



The Public Interest Law Project

AGENDA

Community Meeting of 238 Corridor Residential Tenants

September 28, 2009
Centennial Hall
7:00 pm

- I. Call to Order and Welcome – Fran David, City of Hayward 7:00 pm
- II. Comments from Dignitaries and Sponsors
 - a. Assemblywoman Mary Hayashi
 - b. Senator Ellen Corbett
 - c. Bijan Sartipi, Director, District 4, State Department of Transportation
- III. Presentation of Settlement Agreement
 - a. Process
 - b. Program Elements
 - i. Payments
 - ii. New Housing
 - iii. Opportunities for Home Ownership
 - c. Steve Ronfeldt, Public Interest Law Project Co-Director
- IV. Identification of Next Steps: Critical Points and Timing
- V. Questions and Answers/Discussion
- VI. Adjourn 9:00 pm

Summary of 238 Resolution Process and Components: 09/28/09

✦ **Five "Moving" Parts:** All must be completed in order for the Settlement Agreement to be activated and in force.

- Signed Settlement Agreement
- Enacted Legislation
- Resolution of new State Court Class Action Lawsuit
- Dismissal of Federal Court Class Action (i.e., La Raza Unida.)
- Actions of California Transportation Commission (e.g., Rescission of the project and approval of LATIP)

✦ **Settlement Agreement**

- **Components and Costs**

<u>RESPONSIBLE ENTITY</u>	<u>COSTS</u>	<u>SOURCE</u>
City of Hayward	\$6,000,000	\$5 million from 238 Housing Trust Fund; \$1 million from 1 st Time Home Buyers
City of Hayward	\$2-3,000,000	State & Federal housing program funds (roughly estimated)
Alameda County	\$500,000	State & Federal housing program funds, including County's 1 st Time Home Buyer funds.
City of Hayward as Administrative Agent for Payments and Programs.	\$1-2,000,000	Proceeds from sale of excess properties
City of Hayward as Program Administrator: Pre-purchase Home Inspections	\$25-50,000	Proceeds from sale of excess properties
Department of Transportation (using outside contractor): Survey of Tenants/Data Collection	\$75-100,000	Proceeds from sale of excess properties
Department of Transportation (using outside contractor): Appraisals	\$250,000 - \$350,000	Proceeds from sale of excess properties and/or internal costs
TOTAL ESTIMATED COSTS	<u>\$9,850,000 to</u> <u>\$12,000,000</u>	

NOTE: Legal costs will be determined and approved by the Courts and are in addition to the above cost estimates. The above rough estimates also do not include costs that might incur to the City, County, or their respective Redevelopment Agencies to develop the 237 new low-income units in the Corridor.

- **Programmatic Elements**

- ✓ **Lump Sum Stipend (LSS)**: a cash payment to every residential Tenant Household living in the Corridor as of January 1, 2010. Comprised of a “relocation payment” and a “moving stipend” using Caltran’s existing policies as the basis for calculations, modified to meet the current conditions. (See Exhibit I for a description of potential payments by household size and income levels.)
- ✓ **New, Low-income Housing**: 237 new low-income housing units developed in the Corridor between now and 2023, generally using the City’s Inclusionary Housing Ordinance (IHO) as a vehicle (1,500 to 2,000 new housing units possible). This number to be offset by
 - Any units in the previous La Raza complexes that continue their restricted status at least fifteen (15) years beyond their current expiration date.
 - The number of Corridor SFR’s successfully purchased by Low Income Corridor tenants as part of the OPHP.
 - 10% of the units available and “affordable” to Low Income Households from a project built in the Corridor by Alameda County or the number of units actually occupied by eligible Corridor Tenants, whichever is greater.
 - 20% of the South Hayward TOD (Montana/Wittek Project) low income units or the number of units actually occupied by Eligible Corridor tenants, whichever is greater.

City agrees to continue application of affordable unit requirements to development of the Corridor after the 237 low-income units are constructed (i.e., IHO or similar). Corridor resident will be given occupancy preference wherever possible and allowed by program/funding guidelines.

- ✓ **Opportunity to Purchase Home Program (OPHP)**
 - Opportunity to purchase a home in Hayward or Alameda County will be offered to all Eligible Corridor SFR Tenants. Eligibility is based in part on:
 - Living in the 238 Corridor two-years or more as of January 1, 2010 in a single-family residential unit (SFR) owned by the State Department of Transportation (Caltrans), and being a recognized tenant (i.e., have signed the applicable rental agreement for the occupied property.).
 - Being a “tenant in good standing” with Caltrans.
 - Eligible Corridor SFR Tenant must use 100% of LSS if participating in OPHP.

- Maximum assistance limited to 30% of purchase price or \$75,000, whichever is less (including LSS).
 - Eligible Corridor SFR Tenants must qualify for the respective Federal and State funding available at the time and also qualify for conventional financing (with the assistance of the OPHP subsidies)
 - Occupants are eligible to purchase the home they occupy or other homes. Homes may be in Corridor or elsewhere in the City. Caltrans has modified their process to provide this flexibility.
 - So far, 107 homes in the Corridor have been designated “eligible to purchase”, 45 homes “ineligible to purchase”, and 41 homes “unclassified” (primarily Bunker Hill - see Exhibit II.) These designations are tentative. The decision-making process for classifying the 41 unclassified homes is specified in the Agreement, will occur over the next year, and will be transparent.
 - Priority order defined for both purchase of an existing, occupied home and for service within the OPHP.
 - Price will be at “Fair Market Value”.
 - There is a detailed appraisal process, including instructions and a review.
 - Homes will undergo pre-purchase inspections.
 - The purchase process is also detailed and includes multiple purchase opportunities.
 - Program Administration handled by City.
- ✓ Dispute Resolution – Extensive Dispute Resolution process defined.
- Income verification
 - Eligibility to purchase: income levels, etc.
 - Other

✦ **Legislation:** AB 1386 (See attached copy)

- Sponsored initially by Hayashi in the Assembly, and joined by Corbett in the Senate.
- Passed through Legislature.
- In process for Governor’s signature.

- Legislation accomplishes the following:
 - ✓ Eliminates the requirement for presenting a housing plan one-year prior to approving the LATIP: this allows the Settlement Agreement to go forward and the LATIP to be approved prior to July 1, 2010, as currently required. AB 1386 does not remove the requirement for presenting a housing plan nor does it remove the June 30, 2010 deadline for approving the LATIP.
 - ✓ Ties the changes in AB 1386 related to the housing components to successful implementation of the Settlement Agreement: if the Settlement Agreement is not implemented, the legislation does not alter the elements of the existing housing component; and if the legislation is not enacted, the Settlement Agreement is not effective in its current form.
 - ✓ Provides for the sale of SFRs in a manner and timing consistent with the terms of the Settlement Agreement.
 - ✓ Makes additional administrative changes to accommodate certain projects in the Financially-Constrained LATIP, and to provide for how cash flows to implement LATIP projects.

⊕ **Filing and Resolution of New Class Action (State Court):**

- State Court Class Action complaint recently filed by Plaintiffs' attorneys.
- Plaintiffs, with consent by the City and CalTrans, will seek certification of a new class of corridor residents and Court approval of the Settlement Agreement.
- Final Court approval of the Settlement Agreement is necessary for settlement to occur.

⊕ **Dismissal of La Raza:** Will follow completion of State Court Class Action (i.e., the issuance of the Final Approval Order from the Court.) Likely initiated by Caltrans/City. Must happen for Settlement Agreement to be implemented.

⊕ **CTC Actions:** The CTC must take certain actions to implement the LATIP such as approving the Financially Constrained LATIP, which must be preceded by enacting of the legislation and the full implementation of the Settlement Agreement. CTC must also rescind the former 238 Corridor Bypass project. CTC must take certain other administrative actions to assure disposition of the excess properties and smooth project completion for all funded LATIP projects.

EXHIBIT I

Lump Sum Stipend Calculation Table

UNIT TYPE>	Apartments						Single-Family Residences/Duplexes					
	1-BdRm	2-BdRm	3-BdRm	4-BdRm	5-BdRm	6-BdRm	1-BdRm	2-BdRm	3-BdRm	4-BdRm	5-BdRm	6-BdRm
Moving Stipend *	\$1,425	\$1,650	\$1,900	\$2,150	\$2,375	\$2,600	\$1,650	\$1,900	\$2,150	\$2,375	\$2,600	\$2,825
Moving Stipend provided as shown per described unit.												
Rent Differential **	\$210	\$339	\$480	\$628	\$717	\$1,014	\$210	\$339	\$480	\$628	\$717	\$1,014
Total Extremely Low	\$13,230	\$21,357	\$30,240	\$39,564	\$45,171	\$63,882	\$13,230	\$21,357	\$30,240	\$39,564	\$45,171	\$63,882
Total Very Low	\$11,025	\$17,798	\$25,200	\$32,970	\$37,643	\$53,235	\$11,025	\$17,798	\$25,200	\$32,970	\$37,643	\$53,235
Total Low Income	\$8,820	\$14,238	\$20,160	\$26,376	\$30,114	\$42,588	\$8,820	\$14,238	\$20,160	\$26,376	\$30,114	\$42,588
Total Moderate Income	\$2,520	\$4,068	\$5,760	\$7,536	\$8,604	\$12,168	\$2,520	\$4,068	\$5,760	\$7,536	\$8,604	\$12,168
Rent Differential provided times 42 months for all low income households, and times 12 months for all moderate income households; with a 1.25% multiplier for "Very Low" and a 1.50% multiplier for "Extremely Low".												
Total Lump Sum Payment***	\$14,655	\$23,007	\$32,140	\$41,714	\$47,546	\$66,482	\$14,880	\$23,257	\$32,390	\$41,939	\$47,771	\$66,707
Total Extremely Low	\$12,450	\$19,448	\$27,100	\$35,120	\$40,018	\$55,835	\$12,675	\$19,698	\$27,350	\$35,345	\$40,243	\$56,060
Total Very Low	\$10,245	\$15,888	\$22,060	\$28,526	\$32,489	\$45,188	\$10,470	\$16,138	\$22,310	\$28,751	\$32,714	\$45,413
Total Low Income	\$3,945	\$5,718	\$7,660	\$9,686	\$10,979	\$14,768	\$4,170	\$5,968	\$7,910	\$9,911	\$11,204	\$14,993

Footnotes: * "Moving Stipend" amounts are per-room payments based on Caltrans "Fixed Moving Schedule". The base assumption for a 1-bedroom unit is 4 rooms plus a 'bonus' room for apartments (= 5 total rooms); and 4 rooms plus 2 'bonus' rooms for Single Family Residences (SFR) and/or Duplexes (= 6 total rooms). One room is added to this base for each additional bedroom. For example, a 2-bedroom apartment would be 6 total rooms; and a 2-bedroom SFR would be 7 total rooms.

** "Rent Differential" is the difference between the average rent for the size of the unit (based on number of bedrooms) and fair market rents for FY 2008 for Alameda County as calculated and published by the Federal Department of Housing and Urban Development (HUD). Total Rent Differential for low, very low, and extremely low income households is calculated by multiplying the base differential by 42 months consistent with Caltrans' current Relocation Assistance Plan (RAP) procedures times the respective multipliers as indicated above. Total Rent Differential for moderate income households is calculated by multiplying the base differential by 12 months. This later is offered as a good-faith contribution by the Public Partners to assist moderate income families in these tough economic times.

*** Total is derived by adding "Moving Stipend" and "Rent Differential" together for each Income Level per Unit Size.



The Public Interest Law Project

Listing of Single-Family Residential Properties

Attached are three (3) lists of addresses showing 193 Single-Family Residences (SFRs) located in the 238 Bypass Corridor, including both the City and the County. The lists identify SFR properties by address and by the State Parcel Number, and show which properties (1) will be available for purchase at the earliest point in time once properties become available for sale, (2) are currently listed as not available for purchase, and (3) are still in an unclassified category.

SFRs Eligible to Buy (107) – These are properties whose characteristics do not negatively impact their habitability or create any doubt that they should remain single-family residences. Therefore, continuation as SFRs into the future is pretty well assured. It is unlikely that the classification of these properties will change over time; and these properties will likely be among the first residential properties that Caltrans offers for sale.

SFRs Not Currently Eligible to Buy (45) – These properties have been classified as not eligible for purchase as SFRs at this time. These properties are currently classified as not eligible for purchase as an SFR due to such factors as conflicting zoning, buildings being in extremely poor condition, and/or likely sale as part of a larger group of accumulated parcels for development. Some of these properties may change classifications over time as the actual selling scenarios or events become clearer.

SFR's Not Yet Classified (41) – These are properties for which classification remains under analysis. They are primarily, but not exclusively, on “Bunker Hill”. While zoning is certainly consistent with single-family residential use, there are a number of issues that must yet be analyzed and resolutions developed. That process will occur over the next 12-18 months, and will involve community input as well as much staff work. Things to be considered include: public safety and fire protection, safe ingress and egress for residents and visitors, public health/infrastructure (sewer connections), street widths, accommodation of the Trail Overlay District, zoning density, non-conforming use regarding lot sizes, possible development scenarios and sale value of properties, and others.

LIST #1: Corridor SFRs Eligible for Purchase

SFR in Corridor - Hayward - Eligible

MAP #	SPN	ADDRESS
108	32741	1410 B Street
108	32740	1422 B Street
108	32736	1430 B Street
108	32739	1436 B Street
108	32738	1442 B Street
108	32746	1456 B Street
108	32745	22597 Chestnut
108	32743	22589 Chestnut
108	39390	22581 Chestnut
108	39392	22565 Chestnut
114	32749	1436 C Street
114	32757	22642 Fourth Street
114	39394	1465 B Street
114	32747	1454 C Street
114	32708	22646 Fourth Street
114	32760	1402 C Street
114	32758	1416 C Street
114	32754	1444 C Street
118	32765	22716 Fourth Street
118	32763	1431 C Street
118	32764	1421 C Street
124	32771	22758 Fourth Street

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LIST #1: Corridor SFRs Eligible for Purchase

MAP #	SPN	ADDRESS	
124	32770	22750 Fourth Street	
124	32774	1422 D Street	
133	38913	1419 Clay Street	
145	32700	24237 Second Street	
145	32701	24249 Second Street	
145	32702	24261 Second Street	
145	32703	24275 Second Street	
146	39349	24537 Second Street	*
147	44586	24529 Second Street	
148	44585	24517 Second Street	
150	36256	1243 Highland Avenue	
150	36262	1267 Highland Avenue	
150	36259	1270 Tiegen	
150	36257	1251 Highland Avenue	
150	36258	1259 Highland Avenue	
150	36263	1273 Highland Avenue	
150	36264	1281 Highland Avenue	
150	36265	1291 Highland Avenue	
150	36267	1307 Highland Avenue	
150	36268	1315 Highland Avenue	
150	36269	1321 Highland Avenue	
150	36270	1327 Highland Avenue	
150	36271	1333 Highland Avenue	
150	36272	1337 Highland Avenue	
150	36273	1341 Highland Avenue	*

LIST #1: Corridor SFRs Eligible for Purchase

MAP #	SPN	ADDRESS
150	32704	1299 Highland Avenue
151	36276	1361 Highland Avenue
151	36275	1353 Highland Avenue
151	36280	1387 Highland Avenue
151	36279	1379 Highland Avenue
151	36278	1373 Highland Avenue
152	36488	1221 Highland Avenue
153	32597	1274 Highland Avenue
153	32587	1284 Highland Avenue
153	36250	1292 Highland Avenue
153	36249	1302 Highland Avenue
153	36248	1308 Highland Avenue
153	36247	1316 Highland Avenue
153	36244	1338 Highland Avenue
156	36224	1069 Redstone
156	36225	1071 Redstone
156	36226	1079 Redstone
156	36229	1078 Redstone
156	36223	1055 Redstone
156	36227	1087 Redstone
156	36228	1086 Redstone
156	36230	1070 Redstone
157	33891	1138 Palisade
157	33892	1174 Overlook
157	33896	1108 Palisade

LIST #1: Corridor SFRs Eligible for Purchase

MAP #	SPN	ADDRESS
157	33899	1127 Tamalpais
157	36219	1150 Tamalpais
157	36220	1142 Tamalpais
157	36221	1134 Tamalpais
157	36222	1126 Tamalpais
159	39285	1087 Palisade
160	33883	1138 Overlook
160	33884	1139 Palisade
160	33897	1115 Palisade
160	33898	1105 Palisade
164	42057	25124 Delmar
164	33857	25141 Delmar
165	36484	25112 Belmont
165	39380	25118 Belmont
165	39381	25131 Delmar
165	36485	25121 Delmar
165	33853	25111 Delmar
167	33846	25123 Belmont
174	38986	1105 Central
174	39045	1119 Central
174	39066	1133 Central
174	39070	1183 Central
174	39072	25916 Central
174	39071	1191 Central
180	42472	982 Broadway

LIST #1: Corridor SFRs Eligible for Purchase

MAP #	SPN	ADDRESS
181	42473	962 Broadway
184	39081	961 Broadway
185	39100	931 Douglas

Total Eligible Hayward SFRs: 100

SFR in Corridor - Alameda County - Eligible

MAP #	SPN	ADDRESS
40	43040	21458 Gary Drive
41	43039	21472 Gary Drive
49	40772	21457 Gary Drive
53	40773	21473 Gary Drive
55	43082	1490 Grove Way
62	39382	1491 Grove Way
68	32642	1475 Grove Way

Total Eligible Alameda County SFRs - 7

Total Eligible Corridor SFRs - 107

** = These properties (and others) require lot line adjustments or other activities such as some second structure demolition before sale can occur: only the SFR (the house) and the lot size supported by the existing zoning will be for sale under the OPHP.*

LIST #2: Corridor SFRs Not Eligible for Purchase

SFRs in Corridor - Hayward - Not Eligible

MAP #	SPN	ADDRESS	REASON FOR INELIGIBILITY
108	32737	22532 Fourth Street	Poor Condition
108	39391	22573 Chestnut	Poor Condition
114	32759	1410 C Street	Poor Condition
114	32748	1445 B Street	Poor Condition
115	42495	1299 Russell	Zoning doesn't support SFR
118	32762	1441 C Street	Poor Condition
121	39386	1392 C Street	Zoning doesn't support SFR
133	38912	1425 Clay Street	Poor Condition
139	32694	1365 E Street	Zoning doesn't support SFR
140	32693	1349 E Street	Zoning doesn't support SFR
141	32692	1335 E Street	Zoning doesn't support SFR
153	36486	1236 Highland Avenue	Poor Condition
153	36253	1244 Highlnad Avenue	Poor Condition
153	36252	1252 Highland Avenue	Poor Condition
153	33544	1260 Highland Avenue	Poor Condition
153	36251	1268 Highland Avenue	Poor Condition
153	36246	1324 Highland Avenue	Poor Condition
157	33893	1198 Overlook	Poor Condition
157	33900	1135 Tamalpais	Poor Condition
158	33890	1199 Overlook	Zoning doesn't support SFR
158	33889	1175 Overlook	Zoning doesn't support SFR
158	33546	1187 Overlook	Zoning doesn't support SFR
160	33882	25096 Carlos Bee Blvd.	Poor Condition
161	33888	1155 Palisade	Zoning doesn't support SFR
164	33855	25108 Delmar	Poor Condition
165	33852	25106 Belmont	Poor Condition
165	33854	25105 Delmar	Poor Condition
167	33850	25115 Belmont	Poor Condition
174	39067	1147 Central	Poor Condition
174	39068	1161 Central	Poor Condition
184	39080	984 Douglas	Poor Condition
184	39082	981 Broadway	Poor Condition
192	39112	29131 Mission Blvd.	Zoning doesn't support SFR

Total Hayward SFRs Not Eligible = 33

LIST #2: Corridor SFRs Not Eligible for Purchase

SFRs in Corridor - Alameda County - Not Eligible

MAP #	SPN	ADDRESS	REASON FOR INELIGIBILITY
56	40774	1482 Grove Way	Poor Condition
60	40771	1474 Grove Way	Poor Condition
61	40768	21462 Oak Street	Zoning Doesn't support SFR
64	40770	21484 Oak Street	Zoning Doesn't support SFR
66	32641	1483 Grove way	Poor Condition
82	32617	22220 N. Third Steet	Zoning Doesn't support SFR
82	32615	22250 N. Third Street	Zoning Doesn't support SFR
82	32656	1533 Knox	Zoning Doesn't support SFR
84	32662	22447 Ruby Street	Zoning Doesn't support SFR
85	32618	22459 Ruby Street	Zoning Doesn't support SFR
94	32663	22513 Ruby Street	Zoning Doesn't support SFR
104	32667	1424 A Street	Zoning Doesn't support SFR

Total Alameda County SFRs Not Eligible = 12

Total SFRs Not Eligible = 45

LIST #3: Corridor SFRs Unclassified

MAP #	SPN	ADDRESS	REASON FOR INELIGIBILITY
163	32722	25346 Bunkerhill	REDEV
163	38926	25338 Bunkerhill	REDEV
163	32707	25314 Bunkerhill	REDEV
163	38933	25311 Bunkerhill	REDEV
163	38932	25386 Bunkerhill	REDEV
163	38930	25362 Bunkerhill	REDEV
163	38936	25361 Bunkerhill	REDEV
163	38939	25373 Bunkerhill	REDEV
166	39022	25464 Bunkerhill	REDEV
166	39020	25426 Bunkerhill	REDEV
166	39021	25450 Bunkerhill	REDEV
166	39028	25550 Bunkerhill	REDEV
166	39031	25568 Bunkerhill	REDEV
166	32720	25410 Bunkerhill	REDEV
166	39023	25472 Bunkerhill	REDEV
168	39008	25591 Bunkerhill	REDEV
168	39009	25655 Bunkerhill	REDEV
168	39013	25689 Bunkerhill	REDEV
168	38991	25720 Maitland	REDEV
168	32712	25672 Maitland	REDEV
168	32716	25600 Maitland	REDEV
168	38977	25588 Maitland	REDEV
168	32710	25584 Maitland	REDEV
168	32709	25564 Maitland	REDEV
168	38968	25560 Maitland	REDEV
168	38966	25552 Maitland	REDEV
168	38963	1054 Central	REDEV
168	39011	25669 Bunkerhill	REDEV
168	38972	25568 Maitland	REDEV
168	38965	1058 Central	REDEV
170	38978	25673 Maitland	REDEV
170	32719	25721 Maitland	REDEV
170	38979	25685 Maitland	REDEV
170	38979	25697 Maitland	REDEV
171	39046	25832 Bunkerhill	REDEV
171	39047	25840 Bunkerhill	REDEV
171	39060	25931 Central	REDEV
172	39018	25777 Bunkerhill	REDEV
172	32721	25825 Bunkerhill	REDEV
172	39063	25853 Bunkerhill	REDEV
172	39064	25879 Bunkerhill	REDEV

Total SFRs Undecided = 41