



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
OCTOBER 2, 2012

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

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CITY COUNCIL MEETING FOR OCTOBER 2, 2012
777 B STREET, HAYWARD CA 94541
WWW.HAYWARD-CA.GOV

CLOSED SESSION
Closed Session Room 2B – 5:00 PM

1. PUBLIC COMMENTS

2. Conference with Property Negotiators
Pursuant to Government Code 54956.8

➤ Property Transaction

Under Negotiation: Hayward Executive Airport

APN 432-0108-018-00

APN 432-0108-008-00

APN 432-0108-007-00

APN 432-0124-001-04

Property Negotiators: City Manager David, Assistant City Manager McAdoo, City Attorney Lawson, Deputy City Attorney Brick, Development Services Director Rizk, and Director of Public Works – Engineering and Transportation Fakhrai

3. Conference with Property Negotiators
Pursuant to Government Code 54956.8

➤ Property Transaction

Under Negotiation: I880/SR92 Reliever Route Project - Approximately eleven parcels

Property Negotiators: City Manager David, Assistant City Manager McAdoo, City Attorney

Lawson, Deputy City Attorney Brick, Development Services Director Rizk, and Director of Public Works – Engineering and Transportation Fakhrai

4. Conference with Property Negotiators
Pursuant to Government Code 54956.8

➤ Property Transaction

Under Negotiation: Parcels owned by the California Department of Transportation in the Route 238 Corridor

Property Negotiators: City Manager David, Assistant City Manager McAdoo, City Attorney Lawson, Deputy City Attorney Brick, Development Services Director Rizk, Director of Public Works – Engineering and Transportation Fakhrai, and Neighborhood Partnership Manager Bristow

5. Adjourn to City Council Meeting

CITY COUNCIL MEETING
Council Chambers – 7:00 PM

CALL TO ORDER Pledge of Allegiance Mayor Sweeney

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PUBLIC COMMENTS

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

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

WORK SESSION (60-Minute Limit)

1. Overview of Hayward’s Development Review Process (Report from Development Services Director Rizk)

[Staff Report](#)

[Attachment I Customer Survey Responses](#)

[Attachment II Focus Group Mtgs Topics List](#)

[Attachment III CEQA Review Flowchart](#)

[Attachment IV Permits Issued in FY12 by Type](#)

[Attachment V List of Inspection Types](#)

[Attachment VI - DS Dept Org Chart](#)

[Attachment VII - Glossary](#)

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

OCTOBER 2, 2012



CONSENT

2. Approval of Minutes of the City Council Meeting on September 18, 2012
[Draft Minutes](#)
3. Adoption of an Ordinance Reclassifying the Zoning Designation for 3596 Baumberg Avenue from Light Manufacturing (LM) District and Industrial (I) District to Planned Development (PD) District
[Staff Report](#)
[Attachment I Notice](#)
[Attachment II Conditions of Approval](#)
4. Support for Measure I on the November 2012 Ballot: Chabot-Las Positas Community College District Parcel Tax
[Staff Report](#)
[Attachment I Resolution](#)

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items

ADJOURNMENT

NEXT MEETING, TUESDAY, OCTOBER 16, 2012

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

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

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

OCTOBER 2, 2012



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

Please visit us on:



OCTOBER 2, 2012





DATE: October 2, 2012
TO: Mayor and City Council
FROM: Development Services Director
SUBJECT: Overview of Hayward’s Development Review Process

RECOMMENDATION

That the City Council receives this report and associated presentation and provides feedback and comment on the City’s development review process.

SUMMARY

The purpose of this report and related work session is to provide the City Council with an overview of the City’s development review process, along with an opportunity to provide perspective and feedback to staff on the process and progress made to date. The report focuses on two areas: review of accomplishments following 2009 review of the City’s development and permitting processes, and an overview of the development process for the City.

BACKGROUND

An outside consultant was hired in the summer of 2009 to “identify changes necessary to make the plan review and permit process more efficient and customer friendly by providing professional, efficient, convenient, innovative, and seamless processing in one location to be called ‘The Permit Center.’” Since then, staff has focused efforts on streamlining Hayward’s development processes, establishing performance standards, and has been tracking success in meeting those standards with quantifiable metrics.

Several enhancements have been made since 2009, including providing detailed information on development activity and meeting processing standards on the Development Services Department website (<http://www.ci.hayward.ca.us/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/>). An organizational chart for the Development Services Department, which includes the Building and Planning Divisions, is included as Attachment VI. Council is encouraged to visit the webpage, to get an idea of the type of information now available to the public that has been part of staff’s efforts to have review processing information transparent and valuable. Also, Building staff now accepts most permit application fee payments at the Permit Center counter versus customers needing to submit payments at the Revenue Division window in a separate location on the first floor of City Hall. Additionally, several clerical positions were reclassified to Building Permit Technician positions

and additional Techs were hired, in order to provide more direct support at the Permit Center counter. Staff members from multiple departments meet on a regular basis to discuss process and other issues, an integrated voice response (IVR) system has been implemented to allow inspections to be scheduled via telephone, and permit application forms and handouts have been revised and simplified. Staff reports from prior Council work sessions on October 6, 2009 (<http://www.hayward-ca.gov/citygov/meetings/cca/2009/cca100609.htm>), June 1, 2010 (<http://www.haywardca.gov/citygov/meetings/cca/2010/cca060110.htm>), and January 25, 2011 (item #2 on 11-25-11 agenda at <http://www.ci.hayward.ca.us/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/index.shtm>) provide details of these and other enhancements.

Performance metrics for reviewing and the timely processing of planning and building permit applications have been established as identified in the 2009 assessment. . Staff has tracked success in meeting those standards; and success in meeting some of the more significant of those standards during the last two fiscal years are summarized below. Also, as will be discussed later in this report and not commonly known, processing land use/planning applications and building permit applications sometimes involves input from staff with various outside agencies (Alameda County Transportation Commission, Alameda County Health Department, Alameda County Flood Control and Water Conservation District, California Department of Alcohol Beverage Control) and other City departments, primarily the City Attorney’s Office, Fire Department, Public Works – Engineering and Transportation Department, Public Works – Utilities and Environmental Services Department, and the Police Department.

Building Permit Application Processing Standards - Building staff processed 3,432 building permit applications last fiscal year, compared with 3,701 permit applications in fiscal year 2011. Staff met the established time-frames indicated below for a variety of building permit applications 83% of the time last fiscal year, compared with 68% for fiscal year 2011. Nearly 80% of all permit applications were processed over the counter on the same day this past fiscal year, and as shown below, 94% of all simple projects were processed over the counter.

ACTIVITY	PERFORMANCE METRIC	FY 11	FY 12
• Projects that don’t require drawings:	Same day over-the-counter (OTC) permit issuance	95%	94%
• Small residential remodels and small commercial tenant improvements:	Same day OTC plan checks and permit issuance	88%	94%
• Medium size projects, such as residential additions, and medium size commercial and industrial tenant improvements:	Within 10 business days of submittal to first response	80%	85%
• Large size projects, such as new residential tracts and new commercial projects:	Within 20 business days of submittal to first response	70%	84%
• All re-submittals for all projects:	Within 10 business days of re-submittal to response	77%	92%

<u>ACTIVITY</u>	<u>PERFORMANCE METRIC</u>	<u>FY 11</u>	<u>FY 12</u>
<ul style="list-style-type: none"> • Inspections 	Next day inspections for all inspections scheduled before 4:00 p.m. the prior business day	100% of 21,655 inspections	100% of 19,155 inspections

Staff will continue to use this data to improve performance by further streamlining processes. Such improvements will be assisted with implementation of a new permit tracking system that will be part of the City’s new Enterprise Resource Planning (ERP) system. Also, given recent and projected increases in development activity, recommendations for new staffing are planned to be presented to City Council in mid-fiscal year, to include a project manager/facilitator, who would oversee the status of permit applications while working with applicants and staff from different departments (including economic development staff) to ensure time-frames are met and processes are efficient.

Planning Applications Processing Standards - The Planning Division conducts long-range planning studies (e.g., General Plan Update, South Hayward BART/Mission Boulevard Form-Based Code, 238 Bypass Land Use Study) (Advanced Planning Section), as well as processes project-specific proposals and land use entitlements (Current Planning Section). Also, the Development Review Section in the Planning Division is the lead for processing project-specific tentative subdivision maps and lot configuration adjustments, as well as the annual assessments for the City’s landscape and lighting maintenance districts. Current Planning staff processed 332 planning applications (including 258 encroachment permit applications with support from Building and Public Works staffs) last fiscal year, compared with 400 permit applications (295 encroachment permits) in fiscal year 2011. Included as Attachment VII is a glossary of common planning and subdivision terms.

Coupled with improved handouts and more information available on the City’s website, staff has established a goal of processing planning applications with no more than two rounds of application review comments prior to determination of application completeness. Of course, more complicated projects and projects for which insufficient information and plans are submitted may require more than two sets of review comments. Established time-frames require initial application review comments to be generated within thirty calendar days of application submittal (to coincide with State Permit Streamlining Act requirements) and review comments to be produced within fifteen calendar days of receipt of resubmittals. In fiscal year 2012, reflective of reduced staffing and a higher priority placed on serving the Permit Center front counter, Planning staff met the initial thirty-day review period 80% of the time, and the subsequent fifteen-day review period 80% of the time. A higher priority has been placed on issuing these letters in a timely manner, and compliance has been nearly 100% for project applications submitted since the beginning of this fiscal year.

Staff has also established time-frames for processing an application to either an administrative decision or decision from the Planning Commission or City Council, once an application is deemed complete. Such action by staff typically entails writing staff reports and developing findings in support or denial of a recommendation and recommended conditions of approval, as well as conducting environmental impact analysis for some projects. Information below

indicates the established processing time-frames for various planning applications, as well as the percent of applications for which established time-frames were met in fiscal years 2012 and 2011.

<u>ACTIVITY</u>	<u>PERFORMANCE METRIC</u>	<u>FY 11</u>	<u>FY 12</u>
Administrative Use Permit (AUP) Application:	Process within six weeks after application is deemed complete	90% (of 20 total)	85% (of 26 total)
Site Plan Review Application:	"	82% (of 17 total)	56% (of 9 total)
Food Vendor Permit Application:	"	100% (of 2 total)	100% (of 5 total)
Variance Application:	"	NA	100% (of 3 total)
Lot Line Adjustments:	"	100% (of 2 total)	50% (of 2 total)
Certificate of Merger:	"	100% (of 1 total)	NA
Conditional Use Permit (CUP) Application (public hearing):	Process within twelve weeks after application is deemed complete	100% (of 3 total)	67% (of 3 total)
Tentative Parcel Map Application:	"	100% (of 1 total)	NA
Utility Service Agreements:	"	100% (of 4 total)	NA
General Plan Amendment Application (two public hearings):	Process within eighteen weeks after application is deemed complete	100% (of 1 total)	NA
Zone or Text Change Application (two public hearings):	"	50% (of 2 total)	NA

Customer Satisfaction - Staff also provides on the website and distributes Customer Satisfaction Survey Cards to visitors to the Permit Center on the first floor at City Hall. Overwhelmingly, responses from visitors indicate a high level of satisfaction with the development review services provided by City staff. For example, over 92% of 197 respondents in fiscal year 2012 indicated an overall rating of excellent or good and over 94% of 188 respondents in fiscal year 2011 indicated having an excellent or good overall experience. Division managers and/or the Development Services Director contact those who leave contact information and indicate a less-than-satisfactory experience, to see what we can do better. Attachment I provides a summary of the responses received over the last few fiscal years. Staff will work on obtaining a larger sample of respondents, to better gauge satisfaction with City development review services.

This fiscal year, Building Division inspectors will distribute surveys to contractors to gauge satisfaction with inspection services, and Planning Division staff will distribute surveys to architects and applicants to gauge satisfaction with the discretionary review process associated with processing planning applications.

External Input - The Hayward Development Review Focus Group¹, a group of contractors, architects, brokers, and others, () have been meeting every other month since December of 2009 with City staff to share ideas on what we are doing well and what we can do to enhance Hayward's development review. Economic Development Manager Sean Brooks regularly attends such meetings. Process improvements that have resulted from such meetings include development of more informative and focused Building, Planning, and Fire Department handouts; enhanced information available on the Development Services Department² and Fire Department³ web pages; and having one senior level inspector conduct inspections for simple to moderate commercial tenant improvement (TI) projects (versus three separate inspectors as is used for more complicated and highly technical projects). Attachment II provides a summary of topics discussed at such meetings to date.

DISCUSSION

The following paragraphs provide a general overview of the development review process in Hayward. As reflected in the previously identified number of building permit applications processed compared with planning/land use applications processed, the vast majority of projects proposed that require permits are simple and are issued over-the-counter (e.g., electrical permits, mechanical permits, simple tenant improvements, minor home remodels and additions). However, more complicated projects that entail new buildings and potentially high-impact uses entail the need for construction plans and/or planning/land use approvals prior to issuance of construction and grading permits. Some of those projects have multiple issues that require input from a variety of professional staff.

The development review process in Hayward entails potentially five major phases:

1. Pre-application Phase
2. Planning/Land Use Entitlement Phase
3. Construction Permit Application Processing Phase
4. Construction Phase
5. Post Construction Phase

Information related to each phase is provided below.

Pre-Application Phase – The pre-application phase is critical in the development review process. It affords an opportunity for prospective applicants to get early, free-of-charge input from staff across multiple departments and disciplines in the early, pre-application phase of projects. . Such

¹ <http://www.ci.hayward.ca.us/CITY-GOVERNMENT/ALAMEDA-COUNTY-AGENCIES-&-OTHER-ORGANIZATIONS/dfg.shtm>

² <http://www.ci.hayward.ca.us/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/>

³ <http://www.ci.hayward.ca.us/CITY-GOVERNMENT/DEPARTMENTS/FIRE/>

early input helps applicants prepare complete applications and plans, which speeds the review process.

Most information gathered by applicants prior to application submittal is obtained via direct interaction with staff, either at the Permit Center or via the phone. The Permit Center is open 8:00 am to 5:00 pm Mondays through Thursdays and from 8:00 am to noon on Fridays. Besides communication with Planning, Building, and Fire Department staff, interaction with staff from other departments like Public Works (utilities, solid waste, engineering, and transportation) is available via an on-call basis. Also, information can be obtained from the City's website regarding the pre-application stage of development at <http://user.govoutreach.com/hayward/faq.php?cid=11053>, which also includes a handout describing the various ways one can obtain information before submitting a permit application. Also, handouts for Planning, Building, and Fire permits are available on the website and in a kiosk in the Permit Center. The following are the various ways the public can obtain information at the pre-application stage related to development proposals:

- a. Interaction with staff at the Permit Center and via phone: This type of feedback is appropriate during the earliest phases of project development, and for simple, straightforward projects. Homeowners in particular utilize this interaction, which is provided free of cost at the Permit Center or via phone. Such informal, unscheduled interaction typically lasts thirty minutes or less.
- b. Informal meetings: After initial discussions with staff, informal meetings with selected managerial-level staff, including the City's Economic Development Manager, are available for free for proponents of more complex projects that desire early feedback on a limited number of "deal-breaker" issues. Such meetings typically last thirty to sixty minutes.
- c. Formal pre-application meetings with staff: Once preliminary plans are developed, formal meetings with a variety of staff from various departments are available. Such meetings are appropriate for larger, complex projects, including multi-phased projects, and provide opportunity for potential applicants to receive written feedback on preliminary plans and issues at one session that typically lasts sixty to ninety minutes. Site plans and project layout; traffic and transportation impacts including circulation, streetlights; landscaping, drainage, water and wastewater connections; outdoor trash enclosures; hazardous materials, emergency access and water supply related to Fire Department issues; and building design are items typically discussed at such meetings. It is at this point when it is determined whether a traffic impact study will be required. The applicant coordinates preparation of the traffic study with the City's Development Review Services staff and the Transportation Manager. As staff regularly explains, the more detailed plans are at this stage, the more detailed feedback staff can provide. To promote such early consultation, staff has set aside the previously applied charges for this meeting, compared with the over \$1,800 fee charged the last couple of fiscal years.
- d. Formal pre-application code compliance meetings with staff: Appropriate for commercial, industrial, and multi-storied residential projects involving highly technical

issues, including hazardous materials items, code compliance meetings typically involve Building and Fire staff, as well as Planning staff. Discussions during such meetings, which typically last one hour or more, allow project design professionals who have developed more detailed plans, like licensed architects and registered engineers, to receive feedback on more technical items associated with construction codes. As with pre-application meetings, code compliance meetings are being offered this fiscal year for free, for the first time.

Planning/Land Use Entitlement Phase – Some projects require discretionary planning approval, as indicated in the City’s Zoning Ordinance. Staff has developed a series of Zoning Use Charts that indicate what type of planning permit/approval, if any, is required for a number of uses in various zoning districts. Such charts are available on the Planning Division’s webpage at <http://user.govoutreach.com/hayward/faq.php?cid=11064>. As indicated in each zoning district, uses are categorized as:

- permitted primary uses without a discretionary approval requirement (e.g., single-family home in the Single-Family Residential (RS) zoning district);
- allowed only with an Administrative Use Permit (AUP), where four findings⁴ are required to be made and which are typically issued by Planning staff after notice to surrounding property owners (e.g., day care center involving 7 to 15 clients/children in the RS zoning district);
- allowed only with a Conditional Use Permit (CUP), where the same four findings for an AUP are required and which can only be approved by the Planning Commission at a noticed public hearing (or by the City Council via an appeal to the Commission’s decision) (e.g., nightclub in the Central City Commercial (CC-C) zoning district); or
- are not allowed at all. (Hayward’s Zoning Ordinance is an exclusionary ordinance, which states, “When a use is not specifically listed in the sections devoted to ‘Uses Permitted,’ it shall be assumed that such uses are prohibited unless it is determined by the Planning Director or on appeal to the Planning Commission that the use is similar to and not more objectionable or intensive than the uses listed.”)

Besides addressing land uses as described above, a discretionary planning approval may also be required for:

- the design and site layout of a project, called a **Site Plan Review application**, where four findings are required to be made⁵, typically by Planning staff after notification to surrounding property owners (Site Plan Review can be waived where the Planning Director determines “proposed improvements are minor in nature and will not

⁴ a) The proposed use is desirable for the public convenience or welfare; b) The proposed use will not impair the character or integrity of the zoning district and surrounding area; c) The proposed use will not be detrimental to the public health, safety, or general welfare; and d) The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

⁵ a) The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City; b) The development takes into consideration physical and environmental constraints; c.) The development complies with the intent of City development policies and regulations; and d) The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

materially alter the appearance or character of the property or area or is not incompatible with City policies, standards and guidelines.”);

- deviations from development standards, called a **Variance**, where three findings⁶ are required to be made by the Planning Commission at a noticed public hearing;
- proposals that require a **General Plan Amendment, change to Zoning District**, and/or a **Zoning Ordinance Text Amendment** (like the South Hayward BART/Mission Boulevard Form-Based Code), each of which requires findings to be made by, and public hearings before both the Planning Commission (as a recommending body) and the City Council.

Roles of Planning Director, Planning Commission, and City Council - The City’s regulations specify authority of the Planning Director (Development Services Director), the Planning Commission, and the City Council. The Planning Director (or his/her designee) has authority to approve certain planning applications, such as those for administrative use permits, site plan review, and minor exceptions to the development standards. S/he also has the authority to require that such applications be reviewed by the Planning Commission at public hearings, depending on the complexity and potential impacts of such projects, and can also administratively refer situations to the Planning Commission where there “is a question regarding the interpretation of this [Zoning] ordinance, or its application to any specific case or situation.”

In situations where a project or issue is presented to the Planning Commission (or to the City Council), Planning staff and the Planning Director will prepare a staff report for the Commission, which entails review by the City Attorney’s office. The Planning Director may also approve applications related to subdivision or reconfiguration of properties, such as those for lot line adjustments and certificates of merger. Discretionary decisions (i.e., decisions that are not administrative in nature) made by the Planning Director can be appealed to the Planning Commission.

Most projects processed by the Planning Division staff do not require review by the Planning Commission or the City Council. However, more significant projects or proposals require review by the City’s Planning Commission, comprised of seven residents of Hayward appointed by the City Council. Such reviews are conducted at noticed public hearings, where the public or interested parties are provided the opportunity to comment on a proposal. The Planning Commission’s power and duties are broad and are defined in the Hayward Municipal Code.⁷

⁶ a) There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints; b) Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification; and c) The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

⁷ SEC. 2-3.02 POWERS AND DUTIES. The Commission shall have the general powers and duties specified in Section 906 of the Charter and pursuant thereto shall have the power and duty to:

1. Perform all of the functions assigned to a City planning commission by the Conservation and Planning Act and other statutes of the State of California relating to planning and zoning, insofar as they are not inconsistent with the provisions of the Charter of the City of Hayward.
2. Perform all the functions assigned to said Commission by the Zoning Ordinance and other ordinances of the City of Hayward relating to planning and zoning.

Sometimes, the Commission is an approving authority, such as for applications for conditional use permits, variances, and tentative tract subdivision maps associated with such applications; and sometimes the Commission is a recommending advisory body to the City Council, such as applications for general plan amendments, zone changes, text amendments, and tentative tract maps associated with such applications. All final discretionary decisions made by the Planning Commission can be appealed to the City Council. Also, a City Council member may call up for review any final decision of the Planning Director or Planning Commission.

The City Council is the City of Hayward's final approving authority. Sometimes, the Council acts as a legislative body, and other times it serves a quasi-judicial function. The City Council normally operates as a policy-making body in a legislative role. In that capacity, the Council gathers information at public hearings, from informal conversations with citizens and others, from reports prepared by City staff, and from other sources. The Council then deliberates and implements a policy by enacting an ordinance. This is a legislative process by which the Council creates citywide policy that operates prospectively from the effective date of the ordinance. For example, when the Council enacts ordinance setting future citywide noise standards, it is acting in its policy-making, or legislative capacity. Occasionally, however, the Council must act in a manner similar to a judge in a court of law. Courts call this kind of action adjudicatory, or "quasi-judicial." In a quasi-judicial proceeding, the Council is not setting new policy, but is applying policies expressed by an existing ordinance, statute or regulation to past or present facts presented at a hearing. In other words, much like a court, the Council is applying the law to facts gathered at the hearing to arrive at its decision. Quasi-judicial land use decisions usually apply only to a few specific properties and are not effective citywide. For example, when the Council hears an appeal of a Planning Commission decision on a specific property or development, it is generally operating in its quasi-judicial capacity.

Staff Reviews - All active planning applications are discussed on a monthly basis in meetings involving Hayward's City Manager, Assistant City Manager, Development Services Director, Planning Manager, Building Official, Economic Development Manager, and Fire Marshall or Assistant Fire Chief. The status of such projects can be viewed on the City's website on the Planning Division webpages at <http://user.govoutreach.com/hayward/faq.php?cid=11046>.

Staff from various departments will also regularly have interdepartmental meetings to discuss more complicated projects involving a planning permit/approval application. Also, certain

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3. Prepare and recommend the adoption by the City Council of plans based on the master plan or any portions thereof and regulations and programs as may in its judgment be required for the systematic execution of the master plan or such other plan or plans as it or the City Council may deem appropriate.
 4. Advise and recommend to the proper officials of the City the approval, disapproval or modification of all maps or plats of land subdivision in accordance with the Subdivision Map Act of the State of California, or as may be provided by ordinance.
 5. Hold hearings on planning and zoning matters as prescribed in the Conservation and Planning Act of the State of California, or by ordinance.
 6. Advise and recommend to the proper officials of the City regarding the acquisition, use, or disposition of City-owned real property.
 7. Hear and decide original applications and appeals on land use matters as may be provided by ordinance.
 8. Hear and decide referrals regarding the interpretation or administration of the Zoning Ordinance or the Sign and Parking Regulations as submitted by the Planning Director or as may be provided by ordinance.
 9. Review and submit annually a report of its activities to the City Council.
 10. Perform such other duties relating to planning and zoning as may be directed by the City Council.

projects, including those involving a massage establishment or alcohol serving component, are routed to the Hayward Police Department staff for review and comment. The HPD staff also provides input during this phase of the development review process on certain projects related to incorporating Crime Prevention Through Environmental Design (CPTED) principles and features into projects (e.g., designing active spaces, incorporating adequate lighting and ensuring visibility of spaces).

Subdivisions - Sometimes, a proposal also entails a subdivision of land or a reconfiguration of a lot (Certificate of Merger, Lot Line Adjustment, etc.). Subdivision applications are processed by the Development Review Engineer in the Planning Division, and findings are required to be made, in accordance with the California Subdivision Map Act. Subdivisions entailing creation of four or fewer new parcels are processed via a Tentative Parcel Map and eventually, with recordation of a Parcel Map. Typically, the Planning Director approves or denies Tentative Parcel Maps (unless applications associated with the proposal require a decision from Planning Commission or City Council). The decision of the Planning Director can be appealed to Planning Commission and City Council. The Director of the Public Works – Engineering and Transportation Department approves Parcel Maps. Tentative parcel and tract maps include preliminary grading, drainage, storm water treatment and utility plans, while detailed improvement plans are submitted with a parcel map or final map.

Subdivisions entailing creation of five or more parcels are processed via a Tentative (or Vesting Tentative) Tract Map and eventually, with recordation of a Final Map. A vesting tentative map confers a vested right to proceed in accordance with the regulations, policies, and standards in effect when the tentative map application was complete. Tentative Tract Maps processed without other applications are typically approved or denied by the Planning Commission, with such decisions appealable to the City Council. Tentative Tract Maps processed with other planning applications are either recommended by the Planning Commission to the City Council or approved or denied by the Planning Commission (appealable to the City Council), depending on the type of planning application(s) being processed with the Map. The decision of City Council is final. The City Council approves all Final Maps.

Environmental Impact/CEQA Analysis and Process – After an application is deemed complete, another major component related to the development review process is environmental impact analysis. The California Environmental Quality Act (CEQA) is “a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.” Almost any approval is considered a “project” as defined by CEQA and is subject to CEQA. As the State CEQA website states, “Every development project which requires a discretionary governmental approval will require at least some environmental review pursuant to CEQA, unless an exemption applies.” More specifically, an activity is not subject to CEQA if: (1) The activity does not involve the exercise of discretionary powers by a public agency; (2) The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or (3) The activity is

not a “project” as defined in Section 15378⁸. Also, projects that are not approved do not require CEQA analysis.

CEQA also indicates that “ministerial” actions involving no personal judgment or discretion, like issuing most building permits, are not subject to CEQA. Also, CEQA defines several “categorical” exemptions⁹: like infill development, minor alternations or repairs to existing structures, replacement or reconstruction of existing structures and facilities, construction of new small structures, conducting inspections, and division of property in urbanized areas into four or fewer parcels when the division is in conformance with the General Plan and zoning and where no variances or exceptions are required. For such projects, CEQA analysis is not required. Most projects that require land use/planning approvals in Hayward are not subject to environmental impact analysis. For such projects, staff (or an applicant) may file a “Notice of Exemption” that will be posted by the County Clerk for 30 days, which is “a brief notice which may be filed by a public agency after it has decided to carry out or approve a project and has determined that the project is exempt from CEQA as being ministerial, categorically exempt, an emergency, or subject to another exemption from CEQA.” Filing such Notice will reduce the time for which a CEQA challenge can be filed from 180 to 35 days.

However, for more complex projects like the South Hayward BART Transit-Oriented Development project, or projects located in sensitive areas such as the Zone Change proposed for the Weber property near the Hayward shoreline, CEQA requires environmental impact analysis. For those projects, the environmental review required imposes both procedural and substantive requirements. At a minimum, an initial review of the project and its environmental effects must be conducted, which is done by Planning staff via an Initial Study. The Initial Study contains a checklist related to several environmental impact areas (traffic, biological, geologic, hazardous materials, etc.), where Planning staff will ascertain and explain whether the project would have no impact, a less-than significant impact, a less than significant impact with mitigation incorporated, or a potentially significant impact. During this initial assessment, Planning staff will rely on technical analyses from project proponent qualified experts, as well as input from various City departmental staff, including the City Attorney’s Office. Depending on this initial assessment of potential effects, a determination is made that:

⁸ “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

- (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.
- (2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

⁹ “Categorical exemption” means an exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

- there will be no potentially significant environmental impacts, resulting in development of a Negative Declaration (or “Neg Dec”) that will be circulated for public review and comment for a minimum of 20 or 30 days (30 days if the Neg Dec is sent to the State Clearinghouse for distribution to State agencies); or
- potentially significant environmental impacts will be mitigated via feasible, identified measures to levels of insignificance, where a Mitigated Negative Declaration (or “Mitigated Neg Dec”) will be developed and circulated for public review and comment for a minimum 20 or 30 days; or
- a more substantial review and analysis is required, which is conducted in the form of an environmental impact report (EIR), which must be circulated for public review and comment for a minimum of 30 or 45 days. (An EIR is “an informational document which will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.”)

Once an EIR is determined to be necessary, Planning staff will issue a “Notice of Preparation” to notify responsible agencies (agencies whose approval is required for the project), trustee agencies (certain State agencies, like CA Dept. of Fish and Game), the State Office of Planning and Research, and involved federal agencies, that the City of Hayward plans to prepare an EIR for the project. The purpose of the Notice of Preparation is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR. A Draft EIR is required to contain a table of contents, a brief summary of the proposed actions and its consequences, a project description, the environmental setting of the project, consideration and discussion of environmental impacts (including significant environmental impacts), consideration and discussion of mitigation measures proposed to reduce or eliminate significant impacts, consideration and discussion of alternatives to the proposed project that will meet the objectives of the project and will result in the same or fewer impacts, a brief explanation why certain environmental impacts were found not to be significant (often is the Initial Study as an attachment to the Draft EIR), and a discussion of cumulative impacts.

Once a Draft EIR is prepared, Planning staff files a “Notice of Completion” with the State Office of Planning and Research and it is made available on the City’s website and other public locations. Hayward staff also provides public notice of the availability of a draft EIR, including with the County Clerk’s Office, at the same time it sends the Notice of Completion to the Office of Planning and Research, and the Clerk posts such notice for a minimum of 30 days. The Draft EIR is made available for public and agency review and comment for a minimum of 30 days (or 45 days when the Draft EIR is sent to the State Clearinghouse Office).

A Final EIR is then prepared that will include: the Draft EIR; any revisions to the Draft EIR (revisions cannot include significant changes that would generate the potential for new previously unidentified significant impacts; else, the revised Draft EIR is required to be re-circulated for public review); a list of persons, organizations and agencies that submitted comments on the Draft EIR; and responses to those comments.

Finally, once an EIR is certified by the City Council or Planning Commission, which must be done prior to approving the related project, a “Notice of Determination” is developed and filed within five working days of project approval by Planning staff with the County Clerk’s Office and, if State agency approval is required for the project, with the State Office of Planning and Research. A project may not be approved as submitted if feasible alternatives or mitigation measures are able to substantially lessen the significant environmental effects of the project. CEQA requires the decision-making body of the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse significant environmental effects, the adverse environmental effects may be considered “acceptable.” In such cases, the City Council or Planning Commission shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This “statement of overriding considerations” shall be supported by substantial evidence in the record. Also, when a Mitigated Negative Declaration is adopted or an EIR is certified, a Mitigation Monitoring and Reporting Program is required to be adopted, which identifies significant impacts, mitigation measures associated with those impacts, and timing of implementation and responsibility for reporting and monitoring implementation of each of the mitigation measures. Attachment III includes a flow chart summarizing the CEQA review process.

A few projects processed in Hayward, such as federally funded transportation projects like the Dixon Street Improvements project that is funded by a federal Transportation for Livable Communities grant, are also subject to the National Environmental Policy Act (NEPA). NEPA is applicable to projects that are carried out, financed, or approved in whole or in part by federal agencies. When a project will require compliance with both CEQA and NEPA, NEPA’s Environmental Impact Statement (EIS) or finding of no significant impact is used, rather than preparing an EIR or Mitigated/Negative Declaration if the following two conditions occur: a) An EIS or finding of no significant impact will be prepared before an EIR or negative declaration would otherwise be completed for the project; and b) The EIS or finding of no significant impact complies with the provisions of the CEQA guidelines. Because NEPA does not require separate discussion of mitigation measures or growth inducing impacts, these points of analysis will need to be added, supplemented, or identified before the EIS can be used as an EIR.

Staff posts all environmental documents on the City’s website at:
<http://user.govoutreach.com/hayward/faq.php?cid=11037>.

Construction Permit Application Processing Phase – In fiscal year 2012, 307 planning permits, 1,110 fire permits, and 3,392 building permits were issued. As stated previously, most projects by far in Hayward do not require planning permit approval, nor are subject to CEQA. For those projects, a building permit application can be submitted at the Permit Center. Currently, some types of permits can be obtained by submitting application and payments via fax, such as permits

for water heaters. As the City implements its new Enterprise Resource Planning (ERP) system, which will include a new permit tracking system, staff is planning for on-line submission of some types of applications, which will eventually include projects with more complicated plans.

Also as stated previously, most (over 84%) of the permit applications processed are done as over-the-counter permits that are typically issued within thirty to sixty minutes and either do not require plans or have basic plan requirements. Examples of such permits are: plumbing, mechanical and electrical permits; permits for residential repairs and remodels (bathroom and kitchen remodels, foundation repairs, re-roofs and similar work where minimal drawings are required); permits for sewer laterals; and sign permits.

For more complicated projects involving several issues, multiple sets of plans are required to be submitted, which are routed simultaneously to various departments' staffs for review. For those more complicated projects, the list below is provided to give the reader an idea of what types of project issues require various department staff reviews in addition to Building staff review.

<u>Reviewing Department</u>	<u>Issues/Components of Project</u>
Fire Department	<ul style="list-style-type: none"> • sprinkler system required • hazardous materials storage/use involved • new construction in the Urban/Wildland interface areas in the hills
Building Division	<ul style="list-style-type: none"> • State Title 24 energy reports • California Green Building Code checklists • structural calculations and electrical drawings/calculations (dependent on scope of work)
PW – Utilities & Env. Services	<ul style="list-style-type: none"> • a project with valuation over \$75,000
PW – Engineering & Transportation	<ul style="list-style-type: none"> • significant amounts of grading (>300 cubic yards or 5 feet or more of cut/fill grading on slopes over 20 percent) • significant changes to drainage patterns to ensure projects will meet the 'Provision C.3' requirements of the Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) Permit issued to the City of Hayward

As indicated earlier in this report, time-lines have been established for plan check reviews and processing of such plans and applications. Depending on the completeness of submittals, expertise of the plan preparer, and complexity of the project, multiple rounds of plan checks may be required. Staff works with plan preparers/professionals to try to limit the number of rounds of

plan check comments to three or fewer. A listing of the various building, fire, and planning permit types applied for and issued last fiscal year, as well as a summary of permits issued this fiscal year through end of August, is available on the Development Services Department webpage and is included as Attachment IV.

Construction Phase – Once plan checking is completed and all fees are paid (excluding certain limited “fees” like the supplemental building construction and improvement tax, utility connection fees, and park in-lieu fees, which are paid near time of final approval and occupancy), permits and approved construction/drawing plans are issued. Contractors or homeowners construct projects and call for inspections at various stages of construction. Each construction project is unique and requires different inspections, including many trips by an inspector for the same type of inspection for large commercial and housing projects. When permits are issued, the City’s building technicians identify to permittees on the actual permit card what the initial inspections will be, as well as the three-digit inspection codes for those inspections that are used when inspections are scheduled via telephone. Also, when a permittee calls for his/her first inspection, a City building inspector in the field explains and marks the inspections required for that project on the permit card.

The following types of building inspections are typically conducted for projects: underground/under slab inspections; under floor inspections; rough frame, electrical, plumbing and mechanical inspections; insulation, sheetrock, exterior lath, and stucco; and then final inspections. Besides Building inspectors, Fire Department and Public Works Department staff and the City’s Landscape Architect will inspect and issue final approvals on a construction project. Once any owed fees are paid and all inspections have been signed off, a final inspection sign-off and, for a new residential unit, a certificate of occupancy will be issued, allowing for “release of utilities” (including from PG&E) for occupancy. Attachment V is a list of the various inspections conducted for projects.

Post-Construction Phase – Certain projects require post-construction inspections and follow-up from staff. Examples of such projects include those with use permit conditions of approval that require action on the part of an owner or tenant (typically involving Planning, Police Department, Fire Department, and/or Code Enforcement staff), projects that have environmental impact mitigation measures that need to be implemented, reported on and monitored (involving Planning staff), as well as certain projects that require annual Fire Department inspections (e.g., High Pile Combustible Storage, 24 Hour Care, storage and handling of hazardous materials facilities).

Real Life Examples – The following table identifies certain recently constructed projects and provides information for them. As stated previously, most projects do not entail this level of analysis or fees.

Project	Date Planning Application(s) Submitted	Date Planning Approvals Granted	Approving Body	Total Planning Review Fees	Date Building Permit Applications Submitted	Date Building Permits Issued	Date of Final Inspection Sign-Off	Total Construction Fees (including utility fees)
Major Tenant Improvement Project: Chavez Market on Mission Blvd	N/A				8/17/2011	12/15/2011	9/12/2012	\$152,549.38
New Club/Restaurant: ME Restaurant and Lounge on B Street	CUP: 4/20/2009 Text Amdmt: 9/25/2009	1/17/2010	Planning Commission/ City Council	\$5,000	1/22/2010	5/28/2010	8/27/2010	\$104,920.67
Grand Foods Industrial User Tenant Improvement	N/A				10/12/2011	1/27/2012	4/13/2012	\$35,701.46
508 sq. ft. Single-Family Residential Room Addition	N/A				11/9/2011	1/3/2012	5/10/2012	\$11,343.33

ECONOMIC AND FISCAL IMPACTS

While there are numerous factors that contribute to a robust and comprehensive economic environment (e.g., competitive fees, safe and clean community, high quality local school system, exemplary local public services, incentives for targeted businesses, etc.), providing a predictable and streamlined development review process helps attract new businesses, as well as retain existing ones. Also, maintaining and enhancing such processes provides a valuable service to Hayward residents, including those that are not experienced in acquiring permits and land use approvals.

To help applicants identify fees that will be applicable to their projects, staff:

- recommended and Council approved a simplification of the City's Master Fee Schedule (related to tenant improvements and residential remodels);
- created packages of work fees for kitchen and bathroom remodels so applicants do not need to look up in the fee schedule and add each individual fee; and
- now includes phone numbers on building permit handouts for staff in other departments besides the Building Division (sewer connection fees, etc.) so applicants can get fee estimates based on project details.

From a municipal finance perspective, having a streamlined and efficient development review process that minimizes subsidy from the General Fund is more important than ever, particularly given the elimination of redevelopment agencies and the challenge recently in providing high

levels of service with diminished property and sales tax revenues.,. The Finance Director provided an overview of revisions to development review fees, including to most of the Planning fees and some of the Building fees, during an April 24, 2012 Council meeting, and the staff report for that presentation is at <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2012/CCA12PDF/cca042412full.pdf> (agenda item #12).

As indicated during this Council meeting, development review fees for the Building Division fully cover permitting costs. Regarding the Planning Division, most planning application fees are on a time-and-materials basis, and the hourly rate was increased for this fiscal year to do a better job of cost recovery. Also, most fixed Planning fees were also increased, after an analysis found that previous fees were not providing cost recovery. Because many activities and projects in Planning are not cost-recoverable and involve Current Planning Section staff (e.g., work on the regional Sustainable Communities Strategy, update to the Hayward Airport Land Use Compatibility Plan, various sustainability efforts and research), full cost recovery will not be achieved. In addition, as the City strives to be more “business friendly”, staff is looking at where and when it may make business sense to recommend to Council that the City not charge fees, waive fees, or defer fees in order to support development of an attractive or desirable project. A planned full-fee analysis is planned for later this fiscal year, given it has been over four years since the last time such comprehensive analysis was done.

The City’s fiscal year 2013 Master Fee Schedule is available on the City’s website at <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/FINANCE/documents/2012/MasterFeeSchedule2013.pdf>.

PUBLIC CONTACT

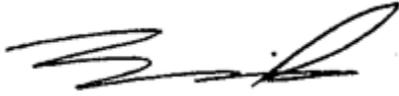
Notice of this work session was published in *The Daily Review* newspaper on September 22, 2012. Also, members of Hayward’s Development Review Focus Group were notified of the work session.

NEXT STEPS

Staff will continue to place a high priority on customer service, meeting established performance standards, and supporting economic development goals: with development of an update of Hayward’s Economic Development Strategic Plan that is planned for adoption in early 2013, staff will work aggressively to implement actions of that Plan, particularly those related to the development review processes. Finally, staff will present to Council recommendations for staffing changes to further improve processes during recommended mid-fiscal year budget adjustments.

Prepared by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Summary of Permit Center Customer Survey Card Responses from Last Few Fiscal Years
- Attachment II: Hayward Development Review Focus Group Meeting Topics List
- Attachment III: CEQA Review Flowchart
- Attachment IV: List of Various Types of Permits Issued in Fiscal Year 2012 and Fiscal Year 2013 through August 31, 2012
- Attachment V: List of Inspection Types
- Attachment VI: Development Services Organizational Chart
- Attachment VII: Glossary of Common Planning and Subdivision Terms

CITY OF HAYWARD
Development Services Department
Summary of Customer Survey Card Responses

FY12	Based on 197 Survey Cards		
	Excellent or Good	Fair or Poor	
Overall, how is our service?	92%	8%	
Courtesy of Receptionist	96%	4%	
Courtesy of Professional Staff	96%	4%	
Knowledge of Professional Staff	96%	4%	
	YES	NO	
Were you initially assisted within 15 minutes?	95%	5%	
Did you get adequate information and were all your questions answered?	93%	7%	
	30 Minutes	30-60 Minutes	More than 1 hour
How long was visit in total?	55%	29%	16%
	Total		
Who assisted you?			
Building Division	114		
Planning Division	81		
Fire Department	32		
Community Preservation	3		
Rental Housing	0		
Other	0		
	Total		
Number of Visitors to the Permit Center			
Building Division	4140		
Planning Division	1884		
Building & Planning Divisions	231		
Development Engineering	96		
Encroachment	117		
Fire Department	826		
General Inquiries	653		
Total Number of Visitors	7947		

FY11	Based on 188 Survey Cards		
	Excellent or Good	Fair or Poor	
Overall, how is our service?	94%	6%	
Courtesy of Receptionist	99%	1%	
Courtesy of Professional Staff	95%	5%	
Knowledge of Professional Staff	94%	6%	
	YES	NO	
Were you initially assisted within 15 minutes?	93%	7%	
Did you get adequate information and were all your questions answered?	98%	2%	
	30 Minutes	30-60 Minutes	More than 1 hour
How long was visit in total?	63%	27%	10%
	Total		
Who assisted you?			
Building Division	115		
Planning Division	74		
Fire Department	30		
Community Preservation	0		
Rental Housing	1		
Other	0		
	Total		
Number of Visitors to the Permit Center			
Building Division	5720		
Planning Division	2996		
Building & Planning Divisions	578		
Development Engineering	126		
Encroachment	203		
Fire Department	1561		
General Inquiries	1333		
Total Number of Visitors	12517		

FY10	Based on 786 Survey Cards		
	Excellent or Good	Fair or Poor	
Overall, how is our service?	97%	3%	
Courtesy of Receptionist	98%	2%	
Courtesy of Professional Staff	97%	3%	
Knowledge of Professional Staff	97%	3%	
	YES	NO	
Were you initially assisted within 15 minutes?	97%	3%	
Did you get adequate information and were all your questions answered?	97%	3%	
	30 Minutes	30-60 Minutes	More than 1 hour
How long was visit in total?	77%	19%	4%
	Total		
Who assisted you?			
Building Division	333		
Planning Division	333		
Fire Department	104		
Community Preservation	3		
Rental Housing	5		
Other	0		
	Total		
Number of Visitors to the Permit Center			
Building Division	5842		
Planning Division	3693		
Building & Planning Divisions	888		
Development Engineering	175		
Encroachment	262		
Fire Department	1541		
General Inquiries	1646		
Total Number of Visitors	14047		

FY09	Based on 252 Survey Cards		
	Excellent or Good	Fair or Poor	
Overall, how is our service?	98%	2%	
Courtesy of Receptionist	100%	0%	
Courtesy of Professional Staff	98%	2%	
Knowledge of Professional Staff	97%	3%	
	YES	NO	
Were you initially assisted within 15 minutes?	97%	3%	
Did you get adequate information and were all your questions answered?	97%	3%	
	30 Minutes	30-60 Minutes	More than 1 hour
How long was visit in total?	70%	25%	5%
	Total		
Who assisted you?			
Building Division	114		
Planning Division	108		
Fire Department	41		
Community Preservation	1		
Rental Housing	0		
Other	0		
	Total		
Number of Visitors to the Permit Center			
Building Division	6096		
Planning Division	3683		
Building & Planning Divisions	515		
Development Engineering	100		
Encroachment	357		
Fire Department	1531		
General Inquiries	1305		
Total Number of Visitors	13587		

**FOCUS GROUP
Meeting Topics
2009 - 2012**

Meeting Date	Topics Discussed
2009	
December 2, 2009	<ul style="list-style-type: none"> - Overview of Hayward's Development Review Processes - General Discussion and Identification of Specific Areas of Concern
2010	
February 3, 2010	<ul style="list-style-type: none"> - Overview of Development Review Pre-Application and Planning Review Processes <ul style="list-style-type: none"> • Informal pre-application assistance at the counter/formal pre-application meetings • Review of Flow Charts • Review of Planning Handouts • Development Application Customer Survey
April 7, 2010	<ul style="list-style-type: none"> - Pre-Application and Planning Review Processes <ul style="list-style-type: none"> • Review of Sample Draft Flow Charts • Review of Sample Draft Planning Handouts • Review of Draft Development Application, Instructions & Checklist • Review of Draft Development Application Customer Survey
June 2, 2010	<ul style="list-style-type: none"> - Pre-Application and Plan Check Review Processes <ul style="list-style-type: none"> • Development Review Process Flowchart • General Review/Discussion of Permit/Plan Check Process • Review of revised Permit Application • Review of Submittal Requirements Checklists • Review of Draft Building Division Handouts • General Fee Discussion
August 4, 2010	<ul style="list-style-type: none"> - Inspection Process <ul style="list-style-type: none"> • Permit Summary Sheet • Building Inspection Record Card • Updated Building Inspection Card - IVR Automated Inspection Scheduling System - 2010 new Code adoptions

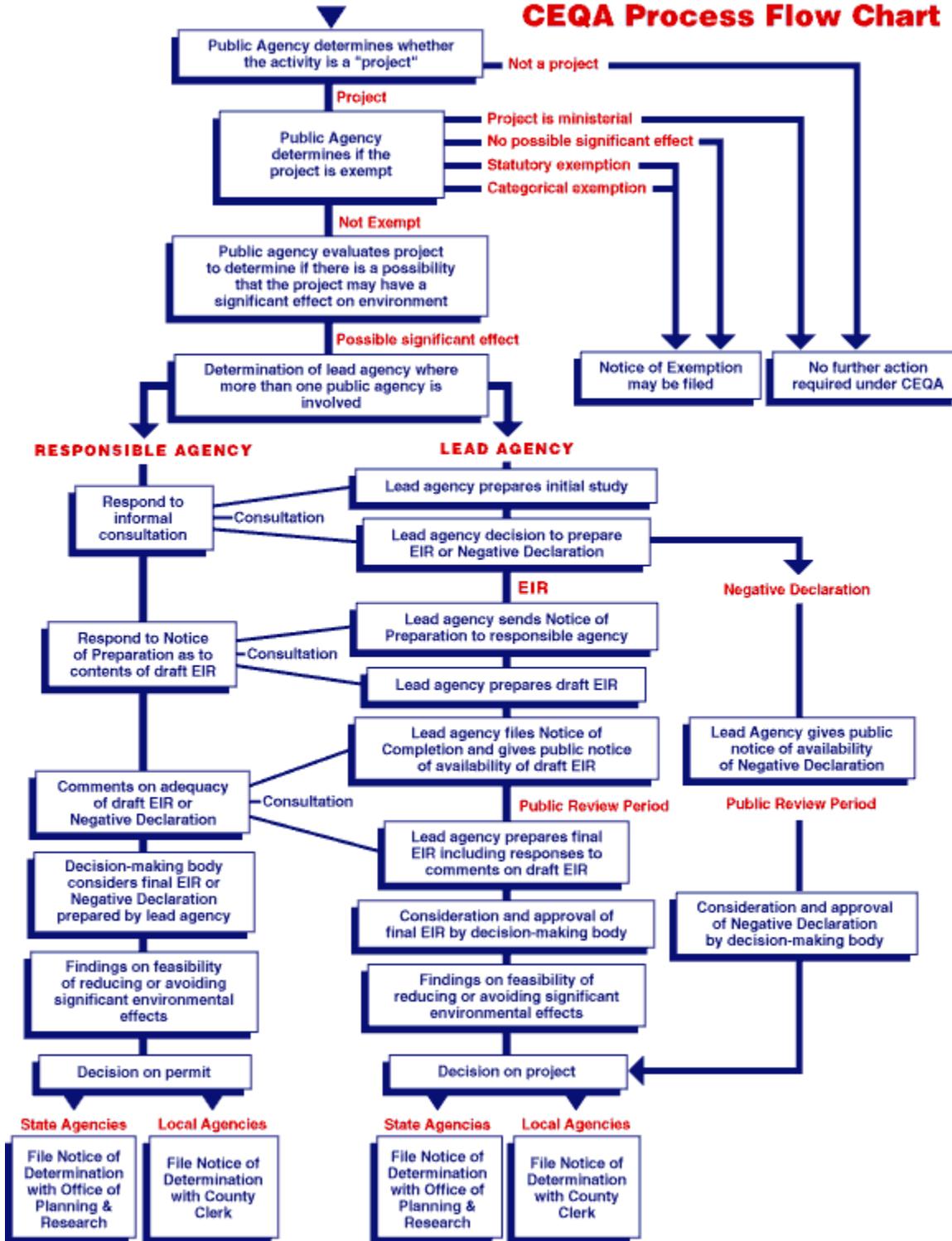
October 6, 2010	<ul style="list-style-type: none"> - Building Fee Discussion <ul style="list-style-type: none"> • Building Division Master Fee Schedule Overview - 2010 New Code Adoptions - Development Services Department Webpage
December 1, 2010	<ul style="list-style-type: none"> - Hayward Fire Department Involvement with Development Review Process
2011	
February 2, 2011	<ul style="list-style-type: none"> - Input on Revisions to the Development Services Department Webpage - Overview of Fee Schedule Challenges for Building Division
April 6, 2011	<ul style="list-style-type: none"> - Expediting Issuing Building Permits for Small Projects
June 1, 2011	<ul style="list-style-type: none"> - Industrial/Commercial Development Issues
August 3, 2011	<ul style="list-style-type: none"> - Downtown Businesses – How to Attract, Assist and Promote Such Businesses?
October 5, 2011	<ul style="list-style-type: none"> - Public Works – Utilities: Involvement in Development Review Process
December 7, 2011	<ul style="list-style-type: none"> - Public Works – Engineering: Involvement in Development Review Process - Commercial Development Fee Options Handout
2012	
February 1, 2012	<ul style="list-style-type: none"> - Review of Draft Restaurant “Road Map” Guide
April 4, 2012	<ul style="list-style-type: none"> - Industrial Sector Discussion/Mini-Conference with Brokers: <ul style="list-style-type: none"> • Open For Business Approach • Application Process • Discussion of Fees & Options <ul style="list-style-type: none"> i. Public Works ii. Fire
June 6, 2012	<ul style="list-style-type: none"> - Hayward Police Department Development Review Issues - Review of revised website & handouts for Development Services Department
August 1, 2012	<ul style="list-style-type: none"> - Review of the types of permits required by the Zoning Ordinance for commercial uses - Overview of Zoning Ordinance regulations for Downtown

CEQA

The California Environmental Quality Act

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CEQA Process Flow Chart



| [CERES](#) | [CEQA Home](#) | [LUPIN](#) | [Wetlands](#) |



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Document URL: <http://ceres.ca.gov/ceqa/flowchart/index.html>

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Permit Activity by Type for Current Fiscal Year

This report does not contain permit type codes starting with 'arch' and 'cp'

Report Print Date & Time: 7/2/2012 1:09:15PM

Sr. No	Permit Type Description	Code	No. of Permits Applied between	
			<u>7/1/2011 & 6/30/2012</u>	<u>7/1/2011 & 6/30/2012</u>
1	Commerical Addition	baddc	0	0
2	Commercial Addition w/ Subs	baddcs	4	4
3	Industrial Addition	baddi	0	0
4	Additional Square Footage	baddsq	0	0
5	Residential Room Addition	badre	0	0
6	Additional Square Footage (for Tr	badsqf	0	0
7	Arbor/Trellis	barbor	0	0
8	Completion Permit	bbcomp	1	1
9	Demolition Permit	bbdem	0	0
10	Electrical Permit	bbelec	0	1
11	NEW ELECTRICAL 2008 SHELL	bbels	0	0
12	Foundation Only	bbfnd	0	0
13	Mechanical Permit	bbmech	0	0
14	Miscellaneous Permit	bbmisc	43	44
15	NEW MECHANICAL 2008 SHELL	bbmshl	0	0
16	Plumbing Permit	bbplm	0	0
17	NEW PLUMBING 2008 SHELL	bbpls	0	0
18	Revision Permit	bbrevi	0	0
19	Sign Permit	bbsign	0	0
20	Commercial Accessory	bcacc	0	0
21	Addition to Existing Commerical B	bcadd	0	0
22	Commercial Demolition	bcdemo	8	8
23	Change of Contractor	bchcon	30	28
24	Change of Contractor	bchng	0	0
25	Commercial Over the Counter	bcmotc	61	61
26	Commercial Reroof	bcmroo	38	38
27	New Commercial Building	bcnew	0	0
28	New Commercial Building w/ Subs	bcnewb	4	2

Sr. No	Permit Type Description	Code	No. of Permits Applied between		No. of Permits Issued between	
			<u>7/1/2011 & 6/30/2012</u>		<u>7/1/2011 & 6/30/2012</u>	
29	Commercial Accessory	bcomac	28		22	
30	New Commercial Building	bcombl	0		0	
31	Completion Permit	bcompl	3		3	
32	Commercial Remodel, Repair, Maint	bcomre	132		117	
33	Change of Contractor	bcontr	0		0	
34	Commercial Over the Counter	bcoctc	0		0	
35	Commercial OTC w/ Subs	bcoctcs	1		1	
36	Commercial re-model	bcrem	0		1	
37	Commercial Re-roof	bcroof	0		0	
38	New Commercial Shell Only	bcskel	0		2	
39	Deck	bdeck	0		0	
40	Detached Garage/Carport	bdegar	0		0	
41	Demolition Permit	bdemo	0		0	
42	New Dwelling w/Subs	bdwels	0		0	
43	Electrical Permit	belec	0		0	
44	Electrical Permit	belecl	526		515	
45	Electrical Res New Sq. Footage	belesn	0		0	
46	Fire Damage	bfire	0		0	
47	Foundation Only Permit	bfndon	3		4	
48	Foundation Only Permit	bfound	0		0	
49	New Industrial Shell Only	bishel	0		0	
50	Kiosk Permit	bkiosk	0		0	
51	Mechanical Permit	bmech	4		3	
52	Mechanical Permit	bmecha	456		453	
53	Mechanical Res New Sq Footage	bmechn	0		0	
54	Multi-Family Dwelling w/Subs	bmfdfs	0		2	
55	Miscellaneous Permit (See Notes B	bmisc	0		1	
56	Master Plans for Tract	bmstr	0		0	
57	New Multi Family Dwelling	bnmfd	0		0	
58	New Multi-Family Dwelling w/ Subs	bnmfds	0		0	
59	New Single Family Dwelling w/ Sub	bnsfds	3		2	
60	New Tract Shell w/ Subs	bnshel	20		26	
61	New Industrial Building	bnwind	0		0	

Sr. No	Permit Type Description	Code	No. of Permits Applied between		No. of Permits Issued between	
			<u>7/1/2011 & 6/30/2012</u>		<u>7/1/2011 & 6/30/2012</u>	
62	One Time Inspection For Building F	bone	0		0	
63	Patio Enclosure Cover	bpate	0		0	
64	Photo-voltaic Permit	bphoto	0		0	
65	Photo-Voltaic w/ subs	bphovo	66		66	
66	Plumbing Permit	bplumb	0		0	
67	Plumbing Permit	bplumm	766		756	
68	Single Family/Room Addition Plumb	bplums	0		0	
69	Residential Accessory, Pool, Trel	bracc	0		0	
70	Rack Permit	brack	0		0	
71	Storage Racks	bracks	34		24	
72	Residential Addition	bradd	0		0	
73	Residential Room Addition w/Subs	bradws	0		0	
74	Residential Demolition	brdemo	17		17	
75	Residential Accessory	breacc	26		21	
76	Remove Illegal Garage	lregar	0		0	
77	Residential Interior Improvement C	breino	0		0	
78	Revision Over the Counter	breotc	0		0	
79	Reroof Permit Commerical	brerfc	0		0	
80	Reroof Permit Residential	brerfr	0		0	
81	Residential Reroof	breroo	280		277	
82	Residential Exterior Improvement	bresex	0		0	
83	Res Remodel, Repair, Maint (Int./	bresre	37		32	
84	Residential Interior Improvement	bresti	0		0	
85	Revision Permit	brev	54		41	
86	Revision Permit	brevis	0		0	
87	Revision Over the Counter	brevoc	36		36	
88	New Multi-unit Residential	brmult	0		0	
89	New 1 or 2 Family Dwelling	brnew	0		0	
90	Residential Over the Counter	brotc	0		0	
91	Residential Over the Counter 2	brotc2	427		426	
92	Residential CTC w/ Subs	brotcs	96		95	
93	Res Addition w/ Subs	brrasu	42		37	
94	Residential Remodel, Repair, Mainte	brrem	0		0	

Sr. No	Permit Type Description	Code	No. of Permits Applied between	
			<u>7/1/2011 & 6/30/2012</u>	<u>7/1/2011 & 6/30/2012</u>
95	Remove Illegal Garage Conversion	brrgar	0	0
96	Residential Re-roof	brroof	0	0
97	Res Remodel,Repair,Maint(Int/Ext)	brrotc	2	2
98	Res Remodel,Repair,Maint(Int/Ext)	brrsub	0	0
99	Residential Exterior Improvement C	bisexo	0	0
100	Retaining Wall Permit	brwall	0	0
101	Seismic Upgrade	bseis	0	0
102	Seismic Upgrade	bseism	12	13
103	Single Family Residence	bsfr	0	0
104		bsfrm	0	0
105	Single Family Tract Plots w/ subs	bsfrps	159	172
106	Single Family Dwelling with Subs	bsfrsu	0	0
107	Single Family Residence Tract Plo	bsfrt	0	0
108	Single Family Tract Plots w/Subs	bsfrt2	0	0
109	Single Family Tract Plot with Sub	bsfrt3	0	29
110	Shed	bshed	0	0
111	Siding	bside	0	0
112	Sign Permit	bsign	0	0
113	Sign Permit	bsigns	9	7
114	Spray Booth	bspray	0	0
115	Stucco	bstucc	0	0
116	Swimming Pool - Public	bswmpb	0	0
117	Swimming Pool - Private	bswmpr	0	0
118	Tank	btank	0	0
119	Temporary Construction Trailer	btempt	0	0
120	Termite Work	bterm	0	0
121	Tenant Improvement	bti	0	0
122	Tenant Improvement Commerical	btic	0	0
123	Tenant Improvement Industrial	btii	0	0
124	Tenant Improvement Over Counter	btioc	0	0
125	New Tract Permit	btract	0	0
126	Construction Trailers	btrail	0	0
127	Trash Enclosure	btrash	0	0

Sr. No	Permit Type Description	Code	No. of Permits Applied between	
			<u>7/1/2011 & 6/30/2012</u>	<u>7/1/2011 & 6/30/2012</u>
128	New Tract Permit w/Subs	btrasu	0	1
129	Master Plan Review	btrmst	4	1
130	Replace Windows	bwindo	0	0
	Sub Total for Permit Type b		3,432	3,392
131	One Time Temporary Activity Permi	fltime	138	57
132	Fire Alarm/Detection Systems	falarm	57	52
133	Alternative Means Of Protection R	faltma	9	5
134	FD Construction Permit.	fconst	10	10
135	FD Fairview Planning Referral	ffplan	2	1
136	Miscellaneous HazMat Permits	fhmisc	4	4
137	Mobile on-site fueling service	fhmosf	0	0
138	Haz Mat Storage Project - AST Ins	fhmsai	1	1
139	HazMat Storage Project - AST Remo	fhmsar	2	2
140	Haz Mat Storage Project - Constru	fhmsco	6	5
141	Haz Mat Storage Project - UST Pip	fhmspi	3	3
142	Haz Mat Storage Project - UST Pip	fhmspr	1	1
143	Haz Mat Storage Project - Storage	fhmsre	1	1
144	Haz Mat Storage Project - UST Ins	fhmsui	0	0
145	Haz Mat Storage Project - UST Rem	fhmsur	3	3
146	UST Leak Det Sys- Install, Remove	fhust	0	0
147	Install/Upgrade of UST EVR System	fhvri	0	0
148	Permit Required by Outside Agency	fpoacy	7	6
149	Fire Protection Systems	fepklr	136	137
150	Underground Fire Line	fuf1	19	18
151	Fire Department Annual Inspection	fyear	822	804
	Sub Total for Permit Type f		1,221	1,120
152	PL Annexation	planx	0	0
153	PL Administrative Use Permit	plaup	33	21
154	PL Certificate of Compliance	plcc	3	0
155	PL Certificate of Merger	plcm	1	0
156	PL Conditional Use Permit	plcup	13	1
157	PL Development Agreement	pldev	1	0
158	PL Encroachment Permit	plep	3	3
159	PL Administrative Encroachment Pe	plepa	256	241

Sr. No	Permit Type Description	Code	No. of Permits Applied between		No. of Permits Issued between	
			<u>7/1/2011 & 6/30/2012</u>		<u>7/1/2011 & 6/30/2012</u>	
160	PL Food Vendor Permit	plfvp		4		3
161	Security Gate	plgate		0		0
162	PL General Plan Amendment	plgpa		1		0
163	PL Historic Designation	plhist		1		0
164	PL Lot Line Adjustment	pllla		6		0
165	PL Lighting & Landscape District	pllld		0		0
166	PL Parcel Map	plprcl		2		0
167	PL Sign Permit	plsign		22		0
168	PL Administrative Sign Permit	plspl		29		20
169	PL Site Plan Review	plspr		8		4
170	PL Administrative Site Plan Review	plspra		5		6
171	PL Text Amendment	plta		3		1
172	PL Tract Map	pltrct		0		0
173	Tree Preservation	pltree		0		1
174	PL Temporary Use Permit	plgup		0		0
175	PL Utility Service Agreement	plusa		0		2
176	PL Variance	plvar		1		1
177	PL Administrative Variance	plvara		2		1
178	PL Zone Change	plzcc		3		2
179	PW Grading Permit	pwgrad		6		0
	Sub Total for Permit Type p			465		367
180	Web Issued New Cooling System	wac		0		0
181	Web Issued New Heating System	wfurn		0		0
182	Web Issued Residential Reroof Per	wrerfr		0		0
183	Web Issued New Electrical Service	wservi		0		0
184	Web Issued Termites Work Permit	wterm		0		0
185	Web Issued Termites Permit w/Plumb	wtermp		0		0
186	Web Issued Water Heater Permit	wwater		0		0
	Sub Total for Permit Type w			0		0

Sr. No	Permit Type Description	Code	No. Of Permits Applied between <u>7/1/2011 & 6/30/2012</u>	No. of Permits Issued between <u>7/1/2011 & 6/30/2012</u>
			5,058	4,809

End Of Report

Building

Permit Summary By Type

Period Begin Date: 7/1/2012
 Period End Date: 8/31/2012
 Type of Permit: Fire Permits

Report Print Date & Time: 9/18/2012 4:00:26PM

<u>permit</u>	<u>Type Description</u>	<u>Permit Type</u>	<u>Permit</u>	<u>Fees Paid</u>	<u>Project Valuation</u>
1	One Time Temporary Activity Permit	fitime	7	2,888.00	0.00
2	Fire Alarm/Detection Systems	falarm	13	19,186.00	0.00
3	Alternative Means Of Protection Re	faltma	1	0.00	0.00
4	FD Construction Permit	fconst	2	1,898.00	0.00
5	Miscellaneous HazMat Permits	fhmisc	2	568.00	0.00
6	Mobile on-site fueling service	fhmosf	1	0.00	0.00
7	Haz Mat Storage Project - Construc	fhmsco	2	1,965.00	0.00
8	Haz Mat Storage Project - Storage R	fhmsre	1	0.00	0.00
9	Fire Protection Systems	fspklr	18	32,912.00	0.00
10	Underground Fire Line	fuf1	4	1,200.00	0.00
11	Fire Department Annual Inspection	fyear	118	77,142.00	0.00

Total Number of Permits Issued:	169
Total Fees Paid:	137,819.00
Total Project Valuation:	0.00

Building

Permit Summary By Type

Period Begin Date: 7/1/2012
 Period End Date: 8/31/2012
 Type of Permit: Building Permits

Report Print Date & Time: 9/18/2012 3:59:07PM

<u>Permit</u>	<u>Type Description</u>	<u>Permit Type</u>	<u>Permit</u>	<u>Fees Paid</u>	<u>Project Valuation</u>
1	Miscellaneous Permit	bbmisc	9	26,974.21	1,866,600.7
2	Commercial Demolition	bcdemo	4	2,204.14	30,600.00
3	Change of Contractor	bchcon	1	163.77	0.00
4	Commercial Over the Counter	bcmotc	9	6,439.61	145,772.00
5	Commercial Reroof	bcmroo	15	29,714.84	2,245,748.0
6	Commercial Accessory	bcomac	4	9,660.51	161,400.00
7	Commercial Remodel, Repair, Maint.	bcomre	11	56,155.91	2,234,359.0
8	Electrical Permit	belect	78	18,387.00	0.00
9	Foundation Only Permit	bfdon	1	1,780.64	25,000.00
10	Mechanical Permit	bmech	1	149.31	0.00
11	Mechanical Permit	bmecha	62	14,082.27	0.00
12	New Single Family Dwelling w/ Subs	bnsfds	2	16,028.61	462,426.41
13	New Tract Shell w/ Subs	bnshal	2	17,035.30	2,774,135.5
14	Photo-Voltaic w/ subs	bphovo	7	2,100.00	108,300.00
15	Plumbing Permit	bplumm	127	23,202.81	0.00
16	Storage Racks	bracks	6	23,659.51	131,474.00
17	Residential Demolition	brdemo	1	470.20	3,500.00
18	Residential Accessory	breacc	3	1,849.51	33,380.00
19	Residential Reroof	breroo	60	23,416.41	732,772.00
20	Res Remodel, Repair, Maint (Int./E	bresre	6	13,128.41	143,000.00
21	Revision Permit	brev	20	18,749.71	120,100.00
22	Revision Over the Counter	brevoc	5	1,539.81	0.00
23	Residential Over the Counter 2	brotc2	77	28,543.00	441,335.00
24	Residential OTC w/ Subs	brotcs	19	21,344.64	512,504.00
25	Res Addition w/ Subs	brrasu	6	20,179.61	253,232.91
26	Res Remodel, Repair, Maint (Int/Ext) w	brrotc	1	4,022.51	120,000.00
27	Res Remodel, Repair, Maint (Int/Ext) w	brsub	1	325.01	1,000.00
28	Seismic Upgrade	bseism	1	1,016.11	24,850.00
29	Single Family Tract Plots w/ subs	bsfrps	16	197,411.20	2,771,509.6
30	Single Family Tract Plot with Subs	bsfrt3	9	63,509.11	3,655,619.3
31	Sign Permit	bsigns	2	1,090.44	21,200.00

<u>permit Type Description</u>	<u>Permit Type</u>	<u>Permit</u>	<u>Fees Paid</u>	<u>Project Valuation</u>
Total Number of Permits Issued:		566		
Total Fees Paid:			644,334.94	
Total Project Valuation:				19,019,818.79



POST IN A CONSPICUOUS PLACE ON THE JOB

CITY OF HAYWARD BUILDING DIVISION BUILDING INSPECTION RECORD CARD

Building Inspection Request Line (510) 583-4148 Online request: www.hayward-ca.gov

VALID FOR 1 YEAR FROM ISSUANCE DATE

APPROVED CONSTRUCTION HOURS 7:00 am to 7:00 pm Monday-Saturday 10:00 am to 6:00 pm Sunday/Holidays

Soils Engineer _____

Temporary Power Pole (146) _____

REQUIRED PRIOR TO FOUNDATION INSPECTION

UNDERGROUND INSPECTIONS:

Fire Mains/P.I. V/IOS&Y/Laterals (Fire Department 583-4900) _____

Sewer Lateral (157) _____

Sewer Cap (129) _____

Water Service (161) _____

Plumbing (159) _____

Electrical (149) _____

DO NOT BACKFILL UNTIL ABOVE IS APPROVED

IN/UNDER SLAB INSPECTIONS:

Plumbing (162) (160) _____

Electrical (144) (150) _____

Reinforcement (170) _____

DO NOT PLACE CONCRETE UNTIL ABOVE IS APPROVED

CONCRETE/GROUT INSPECTIONS:

Hydrants (Live) (Fire Department 583-4900) _____

Fire Access per Approved Plan (Fire Department 583-4900) _____

Setbacks (184) _____

Electrodes (148) _____

Footings (107) _____

Piers (119) _____

Hold Downs (111) _____

Foundation (108) _____

Slab on Grade (132) _____

Concrete Block (103) _____

Grout (110) _____

Post Tension Cable (124) _____

Retaining Wall Footing (191) _____

Retaining Wall Reinforcement (192) _____

DO NOT PLACE CONCRETE UNTIL ABOVE IS APPROVED

RAISED UNDERFLOOR INSPECTIONS:

Plumbing (158) _____

Mechanical (168) _____

Electrical (151) _____

Frame (139) _____

Insulation (140) _____

DO NOT INSTALL SUBFLOOR UNTIL ABOVE IS APPROVED

SHEAR/NAILING INSPECTIONS:

Floor Nail (180) _____

Shear Nailing Interior _____ or _____

Shear Nailing Exterior (117) _____

Roof Frame (109) _____

Roof Nail (115) _____

DO NOT COVER UNTIL ABOVE IS APPROVED

ROUGH INSPECTIONS:

Plumbing (152) _____

Gas Piping (156) _____

Mechanical (163) _____

Electrical (141) _____

Frame (109) _____

MISC ROUGH INSPECTIONS:

Process Piping Pressure (165) _____

Process Piping Steam (166) _____

Fireplace (106) _____

Draft Curtains (105) _____

Seismic Upgrade (128) _____

INSULATION INSPECTIONS:

Walls (112) _____

Ceiling/Attic (112) _____

DO NOT INSTALL SHEETROCK UNTIL ABOVE IS APPROVED

SHEETROCK NAIL/SCREW:

Walls (116) _____

Ceiling/Attic (114) _____

RC Channel - Walls (185) _____

RC Channel - Ceiling (186) _____

LATH & PLASTER INSPECTIONS:

Interior or Exterior Lath (113) _____

Stucco (Scratch) (173) _____

Stucco (Brown) (174) _____

T-BAR INSPECTIONS:

Mechanical (167) _____

Electrical (147) _____

Building (137) _____

DO NOT INSTALL TILES UNTIL ABOVE APPROVED

REROOFING INSPECTIONS:

Pre Roof (123) _____

Pre Deck (187) (Use when overlaying skip sheeting) _____

Roof Nail (115) _____

MISCELLANEOUS INSPECTIONS:

Gas Test (154) _____

Tub/Shower Pan (193) _____

Grease Interceptor (188) _____

Tilt-Up Panels (138) _____

Storage Racks (125) _____

Electric Meter (194) _____

Waterproofing/Membrane (195) _____

SWIMMING POOLS:

Pre-Gunite Swimming Pool (121) _____

Pre-Deck Swimming Pool (120) _____

Pre-Plaster Swimming Pool (122) _____

PRE-FINAL INSPECTIONS:

Fire Department (583-4900) _____

Haz Mat (583-4900) _____

Planning (583-4200) _____

Landscaping (583-4208) _____

Solid Waste (583-4725) _____

Storm Water Maintenance Agreement (583-4735) _____

FINAL INSPECTIONS:

Public Works (583-4755) _____

Plumbing (153) _____

Mechanical (164) _____

Electrical (142) _____

Site Final (131) _____

Building Final (100) _____

General List of Fire Prevention office Inspections for New Projects

- underground fire line (visual, hydrostatic and flush)
- overhead fire sprinkler system (visual, hydrostatic pressure test, final)
- fire alarm (100% functional, visual)
- site (access roads, red curbing)
- commercial kitchen (functional test, visual)
- close out (final) of building permit requirements

**FY 2013 & FY 2014 STAFFING
30.25 FTE**

Development Services



GLOSSARY OF COMMON PLANNING AND SUBDIVISION TERMS

PLANNING TERMS

ADMINISTRATIVE USE PERMIT (AUP)

Approval of an AUP is required before certain uses may be established in the City. The list of uses that require an AUP varies by zoning district. The purpose of an AUP is to assure that certain uses, as specified in the various zoning districts, are permitted where there is a community need, and that the uses occur in maximum harmony with the area and in accordance with city policies and regulations. Conditions, which are attached to AUPs, are intended to ensure harmony, and may include such things as limits on hours of operation or visual improvements. An application for a site plan review and/or a variance may be processed concurrently with an AUP application. AUPs require that four findings be made and are typically processed administratively.

CONDITIONAL USE PERMIT (CUP)

The purpose and required findings for a CUP are similar to an AUP. A CUP is typically required for more complex and potentially more impacting uses. Unlike AUPs, CUPs require Planning Commission review and approval at a noticed public hearing.

ENCROACHMENT PERMIT

An encroachment permit allows work or an activity to be performed within public easements or public rights-of-way.

GENERAL PLAN ADMENDMENT

The General Plan is the main policy document for Hayward's future and is the primary basis for determining acceptable land uses and related park, road and other infrastructure needs. The General Plan land use map identifies a general land use category for each property in the City of Hayward, including properties outside the City boundaries generally within Hayward's Sphere of Influence. Zoning and development proposals must be consistent with the General Plan. A General Plan Amendment entails either a change to the General Plan text or to the land use map, requires findings to be made, and, like a Zone Change or Text Amendment, entails a public hearing before the Planning Commission, which makes a recommendation to the City Council. The City Council considers General Plan Amendments at noticed public hearings.

SITE PLAN REVIEW

A site plan review is required along with land use permits for all new commercial and residential development (and industrial development that abuts residentially-zoned land) when the design of a project is not consistent in its entirety with the City of Hayward Design Guidelines and Development Policies, or materially alters the appearance and character of the property or area. It includes design review of structures, fencing (including security gates), signs and landscaping to assure compliance with local, state and federal requirements.

VARIANCE

A variance requires that three findings be made and provides flexibility in applying zoning, parking, and sign regulations that would result in hardship due to physical peculiarities of a property. Variances for increased density to allow a land use not listed in the zone district, or for

GLOSSARY OF COMMON PLANNING AND SUBDIVISION TERMS

garage conversions, may not be granted. Variances require Planning Commission review and approval at noticed public hearings.

ZONE CHANGE

A zone change or reclassification is an action by the city Council, upon recommendation by the Planning Commission, to change the permitted uses on a particular parcel of land. A rezoning application is evaluated on the conformity with the General Plan, Neighborhood Plan, environmental impacts and other factors. A zone change or reclassification requires that five findings be made by the City Council and Planning Commission.

TEXT CHANGE

A text change is processed similarly as a zone change, and involves an amendment to the Zoning Ordinance text.

GLOSSARY OF COMMON PLANNING AND SUBDIVISION TERMS

SUBDIVISION TERMS

CERTIFICATE OF MERGER

A Certificate of Merger is required to combine two or more separate adjacent legal parcels under common ownership, and is often required whenever a building is proposed to be constructed over a property line. City staff prepares the certificate and records it with the Alameda County Recorder's Office.

LOT LINE ADJUSTMENT

A Lot Line Adjustment is required for any property boundary change between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel and where no additional parcels are created.

TENTATIVE MAP

Refers to a subdivision map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

TENTATIVE PARCEL MAP

A tentative map associated with the creation of four or fewer parcels, four or fewer condominiums, a community apartment project containing four or fewer parcels, or for the conversion of a dwelling to a stock cooperative containing four or fewer dwelling units.

TENTATIVE TRACT MAP

A tentative map associated with the creation of five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units.

PARCEL MAP

A subdivision map that contains detailed and accurate survey information for a property, showing the four or fewer parcels created with the map. Such maps are recorded in the Alameda County Recorder's Office and must be found to be consistent with the associated tentative parcel map.

FINAL MAP

A subdivision map that contains detailed and accurate survey information for a property, showing the five or more parcels created with the map. Such maps are recorded in the Alameda County Recorder's Office and must be found to be consistent with the associated tentative tract map.



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 18, 2012, 7:00 p.m.**

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

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that Council met with legal counsel pursuant to Government Code 54956.9; with property negotiators pursuant to Government Code 54956.8 regarding property transactions APN 432-0124-001-04 & APN 432-0124-002-00; and with Legal Counsel pursuant to Government Code 54956.9 regarding City of Hayward, etc. v. Young, et al., Alameda County Superior Court No. HG11609627. There were no reportable items.

PUBLIC COMMENTS

Ms. Wynn Greich, Industrial Parkway resident, referred to an article by Dr. Mercola entitled, “Harvard Study Confirms Fluoride Reduces Children’s IQ,” and spoke about health problems resulting from the presence of arsenic in drinking water. Ms. Greich submitted information about drinking water from the Albuquerque Bernalillo County Water Utility Authority.

Mr. Elie Goldstein, owner of Kraski’s Nutrition on Foothill Boulevard, thanked Council for the new Municipal Parking Lot #5. Mr. Goldstein voiced concerns about the elimination of parking on the west side of Foothill Boulevard and suggested that flex parking during off peak traffic hours be considered. He also shared that there was loss of revenue from decreased foot traffic caused by the construction.

Mr. Jarrod Carozza, owner of Foothill Coin and Jewelry, shared his accountant’s report of the steep loss in revenue as a result of the Route 238 Mission Corridor Project construction. Mr. Carozza reiterated his inquiry about reimbursement for businesses that have lost revenue and suggested one option for non-monetary reimbursement was newspaper advertisements.

Mr. Ignacio Trejo, owner of K01Fitness Academy on Foothill Boulevard, noted he lost half of his clientele as a result of lack of parking in front of his business due to the Route 238 Mission Corridor Project construction and the fact that his business does not have a back door exit. Mr. Trejo asked if there was any form of reimbursement assistance for the lost revenue.

Mr. Jim Drake, Franklin Avenue resident, thanked City Manager David for directing staff to have the basement gate open while Council was in session and thanked staff for removing old furniture from his street. Mr. Drake submitted a map for the record.

Mr. Charlie Peters, with Clean Air Performance Professionals, referred to a document he submitted regarding the Environmental Protection Agency's extension of the deadline for comments to waive the Renewable Fuels Standard, which requires corn ethanol to be blended into gasoline.

Mayor Sweeney said he had been informed about a problem with out of control dogs on Schafer Road and requested staff to work with residents to resolve the issue.

In response to Mayor Sweeney's inquiry regarding parking on Foothill Boulevard, City Manager David noted that staff was reviewing options and would present them within two weeks and added that staff was researching the possibility of reimbursements to businesses that lost revenue through marketing and other options.

CONSENT

Consent Item No.1 was removed for further discussion.

1. Dixon Street Improvements - Tennyson Road to Valle Vista Avenue: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Assistant City Engineer Owusu, dated September 18, 2012, was filed.

In response to Council Member Mendall's question about lessons learned from the construction along Mission Boulevard to mitigate inconveniences, City Manager David noted there would be traffic management and pre-noticing improvements for future projects. It was noted that there were no provisions for hiring local contractors.

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

Resolution 12-149, "Resolution Approving Plans and Specifications for the Dixon Street Improvements – Tennyson Road to Valle Vista Avenue Project, Project No. 5167, and Call for Bids"

2. Park In-Lieu Fee Allocation to the Hayward Area Recreation and Park District (HARD) for Skywest Golf Course Improvements Projects and Silver Star Veterans Park Bocce Ball Court Reconstruction Project

Staff report submitted by Landscape Architect Koo, dated September 18, 2012, was filed.



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 18, 2012, 7:00 p.m.**

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

Resolution 12-148, “Resolution Approving Request of Hayward Area Recreation and Park District for Allocation of Park Dedication In – Lieu Fees for the Purpose of Reconstructing Skywest Golf Course Putting Green #4 and Capital Improvements at Skywest Golf Course, and Rebuilding Bocce Ball Court at Silver Star Veterans Park”

LEGISLATIVE BUSINESS

3. Introduction of Ordinance Amending the Hayward Municipal Code Chapter 11, Article 3 by adding Section 11-3.404 to accept Fats, Oil and Grease (FOG) Waste at the Water Pollution Control Facility, and Establishing Fees and Charges for Permitting and Receiving Fats, Oil and Grease

Staff report submitted by Administrative Analyst III Mosher, dated September 18, 2012, was filed.

Director of Public Works-Utilities and Environmental Services Ameri provided a synopsis of the report.

In response to Council Member Peixoto, Public Works Director Ameri noted that using truck capacity to determine the minimum FOG disposal charge was the industry standard.

Council Member Mendall questioned charging a fee per gallon of Fats, Oils and Grease (FOG) disposal when the energy production would be financially beneficial to the City. Director of Public Works Ameri noted that the per-gallon fee would help pay the capital costs for the construction of the FOG receiving station. It was noted that if the market became competitive, the ordinance would need to be revised.

In response to Mayor Sweeney’s question, Director of Public Works Ameri said it was anticipated the capital expense for construction of the FOG receiving station would be paid off in five to seven years.

In response to Council Member Zermeño’s inquiry, Director of Public Works Ameri noted that the Water Pollution Control Facility would not require additional staff to run the station, and explained the process of waste haulers transferring the liquid waste to the FOG receiving station.

Director of Public Works Ameri explained for Council Member Halliday that large restaurants are required to have grease/oil interceptors on site and that smaller restaurants have grease traps under

the sink. Ms. Halliday suggested educating residents on how to dispose of FOG would be a step toward alleviating disposal problems that could harm storm drains.

There being no public comments Mayor Sweeney opened and closed the public hearing at 7:49 p.m.

Council Member Salinas offered a motion per staff recommendation. Council Members Peixoto and Mendall seconded the item.

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

Introduction of Ordinance 12-_, “An Ordinance Establishing Policies Regarding the Fats, Oils and Grease (FOG) Receiving Station, and Establishing Fees for Disposal”

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño invited the audience and the Political Science class at Hayward High School to the Keep Hayward Clean and Green Task Force Litter Clean-Up event on September 22, 2012, at Burbank Elementary School.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 7:50 p.m.

APPROVED:

Michael Sweeney, Mayor City of Hayward

ATTEST:

Miriam Lens, City Clerk, City of Hayward

DATE: October 2, 2012

TO: Mayor and City Council

FROM: City Clerk
Development Services Director

SUBJECT: Adoption of an Ordinance Reclassifying the Zoning Designation for 3596 Baumberg Avenue from Light Manufacturing (LM) District and Industrial (I) District to Planned Development (PD) District

RECOMMENDATION

That the City Council adopts the Ordinance introduced on September 25, 2012. The Ordinance was introduced with an amendment to Condition of Approval No. 2 of the Vesting Tentative Tract Map 8039 – PL – 2010-0373 by adding language related to the deed restriction; and with an amendment to Condition of Approval No. 69 by changing the Homeowners' Association (HOA) reference to Property Owners' Association (POA).

Council directed staff to amend Conditions of Approval No. 2 and No. 69.

Condition of Approval No. 2, would read as follows:

2. An irrevocable deed restriction shall be placed over the remaining 52.94-acre undeveloped portion of the 86.83-acre Weber Property in the southern and eastern portions of the site, and all existing wetlands contained within this area, shall continue to be maintained as open space lands in keeping with the requirements of the City of Hayward's Specific Plan. The deed restriction shall insure that land uses are restricted to maintain the existing wetlands in their current state and allow for future enhancement, restoration and establishment of wetlands. *The deed restriction shall also insure that, following final construction of the adjacent Weber Light Manufacturing Project, cultivation of the lands will cease and the site can be grazed by livestock for management purposes in order to maintain low growing vegetation conditions that provide suitable burrowing owl forage habitat.* The document shall be approved by the Planning Director.

Condition of Approval No. 69, would read as follows:

69. The Property Owners' Association (POA) shall be formed and the Conditions, Covenants, and Restrictions (CC&R's) shall be created so that the ~~HOA~~ POA will be responsible for maintaining all private streets, private street lights, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to Cleanwater treatment facilities, landscaping, preservation and replacement

of trees, as well as decorative paving. For any necessary repairs performed by the City in locations under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the POA established to maintain the common areas within the association boundary. The common area landscaping includes all areas except the private rear yards. The CC&R's will also contain a standard condition that if the property owners' association fails to maintain the common areas; private streets, lights and utilities, the City of Hayward will have the right to enter the subdivision and perform the necessary work to maintain these areas and lien the properties for their proportionate share of the costs.

BACKGROUND

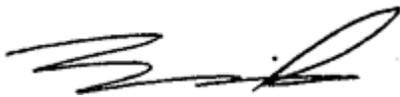
The Ordinance was introduced by Council Member Zermeño at the September 25, 2012, meeting of the City Council with the following vote:

AYES:	Council Members:	Zermeño, Jones, Halliday, Peixoto, Salinas, Mendall
	Mayor:	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, September 29, 2012. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Summary of Ordinance Published on 09/29/12
Attachment II	Conditions of Approval – Revised

**PUBLIC NOTICE OF AN INTRODUCTION OF ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD**

AN ORDINANCE RECLASSIFYING THE ZONING DESIGNATION FOR 3596 BAUMBERG AVENUE FROM LIGHT MANUFACTURING (LM) DISTRICT AND INDUSTRIAL (I) DISTRICT TO PLANNED DEVELOPMENT (PD) DISTRICT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Reclassification - Description. Zone Change Application No. PL-2010-0372 concerns the reclassification of 3596 Baumberg Avenue by rezoning said property from Light Manufacturing (LM) District and Industrial (I) District to Planned Development (PD) District.

Section 2. Reclassification - Findings of Approval. The City Council has adopted Resolution No. 12-153, approving the mitigated negative declaration and the vesting tentative tract map for the project. Based on the findings and determinations in Resolution No. 12-153, the City Council hereby approves the rezoning of 3596 Baumberg Avenue from Light Manufacturing (LM) District and Industrial (I) District to Planned Development (PD) District.

Section 3. Zoning District Index Map. The City Council directs the Development Services Director to amend the Zoning District Index Map on file with the Clerk and the Development Services Department in accordance with the reclassification approved by this Ordinance.

Section 4. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective upon adoption.

Section 5. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance which shall continue in full force and effect provided that the remainder of the ordinance absent the unexcised portion can be reasonably interpreted to give effect to the intentions of the City Council.

Introduced at the meeting of the Hayward City Council held September 25, 2012, the above-entitled Ordinance was introduced by Council Member Zermeño.

This ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on October 2, 2012, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: September 29, 2012
Miriam Lens, City Clerk
City of Hayward

CONDITIONS FOR APPROVAL

September 25, 2012

As amended By the City Council on September 25, 2012

Zone Change Application PL-2010-0372 / Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District and a Tentative Tract Map to Create 14 Parcels.

The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing District.

Vesting Tentative Tract Map 8039 - PL-2010-0373

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

All construction shall meet the California Building Code (CBC) and all applicable City of Hayward Building Department Ordinances (Ordinance #02-13) and amendments.

Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Department Ordinances (Ordinance #02-13) and amendments in use by the Hayward Fire Department.

The developer/subdivider’s Professional Engineers registered to practice in the State of California shall perform all design work unless otherwise indicated.

Unless other stated, all documents, agreements, required improvement bonds or securities, completely signed improvement plans, and signed final map shall be submitted to the City for approval prior to presenting to the City Council for approval.

A copy of these approved conditions of approval shall be inscribed on full-sized sheets in the tract improvement plan sheets.

PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS AND FINAL MAP

In conjunction with the Precise Plan, applicant/developer shall submit tract improvement plans and final map application for the entire project. Said improvement plans and final map shall meet all City standards and submittal requirements except as expressly approved for this Planned Development. The following information shall be submitted with or in conjunction with improvement plans and final map. The City reserves the right to include more detailed conditions of approval regarding required infrastructure based on these more detailed plans:

1. The Weber Property Wetland Mitigation Plan, for the 2.39-acre Mitigation Site, which shall incorporate, the Burrowing Owl Resource Management Plan prepared by Huffman-Broadway Group Inc., dated May 2012, shall be approved by the Army Corps of Engineers and the California Regional Water Quality Control Board. A Conservation Easement, approved by the Army Corps of Engineers and the Regional Water Quality Control Board, shall be recorded for the 2.39-acre site Mitigation Site
2. An irrevocable deed restriction shall be placed over the remaining 52.94-acre undeveloped portion of the 86.83-acre Weber Property in the southern and eastern portions of the site, and all existing wetlands contained within this area, shall continue to be maintained as open space lands in keeping with the requirements of the City of Hayward's Specific Plan. The deed restriction shall insure that land uses are restricted to maintain the existing wetlands in their current state and allow for future enhancement, restoration and establishment of wetlands. *The deed restriction shall also insure that, following final construction of the adjacent Weber Light Manufacturing Project, cultivation of the lands will cease and the site can be grazed by livestock for management purposes in order to maintain low growing vegetation conditions that provide suitable burrowing owl forage habitat.* The document shall be approved by the Planning Director.
3. The Developer shall process the necessary reports, studies and documentation to remove the property from the Federal Emergency Management Agency (FEMA) designated flood zone. This includes, but not limited to, preparation of all necessary documents and reports supporting the addition of fill, and stipulating measures to protect adjacent occupied areas, as required by FEMA and the City of Hayward. A Conditional Letter of Map Revision (CLOMR) issued by FEMA shall be submitted to the City prior to approval of the final map.
4. A detailed drainage study for both offsite and onsite improvements shall be submitted for reviewed and approved by the ACFC&WCD and the City Engineer.
5. A detailed drainage plan designing for offsite drainage facilities to accommodate the runoff associated with the proposed development and as required, incorporating offsite improvements required by the ACFC&WCD and onsite improvements such as storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream drainage facilities to be exceeded. The detailed drainage plan for offsite improvements shall be approved by the ACFC&WCD prior to issuance of any construction or grading permit by the City.

TRACT IMPROVEMENTS PLANS

Geotechnical Investigation Report, Tract Improvement Plans, Grading and Erosion Control Plans, Drainage plans and calculations, SWPPP, and Landscaping and irrigation plans shall be reviewed and approved by the City Engineer. Subject plans shall, in addition to the standard improvements, incorporate the following conditions and design requirements:

6. Tract Improvement Plans shall be approved in concurrence with the Precise Development Plan. Submit the following proposed improvement plans with supporting documents, reports and studies:
 - a. Three original Geotechnical Investigation Reports, in **bound form**, for the proposed development prepared by a State of California licensed Professional Engineer who is authorized to prepare such report;
 - b. Sixteen full size (22"x34") sets of Preliminary Tract Improvement Plans including Grading and Erosion and Sediment Control Plans. Two sets of plans shall have original signatures;
 - c. Five sets of Drainage Plan, Hydrology map with supporting calculations and reports;
 - d. Five sets of Cleanwater treatment plan with supporting calculations and reports;
 - e. Three original Storm Water Pollution Prevention Plans (SWPPP) prepared by a Qualified SWPPP Developer (QSD);
 - f. Sixteen full size (22"x34") sets of Landscaping and irrigation plans prepared by a State of California licensed Landscape Architect. These sets of plans shall be submitted in concurrence with the Preliminary Improvement Plans;
 - g. Ten sets of Preliminary Final Map;
 - h. A complete Development Building Application Information Form consisting of: 1) Impervious Material Form and 2) Operation and Maintenance Information Form, which is available at Public Works Engineering and Transportation Division; and
 - i. Applicable initial deposits required for processing such development application.

Public Street

Baumberg Avenue:

7. All existing utility poles and overhead utility lines along Baumberg Avenue shall be removed and placed underground. Location of utility joint trench shall be reviewed and approved by the City Engineer.
8. Baumberg Avenue shall be designed for an ultimate 60-foot wide right-of-way and 48-foot curb to curb width.
9. The proposed street improvements along Baumberg Avenue from existing improvements at the corner of Industrial Boulevard and Baumberg Avenue to the intersection with Arden Road shall be designed, generally reflective of the alignment and width shown on the submitted vesting tentative tract map, with Portland Cement Concrete curb, gutter, and 5.5-foot wide sidewalk abutting the curb and tie-in pavements.
10. Three standard LED street lights shall be installed along Baumberg Avenue between the railroad track and the intersection with Arden Road.
11. All curb returns shall have a 30-foot radius at the curb face.

12. Baumberg Avenue shall be designed with a T.I of 10 with a minimum AC thickness of five inches when using conventional section.

Private Street A and Private Courts A and B

13. Proposed onsite street improvements shall be designed, generally reflective of the alignment and width shown on the submitted vesting tentative tract map, and as approved by the City Engineer.
14. In general, Street and Court A shall have fifty-eight-foot right-of-way with travel lane width of forty-foot measuring from face of curb to face of curb, five-foot sidewalk on one-side of the street, and six-foot Public Utility Easement (PUE) on both sides of the Street and Court A.
15. In general, Court B shall have sixty-three-foot right-of-way with travel lane width of forty-foot measuring from face of curb to face of curb, five-foot sidewalk and six-foot Public Utility Easement (PUE) on both sides of Court B.
16. Right-of way of these private street and courts shall be designated as private access easement (PAE), emergency vehicle access easement (EVAE), sanitary sewer easement (SSE) and water line easement (WLE).
17. These onsite roadways shall be constructed to the same standards as a public street and shall be designed to facilitate street sweeping, including the layout of trees and pedestrian ramps. The Property Owners' Association shall be responsible for maintaining these onsite roadways, and shall perform street sweeping on a regular basis.
18. At least ten feet of decorative pavement section e.g. interlocking pavers or stamped colored concrete, or bands of decorative paving, shall be installed at the project entrance (Private Street A at Baumberg Avenue). One foot concrete band shall be provided around decorative materials. The Planning Director shall approve the material, color and design and the City Engineer shall approve the pavement section for the decorative paving. Decorative pavements shall be capable of supporting a 75,000 lb. GVW load.
19. Upon any necessary repairs to the public facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the Property Owners' Association.
20. The on-site standard LED streetlights and pedestrian lighting shall have a decorative design approved by the Planning Director. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer. Submit a copy of the photometric plans with the improvement plans. Such fixtures shall have shields to minimize "spill-over" lighting on adjacent properties that are not part of the tract.
21. The interior intersections shall be designed to meet Fire Department access and turning movements. Pedestrian ramps shall be installed to facilitate access and circulation throughout the development.
22. Onsite roadway shall be designed with a TI of 10 and minimum AC thickness of five inches when using conventional section.

Storm Drainage

23. The on-site storm drain system shall be a private system owned and maintained by the property owners' association.
24. Minimum storm drain pipes in the street shall be 12-inch in diameter RCP pipes
Minimum cover over the pipe shall be three feet.
25. The development shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project site. Mitigation measures will be required to mitigate augmented runoff with off-site and/or on-site improvements.
26. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the City Engineer, and in case of referral, the Alameda County Flood Control and Water Conservation District (the Flood Control District).
27. A contingency/emergency overland flow drainage plan to account for blocked drainage inlets and the 100-year flood (the one percent chance flood) shall be submitted for review and approval by the Flood Control District and City Engineer. The emergency overland flow drainage plan shall show emergency overflow within the road right-of-way or emergency overland drainage passage. Show right-of-way or emergency overland drainage passage on the tentative map between lots to allow passage of emergency overland release. The potential area of flooding shall not extend outside the road right-of-way or emergency overland drainage passage, unless approved by the City Engineer. The contingency/emergency overland flow drainage plan shall also address how the adjacent Industrial areas at lower elevation will be protected.
28. If necessary, drainage easements shall be obtained from adjacent property owners for the proposed emergency overland release route. The applicant's project engineer shall evaluate the situation and make appropriate mitigation measures.
29. An Encroachment Permit shall be obtained from the Flood Control District prior to commencement of any work within District right-of-way and for the construction, modification or connection to District-maintained facilities.
30. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
31. An erosion and sedimentation control plan to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook shall be approved by the City Engineer prior to implementing throughout project construction.

Stormwater Quality Requirements:

32. A Storm Water Pollution Prevention Plan shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system for review and approval of the City Engineer.

33. The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The storm drain design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
34. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area or a grassy swale prior to stormwater runoff entering an underground pipe system.
35. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page30). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5 – 12 has a section titled "BMP Design Criteria for Flow and Volume." Those materials are available in the internet at www.cabmphandbooks.com for your reference.
36. The project should be designed to direct runoff to the landscaped yards and common space, prior to entering into the underground pipe system. Unit pavers should also be considered for impervious areas such as the driveways, parking areas and fire truck turnarounds.
37. The developer/subdivider is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

Utilities

38. Language for easements for water and sewer lines not in public rights-of-way shall state that no structures or trees shall be installed in the easement.
39. The City of Hayward is currently working on implementing a Recycled Water Project to utilize recycled water for certain uses, such as irrigation. It is recommended that the proposed development consider utilizing this alternative water source if it becomes available in the future.

Sanitary Sewer

40. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application for service.
41. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City.
42. All public sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval.
43. Each building shall have an individual sanitary sewer lateral.

44. All on-site sanitary sewer mains shall be a minimum of ten-inch in diameter and manhole shall be installed at the change of flow direction, and the beginning and the end of each sanitary sewer main. The sanitary sewer mains shall be located a minimum of 10 feet from the water main.
45. Minimum horizontal separation between sanitary sewer main and storm drain pipe shall be four feet.

Water System

46. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
47. All fire services shall be installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-204. Minimum sizing shall be per Fire Department's requirements.
48. Water service is available subject to standard conditions and fees in effect at the time of application for service.
49. Water mains within the development shall be public mains, configured in a looped system, designed and constructed to the City Standards and Specifications, and approved by the City Engineer.
50. Where a public water main is in an unpaved easement, landscape/walkway area, or under decorative paving, stamped and colored concrete, or pavers, the water main shall be ductile iron pipe with shut-off valve at the beginning and ending of the pipe type change and shall be located five feet from the face of curb (5.5 feet from back of curb).
51. All public water mains shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains (12" Diameter or Less) and Fire Hydrants," latest revision at the time of permit approval.
52. The existing 6" water main in Court B shall be looped and connect back to the proposed 12" water main in Street A. The connection for the loop should be made as close to the end of the existing main as possible in order to avoid a dead-end main.
53. The proposed 12-inch water main in Court A shall loop at the end of the court and then connect to the proposed 12-inch water main located in the easement between Parcels 9 and 10.
54. If the meters and service lines cannot be reused, they must be abandoned by City of Hayward Water Distribution Personnel at the owner's/applicant's expense.
55. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials.
56. Water laterals including meters are to be located a minimum of six feet from sanitary sewer laterals.

57. Water meters and services to be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218.
58. Applicant's engineer shall provide the estimated water demand for domestic and irrigation, each separately, in gallons per minute, so that the supply lines and meters can be appropriately sized.
59. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each domestic and irrigation water meter, per City Standard SD-202.
60. Separate irrigation water meters shall be installed for landscaping purposes.
61. A reduced pressure backflow preventer shall be installed behind the water meter for irrigation services, per City of Hayward Standard Detail 202.
62. Each building shall have its own domestic water meter.
63. All domestic and irrigation water meters shall be radio-read type.
64. Provide water demand (gallons per minute) on the improvement plans so that proper water pipe and meter size may be determined.

Other Utilities (PG&E, cable, phone, etc...)

65. All service to lots shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. All facilities necessary to provide service to the dwellings, including transformers and switchgear, shall also be undergrounded.
66. All surface-mounted hardware (fire hydrants, electroliers, etc.) along onsite roadways shall be located outside the sidewalk within the Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
67. The joint trench design and location shall meet the approval of the City Engineer.
68. All utilities shall be designed in accordance with the requirements of the City and applicable public agency standards.

Property Owners' Association and Conditions, Covenants and Restrictions

69. The Property Owners' Association (POA) shall be formed and the Conditions, Covenants, and Restrictions (CC&R's) shall be created so that the ~~HOA~~ POA will be responsible for maintaining all private streets, private street lights, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to Cleanwater treatment facilities, landscaping, preservation and replacement of trees, as well as decorative paving. For any necessary repairs performed by the City in locations under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the POA established to maintain the common areas within the association boundary. The common area landscaping includes all areas except the private rear yards. The CC&R's will also contain a standard condition that if the property owners' association fails to maintain the common areas; private streets, lights and utilities, the City of Hayward will have the right to enter the subdivision and perform the necessary work to maintain these areas and lien the properties for their proportionate share of the costs.

70. Developer/POA shall execute a Storm Treatment Measures Maintenance Agreement (as prepared by staff in the Public Works-Engineering and Transportation Division). This Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

Fire Protection

71. The construction of emergency vehicle access, locations and alignments shall meet all requirements of Hayward Fire Department and the California Fire Code.
72. Design of proposed onsite street and courts shall meet Hayward Fire Department Standards and requirements.
73. The minimum width of fire lane is 20 feet. The minimum width of fire lane with fire hydrants is 26 feet. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be maintained at all time.
74. Fire lane of 20 to 26 feet wide shall be posted on both sides as a fire lane; 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the Hayward Fire Department fire lane requirements.
75. All proposed new roadways shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete.
76. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant shall be a modified double steamer, capable of flowing 1,500 gallons per minute at 20 PSI for two-hour duration. The design and layout of the hydrants shall be reviewed and approved by the Hayward Fire Department.
77. If fire hydrants are located so as to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
78. Maximum distance from any point on street frontage to a fire hydrant in dead-end street or cul-de-sac shall not exceed 200 feet. Maximum spacing between fire hydrants is 400 feet.
79. All buildings shall be installed with automatic fire sprinkler system in according to the Fire Code regulations. The minimum water meter size shall be 1 inch. Fire permits are required for sprinkler installation.
80. All buildings shall be constructed in such locations that any portion of the buildings will be within 150 feet hose lay distance to a fire apparatus road.
81. Addressing of the buildings shall be in compliance with the Hayward Fire Department requirements. All buildings shall have a minimum 4 inch self-illuminated address installed on the front of the building so as to be visible from the street. A decorative address monument sign shall be installed at each court entrance, indicating the building addresses for the units served by such court. Minimum size numbers shall be 6 inches in height on a contrasting background.
82. Blue reflective pavement markers shall be installed at fire hydrant locations.

Landscaping and Irrigation

83. Prior to the approval of the tract improvement plans, a detailed landscaping and irrigation plan for the common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Hayward Environmentally Friendly Landscape Guidelines and Checklist for professional, Bay-Friendly Water Efficient Landscape Ordinance, and Municipal Codes*.
84. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be 22" x 34" without an exception.
85. Street Trees. Provide one 24-inch box street tree per 20 to 40 lineal feet in the front and side landscape setback areas or fraction thereof. All trees shall be planted a minimum of 5-foot away from any underground utilities, a minimum of 15 feet from a light pole, and a minimum 30 feet from the face of a traffic signal or as otherwise specified by the city. Trees shall be planted according to the City Standard Detail SD-122 and the detail shall be included in the landscape plans.
86. Existing trees shall be preserved in accordance with the *Tree Preservation Ordinance*. Provide a comprehensive arborists report by a licensed arborist on all existing trees within the limit of project area including health, species, caliper, approximate height, canopy diameter, and value using the latest edition of "Guide for Plant Appraisal" by the International Society of Arboriculture. Provide ISA worksheet per each trees are subjected for valuation. The arborists report and valuation shall be reviewed and approved by the City.
87. A tree preservation bond will be required for all trees that are to remain, and the bond will be in effect throughout the construction period and until completion of the entire project improvements. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
88. All removed trees shall be mitigated within the project area. Tree mitigation shall be provided above and beyond the required trees.
89. The landscape in the parking lot must conform to Zoning Ordinance Chapter 10, Article 2 Off-Street Parking Regulation.
90. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

PRIOR TO FILING OF FINAL MAP

91. Submit the following documents for review, approval or for project records:
 - a) Copy of the Notice of Intent filed with State Water Resources Control Board;
 - b) Signed Stormwater Treatment Measures Maintenance Agreement;
 - c) Engineer's estimate of costs, including landscape improvements;
 - d) Signed Final Map;
 - e) Signed Subdivision Agreement; and,
 - f) Subdivision bonds.
92. Final Map shall be approved by the City Council. The City Council meeting will be scheduled approximately sixty days after the Final Map is deemed technically correct, and Improvement Plans with supporting documents, reports and agreements are approved by the City Engineer.

DEDICATIONS, EASEMENTS AND FINAL MAP

93. The final map shall reflect a Conservation Easement over the 2.39-acre Mitigation Site and an irrevocable deed restriction over the remaining 52.94-acre undeveloped portion of the 86.83-acre Weber Property in the southern and eastern portions of the site. The Conservation Easement shall insure that the land uses are restricted to maintain the area as a wetlands mitigation site as required by the Corps of Engineers and California Regional Water Quality Control Board. The deed restriction shall insure that the 52.94 acres shall be maintained as open space in keeping with the requirements of the South of 92 Specific Plan. Existing wetlands are to be maintained in their current state and allow for future enhancement, restoration, and establishment of wetlands.
94. Dedication of five-foot wide right-of-way along Baumberg Avenue frontage to accommodate a sixty-foot wide right-of-way.
95. The final map shall reflect all easements needed to accommodate the public portions of the sanitary sewer and water systems that are outside of the private streets. The easements shall be a minimum of 12 feet wide. The private streets shall be designated as a Public Utility Easement (PUE), Private Assess Easement (PAE), Water Line Easement (WLS), Sanitary Sewer Easement (SSE) and Emergency Vehicle Access Easement (EVAE).
96. The final map shall reflect easements over all buffer zones located between the proposed improvements and the wetland areas. The location of the easements shall be approved by the Planning Director and the City Engineer.
97. Prior to the approval of the final map, all documents that need to be recorded with the final map shall be approved by appropriate department managers, and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

AGREEMENTS

98. The developer/subdivider shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332 of the Municipal Code: Security for Installation of Improvements. Insurance shall be provided per the terms of the subdivision agreement.
99. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

PRIOR TO GRADING OR SITE CONSTRUCTION

100. As described in the *Burrowing Owl Resource Management Plan* and below, pre-construction surveys for burrowing owls shall be conducted prior to any construction activity to ensure that there are no impacts to burrowing owls. If burrowing owls are present in the construction area, construction will not occur. Pre-construction surveys will be conducted within 30 days prior to the onset of any ground disturbing activities. Surveys will be conducted by a qualified biologist following CDFG survey methods (CDFG 2012) to establish the status of burrowing owl on the Project site. The surveys will include all portions of the 86.83-acre Weber Property, including the 31.5-acre Weber Light Manufacturing Park, associated 2.39-acre wetland mitigation site, and the 52.94-acre undeveloped portion of the 86.83-acre Weber Property, immediately surrounding areas, and all access routes. All potential burrows within the 86.83-acre Weber Property will be flagged to alert biological and work crews to their presence.
 - a. If burrowing owls are found to occupy the 86.83-acre Weber Property during the non-breeding season (September 1 to January 31), occupied burrows will be avoided by establishing a no-construction buffer zone around the burrow or a passive relocation effort may be instituted to relocate the individual(s) out of harm's way.
 - b. If burrowing owls are found to occupy the 86.83-acre Weber Property during the breeding season (February 1 to August 31), the project ground disturbing activities will follow the CDFG recommended avoidance protocol whereby occupied burrows will be avoided with a no-construction buffer zone unless a qualified biologist verifies through non-invasive methods that: either 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If either 1) or 2) are true then construction can proceed without a no-construction buffer zone.
101. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, detailed grading, erosion and sediment control measures and drainage plans with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved of the City Engineer.
102. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the developer/subdivider's Engineer shall submit a completed 1) Development and Building Application Information: Impervious Surface Form, 2)

Operation and Maintenance Information for Stormwater Treatment Measures Form, and 3) Information Request for Stormwater Treatment Measures Maintenance Agreement Form.

103. Permanent buffers shall be established prior to construction to protect the existing wetlands within the 52.94 acre site from the Project area, as shown on Sheet 3 of the Vesting Tentative Tract Map – Tract 8039- Weber Property. The buffers will be planted with native vegetation.
104. Prior to the issuance of a grading or building permit, the developer/subdivider shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned two years after the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer/subdivider shall provide an arborist's report evaluating the condition of the trees at that time.
105. Prior to the issuance of a tree removal permit, landscape plans including a tree mitigation summary shall be submitted to the City Landscape Architect for review and approved. That approved landscape plans and a summary of list of trees to be removed shall be attached to the tree removal permit.
106. Recommendations of the project geotechnical consultants shall be implemented, including those related to ground-motion parameters for use in structural design of buildings.
107. Prior to grading: Houses, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future occupancies and other persons are mitigated.
108. All wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future occupancies or the environment. These structures shall be documented and removed under permit when required.
109. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials or associated structures are discovered during demolition or during grading. These structures shall include, but shall not be limited to: actual hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
110. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

111. Fire hydrants, fire lanes and water system improvements for the development shall be operational and in service prior to the start of any combustible construction and /or storage of combustible construction materials.

DURING CONSTRUCTION

112. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
- a. Grading and site construction activities shall be limited to the hours 7:30 AM to 6:00 PM Monday through Friday with no work on weekends and Holidays unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval.
 - b. Grading and construction equipment shall be properly muffled.
 - c. Unnecessary idling of grading and construction equipment is prohibited.
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential units.
 - e. Developer/subdivider shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
 - f. The developer/subdivider shall participate in the City's recycling program during construction.
 - g. Daily clean up of trash and debris shall occur along all peripheral streets and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions.
 - i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
 - j. All unpaved access roads, parking areas and staging areas at construction sites shall be paved, have water applied three times daily, or non-toxic soil stabilizers applied.
 - k. All paved access roads, parking areas and staging areas at construction sites shall be swept daily (with water sweepers).
 - l. Inactive construction areas (previously graded areas inactive for 10-days or more) shall have non-toxic soil stabilizers applied, or shall be hydroseeded.
 - m. Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, watered twice daily or applied with non-toxic soil binders.
 - n. Construction debris shall be gathered on a regular basis and placed in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, tarps on the ground are to be used to collect fallen debris or splatters that could contribute to storm water pollution.
 - o. The sidewalks and public street pavement adjoining the project site shall be broom-swept on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
 - p. All dirt, gravel, rubbish, refuse and green waste from the sidewalk, street, and storm drain system adjoining the project site shall be removed. During wet weather, driving vehicles off paved areas and other outdoor work areas shall be avoided.
 - q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - r. Filter materials (such as sandbags, filter fabric, etc.) shall be installed at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; 3) street washing activities; or 4) saw cutting asphalt or concrete activities, or in order to retain any debris or dirt flowing

into the storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles shall be properly disposed in the trash.

- s. A contained and covered area shall be created on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
 - t. Cleaning machinery, tools, brushes, etc., or rinsing containers, into a street, gutter, storm drain or stream is prohibited (see City's *"Building Maintenance/Remodeling"* flyer for more information).
 - u. Concrete/gunite supply trucks or concrete/plasters finishing operations shall not discharge washwater into street gutters or drains.
 - v. The developer/subdivider shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
113. The developer/subdivider shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.
114. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.
115. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The developer/subdivider shall require the soils engineer to submit daily all testing and sampling and reports to the City Engineer or his or her designee.
116. Tree preservation and protection measures, as required by the City Landscape Architect, shall be included in grading and improvement plans. Trees shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period. Where trees are being removed, mitigation for the removed trees equal to their value shall be provided as outlined in the City Tree Preservation Ordinance.
117. Tree protection measures information shall be provided for the off-site trees that are proposed to remain in place, where the site improvements or construction would occur within the drip lines of such trees.
118. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

119. The Letter of Map Revision (LORM) issued by FEMA shall be submitted to the City.
120. The final map shall be approved by the City and filed in the County Recorder's Office prior to the issuance of a Certificate of Occupancy of any unit.

121. The developer/subdivider shall be obligated for the following fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Map is approved by the City Council, unless otherwise indicated hereinafter:
 - a. Supplemental Building Construction and Improvement Tax;
 - b. Building Construction and Improvement Tax;
 - c. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the unit is issued.
122. Prior to granting occupancy, water service meters shall be installed by water distribution personnel at the developer/subdivider's expense. The application for water services shall be presented to the City Inspector.
123. Prior to the City installing the water meters, the developer/subdivider shall provide the Public Works-Utilities with certified costs covering the installation of the public water mains and appurtenances.
124. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4900 at least 24 hours before the desired final inspection appointment.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

125. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
126. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements.
127. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
128. The developer/subdivider shall submit an "as built" plans on mylars and in compact disc containing files in PDF format, or acceptable formats, containing the following:
 - a. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures.

DATE: October 2, 2012

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Support for Measure I on the November 2012 Ballot: Chabot-Las Positas Community College District Parcel Tax

RECOMMENDATION

That Council adopts the attached resolution supporting Measure I on the November 2012 ballot, which would authorize a parcel tax of \$28 per parcel annually for six years in support of the Chabot-Las Positas Community College District (the District).

BACKGROUND AND DISCUSSION

This report outlines some background on Measure I for the Council's information and provides a resolution supporting the Ordinance for Council consideration.

On July 31, 2012¹, the District Board of Trustees unanimously voted to place a measure for a parcel tax in support of the District on the November 2012 ballot. The parcel tax would be \$28 per year for all parcels that are wholly or partially within the boundaries of the District. The tax would begin July 1, 2013 and would sunset after six years (July 2019) unless extended by the voters. The tax requires a 2/3 majority to pass.

In addition to accountability measures required by State law, Measure I includes a Citizen Oversight Committee, which would be appointed by the Board of Trustees and would report annually to the Board and the community on how the funds have been spent. These accountability measures are to ensure that the funds are used for the purposes stated in Measure I:

- Update classroom technology
- Maintain core academic classes such as math, science, and English
- Attract and retain high quality teachers
- Restore funding to increase the number of classes and lab offerings
- Prepare students to transfer to four-year colleges and universities in a timely manner

¹ **Board of Trustees Agenda Item 2.1:**

http://www.clpccd.org/board/documents/Minutes_July31_2012_Official_Copy.pdf

- Maintain job training programs to help prepare adults for 21st Century jobs
- Preserve student support services

The funds may not be used for administrators' salaries or benefits.

The Chabot-Las Positas Community College District was founded in 1961 and primarily serves residents of southern Alameda County through its two colleges: Chabot College in Hayward and Las Positas College in Livermore. The district serves 24,500 students and employs more than 2,000 faculty and staff. The colleges prepare students for transfer to a four-year university, as well as train students for careers that require two-year degrees, such as an auto mechanic, nurse, firefighter, medical assistant, dental hygienist, accountant, machine tool worker, and interior designer.

In recent years, State budget cuts have substantially reduced funding for the District, resulting in layoffs and thousands of local students being turned away from the classes they need to transfer or prepare for their careers. If approved, Measure I would result in new annual revenues of around \$5.6 million each year. These proceeds would primarily be used to restore funding to classes and lab offerings, protect core academic classes, and update classroom technology.

FISCAL AND ECONOMIC IMPACT

There are no anticipated negative or positive impacts of this measure directly on the City of Hayward. Maintaining high quality Community Colleges provides local students with college training that many might otherwise be unable to afford. Chabot and Las Positas Community Colleges are a leading source of job training for Hayward's workers, who are key contributors to Hayward's local economy and to their City.

Prepared by: Mary Thomas, Management Fellow

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

Attachment I: A Resolution in Support of Measure I: A Parcel Tax to Support the Chabot-Las Positas Community College District

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

A RESOLUTION IN SUPPORT OF MEASURE I: A PARCEL TAX TO SUPPORT THE CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

WHEREAS, the Chabot-Las Positas Community College District (the “District”) provides high quality college education at Chabot College and Las Positas College; and

WHEREAS, the District plays a critical role in training students for careers in healthcare, nursing, technology and sciences, as well as prepares student for transfer to four-year universities; and

WHEREAS, future funding for the District from the State of California (the “State”) and other sources is projected to be inadequate to provide the level of support to the District’s educational programs that the residents of the District expect; and

WHEREAS, the parcel tax proposed by Measure I will cost property owners \$28 per parcel annually for six years; and

WHEREAS, the proceeds of the tax will be used to update classroom technology, maintain core academic classes, attract and retain high quality teachers, restore funding to increase the number of classes and lab offerings, and preserve student support services; and will under no circumstances be used for administrators’ salaries or benefits; and

WHEREAS, the proceeds of such special taxes are required by law to be applied for the benefit of the community college and cannot be transferred to the State or any other district; and

WHEREAS, a Citizen Oversight Committee shall be appointed by the District Board of Trustees to monitor the expenditures of these funds and will report on an annual basis to the Board and community on how these funds have been spent.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward expresses its support for Measure I, the Chabot-Las Positas Community College District parcel tax measure, and encourages residents of Hayward to vote for this measure on the November 2012 ballot.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward