



CITY OF
HAYWARD
HEART OF THE BAY

13

DATE: July 20, 2010

TO: City Council/Redevelopment Agency Board Members

FROM: Director of Development Services Department

SUBJECT: Authorization for Redevelopment Agency Executive Director to Enter into a Contract with Lamphier-Gregory to Prepare a Supplemental Environmental Impact Report for the South Hayward BART/Mission Boulevard Form-Based Code Project

RECOMMENDATION

That the Redevelopment Agency Board adopts the attached resolution (Attachment I) authorizing the Executive Director to negotiate and execute a contract with Lamphier-Gregory for an amount not to exceed \$75,000, to prepare a supplemental environmental impact report for the South Hayward BART/Mission Boulevard Form-Based Code project.

BACKGROUND

The City Council authorized preparation of a form-based code by Hall-Alminana, Inc. in May of 2009. A public design charrette was held in October of 2009, and work sessions before the City Council and Planning Commission regarding the draft South Hayward BART/Mission Boulevard Form-Based Code were held in April and May of this year. During the April 27, 2010 City Council work session, staff indicated a preliminary traffic impact analysis would be performed and anticipated presenting that assessment to Council in early July. That analysis has been initiated by Dowling Associates by separate contract for just under \$24,000, and staff anticipates presenting a summary of that analysis to City Council in early fall. The Supplemental EIR work can proceed ahead of the preliminary traffic impact analysis being completed, given the other environmental topic areas that will be analyzed in the Supplemental EIR.

In accordance with the California Environmental Quality Act (CEQA), environmental review and analysis must be done to assess the potential impacts on the physical environment of development associated with adoption and implementation of the Form-Based Code (see Code Regulation Plan, Attachment II). Along with adoption of the Code, the "Project" as defined by CEQA would include amendments to the Hayward General Plan and Zoning Ordinance. As indicated below, a Supplemental EIR is recommended, which will "tier" off previous EIRs prepared that involved lands in the Form-Based Code area: the 2006 South Hayward BART/Mission Boulevard Concept Design Plan Program EIR, the 2009 238 Bypass Land Use Study Program EIR, and the 2007 Route 238 Corridor Improvement Project EIR. Additional potential impacts associated with Code adoption and implementation beyond those assessed in the previous EIRs will be analyzed.

Given the content and context of these prior CEQA documents, the central question with the current Project is whether, pursuant to CEQA Guidelines Sections 15180, 15162 and 15163, a Subsequent/Supplemental EIR or Negative Declaration is needed. CEQA provides that when an EIR has been certified, no Subsequent/Supplemental EIR or Negative Declaration need be prepared unless the City determines, on the basis of substantial evidence, one or more of the following:

- Substantial Project changes are proposed that would involve major revisions to the prior EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes have occurred with respect to circumstances under which the current Project is undertaken that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and/or
- New information of substantial importance indicates that the Project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effects.

Analysis indicates that a Supplemental EIR will be required due to density increases at certain properties and since the scope of proposed General Plan Land Use Map changes is greater than that previously analyzed. Two additional benefits may be realized from the production of a Supplemental EIR. First, the Supplemental EIR provides an opportunity to thoroughly address recent changes to the CEQA Guidelines. Second, the Supplemental EIR will also reduce the basis for legal challenges associated with a potential “fair argument” allegation if a Negative Declaration were to be prepared.

DISCUSSION

As noted in the Project Budget (Attachment III), preparation of the Supplemental EIR will entail six major tasks. Task 3 encompasses the technical analysis associated with preparation of a Staff (Administrative) Draft Supplemental EIR, as well as preparation of an Alternatives section. New technical analyses will be conducted associated with air quality/greenhouse gas emissions, and traffic impacts. Dowling Associates, as stated earlier, will be conducting the traffic impact analysis, which will be incorporated into the Traffic Impact section of the Supplemental EIR.

FISCAL IMPACT

The funds proposed to support this contract are from the Redevelopment Agency’s Planning projects budget. No impacts to the General Fund would occur as a result of this work.

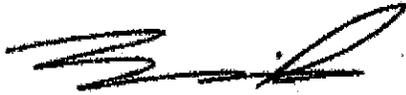
SCHEDULE

Staff anticipates the contract will be executed and work on the Supplemental EIR will start in early August. The project schedule (Attachment IV) indicates the Supplemental EIR will be completed in early 2011, and staff anticipates bringing forth the final Form-Based Code, associated amendments to the General Plan and Zoning Ordinance, and the Supplemental EIR to the Planning Commission

in January and to the City Council in February of next year for consideration of adoption.

Prepared by: *David Rizk, AICP, Director of Development Services Department*

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Draft Resolution
- Attachment II: Draft Form-Based Code Regulating Plan
- Attachment III: Supplement EIR Project Budget
- Attachment IV: Supplemental EIR Preparation Schedule

REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. _____

Introduced by Agency Member _____

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH LAMPHIER-GREGORY FOR THE PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE SOUTH HAYWARD BART / MISSION BOULEVARD FORM-BASED CODE PROJECT

BE IT RESOLVED, by the Redevelopment Agency of the City of Hayward that the Executive Director is hereby authorized and directed to negotiate and execute an agreement with Lamphier-Gregory for the preparation of a Supplemental Environmental Impact Report (EIR) for the South Hayward BART / Mission Boulevard Form-Based Code project, in an amount not to exceed \$75,000, in a form to be approved by the City Attorney.

HAYWARD, CALIFORNIA _____, 2010.

ADOPTED BY THE FOLLOWING VOTE:

AYES: AGENCY MEMBERS:
MAYOR:

NOES: AGENCY MEMBERS:

ABSTAIN: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

General Counsel

BUDGET

	LUMPHIER - GREGORY		K. COHN	DOWING	TOTAL
	S. GREGORY				
TASK 1: STAFF UP					
1.1 Kick-Off Meeting	0	\$0	4	\$520	\$520
1.2 Review Background Materials	0	\$0	5	\$1,040	\$1,040
1.3 Prepare Project Description	0	\$0	12	\$1,560	\$1,560
Subtotal:	0	\$0	24	\$3,120	\$3,120
TASK 2: INITIAL STUDY					
2.1 Administrative Draft Initial Study	0	\$0	50	\$10,400	\$10,400
2.2 Final Initial Study	0	\$0	5	\$1,040	\$1,040
2.3 Notice of Preparation	0	\$0	4	\$520	\$520
Subtotal:	0	\$0	92	\$11,960	\$11,960
TASK 3: STAFF DRAFT SEIR					
3.1 Project Summary	0	\$0	16	\$2,080	\$2,480
3.2 Introduction	0	\$0	5	\$1,040	\$1,040
3.3 Project Characteristics	0	\$0	5	\$1,040	\$1,040
3.4 Environmental Analysis					
3.4.1: Aesthetics	0	\$0	5	\$1,040	\$1,040
3.4.2: Air Quality & GHG	0	\$0	40	\$5,200	\$5,200
3.4.3: Traffic	0	\$0	24	\$3,120	\$7,975
3.4.4: CEQA Required Assessment	0	\$0	16	\$2,080	\$2,080
3.4.5: Alternatives	0	\$0	16	\$2,080	\$2,080
3.5 Staff Draft SEIR Revisions	0	\$0	24	\$3,120	\$3,120
Subtotal:	0	\$0	160	\$20,000	\$28,775
TASK 4: PUBLIC DRAFT SEIR					
4.1 Prepare & Distribute Public SEIR	0	\$0	16	\$2,080	\$0
4.2 Prepare & File NOE/NOA	0	\$0	4	\$520	\$0
4.3 Public Hearings (2) + Staff Report	0	\$0	5	\$650	\$0
Subtotal:	0	\$0	25	\$3,250	\$0
TASK 5: FINAL SEIR					
5.1 Respond to Comments	0	\$0	40	\$5,200	\$0,413
5.2 Prepare Final SEIR	0	\$0	24	\$3,120	40
5.3 MMRP Revisions	0	\$0	5	\$1,040	\$0
5.4 Public Hearings (2) + Staff Report	0	\$0	4	\$520	\$0
Subtotal:	0	\$0	76	\$10,660	\$0,413
TASK 6: MEETINGS, EXPENSES AND PROJECT MANAGEMENT					
6.1 Staff Coordination Meetings (2)	0	\$0	6	\$780	\$0
6.2 Project Management	24	\$4,560	20	\$2,600	\$0
6.3 Printing/Travel	0	\$0	0	\$0	\$1,600
Subtotal:	24	\$4,560	26	\$3,380	\$0
SUBTOTAL COSTS	24	\$4,560	403	\$52,390	\$16,388
TOTAL BUDGET					\$74,938

SCHEDULE

- Kick-off Meeting August 1, 2010
- Admin Initial Study submitted to City September 1, 2010
- City Comments Compiled/Transmitted September 8, 2010
- Final Initial Study submitted to City September 15, 2010
- NOP/Initial released for Public Review September 15, 2010
- Staff Draft SEIR submitted to City October 15, 2010
- City Comments Compiled/Transmitted October 22, 2010
- Public SEIR Published November 1, 2010
- Public Hearings on SEIR November 7, 2010
- Public Comment Period Closes December 15, 2010
- Response to Comments submitted to City December 22, 2010
- MMRP submitted to City December 22, 2010
- City Comments Compiled/Transmitted December 29, 2010
- Planning Commission Hearing January 16, 2011
- City Council Hearing February 27, 2011