



CITY OF
HAYWARD
HEART OF THE BAY

SPECIAL CITY COUNCIL AGENDA
JUNE 30, 2015

MAYOR BARBARA HALLIDAY
MAYOR PRO TEMPORE GREG JONES
COUNCIL MEMBER FRANCISCO ZERMEÑO
COUNCIL MEMBER MARVIN PEIXOTO
COUNCIL MEMBER AL MENDALL
COUNCIL MEMBER SARA LAMNIN
COUNCIL MEMBER ELISA MÁRQUEZ

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SPECIAL CITY COUNCIL MEETING FOR JUNE 30, 2015
777 B STREET, HAYWARD, CA 94541
WWW.HAYWARD-CA.GOV

Conference Room 2B – 4:30 PM

1. CITY COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS;
PUBLIC COMMENTS
 2. CLOSED SESSION
 3. Conference with Labor Negotiators
Pursuant to Government Code 54957.6
 - Lead Negotiators: City Manager David; City Attorney Lawson; Assistant City Manager McAdoo; Finance Director Vesely; Public Works-Engineering & Transportation Director Fakhrai; Human Resources Director Collins; Senior Human Resources Analyst Lopez; Assistant City Attorney Vashi; Community and Media Relations Officer Holland; Jack Hughes, Liebert Cassidy and Whitmore
Under Negotiation: All Groups
 4. Public Employment
Pursuant to Government Code 54957
 - Performance Evaluation
City Manager
City Attorney
City Clerk
 5. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Pending Litigation
Chavez v. City of Hayward, et al, U.S. District Court, N.D. CA, Civ14-000470-DMR
 6. Adjourn to Special City Council Meeting
-

SPECIAL CITY COUNCIL MEETING
Council Chambers – 7:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Márquez

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 Information 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.

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 any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

CONSENT

1. Approval of Minutes of the Special City Council Meeting on June 9, 2015
[Draft Minutes](#)
2. Approval of Final Tract Map 8058 Related to an Approved Tentative Tract Map for a Five-Lot Subdivision on a Parcel Totaling 1.15 Acres Located between Hayward Boulevard and Hillcrest Avenue, Approximately 500 Feet West of Tribune Avenue; R.V. Esau Development (Applicant/Owner)
[Staff Report](#)
[Attachment I - Resolution](#)
[Attachment II - TTM 8058 Conditions of Approval](#)
[Attachment III - Oct 2, 2014 Planning Commission Mtg Minutes](#)
[Attachment IV - Site Map](#)
[Attachment V - Vicinity Map](#)
3. Authorization to Negotiate and Execute an Agreement for Council Chambers Broadcast Technology Improvements
[Staff Report](#)
[Attachment I](#)
4. Adoption of a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Willdan Engineering, for Development Review Engineer Services
[Staff Report](#)
[Attachment I](#)



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

5. #EngageHayward: Community Engagement Pilot Program (Report from Assistant City Manager McAdoo)
[Staff Report](#)
-

The following order of business applies to items considered as part of Public Hearings and Legislative Business:

- *Disclosures*
 - *Staff Presentation*
 - *City Council Questions*
 - *Public Input*
 - *Council Discussion and Action*
-

LEGISLATIVE BUSINESS

6. Introduction of an Ordinance Adding a New Section to the Residential Code for the City of Hayward, Establishing Expedited Permitting Procedures for Small Residential Rooftop Solar Systems, as Required by AB 2188 (Report from Development Services Director Rizk)
[Staff Report](#)
[Attachment I Ord For Expedited PV Permits](#)
[Attachment II Handout](#)

CITY MANAGER'S COMMENTS

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

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 REGULAR MEETING – 7:00 PM, Tuesday, July 7, 2015

June 30, 2015



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 before speaking and are expected to honor the allotted time. Speaker Cards are 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. ****

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:





**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 9, 2015, 7:00 p.m.**

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

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Mendall, Jones, Peixoto, Lamnin,
Márquez
MAYOR Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

In response to Council Member Peixoto's inquiry related to the status update on the Hillcrest path raised by Mr. Sherman Lewis, staff noted that the item was currently scheduled for Council discussion on June 30, 2015.

CLOSED SESSION ANNOUNCEMENT

Mayor Halliday announced that the Council met in closed session regarding two items: 1) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; and 2) performance evaluation for City Manager, City Attorney and City Clerk pursuant to Government Code 54957. There was no reportable action.

PRESENTATION

Mayor Halliday read a Certificate of Appointment presented to Bruce Roberts in honor of being named the first Official Poet Laureate for the City of Hayward. Mr. Bruce Roberts accepted the certificate and thanked the City for such recognition. Mr. Bruce Roberts read one of his poems entitled "It's Hayward's Fault."

PUBLIC COMMENTS

Ms. Wynn Greich, Hayward resident, spoke about the health dangers of fracking fluids and referred to three articles: "EPA: Fracking hasn't harmed water," "House Passes Bill that Prohibits Expert Scientific Advice to the EPA," and "Chloramine causes collateral health damage."

Mr. Charlie Peters, Hayward resident, inquired about the cost of charging cars at the electric vehicle charging station at the Hayward Executive Airport. Staff noted the charging station was part of a grant program funded by the Air Quality District.

CONSENT

Consent Item No. 1 was moved for separate vote.

1. Approval of Minutes of the City Council Meeting on May 26, 2015

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on May 26, 2015, with a correction to Item No. 8, to reflect that the motion was made by Council Member Mendall.

2. Resignation of Mr. Rich LaPlante from the Keep Hayward Clean and Green Task Force

Staff report submitted by City Clerk Lens, dated June 9, 2015, was filed.

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

Resolution 15-094, “Resolution Accepting the Resignation of Rich LaPlante from the Keep Hayward Clean and Green Task Force”

3. Adoption of a Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Agreement with CSG Consultants, Inc., for Development Review Services in the Planning Division for an Amount not to Exceed \$130,000

Staff report submitted by Administrative Analyst I Kim, dated June 9, 2015, was filed.

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

Resolution 15-095, “Resolution Authorizing an Amendment to the Professional Services Agreement with CSG Consultants, Inc., for Development Review Services, in an Amount Not to Exceed \$130,000”

WORK SESSION

4. Benefit Liabilities Status and Funding Plan

Staff report submitted by Finance Director Vesely, dated June 9, 2015, was filed.

Finance Director Vesely provided a synopsis of the report.

The City Council was in general agreement with the Overarching Benefit Liability Funding Policy; the California Public Employee Retirement System (CalPERS); the Retiree Medical (Other Post Employment Benefit – OPEB); the Workers Compensation; and the Accrued Leave Policy.



**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
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Tuesday, June 9, 2015, 7:00 p.m.**

Discussion ensued among Council Members and City staff regarding the Overarching Benefit Liability Funding Policy, the California Public Employee Retirement System (CalPERS), and Retiree Medical (Other Post Employment Benefit – OPEB.)

It was recommended that the Council consider a policy and actions that increase transparency and accountability in healthcare and retirement costs for the Overarching Benefit Liabilities Funding Policy.

There was a recommendation that staff provide Council, on an annual basis, the number of long-term employees who have been under the CalPERS plan and the number of employees who have not previously been part of the CalPERS system.

There was consensus for Council to strive toward attaining an eighty percent funding level of its OPEB benefit liability; and concurrent with staff's recommendation, that one-time funds be allocated toward the OPEB liability.

5. Proposed FY 2016 Financial Policies

Staff report submitted by Finance Director Vesely, dated June 9, 2015, was filed.

Finance Director Vesely provided a synopsis of the report.

There was general consensus with the following key policies related to the citywide budget: Balanced Budget Policy; Use of One-time Revenue for One-time Expenditures Policy; Benefit Liabilities Funding Plan Policy; Long Range Financial Forecasting Policy; General Fund Reserve Policy; Investment Policy; Debt Issuance and Management Policy; Charges and Fees Policy; Multi-Year Capital Improvement Program Plan Policy; and Internal Service Maintenance & Capital Replacement Policy.

Discussion ensued among Council Members and City staff regarding budget-related financial policies.

There was consensus to add to the Balanced Budget Policy the following item: any staffing changes needed to be presented as part of the mid-year budget review should be first considered by the Council Budget and Finance Committee.

Council recommended the following for the Use of One-time Revenue for One-time Expenditures Policy: remove the language “in priority order” from the list of appropriate uses because the priority could be determined on a case-by-case basis; and remove from the list Item No. 5 “Emergencies.” It was recommended to consider decreasing the \$5 million baseline annual threshold to fund

recurring City operations under In the Property Transfer Tax-Threshold for Recurring & One-time Revenue.

Council was in general agreement with the General Fund Reserve Policy and setting the goal of twenty-five percent of budgeted General Fund operating expenditures.

It was recommended to remove the reference to seniors under Item 6 (d) of the Charges and Fees Policy.

For the Internal Service Maintenance & Capital Replacement Policy, it was suggested to consider adding the word “efficiency” to Item No. 4 before “quality of existing assets.”

CITY MANAGER’S COMMENTS

Assistant City Manager McAdoo commented on the success of the Community Engagement Open House on June 8, 2015, and noted that the last day to apply for service on the Council’s appointed bodies was July 15, 2015.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Márquez reminded the public of the graduation ceremonies at Cal State University East Bay and to be mindful of any traffic congestions. She congratulated all the graduates.

Council Member Zermeño made two comments: 1) the Cobbler’s Shoe Repair would be celebrating 57 years of service to the Hayward community on June 14, 2015; 2) a discussion of a book “La travesia de Enrique” on June 13, 2015, at the Main Library, which he would be leading.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:38 p.m., in memory of Mr. Alfred Grasseschi, who passed away on June 1, 2015. Mr. Alfred Grasseschi, along with his brother Rudy Grasseschi founded The Cobbler’s Shoe Repair on A Street; and he was connected to Hayward organizations. Mayor Halliday asked staff to work with the family to find a suitable place to plant a tree in his memory.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward

DATE: June 30, 2015

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Approval of Final Tract Map 8058 Related to an Approved Tentative Tract Map for a Five-Lot Subdivision on a Parcel Totaling 1.15 Acres Located between Hayward Boulevard and Hillcrest Avenue, Approximately 500 Feet West of Tribune Avenue; R.V. Esau Development (Applicant/Owner)

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment I) approving the Final Map for Tract No. 8058 and finding that it is in substantial conformance with the approved Tentative Tract Map No. 8058 and the conditions of approval thereof; and authorizes the City Manager to take administrative actions to effectuate the required improvements for the development including execution of a Subdivision Agreement and such other documents as are appropriate and necessary..

BACKGROUND

Per State law, tentative and final subdivision maps are required for all subdivisions creating five or more parcels. A Tentative Tract Map is required to ensure that any proposed subdivision of land complies with the Subdivision Map Act; the California Environmental Quality Act; the City Subdivision, Zoning, and Building regulations; the Hayward General Plan and Neighborhood Plans; and the requirements of the Public Works, Fire, and Police Departments.

After the Tentative Map is approved, the developer submits the Final Map and Improvement Plans for review and approval by the City Engineer (and subsequent recordation of the Final map after Council review and approval) before proceeding with construction of improvements. The developer is required to file Tentative and Final maps so that these proposed five detached single-family dwelling unit lots can be sold individually. Approval of a Final Map is a ministerial action once determination is made it is in substantial conformance with approved Tentative Tract Map (City Engineer has determined it is).

Planning Commission Approval of Tentative Tract Map - On October 2, 2014, the Planning Commission conditionally approved the Tentative Tract Map related to a proposal to subdivide the property into five lots and found that such approval was exempt from the California Environmental

Quality Act (CEQA), per Section 15332, In-Fill Development, Class 32. Attachment II includes the conditions of approval associated with the tentative map approval.

Per condition No.1, the applicant is required to submit Site Plan Review (SPR) applications prior to the submittal of building permit applications. City planning staff is currently processing two SPR applications for two homes across the middle of the lot (lot #3 and lot #4). During the Planning Commission public hearing, and as reflected on page 4 of the attached meeting minutes (Attachment III), Sherman Lewis, a Hillcrest Avenue resident, requested that the Planning Commission consider supporting the conversion of an existing private path on the western boundary of the Tract 8058 property to a public trail easement on the eastern boundary of the property (see Attachment IV), so that more residents could use it for activities like walking their dog or walking to the Cal State University campus (see vicinity map, Attachment V). In response, as reflected on page 4 of the attached minutes, the Planning Commission included in its approval of the tentative map condition No. 2q, which states, “*City staff shall further conduct a feasibility study of having a public trail easement along the eastern boundary of the proposed development.*” City staff has conducted such study, as summarized below.

Public Trail Along the Eastern Property Line

2008 Settlement Agreement - The three-foot wide private pedestrian path along the western boundary of the subject property referenced above was created (not yet built) and will be improved by the project proponent, Mr. Esau, and maintained by Dr. Lewis and his heirs, as a result of a 2008 Settlement Agreement (Agreement) between Dr. Sherman Lewis, R.V. Esau Development Company, Inc., and Service 1st Bank (the City is not a party to the Agreement). The Agreement indicates the path easement is in effect until January 5, 2040, and is for the benefit of Dr. Lewis. The Agreement allows Dr. Lewis to grant a license to other users, including his family members and four residents in the immediate area, provided they waive all claims against Lewis, Esau, and successors in interest associated with injuries; and indemnify Lewis, Esau, and successors in interest for injuries or property damage arising out of use of the path. Mr. Esau has also indicated he is willing to allow other users comprised of neighborhood residents to use such path, provided they also indemnify and waive all claims associated with the path’s use.

Staff’s Evaluation – Staff has concluded the change in location of the trail as requested by Dr. Lewis is not feasible for the following reasons:

Unwilling Property Owner – The project proponent is not willing to dedicate a public trail easement along the eastern boundary, which would likely require an eminent domain action by the City. Such process requires a 2/3 affirmative vote by City Council, payment of fair market value of such land, and adoption of a resolution of necessity. Per Section 1245.230(c) of the California Code of Civil Procedures, such resolution requires the following findings be made:

- (1) The public interest and necessity require the proposed project.
- (2) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- (3) The property described in the resolution is necessary for the proposed project.

(4) That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record or the offer has not been made because the owner cannot be located with reasonable diligence. (*relates to fair market value offer*)

Page 56 of the [1998 Hayward Highlands Neighborhood Plan](#) contains an exhibit (Figure 20), entitled *Bike Routes and Hiking Trails*. While it is apparent that the public has trespassed across this property in the past, that Neighborhood Plan figure does not show a future trail on this property. Staff acknowledges the policies of the General Plan that encourage pedestrian movement, and has reviewed various relevant documents; however, exacting such trail from the subdivider through eminent domain is likely not going to be supported by a court, primarily due to the absence of an adopted plan showing such trail for the public interest and necessity.

Concerns with City liability - The subject site is steeply sloped, with slopes approach twenty-five percent, particularly near Hayward Boulevard. Staff is concerned with liability associated with users falling and injuring themselves on such steep slopes, particularly during inclement weather. While staff acknowledges that law exists to immunize the City from lawsuits associated with trails (path immunity law), such law would not preclude an injured user from suing the City, which will entail staff resources to defend and/or settle. Also, the public trail would lead to a location along Hayward Boulevard that is not signalized or demarcated with a crosswalk to the CSUEB campus. The volume of traffic along Hayward Boulevard will increase over time as more development occurs at Stonebrae and other areas that use Hayward Boulevard for access.

Concerns with Maintenance and Activities – The Maintenance Services Department staff has expressed concerns with maintaining such a steeply sloped trail, particularly during heavy rains. The former Maintenance Services Department Director expressed concerns with “creating an isolated and localized pedestrian pathway between homes, which can be a problematic area harboring undesirable activities” and that “Maintenance Services Department crews have spent more time removing litter and graffiti along such isolated and localized pedestrian pathways than those designated substantial public trails located throughout the City.” The current Department Director agrees, citing various specific examples of problematic trails/paths within the City that have limited visibility: Pontiac/Langley Walkway; Dale/Sycamore Walkway; Eldridge/Peterman Overcrossing approaches; Tennyson HS Pathway; and Westchester/Greenbrier path. The Northern District Commander of the Hayward Police Department has also expressed concerns with isolated, low visibility paths.

Section 1B-246 of the CA Building Code requires that public trails accommodate wheelchair users, but provides an exception to not meet such standards if “material damage” would occur in meeting such standards. The significant amount of grading to accommodate slopes suitable for wheelchair users on this site for a trail has been determined to be considered material damage.

DISCUSSION

Final Map – The project is located on a parcel totaling 1.15 acres located between Hayward Boulevard and Hillcrest Avenue, approximately five hundred feet west of Tribune Avenue, in the Hayward Highlands area (see vicinity map, Attachment V). The project site is located within an existing single-family residential neighborhood that includes a mix of one-, two-, and three-story single-family homes. As shown in Attachment IV, this proposed development includes five single-family detached units, the lower three of which will be served by a shared driveway that will extend from the private street to the east/south (Golden Oaks subdivision), and the upper two of which will be served from Home Road.

The subdivision Improvement Plans and Final Map were reviewed by the City Engineer and were found to be in substantial compliance with the approved Tentative Map, and in conformance with the Subdivision Map Act and Hayward's regulations. There have not been significant changes to the Final Map, compared to the Tentative Tract Map the Planning Commission approved in October of 2014.

The City Council's approval of the Final Map shall not become effective until and unless the developer enters into a Subdivision Agreement and posts bonds with the City for the construction of improvements and other obligations required per conditions of approval of the Tentative Tract Map.

Environmental Review - The development of Tract 8058 was previously reviewed and was found to be exempt from California Environmental Quality Act (CEQA) per Section 15332 In-Fill Development, Class 32.

ECONOMIC AND FISCAL IMPACTS

The final map approval is consistent with the approved project and the final map, by itself, will not have any additional fiscal or economic impacts. The development created by the approval of the final map will improve commerce, provide housing and employ construction workers.

PUBLIC CONTACT

A public hearing is not required for the filing of Final Map Tract 8058. Public hearings were already conducted for Tentative Tract Map 8058. Attachment V identifies properties whose owners submitted written opposition prior to the finalization of this report to the requested public trail along the property's eastern boundary.

NEXT STEPS

Assuming the City Council approves the Final Map and adopts the attached resolution, the applicant will have the Final map recorded and execute a Subdivision Agreement with the City, and will commence the construction of improvements shown on the approved Improvement Plans. Site Plan Review applications will be required to be approved for the five homes prior to building permits being issued for them.

Prepared by: Peter Rei, P.E., Contract Development Review Services Engineer

Reviewed by: Sara Buizer, Planning Manager

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

- | | |
|----------------|---|
| Attachment I | Resolution Approving Final Map and Authorizing Execution of a Subdivision Agreement |
| Attachment II | Tentative Tract Map 8058 Conditions of Approval |
| Attachment III | October 2, 2014 Planning Commission Meeting Minutes |
| Attachment IV | Tract 8058 Property showing existing private path and requested public trail |
| Attachment V | Vicinity Map |

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member _____

RESOLUTION APPROVING FINAL MAP FOR TRACT 8058 AND
AUTHORIZING THE CITY MANAGER TO EXECUTE A
SUBDIVISION AGREEMENT

WHEREAS, Vesting Tentative Tract Map No. 8058, Golden Oak Development, Phase 2, was approved by the Planning Commission on October 2, 2014, and the Final Map for Tract 8058 has been presented to the City Council of the City of Hayward for development of five lots to result in the construction of five single family dwelling units, located on a parcel totaling 1.15 acres, generally located between Hayward Boulevard and Hillcrest Avenue, approximately 500 feet west of Tribune Avenue in the Hayward Highlands area; and

WHEREAS, the Director of Public Works for Engineering & Transportation reviewed the Final Map and found it to be in substantial compliance with the approved vesting tentative tract map, the Subdivision Map Act and the City of Hayward regulations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby find that the Final Map for Tract 8058 is in substantial compliance with the approved Tentative Tract Map and does hereby approve the Final Map, subject to the subdivider entering into an agreement for the construction of improvements and other obligations as required by the conditions of approval of the Tentative Map for Tract 8058, and that the approval of the Final Map for Tract 8058 shall not be effective until and unless such agreement is entered into.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized for and on behalf of the City of Hayward to negotiate and execute a subdivision agreement in a form approved by the City Attorney.

On October 2, 2014, the Tentative Tract Map No. 8058 was approved by the Planning Commission. The approval was subject to the following conditions:

**TENTATIVE TRACT MAP 8058 [PL-2010-0379]
To subdivide an approximately 1.15 acre site into five parcels
For future construct of five detached single-family residential homes
Ron Esau – Applicant and Developer/Subdivider**

As amended by Planning Commission

The developer/subdivider shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.

Upon approval, the applicant shall submit Mylars of Tentative Tract Map 8058, including these conditions of approval, on a full-size sheet for recordation and distribution.

SITE PLAN REVIEW SUMITTAL

1. Site Plan Review Application shall be submitted to the City for review and approval prior to the submittal of a building permit application.
2. The Site Plan Review shall include, but not be limited to, the following:
 - a) The design of these homes shall comply with the City's Hillside Design Guidelines and Urban Wildland Interface Guidelines.
 - b) The design of these homes shall incorporate Green Building Components of the latest State Green Building and Energy Codes.
 - c) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - d) Details of address numbers shall be provided. Address number shall be decorative. Building addresses shall be minimum 4-inch self-illuminated or 6-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
 - e) Details of fencing and fencing locations. The pavement for the proposed common private drive for Lots 3, 4 and 5 shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials.
 - f) A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided along the private street. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s).

Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.

- g) All retaining walls shall be constructed with decorative reinforced concrete. The exposed face of any retaining wall shall not exceed 6 feet from ground to top of wall.
 - h) All air conditioners and utility connections for air conditioners shall be located such that all external equipment is located behind solid board fences or walls not to exceed the height of the air conditioner unless otherwise approved by the Planning Director. Infrastructure for air conditioning systems is required to be installed as a standard feature.
 - i) An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars.
 - j) A final color and materials board shall be submitted to the Planning Director for review and approval. No changes to colors shall be made after construction unless approved by the Planning Director.
 - k) All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen, to be approved by the Planning Director.
 - l) No mechanical equipment, other than solar panels, shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by Building Code. Roof apparatus, such as vents, shall be painted to match the roof color.
 - m) All decorative window treatments shall be extended to all elevations.
 - n) All rear and side entries shall be protected by roofs with rooflines to match the pitch of roof.
 - o) *The height of all proposed residential homes along Hillcrest Avenue shall be designed to preserve the existing view corridor of a current resident at 2576 Hillcrest Avenue.*
 - p) *Landscape improvements including the placement of new trees shall be designed to preserve the views from Hillcrest Avenue of current residents.*
 - q) *City staff shall further conduct a feasibility study of having a public trail easement along the eastern boundary of the proposed development.*
3. Any proposal for alterations to the proposed site plan and/or design which does not require a variance to any zoning ordinance standard must be approved by the Development Services Director or his/her designee, prior to implementation.
 4. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division, to be in accordance with the City of Hayward's Design Guidelines, prior to issuance of a building permit for the project.

PRIOR TO SUBMITTAL OF SUBDIVISION IMPROVEMENT PLANS AND FINAL MAP

5. In conjunction with the Site Plan Review, Developer/Subdivider shall submit subdivision improvement plans and final map application for the entire project. Said improvement plans and final map shall meet all City standards and submittal requirements. 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.

6. 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.
7. Unless indicated otherwise, the design for development shall comply with the following:
 - a. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
 - b. All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments.
 - c. 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 Codes and amendments.
8. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape unless otherwise indicated herein.

SUBDIVISION IMPROVEMENT PLANS

9. Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

Hillcrest Avenue

10. Hillcrest Avenue shall be designed and reconstructed with 24' curb to curb width and 4' PCC sidewalk on the project side.
11. Street alignment shall conform to the precise plan line, City File H-551. Dedicate the necessary street right-of-way along Hillcrest Avenue to accommodate the street alignment per the precise plan line, City File H-551.
12. Curb, gutter and conform paving shall be constructed across the entire project frontage. Trees along the street frontage shall be protected in place and shall remain unless removal is authorized by the City Landscape Architect.
13. New Standard L.E.D. street lights shall be installed along the street frontage. The design and location shall be approved by the City Engineer.
14. Existing overhead utilities along the projects side of Hillcrest Avenue shall be undergrounded.

Hayward Boulevard

15. Curb, gutter, sidewalk and conform paving shall be constructed across the entire project frontage. Trees along the street frontage shall be protected in place and shall remain unless removal is

authorized by the City Landscape Architect. The existing joint trench in Hayward Boulevard shall be extended along the project frontage.

16. New Standard L.E.D. street lights shall be installed on Hayward Boulevard. The design and location shall be approved by the City Engineer.

Private Driveway

17. The private drive shall be a minimum of 20-foot curb to curb width to allow for two travel lanes, and designed with standard PCC curb and gutter.
18. The private driveway shall be designated as a fire lane and no parking will be allowed. Curbs shall be painted red and fire lane signage installed every 100 linear feet. Installation of red-curb and signs shall meet Fire Department and City Engineer standards.
19. Lighting shall be installed along the entire length of the private drive. Poles and fixtures will be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director.
20. Two driveways on Hillcrest Avenue shall be designed using City Standard SD-109. Driveways shall be a minimum of 20 feet deep measuring from the property line.
21. Address monument sign shall be installed at the intersection of Tribune Avenue and common private drive constructed under Tract 7402 to facility emergency access when needed.

Storm Drain System and Cleanwater Treatment Facilities

22. The following items shall be completed and submitted with the improvement and/or grading plans:
 - a) Hydromodification Management Worksheet
 - b) Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet
 - c) Development and Building Application Information Impervious Surface Form
 - d) Project Applicant Checklist of Stormwater Requirements for Development Projects
 - e) C.3 and C.6 Data Collection Form
 - f) Numeric Sizing Criteria used for stormwater treatment (Calculations).
23. The design of a bioretention treatment area shall use a Bioretention Soil Mix (BSM) per attachment L of the C.3 Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour. Submit concurrently with Improvement Plans treatment plan and calculations to show that all disturbed areas are treated.
24. All storm drain inlets must be labeled “No Dumping – Drains to Bay” using City approved methods
25. Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer. All reports such as Soil Report, SWPPP, and SWMP are to be submitted in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP

Developer (QSD) person who prepared the report. Documents that are clipped or stapled shall not be accepted.

26. A copy of the Notice of Intent (NOI) from the State Water Resources Control Board shall be provided to the City prior to the start of grading.
27. The developer 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 work order.
28. The developer shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" (as prepared by the City of Hayward and is available in the Public Works - Engineering and Transportation Department); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
29. All on-site storm drains shall be a private system owned and maintained by the HOA.
30. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the Alameda County Flood Control and the City Engineer. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities. If there is augmented runoff, off-site and/or on-site mitigation measures will be necessary.
31. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate the entire areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
32. The project plan measures shall also include erosion control measures 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*.

Sanitary Sewer System

33. Sanitary sewer service is available from the City, subject to standard conditions and fees in effect at the time of application.
34. Each dwelling unit shall have an individual sanitary sewer lateral. The sanitary sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.
35. The development's sanitary sewer mains and manholes shall be private, owned and maintained by the development HOA.
36. All 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 (Specification is available on the City's

website at: <http://user.govoutreach.com/hayward.faq.php?cid=11188>.) Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.

37. The current Sanitary Sewer Connection fee for a single-family residential unit is \$7,700 per unit. Sewer Connection fees are due and payable prior to final inspection.
38. The two proposed 4-inch sewer laterals for lots 1 and 2 shall connect to a 6" shared sewer lateral and inside-drop manhole per City Standard Detail SD-306. The slope of the shared 6-inch sewer shall have a maximum slope no greater than 19%. On the steep slope, the sewer lateral will need to have restrained joints and include collar anchors/trench plugs to prevent movement and erosion.

Water System

39. Water service is available from the City of Hayward, subject to standard conditions and fees in effect at the time of application for water service.
40. Each dwelling unit shall have an individual domestic radio read water meter.
41. All water mains and fire hydrants 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. (Specification is available on the City's website at: <http://user.govoutreach.com/hayward.faq.php?cid=11188>.)
42. Fire hydrants shall be modified double steamer type which shall be installed per City standards. Crash post protection may be required for the fire hydrant if it is installed in an unprotected area susceptible to potential vehicular impact.
43. Fire flow requirements for this development shall be 1,500 gallons per minute at 20 psi for a two-hour duration.
44. All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant's/developer's expense. The developer may only construct new services in conjunction with their construction of new water mains, if any.
45. Each dwelling unit shall have an individual domestic water meter. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1" and the maximum size for combined services is 2". If the fire demand exceeds 160 GPM, a separate fire service will be required. Note that, per CBC 2010 R313, flow-through or multipurpose systems may not require a backflow device.
46. Currently, the cost for the installation of a new 1" single-family residential water meter and service line is \$11,806 (\$3,500 installation fee + \$8,106 facilities fee + \$200 radio read fee).
47. 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. Because the Proposed Private Drive is a dead-end

roadway, the water meters for lots 3, 4 and 5 will need to be located near southeast end of the Proposed Private Drive.

48. The existing 8-inch water main line stub out that was installed for future use during the construction of Tract 7413 shall either be abandoned or terminated at a fire hydrant.
49. 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 six 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.

Solid Waste

Applicants must comply with City standards to obtain building permits, as follows:

50. Residential Collection of Garbage and Recyclables: Residents are required to place their garbage, recycling, and organics carts at the curb for weekly collection service by contracted service providers
 - a. The standard type of garbage, recycling, and organics containers are (1) 32-gallon cart for Garbage, (1) 64-gallon cart for Recycling, and (1) 64-gallon cart for Organics.
 - b. The total space required for the standard service is approximately 3 feet by 9 feet. Sufficient space should be allocated in the garage to allow residents to keep the containers inside. Alternatively, the containers may be kept in a side yard behind a fence. Trash and recycle containers shall be stored out of public view on non-pickup days.
 - c. Residents shall not place carts at the curb any earlier than 6:00 a.m. the day before scheduled collection, and are required to retrieve them no later than midnight the days the carts are emptied. (Hayward Municipal Code Section 5-1.15).
51. Requirements for Recycling Construction & Demolition Debris: City regulations require that applicants for all construction, demolition, and/or renovation projects, in excess of \$75,000 (or combination of projects at the same address with a cumulative value in excess of \$75,000) must recycle all asphalt and concrete and all other materials generated from the project. Applicants must complete the *Construction & Demolition Debris Recycling Statement*, a *Construction and Demolition Debris Recycling Summary Report*, and weigh tags for all materials disposed during the entire term of the project, and obtain signature approval from the City's Solid Waste Manager prior to any off haul of construction and demolition debris from the project site.

Other Utilities

52. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC and Comcast regulations. Transformers, and switch gear cabinets, shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.

53. The joint trench for the homes must be placed so as not to conflict with the installation of required street trees and landscaping.
54. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.

Fire Protection - Project Site Requirements

55. The private street and private driveway 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. Design of the public streets and private streets and courts shall meet City of Hayward Fire Department Standards.
56. Due to consideration of actual steep grade of the site, the slope of fire apparatus roads is granted up to 15% by the Hayward Fire Department for this project provided that the road surface shall use Portland cement concrete 6 inches of minimum thickness to address loading and facilitate on site fire operation.
57. The minimum width of fire lane is 20 feet. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be maintained at all time.
58. Fire lane of 20 to 26 feet wide shall be posted on both sides as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
59. Lot 1 and Lot 2 shall have addresses on Hillcrest Avenue.
60. 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.
61. Submit for proper building permits for the construction of the building to the Building Department. All building construction shall meet the requirements of the California Residential Code.
62. The building is located within the City of Hayward Wildland/Urban Interface Area, and shall meet the construction requirements as stated in the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines, which includes Class A roofing materials and exterior non-combustible siding materials (stucco), double-pane windows. Do not use wood shake or treated wood shake roofs. The building construction shall comply with the requirements contained in the 2013 California Residential Code Section R327.
63. Within ten feet of a structure, construct fences with an open wire mesh or non-combustible material to prevent fire from spreading to the structure.
64. Provide spark arrestors with 1/4" metal mesh screens on all chimneys. Homeowners should inspect spark arrestors every year to ensure mesh screen integrity.
65. Restrict outdoor storage of firewood, kindling, or compost material within 30 feet of any structure, unless the material is stored in an approved bin or enclosure.

66. Locate chimney at least ten feet away from existing tree canopies.
67. Enclose all roof eaves with minimum required attic vents covered with metal mesh in accordance with 2013 California Residential Code Section R327. The dimensions of mesh openings shall be a minimum 1/16-inch and shall not exceed 1/8-inch.
68. Buildings are required to install fire sprinkler systems in accordance with NFPA 13D. Additional fire sprinkler protection is required in attics, garages, under decks, crawl spaces, patios, porches and foyers. A separate fire permit is required for the fire sprinkler system installation. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation.
69. When a flow switch is not installed on the riser of a flow thru sprinkler system, smoke alarms shall be interconnected to sound an audible alarm in all sleeping areas within the dwelling unit.
70. A static pressure of 80 PSI should be used in the design when a water test data indicates a higher pressure and the residual pressure should be adjusted accordingly.
71. Underground fire service line serving NFPA 13D sprinkler systems shall be installed in accordance with the City of Hayward Standards. Water meters shall be minimum one-inch in diameter.
72. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home with bedroom doors close. The device shall activate upon any fire sprinkler system water flow activity
73. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).
74. CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
75. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
76. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Hazardous Materials Requirements

77. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department. The clearance certificate will ensure that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.
78. Prior to grading, 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 that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and hazardous waste must be properly managed and disposed of in accordance with state, federal and local regulations.

79. Any wells, septic tank systems and other subsurface structures - including hydraulic lifts for elevators - shall be removed properly in order not to pose a threat to the development, construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures shall be documented and done under permit, as required by law.
80. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.
81. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

Landscaping and Irrigation Plans

82. Prior to the approval of improvement plans, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's Tree Preservation Ordinance, Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes. Dripline of the existing trees to be saved shall be clearly shown on the plan.
83. Submit updated Arborist Report in concurrent with Landscape and Irrigation plans.
84. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, as determined by the City Engineer and Landscape Architect, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance."
85. Street Trees: Provide one 24-inch box street tree per 50 lineal feet in the front yard 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 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. Trees shall be preserved in accordance with the Tree Preservation Ordinance.
87. When appraised value is less than the wholesale value of a 36"-box of the equal species, the wholesale value will be used for mitigation. Tree mitigation shall be done above and beyond the required trees.

88. A separate tree removal permit will be required for all trees that are to be removed prior to issuance of a grading permit.

FINAL MAP

89. Prior to recordation, a proposed Final Tract Map shall be submitted for review by the City. The Final Tract Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately sixty (60) days after the Final Map is deemed technically correct, and Subdivision Improvement Plans with supporting documents, reports and agreements are approved by the City. The executed Final Map shall be returned to the City Public Works Department if Final Map has not been filed in the County Recorder's Office within ninety (90) days from the date of the City Council's approval.
90. 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.
91. The developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of \$20,000 with the City prior to submittal of improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation.

Dedications, Easements and Deed Restrictions

92. The final map shall reflect the following:
- a. Dedication of right-of-way along and Hillcrest Avenue to allow widening of the street to its ultimate width.
 - b. Abutter right to Hayward Boulevard shall be relinquished to the City.
 - c. Dedication of appropriate private slope easement (No Future Development) along Hayward Boulevard to prohibit any future development.
 - d. Dedication of appropriate easements such as Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE) over the private driveway.
 - e. Dedicate of appropriate easement to the HOA for the use and maintenance of the Cleanwater Treatment Pond located in the proposed Lot 5.

HOMEOWNER'S ASSOCIATION

93. Pursuant to Article 14 of the Conditions, Covenants and Restrictions (CC&R's) of Homeowner's Association (HOA) formed under Final Map Tract 7402, this development shall be annexed into this existing HOA. The revised CC&R's and by-laws shall be submitted to the City for review and approved to ensure certain conditions of approval are incorporated to the satisfaction of the City.
94. The annexation shall be complete prior to the sale of any individual unit or lot.

95. The revised CC&R's shall include the following provisions:
- a. Each owner shall automatically become a member of the HOA and shall be subject to a proportionate share of maintenance expenses.
 - b. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the HOA.
 - c. The HOA shall be managed and maintained by a professional property management company.
 - d. The HOA shall own and maintain all common private drive and street, on-site storm drain systems including Cleanwater treatment facilities, and all common amenities.
 - e. The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The HOA representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks 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 and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
 - f. A provision that if the HOA fails to maintain the decorative walls, landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
 - g. A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City.
 - h. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
 - i. The residents shall not use park vehicles, recreational vehicles, camper shells, boats or trailers along common private driveway and street. The HOA shall remove vehicles parked contrary to this provision. The CC&R's shall include authority for the HOA to tow illegally-parked vehicles.
 - j. Streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
 - k. Street sweeping of private driveway and street shall be conducted at least once a month.

- l. Balconies may not be used for storage and personal items may not be draped over the railings.
- m. provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.

Agreements

- 96. The developer 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.
- 97. The owner/developer shall prepare a Stormwater Treatment Measures Maintenance Agreement (available in the Public Works - Engineering and Transportation Department). The Maintenance Agreement shall be 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 CONSTRUCTION WITH COMBUSTIBLE MATERIALS

- 98. Required water system improvements shall be completed and operational prior to the start of combustible construction to the satisfaction of the Fire Chief.
- 99. A minimum 20-foot-wide all-weather access road, engineered for 75,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

DURING CONSTRUCTION

- 100. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director and or City Engineer:
 - a. Grading and construction activities shall be limited to the hours 7:00 am to 6:00 pm on weekdays and Saturdays; there shall be no grading or construction activities on Sundays or holidays.
 - 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 housing units.
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents (within 200 feet of the project boundary) with this information.

- f. The developer shall participate in the City's recycling program during construction.
- g. Daily clean-up of trash and debris shall occur on Hillcrest Avenue, and Hayward Boulevard, 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. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more).
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
- 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. Install filter materials (such as sandbags, filter fabric, etc.) 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; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
- s. Create a contained and covered area 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. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information.
- u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains.

- v. The applicant/developer 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.
101. A representative of the 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 grading operations with recommended corrective measures given to the contractor and the City Engineer.
 102. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the *Caltrans Construction Manual*. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
 103. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per conditions of approval above.
 104. Construction Administration services shall be provided by the project landscape architect. Services to include:
 - a. Observation of irrigation system before burying pipes.
 - b. Observation of plant material upon delivery to the site.
 - c. Observation of layout and placement of plant material upon delivery to the site.
 - d. Observation for maintenance period commencement.
 - e. Observation for final acceptance.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

105. The applicant/developer shall pay the following fees; the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits.
 - a. Supplemental Building Construction and Improvement Tax.
 - b. School Tax.
 - c. Park In-lieu fees for each dwelling unit at the rate in effect when the building permit for unit is issued.
 - d. Water facilities fees, water installation fees and sewer connection fees at the rate in effect at the time of application for water and sewer service and payment of said fees for each dwelling unit.
106. Any damaged curb, gutter and/or sidewalk along the street frontages shall be repaired or replaced to the satisfaction of the City Engineer.
107. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

108. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

109. 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.
110. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
111. The improvements associated with the Pacific Gas and Electric Company, AT&T and ComCast shall be installed to the satisfaction of the respective companies.
112. The subdivider shall submit an AutoCAD file format (release 2010 or later) in a CD of approved final map and 'as-built' improvement plans showing lot and utility layouts that can be used to update the City's Base Maps.
113. The subdivider shall submit "as built" Mylars indicating the following:
- a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, SBC and Comcast, etc.,
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures,
 - c. Final Geotechnical Report, and
 - d. Approved landscape and irrigation improvements.

The tentative map approval expires on October 1, 2017, UNLESS a final map has been approved or an extension of time has been approved prior to that date.



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Council Chambers
Thursday, October 2, 2014, 7:00 p.m.
777 B Street, Hayward, CA94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair McDermott.

ROLL CALL

Present: COMMISSIONERS: Enders, Trivedi, Faria, Lavelle, Parso
CHAIRPERSON: McDermott
Absent: COMMISSIONER: Loché

Commissioner Parso led in the Pledge of Allegiance.

Staff Members Present: Ajello, Buizer, Lawson, Nguyen, Madhukansh-Singh, Rizk

General Public Present: 7

PUBLIC COMMENTS

Marston Davis, a Hayward resident, shared that a home in his neighborhood had been under construction for three years and that it was also being used as a warehouse. He asked what the timeline was for placing speed bumps on Bermuda Lane. Chair McDermott requested that staff work with Mr. Davis in addressing his concerns.

PUBLIC HEARING

1. Request for Approval of Tentative Tract Map No. 8058, a Five-Lot Subdivision on an approximately 1.15-acre site located between Hayward Boulevard and Hillcrest Avenue, approximately 500 feet west of Tribune Avenue (Tentative Tract Map Application PL-2010-0379) – The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, In-Fill Development. Ron Esau (Applicant & Owner)

Development Review Engineer Nguyen provided a synopsis of the staff report. He indicated that staff received ten emails and one phone call for this project; seven individuals supported the project, some individuals had the following requests and/or concerns: view preservation; access to sewer main; environmental determination; water conservation; and one individual favored having a public trail easement on the eastern boundary of the project and two individuals opposed the public trail easement altogether. He noted that the property owners of lots 3, 4 and 5 of Tract 7402, which share a common driveway, are opposed to the creation of a public trail easement that will intersect their private roadway. Mr. Nguyen indicated that due to time constraints, staff did not have the opportunity to evaluate the following: the location where the proposed public trail easement is proposed to be constructed; whether this will be in compliance with Americans with Disabilities Act



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requirements; potential security and liability concerns; and determining who will be responsible for maintaining the public trail easement. For these reasons, it was staff's recommendation that the request for a public trail easement not be considered as a part of the proposed project at this time. Mr. Nguyen stated that regarding the view of the bay from the project site, the City did not have a view preservation ordinance in place at the moment; therefore, staff suggested that the applicant work with existing neighbors in addressing concerns about view preservation. In regards to the request for a sewer connection between an already existing property and the proposed project, Mr. Nguyen indicated that this was a private matter that could be resolved by the applicant and the neighboring property owner.

Development Review Engineer Nguyen indicated for Commissioner Lavelle that the applicant will possibly submit the Site Plan Review within the next couple of months.

Commissioner Lavelle expressed concern that a small development project comprised of five homes would have to be reviewed in order to determine if a Community Facilities District (CFD) is necessary. Development Services Director Rizk clarified for Commissioner Lavelle that the existing policy for new residential development within the city is that an analysis be conducted to determine if the development has to be included in a CFD.

Development Review Engineer Nguyen clarified for Commissioner Lavelle that the Homeowners' Association will also be responsible for the maintenance of the cleanwater pond which collects and treats stormwater before it is discharged into the underground storm drain in Hayward.

In response to Commissioner Trivedi's question, Mr. John Nguyen clarified that there is no constructed path currently in place on the west side and that several residents of Hillcrest Avenue use a path on the proposed project site as a cut-through to get to Hayward Boulevard. He indicated that constructing the path is not a part of the conditions of approval for the project; however, the legal settlement between the applicant and Mr. Sherman Lewis, the plaintiff, has outlined the requirements of the private pedestrian path that is to be constructed.

Commissioner Faria was concerned about the impact of seismic activity on the proposed development and asked staff if the homes would be built on stilts. Development Review Engineer Nguyen responded that the Geotechnical Engineer's recommendation for the project is to have a concrete foundation on piers that will be drilled down to seven feet below the bedrock which will enable the foundation to stay in place. He added that Building division staff will evaluate the project during the construction phase of the homes.

Development Review Engineer Nguyen confirmed for Commissioner Parso that the pedestrian easement will be built as a part of tract 8058 improvements, noting that maintenance of this pathway will not be the City's responsibility. The maintenance and accessibility of the pedestrian easement were outlined in the stipulations of the settlement agreement and would be between the applicant and the plaintiff.



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Commissioner Enders requested that a condition of approval be added to the project requirements that would address the preservation of views for existing residents in the area as there was a concern about the potential loss in value of the surrounding existing properties.

Chair McDermott opened the public hearing at 7:28 p.m.

Mr. Ron Esau, project applicant, responded to Commissioner Parso's question that he acquired Tract 8058 in 2007 and that he also owned Tract 7402. He shared that upon acquiring this parcel, a lawsuit was filed against him for prescriptive easement. He indicated that he had provided the settlement agreement to the Planning Commission and that the agreement described the following terms and conditions: that he grant the pedestrian easement on the western boundary; that Mr. Sherman Lewis (plaintiff) would be responsible for the maintenance of the path; that the path is a private easement accessible to a limited number of people residing within the area; and that access to the path be restricted by locking the gates located at the top and bottom of the easement, due to concerns about liability. Mr. Esau said that the current proposal for a pedestrian easement on the eastern boundary of the property would require that a third party grant the easement permitting the general public to pass over this portion of the property which was presently privately owned. Furthermore, he shared that the pedestrian easement would have to comply with ADA requirements such as the provision requiring a handicap ramp which would not be feasible for a path on the eastern side due to the steepness of the incline. Mr. Esau noted that the pedestrian easement on the western boundary did provide for a handicap ramp.

In response to Commissioner Trivedi's concerns about view preservation, Mr. Esau responded that his design plans would be such that the maximum height of his development would be the same height as the existing single story homes in the neighborhood. He shared that he spoke with the resident at 2587 Hillcrest Avenue who had concerns about view preservation, and Mr. Esau provided assurance that the view corridor on the eastern side would not be disturbed. He requested that the City not require the placement of a tree at this location as it would obstruct the view corridor.

Commissioner Lavelle shared that prior to the start of the Planning Commission meeting, Commissioners had received the settlement agreement between Mr. Esau and Mr. Lewis from staff. She pointed out that Item No. 7 in the agreement addressed easement conversion to a public trail and requested clarification on this. Development Review Engineer Nguyen indicated that to date, staff had not received a request to convert a private path into a public trail easement which would have to be maintained by the City. He pointed out concerns about meeting ADA requirements, liability, maintenance, and security which had not yet been reviewed by staff. Mr. Esau stated that per the settlement agreement, he had granted a three foot wide pathway that would be under the control of Mr. Lewis. He noted that there was an additional provision in the agreement that addressed acquiring three more feet in width of additional property from adjoining neighbors in order to convert this to a public trail easement. Mr. Esau stated that the agreement left it up to Mr. Lewis to acquire the adjoining land and to make petition to the City for dedication of the path.



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Ms. Kathy Lord, a Hillcrest Avenue resident, was concerned that there was only one way in and one way out of Tract 8058 and mentioned that this was not a paved road. She was worried about the traffic impacts to the area. Ms. Lord said that the proposed development would mean that more water would be drawn out of the ground and she had environmental concerns about the impacts of this on the current drought situation.

Mr. Sherman Lewis, a Hillcrest Avenue resident, requested that the Planning Commission consider converting the private easement on the eastern boundary of the proposed development to a public easement so that more residents can use it for activities like walking their dog or walking to the University campus. He noted that the easement will have a six foot fence along the side which would help preserve the privacy of adjacent residents. He said that he consulted an ADA specialist who indicated that if certain ADA requirements were impractical, then these do not have to be met. Mr. Lewis stated that the cost of maintaining the easement would be minimal and added that if there were any problems with the pathway then the City could manage this by closing the gates located at the top and bottom of the easement. The cleanup of litter along the easement would be done by his Homeowner's Association (HOA). Mr. Lewis encouraged the City to provide the public easement as an amenity for the neighborhood and that it would encourage connectivity and walking in the City.

Mr. Lewis clarified for Commissioner Trivedi that the public trail easement on the western boundary has not yet been constructed and that it was his preference to have the public trail easement on the eastern boundary of the proposed development. Mr. Lewis elaborated that there was a public road accessible from Hayward Boulevard which was available for public use, even though it was under private ownership.

Commissioner Parso commented that it was the City's policy to encourage transit oriented development and walkable neighborhoods. In response to Commissioner Parso's question about adding a condition to the application requiring the construction of a pedestrian path, Development Services Director Rizk responded that staff did not have the opportunity to explore this proposal. He elaborated that the addition of a public trail easement as a feature of the project would have to be approved by the City Council and that this could be done during the Final Map process.

Chair McDermott closed the public hearing at 7:50 p.m.

Chair McDermott stated that although she supported the project, there were some issues that needed to be further addressed such as the height of the proposed development and view preservation, as well as the inclusion of a pedestrian pathway in the development.

Commissioner Trivedi supported adding a condition of approval that would allow landscaping exceptions in the project for the purposes of view preservation and also requested that staff make a determination about the elevations of the proposed homes in the development. He commented that the sewer and easement issues were beyond the scope of the Planning Commission at the present meeting.



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Development Services Director Rizk noted that there was still an unresolved matter regarding the potential public trail easement along the eastern boundary of the project site which still had to cross through an adjacent property that was not owned by the applicant, in order for this path to fully connect with Hayward Boulevard. He stated that if the public trail easement along the eastern boundary of the property is approved, then this easement would become the City's liability.

Chair McDermott offered a motion to approve the project with direction that the applicant work with staff to add conditions of approval to preserve the views from Hillcrest Avenue of current residents by taking into consideration the height of the homes proposed in the project, the placement of trees, and other landscaping issues; and, that staff further study the feasibility of having a public trail easement along the eastern boundary of the property. Commissioner Enders seconded the motion.

Commissioner Lavelle did not favor the motion on the floor. She stated that staff's recommendation was the approval of a tentative tract map and that the request for building the development was not being proposed yet. She commented that any decisions about a future path along the eastern boundary could be considered later on in the process once the development plans were more defined adding that this would need the approval of the Planning Director or the Planning Commission.

The motion passed with the following vote:

AYES: Commissioners Enders, Trivedi, Parso
Chair McDermott
NOES: Commissioners Faria and Lavelle
ABSENT: Commissioner Loché
ABSTAIN: None

2. Request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of a Zone Change (Application No. PL-2014-0083) from Medium Density Residential to Planned Development and Vesting Tentative Tract Map 8172 (Application No. PL-2014-0084) associated with the subdivision and construction of 25 single-family detached homes, 10 attached homes and common areas on a 2.94-acre site bounded by Eden Avenue, Saklan Road and Montevina Way, Doug Rich of Valley Oak Partners (Applicant) Sandra Gudiel, Fernando Ramirez and Tatsumi Hirakawa (Owners).

Associate Planner Ajello provided a synopsis of the staff report. She indicated that the development proposed to continue the existing streetscape and that there would be six homes that would front on Montevina Way. Ms. Ajello indicated the following revisions to parts 'b' and 'c' of Condition of Approval No. 102: (b) The developer/subdivider shall be obligated to pay a Benefit District Fee in the an amount approximately of \$10,008 ranging from \$11,500 to \$16,000 per unit after the third building permits have been issued, with final per unit fee to be determined by the City's Finance Director consistent with the associated Mt. Eden Benefit District Agreement and Chapter 8, Article 16 of the Hayward Municipal Code. (c) For each additional unit for which a Benefit District Fee is



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due, the developer/subdivider shall also pay the City an additional fee of \$300 to \$500 per each additional unit to cover the cost of collecting and administering the Benefit District Fees, with final per unit fee to be determined by the City's Finance Director consistent with the associated Mt. Eden Benefit District Agreement and Chapter 8, Article 16 of the Hayward Municipal Code.

Associate Planner Ajello explained that the reason an increase in the per unit fee was being proposed for the Mount Eden Benefit District was because Condition of Approval No. 102 as originally written, did not factor in the interest that had been accruing on the loan from Dutra Enterprises. She stated that staff did not have the interest amount available at this time.

Chair McDermott opened the public hearing at 8:10 p.m.

Mr. Doug Rich, project applicant with Valley Oak Partners, shared a presentation with the Planning Commission. He indicated that the current proposed plan for the development featured improvements that would provide for a stronger community than originally intended. He stated that the new community would be accessible through a main access road on Saklan Road and Eden Avenue. He shared that the development had been reduced in density from 48 homes to 35 homes to provide for more group open space. Mr. Rich stated that the original plan provided limited guest parking (11 spaces) along Montevina Way; this had been modified to include 27 more guest parking stalls along the main access road bringing the total number of guest parking spaces up to 38 spaces, for 35 homes. He mentioned that the original design of the 48 homes consisted of building the new homes adjacent to the existing homes with 3.5 feet separation; additionally, the new homes were proposed to be three-story units and the existing homes were two-story units. The design was modified after taking into account sensitivity to neighbors and the plan was changed to add traditional rear yards creating a greater setback between the proposed development and the existing neighboring homes; the design of these new homes was reduced to two-story units. Mr. Rich shared that a neighborhood meeting was held with the existing neighbors and the existing HOA, and the development received positive feedback regarding the setbacks added to the project and changes in heights to the proposed units. He mentioned that the number of floor plans was increased to six to provide for more architectural variety. More exterior features were also added to the design plans including stonework, ornamental railings, shutters, covered porches, etc. which assist in blending the development with existing homes in addition to providing strong architectural detail.

Commissioner Trivedi noted that the project was thoughtful and an improvement from its previous iteration. He asked the applicant about the 11 guest parking spaces on Montevina Way and whether this easement had been acquired from the KB Homes HOA already. Mr. Rich responded that this agreement was currently being finalized. Mr. Rich described for Commissioner Trivedi that the aggregate group open space was adequate.

In response to Commissioner Trivedi's question about the varying lot sizes proposed for the development, Mr. Rich stated that the goal of the project was in line with the City's General Plan. Commissioner Trivedi encouraged the applicant to have enough open space in the development so that a volleyball or badminton court, picnic area, or a barbecue pit could be accommodated.



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In response to Commissioner Trivedi's concern about the proximity of the development to the Hayward Airport and potential noise issues, Associate Planner Ajello stated that the proposed development would be required to use certain types of windows and have mechanical ventilation to mitigate noise. In regards to the distance of the project site from the airport, she indicated that the development was at a range which would not require additional noise mitigation measures. Commissioner Trivedi suggested that residents moving nearby were made aware of the proximity to the airport, especially since the Hayward Airport was city controlled.

Commissioner Enders disclosed that she had met with the project applicant. She commented that each home in the development should have the opportunity to have an adequately sized private open space area of ten by ten feet or larger for barbecuing or to keep a pet. She spoke to the applicant's goal for providing a development that will appeal to multi-generational families and individuals with varying circumstances and recommended that in order for future residents to benefit from the development, she felt it would be better to have enough private space per unit rather than having additional park space for public use.

Commissioner Lavelle disclosed that she met with the applicant. She recommended that the applicant work with either KB Homes or Standard Pacific to build the development. She appreciated the six floor plans and the diversity of exterior designs being Italian, Tuscan and Spanish styles. Commissioner Lavelle liked the improvements to the surrounding neighborhood since the annexation of these properties from Alameda County. She commented that parking did not appear to be an issue as it had been in other parts of the city. She pointed out that one of the older homes in the area had a water tower and she requested that the applicant maintain this structure and possibly utilize it at the entryway to the development or in the open space area. Commissioner Lavelle noted that a water tower was successfully preserved and showcased at the entrance to another development on Cryer Street and suggested the same for the current project.

Chair McDermott said that she generally favored the project but shared the same concerns as Commissioner Enders about having larger homes on smaller lots. She stressed the importance of the availability of open space to residents. She agreed with the idea of having a place for the community to congregate that would include a barbecue pit and some benches. Mr. Rich indicated for Commissioner McDermott that the plans currently did not include providing electric vehicle charging stations in the garage per home. Commissioner McDermott commented that residents should have a designated place to store their garbage and recycling totes. Planning Manager Buizer noted for Commissioner McDermott that per a requirement of the United States Postal Service for new developments in the city, cluster mailboxes would be used in the project.

Commissioner Enders indicated that she was looking forward to the solar feasibility study and plans for Bioretention Treatment Areas where the rainwater will be filtered back into the environment. She emphasized the importance of having adequate private open space per unit, adding that the opportunity to place your garbage can and recycling bin outdoors was important. She mentioned that the front entrances to the homes were not inviting and that this could be improved by having awnings. She commented that the design of the homes lacked points of interest and were not unique



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from the surrounding homes, urging the applicant to incorporate designs that would make the development stand out in character. Commissioner Enders commented that plan 2 and plan 5 had insufficient master bedroom closet space. She encouraged the applicant to utilize native trees and shrubs for landscaping. She expressed concern about the parking limitations for residents.

Commissioner Faria appreciated that the applicant would be explore options for increasing the open space area and also commended the applicant for his willingness to replace the trees that will be removed due to construction at the development site with mature trees.

Chair McDermott closed the public hearing at 8:40 p.m.

Associate Planner Ajello clarified for Commissioner Lavelle that most homes in the proposed development would not be able to accommodate vehicle parking in the driveways.

Commissioner Lavelle offered a motion to approve the project per staff recommendation. She commented that it was a good feature of the project that it will blend in with the existing homes in the area. She was amenable to adding awnings to the front entryways of the homes. Commissioner Lavelle pointed out that neighboring residents were excited about the proposed project as it would help improve the neighborhood.

Commissioner Parso seconded the motion.

Commissioner Enders requested that some of her concerns be considered as a part of the motion by including the following: awnings over the front entryways; increasing the master bedroom closet space for floor plans 2 and 5; and that the developer provide a minimum of ten by ten square feet of private open space to the rear of the units.

Associate Planner Ajello stated that the applicant would be required to work with staff prior to the submittal of the Precise Plans and clarified that the open space requirement could be met with a combination of common open space and private open space. She exemplified that the developer could meet the requirement by enlarging the common open space area even if some units do not have private space with the dimensions of ten by ten square feet.

Commissioner McDermott commented that the proposed development could be marketed to a wide range of potential buyers as there were different floor plans and lot sizes available; however, it would ultimately be up to the buyer to determine the home that would be suitable for them and their family. She stated that some individuals may have a preference to have a smaller private open space as there would be less maintenance, especially individuals concerned about aging in place. She added that the present development may even appeal to some buyers as a starter home. Commissioner McDermott supported requiring awnings over the front porch of homes.

Commissioner Faria preferred having a development where residents could choose from a range of options in regards to the size of private open space available in a home, as some people may not



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want backyard space to maintain. She expressed concern that placing too many restrictions on a project may put the development in jeopardy and she appreciated the thoughtfulness that the developer put into blending the project with its surrounding homes. Commissioner Faria agreed with staff's recommendation regarding open space; however, she was favorable to adding awnings over the front entryways of homes.

Commissioner Lavelle agreed to adding conditions of approval that would require awnings to be placed over entryways of some units and also that some native shrubs and trees be used in the development. She stated that for this development, it was not necessary to specify the exact square footage of private open and/or closet space required, noting that planned development projects were intended to provide developers with more flexibility.

Commissioner Parso agreed with the amendments to the motion. The motion passed with the following vote:

AYES: Commissioners Enders, Trivedi, Faria, Lavelle, Parso
Chair McDermott
NOES: None
ABSENT: Commissioner Loché
ABSTAIN: None

COMMISSION REPORTS

3. Oral Report on Planning and Zoning Matters

None.

4. Commissioners' Announcements, Referrals

Chair McDermott announced that "Science in the Park" would be held on Saturday, October 4, 2014 at Alden E. Oliver Sports Park.

Commissioner Lavelle announced that the annual "Mariachi Festival" was being held in the City Hall Plaza on Friday, October 3, 2014.

Commissioner Trivedi proudly shared that according to the website www.livability.com, the City of Hayward was ranked among the "Top 100 Best Places to Live" in the United States.

APPROVAL OF MINUTES

5. The minutes of June 26, 2014 were approved with Commissioners Enders and Parso abstaining, and Commissioner Loché absent.



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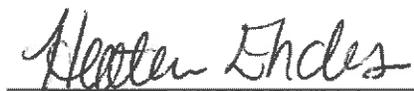
The minutes of July 24, 2014 were approved with Commissioners Enders and Parso abstaining, and Commissioner Loché absent.

The minutes of September 18, 2014 were approved with Chair McDermott and Commissioner Faria abstaining; Commissioner Loché absent; and with a suggestion by Commissioner Lavelle to modify page three of the minutes to add “on 2nd Street nearby” and to add “despite meeting minimum requirements.”

ADJOURNMENT

Chair McDermott adjourned the meeting at 9:01 p.m.

APPROVED:



Heather Enders, Secretary
Planning Commission

ATTEST:



Avinta Madhukansh-Singh, Senior Secretary
Office of the City Clerk



Tract 8058



existing
3' private
easement

6' requested
public trail

Address:
Hayward Boulevard/Hillcrest Avenue

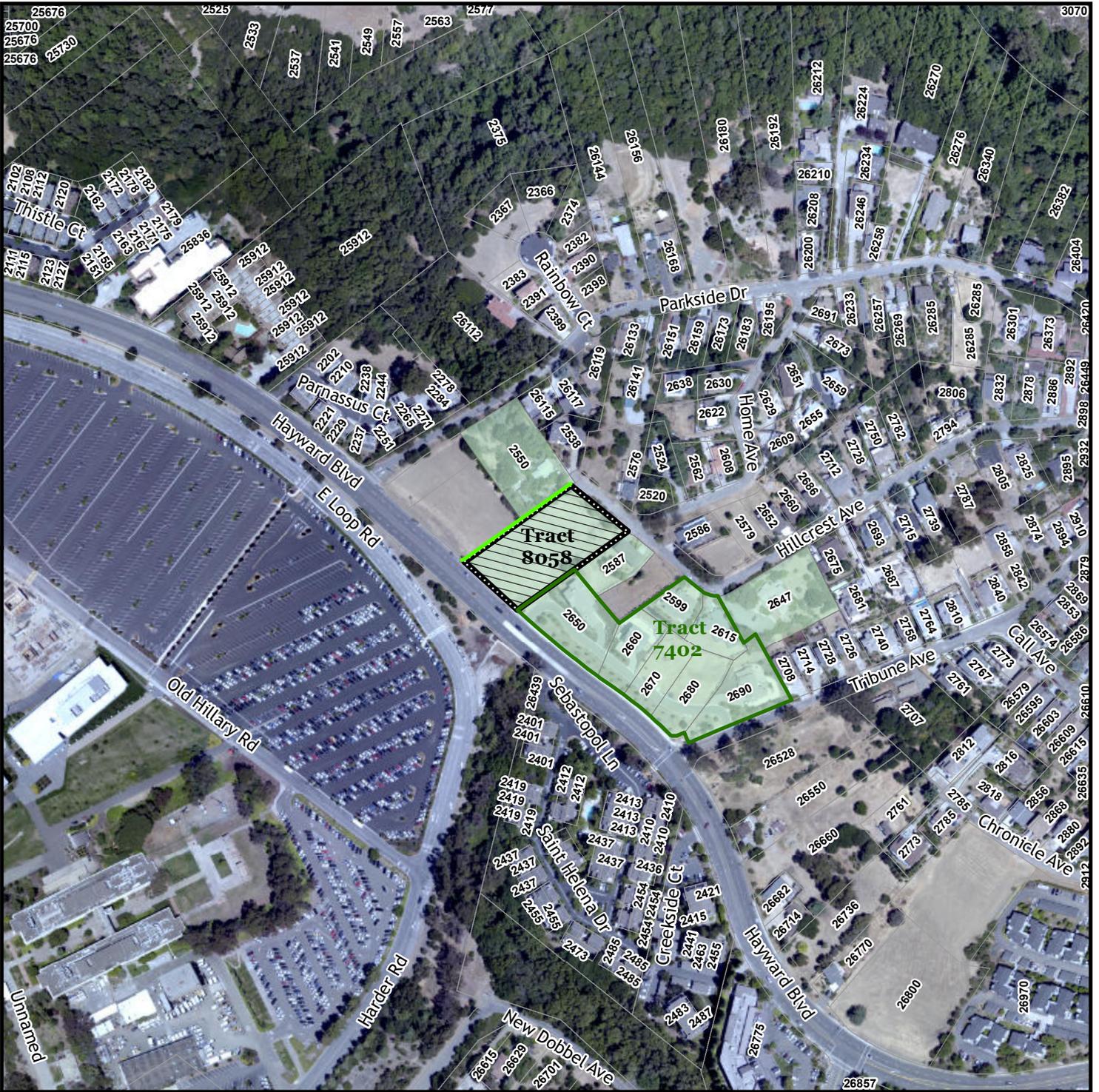
Applicant:
Ron Esau

Owner:
R.V. Esau Development





Tract 8058 Vicinity Map



PL-2010-0379 TTM 8058

Address:
Hayward Boulevard/Hillcrest Avenue

Applicant:
Ron Esau

Owner:
R.V. Esau Development

-  Tract 8058 (Golden Oaks II)
-  Tract 7402 (Golden Oaks I)
-  Trail Opposition Parcels
-  Existing 3 ft wide private path



DATE: June 30, 2015

TO: Mayor and City Council

FROM: Acting Information Technology Director/Director of Finance

SUBJECT: Authorization to Negotiate and Execute an Agreement for Council Chambers Broadcast Technology Improvements

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to negotiate and execute a purchase agreement with Avidex Industries, LLC, for a new Council Chambers audio visual and broadcast system for a total cost not to exceed \$860,000, inclusive of \$60,000 in contingency funding.

BACKGROUND

The City of Hayward City Council meetings are public meetings and as such are broadcast and recorded for the public. The audio/video (A/V) technology currently in the City Hall Council chambers broadcasts live meetings to local government access television channels, streams the live video on the internet, and records the content for later playback and archiving. The Council Chambers currently has a projector-based display system and a controller system to manage all of the A/V technology during a meeting. In addition, City Hall Conference Room 2A is equipped to display live meeting video to overflow audiences. These are critical and necessary elements of the City Council's public meetings. The City Council chambers are also utilized by other government agencies, such as the Hayward Unified School District, for public meetings.

The current A/V system is outdated for today's technology and was last upgraded during a two year period from 2005 to 2006. While this equipment has performed well over the years, most of the equipment is no longer supported by manufacturers, and has become a challenge to repair or replace. Additionally, as the City engages in upgrading its agenda management system, the current, outdated technology (analog) will not support the newer digital systems nor digital broadcast platforms.

This project is a complete replacement of the A/V technology in the City's broadcast, recording and presentation systems.

DISCUSSION

The goal of this upgrade is to improve the overall A/V quality of the system, providing the Mayor and Council, City staff and other meeting presenters with the best available tools to communicate effectively to the public. Most importantly, the upgrade provides the residents of Hayward, who comprise the meeting audience and viewers at home, with the best possible A/V experience and tools by which to view these public meetings. The new system will also allow for the implementation of a significantly improved agenda management system that includes video streaming, archiving and indexing functionality that the City currently does not have.

The new system will replace the current standard definition technology with high definition video and digital audio equipment including all recording and display technologies. This will position the City well for the future as A/V technology continually advances. This upgrade will also improve the usability of the system with fully integrated components replacing the existing standalone equipment with limited workflow.

Specific equipment that will be replaced includes:

- broadcast and document cameras and screens;
- camera control systems;
- video routing equipment;
- projectors and other video displays;
- main controller system including all control panels;
- audio equipment including microphones and speakers; and
- audio mixers.

In the planning stages of this project, the Information Technology Department met with City staff stakeholders to determine a list of desired features and system improvements. In doing so, staff considered the positive attributes and shortcomings of the existing system, the needs of the newly planned agenda management system, current industry standards, and recent A/V technology upgrades completed by neighboring municipalities. Staff also identified A/V system integrators (vendors) who had successfully completed similar public agency upgrade projects and polled California municipal information technology departments for vendor recommendations in the pre-qualification process.

On May 1, 2015, the City issued a Request for Proposals (RFP) to qualified companies to design, Install, and configure a complete Audio Video Broadcast System. A mandatory pre-bid conference was held on May 21, 2015, and eight qualified A/V Integrators attended. In accordance with the instructions and specifications contained within the RFP, the selected proposers were required to design, equip, implement, and provide administrator and user training, and system maintenance for a lump sum purchase price.

The proposals in response to the RFP were due June 12, 2015. A total of three proposals were received from AVDG (Audio Visual Design Group) of San Rafael, CA; Avidex Industries of Fremont CA; and Conti Corporation of Irvine, CA. The proposals were rated, based on the

criteria in the RFP, and staff is recommending that Avidex be considered the successful bidder for this project.

Avidex, formed in 2003 with the merger of two A/V companies, has eighty-nine employees in their Fremont office, and has provided A/V design, installation and support services for Bay Area public sector agencies and major Silicon Valley corporations such as Cisco Systems and Adobe. They were the only proposer to provide all requested information from the RFP and their design and equipment list were the most complete, including pricing and descriptions. The equipment matched the specifications in the RFP, and included all professional grade components. They also have the ability to maintain the system after installation, offering the highest level of support of the three bidders with a four hour onsite response option.

FISCAL IMPACT

The total project cost including options as provided by the three proposers is as follows:

AVDG:	\$446,545
Avidex:	\$910,494
Conti Corp.:	\$433,500

As mentioned, because the three vendors provided different levels of response, these costs are not comparable. Avidex is the only bidder that provided the City with a fully responsive quote – inclusive of all requested technology.

The FY 2016 Capital Improvement Program includes project funding totaling \$800,000. Given the cost of the project as quoted by Avidex of \$910,494, inclusive of all options, the total project cost currently exceeds the authorized budget. Staff will work with the vendor to identify ways to possibly lower the total cost; however, it is likely that the resultant total cost will be in excess of the authorized \$800,000. Staff requests Council authorization for an increase of \$60,000 to provide contingency funding for a total project authorization of \$860,000. Staff will work to identify the additional funds within the FY 2016 CIP budget.

PUBLIC CONTACT

On June 17, 2015, staff provided an overview of this project to the Council Technology Application Committee (CTAC). Staff described the project goals, the procurement process, and the rating process. Staff made the recommendation that Council authorize the City Manager to negotiate and execute an agreement with the selected Audio Visual Intergator (the proposal selection process was not complete at the time of the meeting) to design, install and configure a complete Council Chambers broadcast system. CTAC was in support of the project and staff's recommendations.

NEXT STEPS

Council authorizes the City Manager to negotiate and execute this purchase agreement. Project kickoff would commence in July 2015 with an anticipated go-live date of September 15, 2015. This will occur in conjunction with the new agenda management system. Council and key staff will receive training on both systems prior to the go-live date.

Prepared by: Mark Dostal, Information Technology Manager-Customer Support

Recommended by: Tracy Vesely, Acting Information Technology Director/Director of Finance

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH AVIDEX INDUSTRIES, LLC TO PROVIDE A NEW COUNCIL CHAMBERS BROADCAST AUDIO VISUAL SYSTEM AND ANCILLARY EQUIPMENT AND EXECUTION OF A PURCHASE AGREEMENT FOR SAID AUDIO VISUAL SYSTEM

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute an agreement with Avidex for the purchase and installation of audio visual equipment, in an amount not to exceed \$860,000 in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2015

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

DATE: June 30, 2015

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Adoption of a Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Willdan Engineering, for Development Review Engineer Services.

RECOMMENDATION

Staff recommends that City Council adopts the attached resolution.

BACKGROUND

The Development Services Department employs a Development Review Engineer and Development Review Specialist within the Planning Division. These positions are responsible for providing support at Hayward's One Stop Permit Center related to engineering inquiries, as well as lead the processing of all applications for tentative subdivision maps, lot line adjustments, lot mergers and lot splits, and certain types of encroachment permits. The Development Review Specialist position became vacant effective April 3, 2015, and the City's long-time Development Review Engineer submitted a two-week notice and resigned effective April 27, 2015. Given that both of these positions are currently vacant, it is critical that an alternative method for providing these services is utilized while the City recruits for these positions.

DISCUSSION

On May 18th, after staff sent requests to seven firms and reviewed proposals from three submitted, the City entered into an original agreement with Willdan Engineering, Inc. (Willdan), to provide Development Review Engineer services, for an amount not to exceed \$25,000. Willdan provided Peter Rei, a highly qualified candidate and registered civil engineer, who was selected to handle the responsibilities of Development Review Engineer at a rate of \$112 per hour. Mr. Rei has served as the Development Review Engineer since May 21.

The Development Review Section of the Planning Division is unique, in that it requires engineering knowledge and capabilities within the Planning Division, whose primary function is to process tentative subdivision maps, which often occurs simultaneously with Planning applications. Development Review Section staff also coordinate with the Public Works Department, as well as other City departments, related to processing such maps, as well as performing other related engineering functions and providing support at the Permit Center counter. The ability to extend

the agreement with Willdan will allow time to recruit qualified candidates for the Development Review Engineer position. (Note the City Council authorized a contract amendment with CSG Consultants on June 9 for the Development Review Specialist position.)

FISCAL IMPACT

All costs for this professional services agreement will be offset by salary vacancy savings in the Development Services Department, and will be covered within the approved FY15 and proposed FY16 budgets. The requested additional \$65,000 is projected to cover services through the end of the calendar year, which staff anticipates will be more than sufficient to allow time for recruitment and training of a new Development Review Engineer. With Council’s approval, the amended agreement will be for a total amount not to exceed \$90,000.

PUBLIC CONTACT

No public contact has occurred associated with this action.

NEXT STEPS

If the Council approves this resolution, staff will execute a contract amendment.

Prepared by: Jade Kim, Administrative Analyst I

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments: Attachment I Draft Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING, FOR DEVELOPMENT REVIEW ENGINEER SERVICES, IN AN AMOUNT NOT TO EXCEED \$90,000

WHEREAS, the position of Development Review Engineer became vacant on April 27, 2015; and

WHEREAS, the Development Review Engineer position, which is at a senior civil engineer level, requires complex knowledge of engineering and surveying principles; and

WHEREAS, City staff sent out requests to seven firms and reviewed proposals from three firms that responded, of which Willdan Engineering, Inc. (Willdan Engineering) was the lowest cost with the most qualified engineer; and

WHEREAS, an Agreement with Willdan Engineering was executed on May 18, 2015, to provide development review services to the City of Hayward for an amount not to exceed \$25,000; and

WHEREAS, it is necessary to extend the term of this agreement, and therefore increase the budget an additional \$65,000 to an amount not to exceed \$90,000, in order to recruit qualified candidates; and

WHEREAS, the costs for this agreement amendment will be offset by salary vacancy savings.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward, hereby authorizes the City Manager to execute an amendment to the City's Agreement with Willdan Engineering, approving the revised term to no later than December 31, 2015, and increasing the budget amount for a total not to exceed \$90,000.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2015

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

DATE: June 30, 2015
TO: Mayor and City Council
FROM: Assistant City Manager
SUBJECT: #EngageHayward: Community Engagement Pilot Program

RECOMMENDATION

That Council reviews and comments on the proposed community engagement pilot program: #EngageHayward.

SUMMARY

Hayward has been extremely successful in our initial phase of community engagement through our Neighborhood Partnership Program (NPP). However, as problems throughout the community get addressed and resolved, and the community becomes more familiar and comfortable with their City government, the effectiveness of the model has waned. The desire of Mayor and City Council and staff to continue to creatively, efficiently, and effectively interact with our community requires that the City consider a shift in the focus and methodologies of its community engagement efforts to achieve the next level. #EngageHayward will reinvigorate community engagement by enhancing connections between Hayward's diverse populations while continuing to move away from the normative engagement paradigm of "government as the problem solver" toward a collective impact model where the City uses its influence and resources more effectively by serving as a convener, facilitator, and partner as originally envisioned with the evolution of the NPP.

The inherent diversity of the Hayward community requires the implementation of several engagement strategies in order to engage a variety of diverse residents. #EngageHayward will employ the rapid prototyping of engagement strategies with the foundation of design thinking—focusing on a resident-centered program experience. Staff will continually evaluate, adapt, or scrap engagement strategies to identify the most effective way to engage with residents. #EngageHayward will provide a framework for improving coordination of the many community engagement efforts taking place in different City departments and will ensure clear alignment of these efforts with the Hayward City Council's Priorities.

BACKGROUND

The Neighborhood Partnership Program (NPP) initially served as a successful model of public engagement for the City of Hayward. Since its inception in 2007, the program has facilitated

110 neighborhood meetings within thirty-four Hayward neighborhoods with an average of thirty-three residents participating¹. That model was based on a series of four meetings held in each neighborhood over approximately six to nine months with participation from residents, City staff, and staff from other agencies. The premise was that the neighborhood would start the meeting series with an identification of problems their area was facing, the City would respond to these issues and present a report out on resolutions at meetings two and three, and then at the fourth meeting, City staff would explain how the neighborhood could continue to “self-organize” to resolve issues or how the neighborhood could get in touch with various City/Agency staff members if there were other issues that arose after the NPP meeting series.

The original intent of the NPP was to help residents develop strong neighborhood organizations that work in partnership with the City and other public agencies, community and faith-based service organizations; and local businesses to enhance the quality of life in Hayward. 52% of these neighborhood organizations continue to be active today; however they operate independently and only partner or interact with the City on an as-needed basis. The remaining neighborhood organizations simply did not develop or continue to organize after the initial series of NPP meetings was held. Today, many areas of the community that participated in the NPP meetings have no association or involvement with the City beyond being a periodic consumer of public services.

Initially, NPP meetings involved the Mayor, City Manager’s Office, and a broader participation of City department directors and managers. And, over the life of the program, they evolved to include only those City department representatives key to addressing specific neighborhood issues.

The City’s current community engagement efforts are not producing the community partnerships the City desires to ensure that City Hall is connecting with residents on an ongoing basis. The devolution away from partnership development to more reactionary issue centric meetings is perpetuating the expectation that residents only need to report problems to the City and the City will fix them. A healthier model that will be more sustainable in the long term is for the City to facilitate neighborhoods in skill development and problem solving. This will allow residents and businesses to design and implement solutions, in partnership with City staff, which may be more effective and will likely have more buy-in; and allow and encourage neighborhoods and residents to take a much more proactive and creative approach to improving quality of life throughout Hayward.

DISCUSSION

The Spectrum of Resident Community Engagement:

The spectrum of resident community engagement ranges from the following:

- Non-Engagement— No engagement with City
- Tier 1: Passive Engagement – Simple information consumption;
- Tier 2: Moderate Engagement – Periodic action, input, or involvement;

¹ Meetings have had total participation range from 10 to over 100 residents in attendance.

- Tier 3: Active Engagement – Consistent action, input, or involvement.

By and large, residents engage with their community when they have a direct concern about community issues and anticipate that they will benefit from bringing it to the City’s attention. If not, most people simply do not participate, especially if involvement means attending an evening meeting or event. However, non-attendance does not necessarily equate to non-interest. Between taking children to school and after-school programs, feeding their families, working (sometimes multiple jobs), and having to deal with whatever life throws at them, residents often do not have the time or capacity to attend neighborhood meetings.

It is also worth noting that many of the individuals who do attend neighborhood meetings tend to be those who feel strongly about certain issues. While some residents raise constructive concerns, the meetings are nonetheless primarily complaint driven. To put it simply, the City needs to provide residents with alternative ways to engage with their City that allow for varying levels of interest, available time, and energy.

Many problems facing our community do not fit neatly within neighborhood boundaries. Issues of crime, graffiti, traffic, and many others easily transcend neighborhood borders. These problems can also transcend the City bureaucracy. In addition to this, different City departments are implementing various community engagement efforts with varying degrees of effectiveness. Often, these efforts overlap or “step on” each other, which leads to inefficiencies in the deployment of scarce City resources.

Acknowledging community members’ varying interests and capacities, the nature of boundary-spanning community issues, and the need to more efficiently and effectively coordinate the City’s many different community engagement activities, staff is developing and implementing a new City-wide engagement framework. While it is important to start prototyping new strategies for resident engagement, the City will still provide issue-specific meetings upon request from neighborhoods or as identified by staff, as is currently provided and facilitated by the City Manager’s Office. The strategies outlined below would be in addition to these existing responses.

A New Framework and Process - #EngageHayward

Staff strongly believes that the utilization of a multi-dimensional community engagement approach marked with rapid prototyping and tweaking of engagement strategies that are implemented within the framework of the City Council’s priorities of Safe, Clean, Green, and Thriving is what will enhance the City’s community engagement efforts .

Each quarter, #EngageHayward will focus on promoting community engagement around topics pertaining to one of the four City Council Priorities. This platform will utilize several different engagement tools to offer four initial levels of engagement opportunities:

- A) Video and other social media collateral;
- B) Interactive and collaborative City “Reddit-style” website;
- C) Community issue “Hack-a-thons”
- D) City Hall to You

Staff will continually evaluate, adapt, or scrap strategies if they do not result in appropriate levels of outreach and engagement (in terms of participation and/or substance), replacing them with other concepts that are informed by the feedback received by residents and other community stakeholders, City staff, and Council Members. The success of #EngageHayward will be contingent upon the ability of the City to be adaptive and flexible; fully embracing the rapid proto-typing and pivot-development nature of this continuous improvement approach.

Engagement Strategy 1: Video and Other Multi-Media Collateral

This strategy is for those who only want to passively engage for the sake of information consumption, rather than to play a more interactive role as the other two proposed strategies require. Each quarter, program staff will develop video and other multi-media collateral, focusing on that quarter's Council Priority, for use on the City's new website and for distribution through other media.

The primary purpose of this strategy will be to provide a base-level of community engagement through the production of information campaigns relating to that quarter's topic or focus area. For example, during the "Safe" quarter, the videos might focus on how residents can establish a neighborhood watch group or provide information on Police Department efforts to reduce certain types of crime within the community. The intent of these videos will be to both provide information and/or instruction on how to help the City achieve positive outcomes related to the Council's priorities.

Engagement Strategy 2: Interactive and Collaborative "Reddit-Style" Webpage²:

Reddit is a very popular website that allows individuals from across the world to post topics, share information/content, comment, and vote on literally anything from Personal Finance to the Howard Stern Show. A Reddit-like website would allow residents who are literate (regardless of the language they use) and who have access to the internet, to easily post community concerns, issues of interest, and to share ideas on a moderated website. Residents could comment on the community topics raised and/or posed to them, and then submit their opinion with a simple up-vote or down-vote—as well as post comments. The development of this site may be done through Code for America or the purchase of similar software solutions.

It could simply stop at this Tier 2 or moderate level of engagement with the submission of one's opinion. However, where there is enough interest to take action on a community-improvement topic, residents can engage at a Tier 3 or higher level of engagement by acting in partnership with other stakeholders to address a community concern.

The site would be moderated by both City Staff and active community members. This site would have four "sub-reddits," one for each of the Council priorities. Participation would require residents to create accounts on the webpage and verify their residency within the City. This

² <http://www.reddit.com/>

strategy would enable residents to engage with the City via computer or mobile device so that they can provide ideas or feedback quickly, and at any time, on topics of interest.

Engagement Strategy 3: Issue Hack-a-thons³

Issue Hack-a-thons will empower residents to identify issues that are of concern to them, as well as give them the opportunity to play an active role in developing and prioritizing creative partnership solutions that aim to leverage the skills, knowledge and resources from various sectors of the Hayward community. The Issue Hack-a-thons would take the form of stakeholder community-based work sessions organized by City Council Priority.

The Issue Hack-a-thons will take place once per quarter, and will be a new physical “meeting” strategy aimed at fostering partnerships. The structure of the Hack-a-thon will divide residents into small work groups where they will have one hour to brainstorm or “hack” an issue or problem relating to that quarter’s (City Council Priority) focus area, or theme. After the hour of problem “hacking,” each group will give a brief presentation of their chosen problem and potential solutions to the others in attendance. Following group presentations, all residents in attendance will vote on which solution they wish to implement in partnership with the City and other community stakeholders. All of the other solutions will be also be recorded and saved for potential future action.

The entire event should not last longer than two hours. Staff will be on hand to proactively explain to residents why a given solution is feasible or infeasible (from the standpoint of limited financial resources, legal, and/or technical requirements). Additionally, it will be very important to identify how the City, residents, and other stakeholders will work together—or partner—to implement a solution; the “partnership imperative” is key to the success of this particular strategy, and will underscore implementation.

Ideally, the Hack-a-thon events will be conducted in large spaces at a few different centralized locations throughout the city. In order to optimize community participation, staff will utilize substantial outreach and multi-media promotional strategies. In order to minimize commitment conflicts and institute predictability, the city will establish dates and times in advance and around other existing community events. Events will also include translation and childcare services along with refreshments.

³ A hackathon (also known as a hack day, hackfest or codefest) is an event in which computer programmers and others involved in software development and hardware development, including graphic designers, interface designers and project managers, collaborate intensively on software projects.[1] Occasionally, there is a hardware component as well. Hackathons typically last between a day and a week. Some hackathons are intended simply for educational or social purposes, although in many cases the goal is to create usable software. Hackathons tend to have a specific focus, which can include the programming language used, the operating system, an application, an API, or the subject and the demographic group of the programmers. In other cases, there is no restriction on the type of software being created. The term "hackathon" has also been used as a term for more general "focused innovation efforts" that includes non-coders and community members, such as in the Palo Alto civic hackathon event Hack Palo Alto. (This is a Wikipedia definition: <https://en.wikipedia.org/wiki/Hackathon>)

Following the event, the City will move swiftly to work with its partners to implement the winning solution. During the implementation phase, the City will provide regular progress reports to City Council, and to the general public, thereby increasing the visibility of the work being done and building momentum by encouraging others to become civically engaged.

Engagement Strategy 4: City Hall To You

This strategy, building on NPP experience, will involve City officials garnering input about the current status of Hayward neighborhoods—as well as the greater Hayward community—through key stakeholder meetings with various neighborhood groups and home owner and business associations throughout the City. At these meetings, the City will be able to share brief State of the City reports, and community members will be able to share the current state of affairs in their part of the community. This strategy will be focused primarily on information sharing. However, as specific issues or concerns are raised, there may be an opportunity for more targeted, neighborhood based issue hack a thons or for follow up meetings with residents interested in that particular issue.

Effective Program Evaluation

The foundation to #EngageHayward is design thinking—focusing on the resident side of engagement rather than the city side. The design and subsequent programmatic evaluation of any City engagement effort must take place under the design thinking paradigm of a “resident centered program experience.”

While it is important to evaluate our work, and develop community engagement strategies (as well as other City programs and services) based on research and good data, it is equally important that the City not suffer from “analysis paralysis” – where it takes too long to try new approaches to our work due to the unending quest for more information. This leads to missed opportunities - or worse remaining stagnant.

Rather than being afraid of failure, the City must be willing to take informed and calculated risks; embrace and learn from our failures; and then be nimble enough to quickly pivot or change our methodologies and direction based on our experience. This technique is widely used in the fast-paced and highly competitive tech industry today.

Evaluation will involve simple and measurable objectives. These may include such factors as: degrees of resolution for identified community problems; total resident engagement; and the cost effectiveness of each strategy.

To achieve this, staff will be actively searching ways to garner resident feedback on the strategies we are employing/testing. Current evaluation methods will include developing focus groups around the questions: “What is City resident engagement missing?” and “How else do you as a resident want to interact with the City?” These focus groups will be held biannually, preferably after the program’s first and third quarters.

Additionally, following Hack-a-thon events, staff will be sending brief electronic surveys to participants to gain specific feedback relating to that event and the #EngageHayward platform. Staff also feels that holding a Council work session halfway through the pilot program will produce very helpful feedback. Staff is open to any Council recommendations for programmatic evaluation of this pilot program.

NEXT STEPS

Incorporating Council feedback at this work session, staff will launch an initial pilot of #EngageHayward during Q4 of calendar year 2015, beginning in September, which will test the Tier 1, Tier 2 and Tier 3 prototype community engagement strategies described in this report. The pilot will initially focus on the Council Priority “Safe” —specifically around the subject of emergency preparedness. Staff will also schedule several “City Hall to You” meetings (identified as the Tier 4 strategy) during this first quarter of program implementation.

Prepared by: David Korth, Neighborhood Services Manager
John Stefanski, Administrative Analyst I

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

None

DATE: June 30, 2015

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Introduction of an Ordinance Adding a New Section to the Residential Code for the City of Hayward, Establishing Expedited Permitting Procedures for Small Residential Rooftop Solar Systems, as Required by AB 2188

RECOMMENDATION

Staff recommends that the City Council introduces the attached ordinance, which would provide an expedited system for the issuance of permits for small residential (single or duplex units) rooftop solar systems, including photovoltaic systems and thermal solar systems for domestic water heaters. Such provisions are mandated by legislation contained in [AB2188 \(2014\) Maratsuchi](#), codified in Government Code section 65850.5.

BACKGROUND

Section 65850.5(a) of the California Government Code states that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems, thus reducing the overall cost of such systems. In furtherance of that objective, Section 65850.5(g)(1) of the California Government Code requires that, on or before September 30, 2015, every California municipal jurisdiction must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

Even before the State law was adopted, staff from the Building Division and Fire Prevention Office began working to reduce the plan check review time for small residential solar systems from 15 business days to over-the-counter processing for most applications. The City currently expedites the processing of such applications by providing a standard checklist/handout that identifies submittal requirements for such systems, which is available online; and reviewing and issuing permits for such systems in an expedited manner compared with other minor project applications. The vast majority of small residential solar system applications are processed through a program called “Solar Tuesdays,” when applications are submitted between 9 am to noon on Tuesdays and plans are reviewed and permits are issued over the counter (OTC) on the same day. Projects of more than 10 Megawatts capacity or of greater complexity are not eligible for expedited plan review and must go through the City’s normal review and permitting process. The term “expedited” is not defined in the Government Code in terms of a specified time period, but is accomplished through the use of the checklist/handout and expedited process described above.

The City, however, needs to adopt an ordinance mandated by Government Code Section 65850.5(g)(1). The attached ordinance implements the requirements of Section 65850.5(g)(1), such as accepting and approving applications electronically (which includes via email or fax), directing the City's Building Official to develop a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review (already completed – see Attachment II), and authorizing the Building Official to administratively approve such applications (Building and Fire staff already do so). The City does not currently have the ability to perform electronic plan review, but staff is working toward developing such a system to be implemented in early CY2016, as discussed below. The City is currently in compliance with all of the other requirements of this section of the Government Code.

Review by the Council Sustainability Committee - The Council Sustainability Committee reviewed the draft ordinance on June 18 and recommended that the City Council adopt it, and that the current \$300 total permit fee for such systems not be changed.

DISCUSSION

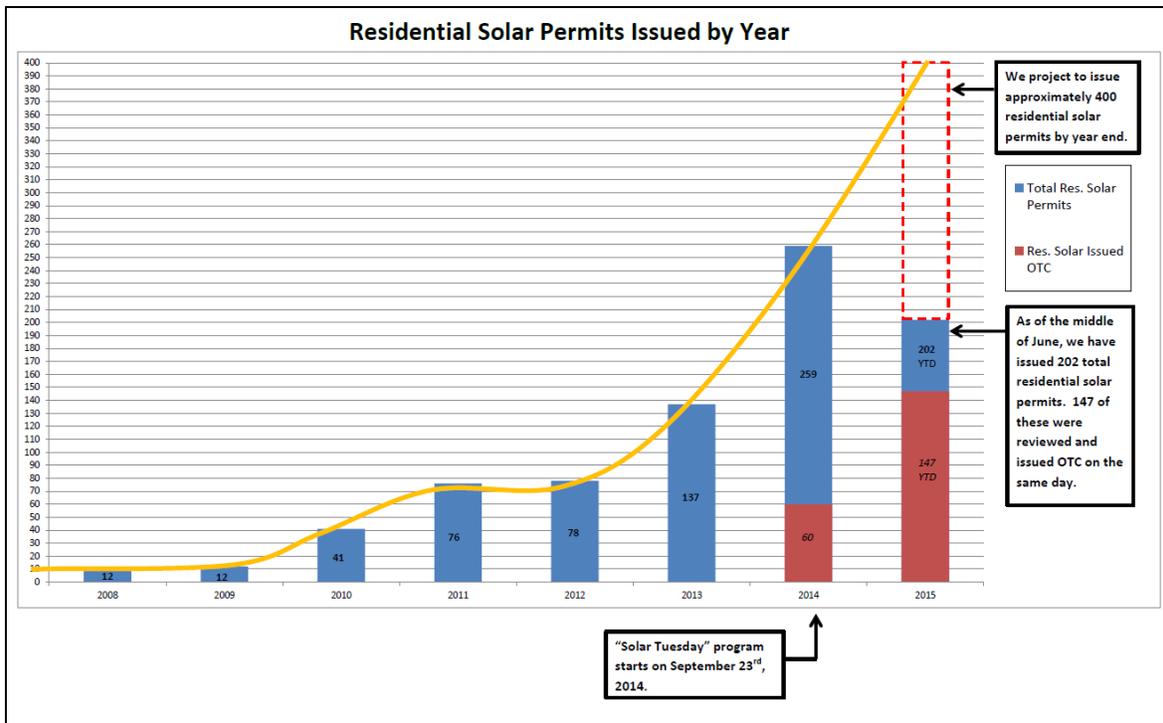
In compliance with AB 2188, the ordinance would amend the administrative section of Hayward's Residential Code that was adopted via Resolution No. 13-21 in December of 2013, by inserting language providing an expedited plan submittal and review system for residential solar photovoltaic systems of less than 10 kilowatts in size or solar thermal systems for domestic hot water of 30 kilowatts or less. The ordinance promotes the acceptance of electronic submittal and review of plans, use of a standard checklist by applicants and City, and the acceptance of electronic signatures when available. Only one required inspection may be performed by the City's Building Division, with an additional inspection permitted by the Fire Department, if needed.

Staff is already implementing the requirements of AB 2188, and is already using a standard plan and checklist procedure. In addition, and as noted above, the City currently provides expedited permits through "Solar Tuesdays" with reviews jointly performed by Fire and Building. Total time to process an application is 25 to 35 minutes, and requires three staff to complete the process: Building Plan Checker (reviews structural and electrical elements), Fire Inspector (reviews access zones, shutoff locations, warning labels, etc.), and a Permit Technician (enters data in computer, collects fees, stamps the plans, issues the permit, etc.).

The average number of permits issued on a "Solar Tuesday" is ten, with as many as fifteen processed. Shortly after the program was launched and contractors realized that coming in on Tuesday guaranteed an OTC permit, virtually all residential solar permits are applied for and issued on Tuesdays. If customers choose to submit their solar permit applications on a day other than Tuesday, they can pick up their permit on the upcoming Tuesday.¹ Currently, applications submitted outside of the "Solar Tuesdays" program are virtually non-existent.

¹ *Although it may seem not to be customer friendly to ask customers to wait until the following Tuesday, it is a matter of having required staff available: a building plan checker, fire plan reviewer, and a permit tech. The combination of "Solar Tuesdays" and this system is a balance between our in-house staffing levels (particularly with Fire and Building Plan Checkers) and workloads with other projects/duties and priorities. It is working well with the solar vendors.*

The graph below shows the significant increase in the number of permits issued for small residential solar systems over the last few years, including those issued over-the-counter, with approximately 400 permits anticipated to be issued this calendar year.



Staff is also testing submittal by email for small solar permits and is planning to purchase software and provide training for staff in servicing electronic submittals through the internet. Staff is actively researching electronic submittal options and hopes to implement the system in phases in Fiscal Year 2016, with simple applications and plans, such as small solar systems, to be phased in first. Currently, applicants may submit applications for small solar systems via fax.

Finally, the City is a signatory to the [East Bay Green Corridor process regarding small solar installations](#), by which Hayward agreed to use a checklist similar to the one developed by the Governor’s Office of Planning Research.

ECONOMIC IMPACT

The legislation states that delays in permitting and inspection of solar PV systems create an economic burden on the citizens of California. This ordinance is intended to minimize those delays.

FISCAL IMPACT

The proposed ordinance implementation would have a minimal financial impact on the City, especially since provisions of the ordinance are already being implemented. Our current total fee of \$300 is less than that allowed in the law (\$500) and is in the middle of fees charged by surrounding

communities, including Concord, Berkeley, Alameda and San Leandro. The actual average cost to process these types of applications and conduct inspections is \$510 per permit. To continue to promote the installation of such systems, staff proposes no change to the current \$300 fee.

PUBLIC CONTACT

Staff will add wording to the City’s website emphasizing the use of the checklist/handout and the Solar Tuesday expedited plan check system. The new law mostly affects solar contractors, most of whom in our local area are already utilizing the established system and process. Staff will continue its outreach efforts to local affected organizations, provide information on the City’s web-site, and email local customers/contractors as appropriate.

NEXT STEPS

Should the Council introduce the attached ordinance, it will be brought back to Council for adoption at the next Council meeting on July 7, 2015. The ordinance will be effective 30 days after adoption.

Prepared by: Fred Cullum, City Building Official
Steve Osborne, Supervising Plan Checker/Expediter

Reviewed by: Stacey Bristow, Deputy Development Services Director

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Draft Ordinance
- Attachment II Checklist/Handout

ORDINANCE NO. 15-_____

AN ORDINANCE AMENDING THE RESIDENTIAL CODE FOR THE CITY OF HAYWARD TO ADD SECTION R115, ESTABLISHING EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS, AS REQUIRED BY AB 2188

Whereas, the provisions of AB 2188 (2014) Maratsuchi have been codified in California Government Code Section 65850.5; and

Whereas, Subsection (a) of Section 65850.5 of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems; and

Whereas, Subdivision (g)(1) of Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance, consistent with the goals and intent of subdivision (a) of Section 65850.5, that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section R115, titled “Expedited Permitting Procedures for Small Residential Rooftop Solar Systems,” is hereby added to the Hayward Residential Code (adopted via Ordinance No. 13-21) to read in full as follows:

**Section R115, California Administrative Code, Chapter 1, Division II
Small Residential Rooftop Solar Energy System Review Process**

A. The following words and phrases as used in this section are defined as follows:

“Electronic submittal” means the utilization of one or more of the following:

1. e-mail,
2. the internet,
3. facsimile.

“Small residential rooftop solar energy system” means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

“Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

B. Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

C. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The City Building Official is hereby authorized and directed to develop and adopt such checklist.

D. The checklist shall be published on the city’s internet website. The applicant may submit the permit application and associated documentation to the City’s building division by personal, mailed, or electronic submittal, when available, together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature.

E. Prior to submitting an application, the applicant shall:

1. Verify to the applicant’s reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

2. At the applicant’s cost, verify to the applicant’s reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system’s current use, to carry all new photovoltaic electrical loads.

F. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include an additional inspection by the fire chief. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however, the subsequent inspection need not conform to the requirements of this subsection.

G. An application that satisfies the information requirements in the checklist, as determined by the City Building Official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

H. Upon confirmation by the City Building Official of the application and supporting documentation being complete and meeting the requirements of the checklist, the City Building Official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider’s electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

Section 2. 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.

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days after adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the _____ day of _____, 2015 by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 2015, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

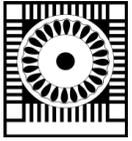
APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Solar Panel Installations SINGLE-FAMILY RESIDENTIAL

City of Hayward Development Services Department

Revised: 6-15-15

PERMIT REQUIREMENTS

Permits are required for all solar panel installations. This handout covers the basic drawings and some key code items needed for a successful submittal. Flush mounted solar panel installations for single-family homes are reviewed over the counter when submitted on Tuesdays from 9:00 a.m. to Noon as part of Hayward’s “Solar Tuesday” program. If not submitted on Tuesday, the application will be reviewed by the following Tuesday.

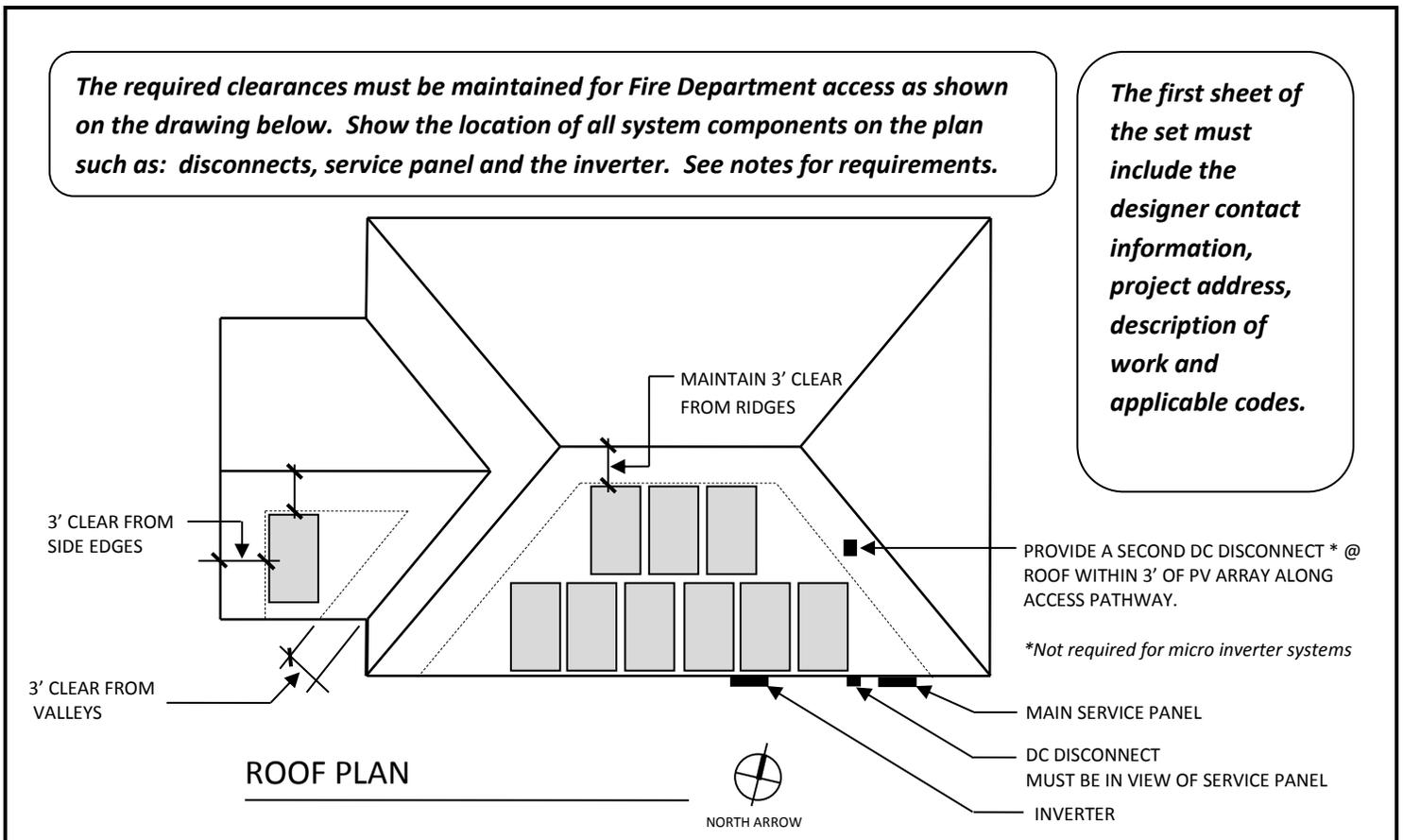
FEES

Single-family residential solar panel permit fees are subsidized by the City to encourage their installation. There is a total flat fee of **\$300** for flush mounted systems. This includes plan review and inspection. For installations that require structural calculations such as non-flush mounted panels or unconventional mounting, additional structural review fees will apply.

DRAWINGS

Provide the following drawings stapled together in a single set of plans. Also, include cut sheets for all equipment specified in the project. These documents can be separate from the plans. The submittal will require **3 sets of plans**. The plans must contain the following minimum information:

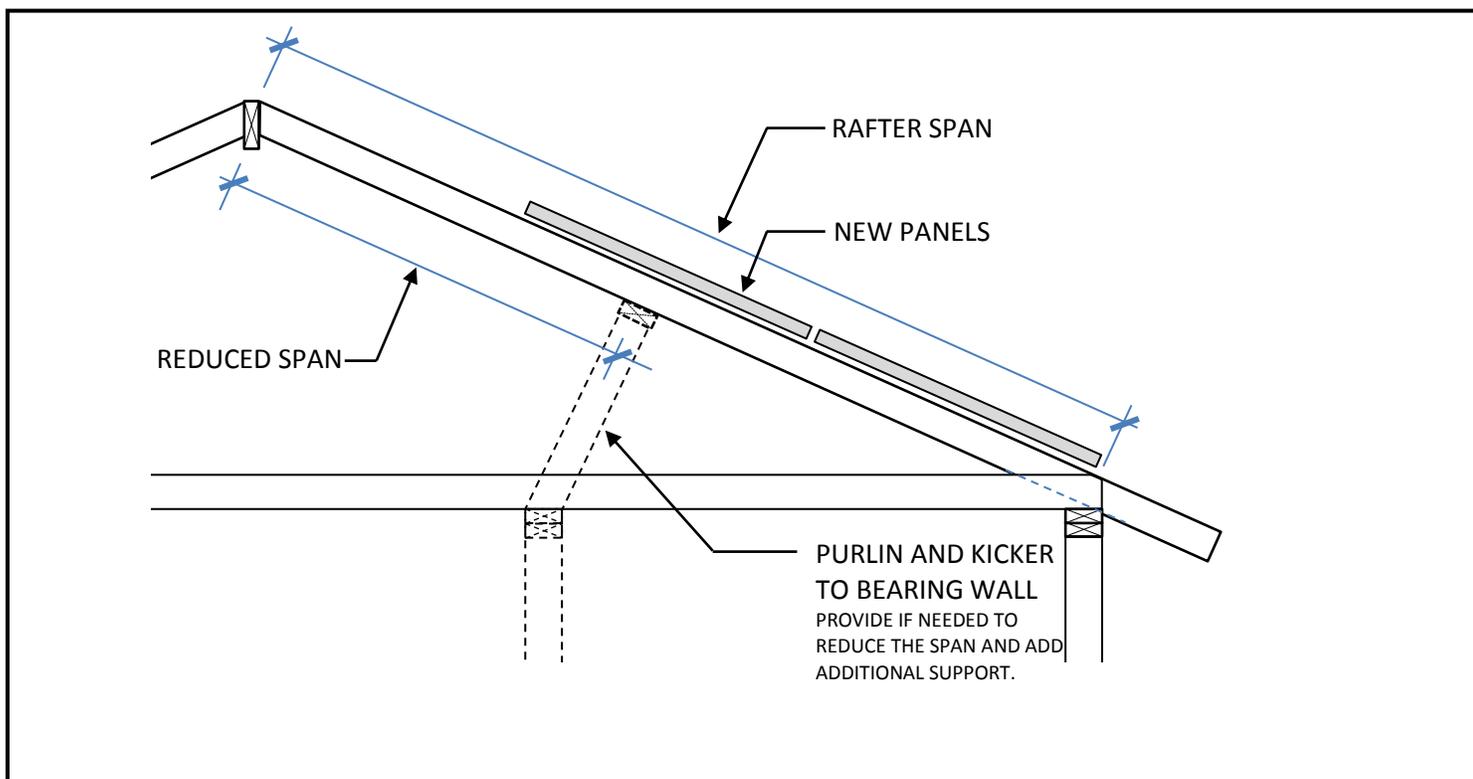
1. ROOF PLAN



2. ATTACHMENT DETAILS and STRUCTURAL INFORMATION

- Only use listed mounting hardware.
- Verify that each component is compatible with the system.
- Provide cut sheets for each product and install according to the manufacturer's installation instructions.
- Verify flashing, and counter flashing at roof penetrations. Install per manufacturer's installation instructions.

NOTE: Flush mounted panels as shown in the example drawing below do not require structural calculations. However, **panels that are tilted at a steeper angle than the roof will require structural calculations to verify wind load resistance.** The calculations must be prepared by an engineer and included with the submittal. Calculations must be stamped and signed by the engineer in order to be accepted for review. The City of Hayward will charge hourly plan review fees for residential solar installations that require structural calculations.

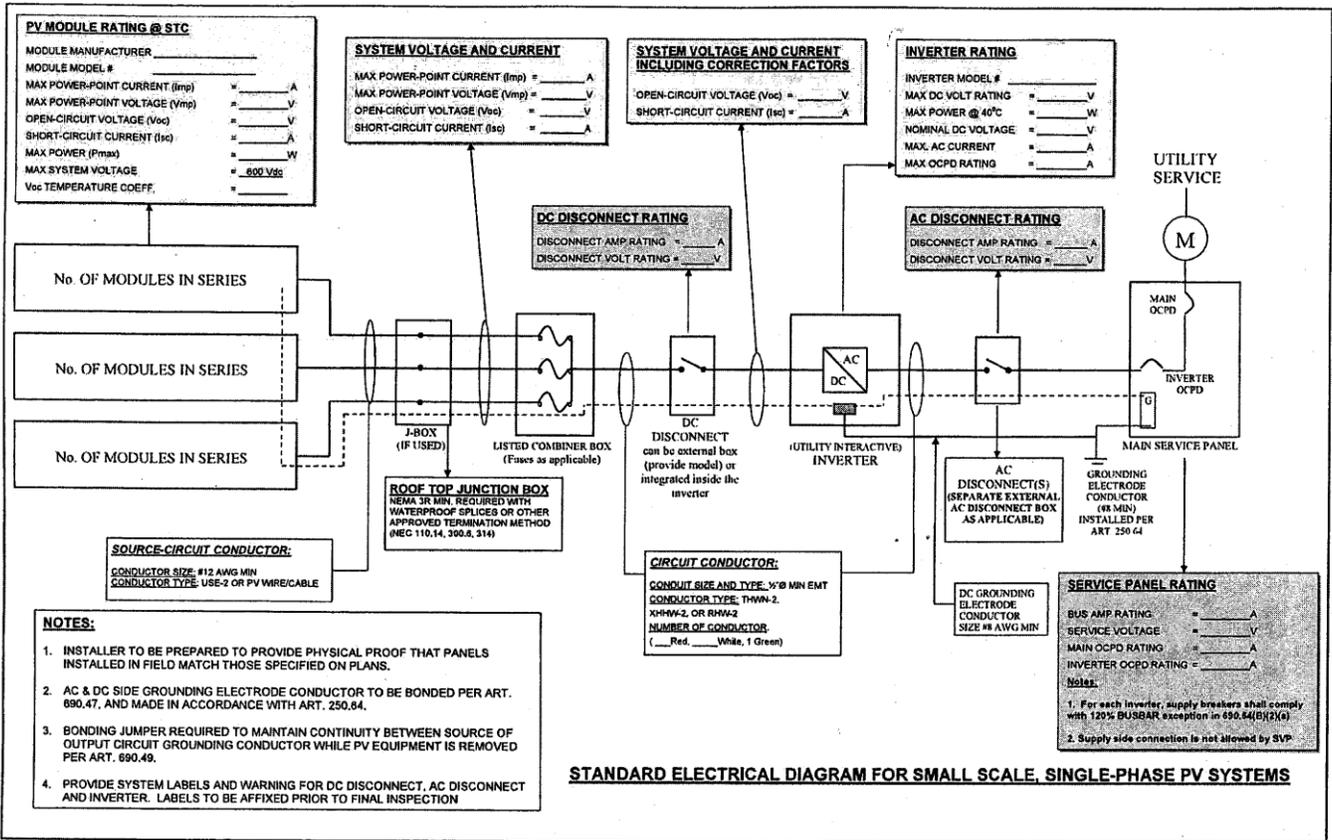


3. SINGLE LINE DIAGRAM

- **NOTE:** It is the contractor’s responsibility to fully comply with the requirements of Article 690 in the California Electrical Code. Confirm that all relevant code items are communicated in the single line drawing.
- Provide cut sheets for each component indicated on the single line diagram. This includes: inverters, disconnects and PV modules.

Commonly Missed Code Items:

1. Photovoltaic disconnecting means shall be installed at a readily accessible location at the exterior of the building. See CEC 690.14 (C) (5).
2. PV source conductors that penetrate the building shall be installed in a metallic raceway or enclosure to the first readily accessible disconnecting means located at the exterior of the building.
3. Size and locate load side tie at main service per CEC Article 690.
4. For DC systems, a NEMA 4X or NEMA3R (when mounted vertically) rooftop DC disconnect within 3 feet of PV array.



TUCC Policy No. 11 (Approved 7/8/2010)

REQUIRED WARNING LABELS

- Include diagrams of warning labels on the plans per Article 690 of the California Electrical Code. Examples and required locations are shown below.

