

Final Relocation Plan

New Civic Center Project (PWC8520)



March 31, 2016

Prepared for the City of Fremont by:



In compliance with California Relocation Assistance Law (California Government Code §7260 et seq.) and corresponding regulations set forth in the California Code of Regulations, Title 25, Chapter 6.

Table of Contents

I. Executive Summary... Page 2

Purpose of Relocation Planning
Summary of Impact
Project Scheduling
Project Assurances
Basis of Findings
Estimate of Project Relocation Costs

II. Relocation Impact... Page 6

Description of Current Occupants

III. Replacement Site Resources... Page 10

IV. Relocation Program Summary... Page 13

Appendices... Page 18

Appendix Item A - Maps of Project Area

Appendix Item B - Business Survey Sheet

Appendix Item C - Non-Residential Relocation Assistance Handbook

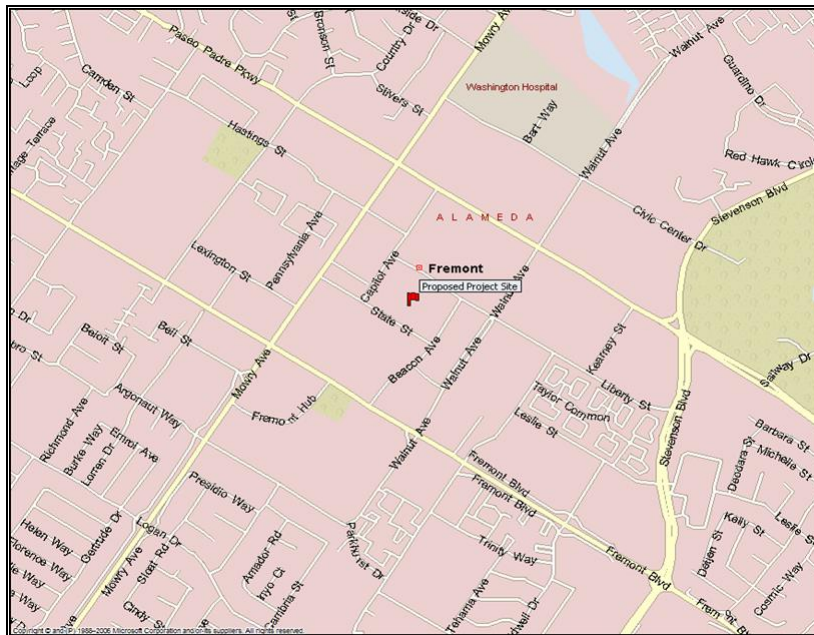
Appendix Item D - Relocation Assistance Program Appeal Procedure

Appendix Item E – Comments received during the 30-day Public Review and Comment Period

I. Executive Summary

The City of Fremont (the “City”) is planning for the development of a new civic center, a component of the City’s existing Fremont Downtown Community Plan and Design Guidelines (“Downtown Plan”) which was adopted by the Fremont City Council in 2012 and amended in July of 2014. The Downtown Plan focuses on a core area within the City’s center bounded by Fremont Boulevard, Mowry Avenue, Paseo Padre Parkway, and Walnut Avenue. It is the City’s desire to redevelop this area into a sustainable, vibrant pedestrian-oriented mixed-use destination for Fremont residents and visitors from the greater Bay Area and Silicon Valley region.

The New Civic Center Project (“Project”), a component of the broader Downtown Plan, would include the construction of a new community center, city administration building, public plaza, parking garage, retail space as well as a new street. The Project area consists of a single city block bounded by Capitol Avenue, State Street, Liberty Street and a new public road, known as New Middle Road.



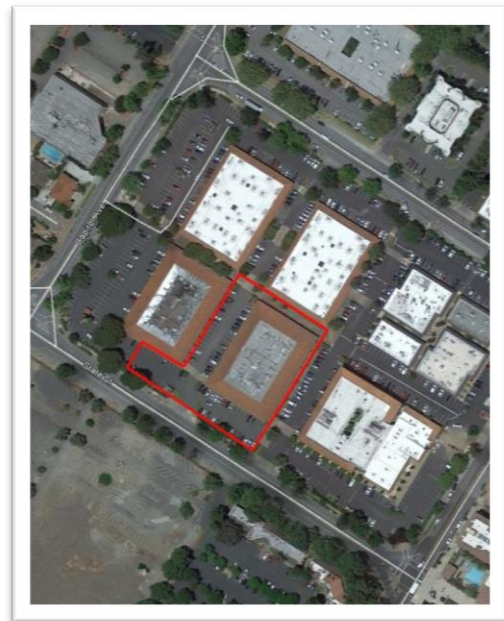
Three parcels have been identified for the proposed New Civic Center Project; the City already owns two of the parcels commonly known as Town Fair #1 and the Fremont Family Resources Center. The third property (the “Subject Property”) is known as Town Fair #2 and located at 39156-39200 State Street and identified as Alameda County Assessor’s Parcel Number 501-1130-007-02. A map depicting the current condition of the area surrounding the Subject Property and what is anticipated after construction of the Project is included as Appendix Item A.

A new public street, New Middle Road, is planned, connecting from the development site south of State Street through the Subject Property to Liberty Street. The property across State Street from the proposed New Civic Center Project site is already in development, and will include the construction of up to 157 new residential dwelling units and approximately 21,000 square feet of commercial space.

Purpose of Relocation Planning

The purpose of the Final Relocation Plan (“Plan”) is to assist the City in planning for the New Civic Center Project. The Plan is a tool used by the City to identify the needs of the affected business occupants of the Subject Property, assess the availability of potential replacement sites for the businesses, and to put forth the City’s commitment to provide relocation assistance to displaced businesses in accordance with the City’s Relocation Assistance Program for locally funded projects (Relocation Program).

The City’s Relocation Program is outlined in Section IV of the Plan and a copy of the City’s Non-Residential Relocation Assistance Brochure is included as Appendix Item C. The City’s Program complies with California Relocation Assistance Law (California Government Code §7260 et seq.) and corresponding regulations set forth in the California Code of Regulations, Title 25, Chapter 6.



Summary of Impact

The Subject Property, as depicted in the photographs above, is a single story, multi-tenant commercial office, mixed-use, building constructed in 1975 with approximately 24,505 gross square feet and 75 on-site parking spaces. A survey of the building was performed as part of the preparation of the Plan. The building is divided into 30 leasable commercial units with multiple vacancies noted (several tenants also currently occupy more than one unit). Most units are accessible from an exterior entrance with a glass front and

signage. The units toured included typical office build-out with a mix of carpet, hard wood and tile floor coverings; painted and textured walls; dropped ceilings with lighting and appropriate window coverings.

The types of businesses in occupancy during the time period the Plan was drafted, between late 2015 and early 2016, included: medical and psychologist offices, a music studio, restaurants, a prepackaged meal kitchen and retail shops, hair and nail salons, massage therapists, a construction contractor's office, a grocery store, a travel agency, various insurance offices, accounting offices, engineering offices and business services' offices. If the New Civic Center Project proceeds, the building would be demolished and tenants would need to vacate.

Project Scheduling

At the direction of the City Council, City staff has made an offer to the owner to purchase the Subject Property. As required, the City will notify occupants of the Subject Property of their potential eligibility for non-residential relocation assistance benefits under the City's Relocation Assistance Program ("Program").

The City will, within a reasonable period of time, attempt to meet with each current business owner occupying space at the Subject Property and present a Letter of Eligibility for relocation assistance as well as provide a handbook detailing the Program. Relocation advisory assistance will be provided to help occupants better understand the Program, their rights and benefits, assistance in searching for replacement sites and help to secure reimbursement of eligible moving and related expenses from the City.

If the City can reach an agreement with the owner to acquire the Subject Property, it is anticipated that escrow will close within 90 – 120 days. The business occupants would be permitted to remain on the property at least through the end of 2016 to allow them ample time to secure a replacement site and relocate.

Project Assurances

The business occupants will not be displaced without receiving written notice of the available relocation assistance, advisory services and at least a written 90-Day Notice to Vacate. The City will set aside sufficient funds to provide monetary assistance to the businesses as outlined by the Relocation Program.

Basis of Findings

To assess the Project’s potential impact and the feasibility of relocating the business occupants into the surrounding community, the City contracted with Associated Right of Way Services, Inc. (“Consultant”) to prepare the Plan. In preparing the Plan, the City and Consultant contacted business owners at the Subject Property and invited them to meet and discuss the proposed Project and its potential impact to their businesses. The Consultant gathered information about each business and its replacement site needs, presented the proposed project scope to the business owners, toured the facility to better understand the Project’s potential impact (where permitted by the business owner) and provided information concerning the City’s Relocation Program.

A Public Notice was issued and a draft of the Plan was circulated for a 30-day public review and comment period between March 1st and March 31st of 2016. The public comment period is a requirement under State relocation law and regulations before submission of a Final Plan to the local legislative body, in this instance the Fremont City Council. The Public Notice explaining the comment period and a copy of the draft Plan was provided to each business occupant of the Subject Property and mailed to the property owner. A copy of the Public Notice draft Plan was also placed at the City’s Planning Department counter, in the main branch of the library and posted on the City’s website for the duration of the 30-day comment period. At the conclusion of the 30-day period no official public comment was received. Had public comment been received, it would have been incorporated into the Plan as Appendix Item E.

Estimate of Project Relocation Costs

The following estimates are for budgeting purposes only. These figures should not be interpreted as firm, “not to exceed” or actual entitlement costs. These figures are based on the data obtained through the occupant interviews, current project scope, replacement site availability, review of Furniture, Fixture and Equipment appraisals (FF&E) provided by City, and the judgment and experience of the Consultant. The estimates do not include payments to consultants or to contractors.

Total Estimate Range	
Most Probable	High
\$550,000	\$775,000

The New Civic Center Project will utilize only local and City funding sources, no State or federal funding is anticipated.

II. Relocation Impact

The proposed New Civic Center Project is anticipated to impact approximately 24,505 gross square feet of “D” – Downtown zoned multi-tenant mixed-use office and retail space in Town Fair #2 located at 39156-39200 State Street in Fremont. Three other adjacent buildings will also be impacted by the Project, which are located on two parcels already owned by the City.

Town Fair #1 (owned by the City) is located directly adjacent to Town Fair #2, at Capitol Avenue and State Street. The remaining tenants are in the process of vacating the property and demolition of the site improvements is planned for 2016.

The occupants in the Fremont Family Resources Center located at 39155 Liberty Street (owned by the City), include various non-profit offices, local, State and federal human service agencies that lease space from the City. The City hopes to assist these occupants in locating suitable alternate sites. While Town Fair #1 is tentatively scheduled for demolition in 2016, there is currently no specified date that the Family Resources Center will need to be made vacant. In preparing the Plan, the relocation of tenants from Town Fair #1 and the Family Resources Center are not anticipated to impact the relocation of tenants from Town Fair #2 or the pool of replacement sites available in the market at the time of displacement.

Description of Current Occupants

Each business was contacted (in person and by mail) to schedule a formal interview as part of the preparation of this Plan by the Consultant. During the time period the Plan was drafted and circulated for public comment, some occupants identified may have chosen to vacate the Subject Property. Appendix Item B includes a copy of the interview sheet and sample letter from the City delivered to each business occupant identified at the Subject Property. The table below provides a general summary of the business use types identified and the approximate leased space at the Subject Property.

39156-39200 State Street, Fremont			
Business Use Type	Leased Area Sq. Ft.	Business Use Type	Leased Area Sq. Ft.
Office - Travel Agency and Transportation Services	983	Office - Tutor, Retail Sales	400
Personal Service - Beauty Salon	786	Office - Insurance Sales and Service	397
Music school	576	Office – Accountant, CPA	1119
Retail – Prepared meals, Meeting space	1,812	Office – In-Home Healthcare Services	368
Personal Services - Massage	1,253	Office - Software	185
Restaurant	2,215	Office - Engineering	517
Office - Architect	796	Retail - Grocery	1,199
Office - Bail Bonds	171	Office - Medical	1,798
Office - Software	172	Office - Psychologist	834
Office - Church office	400	Office – Paving Contractor	1,001
Office – Business Services	595	Non-Occupant Property Owner	N/A

Information about the business types and structure, site characteristics, lease information and client base was collected as part of the preparation of the Plan. Casual conversations were had with most of the business owners and seven agreed to participate in a formal interview and returned a completed business survey sheet. It is estimated that two service industry tenants, 16 office tenants, one full-service restaurant tenant, one catering and retail food sales tenant, one specialty grocer tenant, and the owner of the property would be displaced if the project moves forward. Many of the business owners also provided important information about the type of replacement site they would require for the continued operation of the businesses. Most business owners noted that the proximity to Central Fremont and the affordability of rent were the most important characteristics for a replacement site.

Copies of the existing leases were also provided for review by the landlord. The net rentable area is estimated to be 21,354 square feet with approximately 19,867 square feet are leased under term leases or on a month-to-month basis. In reviewing the leases, rents range from \$1.09 to \$2.61 per square foot. The majority of the leases are on a full service basis where the rent is inclusive of property taxes, insurance, utilities, janitorial and common areas, which is typical of the market for similar mixed-use buildings.

Service Industry Tenants

The Subject Property has a mix of tenant uses including a hair and nail salon and a massage therapy establishment. Both of these businesses have indicated a desire to stay in close proximity of their current location to retain existing clientele. The salon owner indicated they have been at this location since the late 1980s. The massage therapy business was recently purchased but has been in its current location for over ten years. Both businesses would require customer parking, ADA accessibility and exterior signage at a replacement location. The massage business also requires a private bathroom for customer use. The salon is open Monday through Saturday from 10:00 AM to 7:00 PM and the massage therapy business is open Monday through Sunday from 10:00 AM to 9:00 PM. Both types of businesses could generally be permitted to operate in the City within certain categories of Commercial or Downtown zoned properties in Fremont (but may require a conditional use permit)¹. Section III of this study includes a listing of potential replacement sites that may accommodate these types of businesses.

Office Tenants

A variety of business offices make up the majority of the current tenants at the Subject Property. These include offices that are held open to the public and those that are privately utilized office space. The types of businesses include: music school and studio space, tutoring services, travel and transportation agencies, contractor, engineering, design and software offices, administration for in-home medical services, business consulting services, church office, insurance, financial planning and accountants offices. The leased spaces range between less than 200 square feet to a little over 1,000 square feet. It appears most could generally be permitted to operate within certain categories of Commercial or Downtown zoned properties in Fremont (most would be considered a permitted use, but some could possibly require a conditional use permit).

¹ Please note all City zoning information is intended to assist in the analysis of the impact of the Project and potential relocation site options for tenants. Readers with questions about zoning for particular business use type should reference the City's Municipal Code at <http://www.codepublishing.com/ca/fremont> or contact the City Planning Department at (510) 494-4440.

Section III of this study includes a listing of potential replacement sites that may accommodate these types of businesses.

All of the office tenants are assumed to require employee parking, proximity to public transportation, either shared or private restrooms, and employee breakroom areas at a potential replacement site. The Consultant was able to interview a number of the business owners as part of the preparation of this Plan and discuss their specific business needs. The travel agency indicated a special requirement to have a private bathroom for visiting clients as well as a divided office space to store sensitive information. The music studio indicated a need for neighboring uses that would not be disturbed by music or some soundproofing in shared walls as well as a location that is easily accessible for students in the surrounding area. The in-home healthcare office indicated a need to stay close to Washington Hospital and the Kaiser facility to maintain doctor referrals for service as well as a secured space for confidential materials storage. An engineering office communicated the importance of a breakroom with a sink for employee use.

Medical Office Tenants

The Subject Property has a medical office and a psychologist's office providing services at the site. The medical office has two doctors providing general medical care to patients and indicated they have been at this location for 20 years. They would require a replacement site in close proximity of their current location and neighboring medical facilities. They would require parking, ADA accessibility, appropriate lighting, a reception and waiting room area, conference room and multiple exam rooms. It is assumed the psychologist's office would require client parking, and a similar layout as its current site with a large waiting room in front, kitchenette and private rooms in the back. Health service uses are permitted in categories of Commercial or Downtown zoned properties in Fremont (most would be considered a permitted use). Washington Hospital and a Kaiser medical facility are also located in Central Fremont, near the Subject Property, and multiple medical office buildings are in close proximity. Section III of this study includes a listing of potential replacement sites that may accommodate these offices in both mixed use buildings and those designated specifically for medical offices.

Food Service and Retail Food Sales Tenants

A full service restaurant, a catering and retail food sales business and a grocer specializing in service to WIC Program consumers (Women, Infants, and Children) are all current tenants of Property.

According to the business owner, the full service restaurant has been in this location since 2002 and has an on premise consumption beer and wine sales license. There is a second location also in Fremont, opened in 2006. The restaurant at the Subject Property is open seven days a week from 11:00 AM to 9:30 PM and has approximately 49 seats. The business owner indicated proximity to its current location to maintain medical office patrons, a similar size (up to 3,000 square feet) and rent expense as very important factors in selecting a replacement site. The restaurant currently has approximately 2,200 square feet including the kitchen, dining and storage areas. The owner also indicated concerns in securing a replacement site with the appropriate grease trap improvements as well as compliant bathroom facilities. It appears a restaurant could generally be permitted to operate in the City within certain categories of Commercial or Downtown zoned properties (either as a permitted use, or may require a conditional use permit as the number of seats

and alcoholic beverage license are a factor). Section III of this study includes a listing of potential replacement sites that may accommodate this restaurant.

There is a catering and retail food sales business at the Subject Property. It is open Monday through Saturday for walk-in customers and also has “club” members who purchase take-out prepackaged meals prepared at the site for consumption elsewhere. Its facility has a full kitchen in the back, sales floor with a large seating area that can be reserved for meetings and freezers for food display and sales to the public. The Consultant was able to interview the business owner, who indicated they have been at this location since 2006.

The retail grocer has leased space at the Subject Property since 2008 and is also operating a similar business at two other locations. His customers are individuals with vouchers from the WIC Program and the business must have specific licensing from WIC and the County Health Department to operate. The location is listed as an authorized vendor on the Alameda County Health Department’s website. WIC is a special supplemental nutrition program for families in need with children operated by the State and supported through Federal grant money. The owner indicated that his business is at this location because of the close proximity to the WIC administrative office in the adjacent building (Fremont Family Resources Center). The business owner indicated proximity to the WIC office and rental rate are the most important factors in a replacement site. The business leases approximately 1,200 square feet with a sales counter, displays, and refrigeration equipment. The business is open seven days a week generally between 8:00 AM to 8:00 PM, during the work week, with shorter hours on weekends.

It appears both of these businesses could operate at replacement sites within certain categories of Commercial or Downtown zoned properties in Fremont (either as a permitted use, or may require a conditional use permit). Section III of this study includes a listing of potential replacement sites that could accommodate them.

III. Replacement Site Resources

A survey was conducted in February of commercial properties for lease in Fremont in order to ascertain the availability of replacement sites as part of the planning process. The general categories of space surveyed included: General Office & Commercial, Medical Office and Retail & Restaurant. The surrounding communities of Newark, Hayward and Milpitas were also surveyed for availability. The survey included research of Broker websites, LoopNet, RoFo, Craigslist, identification of available sites through windshield surveys, and discussions with area Brokers and City of Fremont staff. A summary of the potential available sites in and around the City of Fremont is shown below.

Commercial & General Office Space Available for Lease				
Location*	Size (square feet)	Rental Rate Advertised (PSF/Month)	Lease Type	Comments
46921 Warm Springs Blvd.	1,196	Not disclosed	Mod Gross	
43360 Mission Boulevard	836 - 2,069	\$2.75 - \$3.25	NNN/Mod Gross	Medical office, multiple units
45401 Research Avenue	632 - 19,600	\$1.82 - \$2.50	Mod Gross	Multiple units
39675 Cedar Blvd., Newark	321 - 1,422	\$1.55 - \$2.18	Full Service	Multiple units
3340 Walnut Avenue	832 - 1,085	\$1.95	Full Service	Multiple units
39899 Balentine Drive, Newark	880 - 5,000	\$2.15	Full Service	Multiple units
37485-D Fremont Boulevard	1,290	\$1.07	Mod Gross	Upper level office
39267 Mission Boulevard	1,000	\$1.75	NNN	May allow medical use
39350 Civic Center Drive	1,070 - 4,930	\$2.35	Full Service	Multiple units
200 Brown Road	1,214 - 1,724	\$1.35	Full Service	Multiple units
39650 Liberty Street	936 - 3,882	\$2.35	Full Service	Multiple units
39355 California Street	923 - 1,858	\$1.85	Full Service	Multiple units
2675 Stevenson Boulevard	2,000	\$2.25	Full Service	Multiple units, may allow medical
42808-42840 Christy Street	367 - 3,323	\$2.25	Full Service	Multiple units
555 Mowry Avenue	2,000	\$1.45	Full Service	
37555 Dusterberry Way	1,104	\$1.65	Full Service	
39510 Paseo Padre Parkway	774	\$2.25	Full Service	
4127 Bay Street	240	\$2.30	Full Service	
4510 Peralta Boulevard	1,100	\$1.14/\$1,250 mo.	Month to Month	
43801 Mission Boulevard	796	Negotiable	Not disclosed	
39111 Paseo Padre Parkway	1,996	\$2.10	Full Service	
39510 Paseo Padre Parkway	2,544	Negotiable	Not disclosed	
39465 Paseo Padre Parkway	1,424 - 6,953	\$2.25	Mod Gross	Multiple units
46305 Warm Springs Road	340	\$2.21	Industrial Gross	
39500 Stevenson Place	1,641 - 3,985	\$2.25	NNN	Multiple units
29210 State Street	1,090 - 1,692	\$1.95	Full Service	Multiple units
5600 Mowry School Road, Newark	652 - 8,447	\$1.50	Full Service	Multiple units

* All located in Fremont, except where indicated.

Medical Office Space Available for Lease				
Location*	Size (square feet)	Rental Rate Advertised (PSF/Month)	Lease Type	Comments
39141 Civic Center Drive	1,500 - 5,094	Not disclosed	NNN	Multiple units
39572 Stevenson Blvd.	1,242 - 2,325	\$2.25	NNN	Multiple units
39055 Hastings Street	948	\$1.95	Full Service	May consider general office use
2557 Mowery Avenue	930 and 2,703	Not disclosed	NNN	Two units
1860 Mowery Avenue	2,295	\$2.20	NNN	Multiple units

* All located in Fremont.

Commercial Retail & Restaurant Space Available for Lease			
Location*	Size (square feet)	Rental Rate Advertised (PSF/Month)	Comments
43480 Mission Blvd.	870	\$2.40	Small restaurant/bakery site near Ohlone College
39005-39400 Argonaut Way	1,028 - 12,600	\$1.75 - \$2.25	Fremont Hub Shopping Center
3899 Main Street	1,240	\$1.70	
3820 Peralta Boulevard	2,300	\$1.60	Free standing building
3958 Mowry Avenue	820 - 14,672	Not Disclosed	
34390 Fremont Blvd.	1,000	Negotiable	
37458 Fremont Blvd.	1,150 - 2,800	\$1.75	Two retail spaces
5101 Mowery Avenue	2,400	\$3.50	Restaurant
40811 Fremont Blvd.	971 - 1,530	\$2.75	Strip center retail
39005-39210 Argonaut Way	722 - 3,349	Not disclosed	Strip center retail
36400 Fremont Blvd.	1,050 - 2,400	Not disclosed	Multiple units, includes former restaurant space
43810 Christy Street	Multiple	Not disclosed	Pacific Commons retail center
44009 Osgood Road	1,000 - 27,000	Not disclosed	Available soon
39010-39270 Paseo Padre	619 - 861	Not disclosed	Small retail
4949 Stevenson Blvd.	2,367	\$1.85	Sundale Shopping Center
47996-47998 Warm Springs Blvd.	200 - 1,345	\$2.25-\$2.75	Fremont Galleria
40720-40726 Grimmer Blvd.	1,533 - 2,200	Not disclosed	
35278 Newark Blvd., Newark	1,792	\$2.50	
5438 Central Avenue, Newark	1,422	Negotiable	Multiple units
5829 Jarvis Avenue, Newark	1,065	Negotiable	Multiple units
39901 Balentine Drive, Newark	1,547 - 5,102	\$1.75	Multiple units
3848 Washington Blvd.	1,200	\$2.85	Irvington Plaza
39933 Mission Blvd.	846 - 1,571	\$0.17 - \$2.00	Multiple spaces, Mission Valley Shopping Center
35500 Fremont Blvd.	1,640	Not disclosed	Brookvale Shopping Center

* All located in Fremont, except where indicated.

The survey found that at this time there **are** a sufficient number of available commercial properties for rent in Fremont and the immediately surrounding area that will allow for the relocation of these different types of businesses. It is important to provide an adequate amount of time and assistance for occupants to locate and secure replacement sites. Allowing for a longer period of time between the notification of eligibility for relocation assistance to the occupants at the Subject Property and the anticipated date the City, if the Project proceeds, would need the property vacant is critical in easing the competition for available space for lease within the local real estate market. It is also important to note the potentially lengthy process the restaurant and retail food sales occupants may experience to obtain permits, plan and install tenant improvements, licensing and various agency approvals necessary for their relocation. The City may use current staff or contract for outside consulting services to provide Relocation Advisors to work directly with the businesses and implement the City Relocation Program.

IV. Relocation Program Summary

On September 3, 2002 the Fremont City Council adopted the California Relocation Assistance Act (Gov. Code Section 7260 *et. seq.*) and the California Relocation Assistance and Real Property Acquisition Guidelines (25 California Code of Regulations Section 6000 *et. seq.*), and such amendments that may follow, as the City's own relocation rules and regulations for the purposes of implementing relocation benefits and administering relocation assistance for City projects or programs requiring relocation assistance and benefits under state laws. The information in this Section broadly summarizes the City's Relocation Program for Non-Residential Occupants and describes the principal provisions of relocation legislation concerning where and how to get assistance, eligibility for benefits, payments and requirements. Language assistance will be provided at no cost to displaced businesses.

The City of Fremont assures that no person shall, on the grounds of race, color, national origin, age, gender, disability or religion as provided by the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service or activity. If you have a complaint against the City or its third party contractors please call Sharon Jones, Facilities and Real Property Manager at (510) 494-4715.

Payment for loss of goodwill is considered a cost related to the acquisition of property. California law mandates that relocation payments cannot duplicate other payments, such as loss of business goodwill.

Benefit Eligibility

Every property owner or tenant who is displaced from property on which they operate their business, farm or non-profit organization, as a result of a City sponsored project, is protected under State of California legislation. Relocation legislation establishes strict eligibility and documentation requirements for owners and tenants. To receive payment for a particular benefit, one must satisfy all requirements for that particular benefit payment.

Summary of Relocation Assistance

Eligible displaced businesses are offered appropriate financial and advisory assistance to help relocate, including:

- A. Advisory Assistance.** A Relocation Advisor to assist locating a replacement property either for sale or rent that is suitable in condition, price or rental range, and assistance to submit the documentation required to file the appropriate Program benefit claim forms. Information on services offered by other agencies is also made available. The Relocation Advisor is the principal contact in all matters concerning the City's relocation programs and procedures. The Relocation Advisor will:
 - Maintain contact with the business owner throughout the relocation process to determine the needs and preferences for a replacement location. Among other matters, requirements as to space, location, site configuration, zoning and cost will be taken into account.

- Assist in determining the need for outside specialists to plan, move and install personal property.
- Assist in identifying and resolving any issues regarding what is real estate and what is personal property to be moved.
- Assist in filing claim forms for the various types of relocation payments, including the type of documentation required to support the amount being claimed.
- Provide referrals to available replacement sites or provide the names of local real estate agents or brokers who can assist in finding the type of replacement location which appeals to the needs of the business. Explain which moving costs may be eligible for reimbursement and which are not eligible.
- Maintain strict confidentiality regarding all matters related to the business operation.
- Provide assurance that the business will not be required to move until City has provided at least 90 days advance written notice of the specific date by which the property must be vacated.

B. Financial Assistance. Property owners and tenants may be paid on the basis of actual, reasonable, and necessary moving costs and related expenses incurred in moving personal property up to a distance of 50 miles from the displacement location, or under certain circumstances, a fixed payment. Actual, reasonable moving expenses may be paid when the move is performed by a professional mover or when the business chooses a self-move. Some related expenses, such as personal property losses, expenses in finding a replacement site and reestablishment expenses may also be reimbursable.

- **All actual, reasonable and necessary moving expenses** must be supported by paid receipts or other evidence of expenses incurred, this is often referred to as “proof of payment.” Moving payments are generally made after the move is completed and the premises are left clean and orderly. Payment typically takes four weeks to process from receipt of a signed claim form with required supporting documentation.

A business may choose to take full responsibility for all or part of the move operation under a “Self-Move Agreement.” In this instance, the City may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms, moving consultants, or a qualified City representative.

Certain other expenses may also be reimbursable, such as:

- Packing and unpacking, loading and unloading of personal property.
- Disconnecting and dismantling, reassembling and reinstalling machinery.
- Temporary storage (with prior approval).
- Connection to utilities within the replacement site building.
- Reprinting obsolete stationery.
- Other eligible reimbursable costs may include:

- Licenses, permits or certification caused by the move to the extent that the cost is necessary to its reestablishment at the replacement site.
- The reasonable cost of professional services necessary for planning the move of the personal property, moving the personal property, or installing the relocated personal property at the replacement site.
- Insurance of personal property in connection with the move and required storage (if any).
- The reasonable cost of moving and reinstalling telephone, burglar, fire alarm and other specialty equipment or systems, if not purchased by the City as part of the real estate.
- Purchase of substitute personal property if an item of personal property which is used as part of a business is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced business is entitled to the lesser of:
 - The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
 - The estimated cost of moving and reinstalling the replaced item, but with no allowance for storage.
- Direct loss of tangible personal property if a person who is displaced from a place of business is entitled to relocate such property in whole or in part, but elects not to do so. Payment is computed on the basis of the lesser of:
 - The fair market value in place of the item, as is, for continued use, less the proceeds from the sale; or
 - The estimated reasonable cost of moving the item, as is, but not including any allowance for storage or for reconnecting the piece of equipment, if the equipment is in storage or not being used at the acquired site.
 - The reasonable cost incurred in attempting to sell an item that is not to be relocated may also reimbursable.
- If the City considers personal property to be of low value and high bulk, and moving costs are disproportionate to its value, the allowable reimbursement for the expense of moving such property cannot exceed the lesser of:
 - The amount which would be received if the property were sold at the site; or
 - The replacement cost of a comparable quantity delivered to the new business location.
 - Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property.
- **Site Searching.** Reimbursement for actual reasonable expenses incurred in searching for a replacement property, in an amount not to exceed \$1,000. Such expenses may include mileage,

meals and lodging away from home, time spent searching, fees paid to a real estate agent or broker to locate a replacement site (excluding fees or commissions related to the purchase of such sites), time spent in obtaining permits, attending zoning hearings, and negotiating purchase or lease of a replacement site.

- **Reestablishment Payment.** In addition to reimbursement of actual reasonable moving and related expenses, a small business may be eligible to receive a payment of up to \$10,000 for reasonable and necessary expenses actually incurred in re-establishing its operation at a replacement site, including:
 - Repairs or improvements to the replacement real property required by Federal, State or local laws, code or ordinance.
 - Modifications to the replacement real property to accommodate the business or make the structure(s) suitable for the operation.
 - Construction and installation costs of exterior advertising signs and advertising of the replacement location.
 - Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
 - Estimated increased costs of operation at the replacement site during the first 2 years for items such as monthly lease or rental costs, personal or real property taxes, insurance premiums, or utility charges.
 - Connection to available nearby utilities from the right-of-way to improvements at the replacement site.
 - Professional services performed prior to the purchase or lease of a replacement site to determine a sites' suitability for the business operation, including but not limited to soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of the site).
 - Impact fees or one-time assessments for heavy utility usage as determined to be necessary by the City.
 - Other items which the City considers essential to the re-establishment of the business.
- **Fixed Payment "In Lieu of" Actual Moving & Related Expenses.** Under certain circumstances, eligible businesses may request a Fixed Moving Payment "in lieu of" (i.e., instead of) receiving a payment for actual, reasonable moving and reestablishment expenses. The minimum payment is \$1,000 and the maximum fixed payment is \$10,000. The amount is based on the average annual net earnings of the business or farm for the 2 years immediately prior to displacement. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the City.

No relocation payment received will be considered income for the purposes of the Internal Revenue Code, Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code. This statement is not tendered as legal advice in regard to tax consequences and displaced persons should consult with their own tax advisor or legal counsel to determine the current status.

Time to File. Tenants must file relocation cost reimbursement claims within eighteen (18) months of the date they vacate the displacement site. The property owner must file a claim within eighteen (18) months after the date they move, or the date they receive the final acquisition payment, whichever is later.

Appeal. Displaced businesses have a right to appeal if they feel the City has failed to properly determine eligibility for relocation assistance or the amount of a relocation payment. The Relocation Advisor will provide information about the appeal procedure and help file an appeal in a timely manner. Appellants will be given a prompt and full opportunity to be heard and have the right to be represented by legal counsel or another representative in connection with the appeal (but solely at their own expense). The City will consider all pertinent justifications and materials submitted by an appellant and other available information needed to ensure a fair review. The City will provide a written determination resulting from the appeal with an explanation of the basis for the decision. If still dissatisfied with the relief granted, an appellant may seek judicial review. Please see Appendix D, for further information on the City's Relocation Program Appeals Procedure.

Appendices

Appendix Item A - Maps of Project Area

Appendix Item B - Business Survey Sheet

Appendix Item C - Non-Residential Relocation Assistance Handbook

Appendix Item D - Relocation Assistance Program Appeal Procedure

Appendix Item E - Public Comments Received During the 30-day Review and Comment Period

Appendix Item A

New Civic Center Project Area
Current View



New Civic Center Project Area
Planned Future View



Appendix Item B



Informational Survey

As you may be aware, we are in the process of drafting a Relocation Impact Study for the City of Fremont related to their proposed New Civic Center Project. This project may impact the property your business occupies at 39156-39200 State Street in Fremont, California.

Below is a brief survey which we hope you will agree to complete and return to us. We would also greatly appreciate an opportunity to meet with you in person to discuss your business operation and its needs in greater detail.

Fax: (925) 691-6505

Mail: Alesia Strauch, AR/WS
2300 Contra Costa Blvd., Suite 525
Pleasant Hill, CA 94523

Email: astrauch@arws.com

Business name:		DBA:	
Describe nature and type of business:			
Suite(s) occupied:	Est. square footage:	Number of employees:	
Number of years in business:	Years at this location:	Other locations:	
Hours and days of operation:		Seasonal business trends:	
Any special utility needs:		ADA Requirements:	
Require proximity to public transportation? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you depend on truck/large deliveries? <input type="checkbox"/> Yes <input type="checkbox"/> No Other special access requirements for your business or customers:			
Any special features in your current suite that are specific to your business needs:			
Do you sublease any portion of your suite(s) to others: <input type="checkbox"/> Yes <input type="checkbox"/> No		If "yes", please provide sub-tenant's contact information:	

<i>If your business must relocate in the future, please provide information on the desired location and type of space you would be looking for.</i>	
General area, cities, location preferences:	
Space (square feet) desired:	Type (commercial, office, retail):
Physical layout:	Special utility needs:
Storage:	Parking requirements:
Lease or purchase: <input type="checkbox"/> Lease <input type="checkbox"/> Purchase <input type="checkbox"/> both	Target rent/price range:
Other replacement site requirements/preferences:	
Have you already been looking at sites?: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Where:	

<i>Business Contact Information:</i>		
Owner(s) name(s):	Fax:	Phone:
	Email:	Alternate phone:
Mailing address:	Additional authorized contact person, if any, we may speak to at your business regarding this Project:	
Person's name completing this survey:	Signature and date:	

Appendix Item C

Appendix Item D

City of Fremont Relocation Assistance Program Appeal Procedure

The City of Fremont's guidelines, rules and regulations for Relocation Assistance are the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and its implementing regulations, as they may be amended from time to time, for projects with federal financial assistance, and the California Relocation Assistance Act and Guidelines, and its implementing regulations, as they may be amended from time to time, for all other projects. The process below implements the requirements of the federal and state relocation laws and regulations for appeals of relocation assistance claims.

Right of Review: Any claimant aggrieved by the City's determination as to relocation assistance eligibility, the amount of relocation assistance, the failure to provide comparable permanent or adequate temporary housing, or the City's property management practices, may file an appeal and request that the City review and reconsider the relocation assistance claim.

Notice of Appeal Time Limitations/Content: A claimant seeking an Informal Oral Presentation and/or Formal Review must notify the City in writing within eighteen (18) months following the date of the move from the property or the date the claimant receives final compensation, whichever is later. The notice must state the reasons the claimant believes an error or omission has occurred and the nature of the error or omission. If necessary, the Claimant's Relocation Advisor shall provide assistance to the claimant in preparing the written claim.

The request shall be directed to:

City of Fremont
Sharon Jones, Facilities and Real Property Manager
39550 Liberty Street, Fremont, CA 94537

Formal Review: Formal review and reconsideration of the Claimant's claims will be conducted by an authorized, impartial designee of the City's City Manager ("Hearing Officer"). The claimant shall have the right to be represented by an attorney or another representative at their expense (if they choose, but this is not a requirement for an appeal proceeding), to present the appeal by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of facts. Claimant's Relocation Advisor shall attend the hearing. Unless the Hearing Officer requests additional information or analysis, no additional information shall be considered after the hearing concludes. The Hearing Officer shall have the authority to revise the initial determination or the determination of a previous informal oral presentation.

Informal Oral Presentation: Prior to a Formal Review, a claimant may request an Informal Oral Presentation. Within 15 days of making a request for an Informal Oral Presentation, the claimant will have the opportunity to discuss the claim with an authorized designee of the City's City Manager. The Informal Oral Presentation is optional and is NOT a condition to obtaining a Formal Review. The claimant may be represented at their expense by an attorney or other representative. A summary of the matters discussed in the oral presentation shall be included in the appeal file.

Determination on Review: The claimant shall receive a copy of the Hearing Officer's determination, including an explanation of the basis upon which the decision was made once the Hearing Officer's Review is completed. The determination shall be provided within six weeks of the hearing date or the date the claimant, at the Hearing Officer's request submits the last material to the Hearing Officer for consideration.

Right to Judicial Review: The claimant has the right to seek judicial review upon exhaustion of all administrative remedies. A claimant's administrative remedies have been exhausted after the Hearing Officer's determination of the Formal Review.

Inspection of Materials: The claimant may inspect and copy materials pertinent to the appeal, except materials which the City classifies as confidential. The City also may impose reasonable conditions on claimant's right to inspect consistent with applicable laws.

Appendix Item E

No comments were received during the 30-day Public Review and Comment period held open between March 1st and 31st of 2016.

Occupants and the owner of the Subject Property as well as members of the general public were invited to review the drafted Relocation Plan for the planned New Civic Center Project and provide their comments as part of a 30-Day Public Comment Period. A Public Notice was circulated and the draft Plan was placed on the City's website. Questions and comments were to be directed to the City's Relocation Planning Consultant:



Ms. Alesia Strauch, Relocation Planning Consultant
Associated Right of Way Services, Inc.
2300 Contra Costa Boulevard, Suite #525
Pleasant Hill, CA 94523
(800) 558-5151 *toll-free* • (925) 691-6505 *fax*
realproperty@fremont.gov

Or the City directly via, Ian Champeny, Real Property Agent at (510)494-4759 or ichampeny@fremont.gov or by mail at 39550 Liberty Street, Fremont, CA 94538.