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06-AFC-6
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STATE OF CALIFORNIA
State Energy Resources
Conservation And Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION FOR THE EASTSHORE ENERGY CENTER

Docket No.: 06-AFC-6

OPENING BRIEF ON
OVERRIDE STANDARD

DATED: December 5, 2007

RICHARD E. WINNIE, County Counsel in and for the County of Alameda, State of California

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STATE OF CALIFORNIA

State Energy Resources

Conservation And Development Commission

In the Matter of:	Docket No.: **06-AFC-6**
	OPENING BRIEF ON OVERRIDE STANDARD
APPLICATION FOR CERTIFICATION FOR THE EASTSHORE ENERGY CENTER	Memorandum of Points and Authorities

OPENING BRIEF ON OVERRIDE STANDARD BY COUNTY OF ALAMEDA

Memorandum of Points and Authorities

I. Introduction

During the November 26, 2007 Prehearing Conference, the Eastshore AFC Committee ("the Committee") requested that parties submit opening briefs no later than December 7, 2007 to advise the Committee on what standard to employ should the Committee use its authority under Public Resources Code section 25525 to override findings that the Eastshore Energy Center ("Eastshore") would fail to comply with any applicable state or local laws, ordinances, standards and rules ("LORS"). Anticipating that the Committee will make a negative LORS finding with respect to aviation, the applicant has alternatively requested the Commission find that (1) Eastshore would not cause adverse impacts to aviation, and/or (2) certification of Eastshore is required for "public convenience and necessity" pursuant to Public Resources

Code section 25525. The instant brief constitutes Alameda County's ("the County") preliminary statement on this issue, to be more fully addressed in its post-Evidentiary Hearing brief on the merits.

During the June 6, 2007 Joint Committee Status Conference, the Committee raised the issue of the standard the applicant would need to meet to satisfy its burden to justify an override. (Transcript of Joint Committee Status Conference, June 6, 2007, at 82:21-83:8 ("JCSC Transcript").) The Committee expressed significant concern about whether it could make override findings absent evidence of the cost of interconnections at other substations. (Id.) The section 25525 override standard, however, does not confine the Energy Commission's review to the issue of interconnections to other substations; therefore, the County's post-Evidentiary Hearing reply brief will broadly address the appropriate standard for a section 25525 override.

In addition, the County, through its expert witness Dr. Paolo Zannetti, has challenged the air quality findings of the Staff and Bay Area Air Quality Management District ("BAAQMD"). It is the County's position that the air quality evidence adduced at the December 17 and 18, 2007 Evidentiary Hearing may require the Energy Commission to make a finding that the proposed Eastshore facility will not comply with state and federal LORS, and that its air quality impact will cause a significant adverse environmental impact that cannot be mitigated. Should the Energy Commission make such a finding, the County will provide additional briefing on the appropriate standard for override of a finding of a significant environmental effect that cannot be mitigated.

II. The Energy Commission Must Revise Its Previous Approach to a Section 25525 Override.

Under the Warren-Alquist Act (Pub. Res. Code § 25500 et seq.), the Energy Commission must make two findings to license a thermal power plant: (1) that the power plant will not cause a significant adverse environmental effect, and (2) that the power plant's construction is in compliance with otherwise applicable state and local laws, ordinances, standards and rules ("LORS"). If the Energy Commission makes a negative finding with respect to compliance with state and local LORS, it may, pursuant to section 25525, "override" its finding by making a

separate finding that the power plant is (1) "required for public convenience and necessity" and that (2) "there are not more prudent and feasible means of achieving public convenience and necessity." The County contends that the Energy Commission must revise its previous approach with respect to *both* elements of this finding.

A. The Commission Must Consider Mandatory Greenhouse Gas Reduction Targets In Determining Whether a Power Plant Is Required for Public Convenience and Necessity.

In past cases in which the Energy Commission has utilized its override authority, it has made findings that the thermal power plant in question was "required for public convenience and necessity" based upon policy statements in the Warren-Alquist Act making it the responsibility of state government to ensure an adequate and reliable supply of electrical energy. (See e.g. The Metcalf Energy Center Commission Decision, 99-AFC-3 at 464 ("Metcalf Decision") (citing Public Resources Code § 25001.)) In addition, Energy Commission findings that a power plant was required for public convenience and necessity have rested upon the Energy Commission's annual Integrated Energy Policy Report. (See e.g. Los Esteros Critical Energy Facility II, Phase 2 Final Commission Decision, 03-AFC-2, at 368 ("Los Esteros Decision") (citing Integrated Energy Policy Report, California Energy Commission, Nov. 2005, pp. 44-65. Pub. No. CEC-100-2005-007-CMF.)) In Los Esteros Phase 2, the Energy Commission noted that "[t]he Commission's 2005 Integrated Energy Policy Report conclusively established that substantial additions to the state's generating system are needed." (Id.)

Should the Energy Commission consider an override of state or local LORS for Eastshore, the Energy Commission must consider the conclusions of the 2007 Integrated Energy Policy Report. (Integrated Energy Policy Report, California Energy Commission, Nov. 2005, Pub. No. CEC-100-2007-008-CTF ("2007 Report").) In the 2007 Report, the Commission explains that the state's energy policy has been significantly altered with the passage of AB 32, the California Global Warming Solutions Act of 2006. (Id. at 1.) The 2007 Report notes that "AB 32 places reducing greenhouse gas emissions at the center of government and business agendas." (Id.) The 2007 Report goes on to state that "[w]ith AB 32, California's progressive energy policies

must now also include reducing the state's greenhouse gas footprint and stepping up the intensity of existing programs, standards, and regulations is mandatory to achieve aggressive carbon dioxide (CO_2) reduction." (Id. at 1-2) (emphasis removed).

In the wake of the 2007 Report, the Commission must consider the AB 32 mandate when it performs its analysis of whether a thermal power plant is "required for public convenience and necessity" to justify overriding state and local LORS. The passage of AB 32 appears to require the Commission to balance the policy goals of the Warren-Alquist Act with those of the Global Warming Solutions Act. Such balancing it will require the Energy Commission to make new and additional findings with respect to how the proposed thermal power plant fits into the state's larger greenhouse gas reduction policy that were not included in past decisions such as Metcalf and Los Esteros Phase II.

B. The Energy Commission's Feasibility Findings Must Include the Cost of Interconnection to Other Substations.

During the June 6, 2007 Joint Committee Status Conference, the Energy Commission raised the issue of whether it must consider the cost of interconnection to other substations in making the second part of an override finding that "there are not more prudent and feasible means of achieving public convenience and necessity." (Public Resources Code § 25525.) Meaningful feasibility findings must include such a cost analysis, and that past override cases can be distinguished because the cost of interconnection was not a relevant factor.

Presently, when the Commission Staff conducts its alternatives analysis, it considers a wide variety of factors in evaluating a "reasonable range of feasible alternative sites which could substantially reduce or avoid any potentially significant adverse impacts of the proposed project." (Eastshore Energy Center Final Staff Assessment, Pub. No. CEC-700-2007-017-FSA, at 6-1 ("Staff FSA") (citing 14 CCR § 15126.6, 20 CCR § 1765.)) These factors fall under two broad categories: (1) approximate length of linears/distance to receptors, and (2) environmental and engineering impacts. (See Id. at 6-10 to 6-11.)

Although some of the factors may act as rough proxies for cost, without an actual cost analysis, the Energy Commission may make erroneous findings by allowing individual factors to

substitute for cost when such a conclusion – while somewhat intuitive – is inappropriate. For example, the Commission Staff's present alternatives analysis considers the alternative sites' proximity to transmission lines. While an alternative site requiring lengthier transmission lines may be less desirable from a visual perspective, it may for other reasons be substantially cheaper. Adding cost to the mix of factors the Energy Commission evaluates will allow for this kind of robust analysis because cost can encompass a variety of aspects of a project that may not be currently captured under the Commission Staff's current set of criteria.

The County anticipates the applicant will argue that to require the Energy Commission's feasibility findings to include the costs of interconnection will require a major break from past precedent. The Energy Commission's two most relevant override cases are, however, easily distinguished. In Los Esteros Phase II, the applicant proposed to increase the generation capacity of the existing Los Esteros facility. (Los Esteros Decision at 365.) Therefore, interconnection was not a major issue as the Los Esteros facility was already connected to a local substation. (Id. at 370.) Similarly, in Metcalf, the Energy Commission found that the proposed project had to be located within the City of San Jose because the local area had dangerously low loads that threatened the reliability of electricity in the area, exposing the City of San Jose to potentially "catastrophic outages." (Metcalf Decision, at 467.) Therefore, the Metcalf project's cost of interconnection as compared to alternatives was irrelevant because the project necessarily had to be located at the proposed location. As a result, the Energy Commission may require the present applicant to supply information on the cost of interconnection to support the feasibility provision of an override finding without breaking with past precedent.

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III. The Energy Commission Must Revisit the Standard Issue After the Conclusion of the Evidentiary Hearing.

As the Energy Commission is undoubtedly aware, the question of the appropriate standard to apply for an override somewhat puts the cart before the horse as an override is only necessary to the extent the Energy Commission makes a negative finding with respect to conformity with state and local LORS or that the project would cause a significant adverse environmental effect that cannot be mitigated. Therefore, the County respectfully requests that the Energy Commission reserve its decision on the appropriate override standard until the conclusion of the Evidentiary Hearing and until there has been adequate opportunity for reply briefing on this issue.

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DATED: December 5, 2007

RICHARD E. WINNIE, County Counsel in and for the County of Alameda, State of California

BRIAN E. WASHINGTON,
Assistant County Counsel

By
Andrew Massey
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Attorneys for County of Alameda

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE EASTSHORE ENERGY CENTER IN CITY OF HAYWARD BY TIERRA ENERGY	**Docket No. 06-AFC-6** **PROOF OF SERVICE** **(Revised 12/4/2007)**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

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DECLARATION OF SERVICE

I, Elena Dueñas, declare that on December 7, 2007, I entrusted the original and two copies of the attached "Opening Brief on Override Standard," with the "pre-filed testimony and exhibits," to a courier authorized by Pro-Serve USA, an express service carrier, to be delivered to the California Energy Commission at the above address.

OR

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Elena A Dueñas

Elena Dueñas

Alameda County - Intervenor
Eastshore Energy Center Evidentiary Hearings
Exhibit List
Submitted December 7, 2007

Exhibit #	Document Name and Date	Date Docketed	Sponsored by Intervenor	Date Received Into Evidence
Air Quality				
500	Dr. Zannetti Testimony, December 5, 2007		Alameda County	
501	Dr. Zannetti Declaration and Resume, December 5, 2007		Alameda County	
502	Application for Certirfication, Eastshore Energy Center, Air Quality Section, September 2006		It is anticipated that applicant will submit this doucment	
503	Final Determination of Compliance, Bay Area Air Quality Management District, October 2007		It is anticipated that applicant will submit this doucment	
Land Use				
504	Eileen Dalton, Testimony, December 4, 2007		Alameda County	
505	Eileen Dalton Declaration and Resume, December 4, 2007		Alameda County	
506	Final Eden Area Redevelopment Plan, July 2000		Alameda County	
507	Map-All Redevelopment SubAreas		Alameda County	
508	04-09 Implementation Plan Eden Final, May 2005		Alameda County	
509	04-09 Implementation Plan Joint Project Final, May 2005		Alameda County	

Alameda County - Intervenor
Eastshore Energy Center Evidentiary Hearings
Exhibit List
Submitted December 7, 2007

510	Redevelopment Plan for the Alameda County – City of San Leandro Redevelopment Project, June 1993		Alameda County	
511	Dave Needle, Declaration and Resume, December 4, 2007		Alameda County	
512	ALUC Resolution 01-2007 – Russell City Energy Center (RCEC), August 15, 2007		Alameda County	
513	ALUC Resolution 02-2007- Eastshore Energy Center (EEC), October 17, 2007.		Alameda County	
514	ALUC Staff Report July 18, 2007 – Russell City Energy Center (RCEC)		Alameda County	
515	ALUC Staff Report August 15, 2007 - RCEC		Alameda County	
516	ALUC Staff Report September 19, 2007 – Eastshore Energy Center (EEC)		Alameda County	
517	ALUC Staff Report October 17, 2007 EEC		Alameda County	
518	CEC Preliminary Staff Assessment (PSA) Eastshore Energy Center, CEC-700-2007-005-PSA, Land Use Section		It is anticipated that CEC Staff will submit this document	

Alameda County - Intervenor
Eastshore Energy Center Evidentiary Hearings
Exhibit List
Submitted December 7, 2007

Traffic & Transportation				
519	Larry Berlin Testimony, December 4, 2007		Alameda County	
520	Larry Berlin, Declaration and Resume, December 4, 2007		Alameda County	
521	Dave Needle, Declaration and Resume, December 4, 2007		Alameda County	
522	ALUC Resolution 01-2007 - Russell City Energy Center (RCEC), August 15, 2007		Alameda County	
523	ALUC Resolution 02-2007- Eastshore Energy Center (EEC), October 17, 2007.		Alameda County	
524	ALUC Staff Report July 18, 2007 - Russell City Energy Center (RCEC)		Alameda County	
525	ALUC Staff Report August 15, 2007 - RCEC		Alameda County	
526	ALUC Staff Report September 19, 2007 - Eastshore Energy Center (EEC)		Alameda County	
527	ALUC Staff Report October 17, 2007 EEC		Alameda County	
528	FAA Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes, DOT-FAA-AFS-420-05-1, January 2006		It is anticipated that applicant will submit this doucment	

Alameda County - Intervenor
Eastshore Energy Center Evidentiary Hearings
Exhibit List
Submitted December 7, 2007

529	Katestone Environmental, Plume Vertical Velocity Assessment of a Proposed Gas-Fired Power Station at Russell City Energy Center, July 2007		It is anticipated that applicant will submit this doucment	
530	ADDENDUM: Katestone Environmental, Plume Vertical Velocity Assessment of a Proposed Gas-Fired Power Station at Russell City Energy Center, July 2007		It is anticipated that applicant will submit this doucment	
531	CEC Preliminary Staff Assessment (PSA) Eastshore Energy Center, CEC-700-2007-005-PSA, Traffic & Transportation Section		It is anticipated that CEC Staff will submit this document	
Environmental Justice				
532	Dr. Sandra Witt, Testimony, December 5, 2007		Alameda County	
533	Dr. Sandra Witt, Declaration and Resume, December 5, 2007		Alameda County	

Testimony Regarding the impact of the Eastshore Project on the Redevelopment Agency of the County of Alameda

My name is Eileen Dalton and I am the Redevelopment Director for the Redevelopment Agency of the County of Alameda. The Redevelopment Agency (RDA) is a department of the Alameda County Community Development Agency (CDA). I have been in the redevelopment and economic development field for 19 years, the last ten years working for the RDA. I have a BS in Business Administration from the University of California, Riverside.

The primary function of the RDA is to provide economic revitalization to blighted communities and to ensure that property values are maintained and improved. The RDA's funding is directly linked to property value as the source of RDA funding, tax increment, is a portion of the property taxes paid by property owners within the boundaries of the Redevelopment Project Areas. The RDA is responsible for two Redevelopment Project Areas that cover most of the urban unincorporated areas of Alameda County. The Alameda County – City of San Leandro (sometimes referred to as the "Ashland" or "Joint") Project Area was adopted in 1993 and covers most of the unincorporated community of Ashland. The Eden Area Redevelopment Project Area was adopted in 2000 and includes the unincorporated communities of Castro Valley, Cherryland, Foothill (Hillcrest Knolls and the Fairmont Hospital campus), Mt. Eden, and San Lorenzo.

The redevelopment areas with the closest proximity to the proposed Eastshore Energy Center are Mt. Eden (.5 miles) and San Lorenzo (2.6 miles). The other redevelopment areas proximities are generally as follows: Castro Valley (5.4 miles), Cherryland (6 miles), Ashland (8 miles), Foothill (9 miles).

The RDA has initiated redevelopment projects and programs in each of the areas described above. Projects include the completion of the first phase of a $15 million sidewalk construction project in Cherryland. Also completed is a streetscape improvement project connecting East 14th Street and the Bay Fair BART station. Design has started on the Castro Valley Boulevard Streetscape Improvement Project in Castro Valley, Hampton Road in Cherryland, and East 14th Street Phase 2 utility undergrounding in Ashland. In early 2008, design will begin on East 14th Street Phase 2 Streetscape Project and the first phase of streetscape improvement on Hesperian Boulevard in San Lorenzo.

The primary focus of the RDA in San Lorenzo is the redevelopment of the San Lorenzo Village Square. The proposed 19 acre redevelopment project includes a new neighborhood grocery store, new retail, residential townhomes, renovated commercial space and a new Village Square. This $100 million project is the cornerstone to the revitalization of San Lorenzo, especially the retail area vacated by the original Mervyn's Department Store. The location of the Eastshore project, while not immediately adjacent

to San Lorenzo, is close enough to the community to create a negative perception of air quality and safety of the neighborhoods in San Lorenzo. Any negative perception on the quality of life in San Lorenzo could result in a degradation of property values. This would in turn have a negative effect on the ability of the RDA to fund and implement key redevelopment projects in San Lorenzo.

Although the Mt. Eden area has been partially annexed by the City of Hayward, the County's redevelopment authority will be maintained over the life of the Eden Area Redevelopment Plan (until 2046). The primary redevelopment objective of the Mt. Eden area is to assist in the funding of needed infrastructure improvements such as flood control, drainage, and streetscape. The tax increment from the Mt. Eden area is substantially committed to funding those improvements over the next 20 years. Once these local infrastructure improvements are completed, the RDA will utilize redevelopment funds from Mt. Eden for other eligible blight-eliminating projects. In addition, Mt. Eden will also generate funding for the RDA's low and moderate income housing fund over the life of the Plan. The primary source of increased tax increment to pay for these needed infrastructure improvements is from the construction and sale of over 150 new residences located within the boundaries of the Mt. Eden redevelopment area. The nearby location of the Eastshore project, and the negative perception of poor air quality and safety to the community, could negatively affect the property values and the sale or resale of homes within Mt. Eden. The degradation of property values would directly delay the RDA's timeline for payment for the infrastructure improvements in Mt. Eden and, in turn, jeopardize other blight-elimination and affordable housing projects.

DECLARATION OF
Eileen Dalton

I, **Eileen Dalton**, declare as follows:

1. I am presently employed as the Director of the Alameda County Redevelopment Agency.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the attached document entitled Testimony Regarding the impact of the Eastshore Project on the Redevelopment Agency of the County of Alameda to serve as my testimony on the issue of Land Use for the Eastshore Energy Center project based on data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 2/4/07 Signed: Eileen Dalton

At: Hayward, CA

EILEEN DALTON

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EXPERIENCE

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

Redevelopment Director (Deputy Director), September 2005 - Present

Director responsible for program, policy, and fiscal management of the Alameda County Redevelopment Agency. The Agency's two project areas consist of 4,000 acres and $11 million in annual tax increment. Also responsible for developing and administering the Agency's economic development strategic plan including business retention, expansion, attraction, and marketing. Make written and oral presentation to the Alameda County Board of Supervisors, Planning Commission, and other local elected boards and commissions as well as community groups.

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

Assistant Redevelopment Director (Assistant Deputy Director), May 2001 – September 2005

Redevelopment Manager, December 1997 – May 2001

Senior manager for program, policy, and fiscal management of the Alameda County Redevelopment Agency and Alameda County's portion of a joint City/County redevelopment project area. Staff to four Redevelopment Citizen Advisory Committees. Developed successful Brownfields Program grant, secured over $3 million in capital improvement grants, prepared and implemented Redevelopment Strategic Plan, Streetscape Master Plans and Underground Utility District, manage façade improvement program, and coordinate work and contracts.

RIVERSIDE COUNTY ECONOMIC DEVELOPMENT AGENCY

Deputy Director, August 1996 - August 1997

Senior manager responsible for program, policy, and fiscal management of the Riverside County Redevelopment Agency. The Agency's ten project areas consist of 53,000 acres and $6 million in annual tax increment and $29 million in tax allocation bonds. Also responsible for developing and administering the county's economic development strategic plan including business retention, expansion and attraction, Enterprise Zone and Recycling Market Development Zone administration and marketing. Developed and implemented new Fast Track Permit Processing program for commercial and industrial development. Make written and oral presentation to the Riverside County Board of Supervisors, Planning Commission, and other local elected boards and commissions as well as community groups.

RIVERSIDE COUNTY ECONOMIC DEVELOPMENT AGENCY

Senior and Principal Development Specialist, August 1993 - August 1996

Redevelopment and economic development manager for northwest Riverside County responsible for redevelopment, business attraction, expansion and retention. Successfully managed the adoption of an 11,000 acre post-AB1290 redevelopment project area expansion including formation and management of Project Area Committee. Duties include site selection, financing and permit processing assistance to business clients. Project manager with responsibilities including all phases of redevelopment capital facilities project planning and budgeting; authorship and administration of Owner Participation Agreements and other legal agreements; negotiation of business incentives with eligible applicants; analysis of Agency policy and procedure; coordination of redevelopment and economic development projects with other local, state and federal agencies; presentations to and interaction with community groups on Agency activities and projects. Marketing and administration responsibilities for Enterprise Zone and Recycling Market Development Zone which includes coordination with multi-jurisdictional joint powers authority.

RIVERSIDE COUNTY ECONOMIC DEVELOPMENT AGENCY

Development Specialist I/II/III, November 1988- August 1993

Responsible for coordinating Fast Track permit processing with all development related County agencies while serving as project liaison for developer. As staff to the Airport Land Use Commission, duties included review of all development related activities surrounding all public use airports in Riverside County, preparation and presentation of staff reports to Commission, and coordinated land use considerations with Planning Department. Conducted economic research, including preparation of specialized reports for County financial transactions, marketing and special events. Administered Mortgage Credit Certificate program for first-time homebuyers including interfacing with mortgage brokers and homebuyers, evaluation of applications, and management of program funds. Gained extensive knowledge of word processing, desk-top publishing, and spreadsheet software programs.

EDUCATION

UNIVERSITY OF CALIFORNIA, RIVERSIDE

Bachelor of Science, Business Administration - June 1988

Coursework in: Economics, Statistics, Finance, Accounting, Marketing

Testimony Regarding the impact of the Eastshore Project on the Redevelopment Agency of the County of Alameda

My name is Eileen Dalton and I am the Redevelopment Director for the Redevelopment Agency of the County of Alameda. The Redevelopment Agency (RDA) is a department of the Alameda County Community Development Agency (CDA). I have been in the redevelopment and economic development field for 19 years, the last ten years working for the RDA. I have a BS in Business Administration from the University of California, Riverside.

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The redevelopment areas with the closest proximity to the proposed Eastshore Energy Center are Mt. Eden (.5 miles) and San Lorenzo (2.6 miles). The other redevelopment areas proximities are generally as follows: Castro Valley (5.4 miles), Cherryland (6 miles), Ashland (8 miles), Foothill (9 miles).

The RDA has initiated redevelopment projects and programs in each of the areas described above. Projects include the completion of the first phase of a $15 million sidewalk construction project in Cherryland. Also completed is a streetscape improvement project connecting East 14th Street and the Bay Fair BART station. Design has started on the Castro Valley Boulevard Streetscape Improvement Project in Castro Valley, Hampton Road in Cherryland, and East 14th Street Phase 2 utility undergrounding in Ashland. In early 2008, design will begin on East 14th Street Phase 2 Streetscape Project and the first phase of streetscape improvement on Hesperian Boulevard in San Lorenzo.

The primary focus of the RDA in San Lorenzo is the redevelopment of the San Lorenzo Village Square. The proposed 19 acre redevelopment project includes a new neighborhood grocery store, new retail, residential townhomes, renovated commercial space and a new Village Square. This $100 million project is the cornerstone to the revitalization of San Lorenzo, especially the retail area vacated by the original Mervyn's Department Store. The location of the Eastshore project, while not immediately adjacent

to San Lorenzo, is close enough to the community to create a negative perception of air quality and safety of the neighborhoods in San Lorenzo. Any negative perception on the quality of life in San Lorenzo could result in a degradation of property values. This would in turn have a negative effect on the ability of the RDA to fund and implement key redevelopment projects in San Lorenzo.

Although the Mt. Eden area has been partially annexed by the City of Hayward, the County's redevelopment authority will be maintained over the life of the Eden Area Redevelopment Plan (until 2046). The primary redevelopment objective of the Mt. Eden area is to assist in the funding of needed infrastructure improvements such as flood control, drainage, and streetscape. The tax increment from the Mt. Eden area is substantially committed to funding those improvements over the next 20 years. Once these local infrastructure improvements are completed, the RDA will utilize redevelopment funds from Mt. Eden for other eligible blight-eliminating projects. In addition, Mt. Eden will also generate funding for the RDA's low and moderate income housing fund over the life of the Plan. The primary source of increased tax increment to pay for these needed infrastructure improvements is from the construction and sale of over 150 new residences located within the boundaries of the Mt. Eden redevelopment area. The nearby location of the Eastshore project, and the negative perception of poor air quality and safety to the community, could negatively affect the property values and the sale or resale of homes within Mt. Eden. The degradation of property values would directly delay the RDA's timeline for payment for the infrastructure improvements in Mt. Eden and, in turn, jeopardize other blight-elimination and affordable housing projects.

EILEEN DALTON

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EXPERIENCE

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

Redevelopment Director (Deputy Director), September 2005 - Present

Director responsible for program, policy, and fiscal management of the Alameda County Redevelopment Agency. The Agency's two project areas consist of 4,000 acres and $11 million in annual tax increment. Also responsible for developing and administering the Agency's economic development strategic plan including business retention, expansion, attraction, and marketing. Make written and oral presentation to the Alameda County Board of Supervisors, Planning Commission, and other local elected boards and commissions as well as community groups.

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

Assistant Redevelopment Director (Assistant Deputy Director), May 2001 – September 2005

Redevelopment Manager, December 1997 – May 2001

Senior manager for program, policy, and fiscal management of the Alameda County Redevelopment Agency and Alameda County's portion of a joint City/County redevelopment project area. Staff to four Redevelopment Citizen Advisory Committees. Developed successful Brownfields Program grant, secured over $3 million in capital improvement grants, prepared and implemented Redevelopment Strategic Plan, Streetscape Master Plans and Underground Utility District, manage façade improvement program, and coordinate work and contracts.

RIVERSIDE COUNTY ECONOMIC DEVELOPMENT AGENCY

Deputy Director, August 1996 - August 1997

Senior manager responsible for program, policy, and fiscal management of the Riverside County Redevelopment Agency. The Agency's ten project areas consist of 53,000 acres and $6 million in annual tax increment and $29 million in tax allocation bonds. Also responsible for developing and administering the county's economic development strategic plan including business retention, expansion and attraction, Enterprise Zone and Recycling Market Development Zone administration and marketing. Developed and implemented new Fast Track Permit Processing program for commercial and industrial development. Make written and oral presentation to the Riverside County Board of Supervisors, Planning Commission, and other local elected boards and commissions as well as community groups.

RIVERSIDE COUNTY ECONOMIC DEVELOPMENT AGENCY

Senior and Principal Development Specialist, August 1993 - August 1996

Redevelopment and economic development manager for northwest Riverside County responsible for redevelopment, business attraction, expansion and retention. Successfully managed the adoption of an 11,000 acre post-AB1290 redevelopment project area expansion including formation and management of Project Area Committee. Duties include site selection, financing and permit processing assistance to business clients. Project manager with responsibilities including all phases of redevelopment capital facilities project planning and budgeting; authorship and administration of Owner Participation Agreements and other legal agreements; negotiation of business incentives with eligible applicants; analysis of Agency policy and procedure; coordination of redevelopment and economic development projects with other local, state and federal agencies; presentations to and interaction with community groups on Agency activities and projects. Marketing and administration responsibilities for Enterprise Zone and Recycling Market Development Zone which includes coordination with multi-jurisdictional joint powers authority.

RIVERSIDE COUNTY ECONOMIC DEVELOPMENT AGENCY
Development Specialist I/II/III, November 1988- August 1993

Responsible for coordinating Fast Track permit processing with all development related County agencies while serving as project liaison for developer. As staff to the Airport Land Use Commission, duties included review of all development related activities surrounding all public use airports in Riverside County, preparation and presentation of staff reports to Commission, and coordinated land use considerations with Planning Department. Conducted economic research, including preparation of specialized reports for County financial transactions, marketing and special events. Administered Mortgage Credit Certificate program for first-time homebuyers including interfacing with mortgage brokers and homebuyers, evaluation of applications, and management of program funds. Gained extensive knowledge of word processing, desk-top publishing, and spreadsheet software programs.

EDUCATION

UNIVERSITY OF CALIFORNIA, RIVERSIDE
Bachelor of Science, Business Administration - June 1988
Coursework in: Economics, Statistics, Finance, Accounting, Marketing

Adopted: July 11, 2000
Ordinance No.: 0-2001-01

Redevelopment Plan for the Eden Area Redevelopment Project

Alameda County Redevelopment Agency

May 18, 2000

Adopted: July 11, 2000
Ordinance No.: 0-2001-01

Redevelopment Plan for the Eden Area Redevelopment Project

ALAMEDA COUNTY REDEVELOPMENT AGENCY

GRC REDEVELOPMENT CONSULTANTS
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Redevelopment Plan for the Eden Area Redevelopment Project

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Redevelopment Plan for the Eden Area Redevelopment Project

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APPENDIX A - Redevelopment Plan Maps

APPENDIX B - Legal Description

I. INTRODUCTION

A. (§100) AUTHORITY

This Redevelopment Plan (hereinafter "Plan") for the Eden Area Redevelopment Project (hereinafter "Project") was prepared by the Alameda County Redevelopment Agency (hereinafter "Agency") in accordance with the California Community Law, California Health and Safety Code Section 33000 *et seq.* (hereinafter "Redevelopment Law"), and all applicable laws and ordinances. The Agency is a division of the Alameda County Community Development Agency.

The Plan consists of this text, the Redevelopment Plan Maps for the Eden Area Redevelopment Project Area (hereinafter "Project Area") (Appendix A) and the legal description therefor (Appendix B). The Project Area is further subdivided into five sub-areas, including the San Lorenzo Sub-Area, the Castro Valley Sub-Area, the Mount Eden Sub-Area, the Cherryland Sub-Area and the Foothill Sub-Area. The boundaries for each Sub-Area are shown in Appendix A and described in Appendix B.

B. (§110) PURPOSE AND BASIS OF THIS PLAN

The purpose of this plan is to form a redevelopment project area from various unincorporated communities in the County of Alameda, including Castro Valley, Cherryland, Mount Eden, and San Lorenzo.

The basis for this Plan is the Preliminary Plan for the Eden Area Redevelopment Project Area, adopted on December 20, 1999, by Resolution No. *** of the Planning Commission of the County of Alameda (hereinafter "Planning Commission").

C. (§120) DEFINITIONS

The following definitions will govern in the context of this Plan unless otherwise stipulated herein:

1. (§120.1) Agency means the Alameda County Redevelopment Agency.
2. (§120.2) County means the County of Alameda, California.
3. (§120.3) County Board of Supervisors means the Board of Supervisors of the County of Alameda, California.
4. (§120.4) Castro Valley Sub-Area means the territory shown as the Castro Valley Sub-Area on the Redevelopment Plan Maps in Appendix A, and described as such in Appendix B.
5. (§120.5) Cherryland Sub-Area means the territory shown as the Cherryland Sub-Area on the Redevelopment Plan Maps in Appendix A, and described as such in Appendix B.
6. (§120.6) Foothill Sub-Area means the territory shown as the Foothill Sub-Area on the Redevelopment Plan Maps in Appendix A, and described as such in Appendix B.
7. (§120.7) Mount Eden Sub-Area means the territory shown as the Mount Eden Sub-Area on the Redevelopment Plan Maps in Appendix A, and described as such in Appendix B.
8. (§120.8) San Lorenzo Sub-Area means the territory shown as the San Lorenzo Sub-Area on the Redevelopment Plan Maps in Appendix A, and described as such in Appendix B.
9. (§120.9) Legal Description means the descriptions of the land within the Project Area attached to this Plan as Appendix B.
10. (§120.10) Owner Participation Rules shall mean the "Rules Governing Participation and Preferences for Owners, Operators of Businesses and Tenants" adopted on *****, 2000, by Agency Resolution No. *****.*
11. (§120.11) Person means any individual or any public or private entity.
12. (§120.12) Plan or Redevelopment Plan means this document, officially designated as "The Redevelopment Plan for the Eden Area Redevelopment Project", as adopted on July ***, 2000 by Board of Supervisors' Ordinance No. ***.*
13. (§120.13) Planning Commission means the Planning Commission of the County of Alameda, California.
14. (§120.14) Project means those actions necessary to implement the provisions of this Plan, including all public improvements, other

* To be completed after document is adopted.

improvements, activities, and programs authorized in this Plan or as otherwise permitted pursuant in the Redevelopment Law.

15. (§120.15) Real Property means land, buildings, structures, fixtures and improvements on the land; property appurtenant to or used in connection with the land; every estate, interest, privilege, easement, franchise, and right in land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage or otherwise, and the indebtedness secured by such liens.
16. (§120.16) Redevelopment Law means the Community Redevelopment Law of the State of California (California Health and Safety Code, Sections 33000 *et seq.*), as amended to date.
17. (§120.17) Redevelopment Plan Maps means the Redevelopment Plan Maps of the Eden Area Redevelopment Project, attached to this Plan as Appendix A.
18. (§120.18) State means any state agency or instrumentality of the State of California.
19. (§120.19) Sub-Area or Sub-Areas means any one or all of the Castro Valley Sub-Area, Cherryland Sub-Area, Foothill Sub-Area, Mount Eden Sub-Area, or San Lorenzo Sub-Area.

D. (§130) SUB-AREA BOUNDARIES

The boundaries of the Project Area and each of its Sub-Areas are shown and described in Appendix A and Appendix B of this Plan. These boundaries were established initially by the Planning Commission December 20, 1999, and then modified by the Planning Commission on **** 2000,* to reflect further analysis and community input.

* To be completed after Planning Commission makes changes to boundaries.

II. DEVELOPMENT IN THE PROJECT AREA

A. (§200) PROJECT OBJECTIVES

The Project Area includes a number of conditions that are specified in the Redevelopment Law as characteristic of blight. The overall objective of this Plan is to provide for the elimination or alleviation of physical and economic conditions of blight. Broadly stated, these conditions include physical deterioration of buildings and facilities both public and private, inadequate public improvements and facilities that are essential to the health and safety of local residents and businesses, areas of incompatible land uses, lots of irregular form and shape and of inadequate size for proper development, parcels suffering from depreciated values and impaired investments, and a variety of other conditions that are a threat to the public health, safety, and welfare.

In eliminating blighting conditions, this Plan is intended to achieve the following goals:

1. To eliminate blighting conditions and to prevent the acceleration of blight in and about the Project Area.

2. To effectuate the comprehensive planning, redesign, replanning, reconstruction and/or rehabilitation of the Project Area in such a manner as to facilitate a higher and better utilization of the land within the Project Area for uses in accordance with the Alameda County General Plan (hereinafter "General Plan").

3. To use the redevelopment process and provisions permitted by the Redevelopment Law to promote redevelopment that is consistent with the General Plan and the Alameda County Zoning Ordinance (hereinafter "Zoning Ordinance").

4. To encourage the better utilization of Real Property, and a more efficient and effective circulation system, including public transportation

5. To provide for adequate parcels and required public improvements to encourage new construction by private enterprise.

6. To promote the rehabilitation of deteriorated residential units through the provision of grants and loans to eligible tenants and property owners. Where deterioration makes rehabilitation infeasible, the Agency may assist property owners in the demolition and replacement of such residential units on a one-for-one basis.

In implementing the above goals, the Agency expects to institute the following programs or activities throughout the Project Area as appropriate:

- Encourage development according to the General Plan.
- Promote comprehensive planning, redesign, replanning, reconstruction and/or rehabilitation in such a manner as to achieve a higher and better utilization of the land within the Project Area.
- Encourage investment in the Project Area by the private sector.
- Promote the development of new and diverse employment opportunities.
- Enhance and expand shopping facilities in the Project Area by encouraging the development of new commercial uses and the rehabilitation of existing commercial uses in conformance with the General Plan and the Zoning Ordinance.
- Promote the expansion of the Project Area's commercial base and local employment opportunities to provide jobs to unemployed and underemployed workers in the area and County-wide.
- Consolidate parcels as needed to induce new or expanded commercial and industrial development in the Project Area.
- Protect the health and general welfare of the Project Area's many low- and moderate-income residents by utilizing 20% of the tax increment revenues from the Project Area to improve and preserve the supply of low- and moderate-income housing.
- Develop programs and projects that encourage home ownership.
- Upgrade the physical appearance of the Project Area.
- Assist with rehabilitation of residential and non-residential structures to eliminate safety deficiencies and to extend the useful lives of these structures, by providing grants and low-interest loans to interested property owners.

- Remove economic impediments to land assembly and in-fill development in areas that are not properly subdivided for development or redevelopment through acquisition of Real Property.
- Buffer residential neighborhoods from the intrusion of incompatible land uses and noise.
- Mitigate potential relocation impacts resulting from changes in Project Area land use from non-conforming and dilapidated uses to development in conformance with the General Plan and the Zoning Ordinance.
- Provide replacement housing as required by law when dwellings housing low- or moderate-income persons or families are lost to the low- or moderate-income housing market as a result of Agency activities.
- In situations where relocation is necessary, provide relocation assistance to displacees as provided in the Redevelopment Law in order to mitigate possible hardships due to relocation activities.
- Provide a broad range of public service infrastructure improvements to induce private investment and improve emergency response in the Project Area. Such improvements could include the construction or reconstruction of roads, streets, curbs and gutters, sidewalks; the upgrading of street-side landscaping; the construction and reconstruction of water storage and distribution facilities; the construction and reconstruction of sewerage systems; and the development of drainage and flood control facilities.
- Provide new or improved community facilities such as fire stations, sheriff stations, schools, park and recreational facilities, community centers and libraries, and the expansion of public health and social service facilities, where appropriate to enhance the public health, safety and welfare.
- Encourage the cooperation and participation of Project Area property owners, business owners, public agencies and community organizations in the elimination of blighting conditions and the promotion of new or improved development in all Sub-Areas.
- Provide a procedural and financial mechanism by which the Agency can assist, complement and coordinate public and private development, redevelopment, revitalization and enhancement of the community.
- Provide multi-use trails (e.g., bike, horse, hiking, etc.).
- Expand sustained and on-going code enforcement activities in all Sub-Areas.

B. (§210) CONFORMANCE TO THE COUNTY'S GENERAL PLAN

All uses proposed in this Plan, or other plans that may be adopted by the Agency, shall be in conformance with the General Plan as it now exists or may be hereafter amended. Except when inconsistent with this Plan, all requirements of the County's development codes shall apply to all uses proposed hereunder. The Agency, after consultation with the Planning Commission, may, by resolution, adopt specific plans or programs for all or a portion of any Sub-Area, which establish architectural controls, heights of buildings, land coverage, setback requirements, traffic circulation, traffic access, sign criteria and other development and design controls necessary for proper development of both private and public areas within the Project Area. These controls shall be in addition to, and may not relax, the requirements of the General Plan and the County's development codes.

C. (§220) CONFORMANCE TO SPECIFIC PLANS

All uses proposed in this Plan, or other plans that may be adopted by the Agency, that lie within the boundaries of any existing specific plan area, or within the territory of a any specific plan that may from time to time be adopted, shall be in conformance with the applicable specific plan. Details of proposed uses in this Plan, or other plans that may be adopted by the Agency, that lie within the boundaries of any specific plan area, may deviate from the specific plan to the extent provided for in the Zoning Ordinance.

D. (§230) SPECIFIC DEVELOPMENT OBJECTIVES

Development in the Project Area will be in conformance with this Plan, the General Plan, any present or future specific plan(s), and with the Zoning Ordinance.

The Agency's development objectives involve encouraging the implementation of development and neighborhood preservation in accordance with the General Plan. In doing so, it is the Agency's intent is to provide assistance in the following ways:

1. The construction of needed public improvements and facilities including, but not limited to those described in Section 344 herein.
2. Various forms of Agency financial assistance, including but not limited to, tax exempt financing and financial aid programs for new construction and/or rehabilitation.

3. The completion of various planning studies as required to facilitate and coordinate the redevelopment process.
4. Relocation of displaced residents and businesses.
5. Rehabilitation or replacement of housing occupied by persons of very low-, low-, or moderate-income.

E. (§240) LAND USES FOR THE SUB-AREAS

In addition to illustrating the location of the Project Area boundaries and the boundaries of each of the Sub-Areas, the Redevelopment Plan Maps (Appendix A) also illustrates the proposed public rights-of-way, public easements, open space, and proposed land uses to be permitted in the Project Area and each of its Sub-Areas, pursuant to the General Plan as it exists at the date of adoption of this Plan. These uses may change pursuant to Section 210 of this Plan.

1. (§241) INTERIM USES

Pending the ultimate development of land in accordance with the provisions of this Plan, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses not in conformity with the uses permitted in this Plan. However, approval of any such interim uses shall be subject to compliance with the provisions of the Zoning Ordinance.

F. (§250) PUBLIC USES FOR THE SUB-AREA

1. (§251) PUBLIC STREET LAYOUT, RIGHTS-OF-WAY AND EASEMENTS

The public rights-of-way, easements, and principal streets proposed or existing in the Project Area and each of its Sub-Areas are shown on the attached Redevelopment Plan Maps (Appendix A).

Such streets and rights-of-way may be widened, altered, realigned, abandoned, vacated, or closed by the Agency and the County as necessary for proper development of any or all of the Sub-Areas. Additional public streets, alleys, and easements may be created by the Agency and the County in any or all of the Sub-Areas as needed for proper circulation. Changes in or construction of new streets, easements and rights-of-way shall be subject to public notice in accordance with existing law.

The public rights-of-way shall be used for vehicular and pedestrian traffic, hiking trails or paths, equestrian trails, and bike trails, as well

as for public improvements, public and private utilities, and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained and created.

2. (§252) OPEN SPACE, PUBLIC AND QUASI-PUBLIC USES, AND FACILITIES

In any portion of the Project Area, the Agency is authorized to permit the establishment or enlargement of public, semi-public, institutional, or nonprofit uses. All such uses shall conform, so far as possible, with the provisions of this Plan applicable to the uses in the specific area involved, and shall conform with the General Plan.

G. (§260) GENERAL DEVELOPMENT REQUIREMENTS

1. (§261) CONFORMANCE WITH THIS PLAN

All Real Property in the Project Area is hereby made subject to the controls and requirements of this Plan. No Real Property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan unless it is in conformance with the provisions of this Plan and all applicable provisions of State law. (See also Section 312 relative to Certificates of Conformance.) The Agency shall have the right, to the greatest extent permitted by law, to administratively interpret this Plan in order to determine whether such changes are in conformance with this Plan, including without limitation, the controls and project objectives of this Plan.

2. (§262) NEW CONSTRUCTION

All construction in the Project Area shall comply with and meet or exceed all applicable state and local laws in effect at the time of adoption of this Plan, and as amended from time to time, including, but not necessarily limited to: fire, building, electrical, mechanical, grading, plumbing, and development codes of the County.

3. (§263) REHABILITATION AND RETENTION OF PROPERTIES

Any existing structure within the Project Area specifically approved for retention and rehabilitation may be repaired, altered, reconstructed, or rehabilitated as may be deemed necessary by the Agency to ensure that such structure will be safe and sound in all physical respects and not detrimental to the surrounding uses. Rehabilitation standards for buildings and site improvements may be established by the Agency. These standards may be amended from time to time and may contain specialized provisions pertaining to

portions of the Project Area taking into consideration historic and cultural variations and the desires of the local population.

4. (§264) SUBDIVISION OR CONSOLIDATION OF PARCELS

No parcels in the Project Area, including any parcels retained by a participant, shall be subdivided or consolidated without approval of the County.

5. (§265) LIMITATIONS ON TYPE, SIZE, HEIGHT, NUMBER, AND PROPOSED USE OF BUILDINGS

Except as may be set forth in other Sections of this Plan, the type, size, height, number, and proposed use of buildings shall be limited by the applicable federal, state, and local statutes, ordinances, regulations, the General Plan, any applicable specific plan and any requirements that may be adopted pursuant to this Plan. General limitations on land use in each of the Sub-Areas are indicated on the Redevelopment Plan Maps in Appendix A.

6. (§266) THE APPROXIMATE AMOUNT OF OPEN SPACE TO BE PROVIDED AND STREET LAYOUT

For each of the Sub-Areas, open space and street layout in conformance with the General Plan is shown in the Redevelopment Plan Maps included herewith in Appendix A, and described in Section 252 of this Plan. Additional open space will be provided through application of County standards for building setbacks. An estimated 600 acres will be devoted to open space, parks, trails, landscaping, building setbacks, yards, and rights-of-way at Project completion in the Project Area.

7. (§267) THE APPROXIMATE NUMBER OF DWELLING UNITS

In accordance with the General Plan, there will be approximately 18,850 dwelling units in all the Sub-Areas , as listed below:

Castro Valley Sub-Area	3,000
Cherryland Sub-Area	6,300
Foothill Sub-Area	750
Mount Eden Sub-Area	400
San Lorenzo Sub-Area	8,400
Total All Sub-Areas (entire Project Area)	18,850

Planned land uses in each Sub-Area shall be as indicated on the Redevelopment Plan Maps in Appendix A.

8. (§268) THE PROPERTY TO BE DEVOTED TO PUBLIC PURPOSES AND THE NATURE OF SUCH PURPOSES

Public uses are described in Section 250 of this Plan and specific public improvements/facilities are listed in Section 344. These improvements are generally expected to be provided in the public right-of-way or on land specifically acquired by the County for such purposes.

H. (§270) DEVELOPMENT PROCEDURES

1. (§271) REVIEW OF APPLICATIONS FOR BUILDING PERMITS

Upon the adoption of this Plan by the County after a public hearing, no permit shall be issued for the construction of any new building or any addition to an existing building in the area covered by this Plan until the application for such permit has been processed in the manner herein provided. Any permit that is issued hereunder must be for construction that conforms to the provisions of this Plan. Upon receipt of an application for a building permit, the Building Official of the County shall request the Agency Executive Director or his/her designee to review the application to determine if the proposed improvement will conform to this Plan. Within fifteen (15) days thereafter, the Executive Director of the Agency, or designee, shall file with the Building Official a written report setting forth his/her findings of fact, including, but not limited to, the following:

a) Whether the proposed improvements would be compatible with the standards and other requirements set forth in this Plan and the design proposed by the Agency;

b) What modification, if any, in the proposed improvements would be necessary in order to meet the requirements of this Plan and the proposed design of the Agency; and

c) Whether the applicant has entered into an agreement with the Agency for the development of said improvements and submitted architectural landscape and site plans to the Agency.

After receipt of said report, or after said fifteen (15) day period, whichever occurs first, the Building Official: 1) may issue the permit, with conditions, if any, as required by the Agency Executive Director, or his/her designee; or, 2) shall withhold the issuance of the permit if the Agency Executive Director or his/her designee has found that the proposed improvement does not meet the requirements of this Plan and the design requirements of the Agency. Within seven (7) days

after withholding issuance of the permit, the Building Official shall notify the applicant by certified mail of the decision to withhold.

III. REDEVELOPMENT IMPLEMENTATION

A. (§300) GENERAL

To achieve the objectives of this Plan, the Agency is authorized to undertake the following implementation actions:

1. (§301) Provision for participation by owners and tenants of properties located in the Project Area by extending preferences to remain or relocate within the redevelopment area;
2. (§302) Acquisition of Real Property, except through eminent domain on properties legally occupied for residential purposes;
3. (§303) Management of property under the ownership and control of the Agency;
4. (§304) Relocation assistance to displaced Project occupants;
5. (§305) Demolition or removal of buildings and improvements;
6. (§306) Installation, construction, or reconstruction of streets, utilities, open spaces and other public improvements and facilities;
7. (§307) Rehabilitation, development, or construction of low- and moderate-income housing within the County;
8. (§308) Disposition of property for uses in accordance with this Plan;
9. (§309) Redevelopment of land by private enterprise and public agencies for uses in accordance with this Plan; and
10. (§310) Rehabilitation of structures and improvements by present owners, their successors, or the Agency.

The above implementation actions are discussed in more detail in the following sections.

B. (§311) PARTICIPATION BY OWNERS AND TENANTS

1. (§312) CONFORMING OWNERS

The Agency wishes to alleviate physical decay, stagnation and blighting conditions throughout the Project Area and each of its Sub-Areas. The Agency is permitted by the Redevelopment Law to review and approve proposed development or redevelopment of property in the Project Area. Therefore, the Agency may, in its sole and absolute discretion, determine that certain Real Property within the Project Area presently conforms with the requirements of this Plan. Such conforming uses will be permitted to continue in their present use without a participation agreement with the Agency, provided the owner of such conforming property continues to operate and use the Real Property within the requirements of this Plan.

The Agency shall, upon the request of any conforming owner, issue to such owner, in a form suitable for recordation, a Certificate of Conformance, which Certificate shall provide in substance that the property conforms to the requirements of this Plan on the date of issuance thereof.

The Agency may also determine that certain Real Property within the Project Area is substantially in conformance with the requirements of this Plan, and the owners of such property may be allowed to remain as conforming owners; however, said owners may be required to bring their property, to the extent possible, into greater conformance with this Plan.

In the event that any of the conforming owners desire to: (1) construct any additional improvements or substantially alter or modify existing structures on any of the Real Property described above as conforming; or (2) acquire additional Real Property within the Project Area; then such conforming owners may be required to enter into a participation agreement with the Agency in the same manner as required for other owners.

Any Real Property owned by conforming owners outside of designated conforming parcels within the Project Area shall be considered and treated in the same manner as Real Property owned by other owners; i.e., may be subject to a participation agreement with the Agency.

2. (§313) PARTICIPATION OPPORTUNITIES FOR OWNERS

On ****, 2000*, the Agency adopted Owner Participation Rules pursuant to Redevelopment Law Section 33345. The purpose of the Owner Participation Rules is to implement the operation of owner participation in connection with this Plan. Persons who are owners of Real Property in the Project Area shall be given an opportunity to participate in redevelopment by retaining all or a portion of their properties, acquiring adjacent or other properties in the Project Area, or, where the Agency deems appropriate, by selling their properties to the Agency and purchasing other properties in the Project Area, as provided in the Owner Participation Rules. To the extent now or hereafter permitted by law, the Agency may establish a program to loan funds to owners or tenants for the purpose of rehabilitating commercial or industrial buildings or structures within the Project Area.

The Agency specifically intends to limit its acquisition of Real Property to those properties that are essential to accomplishing the objectives of this Plan. Persons who own property within the Project Area will be afforded ample opportunities to retain and develop or rehabilitate their properties consistent with the objectives of this Plan.

In the event a participant fails or refuses to rehabilitate or develop his/her Real Property pursuant to this Plan and/or the participation agreement as an alternate thereto, the Real Property, or any interest therein, may be acquired by the Agency subject to the limitations set forth in this Plan, and sold or leased for rehabilitation or development in accordance with this Plan.

3. (§314) PARTICIPATION PRIORITIES

Participation opportunities will necessarily be subject to and limited by such factors as the land uses designated for the Project Area, the provision of public facilities, realignment of streets, the ability of owners to finance acquisition and development of structures in accordance with this Plan, the ability of owners to manage or operate the proposed development or activity, or any change in the total number of individual parcels in the Project Area. Such opportunities shall be subject to the Owner Participation Rules.

If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and tenants. Some of the factors considered in establishing the priorities and preferences include present occupancy, participant's length of occupancy in the

* To be inserted after adoption.

area, accommodation of as many participants as possible, similar adjacent land uses, conformity of participants' proposals with the intent and objectives of this Plan, experience with the development and operation of particular uses, and ability to finance the implementation, development experience, and total effectiveness of each participant's proposal in providing a service to the community.

Opportunities to participate shall be provided first to owners and tenants with existing interest in the Project Area. Secondary participation opportunities shall be granted to owner occupants relocating within the Project Area in accordance with, and as a result of, Plan implementation. Third level priority shall be afforded existing tenants relocating within the Project Area in accordance with, and as a result of, Plan implementation. Last priority shall be afforded to firms and persons from outside the Project Area. If participants fail to perform as mutually agreed, the Agency shall have the authority to acquire the subject property pursuant to Section 321 of this Plan in order to effectuate the purposes of this Plan.

In addition to opportunities for participation by individual persons and firms, participation, to the extent it is feasible, shall be available for two or more persons, firms, or institutions to join together in partnerships, corporations, or other joint entities.

4. (§315) RE-ENTRY PREFERENCES FOR TENANTS

The Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area to re-enter in business within the Project Area, if they otherwise meet the requirements prescribed in this Plan. Business, institutional and semi-public tenants may, if they so desire, purchase and develop Real Property in the Project Area if they otherwise meet the requirements prescribed in this Plan.

5. (§316) PARTICIPATION AGREEMENTS

At the Agency's option, each participant may be required to enter into a binding agreement with the Agency by which the participant agrees to develop, rehabilitate, or use the property in conformance with this Plan and be subject to the provisions in the participation agreement. In such agreements, participants who retain Real Property shall be required to join in the recordation of such documents as are necessary to make the provisions of the agreement applicable to their properties.

Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

C. (§320) PROPERTY ACQUISITION AND MANAGEMENT

1. (§321) ACQUISITION OF REAL PROPERTY

Subject to the limitations set forth in this Section, the Agency may acquire, but is not required to acquire, any Real Property located in the Project Area, by gift, devise, exchange, purchase, or other lawful method, including eminent. Eminent domain shall not be used on properties legally occupied for residential purposes.

The Agency is authorized to acquire structures without acquiring the land upon which those structures are situated. The Agency is also authorized to acquire any other interest in Real Property less than a fee.

Properties may be acquired and cleared by the Agency if a determination is made that one or more of the following conditions exist, and it is necessary in order to eliminate blight or a public nuisance, eliminate an environmental deficiency, provide for needed public facilities, or to protect the public health, safety and welfare.

1. The buildings and/or structures must be removed in order to assemble land into parcels of reasonable size and shape to eliminate an impediment to land development.
2. The buildings and/or structures are substandard as demonstrated by an inspection of the property by the County.
3. The buildings and/or structures must be removed in order to eliminate an environmental deficiency, including, but not limited to, incompatible land uses and small and irregular lot subdivisions.
4. The buildings and/or structures must be removed to provide land for needed public facilities, including among others, rights-of-way, public safety facilities, public recreational facilities and open space, and other public utilities.
5. The buildings or structures are determined by the County or Agency to be a safety hazard or a public nuisance due to physical deterioration or due to continued use of the structure or property for unlawful activities.
6. The acquisition of the property is allowed by the Redevelopment Law and will promote the implementation of the Plan.

Other provisions of this section notwithstanding, the Agency shall not acquire from any of its members or officers any property or interest in property except through eminent domain proceedings, in order to avoid an actual or apparent conflict of interest.

2. (§322) ACQUISITION OF PERSONAL PROPERTY

Generally, personal property may not be acquired. However, where necessary for the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means.

3. (§323) PROPERTY MANAGEMENT

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be maintained, managed, operated, repaired, cleaned, rented, or leased to an individual, family, business, or other appropriate entity by the Agency pending its disposition for redevelopment.

The Agency shall maintain all Agency-owned property that is not to be demolished in a reasonably safe and sanitary condition. Furthermore, the Agency may insure against risks or hazards, any of the real or personal property that it owns.

The Agency is not authorized to own and operate rental property acquired and rehabilitated in prospects of resale, beyond a reasonable period of time necessary to effect such resale.

In accordance with Redevelopment Law Section 33401, the Agency may, in any year during which it owns property in the Project Area, pay directly to any City, County, district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon the property had it not been exempt, an amount of money in lieu of taxes that may not exceed the amount of money the City, County, district, including, but not limited to, a school district, or other public corporation would have received if the property had not been tax exempt.

D. (§330) RELOCATION OF PERSONS, FAMILIES AND BUSINESSES

The following provisions relative to the relocation of persons, families and businesses are required by the Redevelopment Law to be included in this Plan, and in no way imply a plan, proposal or desire by the Agency to displace or remove residential units.

1. (§331) RELOCATION ASSISTANCE

As required by the Redevelopment Law, the Agency will provide relocation advisory assistance to any person or business that is displaced by the Agency as a direct result of this Plan's implementation. No person of low- or moderate-income will be

required by the Agency to move from his/her dwelling unit until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement. Replacement housing shall be available in areas not generally less desirable with regard to public utilities, public and commercial facilities, and reasonably accessible to the place of employment.

2. (§332) RELOCATION METHOD

The Agency prepared and adopted a feasible method for relocation entitled "Rules and Regulations for Implementation of the California Relocation Assistance Law" by Resolution No. **** on ****, 2000*. The relocation guidelines address the methodology for relocation of the following as a direct result of Agency actions to implement this Plan:

1. Families and persons to be temporarily or permanently displaced from housing facilities in the Project Area.
2. Businesses to be temporarily or permanently displaced from business facilities in the Project Area.
3. Non-profit local community institutions to be temporarily or permanently displaced from facilities actually used for institutional purposes in the Project Area.

The Board of Supervisors shall ensure that such methodology of the Agency for the relocation of families or single persons to be displaced by a project shall provide that no persons or families of low- and moderate-income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary, and otherwise standard dwellings. The Agency shall not displace such person or family until such housing units are available and ready for occupancy.

3. (§333) RELOCATION PAYMENTS

The Agency shall make relocation payments to qualified persons or businesses displaced by the Project pursuant to applicable laws. Such relocation payments shall be made pursuant to Agency rules and regulations adopted pursuant to California Government Code and guidelines promulgated by the State Department of Housing and Community Development and any Agency rules and regulations adopted pursuant thereto. In addition, the Agency may make any

* To be filled in after adoption.

additional relocation payments that, in the Agency's opinion, may be reasonably necessary to carry out the purposes of this Plan. These additional payments shall be subject to the availability of funds for such purpose.

4. (§334) TEMPORARY RELOCATION

The Agency is authorized to provide temporary relocation facilities on cleared sites within the Project Area. Such action by the Agency would be to provide additional safe, standard, and decent relocation housing resources for families and business facilities for businesses within the Project Area prior to permanent disposition and development of such cleared sites. The Agency is also authorized to provide temporary relocation housing in houses acquired by the Agency that are being held for sale and/or rehabilitation.

E. (§340) DEMOLITION, CLEARANCE, A, AND PUBLIC IMPROVEMENTS

The following provisions relative to demolition, clearance and site preparation are required by the Redevelopment Law, and are in no way intended to imply a plan to displace or remove any housing whatsoever.

1. (§341) DEMOLITION AND CLEARANCE

The Agency is authorized to demolish and clear or move, or cause to be demolished and cleared or moved, buildings, structures, and other improvements from any Real Property in the Project Area as necessary to carry out the purposes of this Plan.

If, in implementing this Plan, any dwelling units housing persons and families of low- or moderate-income are destroyed or removed from the low- and moderate-income housing market as part of a redevelopment project that is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency, the Agency shall, within four years of such destruction or removal, rehabilitate, develop, price restrict, or construct, or cause to be rehabilitated, developed, price restricted, or constructed for rental or sale to persons and families of low- or moderate-income an equal number of replacement dwelling units which have an equal or greater number of bedrooms as those destroyed or removed units at affordable housing costs as defined by Section 50052.5 of the Health and Safety Code, within the territorial jurisdiction of the Agency. Seventy-five percent (75%) of the replacement dwelling units shall replace dwelling units available at affordable housing costs to the same income level of very-low-income households, lower-income

households, and persons and families of low- and moderate-income as the persons displaced from those destroyed or removed units.

2. (§342) BUILDING SITE PREPARATION

The Agency is authorized to prepare, or cause to be prepared, any Real Property in the Project Area as building sites.

3. (§343) PROJECT IMPROVEMENTS

Pursuant to Redevelopment Law Section 33421, the Agency is authorized to install and construct, or to cause to be installed and constructed, improvements and public utilities necessary to carry out this Plan. Such improvements include, but are not limited to, streets, curbs, gutters, street lights, sewers, storm drains, traffic signals, electrical distribution systems, natural gas distribution systems, water distribution systems, overpasses, underpasses, bridges, and landscaped areas.

F. (§350) AGENCY ACTIVITIES

The Agency may, with the consent and cooperation of the Board of Supervisors, pay all or part of the value of the land for, and the cost of the installation and construction of, any buildings, facilities, structures or other improvements which are publicly owned, including school facilities, either outside or inside the Project Area, if each of the Board of Supervisors and the Agency determines that:

1. That the buildings, facilities, structures, or other improvements are of benefit to the Project Area or the immediate neighborhood in which the project is located, regardless of whether the improvement is within another project area, or in the case of a project area in which substantially all of the land is publicly owned, that the improvement is of benefit to an adjacent project area of the Agency.
2. That no other reasonable means of financing the buildings, facilities, structures, or other improvements are available to the Agency or the County.
3. That the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements will assist in the elimination of one or more blighting conditions inside the Project Area or provide housing for low- or moderate-income persons, and is consistent with the implementation plan adopted pursuant to Redevelopment Law Section 33490.

The Agency is specifically authorized to provide or participate in providing the improvements described in Section 365, and is authorized to install and construct, or to cause to be installed or constructed, any

public improvements, including utilities, necessary to carry out this Plan. The following is a list of programs and improvements proposed for each Sub-Area in the Project Area. The Agency is not required to provide the programs and improvements listed below, but is authorized to fund such activities.

10.2.1 CASTRO VALLEY SUB-AREA

Agency Programs

- Develop a downtown Castro Valley revitalization strategy.
- Encourage the assembling of oddly-shaped parcels in business districts to encourage standard development.
- Improve and expand community facilities, including a new library.
- Preserve and enhance open space, including parks and other public land.
- Provide sidewalks, street lighting, curbs and gutters where lacking and desired by the local residential neighborhood.
- Provide enhanced streetscape improvements to Castro Valley Boulevard.
- Implement a business recruitment and retention program.
- Improve underutilized properties.
- Implement a graffiti removal program.
- Improve local drainage and flood control, including flooding near the BART station.
- Remove or buy out billboards wherever possible.
- Reduce land use incompatibilities, especially between commercial/industrial and residential uses.
- Assist Caltrans in providing soundwalls and upgrading landscaping on freeways and streets for which it is responsible.
- Provide property improvement, seismic retrofit, and rehabilitation grants and loans for residential and commercial properties.
- Extend and assist with sewer connections.
- Use traffic calming strategies to reduce traffic on residential streets.
- Assist in undergrounding utilities.

- Assist property owners, businesses, residents, and others in upgrading on-site and off-site water systems.
- Assist property owners, businesses, residents, and others in upgrading on-site and off-site sewerage systems.
- Assist individual property owners in resolving "cross lot" drainage problems.

Public Improvements

- Construct, rehabilitate or expand library.
- Repair/replace/construct streets, including widening if necessary.
- Repair/replace/construct curbs, gutters, and sidewalks.
- Install stop signs, signals and other circulation improvements.
- Synchronize traffic signals and upgrade controllers.
- Repair/replace/install street lighting.
- Construct medians, improve landscaping, and make other roadway improvements.
- Repair/replace/construct pedestrian amenities, particularly in school zones.
- Repair/replace railroad crossings.
- Upgrade water system.
- Repair/replace water hydrants.
- Upgrade sewer system.
- Upgrade local and regional flood control facilities.
- Improve drainage around the BART station.
- Remodel/construct Sheriff facilities.
- Retrofit/replace fire facilities.
- Improve/expand park facilities.
- Underground utilities.
- Create/construct bicycle lanes.
- Repair/replace public transportation amenities.
- Construct ramps and other access improvements to satisfy the requirements of the ADA.

10.2.2 CHERRYLAND SUB-AREA

Agency Programs

- Provide street improvements and sidewalks.
- Prepare and implement a community plan, including a traffic analysis .
- Investigate traffic flow enhancements, such as one-way streets and appropriate street widths.
- Develop traffic calming strategies for residential neighborhoods.
- Install/upgrade street lights where required for safety.
- Provide program to maintain and improve vacant commercial properties.
- Develop a program to clean up, maintain and improve residential rental properties.
- Preserve and enhance open space, including parks and other public land.
- Assist in undergrounding utilities.
- Assist property owners, businesses, residents, and others in upgrading on-site and off-site water systems.
- Assist property owners, businesses, residents, and others in upgrading on-site and off-site sewerage systems.
- Assist individual property owners in resolving "cross lot" drainage problems.
- Remove or buy out billboards wherever possible.
- Implement a graffiti removal program.

Public Improvements

- Repair/replace/construct streets, including widening if necessary.
- Repair/replace/construct curbs, gutters, and sidewalks.
- Install stop signs, signals and other circulation improvements.
- Synchronize traffic signals and upgrade controllers.
- Repair/replace/install street lighting.
- Construct medians, improve landscaping, and make other roadway improvements.

- Repair/replace/construct pedestrian amenities, particularly in school zones.
- Repair/replace railroad crossings.
- Upgrade water system.
- Repair/replace water hydrants.
- Upgrade sewer system.
- Upgrade local and regional flood control facilities.
- Remodel/construct Sheriff facilities.
- Retrofit/replace fire facilities.
- Improve/expand park facilities.
- Underground utilities.
- Create/construct bicycle lanes.
- Improve/expand local parks.
- Repair/replace public transportation amenities.
- Construct ramps and other access improvements to satisfy the requirements of the Americans with Disabilities Act (ADA).
- Construct, rehabilitate or expand library..

10.2.3 FOOTHILL SUB-AREA

Agency Programs

- Pave sidewalks where appropriate and there is sufficient public right-of-way.
- Preserve and enhance open space, including parks and other public land.
- Improve storm drainage throughout the Sub-Area.
- Improve medians along Foothill Boulevard.
- As appropriate and feasible, assist residents and property owners in making seismic retrofits and upgrades to their property.
- Make improvements to the cemetery at the end of Van Avenue.
- Improve the appearance of County-owned property in and adjacent to the Sub-Area.
- Develop incentives for the participation of absentee property owners in upgrading and improving properties in

the Sub-Area. This may include, but is not limited to, code enforcement activities, financial incentives, or fee-reduction programs.

- Improve pedestrian access to Hillcrest Knolls, including sidewalks and community entrance enhancements.
- Underground utilities where possible.
- Assist property owners, businesses, residents, and others in upgrading on-site and off-site water systems.
- Assist property owners, businesses, residents, and others in upgrading on-site and off-site sewerage systems.
- Assist individual property owners in resolving "cross lot" drainage problems.
- Remove or buy out billboards wherever possible.
- Develop a traffic control and traffic calming strategy.
- Implement a graffiti removal program.

Public Improvements

- Repair/replace/construct streets, including widening if necessary.
- Repair/replace/construct curbs, gutters, and sidewalks.
- Install stop signs, signals and other circulation improvements.
- Synchronize traffic signals and upgrade controllers.
- Repair/replace/install street lighting.
- Construct medians, improve landscaping, and make other roadway improvements.
- Repair/replace/construct pedestrian amenities, particularly in school zones.
- Repair/replace railroad crossings.
- Upgrade water system.
- Repair/replace water hydrants.
- Upgrade sewer system.
- Upgrade local and regional flood control facilities.
- Remodel/construct Sheriff facilities.
- Retrofit/replace fire facilities.
- Improve/expand park facilities.

- Underground utilities.
- Create/construct bicycle lanes.
- Improve/expand local parks.
- Reconstruct freeway interchanges and surrounding streets.
- Repair/replace public transportation amenities.
- Construct ramps and other access improvements to satisfy the requirements of the ADA.
- Construct, rehabilitate or expand library.

10.2.4 MT. EDEN SUB-AREA

Agency Programs

- Improve neighborhood parks serving Mount Eden.
- Preserve and enhance open space, including parks and other public land.
- Address traffic calming and traffic flow issues.
- Address flooding issues, including flooding on private properties.
- Provide enhanced code enforcement services and assistance to property owners in cleaning up properties.
- Assist property owners, businesses, residents, and others in upgrading on-site and off-site water systems.
- Assist property owners, businesses, residents, and others in upgrading on-site and off-site sewerage systems.
- Assist individual property owners in resolving "cross lot" drainage problems.
- Remove or buy out billboards wherever possible.
- Develop a traffic control and traffic calming strategy.
- Implement a graffiti removal program.

Public Improvements

- Repair/replace/construct streets, including widening if necessary.
- Repair/replace/construct curbs, gutters, and sidewalks.
- Install stop signs, signals and other circulation improvements.

- Synchronize traffic signals and upgrade controllers.
- Repair/replace/install street lighting.
- Construct medians, improve landscaping, and make other roadway improvements.
- Repair/replace/construct pedestrian amenities.
- Repair/replace railroad crossings.
- Upgrade water system.
- Repair/replace water hydrants.
- Upgrade sewer system.
- Upgrade local and regional flood control facilities.
- Remodel/construct Sheriff facilities.
- Retrofit/replace fire facilities.
- Improve/expand park facilities.
- Underground utilities.
- Create/construct bicycle lanes.
- Improve/expand local parks.
- Repair/replace public transportation amenities.
- Construct ramps and other access improvements to satisfy the requirements of the ADA.
- Construct, rehabilitate or expand library.

10.2.5 SAN LORENZO SUB-AREA

Agency Programs

- Expand the availability of community-serving commercial and office uses, to include sit-down restaurants, banks and other financial institutions, pharmacies, markets, department stores, and other services.
- Develop a downtown San Lorenzo revitalization strategy.
- Implement a business recruitment and retention program.
- Preserve and enhance open space, including parks and other public land.
- Provide and/or expand community facilities, including the library, parks, community centers and fire stations.
- Develop programs to rehabilitate rental properties, including residential and commercial properties.

- Develop residential rehabilitation programs aimed at meeting the needs of senior citizens, including, but not limited to no or low-cost improvement financing, grants, and mobility improvements.
- Improve sewer main and lateral lines.
- Assist in the provision of senior housing and a senior center.
- Improve sidewalks and paving in residential areas.
- Buy out or otherwise remove billboards.
- Improve traffic safety.
- Provide enhanced streetscape improvements to Hesperian Boulevard.
- Assist property owners, businesses, residents, and others in upgrading on-site and off-site water systems.
- Assist property owners, businesses, residents, and others in upgrading on-site and off-site sewerage systems.
- Assist individual property owners in resolving "cross lot" drainage problems.
- Remove or buy out billboards wherever possible.
- Develop a traffic control and traffic calming strategy.
- Implement a graffiti removal program.

Public Improvements

- Construct, rehabilitate or expand library.
- Repair/replace/construct streets, including widening if necessary.
- Repair/replace/construct curbs, gutters, and sidewalks.
- Install stop signs, signals and other circulation improvements.
- Synchronize traffic signals and upgrade controllers.
- Repair/replace/install street lighting.
- Construct medians, improve landscaping, and make other roadway improvements.
- Repair/replace/construct pedestrian amenities, particularly in school zones.
- Repair/replace railroad crossings.
- Upgrade water system.

- Repair/replace water hydrants.
- Upgrade sewer system.
- Upgrade local and regional flood control facilities.
- Remodel/construct Sheriff facilities.
- Retrofit/replace fire facilities.
- Improve/expand park facilities.
- Underground utilities.
- Create/construct bicycle lanes.
- Improve/expand local parks.
- Repair/replace public transportation amenities.
- Construct ramps and other access improvements to satisfy the requirements of the ADA.

OTHER IMPROVEMENTS

The Agency is authorized to plan, design, and construct additional improvements and other facilities as may be identified to ensure the complete redevelopment of the Project Area. Such improvements can be located outside the boundaries of the Project Area if they are of benefit to the Project Area.

ADDITIONAL FACILITIES OR IMPROVEMENTS

Changes in circumstances or designs may alter the location of the facilities described above, or may require other related facilities. The financing of such related facilities shall be deemed authorized by the Agency.

The Agency is authorized to finance the construction of additional improvements in the Project Area based on the requirements of any future project environmental impact report, a congestion management program (CMP), or an air quality management plan (AQMP), or any other regional or local regulatory program.

Changes in circumstances or designs may alter the location of the facilities described above in this chapter, or may require other related facilities.

6. (§356) TEMPORARY PUBLIC IMPROVEMENTS

The Agency is authorized to install and construct, or cause to be installed and constructed, temporary public improvements and temporary public utilities necessary to carry out this Plan. Such temporary public improvements shall include, but not be limited to,

streets, public facilities and utilities. Temporary utilities may be installed above ground.

G. (§360) REHABILITATION AND CONSERVATION OF STRUCTURES

1. (§361) REHABILITATION OF STRUCTURES

The Agency is authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, any building or structure in the Project Area owned by the Agency. The Agency is also authorized and directed to advise, encourage, and financially assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency.

The Agency and the County may conduct a rehabilitation program to encourage owners of property within the Project Area to upgrade and maintain their property consistent with County codes and standards. The Agency and the County may develop a program for making grants and low interest loans for the rehabilitation of properties in the Project Area. Properties may be rehabilitated under an Agency low interest loan program, provided that rehabilitation and conservation activities on a structure are carried out in an expeditious manner and in conformance with this Plan.

2. (§362) MOVING OF STRUCTURES

As is necessary in carrying out this Plan and where it is economically feasible to so do, the Agency is authorized to move, or cause to be moved, any standard structure or building, which can be rehabilitated, to a location within or outside the Project Area.

3. (§363) BUILDINGS OF HISTORICAL SIGNIFICANCE AND OTHER CULTURAL, HISTORIC OR SCENIC RESOURCES

To the extent practical, special consideration shall be given to the protection, rehabilitation, or restoration of any structure determined to be historically significant, taking into consideration State and County guidelines. The Agency shall make every feasible effort to conserve any structure determined to be historically significant.

H. (§370) REAL PROPERTY DISPOSITION AND DEVELOPMENT

1. (§371) GENERAL REQUIREMENTS

For the purpose of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in Real Property.

In the manner required and to the extent permitted by law, before any interest in Real Property acquired by the Agency in whole or in part, directly or indirectly, with tax increment monies is sold, leased, or otherwise disposed of for development pursuant to this Plan, such sale, lease, or disposition shall first be approved by the Board of Supervisors after public hearing. The Agency shall lease or sell all Real Property it acquires in the Project Area, except property conveyed by the Agency to the County.

Where required by the Redevelopment Law, all Real Property acquired by the Agency in the Project Area shall be sold or leased for development at prices which shall not be less than fair market value for the highest and best uses permitted under this Plan, or the fair reuse value of the interest to be conveyed or leased, as determined at the use and with the conditions, covenants, and development costs required by the sale or lease. Property containing buildings or structures rehabilitated by the Agency shall be offered for resale within one year after completion of rehabilitation, or an annual report concerning such property shall be published by the Agency as required by Redevelopment Law Section 33443.

All purchasers or lessees of Agency-owned property in the Project Area shall be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time that the Agency fixes as reasonable, and to comply with other conditions that the Agency deems necessary to carry out the purposes of this Plan.

To the extent permitted by law, the Agency is authorized to dispose of Real Property by lease or sale by negotiation without public bidding. Real property may be conveyed by the Agency to the County or any other public body without charge.

2. (§372) DISPOSITION AND DEVELOPMENT DOCUMENTS

To provide adequate safeguards ensuring that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all Real Property sold, leased, or conveyed by the Agency shall be made subject to the provisions of this Plan by lease, deeds, contracts,

agreements, declarations, or other lawful means. Where determined appropriate by the Agency, such documents or portions thereof shall be recorded in the office of the County Clerk-Recorder.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

All deeds, leases, or contracts for the sale, lease, sublease, or other transfer of any land in a redevelopment project shall contain the following obligations and nondiscrimination clauses.

1. Refrain from restricting the rental, sale or lease of property on the basis of race, ethnicity, color, religion, sex, marital status, ancestry or national origin of any person by lessees and purchasers of Real Property acquired in redevelopment projects and owners of property improved as part of a redevelopment project is prohibited. The Agency, in accordance with Redevelopment Law Section 33435, shall obligate said lessees and purchasers to refrain from discriminatory practices.

2. In accordance with Redevelopment Law Section 33436, leases and contracts that the Agency proposes to enter into with respect to the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of any Real Property in the Project Area shall include the following provisions:

   a) In deeds, the following language shall appear: "The grantee herein covenants by and for himself, his/her heirs, executors, administrators and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, ethnicity, color, creed, religion, sex, marital status, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the premises herein conveyed, nor shall the grantee himself or herself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

   b) In leases, the following language shall appear: "The lessee herein covenants by and for himself or herself, his/her heirs, executors, administrators and assigns, and

all persons claiming under or through him or her, and this lease is made and accepted upon and subject to the following conditions:

> That there shall be no discrimination against, or segregation of, any person or group of persons, on account of race, ethnicity, color, creed, religion, sex, marital status, national origin or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure or enjoyment of the premises herein leased, nor shall the lessee himself or herself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased."

c) In contracts entered into by the Agency relating to the sale, transfer or leasing of land or any interest therein acquired by the Agency within any Survey Area or the Project Area, the foregoing provisions, in substantially the forms set forth, shall be included, and such contracts shall further provide that the foregoing provisions shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties, or other transferees under the instrument.

3. (§373) DESIGN FOR DEVELOPMENT

Pursuant to Section 210 of this Plan, the Agency is authorized to establish restrictions on heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area. Such controls may not relax the requirements of the General Plan, the Zoning Ordinance, or any applicable specific plan.

No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with any such controls. In the case of property that is the subject of a disposition and development or participation agreement with the Agency, it shall be constructed in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic

quality of the Project Area. The Agency will not approve any development or redevelopment plans that do not comply with this Plan.

4. (§374) DEVELOPMENT BY PARTICIPANTS

As appropriate and pursuant to the provisions of this Plan and the Owner Participation Rules, the Agency shall offer Real Property in the Project Area for purchase and development by owner and tenant participants who have appropriately expressed an interest in participating no later than the time that Real Property is made available for purchase and development by persons who are not owners or tenants in the Project Area.

5. (§375) DEVELOPMENT BY AGENCY

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any buildings, facilities, structures, or other improvements, either within or outside the Project Area, for itself or for any public body or entity, if a determination is made that such improvements would be of benefit to the Project Area and that no other reasonable means of financing such construction is available to the community. During the period of development in the Project Area, the Agency shall ensure that the provisions of this Plan and other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules.

The Agency may pay for, install, or construct the following facilities, and may acquire or pay for the land required, including, but not limited to:

- Community facilities
- Curbs, gutters, sidewalks, landscaping, and streetscaping
- Open Space
- Parks and playgrounds
- Public buildings (but not including County administration buildings)
- School facilities (but not including privately-owned schools)
- Trails, including, but not limited to, bicycle trails, equestrian trails and hiking trails
- Site improvements for new development, including foundations and parking structures
- Storm drains and flood control facilities

- Sewerage facilities
- Street furniture
- Street lighting
- Street rights-of-way
- Streets
- Transportation improvements required to meet an adopted congestion management deficiency plan, transportation improvement plan, or air quality management plan
- Utilities
- Water and sewer lines and facilities, including treatment facilities
- Landscaping and landscaping features, including, but not limited to, streets, medians, plazas, monuments, etc.

The Agency shall require that development plans be submitted to it for review and approval. All development must conform to this Plan and all federal, state, and local laws, as amended from time to time, and must receive the approval of appropriate public agencies.

6. (§376) INDUSTRIAL AND MANUFACTURING PROPERTY

To the extent now or hereafter permitted by law, the Agency may, as part of an agreement that provides for the development or rehabilitation of property within the Project Area which will be used for industrial or manufacturing purposes, assist with the financing of facilities or capital equipment including, but not necessarily limited to, pollution control devices. Prior to entering into an agreement for a development that will be assisted pursuant to this Section, the Agency will find, after a public hearing, that the assistance is necessary for the economic feasibility of the development and that the assistance cannot be obtained on economically feasible terms in the private market.

7. (§377) PERSONAL PROPERTY DISPOSITION

For purposes of this Plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property that has been acquired by the Agency.

IV. LOW- AND MODERATE-INCOME HOUSING

A. (§400) 20% TAX INCREMENT FUNDS REQUIREMENT

Not less than twenty percent (20%) of all taxes allocated to the Agency pursuant to Redevelopment Law Section 33670 shall be used by the Agency for the purposes of increasing and improving the County's supply of housing for persons and families of low- or moderate-income.

B. (§410) LOW- AND MODERATE-INCOME HOUSING AND REPLACEMENT

In carrying out the activities contemplated in this Plan, it may become necessary for the Agency to enter into various agreements, such as an agreement for acquisition of Real Property, an agreement for the disposition and development of property, or an owner participation agreement, which would lead to the destruction or removal of dwelling units from the low- and moderate-income housing market. Not less than thirty (30) days prior to the execution of such an agreement, the Agency shall adopt, by a resolution and to the extent provided by the Redevelopment Law, a Replacement Housing Plan, which shall include the general location of the replacement housing, an adequate means of financing the replacement housing, a finding that the replacement housing does not require the approval of the voters pursuant to Article XXXIV of the California Constitution or that such approval has been obtained, the number of dwelling units housing persons or families of low- or moderate-income planned for construction or rehabilitation, and a timetable for meeting the Plan's relocation or rehabilitation housing objectives, or as the Redevelopment Law may otherwise provide. A dwelling unit whose replacement is required by Redevelopment Law Section 33413, but for which no Replacement Housing Plan has been prepared, shall not be removed from the low- and moderate-income housing market.

For a reasonable period of time prior to adopting a Replacement Housing Plan, the Agency shall make available a draft of the proposed Plan for review and comments by other public agencies and the general public.

To the extent required by Redevelopment Law Sections 33413 and 33413.5, whenever dwelling units housing persons and families of low- or moderate-income are destroyed or removed from the low- and moderate-income housing market as part of a redevelopment project which is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency, the Agency shall, within four years of such destruction or removal, rehabilitate, develop, price restrict, or construct, or cause to be rehabilitated, developed, price restricted, or constructed for rental or sale to persons and families of low- or moderate-income, an equal number of replacement dwelling units which have an equal or greater number of bedrooms as those destroyed or removed units at affordable housing costs as defined by Section 50052.5 of the Health and Safety Code, within the territorial jurisdiction of the Agency. When dwelling units are destroyed or removed, seventy-five percent (75%) of the replacement dwelling units shall replace dwelling units available at affordable housing costs to the same income level of very-low-income households, lower-income households, and persons and families of low- and moderate-income as the persons displaced from those destroyed or removed units.

C. (§420) PROVISION OF LOW- AND MODERATE-INCOME HOUSING

The Agency may, to the extent permitted by law and land use designations, inside or outside the Project Area, acquire land, sell or lease land, donate land, improve sites, price restrict units, or construct or rehabilitate structures in order to provide housing for persons and families of low- or moderate-income. The Agency may also provide subsidies to, or for the benefit of, such persons and families or households to assist them in obtaining housing within the County.

D. (§430) NEW OR REHABILITATED DWELLING UNITS DEVELOPED WITHIN THE SUB-AREA

Pursuant to Redevelopment Law Section 33334.2(g), the Agency has found that the provision of low- and moderate-income housing both inside and outside the Project Area, particularly by the rehabilitation of existing housing stock is of benefit to the Project Area. In encouraging the development of such dwelling units, the Agency shall comply with Redevelopment Law Sections 33334.2(g) and 33413(b).

To the extent required by Redevelopment Law Section 33413, at least thirty percent (30%) of all new and substantially rehabilitated dwelling units developed within the Project Area by the Agency shall be for persons and families of low- and moderate-income; and of such thirty percent (30%), not less than fifty percent (50%) thereof shall be for very low-income households.

At least fifteen percent (15%) of all new and substantially rehabilitated units developed within the Project Area by public or private entities or persons other than the Agency shall be for persons and families of low- and moderate-income; and of such fifteen percent (15%), not less than forty percent (40%) thereof shall be for very low-income households. To satisfy this provision, in whole or in part, the Agency may cause by regulation or agreement, to be available, at affordable housing costs, to persons and families of low or moderate-income or to very low-income households, as applicable, two units outside the Project Area for each unit that otherwise would have had to be available inside the Project Area. Also, in order to satisfy this provision, the Agency may aggregate new or substantially rehabilitated dwelling in one or more redevelopment project areas, or may purchase long-term affordability covenants in existing housing whether or not in the Project Area.

The percentage requirements set forth in this Section shall apply in the aggregate to housing in the Project Area and not to each individual case of rehabilitation, development, price restriction, or construction of dwelling units. The Agency may purchase long-term affordability covenants for units to the greatest extent allowed by law.

The Agency shall require, by contract or other appropriate means, that whenever any low- and moderate-income housing units are developed within the Project Area, such units shall be made available on a priority basis for rent or purchase, whichever the case may be, to persons and families of low- and moderate-income displaced by the Project; provided, however, that failure to give such priority shall not affect the validity of title to the Real Property upon which such housing units have been developed.

E. (§440) LAST RESORT HOUSING

If sufficient suitable housing units are not available in the County for use by persons and families of low- and moderate-income displaced by the Project, the Agency may, to the extent of that deficiency, direct or cause the development or rehabilitation of low- and moderate-income housing units within the County, both inside and outside of the Project Area.

V. PROJECT FINANCING

A. (§500) GENERAL DESCRIPTION OF THE PROPOSED FINANCING METHOD

The Agency, if it deems appropriate and with approval of the Board of Supervisors, is authorized to finance this Project with assistance from Alameda County, State of California, United States Government, any other public agency, through the use of property tax increments, interest revenue, income revenue, Agency-issued notes and bonds, or from any other available sources of financing which are legally available and do not conflict with the objectives of this Plan.

The County may, in accordance with the law, supply advances and expend money as necessary to assist the Agency in carrying out this Project. Such assistance shall be on terms established by an agreement between Alameda County and the Alameda County Redevelopment Agency.

B. (§510) TAX INCREMENTS

No portion or section of this Plan shall be construed in any way whatsoever, as limiting or reducing the Agency's ability to pay any indebtedness of the Agency existing as of the date of adoption of this Plan.

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Project Area as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds for the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid; and,

2. Except as provided in paragraphs (3) and (4) below, that portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on bonds, loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Project Area. Unless and until the total assessed value of the taxable property in the Project Area exceeds the total assessed value of the taxable property in the Project Area, as shown by the last equalized assessment roll referred to in paragraph (1) above, all of the taxes levied and collected upon the taxable property in the Project Area shall be paid into the funds of the respective taxing agencies. When said bonds, loans, advances and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project Area shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.
3. That portion of the taxes identified in paragraph (2) above, which are attributable to a tax rate levied by any of said taxing agencies for the purpose of providing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of Real Property shall be allocated to, and when collected shall be paid into, the fund of that taxing agency. This paragraph shall only apply to taxes levied to repay bonded indebtedness approved by the voters of said taxing agency or agencies on or after January 1, 1989.
4. That portion of tax revenues allocated to the Agency pursuant to paragraph (2) above which is attributable to increases in the rate of tax imposed for the benefit of any affected taxing agency whose levy occurs after the tax year in which the ordinance adopting this Plan becomes effective, or to the extent such levy is imposed, shall be allocated to such affected taxing agency to the extent the affected taxing agency has elected in the manner required by law to receive such allocation.

OTHER TAX INCREMENT PROVISIONS

Any advanced moneys are hereby irrevocably pledged for the payment of the principal of and interest on the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.

The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project. Taxes shall be allocated and paid to the Agency consistent with the provisions of this Plan only to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or

otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Project.

Taxes levied in the Project Area and allocated to the Agency as provided in Redevelopment Law Section 33670 may, to the greatest extent legally allowable, be used anywhere within the territorial jurisdiction of the Agency to finance the construction or acquisition of public improvements which will enhance the environment of a residential neighborhood containing housing for persons and families of low- or moderate-income, the construction or acquisition of and public improvements which will be of benefit to the Project Area.

C. (§520) ISSUANCE OF BONDS AND NOTES

The Agency may issue bonds or notes, including ones in which the principal and interest are payable in whole or part from tax increments, when a determination has been made that such financing is required and feasible. Such bonds or notes shall be issued only after the Agency has determined that funds are, or will be, available to repay or refinance principal and interest when due and payable. The total outstanding principal of any bonds so issued and repayable from said tax increments shall not exceed Five Hundred and Seventy-Five Million Dollars ($575,000,000) in the Project Area.

D. (§530) LOANS AND GRANTS

The Agency is authorized to obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The principal and interest on such advance funds and indebtedness may be paid from tax increments or any other funds available to the Agency.

E. (§540) FINANCING LIMITATIONS

No loans, advances, or indebtedness to finance, in whole or in part, this project and to be repaid from the allocation of taxes described in the aforementioned Redevelopment Law Section 33670 shall be established or incurred by the Agency beyond twenty (20) years from the effective date of the ordinance adopting this Plan. This time limit shall not prevent the Agency from incurring debt to be paid from the Low- and Moderate-Income Housing Fund (see Section 550) or establishing more debt in order to fulfill the Agency's obligations pursuant to Redevelopment Law Section 33413.

The time limit to incur debt may be extended for a period not to exceed 10 years more than the time limit to incur debt established above for the

Project Area by amendment to this Plan, upon a finding by the Agency that significant blight remains in the Project Area and that the remaining blight cannot be eliminated without establishment of addition debt.

F. (§550) SPECIAL PROVISIONS RELATED TO PROJECT AREA

Taxes as may be allocated to the Agency from any Sub-Area (the "contributing Sub-Area) shall first be allocated, subject to the limitations set forth in this Section 550, to the contributing Sub-Area for the purpose of paying the principal of, and interest on, indebtedness incurred by the Agency to finance or refinance, in whole or in part, Agency activities within the contributing Sub-Area.

For its own internal accounting purposes, the Agency shall on a Sub-Area by Sub-Area basis account for tax increment receipts received pursuant to Redevelopment Law Section 33670, and for all payments to taxing agencies and other funds mandated by the Redevelopment Law. Indebtedness, as defined in this Plan and in the Redevelopment Law also shall be accounted for on a Sub-Area by Sub-Area basis. Indebtedness shall be repaid from each Sub-Area's accounts to the extent that each Sub-Area benefits from the indebtedness if said indebtedness is incurred on behalf of more than one Sub-Area.

One Sub-Area may loan to, and another Sub-Area may borrow from, the accounts of another Sub-Area. Such loans may only be made to the extent that the lending Sub-Area has funds available in excess of the amount to refund other indebtedness and to undertake activities authorized in this Plan for the benefit of the lending Sub-Area.

G. (§560) LOW- AND MODERATE-INCOME HOUSING FUND

Not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to Section 510 of this Plan shall be held in a separate low- and moderate-income housing fund and used by the Agency for the purposes of increasing and improving the community's supply of housing for persons and families of low- or moderate-income, as defined in Health and Safety Code Section 50093, and very-low-income households, as defined in Health and Safety Code Section 50105. Said 20% allocation shall be deposited in the separate low- and moderate-income housing fund prior to distribution of any other funds to the accounts of each individual Sub-Area.

VI. ADMINISTRATION

A. (§600) ADMINISTRATION AND ENFORCEMENT OF THE PLAN

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the County.

The provisions of this Plan, or other documents entered into pursuant to this Plan, may also be enforced by court litigation instituted by either the Agency or the County. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other available legal or equitable remedies. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

All provisions of the Redevelopment Law as may be required to be included in a redevelopment plan are hereby incorporated as if fully set forth herein.

B. (§610) DURATION OF THIS PLAN'S DEVELOPMENT CONTROLS AND TIME LIMITS TO RECEIVE PROPERTY TAXES

Except for the nondiscrimination and non-segregation provisions, which shall run in perpetuity, the following time limit shall apply:

Except for the nondiscrimination and non-segregation provisions, which shall run in perpetuity, and except as provided by Redevelopment Law Section 33333.2 subdivision (a)(2), or other provisions of the Redevelopment Law, or as further stated herein, the time limitations for

the effectiveness of this Plan in the Project Area shall be 30 years from the date of adoption of Ordinance No. **** adopting this Plan.*

Except to the extent a longer period of time may be allowed pursuant to Redevelopment Law and as further stated herein, the time limitations to receive property taxes to pay indebtedness or to receive property taxes pursuant to Redevelopment Law Section 33670 shall be 45 years from the date of adoption of Ordinance No. **** adopting this Plan.*

C. (§620) PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Redevelopment Law Sections 33450 through 33458, or by any other procedure established by law. Necessarily, some of the statements in this Plan are general and tentative, and formal amendment of the Plan is not required for a subsequent interpretation.

D. (§630) AGENCY/COUNTY COOPERATION

Subject to any limitation in law, the County will aid and cooperate with the Agency in carrying out this Plan and may take any further action necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread of blight or those conditions which caused the blight in the Project Area. Actions by the County may include, but are not necessarily limited to, the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the County may include the abandonment and relocation of public utilities in the public rights-of-way as necessary to carry out this Plan.
2. Institution and completion of proceedings necessary for changes and improvements in publicly-owned public utilities within or affecting the Project Area.
3. Imposition wherever necessary of appropriate design controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
4. Provision for administration and enforcement of this Plan by the County after development.

* To be filled in after adoption.

5. Performance of the above and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
6. The initiation and completion of any other proceedings necessary to carry out the Project.

The Agency is authorized to, but not obligated to, provide and expend funds to ensure the completion of the Project as a whole in accordance with this Plan. The obligation of the Agency to perform the actions indicated in this Section shall be contingent upon the continued availability of funding for this Project primarily from tax increment revenues as defined in Section 510 hereof. However, the Agency may utilize any legally available sources of revenue for funding projects in accordance with this Plan.

E. (§640) COOPERATION WITH OTHER PUBLIC JURISDICTIONS

Certain public bodies are authorized by State law to aid and cooperate, with or without consideration, in the planning, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire Real Property owned by public bodies without the consent of such public bodies. However, the Agency will seek the cooperation of all public bodies that own or intend to acquire property in the Project Area. Any public body that owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency.

APPENDIX A

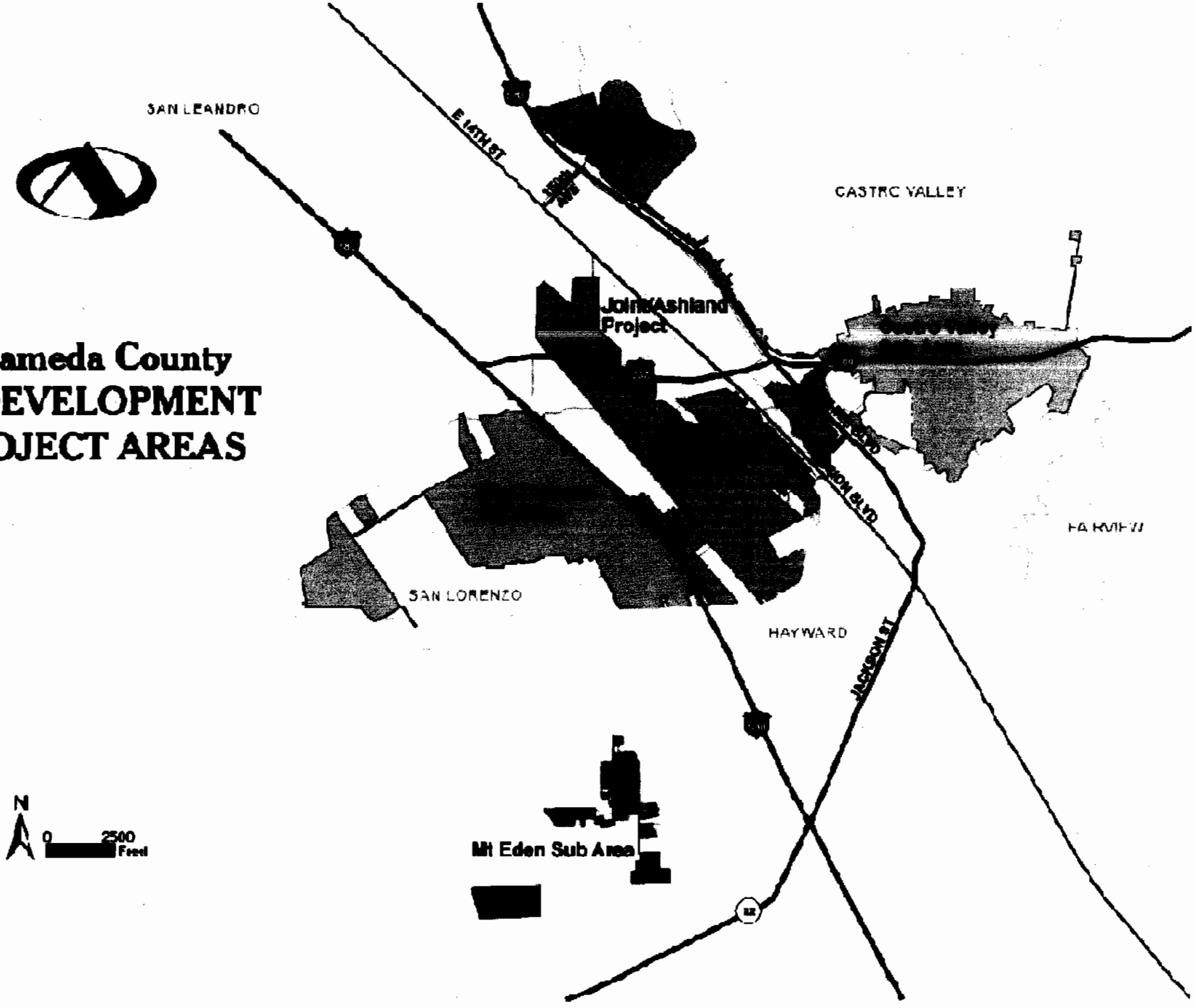
Redevelopment Plan Maps

The Redevelopment Plan Maps are on the following pages. These maps are based on the General Plan and any specific plans that may apply to the Project Area and each of its Sub-Areas. These maps are not intended to replace or in any manner modify the General Plan, the any applicable specific plans, or the Zoning Ordinance.

APPENDIX B

Legal Description

Alameda County REDEVELOPMENT PROJECT AREAS



Eden Area Redevelopment Project
Five-Year Implementation Plan
FY 2004/05 – 2008/09
May 2005

Introduction

The Alameda County Board of Supervisors adopted the Redevelopment Plan for the Eden Area Redevelopment Project on June 8, 2000. The purpose of the Plan was to form a redevelopment Project Area to address the physical and economic blight found within the unincorporated communities of Alameda County.

The Project Area includes a number of conditions that are specified in the California Redevelopment Law (CRL) as characteristic of blight. Broadly stated, these conditions include physical deterioration of buildings and facilities both public and private, inadequate public improvements and facilities that are essential to the health and safety of local residents and businesses, areas of incompatible land uses, lots of irregular form and shape and of inadequate size for proper development, parcels suffering from depreciated values and impaired investments, and a variety of other conditions that are a threat to the public health, safety, and welfare. The overall objective within a Redevelopment Project Area is to work towards elimination of these blighted conditions.

In accordance with California Assembly Bill 1290, each Agency must prepare an Implementation Plan every five years, and conduct a review of the Plan once within the five year term. The Plan identifies several major goals and objectives that direct the Redevelopment Agency (Agency) in its efforts to alleviate blight in the Project Area. The Implementation Plan identifies specific objectives, programs and costs that provide further direction to the Agency. As the Project Area is made up of a number of distinct and well-organized communities, each having their own sense of identity, the Project Area is subdivided into five Sub-Areas. These Sub-Areas include Castro Valley, Cherryland, Foothill, Mount Eden, and San Lorenzo. Map 1 shows the boundary for the entire Project Area. Maps 2 through 6 identify each of the five Sub-Area's boundaries. (See Appendix C for maps.) Goals and objectives within the Implementation Plan are established according to the individual needs of each of the Sub-Area communities. In addition, each Sub-Area has a separate accounting for tax increment, budget and expenditures.

The FY 2004/05 – 2008/09 Plan is the Eden Area Project's second Implementation Plan. The Project Area's initial Implementation Plan, included in the Project Area's Plan adoption documents, spans the five-year period from July 2000 through June 2005. The Agency drafted the Project Area's second five-year Implementation Plan one year early to allow the Agency to process both the Eden Project Area's five-year plan and its updates simultaneously with the Alameda County-City of San Leandro "Joint" Redevelopment Project Area. Having both plans on the same implementation schedule will allow for more efficient use of both staff and CAC review.

Implementation Plan Overview

The purpose of an Implementation Plan is to set priorities. The Plan outlines the Agency's goals, objectives and proposed activities in its efforts to alleviate blight in the Project Area. A Plan's Goals and objectives are broad in nature and include a program of activities. This allows the Agency to respond to new issues and opportunities as they arise, while remaining flexible in its implementation of near-term revitalization efforts within the Project Area over a five -year period.

The Implementation Plan includes both a commercial redevelopment component and a housing component. The commercial redevelopment component outlines the strategies and expenditures that will eliminate blight within the Project Area. The housing component outlines the strategies and expenditures for housing production within the Project Area, specifically addressing the statutory requirements for the production of affordable housing, and the expenditure of the 20% Housing Set Aside.

Section 1 of this report will provide a review of the Agency's accomplishments during the previous Implementation Plan period. *Section 2* of this report will provide the Agency's Goals & Objectives for blight alleviation within the Project Area.

Section 3 provides an overview of the Agency's budget, and future tax allocations projected for the term of the Implementation Plan. *Section 4* provides a summary of the Agency's proposed activities for the current Implementation Plan period within the commercial redevelopment component of the Implementation Plan. *Section 5* provides a summary of the proposed housing activities. *Section 6* recaps all program activities by Sub-Area.

The first Implementation Plan period for the Eden Project Area resulted in a number of accomplishments. The following provides a brief summary of the completed programs and projects funded during the FY 2000/01 through 2003/04.

- **Citizen Advisory Committees and Community Outreach:**
Citizen Advisory Committees (CAC) were formed for the Eden Project Area's three larger Sub-Areas, Castro Valley, Cherryland and San Lorenzo. Each CAC acts as an advisory body to the Agency by providing input on priorities for redevelopment projects and spending for their Sub-Area. The members of the CAC are residential or commercial property owners and tenants from the Project Area, appointed by the Board of Supervisors for a two or four year term. In addition to the CAC's the Agency consults with the communities' neighborhood organizations.

- **San Lorenzo Specific Plan & Castro Valley General Plan**
The Agency assisted in funding the San Lorenzo Specific Plan EIR (Environmental Review) and the Castro Valley General Plan. The San Lorenzo Specific Plan outlined land use, circulation, design, and infrastructure policies and regulations for the San Lorenzo commercial area along Hesperian Boulevard. This planning document was approved by both the Planning Commission and Board of Supervisors in the summer of 2004. The Castro Valley General Plan process will review and update the existing General Plan addressing these same land use, circulation, design and infrastructure policies for the Castro Valley area and is scheduled to be complete some time in the summer of 2006.

- **Lorenzo Theater Project**
The Lorenzo Theater is a vacant theater built in the 1940's that is currently the County's only Historic Preservation District. During the fall of 2003, the Agency pursued preliminary feasibility studies to identify cost estimates for rehabilitation of the building and possible purchase. The studies indicated that the project would be cost prohibitive for the Agency.

- **Commercial Facade Improvement Program**
The Commercial Facade Improvement Program provides architectural design grants and low interest loans for commercial façade improvements to business owners and tenants whose business is located in the Project Area. The goal of the program continues to focus on revitalization of commercial corridors by improving the appearance of existing businesses. In 2002, the County's Commercial Property Improvement Program was updated and revised. The program was expanded, the maximum loan amount was increased and a forgivable loan structure was incorporated into the program. These changes allowed for a total of 13 applicants to be awarded funding. Four projects have been completed to date and the other nine projects are in various stages of completion.

- **Hesperian Streetscape Master Plan**
The Agency provided matching funds to an MTC planning grant for the design and creation of a Streetscape Master Plan for Hesperian Boulevard corridor that runs through the San Lorenzo Sub-Area. The goal of the project was to create a master plan that provides a vision for a pedestrian, bike and transit friendly streetscape whose ultimate objective is to stimulate economic revitalization along the Hesperian corridor. The Plan was approved in May 2003.

- **Cherryland Sidewalks Project**

The Agency partnered with public works to design sidewalks on six priority streets located throughout the Cherryland residential community. Improvements will include sidewalk, curb, gutter and street trees. The initial design drawings are complete and have been reviewed by local citizens through a series of public meetings.

- **Cherryland Skatepark**

The Agency provided funding assistance to the Hayward Area Recreation and Park District (HARD) for construction of a new skate park facility at Cherryland Park. The project was completed during the spring of 2004.

- **Web Site**

The Agency created a website that provides both the public and interested developers with current information on the Redevelopment Agency's activities. The site includes maps, information on potential development sites, project updates, information regarding agency programs and CAC meeting agendas and minutes.

- **Graffiti Abatement Program**

In the fall of 2001, the Agency partnered with the Public Works Agency and contracted with Graffiti Control Services to institute a pilot program for graffiti abatement. The program provides free graffiti removal for businesses and residents for private properties located within the Project Area and has conducted over 800 abatements. The initial success of the program warranted a 3-year renewal of the contract.

- **Community Clean-Up Program**

The Agency has participated in a number of community clean up programs throughout the Project Area.

- **Coordinated Code Enhancement Programs**

In an effort to address visual blight in the Project Area, the Agency has initiated the creation of a number of ordinances. The ordinances that the Agency has assisted in to date include the Payphone, Shopping Cart and Newsrack ordinances.

Redevelopment Goals and Objectives

The Plan identifies four major goals for redevelopment in the Project Area. These four goals focus on alleviation of economic blight, provision of public infrastructure, expansion of neighborhood improvements and eradication of physical blight. The goals and their corresponding objectives are outlined in more detail below.

Goal 1: ECONOMIC DEVELOPMENT
Improve the economic health of the Project Area, reinvigorate commercial areas and increase the number of jobs available.

Objectives:

- Develop downtown business district revitalization strategies.
- Implement business recruitment strategies.
- Expand the availability of community serving commercial and office uses.
- Improve underutilized properties, encourage assembling of oddly shaped parcels and reduce land use incompatibilities.
- Develop incentives through grants and loans for commercial property owners and tenants to improve rehabilitate and maintain their properties.

Goal 2: PUBLIC INFRASTRUCTURE
Provide for urban infrastructure improvements to induce private investment in the project area.

Objectives:

- Provide assistance to enhance and improve streetscapes and entry gateway areas.
- Identify and develop traffic calming strategies and improve pedestrian access where necessary.
- Provide sidewalks, sidewalk repair, street lighting, curbs and gutters, and streetscape landscaping where lacking and desired in local residential neighborhoods and commercial districts.
- Assist property owners in addressing flooding issues and improve local drainage and flood control.
- Improve sewer lines, extend and assist with sewer connections.
- Assist property owners in upgrading on-site and off-site sewage and water systems.

Goal 3: NEIGHBORHOOD INFRASTURCTURE
Expand and revitalize community facilities, increase public open space and establish community preservation programs.

Objectives:

- Provide and or expand community facilities to include libraries, local parks, community centers and fire stations.
- Preserve and enhance open space, and public land.

Goal 4: IMPROVED PHYSICAL APPEARANCE
Prevent the acceleration of blight and improve code enforcement activities to enhance the public health, safety and welfare.

Objectives:

- Provide enhanced code enforcement services and assist property owners in cleaning up their properties.
- Implement a graffiti removal program.
- Buy out or remove billboards.
- Improve the appearance of County-owned property in and adjacent to the Sub-Areas.

During the current five-year Implementation Plan period, the Project Area estimates it will generate Tax Increment in the amount of $ 53,648,154 (see Table 1 below). Aside from its programs and projects, the Agency must also set aside money for the following expenditures: administrative costs; pass-through payment to other governmental agencies; and debt service on any outstanding loan or bond obligations. In addition to pass-through payments, in order to meet its fiscal responsibilities, the State has begun to require that redevelopment agencies allocate a portion of their tax increment back to the State to make up for the growing deficit the State faces in educational funding. These additional ERAF (Educational Revenue Augmentation Fund) payments will be required for FY 04/05 and 05/06.

After netting out anticipated costs for ERAF, pass-through payments, debt service and administration, the Agency expects to have $ 24,982,236 available for commercial redevelopment programs and projects and $ 8,618,022 in the housing set-aside fund, available for housing activities. In addition to the expected future tax increment over the next five years, the Agency has an unexpended fund-balance of $8,976,588 from the prior Implementation Plan period of FY 2000/01 – 2003/04. These funds break down into $6,712,628 available for commercial programs and $2,263,960 for housing activities. The funds have been allocated by Sub-Area and are reflected in the budget allocations for each Sub-Area located in Section 6 of this report.

As a way to generate needed funds for capital improvement and development projects identified in the Implementation Plan, the Agency anticipates issuing tax allocation bonds within the next 12 months. The Redevelopment Agency will use projected tax increment from each Sub-Area to support debt service for an amount of bond proceeds that can be spent on eligible and approved projects within each Sub-Area. Sub-Area funds will remain within each Sub-Area and not be shared between Sub-Areas. The mid-term review of the Implementation Plan will allow for any adjustments to funding or project timing as a result of a tax allocation bond issuance.

By issuing bonds, the Agency can raise funding for identified projects sooner than on a "pay-as-you-go" basis. In addition, redevelopment law requires that redevelopment agencies are in debt in order to receive tax increment from the County Tax Collector on an annual basis. The most common form of debt for Redevelopment Agencies is the issuance of tax allocation bonds.

The following Tables outline the anticipated Tax Increment that the Eden Project Area will accrue and identify its anticipated uses during the current five year Implementation Plan period.

Table 1

Eden Project Area Available Tax Increment
FY 2004/05 -- 2008/09

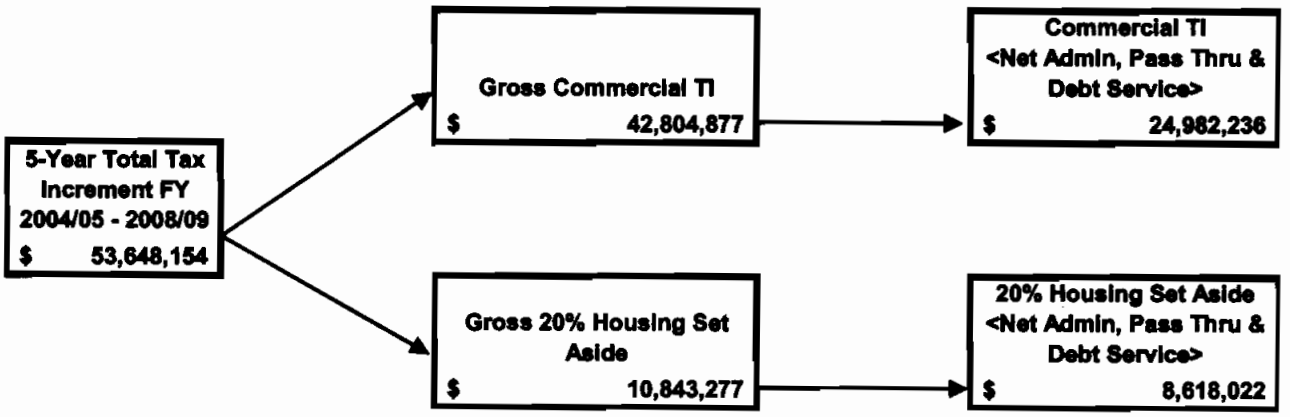
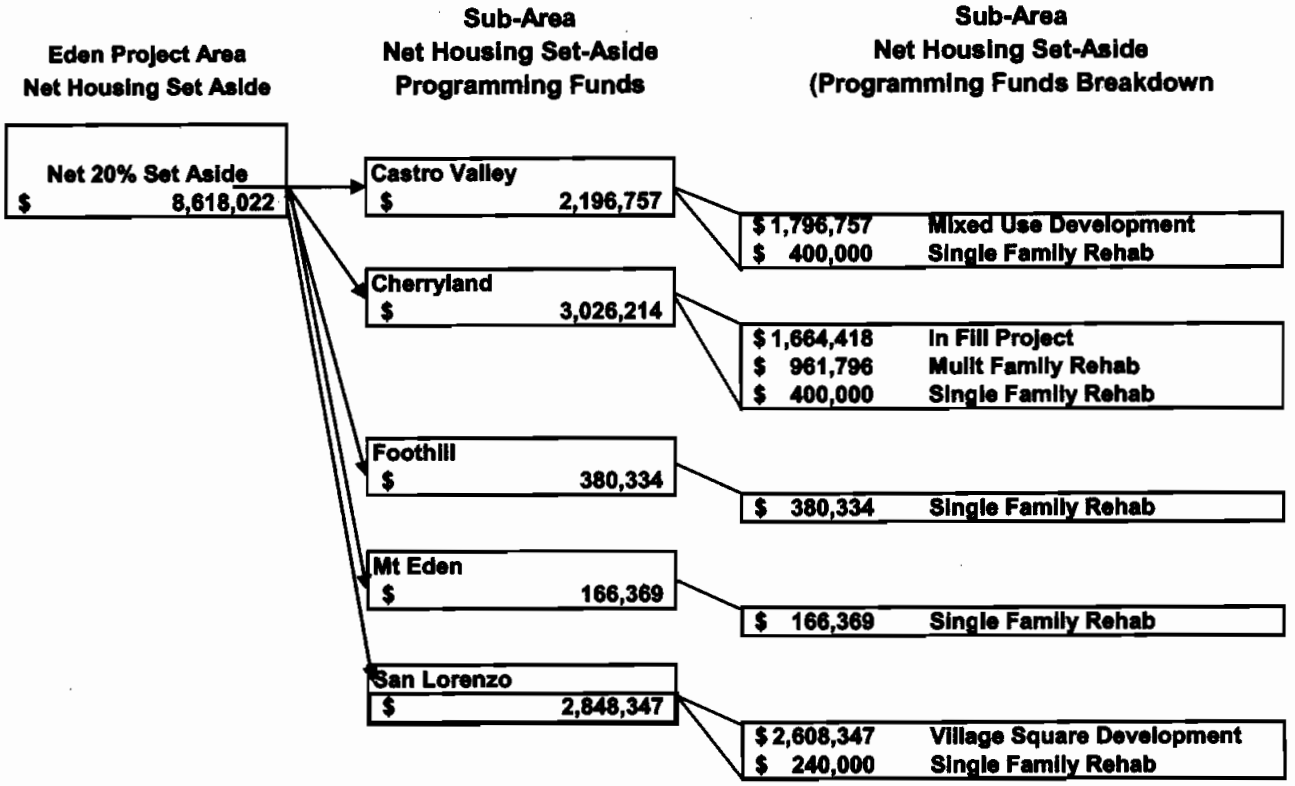


Table 3

Housing Set Aside Programming Funds
FY 2004/05 – 2008/09



[redacted]

Redevelopment Program and Project Updates:

The projects and programs implemented by the Agency during the current Implementation Plan are outlined below. This section provides a summary of each program and its estimated five-year budget and outlines any future recommendation or revisions to the Implementation Plan.

GOAL: ECONOMIC DEVELOPMENT

The Agency provides assistance to property owners and developers to develop sites located within the Project Area. Forms of assistance may include funding predevelopment studies, appraisals, marketing analysis, land acquisition, land write down, off-site infrastructure improvements, and relocation payments.

5-year budget:
$ 5,905,710

- **Mixed-Use Development – San Lorenzo Village Square Project**

A mixed-use development project is proposed for the central core area of San Lorenzo encompassing a 19-acre area that includes the now vacant Mervyn's lot, the land adjacent to the Lorenzo Theater and the properties located in the Village Square. The project would provide up to 450 new housing units, over 120,000 square feet of retail and commercial space, and community amenities that would include a new post office, and a public plaza fronting the library. The proposed project was developed to be consistent with the Specific Plan. The developer is currently in negotiation with the majority property owner in the Village Square area. The Agency is currently working through preliminary feasibility studies with the developer. The Agency anticipates that the funding required for this project will exceed the San Lorenzo Sub-Area's five year tax increment for the current Implementation Plan and will require the issuance of tax allocation bonds.

- **Hesperian Streetscape Project**

A Streetscape Master Plan for the Hesperian Boulevard corridor from Highway 880 to A Street was created during the previous Implementation Plan period. The goal of the project was to create a master plan that provides a vision for a pedestrian, bike and transit friendly streetscape whose ultimate objective is to stimulate economic revitalization along the Hesperian corridor. During the current Implementation Plan period, the Agency will actively seek grant sources to help fund the improvements and may add match funding to grant funds acquired.

5-year budget:
$ 2,923,728

- **Castro Valley Redevelopment Strategic Plan Projects**

The Castro Valley Strategic Plan is currently studying options for economic development potential along the Castro Valley commercial corridors. Although specific projects have not yet been identified, money has been budgeted that will provide initial funding for the proposed projects.

5-year budget:
$ 800,000

- **Bockman Road Project**

Two large underdeveloped commercial properties are located on Bockman Avenue, located in the San Lorenzo Sub-Area. The goal of redevelopment is to revitalize these obsolete and deteriorated buildings into thriving updated retail and commercial centers, residential developments or mixed-use.

- **Grant Avenue Industrial Area Project**

The Grant Avenue Industrial Area, located in the San Lorenzo Sub-Area, has a history of conflict regarding land use permits for properties located within this area. The goal of redevelopment is to participate with the planning department to review land use in the area and identify mitigation measures and best alternate uses for properties to revitalize the use of the area.

The Agency assists with the development of planning documents that interact with redevelopment projects and or have an impact on the Agency's goals and objectives.

5-year budget:
$ 247,450

- **Castro Valley Redevelopment Strategic Plan**
  During 2003, the Agency issued an RFQ for development of a strategic plan for land use and economic growth for the Castro Valley commercial district. The goals of the Strategic Plan are to construct a development strategy and urban design that will define a vision and the future economic potential for downtown Castro Valley and help to prioritize spending of redevelopment dollars. An additional component of the Strategic Plan process will be to develop a streetscape master plan. The Strategic Plan is scheduled for completion in the Summer of 2005.

The Commercial Facade Improvement Program provides low interest loans for commercial façade improvements and architectural design grants to business owners and tenants whose business is located within the Project Area. The goal of the program continues to focus on revitalization of commercial corridors by improving the appearance of existing businesses.

5-year budget:
$ 2,350,000

- The Commercial Façade Improvement Project **(FIP)** is designed to target small to mid-sized businesses in the Project Area. It provides funds for both exterior and interior improvements. The program provides matching funds on a 2:1 basis, with a $60,000 maximum ceiling in a forgivable loan structure. The applicant is able to access funds for both architectural and construction costs.

- The Awning Sign and Paint Program **(ASAP)** is a newly created program that provides commercial property owners and tenants funding for minor exterior improvements such as new signage, awnings, paint and landscaping. The program provides up to $15,000 in a forgivable loan structure. The applicant is also able to access funds for both architectural and construction costs.

The Agency will implement an economic development / business development program, including retail analysis, catalyst site identification, and staff support to commercial districts, merchant associations, chambers of commerce and individual businesses and property owners to assist in business retention, expansion and attraction.

5-year budget:
$ 425,000

The Agency regularly attends various community meetings to promote Agency programs, such as FIP. In addition, the Agency serves as a point of contact for economic development crisis issues, such as large commercial vacancies. The Agency coordinates with property owners, current tenants, and potential retail tenants to secure new business in the Project Area.

The marketing and promotions program is designed to provide greater public understanding and participation in the Agency's programs. To maximize participation in its programs, the Agency markets and promotes its activities to business owners, tenants, homeowners, real estate brokers and developers. It also provides educational information regarding its mission and accomplishments to further increase the public's understanding of the value of the redevelopment process in the revitalization of the Project Area.

5-year budget:
$ 150,000

- **Newspaper Advertising and Coverage**
The Daily Review covers major Agency actions and regularly attends many of the same neighborhood association meetings where redevelopment staff participates.

- **Community Event & Trade Show Participation**
Agency staff attends community events throughout the year in all Sub-Areas of the Project Area and anticipates attendance at trade shows that may benefit the Project Area.

GOAL: PUBLIC INFRASTRUCTURE

5-year budget:
$ 7,415,910

- **Cherryland Sidewalks Project**
A major goal of the Cherryland Sub-Area is to develop a sidewalk construction program. The goal of the project is to partner with the Public Works Agency, to design and construct sidewalks on priority streets located throughout the Cherryland residential community. The Cherryland CAC has identified six major streets for implementation through a priority selection process. Improvements will include sidewalk, curb, gutter and street trees. As the design phase nears completion, the project will then be put out to bid and construction will be scheduled.

5-year budget:
$ 500,000

- **San Lorenzo Sidewalk Repair Project**
The San Lorenzo CAC has identified sidewalk repair as a priority and has earmarked monies to augment funding of the Public Works Agency's sidewalk repair program. The funding would focus on the area priorities which include the Royal Sunset area, school routes and potentially as a part of matching funds with other Hesperian Streetscape funding.

5-year budget:
$ 200,000

- **Lewelling Boulevard Undergrounding Project**
The Cherryland Sub-Area and the Joint Project CAC's have agreed to recommend funding for the property owner's cost contribution involved in the undergrounding of the utilities that is part of the street enhancement project slated for Lewelling Boulevard. The project is funded by Measure B and will provide traffic flow improvements and pedestrian enhancements that include wider sidewalks, street trees, planted medians and street furnishings along the length of Lewelling Boulevard from Hesperian Boulevard to Meekland Avenue. The Redevelopment Agency will provide funding for the property owner's contribution toward the new utility connections required as part of the

undergrounding of the utilities within the project boundaries, which are not funded through Measure B.

5-year budget:
$ 476,806

- **Mt. Eden Sewer and Utility Connection Assistance Project**
The Mt Eden area's greatest need is development of water, sewer and storm drain infrastructure. The goal is to work with the City of Hayward (the service provider) to expand such infrastructure to the Mt Eden area.

GOAL: NEIGHBORHOOD IMPROVEMENTS

Provide for new and improved community facilities to include libraries, local parks community centers and fire facilities as needed throughout the Project Area.

5-year budget:
$ 1,853,066

- **Castro Valley Library**
The Agency has committed $3,500,000 in grant funding and $1,700,000 in a no interest loan towards the construction of the new Castro Valley Library to be located on Norbridge Avenue. The Agency expects to provide the full grant through the issuance of tax allocation bonds.

5-year budget:
$50,000

- **Castro Valley Community Gateway Sign**
A streetscape master plan design process has been included in the Castro Valley Strategic Planning process. A gateway concept will be included as part of the design. Monies have been budgeted for construction and installation of the gateway.

5-year budget:
$ 849,566

- **Hillcrest Knolls Park Expansion & Community Entrance Sign**
The Agency continues to explore improvements for expansion of Hillcrest Knolls Park. The expansion would include a basketball court and additional picnic benches. The current park size is too small to serve the local population.

A project is underway to construct a second entryway sign at the northern community entrance to the Hillcrest Knolls area at Howe Avenue and update the current entryway sign at Foothill. Funding would also provide for landscaping. The Agency will pay for the physical improvements and establish an agreement with the neighborhood association for sign maintenance.

5-year budget:
$500,000

- **Cherryland Community Facilities & Entrance Sign**
The Cherryland CAC chose as their second priority, the support of neighborhood community facilities. Although all of the projects have not yet been identified, monies

have been budgeted to be able to consider projects as they may arise from within the community.

The first such project currently underway is a project to design and construct an entryway sign at the northern community entrance to the Cherryland area. Funding would also provide for landscaping. The Agency will pay for the physical improvements and establish an agreement with the neighborhood association for sign maintenance.

GOAL: APPEARANCE

5-year budget:
$ 335,000

- **Graffiti Abatement Program**

The Agency currently partners with Public Works to provide a graffiti abatement program to assist in elimination of graffiti throughout the Project Area. The program provides free graffiti removal for businesses and residents for private properties located within the Project Area. The program provides a contact phone number to register complaints. These locations are forwarded to the contractor for servicing. The contractor also drives a regular route to identify additional locations for removal. Public works provides funds for graffiti removal on public property sites.

- **Community Clean-Up Program**

The Agency has participated in community clean up program planning throughout the Project Area.

- **Coordinated Code Enhancement Program**

In an effort to address visual blight in the Project Area, the Agency continues to work in collaboration with other County departments on the creation of ordinances that may impact the project area. The Payphone ordinance is currently undergoing review. In addition the Agency has coordinated efforts with code enforcement to increase compliance with health and safety code violations. The Agency has contributed towards billboard abatement in Castro Valley.

Housing Goals and Objectives

Goal: IMPROVE and PRESERVE THE COMMUNITY'S HOUSING STOCK
Improve and preserve the community's supply of housing, particularly housing opportunities available to low and moderate income households.

Objectives:

- Increase the supply of affordable and market rate housing through rehabilitation, mixed-use and infill development projects.
- Assist in the provision of affordable senior housing.
- Develop incentives through grants and loans for residential property owners and tenants to improve, rehabilitate and maintain their properties.

California Redevelopment Housing Law

California Redevelopment Law (CRL) requires that all redevelopment agencies set aside a minimum of 20 percent of all tax increment generated from the Project Area for the purpose of improving, increasing, or preserving the community's supply of affordable housing. (Although, 20% of the Project Area's tax increment has been deposited into the Housing Set Aside fund since the Project Area's inception in 2000, to allow sufficient time to create the housing fund strategy, redevelopment law does not require the Agency to outline its housing fund strategy until the second five-year Implementation Plan.) In addition, recently passed legislation, requires that the Agency's housing strategy now cover a 10 year period, and that the Agency coordinate this strategy with the priorities laid out in the local area's housing element and the state assigned affordable housing requirements (see Appendix A for the Eden Project Area 10 Year Housing Fund Strategy in its entirety).

CRL further outlines a number of additional requirements that dictate how housing funds must be spent within a Project Area. One of these requirements is that all Housing Set Aside funds be utilized towards housing that benefits households of moderate, low and or very low income levels. The definition of these income levels is as follows: moderate (120% - 80% of the average median income (AMI)); low 80% - 50% AMI); and very low (50% AMI and below). Other requirements outline how the monies must be spent proportionately as they relate to both the age level and income categories of the community. Regarding age, the Agency is limited in its spending on age restricted housing for individuals over 65 years of age. In the Eden Project Area, 88% of the population is under 65 years old, so in turn only 12% of the Housing Set Aside fund can be spent on individuals 65 years or older. An Agency can always spend more of its funds on individuals and families under 65 years old, but spending on age restricted housing for individuals age 65 and older is capped. This requirement was passed by the California legislature to curtail the majority of redevelopment agencies utilizing all of their Housing Set Aside funds solely on senior housing projects.

Regarding income levels, the Agency is required to spend its Housing Set Aside funds proportionately on the percentage of need identified by income categories outlined in the Regional Housing Needs (RHN) Allocation assigned by the Association of Bay Area Governments (ABAG). The current ABAG RHN allocation for unincorporated Alameda County is proportioned as follows: 45% for very low income households; 20% for low income households; and 35% for moderate income levels. The following tables summarize the anticipated available funding for the current five-year Implementation Plan and provides a breakdown of available funds by age and income restrictions.

Table 4

Housing Set Aside Funding Allocation
FY 2004/05 – 2008/09

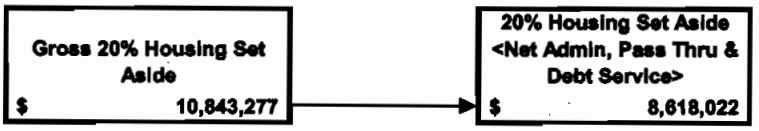


Table 5

Eden Project Area 5-Year Housing Funds Senior vs Non Senior Split			
AREA	TOTAL	Senior	Non-Senior
Castro Valley	$ 2,196,757	$ 263,611	$ 1,933,146
Cherryland	$ 3,026,214	$ 363,146	$ 2,663,068
Foothill	$ 380,334	$ 45,640	$ 334,694
Mount Eden	$ 166,369	$ 19,964	$ 146,405
San Lorenzo	$ 2,848,347	$ 341,802	$ 2,506,545

Table 6

Eden Project Area 5-Year Housing Funds Income Category Split				
Area	TOTAL	Very Low 45%	Low 20%	Moderate 35%
Castro Valley	$ 2,196,757	$ 988,541	$ 439,351	$ 768,865
Cherryland	$ 3,026,214	$ 1,361,796	$ 605,243	$ 1,059,175
Foothill	$ 380,334	$ 171,150	$ 76,067	$ 133,117
Mount Eden	$ 166,369	$ 74,866	$ 33,274	$ 58,229
San Lorenzo	$ 2,848,347	$ 1,281,756	$ 569,669	$ 996,921

Housing Production Requirements

CRL also requires an Agency to provide for a minimum number of affordable housing units to be built within the Project Area during the life of the Plan. The number of affordable units that must be created is directly linked to a proportion of the total number of housing units produced within the Project Area. This regulation states that for every newly built or substantially rehabilitated unit created in the Project Area, the Agency must assure a percentage of those units for made available to low and moderate income households. These units must remain affordable for a defined period of time (45 years for rental units and 55 units for owner-occupied units). For housing created by any entity other than the Agency an amount of housing equal to 15 percent of the total units constructed or rehabilitated must be made affordable to low and moderate income households. Of these units, 40 percent must be affordable to very low-income households (this translates to 6% of the total number of units built). If the Agency itself develops the housing, then 30 percent of the units must be available to low and moderate income households, with 50 percent of these units being further restricted to very low-income households.

In order to meet this requirement the Agency tracks all new or substantially rehabilitated housing construction within the Project Area during the life of the Redevelopment Plan. First, actual records of past housing development are tracked. Then future production is forecasted from the actual past production. Using the figure of 96 building permits pulled during FY 2001-2003 for "past production," and adding 440 forecasted units we arrive at a projection of 760 new or substantially rehabilitated units of housing to be built within the Eden Project Area over the next 10 year period (see Appendix A for detailed calculation). On an annual basis, that averages out to 76 units per year.

- 96 permits / 3 years = 32 units per year from normal construction
- 440 units / 10 years = 44 units per year from San Lorenzo Village project
- 32 units + 44 units = 76 projected units per year

- 76 projected units per year x 10 years = 760 units

Providing these units are all privately developed, this will trigger an Agency production requirement for this same 10 year period of 114 (15% of 760) affordable units. At a minimum, 46 (40% of 114) of these units must be made affordable to very low-income households. As the Agency does not anticipate developing any housing on its own, the production unit projection was based on private development.

Table 7

10 Year Production Unit Requirement

Eden Project Area Affordable Housing Requirement			
Total Homes 10-Year Period	**Affordable Units**	**Very Low Portion**	**Low & Moderate Portion**
	15%	**40% OF 15%**	
A	B 15% * A	C 40% * B	D B - C

In tandem with the requirements outlined by CRL the Agency looked at the goals of each of the Sub-Areas of the Eden Project Area to provide direction regarding the priorities for spending the Housing Set Aside funds. Briefly those goals are:

- Castro Valley: the redevelopment of the commercial core along Castro Valley Boulevard.
- Cherryland: neighborhood sidewalk improvements and infill housing.
- Foothill: neighborhood park improvements.
- Mt Eden: identify solutions to address existing infrastructure issues and await annexation consideration by the City of Hayward.
- San Lorenzo: the revitalization of the commercial area along Hesperian Boulevard with emphasis on first time homebuyers and senior housing.

Housing Program and Project Updates:

The proposed Housing Set Aside projects and programs for the current Implementation Plan are outlined below. This section provides a summary of each program and its estimated five-year budget.

New Construction Projects can be either multi-family rental, mixed use, or first time home-buyer for sale products. New construction developments are assisted on a project by project basis. Projects that receive assistance are usually required to provide a portion of the units built to be made available to moderate and low income eligible individuals and families. The unit's affordability can be preserved for the long term through covenants or deed restrictions that pass through to subsequent owners

5-year budget:
$ 2,608,347

- **San Lorenzo Village Square Project**

As part of the Village Square mixed-use project, A developer proposes to build approximately 380 for-sale condominiums and lofts as part of the Village Square mixed-

use project. The Agency will provide assistance so that a number of units will be made available to first-time homebuyers that are low or moderate income households. The assistance may be in the form of a down-payment assistance or silent second deed of trust.

The developer also proposes to build 70 senior rental apartments. The Agency will assist the project and will require the developer to place covenants that will allow some or all 70 units to be made accessible to affordable income levels. As the cost of this project is anticipated to exceed the Housing Set Aside funds available to the San Lorenzo Sub-Area during the current five-year Implementation Plan, the Agency proposes to leverage use of the full 10 year projected San Lorenzo Housing Set Aside funds, through bond financing. In addition, the senior development will most likely be the sole senior age restricted housing project for the Project Area during the current 10 year Housing Strategy as this project is expected to utilize the majority of the Eden Project Area's senior age restricted funds over the next 10 year period.

5-year budget:
$ 1,796,757

- **Castro Valley Mixed Use Project**

The Castro Valley Redevelopment Strategic Plan is currently reviewing options for economic development potential along the Castro Valley commercial corridors. Mixed-use development will likely emerge as a potential development opportunity. Depending on whether the development is an ownership or rental project the Agency could assist in providing anywhere from 9 to 30 housing units at a variety of affordable income levels.

5-year budget:
$ 1,664,418

- **Cherryland Infill Housing Project**

In order to address blight elimination, the Agency will pursue an infill project in Cherryland based on the community's high interest in improving its neighborhood. Depending on whether the development is an ownership or rental project the Agency could assist in providing anywhere from 12 to 28 housing units at a variety of affordable income levels.

The Single Family Housing Rehabilitation Program currently offers low and moderate income homeowners up to $35,000 in funds to make significant repairs and improvements to existing homes in the redevelopment Project Area. The low interest loans are available to homeowners to replace roofs; repair gutters, sewer-lines, termite and water damage; update inefficient heating and electrical systems; and provide for other kitchen and bathroom repairs. Additionally, the program provides monies for Emergency Minor Home Repairs (water heaters, smoke detectors, minor plumbing and electrical repairs, and accessibility improvements) through grant funding of up to $1,000 per residence.

To continue to meet the needs of the local residents of the area, two additional program components, a $5,000 grant program for exterior improvements and a $1,000 grant program for accessibility improvements will be added to the Single Family Housing Rehabilitation Program. The exterior grant program component will provide for minor outside improvements that will assist in reducing blight. The accessibility improvements program component will provide further assistance to elderly and disabled individuals who have difficulty entering and exiting their home.

The goal of the Single Family Housing Rehabilitation Program during the five year implementation plan period is to be able to provide assistance to a minimum of 40 households (primarily low and very low income) throughout the entire Eden Project area during the current Implementation Plan period.

5-year budget:
$ 1,590,099

Budget Breakdown by Sub-Area
$ 400,000 Castro Valley
$ 400,000 Cherryland
$ 380,334 Foothill
$ 166,369 Mt Eden
$ 240,000 San Lorenzo

The Multi-Family Rental Rehabilitation Program assists owners of rental housing to rehabilitate their rental properties. The program provides low interest loans for major repairs, such as new roofs or replacement of inefficient heating and ventilation systems and exterior improvements such as painting and landscaping.

5-year budget:
$ 961,796

- **Cherryland Multi-Family Rehabilitation Project**
With the large number of multi-family apartment buildings located in the Cherryland community, the Agency will pursue a multi-family rehabilitation program to assist in the rehabilitation of these properties. The Agency anticipates being able to assist between 20 and 40 apartments that would be affordable to very low income households.

The following section outlines the primary redevelopment focus for each of the Sub-Areas and provides a summary of the program and project priorities for each community. Each Sub-Area's budget summary outlines the planned expenditures for each of the areas as well.

CASTRO VALLEY

Primary redevelopment focus for the Castro Valley Sub-Area will be the redevelopment of the commercial core along Castro Valley Boulevard. A strategic economic plan will be devised to coordinate with an update to the Castro Valley Specific Plan so a comprehensive master plan can guide the future development and land use decisions in the Sub-Area. Programs will focus on improvement of commercial and retail opportunities in the area.

GOAL: ECONOMIC DEVELOPMENT

The Agency assists with the development of planning documents that interact with redevelopment projects and or have an impact on the Agency's goals and objectives.

- **Castro Valley Redevelopment Strategic Plan**

During 2003, the Agency issued an RFQ for development of a master plan for land use and economic growth for the Castro Valley commercial district. The goals of the Strategic Plan are to construct a development strategy and urban design that will define a vision and the future economic potential for downtown Castro Valley and help to prioritize spending of redevelopment dollars. An additional component of the Strategic Plan process will be to develop a streetscape master plan. The Strategic Plan is scheduled for completion in the Summer of 2005.

5-year budget:
$ 247,450

The Agency provides assistance to property owners and developers to develop sites located within the Project Area. Forms of assistance may include funding predevelopment studies, land acquisition, land write down, off-site infrastructure improvements, and relocation payments.

- **Castro Valley Redevelopment Strategic Plan Projects**

The Castro Valley Strategic Plan is currently reviewing options for economic development potential along the Castro Valley commercial corridors. Although specific projects have not yet been identified, money has been budgeted that will provide initial funding for the proposed projects.

5-year budget:
$ 2,923,728

- **Land Development**

The Agency has allocated money in each of the Sub-Areas to provide assistance to development projects as opportunities arise. Assistance can be in the form of appraisals, marketing analysis, land acquisition, and off-site improvements.

5-year budget:
$ 200,000

□ [redacted]

The Commercial Facade Improvement Program provides low interest loans for commercial façade improvements and architectural design grants to business owners and tenants whose business is located within the Project Area. The goal of the program continues to focus on revitalization of commercial corridors by improving the appearance of existing businesses.

- The Commercial Façade Improvement Project **(FIP)** is designed to target small to mid-sized businesses that are located within the Project Area. It provides funds for both exterior and interior improvements. The program provides matching funds on a 2:1 basis, with a $60,000 maximum ceiling in a forgivable loan structure. The applicant is able to access funds for both architectural and construction costs.

- The Awning Sign and Paint Program **(ASAP)** is a newly created program that provides commercial property owners and tenants funding for minor exterior improvements such as new signage, awnings, paint and landscaping. The program provides up to $15,000 in a forgivable loan structure. The applicant is also able to access funds for both architectural and construction costs.

5-year budget:
$ 750,000

[redacted]

The Agency will implement an economic development / business development program, including retail analysis, catalyst site identification, and staff support to commercial districts, merchant associations, chambers of commerce and individual businesses and property owners to assist in business retention, expansion and attraction.

The Agency regularly attends various community meetings to promote Agency programs, such as FIP. In addition, the Agency serves as a point of contact for economic development crisis issues, such as large commercial vacancies. The Agency coordinates with property owners, current tenants, and potential retail tenants to secure new business in the Project Area.

5-year budget:
$ 175,000

[redacted]

The marketing and promotions program is designed to provide greater public understanding and participation in the Agency's programs. To maximize participation in its programs, the Agency markets and promotes its activities to business owners, tenants, homeowners, real estate brokers and developers. It also provides educational information regarding its mission and accomplishments to further increase the public's understanding of the value of the redevelopment process in the revitalization of the Project Area.

- **Newspaper Advertising and Coverage**

The Daily Review covers major Agency actions and regularly attends many of the same neighborhood association meetings where redevelopment staff participates.

- **Community Event & Trade Show Participation**

Agency staff attends community events throughout the year in all Sub-Areas of the Project Area and anticipates attendance at trade shows that may benefit the Project Area.

5-year budget:
$ 50,000

GOAL: NEIGHBORHOOD IMPROVEMENTS

Provide for new and improved community facilities to include libraries, local parks community centers and fire facilities as needed throughout the Project Area.

- **Castro Valley Library**

The Agency has committed $3,500,000 in grant funding and $1,700,000 in a no interest loan towards the construction of the new Castro Valley Library to be located on Norbridge Avenue. The Agency expects to provide the full grant through the issuance of tax allocation bonds.

5-year budget:
$ 1,853,066

- **Castro Valley Community Gateway Sign**

A streetscape master plan design process has been included in the Castro Valley Strategic Planning process. A gateway concept will be included as part of the design. Monies have been budgeted for construction and installation of the gateway.

5-year budget:
$50,000

GOAL: APPEARANCE

- **Graffiti Abatement Program**

The Agency currently partners with Public Works to provide a graffiti abatement program to assist in elimination of graffiti throughout the Project Area. The program provides free graffiti removal for businesses and residents for private properties located within the Project Area. The program provides a contact phone number to register complaints. These locations are forwarded to the contractor for servicing. The contractor also drives a regular route to identify additional locations for removal. Public works provides funds for graffiti removal on public property sites.

- **Community Clean-Up Program**

The Agency has participated in community clean up program planning throughout the Project Area.

- **Coordinated Code Enhancement Program**

In an effort to address visual blight in the Project Area, the Agency continues to work in collaboration with other County departments on the creation of ordinances that may impact the project area. The Payphone ordinance is currently undergoing review. In addition the Agency has coordinated efforts with code enforcement to increase compliance with health and safety code violations. The Agency has contributed towards billboard abatement in Castro Valley.

5-year budget:
$ 125,000

Housing Goals and Objectives

□ **Affordable Housing Projects**

Goal: IMPROVE and PRESERVE THE COMMUNITY'S HOUSING STOCK

Improve and preserve the community's supply of housing, particularly housing opportunities available to low and moderate income households.

New Construction Projects can be either multi family rental, mixed use, or first time home-buyer for sale products. New construction developments are assisted on a project by project basis. Projects that receive assistance are usually required to provide a portion of the units built to be made available to moderate and low income eligible individuals and families. The unit's affordability can be preserved for the long term through covenants or deed restrictions that pass through to subsequent owners

- **Castro Valley Mixed Use Project**

The Castro Valley Redevelopment Strategic Plan is currently reviewing options for economic development potential along the Castro Valley commercial corridors. Mixed-use development will likely emerge as a potential development opportunity. Depending on whether the development is an ownership or rental project the Agency could assist in providing anywhere from 9 to 30 housing units at a variety of affordable income levels.

5-year budget:
$ 1,796,757

The single family rehabilitation program will be revised to meet the needs of the local residents of the area. The intent is to be able to provide assistance to a minimum of 10 very low and low income households within the entire Eden Project area.

5-year budget:
$ 400,000

Castro Valley
2004/05 – 2008/09 Program Budget Allocations

Castro Valley	Prior Years Unexpended Fund Balance	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	5-Year Total*
Business District Improvements	$ 1,142,551	$ -	$ 435,351	$ 669,284	$ 826,214	$ 992,879	$ 2,923,728
Streetscape (streets,sidewalks,curb,gutter)		$ 50,000	$ -	$ -	$ -	$ -	$ 50,000
Community Facility (Park, Community Center)	$ 497,711	$ 300,000	$ 300,696	$ 356,730	$ 416,230	$ 479,410	$ 1,853,066
Commercial Property Improvement Program		$ 150,000	$ 150,000	$ 150,000	$ 150,000	$ 150,000	$ 750,000
Graffiti Abatement / Cleanup Day / Code Enforcement	$ 40,000	$ 25,000	$ 25,000	$ 25,000	$ 25,000	$ 25,000	$ 125,000
Business Development District Program		$ 35,000	$ 35,000	$ 35,000	$ 35,000	$ 35,000	$ 175,000
Planning/Urban Design		$ 247,450	$ -	$ -	$ -	$ -	$ 247,450
Redevelopment Projects (predevelopment)		$ 40,000	$ 40,000	$ 40,000	$ 40,000	$ 40,000	$ 200,000
Marketing/Outreach/Business Development		$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 50,000
ERAF	$ 43,682	$ 31,243	$ 86,164				$ 117,407
pass thru		$ 374,412	$ 454,457	$ 539,566	$ 630,060	$ 726,277	$ 2,724,772
Debt Service		$ 12,600	$ 11,000	$ 11,000	$ 11,000	$ 11,000	$ 56,600
Administration		$ 225,323	$ 273,303	$ 324,254	$ 378,361	$ 435,822	$ 1,637,063
Redevelopment Total	$ 1,723,944	$ 1,501,028	$ 1,820,970	$ 2,160,834	$ 2,521,865	$ 2,905,389	$ 10,910,086
Redevelopment Housing Program	$ 593,242	$ 300,989	$ 386,244	$ 435,137	$ 508,321	$ 586,065	$ 2,196,757
Debt Service*		$ 3,150	$ 2,750	$ 2,750	$ 2,750	$ 2,750	$ 14,150
Administration (20%)		$ 76,035	$ 92,249	$ 109,472	$ 127,768	$ 147,204	$ 552,727
Housing Total		$ 380,174	$ 461,243	$ 547,359	$ 638,839	$ 736,019	$ 2,763,634
							$ -
BUDGET TOTAL	$ 2,317,186	$ 1,881,202	$ 2,282,213	$ 2,708,193	$ 3,160,704	$ 3,641,408	$ 13,673,720

*** Does NOT include prior fund balance**

CHERRYLAND

For the Cherryland Sub-Area, redevelopment will focus primarily on neighborhood improvements. The initial emphasis will be on providing initial funding for the creation of curbs, gutters and sidewalks along a number school routes. Additional emphasis will address the need for additional community facilities and the revitalization of the Cherryland commercial district.

GOAL: ECONOMIC DEVELOPMENT

The Agency provides assistance to property owners and developers to develop sites located within the Project Area. Forms of assistance may include funding predevelopment studies, land acquisition, land write down, off-site infrastructure improvements, and relocation payments.

- **Land Development**

The Agency has allocated money in each of the Sub-Areas to provide assistance to development projects as opportunities arise. Assistance can be in the form of appraisals, marketing analysis, land acquisition, and off-site improvements.

5-year budget:
$ 175,000

The Commercial Facade Improvement Program provides low interest loans for commercial façade improvements and architectural design grants to business owners and tenants whose business is located within the Project Area. The goal of the program continues to focus on revitalization of commercial corridors by improving the appearance of existing businesses.

- The Commercial Façade Improvement Project **(FIP)** is designed to target small to mid-sized businesses that are located within the Project Area. It provides funds for both exterior and interior improvements. The program provides matching funds on a 2:1 basis, with a $60,000 maximum ceiling in a forgivable loan structure. The applicant is able to access funds for both architectural and construction costs.

- The Awning Sign and Paint Program **(ASAP)** is a newly created program that provides commercial property owners and tenants funding for minor exterior improvements such as new signage, awnings, paint and landscaping. The program provides up to $15,000 in a forgivable loan structure. The applicant is also able to access funds for both architectural and construction costs.

5-year budget:
$ 500,000

The Agency will implement an economic development / business development program, including retail analysis, catalyst site identification, and staff support to commercial districts, merchant associations, chambers of commerce and individual businesses and property owners to assist in business retention, expansion and attraction.

The Agency regularly attends various community meetings to promote Agency programs, such as FIP. In addition, the Agency serves as a point of contact for economic development crisis issues, such as large commercial vacancies. The Agency coordinates with property owners, current tenants, and potential retail tenants to secure new business in the Project Area.

5-year budget:
$ 75,000

The marketing and promotions program is designed to provide greater public understanding and participation in the Agency's programs. To maximize participation in its programs, the Agency markets and promotes its activities to business owners, tenants, homeowners, real estate brokers and developers. It also provides educational information regarding its mission and accomplishments to further increase the public's understanding of the value of the redevelopment process in the revitalization of the Project Area.

- **Newspaper Advertising and Coverage**

The Daily Review covers major Agency actions and regularly attends many of the same neighborhood association meetings where redevelopment staff participates.

- **Community Event & Trade Show Participation**

Agency staff attends community events throughout the year in all Sub-Areas of the Project Area and anticipates attendance at trade shows that may benefit the Project Area.

5-year budget:
$ 50,000

GOAL: PUBLIC INFRASTRUCTURE

- **Cherryland Sidewalks Project**

A major goal of the Cherryland Sub-Area is to develop a sidewalk construction program. The goal of the project is to partner with the Public Works Agency, to design and construct sidewalks on priority streets located throughout the Cherryland residential community. The Cherryland CAC has identified six major streets for implementation through a priority selection process. Improvements will include sidewalk, curb, gutter and street trees. As the design phase nears completion, the project will then be put out to bid and construction will be scheduled.

5-year budget:
$ 7,415,910

GOAL: NEIGHBORHOOD IMPROVEMENTS

- **Cherryland Community Facilities & Entrance Sign**

The Cherryland CAC chose as their second priority, the support of neighborhood community facilities. Although all of the projects have not yet been identified, monies have been budgeted to be able to consider projects as they may arise from within the community.

The first such project currently underway is a project to design and construct an entryway sign at the northern community entrance to the Cherryland area. Funding would also provide for landscaping. The Agency will pay for the physical improvements and establish an agreement with the neighborhood association for sign maintenance.

5-year budget:
$500,000

GOAL: APPEARANCE

- **Graffiti Abatement Program**

The Agency currently partners with Public Works to provide a graffiti abatement program to assist in elimination of graffiti throughout the Project Area. The program provides free graffiti removal for businesses and residents for private properties located within the Project Area. The program provides a contact phone number to register complaints. These locations are forwarded to the contractor for servicing. The contractor also drives a regular route to identify additional locations for removal. Public works provides funds for graffiti removal on public property sites.

- **Community Clean-Up Program**

The Agency has participated in community clean up program planning throughout the Project Area.

- **Coordinated Code Enhancement Program**

In an effort to address visual blight in the Project Area, the Agency continues to work in collaboration with other County departments on the creation of ordinances that may impact the project area. The Payphone ordinance is currently undergoing review. In addition the Agency has coordinated efforts with code enforcement to increase compliance with health and safety code violations. The Agency has contributed towards billboard abatement in Castro Valley.

5-year budget:
$ 50,000

Housing Goals and Objectives

□ **Affordable Housing Projects**

Goal: IMPROVE and PRESERVE THE COMMUNITY'S HOUSING STOCK
Improve and preserve the community's supply of housing, particularly housing opportunities available to low and moderate income households.

New Construction Projects can be either multi family rental, mixed use, or first time home-buyer for sale products. New construction developments are assisted on a project by project basis. Projects that receive assistance are usually required to provide a portion of the units built to be made available to moderate and low income eligible individuals and families. The unit's affordability can be preserved for the long term through covenants or deed restrictions that pass through to subsequent owners

- **Cherryland Infill Housing Project**

In order to address blight elimination, the Agency will pursue an infill project in Cherryland based on the community's high interest in improving its neighborhood. Depending on whether the development is an ownership or rental project the Agency could assist in providing anywhere from 12 to 28 housing units at a variety of affordable income levels.

5-year budget:
$ 1,664,418

The Multi-Family Rental Rehabilitation Program assists owners of rental housing to rehabilitate their rental properties. The program provides low interest loans for major repairs, such as new roofs or replacement of inefficient heating and ventilation systems and exterior improvements such as painting and landscaping.

- **Cherryland Multi-Family Rehabilitation Project**

With the large number of multi-family apartment buildings located in the Cherryland community, the Agency will pursue a multi-family rehabilitation program to assist in the rehabilitation of these properties. The Agency anticipates being able to assist between 20 and 40 apartments that would be affordable to very low income households.

5-year budget:
$ 961,796

The single family rehabilitation program will be revised to meet the needs of the local residents of the area. The intent is to be able to provide assistance to a minimum of 10 very low and low income households within the entire Eden Project area.

5-year budget:
$ 400,000

Cherryland
2004/05 – 2008/09 Program Budget Allocations

Cherryland	Prior Years Unexpended Fund Balance	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	5-Year Total*
Streetscape -- Sidewalk Project	$ 2,495,487	$ 958,201	$ 1,026,173	$ 1,403,174	$ 1,771,667	$ 2,056,695	$ 7,415,910
Community Facility (Park, Community Center)		$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 500,000
Lewelling Boulevard Undergrounding			$ 100,000	$ 100,000			
Commercial Property Improvement Program		$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 500,000
Graffiti Abatement / Cleanup Day / Code Enforcement		$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 50,000
Business Development District Program		$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 75,000
Planning/Urban Design		$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 50,000
Redevelopment Projects (predevelopment)		$ 25,000	$ 25,000	$ 25,000	$ 25,000	$ 25,000	$ 125,000
Marketing/Outreach/Business Development		$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 50,000
ERAF	$ 56,412	$ 51,480	$ 124,076				$ 175,556
pass thru		$ 539,111	$ 636,544	$ 744,223	$ 856,542	$ 975,918	$ 3,754,338
Debt Service		$ 18,144	$ 15,840	$ 15,840	$ 15,840	$ 15,840	$ 81,504
Administration		$ 324,456	$ 384,022	$ 447,253	$ 514,377	$ 585,634	$ 2,255,742
Redevelopment Total	$ 2,551,899	$ 2,161,392	$ 2,558,655	$ 2,980,490	$ 3,428,426	$ 3,904,087	$ 15,033,060
Redevelopment Housing Program	$ 820,628	$ 433,449	$ 514,554	$ 600,063	$ 690,864	$ 787,285	$ 3,026,214
Debt Service*		$ 4,636	$ 3,960	$ 3,960	$ 3,960	$ 3,960	$ 20,376
Administration (20%)		$ 109,496	$ 129,628	$ 151,006	$ 173,706	$ 197,811	$ 761,648
Housing Total		$ 547,481	$ 648,142	$ 755,029	$ 868,530	$ 989,056	$ 3,808,238
							$ -
BUDGET TOTAL	$ 3,372,527	$ 2,708,873	$ 3,206,797	$ 3,735,519	$ 4,296,956	$ 4,893,143	$ 18,841,288

* Does NOT include prior fund balance

FOOTHILL

The Foothill area is primarily composed of residential properties. The primary focus for this Sub-Area will be to address neighborhood improvements such as additional park facilities, street, and sidewalk, improvements with an emphasis on enhancing the community's gateway. Emphasis will also be given to updating the Sub-Area's commercial properties along Foothill Boulevard.

GOAL: ECONOMIC DEVELOPMENT

□ [redacted]

The Commercial Facade Improvement Program provides low interest loans for commercial façade improvements and architectural design grants to business owners and tenants whose business is located within the Project Area. The goal of the program continues to focus on revitalization of commercial corridors by improving the appearance of existing businesses.

- The Commercial Façade Improvement Project **(FIP)** is designed to target small to mid-sized businesses located within the Project Area. It provides funds for both exterior and interior improvements. The program provides matching funds on a 2:1 basis, with a $60,000 maximum ceiling in a forgivable loan structure. The applicant is able to access funds for both architectural and construction costs.

- The Awning Sign and Paint Program **(ASAP)** is a newly created program that provides commercial property owners and tenants funding for minor exterior improvements such as new signage, awnings, paint and landscaping. The program provides up to $15,000 in a forgivable loan structure. The applicant is also able to access funds for both architectural and construction costs.

5-year budget:
$ 250,000

GOAL: NEIGHBORHOOD IMPROVEMENTS

[redacted]

Provide for new and improved community facilities to include libraries, local parks community centers and fire facilities as needed throughout the Project Area.

- **Hillcrest Knolls Park Expansion & Community Entrance Sign**

The Agency continues to explore improvements for expansion of Hillcrest Knolls Park. The expansion would include a basketball court and additional picnic benches. The expansion would include a basketball court and additional picnic benches. The current park size is too small to serve the local population.

A project is underway to construct a second entryway sign at the northern community entrance to the Hillcrest Knolls area at Howe Avenue and update the current entryway sign at Foothill. Funding would also provide for landscaping. The Agency will pay for the physical improvements and establish an agreement with the neighborhood association for sign maintenance.

5-year budget:
$ 849,566

GOAL: APPEARANCE

[redacted]

- **Graffiti Abatement Program**

The Agency currently partners with Public Works to provide a graffiti abatement program to assist in elimination of graffiti throughout the Project Area. The program provides free graffiti removal

for businesses and residents for private properties located within the Project Area. The program provides a contact phone number to register complaints. These locations are forwarded to the contractor for servicing. The contractor also drives a regular route to identify additional locations for removal. Public works provides funds for graffiti removal on public property sites.

- **Community Clean-Up Program**

The Agency has participated in community clean up program planning throughout the Project Area.

- **Coordinated Code Enhancement Program**

In an effort to address visual blight in the Project Area, the Agency continues to work in collaboration with other County departments on the creation of ordinances that may impact the project area. The Payphone ordinance is currently undergoing review. In addition the Agency has coordinated efforts with code enforcement to increase compliance with health and safety code violations. The Agency has contributed towards billboard abatement in Castro Valley.

5-year budget:
$ 5,000

Housing Goals and Objectives

☐ **Affordable Housing Projects**

Goal: IMPROVE and PRESERVE THE COMMUNITY'S HOUSING STOCK

Improve and preserve the community's supply of housing, particularly housing opportunities available to low and moderate income households.

☐ [redacted]

The single family rehabilitation program will be revised to meet the needs of the local residents of the area. The intent is to be able to provide assistance to a minimum of 10 very low and low income households within the entire Eden Project area.

5-year budget:
$ 380,334

Foothill
2004/05 – 2008/09 Program Budget Allocations

Foothill	Prior Years Unexpended Fund Balance	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	5-Year Total*
Community Facility (Park, Community Center)	$ 305,800	$ 103,016	$ 125,714	$ 171,878	$ 208,242	$ 242,717	$ 849,566
Commercial Property Improvement Program		$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 250,000
Graffiti Abatement / Cleanup Day / Code Enforcement		$ 1,000	$ 1,000	$ 1,000	$ 1,000	$ 1,000	$ 5,000
ERAF	6268	$ 5,720	$ 13,786				$ 19,506
pass thru		$ 67,192	$ 79,922	$ 93,449	$ 107,824	$ 123,098	$ 471,485
Debt Service		$ 2,016	$ 1,760	$ 1,760	$ 1,760	$ 1,760	$ 9,056
Administration		$ 40,438	$ 48,065	$ 56,159	$ 64,750	$ 73,869	$ 283,282
Redevelopment Total	$ 312,068	$ 269,382	$ 320,247	$ 374,246	$ 431,576	$ 492,444	$ 1,887,895
Redevelopment Housing Program	$ 109,436	$ 54,083	$ 64,458	$ 75,404	$ 87,026	$ 99,364	$ 380,334
Debt Service*		$ 504	$ 440	$ 440	$ 440	$ 440	$ 2,264
Administration (20%)		$ 13,647	$ 16,224	$ 18,961	$ 21,866	$ 24,951	$ 95,650
Housing Total		$ 68,234	$ 81,122	$ 94,805	$ 109,332	$ 124,755	$ 478,248
							$ -
BUDGET TOTAL	$ 421,504	$ 337,616	$ 401,369	$ 469,051	$ 540,908	$ 617,199	$ 2,366,143

*** Does NOT include prior fund balance**

MT. EDEN

The Mt. Eden area is an unincorporated area island. The primary focus for the Mt. Eden area is to identify solutions to address this problem. The overall goal is to assist in the provision of financing the backbone infrastructure improvements, necessary to make this area eligible for annexation by the City of Hayward.

GOAL: PUBLIC INFRASTRUCTURE

[redacted]

5-year budget:
$ 476,806

- **Mt. Eden Sewer and Utility Connection Assistance Project**

The Mt Eden area's greatest need is development of water, sewer and storm drain infrastructure. The goal is to work with the City of Hayward (the service provider) to expand such infrastructure to the Mt Eden area.

GOAL: APPEARANCE

[redacted]

- **Graffiti Abatement Program**

The Agency currently partners with Public Works to provide a graffiti abatement program to assist in elimination of graffiti throughout the Project Area. The program provides free graffiti removal for businesses and residents for private properties located within the Project Area. The program provides a contact phone number to register complaints. These locations are forwarded to the contractor for servicing. The contractor also drives a regular route to identify additional locations for removal. Public works provides funds for graffiti removal on public property sites.

- **Community Clean-Up Program**

The Agency has participated in community clean up program planning throughout the Project Area.

- **Coordinatad Code Enhancement Program**

In an effort to address visual blight in the Project Area, the Agency continues to work in collaboration with other County departments on the creation of ordinances that may impact the project area. The Payphone ordinance is currently undergoing review. In addition the Agency has coordinated efforts with code enforcement to increase compliance with health and safety code violations. The Agency has contributed towards billboard abatement in Castro Valley.

5-year budget:
$ 5,000

Housing Goals and Objectives

- **Affordable Housing Projects**

Goal: IMPROVE and PRESERVE THE COMMUNITY'S HOUSING STOCK
Improve and preserve the community's supply of housing, particularly housing opportunities available to low and moderate income households.

SAN LORENZO

The primary focus for redevelopment in the San Lorenzo Sub-Area is the redevelopment of the commercial core areas located within the community. This includes the entire Hesperian corridor that runs through the area with specific emphasis on the Village Square area. A streetscape master plan has been designed to provide guidance in the re-design of the Hesperian corridor. The provision of senior housing is a major objective of the housing component.

GOAL: ECONOMIC DEVELOPMENT / NEIGHBORHOOD IMPROVEMENTS

The Agency provides assistance to property owners and developers to develop sites located within the Project Area. Forms of assistance may include funding predevelopment studies, land acquisition, land write down, off-site infrastructure improvements, and relocation payments.

- **Mixed-Use Development – San Lorenzo Village Square Project**

A mixed-use development project is proposed for the central core area of San Lorenzo encompassing a 19-acre area that includes the now vacant Mervyn's lot, the land adjacent to the Lorenzo Theater and the properties located in the Village Square. The project would provide up to 450 new housing units, over 120,000 square feet of retail and commercial space, and community amenities that would include a new post office, and a public plaza fronting the library. The proposed project was developed to be consistent with the Specific Plan. The developer is currently in negotiation with the majority property owner in the Village Square area. The Agency is currently working through preliminary feasibility studies with the developer. The Agency anticipates that the funding required for this project will exceed the San Lorenzo Sub-Area's five year tax increment for the current Implementation Plan, and will require the issuance of tax allocation bonds.

- **Hesperian Streetscape Project**

A Streetscape Master Plan for the Hesperian Boulevard corridor from Highway 880 to A Street was created during the previous Implementation Plan period. The goal of the project was to create a master plan that provides a vision for a pedestrian, bike and transit friendly streetscape whose ultimate objective is to stimulate economic revitalization along the Hesperian corridor. During the current Implementation Plan period, the Agency will actively seek grant sources to help fund the improvements and may add match funding to grant funds acquired.

5-year budget:
$ 5,905,710

- **Land Development**

The Agency has allocated money in each of the Sub-Areas to provide assistance to development projects as opportunities arise. Assistance can be in the form of appraisals, marketing analysis, land acquisition, and off-site improvements.

- **Bockman Road Project**

Two large underdeveloped commercial properties are located on Bockman Avenue, located in the San Lorenzo Sub-Area. The goal of redevelopment is to revitalize these obsolete and deteriorated buildings into thriving updated retail and commercial centers, residential developments or mixed-use.

- **Grant Avenue Industrial Area Project**

The Grant Avenue Industrial Area, located in the San Lorenzo Sub-Area, has a history of conflict regarding land use permits for properties located within this area. The goal of redevelopment is to participate with the planning department to review land use in the area and identify mitigation measures and best alternate uses for properties to revitalize the use of the area.

5-year budget:
$ 625,000

The Commercial Facade Improvement Program provides low interest loans for commercial façade improvements and architectural design grants to business owners and tenants whose business is located within the Project Area. The goal of the program continues to focus on revitalization of commercial corridors by improving the appearance of existing businesses.

- The Commercial Façade Improvement Project **(FIP)** is designed to target small to mid-sized businesses located within the Project Area. It provides funds for both exterior and interior improvements. The program provides matching funds on a 2:1 basis, with a $60,000 maximum ceiling in a forgivable loan structure. The applicant is able to access funds for both architectural and construction costs.

- The Awning Sign and Paint Program **(ASAP)** is a newly created program that provides commercial property owners and tenants funding for minor exterior improvements such as new signage, awnings, paint and landscaping. The program provides up to $15,000 in a forgivable loan structure. The applicant is also able to access funds for both architectural and construction costs.

5-year budget:
$ 850,000

The Agency will implement an economic development / business development program, including retail analysis, catalyst site identification, and staff support to commercial districts, merchant associations, chambers of commerce and individual businesses and property owners to assist in business retention, expansion and attraction.

The Agency regularly attends various community meetings to promote Agency programs, such as FIP. In addition, the Agency serves as a point of contact for economic development crisis issues, such as large commercial vacancies. The Agency coordinates with property owners, current tenants, and potential retail tenants to secure new business in the Project Area.

5-year budget:
$ 175,000

The marketing and promotions program is designed to provide greater public understanding and participation in the Agency's programs. To maximize participation in its programs, the Agency markets and promotes its activities to business owners, tenants, homeowners, real estate brokers and developers. It also provides educational information regarding its mission and accomplishments to further increase the public's understanding of the value of the redevelopment process in the revitelization of the Project Area.

- **Newspaper Advertising and Coverage**

The Daily Review covers major Agency actions and regularly attends many of the same neighborhood association meetings where redevelopment staff participates.

- **Community Event & Trade Show Participation**

Agency staff attends community events throughout the year in all Sub-Areas of the Project Area and anticipates attendance at trade shows that may benefit the Project Area.

5-year budget:
$ 50,000

GOAL: PUBLIC INFRASTRUCTURE

□ [redacted]

- **San Lorenzo Sidewalk Repair Project**

The San Lorenzo CAC has identified sidewalk repair as a priority and has earmarked monies to augment funding of the Public Works Agency's sidewalk repair program. The funding would focus on the area priorities which include the Royal Sunset area, school routes and potentially as a part of matching funds with other Hesperian Streetscape funding.

5-year budget:
$ 500,000

GOAL: APPEARANCE

[redacted]

- **Graffiti Abatement Program**

The Agency currently partners with Public Works to provide a graffiti abatement program to assist in elimination of graffiti throughout the Project Area. The program provides free graffiti removal for businesses and residents for private properties located within the Project Area. The program provides a contact phone number to register complaints. These locations are forwarded to the contractor for servicing. The contractor also drives a regular route to identify additional locations for removal. Public works provides funds for graffiti removal on public property sites.

- **Community Clean-Up Program**

The Agency has participated in community clean up program planning throughout the Project Area.

- **Coordinated Code Enhancement Program**

In an effort to address visual blight in the Project Area, the Agency continues to work in collaboration with other County departments on the creation of ordinances that may impact the project area. The Payphone ordinance is currently undergoing review. In addition the Agency has coordinated efforts with code enforcement to increase compliance with health and safety code violations. The Agency has contributed towards billboard abatement in Castro Valley.

5-year budget:
$ 150,000

Housing Goals and Objectives

□ **Affordable Housing Projects**

Goal: IMPROVE and PRESERVE THE COMMUNITY'S HOUSING STOCK

Improve and preserve the community's supply of housing, particularly housing opportunities available to low and moderate income households.

[redacted]

New Construction Projects can be either multi-family rental, mixed use, or first time home-buyer for sale products. New construction developments are assisted on a project by project basis. Projects that receive assistance are usually required to provide a portion of the units built to be made available to moderate and low income eligible

individuals and families. The unit's affordability can be preserved for the long term through covenants or deed restrictions that pass through to subsequent owners

- **San Lorenzo Village Square Project**

As part of the Village Square mixed-use project, A developer proposes to build approximately 380 for-sale condominiums and lofts as part of the Village Square mixed-use project. The Agency will provide assistance so that a number of units will be made available to first-time homebuyers that are low or moderate income households. The assistance may be in the form of a down-payment assistance or silent second deed of trust.

The developer also proposes to build 70 senior rental apartments. The Agency will assist the project and will require the developer to place covenants that will allow some or all 70 units to be made accessible to affordable income levels. As the cost of this project is anticipated to exceed the Housing Set Aside funds available to the San Lorenzo Sub-Area during the current five-year Implementation Plan, the Agency proposes to leverage use of the full 10 year projected San Lorenzo Housing Set Aside funds, through bond financing. In addition, the senior development will most likely be the sole senior age restricted housing project for the Project Area during the current 10 year Housing Strategy as this project is expected to utilize the majority of the Eden Project Area's senior age restricted funds over the next 10 year period.

5-year budget:
$ 2,608,347

The single family rehabilitation program will be revised to meet the needs of the local residents of the area. The intent is to be able to provide assistance to a minimum of 6 very low and low income households within the entire Eden Project area.

5-year budget:
$ 240,000

San Lorenzo Sub Area
2004/05 – 2008/09 Program Budget Allocations

San Lorenzo	Prior Years Unexpended Fund Balance	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	5-Year Total*
Village Square Public Improvements	$ 1,949,622	$ 575,654	$ 850,534	$ 1,218,208	$ 1,487,676	$ 1,773,638	$ 5,905,710
Streetscape (streets,sidewalks,curb,gutter)		$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 500,000
Commercial Property Improvement Program		$ 250,000	$ 150,000	$ 150,000	$ 150,000	$ 150,000	$ 850,000
Graffiti Abatement / Cleanup Day / Code Enforcement		$ 30,000	$ 30,000	$ 30,000	$ 30,000	$ 30,000	$ 150,000
Business Development District Program		$ 35,000	$ 35,000	$ 35,000	$ 35,000	$ 35,000	$ 175,000
Planning/Urban Design		$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 250,000
Redevelopment Projects (predevelopment)		$ 75,000	$ 75,000	$ 75,000	$ 75,000	$ 75,000	$ 375,000
Marketing/Outreach/Business Development		$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 50,000
ERAF	$ 51,711	$ 47,190	$ 113,736				$ 160,926
pass thru		$ 494,103	$ 593,937	$ 700,004	$ 812,695	$ 932,425	$ 3,533,164
Debt Service		$ 16,632	$ 14,520	$ 14,520	$ 14,520	$ 14,520	$ 74,712
Administration		$ 297,369	$ 357,197	$ 420,682	$ 488,049	$ 559,540	$ 2,829,470
Commercial Redevelopment Total	$ 2,001,333	$ 1,980,948	$ 2,379,924	$ 2,803,414	$ 3,252,940	$ 3,730,123	$ 14,147,349
Civic Partners Senior & Town Home Projects	$ 698,604	$ 397,244	$ 478,648	$ 564,493	$ 655,616	$ 752,346	$ 2,848,347
Debt Service*		$ 4,158	$ 3,630	$ 3,630	$ 3,630	$ 3,630	$ 16,678
Administration (20%)		$ 100,350	$ 120,569	$ 142,031	$ 164,812	$ 188,994	$ 716,756
Housing Total		$ 501,752	$ 602,847	$ 710,154	$ 824,058	$ 944,970	$ 3,583,781
							$ -
BUDGET TOTAL	$ 2,699,937	$ 2,482,700	$ 2,982,771	$ 3,513,568	$ 4,076,998	$ 4,675,093	$ 17,731,130

*** Does NOT include prior fund balance**

APPENDICES

Appendix C

Project Area Maps

Plan, the Agency anticipates issuing tax allocation bonds within the next 12 months. The Redevelopment Agency will

use projected tax increment from each Sub-Area to support debt service for an amount of bond proceeds that can be spent on eligible and approved projects within each Sub-Area. Sub-Area funds will remain within each Sub-Area and not be shared between Sub-Areas. The mid-term review of the Implementation Plan will allow for any adjustments to funding or project timing as a result of a tax allocation bond issuance.

By issuing bonds, the Agency can raise funding for identified projects sooner than on a "pay-as-you-go" basis. In addition, redevelopment law requires that redevelopment agencies are in debt in order to receive tax increment from the County Tax Collector on an annual basis. The most common form of debt for Redevelopment Agencies is the issuance of tax allocation bonds.

The following Tables outline the anticipated Tax Increment that the Joint Project Area will accrue and identify its anticipated uses during the current five year Implementation Plan period.

Table 1

Joint Project Area Available Tax Increment FY 2004/05 -- 2008/09

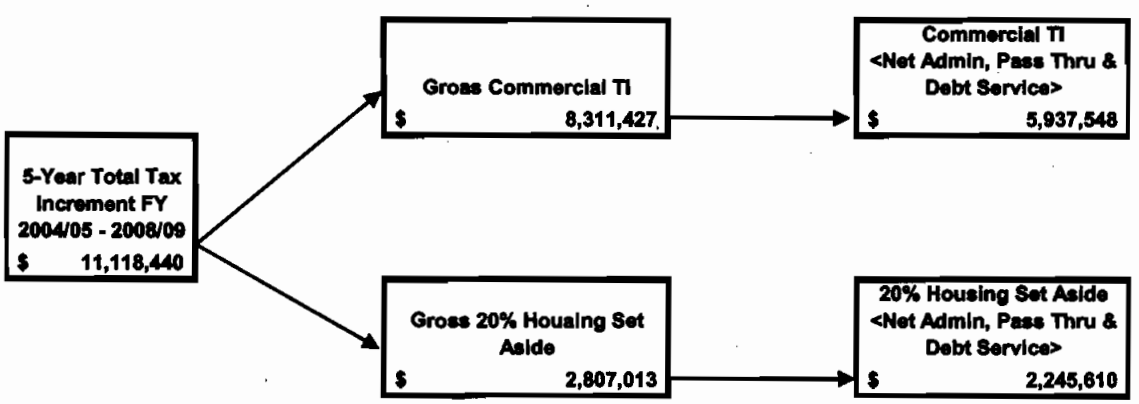


Table 2

Commercial Funding Allocation
FY 2004/05 – 2008/09

Joint Project Area
Net Commercial TI

Joint Project Area
Funding Allocation

Joint Project Area Net Commercial TI
$ 5,937,548

$ 4,562,548	E 14th Street Streetscape Proejct
$ -	ACTAP Project (Funded from prior fund balance)
$ 750,000	FIP
$ 200,000	Lewelling Undergrounding
$ 75,000	Graffiti / Cleanups / Billboards
$ 350,000	Planning / Business Dev / Mktg Mtls

Table 3

Housing Set Aside Funding Allocation
FY 2004/05 – 2008/09

Joint Project
Net Housing Set-Aside

Joint Project
Housing Funding Allocation

Joint Project Net 20% Set Aside
$ 2,245,610

$ 1,665,961	Mixed Use Development
$ 179,649	Kent Street Project
$ 400,000	Single Family Rehab

Redevelopment Program and Project Updates:

The projects and programs implemented by the Agency during the current Implementation Plan period are outlined below. This section provides a summary of each program and its estimated five-year budget and outlines any future recommendation or revisions to the Implementation Plan.

GOAL: PUBLIC INFRASTRUCTURE

[redacted]

5-year budget:
$ 4,562,548
+ $1,645,339 (funded through carryover from previous Implementation Period)

- **E 14th Street / Mission Blvd Streetscape Improvement Project**

During the previous Implementation Plan period, the Agency prepared a Streetscape Master Plan designed for the entire E 14th St / Mission Boulevard corridor that runs through the entire Project Area (150th – Rufus Court). This streetscape project is intended to reduce the scale of the street and make it more pedestrian friendly. By creating a consistent design in the public area, the project creates a sense of place and an identifier for the neighborhoods it encompasses. It is anticipated, that this public investment will stimulate additional private investment in the area. Improvements include: undergrounding of all utilities, new hardscapes such as widened sidewalks, intersection bulb-outs with trees, improved bus stops, curbed and planted medians, lighting, and street furniture such as bus shelters, benches and trash cans.

The project is divided into three phases (Phase 1: Oro Loma Ditch at Bayfair parking lot – 162nd; Phase 2: 162nd – Hwy 238; Phase 3: Hwy 238 to Rufus Ct). All of the proposed undergrounding and streetscape improvements throughout Phase 1 of the Project area scheduled for completion during FY 04/05. The Agency expects to complete the undergrounding portion of the project for both Phase 2 & Phase 3 during the current Implementation Plan period. The Agency will actively seek other funding sources to assist in construction and installation of the streetscape portions of the project for both Phase 2 & Phase 3.

5-year budget:
$ 1,700,000 (funded through carryover from previous Implementation Period)

- **Ashland Community Transit Access Project - (ACTAP)**

The project consists of the design and construction of pedestrian scale improvements on 159th Avenue and Coelho Drive between E. 14th Street and the Bayfair BART Station. The project will include new sidewalks along the existing, unimproved flood control channel, street trees, intersection improvements, pedestrian scale lighting and traffic calming bulbouts providing a more pedestrian friendly street. It is anticipated that this project will improve the overall ease of access to the BART station and Bayfair Mall. This project is currently in the design phase, with construction scheduled for completion during the first part of 2006.

5-year budget:
$ 200,000

- **Lewelling Boulevard Undergrounding Project**

The Joint Project and the Cherryland Sub-Area CAC's have agreed to recommend funding for the property owner's cost contribution involved in the undergrounding of the utilities that is part of the street enhancement project slated for Lewelling Boulevard. The project is funded by Measure B and will provide traffic flow improvements and pedestrian enhancements that include wider sidewalks, street trees, planted medians and street furnishings along the length of Lewelling Boulevard from Hesperian Boulevard to Meekland Avenue. The Redevelopment Agency will provide funding for the property owner's contribution toward the new utility connections required as part of the undergrounding of the utilities within the project boundaries, which are not funded through Measure B

GOAL: ECONOMIC DEVELOPMENT

The Agency provides assistance to property owners and developers to develop sites located within the Project Area. Forms of assistance may include funding predevelopment studies, appraisals, marketing analysis, land acquisition, land write down, off-site infrastructure improvements, and relocation payments.

5-year budget:
$ 125,000

The Commercial Facade Improvement Program provides low interest loans for commercial façade improvements and architectural design grants to business owners and tenants whose business is located within the Project Area. The goal of the program continues to focus on revitalization of commercial corridors by improving the appearance of existing businesses.

5-year budget:
$ 750,000

- The Commercial Façade Improvement Project (FIP) is designed to target small to mid-sized businesses that are located within the Project Area. It provides funds for both exterior and interior improvements. The program provides matching funds on a 2:1 basis, with a $60,000 maximum ceiling in a forgivable loan structure. The applicant is able to access funds for both architectural and construction costs.

- The Awning Sign and Paint Program (ASAP) is a newly created program that provides commercial property owners and tenants funding for minor exterior improvements such as new signage, awnings, paint and landscaping. The program provides up to $15,000 in a forgivable loan structure. The applicant is also able to access funds for both architectural and construction costs.

The Agency will implement an economic development / business development program, including retail analysis, catalyst site identification, and staff support to commercial districts, merchant associations, chambers of commerce and individual businesses and property owners to assist in business retention, expansion and attraction.

5-year budget:
$ 175,000

The Agency regularly attends various community meetings to promote Agency programs, such as FIP. In addition, the Agency serves as a point of contact for economic development crisis issues, such as large commercial vacancies. The Agency coordinates with property owners, current tenants, and potential retail tenants to secure new business in the Project Area.

The marketing and promotions program is designed to provide greater public understanding and participation in the Agency's programs. To maximize participetion in its programs, the Agency markets and promotes its

activities to business owners, tenants, homeowners, real estate brokers and developers. It also provides

educational information regarding its mission and accomplishments to further increase the public's understanding of the value of the redevelopment process in the revitalization of the Project Area.

- Newspaper Advertising and Coverage
The Daily Review covers major Agency actions and regularly attends many of the same neighborhood association meetings where redevelopment staff participates.

- Community Event Participation
Agency staff attends community events throughout the year in all sub-areas of the Project Area.

5-year budget:
$ 50,000

GOAL: APPEARANCE

5-year budget:
$ 75,000

- **Graffiti Abatement Program**
The Agency currently partners with Public Works to provide a graffiti abatement program to assist in elimination of graffiti throughout the Project Area. The program provides free graffiti removal for businesses and residents for private properties located within the Project Area. The program provides a contact phone number to register complaints. These locations are forwarded to the contractor for servicing. The contractor also drives a regular route to identify additional locations for removal. Public works provides funds for graffiti removal on public property sites.

- **Community Clean-Up Program**
The Agency has participated in community clean up program planning throughout the Project Area.

- **Coordinated Code Enhancement Program**
In an effort to address visual blight in the Project Area, the Agency continues to work in collaboration with other County departments on the creation of ordinances that may impact the Project Area. The Payphone ordinance is currently undergoing review. In addition the Agency has coordinated efforts with code enforcement to increase compliance with health and safety code violations.

Housing Goals and Objectives

Goal: IMPROVE and PRESERVE THE COMMUNITY'S HOUSING STOCK
Improve and preserve the community's supply of housing, particularly housing opportunities available to low and moderate income households.

Objectives:
- Increase the supply of affordable and market rate housing through rehabilitation, mixed-use and infill development projects.
- Assist in the provision of affordable senior housing.

- Develop incentives through grants and loans for residential property owners and tenants to improve, rehabilitate and maintain their properties.

California Redevelopment Housing Law

California Redevelopment Law (CRL) requires that all redevelopment agencies set aside a minimum of 20 percent of all tax increment generated from the Project Area for the purpose of improving, increasing, or preserving the community's supply of affordable housing. In addition, recently passed legislation requires that the Agency's housing strategy now cover a 10 year period, and that the Agency coordinate this strategy with the priorities laid out in the local area's housing element and the state assigned affordable housing requirements (see Appendix A for the Joint Project 10 Year Housing Fund Strategy in its entirety).

CRL further outlines a number of additional requirements that dictate how housing funds must be spent within a Project Area. One of these requirements is that all Housing Set Aside funds be utilized towards housing that benefits households of moderate, low and or very low income levels. The definition of these income levels is as follows: moderate (120% - 80% of the average median income (AMI)); low 80% - 50% AMI); and very low (50% AMI and below). Other requirements outline how the monies must be spent proportionately as they relate to both the age level and income categories of the community. Regarding age, the Agency is limited in its spending on age restricted housing for individuals over 65 years of age. In the Joint Project Area, 92% of the population is under 65 years old, so in turn only 8% of the Housing Set Aside fund can be spent on individuals 65 years or older. An Agency can always spend more of its funds on individuals and families under 65 years old, but spending on age restricted housing for individuals age 65 and older is capped. This requirement was passed by the California legislature to curtail the majority of redevelopment agencies utilizing all of their Housing Set Aside funds solely on senior housing projects.

Regarding income levels, the Agency is required to spend its Housing Set Aside funds proportionately on the percentage of need identified by income categories outlined in the Regional Housing Needs (RHN) Allocation assigned by the Association of Bay Area Governments (ABAG). The current ABAG RHN allocation for unincorporated Alameda County is proportioned as follows: 45% for very low income households; 20% for low income households; and 35% for moderate income levels. The following tables summarize the anticipated available funding for the current five year Implementation Plan and provides a breakdown of available funds by age and income restrictions.

Table 4

Housing Set Aside Funds
FY 2004/05 – 2008/09

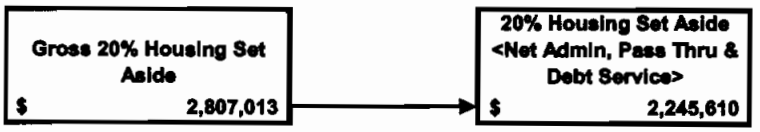


Table 5

Joint Project Area 5-Year Housing Funds Senior vs. Non Senior Split			
AREA	TOTAL	Senior	Non-Senior

Table 6

Joint Project Area 5-Year Housing Funds Income Category Split				
Area	TOTAL	Very Low 45%	Low 20%	Moderate 35%

Housing Production Requirements

CRL also requires an Agency to provide for a minimum number of affordable housing units to be built within the Project Area during the life of the Plan. The number of affordable units that must be created is directly linked to a proportion of the total number of housing units produced within the Project Area. This regulation states that for every newly built or substantially rehabilitated unit created in the Project Area, the Agency must assure a percentage of those units for made available to low and moderate income households. These units must remain affordable to households with these income levels for a defined period of time (45 years for rental units and 55 units for owner-occupied units). For housing created by any entity other than the Agency an amount of housing equal to 15 percent of the total units constructed or rehabilitated must be made affordable to low and moderate income households. Of these units, 40 percent must be affordable to very low-income households (this translates to 6% of the total number of units built). If the Agency itself develops the housing, then 30 percent of the units must be available to low and moderate income households, with 50 percent of these units being further restricted to very low-income households.

In order to meet this requirement the Agency tracks all new or substantially rehabilitated housing construction within the Project Area during the life of the Redevelopment Plan. Future production is then forecasted from the actual past production. Potential for any new large scale projects is also taken into consideration. Two future large scale projects have recently gone through initial planning phases, so the number of housing units associated with these projects were taken into consideration in calculating the future production numbers for the Joint Project Area. The calculation indicates that a total of 440 new or substantially rehabilitated units of housing are projected to be built within the Joint Project Area over the next 10 year period (see Appendix A for detailed calculation). On an annual basis, that averages out to 44 units per year.

An Agency's production unit requirements are looked at as a whole during the lifetime of the Plan. As the Joint Project has been in operation for 10 years previous to the current Implementation Plan, any past production units built along with any previous production requirements that have not yet been met must also be taken into consideration to identify the total production unit need for the current 10 year Housing Fund Strategy. Table 7 accounts for both past production requirements and units built to date during the past Implementation Plan period.

Eighty six (86) homes (16 of which were affordable to very low income households) were built and restricted to be made available to only households meeting the affordable income limits within the Project Area during the past 10 years. When you take both the production requirements from the past 10 years together with the projected production requirements, and net out the total affordable units built to date, you will arrive at the net production unit requirement remaining for the next 10 year period. That calculates out to a production unit requirement of 35 units that will need to be restricted to households meeting the very low affordable income limit definition. As the Agency does not anticipate developing any

housing on its own, the production unit projection was based on private development.

Table 7

10 Year Production Unit Requirement

		Joint Project Area Affordable Housing Requirement			
		Total Units A	**Affordable Units** **15%** B 15% * A	**Very Low Portion** **40% of 15%** C 40% * B	**Low & Moderate Portion** D B - C
1994 - 2003	**Actual Homes Built with Affordable Unit Calculation**	350	54	24	30
2005 - 2015	**Projected Home Production & Requirement**	440	66	27	39
[redacted]					
1994 - 2003	**Actual Affordable Homes Built**		**86**	16	70
2005 - 2015	**Affordable Units Needed to Fulfill Next 10-Year Production Requirement**		34	**35**	**-1**

Housing Program and Project Updates

The proposed Housing Set Aside projects and programs for the current Implementation Plan are outlined below. This section provides a summary of each program and its estimated five-year budget.

[redacted]

New Construction Projects can be either mixed use, multi family rental, or first time home-buyer for sale products. New construction developments are assisted on a project by project basis. Projects that receive assistance are usually required to provide a portion of the units built to be made available to moderate and low income eligible individuals and families. The unit's affordability can be preserved for the long term through covenants or deed restrictions that pass through to subsequent owners

5-year budget:
$ 1,665,961
+ $ 1,717,216 (funded through carryover from previous Implementation Period)

- **E 14th Street / Mission Boulevard Mixed Use Project**
  The Agency's goal is to construct a high-density mixed-use , ownership project on E 14th Street or Mission Boulevard. The Agency is actively seeking to purchase land parcel(s) as the first step towards making this type of project come to fruition. The Agency would then seek interested developers through an RFP process for design and actual construction of a project. The Agency could assist in providing 19 housing units at a variety of affordable income levels.

5-year budget:
$ 179,649
+ $ 149,323 (funded through carryover from previous Implementation Period)

- **Kent Street Senior Project**

Providing assistance for affordable senior housing is another goal of the Joint Project area. The Kent Street Project, awarded through a competitive process by the County to Eden Housing, is an 83 unit senior apartment project slated for development within the Joint Project Area. The Agency would combine the percentage of senior monies from the current five year Implementation Plan's Housing Set Aside funds with the percentage of senior monies available from the Housing Set Aside balance on hand, to provide a total of $328,972 in assistance towards the project. As a provision of these funds, the Agency would request the project restrict 40 apartments to seniors with very low household income levels to achieve the Agency's projected deferred payment production requirement.

□ [redacted]

The Single Family Housing Rehabilitation Program currently offers low and moderate income homeowners up to $35,000 in funds to make significant rapairs and improvements to existing homes in the Project Area. The low interest loans are available to homeowners to replace roofs; repair gutters, sewer-lines, termite and water damage; update inefficient heating and electrical systems; and provide for other kitchen and bathroom repairs. Additionally, the program provides monies for Emergency Minor Home Repairs (water heaters, smoke detectors, minor plumbing and electrical repairs, and accessibility improvements) through grant funding of up to $1,000 per residence.

To continue to meet the needs of the local residents of the area, two additional program components, a $5,000 grant program for exterior improvements and a $1,000 grant program for accessibility improvements will be added to the Single Family Housing Rehabilitation Program. The exterior grant program component will provide for minor outside improvements that will assist in reducing blight. The accessibility improvements program component will provide further assistance to elderly and disabled individuals who have difficulty entering and exiting their home.

The goal of the Single Family Housing Rehabilitation Program during the five year implementation plan period is to be able to provide assistance to a minimum of 40 households (primarily low and very low income) throughout the entire Eden Project area during the current Implementation Plan period.

5-year budget:
$ 400,000

APPENDICES

Appendix A

Housing Fund Strategy

Appendix B

Joint Project Area Budget
FY 2004/05 – 2008/09

Joint Project Area	Fund Balance to Date	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	5-Year Total*
Streetscape (E 14th Streetscape Improvements & ACTAP)	$ 3,345,339	$ 705,290	$ 683,403	$ 953,287	$ 1,091,024	$ 1,129,543	$ 4,762,548
Commercial Property Improvement Program		$ 150,000	$ 150,000	$ 150,000	$ 150,000	$ 150,000	$ 750,000
Other (Lewelling Boulevard Undergrounding			$ 100,000	$ 100,000			
Graffiti Abatement / Cleanup / Code Enforcement		$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 15,000	$ 75,000
Business Development District Program		$ 35,000	$ 35,000	$ 35,000	$ 35,000	$ 35,000	$ 175,000
Redevelopment Projects (predevelopment)		$ 25,000	$ 25,000	$ 25,000	$ 25,000	$ 25,000	$ 125,000
Marketing/Outreach/Business Development		$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 10,000	$ 50,000
ERAF		$ 118,890	$ 187,979				$ 306,869
pass thru		$ 83,593	$ 92,371	$ 106,762	$ 110,042	$ 113,388	$ 506,156
Debt Service							$ -
Administration		$ 264,745	$ 301,596	$ 322,072	$ 331,506	$ 341,136	$ 1,561,054
Redevelopment Total		$ 1,407,318	$ 1,600,349	$ 1,717,121	$ 1,767,572	$ 1,819,067	$ 8,311,427
Redevelopment Housing Program	$ 1,866,539	$ 392,781	$ 406,329	$ 468,031	$ 482,061	$ 496,389	$ 2,245,610
Debt Service*							$ -
Administration (20%)		$ 98,195	$ 101,582	$ 117,008	$ 120,520	$ 124,097	$ 561,403
Housing Total		$ 490,976	$ 507,911	$ 585,039	$ 602,601	$ 620,486	$ 2,807,013
							$ -
BUDGET TOTAL	$ 5,211,878	$ 1,898,294	$ 2,108,260	$ 2,302,160	$ 2,370,173	$ 2,439,553	$ 11,118,440

* Does NOT include priorfund balance

Appendix C

Project Area Map

REDEVELOPMENT PLAN FOR THE ALAMEDA COUNTY - CITY OF SAN LEANDRO REDEVELOPMENT PROJECT

Prepared By:

THE CITY OF SAN LEANDRO REDEVELOPMENT AGENCY

Submitted By:

URBAN FUTURES, INC.
Redevelopment Advisors

JUNE 1993

REDEVELOPMENT PLAN

FOR THE

ALAMEDA COUNTY - CITY OF SAN LEANDRO

REDEVELOPMENT PROJECT

Prepared By:

City of San Leandro Redevelopment Agency

Submitted By:

Urban Futures, Inc.
Redevelopment Advisors

JUNE 1993

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REDEVELOPMENT PLAN FOR THE ALAMEDA COUNTY - CITY OF SAN LEANDRO REDEVELOPMENT PROJECT

I. (Sec. 100) INTRODUCTION

The Redevelopment Plan for the Alameda County - City of San Leandro Redevelopment Project consists of the text (Sections 100 through 900), the Redevelopment Project Area map (Attachment A), the Land Use map (Attachment B), the Legal Description of the Project Area Boundary (Attachment C), and the list of Public Improvement Projects (Attachment D). The County of Alameda and City of San Leandro are cooperating in this joint effort to upgrade the selected Project Area.

A. (Sec. 101) Purposes and Objectives

The purpose and objectives of this Redevelopment Plan are to eliminate the conditions of blight existing in the Project Area and to prevent the recurrence of blighting conditions in the Project Area. The Agency, with the active efforts of the County, proposes to eliminate such conditions and prevent their recurrence by providing, pursuant to this Plan, for the planning, development, replanning, redesign, clearance, redevelopment, reconstruction and rehabilitation of the Project Area and by providing for such structures and spaces as may be appropriate or necessary in the interest of the general welfare, including, without limitation, recreational and other facilities incidental or appurtenant to them. The Agency further proposes to eliminate the conditions of blight existing in the Project Area and prevent their recurrence by providing for the alteration, improvement, modernization, reconstruction or rehabilitation of existing structures in the Project Area and by providing for open space types of uses, public and private buildings, structures, facilities, and improvements. The Agency further proposes to eliminate such conditions and prevent their recurrence by providing for the replanning or redesign or development of undeveloped areas. The Agency proposes to:

1. Encourage employment opportunities through environmental and economic improvements resulting from the redevelopment activities.

2. Provide for the rehabilitation of commercial structures and residential dwelling units.

3. Provide for participation in the redevelopment of property in the Project Area by owners who agree to so participate in conformity with this Redevelopment Plan.

4. Provide for the management of property owned or acquired by the Agency.

5. Provide relocation assistance where Agency activities result in displacement.

6. Provide public infrastructure improvements and community facilities , such as the installation, construction and/or reconstruction of streets, utilities, public buildings, facilities, structures, street lighting, landscaping and other improvements which are necessary for the effective redevelopment of the Project Area.

7. Improve and increase the community's supply of affordable housing.

8. Acquire real property and encourage consolidation of parcels.

9. Dispose of real property acquired by the Agency in the Project Area, except property conveyed to it by the City or County.

10. Encourage the redevelopment of the Project Area through the cooperation of private enterprise and public agencies. In the unincorporated sections of the Project Area, the County will be the lead entity in implementing all projects and programs in this Redevelopment Plan.

The Project Area contains a substantial area within the City's boundaries and a substantial area in the unincorporated County. Both the city and County portions of the Project Area are characterized by significant blighting conditions that require substantial redevelopment efforts by the Agency. It is intended that the Agency will perform its activities in a manner that will promote the goals of the City General Plan and other City policies within the City portion of the Project Area, and that promote the goals of the County General Plan, pending Ashland Cherryland Business district Specific Plan and other County policies within the unincorporated portion of the Project Area. It is further intended that the Agency will devote equal budgetary, staff, and policy resources to the City portion and the unincorporated portion of the Project Area over the life of the Plan and over discrete implementation periods (e.g. 3 year planning periods).

II. (Sec. 200) GENERAL DEFINITIONS

The following references will be used generally in this Plan unless the context otherwise requires:

A. "Project Area" means the area included within the boundaries of the Project, as shown on the Map (Attachment A) and more particularly described in the legal description of the Project Area contained in Attachment C.
B. "Agency" means the City of San Leandro Redevelopment Agency.
C. "Agency Board" means the Board of Directors of the Agency.
D. "Bonds" means bonds, notes, interim certificates, debentures, or other obligations.

E. "City" means the City of San Leandro, California.
F. "City Council" means the City Council of the City of San Leandro, California.
G. "Community" means the City of San Leandro.
H. "County" means the County of Alameda, California.
I. "Family" has the same meaning as specified in the State Relocation Guidelines, Section 6008, Definitions.
J. "General Plan" means (1) with respect to the City portion of the Project Area, the General Plan of the City of San Leandro as amended from time to time, and (2) with respect to the unincorporated portion of the Project Area, the General Plan of the County of Alameda and any area plan or specific plan applicable to the unincorporated portion, each as in effect from time to time. "General Plans" means, collectively, the General Plans described above.
K. "Map" means the map for the Redevelopment Project Area, as set forth in Attachment A of this Plan.
L. "Person" means any individual, or any public or private entity.
M. "Plan" means the Redevelopment Plan for the Redevelopment Project.
N. "Planning Commission" means the Planning Commission of the City of San Leandro.
O. "Project" means The Alameda County - City of San Leandro Redevelopment Project.
P. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health and Safety Code, Section 33000 et seq.).
Q. "State" means the State of California.
R. "Development Code" means the Development Code of the City of San Leandro or Alameda County as it now exists or may hereafter be amended.

III. (Sec. 300) PROJECT AREA BOUNDARIES

The boundaries of the Project Area are illustrated in the map contained in Attachment A. The legal description of the boundaries of the Project Area are as set forth in Attachment C, attached hereto.

IV. (Sec. 400) PROPOSED DEVELOPMENT ACTIONS

A. (Sec. 401) General

The Agency, working with County, proposes to eliminate and prevent the spread of blight in the Project Area by:

1. Installation, construction, reconstruction, redesign, or reuse of streets, utilities, curbs, gutters, sidewalks, street lighting, landscaping, and other public improvements;

2. In appropriate cases, rehabilitation of structures and improvements or development of vacant land by present owners, their successors and the Agency/County for uses in accordance with this Plan; and

3. Redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;

4. Construction and improvement of recreational facilities, community facilities, parking facilities and other public facilities;

5. Acquisition, construction or rehabilitation of housing for low and moderate-income families, seniors and handicapped individuals; encourage rehabilitated and new market rate housing;

6. Financing of the construction of residential, commercial and industrial buildings and the mortgage financing of residential, commercial and industrial buildings, as permitted by applicable State and local laws, to increase the residential, commercial and industrial base of the City and County and the number of temporary and permanent jobs within the City and County;

7. Acquisition and disposition of property acquired for uses in accordance with this Plan;

8. Such other action as may be permitted by law.

B. (Sec. 402) Property Acquisition

1. (Sec. 403) Acquisition of Real Property

The Agency may purchase, lease, obtain option upon or otherwise acquire any interest in real property located in the Project Area by gift, devise, exchange, purchase, or any other means authorized by law. The Agency will, in the unincorporated areas of the Project, have the power of eminent domain to acquire commercial or industrial properties so zoned on the effective date of the adopting ordinance for this project and properties in the area north of East Lewelling Boulevard, east of Western Pacific Railroad right-of-way. The Agency will also retain the power of eminent domain on a limited number of parcels within the City adjacent to and including the Bayfair Mall. Except for the areas stated above, the Agency shall not exercise eminent domain on any other property. The Agency may further, to the greatest extent allowed by law, purchase, lease, obtain option upon or acquire any interest in real property within a survey area or for purposes of redevelopment by any means authorized by law. Any eminent domain proceedings must commence within twelve (12) years of the effective date of the ordinance approving and adopting this Plan. Such time limitation may be extended only by amendment of this Plan. Acquisition of property will generally be achieved by cooperative negotiations between the owner of such property and the Agency. The Agency intends to evaluate the use of the power of eminent domain as an implementation tool for

this Plan. If necessary for effective redevelopment, the Agency may amend the Plan in the manner required by law to permit the Agency to exercise the power of eminent domain on a site specific basis.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement unless provision for such acquisition is made in the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee interest.

Property owners and developers will be encouraged to participate in upgrading efforts including agreements with the Agency for financial and other incentives.

2. (Sec. 404) Acquisition of Personal Property

Generally, personal property shall not be acquired, unless such acquisition is necessary in connection with the acquisition of real property. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area and, to the greatest extent allowed by law, within a survey area for purpose of redevelopment, by any lawful means.

C. (Sec. 405) Participation by Owners and Tenants

1. (Sec. 406) Owner and Tenant Participation

As provided for in sections 33339 and 33339.5 of the California Health and Safety Code, the Agency shall extend a reasonable opportunity to the present owners in the Project Area, to participate in the redevelopment of the Project Area if they otherwise meet the requirements prescribed by this Plan and the rules governing participation promulgated by the Agency, which rules may be amended from time to time. The Agency shall further extend reasonable preference to persons who are engaged in businesses in the Project Area to re-enter in business within the redeveloped area if they otherwise meet the requirements prescribed by this Plan and as maybe from time to time be promulgated by the Agency.

The Agency desires participation in redevelopment by as many owners and business tenants as reasonably feasible. However, participation opportunities shall necessarily be subject to and limited by such factors as the expansion of public facilities; elimination and changing of land uses; realignment of streets; the ability of the Agency and/or owners to finance acquisition and redevelopment in accordance with this Plan; development experience, assembly and redevelopment of areas for public and/or private development in accordance with this Plan; and any reduction in the total number of individual

parcels in the Project Area.

2. (Sec. 407) Participation Agreements

The Agency may enter into a binding agreement with each person desiring to participate in redevelopment pursuant to the Redevelopment Plan by which the participant agrees to rehabilitate, develop or use the property in conformance with the Plan and be subject to the provisions hereof and such other provisions and conditions to which the parties may agree. In the agreement, whenever it is appropriate to do so, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties. In the event a participant breaches the terms of an owner participation agreement, the Agency shall declare the agreement terminated and may acquire the real property of any interest herein. In the event that the Agency is not directly involved in the development of a particular property, a participation agreement shall not be required. The determination of whether or not a participation agreement is beneficial to the implementation of the Redevelopment Plan shall be made by the Executive Director of the Agency or his/her designated representative whose decision, subject to an appeal to the Agency Board, shall be final. For potential agreements in the unincorporated sections of the Project Area, the County must consider and approve such agreements prior to any determination by the Executive Director or a designated representative and action by the Agency.

Whether or not a potential participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

3. (Sec. 408) Certificate of Conformance

So as not to require a participation agreement for each property not to be purchased, the Agency is authorized to make determinations of these properties which conform to this Plan. If such determination is made by the Agency, the Agency may issue a Certificate of Conformance to qualifying properties and such property will not be subject to acquisition by eminent domain under this Plan so long as the property continues to conform to this Plan and to such further terms and conditions as the Agency may require as necessary or appropriate to carry out this Plan.

D. (Sec. 409) Cooperation with Public Bodies

Certain public bodies are authorized by the State law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this

Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. However, the Agency shall seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency.

E. (Sec. 410) Property Management; In Lieu Payments

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. The Agency may rent or lease, maintain, manage, operate, repair and clear real property of the Agency. The Agency may insure or provide for the insurance of any real property or personal property of the Agency pending its disposition for redevelopment. All such actions shall be pursuant to such policies as the Agency may adopt.

As provided for in Health and Safety Code Section 33401, the Agency may pay an amount of money in lieu of taxes in any year during which it owns property in the Project Area.

The Agency may also make payments, in accord with Health and Safety Code Section 33401, to alleviate any financial burden or detriment caused to a taxing agency by the Project.

F. (Sec. 411) Relocation of Persons Displaced by the Project

1. (Sec. 412) Relocation Housing Requirements

No persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings. The Agency shall not displace such person or family until such housing units are available and ready for occupancy.

Permanent housing facilities shall be made available within three years from the time occupants are displaced. Pending the development of such facilities, there will be available to such displaced occupants adequate temporary housing

facilities at rents comparable to those in the community at the time of their displacement.

2. (Sec. 413) Replacement Housing Plan

Not less than thirty days prior to the execution of an agreement for acquisition of real property, or the execution of an agreement for the disposition and development of property, or the execution of an owner participation agreement, which agreement would lead to the destruction or removal of dwelling units from the low and moderate income housing market, the Agency shall adopt by resolution a replacement housing plan.

Such plan shall include: the general location of housing to be rehabilitated, developed or constructed pursuant to Section 33413 of the Community redevelopment Law; an adequate means of financing such rehabilitation, development or construction; a finding that the replacement housing does not require the approval of the voters pursuant to Article XXXIV of the California Constitution, or that such approval has been obtained; the number of dwelling units housing persons and families of low or moderate income planned for construction or rehabilitation; and the timetable for meeting the plan's relocation, rehabilitation and replacement housing objectives. A dwelling unit whose replacement is required by Section 33413 but for which no replacement housing plan has been prepared, shall not be destroyed or removed from the low and moderate income housing market until the Agency has by resolution adopted a replacement housing plan.

Nothing in this section shall prevent the agency from destroying or removing from the low and moderate income housing market a dwelling unit which the Agency owns and which is an immediate danger to health and safety. The Agency shall, as soon as practicable, adopt by resolution a replacement housing plan with respect to such dwelling unit.

3. (Sec. 414) Assistance in Finding Other Locations

The Agency shall assist in the relocation of all persons (including families, businesses and others) displaced by Agency acquisition of property in the Project Area. The Agency intends to accomplish all redevelopment pursuant to this Plan with as little displacement of persons from businesses or residences as is feasible. In order to carry out the Project with a minimum of hardship to persons displaced from their homes, the Agency shall assist individuals and families in finding housing that is decent, safe, sanitary, within their financial means, in reasonably convenient locations, and otherwise suitable to their needs. The Agency is also authorized to provide housing outside the Project Area for displaced persons.

4. (Sec. 415) Relocation Benefits and Assistance

In accordance with the provisions of the California Relocation Assistance Act (Government Code Section 7260 et seq.), the Relocation Rules, Procedures and Guidelines adopted by the Agency (the "relocation guidelines"), the Agency shall provide relocation benefits and assistance to all persons (including families, business concerns and others) displaced by Agency acquisition of property in the Project Area. Such relocation assistance shall be provided in the manner required by the relocation guidelines as may be amended from time to time. The Agency may provide additional benefits or payments as it may deem appropriate from available funds to implement the objectives of this Plan and to alleviate hardship. All relocation shall be conducted in accordance with Article 9, Chapter 4 of the Community Redevelopment Law.

G. (Sec. 416) Demolition, Clearance, Public Improvements, Building and Site Preparation

1. (Sec. 417) Demolition and Clearance

The Agency may clear or move buildings, structures, or other improvements from real property as necessary to carry out the purposes of this Plan.

2. (Sec. 418) Public Improvements

To the extent permitted and in the manner required by law, the Agency is authorized to install and construct or to cause to be installed and constructed the public improvements and public utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements include, but are not limited to the following: parking lots or structures, over or underpasses, bridges, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, flood control facilities, natural gas distribution systems, water distribution systems, landscaping, parks, plazas, playgrounds, and any buildings, structures or improvements necessary and convenient to the full development of any of the above. A list of possible projects is set forth in Attachment D.

Public improvements of the nature as hereinafter set forth may be constructed or installed, or cause to be constructed or installed, in whole or in part by the Agency with tax increment moneys that would otherwise be set aside pursuant to Health and Safety code Section 33334.2 provided that such public improvements, pursuant to said Section 33334.2 of the redevelopment Law will be for the purposes of increasing and improving the supply of low and moderate income housing available at affordable housing costs within the City and County to persons and families of low or moderate income and very low

income households.

The Agency presently contemplates paying all or part of the cost of and the acquisition, installation or construction of the publicly owned improvements set forth in Attachment D, structures and facilities which the Agency and the City Council have found specifically benefit the territory included within the Project Area. The County will implement such projects in the unincorporated areas of the Project Area.

As provided for in section 33445 of the California Health and Safety Code, the Agency, with the prior consent of the City Council, may pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, or other improvement described in Attachment D which is publicly owned either within or outside the Project Area upon a determination by resolution of the Agency and City Council: (1) that such buildings, facilities, structures and other improvements are of benefit to the Project Area or the immediate neighborhood in which the Project Area is located; and (2) that no other reasonable means of financing such buildings, facilities, structures or other improvements are available to the community.

When the value of such land or the cost of the installation and construction of such building, facility or other improvement, or both, has been, or will be, paid or provided for initially by the community or other public corporation, the Agency may enter into a contract with the community or other public corporation under which it agrees to reimburse the community or other public corporation for all or part of the value of such land or all or part of the cost of such building, facility or other improvement, or both, by periodic payments over a period of years. Any obligation of the Agency under such contract shall constitute an indebtedness of the Agency for the purpose of carrying out the Project.

3. (Sec. 419) Preparation of Building Sites

The Agency may develop as a building site any real property owned or acquired by it. In connection with such development it may cause, provide or undertake or make provision with other agencies for the installation, or construction of parking facilities, streets, utilities, parks, playgrounds and other public improvements necessary for carrying out this Plan in the Project Area. The Agency may construct foundations, platforms, and other like structural forms necessary for the provisions or utilization of air rights sites for buildings.

H. (Sec. 420) Rehabilitation and Moving of Structures by the Agency

1. (Sec. 421) Rehabilitation

The Agency is authorized and directed to advise, encourage, and with the consent of the owner, assist in the rehabilitation of property in the Project Area not owned by the Agency. The Agency is also authorized to rehabilitate, or to cause to be rehabilitated, buildings or structures in the Project Area.

2. (Sec. 422) Moving of Structures

As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved any standard structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.

I. (Sec. 423) Property Disposition and Development

1. (Sec. 424) Real Property Disposition and Development

a. (Sec. 425) General

For the purpose of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, assign, encumber or otherwise dispose of any interest in real property. Such activity will be carried out as permitted by law.

To the extent permitted by law, the Agency is authorized to dispose of real property by leases or sales by negotiation without public bidding.

All real property acquired by the Agency in the Project Area shall be sold or leased to persons or entities for development for the uses permitted in this Plan. Real property may be conveyed by the Agency to the City or County or any other public body without charge.

The Agency shall reserve such powers and controls in any disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to insure that development is carried out pursuant to this Plan.

All purchasers or lessees of property shall be obligated to use the property for the purposes designated by this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the

Agency deems necessary to carry out the purposes of this Plan.

In the manner required and to the extent permitted by law, before any property of the Agency acquired in whole or in part, directly or indirectly, with tax increment monies is sold or leased for development pursuant to this Plan, such sale, lease or other disposition shall be done in accordance with the provisions of Health and Safety Code Section 33433.

To the greatest extent allowed in implementing this Plan, the Agency shall avoid unnecessary duplication with City and County regulations for agreements with property owners and/or developers.

b. (Sec. 426) Purchase and Development

Pursuant to the provisions of this Plan and the rules adopted by the Agency, the Agency shall to the greatest extent feasible offer real property acquired by the Agency for disposition and development by owner participants on a preference basis over other persons.

c. (Sec. 427) Purchase and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

Leases, deeds, contracts, agreements and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, religion, sex, marital status, national origin, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as are required by law, including Health and Safety Code Section 33436.

d. (Sec. 428) Development of Publicly Owned Improvements

To the greatest extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any building, facility, structure, or other improvement as provided for in Attachment D hereto either within or outside the Project Area for itself or for any public body or entity to the extent that such improvement would be of benefit to the Project Area.

The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures or other improvements (within or outside the Project Area) to the extent permitted by law.

During the period of development in the Project Area, the Agency shall insure that all provisions of this Plan and other documents formulated pursuant to this Plan are being observed, and that development of the Project Area is proceeding in accordance with development documents and time schedules.

All development must conform to this Plan and all applicable federal, state, and local laws, including without limitation, the City's and County's development codes, building, environmental and other land use development standards, and must receive the approval of all other appropriate public agencies.

2. (Sec. 429) Personal Property Disposition

For the purpose of this Plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

J. (Sec. 430) Provision for Low and Moderate Income Housing

1. (Sec. 431) Definition of Terms

The terms "affordable rent," "replacement dwelling unit," "persons and families of low or moderate income" and "very low income households" as used herein shall have the meanings as defined by the Community Redevelopment Law, and other State and local laws and regulations pertaining thereto as amended from time to time.

2. (Sec. 432) Authority Generally

The Agency may, inside the incorporated sections of the Project Area or the City, acquire land, donate land, improve sites, construct or rehabilitate structures, and undertake other activities authorized by the Redevelopment Law to provide or rehabilitate housing for persons and families of low or moderate income, and may, in the unincorporated portion of the Project Area, finance the cost of the above-described activities to be approved and implemented by the County.

3. (Sec. 433) Replacement Housing

To the extent required by Health and Safety Code Section 33413 and 33413.5, whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low and moderate income housing market as part off a redevelopment project which is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency, the Agency shall, within four years of such destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable housing costs as defined by Section 50052.5 of the Health and Safety Code, within the territorial jurisdiction of the Agency. Seventy-five percent (75%) of the replacement dwelling units shall replace dwelling units available at affordable housing costs to the same income level of very low income households, lower income households and persons and families of low and moderate income as the persons displaced from those destroyed or removed units.

4. (Sec. 434) New or Rehabilitated Dwelling Units Developed Within the Project Area

While the housing programs to be implemented in the Project Area will emphasize rehabilitation and home ownership assistance as a priority, State Law requires the following standards for the Project:

To the extent required by section 33413 of the Health and Safety Code, at least thirty percent (30%) of all new or rehabilitated dwelling units developed within the Project Area by the Agency shall be for persons and families of low and moderate income; and of such thirty percent (30%), not less than fifty (50%) thereof shall be for very low income households. At least fifteen percent (15%) of all new or rehabilitated units developed within the Project Area by public or private entities or persons other than the Agency shall be for persons and families of low and moderate income; and of such fifteen percent (15%),

not less than forty percent (40%) thereof shall be for very low income households. The percentage requirements set forth in this Section shall apply in the aggregate to housing in the Project Area and not to each individual case of rehabilitation, development or construction of dwelling units.

The Agency shall require, by contract or other appropriate means, that whenever any low and moderate income housing units are developed within the Project Area, such units shall be made available on a priority basis for rent or purchase, whichever the case may be, to persons and families of low and moderate income displaced by the Project; provided, however, that failure to give such priority shall not affect the validity of title to the real property upon which such housing units have been developed.

5. (Sec. 435) Duration of Dwelling Unit Availability

The Agency shall require that the aggregate number of dwelling units rehabilitated, developed or constructed pursuant to Sections 433 and 434 shall remain available for persons and families to the extent and for the period(s) required by Health and Safety Code Sections 33334.3(e) and 33413.

6. (Sec. 436) Relocation Housing

If insufficient suitable housing units are available in the Project Area for use by persons and families of low and moderate income displaced by the Project, the Agency may, to the extent of that deficiency, direct or cause the development, rehabilitation or construction of housing units within the City or County, both inside and outside of the Project Area.

7. (Sec. 437) Tax Increment Funds

Except as otherwise provided in Health and Safety Code Section 33334.2 and, to the extent applicable, Health and Safety Code Section 33334.6, not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to Health and Safety Code Section 33670 shall be used by the Agency for the purpose of increasing, improving and preserving the City's and County's supply of housing for persons and families of low or moderate income and very low income households in accordance with the provisions of Health and Safety Code Section 33334.3.

V. (Sec. 500) USES PERMITTED IN THE PROJECT AREA

A. (Sec. 501) Redevelopment Project Area Map

Attachment A illustrates the Project Area boundaries. It is intended that the permitted land uses and land use standards set forth in the General Plans now or as hereafter amended shall be permitted land uses and land use standards governing the applicable portions of the Project Area under this Plan. The permitted land uses in Attachment B are drawn from the applicable provisions of the General Plans in effect at the time of the adoption of this Plan, and shall be deemed to be automatically modified as the permitted land use(s) in the applicable General Plan may be revised from time to time, in order to maintain conformance of this Plan with the General Plan.

B. (Sec. 502) Public Uses

1. (Sec. 503) Public Rights-of-Way

The public street system in the Project Area shall be developed in accordance with the General Plan of the City and County, as amended from time to time, and street design standards as adopted by the City Council or County.

Streets and alleys may be widened, altered, abandoned, repaired, or closed as necessary for property development of the Project.

It is contemplated that the Agency will construct, or aid in the construction of, certain streets designated in the Plan which are not now constructed or which may require further widening or improvement. The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained or erected.

2. (Sec. 504) Other Public Uses

Parking, open space, public and semi-public uses may be interspersed with other uses in any area.

C. (Sec. 505) Other Public, Semi-Public, Institutional and Nonprofit Uses

In any area the Agency is authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional or nonprofit uses, including park and recreational facilities, parking facilities, libraries, educational, fraternal, employee, philanthropic, and charitable institutions, utilities, multi-model transit facilities, and

facilities of other similar purposes, associations or organizations. All such uses shall conform so far as possible to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable restrictions as are necessary to protect the development and uses in the Project Area.

D. (Sec. 506) General Controls and Limitations

All real property in the Project Area is hereby made subject to the controls and limitations of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conforming with the provisions of this Plan. The Agency reserves the right to condition any development which requires a building permit with such conditions as to make the proposed development consistent with the overall purposes of this plan. The type, size, height, number, and use of buildings within the Project Area shall be controlled by applicable City and County planning and development codes consistent with General Plans, as amended from time to time.

1. (Sec. 507) New Construction

Except as otherwise permitted or required by the Agency all new construction shall comply with all applicable State and local laws and regulations pertaining thereto as amended from time to time, including without limitation the Building, Electrical, Energy, Heating and Ventilating, Housing and Plumbing Codes of the City and County and the City and County Development Codes, as amended from time to time. Off-street parking spaces and loading facilities shall be designated to comply with the City's or County Development Codes, as amended from time to time. The number of off-street parking spaces required shall be regulated by the City's or County Development Codes, as amended from time to time. All off-street parking spaces and loading areas shall be paved, lighted and landscaped in accordance with the City's or County's Development Codes, or other applicable City or County regulations, as amended from time to time.

2. (Sec. 508) Existing Nonconforming Uses

The requirements of the Municipal or County Zoning Codes shall determine if existing nonconforming uses will remain in the Project Area.

The Agency may, but shall not be required to authorize additions, alterations, repairs or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project where, in the determination of the Agency, such improvements would be compatible as interim uses with surrounding uses and development. In unincorporated segments of the Project Area, the Agency will

rely upon the County to determine such non-conforming matters.

3. (Sec. 509) Rehabilitation

The Agency is authorized to rehabilitate and conserve or cause to be rehabilitated and conserved, buildings and structures in the Project Area. Any existing structure within the Project Area which the Agency shall approve for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated in such manner that it will meet the following requirements: (i) be safe and sound in all physical respects, and (ii) be attractive in appearance and not detrimental to the surrounding areas. The preservation and rehabilitation of structures of historical significance will also be considered a priority by the Agency. Property rehabilitation standards for the rehabilitation of existing buildings and site improvements may be established by the Agency but must be not less than the minimum requirements of the City or County.

4. (Sec. 510) Limitations on the Size, Height, and Number of Buildings

Except as set forth in other sections of this Plan to the extent that limitations are hereby imposed, the type, size, height, and number of buildings in the Project Area that may be expected upon completion of the Project may be regulated by the Agency, and shall not exceed the limitations set forth in the General Plan and Development Codes of the City or County or applicable federal, state and local statutes, ordinances and regulations, as amended from time to time.

5. (Sec. 511) Number of Dwelling Units

The approximate number of dwelling units located within the Project Area is 6,854.

6. (Sec. 512) Open Space and Landscaping

The approximate amount of open space to be provided in the Project Area will be the total of all areas that will be in the public rights-of-way, the public grounds, the space around buildings, and all other outdoor areas not permitted through limits on land covered by this Plan to be covered by buildings.

7. (Sec. 513) Land Coverage

Land coverage by structures in the Project Area shall not exceed the land coverage permitted by the City's or County's Development Codes, as amended from time to time.

8. (Sec. 514) Light, Air and Privacy

In all areas sufficient space shall be maintained between buildings to provide adequate light, air and privacy.

9. (Sec. 515) Signs

All signs shall be subject to the provisions of the City's or County's Development Codes, and applicable municipal or County codes, as amended from time to time.

10. (Sec. 516) Utilities

The Agency shall require that all utilities be placed underground when physically, legally and economically feasible.

11. (Sec. 517) Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors which would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area. The Agency, as with all other elements of development, will coordinate with the County in the unincorporated areas of the Project.

12. (Sec. 518) Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon race, color, creed, sex, marital status, religion, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

13. (Sec. 519) Minor Variations

The Agency Board is authorized to permit minor variations from the limits, restrictions and controls established by this Plan. In order to permit such variation, the Agency must determine that:

1. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan.

2. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards,

restrictions and controls.

3. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.

4. Permitting a variation will not be contrary to the objectives of this Plan or of the General Plans of the City or County as may be applicable.

In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety, and welfare, and to assure compliance with the purpose of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City or County codes and ordinances. In the unincorporated area, the County shall provide the Agency with direction on such matters pertaining to minor variances.

14. (Sec. 520) Consistency with General Plan and Development Code

All development within the Project Area shall be consistent with the General Plans and Development Codes of the City and County, as amended from time to time.

E. (Sec. 521) Design for Development

Within the limits, restrictions, and controls established in the Plan, the Agency may establish traffic circulation, traffic access, and other development controls necessary for proper development of both private and public areas within the Project Area.

New improvements in this area shall be reviewed in accordance with all of the City's and County's development codes, building, planning and environmental ordinances, rules, regulations and requirements. The Agency's review and approval of development within the Project Area shall be undertaken in accordance with guidelines and procedures adopted from time to time by the Agency but will basically rely upon the City's and County's design and development process except for projects receiving Agency financial assistance or agreements.

F. (Sec. 522) Building Permits

The County and City shall continue to issue permits for the construction of new buildings and for construction on existing building in the Project Area from the date of adoption of this Plan. Where a proposed project is in the Redevelopment Area, the Agency staff shall participate in the County or City normal permit process. In the case of property which is the subject of a disposition and development or participation

agreement with the Agency, and any other property in the discretion of the Agency, Agency shall review any application for a permit prior to acting on any Agreement. Any such project approved by the Agency must be in conformance with the provisions of this Plan and any applicable Disposition and Development Agreement or Owner Participation Agreement.

VI. (Sec. 600) METHODS FOR FINANCING THE PROJECT

A. (Sec. 601) General Description of the Proposed Financing Methods

Upon adoption of this Plan by the City Council, the Agency is authorized to finance the Project with property tax increments, interest income, Agency bonds, loans from private institutions, proceeds from the sale or lease of property, financial assistance from the City, County, State of California, Federal Government, or any other public agency, or any other legally available source.

The City or County may, in accordance with the law, make advances and expend money as necessary to assist the Agency in carrying out this Project. Such assistance shall be on terms established by an agreement between the City or County and the Agency.

As available, gas tax funds from the State of California and the County will be used for the street system. As available, federal loans and grants will be used to finance portions of Project costs.

The Agency is authorized to issue bonds if appropriate and feasible in an amount sufficient to finance all or any part of the Project.

The Agency is authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency.

B. (Sec. 602) Tax Increments

All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, County of Alameda, City of San Leandro, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when paragraph (1) above, all of the taxes levied and collected upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When said bonds, loans, advances and collected shall be paid into the funds for the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessment roll last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project on said effective date); and

2. Except as provided in paragraphs (3) and (4) below, that portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on bonds, loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed value of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in paragraph (1) above, all of the taxes levied and collected upon the respective taxing agencies. When said bonds, loans, advances and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid; and

3. That portion of the taxes identified in paragraph (2) above, which are attributable to a tax rate levied by any of said taxing agencies for the purpose of providing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property shall be allocated to, and when collected shall be paid into, the fund of that taxing agency. This paragraph shall only apply to taxes levied to repay bonded indebtedness approved by the voters of said taxing agency or agencies on or after January 1, 1990.

4. That portion of tax revenues allocated to the Agency pursuant to paragraph (2) above which is attributable to increases in the rate of tax imposed for the benefit of any affected taxing agency whose levy occurs after the tax year in

which the ordinance adopting this Plan becomes effective, shall be allocated to such affected taxing agency to the extent the affected taxing agency has elected in the manner required by law to receive such allocation.

Any advanced moneys are hereby irrevocably pledged for the payment of the principal of and interest on the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.

The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project. Taxes shall be allocated and paid to the Agency consistent with the provisions of this Plan only to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Project.

5. The number of tax dollars which may be divided and allocated to the Agency pursuant to California Health and Safety Code Section 33670 shall not exceed $2,650,000,000 except by amendment of this plan.

6. No loan, advance or indebtedness to finance in whole or in part the Project and payable in whole or in part from tax increment revenues shall be established after a date thirty (30) years from the effective date of the Ordinance" approving and adopting the last amendment of this Plan. Such loan, advance or indebtedness may be repaid over a period of time longer than such time limit or the limit established in Section 900 hereof. Such time limitation may be extended only by amendment of this Plan.

7. The amount of tax allocation bonded indebtedness issued pursuant to Section 33640, et seq., of the Health and Safety Code, exclusive of other Agency subordinated contractual obligations, other forms of indebtedness of the Agency to the City which can be outstanding at any one time shall not exceed $880,000,000 in principal amount, except by amendment of this Plan.

C. (Sec. 603) Other Loans and Grants

Any other loans, grants, guarantees or financial assistance from the United States or any other public or private source will be utilized if available as appropriate in carrying out the Project.

VII. (Sec. 700) ACTIONS BY THE CITY AND COUNTY

The City and County shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Action by the City and County shall include, but not be limited to, the following:

A. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City and County shall include the requirements of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan.

B. Institution and completion of proceedings necessary for changes and improvements in publicly-owned public utilities within or affecting the Project Area.

C. Revision of zoning within the Project Area to permit the land uses and development authorized by this Plan.

D. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.

E. The undertaking and completing of any other proceedings necessary to carry out the Project.

VIII. (Sec. 800) ADMINISTRATION, ENFORCEMENT AND AMENDMENT OF THE PLAN

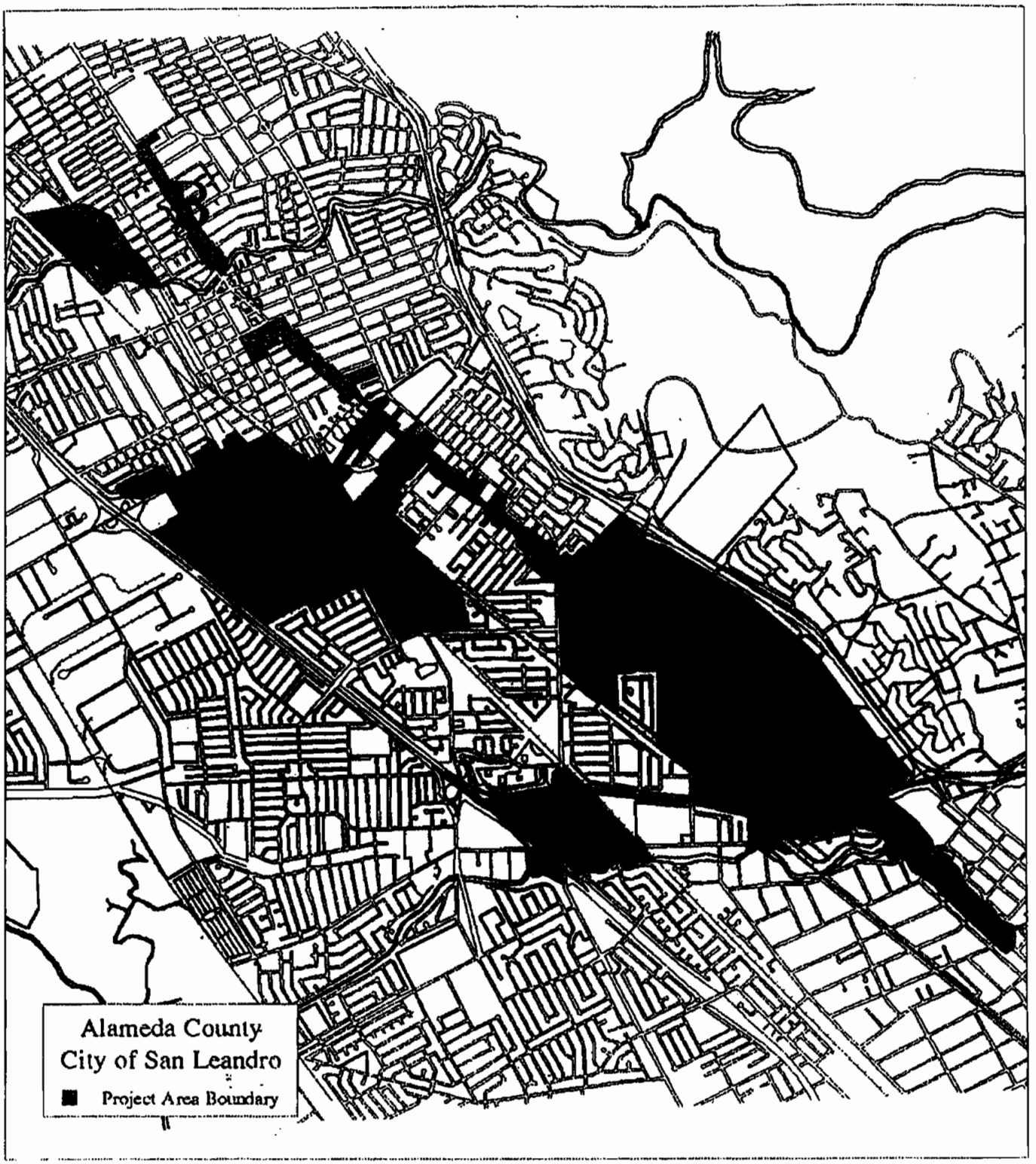
A. The administration and enforcement of this Plan or other documents implementing this Plan shall be performed by the Agency. The County shall be the lead entity for all implementation activities in the unincorporated segments of the Project Area. The City Council of the City constitutes the Agency Board.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency, County, or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

B. This Plan may be amended by means of the procedure established in Sections 33450-33458 of the Community Redevelopment Law or by any other procedure hereinafter established by law. Any amendment to the City's or County's General Plans affecting any portion of the Plan text and/or map shall automatically amend this Plan accordingly to conform thereto.

IX. (Sec. 900) DURATION OF THIS PLAN

Except for the nondiscrimination and nonsegregation provisions (which shall run in perpetuity), or the obligation to repay any indebtedness as provided in Sections 601 and 602, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for forty-five (45) consecutive years from the date of adoption of this Plan by the City Council, except that provisions in documents providing for the payment of indebtedness may be made effective for the greatest time legally allowable for the purpose of repaying in full all bonds, obligations, and indebtedness of the Agency.



Alameda County -
City of San Leandro
Redevelopment
Project

Source: Urban Futures, Inc. (1993)

Proposed Project Area Map

Prepared By:
Urban Futures, Inc.
801 E. Chapman Ave., Ste. 106
Fullerton, CA 92631

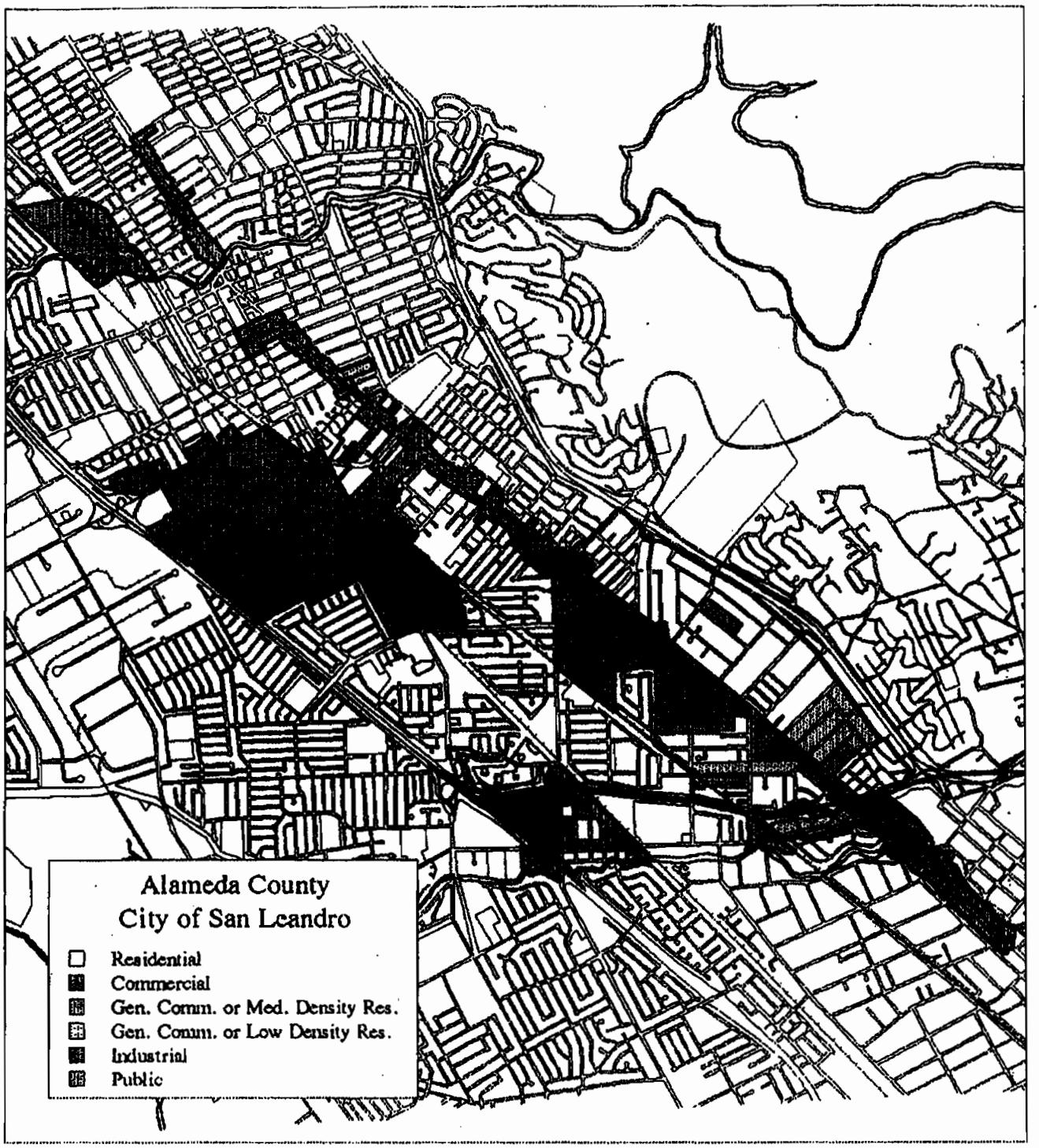
N

Not to Scale

Attachment A

ATTACHMENT B

LAND USE MAP



Alameda County -
City of San Leandro
Redevelopment
Project

General Plan Land Use Map

Prepared By:
Urban Futures, Inc.
801 E. Chapman Ave., Ste. 106
Fullerton, CA 92631

N

Not to Scale

Sources: Alameda County Unincorporated Eden Area Plan
City of San Leandro General Plan

Attachment B

ATTACHMENT C

LEGAL DESCRIPTION

AREA A

Alameda County - City of San Leandro Redevelopment Project, as it exists on December 21, 1992, is shown on the map marked Exhibit 1. Area A is more particularly described as follows:

BEGINNING at the intersection of the easterly line of San Leandro Boulevard and the centerline of San Leandro Creek; thence westerly and northwesterly along the centerline of said San Leandro Creek to the intersection of said San Leandro Creek and the northeasterly line of Martinez Street, said point being on the northerly line of Area 4 as described in the San Leandro Plaza 2 Redevelopment Project; thence continuing northwesterly along the centerline of San Leandro Creek and the northerly line of said San Leandro Plaza 2 Redevelopment Project Area 4 to a point on a line that is 75 feet northeasterly, measured at right angles from the southwesterly line of the Town of San Leandro as shown on Book 1 of Maps at Page 19, Alameda County Records; thence southeasterly along a line 75 feet northeasterly of and parallel with the southwesterly line of the Town of San Leandro and the northerly line of said San Leandro Plaza 2 Redevelopment Project Area 4 to a point on the southeasterly line of Lola Street; thence westerly along the southeasterly line of said Lola Street and its westerly prolongation and the northerly line of said San Leandro Plaza 2 Redevelopment Project Area 4 to a point on the westerly line of the Southern Pacific Transportation Company Right-of-Way; thence northwesterly along the westerly line of said Southern Pacific Transportation Company Right-of-Way to its point of intersection with the centerline of San Leandro Creek; thence continuing northwesterly along the westerly line of said Southern Pacific Transportation Company Right-of-Way and the City Limit Line common to the City of San Leandro and the City of Oakland to an angle point in the said common City Limit Line; thence southeasterly along said common City Limit Line to a point on the easterly line of the said Southern Pacific Transportation Company Right-of-Way; thence easterly and continuing along said common City Limit Line to an angle point on said common City Limit Line, said point being on the north line of the Map of Franklin Subdivision as shown in Book 12 of Maps at Page 71, Alameda County Records and lying 11.17 feet, more or less southwesterly of the southwesterly line of said San Leandro Boulevard; thence northeasterly along the northerly line of said Franklin Subdivision to a point on the easterly line of Apricot Street; thence southerly along the easterly line of said Apricot

AREA B

Alameda County - City of San Leandro Redevelopment Project, as it exists on December 21, 1992, is shown on the map marked Exhibit 1. Area B is more particularly described as follows:

BEGINNING at the intersection of the east line of East 14th Street and the centerline of San Leandro Creek; thence southwesterly to the intersection of the west line of said East 14th Street and the centerline of said San Leandro Creek; thence northerly along the west line of East 14th Street to the northeasterly corner of Root Park, said point being the intersection of the west line of East 14th Street and the easterly prolongation of the south line of Lot 47 of the Map of San Antonio Court as shown in Book 28 of Maps at Page 38, Alameda County Records; thence westerly along the southerly line of said Lot 47 and its said prolongation to the southwesterly corner of said Lot 47 and the easterly line of Arroyo Avenue; thence northerly along the easterly line of said Arroyo Avenue to a point on the northerly line of Toler Avenue; thence westerly along the northerly line of said Toler Avenue to the southwesterly corner of Lot 4 of said San Antonio Court; thence northerly along the westerly line of said Lot 4, said line being 160 feet westerly of and parallel with the westerly line of East 14th Street, to the northwesterly corner of said Lot 4, said point being on the northerly line of said San Antonio Court and the easterly prolongation of the southerly line of Del Orta Subdivision as shown in Book 4 of Maps at Page 1, Alameda County Records; thence westerly along said southerly line of said Del Orta Subdivision to the southeasterly corner of Lot 33 of said Del Orta Subdivision; thence northerly along the easterly line of said Lot 33, said line being 268 feet westerly of and parallel with the westerly line of East 14th Street, to a point on the southerly line of California Avenue; thence easterly along the southerly line of said California Avenue to its point of intersection with the easterly line of Lafayette Avenue; thence northerly along the easterly line of Lafayette Avenue to the northerly line of Peralta Avenue; thence easterly along the northerly line of Peralta Avenue to the southwesterly corner of Lot 1 of the Resubdivision of Lots 1 to 29 inclusive, Best Manor, as shown in Book 2 of Maps at Page 72, Alameda County Records; thence northerly along the westerly line of Lots 1, 2, 3, and 4 of said subdivision, said line lying 95 feet westerly of and parallel with the westerly line of said East 14th Street, to the northwesterly corner of said Lot 4; thence westerly along the southerly line of Lot 5 of said Best Manor Subdivision to the southwesterly corner of said Lot 5; thence northerly along the westerly line of Lots 5, 6, 7, and 8 of said subdivision, said line lying 150 feet westerly of and parallel with the westerly line of said East 14th Street, to the northwesterly corner of said Lot 8; thence easterly along the northerly line of said Lot 8 to the southwesterly corner of Lot 9 of said Best Manor Subdivision; thence northerly along the westerly line of Lots 9, 10, 11, 12, 13, and the northerly prolongation of the westerly line of Lot 13 of said Best Manor Subdivision, said line lying 95 feet westerly of and parallel with the westerly line of said East 14th Street, to the northerly line of Best Avenue and the southwesterly

southerly line of said Broadmoor Boulevard to the northeasterly corner of Lot 1 of Block 3 of said Broadmoor Subdivision; thence southerly along the easterly line of Lots 1 and 2 of Block 3 of said Broadmoor Subdivision, said line being 190 feet easterly of and parallel with the easterly line of said East 14th Street, to the southeasterly corner of said Lot 2 of Block 3; thence westerly along the southerly line of said Lot 2 of Block 3 to the northeasterly corner of Lot 9 of the Broadmoor Addition Subdivision as shown in Book 26 of Maps at Page 39, Alameda County Records; thence southerly along the easterly line of said Lot 9, said line being 180 feet east of and parallel with the easterly line of said East 14th Street, to a point on the southerly line of Cambridge Avenue; thence westerly along the southerly line of said Cambridge Avenue to the northeasterly corner of Lot 4 of said Broadmoor Addition Subdivision; thence southerly along the easterly line of Lots 4, 3, 2, and 1 of said Broadmoor Addition, said line lying 130 feet east of and parallel with the easterly line of said East 14th Street, to the southeasterly corner of said Lot 1; thence westerly along the southerly line of said Lot 1 to a point lying 123 feet east of the easterly line of said East 14th Street; thence southerly along a line 123 feet east of and parallel with the easterly line of East 14th Street to a point on the southerly line of Sunnyside Drive; thence continuing southerly along a line 123 feet east of and parallel with the easterly line of said East 14th Street to a point 50 feet south of the southerly line of said Sunnyside Drive; thence easterly along a line 50 feet south of and parallel with the southerly line of said Sunnyside Drive to a point 163 feet east of the easterly line of said East 14th Street; thence southerly along a line 163 feet east of and parallel with the easterly line of said East 14th Street to a point 136.87 feet south of the southerly line of said Sunnyside Drive; thence easterly along a line 136.87 feet south of and parallel with the southerly line of said Sunnyside Drive to a point 223 feet east of the easterly line of said East 14th Street; thence southerly along a line 223 feet east of and parallel with the easterly line of East 14th Street to a point 81.10 feet north of the northerly line of Georgia Way; thence westerly along a line 81.10 feet north of and parallel with the northerly line of said Georgia Way to a point 95 feet east of the easterly line of said East 14th Street; thence southerly along a line 95 feet east of the easterly line of said East 14th Street to a point on the southerly line of said Georgia Way; thence easterly along the southerly line of said Georgia Way to a point 100 feet east of the easterly line of said East 14th Street; thence southerly along a line 100 feet east of and parallel with the easterly line of East 14th Street to a point on the northerly line of Lot 1 of the Orange Grove Tract as shown in Book 22 of Maps at Page 46, Alameda County Records; thence easterly along the northerly line of Lot 1 of said Orange Grove Tract to the northeasterly corner of said Lot 1; thence southerly along the easterly line of Lots 1, 2, 3, and the southerly prolongation of the easterly line of said Lot 3 to a point on the southerly line of Euclid Avenue; thence easterly to the northeasterly corner of Assessors Map Book 76, Page 279-2, Parcel 22; thence southerly along the easterly line of Parcel 22 to the most easterly corner thereof; thence westerly along the southerly line of said Parcel 22 to the northwesterly corner of Assessors Map Book 76, Page 279-2, Parcel 14; thence southerly along the westerly line of said Parcel 14 to the northeasterly corner of Assessors Map Book 76, Page 279-2, Parcel 15; thence westerly along the northerly line of Assessors Map Book 76, Page 279-2, Parcels 15, 16, 17, 18, 19, and 20 to the northwesterly corner of said Parcel 20, said point being 103.04 feet easterly of the easterly line of East 14th street; thence southerly along a line 103.04 feet east of and parallel with the east line of said East 14th Street to a point on the southerly line of said Dutton Avenue;

AREA C

Alameda County - City of San Leandro Redevelopment Project, as it exists on December 21, 1992, is shown on the map marked Exhibit 1. Area C is more particularly described as follows:

BEGINNING at the intersection of the easterly line of East 14th Street and the southerly line of Juana Avenue; thence easterly along the southerly line of said Juana Avenue to the northeasterly corner of Lot 3 of the Estudillo Tract as shown in Book 5 of Maps at Page 32, Alameda County Records; thence southerly along the easterly line of Lots 3 and 18 and the southerly prolongation of the east line of said Lot 18 to a point on the southerly line of Dolores Avenue; thence easterly along the southerly line of said Dolores Avenue to the northwesterly corner of Lot 25 of Tract 572 as shown in Book 29 of Maps at Page 59, Alameda County Records; thence southerly to the southwesterly corner of said Lot 25; thence easterly along the southerly line of Lot 25 of said Tract 572 to the southeasterly corner of said Lot 25 and the northwesterly corner of Lot 12 of said Tract 572; thence southerly along the westerly line of said Lot 12 and its southerly prolongation to a point on the southerly line of Maud Avenue; thence easterly along the southerly line of Maud Avenue to the northeasterly corner of Assessors Map Book 77, Page 529-2, Parcel 36; thence southerly along the easterly line of Assessors Map Book 77, Page 529-2, Parcel 36 and 34 to the southeasterly corner of said Parcel 34; thence easterly along the northerly line of Assessors Map Book 77, Page 529-2, Parcel 33-1 to the northeasterly corner of said Parcel 33-1; thence southerly along the easterly line of said Parcel 33-1 a distance of 42.42 feet; thence easterly along said parcel line 40 feet; thence southerly along the easterly line of Assessors Map Book 77, Page 529-2, Parcels 33-1 and 29 and the southerly prolongation of said Parcel 29 to a point on the southerly line of Elsie Avenue; thence easterly along the southerly line of said Elsie Avenue to the northeasterly corner of Assessors Map Book 77, Page 530-2, Parcel 25-1; thence along the easterly line of said Parcel 25-1 the following seven (7) courses:

(1) Thence southerly 16.75 feet;
(2) thence westerly 0.60 feet;
(3) thence southerly 45.00 feet;
(4) thence easterly 23.83 feet;
(5) thence southerly 45.00 feet;
(6) thence easterly 8.68 feet;
(7) thence southerly 18.25 feet to the northwesterly corner of Assessors Map Book 77, Page 530-2, Parcel 19; thence easterly along the northerly line of said Parcel 19 to the northeasterly corner thereof; thence southerly along the easterly line of said Parcel 19 and the southerly prolongation of the easterly line of said Parcel 19 to a point

thereof; thence easterly along the northerly line of Assessors Map Book 77E, Page 1532, Parcel 2-4 to the northeasterly corner thereof, said point being on Bancroft Avenue; thence southerly along the easterly line of said Parcel 2-4 and the westerly line of said Bancroft Avenue to the southeasterly corner of said Parcel 2-4 and the northeasterly corner of Block A, Tract 4220 as shown in Book 112 of Maps at Page 67, Alameda County Records; thence westerly along the northerly line of said Block A to the northwesterly corner thereof; thence southerly along the westerly line of said Block A and its southerly prolongation to a point on the southerly line of 136th Avenue; thence northeasterly along the southerly line of said 136th Avenue to the westerly line of Bancroft Avenue; thence southeasterly along the westerly line of said Bancroft Avenue to the southerly line of 138th Avenue; thence southwesterly along the southerly line of said 138th Avenue to the northeasterly corner of Assessors Map 77E, Page 1548, Parcel 9-1; thence southeasterly along the easterly line of said Parcel 9-1 to the southeasterly corner thereof; thence northeasterly along the northeasterly line of Assessors Map Book 77E, Page 1548, Parcel 1-4 to the northeasterly corner of said Parcel 1-4; thence southeasterly along the easterly line of said Parcel 1-4 to the southeasterly corner thereof; thence southwesterly along the southerly line of said Parcel 1-4 to the northeasterly corner of Lot 1 of Block A of Tract 708 as shown in Book 11 of Maps at Page 26; thence southeasterly along the easterly line of said Lot 1 and its southeasterly prolongation to a point on the southerly line of 140th Avenue; thence continuing southeasterly along the easterly line of Lot 1 of Block B of said Tract 708 to the southeasterly corner thereof; thence northeasterly along the southerly line of said Tract 708 to the northeasterly corner of Lot 1 of Tract 639 as shown in Book 8 of Maps at Page 30, Alameda County Records; thence southeasterly along the easterly line of Lots 1, 2, 3, 4, 15, 14, 13, and 12 of said Tract 639 to the southeasterly corner of said Lot 12; thence northeasterly along the southerly line of said Tract 639 to the westerly line of Bancroft Avenue; thence southeasterly along the westerly line of said Bancroft Avenue to the northeasterly corner of Assessors Map Book 77E, Page 1569, Parcel 12-3; thence southwesterly along the northerly line of said Parcel 12-3 to the northwesterly corner thereof; thence southwesterly along the westerly line of Parcel 12-3 to the southwesterly corner thereof; thence southeasterly along the southerly line of said Parcel 12-3 to the southeasterly corner thereof and the westerly line of said Bancroft Avenue; thence southeasterly along the westerly line of said Bancroft Avenue to the northwesterly corner of Assessors Map Book 77E, Page 1575-1, Parcel 1-3; thence southwesterly along the northerly line of Parcels 1-3 and 1-6 to the easterly line of East 14th Street; thence southerly along the easterly line of said East 14th Street to the southwesterly corner of Assessors Map Book 77E, Page 1575-1, Parcel 1-5; thence northeasterly along the southerly line of said Parcel 1-5 and Parcel 1-4 of said Assessors Map Book and Page to the westerly line of Bancroft Avenue; thence southeasterly along the westerly line of said Bancroft Avenue to the northeasterly corner of Assessors Map Book 77E, Page 1575-2, Parcel 4-2; thence southwesterly along the northwesterly line of said Parcel 4-2 to the southwesterly corner thereof; thence southeasterly to the southwesterly corner of Assessors Map Book 77E, Page 1575-2, Parcel 4-1 said point being on the northerly line of Tract 704 as shown in Book 11 of Maps at Page 18, Alameda County Records; thence southwesterly along the northerly line of said Tract 704 to the southwesterly corner of Lot 5 of Block 13 of said Tract 704; thence southeasterly along the southwesterly line of said Lot 5 and the southeasterly prolongation of said Lot 5 to a point on the southerly

Lot 35 to the southeast corner of said Lot 35; thence northerly along a line parallel with and 130 feet westerly of the west line of Mission Boulevard to the northwest corner of Lot 2 of said Cherryland Subdivision; thence westerly 10 feet, more or less, to the southeasterly corner of Parcel 54 as shown in Book 414, Page 61 of the Alameda County Assessors Plats; thence northerly along the easterly line of said Lot 54 to a point on the southerly line of Parcel 46 as shown in Book 414, Page 61 of the Alameda County Assessors Plats; thence easterly along said southerly line of Parcel 46 to the southeasterly corner of said Parcel 46; thence along the line parallel with and 130 feet westerly of the westerly line of Mission Boulevard to a point to the most northwest corner of Lot 14 of said Colonial Acres Map filed in Book 3 of Maps at Page 63, Alameda County Records; thence westerly along the northerly line of said Lot 14 to the southwesterly corner of Lot 11 of said Colonial Acres; thence northerly along a line 150 feet westerly of and parallel with the westerly line of Mission Boulevard to the southeasterly corner of Parcel 36 as shown in Book 414, Page 41 of the Alameda County Assessors Plats; thence westerly along the southerly line of Parcel 36 to the southwesterly corner of said Parcel 36; thence northerly along the westerly line of Parcel 36 to the northeasterly corner of Lot 22, Block C of said Colonial Acres; thence westerly along the northerly line of Lots 22 and 21, Block C of said Colonial Acres to the southwesterly corner of said Lot 5, Block C of said Colonial Acres; thence northerly along the westerly line of Lots 5, 6, 7, 8, and 9, Block C of said Colonial Acres, to a point on the southerly line of Hampton Road; thence westerly along the south line of Hampton Road to the southerly prolongation of the westerly line of Assessors Map Book 414, Page 21, Parcel 74-3; thence northerly along the said prolongated line to the northwest corner of Parcel 76-3 as shown in Assessors Map Book 414, Page 21, said point being on the northerly line of San Lorenzo Creek; thence westerly along said northerly line of San Lorenzo Creek to the northwesterly corner of the Parcel 61 shown in Assessors Map Book 414, Page 21; thence northeasterly along the northwesterly line of said Parcel 61 and the said line being the southeasterly line of Tract 642 as shown in Book 8, Page 22 of Alameda County Records to the southwest corner of Lot 27 of said Tract 642; thence northwesterly along the southwesterly line of said Lot 27 and the northwesterly prolongation of the southwesterly line of Lot 27 to a point on the northwesterly line of Paradise Boulevard; thence along the said northwesterly line of Paradise Boulevard to the point of intersection of the west line of Mission Boulevard northwesterly along said southwesterly line of Mission Boulevard to the northeast corner of Lot 69 of said lot Tract 642; thence southerly along the northerly line of said Lot 69 to the northerly line of Harmony Drive; thence westerly along said northerly line of Harmony Drive to the southwest corner of Lot 71 of said Tract 642; thence northerly along the westerly line of said Lot 71 a distance of 100 feet; thence westerly to a point on the easterly line of Lot 73 of said Tract 642; thence northerly along the easterly line of Lot 73 to the northeasterly corner thereof; thence southwesterly, westerly and northwesterly along the northerly line of Lots 73 through 81 inclusive of said Tract 642 to the northeasterly corner of said Lot 81; thence westerly along the northerly line of said Lot 81 and the westerly prolongation of the northerly line of said Lot 81 to a point on the westerly line of Harmony Drive; thence southerly along said westerly line of Harmony Drive to the northeast corner of Lot 84 of said Tract 642; thence westerly along the north line of said Lot 84 to a point on the east line of Lot 86 of said Tract 642; thence northerly along the east line of said Lot 86 to the northeast corner of said Lot 86; thence westerly along the northerly line

northwesterly along said line to the northeasterly corner of said Assessors Map Book 77D, Page 1456, Parcel 17-1; thence southwesterly along the southeasterly line of said Parcel 17-1 to the most southerly corner of said parcel; thence northwesterly along southwest line of said Parcel 17-1, said line also being line common to Lots 91 and 92 of the said Map of Edenville to a point on the southeasterly line of 144th Avenue; thence southwesterly along the southeasterly line of said 144th Avenue to the southeasterly prolongation of a line common to Lots 156 and 157 of the said Map of Edenville; thence northwesterly along said line to a point on the northwesterly line of the said Map of Edenville and said point being the corner common to Lots 156 and 157 of said map; thence southwesterly along the northwesterly line of said Map of Edenville to the most southerly corner of Assessors Map Book 77D, Page 1455, Parcel 15; thence northwesterly along the southwesterly line of said Parcel 15 to the southeasterly line of 143th Avenue; thence southwesterly to a point on the southeasterly prolongation of the northeasterly line of Parcel 1 and 2 of Parcel Maps No. 2148 as recorded in Book 97 of Parcel Maps at Page 79, Alameda County Records; thence northwesterly along said line to the southeasterly line of Assessors Map Book 77D, Page 1432, Parcel 42; thence southwesterly to the most southerly corner of said Parcel 42; thence northwesterly along the southwesterly line of said Parcel 42 and its northwesterly prolongation to the northwesterly line of 141st Avenue; thence northeasterly along the northwesterly line of the said 141st Avenue to the northeast corner of Lot 1 of Tract 1625 as shown in Book 37 of Maps at Page 31, Alameda County Records; thence northwesterly along the northeasterly line of said Lot 1 to the most northerly corner of said Parcel 1; thence southwesterly along the said northwesterly line of Parcel 1 to the most southerly corner of Tract No. 4748 as shown in Book 126 of Map at Page 84, Alameda County Records; thence northwesterly along the southwesterly line of said Tract 4748 to the southeasterly line of Tract 761 as shown in Book 12 of Maps, Pages 36 and 37 Alameda County Records; thence northeasterly to the most southerly corner of Lot 2, Block A of said tract 761; thence northwesterly along the southwesterly line of Lot 1 and 2, Block A and Lot 1 of Block C of said Tract 761 to a point on the southeasterly line of Lot 2 of Tract 4295 as shown in Book 112 of Maps at Page 87, Alameda County Records; thence southwesterly along the southeasterly line of Lot 2 to the northeasterly corner of Lot 1 of said Tract 4295; thence northwesterly along the northeasterly line of said Lot 1 to the most northerly corner of said Lot 1; thence southwesterly along the northwest line of said Lot 1 to the most westerly corner of said Lot 1; thence southeasterly along the southwesterly line of said Lot 1 and its prolongation to the southeasterly line of 139th Avenue; thence southwesterly along said southeasterly line of 139th Avenue to the most westerly corner of Assessors Map Book 77D, Page 1437-1, Parcel 16-2; thence southeasterly along the southwesterly line of said Parcel 16-2 to the northwesterly line of Tract 641 as shown in Book 8 of Maps at Page 26 and 27, Alameda County Records; thence southwesterly along said northwesterly line of said Tract 641 to the most westerly corner of Lot 21 of said Tract 641; thence northwesterly along the southwesterly line of Assessors Map Book 77D, Page 1437-1, Parcel 15-1 a distance of 20 feet; thence southwesterly along a line 20 feet northwesterly and parallel with the northwesterly line of said Tract 641 to the northeasterly line of Assessors Map Book 77D, Page 1437-1, Parcel 13-4; thence southeasterly along the northeasterly line of said Parcel 13-4 to the a point on the northwesterly line of said Tract 641; thence southwesterly along the northwesterly line of said Tract 641 to the most westerly corner of said Tract; thence

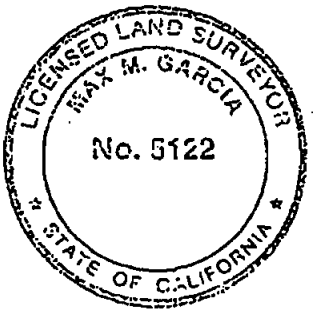
easterly line of Eleventh Avenue to the southerly line of Tract No. 1192 as shown in Book 33 of Maps at Page 24, Alameda County Records; thence easterly along the southerly line of said Tract No. 1192 and the easterly prolongation of the southerly line of said Tract No. 1192 to a point on the easterly line of Orchard Avenue; thence northerly along the easterly line of said Orchard Avenue to the northwesterly corner of Assessors Map Book 75, Page 103, Parcel 11; thence northeasterly along the northerly line of Parcels 11, 9, 8, and 7 of said Assessors Map Book 75, Page 103 to the northeasterly corner of said Parcel 7; thence northerly to the northwesterly corner of Assessors Map Book 75, Page 103, Parcel 4-3; thence northeasterly along the northerly line of said Parcel 4-3 and the northeasterly prolongation of the northerly line of said Parcel 4-3 to a point on the easterly line of Alvarado Street; thence southerly along the easterly line of said Alvarado Street to the northwesterly corner of Assessors Map Book 75, Page 105-1, Parcel 18-3; thence northeasterly along the northerly line of Parcels 18-3, 15-2, and 14-2 of said Assessor Map Book and Page to the northeasterly corner of said Parcel 14-2; thence northerly along the westerly line of Assessors Map Book 75, Page 105-2, Parcel 13-7 to the northeasterly corner of said Parcel 13-7; thence northeasterly to the northeasterly corner of said Parcel 13-7; thence northerly along the westerly line of Parcels 12-2 and 12-1 of said Assessors Map Book and Page to the northwesterly corner of Assessors Map Book 75, Page 105-2, Parcel 12-1; thence northeasterly along the northerly line of said Parcel 12-1 to a point on the westerly line of the Central Pacific Railroad Right of Way; thence southerly along the westerly line of said Central Pacific Railroad Right of Way line to the northerly line of Marina Boulevard; thence easterly along the northerly line of said Marina Boulevard to the easterly line of San Leandro Boulevard; thence southerly along the easterly line of San Leandro Boulevard to the southerly line of Hudson Lane; thence easterly along the southerly line of said Hudson Lane and the easterly prolongation of the southerly line of said Hudson Lane to a point on the easterly line of Washington Avenue; thence southerly along the easterly line of said Washington Avenue to the northwesterly corner of Assessors Map Book 77D, Page 1410, Parcel 3-3; thence northeasterly along the northwesterly line of said Parcel 3-3 to the northwesterly corner of said Parcel 3-3; thence northerly along the easterly line of said Assessors Map Book 77D, Page 1410, Parcel 25 to a point on the southerly boundary of Tract No. 3849 as shown in Book 96 of Maps at Page 1, Alameda County Records; thence easterly along the southerly boundary of said Tract No. 3849 to the westerly line of East 14th Street; thence northerly along the westerly line of East 14th Street to the southerly line of Assessors Map Book 77, Page 630, Parcel 152; thence southwesterly along the southerly line of said Parcel 152 to the southwest corner of said Parcel 152; thence northerly along the westerly line of Parcels 152 and 153 of said Assessors Map Book 77, Page 630 to the northwest corner of Parcel 153 said point being on the southerly line of Assessors Map Book 77, Page 556-4, Parcel 57-3; thence southwesterly to the southwesterly corner of said Parcel 57-3; thence northwesterly along the southwesterly line of said Parcel 57-3 to the northwesterly corner thereof; thence northeasterly along the northwesterly line of said Parcel 57-3 to the southwesterly corner of said Assessors Map Book 77, Page 556-4, Parcel 55; thence along the northwesterly boundary lines of said Parcel 55 and southwesterly line of Parcel 54 of said Assessors Map Book 77, Page 556-4 and the northwesterly prolongation of the southwesterly line of said Parcel 54 to a point on the northerly line of Estabrook Street; thence westerly along the northerly line of said

AREA D

Alameda County - City of San Leandro Redevelopment Project, as it exists on December 21, 1992, is shown on the map marked Exhibit 1. Area D is more particularly described as follows:

BEGINNING at the intersection of the east line of Hesperian Boulevard and the southwesterly line of the Central Pacific Railroad right of way; thence southerly along the southwesterly line of said Central Pacific Railroad right of way to the centerline of San Lorenzo Creek; thence westerly along the centerline of said San Lorenzo Creek to a point on the northeasterly line of State Highway 880; thence northwesterly along the northeasterly line of said State Highway 880 to the intersection of the east line of said Hesperian Boulevard and the northeasterly line of said State Highway 880; thence westerly to the intersection of the westerly line of said Hesperian Boulevard and the northeasterly line of said State Highway 880; thence southerly along the prolongation of said west line of Hesperian Boulevard to a point on the centerline of said San Lorenzo Creek; thence westerly along the centerline of said San Lorenzo Creek to a point of intersection with the west line of Assessors Map Book 412, Page 11, Parcel 1-5; thence northerly along said west line of said Parcel 1-5 to a point of intersection with the easterly prolongation of the north line of Lewelling Boulevard; thence easterly along the easterly prolongation of the north line of Lewelling Boulevard to a point of intersection on the northeasterly line of State Highway 880; thence northwesterly along the northeasterly line of State Highway 880 to a point of intersection with the southerly line of State Highway 238; thence easterly along the south line of said State Highway 238 to a point at the most northeasterly corner of Assessors Map Book 413, Page 3, Parcel 1-1; thence northerly on a line that is perpendicular to the south line of State Highway 238 to a point common with the north line of said State Highway 238 and the southerly line of Assessors Map Book 77C, Page 1290, Parcel 15; thence northerly and easterly along the east line of said Parcel 15 and the south line of Assessors Map Book 77C, Page 1290, Parcel 14 to a point on the west line of said Hesperian Boulevard; thence easterly along the prolongation of the south line of said Parcel 14 to a point on the east line of said Hesperian Boulevard; thence northerly along line east line of said Hesperian Boulevard to the point of beginning.

Contains 118 acres, more or less.



Max M. Garcia 12/29/92

Max M. Garcia, L.S. 5122 Date

License Expires: 06/30/95

FILE: 92188-D
DATE: 12/29/92

ATTACHMENT D

REDEVELOPMENT AGENCY PROPOSED LIST OF PUBLIC IMPROVEMENTS, PROJECTS AND PROGRAMS

	Improvements	County	City	Mutual	Total	Category Total
Infrastructure	A. Utilities					$41,121,740
	1. underground	$9,200,000	$0	$25,000,000	$34,200,000	
	2. resid lighting	$50,000	$0	$0	$50,000	
	3. Water Main Impr	$0	$0	$1,000	$1,000	
	4. Sewer Upgrd	$0	$0	$1,000	$1,000	
	5. Utility Improv	$0	$0	$1,000	$1,000	
				TOTAL	$34,253,000	
	B. Roadway.sw					
	1. Wash Undrpass	$0	$0	$1,000	$1,000	
	2. Baylair	$0	$0	$1,060,000	$1,060,000	
	3. BART	$0	$0	$1,750,840	$1,750,840	
	4. sidewalks	$400,000	$400,000	$400,000	$1,200,000	
	5. Bridge	$0	$754,900	$0	$754,900	
	6. Ped. to Park	$90,000	$0	$0	$90,000	
	7. Drainage	$0	$0	$1,000	$1,000	
	8. Ashland Widening	$0	$0	$1,000	$1,000	
	9. E.Lewelling	$1,000	$0	$0	$1,000	
	10. Road Resurf.	$0	$0	$1,000	$1,000	
				TOTAL	$4,860,740	
	C. Transit	$0	$0	$1,000	$1,000	
	1. BART Shuttle	$0	$0	$1,000	$1,000	
	2. Transit Shuttles	$0	$0	$1,000	$1,000	
	3. Signal System	$0	$0	$1,000	$1,000	
	4. Hesperian Imprv.	$0	$0	$1,000	$1,000	
	5. 150th Ave Impr	$0	$0	$1,000	$1,000	
	6. Traffic Signals	$0	$0	$1,000	$1,000	
	7. It rail plus	$0	$0	$2,000,000	$2,000,000	
	8. Bike Lane	$0	$0	$1,000	$1,000	
				TOTAL	$2,008,000	
Commercial Assist	A. Commercial Impvt					
	1. Baylair	$0	$0	$62,000,000	$62,000,000	$167,272,000
	2. Business Asst.	$0	$0	$20,000,000	$20,000,000	
	3. Code Asst.	$0	$0	$500,000	$500,000	
	4. Commercial ren.	$0	$0	$18,000,000	$18,000,000	
	5. Un. masonry	$0	$1,000	$0	$1,000	
	6. Mix use (ROM)	$0	$0	$15,000,000	$15,000,000	
	7. Parking	$3,540,000	$5,000,000	$4,360,000	$12,900,000	
				TOTAL	$128,401,000	
	B. Streetscape					
	1. Comm. Streets	$3,707,500	$3,707,500	$7,415,000	$14,830,000	
	2. Medians	$0	$741,000	$0	$741,000	
	3. Residential	$3,300,000	$0	$0	$3,300,000	
				TOTAL	$18,871,000	
	C. Contam. Prop.	$0	$0	$20,000,000	$20,000,000	
Recreation	A. Plazas & Parks	$6,691,500	$1,490,000	$175,000	$8,356,500	$12,356,500
	B. Sports Facil	$4,000,000	$0	$0	$4,000,000	
Facilities	A. Libraries	$0	$1,300,000	$0	$1,300,000	$1,304,000
	B. Fire Station	$0	$0	$1,000	$1,000	
	C. Seismic Retro	$0	$0	$1,000	$1,000	
	D. Comm. Ctr.	$0	$0	$1,000	$1,000	
	E. Siren	$0	$0	$1,000	$1,000	
Housing	A. Mobile Homes	$1,300,000	$2,700,000	$0	$4,000,000	$96,401,000
	B. Emergency Prep	$0	$0	$1,000,000	$1,000,000	
	C. Disaster	$0	$0	$200,000	$200,000	
	D. Rehab	$0	$0	$15,000,000	$15,000,000	
	E. Replacement	$2,000,000	$1,800,000	$0	$3,800,000	
	F. Write Down	$0	$0	$25,000,000	$25,000,000	
	G. 1st Time Buyer	$0	$0	$15,000,000	$15,000,000	
	H. Rental Housing	$0	$0	$1,000	$1,000	
	I. Code Asst.	$0	$0	$3,500,000	$3,500,000	
	J. Rental Upgrade	$0	$0	$2,400,000	$2,400,000	
	K. Contam. Prop.	$0	$0	$10,500,000	$10,500,000	
	L. URM	$0	$0	$1,000,000	$1,000,000	
	M. Mixed Use	$0	$0	$15,000,000	$15,000,000	
Social Services	A. Community Svc.	$0	$0	$1,200,000	$1,200,000	$5,050,000
	B. Economic Devel.	$0	$0	$2,850,000	$2,850,000	
	C. Cultural Res.	$0	$0	$1,000,000	$1,000,000	
		$34,280,000	$17,894,400	$271,330,840	$323,505,240	$323,505,240

DECLARATION OF
Dave Needle

I, **Dave Needle**, declare as follows:

1. I presently serve as a Commissioner for the Alameda County Airport Land Use Commission ("ALUC").
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. The document attached as Exhibit 512 is a true and correct copy of ALUC resolution 01-2007 – Russell City Energy Center, adopted August 15, 2007.
4. The document attached as Exhibit 513 is a true and correct copy of ALUC resolution 02-2007 – Eastshore Energy Center, adopted October 17, 2007.
5. The document attached as Exhibit 514 is a true and correct copy of the ALUC Staff Report for July 18, 2007 regarding the Russell City Energy Center.
6. The document attached as Exhibit 515 is a true and correct copy of the ALUC Staff Report for August 15, 2007 regarding the Russell City Energy Center.
7. The document attached as Exhibit 516 is a true and correct copy of the ALUC Staff Report for September 19, 2007 regarding the Eastshore Energy Center.
8. The document attached as Exhibit 517 is a true and correct copy of the ALUC Staff Report for October 17, 2007 regarding the Eastshore Energy Center.
9. I present these documents in lieu of prefiled direct testimony for the California Energy Commission's proceeding on the Eastshore Energy Center.
10. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 4 Dec 07 Signed: Dave Needle

At: ALAMEDA CA

Dave Needle

2981 Northwood Drive Alameda, CA 94501 (510) 522-7391 dave@davenmargo.com

Synopsis

Experienced system architect and project manager. Strengths in team management, hardware design, user interface design, embedded software, hardware and software prototyping, IP protection, design for manufacturing, and engineering and manufacturing test systems.

President (2001-present)

GSD Group, Inc. **Alameda, CA**

GSD is an engineering services company with proven skills in the architecture, design, prototyping, and manufacturing setup for low-cost hardware and software products. The GSD staff includes senior hardware and software engineers, and calls on its industry contacts for documentation, mechanical, and other engineering needs.

I am the senior hardware engineer and architect. My skills include engineering team management, IP protection, digital ASIC design, FPGA design, PCB layout, micro controller software development, Visual Basic tools, and manufacturing test fixture design and development.

I am also experienced as an Expert Witness for IP protection.

Chairman, CTO (1996-2001)

Jovial Test Equipment, Inc. **Alameda, CA**

Founded JTE in 1996 to develop test equipment and home automation products. Initial products included 2 and 8 wire cable testers, and telephone interface devices. Created technology for low-cost and high-performance TDR based cable testers. We sold the company to our largest customer, Harris Corporation.

Vice President (1993-1996)

The 3DO Company, Inc. **Redwood City, California**

Joined 3DO as part of the sale of NTG to 3DO. I completed the transfer of the system knowledge to the 3DO engineering staff and then started the development of the next generation system. Additionally, I was responsible for protecting the intellectual property through patent grant.

Vice President (1989-1993)

New Technologies Group, Inc. **Palo Alto, California**

Founded, along with two partners, to invent, make ready for manufacture, and license products for mass market consumer entertainment. Our high performance game system was the overwhelming leader at the time of its license to SMSG (later to become The 3DO Company). Soon after, NTG was purchased by The 3DO company.

Director of Hardware Engineering (1987-1989)

Epyx Inc. **Redwood City, California**

Was Co-architect (with the software director) and leader of the 14 member hardware design team for the first color programmable hand-held game system. It was later sold to Atari who released it as the Lynx.

Principal Engineer (1986-1987)

Apple Computer, Inc. **Cupertino, California**

One of 3 engineers in an 8 member team that created the architecture for, designed, built and tested 15 prototypes of a 5 MIPS RISC based low cost personal computer. The system had a complete multitasking OS, compilers, editors, graphics, and peripherals. The project was completed in less than 1 year.

Hardware System Architect (1983-1986)

Commodore-Amiga, Inc. **Los Gatos, California**

First as a consultant, then as an employee, I was a key contributor to the Amiga personal computer project. In addition to some of the hardware design, I was responsible for the engineering aspects of the manufacturing start-up. I was part of the management team that completed the sale of Amiga to Commodore.

Principal (1982-1984)

Software and Hardware Innovative Technologies **Alameda, California**

My two partners and I provided hardware and software consulting services to companies developing computer controlled video products. We also designed and sold three arcade video games.

Architect/Team Leader (1978-1982)

Tandem Computers **Cupertino, California**

I was the hardware architect and project leader for the first Tandem display terminal. I led the technical team through design and then pilot production.

Project Engineer (1974-1978)

Naval Air Rework Facility **Alameda, California**

I was the leader of the development and support team for two types of automatic test equipment. The team consisted of 4 engineers and several technicians.

Engineer (1969-1974)

PRD Electronics **Syosset, New York**

I designed computer controlled test equipment for the department of defense. I later transferred to site manager for the systems located aboard the USS Enterprise.

Education:

B.E.E. City College of New York, 1969

Community Involvement:

Commissioner - Alameda County Airport Land Use Commission, President - Fernside Homeowners Association, Chair – Oakland Airport Settlement Agreement Oversight Committee, Co-chair – City of Alameda Airport Operations Committee, Representative - Oakland Airport Master Plan Stakeholder Committee

Hobbies:

Golf, Quantum Physics, Turtles, Combat Robots

Dave Needle

2981 Northwood Drive Alameda, CA 94501 (510) 522-7391 dave@davenmargo.com

Synopsis

Experienced system architect and project manager. Strengths in team management, hardware design, user interface design, embedded software, hardware and software prototyping, IP protection, design for manufacturing, and engineering and manufacturing test systems.

President (2001-present)

GSD Group, Inc. **Alameda, CA**

GSD is an engineering services company with proven skills in the architecture, design, prototyping, and manufacturing setup for low-cost hardware and software products. The GSD staff includes senior hardware and software engineers, and calls on its industry contacts for documentation, mechanical, and other engineering needs.

I am the senior hardware engineer and architect. My skills include engineering team management, IP protection, digital ASIC design, FPGA design, PCB layout, micro controller software development, Visual Basic tools, and manufacturing test fixture design and development.

I am also experienced as an Expert Witness for IP protection.

Chairman, CTO (1996-2001)

Jovial Test Equipment, Inc. **Alameda, CA**

Founded JTE in 1996 to develop test equipment and home automation products. Initial products included 2 and 8 wire cable testers, and telephone interface devices. Created technology for low-cost and high-performance TDR based cable testers. We sold the company to our largest customer, Harris Corporation.

Vice President (1993-1996)

The 3DO Company, Inc. **Redwood City, California**

Joined 3DO as part of the sale of NTG to 3DO. I completed the transfer of the system knowledge to the 3DO engineering staff and then started the development of the next generation system. Additionally, I was responsible for protecting the intellectual property through patent grant.

Vice President (1989-1993)

New Technologies Group, Inc. **Palo Alto, California**

Founded, along with two partners, to invent, make ready for manufacture, and license products for mass market consumer entertainment. Our high performance game system was the overwhelming leader at the time of its license to SMSG (later to become The 3DO Company). Soon after, NTG was purchased by The 3DO company.

Director of Hardware Engineering (1987-1989)

Epyx Inc. **Redwood City, California**

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Community Involvement:

Commissioner - Alameda County Airport Land Use Commission, President - Fernside Homeowners Association, Chair – Oakland Airport Settlement Agreement Oversight Committee, Co-chair – City of Alameda Airport Operations Committee, Representative - Oakland Airport Master Plan Stakeholder Committee

Hobbies:

Golf, Quantum Physics, Turtles, Combat Robots

THE AIRPORT LAND USE COMMISSION OF ALAMEDA COUNTY
HAYWARD, CA

RESOLUTION 01-2007 – AT A MEETING HELD AUGUST 15, 2007

Introduced by: Morris
Seconded by: Lockhart

WHEREAS, County Airport Land Use Commissions (ALUCs) were established pursuant to the State ALUC law (Public Utilities Code Article 3.5, State Aeronautics Act, Section 21661.5, Section 21670 et seq., and Government Code Section 65302.3 et seq.) to protect the public health, safety, and welfare by promoting orderly expansion of airports and adoption of land use measures by local public agencies to minimize exposure to excessive noise and safety hazards near airports, and

WHEREAS, state law authorizes ALUCs to coordinate planning at the state, regional and local levels; to prepare and adopt airport land use plans; and to review and make recommendations concerning specified plans, regulations and other actions of local agencies and airport operators including General and Specific Plan amendments, adoption of a Zoning Ordinance or Rezoning, adoption of Building Regulations, revision of Airport Master Plans, and approval of plans to construct a new airport/heliport, and

WHEREAS, Calpine Corporation is proposing to develop the Russell City Energy Center (RCEC) that would be a base-load, 600 megawatt, natural gas-fired power plant, with a nine-cell cooling tower (64 feet tall), and two 145-foot-tall heat recovery steam generator stacks, and

WHEREAS, the power plant would generate invisible high-velocity, high-heat thermal plumes in the Hayward Airport airspace, and

WHEREAS, the RCEC project would be located 1.5 miles from the Hayward Executive Airport within the Airport Influence Area (AIA) for the airport as defined by the Airport Land Use Commission (ALUC) of Alameda County, and

WHEREAS, California Energy Commission (CEC) staff have published a Preliminary Staff Assessment on potential impacts to Hayward Airport operations which concluded that the thermal plumes from the cooling tower and heat recovery steam generator stacks will disturb airspace stability to more than 1,000 feet above ground level (AGL), and

WHEREAS, the (CEC) has asked the ALUC to provide an opinion on the question: "Does the ALUC consider the proposed RCEC plumes an aviation safety hazard?", and

WHEREAS, the FAA *Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes* Study recommends, among other mitigation measures, amending FAA Order 7400.2 to consider a plume generating facility as a hazard to navigation when expected flight paths pass less than 1,000 feet above the top of the object, and

WHEREAS, the California Department of Transportation Division of Aeronautics has stated that it concurs with the CEC staff assessment regarding the potential for a hazard to aviation safety for low altitude flights below 1,000 feet AGL over the thermal plumes that would be generated by the RCEC project in its currently proposed location, and

WHEREAS, The 2002 Hayward Airport Master Plan forecasts an increase in total general aviation operations of approximately 3,350 flights per year, or 280 flights per month between 2010 and 2020 over current operation levels, and

WHEREAS, the expected increase in flight operations for the Hayward Airport represents an increase in aircraft overflight of the thermal plumes to be generated by the proposed RCEC project, and

WHEREAS, the airspace in the vicinity of the Hayward Airport is already restricted due to Noise Abatement Flight Procedures, and

WHEREAS, a mitigation measure that would alter the flight pattern to avoid the thermal plumes generated by the RCEC project is not feasible because it would further restrict the limited airspace, and

WHEREAS, the ALUC has held meetings on July 18 and August 15, 2007 in which this issue was discussed and testimony taken from all interested parties,

NOW THEREFORE BE IT RESOLVED that the Airport Land Use Commission of Alameda County discussed their concerns regarding thermal plumes of the proposed RCEC project relative to aviation safety at the Hayward Executive Airport and makes the following three findings:

1. The Commission recommends an alternate site for the proposed project.
2. If the project is approved at the currently proposed site, that the City of Hayward request that the FAA issue a Notice to Airmen (NOTAM) advising pilots to avoid overflight of the plant.
3. If the project is approved at the currently proposed site, the Commission recommends implementation of Traffic and Transportation Condition of Certification #10 contained in the California Energy Commission Staff Assessment of the Amendment of the RCEC, and additional mitigation measures which include the following:

    - Have the FAA revise any instrument approach that currently directs aircraft directly over the power plant at low elevation
    - Revise the San Francisco Sectional Chart to include a marker showing where the plant is located and adding a recommendation about avoiding overflight
    - Add a new remark to the airport surface observing system (ASOS) equipment that advises pilots, as they approach or depart the airport, to avoid direct overflight of the RCEC
    - Add a marker/remark in the Airport Facility Directory indicating the location of the RCEC facility
    - Have the FAA issue an advisory that a special security TFR (NOTAM FDC 4/0811), strongly advising pilots to avoid flight over or in the proximity of this facility, applies to this location

THE AIRPORT LAND USE COMMISSION OF ALAMEDA COUNTY
HAYWARD, CA

RESOLUTION 02-2007 – AT A MEETING HELD OCTOBER 17, 2007

Introduced by: Hauri
Seconded by: Needle

WHEREAS, County Airport Land Use Commissions (ALUCs) were established pursuant to the State ALUC law (Public Utilities Code Article 3.5, State Aeronautics Act, Section 21661.5, Section 21670 et seq., and Government Code Section 65302.3 et seq.) to protect the public health, safety, and welfare by promoting orderly expansion of airports and adoption of land use measures by local public agencies to minimize exposure to excessive noise and safety hazards near airports, and

WHEREAS, state law authorizes ALUCs to coordinate planning at the state, regional and local levels; to prepare and adopt airport land use plans; and to review and make recommendations concerning specified plans, regulations and other actions of local agencies and airport operators including General and Specific Plan amendments, adoption of a Zoning Ordinance or Rezoning, adoption of Building Regulations, revision of Airport Master Plans, and approval of plans to construct a new airport/heliport, and

WHEREAS, Tierra Energy is proposing to develop the Eastshore Energy Center that would be a nominal megawatt, gas-fired power plant, with 70-foot towers that would produce high-velocity thermal plumes in excess of 4.3 meters per second (m/s), and

WHEREAS, the power plant would generate invisible high-velocity, high-heat thermal plumes in the Hayward Airport airspace, and

WHEREAS, the Eastshore Energy Center project would be located 1 mile from the Hayward Executive Airport within the Airport Influence Area (AIA) for the airport as defined by the Airport Land Use Commission (ALUC) of Alameda County, and

WHEREAS, California Energy Commission (CEC) staff have published a Preliminary Staff Assessment on potential impacts to Hayward Airport operations which concluded that the thermal plumes from the towers will disturb airspace stability to 500 feet above ground level (AGL), and

WHEREAS, the CEC staff has asked the ALUC to provide an advisory determination of the project's compatibility with the Hayward Executive Airport operations, and

WHEREAS, The 2002 Hayward Airport Master Plan forecasts an increase in total general aviation operations of approximately 3,350 flights per year, or 280 flights per month between 2010 and 2020 over current operation levels, and

WHEREAS, the expected increase in flight operations for the Hayward Airport represents an increase in aircraft overflight of the thermal plumes to be generated by the proposed Eastshore Energy Center project, and

WHEREAS, the airspace in the vicinity of the Hayward Airport is already restricted due to Noise Abatement Flight Procedures, and the National Security NOTAM requesting pilots to

avoid overflight of power plants that will be in effect with the approved Russell City Energy Center (RCEC) project that is also within a mile and a half of the Hayward Executive Airport

NOW THEREFORE BE IT RESOLVED that the Airport Land Use Commission of Alameda County discussed their concerns regarding thermal plumes of the proposed Eastshore Energy Center project relative to aviation safety at the Hayward Executive Airport and makes the following finding:

1. The Commission recommends an alternate site for the proposed project outside of the Airport Influence Area for the Hayward Executive Airport.

ADOPTED BY THE FOLLOWING VOTE:

AYES: HAURI, GROSSMAN, PEREIRA, NEEDLE, MORRIS

NOES: NONE

ABSENT: LOCKHART, KAMENA

EXCUSED: LOCKHART

ABSTAINED: NONE

SIGNED: DATE:

10/26/07

STEVE GROSSMAN
CHAIR, ALAMEDA COUNTY AIRPORT LAND USE COMMISSION

CHRIS BAZAR, ADMINISTRATIVE OFFICER
ALAMEDA COUNTY AIRPORT LAND USE COMMISSION

STAFF REPORT -- AIRPORT LAND USE COMMISSION
PROPOSED RUSSELL CITY ENERGY CENTER PROJECT
JULY 18, 2007 – AGENDA ITEM 4

BACKGROUND

The California Energy Commission (CEC) has requested that the Alameda County Airport Land Use Commission (ALUC) review the proposed Russell City Energy Center (RCEC) project to be located in Hayward, approximately 1.5 miles from the Hayward Executive Airport. This project falls within the ALUC Height Referral Area and the Airport Influence Area for the airport.

Calpine Corporation is proposing to develop the RCEC that would be a base-load, 600 megawatt, natural gas-fired power plant, with a nine-cell cooling tower (64 feet tall), and two 145-foot-tall heat recovery steam generator stacks.

CEC CONCERNS AND REQUESTED INFORMATION

CEC staff have published a Preliminary Staff Assessment on potential impacts to Hayward Airport operations (see attached reports) which concluded that the thermal plumes from the cooling tower and heat recovery steam generator stacks will disturb airspace stability to more than 1,000 feet above ground level (agl). This disturbance could be a potential aviation safety hazard to aircraft using Hayward Executive Airport.

The CEC has requested the ALUC make a determination on two questions:

1. Does the ALUC consider the proposed RCEC plumes an aviation safety hazard?
2. Does the project conform to the City of Hayward's Municipal Code?

ALUC staff has consulted with the Office of the County Counsel on these questions, and on the project in general. Counsel has provided the opinion that based on Sections 21674(a) and 21670(a)(2) of the State ALUC Law that it is within the jurisdiction of the ALUC to provide its comments on the proposed power plant project, if it so desires.

However, the ALUC presently has no direct regulatory authority over the proposed project, and probably does not possess sufficient technical expertise to assess the thermal plume question without additional technical assistance. In addition, the question of project conformance with the City of Hayward's Municipal Code is outside the scope of the ALUC's mandate to comment on, and thus will not be addressed by the Commission.

SUMMARY OF RELEVENT BACKGROUND REPORTS

Attached to this staff report are the following documents that discuss the issue of thermal plumes relative to aviation safety. Staff has included a brief summary of each report after each listing below.

1. <u>California Energy Commission</u>
   - Letter from Jim Adams of the CEC requesting ALUC review of project.
   - Preliminary Staff Assessment – Potential Impacts on Hayward Airport Operations
   - Executive Summary
   - Land Use
   - Traffic and Transportation

Summary: CEC staff have conducted an analysis that concludes the plumes generated from this project would present a substantial hazard to aircraft operations at normal traffic pattern altitude (600 – 800 feet agl).

2. CALPINE (PROJECT SPONSOR)
   - Plume Vertical Velocity Assessment of a Proposed Gas-Fired Power Station at Russell City Energy Center

   - Addendum to the Plume Vertical Velocity Assessment

   Summary: Technical report conducted by an Australian firm analyzing the RCEC project specifically, based on guidelines for aviation safety set out by the Australian Civil Aviation Authority (CASA) and presented in *"Guidelines for Conducting Plume Rise Assessments (CASA 2004)."* Analysis conducted for worst case assessment assuming calm winds and neutral atmospheric conditions for the entire length and height of the plume, and for realistic wind scenario using vertical wind profiles generated by a prognostic weather model for a full year simulation. These reports were prepared by members of the group in Australia who developed the only known methodology for accurately modeling thermal plumes. The report concluded that, for realistic wind scenarios the average plume vertical velocities are unlikely to exceed the critical threshold of 4.3 meters per second above the height of 176 meters and a maximum distance of 77 meters from the power station.

3. CITY OF HAYWARD
   - Letter from City Manager to the California Energy Commission addressing the isssue of project compliance with municipal code regulations.

   Summary: The City indicates that the proposed RCEC project does conform to the City's Municipal Code and General Plan. The City endorses the RCEC project.

4. FEDERAL AVIATION ADMINISTRATION (FAA)
   - Safety Study Report: Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes

   - FAA 7460 Aeronautical Studies (2) addressing the potential impact on air navigation of the two thermal stacks included in this project

   - Letter from Joe Rodriguez of the local FAA Airports District Office to Ross Dubarry, Acting Airport Manager of the Hayward Executive Airport urging the City to require the project sponsor to provide a complete project description for all components of the power plant facilities when requesting an FAA 7460 Study, including thermal plumes.

   Summary: The Safety Study Report concludes that the risk associated with thermal plumes on aricraft operations presents an acceptable level of risk comparable to other common potential flight hazards. Recommends addressing the threat posed by vertical plumes by a variety of methods including established procedures for pilot

notification. Makes other recommendations for FAA publications to include the consideration of thermal plumes directly.

The FAA 7460 studies make the finding of "Determination of No Hazard to Air Navigation" for both stacks.

The letter from the FAA to the City requested that City approval requirements include FAA airspace determination as a condition of final building permit approval.

ALUC STAFF RECOMMENED ACTIONS

Staff requests that the ALUC take the following actions at today's meeting:

1. Determine whether to comment to the CEC. A Draft Resolution that reflects any Commission's determination on this issue will be provided at the next ALUC meeting for adoption.

2. Direct staff to agendize for the next ALUC meeting an item discussing whether to include a section on thermal plumes and industrial power plants in the Airport Land Use Policy Plan Update that is currently underway.

STAFF REPORT -- AIRPORT LAND USE COMMISSION
PROPOSED RUSSELL CITY ENERGY CENTER PROJECT
AUGUST 15, 2007 – AGENDA ITEM 4

BACKGROUND

This item is continued from last month's ALUC meeting. At that meeting, the Commission reviewed the proposed Russell City Energy Center Project (hereafter referred to as the RCEC), to be located in Hayward, approximately 1.5 miles from the Hayward Executive Airport. This project falls within the ALUC Height Referral Area and the Airport Influence Area for the airport. Staff provided a number of documents and correspondence as background information for the Commission on this proposed facility, to assist the Commission in their evaluation of the issues.

After presentations by the consultants for the applicant and CEC staff and follow-up discussion, the Commission directed staff to assemble additional information on the project for continued discussion at the next ALUC meeting. To briefly recap, the ALUC received a formal request from the California Energy Commission (hereafter referred to as the CEC) to answer the following question:

→ Does the ALUC consider the proposed RCEC plumes an aviation safety hazard?

Staff has consulted with County Counsel throughout this project review. As you recall, Counsel's opinion is that because this type of facility is not included in the existing ALUC Airport Land Use Policy Plan, our usual and more formal action of a Consistency Determination is not appropriate in this case. However, based on ALUC State Law, the Commission is well within its mandate to comment on the proposed project in response to the CEC request.

This staff report is organized in the following manner:

- Follow-up information requested by the Commission
- Summary of additional information (documents are attached to the end of this report)
- Staff Analysis
- Staff Recommendation
- Draft Resolution
- Attachments

FOLLOW-UP INFORMATION REQUESTED BY THE COMMISSION

The Commission has asked staff to provide more information on the following issue areas:

1. An answer to the local FAA office request to the City to provide more information on thermal plumes as part of their 7460 evaluation of this project.

2. Information on any available technology that could mitigate the impacts of thermal plumes on aircraft.

3. Additional information on the Blythe Energy Facility projects and the CEC evaluation of them.

4. Information on Cumulative Impacts of projects in terms of airspace capacity in the vicinity of Hayward Airport.

5. Flight tracks for Hayward Airport

6. Any additional reports or information on thermal plumes and their potential impacts on aviation, in addition to what staff has already provided.

ADDITIONAL REPORTS AND INFORMATION

This additional information in the form of reports and letters of correspondence have been provided as attachments to this staff report, some of which respond to the follow-up items listed above. Below is a listing and very brief summary of each document.

1. Letter from Aircraft Owners and Pilots Association to Jim Adams, CEC staff – This letter recommends against the placement of the RCEC facility in its current proposed location.

2. Letter from The California Pilots Association to Jim Adams, CEC staff – This letter references Grant Assurances agreed to by the City of Hayward when receiving grants through the FAA that require the City to keep the airport free of hazards and to maintain compatible land use zoning. It also requests that the CEC not approve the amendment for the RCEC and further requests that the CEC not permit this facility to be built within five (5) miles of the Hayward Executive Airport.

3. Letter from the Joe Rodriguez of the FAA Environmental Planning and Compliance Section to Jim Adams of the CEC responding to the issue of the FAA 7460 Study and Thermal Plumes from RCEC. The Letter concurs with the CEC staff assessment, and reiterates the FAA Safety Study Report recommendations to modify notification requirements to pilots. It finds no potential hazard to the Oakland International Airport from the proposed RCEC facility.

4. Letter from Gary Cathey of the Caltrans Division of Aeronautics Office of Airports to Jim Adams of the CEC. This letter states that Caltrans shares the concerns of the CEC staff regarding low-level flight at traffic pattern altitude over the proposed RCEC power plant near the Hayward Airport.

5. Testimony Regarding Thermal Plumes and Aviation – Cumulative Impacts, Submitted by Russell City Energy Center, LLC – Supplemental testimony responding to CEC staff's late-filed Addendum to the staff assessment regarding Cumulative Impacts and Mitigations. Question and answer format that refutes CEC staff analysis regarding potential hazard of thermal plumes on aviation operations.

6. Report of Conversation (3) from Pilots to the CEC staff – Reports based on conversations with pilots who filed complaints about moderate to severe turbulence resulting from overflight of the Blythe I Energy Facility thermal plumes that affected their aircraft operations.

7. Flight Tracks for Hayward Executive Airport - Flight tracks for turbo-prop, single engine, multi-engine aircraft, and helicopters are included as an attachment. Maps also included for Hayward Airport's Land Use Safety Zones and Noise Abatement Flight Procedures.

8. Aviation Safety and Buoyant Plumes- Paper presented at the Clean Air Conference, South Wales, Australia 2003 – Technical analysis of thermal plume effects on aviation safety.

9. Relevant portions of the CEC's Decision on the Blythe Energy Project II facility – Portions pertaining to the thermal plume and aviation hazard discussion of the CEC decision. Includes recommendations for mitigation measures.

10. Land Use Testimony of Shaelyn Strattan, CEC staff - CEC staff analysis of potential hazard of thermal plumes from RCEC relative to the Hayward Executive Airport. Recommends siting facility in another location to avoid potential aviation hazard.

11. Land Use Testimony Errata from Shaelyn Stratton, CEC staff - This document consists of changes that were made to the previously filed Land Use Testimony document above.

STAFF ANALYSIS

The Commission has been asked by the CEC staff to offer its input on the following question:

- Does the ALUC consider the proposed RCEC plumes an aviation safety hazard?

The information provided by the FAA and Caltrans Division of Aeronautics, (both of whom are qualified to answer this question) does not seem to dispute that the thermal plumes represent some level of hazard to aircraft operations at low altitudes (below 1,000 feet AGL). In fact, the Caltrans letter repeats the concerns expressed by CEC staff. The pivotal question is what level of risk is deemed acceptable?

The FAA *Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes* Study from last month's packet acknowledges that the risk posed by thermal plumes exists, but considers that level of risk acceptable and compares it to levels of turbulence routinely experienced by pilots. They suggested a number of mitigations including additional pilot notification of location of industrial plants that emit thermal plumes, warnings to avoid overflight of these facilities, and changes to the 7460 Study to include evaluation of industrial plumes. Perhaps most significantly, the report recommends "amending FAA Order 7400.2 to consider a plume generating facility as a hazard to navigation when expected flight paths pass less than 1,000 feet above the top of the object".

At last month's ALUC meeting commissioners inquired about the availability of technology that could mitigate the potential hazard of high-velocity, high-heat thermal plumes to aircraft flying over them. Staff asked CEC staff and the consultant staff for Calpine (project applicant) to provide any information they were aware of to address this issue. The response was that no feasible technology currently exists to mitigate the effects of thermal plumes on aircraft that wouldn't compromise the operational effectiveness of the power plant.

The commission also inquired about the cumulative impacts to the airspace and aircraft operations from this and other planned facilities in the vicinity of the Hayward Airport. The

only other known potential facility at this time is the Eastshore Energy Center facility that is proposed to be located 1 mile southeast of the Hayward Airport. As of this time, the City of Hayward has stated its opposition to that project; however, I have been contacted by consultants for that project to meet to discuss potential ALUC concerns.

One of the mitigation measures recommended by the FAA and utilized at the Blythe I facility was to change the standard flight pattern to avoid overflight of the plumes. Staff was informed by CEC staff that they investigated this option when evaluating RCEC, but it was deemed not feasible at Hayward due to Noise Abatement Flight Procedures in place currently, which limit available airspace for flight maneuvers. In other words, changing Hayward's flight patterns is not a viable option because it would place more restrictions on an already crowded and restricted airspace.

Another airspace consideration is the flight activity that is generated by the other nearby airports in the region, including Oakland International Airport, and San Francisco International Airport. Oakland has a significant level of General Aviation activity, which is comprised of single, turbo-prop, and multi engine aircraft as well as helicopters. The approach for Oakland overflies the Hayward airspace. Although Oakland-bound aircraft fly at higher altitudes, this traffic further compresses available airspace for the Hayward approach and departure patterns.

In an effort to more fully understand airspace issues, staff looked at the forecasts for flight operations at the Hayward Executive Airport through 2020. According to Exhibit 2E and Table 2M (attached at the end of this report) from the 2002 Hayward Executive Airport Master Plan, General Aviation Operations, which comprise about 98% of all operations at the airport are projected to increase from 187,680 in 2010 to 221,170 in 2020. This represents an expected increase of approximately 3,350 flight operations per year, or 280 per month over current operation levels.

To further illustrate the future trends of activity at Hayward Executive Airport, Page 2-14 of the Airport Master Plan states that

> *Historically, local and itinerant operations accounted for approximately 50 percent each of total annual operations. Since 1990, local operations have grown and accounted for a larger portion of annual operations than itinerant operations. This is representative of continued increases in aircraft training activity at the airport. Consistent with national trends, itinerant operations are forecast to increase through the planning period (in number and as a percentage of total annual operations) due to the expected utilization of business and corporate aircraft at the airport (which are typically itinerant operations).*

STAFF RECOMMENDATION

Based on all the information reviewed and testimony to date, staff recommends the ALUC make the finding, by adopting Resolution 01-2007, that the thermal plumes of the proposed RCEC project are considered to be a potential aviation hazard, and recommend the proposed project be located at a site that will not pose a hazard to aviation safety.

STAFF REPORT -- AIRPORT LAND USE COMMISSION
PROPOSED EASTSHORE ENERGY CENTER PROJECT
SEPTEMBER 19, 2007 – AGENDA ITEM 4

BACKGROUND

The California Energy Commission (CEC) has requested that the Alameda County Airport Land Use Commission (ALUC) review the proposed Eastshore Energy Center project to be located in Hayward, approximately one mile south of the Hayward Executive Airport. This project falls within the ALUC Height Referral Area and the Airport Influence Area for the airport.

Tierra Energy is proposing to develop the Eastshore Energy Center that would be a nominal gas-fired 115.5-megawatt (MW) power plant located in on 6.22 acre site at 25101 Clawiter Road in the City of Hayward. This facility would have fourteen 70-foot towers that would produce high-velocity thermal plumes in excess of 4.3 meters per second (m/s).

CEC PRELIMINARY STAFF ASSESSMENT (PSA)

CEC staff have published a Preliminary Staff Assessment on, among other things, potential impacts to Hayward Airport operations (see attached Traffic & Transportation and Land Use CEC staff reports). The assessment makes the following findings and recommendations:

- This facility would produce high-velocity thermal plumes in excess of 4.3 meters per second (m/s). However, because plume velocity would dissipate to less than 4.3 m/s below minimum flight altitudes for the Hayward airspace, staff believes the project-generated thermal plumes would not present a substantial hazard to aircraft flying at or above 500 feet above ground level (AGL).

- If the power plant is cited in the proposed location, it will require pilots and air traffic controllers to comply with Temporary Flight Restirctions/Notice to Airmen (TFR/NOTAM) FDC 4/0811 that was created for National Security purposes. CEC staff have determined that this would create an additional obstacle to flight in the southwest quadrant of the Hayward airspace.

- This facility would further limit the use of a significant portion of the airport's usable airspace and further restrict an already restricted airspace for the Hayward Executive Airport, especially when considered with the constraints and potential impacts associated with the proposed Russell City Energy Center (RCEC) project.

- CEC staff does not recommend approval of this facility in its proposed location. However, if the CEC approves the permit for the Eastshore facility, staff recommends condition of certification TRANS-3 (page 4.10-36 in the Traffic & Transportation section of the PSA) be implemented to further reduce the potential of inadvertent overflight of the faicility's thermal plumes, especially by helicopters which fly below 500 feet AGL.

STAFF ANALYSIS

Over the last two months, a significant amount of information on thermal plumes and potential aviation impacts was distributed to the Commission during the review of the Russell City Energy Center (RCEC) Project. These included technical background reports,

letters from Pilot associations, consultant reports, letters from neighbors in the vicinity of the RCEC and Eastshore projects, and letters from FAA and Caltrans Division of Aeronautics.

The thermal plume issue with Eastshore is somewhat different than for the RCEC project. These plumes would dissipate at a much lower altitude than the plumes at the RCEC power plant, and therefore represent less of a potential aviation risk to aircraft. However, helicopters would be susceptable to these risks due to lower flight altitudes.

Airpsace concerns raised by staff at last month's meeting on RCEC are also relevant for the Eastshore Energy Center project. These include: an increase in operations at Hayward Executive Airport over the next 20 years; restricted airspace due to existing Noise Abatement Flight Procedures and the National Security NOTAM warning pilots to avoid overflights of power plants for the RCEC facility; and thermal plumes that would be a potential hazard to helicopter operations.

The cumulative impacts would be significant if both power plants were in operation. The CEC has published the "Presiding Member's Porposed Decision" that gives preliminary approval for the RCEC project to be built. However, as of this writing the FAA has requested more time to evaluate the thermal plume issue and asked the CEC to postpone their decision on the RCEC. The CEC agreed to postpone their decision by several weeks.

STAFF RECOMMENDATION

Based on all the information reviewed regarding potential aviation hazards and thermal plumes, staff recommends the ALUC make the finding, by adopting Resolution 02-2007, that the thermal plumes of the proposed RCEC project are considered to be a potential aviation hazard, and recommend the proposed project be located at a site that will not pose a hazard to aviation safety. As was done for the RCEC Resolution, staff has included CEC staff recommendations in the Eastshore Resolution for mitigation of potential hazards if the project is ultimately approved.

STAFF REPORT -- AIRPORT LAND USE COMMISSION
PROPOSED EASTSHORE ENERGY CENTER PROJECT
OCTOBER 17, 2007 – AGENDA ITEM 4

BACKGROUND

The Commission met last month on this item, but due to lack of a quorum, no action was taken. Several new items have been received regarding this project, and are attached.

****Please review and bring the CEC Preliminary Staff Assessment for Land Use and Traffic & Transportation that was distributed in last month's packet.****

The California Energy Commission (CEC) has requested that the Alameda County Airport Land Use Commission (ALUC) review the proposed Eastshore Energy Center project to be located in Hayward, approximately one mile south of the Hayward Executive Airport. This project falls within the ALUC Height Referral Area and the Airport Influence Area for the airport.

Tierra Energy is proposing to develop the Eastshore Energy Center that would be a nominal gas-fired 115.5-megawatt (MW) power plant located in on 6.22 acre site at 25101 Clawiter Road in the City of Hayward. This facility would have fourteen 70-foot towers that would produce high-velocity thermal plumes in excess of 4.3 meters per second (m/s).

CEC PRELIMINARY STAFF ASSESSMENT (PSA)

CEC staff have published a Preliminary Staff Assessment on, among other things, potential impacts to Hayward Airport operations (see attached Traffic & Transportation and Land Use CEC staff reports). The assessment makes the following findings and recommendations:

- This facility would produce high-velocity thermal plumes in excess of 4.3 meters per second (m/s). However, because plume velocity would dissipate to less than 4.3 m/s below minimum flight altitudes for the Hayward airspace, staff believes the project-generated thermal plumes would not present a substantial hazard to aircraft flying at or above 500 feet above ground level (AGL).

- If the power plant is cited in the proposed location, it will require pilots and air traffic controllers to comply with Temporary Flight Restirctions/Notice to Airmen (TFR/NOTAM) FDC 4/0811 that was created for National Security purposes. CEC staff have determined that this would create an additional obstacle to flight in the southwest quadrant of the Hayward airspace.

- This facility would further limit the use of a significant portion of the airport's usable airspace and further restrict an already restricted airspace for the Hayward Executive Airport, especially when considered with the constraints and potential impacts associated with the proposed Russell City Energy Center (RCEC) project.

- CEC staff does not recommend approval of this facility in its proposed location. However, if the CEC approves the permit for the Eastshore facility, staff recommends condition of certification TRANS-3 (page 4.10-36 in the Traffic & Transportation section of the PSA) be implemented to further reduce the potential of inadvertent overflight of the faicility's thermal plumes, especially by helicopters which fly below 500 feet AGL.

In addition to the CEC report, the following new information/corrrespondence is included:

- PowerPoint Presentation on the Eastshore Energy Center Project from the project owner, Eastshore Energy LLC.
- City of Hayward Correspondence to the CEC Staff dated June 27, 2007 regarding Airport Approach Zoning Regulations (this letter appeared in your Russel City Energy Center (RCEC) packets in July).
- Letter from Joe Rodriguez, FAA, comments on the Eastshore Energy Center 70-foot exhaust stacks. He concurs with the CEC staff assessment that effective mitigation measures to reduce impacts from the EEC exhaust plumes to less than significant levelos wi;; be difficult to implement when combined with the RCEC mitigation.

STAFF ANALYSIS

Over the last two months, a significant amount of information on thermal plumes and potential aviation impacts was distributed to the Commission during the review of the Russell City Energy Center (RCEC) Project. These included technical background reports, letters from Pilot associations, consultant reports, letters from neighbors in the vicinity of the RCEC and Eastshore projects, and letters from FAA and Caltrans Division of Aeronautics.

The thermal plume issue with Eastshore is somewhat different than for the RCEC project. These plumes would dissipate at a much lower altitude than the plumes at the RCEC power plant, and therefore represent less of a potential aviation risk to aircraft. However, helicopters would be susceptable to these risks due to lower flight altitudes.

Airpsace concerns raised by staff at last month's meeting on RCEC are also relevant for the Eastshore Energy Center project. These include: an increase in operations at Hayward Executive Airport over the next 20 years; restricted airspace due to existing Noise Abatement Flight Procedures and the National Security NOTAM warning pilots to avoid overflights of power plants for the RCEC facility; and thermal plumes that would be a potential hazard to helicopter operations.

As a follow-up to last month's reporting on the status of the RCEC project, the CEC has officially given approval at it's meeting on September 26, 2007 for the RCEC facility to be built. The cumulative impacts would be significant if both power plants were in operation.

STAFF RECOMMENDATION

Based on all the information reviewed regarding potential aviation hazards and thermal plumes, staff recommends the ALUC make the finding, by adopting Resolution 02-2007, that the thermal plumes of the proposed RCEC project are considered to be a potential aviation hazard, and recommend the proposed project be located at a site that will not pose a hazard to aviation safety and that is outside of the Airport Influence Area for Hayward Executive Airport. As was done for the RCEC Resolution, staff has included CEC staff

recommendations in the Eastshore Resolution for mitigation of potential hazards if the project is ultimately approved.

DECLARATION OF
Dr. Sandra Witt

I, **Sandra Witt**, declare as follows:

1. I am presently employed as the Deputy Director of Planning, Policy and Health Equity at the Alameda County Department of Public Health.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the attached document entitled "Race, Class, and the Patterns of Disease Distribution in Hayward: Decision-making that reinforces Health Inequity" to serve as my testimony on the issue of Environmental Justice for the Eastshore Energy Center project based on my analysis of the Eastshore Energy Center Final Staff Assessment Report, sections 1-4, 7, Tierra Energy's Application for certification, section 8.8.6, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 12/5/07 Signed: Sandra Witt

At: Oakland, California

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
PUBLIC HEALTH DEPARTMENT

David J. Kears, Director
Anthony Iton, Director & Health Officer

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Oakland, CA 94607

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"RACE, CLASS, AND THE PATTERNS OF DISEASE DISTRIBUTION IN HAYWARD: DECISION-MAKING THAT REINFORCES HEALTH INEQUITY"

Testimony of Sandra Witt, DrPH, Director of Planning, Policy and Health Equity for the Alameda County Public Health Department

My name is Dr. Sandra Witt, Deputy Director of Planning, Policy and Health Equity for the Alameda County Public Health Department. For the last 7 years, I have directed the Community Assessment, Planning, Evaluation and Education Unit of the Public Health Department. This Unit includes 8 epidemiologists and is responsible for monitoring the health status of all County residents. Over the past 3 years we have produced over 14 technical reports analyzing data from a variety of sources including mortality, births, hospitalizations, health survey data, communicable disease, and census data to identify broad areas of health concern and to monitor the health of our residents, particularly the most socially and economically vulnerable populations in our County. Several of these reports are cited as scientific evidence in the Eastshore Energy Center staff report.

"A condition of environmental justice exists when environmental risks and hazards and investments and benefits are equally distributed with a lack of discrimination, whether direct or indirect, at any jurisdictional level; and when access to environmental investments, benefits, and natural resources are equally distributed; and when access to information, participation in decision making, and access to justice in environment-related matters are enjoyed by all." [1]

In monitoring and analyzing health outcomes for Alameda County residents, one resounding theme stands out: poor health and premature death are by no means randomly distributed in Alameda County. Low-income communities and communities of color in certain specific geographic neighborhoods suffer from substantially worse health outcomes and die earlier. Studies reveal that these inequitable health outcomes are not adequately explained by genetics, access to health care, or risk behaviors, but instead are to a large extent the result of profoundly adverse social and environmental conditions. These adverse environmental conditions are too often an indelible reflection of the way decision-making power is shared with low-income communities.[2] Historical exclusion from decision-making venues has resulted in communities of

[1] European Workshop on Environmental Justice (Budapest, December 2003)
[2] Marmot MG and Wilkinson R, eds. 2003. *Social Determinants of Health: The Solid Facts, 2nd ed.* World Health Organization Regional Office for Europe, Copenhagen, Denmark.
Sampson, RJ. "The neighborhood context of well-being." *Perspectives in Biology and Medicine*; Summer 2003; 46(3):S53.

color and low-income communities that are disproportionately burdened by an abundance of environmental hazards, including toxin-emitting power plants and other sources of noxious pollution. It is incumbent upon public health officials to analyze health data to validate pro-equity policies that will lower the disproportionate burden of pollution and improve health outcomes among all populations.

1. **Illness and Death from Air Pollution Associated Conditions is Already Disproportionately Concentrated in the area of Hayward that is in Proximity to the Proposed Power Plant**

An environmental justice framework requires examination of the specific impacts of the project on low-income communities and communities of color. In its cursory three-page Final Staff Assessment, the California Energy Commission (CEC) concludes that Eastshore Power Plant project will not contribute significantly to morbidity or mortality in any race or ethnic group residing in the project area, and therefore would not have a disproportional impact on an environmental justice population. However, this seemingly blythe conclusion neglects consideration of published and publicly-accessible Alameda County Public Health Department evidence of the geographic distribution of disease in the area of Hayward within proximity to the proposed power plant site.

In its environmental justice examination, the CEC staff also fail to reference any analysis of the existing burden of toxic pollution in the area of the proposed power plant site and thus effectively ignore the compounding effects of various sources of toxicity (including non-airborne sources) to which residents in the surrounding Hayward community are already exposed. When these two points are appropriately examined, as they are below, it becomes inescapably clear that by approving the Eastshore Power Plant at 25101 Clawiter Road, nearby predominantly low-income communities of color, disproportionately burdened by exposure to environmental toxicity and suffering from higher rates of premature death and chronic diseases known to be exacerbated by air pollution, the California Energy Commission is running the risk of exacerbating conditions that are fundamentally the legacy of discrimination.

- **Hayward is more ethnically diverse than Alameda County**

The City of Hayward is home to a significantly larger non-white population than Alameda County as a whole. Over one-third (34.2%) of Hayward residents are Latino compared to 19.0% countywide, and the proportion of Latino residents is even higher within a three-mile radius of the proposed plant (37.8%). Additionally, Hayward is comprised of 10.6% African Americans, 18.7% Asians, and 29.2% White. In Alameda County, Whites make up 40.9% of the population.

- **Within three miles of the proposed site are several high poverty, high minority, low life expectancy census block groups**

Overall, 10.0% of Hayward residents live in poverty, a slightly lower percentage than the 11.0% countywide. And within a three-mile radius of the proposed plant, 10.4% of residents live in poverty. However, within this three-mile radius, there are three low-income census block groups where at least 20% of residents live in poverty and 80% are non-white (see map in attachments).

The mortality rate within these three block groups was 50% higher in 1999-2001 than the rate of the remaining block groups in the three-mile radius of the proposed plant site: 1,328 per 100,000

(COPD) hospitalization was 316.2 per 100,000 in the two zip codes, 20% higher than the county rate of 264.3. For congestive heart failure the hospitalization rate in the two zip codes was 397.7 per 100,000, 35% higher than the county rate of 295.3. Finally, the asthma hospitalization rate was 179.8 per 100,000, 14% higher than the county rate of 157.3.

All of these differences between the area of the proposed site and Alameda County as a background or reference were found to be statistically significant, which means they did not occur by chance. Based on Census 2000, the population of the two zip codes, as well as Hayward, had an age composition very similar to that for Alameda County—about one-fourth of the population was under age 18 and ten percent was over age 65. Thus the fact that rates of illnesses due to respiratory and circulatory system diseases (most often diseases of the elderly) are significantly higher in the proposed plant area than in the rest of the county suggests a level of vulnerability in this population that is not explained by age.

An environmental justice approach requires an analysis of the relative burden of disease in the population most directly affected by the decision to site this power plant. The presence of a disproportionate concentration of persons with asthma, chronic lung disease, congestive heart failure, and other chronic conditions that are exacerbated by air pollution must factor into the decision of where to site this power plant. These populations are the actual "sensitive receptors" referred to in the *Air Toxics Hot Spots Program Risk Assessment Guidelines.*[2] They are not distributed through the population randomly but instead are concentrated disproportionately in proximity to the proposed Hayward site. Siting the Eastshore Power Plant in Hayward will disproportionately impact a geographic area not only home to a comparatively high non-white population, but also already burdened by existing poor health outcomes.

2. The CEC environmental justice analysis does not adequately factor in the uneven distribution of exposure to various sources of toxicity in the area in proximity to the proposed power plant site

In its environmental justice examination, the CEC staff fail to reference any analysis of the existing burden of toxic pollution in the area of the proposed power plant site and effectively ignore the compounding effects of various sources of toxicity (including non-airborne sources) to which residents in the surrounding Hayward community are already exposed. CEC staff rely on established risk assessment models to predict health impacts from the proposed power plant. However, there is substantial uncertainty associated with the process of risk assessment. The uncertainty arises from lack of "real world" data in many areas necessitating a heavy reliance upon experimental animal models and a set of basic assumptions. Among the key assumptions underlying the health risk assessment are[4]:

1. Human toxicity from air pollution is additive rather than synergistic.
2. Animal toxicity data can be readily extrapolated to humans.

- **Human disease due to exposure to multiple toxic pollutants may be synergistic**

[4] Air Toxics Hot Spots Program Risk Assessment Guidelines. *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments.* August 2003. California EPA.

The potential for multiple and varied air pollutants to act synergistically, rather than additively as assumed by the CEC health risk assessment, requires that an analysis of the overall toxic burden associated with this Hayward location be performed. Low-income minority populations have historically been exposed to a much higher burden of environmental toxicity. The brief CEC environmental justice analysis does not quantify or otherwise assess the cumulative burden of toxicity in the vicinity of the proposed site.

- **Animal toxicity data may be a poor proxy for human health effects**

There are very few in vivo studies that are designed to establish a safe threshold for human exposure to air pollution, in fact, a recent study by Harvard cardiovascular researchers looking at seven U.S. cities documents a direct association between particulate air pollution and acute hospitalizations for congestive heart failures.[5] *This effect is seen below the current levels set by US EPA.* Relative exposure limits established in animal models must be interpreted with a great deal of caution when deciding whether new sources of pollution should be sited in low income minority communities.

- **Detailed, publicly available and published data exists with which CEC staff could conduct a more complete and appropriate environmental justice analysis**

Alameda County Public Health Department maintains and publishes detailed age- and race-specific geographic morbidity and mortality data on asthma, chronic obstructive pulmonary disease, cardiovascular disease, and lung cancer for the county, the city of Hayward and for smaller geographic areas including zip code and census tract. CEC staff did not contact Alameda County Public Health Department to obtain critical data on chronic obstructive pulmonary disease, cardiovascular disease, or congestive heart failure. CEC staff did cite Alameda County Public Health Department data on asthma in its public health section, however, the CEC staff report ignores data related to these other serious respiratory and cardiovascular conditions that are known to be associated with ambient air pollution and help more fully characterize the vulnerability of the population residing in the shadow of this proposed site.

"An environmental injustice exists when members of disadvantaged, ethnic, minority or other groups suffer disproportionately at the local, regional (sub-national), or national levels from environmental risks or hazards, and/or suffer disproportionately from violations of fundamental human rights as a result of environmental factors, and/or denied access to environmental investments, benefits, and/or natural resources, and/or are denied access to information; and/or participation in decision making; and/or access to justice in environment-related matters."[6] The CEC staff analysis largely ignores profoundly important questions of environmental justice and in so doing contributes to the unfortunate and widely repudiated legacy of racial and class-based discrimination that continues to shape the pattern and burden of disease that compromise the quality of life of residents in the vicinity of the proposed power plant site. Alameda County Public Health Department strongly opposes decision-making based on such an inadequate analysis of critical environmental justice considerations.

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[5] Particulate air pollution and hospital admissions for congestive heart failure in seven United States cities. Wellenius GA, Schwartz J, Mittleman MA. *Am J Cardiol.* 2006 Feb 1;97(3):404-8.

[6] European Workshop on Environmental Justice (Budapest, December 2003)

Attachments

Mortality rates, 1999-2001
Within a 3-mile radius of proposed site with Alameda County comparisons

Cause of Death	Area	3-Yr Count	Rate**	
All Causes	3 Mile Radius	2,492	888.4	*
	Alameda County	29,525	792.3	
Chronic Lower Respiratory Disease	3 Mile Radius	155	54.8	*
	Alameda County	1,387	38.4	
Coronary Heart Disease	3 Mile Radius	589	216.4	*
	Alameda County	6,769	185.7	

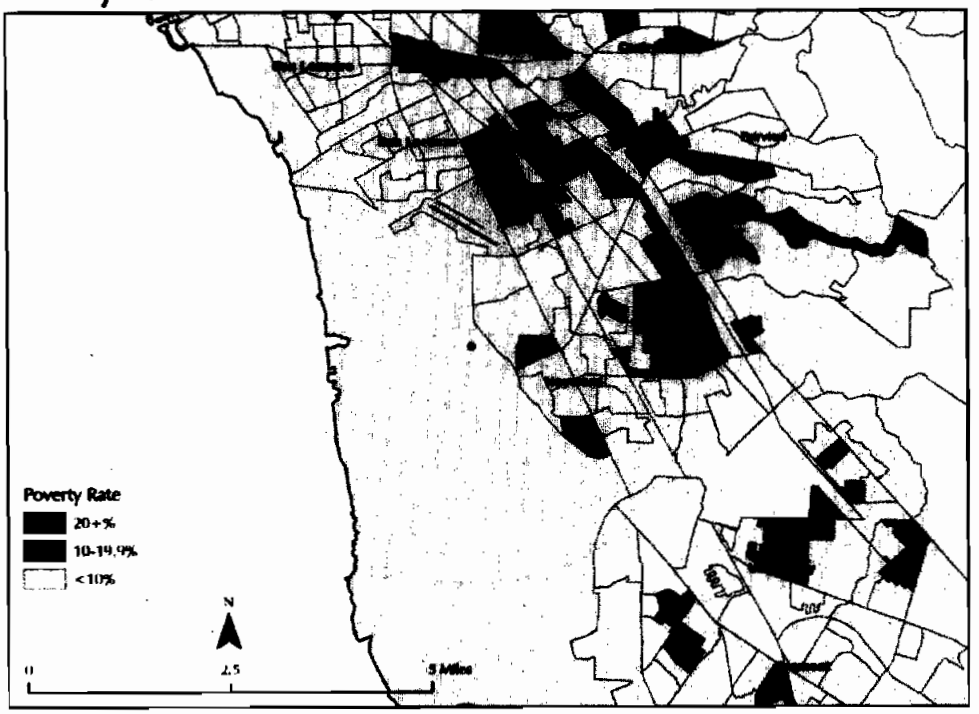
*Statistically significant difference at the p<=.05 level.
**Rates are age adjusted by the direct method to the 2000 US standard population.

Hospitalization Rates, 2003-2005
94544 and 94545 combined with Alameda County comparisons

Primary Diagnosis	Area	3-Yr Count	Rate**	
Coronary Heart Disease	94544 & 94545	2,133	810.4	*
	Alameda County	20,780	507.5	
Chronic Obstructive Pulmonary Disease	94544 & 94545	891	316.2	*
	Alameda County	11,116	264.3	
Congestive Heart Failure	94544 & 94545	1,024	397.7	*
	Alameda County	11,914	295.3	
Asthma	94544 & 94545	531	179.8	*
	Alameda County	6,792	157.3	

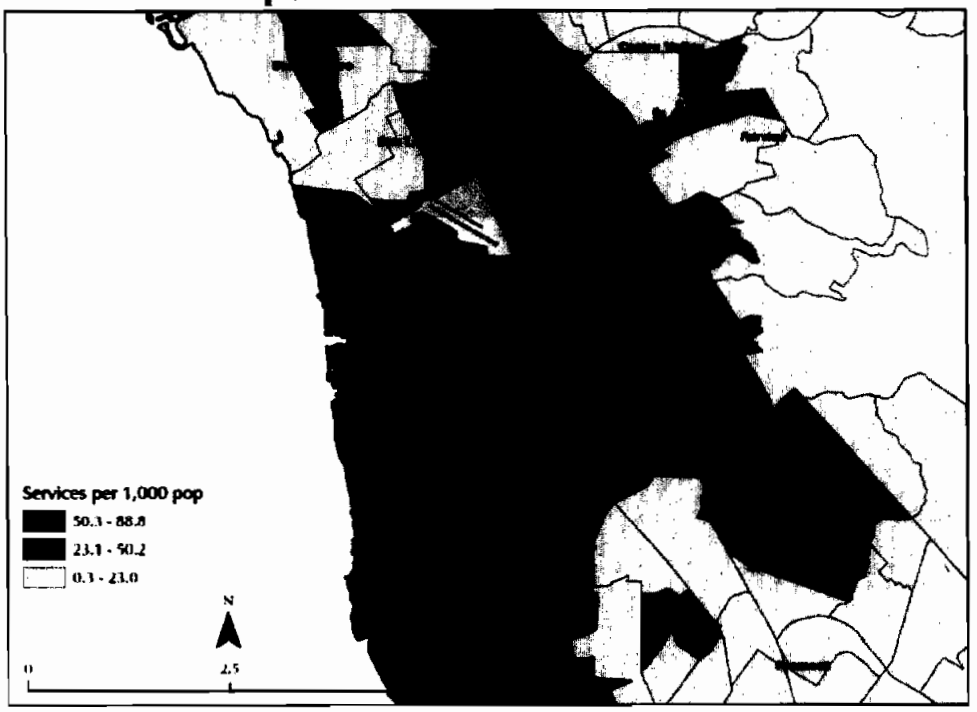
*Statistically significant difference at the p<=.05 level.
**Rates are age adjusted by the direct method to the 2000 US standard population.

Poverty Rate



Source: CAPE, with data from Census 2000.

Public Health Department Service Rate



Source: CAPE.

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Education

1998 **Dr.PH**. Maternal and Child Health, School of Public Health, University of California, Berkeley.
1991 **MPH**. Maternal and Child Health, School of Public Health, University of California, Berkeley.
1983 **MA**. Latin American Studies/Anthropology, University of Florida, Gainesville, Florida.
1977 **BA**. Sociology, McGill University, Montreal, Quebec, Canada.

Public Health Employment History

2007-Present **Deputy Director of Planning, Policy and Health Equity**, Alameda County Public Health Department. Plan and direct the policy development work of the department to create health equity. This includes building a strong evidence base for equity-oriented policies through research and analysis; monitoring and evaluating policy changes and their impacts on social and health inequities; and engaging local community partners in policy development and advocacy.

2000- Present **Director** , Community Assessment, Planning, Education and Evaluation (CAPE) Unit, Alameda County Public Health Department. Direct a unit of epidemiologists, evaluators and health educators, responsible for assessing and monitoring the health status of County residents, and providing technical assistance to department and community programs on planning and evaluation. Lead unit staff to place emphasis on strengthening community's skills, knowledge and capacity in conducting community epidemiological assessments and community action plans.

1998 - 1999 **Epidemiologist/Community Researcher**, Alameda County Public Health Department, Oakland, CA. Conduct and present results for neighborhood community health assessments. Duties include collecting and analyzing epidemiological data using existing health data, developing and implementing health surveys and focus groups for new data; identifying existing community resources for health priorities, assisting community groups in developing community health plans. Other responsibilities include developing (with others) the evaluation plan for the new Community Health Team initiative.

1997 **Public Health Consultant**, International Health Programs, Western Consortium for Public Health, Santa Cruz, CA. Provided workshop training for "Qualitative Methods and Rapid Assessment Procedures in Public Health" to group of physicians from Bangladesh. Training coordinator for "Public Health in the US and Clinical Updates" for group of Indian epidemiologists.

1989 - 1990 **Health and Development Consultant**, Population, Health and Development. Ottawa, Canada. Revised and edited for publication by the World Health Organization final project report on the Stigma of Hansen's Disease and Hansen's Disease Programs in the Philippines.

1988 - 1989 **Program Officer**, Population and Education Program, International Development Research Center (IDRC), Ottawa, Ontario, Canada. Designed, implemented and managed multiple international research projects addressing population dynamics, maternal/child health, health education, health surveillance, family planning and community

participation. Collaborated with developing country Ministries of Health in Asia, Africa and Latin America, local non-governmental agencies, and international donor agencies.

1987 - 1988 **Project Coordinator**, Population Health and Development Project, IDRC, Ottawa, Canada. Coordinated large, multi-year project designed to strengthen the capacity of developing country multidisciplinary research on persistent problems of high infant and child mortality and poor health in parts of Latin America and Africa.

1985 - 1987 **Research and Project Evaluation Officer**, IDRC, Ottawa, Canada. Assessed and evaluated research proposals and projects in Latin America, Africa and Southeast Asia funded by the Urban Policy Program, the Population Program and other donor agencies.

Teaching Experience

1992, 1993, 1995 **Graduate Student Instructor**, School of Public Health, University of California, Berkeley, for graduate courses in "Needs Assessment in Maternal and Child Health" and "Health Policy in Mexico and Latin America". Received superior performance evaluations.

Field Experience

1993-1994 Quito, Ecuador. Doctoral dissertation research: "Child Health, Resilient Households and Protective Practices in an Ecuadorian Shantytown". Fulbright-Hayes Fellowship and Inter-American Foundation sponsorship.

1983-1984 Rondonia Province, Brazil. "Malaria among New Settlers in Colonization Projects in the Brazilian Amazon." Amazon Training and Research Program of the University of Florida sponsorship.

1981-1982 Napo Province, Ecuador. Masters thesis research: "Pharmacist as Provider of Modern Health Care in the Ecuadorian Amazon." Inter-American Foundation sponsorship.

1981 Florida, USA. Interviewer and data collator for "West Indian Workers in Florida Sugar Industry." University of Florida and National Institute of Health sponsorship.

1976 Montreal, Quebec, Canada. Conducted operational research on Poison Control Center of Montreal Jewish General Hospital, McGill University sponsorship.

Languages

English, Spanish, Portuguese: fluent
French: working knowledge

Presentations and Publications

Witt, S. "Engaging Our Communities in Health Equity Solutions." Presented at National Public Health Information Coalition Meeting, Baltimore, September 2007.

Witt, S. "Transforming Public Health Practice to Achieve Health Equity." Presented at Arizona Public Health Association Fall Conference, Sedona, September 2007.

Witt, S. "A Framework for Health Equity in Alameda County." Presented at California Conference of Local Health Data Managers, Annual Conference, May 2007.

Witt, S. "Transforming Public Health Practice to Address Health Inequities." Presented at Building Local Public Health Capacity to Prevent Obesity in California Conference, Los Angeles, January 2007.

Perkins, A. and Witt, S. "Strengthening Community Capacity to Address Health Inequity in Alameda County." Presented at Poverty, Race, Place: Research and Community-Based Interventions to Reduce Health Disparities Conference, Berkeley, April 2006.

Perkins, A. and Witt, S. "Building Community Capacity: Evaluation results for Alameda County Community Health Team Initiative." Presented at American Public Health Association Annual Meeting, Philadelphia, December 2005.

Luluquisen, M. and Witt, S. "Participatory Community Assessment Workshop." Presented at Northwest Foundation Conference, Portland, September 2005.

Witt, S. "Building Community Capacity for Health: The Alameda County Public Health Experience. Presented at University of California – School of Public Health, Berkeley, February 2005.

Aced-Molina, R. and Witt, S. "Learning outcomes from a participatory evaluation of community organizing for public health policy reform: case studies from Oakland, California." Presented at American Public Health Association Annual Meeting, San Francisco, November 2003.

Watkins-Tart, K., Luluquisen, M., Witt, S., Murgai, N., Rueda-Yamashita, B., Orante, A., and Woo, M. "From data to action: A pilot project to eliminate diabetes health disparities among African American and Latino populations in Alameda County, California." Presented at American Public Health Association Annual Meeting, San Francisco, November 2003.

Luluquisen, M., Maker ES, Nanney, KN and Witt, S. "Capacity Building for Program Evaluation in Alameda County Public Health Department." Presented at American Public Health Association Annual Meeting, San Francisco, November 2003.

Witt, S., Luluquisen, M. and Mazzetti, J. "Participatory Community Assessments in Two Neighborhoods in Alameda County." Presented at American Public Health Association Annual Meeting, Boston, November 2000.

Luluquisen, M and Witt, S. "Challenges in Evaluating Community-Based Health Initiatives; Alameda County. Presented at American Public Health Association Annual Meeting, Chicago, November 1999.

Witt, Sandra M. Child Health, Resilient Households and Protective Practices in Ecuadorian Shantytown. (DrPH dissertation). University of California, Berkeley, 1998.

Guendelman, S and Witt, S. "Improving Access to Prenatal Care for Latina Immigrants in California: Outreach and Inreach Strategies." International Quarterly of Community Health Education 12, 1991-1992.

Witt, S. "The Pharmacy and Health Care in the Ecuadorian Amazon: the Case of Lago Agrio." Latinamericanist (Spring 1982); Gainesville, Florida.

Selected Publications of Alameda County Public Health Department Community Assessment, Planning, Evaluation and Education Unit since 2002

ACPHD, CAPE. Alameda County Health Status Report, 2003
ACPHD, CAPE. Alameda County Health Status Report, 2006
ACPHD, CAPE. Alcohol: Youth Drinking Survey "Oakland on the Rocks", 2007
ACPHD, CAPE. Health of Alameda County's Adults: Select Findings from the California Health Interview Survey, 2003

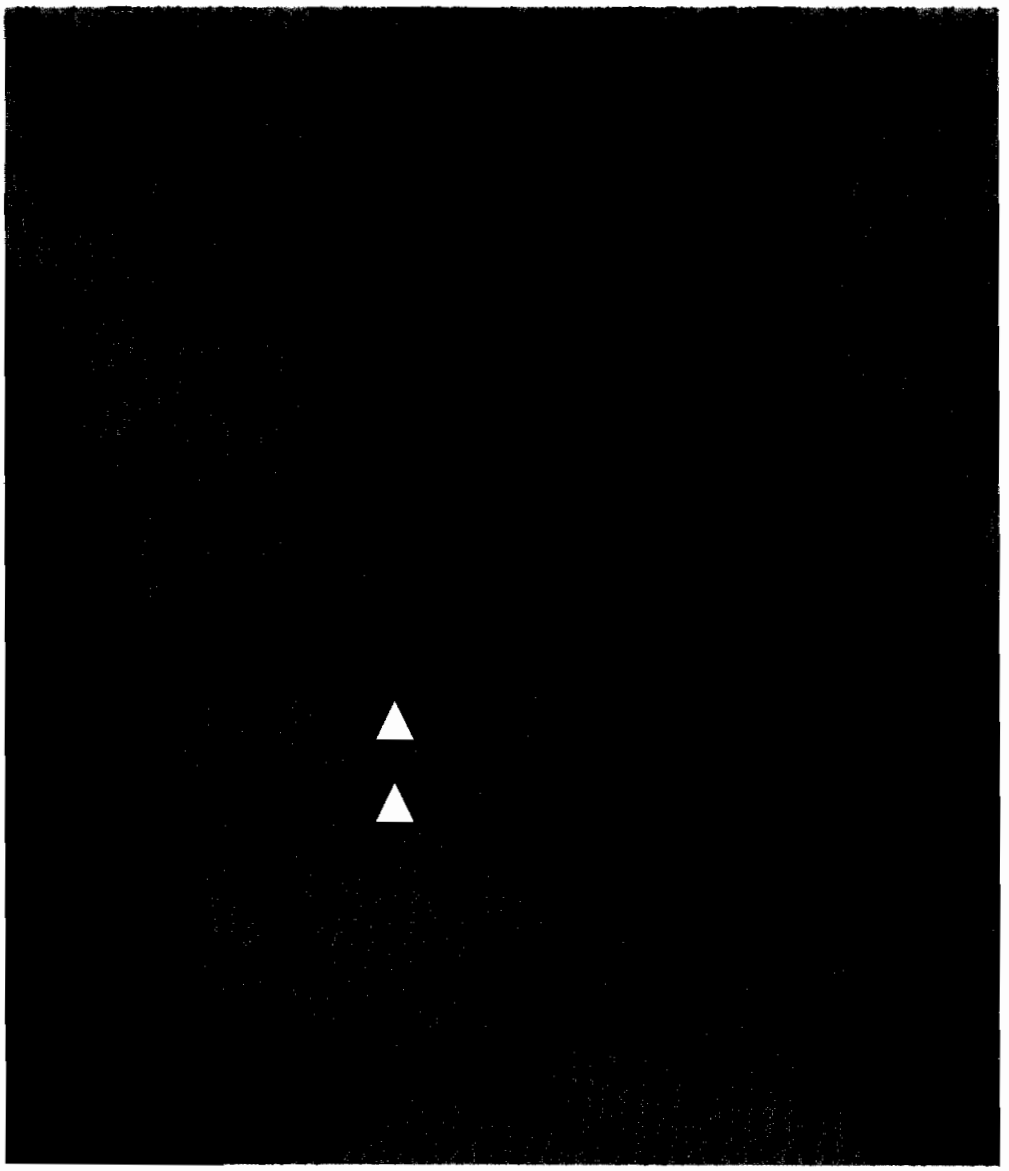
ACPHD, CAPE. Hayward Health Profile, 2004
ACPHD, CAPE. Oakland Health Profile, 2004
ACPHD, CAPE. Health Indicators for Cities, 2004
ACPHD, CAPE. Health Indicators for Cities, 2007
ACPHD, CAPE. Tri-Valley Health Profile, 2005
ACPHD, CAPE. Tri-City Health Profile, 2007
ACPHD, CAPE. A Framework for Change- Reducing Health Disparities in Alameda County", 2002
ACPHD, CAPE. Community Information Books, South Hayward;
ACPHD, CAPE. Handbook for Participatory Community Assessments, 2005
ACPHD, CAPE. Violence in Oakland- A Public Health Crisis, 2006
ACPHD, CAPE. Domestic Violence "A Profile of Family Violence in Alameda County", 2003
ACPHD, CAPE. Data Update: "A Profile of Family Violence in Alameda County", 2005
ACPHD, CAPE. Data Update: "A Profile of Family Violence in Alameda County", 2007
ACPHD, CAPE. Youth Health and Wellness in Alameda County, 2006

Fellowships and Awards

2004	Alameda County Health Care Services Outstanding Manager of the Year Award, 2004
1995	Grossman Award, Doctoral Dissertation Support, University of California, Berkeley.
1994 - 1995	Fulbright-Hayes Doctoral Dissertation Abroad Fellowship, Washington, DC.
1993 - 1994	IAF Field Research Program Doctoral Level Fellowship, Inter-American Foundation.
1993	Center for Latin American Studies Grant, University of California, Berkeley.
1991 - 1993	Wellness Fund fellowship, University of California, School of Public Health, Berkeley.
1991 - 1993	US Public Health Traineeship Grant, US Department of Health, Washington, D.C.
1991 - 1992	Public Health Alumni Scholarship, University of California, Berkeley.
1983 - 1984	Amazon Research and Training Grant, University of Florida, Gainesville.
1981	IAF Field Research Masters Level Fellowship, InterAmerican Foundation, Wash, D.C.
1980 - 1982	Latin American Language and Area Fellowship, National Defense Education Act Title VI

Memberships and Current Appointments

American Public Health Association
Port of Oakland Maritime Air Quality Improvement Task Force
Joint Center Health Policy Institute Place Matters Project



Black outlined White Triangle = Russell City site
Blue cross lines with tip of arrow = Eastshore site

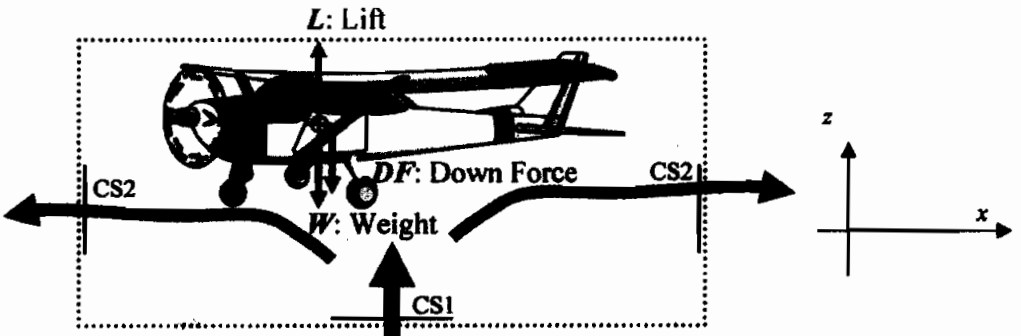
Locations correctly shown on Figure 4 with black arrow = Eastshore

Red lines = Arrivals into Hayward or traffic in pattern
Green lines = Departures at Hayward or traffic in pattern
Blue lines = Overflights

Figure 5

Shigeo Hayashibara, Ph.D., Assistant Professor of Aerospace Engineering, Embry-Riddle Aeronautical University

A Simple Control Volume-Based Force-Momentum Analysis: An Effect of Smoke Stack on An Airplane



Diameter of plume (with vertical velocity): $d = 50$ ft at 320 ft altitude (estimated, without any cross-wind)

$u_1 = 0$, $w_1 = 840$ ft/min $= 14$ ft/s

$T \approx 100°$F (assumption)

$p \approx 14.7$ psi (2116.8 lb/ft^2) close to sea-level

$$\rho = \frac{p}{RT} = \frac{2{,}116.8}{(1{,}716\ \text{ft}\cdot\text{lb/slug}\cdot°\text{R})(100+460°\text{R})}$$

$= 0.0022028$ slugs/ft^3

Applying a simple principle of conservation of linear momentum:

$$\frac{\partial}{\partial t}\int_{cv} \bar{\mathbf{V}}\rho\, dV + \int_{cs} \bar{\mathbf{V}}\rho\, \bar{\mathbf{V}}\cdot\hat{\mathbf{n}}\, dA = \sum \bar{\mathbf{F}}$$

Assuming the steady flow condition (steady horizontal flow of airplane and steady vertical flow of smoke stack with 840 ft/min):

$$\cancel{\frac{\partial}{\partial t}\int_{cv} \bar{\mathbf{V}}\rho\, dV}^{\,0} + \int_{cs} \bar{\mathbf{V}}\rho\, \bar{\mathbf{V}}\cdot\hat{\mathbf{n}}\, dA = \sum \bar{\mathbf{F}}$$

Thus, $\int_{cs} \bar{\mathbf{V}}\rho\, \bar{\mathbf{V}}\cdot\hat{\mathbf{n}}\, dA = \sum \bar{\mathbf{F}}$

Considering the vertical (z) direction component of momentum:

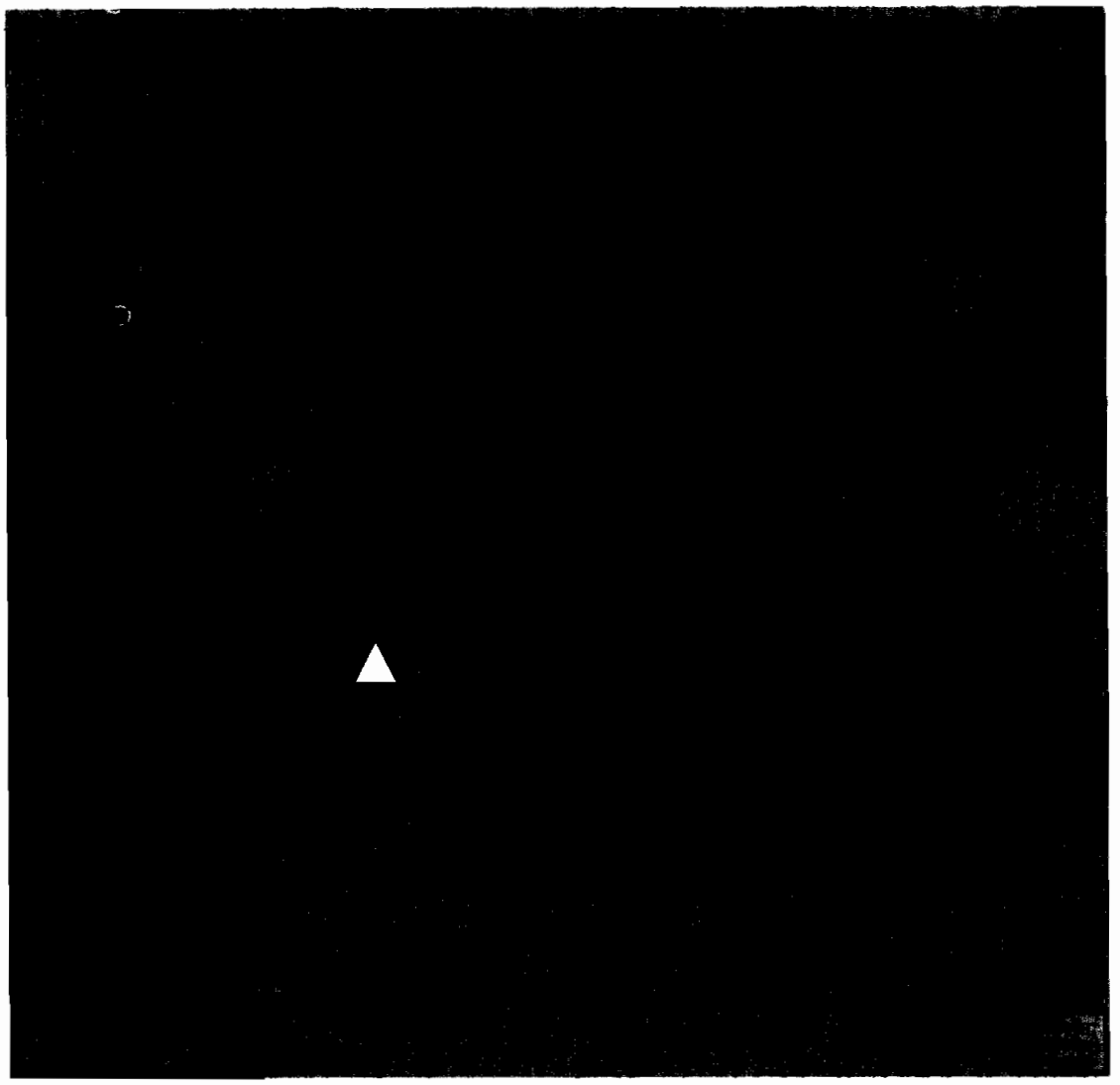
$$\int_{cs1} w\rho\, \bar{\mathbf{V}}\cdot\hat{\mathbf{n}}\, dA = \sum F_z \quad \text{or} \quad w_1\rho_1(-w_1)A_1 = -DF$$

$$DF = w_1^2\rho_1 A_1 = w_1^2\rho_1\frac{\pi}{4}d^2 = (14\ \text{ft/s})^2(0.0022028\ \text{slug/ft}^3)\frac{\pi}{4}(50\ \text{ft})^2 = \boxed{850\ \text{lb}}$$

Conclusion: an aircraft will most likely experience approximately up to 850 lb of "uplift force" (thus, need to be compensated by generating "down force" by pilot's control), if it flies directly into the smoke stack plume.

NOTE: AS STATED BY DR. HAYASHIBARA TO ME IN AN EMAIL, THIS IS STRICTLY HIS OPINION & NOT NECESSARILY ENDORSED OR WARRANTIED BY EMBRY RIDDLE AERONAUTICAL UNIVERSITY.
12/4/07 T. Berlin

Figure 6



Hayward GA air traffic and T&G patterns

Black outlined White Triangle represents Russell City location
Tip of Heavy Black Arrow represents Eastshore location
Red lines = Arrivals and Traffic in pattern
Green lines = Departures and Traffic in pattern

Figure 4

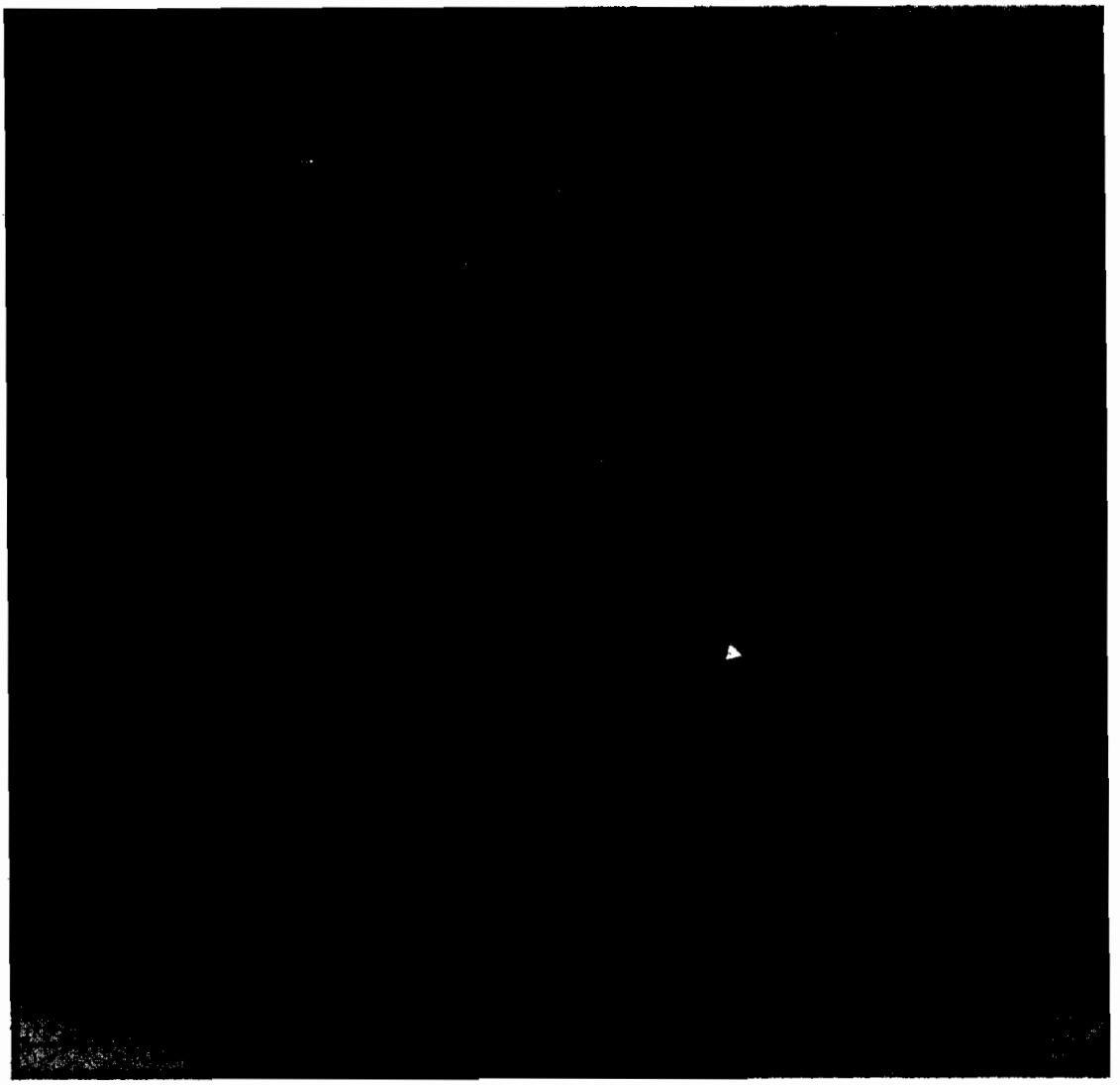


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Figure locations shown correctly on Figure 4

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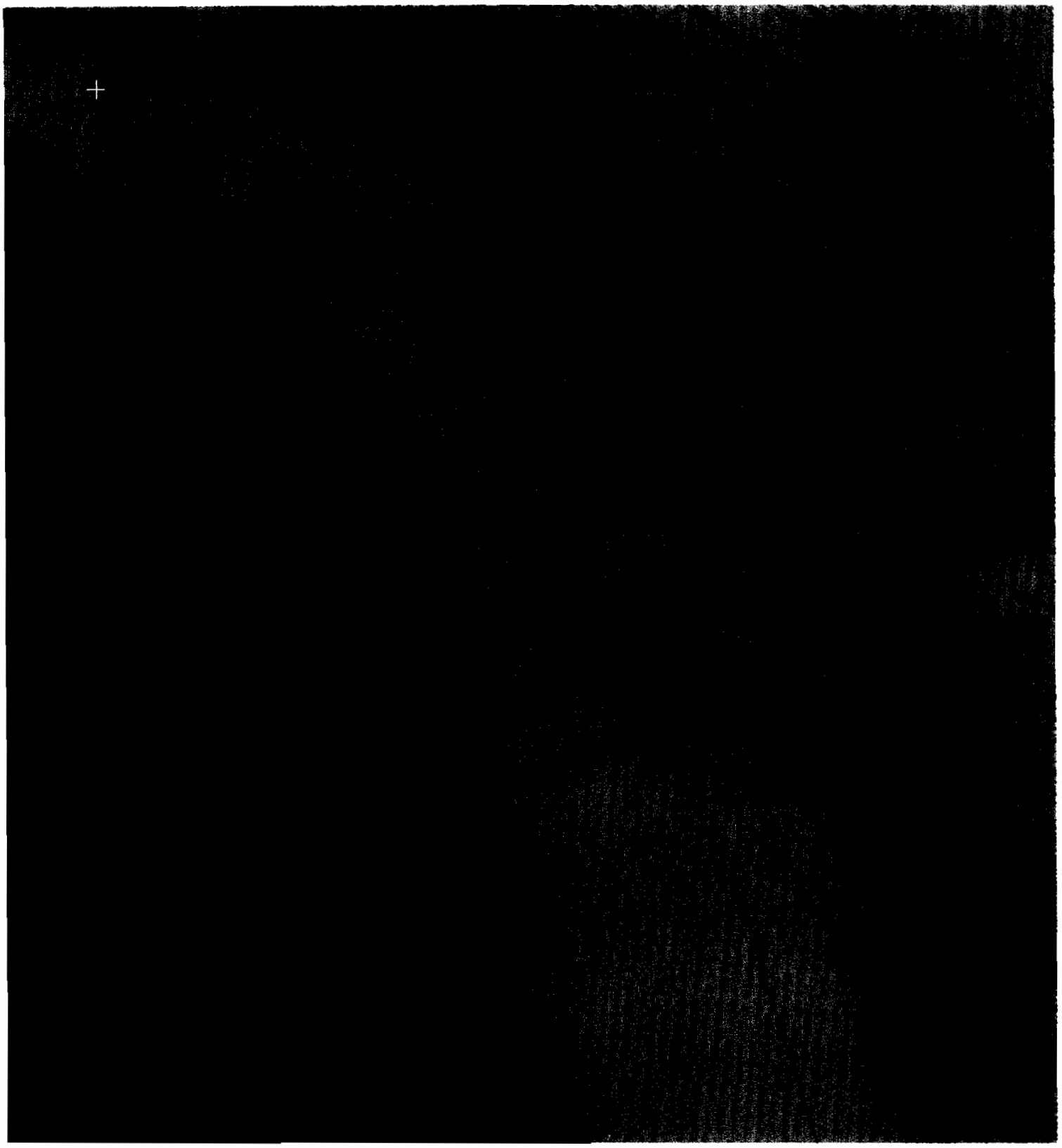
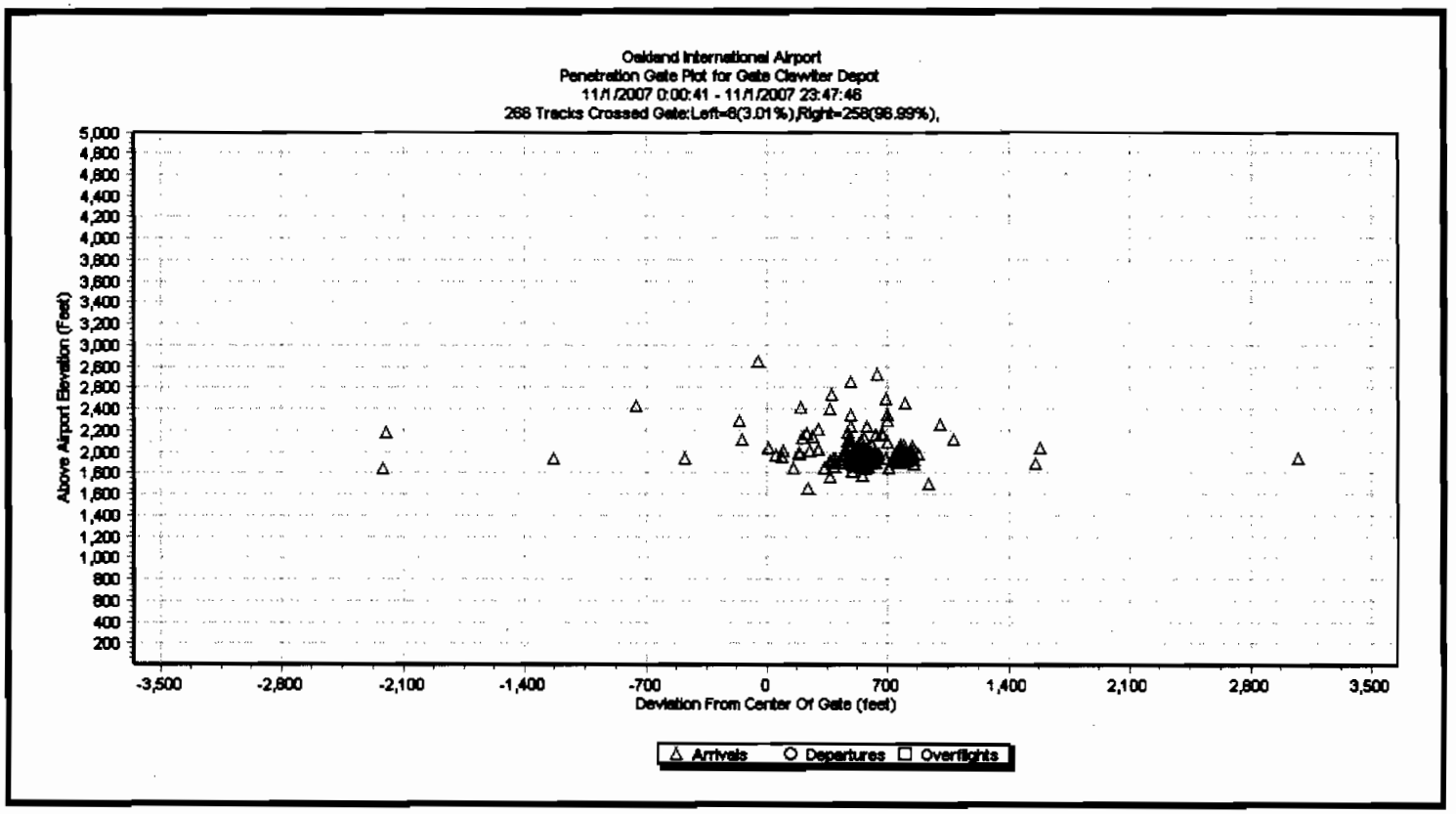
Blue Lines = Overflights

Figure 3



Oakland International Airport
Jet Aircraft Landings 24 Hours
Site is located at cross hairs of the analysis gate (black arrow pointed to site).
Gate defined by blue Arrows, Black heavy line arrow is Eastshore site location.
See figure 4 for Gate location over Eastshore if the black arrow is missing.
Figure 1



Gate Analysis – All Jet Aircraft Types on Approach to Runway 29

Aircraft Approach Altitudes Penetrating Clawiter-Depot Analysis Gate	
Aircraft Type	**Average Altitude (MSL: add 15 feet)**
MD11	2,020
B757	2,043
All	2,056

Figure 2

Testimony for the California Energy Commission Regarding the Eastshore Energy Center
Prepared by Larry Berlin, 12/4/07

Section I: Credentials

- Flying experience and licenses/ratings:
  Forty (40) years as a FAA Gold Seal Certified Flight Instructor, Single and Multi-engine land, Instruments. Over 7000 hours of flight instruction given. FAA Certified Ground Instructor, Advanced and Instruments. In that time period I have taught, on a full time basis, classes in aerodynamics, meteorology, emergency procedures, FAA regulations and aircraft maneuvers. In addition, I have acted as a FAA Part 141 check pilot testing students in-flight to assure they meet the qualifications to pass to the next phase of training, or on to a final flight exam. I have also taught on a full time basis, two semesters of Army ROTC cadets. I have also flown Part 135 Air Taxi, and cargo flights.
  FAA Licensed Airline Transport Pilot.
  FAA Aviation Safety Counselor.

- Thirty two (32) years in Airport Operations and Management including thirteen years as an Aircraft Rescue Fire-Fighting Battalion Chief, and eleven years as the Oakland International Airport, North Field Manager. In that time period, I have had extensive experience in the FAA 7460 Process, and have taught the process to numerous people. I have collaborated and worked with many FAA Divisions and CALTRANS Division of Aeronautics.

- I possess a Bachelor of Science Degree in Organizational Behavior.

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Section II: Assessment and Analysis

My assessment of the Eastshore project is similar to other project opponents. Based on my research, I believe the Eastshore project will have a **cumulative effect** on the already approved nearby Russell City project. Both plants will put out a plume with a vertical lifting force. Although the Eastshore project proponents claim there will not be any visible moisture from that plant, the plume will, I believe, contribute to the already lifting force of the nearby Russell City plant. In aviation terms, 3000 feet is close. That **combined force** may have two effects. One, turbulence in the area, now more widely spread and **closer in** to the **Hayward Executive Airport**, **(Figures 4, 5)** and not associated with any storms, may **surprise** any pilot that normally doesn't experience turbulence in the traffic pattern. That pilot, depending on their experience, may or may not be able to recover from that turbulence or force **(Figure 6)**. Nor should they have to on a daily basis experience any turbulence that reduces any safety margins, or subject themselves, or their unsuspecting passengers to what for some may be an encounter that scares "the wits out of them." An inexperienced student pilot or a low time pilot's passenger may panic and grab the pilot or the aircraft controls if any steep **bank is rapidly imposed** on the aircraft by an asymmetrical venture into the plume. In my many years as a flight instructor, I have on occasion experienced a pilot freeze on the controls. Although it has happened on only rare occasion, it never the less has happened.

Secondly, I believe that the Eastshore plume could **exacerbate** the Russell City plume and create more up lifting force in the area, helping to drive up existing humid, cooler air and cause a visible plume at higher altitudes which would have an effect on Oakland International Airport aircraft traffic. **(Figures 1, 2, 3)** Any trained pilot and meteorologist knows that the **standard adiabatic lapse rate** for air is 3.5 degrees Fahrenheit for each 1000 feet that it rises. As the moist humid air in the existing atmosphere rises, it cools at 3.5 Fahrenheit for each 1000 feet. When the moist air cools so that the temperature and dew point are within 3 degrees or less, visible moisture may form, (cloud). That **cloud can impair** air traffic. This is In addition to the up lift of air in the vicinity of both plants caused by the invisible plumes from Russell City and Eastshore which will pose a serious turbulence and aircraft upset threat to Hayward aircraft traffic.

Already as it is, from my investigation of the Blythe plant reports, I have learned that when temperatures in that area are in the low 40's and humidity is high, the

Blythe plant has produced **plumes** that have become visible by forcing up moist air to higher altitudes where it has condensed to form a cloud like formation. It has been witnessed by pilots to have reached 2900 feet. Those temperatures and the higher humidity are much more common in the Bay Area. Although infrequently on many occasions, the winds have been fairly calm. Because of this, I believe the Russell City plant alone and the added uplift from the Eastshore plant could have a **profound effect on arriving traffic into Oakland International Airport.** **(Figures 1, 2, 3)** At many busy Airports where runway capacity is an issue, Pilots and Air Traffic Controllers rely on clearances for Visual Approaches to runways. This allows for closer separation of aircraft. A **Visual Approach** clearance is authorization for a pilot to deviate from the published approach procedures and to proceed solely with visual reference to the ground and any other aircraft in the area. In the case of an aircraft making an ILS Approach (Instrument Landing System) to Runway 29 at Oakland International Airport, in effect, the pilot can deviate from the localizer centerline and the glide slope and proceed to the airport. If the conditions are right and the plume rise becomes visible and extends up to the altitudes, 1800 to 2200 feet, at which the aircraft passes over the power plants **Figures 1, 2, 3)**, the pilot, who further out at higher altitude had the runway in site, may now lose visual reference passing through the plume and have to execute a missed approach. That plume located approximately 5.5 miles out would not necessarily be visible to the FAA Air Traffic Controllers at Oakland International Airport, nor may be a reportable meteorological condition. Because of that, there may be no forewarning of that condition and the pilot may not experience it until the last minute, and may be forced to **execute a missed approach** with an aircraft full of passengers. Separation for aircraft may have to then be extended, thus lowering flow rates and **reducing capacity at Oakland International Airport.**

Because of all the **airspace restrictions**, **(Figures 1, 2 ,3)** I do not believe the power plant operators can effectively mitigate the hazards to aircraft. A notice to pilots in the Airport Facilities Directory may not be seen by a pilot and there is a question that the FAA may not be able to issue a permanent NOTAM regarding this situation. Because of other legal and procedural issues, a verbal notice to pilots, on Automatic Terminal Information Systems or ASOS or AWOS systems, may not be possible. My investigation into the **Blythe Airport** and power plant confirms that the FAA and NOAA (National Oceanographic & Atmospheric Administration) **will not** add power plant hazard notices to the **ASOS (Automated Surface Observing System) broadcast**. That also may be the case at Hayward Executive Airport.

Testimony for the California Energy Commission Regarding the Eastshore Energy Center Prepared by Larry Berlin, 12/4/07

Section III: Findings and Analysis

The one item that stands out and that I find most **troubling** is the FAA's **methodology** of determination of a Non-Hazard for this and the Russell City projects. Here-to-fore, the FAA's way of handling the 7460 process is to have the Flight Procedures Division scientifically look at whether or not the proposed construction penetrates the airport's Part 77 Surfaces and to assure that it does not interfere with Terminal Enroute Procedures (TERPS). If it is determined by that method that the proposed project does not penetrate the Part 77 Surfaces or have an effect on TERPS, then the FAA issues a finding of a non-hazard. In the case of Russell City, Eastshore, and the already built Blythe Power Plant Projects this was the method used. The most glaring failure of that process is in these cases and others in the past, the FAA has failed to solicit the input from other FAA Divisions including but not limited to FSDO Flight Standards District Offices, and their research branch in Oklahoma City. The FSDO personnel are primarily charged with Pilot Certification and Testing along with assuring that aircraft maintenance facilities, and their mechanics meet minimum standards as well as assuring that FAR Part 141 Flight Schools are maintaining the required standards. Their inspectors also act on many occasions on the behalf of the NTSB in the case of aircraft accidents and incidents, and to assure that the pilot operated the aircraft in a safe manner not violating any FARS.

In Oklahoma City and other locations, the FAA has a staff of outstanding researchers that investigate aircraft accidents to determine the cause of accidents including aircraft structural failures, and any pilot failures including lack of skills, knowledge, violations of FARS (Federal Air Regulations), incapacities etc. The FAA is also at the fore front of education in cockpit resource management, and cognitive skills. The FAA has their own flight crews that fly flight checks of ground and satellite based navigation aids. The FAA is also capable of contracting out research to Universities with Aviation Departments.

With a vast array of talented FAA personnel and contractors available, the FAA should have in the Blythe, Russell City, and Eastshore projects, specifically sought the expert opinion of staff to determine if in fact the plumes associated with power plants in the close vicinity to the airport, would pose a safety hazard to pilots and aircraft. That could have been accomplished by utilizing an existing plant like Blythe and actually flying over the plant with experienced crews or with

an inexperienced pilot at the controls with an experienced pilot in the right seat to take over in case of loss of control or not promptly or correctly reacting to the situation. There is a big difference in experiencing turbulence and any loss of control at higher altitude, than there is in close proximity to the ground as in the case of the Hayward Executive Airport traffic pattern. In the former (at higher altitude), there is much more time to correct the situation, and with less aircraft in the area to be concerned with and in the later (in the pattern), little time to correct and a lot of traffic to watch and communications to attend. Generally speaking, students and pilots are taught to utilize shallower banks in the traffic pattern to avoid imposing higher G forces on the aircraft while flying at already reduced speeds and to avoid getting the aircraft closer to stall speeds. Thrown rapidly into a steep uncoordinated bank by a plume as reported by some Blythe area pilots, or having to utilize a steep bank to avoid a power plant reduces the safety margin over a stall, and could result in a stall spin accident, and that is not acceptable by any means.

The FAA and their dedicated personnel seem to be **operating** in the **Eastshore** case and other related cases, **by rote**, and keep doing their studies into the determination of hazard/non-hazard using only the same limited staff. Each case is different and each case should require the FAA to fully utilize their personnel to weigh in on each case. In the **FAA Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes** Report, DOT-FAA-AFS-420-06-1, **nowhere** do I **see** where the FAA or other personnel conducted **actual in-flight tests** to determine reaction times of pilots to plume induced aircraft upsets. In the report, the FAA did acknowledge that there was a **possibility of a plume induced accident** and pilots therefore should avoid flying over power plant plumes under 1000 feet AGL. In the case of Blythe, Russell City and the proposed Eastshore plants, that is not always possible. The **lack of hard testing data** which includes actual overflight of similar power plants by FAA or contract pilots using in some cases unsuspecting test subjects (pilots), along with a knowledgeable safety pilot in the right seat, and the analysis of the results, and recommendation of talented staff and researchers at the FAA, has left the Report informative but not completely useful. It is one thing to state in the report that in general terms and by regulation that the burden of avoidance of hazardous objects such as power lines etc. lies with the pilot, but not to mention that by putting power plants in very close proximity to airports that sometimes a pilot may not be able to avoid flying through a plume. This may be due to other aircraft traffic, ATC instructions, or by circumstances such as the pilot at Hayward Executive Airport being limited to a 600 foot pattern altitude restriction due to the over-flight of Oakland International traffic that passes overhead **(Figures 1, 2, 3)**. In addition, it needs to be understood by all what the practical everyday and enforceable interpretation of the section of FAR 91.119 means which explicitly states that "Except when necessary for take off or landing...", and goes on to state in section(d), "Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c)..." From my years of experience and what has been passed on to me by instructors and staff of the FAA, any aircraft on

approach to any airport and which is following any prescribed instrument approach, or within the traffic pattern of an airport is exempt from the rest of the minimum safe altitude rules depending on circumstances such as being at the prescribed instrument approach altitude. Anywhere in the Hayward Executive Airport **traffic pattern and on approach** **(Figures 4, 5)** the pilots are **exempt** from the **1000 foot rule**. As is in the case of the **Hayward Executive Airport,** due to the **congested airspace** and the **overflight of arrivals** into the Oakland International Airport in relative **close proximity** to the Hayward traffic **Figures 1, 2, 3)**, Hayward aircraft are limited to a 600 foot pattern altitude on the south side of Runway 28L (**Figures 4,5**). This erroneously has been cited by proponents of the plants. To be specific, pilots operating at Hayward can fly the suggested pattern altitudes for the downwind leg and even lower for the other three legs of the pattern even if it takes them over populated areas and under the altitude proscribed under section (b) of that regulation, and may even fly at lower altitudes under **Special VFR** rules that allow pilots to fly clear of clouds and have at least one (1) mile visibility. If the cloud cover in the traffic pattern is lower than what is proscribed for VFR Flight, ceiling below one thousand (1000) feet and below three (3) miles visibility, the pilot may request from ATC (Air Traffic Control) a Special VFR Clearance. So in this instance, the pilot may remain in the airport traffic pattern to practice takeoffs or landings in order to maintain skills or meet the requirements of FAR 61.57 for Recent flight experience to carry passengers. The training pilot rather than canceling a scheduled training flight due to low cloud cover or poor visibility may elect to request a Special VFR and remain in the traffic pattern to practice their landings. This then may in fact increase the pilot's burden in trying to locate the power plant in order to avoid it and may indeed take them lower over the plant than the normal 600 foot pattern altitude to remain clear of clouds. **Safety** would be further **marginalized**.

In the **Eastshore** and Russell City power plant cases in particular, I agree with the statements of other opponents in those cases, that due to the restrictions of aircraft operating in the Hayward flight patterns and the congested airspace issues with its set of additional restrictions **(Figures 1, 2, 3, 4, 5)**, that **avoiding** the power plants by maneuvering around them or staying at altitudes of over 1000 feet **is not possible or practicable**. Oakland International aircraft arrivals to Runway 29 pass over in close proximity to these power plants, crossing the area between 1800 and 2200 feet MSL **(Figures 1, 2, 3)** and restrict Hayward traffic to remain at approximately 600 feet to avoid control and wake turbulence issues.

During any typical day, the **traffic pattern** at Hayward Executive Airport as well as at others, has a natural **tendency to expand** and contract in regards to how far out the legs of the traffic pattern extend. The volume of traffic in the pattern, and the speed of an individual aircraft have a profound effect on the pattern. As a general rule, students are taught not to turn to the next leg of the traffic pattern until at least the aircraft ahead of them has passed their wingtip and if their

aircraft is flying faster than the aircraft ahead, they must leave even more space in between them by turning even later. It does not suffice to look at even just a few days of flight tracks for Hayward Airport, since the pattern could grow larger on any given day, and the pilot may be forced into extending their crosswind and downwind legs out over the power plants. Other aircraft entering the pattern from over the bay or other areas, or avoiding Hayward Aircraft when they are transitioning through the area, may, due to traffic, not be able to avoid flying over the Russell City and Eastshore Energy Center power plants **(Figures 1-5)**.

Any experienced Flight Instructor knows that the most difficult thing to teach a student pilot is to fly a traffic pattern and to make takeoffs and landings. The time spent in the pattern requires the pilot to stay focused on procedures, control of the aircraft's altitude and speed, and be very vigilant for the position of other aircraft. Everything seems to happen very fast. In addition to that, the pilot has to keep planning to stay ahead of the aircraft and to listen intently to the FAA Tower and other pilot's radio communications. To any inexperienced and experienced pilot, the **time** in the traffic pattern seems very **compressed**. It is a rush of attention with little time to complete procedures and to look for other traffic. The last thing a pilot will do is look at the ground for anything other than runways. Any **inattention** to traffic and procedures, and not keeping up with procedure checklists, scan techniques, communications and aircraft control could lead to **safety** being vastly **compromised**.

The FAA's "Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes" report also **doesn't state**, if at the time of the report, there were **any similar power plants located within, or in close proximity to an airport's traffic pattern.** The Blythe power plant began operations in December 2003 and is located approximately one mile out on final approach to a runway, and may be, for all we know, the only power plant in existence within close proximity to an airport and under the everyday flight path of aircraft at low altitude. The FAA's presentation that in all the hours of flying tabulated there are no reports on file of an aircraft encountering a power plant plume is **misleading**. There are reports that have been submitted to the CEC, (California Energy Commission), and they may not have been officially reported to the FAA or NASA. I have not ever seen any requests to Pilots by the FAA, asking for them to report any aircraft upsets by power plant plumes. Many pilots, not knowing that they were over a power plant, would only think that the turbulence they experienced was a momentary natural event or they may have hit wake turbulence and would probably not think to report it.

I **take exemption** to the FAA "Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes" report that states on page 16, item 2 of the report, that current regulations and advisories as well as the present Notice to Airmen (NOTAM) Temporary Flight Restrictions should preclude pilots from flying needs to be understood by all what the practical everyday and enforceable interpretation of the section of FAR 91.119 means which explicitly states that

"Except when necessary for take off or landing..." ,and goes on to state in section(d), "Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c)..." From my years of experience and what has been passed on to me by instructors and staff of the FAA, any aircraft on approach to any airport and which is following any prescribed instrument approach, or within the traffic pattern of an airport is exempt from the rest of the minimum safe altitude rules depending on circumstances such as being at the prescribed instrument approach altitude. Anywhere in the **traffic pattern and on approach** the pilots are **exempt** from the **1000 foot rule**. This erroneously has been cited by proponents of the plants. To be specific, pilots operating at Hayward can fly the suggested pattern altitudes for the downwind leg and even lower for the other three legs of the pattern even if it takes them over populated areas and under the altitude proscribed under section (b) of that regulation, and may even fly at lower altitudes under **Special VFR** rules that allow pilots to fly clear of clouds and have at least one (1) mile visibility. If the cloud cover in the traffic pattern is lower than what is proscribed for VFR Flight, ceiling below one thousand (1000) feet and below three (3) miles visibility, the pilot may request from ATC (Air Traffic Control) a Special VFR Clearance. So in this instance, the pilot may remain in the airport traffic pattern to practice takeoffs or landings in order to maintain skills or meet the requirements of FAR 61.57 for Recent flight experience to carry passengers. The training pilot rather than canceling a scheduled training flight due to low cloud cover or poor visibility may elect to request a Special VFR and remain in the traffic pattern to practice their landings. This then may in fact increase the pilot's burden in trying to locate the power plant in order to avoid it and may indeed take them lower over the plant than the normal 600 foot pattern altitude to remain clear of clouds. **Safety** would be further **marginalized**.
In the case of the **Blythe** power plant, **FAA and NOAA** follow their own rules and have **denied the use of AWOS, or ASOS transmissions** for hazard notices which would add or extend the amount of extraneous information the pilot would need to listen to and with sometimes limited time to pick up the needed vital weather information. Secondly, regulations that exist now will not preclude overflight of those power plants. In cases such as Blythe, and Hayward, there are no regulations that exist that make flying over the power plant illegal, and there are other regulations that may in fact cause a pilot to fly over one. The pilot, according to those same regulations, may have to extend a traffic pattern over a power plant to be safe or to follow ATC instructions. At Hayward Executive Airport those same regulations driven by ATC separation needs and airspace restrictions that cannot be changed, actually prevent the aircraft from maintaining a safe altitude over the plant.

Testimony for the California Energy Commission Regarding the Eastshore Energy Center Prepared by Larry Berlin, 12/4/07

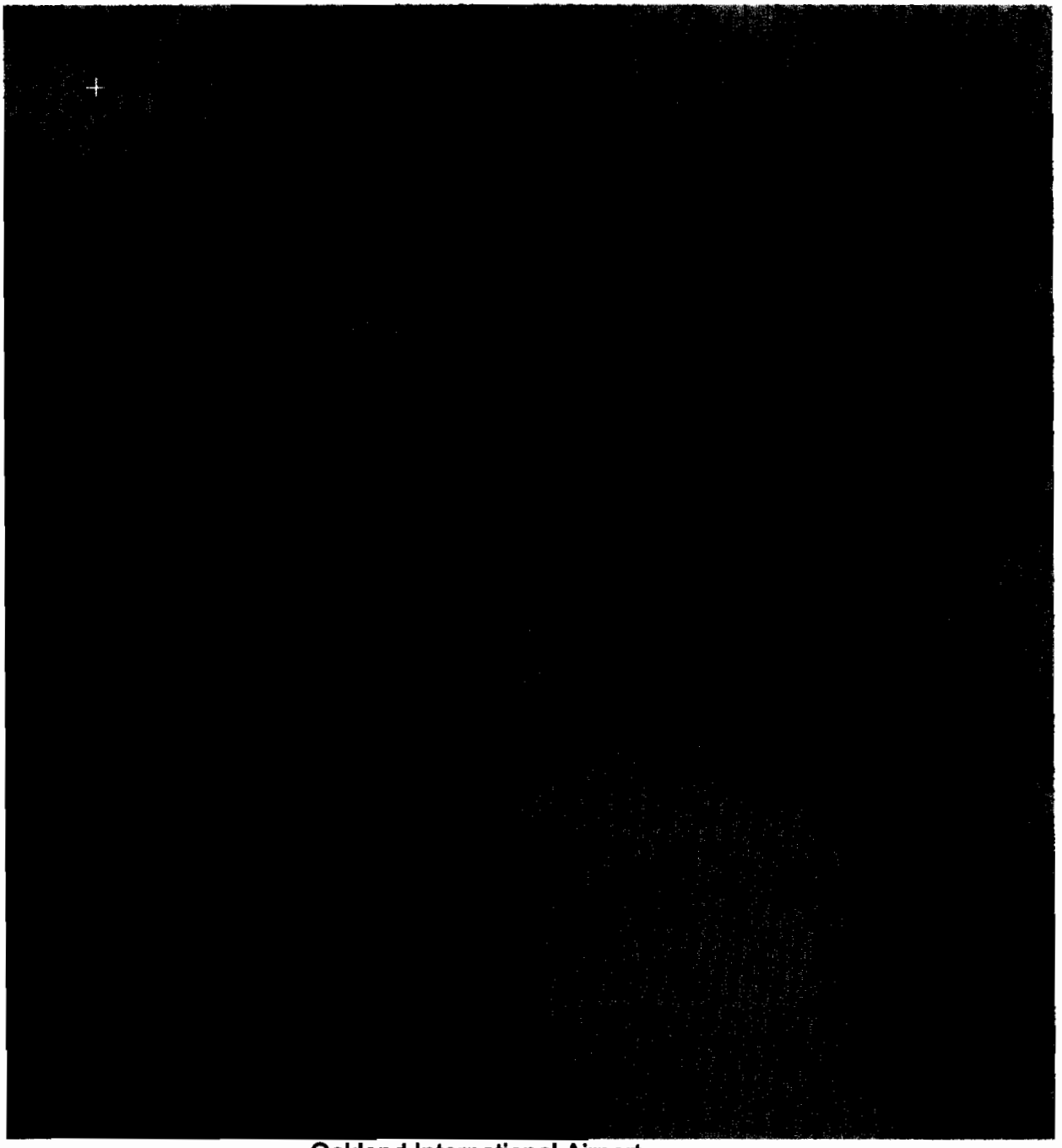
Section IV: Recommendations and Comments

1. I recommend for safety reasons, that the **application to permit the Eastshore Power Plant** either **be rejected** at its present proposed location in the vicinity of the Hayward Executive Airport, or that a **decision be postponed** until such time that enough factual and tested information can be gathered by the FAA and others to support or reject the proposal.

2. I agree that the power plant **should be located outside the Airport Influence Area (AIA),** as determined by the Alameda County Airport Land Use commission.

3. I believe the **State of California** on its own and within its own authority, without regard to the FAA's determination of a hazard, **should enforce Chapter 3. Regulations of Aeronautics, Section 21403 (c),** which states, "The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation." If for any reason that the FAA has not conducted a thorough case by case review to include the expert opinions and research of various pertinent FAA divisions or departments rather than relying on good but somewhat lacking generalized reports, (Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes), then the State should enforce its own rules or conduct the necessary research.

Rather than **jeopardizing safety**, and **increasing** pilot **workload** by adding a power plant that would do so in any way, the request to build the **Eastshore** plant at its current proposed location **should be rejected** or at the least the **decision postponed** for several months for further scientific study. One can argue that "They had enough time to fully study and report on the request." The fact is it doesn't matter how much notice and time was already given for opponents to study the safety effects from a plant in that close proximity to the Airport if in fact the studies leave doubt about the validity of the methodology used, the completeness of the report, the possible lack of weigh-in by all the FAA's pertinent staff or contracted pilots, or actual hands on gathering of flown data. **Safety should never be compromised.**



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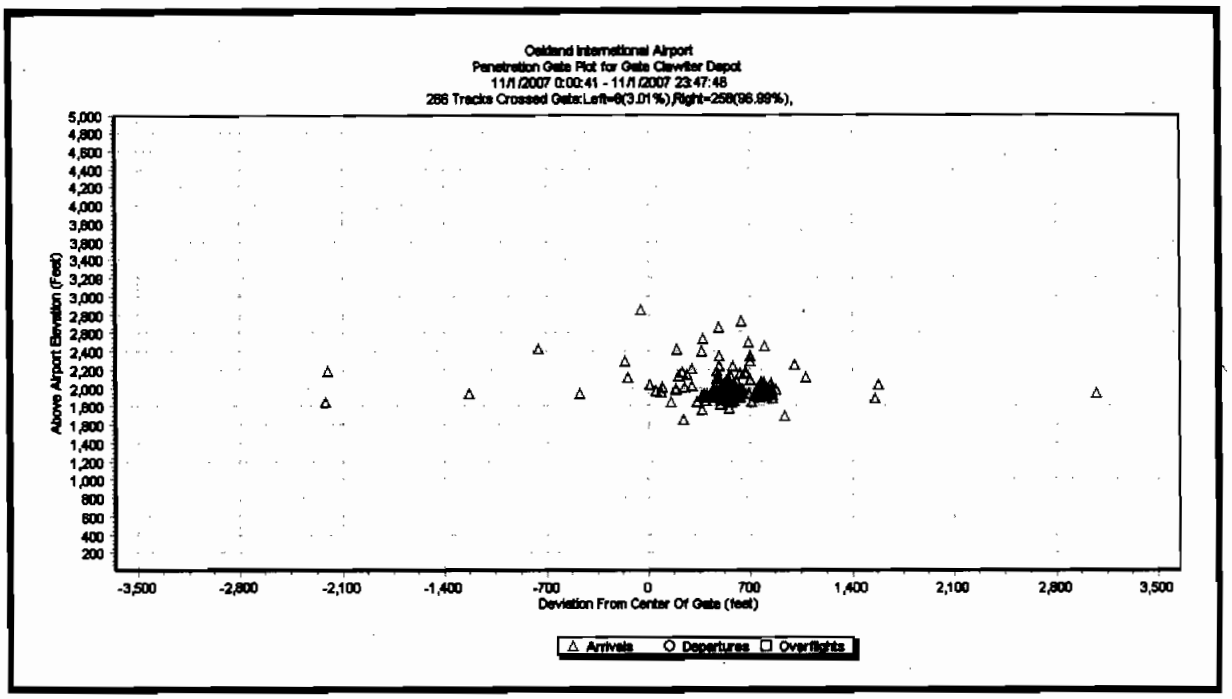

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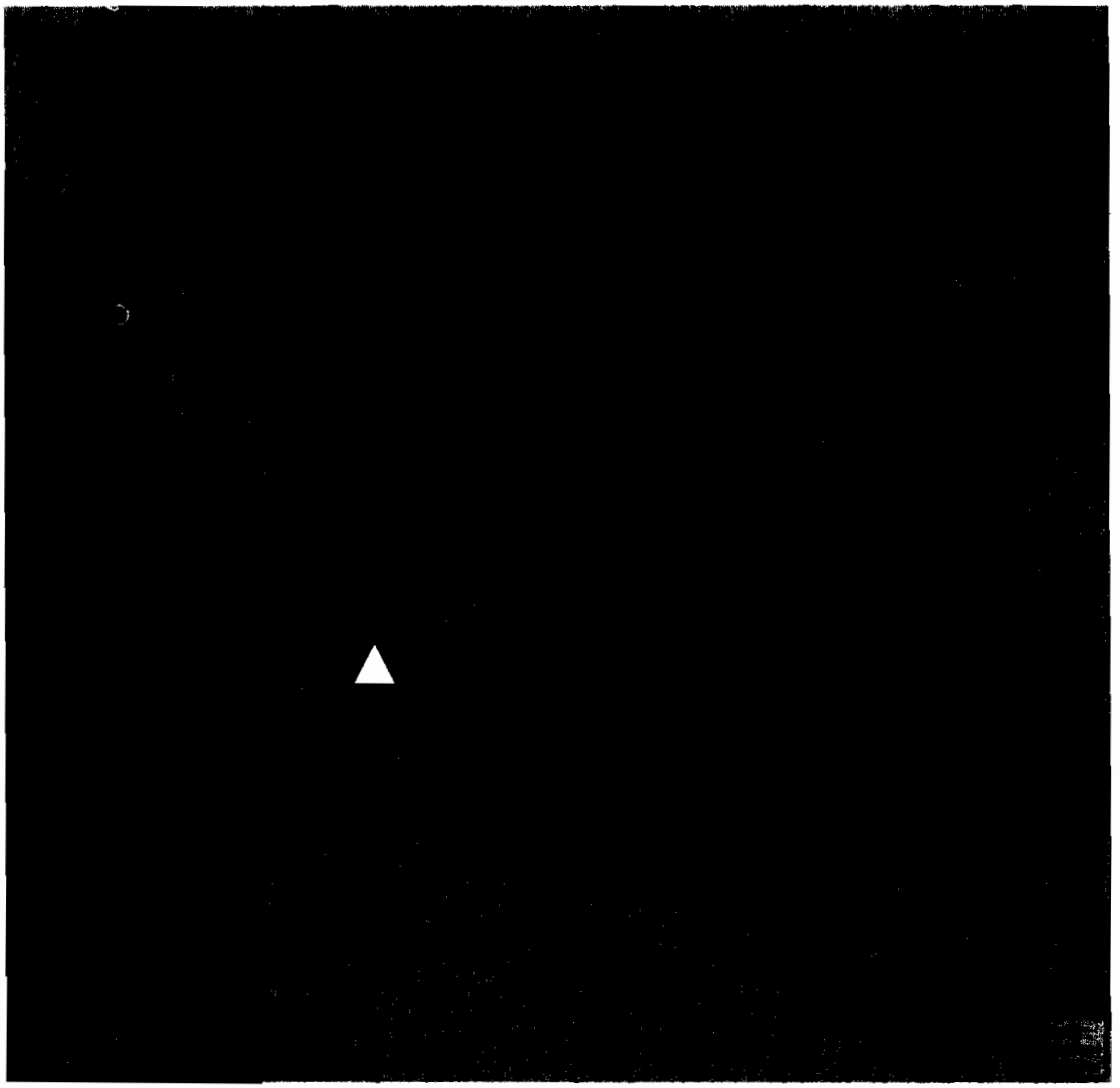

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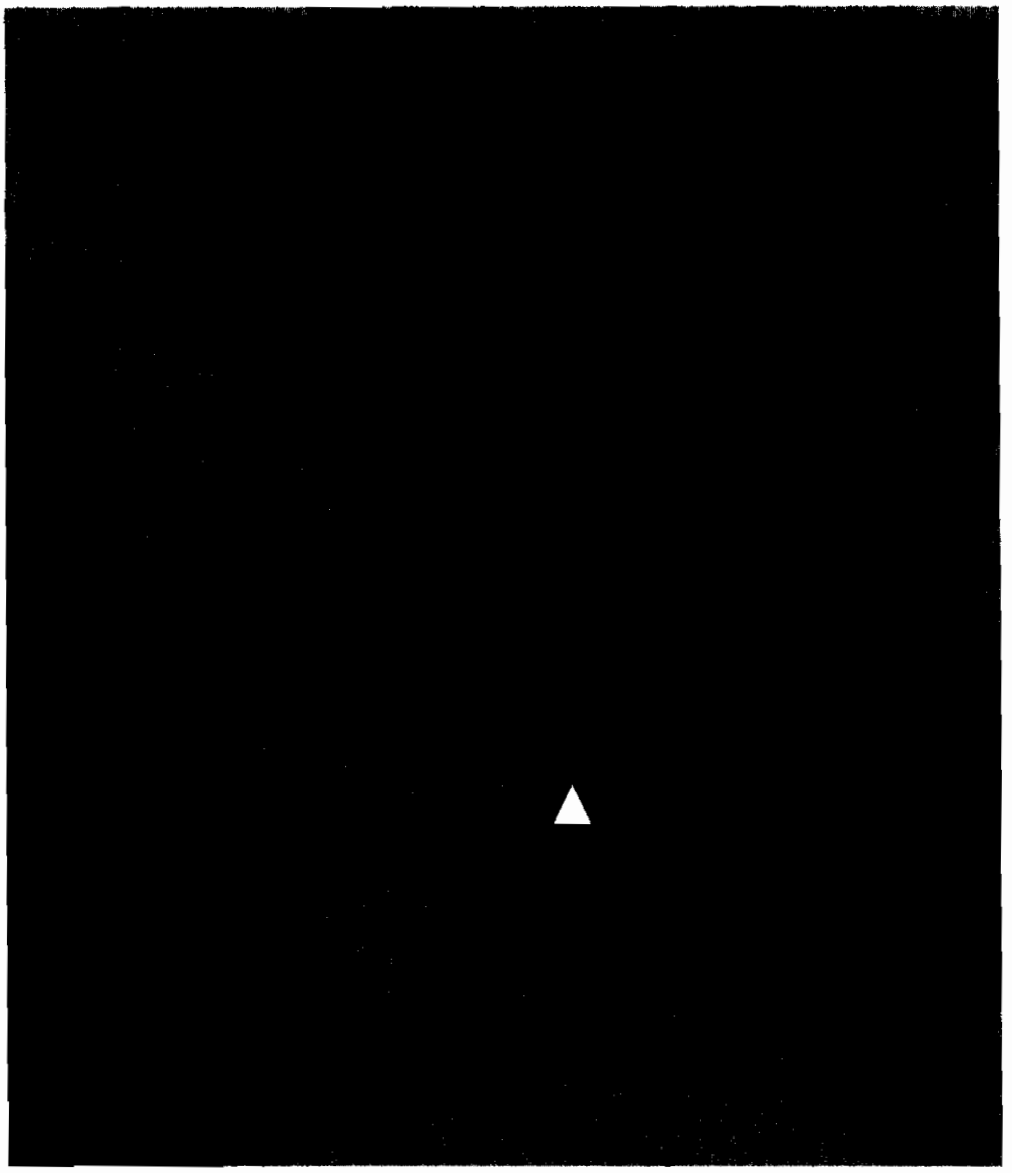

Black outlined White Triangle = Russell City site
Blue cross lines with tip of arrow = Eastshore site

Red lines = Arrivals into Hayward or traffic in pattern
Green lines = Departures at Hayward or traffic in pattern
Blue lines = Overflights

Figure 5

Testimony for the California Energy Commission Regarding the Eastshore Energy Center
Prepared by Larry Berlin, 12/4/07

Section V: Source Documents and Phone Communications

Phone Contacts:

FAA:
Dr. Ray King, Oklahoma City
Dr. Carla Hackworth, Oklahoma City
Tom Chidester, Oklahoma City
David Smith, FSDO, Oakland CA
Bruce Allen, FSDO, Oakland CA
Joe Rodriguez, Airports, Burlingame
Bob Blanton, FSDO, Riverside CA
Ora King, FAA Towers

Embry Riddle Aeronautical University:
Dr. Shigeo Hayashibara, Assistant Professor of Aerospace Engineering

Oakland International Airport:
Wayne Bryant, Airport Noise Specialist
Doug Mansel, Airport Operations Superintendent, Airside

CALTRANS:
Mary Frederick
Pat Miles

AOPA:
John Pfeifer

Blythe Airport:
Pat Wolf, Wolf Enterprises, FBO Operator
Charles Hull, Assistant City Manager, Airport Manager

Blythe Community College:
Dr. James Hottois, Dean

Cessna Aircraft Corporation:

CEC:
Jim Adams

California Pilots Association:
Carol Ford

Alameda County:
Cindy Horvath

Source Documents:

Eastshore Energy Center, Alameda County Land Use Commission Presentation.

Calpine Corp. Russell City Energy Center, Alameda County Land Use Commission Presentation.

Blythe Energy Project Phase II Report, CEC, Commission Decision.

Katestone Environmental Reports for Russell City

Aviation Safety and Buoyant Plumes Report (AUS)

CEC Final Staff Assessment (FSA) Russell City Energy Center, CEC-700-2007-005-FSA, Traffic & Transportation and Land Use Sections.

CEC Preliminary Staff Assessment (PSA) Eastshore Energy Center, CEC-700-2007-005-PSA, Traffic & Transportation and Land Use Sections.

AOPA letter to the CEC regarding the Russell City Energy Center

Letter to the CEC, Jim Adams from the FAA, Joe Rodriguez dated July 18, 2007

CEC Reports of Conversation regarding pilot complaints of turbulence and aircraft upsets at Blythe CA

FAA Safety Risk Analysis of Aircraft Overflight of Industrial Plumes Report.

Regulation of Aeronautics, State of California

Federal Aviation Regulations and Aeronautical Information Manual

ANOMS (Airport Noise & Operation Monitoring System) Report (Flight Tracks) Prepared by various staff.

DECLARATION OF
Larry Berlin

I, **Larry Berlin**, declare as follows:

1. I am presently employed as an independent aviation consultant.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the attached document entitled Testimony for the California Energy Commission Regarding the Eastshore Energy Center to serve as my testimony on the issue of Traffic and Transportation for the Eastshore Energy Center project based on my analysis of anticipated aviation issues associated with the Eastshore Energy Center, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 12/4/07

At: San Ramon, CA

Signed: Larry Berlin

LARRY BERLIN

9672 ALCOSTA BLVD., SAN RAMON, CA 94583
(925) 351-8150 • LDBERLIN@COMCAST.NET

LARRY D. BERLIN

OBJECTIVE

Provide Aviation Consultation Services

SUMMARY OF QUALIFICATIONS

B.S. Degree Organizational Behavior
FAA Airline Transport Pilot License
FAA Gold Seal Certified Flight Instructor, Aircraft and Instruments
FAA Certified Ground Instructor, Advanced and Instruments
FAA Volunteer Aviation Safety Counselor
Volunteer Pilot for Angel Flight West

EMPLOYMENT

1967-1971, Assistant Chief Pilot, Flight Instructor and Charter Pilot, McGrath Flying Service, Willow Run Airport, Ypsilanti, MI

1971-1996, Flight Instructor and Stage Check Pilot, Sierra Academy of Aeronautics, Oakland, CA

1975-2007, Airport Serviceman, Airport Operations Supervisor/Battalion Chief, Aircraft Rescue Firefighting, North Field Manager (Retired), Oakland International Airport, Oakland, CA

EDUCATION

1963-1971 Eastern Michigan Univ., University of Michigan, Ypsilanti and Ann Arbor, MI, Pre-Med Studies

1967 Professional Pilot Training, Sierra Academy of Aeronautics, Oakland, CA

1986-1987 University of San Francisco, San Francisco, CA B.S. Degree

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1986-1987 University of San Francisco, San Francisco, CA B.S. Degree

Dave Needle

2981 Northwood Drive Alameda, CA 94501 (510) 522-7391 dave@davenmargo.com

Synopsis

Experienced system architect and project manager. Strengths in team management, hardware design, user interface design, embedded software, hardware and software prototyping, IP protection, design for manufacturing, and engineering and manufacturing test systems.

President (2001-present)

GSD Group, Inc. **Alameda, CA**

GSD is an engineering services company with proven skills in the architecture, design, prototyping, and manufacturing setup for low-cost hardware and software products. The GSD staff includes senior hardware and software engineers, and calls on its industry contacts for documentation, mechanical, and other engineering needs.

I am the senior hardware engineer and architect. My skills include engineering team management, IP protection, digital ASIC design, FPGA design, PCB layout, micro controller software development, Visual Basic tools, and manufacturing test fixture design and development.

I am also experienced as an Expert Witness for IP protection.

Chairman, CTO (1996-2001)

Jovial Test Equipment, Inc. **Alameda, CA**

Founded JTE in 1996 to develop test equipment and home automation products. Initial products included 2 and 8 wire cable testers, and telephone interface devices. Created technology for low-cost and high-performance TDR based cable testers. We sold the company to our largest customer, Harris Corporation.

Vice President (1993-1996)

The 3DO Company, Inc. **Redwood City, California**

Joined 3DO as part of the sale of NTG to 3DO. I completed the transfer of the system knowledge to the 3DO engineering staff and then started the development of the next generation system. Additionally, I was responsible for protecting the intellectual property through patent grant.

Vice President (1989-1993)

New Technologies Group, Inc. **Palo Alto, California**

Founded, along with two partners, to invent, make ready for manufacture, and license products for mass market consumer entertainment. Our high performance game system was the overwhelming leader at the time of its license to SMSG (later to become The 3DO Company). Soon after, NTG was purchased by The 3DO company.

Director of Hardware Engineering (1987-1989)

Epyx Inc. **Redwood City, California**

Was Co-architect (with the software director) and leader of the 14 member hardware design team for the first color programmable hand-held game system. It was later sold to Atari who released it as the Lynx.

Principal Engineer (1986-1987)

Apple Computer, Inc. **Cupertino, California**

One of 3 engineers in an 8 member team that created the architecture for, designed, built and tested 15 prototypes of a 5 MIPS RISC based low cost personal computer. The system had a complete multitasking OS, compilers, editors, graphics, and peripherals. The project was completed in less than 1 year.

Hardware System Architect (1983-1986)

Commodore-Amiga, Inc. **Los Gatos, California**

First as a consultant, then as an employee, I was a key contributor to the Amiga personal computer project. In addition to some of the hardware design, I was responsible for the engineering aspects of the manufacturing start-up. I was part of the management team that completed the sale of Amiga to Commodore.

Principal (1982-1984)

Software and Hardware Innovative Technologies **Alameda, California**

My two partners and I provided hardware and software consulting services to companies developing computer controlled video products. We also designed and sold three arcade video games.

Architect/Team Leader (1978-1982)

Tandem Computers **Cupertino, California**

I was the hardware architect and project leader for the first Tandem display terminal. I led the technical team through design and then pilot production.

Project Engineer (1974-1978)

Naval Air Rework Facility **Alameda, California**

I was the leader of the development and support team for two types of automatic test equipment. The team consisted of 4 engineers and several technicians.

Engineer (1969-1974)

PRD Electronics **Syosset, New York**

I designed computer controlled test equipment for the department of defense. I later transferred to site manager for the systems located aboard the USS Enterprise.

Education:

B.E.E. City College of New York, 1969

Community Involvement:

Commissioner - Alameda County Airport Land Use Commission, President - Fernside Homeowners Association, Chair – Oakland Airport Settlement Agreement Oversight Committee, Co-chair – City of Alameda Airport Operations Committee, Representative - Oakland Airport Master Plan Stakeholder Committee

Hobbies:

Golf, Quantum Physics, Turtles, Combat Robots

THE AIRPORT LAND USE COMMISSION OF ALAMEDA COUNTY
HAYWARD, CA

RESOLUTION 01-2007 – AT A MEETING HELD AUGUST 15, 2007

Introduced by: Morris
Seconded by: Lockhart

WHEREAS, County Airport Land Use Commissions (ALUCs) were established pursuant to the State ALUC law (Public Utilities Code Article 3.5, State Aeronautics Act, Section 21661.5, Section 21670 et seq., and Government Code Section 65302.3 et seq.) to protect the public health, safety, and welfare by promoting orderly expansion of airports and adoption of land use measures by local public agencies to minimize exposure to excessive noise and safety hazards near airports, and

WHEREAS, state law authorizes ALUCs to coordinate planning at the state, regional and local levels; to prepare and adopt airport land use plans; and to review and make recommendations concerning specified plans, regulations and other actions of local agencies and airport operators including General and Specific Plan amendments, adoption of a Zoning Ordinance or Rezoning, adoption of Building Regulations, revision of Airport Master Plans, and approval of plans to construct a new airport/heliport, and

WHEREAS, Calpine Corporation is proposing to develop the Russell City Energy Center (RCEC) that would be a base-load, 600 megawatt, natural gas-fired power plant, with a nine-cell cooling tower (64 feet tall), and two 145-foot-tall heat recovery steam generator stacks, and

WHEREAS, the power plant would generate invisible high-velocity, high-heat thermal plumes in the Hayward Airport airspace, and

WHEREAS, the RCEC project would be located 1.5 miles from the Hayward Executive Airport within the Airport Influence Area (AIA) for the airport as defined by the Airport Land Use Commission (ALUC) of Alameda County, and

WHEREAS, California Energy Commission (CEC) staff have published a Preliminary Staff Assessment on potential impacts to Hayward Airport operations which concluded that the thermal plumes from the cooling tower and heat recovery steam generator stacks will disturb airspace stability to more than 1,000 feet above ground level (AGL), and

WHEREAS, the (CEC) has asked the ALUC to provide an opinion on the question: "Does the ALUC consider the proposed RCEC plumes an aviation safety hazard?", and

WHEREAS, the FAA *Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes* Study recommends, among other mitigation measures, amending FAA Order 7400.2 to consider a plume generating facility as a hazard to navigation when expected flight paths pass less than 1,000 feet above the top of the object, and

WHEREAS, the California Department of Transportation Division of Aeronautics has stated that it concurs with the CEC staff assessment regarding the potential for a hazard to aviation safety for low altitude flights below 1,000 feet AGL over the thermal plumes that would be generated by the RCEC project in its currently proposed location, and

WHEREAS, The 2002 Hayward Airport Master Plan forecasts an increase in total general aviation operations of approximately 3,350 flights per year, or 280 flights per month between 2010 and 2020 over current operation levels, and

WHEREAS, the expected increase in flight operations for the Hayward Airport represents an increase in aircraft overflight of the thermal plumes to be generated by the proposed RCEC project, and

WHEREAS, the airspace in the vicinity of the Hayward Airport is already restricted due to Noise Abatement Flight Procedures, and

WHEREAS, a mitigation measure that would alter the flight pattern to avoid the thermal plumes generated by the RCEC project is not feasible because it would further restrict the limited airspace, and

WHEREAS, the ALUC has held meetings on July 18 and August 15, 2007 in which this issue was discussed and testimony taken from all interested parties,

NOW THEREFORE BE IT RESOLVED that the Airport Land Use Commission of Alameda County discussed their concerns regarding thermal plumes of the proposed RCEC project relative to aviation safety at the Hayward Executive Airport and makes the following three findings:

1. The Commission recommends an alternate site for the proposed project.
2. If the project is approved at the currently proposed site, that the City of Hayward request that the FAA issue a Notice to Airmen (NOTAM) advising pilots to avoid overflight of the plant.
3. If the project is approved at the currently proposed site, the Commission recommends implementation of Traffic and Transportation Condition of Certification #10 contained in the California Energy Commission Staff Assessment of the Amendment of the RCEC, and additional mitigation measures which include the following:

    - Have the FAA revise any instrument approach that currently directs aircraft directly over the power plant at low elevation
    - Revise the San Francisco Sectional Chart to include a marker showing where the plant is located and adding a recommendation about avoiding overflight
    - Add a new remark to the airport surface observing system (ASOS) equipment that advises pilots, as they approach or depart the airport, to avoid direct overflight of the RCEC
    - Add a marker/remark in the Airport Facility Directory indicating the location of the RCEC facility
    - Have the FAA issue an advisory that a special security TFR (NOTAM FDC 4/0811), strongly advising pilots to avoid flight over or in the proximity of this facility, applies to this location

- Install air traffic hazard lighting at the top of each of the facility's exhaust stacks and non-elevated lights at each corner of the facility that would be visible to an aircraft in flight. Lights shall be operated 24 hours a day, 7 days a week
- Advise the Hayward Executive Airport air traffic control tower, in writing, at least 10 days in advance of any planned tests or start-up procedures that would produce a thermal exhaust plume and prior to the start of normal operations

ADOPTED BY THE FOLLOWING VOTE:

AYES: LOCKHART, HAURI, GROSSMAN, MORRIS

NOES: NONE

ABSENT: NEEDLE, KAMENA

EXCUSED: NEEDLE

ABSTAINED: PERIERA

SIGNED: DATE:

8/16/07

STEVE GROSSMAN
CHAIR, ALAMEDA COUNTY AIRPORT LAND USE COMMISSION

CHRIS BAZAR, ADMINISTRATIVE OFFICER
ALAMEDA COUNTY AIRPORT LAND USE COMMISSION

THE AIRPORT LAND USE COMMISSION OF ALAMEDA COUNTY
HAYWARD, CA

RESOLUTION 02-2007 – AT A MEETING HELD OCTOBER 17, 2007

Introduced by: Hauri
Seconded by: Needle

WHEREAS, County Airport Land Use Commissions (ALUCs) were established pursuant to the State ALUC law (Public Utilities Code Article 3.5, State Aeronautics Act, Section 21661.5, Section 21670 et seq., and Government Code Section 65302.3 et seq.) to protect the public health, safety, and welfare by promoting orderly expansion of airports and adoption of land use measures by local public agencies to minimize exposure to excessive noise and safety hazards near airports, and

WHEREAS, state law authorizes ALUCs to coordinate planning at the state, regional and local levels; to prepare and adopt airport land use plans; and to review and make recommendations concerning specified plans, regulations and other actions of local agencies and airport operators including General and Specific Plan amendments, adoption of a Zoning Ordinance or Rezoning, adoption of Building Regulations, revision of Airport Master Plans, and approval of plans to construct a new airport/heliport, and

WHEREAS, Tierra Energy is proposing to develop the Eastshore Energy Center that would be a nominal megawatt, gas-fired power plant, with 70-foot towers that would produce high-velocity thermal plumes in excess of 4.3 meters per second (m/s), and

WHEREAS, the power plant would generate invisible high-velocity, high-heat thermal plumes in the Hayward Airport airspace, and

WHEREAS, the Eastshore Energy Center project would be located 1 mile from the Hayward Executive Airport within the Airport Influence Area (AIA) for the airport as defined by the Airport Land Use Commission (ALUC) of Alameda County, and

WHEREAS, California Energy Commission (CEC) staff have published a Preliminary Staff Assessment on potential impacts to Hayward Airport operations which concluded that the thermal plumes from the towers will disturb airspace stability to 500 feet above ground level (AGL), and

WHEREAS, the CEC staff has asked the ALUC to provide an advisory determination of the project's compatibility with the Hayward Executive Airport operations, and

WHEREAS, The 2002 Hayward Airport Master Plan forecasts an increase in total general aviation operations of approximately 3,350 flights per year, or 280 flights per month between 2010 and 2020 over current operation levels, and

WHEREAS, the expected increase in flight operations for the Hayward Airport represents an increase in aircraft overflight of the thermal plumes to be generated by the proposed Eastshore Energy Center project, and

WHEREAS, the airspace in the vicinity of the Hayward Airport is already restricted due to Noise Abatement Flight Procedures, and the National Security NOTAM requesting pilots to

avoid overflight of power plants that will be in effect with the approved Russell City Energy Center (RCEC) project that is also within a mile and a half of the Hayward Executive Airport

NOW THEREFORE BE IT RESOLVED that the Airport Land Use Commission of Alameda County discussed their concerns regarding thermal plumes of the proposed Eastshore Energy Center project relative to aviation safety at the Hayward Executive Airport and makes the following finding:

1. The Commission recommends an alternate site for the proposed project outside of the Airport Influence Area for the Hayward Executive Airport.

ADOPTED BY THE FOLLOWING VOTE:

AYES: HAURI, GROSSMAN, PEREIRA, NEEDLE, MORRIS

NOES: NONE

ABSENT: LOCKHART, KAMENA

EXCUSED: LOCKHART

ABSTAINED: NONE

SIGNED: DATE:

10/26/07

STEVE GROSSMAN
CHAIR, ALAMEDA COUNTY AIRPORT LAND USE COMMISSION

CHRIS BAZAR, ADMINISTRATIVE OFFICER
ALAMEDA COUNTY AIRPORT LAND USE COMMISSION

STAFF REPORT -- AIRPORT LAND USE COMMISSION
PROPOSED RUSSELL CITY ENERGY CENTER PROJECT
JULY 18, 2007 – AGENDA ITEM 4

BACKGROUND

The California Energy Commission (CEC) has requested that the Alameda County Airport Land Use Commission (ALUC) review the proposed Russell City Energy Center (RCEC) project to be located in Hayward, approximately 1.5 miles from the Hayward Executive Airport. This project falls within the ALUC Height Referral Area and the Airport Influence Area for the airport.

Calpine Corporation is proposing to develop the RCEC that would be a base-load, 600 megawatt, natural gas-fired power plant, with a nine-cell cooling tower (64 feet tall), and two 145-foot-tall heat recovery steam generator stacks.

CEC CONCERNS AND REQUESTED INFORMATION

CEC staff have published a Preliminary Staff Assessment on potential impacts to Hayward Airport operations (see attached reports) which concluded that the thermal plumes from the cooling tower and heat recovery steam generator stacks will disturb airspace stability to more than 1,000 feet above ground level (agl). This disturbance could be a potential aviation safety hazard to aircraft using Hayward Executive Airport.

The CEC has requested the ALUC make a determination on two questions:

1. Does the ALUC consider the proposed RCEC plumes an aviation safety hazard?
2. Does the project conform to the City of Hayward's Municipal Code?

ALUC staff has consulted with the Office of the County Counsel on these questions, and on the project in general. Counsel has provided the opinion that based on Sections 21674(a) and 21670(a)(2) of the State ALUC Law that it is within the jurisdiction of the ALUC to provide its comments on the proposed power plant project, if it so desires.

However, the ALUC presently has no direct regulatory authority over the proposed project, and probably does not possess sufficient technical expertise to assess the thermal plume question without additional technical assistance. In addition, the question of project conformance with the City of Hayward's Municipal Code is outside the scope of the ALUC's mandate to comment on, and thus will not be addressed by the Commission.

SUMMARY OF RELEVENT BACKGROUND REPORTS

Attached to this staff report are the following documents that discuss the issue of thermal plumes relative to aviation safety. Staff has included a brief summary of each report after each listing below.

1. <u>California Energy Commission</u>
   - Letter from Jim Adams of the CEC requesting ALUC review of project.
   - Preliminary Staff Assessment – Potential Impacts on Hayward Airport Operations
   - Executive Summary
   - Land Use
   - Traffic and Transportation

Summary: CEC staff have conducted an analysis that concludes the plumes generated from this project would present a substantial hazard to aircraft operations at normal traffic pattern altitude (600 – 800 feet agl).

2. CALPINE (PROJECT SPONSOR)
   - Plume Vertical Velocity Assessment of a Proposed Gas-Fired Power Station at Russell City Energy Center

   - Addendum to the Plume Vertical Velocity Assessment

   Summary: Technical report conducted by an Australian firm analyzing the RCEC project specifically, based on guidelines for aviation safety set out by the Australian Civil Aviation Authority (CASA) and presented in *"Guidelines for Conducting Plume Rise Assessments (CASA 2004)."* Analysis conducted for worst case assessment assuming calm winds and neutral atmospheric conditions for the entire length and height of the plume, and for realistic wind scenario using vertical wind profiles generated by a prognostic weather model for a full year simulation. These reports were prepared by members of the group in Australia who developed the only known methodology for accurately modeling thermal plumes. The report concluded that, for realistic wind scenarios the average plume vertical velocities are unlikely to exceed the critical threshold of 4.3 meters per second above the height of 176 meters and a maximum distance of 77 meters from the power station.

3. CITY OF HAYWARD
   - Letter from City Manager to the California Energy Commission addressing the isssue of project compliance with municipal code regulations.

   Summary: The City indicates that the proposed RCEC project does conform to the City's Municipal Code and General Plan. The City endorses the RCEC project.

4. FEDERAL AVIATION ADMINISTRATION (FAA)
   - Safety Study Report: Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes

   - FAA 7460 Aeronautical Studies (2) addressing the potential impact on air navigation of the two thermal stacks included in this project

   - Letter from Joe Rodriguez of the local FAA Airports District Office to Ross Dubarry, Acting Airport Manager of the Hayward Executive Airport urging the City to require the project sponsor to provide a complete project description for all components of the power plant facilities when requesting an FAA 7460 Study, including thermal plumes.

   Summary: The Safety Study Report concludes that the risk associated with thermal plumes on aricraft operations presents an acceptable level of risk comparable to other common potential flight hazards. Recommends addressing the threat posed by vertical plumes by a variety of methods including established procedures for pilot

notification. Makes other recommendations for FAA publications to include the consideration of thermal plumes directly.

The FAA 7460 studies make the finding of "Determination of No Hazard to Air Navigation" for both stacks.

The letter from the FAA to the City requested that City approval requirements include FAA airspace determination as a condition of final building permit approval.

ALUC STAFF RECOMMENED ACTIONS

Staff requests that the ALUC take the following actions at today's meeting:

1. Determine whether to comment to the CEC. A Draft Resolution that reflects any Commission's determination on this issue will be provided at the next ALUC meeting for adoption.

2. Direct staff to agendize for the next ALUC meeting an item discussing whether to include a section on thermal plumes and industrial power plants in the Airport Land Use Policy Plan Update that is currently underway.

STAFF REPORT -- AIRPORT LAND USE COMMISSION
PROPOSED RUSSELL CITY ENERGY CENTER PROJECT
AUGUST 15, 2007 – AGENDA ITEM 4

BACKGROUND

This item is continued from last month's ALUC meeting. At that meeting, the Commission reviewed the proposed Russell City Energy Center Project (hereafter referred to as the RCEC), to be located in Hayward, approximately 1.5 miles from the Hayward Executive Airport. This project falls within the ALUC Height Referral Area and the Airport Influence Area for the airport. Staff provided a number of documents and correspondence as background information for the Commission on this proposed facility, to assist the Commission in their evaluation of the issues.

After presentations by the consultants for the applicant and CEC staff and follow-up discussion, the Commission directed staff to assemble additional information on the project for continued discussion at the next ALUC meeting. To briefly recap, the ALUC received a formal request from the California Energy Commission (hereafter referred to as the CEC) to answer the following question:

→ Does the ALUC consider the proposed RCEC plumes an aviation safety hazard?

Staff has consulted with County Counsel throughout this project review. As you recall, Counsel's opinion is that because this type of facility is not included in the existing ALUC Airport Land Use Policy Plan, our usual and more formal action of a Consistency Determination is not appropriate in this case. However, based on ALUC State Law, the Commission is well within its mandate to comment on the proposed project in response to the CEC request.

This staff report is organized in the following manner:

- Follow-up information requested by the Commission
- Summary of additional information (documents are attached to the end of this report)
- Staff Analysis
- Staff Recommendation
- Draft Resolution
- Attachments

FOLLOW-UP INFORMATION REQUESTED BY THE COMMISSION

The Commission has asked staff to provide more information on the following issue areas:

1. An answer to the local FAA office request to the City to provide more information on thermal plumes as part of their 7460 evaluation of this project.

2. Information on any available technology that could mitigate the impacts of thermal plumes on aircraft.

3. Additional information on the Blythe Energy Facility projects and the CEC evaluation of them.

4. Information on Cumulative Impacts of projects in terms of airspace capacity in the vicinity of Hayward Airport.

5. Flight tracks for Hayward Airport

6. Any additional reports or information on thermal plumes and their potential impacts on aviation, in addition to what staff has already provided.

ADDITIONAL REPORTS AND INFORMATION

This additional information in the form of reports and letters of correspondence have been provided as attachments to this staff report, some of which respond to the follow-up items listed above. Below is a listing and very brief summary of each document.

1. Letter from Aircraft Owners and Pilots Association to Jim Adams, CEC staff – This letter recommends against the placement of the RCEC facility in its current proposed location.

2. Letter from The California Pilots Association to Jim Adams, CEC staff – This letter references Grant Assurances agreed to by the City of Hayward when receiving grants through the FAA that require the City to keep the airport free of hazards and to maintain compatible land use zoning. It also requests that the CEC not approve the amendment for the RCEC and further requests that the CEC not permit this facility to be built within five (5) miles of the Hayward Executive Airport.

3. Letter from the Joe Rodriguez of the FAA Environmental Planning and Compliance Section to Jim Adams of the CEC responding to the issue of the FAA 7460 Study and Thermal Plumes from RCEC. The Letter concurs with the CEC staff assessment, and reiterates the FAA Safety Study Report recommendations to modify notification requirements to pilots. It finds no potential hazard to the Oakland International Airport from the proposed RCEC facility.

4. Letter from Gary Cathey of the Caltrans Division of Aeronautics Office of Airports to Jim Adams of the CEC. This letter states that Caltrans shares the concerns of the CEC staff regarding low-level flight at traffic pattern altitude over the proposed RCEC power plant near the Hayward Airport.

5. Testimony Regarding Thermal Plumes and Aviation – Cumulative Impacts, Submitted by Russell City Energy Center, LLC – Supplemental testimony responding to CEC staff's late-filed Addendum to the staff assessment regarding Cumulative Impacts and Mitigations. Question and answer format that refutes CEC staff analysis regarding potential hazard of thermal plumes on aviation operations.

6. Report of Conversation (3) from Pilots to the CEC staff – Reports based on conversations with pilots who filed complaints about moderate to severe turbulence resulting from overflight of the Blythe I Energy Facility thermal plumes that affected their aircraft operations.

7. Flight Tracks for Hayward Executive Airport - Flight tracks for turbo-prop, single engine, multi-engine aircraft, and helicopters are included as an attachment. Maps also included for Hayward Airport's Land Use Safety Zones and Noise Abatement Flight Procedures.

8. Aviation Safety and Buoyant Plumes- Paper presented at the Clean Air Conference, South Wales, Australia 2003 – Technical analysis of thermal plume effects on aviation safety.

9. Relevant portions of the CEC's Decision on the Blythe Energy Project II facility – Portions pertaining to the thermal plume and aviation hazard discussion of the CEC decision. Includes recommendations for mitigation measures.

10. Land Use Testimony of Shaelyn Strattan, CEC staff - CEC staff analysis of potential hazard of thermal plumes from RCEC relative to the Hayward Executive Airport. Recommends siting facility in another location to avoid potential aviation hazard.

11. Land Use Testimony Errata from Shaelyn Stratton, CEC staff - This document consists of changes that were made to the previously filed Land Use Testimony document above.

STAFF ANALYSIS

The Commission has been asked by the CEC staff to offer its input on the following question:

- Does the ALUC consider the proposed RCEC plumes an aviation safety hazard?

The information provided by the FAA and Caltrans Division of Aeronautics, (both of whom are qualified to answer this question) does not seem to dispute that the thermal plumes represent some level of hazard to aircraft operations at low altitudes (below 1,000 feet AGL). In fact, the Caltrans letter repeats the concerns expressed by CEC staff. The pivotal question is what level of risk is deemed acceptable?

The FAA *Safety Risk Analysis of Aircraft Overflight of Industrial Exhaust Plumes* Study from last month's packet acknowledges that the risk posed by thermal plumes exists, but considers that level of risk acceptable and compares it to levels of turbulence routinely experienced by pilots. They suggested a number of mitigations including additional pilot notification of location of industrial plants that emit thermal plumes, warnings to avoid overflight of these facilities, and changes to the 7460 Study to include evaluation of industrial plumes. Perhaps most significantly, the report recommends "amending FAA Order 7400.2 to consider a plume generating facility as a hazard to navigation when expected flight paths pass less than 1,000 feet above the top of the object".

At last month's ALUC meeting commissioners inquired about the availability of technology that could mitigate the potential hazard of high-velocity, high-heat thermal plumes to aircraft flying over them. Staff asked CEC staff and the consultant staff for Calpine (project applicant) to provide any information they were aware of to address this issue. The response was that no feasible technology currently exists to mitigate the effects of thermal plumes on aircraft that wouldn't compromise the operational effectiveness of the power plant.

The commission also inquired about the cumulative impacts to the airspace and aircraft operations from this and other planned facilities in the vicinity of the Hayward Airport. The

only other known potential facility at this time is the Eastshore Energy Center facility that is proposed to be located 1 mile southeast of the Hayward Airport. As of this time, the City of Hayward has stated its opposition to that project; however, I have been contacted by consultants for that project to meet to discuss potential ALUC concerns.

One of the mitigation measures recommended by the FAA and utilized at the Blythe I facility was to change the standard flight pattern to avoid overflight of the plumes. Staff was informed by CEC staff that they investigated this option when evaluating RCEC, but it was deemed not feasible at Hayward due to Noise Abatement Flight Procedures in place currently, which limit available airspace for flight maneuvers. In other words, changing Hayward's flight patterns is not a viable option because it would place more restrictions on an already crowded and restricted airspace.

Another airspace consideration is the flight activity that is generated by the other nearby airports in the region, including Oakland International Airport, and San Francisco International Airport. Oakland has a significant level of General Aviation activity, which is comprised of single, turbo-prop, and multi engine aircraft as well as helicopters. The approach for Oakland overflies the Hayward airspace. Although Oakland-bound aircraft fly at higher altitudes, this traffic further compresses available airspace for the Hayward approach and departure patterns.

In an effort to more fully understand airspace issues, staff looked at the forecasts for flight operations at the Hayward Executive Airport through 2020. According to Exhibit 2E and Table 2M (attached at the end of this report) from the 2002 Hayward Executive Airport Master Plan, General Aviation Operations, which comprise about 98% of all operations at the airport are projected to increase from 187,680 in 2010 to 221,170 in 2020. This represents an expected increase of approximately 3,350 flight operations per year, or 280 per month over current operation levels.

To further illustrate the future trends of activity at Hayward Executive Airport, Page 2-14 of the Airport Master Plan states that

> *Historically, local and itinerant operations accounted for approximately 50 percent each of total annual operations. Since 1990, local operations have grown and accounted for a larger portion of annual operations than itinerant operations. This is representative of continued increases in aircraft training activity at the airport. Consistent with national trends, itinerant operations are forecast to increase through the planning period (in number and as a percentage of total annual operations) due to the expected utilization of business and corporate aircraft at the airport (which are typically itinerant operations).*

STAFF RECOMMENDATION

Based on all the information reviewed and testimony to date, staff recommends the ALUC make the finding, by adopting Resolution 01-2007, that the thermal plumes of the proposed RCEC project are considered to be a potential aviation hazard, and recommend the proposed project be located at a site that will not pose a hazard to aviation safety.

STAFF REPORT -- AIRPORT LAND USE COMMISSION
PROPOSED EASTSHORE ENERGY CENTER PROJECT
SEPTEMBER 19, 2007 – AGENDA ITEM 4

BACKGROUND

The California Energy Commission (CEC) has requested that the Alameda County Airport Land Use Commission (ALUC) review the proposed Eastshore Energy Center project to be located in Hayward, approximately one mile south of the Hayward Executive Airport. This project falls within the ALUC Height Referral Area and the Airport Influence Area for the airport.

Tierra Energy is proposing to develop the Eastshore Energy Center that would be a nominal gas-fired 115.5-megawatt (MW) power plant located in on 6.22 acre site at 25101 Clawiter Road in the City of Hayward. This facility would have fourteen 70-foot towers that would produce high-velocity thermal plumes in excess of 4.3 meters per second (m/s).

CEC PRELIMINARY STAFF ASSESSMENT (PSA)

CEC staff have published a Preliminary Staff Assessment on, among other things, potential impacts to Hayward Airport operations (see attached Traffic & Transportation and Land Use CEC staff reports). The assessment makes the following findings and recommendations:

- This facility would produce high-velocity thermal plumes in excess of 4.3 meters per second (m/s). However, because plume velocity would dissipate to less than 4.3 m/s below minimum flight altitudes for the Hayward airspace, staff believes the project-generated thermal plumes would not present a substantial hazard to aircraft flying at or above 500 feet above ground level (AGL).

- If the power plant is cited in the proposed location, it will require pilots and air traffic controllers to comply with Temporary Flight Restirctions/Notice to Airmen (TFR/NOTAM) FDC 4/0811 that was created for National Security purposes. CEC staff have determined that this would create an additional obstacle to flight in the southwest quadrant of the Hayward airspace.

- This facility would further limit the use of a significant portion of the airport's usable airspace and further restrict an already restricted airspace for the Hayward Executive Airport, especially when considered with the constraints and potential impacts associated with the proposed Russell City Energy Center (RCEC) project.

- CEC staff does not recommend approval of this facility in its proposed location. However, if the CEC approves the permit for the Eastshore facility, staff recommends condition of certification TRANS-3 (page 4.10-36 in the Traffic & Transportation section of the PSA) be implemented to further reduce the potential of inadvertent overflight of the faicility's thermal plumes, especially by helicopters which fly below 500 feet AGL.

STAFF ANALYSIS

Over the last two months, a significant amount of information on thermal plumes and potential aviation impacts was distributed to the Commission during the review of the Russell City Energy Center (RCEC) Project. These included technical background reports,

letters from Pilot associations, consultant reports, letters from neighbors in the vicinity of the RCEC and Eastshore projects, and letters from FAA and Caltrans Division of Aeronautics.

The thermal plume issue with Eastshore is somewhat different than for the RCEC project. These plumes would dissipate at a much lower altitude than the plumes at the RCEC power plant, and therefore represent less of a potential aviation risk to aircraft. However, helicopters would be susceptable to these risks due to lower flight altitudes.

Airpsace concerns raised by staff at last month's meeting on RCEC are also relevant for the Eastshore Energy Center project. These include: an increase in operations at Hayward Executive Airport over the next 20 years; restricted airspace due to existing Noise Abatement Flight Procedures and the National Security NOTAM warning pilots to avoid overflights of power plants for the RCEC facility; and thermal plumes that would be a potential hazard to helicopter operations.

The cumulative impacts would be significant if both power plants were in operation. The CEC has published the "Presiding Member's Porposed Decision" that gives preliminary approval for the RCEC project to be built. However, as of this writing the FAA has requested more time to evaluate the thermal plume issue and asked the CEC to postpone their decision on the RCEC. The CEC agreed to postpone their decision by several weeks.

STAFF RECOMMENDATION

Based on all the information reviewed regarding potential aviation hazards and thermal plumes, staff recommends the ALUC make the finding, by adopting Resolution 02-2007, that the thermal plumes of the proposed RCEC project are considered to be a potential aviation hazard, and recommend the proposed project be located at a site that will not pose a hazard to aviation safety. As was done for the RCEC Resolution, staff has included CEC staff recommendations in the Eastshore Resolution for mitigation of potential hazards if the project is ultimately approved.

STAFF REPORT -- AIRPORT LAND USE COMMISSION
PROPOSED EASTSHORE ENERGY CENTER PROJECT
OCTOBER 17, 2007 - AGENDA ITEM 4

BACKGROUND

The Commission met last month on this item, but due to lack of a quorum, no action was taken. Several new items have been received regarding this project, and are attached.

****Please review and bring the CEC Preliminary Staff Assessment for Land Use and Traffic & Transportation that was distributed in last month's packet.****

The California Energy Commission (CEC) has requested that the Alameda County Airport Land Use Commission (ALUC) review the proposed Eastshore Energy Center project to be located in Hayward, approximately one mile south of the Hayward Executive Airport. This project falls within the ALUC Height Referral Area and the Airport Influence Area for the airport.

Tierra Energy is proposing to develop the Eastshore Energy Center that would be a nominal gas-fired 115.5-megawatt (MW) power plant located in on 6.22 acre site at 25101 Clawiter Road in the City of Hayward. This facility would have fourteen 70-foot towers that would produce high-velocity thermal plumes in excess of 4.3 meters per second (m/s).

CEC PRELIMINARY STAFF ASSESSMENT (PSA)

CEC staff have published a Preliminary Staff Assessment on, among other things, potential impacts to Hayward Airport operations (see attached Traffic & Transportation and Land Use CEC staff reports). The assessment makes the following findings and recommendations:

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- If the power plant is cited in the proposed location, it will require pilots and air traffic controllers to comply with Temporary Flight Restirctions/Notice to Airmen (TFR/NOTAM) FDC 4/0811 that was created for National Security purposes. CEC staff have determined that this would create an additional obstacle to flight in the southwest quadrant of the Hayward airspace.

- This facility would further limit the use of a significant portion of the airport's usable airspace and further restrict an already restricted airspace for the Hayward Executive Airport, especially when considered with the constraints and potential impacts associated with the proposed Russell City Energy Center (RCEC) project.

- CEC staff does not recommend approval of this facility in its proposed location. However, if the CEC approves the permit for the Eastshore facility, staff recommends condition of certification TRANS-3 (page 4.10-36 in the Traffic & Transportation section of the PSA) be implemented to further reduce the potential of inadvertent overflight of the faicility's thermal plumes, especially by helicopters which fly below 500 feet AGL.

In addition to the CEC report, the following new information/corrrespondence is included:

- PowerPoint Presentation on the Eastshore Energy Center Project from the project owner, Eastshore Energy LLC.
- City of Hayward Correspondence to the CEC Staff dated June 27, 2007 regarding Airport Approach Zoning Regulations (this letter appeared in your Russel City Energy Center (RCEC) packets in July).
- Letter from Joe Rodriguez, FAA, comments on the Eastshore Energy Center 70-foot exhaust stacks. He concurs with the CEC staff assessment that effective mitigation measures to reduce impacts from the EEC exhaust plumes to less than significant levelos wi;; be difficult to implement when combined with the RCEC mitigation.

STAFF ANALYSIS

Over the last two months, a significant amount of information on thermal plumes and potential aviation impacts was distributed to the Commission during the review of the Russell City Energy Center (RCEC) Project. These included technical background reports, letters from Pilot associations, consultant reports, letters from neighbors in the vicinity of the RCEC and Eastshore projects, and letters from FAA and Caltrans Division of Aeronautics.

The thermal plume issue with Eastshore is somewhat different than for the RCEC project. These plumes would dissipate at a much lower altitude than the plumes at the RCEC power plant, and therefore represent less of a potential aviation risk to aircraft. However, helicopters would be susceptable to these risks due to lower flight altitudes.

Airpsace concerns raised by staff at last month's meeting on RCEC are also relevant for the Eastshore Energy Center project. These include: an increase in operations at Hayward Executive Airport over the next 20 years; restricted airspace due to existing Noise Abatement Flight Procedures and the National Security NOTAM warning pilots to avoid overflights of power plants for the RCEC facility; and thermal plumes that would be a potential hazard to helicopter operations.

As a follow-up to last month's reporting on the status of the RCEC project, the CEC has officially given approval at it's meeting on September 26, 2007 for the RCEC facility to be built. The cumulative impacts would be significant if both power plants were in operation.

STAFF RECOMMENDATION

Based on all the information reviewed regarding potential aviation hazards and thermal plumes, staff recommends the ALUC make the finding, by adopting Resolution 02-2007, that the thermal plumes of the proposed RCEC project are considered to be a potential aviation hazard, and recommend the proposed project be located at a site that will not pose a hazard to aviation safety and that is outside of the Airport Influence Area for Hayward Executive Airport. As was done for the RCEC Resolution, staff has included CEC staff

recommendations in the Eastshore Resolution for mitigation of potential hazards if the project is ultimately approved.