an owner-operated automobile salvage yard.

On October 12, 2012, the City offered, in writing, to purchase this property from Baryalai Feroz and Masood Feroz for its appraised value. The property owners have stated their intent to perform an independent appraisal of the property, but have not yet done so.

On November 16, 2012, the City sent a Notice of Eligibility for relocation assistance of personal property to Baryalai Feroz and Masood Feroz. On March 15, 2013, the City sent a Notice of Eligibility for full relocation assistance to Baryalai Feroz and Masood Feroz. On April 5, 2013, the City sent a follow-up letter to the legal representative for Baryalai Feroz and Masood Feroz. On April 11, 2013, the City received a response from the legal representative for the property owners stating the City's offer is much too low and requesting an updated appraisal. The City is continuing to exchange information and negotiate a settlement with the owners through the property owners' legal representative.

6. APN 439-0070-005-02, owned by Ghulam and Najeeba N. Rabani and Asad Shir and Zakia Niru

This property is located at 3760 Depot Road, southeasterly of the intersection of Depot Road and Cabot Boulevard. The partial parcel acquisition consists of 10,831 square feet. Without this additional right-of-way, the Project will not be able to construct the new Whitesell Street roadway extension. The property's current primary use is a leased automobile salvage yard. Subtenants include a catering truck and locksmith.

On October 12, 2012, the City offered, in writing, to purchase this property from Ghulam and Najeeba Rabani, Asad Shir, and Zakia Niru for its appraised value. On November 16, 2012, the City sent a Notice of Eligibility for relocation assistance of personal property to the property owners' main tenant, Atlanta Auto Dismantler. On March 15, 2013, the City sent a Notice of Eligibility for full relocation assistance to the property owners' main tenant, Atlanta Auto Dismantler. On March 26, 2013, the City hand delivered a General Information Notice to subtenants, Alex Catering and Vargas Locksmith. On March 29, 2013, the City sent a follow-up letter to the legal representative for the property owners. On May 31, 2013, the City received an e-mail response from the legal representative for the property owners stating "No thank you" to the City's offer. The City will continue to attempt to exchange information and negotiate a settlement with the owners through the property owners' legal representative.

7. APN 439-0070-006-00, owned by Jasbir and Tajender Nagra and Jagdev and Sarbjinderpal Nagra

This property is located at 3792 Depot Road, south of the intersection of Depot Road and Cabot Boulevard. The partial parcel acquisition consists of 40,091 square feet. Without this additional right-of-way, the Project will not be able to construct the new Whitesell Street roadway extension. The new roadway will begin at this property at the intersection of Depot Road Cabot Boulevard. The majority of the property's current use is a leased automobile salvage yard. A second tenant with a smaller leased automobile salvage yard and automobile glass repair business will require full relocation due to the location of the new roadway.

On October 12, 2012, the City offered, in writing, to purchase this property from the Nagras for its appraised value. On November 16, 2012, the City sent a Notice of Eligibility for relocation assistance of personal property and for full relocation assistance to the property owners' known tenants. Then on March 15, 2013, the City sent a Notice of Eligibility for full relocation assistance to the property owners' larger automobile salvage yard tenant, Depot Auto Wreckers. On March 26, 2013, the City hand delivered a General Information Notice for Subtenants to Chen Jia, Inc.

On February 26, 2013, after completion on an independent appraisal of the property by the owner, the property owners' legal representative transmitted a written counter offer indicating that the City's offer was too low and proposing additional areas of acquisition. On March 28, 2013, the City received, in writing, a follow-up letter from the property owners' legal representative. On April 7, 2013, the City sent a letter, requesting property owners' consideration of new comparable data. On May 3, 2013, the City received a letter from the property owners' legal representative, indicating they stand by their initial counter offer. While negotiations have continued, the owner's representative rejected the latest City offer on June 13, 2013. The City is continuing to exchange information and negotiate a settlement with the owners through the property owners' legal representative.

Resolutions of Necessity

By adopting the attached Resolutions of Necessity, the City Council will authorize staff to initiate a condemnation action so that the City may acquire the necessary portions of real property from the property owners for the property's fair value. A two-thirds vote of the Council is required to approve this action, pursuant to the Code of Civil Procedure. While public testimony from property owners is not required at the hearing, only the following items are required to be considered:

- 1) Whether or not the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
- 2) Whether or not the proposed project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
- 3) Whether or not the property in question is necessary for the project; and
- 4) Whether or not a purchase offer complying with GC 7267.2 has been made but not accepted.

The City completed an environmental review for the Project in March 2011, when it adopted the MND for the I-880/SR-92 Reliever Route - Phase 1 Project. No substantial changes in the Project have occurred since adoption of the MND with respect to the circumstances under which the Project is being undertaken. No new information has become available since adoption of the MND regarding the potential environmental impacts of the Project.

The Code of Civil Procedure requires written notice to the property's owner of the City's hearing on the proposed Resolution of Necessity. The City sent this notice to the affected property owners by certified and first-class mail on July 8, 2013. In response to questions, Staff has clarified to property owners that the City seeks both permanent fee simple interests and temporary construction easements for the Project.

FISCAL AND ECONOMIC IMPACT

The estimated project costs are as follows:

DESCRIPTION	EST. COST
Design (Consultant and City Staff)	\$2,235,000
Right-of-Way Support (Consultant and City Staff)	930,000
Right-of-Way Acquisition	8,450,000
Construction	13,637,000
Construction Engineering, Inspection, Surveying & Testing	1,340,000
TOTAL	\$26,592,000

The cost estimate for the I-880/SR-92 Reliever Route - Phase 1 Project is \$26,592,000. The project is primarily funded with \$26,437,000 in Measure B funds and non-General Fund City funds of \$155,000. The Adopted FY 2014 Capital Improvement Program (CIP) includes a total of \$26,592,000 for the Preliminary Engineering and Environmental Review, Design, Right-of-Way, and Construction phases for this project, primarily in the Street System Improvements Fund and for previously completed work in the Capital Improvement Fund.

SCHEDULE

The estimated schedule is shown below. The schedule is dependent upon the City's ability to acquire the necessary right-of-way for the project.

Began Final Design	July 2011
Began Right-of-Way Acquisition	September 2011
Complete Design and Advertise for Construction Bid	March 2014
Award Construction Contract	May 2014
Start Construction	June 2014
Complete Construction	Spring 2016

The initiation for eminent domain proceedings at this time is only necessary for the City to secure an order of immediate possession for award of the construction contract by May 2014. Staff is committed to continue to work with property owners towards fair and reasonable negotiated agreements.

PUBLIC CONTACT

On February 17, 2011, a public information meeting was held at Ochoa Middle School to discuss the environmental documents for the project. On March 22, 2011, Council held a Public Hearing for approval of the project and adoption of the environmental documents. Staff mailed public notices to approximately 1,300 property owners within the vicinity of the project.

Staff expects the public information process will be ongoing and, as such, will continue to meet with affected property owners and those potentially impacted by the project and negotiate settlements with property owners. The proposed public outreach plan and schedule is as follows:

- February and March 2013: Staff met individually with affected owners, tenants and legal representatives to discuss project design and conditional use permit questions.
- Since then the City has settled/agreements with approximately one-third of the property owners. City continues to negotiate with the remaining property owners.
- Fall 2013: Schedule another round of individual meetings with the remaining property owners and their tenants to discuss project design updates.
- January 2014: Public information meeting with affected property owners, and businesses and residences within 500' radius of the I-880/SR-92 Reliever Route - Phase 1 Project area.

Prepared by: Yaw Owusu, Assistant City Engineer

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

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Resolution – APN 432-0060-105-03
- Attachment II: Resolution – APN’s 439-0099-051 and 052
- Attachment III: Resolution – APN 439-0070-002-01
- Attachment IV: Resolution – APN’s 439-0070-003 and 004
- Attachment V: Resolution – APN 439-0070-005-01
- Attachment VI: Resolution – APN 439-0070-005-02
- Attachment VII: Resolution – APN 439-0070-006-00
- Attachment VIII: Location Maps
- Attachment IX: Letter from Jenny & Jenny, LLP re: APN’s 439-0099-051 and 052

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION OF NECESSITY DECLARING A PUBLIC
NEED FOR AND AUTHORIZING THE ACQUISITION AND
IMMEDIATE POSSESSION BY EMINENT DOMAIN
PROCEEDINGS OR OTHERWISE OF REAL PROPERTY
INTERESTS FOR THE I-880/SR-92 RELIEVER ROUTE -
PHASE 1 PROJECT (PORTIONS OF APN 432-0060-105-03)

WHEREAS, the City of Hayward has proposed to construct a second southbound left turn lane and a third westbound through lane at the intersection of Winton Avenue and Hesperian Boulevard, as part of a larger project known as the I-880/SR-92 Reliever Route - Phase 1 Project (the “Project”); and

WHEREAS, construction of the Project as proposed would require the City to acquire in fee simple a portion of the real property located in the northwesterly corner of the intersection of Hesperian Boulevard and Winton Avenue (Assessor’s Parcel Number 432-0060-105-03), known as 23990 Hesperian Boulevard and owned by OQ Enterprises, Inc.; and

WHEREAS, the partial acquisition in fee simple would consist of 1,294 square feet, as described more specifically on Attachment I-a to this Resolution and as depicted on Attachment I-b; and

WHEREAS, the construction of the Project as proposed also would require the City to acquire a temporary construction easement consisting of 1,078 square feet, as described more specifically on Attachment I-c to this Resolution and as depicted on Attachment I-d, beginning at the commencement of construction of the Project and lasting for at least two (2) years or until the Project is completed; and

WHEREAS, on March 22, 2011, the City Council of the City of Hayward adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program and approved the Project, which included the proposed acquisition of the Property; and

WHEREAS, no substantial changes are proposed in the Project from the Project described in the MND; no substantial changes have occurred since adoption of the MND with respect to the circumstances under which the Project is being undertaken; and no new

information has become available since adoption of the MND regarding the potential environmental impacts of the Project; and

WHEREAS, staff commissioned an appraisal of the property on December 1, 2011 and made an offer to the owner to purchase the Property on October 19, 2012, which the owner has not accepted; and

WHEREAS, after providing notice in the manner specified in Code of Civil Procedure Section 1245.235, the City held a public hearing at which the person whose property interests are to be acquired pursuant to this resolution, and whose names and addresses appear on the last equalized county assessment roll for the Property, had the opportunity to appear and be heard on the following matters referred to in Section 1240.030 of the California Code of Civil Procedure:

- a. Whether the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
- b. Whether the I-880/SR-92 Reliever Route - Phase 1 Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. Whether the acquisition of the Property is necessary for the I-880/SR-92 Reliever Route-Phase 1 Project; and
- d. Whether the offer required by Section 7267.2 of the California Government Code has been made to the owners of record.

WHEREAS, the Property's owners had an opportunity to appear at the hearing during which the adoption of this resolution was considered; and

WHEREAS, the City of Hayward is authorized by the Constitution and statutes of the State of California, including, but not limited to, Government Code Sections 37350, 37350.5, 37351, 37353, 40401 and 40404 to acquire real property by eminent domain for the I-880/SR-92 Reliever Route – Phase 1 Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that it hereby finds, determines, and declares as follows, on the basis of the evidence presented orally and in writing at the hearing at which the adoption of this resolution was considered:

1. That the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
2. That the I-880/SR-92 Reliever Route - Phase 1 Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

3. That the acquisition by the City of Hayward of the Property described in Attachments I-a and I-c and depicted on Attachments I-b and I-d attached to this Resolution, for the construction of a second southbound left turn lane and a third westbound through lane at the intersection of Winton Avenue and Hesperian Boulevard, is necessary for the I-880/SR-92 Reliever Route - Phase 1 Project;
4. That staff has made the offer required by Section 7267.2 of the Government Code of the State of California to OQ Enterprises, Inc., owner of the subject Property, prior to the public hearing held on July 30, 2013, regarding the adoption of this resolution of necessity; and
5. That acquisition of the Property and construction of the I-880/SR-92 Reliever Route - Phase 1 Project as described in the MND and the Mitigation Monitoring and Reporting Program will have no significant environment impacts.

BE IT FURTHER RESOLVED that the City of Hayward shall acquire the Property for the construction of a second southbound left turn lane and a third westbound through lane at the intersection of Winton Avenue and Hesperian Boulevard as proposed by the I-880/SR-92 Reliever Route - Phase 1 Project and shall construct the Project in accordance with the Mitigation Monitoring and Reporting Program.

BE IT FURTHER RESOLVED that the City Attorney for the City of Hayward is authorized and directed to take any and all lawful actions which are convenient or necessary to acquire immediate possession of and title to the Property by eminent domain proceedings or otherwise.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

5-17-2012
Valero Gas Station

EXHIBIT A
RIGHT-OF-WAY

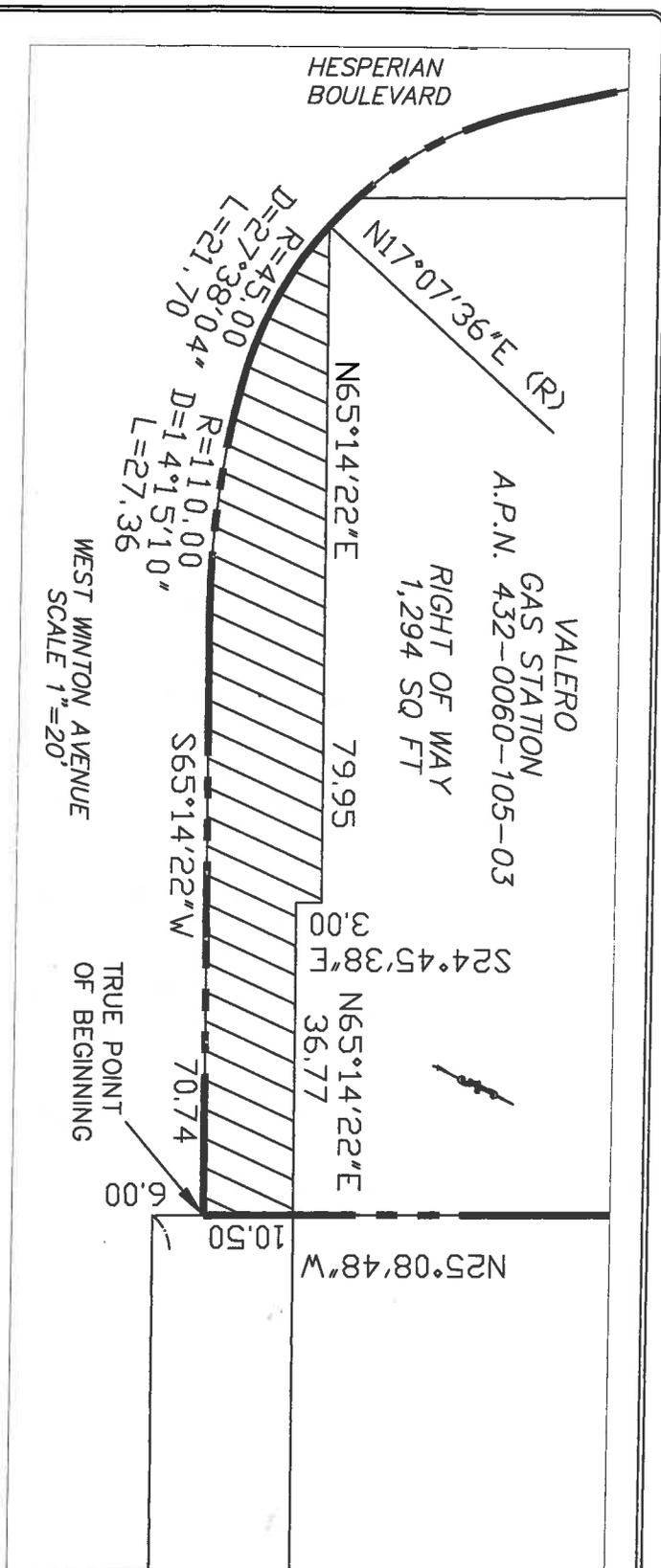
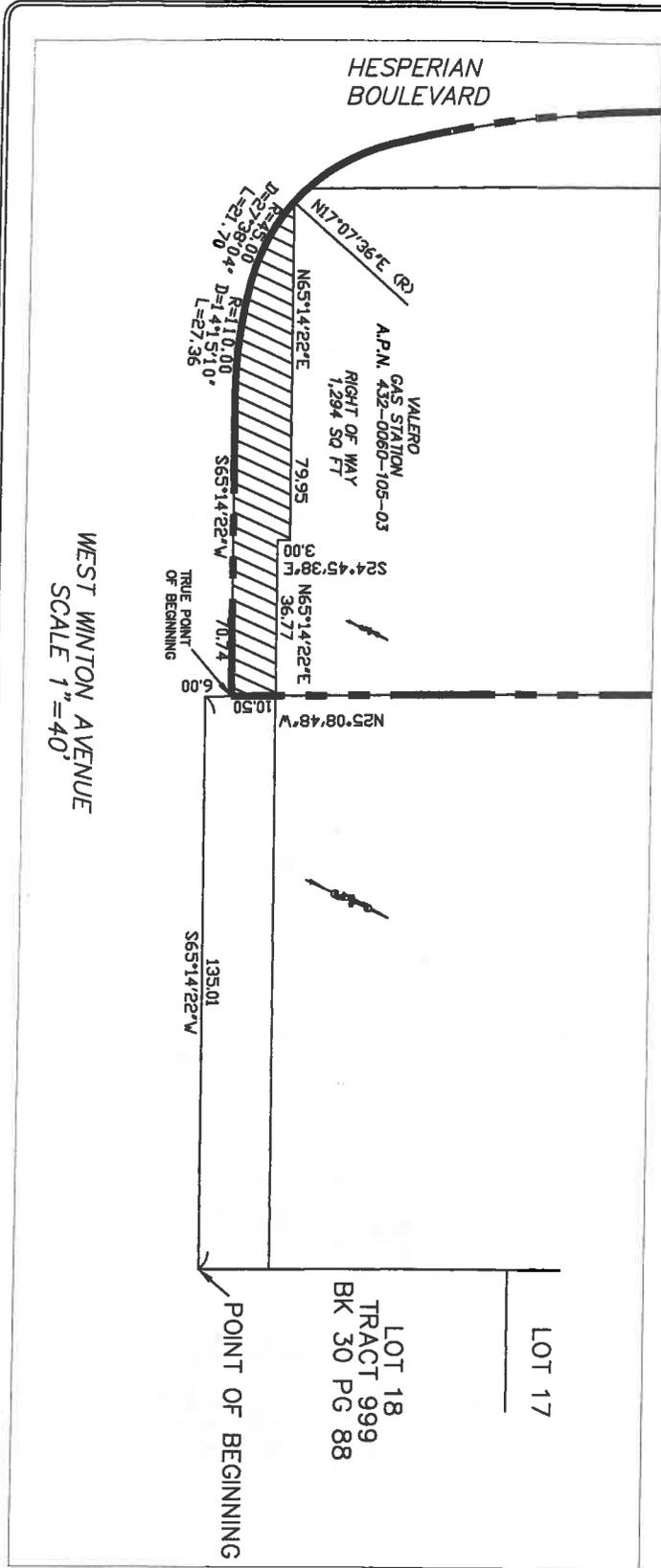
REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

A PORTION OF APN# 432-0060-105-03.

BEGINNING AT A POINT ON THE NORTHWESTERN LINE OF WEST WINTON AVENUE, FORMERLY WINTON AVENUE, 80.00 FEET IN WIDTH, DISTANT THEREON SOUTH 65°14'22" WEST, 135.01 FEET FROM THE INTERSECTION THEREOF WITH THE SOUTHWESTERN LINE OF LOT 18, IN BLOCK 1, AS SAID AVENUE, LOT, AND BLOCK ARE SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT 999", FILED JULY 14, 1950 IN BOOK 30 OF MAPS, AT PAGE 88, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY; THENCE NORTH 25°08'48" WEST, 6.00 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 65°14'22" WEST, 70.74 FEET; THENCE ALONG A TANGENT CURVE TO THE NORTHWEST WITH A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 14°15'10" AND AN ARC LENGTH OF 27.36 FEET TO A COMPOUND CURVE WITH A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 27°38'04" AND AN ARC LENGTH OF 21.70 FEET, THIS POINT HAVING A RADIAL BEARING OF NORTH 17°07'36" EAST; THENCE NORTH 65°14'22" EAST, 79.95 FEET; THENCE SOUTH 25°08'48" EAST, 3.00 FEET; THENCE NORTH 65°14'22" EAST, 36.77 FEET; THENCE SOUTH 25°08'48" EAST, 10.50 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 1,294 SQ FT





PLS SURVEYS, INC.
 LAND & HYDROGRAPHIC SURVEYORS
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 Oakland, California 94606-5203
 510.261.0900 FAX 510.261.3303
 e-mail: plssurv@pacbell.net

A.P.N. 432-0060-105-03
RIGHT OF WAY

HAYWARD

CALIFORNIA

SCALE	AS NOTED
DATE	08/18/12
BY	JMB
JOB NO.	11047

08-29-2012
Valero Gas Station

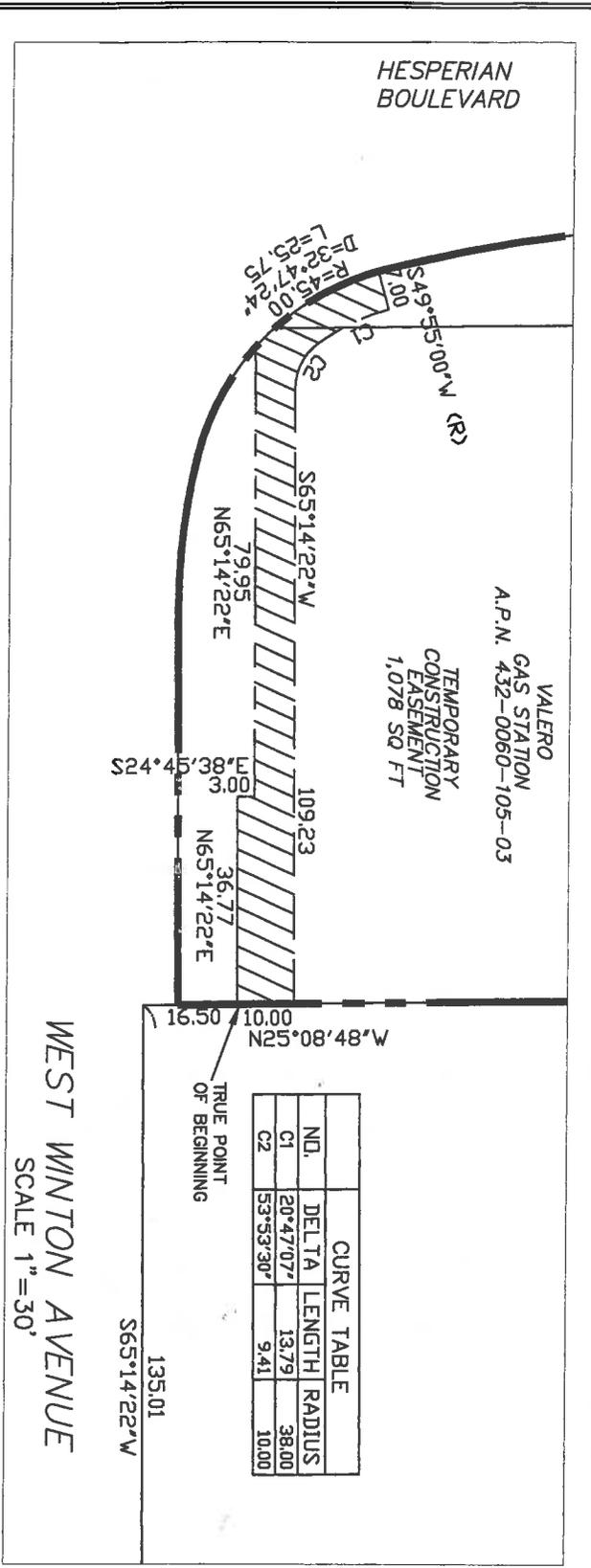
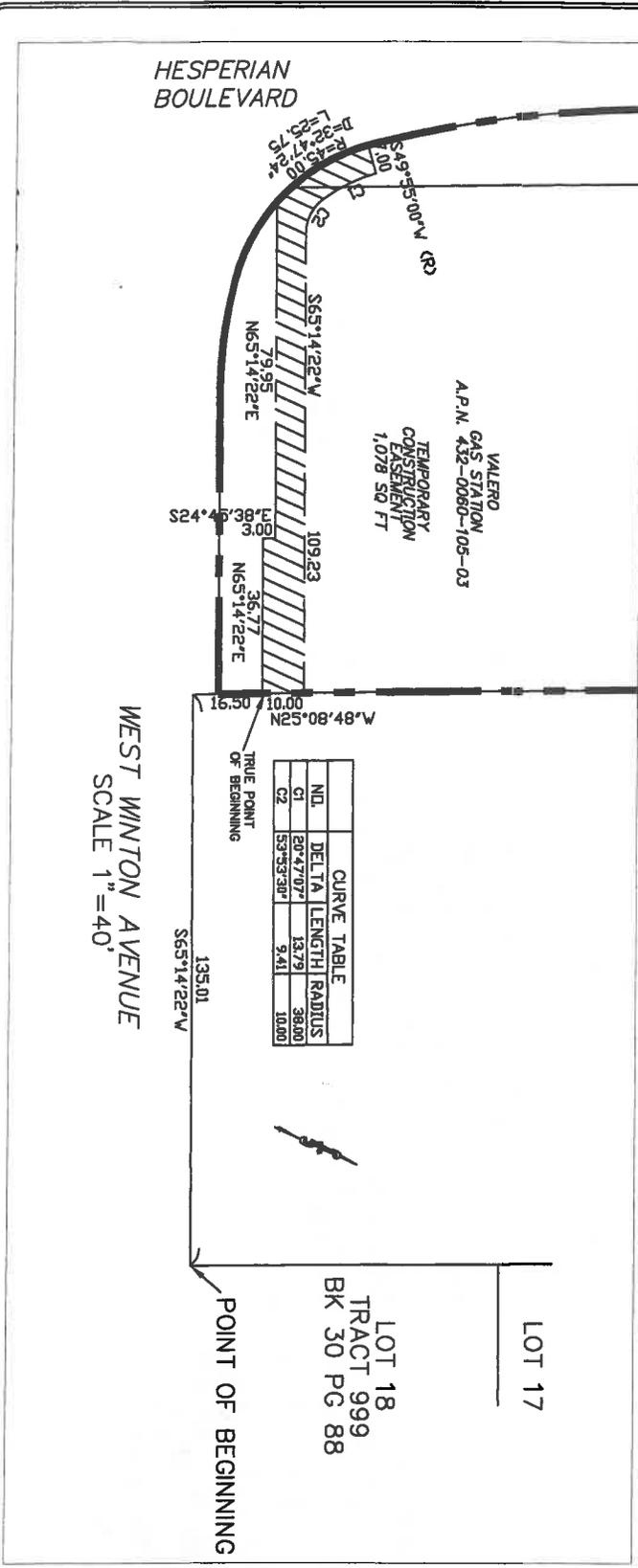
EXHIBIT B
TEMPORARY CONSTRUCTION EASEMENT
T.C.E.

**REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA,
STATE OF CALIFORNIA.**

A PORTION OF APN# 432-0060-105-03

BEGINNING AT A POINT ON THE NORTHWESTERN LINE OF WEST WINTON AVENUE, FORMERLY WINTON AVENUE, 80.00 FEET IN WIDTH, DISTANT THEREON SOUTH 65°14'22" WEST, 135.01 FEET FROM THE INTERSECTION THEREOF WITH THE SOUTHWESTERN LINE OF LOT 18, IN BLOCK 1, AS SAID AVENUE, LOT, AND BLOCK ARE SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT 999", FILED JULY 14, 1950 IN BOOK 30 OF MAPS, AT PAGE 88, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY; THENCE NORTH 26°08'48" WEST, 18.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 26°08'48" WEST, 10.00 FEET; THENCE SOUTH 65°14'22" WEST, 109.23 FEET TO A TANGENT CURVE TO THE NORTHWEST WITH A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 53°53'30" AND AN ARC LENGTH OF 9.41 FEET; THENCE ALONG A COMPOUND CURVE WITH A RADIUS OF 38.00 FEET, A CENTRAL ANGLE OF 20°47'07" AND AN ARC LENGTH OF 13.79 FEET; THENCE ALONG A RADIAL BEARING SOUTH 49°56'00" WEST, 7.00 FEET TO THE EASTERN RIGHT-OF-WAY OF HESPERIAN BOULEVARD; THENCE SOUTH ALONG SAID RIGHT-OF-WAY ALONG A CURVE WITH A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 32°47'24" AND AN ARC LENGTH OF 25.75 FEET; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 85°14'22" EAST, 79.95 FEET; THENCE SOUTH 24°45'38" EAST, 3.00 FEET; THENCE NORTH 65°14'22" EAST, 38.77 FEET TO THE TRUE POINT OF BEGINNING.





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A.P.N. 432-0060-105-03
TEMPORARY CONSTRUCTION EASEMENT

HAYWARD CALIFORNIA

SCALE	AS NOTED
DATE	08/18/12
BY	JMB
JOB NO.	11047

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION OF NECESSITY DECLARING A PUBLIC
NEED FOR AND AUTHORIZING THE ACQUISITION AND
IMMEDIATE POSSESSION BY EMINENT DOMAIN
PROCEEDINGS OR OTHERWISE OF REAL PROPERTY
INTERESTS FOR THE I-880/SR-92 RELIEVER ROUTE -
PHASE 1 PROJECT (PORTIONS OF APN's 439-0099-051 AND
052)

WHEREAS, the City of Hayward has proposed to construct the widening of the existing Whitesell Street from Enterprise Avenue to Breakwater Avenue, including construction of curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, as part of a larger project known as the I-880/SR-92 Reliever Route - Phase 1 Project (the "Project"); and

WHEREAS, construction of the Project as proposed would require the City to acquire in fee simple a portion of the real property located in the southeasterly corner of the intersection of Enterprise Avenue and Whitesell Street (Assessor's Parcel Numbers 439-0099-051 and 052), known as 3484 Enterprise Avenue and owned by Joe Van Dera, Trustee of the Joe Van Dera Living Trust and Denis James Van Dera, Trustee of the Denis James Van Dera Living Trust; and

WHEREAS, the partial acquisition in fee simple would consist of 12,783 square feet, as described more specifically on Attachment II-a to this Resolution and as depicted on Attachment II-b; and

WHEREAS, the construction of the Project as proposed also would require the City to acquire a temporary construction easement consisting of 7,138 square feet, as described more specifically on Attachment II-c to this Resolution and as depicted on Attachment II-d, beginning at the commencement of construction of the Project and lasting for at least two (2) years or until the Project is completed; and

WHEREAS, on March 22, 2011, the City Council of the City of Hayward adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program and approved the Project, which included the proposed acquisition of the Property; and

WHEREAS, no substantial changes are proposed in the Project from the Project described in the MND; no substantial changes have occurred since adoption of the MND with respect to the circumstances under which the Project is being undertaken; and no new

information has become available since adoption of the MND regarding the potential environmental impacts of the Project; and

WHEREAS, staff commissioned an appraisal of the property on, November 1, 2011 and made an offer to the owner to purchase the Property on October 19, 2012, which the owner has not accepted; and

WHEREAS, after providing notice in the manner specified in Code of Civil Procedure Section 1245.235, the City held a public hearing at which the person whose property interests are to be acquired pursuant to this resolution, and whose names and addresses appear on the last equalized county assessment roll for the Property, had the opportunity to appear and be heard on the following matters referred to in Section 1240.030 of the California Code of Civil Procedure:

- a. Whether the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
- b. Whether the I-880/SR-92 Reliever Route - Phase 1 Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. Whether the acquisition of the Property is necessary for the I-880/SR-92 Reliever Route- Phase 1 Project; and
- d. Whether the offer required by Section 7267.2 of the California Government Code has been made to the owners of record.

WHEREAS, the Property's owners had an opportunity to appear at the hearing during which the adoption of this resolution was considered; and

WHEREAS, the City of Hayward is authorized by the Constitution and statutes of the State of California, including, but not limited to, Government Code Sections 37350, 37350.5, 37351, 37353, 40401 and 40404 to acquire real property by eminent domain for the I-880/SR-92 Reliever Route - Phase 1 Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that it hereby finds, determines, and declares as follows, on the basis of the evidence presented orally and in writing at the hearing at which the adoption of this resolution was considered:

1. That the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
2. That the I-880/SR-92 Reliever Route - Phase 1 Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

3. That the acquisition by the City of Hayward of the Property described in Attachments II-a and II-c and depicted on Attachments II-b and II-d attached to this Resolution, for the construction of widening the existing Whitesell Street from Enterprise Avenue to Breakwater Avenue, including construction of curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, is necessary for the I-880/SR-92 Reliever Route – Phase 1 Project;
4. That staff has made the offer required by Section 7267.2 of the Government Code of the State of California to Joe Van Dera, Trustee of the Joe Van Dera Living Trust and Denis James Van Dera, Trustee of the Denis James Van Dera Living Trust, owners of the subject Property, prior to the public hearing held on July 30, 2013, regarding the adoption of this resolution of necessity.
5. That acquisition of the Property and construction of the I-880/SR-92 Reliever Route - Phase 1 Project as described in the MND and the Mitigation Monitoring and Reporting Program will have no significant environment impacts.

BE IT FURTHER RESOLVED that the City of Hayward shall acquire the Property for the construction of widening the existing Whitesell Street from Enterprise Avenue to Breakwater Avenue, including construction of curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting as proposed by the I-880/SR-92 Reliever Route – Phase 1 Project and shall construct the Project in accordance with the Mitigation Monitoring and Reporting Program.

BE IT FURTHER RESOLVED that the City Attorney for the City of Hayward is authorized and directed to take any and all lawful actions which are convenient or necessary to acquire immediate possession of and title to the Property by eminent domain proceedings or otherwise.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

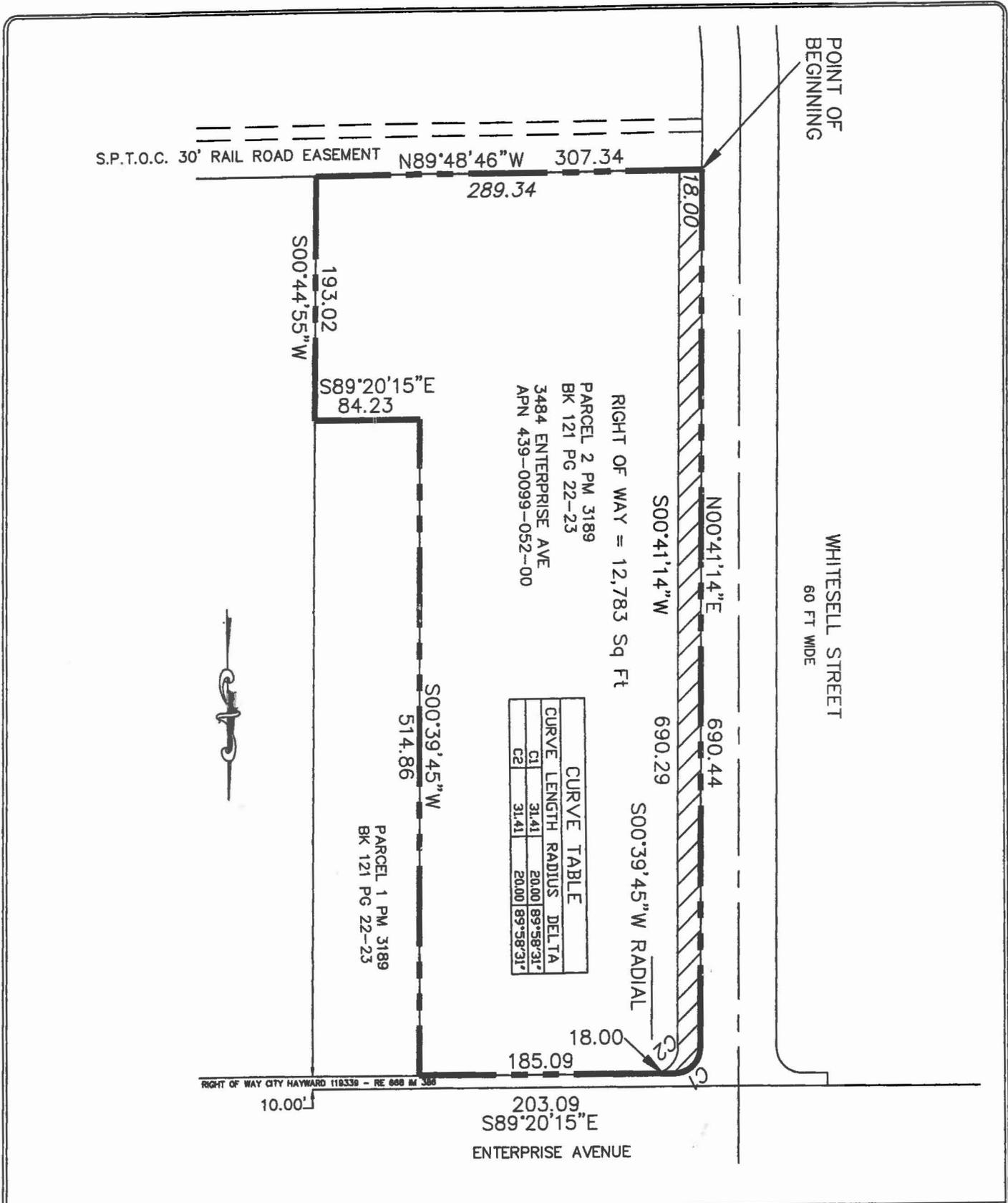
EXHIBIT A
RIGHT OF WAY

REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

A PORTION OF APN 439-0099-052.

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL MAP NO.3189 IN BOOK 121 OF MAPS, AT PAGES 22 AND 23, ALAMEDA COUNTY RECORDS, THENCE ALONG THE WESTERN LINE OF SAID PARCEL MAP NORTH 00°41'14" EAST, 690.44 FEET TO A TANGENT CURVE TO THE NORTHEAST; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89°58'31" AND AN ARC LENGTH OF 31.41 FEET TO THE CITY OF HAYWARD RIGHT-OF-WAY FOR ENTERPRISE AVENUE, SERIES NUMBER 119339, REEL 668 IMAGE 386; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY SOUTH 89°20'15" EAST, 18.00 FEET TO A CURVE TO THE SOUTHWEST; THENCE ALONG SAID CURVE, WITH A RADIAL BEARING OF SOUTH 00°39'45" WEST, A RADIUS OF 20.00 FEET AND AN ARC LENGTH OF 31.41 FEET; THENCE SOUTH 00°41'14" WEST, 690.29 FEET TO THE SOUTHERN LINE OF SAID PARCEL MAP; THENCE ALONG SAID SOUTHERN LINE NORTH 89°48'46" WEST, 18.00 FEET TO THE POINT OF BEGINNING.







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 Oakland, California 94606-5203
 510.261.0900 FAX 510.261.3303
 e-mail: plssurv@pacbell.net

A.P.N. 439-0099-052-00
RIGHT OF WAY

HAYWARD CALIFORNIA

SCALE	1"=150'
DATE	10/08/12
BY	JMB
JOB NO.	11047

**EXHIBIT B
TEMPORARY CONSTRUCTION EASEMENT**

**A 10 FOOT WIDE STRIP OF LAND TO THE EAST OF THE EASTERLY RIGHT-OF-WAY
AS DESCRIBED BELOW:**

**REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF
CALIFORNIA.**

A PORTION OF APN 439-0099-052.

**BEGINNING AT THE SOUTHWEST CORNER OF PARCEL MAP NO.3189 IN BOOK 121 OF
MAPS, AT PAGES 22 AND 23, ALAMEDA COUNTY RECORDS, THENCE ALONG THE
WESTERN LINE OF SAID PARCEL MAP NORTH 00°41'14" EAST, 690.44 FEET TO A TANGENT
CURVE TO THE NORTHEAST; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 20.00
FEET, A CENTRAL ANGLE OF 89°58'31" AND AN ARC LENGTH OF 31.41 FEET TO THE CITY
OF HAYWARD RIGHT-OF-WAY FOR ENTERPRISE AVENUE, SERIES NUMBER 119339, REEL
668 IMAGE 386; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY SOUTH 89°20'15" EAST,
18.00 FEET TO A CURVE TO THE SOUTHWEST; THENCE ALONG SAID CURVE, WITH A
RADIAL BEARING OF SOUTH 00°39'45" WEST, A RADIUS OF 20.00 FEET AND AN ARC
LENGTH OF 31.41 FEET; THENCE SOUTH 00°41'14" WEST, 690.29 FEET TO THE SOUTHERN
LINE OF SAID PARCEL MAP; THENCE ALONG SAID SOUTHERN LINE NORTH 89°48'46"
WEST, 18.00 FEET TO THE POINT OF BEGINNING.**



HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION OF NECESSITY DECLARING A PUBLIC
NEED FOR AND AUTHORIZING THE ACQUISITION AND
IMMEDIATE POSSESSION BY EMINENT DOMAIN
PROCEEDINGS OR OTHERWISE OF REAL PROPERTY
INTERESTS FOR THE I-880/SR-92 RELIEVER ROUTE -
PHASE 1 PROJECT (PORTIONS OF APN 439-0070-002-01)

WHEREAS, the City of Hayward has proposed to construct a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, as part of a larger project known as the I-880/SR-92 Reliever Route - Phase 1 Project (the “Project”); and

WHEREAS, construction of the Project as proposed would require the City acquire in fee simple a portion of the real property located southeasterly of the intersection of Cabot Boulevard and Depot Road (Assessor’s Parcel Number 439-0070-002-01), known as 3484 Enterprise Avenue and owned by Depot Road LLC; and

WHEREAS, the partial acquisition in fee simple would consist of 43,983 square feet, as described more specifically on Attachment III-a to this Resolution and as depicted on Attachment III-b; and

WHEREAS, the construction of the Project as proposed also would require the City to acquire a temporary construction easement consisting of 6,993 square feet, as described more specifically on Attachment III-c to this Resolution and as depicted on Attachment III-d, beginning at the commencement of construction of the Project and lasting for at least two (2) years or until the Project is completed; and

WHEREAS, on March 22, 2011, the City of Hayward Council adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program and approved the Project, which included the proposed acquisition of the Property; and

WHEREAS, no substantial changes are proposed in the Project from the Project described in the MND; no substantial changes have occurred since adoption of the MND with respect to the circumstances under which the Project is being undertaken; and no new

information has become available since adoption of the MND regarding the potential environmental impacts of the Project; and

WHEREAS, staff commissioned an appraisal of the property on November 1, 2011 and made an offer to the owner to purchase the Property on November 6, 2012, which the owner has not accepted; and

WHEREAS, after providing notice in the manner specified in Code of Civil Procedure Section 1245.235, the City held a public hearing at which the person whose property interests are to be acquired pursuant to this resolution, and whose names and addresses appear on the last equalized county assessment roll for the Property, had the opportunity to appear and be heard on the following matters referred to in Section 1240.030 of the California Code of Civil Procedure:

- a. Whether the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
- b. Whether the I-880/SR-92 Reliever Route - Phase 1 Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. Whether the acquisition of the Property is necessary for the I-880/SR-92 Reliever Route-Phase 1 Project; and
- d. Whether the offer required by Section 7267.2 of the California Government Code has been made to the owners of record.

WHEREAS, the Property's owners had an opportunity to appear at the hearing during which the adoption of this resolution was considered; and

WHEREAS, the City of Hayward is authorized by the Constitution and statutes of the State of California, including, but not limited to, Government Code Sections 37350, 37350.5, 37351, 37353, 40401 and 40404 to acquire real property by eminent domain for the I-880/SR-92 Reliever Route – Phase 1 Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that it hereby finds, determines, and declares as follows, on the basis of the evidence presented orally and in writing at the hearing at which the adoption of this resolution was considered:

1. That the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
2. That the I-880/SR-92 Reliever Route - Phase 1 Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

- 3. That the acquisition by the City of Hayward of the Property described in Attachments III-a and III-c and depicted on Attachments III-b and III-d attached to this Resolution, for the construction of a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, is necessary for the I-880/SR-92 Reliever Route – Phase 1 Project;
- 4. That staff has made the offer required by Section 7267.2 of the Government Code of the State of California to Depot Road LLC, owner of the subject Property, prior to the public hearing held on July 30, 2013, regarding the adoption of this resolution of necessity; and
- 5. That acquisition of the Property and construction of the I-880/SR-92 Reliever Route - Phase 1 Project as described in the MND and the Mitigation Monitoring and Reporting Program will have no significant environment impacts.

BE IT FURTHER RESOLVED that the City of Hayward shall acquire the Property for the construction of a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting as proposed by the I-880/SR-92 Reliever Route - Phase 1 Project and shall construct the Project in accordance with the Mitigation Monitoring and Reporting Program.

BE IT FURTHER RESOLVED that the City Attorney for the City of Hayward is authorized and directed to take any and all lawful actions which are convenient or necessary to acquire immediate possession of and title to the Property by eminent domain proceedings or otherwise.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

09-20-2012

**EXHIBIT A
RIGHT OF WAY**

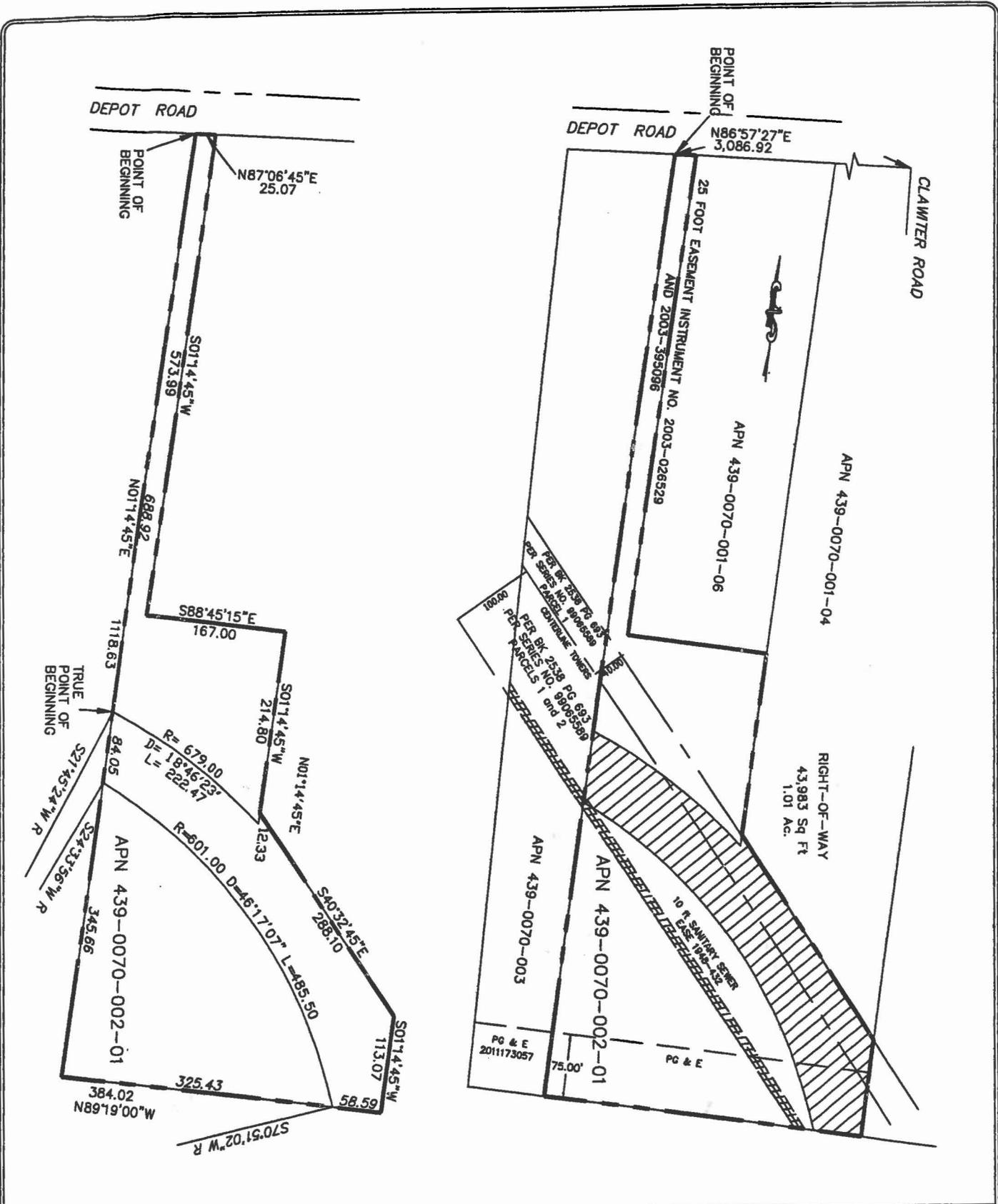
REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

A PORTION OF APN 439-0070-002-01.

ALSO BEING A PORTION OF THE GRANT DEED TO DEPOT ROAD LLC, A CALIFORNIA LIMITED LIABILITY COMPANY RECORDED FEBRUARY 19, 2004 IN OFFICIAL RECORDS OF ALAMEDA COUNTY CALIFORNIA, SERIES NUMBER 2004071919 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF COUNTY ROAD NO.2853 (DEPOT ROAD), DISTANT ALONG SAID LINE SOUTH 86°57'27" EAST, 3,086.92 FEET FROM THE INTERSECTION THEREOF WITH THE WESTERN LINE OF COUNTY ROAD NO.1649 (CLAWITER ROAD); THENCE ALONG THE WESTERN LINE OF SAID GRANT DEED SOUTH 01°14'15" WEST, 688.92 FEET TO THE WESTERN LINE OF SAID GRANT DEED AND THE **TRUE POINT OF BEGINNING; THENCE SOUTHERLY ALONG A CURVE TO THE SOUTHEAST WITH A RADIAL BEARING OF SOUTH 21°45'24" WEST, A RADIUS OF 679.00 FEET, A CENTRAL ANGLE OF 18°46'23" AND AN ARC LENGTH OF 222.47 FEET; THENCE NORTH 01°14'45" EAST, 12.33 FEET TO THE NORTHERN LINE OF SAID GRANT DEED; THENCE ALONG SAID NORTHERN LINE SOUTH 40°32'45" EAST, 288.10 FEET TO THE EASTERN LINE OF SAID GRANT DEED SOUTH 01°14'45" WEST, 113.07 FEET TO THE SOUTHERN LINE OF SAID GRANT DEED; THENCE WESTERLY ALONG SAID SOUTHERN LINE NORTH 89°19'00" WEST, 58.59 FEET TO A CURVE TO THE NORTHWEST; THENCE ALONG SAID CURVE HAVING A RADIUS OF 601.00 FEET, A CENTRAL ANGLE OF 46°17'07" AND AN ARC LENGTH OF 485.50 FEET TO SAID WESTERN LINE; THENCE ALONG SAID WESTERN LINE NORTH 01°14'45" EAST, 84.05 FEET TO THE **TRUE POINT OF BEGINNING**.**





PLS SURVEYS, INC.
LAND & HYDROGRAPHIC SURVEYORS
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Oakland, California 94606-5203
510.261.0900 FAX 510.261.3303
e-mail: plessurv@pacbell.net

A.P.N. 439-0070-002-01
RIGHT OF WAY

HAYWARD CALIFORNIA

SCALE	1"=150'
DATE	11/02/12
BY	JMB
JOB NO.	11047

10-03-2012

**EXHIBIT B
TEMPORARY CONSTRUCTION EASEMENT
T.C.E.**

A 10 FOOT WIDE STRIP OF LAND TO THE NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE AND A 10 FOOT WIDE STRIP OF LAND TO THE SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE AS SAID RIGHT-OF-WAY IS DESCRIBED BELOW. THE NORTHERN T.C.E. SHALL TERMINATE AT THE EASTERLY LINE OF SAID PARCEL, SOUTH 01°14'45" WEST, 214.80 FEET, AND ITS 12.33 FOOT EXTENSION TO THE SOUTH.

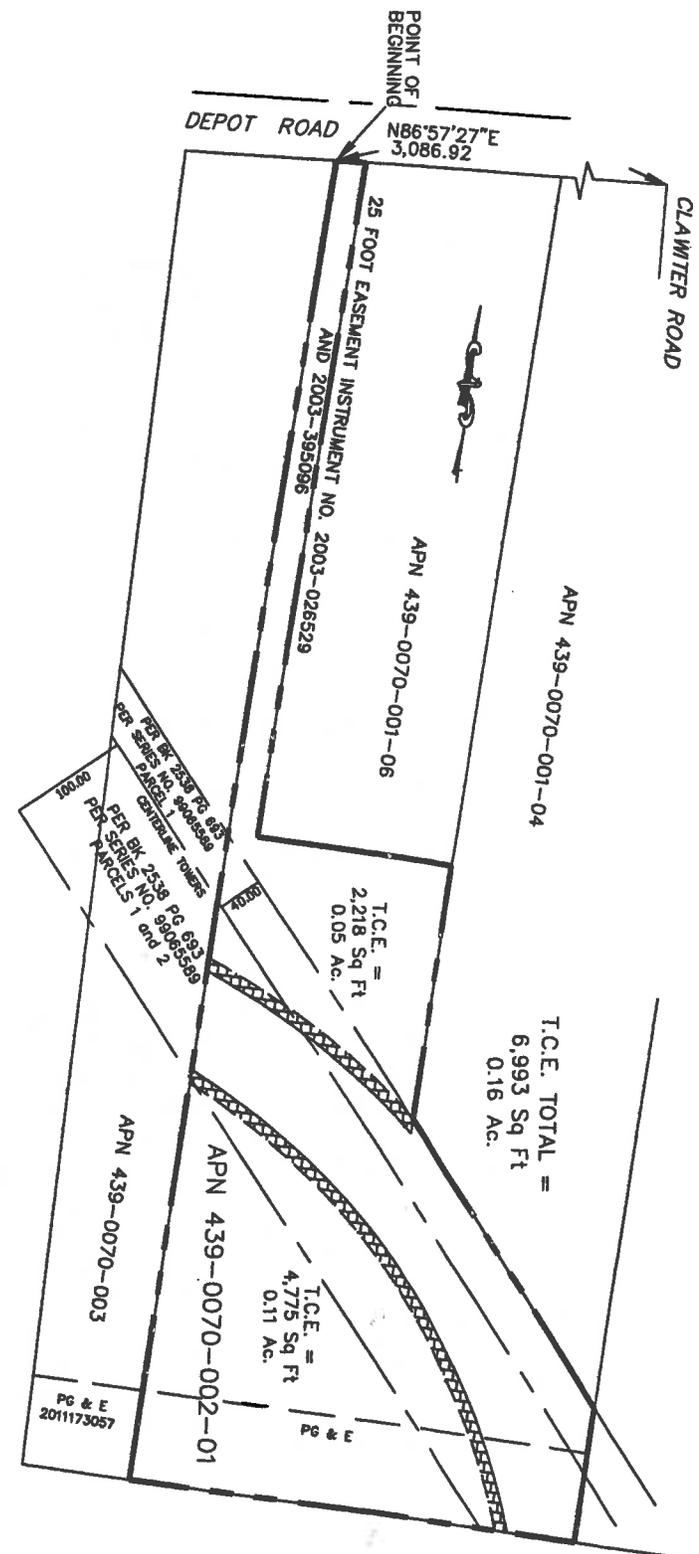
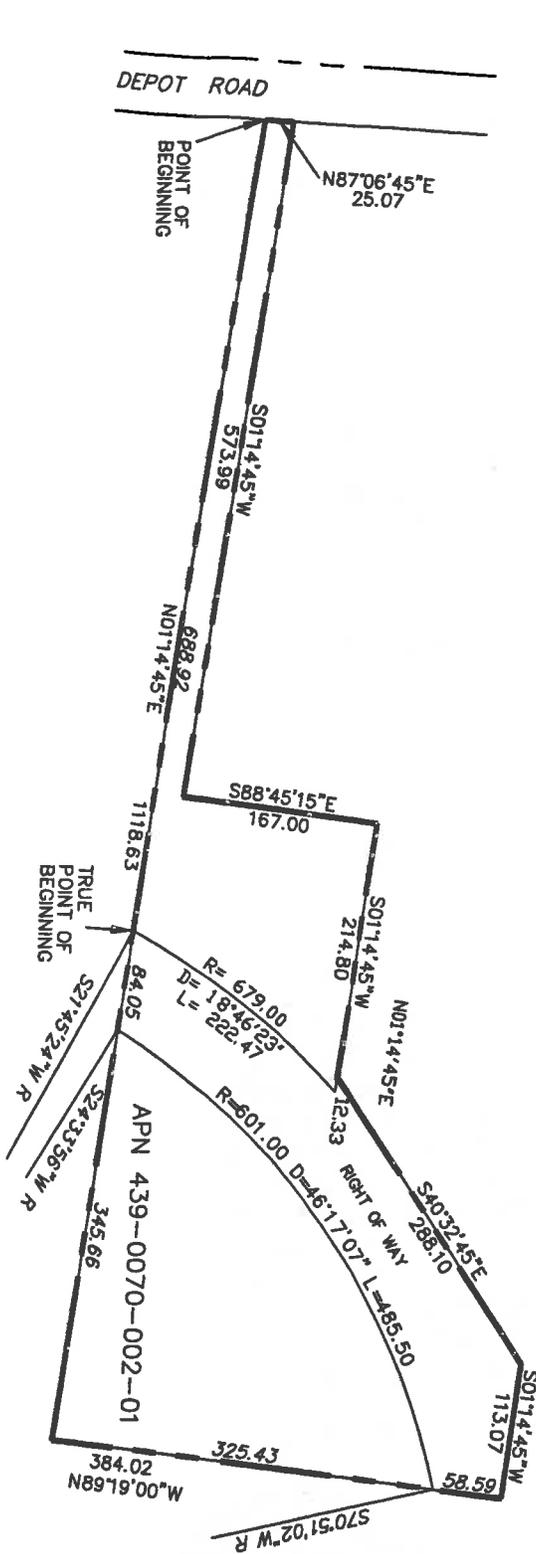
REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

A PORTION OF APN 439-0070-002-01

ALSO BEING A PORTION OF THE GRANT DEED TO DEPOT ROAD LLC, A CALIFORNIA LIMITED LIABILITY COMPANY RECORDED FEBRUARY 19, 2004 IN OFFICIAL RECORDS OF ALAMEDA COUNTY CALIFORNIA, SERIES NUMBER 2004071919, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF COUNTY ROAD NO.2853 (DEPOT ROAD), DISTANT ALONG SAID LINE SOUTH 86°57'27" EAST, 3086.92 FEET FROM THE INTERSECTIONS THEREOF WITH THE WESTERN LINE OF COUNTY ROAD NO.1649 (CLAWITER ROAD); THENCE ALONG THE WESTERN LINE OF SAID GRANT DEED SOUTH 01°14'15" WEST, 688.92 FEET TO THE WESTERN LINE OF SAID GRANT DEED AND THE **TRUE POINT OF BEGINNING**; THENCE SOUTHERLY ALONG A CURVE TO THE SOUTHEAST WITH A RADIAL BEARING OF SOUTH 21°45'24" WEST, A RADIUS OF 679.00 FEET, A CENTRAL ANGLE OF 18°46'23" AND AN ARC LENGTH OF 222.47 FEET; THENCE NORTH 01°14'15" EAST, 12.33 FEET TO THE NORTHERN LINE OF SAID GRANT DEED; THENCE ALONG SAID NORTHERN LINE SOUTH 40°32'45" EAST, 288.10 FEET TO THE EASTERN LINE OF SAID GRANT DEED SOUTH 01°14'45" WEST, 113.07 FEET TO THE SOUTHERN LINE OF SAID GRANT DEED; THENCE WESTERLY ALONG SAID SOUTHERN LINE NORTH 89°19'00" WEST, 58.59 FEET TO A CURVE TO THE NORTHWEST; THENCE ALONG SAID CURVE HAVING A RADIUS OF 601.00 FEET, A CENTRAL ANGLE OF 46°17'07" AND AN ARC LENGTH OF 485.50 FEET TO SAID WESTERN LINE; THENCE ALONG SAID WESTERN LINE NORTH 01°14'45" EAST, 84.05 FEET TO THE **TRUE POINT OF BEGINNING**.





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 e-mail: plssurv@pacbell.net

A.P.N. 439-0070-002-01
TEMPORARY CONSTRUCTION EASEMENT
HAYWARD CALIFORNIA

SCALE	1"=150'
DATE	10/10/12
BY	JMB
JOB NO.	11047

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION OF NECESSITY DECLARING A PUBLIC
NEED FOR AND AUTHORIZING THE ACQUISITION AND
IMMEDIATE POSSESSION BY EMINENT DOMAIN
PROCEEDINGS OR OTHERWISE OF REAL PROPERTY
INTERESTS FOR THE I-880/SR-92 RELIEVER ROUTE -
PHASE 1 PROJECT (APN's 439-0070-003 AND 004)

WHEREAS, the City of Hayward has proposed to construct a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, as part of a larger project known as the I-880/SR-92 Reliever Route - Phase 1 Project (the "Project"); and

WHEREAS, construction of the Project as proposed would require the City acquire in fee simple a portion of the real property located southeasterly of the intersection of Cabot Boulevard and Depot Road (Assessor's Parcel Numbers 439-0070-003 and 004), known as part of 3696 and 3720 Depot Road and owned by Ruben Paul Dorris, Dorris Auto Wreckers, and Paul R. Dorris; and

WHEREAS, the partial acquisition in fee simple would consist of 23,796 square feet, as described more specifically on Attachments IV-a and IV-c to this Resolution and as depicted on Attachments IV-b and IV-d; and

WHEREAS, the construction of the Project as proposed also would require the City to acquire a temporary construction easement consisting of 6,105 square feet, as described more specifically on Attachments IV-e and IV-g to this Resolution and as depicted on Attachments IV-f and IV-h, beginning at the commencement of construction of the Project and lasting for at least two (2) years or until the Project is completed; and

WHEREAS, on March 22, 2011, the City Council of the City of Hayward adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program and approved the Project, which included the proposed acquisition of the Property; and

WHEREAS, no substantial changes are proposed in the Project from the Project described in the MND; no substantial changes have occurred since adoption of the MND with respect to the circumstances under which the Project is being undertaken; and no new

information has become available since adoption of the MND regarding the potential environmental impacts of the Project; and

WHEREAS, staff commissioned an appraisal of the property on November 1, 2011 and made an offer to the owner to purchase the Property on October 17, 2012, which the owner has not accepted; and

WHEREAS, after providing notice in the manner specified in Code of Civil Procedure Section 1245.235, the City held a public hearing at which the person whose property interests are to be acquired pursuant to this resolution, and whose names and addresses appear on the last equalized county assessment roll for the Property, had the opportunity to appear and be heard on the following matters referred to in Section 1240.030 of the California Code of Civil Procedure:

- a. Whether the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
- b. Whether the I-880/SR-92 Reliever Route - Phase 1 Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. Whether the acquisition of the Property is necessary for the I-880/SR-92 Reliever Route-Phase 1 Project; and
- d. Whether the offer required by Section 7267.2 of the California Government Code has been made to the owners of record.

WHEREAS, the Property's owners had an opportunity to appear at the hearing during which the adoption of this resolution was considered; and

WHEREAS, the City of Hayward is authorized by the Constitution and statutes of the State of California, including, but not limited to, Government Code Sections 37350, 37350.5, 37351, 37353, 40401 and 40404 to acquire real property by eminent domain for the I-880/SR-92 Reliever Route - Phase 1 Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that it hereby finds, determines, and declares as follows, on the basis of the evidence presented orally and in writing at the hearing at which the adoption of this resolution was considered:

1. That the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
2. That the I-880/SR-92 Reliever Route - Phase 1 Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

- 3. That the acquisition by the City of Hayward of the portion of property described in Attachments IV-a, IV-c, IV-e, and IV-g and depicted on Attachments IV-b, IV-d, IV-f, and IV-h attached to this Resolution, for the construction of a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, is necessary for the I-880/SR-92 Reliever Route - Phase 1 Project;
- 4. That staff has made the offer required by Section 7267.2 of the Government Code of the State of California to Ruben Paul Dorris, Dorris Auto Wreckers, and Paul R. Dorris, owners of the subject Property, prior to the public hearing held on July 30, 2013, regarding the adoption of this resolution of necessity.
- 5. That acquisition of the Property and construction of the I-880/SR-92 Reliever Route - Phase 1 Project as described in the MND and the Mitigation Monitoring and Reporting Program will have no significant environment impacts.

BE IT FURTHER RESOLVED that the City of Hayward shall acquire the Property for the construction of a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, as proposed by the I-880/SR-92 Reliever Route - Phase 1 Project and shall construct the Project in accordance with the Mitigation Monitoring and Reporting Program.

BE IT FURTHER RESOLVED that the City Attorney for the City of Hayward is authorized and directed to take any and all lawful actions which are convenient or necessary to acquire immediate possession of and title to the Property by eminent domain proceedings or otherwise.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**EXHIBIT A
RIGHT OF WAY**

REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

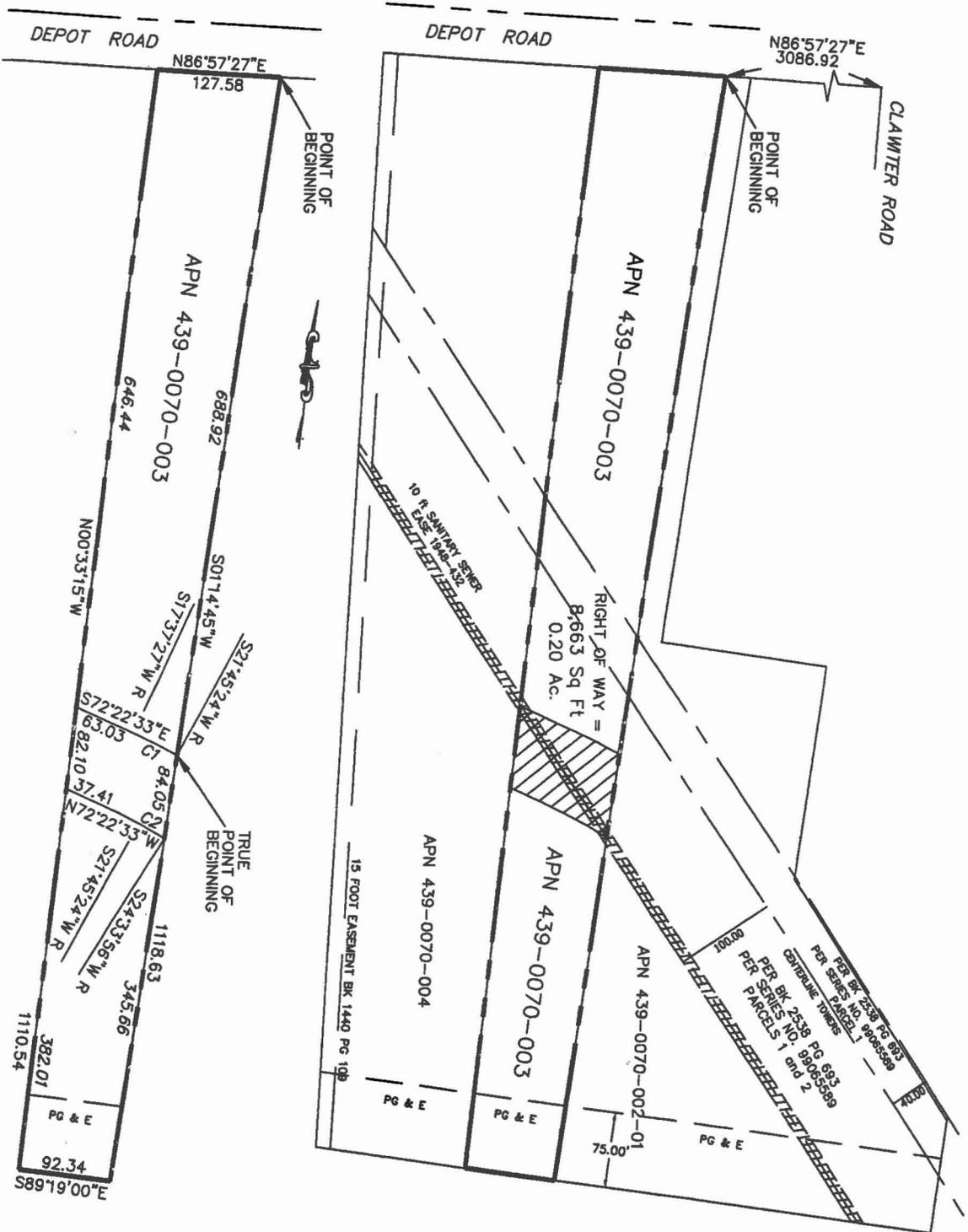
A PORTION OF APN 439-0070-003-00

ALSO A PORTION OF THE CORPORATION GRANT DEED TO RUBEN PAUL DORRIS AND DORRIS AUTO WRECKERS, INC. RECORDED APRIL 28, 1988, SERIES NUMBER 88-101928 IN OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF COUNTY ROAD NO. 2853 (DEPOT ROAD), SAID POINT BEING WESTERLY THEREON 3,086.92 FEET FROM THE INTERSECTION THEREOF WITH THE WESTERN LINE OF COUNTY ROAD NO. 1649 (CLAWITER ROAD); THENCE SOUTH ALONG THE EASTERN LINE OF SAID CORPORATION GRANT DEED, SOUTH 01°14'45" WEST, 688.92 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERN LINE, SOUTH 01°14'45" WEST, 84.05 FEET TO A CURVE TO THE NORTHWEST; THENCE ALONG SAID CURVE WITH A RADIAL BEARING OF SOUTH 24°33'56" WEST, 37.41 FEET, A RADIUS OF 601.00 FEET WITH A CENTRAL ANGLE OF 06°56'29" AND AN ARC LENGTH OF 72.81 FEET; THENCE NORTH 72°22'33" WEST, 37.41 TO THE WESTERN LINE OF SAID CORPORATION GRANT DEED; THENCE NORTHERLY ALONG SAID WESTERN LINE NORTH 00°33'15" WEST, 82.10 FEET; THENCE SOUTH 72°22'33" EAST, 63.03 FEET TO A TANGENT CURVE TO THE SOUTHEAST; THENCE ALONG SAID CURVE, HAVING A RADIUS OF 679.00 FEET, A CENTRAL ANGLE OF 04°07'57" AND AN ARC LENGTH OF 48.97 FEET TO THE TRUE POINT OF BEGINNING.



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C 1	48.97	679.00	04° 07' 57"
C 2	72.81	601.00	06° 56' 29"



PLS SURVEYS, INC.
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e-mail: pissurv@pacbell.net

A.P.N. 439-0070-003
RIGHT OF WAY

HAYWARD

CALIFORNIA

SCALE	1"=150'
DATE	10/08/12
BY	JMB
JOB NO.	11047

**EXHIBIT C
RIGHT OF WAY**

**REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA,
STATE OF CALIFORNIA.**

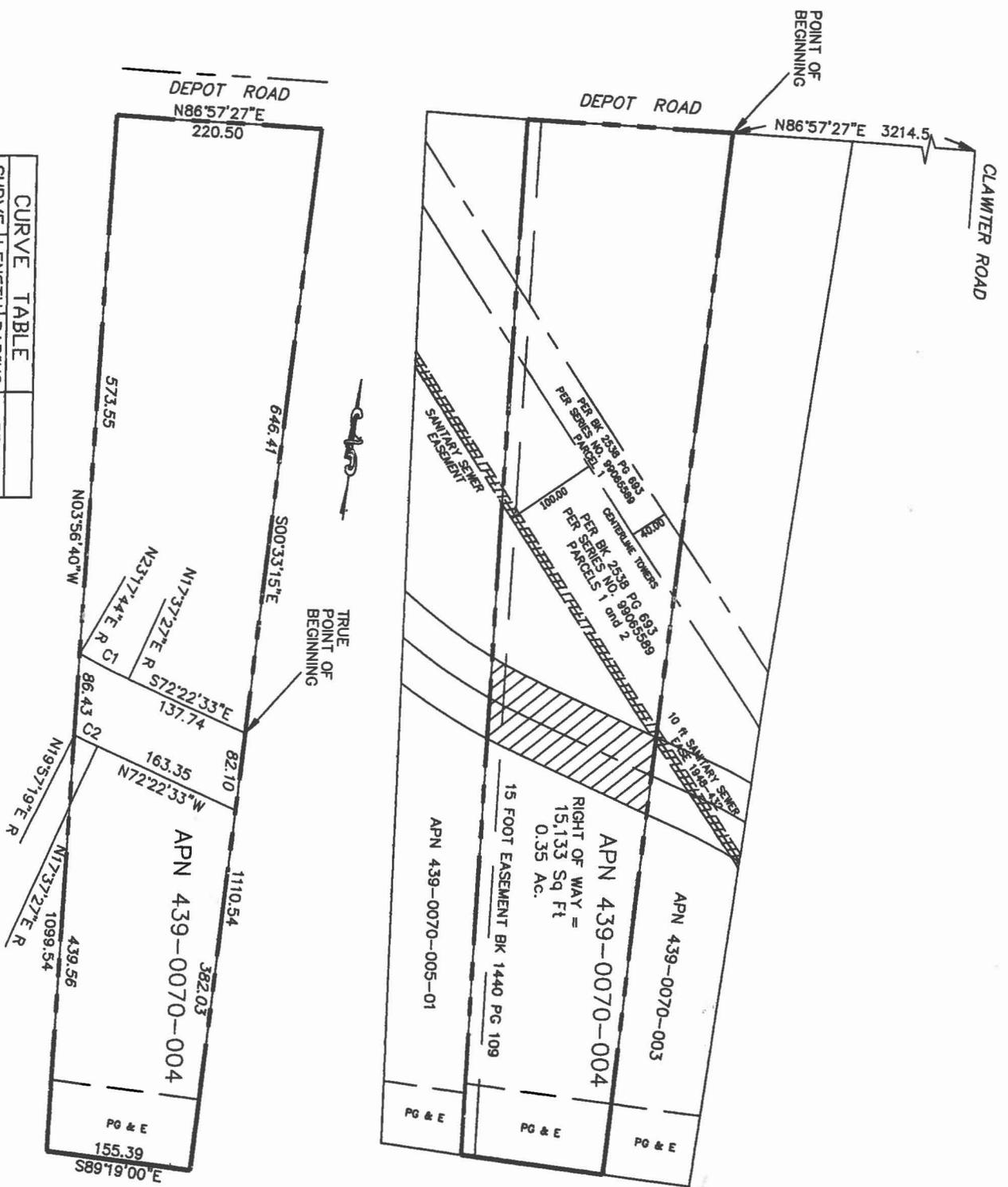
A PORTION OF APN NO. 439-0070-004

**ALSO BEING A PORTION OF THE INDIVIDUAL QUITCLAIM DEED TO
BILLIE L. DORRIS AND PAUL R. DORRIS RECORDED JULY 28, 1980 IN
OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA SERIES NO. 80-
126301 DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT ON THE SOUTHERN LINE OF COUNTY ROAD NO.
2853 (DEPOT ROAD), DISTANT THEREON WESTERLY 3,214.5 FEET FROM THE
INTERECTION THEREOF WITH THE WESTERN LINE OF COUNTY ROAD NO.
1649 (CLAWITER ROAD); THENCE ALONG THE EASTERN LINE OF SAID
INDIVIDUAL QUICKCLAIM DEED, SOUTH 00°33'15" EAST, 646.41 TO THE
TRUE POINT OF BEGINGING; THENCE CONTINUING ALONG SAID
EASTERN LINE, SOUTH 00°33'15" EAST, 82.10 FEET; THENCE NORTH 72°22'23"
WEST, 163.35 FEET; THENCE ALONG A TANGENT CURVE TO THE
NORTHWEST HAVING A RADIAL BEARING OF NORTH 17°37'27" EAST, A
RADIUS OF 679.00 FEET, A CENTRAL ANGLE OF 02°19'52" AND AN ARC
LENGTH OF 27.63 FEET TO THE WESTERN LINE OF SAID INDIVIDUAL
QUITCLAIM DEED; THENCE NORTH ALONG SAID WESTERN LINE NORTH
03°56'40" WEST, 86.43 FEET; THENCE ALONG A CURVE TO THE SOUTHEAST
HAVING A RADIAL BEARING OF NORTH 23°17'44" EAST, A RADIUS OF 601.00
FEET, A CENTRAL ANGLE OF 05°40'17" AND AN ARC LENGTH OF 59.49 FEET;
THENCE SOUTH 72°22'33" EAST, 137.74 FEET TO THE TRUE POINT OF
BEGINNING.**



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C 1	59.49	601.00	05° 40' 17"
C 2	27.63	679.00	02° 19' 52"



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A.P.N. 439-0070-004
RIGHT OF WAY
 HAYWARD CALIFORNIA

SCALE	1"=150'
DATE	10/08/12
BY	JMB
JOB NO.	11047

**EXHIBIT B
TEMPORARY CONSTRUCTION EASEMENT**

**A 10 FOOT WIDE STRIP OF LAND TO THE NORTH OF THE NORTHERLY RIGHT- OF-
WAY LINE AND A 10 FOOT WIDE STRIP OF LAND TO THE SOUTH OF THE SOUTHERLY
RIGHT-OF-WAY AS DESCRIBED BELOW:**

**REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF
CALIFORNIA.**

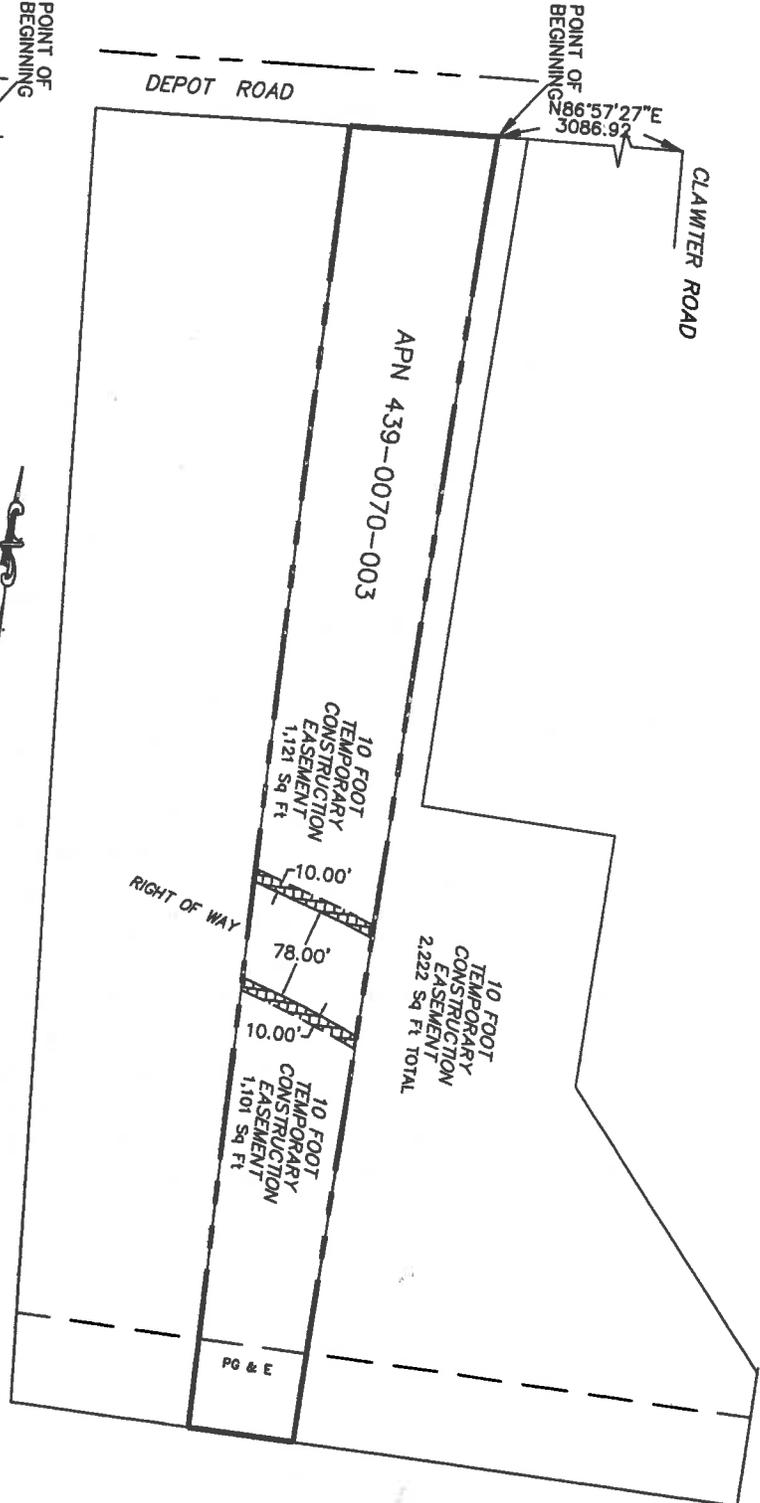
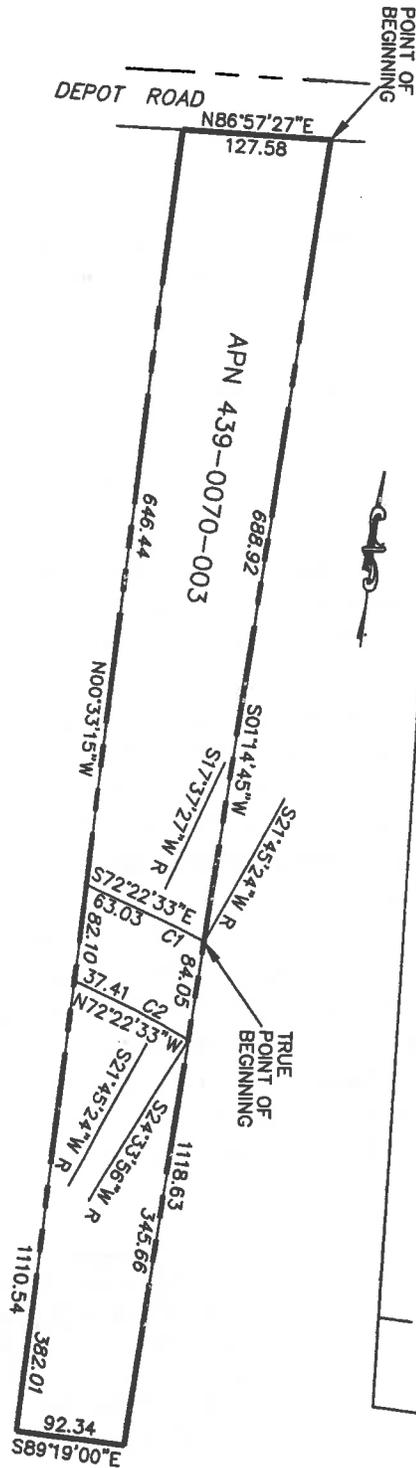
A PORTION OF APN 439-0070-003-00

**ALSO A PORTION OF THE CORPORATION GRANT DEED TO RUBEN PAUL DORRIS AND
DORRIS AUTO WRECKERS, INC. RECORDED APRIL 28, 1988, SERIES NUMBER 88-101928 IN
OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT ON THE SOUTHERN LINE OF COUNTY ROAD NO. 2853 (DEPOT
ROAD), SAID POINT BEING WESTERLY THEREON 3,086.92 FEET FROM THE INTERSECTION
THEREOF WITH THE WESTERN LINE OF COUNTY ROAD NO. 1649 (CLAWITER ROAD);
THENCE SOUTH ALONG THE EASTERN LINE OF SAID CORPORATION GRANT DEED,
SOUTH 01°14'45" WEST, 688.92 FEET TO THE TRUE POINT OF BEGINNING; THENCE
CONTINUING ALONG SAID EASTERN LINE, SOUTH 01°14'45" WEST, 84.05 FEET TO A
CURVE TO THE NORTHWEST; THENCE ALONG SAID CURVE WITH A RADIAL BEARING OF
SOUTH 24°33'56" WEST, 37.41 FEET, A RADIUS OF 601.00 FEET WITH A CENTRAL ANGLE OF
06°56'29" AND AN ARC LENGTH OF 72.81 FEET; THENCE NORTH 72°22'33" WEST, 37.41 TO
THE WESTERN LINE OF SAID CORPORATION GRANT DEED; THENCE NORTHERLY ALONG
SAID WESTERN LINE NORTH 00°33'15" WEST, 82.10 FEET; THENCE SOUTH 72°22'33" EAST,
63.03 FEET TO A TANGENT CURVE TO THE SOUTHEAST; THENCE ALONG SAID CURVE,
HAVING A RADIUS OF 679.00 FEET, A CENTRAL ANGLE OF 04°07'57" AND AN ARC LENGTH
OF 48.97 FEET TO THE TRUE POINT OF BEGINNING.**



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C 1	48.97	679.00	04°07' 57"
C 2	72.81	601.00	06°56' 29"



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A.P.N. 439-0070-003
TEMPORARY
CONSTRUCTION
EASEMENT

HAYWARD CALIFORNIA

SCALE	1"=150'
DATE	10/08/12
BY	JMB
JOB NO.	11047

**EXHIBIT D
TEMPORARY CONSTRUCTION EASEMENT**

A 10 FOOT WIDE STRIP OF LAND TO THE NORTH OF THE NORTHERLY RIGHT- OF-WAY LINE AND A 10 FOOT WIDE STRIP OF LAND TO THE SOUTH OF THE SOUTHERLY RIGHT-OF-WAY AS DESCRIBED BELOW:

REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

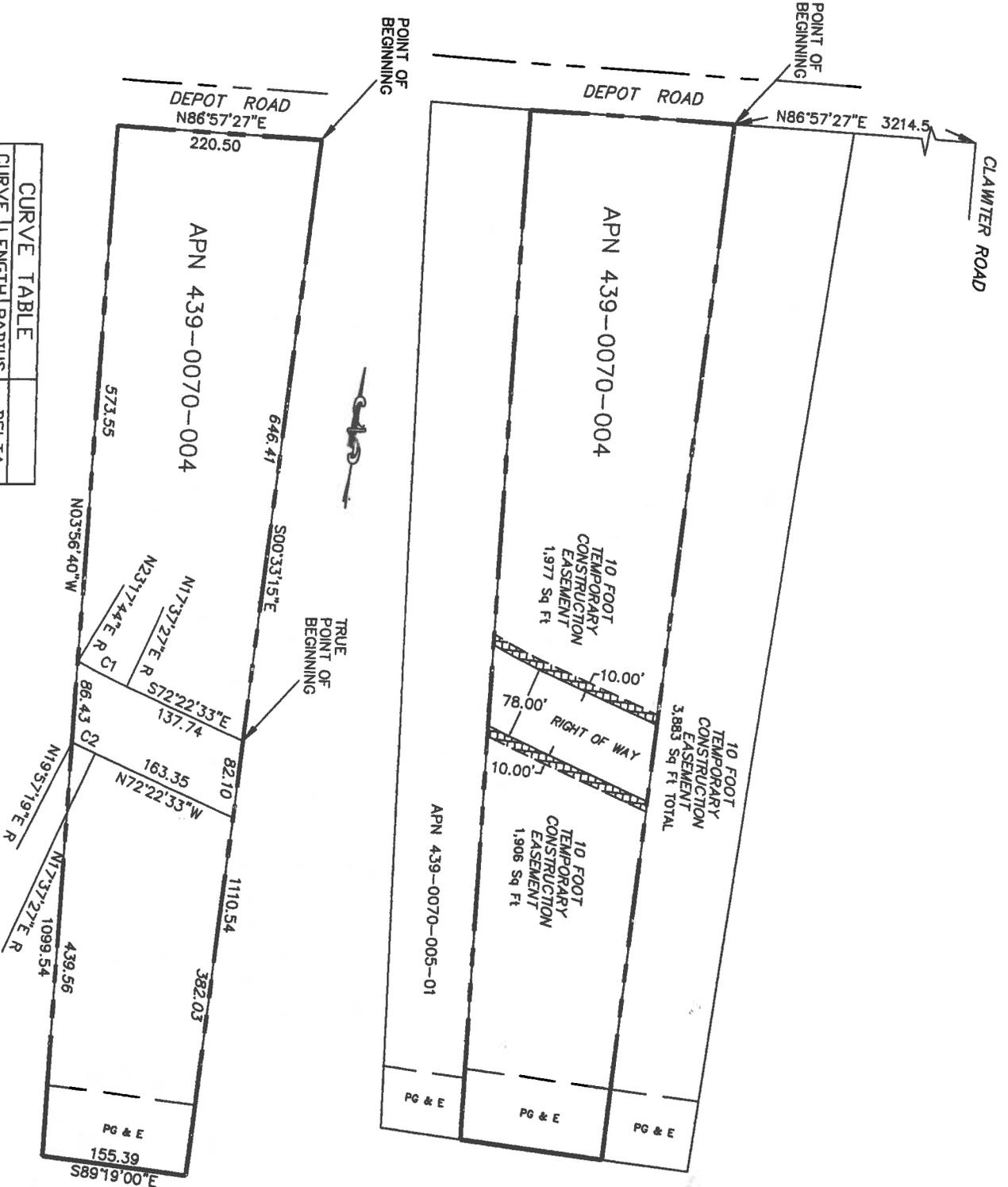
A PORTION OF APN NO. 439-0070-004

ALSO BEING A PORTION OF THE INDIVIDUAL QUITCLAIM DEED TO BILLIE L. DORRIS AND PAUL R. DORRIS RECORDED JULY 28, 1980 IN OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA SERIES NO. 80-126301 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF COUNTY ROAD NO. 2853 (DEPOT ROAD), DISTANT THEREON WESTERLY 3,214.5 FEET FROM THE INTERECTION THEREOF WITH THE WESTERN LINE OF COUNTY ROAD NO. 1649 (CLAWITER ROAD); THENCE ALONG THE EASTERN LINE OF SAID INDIVIDUAL QUICKCLAIM DEED, SOUTH 00°33'15" EAST, 646.41 TO THE TRUE POINT OF BEGINGING; THENCE CONTINUING ALONG SAID EASTERN LINE, SOUTH 00°33'15" EAST, 82.10 FEET; THENCE NORTH 72°22'23" WEST, 163.35 FEET; THENCE ALONG A TANGENT CURVE TO THE NORTHWEST HAVING A RADIAL BEARING OF NORTH 17°37'27" EAST, A RADIUS OF 679.00 FEET, A CENTRAL ANGLE OF 02°19'52" AND AN ARC LENGTH OF 27.63 FEET TO THE WESTERN LINE OF SAID INDIVIDUAL QUITCLAIM DEED; THENCE NORTH ALONG SAID WESTERN LINE NORTH 03°56'40" WEST, 86.43 FEET; THENCE ALONG A CURVE TO THE SOUTHEAST HAVING A RADIAL BEARING OF NORTH 23°17'44" EAST, A RADIUS OF 601.00 FEET, A CENTRAL ANGLE OF 05°40'17" AND AN ARC LENGTH OF 59.49 FEET; THENCE SOUTH 72°22'33" EAST, 137.74 FEET TO THE TRUE POINT OF BEGINNING.



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C 1	59.49	601.00	05° 40' 17"
C 2	27.63	679.00	02° 19' 52"



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 2220 Livingston Street, Suite 202
 Oakland, California 94606-5203
 510.261.0900 FAX 510.261.3303
 e-mail: plssurv@pacbell.net

A.P.N. 439-0070-004
 TEMPORARY
 CONSTRUCTION
 EASEMENT

HAYWARD CALIFORNIA

SCALE	1"=150'
DATE	10/08/12
BY	JMB
JOB NO.	11047

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION OF NECESSITY DECLARING A PUBLIC NEED FOR AND AUTHORIZING THE ACQUISITION AND IMMEDIATE POSSESSION BY EMINENT DOMAIN PROCEEDINGS OR OTHERWISE OF REAL PROPERTY INTERESTS FOR THE I-880/SR-92 RELIEVER ROUTE - PHASE 1 PROJECT (PORTIONS OF APN 439-0070-005-01)

WHEREAS, the City of Hayward has proposed to construct a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, as part of a larger project known as the I-880/SR-92 Reliever Route - Phase 1 Project (the "Project"); and

WHEREAS, construction of the Project as proposed would require the City acquire in fee simple a portion of the real property located southeasterly of the intersection of Cabot Boulevard and Depot Road (Assessor's Parcel Number 439-0070-005-01), known as part of 3744 Depot Road and owned by Baryalai Feroz and Masood Feroz; and

WHEREAS, the partial acquisition in fee simple would consist of 8,999 square feet, as described more specifically on Attachment V-a to this Resolution and as depicted on Attachment V-b; and

WHEREAS, the construction of the Project as proposed also would require the City to acquire a temporary construction easement consisting of 2,315 square feet, as described more specifically on Attachment V-c to this Resolution and as depicted on Attachment V-d, beginning at the commencement of construction of the Project and lasting for at least two (2) years or until the Project is completed; and

WHEREAS, on March 22, 2011, the City of Hayward Council adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program and approved the I-880/SR-92 Reliever Route - Phase 1 Project, which included the proposed acquisition of the Property; and

WHEREAS, no substantial changes are proposed in the Project from the Project described in the MND; no substantial changes have occurred since adoption of the MND with respect to the circumstances under which the Project is being undertaken; and no new information has become available since adoption of the MND regarding the potential environmental impacts of the Project; and

WHEREAS, staff commissioned an appraisal of the property on November 1, 2011 and made an offer to the owner to purchase the Property on October 17, 2012, which the owner has not accepted; and

WHEREAS, after providing notice in the manner specified in Code of Civil Procedure Section 1245.235, the City held a public hearing at which the person whose property interests are to be acquired pursuant to this resolution, and whose names and addresses appear on the last equalized county assessment roll for the Property, had the opportunity to appear and be heard on the following matters referred to in Section 1240.030 of the California Code of Civil Procedure:

- a. Whether the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
- b. Whether the I-880/SR-92 Reliever Route - Phase 1 Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. Whether the acquisition of the Property is necessary for the I-880/SR-92 Reliever Route-Phase 1 Project; and
- d. Whether the offer required by Section 7267.2 of the California Government Code has been made to the owners of record.

WHEREAS, the Property's owners had an opportunity to appear at the hearing during which the adoption of this resolution was considered; and

WHEREAS, the City of Hayward is authorized by the Constitution and statutes of the State of California, including, but not limited to, Government Code Sections 37350, 37350.5, 37351, 37353, 40401 and 40404 to acquire real property by eminent domain for the I-880/SR-92 Reliever Route – Phase 1 Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that it hereby finds, determines, and declares as follows, on the basis of the evidence presented orally and in writing at the hearing at which the adoption of this resolution was considered:

1. That the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
2. That the I-880/SR-92 Reliever Route - Phase 1 Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;
3. That the acquisition by the City of Hayward of the portion of property described in Attachments V-a and V-c and depicted on Attachments V-b and V-d attached to this Resolution, for the construction of a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter,

sidewalk, landscaping, bike lanes, utilities and LED streetlighting, is necessary for the I-880/SR-92 Reliever Route – Phase 1 Project;

- 4. That staff has made the offer required by Section 7267.2 of the Government Code of the State of California to Baryalai Feroz and Masood Feroz, owners of the subject Property, prior to the public hearing held on July 30, 2013, regarding the adoption of this resolution of necessity; and
- 5. That acquisition of the Property and construction of the I-880/SR-92 Reliever Route - Phase 1 Project as described in the MND and the Mitigation Monitoring and Reporting Program will have no significant environment impacts.

BE IT FURTHER RESOLVED that the City of Hayward shall acquire the Property for the construction of a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting as proposed by the I-880/SR-92 Reliever Route - Phase 1 Project and shall construct the Project in accordance with the Mitigation Monitoring and Reporting Program.

BE IT FURTHER RESOLVED that the City Attorney for the City of Hayward is authorized and directed to take any and all lawful actions which are convenient or necessary to acquire immediate possession of and title to the Property by eminent domain proceedings or otherwise.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**EXHIBIT A
RIGHT OF WAY**

**REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA,
STATE OF CALIFORNIA.**

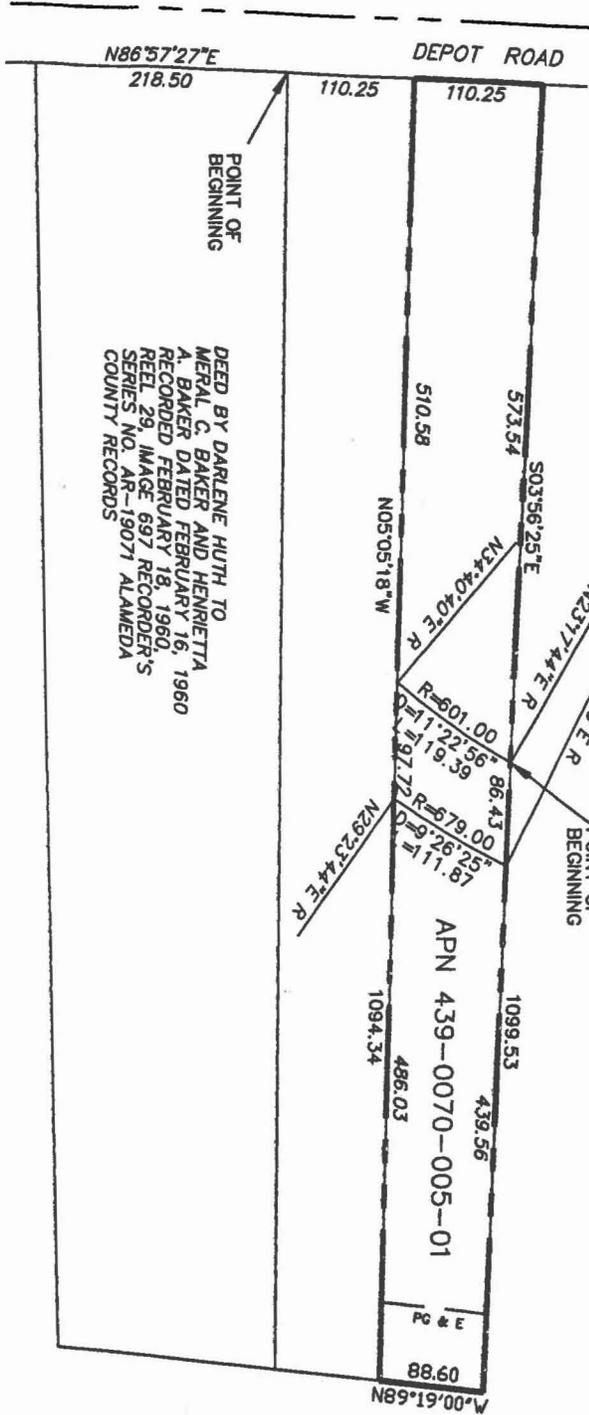
A PORTION OF APN NO. 439-0070-005-01

**ALSO BEING A PORTION OF THE LAND DESCRIBED IN THE DEED BY
DARLENE HUTH TO MERAL C. BAKER AND HENRIETTA A. BAKER, DATED
FEBRUARY 16, 1960, RECORDED FEBRUARY 18, 1960, REEL 29, IMAGE 697,
RECORDERS SERIES NO. AR-19071, ALAMEDA COUNTY RECORDS**

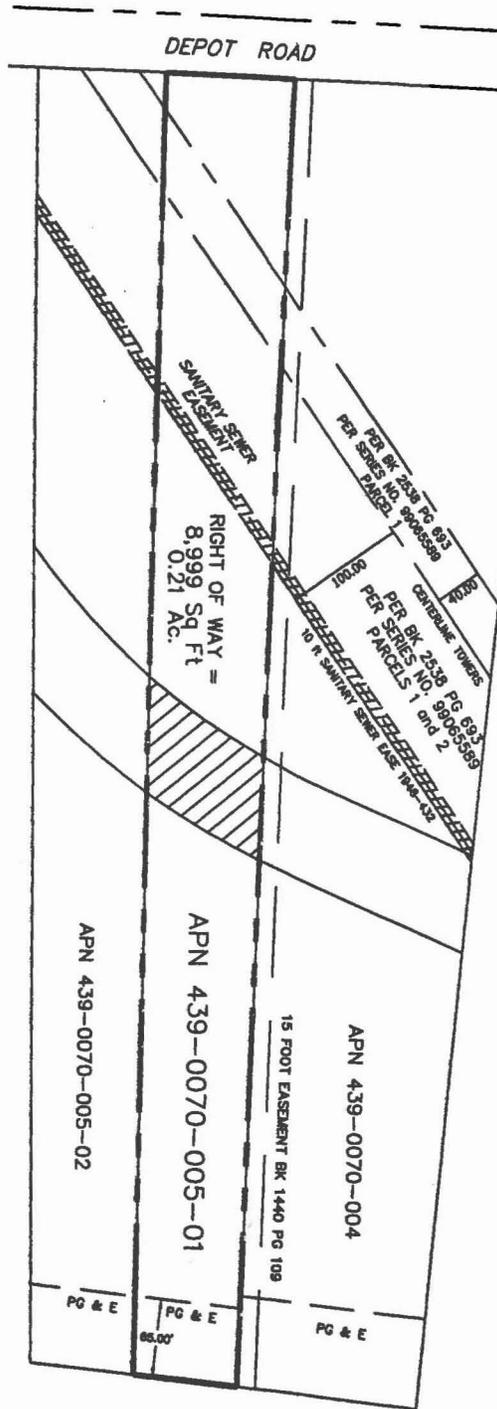
**ALSO BEING A PORTION OF THE CORPORATION GRANT DEED TO
BARYALAU FERAZ AND MASOOD FREOZ RECORDED SEPTEMBER 29, 2000,
SERIES NO. 2000294932 OFFICIAL RECORDS OF ALAMEDA COUNTY
DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT ON THE SOUTHERN LINE OF COUNTY ROAD NO.
2853 (DEPOT ROAD), DISTANT THEREON NORTH 86°57'27" EAST, 110.25 FEET
FROM THE WESTERN LINE OF SAID LAND; THENCE ALONG SAID
SOUTHERN LINE, NORTH 86° 57'27" EAST, 110.25 FEET TO THE EASTERN
LINE OF SAID LAND; THENCE SOUTH ALONG SAID EASTERN LINE, SOUTH
03°56'25" EAST, 573.54 FEET TO THE TRUE POINT OF BEGINNING; THENCE
SOUTH ALONG SAID EASTERN LINE, SOUTH 03°56'25" EAST, 86.43 FEET;
THENCE ALONG A CURVE TO THE WEST WITH A RADIAL BEARING OF
NORTH 19°57'20" EAST, A RADIUS OF 679.00 FEET, A CENTRAL ANGLE OF
09°26'25" AND AN ARC LENGTH OF 111.87 FEET TO THE WESTERN LINE OF
SAID LAND; THENCE NORTH ALONG SAID WESTERN LINE, NORTH 05°05'18"
WEST, 97.72 FEET; THENCE ALONG A CURVE TO THE EAST WITH A RADIAL
BEARING OF NORTH 34°40'40" EAST, A RADIUS OF 601.00 FEET, A CENTRAL
ANGLE OF 11°22'56" AND AN ARC LENGTH OF 119.39 FEET TO THE TRUE
POINT OF BEGINNING.**





DEED BY DARLENE HUTH TO
 MERAL G. BAKER AND HENRIETTA
 A. BAKER DATED FEBRUARY 16, 1960
 RECORDED FEBRUARY 18, 1960
 REEL 29, IMAGE 697 RECORDER'S
 SERIES NO. AR-19071 ALAMEDA
 COUNTY RECORDS



PER BK 2638 PG 693
 PER SERIES NO. 98065588
 PER SERIES NO. 98065588
 PER BK 2638 PG 693
 PER SERIES NO. 98065588
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 PER BK 2638 PG 693
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A.P.N. 439-0070-005-01
 RIGHT OF WAY

HAYWARD

CALIFORNIA

SCALE	1"=150'
DATE	10/08/12
BY	JMB
JOB NO.	11047

**EXHIBIT B
TEMPORARY CONSTRUCTION EASEMENT**

A 10 FOOT WIDE STRIP OF LAND TO THE NORTH OF THE NORTHERLY RIGHT- OF-WAY LINE AND A 10 FOOT WIDE STRIP OF LAND TO THE SOUTH OF THE SOUTHERLY RIGHT-OF-WAY AS DESCRIBED BELOW:

REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

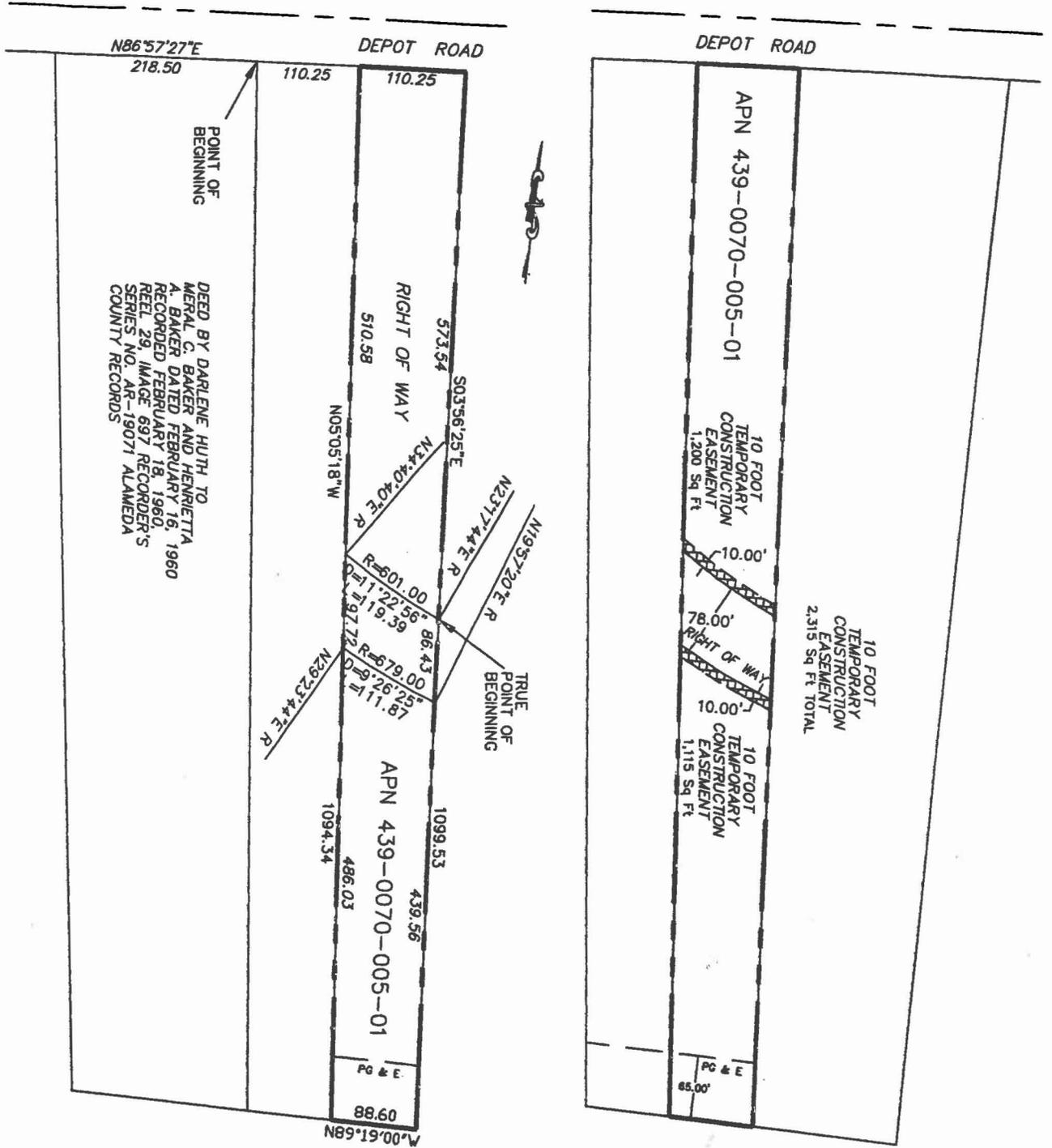
A PORTION OF APN NO. 439-0070-005-01

ALSO BEING A PORTION OF THE LAND DESCRIBED IN THE DEED BY DARLENE HUTH TO MERAL C. BAKER AND HENRIETTA A. BAKER, DATED FEBRUARY 16, 1960, RECORDED FEBRUARY 18, 1960, REEL 29, IMAGE 697, RECORDERS SERIES NO. AR-19071, ALAMEDA COUNTY RECORDS

ALSO BEING A PORTION OF THE CORPORATION GRANT DEED TO BARYALAU FERAZ AND MASOOD FREOZ RECORDED SEPTEMBER 29, 2000, SERIES NO. 2000294932 OFFICIAL RECORDS OF ALAMEDA COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF COUNTY ROAD NO. 2853 (DEPOT ROAD), DISTANT THEREON NORTH 86°57'27" EAST, 110.25 FEET FROM THE WESTERN LINE OF SAID LAND; THENCE ALONG SAID SOUTHERN LINE, NORTH 86° 57'27" EAST, 110.25 FEET TO THE EASTERN LINE OF SAID LAND; THENCE SOUTH ALONG SAID EASTERN LINE, SOUTH 03°56'25" EAST, 573.54 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH ALONG SAID EASTERN LINE, SOUTH 03°56'25" EAST, 86.43 FEET; THENCE ALONG A CURVE TO THE WEST WITH A RADIAL BEARING OF NORTH 19°57'20" EAST, A RADIUS OF 679.00 FEET, A CENTRAL ANGLE OF 09°26'25" AND AN ARC LENGTH OF 111.87 FEET TO THE WESTERN LINE OF SAID LAND; THENCE NORTH ALONG SAID WESTERN LINE, NORTH 05°05'18" WEST, 97.72 FEET; THENCE ALONG A CURVE TO THE EAST WITH A RADIAL BEARING OF NORTH 34°40'40" EAST, A RADIUS OF 601.00 FEET, A CENTRAL ANGLE OF 11°22'56" AND AN ARC LENGTH OF 119.39 FEET TO THE TRUE POINT OF BEGINNING.





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 e-mail: plssurv@pacbell.net

A.P.N. 439-0070-005-01
TEMPORARY CONSTRUCTION EASEMENT
HAYWARD CALIFORNIA

SCALE	1"=150'
DATE	08/18/12
BY	JMB
JOB NO.	11047

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION OF NECESSITY DECLARING A PUBLIC
NEED FOR AND AUTHORIZING THE ACQUISITION AND
IMMEDIATE POSSESSION BY EMINENT DOMAIN
PROCEEDINGS OR OTHERWISE OF REAL PROPERTY
INTERESTS FOR THE I-880/SR-92 RELIEVER ROUTE -
PHASE 1 PROJECT (PORTIONS OF APN 439-0070-005-02)

WHEREAS, the City of Hayward has proposed to construct a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, as part of a larger project known as the I-880/SR-92 Reliever Route - Phase 1 Project (the “Project”); and

WHEREAS, construction of the Project as proposed would require the City acquire in fee simple a portion of the real property located southeasterly of the intersection of Cabot Boulevard and Depot Road (Assessor’s Parcel Number 439-0070-005-02), known as part of 3760 Depot Road and owned by Ghulam and Najeeba N. Rabani, and Asad Shir and Zakia Niru; and

WHEREAS, the partial acquisition in fee simple would consist of 10,831 square feet, as described more specifically on Attachment VI-a to this Resolution and as depicted on Attachment VI-b; and

WHEREAS, the construction of the Project as proposed also would require the City to acquire a temporary construction easement consisting of 2,809 square feet, as described more specifically on Attachment VI-c to this Resolution and as depicted on Attachment VI-d, beginning at the commencement of construction of the Project and lasting for at least two (2) years or until the Project is completed; and

WHEREAS, on March 22, 2011, the City of Hayward Council adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program and approved the I-880/SR-92 Reliever Route - Phase 1 Project, which included the proposed acquisition of the Property; and

WHEREAS, no substantial changes are proposed in the Project from the Project described in the MND; no substantial changes have occurred since adoption of the MND with respect to the circumstances under which the Project is being undertaken; and no new

information has become available since adoption of the MND regarding the potential environmental impacts of the Project; and

WHEREAS, staff commissioned an appraisal of the property on, November 1, 2011 and made an offer to the owner to purchase the Property on October 18, 2012, which the owner has not accepted; and

WHEREAS, after providing notice in the manner specified in Code of Civil Procedure Section 1245.235, the City held a public hearing at which the person whose property interests are to be acquired pursuant to this resolution, and whose names and addresses appear on the last equalized county assessment roll for the Property, as well as tenants of the Property, had the opportunity to appear and be heard on the following matters referred to in Section 1240.030 of the California Code of Civil Procedure:

- a. Whether the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
- b. Whether the I-880/SR-92 Reliever Route - Phase 1 Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. Whether the acquisition of the Property is necessary for the I-880/SR-92 Reliever Route-Phase 1 Project; and
- d. Whether the offer required by Section 7267.2 of the California Government Code has been made to the owners of record.

WHEREAS, the Property's owners and tenants had an opportunity to appear at the hearing during which the adoption of this resolution was considered; and

WHEREAS, the City of Hayward is authorized by the Constitution and statutes of the State of California, including, but not limited to, Government Code Sections 37350, 37350.5, 37351, 37353, 40401 and 40404 to acquire real property by eminent domain for the I-880/SR-92 Reliever Route – Phase 1 Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that it hereby finds, determines, and declares as follows, on the basis of the evidence presented orally and in writing at the hearing at which the adoption of this resolution was considered:

1. That the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
2. That the I-880/SR-92 Reliever Route - Phase 1 Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

3. That the acquisition by the City of Hayward of the portion of property described in Attachments VI-a and VI-c and depicted on Attachments VI-b and VI-d attached to this Resolution, for the construction of a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, is necessary for the I-880/SR-92 Reliever Route – Phase 1 Project;
4. That staff has made the offer required by Section 7267.2 of the Government Code of the State of California to Ghulam and Najeeba N. Rabani, and Asad Shir and Zakia Niru, owners of the subject Property, prior to the public hearing held on July 30, 2013, regarding the adoption of this resolution of necessity; and
5. That acquisition of the Property and construction of the I-880/SR-92 Reliever Route - Phase 1 Project as described in the MND and the Mitigation Monitoring and Reporting Program will have no significant environment impacts.

BE IT FURTHER RESOLVED that the City of Hayward shall acquire the Property for the construction of a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, as proposed by the I-880/SR-92 Reliever Route - Phase 1 Project and shall construct the Project in accordance with the Mitigation Monitoring and Reporting Program.

BE IT FURTHER RESOLVED that the City Attorney for the City of Hayward is authorized and directed to take any and all lawful actions which are convenient or necessary to acquire immediate possession of and title to the Property by eminent domain proceedings or otherwise.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**EXHIBIT A
RIGHT OF WAY**

**REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA,
STATE OF CALIFORNIA.**

A PORTION OF APN NO. 439-0070-005-02

**ALSO BEING A PORTION OF THE GRANT DEED TO GHULAM RABANI
AND NAJEEBA N. RABANI, RECORDED FEBRUARY 02, 1999, SERIES NUMBER
9906468, ALAMEDA COUNTY RECORDS**

**ALSO A PORTION OF THE LAND DESCRIBED IN THE DEED BY
DARLENE HUTH TO MERAL C. BAKER AND HENRIETTA A. BAKER, DATED
FEBRUARY 16, 1960, RECORDED FEBRUARY 18, 1960, REEL 29, IMAGE 697,
RECORDERS SERIES NO. AR-19073, ALAMEDA COUNTY RECORDS,
DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT ON THE SOUTHERN LINE OF COUNTY ROAD NO.
2853 (DEPOT ROAD), DISTANT THEREON NORTH 86°57'27" EAST, 110.25 FEET
FROM THE WESTERN LINE OF SAID LAND; THENCE ALONG SAID
SOUTHERN LINE, SOUTH 86° 57'27" WEST, 110.25 FEET TO SAID WESTERN
LINE; THENCE SOUTHERLY ALONG SAID WESTERN LINE, SOUTH 06°14'33"
EAST, 405.58 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG A
CURVE TO THE EAST WITH A RADIAL BEARING OF NORTH 48°56'52" EAST,
A RADIUS OF 601.00 FEET, A CENTRAL ANGLE OF 14°16'48" AND AN ARC
LENGTH OF 149.79 FEET TO A LINE DRAWN SOUTH 05°05'18" EAST FROM
THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID LINE, SOUTH
05°05'18" EAST, 97.71 FEET; THENCE ALONG A CURVE TO THE WEST WITH A
RADIAL BEARING OF NORTH 29°23'15" EAST, A RADIUS OF 679.00 FEET, A
CENTRAL ANGLE OF 10°59'00" AND AN ARC LENGTH OF 130.16 FEET TO
SAID WESTERN LINE; THENCE NORTH ALONG SAID WESTERN LINE, NORTH
06°14'33" WEST, 123.34 FEET TO THE TRUE POINT OF BEGINNING.**



**EXHIBIT B
TEMPORARY CONSTRUCTION EASEMENT**

A 10 FOOT WIDE STRIP OF LAND TO THE NORTH OF THE NORTHERLY RIGHT- OF-WAY LINE AND A 10 FOOT WIDE STRIP OF LAND TO THE SOUTH OF THE SOUTHERLY RIGHT-OF-WAY AS DESCRIBED BELOW:

REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

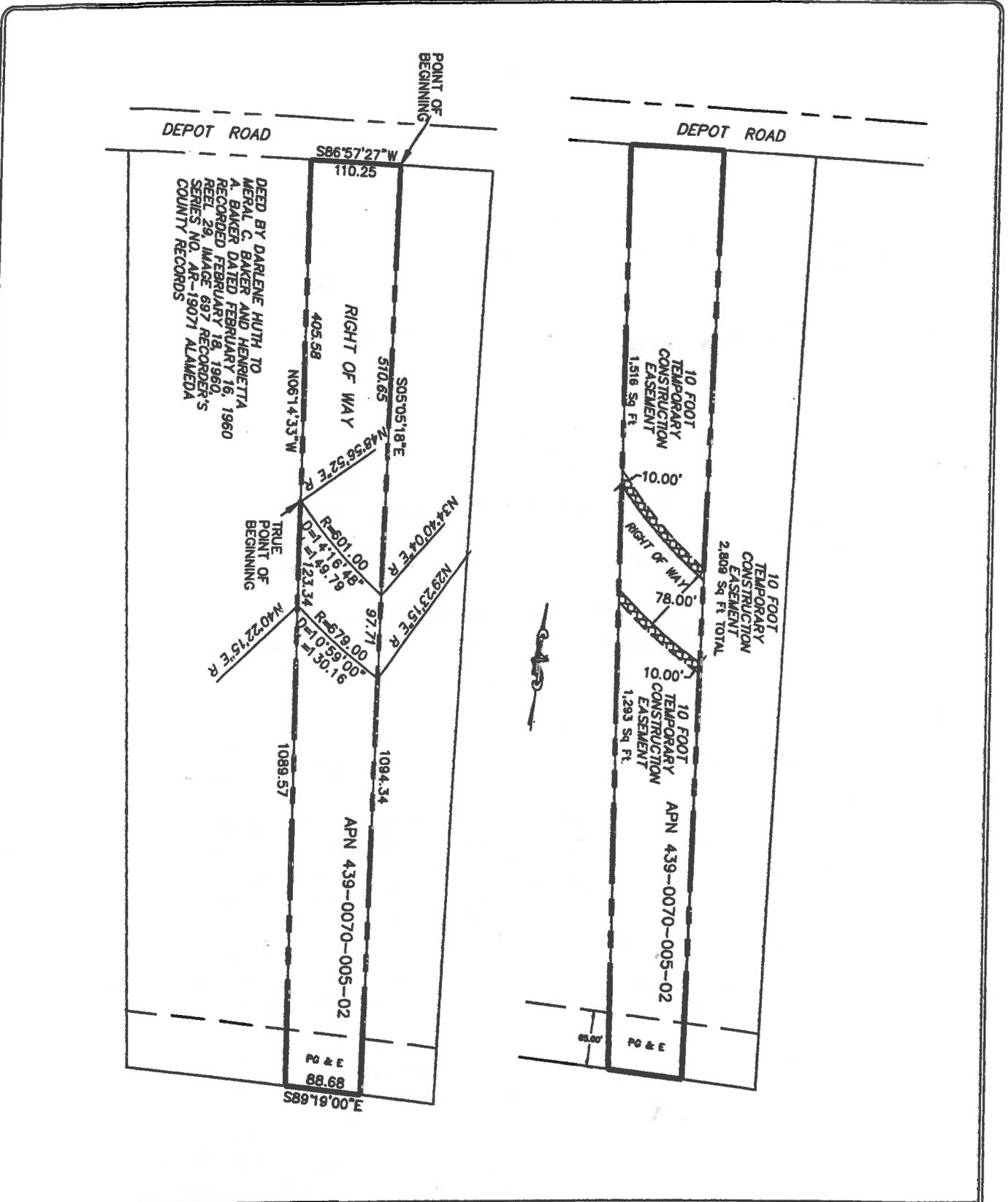
A PORTION OF APN NO. 439-0070-005-02

ALSO BEING A PORTION OF THE GRANT DEED TO GHULAM RABANI AND NAJEEBA N. RABANI, RECORDED FEBRUARY 02, 1999, SERIES NUMBER 9906468, ALAMEDA COUNTY RECORDS

ALSO A PORTION OF THE LAND DESCRIBED IN THE DEED BY DARLENE HUTH TO MERAL C. BAKER AND HENRIETTA A. BAKER, DATED FEBRUARY 16, 1960, RECORDED FEBRUARY 18, 1960, REEL 29, IMAGE 697, RECORDERS SERIES NO. AR-19073, ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF COUNTY ROAD NO. 2853 (DEPOT ROAD), DISTANT THEREON NORTH 86°57'27" EAST, 110.25 FEET FROM THE WESTERN LINE OF SAID LAND; THENCE ALONG SAID SOUTHERN LINE, SOUTH 86° 57'27" WEST, 110.25 FEET TO SAID WESTERN LINE; THENCE SOUTHERLY ALONG SAID WESTERN LINE, SOUTH 06°14'33" EAST, 405.58 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE EAST WITH A RADIAL BEARING OF NORTH 48°56'52" EAST, A RADIUS OF 601.00 FEET, A CENTRAL ANGLE OF 14°16'48" AND AN ARC LENGTH OF 149.79 FEET TO A LINE DRAWN SOUTH 05°05'18" EAST FROM THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID LINE, SOUTH 05°05'18" EAST, 97.71 FEET; THENCE ALONG A CURVE TO THE WEST WITH A RADIAL BEARING OF NORTH 29°23'15" EAST, A RADIUS OF 679.00 FEET, A CENTRAL ANGLE OF 10°59'00" AND AN ARC LENGTH OF 130.16 FEET TO SAID WESTERN LINE; THENCE NORTH ALONG SAID WESTERN LINE, NORTH 06°14'33" WEST, 123.34 FEET TO THE TRUE POINT OF BEGINNING.






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A.P.N. 439-0070-005-02
TEMPORARY CONSTRUCTION EASEMENT
HAYWARD CALIFORNIA

SCALE	1"=150'
DATE	08/18/12
BY	JMB
JOB NO.	11047

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION OF NECESSITY DECLARING A PUBLIC
NEED FOR AND AUTHORIZING THE ACQUISITION AND
IMMEDIATE POSSESSION BY EMINENT DOMAIN
PROCEEDINGS OR OTHERWISE OF REAL PROPERTY
INTERESTS FOR THE I-880/SR-92 RELIEVER ROUTE -
PHASE 1 PROJECT (PORTIONS OF APN 439-0070-006-00)

WHEREAS, the City of Hayward has proposed to construct a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, as part of a larger project known as the I-880/SR-92 Reliever Route - Phase 1 Project (the “Project”); and

WHEREAS, construction of the Project as proposed would require the City acquire in fee simple a portion of the real property located southeasterly of the intersection of Cabot Boulevard and Depot Road (Assessor’s Parcel Number 439-0070-006-00), known as part of 3792 Depot Road and owned by Jasbir and Tajender Nagra, and Jagdev and Sarbjinderpal Nagra; and

WHEREAS, the partial acquisition in fee simple would consist of 40,091 square feet, as described more specifically on Attachment VII-a to this Resolution and as depicted on Attachment VII-b; and

WHEREAS, the construction of the Project as proposed also would require the City to acquire a temporary construction easement consisting of 10,526 square feet, as described more specifically on Attachment VII-c to this Resolution and as depicted on Attachment VII-d, beginning at the commencement of construction of the Project and lasting for at least two (2) years or until the Project is completed; and

WHEREAS, on March 22, 2011, the City of Hayward Council adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program and approved the I-880/SR-92 Reliever Route - Phase 1 Project, which included the proposed acquisition of the Property; and

WHEREAS, no substantial changes are proposed in the Project from the Project described in the MND; no substantial changes have occurred since adoption of the MND with respect to the circumstances under which the Project is being undertaken; and no new

information has become available since adoption of the MND regarding the potential environmental impacts of the Project; and

WHEREAS, staff commissioned an appraisal of the property on, November 1, 2011 and made an offer to the owner to purchase the Property on October 16, 2012, which the owner has not accepted; and

WHEREAS, after providing notice in the manner specified in Code of Civil Procedure Section 1245.235, the City held a public hearing at which the person whose property interests are to be acquired pursuant to this resolution, and whose names and addresses appear on the last equalized county assessment roll for the Property, as well as tenants of the Property, had the opportunity to appear and be heard on the following matters referred to in Section 1240.030 of the California Code of Civil Procedure:

- a. Whether the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
- b. Whether the I-880/SR-92 Reliever Route - Phase 1 Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. Whether the acquisition of the Property is necessary for the I-880/SR-92 Reliever Route-Phase 1 Project; and
- d. Whether the offer required by Section 7267.2 of the California Government Code has been made to the owners of record.

WHEREAS, the Property's owners and tenants had an opportunity to appear at the hearing during which the adoption of this resolution was considered; and

WHEREAS, the City of Hayward is authorized by the Constitution and statutes of the State of California, including, but not limited to, Government Code Sections 37350, 37350.5, 37351, 37353, 40401 and 40404 to acquire real property by eminent domain for the I-880/SR-92 Reliever Route – Phase 1 Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that it hereby finds, determines, and declares as follows, on the basis of the evidence presented orally and in writing at the hearing at which the adoption of this resolution was considered:

1. That the public interest and necessity require the I-880/SR-92 Reliever Route - Phase 1 Project;
2. That the I-880/SR-92 Reliever Route - Phase 1 Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

- 3. That the acquisition by the City of Hayward of the portion of property described in Attachments VII-a and VII-c and depicted on Attachments VII-b and VII-d attached to this Resolution, for the construction of a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting, is necessary for the I-880/SR-92 Reliever Route – Phase 1 Project;
- 4. That staff has made the offer required by Section 7267.2 of the Government Code of the State of California to Jasbir and Tajender Nagra, and Jagdev and Sarbjinderpal Nagra, owners of the subject Property, prior to the public hearing held on July 30, 2013, regarding the adoption of this resolution of necessity;
- 5. That acquisition of the Property and construction of the I-880/SR-92 Reliever Route - Phase 1 Project as described in the MND and the Mitigation Monitoring and Reporting Program will have no significant environment impacts.

BE IT FURTHER RESOLVED that the City of Hayward shall acquire the Property for the construction of a new roadway (Whitesell Street extension) from Depot Road to Enterprise Avenue, including curb, gutter, sidewalk, landscaping, bike lanes, utilities and LED streetlighting as proposed by the I-880/SR-92 Reliever Route - Phase 1 Project and shall construct the Project in accordance with the Mitigation Monitoring and Reporting Program.

BE IT FURTHER RESOLVED that the City Attorney for the City of Hayward is authorized and directed to take any and all lawful actions which are convenient or necessary to acquire immediate possession of and title to the Property by eminent domain proceedings or otherwise.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT A
RIGHT OF WAY

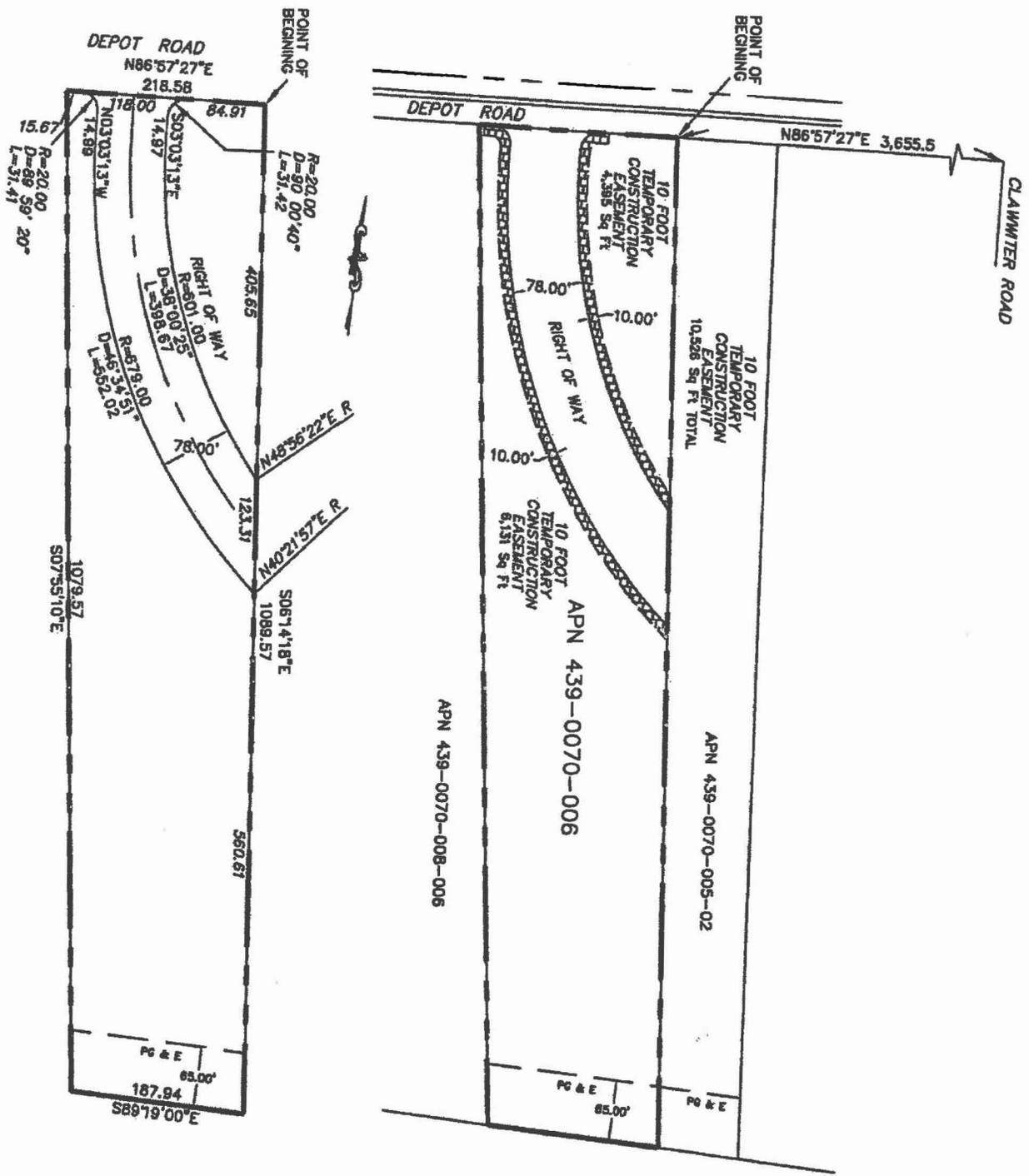
REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA,
STATE OF CALIFORNIA.

A PORTION OF APN NO. 439-0070-006,

ALSO BEING A PORTION OF THE GRANT DEED TO JASBIR NAGRA
AND TAJENDER NAGRA, DATED SEPTEMBER 09, 2007, SERIES NUMBER
2007345320, OFFICIAL RECORDS OF ALAMEDA COUNTY DESCRIBED AS
FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF COUNTY ROAD NO.
2853 (DEPOT ROAD), DISTANT THEREON 3,655.5 FEET WESTERLY FROM THE
POINT OF INTERSECTION THEREOF WITH THE WESTERN LINE OF COUNTY
ROAD NO. 1649 (CLAWITER ROAD), SAID POINT BEING THE NORTHEAST
CORNER OF SAID GRANT DEED, THENCE WESTERLY ALONG THE
NORTHERN LINE OF SAID GRANT DEED, SOUTH 86° 57' 27" WEST, 84.91 FEET;
THENCE ALONG A TANGENT CURVE TO THE SOUTH WITH A RADIUS OF
20.00 FEET, A CENTRAL ANGLE OF 90° 00' 40" AND AN ARC LENGTH OF 31.42
FEET; THENCE SOUTH 03° 03' 13" EAST, 14.97 FEET; ALONG A CURVE TO THE
SOUTHEAST WITH A RADIUS OF 601.00 FEET, A CENTRAL ANGLE OF
38° 00' 25" AND AN ARC LENGTH OF 398.67 FEET TO THE EASTERN LINE OF
SAID GRANT DEED; THENCE SOUTH ALONG SAID EASTERN LINE SOUTH
06° 14' 18" EAST, 123.31 FEET; THENCE ALONG A CURVE TO THE NORTH WITH
A RADIAL BEARING OF NORTH 40° 21' 57" EAST, A RADIUS OF 679.00 FEET, A
CENTRAL ANGLE OF 46° 34' 51" AND AN ARC LENGTH OF 552.02 FEET;
THENCE NORTH 03° 03' 13" WEST, 14.99 FEET; THENCE ALONG A TANGENT
CURVE TO THE WEST WITH A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF
89° 59' 20" AND AN ARC LENGTH OF 31.41 FEET TO A POINT ON THE
NORTHERN LINE OF SAID GRANT DEED; THENCE ALONG SAID NORTHERN
LINE NORTH 86° 57' 27" EAST, 118.00 FEET TO THE POINT OF BEGINNING.





PLS SURVEYS, INC.
 LAND & HYDROGRAPHIC SURVEYORS
 2220 Livingston Street, Suite 202
 Oakland, California 94606-5203
 510.261.0900 FAX 510.261.3303
 e-mail: plesurv@pacbell.net

A.P.N. 439-0070-006

TEMPORARY
 CONSTRUCTION
 EASEMENT

HAYWARD CALIFORNIA

SCALE	1"=150'
DATE	04/20/12
BY	JMB
JOB NO.	11047

**EXHIBIT B
TEMPORARY CONSTRUCTION EASEMENT**

A 10 FOOT WIDE STRIP OF LAND TO THE EAST OF THE EASTERLY RIGHT- OF-WAY LINE AND A 10 FOOT WIDE STRIP OF LAND TO THE WEST OF THE WESTERLY RIGHT-OF-WAY AS DESCRIBED BELOW:

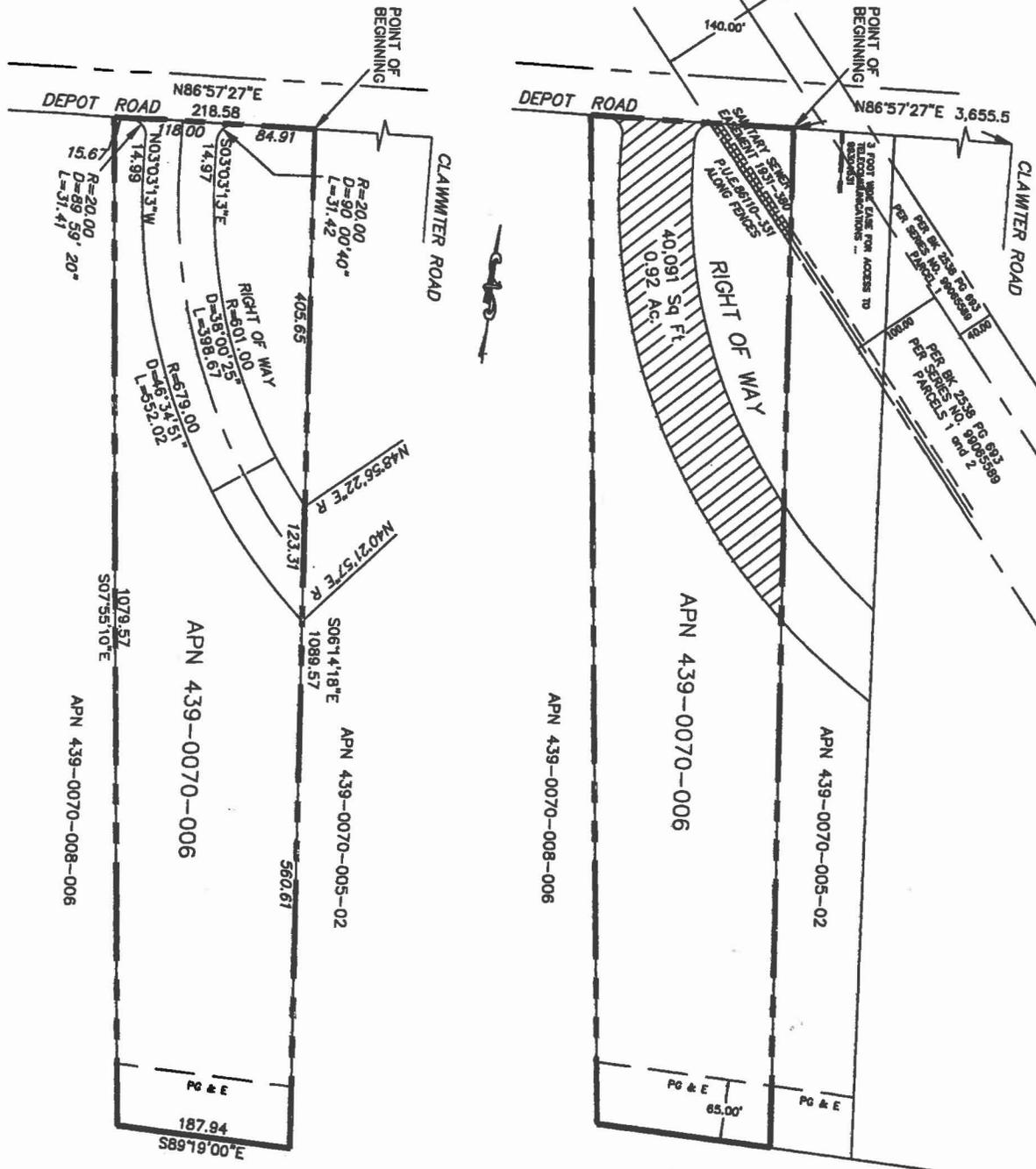
REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

A PORTION OF APN NO. 439-0070-006,

ALSO BEING A PORTION OF THE GRANT DEED TO JASBIR NAGRA AND TAJENDER NAGRA, DATED SEPTEMBER 09, 2007, SERIES NUMBER 2007345320, OFFICIAL RECORDS OF ALAMEDA COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF COUNTY ROAD NO. 2853 (DEPOT ROAD), DISTANT THEREON 3,655.5 FEET WESTERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE WESTERN LINE OF COUNTY ROAD NO. 1649 (CLAWITER ROAD), SAID POINT BEING THE NORTHEAST CORNER OF SAID GRANT DEED, THENCE WESTERLY ALONG THE NORTHERN LINE OF SAID GRANT DEED, SOUTH 86° 57' 27" WEST, 84.91 FEET; THENCE ALONG A TANGENT CURVE TO THE SOUTH WITH A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'40" AND AN ARC LENGTH OF 31.42 FEET; THENCE SOUTH 03°03'13" EAST, 14.97 FEET; ALONG A CURVE TO THE SOUTHEAST WITH A RADIUS OF 601.00 FEET, A CENTRAL ANGLE OF 38°00'25" AND AN ARC LENGTH OF 398.67 FEET TO THE EASTERN LINE OF SAID GRANT DEED; THENCE SOUTH ALONG SAID EASTERN LINE SOUTH 06°14'18" EAST, 123.31 FEET; THENCE ALONG A CURVE TO THE NORTH WITH A RADIAL BEARING OF NORTH 40°21'57" EAST, A RADIUS OF 679.00 FEET, A CENTRAL ANGLE OF 46°34'51" AND AN ARC LENGTH OF 552.02 FEET; THENCE NORTH 03°03'13" WEST, 14.99 FEET; THENCE ALONG A TANGENT CURVE TO THE WEST WITH A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 89°59'20" AND AN ARC LENGTH OF 31.41 FEET TO A POINT ON THE NORTHERN LINE OF SAID GRANT DEED; THENCE ALONG SAID NORTHERN LINE NORTH 86°57'27" EAST, 118.00 FEET TO THE POINT OF BEGINNING.





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A.P.N. 439-0070-006
 RIGHT OF WAY

HAYWARD

CALIFORNIA

SCALE	1"=150'
DATE	10/10/12
BY	JMB
JOB NO.	11047



INTERSTATE 880/STATE ROUTE 92 RELIEVER ROUTE PROJECT - PHASE 1

PROJECT OBJECTIVE: To provide for better access in and out of the industrial area and to help relieve congestion on major arterials

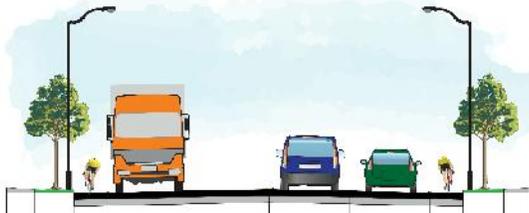
PROJECT DESCRIPTION:

- **Whitesell St. - Depot Rd. to Breakwater Ave.** - Roadway Extension and widening with bike lanes, curb, gutter and sidewalk, landscaping, utilities and street lighting.
- **W. Winton Ave./Hesperian Blvd. Intersection Improvements** - Addition of a second southbound left turn lane and a third westbound through lane.
- **Clawiter/Breakwater/92 WB Off Ramp** - Signal modifications and addition of a dedicated right turn lane.
- **Clawiter/Breakwater/Eden Landing/92 EB Off Ramp** - Installation of a new traffic signal
- **Hesperian Blvd./Middle Ln./Southland Dr. and W. Winton Ave./Clawiter Rd.** - Minor traffic signal and phasing modifications

PROJECT COST: \$27 Million (Fully funded with Measure B funds)

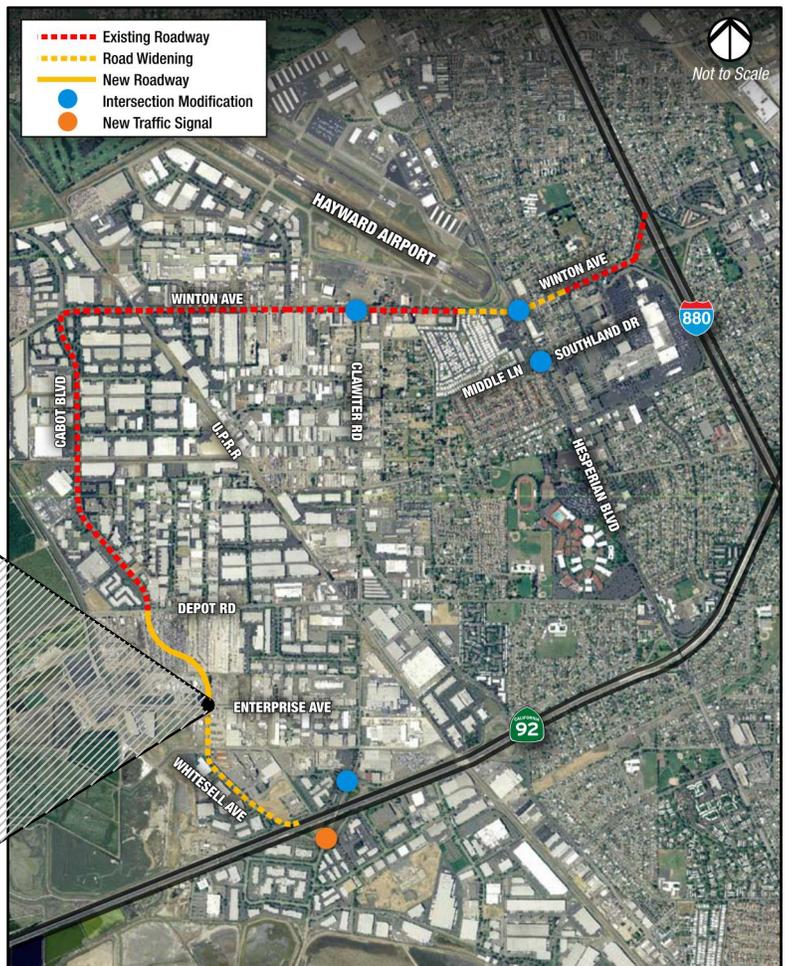
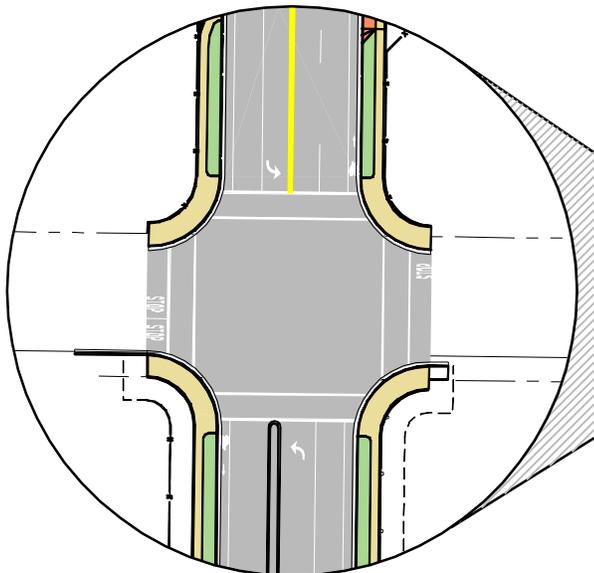
PROJECT SCHEDULE:

Environmental Approval	March 2011
Complete Design & Begin Construction	June 2014
End Construction	Spring 2016

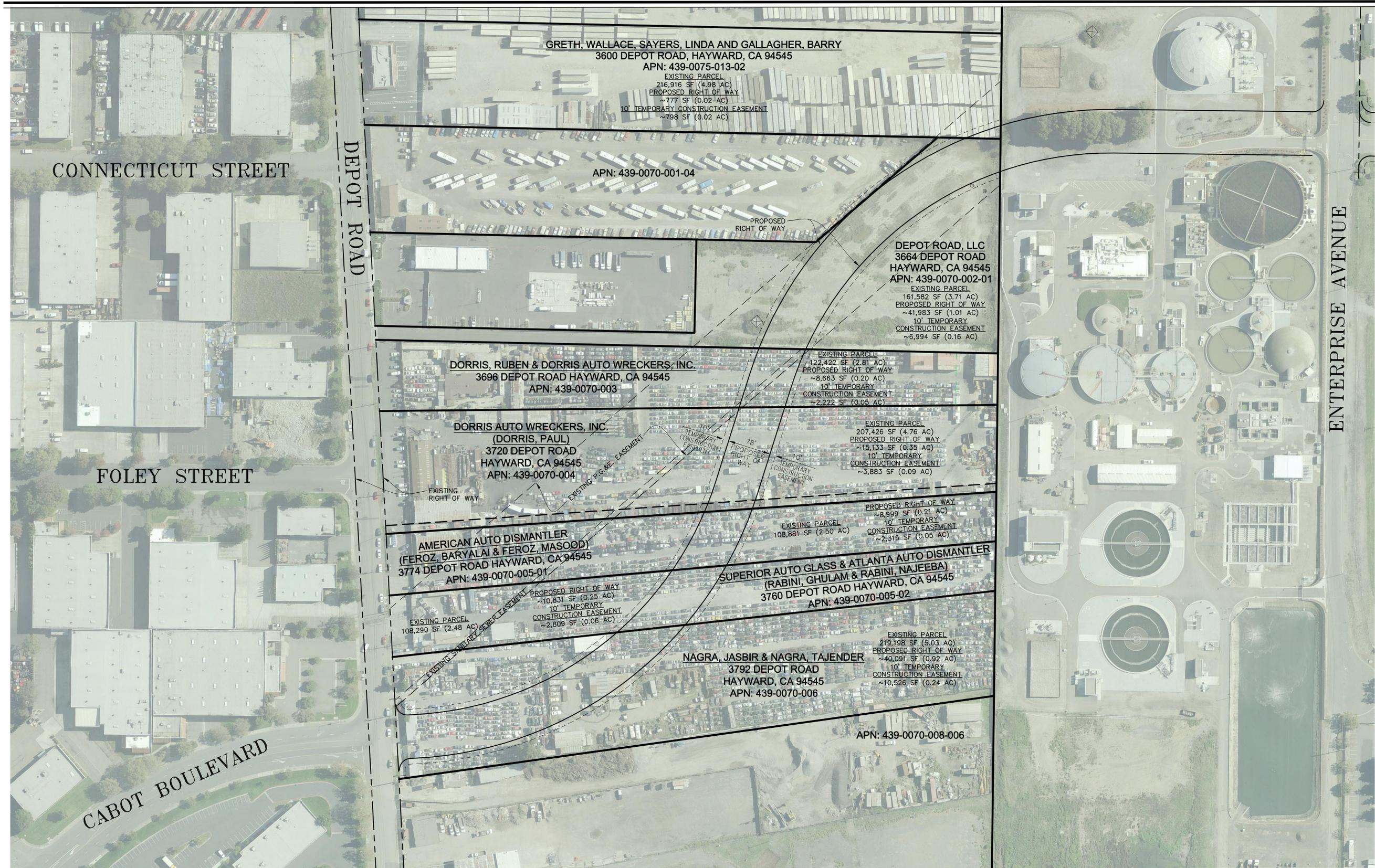


STREET CROSS SECTION

LANE CONFIGURATION









NOTE:
1. LOCATION OF RELOCATED UTILITIES SHOWN ARE APPROXIMATE. FINAL LOCATIONS TO BE DETERMINED DURING CONSTRUCTION.

LEGEND

	HMA PAVEMENT
	PCC (S/W, DRIVEWAY, C&G)
	EXISTING CONDITIONS

WINTON AVE AND HESPERIAN BLVD SHOPPING CENTER EXHIBIT

SEPTEMBER 2012
 Kimley-Horn and Associates, Inc.

JENNY & JENNY, LLP
Attorneys at Law

Scott E. Jenny, Esq.
Richard K. Jenny, Esq.

Old City Hall Building
706 Main Street, Suite C
Martinez, California 94553
Telephone: (925) 228-1265
Facsimile: (925) 228-2841
JJJLLP.com

Eminent Domain
Inverse Condemnation
Real Estate Law

July 15, 2013

City Clerk's Office
City of Hayward
777 B Street
Hayward, CA 94541-5007

***Re: Notice of Hearing Regarding Adoption of a Resolution of Necessity
to Acquire Property by Eminent Domain
MAG Trucking
3484 Enterprise Avenue
Hearing Date July 30, 2013***

Dear City Council of the City of Hayward:

I represent Joe Van Dera and Denis Van Dera, who own property located at 3484 Enterprise Avenue in the City of Hayward. The City of Hayward seeks to use its power of eminent domain to acquire a portion of the property according to the Notice of Hearing of Resolution of Necessity. This letter is in response to the hearing scheduled for July 30, 2013. The following are our objections to the adoption of this Resolution of Necessity being considered at the upcoming hearing.

I. THE NOTICE IS FATALLY VAGUE.

The Notice of the Resolution of Necessity is devoid of any substance and therefore the Notice and Resolution are fatally defective as vague. California Code of Civil Procedure section 1245.230 states that the Notice of the Resolution of Necessity must contain "a description of the general location and extent of the property to be taken, with sufficient detail for reasonable identification."

There is only one exhibit attached to the Notice. This map fails to indicate with reasonable identification which property will be taken. There is a hash-marked strip, but neither the notice nor the map declares what will be taken. We have also been informed that a Temporary Construction Easement will be required, which is not shown on the exhibit.

Therefore, the notice of the intent to adopt the resolution of necessity is defective. We object to the adoption of this Resolution of Necessity on the grounds that proper notice has not been provided.

City Clerk's Office
 July 15, 2013
 Page Two

II. THE TAKING FAILS TO SATISFY THE STATUTORY REQUIREMENT OF PROVIDING FOR THE GREATEST PUBLIC GOOD WITH THE LEAST PRIVATE INJURY.

California Code of Civil Procedure section 1240.030 states that the power of eminent domain may only be used if the following conditions are satisfied:

1. The public interest and necessity require the project;
2. The project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury; and
3. The property sought to be acquired is necessary for the project.

The taking as proposed fails these tests. In order for the taking to pass these tests, the following be required at a minimum:

1. We request that both the permanent right of way and the right of way for the temporary construction easement staked, along with the legal boundary of the Van Dera property line. This will let us know exactly what is to be taken prior to the adoption of the Resolution of Necessity.

2. We request additional information about the timing of the temporary construction easement.

3. We request that the City to provide access to the Van Dera property from Whitesell Street after the project is completed.

4. The drainage both in the front of the property and the rear both flow into the drainage ditch on the west perimeter of the Van Dera property. Since the fence on the west border is inside their property line, it is clear that the drainage culvert on the immediate west of the property fence is on the Van Dera property. This is where the drainage now flows (onto their own property's drainage system), and if the City takes that swale away (which it seems it will with the construction) and replaces it with a curb-type drainage system, then the water on the Van Dera property will have nowhere to go and will flood the property. Since the Van Deras have a drainage system now, they are entitled to one after the project is completed. This should be relatively easy to accomplish by the City engineers and should be a part of the project from the inception.

5. Prior to the Resolution of Necessity hearing, we would like to know the relevant set-back ordinances that apply to the office building so we can determine if the office building will still be in compliance or if it will be a legally non-conforming use.

City Clerk's Office
July 15, 2013
Page Three

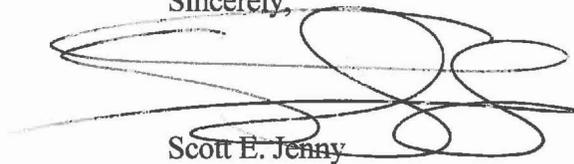
6. Most important, we request that the City provide substitute truck parking across the street so that the Van Deras do not have to reduce their business and fire truck drivers. We ask for both short term (during the construction) and permanent parking for the loss of spaces that the property will suffer.

7. Finally, I ask that we be provided with a full set of the construction plans and project plans for all work to be done on and directly adjacent to this property so we can determine the nature and extent of the project. We would like this documentation before the Resolution of Necessity hearing.

III. CONCLUSION.

For the foregoing reasons, the Van Deras object to the City of Hayward adopting this Resolution of Necessity as noticed. Please make this letter a part of the administrative record. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott E. Jenny". The signature is highly stylized with large, overlapping loops and a horizontal line crossing through the middle.

Scott E. Jenny

Cc: Clients
Juliet Cox, Esq.
Michael Lawson, City Attorney

DATE: July 30, 2013

TO: Mayor and City Council

FROM: City Attorney
Development Services Director

SUBJECT: **Site Plan Review Application No. PL-2013-0123 and Memorandum of Understanding Associated with a Proposed 9-11 Memorial Along the East Side of Mission Boulevard, North of D Street; the Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15303 (New Construction or Conversion of Small Structures); Applicant: Michael L. Emerson (Hayward 911 Memorial); Property Owner: City of Hayward**

RECOMMENDATION

Staff recommends that the City Council adopts the attached resolution (Attachment I), finding the project categorically exempt from environmental review per Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines, approving with Planning Commission recommendation the site plan review application for the proposed 9-11 memorial, subject to the findings in the resolution and the conditions of approval attached to it; and authorizing the City Manager to execute the attached Memorandum of Understanding (Attachment III).

BACKGROUND

Michael L. Emerson, a U.S. Marine Corps veteran and resident in the unincorporated Fairview Area, has proposed to design, manage, raise funds, and secure volunteers to build a 9-11 memorial in Hayward (see plans, Attachment V). Mr. Emerson has offered and already spent several hours of his time to manage this project and will do so to construct the memorial.

Mr. Emerson previously organized support and built a Flight 93 Memorial related to the tragic events of September 11, 2001 at Sugar Mill Landing Park in Union City off Dyer Street, which was dedicated in December of 2007 (<http://www.flight93memorialsfb.com/>). Mr. Emerson was also the designer and project manager for the Castro Valley Veterans Memorial (CVVM) in Castro Valley at the Castro Valley Community Park, built to honor all of our Military Veterans. The memorial was completed at the end of October 2012 and dedicated on Veterans Day, November 11, 2012 (www.CVVM.info). Mr. Emerson indicated to the Hayward Planning Commission in April that ninety-five percent of the volunteers associated with the Veterans Memorial in Castro Valley have offered to help build the Hayward 9-11 Memorial.

Planning Commission Review of the Site Plan Review Application – As reflected in the attached meeting minutes (Attachment II), the Planning Commission reviewed the proposed memorial and associated site plan review application on April 25, 2013, and recommended that the City Council approve the project, with one Commissioner abstaining due to proximity of her family’s business to the project site. As the meeting minutes reflect, the Commissioners were supportive of the project and asked various questions about the project design and site location, as well as questions about maintenance (which are addressed in the attached MOU). The Planning Commission staff report and attachments, which include a letter of support from U.S. Senator Dianne Feinstein, are available on the City’s website at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/BOARDS-COMMISSIONS-COMMITTEES/PLANNING-COMMISSION/2013/PCA13PDF/pca042513full.pdf> (agenda item No. 2).

DISCUSSION

Project Description – The proposed thirty-four -foot deep by forty-foot wide memorial, in honor of 9/11 heroes and Hayward first responders and military veterans and their families, is proposed in the center of the grassy area along the east side of Mission Boulevard, north of D Street on the City-owned property that contains the former City Hall and Giuliani Children’s Park. The Hayward fault trace traverses the property, which precludes it from being developed with habitable buildings. Attachment IV provides renderings of the proposed memorial, comprised of a center flag pole and red granite monument piece, and four black granite monuments with laser-etched images dedicated to those who lost their lives on September 11, 2001 at the Twin Towers in New York City, at the Pentagon in Washington, DC, and in Pennsylvania who were aboard Flight 93. There would be additional laser-etched images in a collage on each of the four black monument pieces, related to the events at each of those sites, with final design of those images conditioned to be approved by the City. The center piece would contain the following language:

THIS FLAG WAVES PROUDLY IN HONOR OF THE HEROES OF 9/11/2001 AND LOCAL
FIRST RESPONDERS, MILITARY VETERANS AND THEIR FAMILIES WHO HAVE
MADE THE ULTIMATE SACRIFICE IN PURSUIT OF SAFETY FOR OUR COUNTRY AND
THIS COMMUNITY.

Also, the names of Hayward police officers who died in the line of duty would be laser etched into the right side of the center monument piece, and the names of Hayward fire fighters would be etched on the left side of the center piece (see Attachment IV). Several low solid red granite benches would surround the five pieces, and there would be brick pavers with donor names or comments upon which the memorial monuments would be placed.

Site Plan Review Findings – In order for the application to be approved, the following findings must be made. Staff provides responses to the findings below, which were accepted by the Planning Commission and which are incorporated into the attached resolution.

- a. *Environmental Review* -- The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) Guideline pursuant to Section 15303; New Construction or Conversion of Small Structures.
- b. *The proposed use is compatible with on-site and surrounding uses and is an attractive addition to the City* -- The memorial would entail the use of high quality materials and design along a major arterial street in downtown Hayward, to honor those who lost their lives during the tragic events of September 11, 2001 and local first responders and military heroes, including Hayward police officers and fire fighters, who lost their lives in the line of duty. The memorial is in scale with the overall memorial design and surrounding buildings, including the former Hayward City Hall at Giuliani Plaza, and would provide a location for those to honor and reflect on the memory of such national and local heroes.
- c. *The development takes into consideration physical and environmental constraints* -- The memorial takes into consideration physical and environmental constraints, and is located across Mission Boulevard from the current Hayward main library, adjacent to a municipal parking lot and near the City parking garage.
- d. *The development complies with the intent of City development policies and regulations* – The proposed memorial would be an attractive and unique addition to Downtown Hayward, and would attract local residents and business customers, as well as visitors, to Hayward. The memorial is consistent with the following General Plan policies and strategies:

Land Use Chapter

Policy 3: *Maintain the Downtown as a focal point for the City so that it continues to express the City's history, provides a venue for cultural vitality, and retains its role as a center for social, political, and other civic functions.*

Strategy 2: *Emphasize making the downtown a focal point for the City within a pedestrian-friendly environment.*

Community Facilities and Amenities Chapter

Policy 6, Strategy 4: Seek to establish vista points or view parks along public walkways or scenic routes.

Also, the proposed memorial is consistent with the stated purpose of the Central City – Commercial (CC-C) zoning subdistrict, which is to, “...establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential uses.”

- e. *The development will be operated in a manner determined to be acceptable and compatible with surrounding development* -- As conditioned, and ensured through a legal agreement or memorandum of understanding to be approved by the Hayward City Council, the memorial will be maintained so as to remain an attractive addition to the community of Hayward.

Conditions of Approval – In addition to the findings recommended by the Planning Commission, listed above, the following conditions of approval are also recommended by the commission and supported by staff:

- a. The memorial shall be built in general conformance with renderings labeled Exhibit A in the project file, with final images for each of the four black monument pieces to be approved by City staff in cooperation with the memorial designer;
- b. A formal agreement or memorandum of understanding shall be executed as authorized by the City Council prior to commencement of construction; and
- c. The memorial shall be dedicated to the City of Hayward upon its completion.

Memorandum of Understanding – Implementation of this unique project on City property requires the close collaboration of Mr. Emerson and several City departments, particularly during the design and construction phases. To that end and consistent with the Planning Commission's proposed conditions of approval, it is recommended by staff that the Council approve the Memorandum of Understanding (MOU) in Attachment III. The MOU identifies in detail the respective responsibilities of Mr. Emerson and the City during the design and construction phases of the memorial, as well as its long-term maintenance.

In summary, the MOU obligates Mr. Emerson to raise the funds for the Memorial and to construct it without significant financial assistance from the City. The City is obligated to waive fees and other costs associated with processing plans and permits, which the City would expedite. The City would also provide water and power during the construction phase. Further, the City would provide workers compensation coverage for the volunteers and comprehensive general liability insurance for the project.

After the memorial is completed, and dedicated, the City would take on its long-term maintenance and repair. Mr. Emerson is encouraged to raise funds for the memorial's maintenance, as he did with the Union City memorial, but any effort in that regard would be voluntary. Mr. Emerson would retain artistic rights for the memorial's design.

The MOU allows Mr. Emerson the privilege of holding events at the memorial as well as participating in any events sponsored by the City. The MOU also clarifies the rights and responsibilities for removing or relocating the memorial in the event of catastrophic circumstances or if the City determines the need to acquire the space for public purposes such as street improvements.

As the memorial will be located on City property and accessible to the public, the MOU reserves to the City certain rights and responsibilities regarding approval of plans and construction, or any revisions. While this project is not particularly complex, the City would expedite review of initial plans or any revisions, and the MOU specifies in several places time-frames in which Mr. Emerson and the City would resolve any delays. It would not be responsible for the City to allow permits or plans to be 'deemed approved,' as requested by Mr. Emerson, in the unlikely event City staff cannot review plans within the time-frames contained in the MOU. Aside from this issue, Mr. Emerson

and City staff has cooperatively resolved all the issues associated with implementing the project through the MOU.

ECONOMIC IMPACTS

Staff does not anticipate any significant economic impacts associated with the memorial/monuments, though any impacts would be positive associated with visitors to the Downtown to view the memorial. Such positive impacts would be encouraging visitors to the memorial and Downtown to visit businesses.

FISCAL IMPACTS

Fiscal impacts to the General Fund would be associated with insurance coverages, maintenance and potential replacement or relocation of the memorial. Insurance for workers compensation and general liability during the construction phase is estimated to cost \$1,500-\$5,000. While regular maintenance costs are expected to be minimal, related primarily to replacing lights and removing any graffiti, costs to relocate or replace the monuments, which are comprised of large, heavy granite pieces, could be significant. Staff does not anticipate the need to replace or relocate such pieces, but if required, those costs could be several thousands of dollars.

PUBLIC CONTACT

The memorial designer, Hayward resident Michael Emerson, presented the memorial concept to the Council Economic Development Committee on February 4, 2013, and to the City Council during public comments at the Council's February 5 meeting. Both the Committee and Council expressed interest in proceeding with development of the memorial.

No formal outreach regarding the memorial has occurred, but as mentioned previously, staff received a letter of support from US Senator Diane Feinstein prior to the Planning Commission meeting in April.

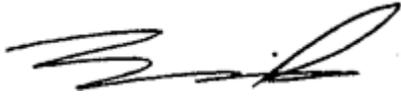
On July 25, 2013, a notice of this meeting was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records. Also, notice of this public hearing was published in *The Daily Review* newspaper on July 27, 2013.

NEXT STEPS

Should the City Council adopt the attached resolution, staff will work with Mr. Emerson to execute the MOU and process permit applications (with no fees) submitted for the project.

Prepared by: David Rizk, AICP, Development Services Director
Michael Lawson, City Attorney

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Draft Resolution
Attachment II	April 25, 2013 Planning Commission Meeting Minutes
Attachment III	Proposed Memorandum of Understanding
Attachment IV	Renderings of Proposed Memorial

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION FINDING THE PROJECT CATEGORICALLY EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE SITE PLAN REVIEW AND MEMORANDUM OF UNDERSTANDING FOR THE HAYWARD 9/11 MEMORIAL PROJECT

WHEREAS, Applicant Michael L. Emerson has submitted Site Plan Review Application No. PL 2013-0123, involving a request to construct a memorial commemorating the events of September 11, 2011, and honoring the victims of that tragic day and local first responders and heroes who have lost their lives in the line of duty, on City-owned property located at the intersection of D Street and Mission Boulevard (the “Hayward 9/11 Memorial Project”); and

WHEREAS, at a duly noticed meeting on April 25, 2013, the Planning Commission recommended approval of the Hayward 9/11 Memorial Project; and

WHEREAS, the Hayward 9/11 Memorial Project is exempt from review under the California Environmental Quality Act (“CEQA”), pursuant to Section 15303 of the CEQA Guidelines, New Construction of Small Structures; and

WHEREAS, on July 30, 2013, at a duly noticed meeting, the City Council reviewed the site plan application and the related Memorandum of Understanding for the Hayward 9/11 Memorial Project.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. The Hayward 9/11 Memorial Project is exempt from review under the California Environmental Quality Act (“CEQA”), pursuant to Section 15303 of the CEQA Guidelines, New Construction of Small Structures.

SITE PLAN REVIEW APPLICATION

2. The Hayward 9/11 Memorial Project is compatible with on-site and surrounding uses and is an attractive addition to the City in that the Hayward 9/11 Memorial would entail the use of high quality materials and design along a major arterial street in downtown Hayward, to honor those who lost their lives during the tragic events of September 11,

2001, and local first responders and military heroes, including Hayward police officers and fire fighters, who lost their lives in the line of duty. The Hayward 9/11 Memorial is in scale with the overall memorial design and surrounding buildings, including the former Hayward City Hall at Giuliani Plaza, and would provide a location for those to honor and reflect on the memory of such national and local heroes.

3. The Hayward 9/11 Memorial takes into consideration physical and environmental constraints and is located across Mission Boulevard from the Hayward main library, adjacent to a municipal parking lot and near the City parking garage.
4. The Hayward 9/11 Memorial complies with the intent of City development policies and regulations in that the proposed memorial would be an attractive and unique addition to Downtown Hayward, and would attract local residents and business customers, as well as visitors, to Hayward. The memorial is consistent with the following General Plan policies and strategies:
Land Use Chapter , Policy 3: Maintain the Downtown as a focal point for the City so that it continues to express the City’s history, provides a venue for cultural vitality, and retains its role as a center for social, political, and other civic functions. Strategy 2: Emphasize making the downtown a focal point for the City within a pedestrian-friendly environment.

Community Facilities and Amenities Chapter, Policy 6, Strategy 4: Seek to establish vista points or view parks along public walkways or scenic routes.

Also, the proposed memorial is consistent with the stated purpose of the Central City – Commercial (CC-C) zoning subdistrict, which is to “...establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential uses.”

5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development. As conditioned and through a memorandum of understanding approved by the City Council, the Hayward 9/11 Memorial will be maintained so as to remain an attractive addition to the community of Hayward.

CONDITIONS OF APPROVAL

6. The Hayward 9/11 Memorial shall be built in general conformance with renderings labeled Exhibit A in the project file, with final images for each of the four black monument pieces to be approved by City staff in cooperation with the memorial designer.
7. A formal agreement or memorandum of understanding shall be executed as authorized by the City Council prior to commencement of construction.
8. The Hayward 9/11 Memorial shall be dedicated to the City of Hayward upon its completion.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, Site Plan Review Application No. PL 2013-0123 is hereby approved, subject to the foregoing conditions of approval.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to execute a memorandum of understanding with Michael L. Emerson in substantially the form attached to the accompanying staff report.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 25, 2013, 7:00 p.m.
777 B Street, Hayward, CA94541**

AYES: Commissioners Trivedi, Loché, McDermott, Lammin, Márquez, Lavelle
Chair Faria

NOES:

ABSENT:

ABSTAINED:

2. Site Plan Review Application No. PL-2013-0123, Associated with a Proposed 9-11 Memorial Along the East Side of Mission Boulevard, North of D Street.

Applicant: Michael L. Emerson (Hayward 911 Memorial); **Property Owner:** City of Hayward

Development Services Director Rizk gave the report noting it was his honor to introduce the item and U.S. Marine Corps veteran and designer of the monument and manager of the project, Mr. Michael Emerson. Mr. Rizk mentioned that Mr. Emerson had completed a Flight 93 Memorial in Union City and more recently, a Veterans Memorial in Castro Valley. Mr. Rizk also noted that City had received letters of support for the memorial from political representatives at the local, state and federal level.

Michael Emerson, Christopher Court resident, said he was a proud resident of Hayward and noted he also had a letter of support from U. S. Senator Diane Feinstein. Mr. Emerson gave some personal background adding he had also helped build the national Flight 93 Memorial at the actual site in Shanksville, a Cold War Memorial in Las Vegas, and a Disabled American Veterans Memorial in Washington D.C. Mr. Emerson explained that he was active in the community, was an alumni of CSU East Bay, and in the course of various activities had been asked to build something in Hayward. The location of the proposed memorial was excellent, he said, because the land was not well used, would enhance the downtown area, and would be a great economic pull. Mr. Emerson pointed out that people were coming from all over the country to see the memorial in Union City. Mr. Emerson explained that the City of Hayward would donate the land and private funding would build the memorial, although he would welcome funding from the City. Once he has enough money and everything in place, he said, the memorial would be completed in just a few months.

Commenting on slides from a PowerPoint presentation, Mr. Emerson noted that the wording on the memorial was written by City staff along with representatives from Hayward Police and Fire. He said the wording honored the 9-11 heroes including the first responders and military veterans of Hayward. The monument would have the logos of the different safety groups and names of the fallen. Mr. Emerson said the name or logo of any donating organization would be on one side of the six benches that would be part of the memorial, but the group must be associated with either safety groups or veterans; logos from McDonald's or WalMart would not be allowed. He said he welcomed donations from these businesses, but only appropriate content would be used for the design.

Regarding the four monoliths in the memorial, Mr. Emerson explained that they symbolized the four planes used in the attack and the front surfaces would be laser-etched granite with the logos and information about different flights and the number of people who died. The other sides of the monoliths would be a collage of images from the each of the different attack locations.

Commissioner Márquez explained that because her family owned a business in close proximity to the proposed memorial site she was going to recuse herself from the discussion. Commissioner Márquez left the Council Chambers.

Commissioner McDermott thanked Mr. Emerson for the proposal and asked the approximate cost of creating and executing the project. Mr. Emerson said all memorials were built via donation and his only payment was the satisfaction of creating them and honoring the heroes. He said that 95% of the volunteers (contractors, engineers, etc.) associated with the Castro Valley Veterans Memorial had already volunteered by building the Hayward Memorial. Mr. Emerson suggested the Commissioners visit the Flight 93 Memorial behind Union City Landing because \$50,000 worth of the same beautiful red granite had already been donated for the proposed memorial in Hayward. Mr. Emerson explained that everything, from the landscaping by the Pacheco Brothers, to the engineering drawings by Jeff Moore, to the mason and brick and installation, the safety fencing, the billboards, and the website, was donated.

Once the proposal was approved by City Council, Mr. Emerson explained, the website would go up and donations would start being accepted. Mr. Emerson said it was his firm belief that there were so many people interested in building the memorial in Hayward that the actual amount of money needed would be less than other memorials. He noted that not one penny was needed for the memorial in Union City; everything was donated. The surplus money that was collected was given to the City in a trust fund to help maintain the memorial, he said. In response to Commissioner McDermott's question, Mr. Emerson said the cost would be \$100,000, and he said he probably wouldn't need that much. He said he was already being asked by interested parties for the design of the memorial and once approved he would contact the same groups that previously donated or volunteered.

Commissioner McDermott commented that one of the biggest costs was labor and it appeared he had that shored up and because of his past experience potential donors had the opportunity to see what he had already done. Commissioner McDermott commented that once the money was collected the process of building the memorial was relatively quick. Mr. Emerson said he liked to get everything done in advance, like permits and the Memorandum of Understanding (MOU) with the City, so once the project was approved he could finish in a couple of months and not inconvenience the residents and City. Mr. Emerson said his goal was to dedicate the memorial on September 11, 2014.

Commissioner McDermott agreed the location was excellent with parking in close proximity to accommodate visitors.

Commissioner Loché said he visited the other two memorials and they were breathtaking. He asked Mr. Emerson if the dedication date would be included on the memorial. Mr. Emerson said the dedication date would be below the main text on the center stone and that could be added later, after the memorial was already in place. Commissioner Loché asked for confirmation that text or emblems could be added after the fact and Mr. Emerson said some stones would be engraved before they were placed, but others would be engraved on site. He noted that Bras and Mattos was his preferred organization, noting they were located in Hayward, had been around for 130 years, and had done the engraving in Castro Valley.

Mr. Emerson noted that if individual bricks were sold, Bras and Mattos could engrave them in place. The center stone veneer would be added later, he said, as would any names of fallen officers. Mr. Emerson provided a sample of the smaller brick for the Commissioners and said there would be approximately 1500 small bricks and 1100 large bricks used in the memorial and the price would vary by size and the money received could be used toward a maintenance fund.



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Commissioner Loché asked if the fence between the back of the memorial and the park would be removed and Development Services Director Rizk said no, it would stay. Mr. Emerson reiterated that memorial would only impact the grassy area in front of the park and no trees would be removed.

Commissioner Trivedi said he appreciated Mr. Emerson's effort to build a memorial in his hometown and commented that the Flight 93 Memorial was very tasteful and well done. Commissioner Trivedi said he was big supporter of public art and monuments and believed it was good use of public space. He asked Mr. Emerson for more background information on the memorial including the selection of materials and the shape of the monoliths.

Mr. Emerson explained that he served in the first Gulf War and as a Marine Corps veteran he was devastated by 9-11 and immediately contacted local families. He noted that Flight 93's original destination was San Francisco so a lot of the passengers were from the Bay Area including the pilot who was from San Jose and had attended San Jose State University. On July 4th of the following year Mr. Emerson said he went to ground zero to show his solidarity and that he wasn't afraid of any rumored attacks, and he noticed that no one was talking about Flight 93. When he got back home he said he contacted the families and told them he wanted to build something in the area for Flight 93 and the family organization thought it was a fantastic idea. Mr. Emerson said he approached the City of Hayward and was turned down by Mayor Roberta Cooper, but Union City was 100% supportive.

Regarding materials, Mr. Emerson said when he builds something he builds it to last 300 years. He said he tries to make it simple for the City to maintain with basic lighting, no materials that could be stolen, no eternal flames and no fountains. He said his philosophy was creating something elegant and simple where people could sit down and reflect on what happened that day. Mr. Emerson said his original plan was to memorialize 9-11, but City staff suggested including the first responders and Hayward veterans. He said he chose a simple design and the biggest impact would be the monoliths, which he wanted tall and soaring. He said he wanted to create something people would contemplate and noted at the Flight 93 Memorial the back and the sides of each of the 40 stones were unfinished to symbolize unfinished life, and the stainless steel mirrors on the front were there so visitors could look and reflect on how they might have responded. At the Castro Valley Memorial, Mr. Emerson said each of the benches had stops to prevent skateboarding, but the POW bench had one missing to signify a missing man. Mr. Emerson said the images for the proposed Hayward memorial would make people think and remember and create a connection with history, the community, and the nation.

Commissioner Trivedi said he appreciated the inclusion of local first responders and the connection to Hayward. Commissioner Trivedi said he appreciated when minor details had significance and he asked if there was any significance to the shape of the monoliths or their height. Mr. Emerson said the very top of the monoliths was ten feet, the lower side six feet and the benches were all 19 inches high per City code, and the flagpole was 25 feet tall with a gold, aluminum eagle at the top. Commissioner Trivedi said he liked the curve of the top of the monoliths. Commissioner Trivedi asked for confirmation that the memorial would have adequate lighting and the flag appropriately lit. Mr. Emerson said the area was already well lit because of the new street lights. Mr. Emerson said the Flight 93 Memorial was more attractive at night and he wanted the same low voltage, low cost, timed lighting for the Hayward

Memorial. Mr. Emerson noted his experience would benefit the City because he'd already hit all the bumps and he knew how to get it done and do it right and he had so much community support.

Commissioner Lamnin said she remembered meeting Mr. Emerson when he was raising funds for the Flight 93 Memorial and it was clear the process had evolved. She said she appreciated his efforts and thought it was fantastic that he was a Hayward resident using Hayward businesses. Commissioner Lamnin commented that being well lit was important because the memorial might create good hiding places. She asked if the flag would be flying 24/7 and Mr. Emerson said yes. Commissioner Lamnin asked who would maintain the flag and the memorial and Mr. Emerson said it was City property but he was a hands-on kind of guy, proud of what he does, and he said it was a family tradition to visit the memorials and clean up trash. Mr. Emerson told the story of a recent visit to the Flight 93 Memorial with his 14-year-old son who told his father, "Papa, when you die, I'll take care of this for you." Mr. Emerson said there would always be someone to take care of the memorial whether it was his family, the community that supported him, or local veterans.

Mr. Emerson said he preferred the type of lighting found at airports where the lights were completely contained and the bulbs lasted for a very long time. He said a maintenance fund would be great, but said his goal was to create something that was maintenance light. He pointed out there would be less grass to mow, less water used, and the only main extra cost would be lighting.

Mr. Emerson noted on Memorial Day a ceremony was scheduled for 9:00 a.m. at the Castro Valley Memorial to change out the flag, 11:00 a.m. at the Lone Tree Cemetery, and at 3:00 p.m. at the Flight 93 Memorial in Union City the flag would be replaced and the old flag folded and presented to one of the family members. Mr. Emerson noted that flags were still in great condition even after a year because they were high quality and local weather was mild.

Commissioner Lamnin asked staff if there were any concerns about maintenance. Development Services Director Rizk said no, and noted all potential issues would be considered in the MOU that would be presented to Council. Commissioner Lamnin asked why the right side of the plaza, and not the left, was selected when there was already a park on that side. Mr. Emerson said the availability of parking and ADA access, that people could see the memorial while stopped at the traffic light, and because the left side of the plaza wasn't offered as an option by the City. Mr. Emerson said his first choice was in front of the five flags, but that wasn't an option, and now he really liked the proposed location and thought it was better than the left side. Commissioner Lamnin respectfully disagreed noting the memorial was not a playground and shouldn't be located so close to one when the left side of the plaza could use improvement and also had plenty of parking. She said she would still support the project but asked staff if the other side of the plaza could be evaluated.

Commissioner Lamnin commented that a community member brought it to her attention that the Hayward fault ran under the proposed memorial site and she asked staff if there were any safety concerns. Development Services Director Rizk said no explaining that there would be structural plans that engineered the memorial to withstand an earthquake. Mr. Rizk said having the memorial closer to D Street would make it more visible than from C Street and noted a habitable building could not be built on an earthquake fault trace and therefore, the land wouldn't be available in the future for another type of use. He commented that the library site on C Street could be reused, potentially as a community meeting place. Commissioner Lamnin said that was the question from the community member: if it was not safe for a building why was it OK for a park? Development Services Director Rizk said there was a difference between a habitable building and some structures.



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Commissioner Lavelle thanked Mr. Emerson for his perseverance in building the memorial in Hayward and urged him to include the year 2001 on the center monument. She pointed out that if the memorial did last 300 years, future generations may remember the day, but not remember the year. Commissioner Lavelle said the curved design of the monument tops was beautiful, but she asked Mr. Emerson to make sure birds won't sit on the monuments.

Commissioner Lavelle asked that when the memorial was completed and ceremonies were scheduled to honor the veterans and victims of 9-11 that outreach be conducted to reach many different organizations including veterans' groups, senior groups, the Chamber of Commerce, and the Rotary Club, which built the park located next to the proposed site.

Regarding the MOU, Commissioner Lavelle asked staff what bodies it would be between, if it would include the maintenance mentioned by Mr. Emerson, and who would be responsible for the costs associated with that maintenance. Development Services Director Rizk said the MOU hadn't been developed yet, but the proposal would have the memorial dedicated to the City with the responsibility of maintenance falling to the City, but he noted support might come from various groups to help with that.

Mr. Emerson said he was fine with including the year on the memorial, noting City staff wrote the text, but he asked how many people didn't remember that Pearl Harbor happened in 1941. He said 9-11 was as significant as Pearl Harbor and believed children and adults would remember the year, but if that was what the City wanted he had no problem with it.

Regarding birds, Mr. Emerson said there wasn't a lot that could be done and said he didn't want spikes or electrical wires on the tops of the monuments. He pointed out that every memorial, every monument and statue dealt with that issue. Mr. Emerson mentioned that the company Cleaner One made a donation by power washing the other memorials for free.

Chair Faria asked if mineral deposits in the water would discolor the granite over time. She commented that the granite was beautiful now, but over time the sprinkler water for the grass surrounding the monument might create deposits. Mr. Emerson said the images of the monument in the PowerPoint were darker than the actual stone and granite. He also noted that the stones would sit on pedestals and the pedestals were raised and slightly curved so the water would move away. Mr. Emerson said mineral deposits had not been a problem at the other memorials and any low points would impact the bricks and not the stones. He also mentioned that the polishing process almost sealed the monuments and sprinklers would be aimed the other way.

Chair Faria thanked him for continuing to pursue the memorial in Hayward and Mr. Emerson said he was a proud Hayward resident and would love to have the memorial in town.

Commissioner Trivedi asked if the MOU would be between Mr. Emerson or a non-profit group and Development Services Director Rizk confirmed a non-profit entity called Hayward 9-11 Memorial. Mr. Emerson indicated that he already had an EIN (Employer ID Number) and was currently working on becoming a 501c19, which would help with the donation portion of the project, but confirmed that he would be signing the agreement. Mr. Emerson named a few of the prominent individuals in the community who had volunteered to be part of the group.

Commissioner Trivedi asked if the City had considered putting the memorial on the corner of Mission and D Street and Development Services Director Rizk said no, because the City wanted some separation from the busy intersection. Mr. Emerson noted that when building a memorial, "the more it costs, the longer it takes," and he explained that having to tear out concrete and move trees would only add to the cost. He said the proposed location would be least expensive to build because it was flat and ready and would take the least amount of time.

Chair Faria opened the Public Hearing at 8:46 p.m.

Larry Lepore, of Deer Park Court and resident of Hayward for 53 years, explained that he was speaking as a citizen and not a Hayward Area Recreation and Park District (HARD) representative although he noted that he brought some expertise to the project based on that experience. Mr. Lepore said he first met Mr. Emerson while working with him on the Castro Valley Memorial which was located in a HARD park. He said there were challenges related to that project and having been through that process he knew what to expect in Hayward. Mr. Lepore said he thought it was a fantastic design and he looked forward to assisting in any way necessary. He encouraged the Planning Commission to support the project and said he was sure the City Council would too.

Jim Castle, Providence Way resident, noted that the PowerPoint picture was pre-loop and commented the location was excellent because it gave people time to see the memorial as they travelled south on Mission Boulevard. Development Services Director Rizk confirmed Mr. Castle was correct and noted the photograph was now "historical."

Chair Faria closed the Public Hearing at 8:51 p.m.

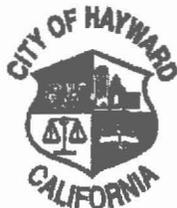
Commissioner Trivedi made a motion per staff recommendation

Commissioner Lamnin seconded the motion and commented that she hoped it was the start of other monuments tying local groups with Hayward history. She wished Mr. Emerson success in working with the City and said she hoped he would consider other opportunities for recognition. Commissioner Lamnin said she also hoped the memorial could be tied in with the library across the street and the Hayward Historical Society and agreed with Commissioner Lavelle that the year should be included on the monument.

Commissioner Loché said it was a great project and was sorry it took this long for the City to welcome the project. He said he trusted that staff, elected officials and residents would welcome the project. Commissioner Loché applauded staff for including Hayward first responders and said he preferred leaving it as the Hayward 9-11 Memorial.

Commissioner McDermott said the event was tragic and had a profound effect on everyone and changed the world. She said she looked forward to having a place to go to share her sadness about this event and the change it prompted and how we live now. Commissioner McDermott said she would be supporting the motion.

Chair Faria said she would also be supporting the motion and commented that she was surprised to see first responders included as part of the project and was very touched because she was working with Robert Greed the night he was killed and his name was included on the memorial.



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The motion to find the project Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15303, New Construction or Conversion of Small Structures, and recommend approval to the City Council of the Site Plan Review application for the proposed memorial, subject to the findings and conditions of approval, was approved 6:0:1.

AYES: Commissioners Loché, Trivedi, McDermott, Lamnin, Lavelle
Chair Faria

NOES:

ABSENT:

ABSTAINED: Commissioner Márquez

COMMISSION REPORTS

3. Oral Report on Planning and Zoning Matters

There were no reports on Planning or Zoning matters.

4. Commissioners' Announcements, Referrals

Commissioner Lamnin followed up on the Public Comment regarding the installation of a new stop sign at Pacific and Tennyson and Assistant City Attorney Conneely said staff would relay the request to Public Works. Commissioner Lamnin also asked staff to follow up on the request to allow A-frame signs along Foothill Boulevard.

APPROVAL OF MINUTES

5. The minutes from April 11, 2013, were unanimously approved.

ADJOURNMENT

Chair Faria adjourned the meeting at 8:57 p.m.

APPROVED:

Dianne McDermott, Secretary
Planning Commission

ATTEST:

Suzanne Phillis, Senior Secretary
Office of the City Clerk

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HAYWARD AND MICHAEL L. EMERSON REGARDING THE HAYWARD 9/11 MEMORIAL

This Memorandum of Understanding (“MOU”) is between the City of Hayward, a California municipal corporation (the “City”), and Michael L. Emerson (“Emerson”), an individual residing in the unincorporated area of Hayward, concerning the construction, maintenance and use of a Hayward 9/11 Memorial (the “Memorial”) on a portion of the City-owned property located at 22738 Mission Boulevard, Hayward, California. This MOU shall be effective when the last party has executed it.

Recitals

WHEREAS, Emerson has offered to design and construct a Hayward 9/11 Memorial on a portion of City-owned land located at 22738 Mission Boulevard, Hayward, California; and

WHEREAS, the Hayward Planning Commission considered and recommended approval to the City Council of the Site Plan Review application for the Memorial at its duly noticed meeting on April 25, 2103; and

WHEREAS, the Hayward City Council considered and recommended approval of the design of the Memorial and the execution of this MOU at its duly noticed meeting on July 30, 2013; and

NOW, THEREFORE, the City and Emerson agree as follows:

1. The Recitals above are hereby made a part of this MOU.
2. The Memorial will be constructed on a portion of the City-owned property commonly known as 22738 Mission Boulevard, Hayward, California (the “Property”). The area of construction of the Memorial is more particularly shown in Exhibit “A,” incorporated herein by reference. The Memorial will be constructed consistent with the Hayward 9/11 Memorial Design shown in Exhibit “B,” and incorporated herein by reference. Emerson shall retain the services of a licensed civil and/or structural engineer to submit formal construction plans for the Memorial, which plans are subject to final approval by the City’s Director of Public Works – Engineering and Transportation and the City’s Building Official. Emerson shall not make any alterations to the approved plans for the Memorial, without the prior written consent of the City’s Director of Public Works – Engineering and Transportation and Building Official, which consent shall not be unreasonably withheld. Review and approval of any plans submitted by Emerson to the City shall be completed within ten business days of Emerson’s submission; if such review and acceptance or compromise is not completed within ten business days, for a reason outside of City's control, the parties will formally meet and confer so that review and approval will occur within an additional period of ten business days.

After construction is started, revisions to approved plans, caused by unforeseen conditions at the site, shall be reviewed by City within five business days of Emerson’s submission; if such review and acceptance or compromise is not completed within five business days, for a reason outside of City's

control, the parties will formally meet and confer so that review and approval will occur within an additional period of five business days.

3. Emerson agrees to obtain all approvals and permits that the City may require relative to the construction and use of the Memorial including an encroachment permit for any construction work within, or closure of, public roadways or sidewalks. With respect to any approvals, inspections or permits required by the City of Hayward, the cost of those approvals, inspections and permits is hereby waived. The City will expedite the approval of any required permits and/or approvals.

4. The City hereby grants Emerson access to that portion of the Property described in Exhibit "A" for construction of the Memorial as shown in Exhibit "B" under the terms of this MOU. This access for construction shall begin on a to-be-determined future date and shall end one-hundred twenty (120) days after the substantial completion of the construction of the Memorial, as determined by the City. Emerson shall, at his expense, perform all functions relative to design and construction of the Memorial; the City will not be responsible for the cost of designing or constructing the Memorial. Emerson shall ensure to the City's reasonable satisfaction that materials used for construction of the Memorial do not contain hazardous or toxic materials, in accordance with any applicable state or local laws or ordinances.

5. Prior to commencement of construction, Emerson shall demonstrate that he has secured sufficient funding to complete construction and that he shall complete construction of the Memorial as expeditiously as possible, but no later than 120 days after start of construction, excluding any period of time associated with City's review of any necessary revisions to the approved site plans and not delayed by lack of City response to Emerson questions and needs. Construction of the Memorial shall be subject to periodic inspection by the City's Director of Public Works - Engineering and Transportation, or his designee, to ensure compliance with the approved Memorial construction plans.

6. (a) The City shall not be responsible for any costs connected with the planning and construction of the Memorial structure. During construction, the City will allow Emerson to use the City's water and power system subject to inspection of the City. The City will also allow Emerson to permanently connect the Memorial's lighting to the City's lighting grid and Memorial site's water sprinkler system to the City's water system subject to inspection of the City.

(b) Prior to construction, Emerson shall be responsible for identifying all underground utilities and, if necessary, relocating any underground utilities, water, electric or other piping/cables at his cost.

(c) Emerson and/or any third-party sponsor entity (e.g., local veterans organizations) agree to use their best efforts to raise funds to assist the City with ongoing maintenance and any necessary repairs/replacement of the Memorial.

(d). After the completion of construction and acceptance at the dedication of the Memorial to the City, the City shall bear the full responsibility and costs associated with the maintenance and repair of the Memorial and the Memorial site, including but not limited to; landscaping, graffiti removal, lighting fixtures, electricity, granite, concrete, sprinkler system, water, brick pavers, paving, and flag pole maintenance/replacement.

7. The parties agree that Emerson or any third-party sponsor may use volunteers to perform construction work on the Memorial. All volunteers shall be covered by workers compensation insurance provided by City, with proof of this coverage supplied in writing to Emerson before the beginning of the Memorial construction.

8. Notwithstanding the requirements of paragraph 17, the parties agree the City will provide comprehensive general liability insurance coverage, with limits as determined by the City Attorney, for the project's construction period or any approved extension, with proof of this coverage supplied in writing to Emerson before the beginning of the Memorial construction.

9. Emerson or any third-party sponsor agrees to indemnify, hold harmless and defend the City and its officers, directors, employees, agents and volunteers from and against any claim of injury or damage to persons or property resulting from, in whole or in part construction, of the Memorial.

10. All rules and regulations of the City and all federal, state, and local laws, rules and regulations applicable to existing local ordinances are to be observed by Emerson, or third-party sponsor, his agents, contractors and volunteers relative to the construction of the Memorial or the use of City property.

11. Emerson shall ensure that the construction site and areas of construction activities and/or storage shall be fenced to protect and safeguard the public, to the satisfaction of the City's Director of Public Works - Engineering and Transportation, or his designee. Once the construction of the Memorial is complete, Emerson shall remove all protective fencing.

12. The City shall have the right to have its inspectors present at any stage of construction and to require that construction is reasonably acceptable to the City.

13. The City confirms that the public rights-of-way and parking areas adjacent to the Memorial site are ADA-compliant. Emerson represents the Memorial site will be ADA – compliant, nevertheless, the City will need to review and approve the Memorial site plan prior to construction to assure its ADA-compliance. If in the future the Memorial site, walkways and parking areas are found to not be ADA-compliant, all costs and labor to make it compliant will be borne by the City.

14. Under no circumstances shall Emerson or any of his contractors, agents or volunteers, solely by virtue of this MOU, be considered an employee of the City within the meaning of any federal, state, or local law or regulation including, but not limited to, laws or regulations governing unemployment insurance, pension benefits, workers' compensation, industrial illness or accident

coverage, taxes, or labor and employment in general. Emerson and his agents, contractors and volunteers shall not be entitled to any benefits accorded to City employees, including, without limitation, workers' compensation, disability insurance, vacation, or sick pay.

15. Emerson shall promptly cause to be removed any lien of any kind filed or recorded against the City or the underlying property as a result of the construction of the Memorial.

16. The text of any signage and the collage design associated with the Memorial shall be coordinated with and approved in advance by the City, which approval shall not be unreasonably withheld. Review and approvals by the City to Emerson's signage and collage designs submitted by Emerson to the City shall be completed within ten business days of Emerson's submission; if such review and acceptance or compromise is not completed within ten business days, for a reason outside of City's control, the parties will formally meet and confer so that review and approval will occur within an additional period of ten business days.

After construction is started, revisions to approved plans caused by unforeseen conditions at the site shall be reviewed within five business days of Emerson's submission to the City; if such review and acceptance or compromise is not completed within five business days, for a reason outside of City's control, the parties will formally meet and confer so that review and approval will occur within an additional period of five business days.

17. Notwithstanding the requirements of paragraph 8, the parties agree that Emerson, or a third-party sponsor, may use contractors to complete a portion of the work. In using such contractors to perform work, Emerson agrees to the following:

- a) Emerson will only hire licensed, bonded contractors to perform work.
- b) To the extent required by applicable law, Emerson will require each contractor to pay prevailing wages to its employees working on the Memorial. Further, to the extent required by applicable law, Emerson shall require each contractor to follow all applicable provisions of Division 2, Part 7, Chapter 1 of the Labor Code addressing prevailing wages.
- c) Emerson will require each contractor to carry workers' compensation insurance to secure the payment of compensation to employees as required by law, with proof of coverage being given to the City before beginning of any construction.
- d) Emerson will require that each contractor shall procure and maintain a general liability insurance policy with limits acceptable to the City Attorney.
- e) Emerson will require each contractor to indemnify, hold harmless and defend the City and its officers, directors, employees, agents and volunteers from and against any liability for or any claim of injury or damage to person or property resulting from, in whole or in part, the contractor's work on the project, including payment of attorney's fees and legal costs.

f) Emerson will require each contractor to agree to comply with the terms of this Memorandum of Understanding (MOU) and all current applicable local, state and federal statutes and regulations.

18. Once completed and dedicated to the City, the City shall not impose an admission charge for entering the Memorial. The Memorial will at all times be open to the public. An encroachment permit from the City shall be required for all events held at the Memorial, other than those events sponsored by the City. The City will notify and invite Emerson to any and all Memorial City-sponsored events, with at least fourteen (14) days notice in writing. Users of the Memorial for special events must apply for an encroachment permit not less than thirty (30) days in advance of the event. Emerson will be able to use the Memorial site for events he sponsors on any day, with not less than thirty (30) days notice to City, as long as there is no reservation already submitted and paid for in advance by another party. The cost or fee for an encroachment permit requested by Emerson for any event sponsored by Emerson will be waived.

19. The City agrees to highlight the Memorial within the community via the City's website and promotional materials. The City agrees to assist, at no cost to Emerson, in advertising the Memorial so that businesses, residents and visitors can learn of the Memorial, the Memorial's website and how to donate towards the construction and maintenance of the Memorial, including a link on the City's website to the Memorial's website for educational and fundraising purposes. Provided, however, the City disclaims any responsibility or accountability for any funds raised via the Memorial's website or by Emerson.

20. Emerson warrants that he is the sole designer of the Memorial and that no other person is entitled to claim artistic rights to the Memorial or its design. The City acknowledges that Emerson is the owner of the design and copyright for the Memorial. The parties agree that the City has the right to reproduce visual or other images of the Memorial on the City's webpage, in publications and elsewhere as the City deems appropriate. The City agrees that the www.Hayward911Memorial.com website, now and in the future, is the property of and controlled by Emerson. All construction signs, banners and advertisements donated to the Memorial will belong to Emerson upon the Memorial's dedication to the City. The City will acknowledge that the founder, designer and build manager of the Memorial is Michael L. Emerson, verbally and in writing, whenever and wherever possible, using wording such as: "Michael L. Emerson - The Hayward 9/11 Memorial's Founder, Designer and Build Manager in Hayward, California."

21. The City and Emerson agree that once the Memorial is completed and dedicated that the Memorial will not be changed or altered without the prior agreement of Emerson and the City, with the exception of paragraphs 22 and 23 of this MOU. The City may add to the Memorial the names of City of Hayward Firefighters or Police Officers whose lives are lost while in service, along with the dates of such service, but the design must match the current names and dates. These additions will be paid for in full by the City.

22. The parties acknowledge that the property on which the Memorial is to be constructed is in close proximity to the Hayward fault line. If feasible, as solely determined by the City, the City reserves the right to remove or relocate the Memorial if a catastrophic event irreparably damages or destroys the Memorial. Such catastrophic events include, but are not limited to, earthquakes, acts of terrorism, vandalism, or forces majeure. If the City determines relocation is feasible, Emerson or his designee shall be promptly notified and the parties shall meet and confer regarding a new downtown City site. All costs of relocation shall be borne by the City.

23. The City may relocate the Memorial only under the following circumstances:

a) The City needs additional right-of-way at the intersection of Mission

Boulevard and D Street; or

b) The City requires the Property on which the Memorial is situated for a proposed public use that is inconsistent with the location of the Memorial on the Property.

The City will provide not less than ninety (90) days written notice of the intent and detailed reasons to relocate the Memorial to Emerson. In the event that the Memorial needs to be relocated, the City will, in collaboration with Emerson or his designee, identify a replacement location preferably in the downtown area of Hayward. All costs of relocation of the Memorial will be borne by the City.

24. This MOU will terminate under the following circumstances:

a) If either party materially breaches the MOU, the non-breaching party may terminate this MOU by first giving written notice to the breaching party. The breaching party shall have fifteen (15) days to cure said breach (or longer if reasonably necessary to avoid forfeiture). Should breaching party be unable to cure the breach to the reasonable satisfaction of the non-breaching party within said time period, termination shall become effective.

b) Upon agreement of both parties to terminate the MOU.

25. Notice. Any notice required or permitted to be given under this MOU shall be deemed to have been given, served and received if given in writing and either personally delivered or deposited in the United States mail, by registered or certified mail, postage prepaid, return receipt requested, overnight delivery service, addressed as follows:

Michael L. Emerson
2715 Christopher Court
Hayward Hills, California 94541-3179

City Manager
777 B Street

Hayward, CA 94541

Any notice personally given shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by registered or certified mail shall be effective as shown on the receipt.

26. This MOU constitutes the entire agreement between the parties concerning the Memorial and supersedes all prior discussions, negotiations and agreements, whether oral or written. This MOU may be amended or modified only by a written instrument executed by the City and Emerson. If any part of this MOU is found to be unenforceable, the rest of the MOU will still remain in force and in full effect.

27. This MOU shall be governed by and the rights, duties and obligations of the parties shall be determined and enforced in accordance with the laws of the State of California. The parties further agree that any action or proceeding brought to enforce the terms and conditions of this MOU shall be maintained in Alameda County, California.

28. This MOU is the product of negotiation, and any rule that ambiguities in an agreement are to be construed against the drafter shall not apply in the interpretation of this MOU.

29. The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.

30. Notwithstanding the termination of this MOU, all provisions of this MOU which by their nature would survive the termination of an agreement shall remain in effect, including but not limited to the indemnification and insurance responsibilities.

31. The parties agree that upon completion, the Memorial shall be dedicated to and owned by the City.

IN WITNESS WHEREOF, the parties hereto have executed this MOU as follows:

City of Hayward:

Michael L. Emerson, Founder:

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

ATTEST:

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

Approved as to form:

Michael S. Lawson, City Attorney:

By: _____





HAYWARD 9/11 MEMORIAL - Hayward, CA
Designer & Builder: Michael L. Emerson

HAYWARD 9/11 MEMORIAL - Hayward, CA
Designer & Builder: Michael L. Emerson





HAYWARD 9/11 MEMORIAL - Hayward, CA
Designer & Builder: Michael L. Emerson



WE WILL NEVER FORGET

HAYWARD 9/11 MEMORIAL - Hayward, CA
Designer & Builder: Michael L. Emerson



HAYWARD 9/11 MEMORIAL - Hayward, CA
Designer & Builder: Michael L. Emerson



8:46 AM
New York, NY
American Airlines II

8:52 AM
New York, NY
United Airlines 175

8:57 AM
Washington, DC
American Airlines 77

8:59 AM
New York, NY
United Airlines 93

HAYWARD 9/11
MEMORIAL
A memorial to the victims of the September 11, 2001 terrorist attacks. The names of the victims are inscribed on the pillars. The memorial is dedicated to the memory of the victims and to the resilience of the community.

HAYWARD 9/11 MEMORIAL - Hayward, CA
Designer & Builder: Michael L. Emerson



9:03 AM

New York, NY
United Airline

9:37 AM

Washington, D.C.
United Airlines 77



HAYWARD 9/11 MEMORIAL



THIS U.S. FLAG WAVES PROUDLY IN HONOR
OF THE HEROES OF 9/11/2001 AND LOCAL
FIRST RESPONDERS, MILITARY VETERANS
AND THEIR FAMILIES WHO HAVE MADE THE
ULTIMATE SACRIFICE IN PURSUIT OF SAFETY
FOR OUR COUNTRY AND THIS COMMUNITY.

DEDICATED: 11 SEPTEMBER 2014



HAYWARD 9/11
MEMORIAL



THIS FLAG WAVES PROUDLY IN
HONOR OF THE HEROES OF 9/11
AND LOCAL FIRST RESPONDERS,
MILITARY VETERANS AND THEIR
FAMILIES WHO HAVE MADE THE
ULTIMATE SACRIFICE IN PURSUIT
OF SAFETY FOR OUR COUNTRY
AND THIS COMMUNITY.



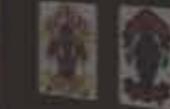
HAYWARD 9/11 MEMORIAL - Hayward, CA
 Designer & Builder: Michael L. Emerson

HAYWARD 9/11
 MEMORIAL

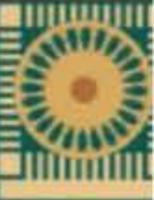


WE ARE UNITED TOGETHER IN
 MEMORY OF THE HEROES OF 9/11
 AND LOCAL FIRST RESPONDERS
 WHO RISKED THEIR LIVES TO
 SAVE OTHERS AND TO
 BRING US BACK TOGETHER
 AGAIN. FOR THE FUTURE
 WE WILL NEVER FORGET.

THEY WERE HERE, THEY WERE FIGHTING



HAYWARD MEMORIAL



THIS FLAG WAVES
HONOR OF THE HERO
AND LOCAL FIRST R
MILITARY VETERANS
FAMILIES WHO HAV
ULTIMATE SACRIFICE
OF SAFETY FOR OU
AND THIS COMMUNIT



9:03 AM
New York, NY
United Airlines 11

9:37 AM
Washington, D.C.
American Airlines 77

10:03 AM
Shanksville, PA
United Airlines 93

HAYWARD 9/11
MEMORIAL



HEROES PROUDLY IN
HEROES OF 9/11
FIRST RESPONDERS,
FIREMEN AND THEIR
FAMILIES WHO HAVE MADE THE
SACRIFICE IN PURSUIT
OF OUR COUNTRY
AND COMMUNITY.



**HAYWARD POLICE DEPARTMENT PERSONNEL
WHO HAVE MADE THE ULTIMATE SACRIFICE
IN THE LINE OF DUTY:**

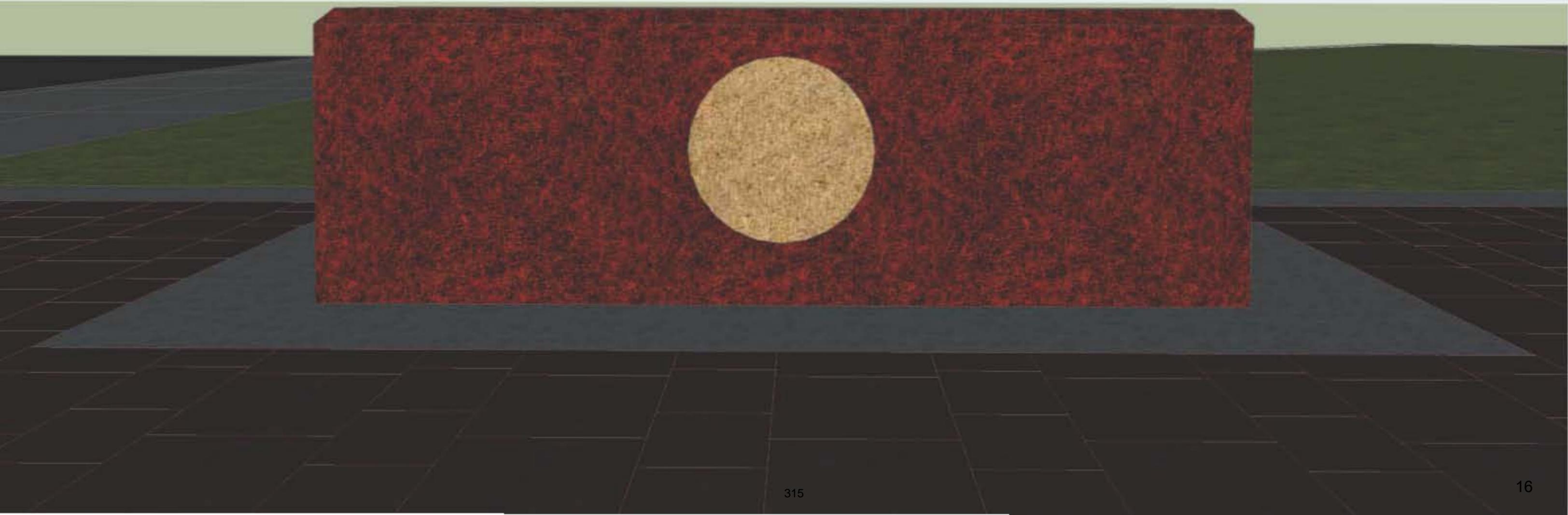
GEORGE VIERRIA	END OF WATCH: 16 SEP 1929
BOBBY McSPADDEN	END OF WATCH: 4 AUG 1972
ROBERT REED	END OF WATCH: 29 JUN 1974
BENJAMIN WORCESTER	END OF WATCH: 25 MAR 1987



**HAYWARD FIRE DEPARTMENT PERSONNEL
WHO HAVE MADE THE ULTIMATE SACRIFICE
IN THE LINE OF DUTY:**

WALTER CRAVEN

LAST ALARM: 23 JUN 1956



HAYWARD 9/11 MEMORIAL - Hayward, CA
Designer & Builder: Michael L. Emerson



