

ORDINANCE NO. 09-____

AN ORDINANCE AMENDING SECTION 11-3.201 OF CHAPTER 11, ARTICLE 3 OF THE HAYWARD MUNICIPAL CODE, ESTABLISHING AN EXCEPTION TO THE REQUIREMENT TO CONNECT TO THE PUBLIC SEWER SYSTEM FOR CERTAIN PROPERTIES IN THE MT. EDEN PHASE II ANNEXATION AREA

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

Section 1. FINDINGS. The proposed text amendment relates to expanding the exception to the provisions of the Public Utilities Chapter of the Municipal Code that require connection to the public sewer system if a property is within 200 feet of such system. Specifically, the text amendment would also allow properties in the Phase II Mt. Eden Annexation area up to 10 years to connect to the public sewer system, provided certain conditions are met. A related ordinance, Ordinance No. 09-____, is proposed for pre-zoning of the area. The City Council incorporates by reference the findings and approvals contained in companion Resolution No. 09-____, associated with the proposed annexation.

The City Council finds and determines as follows:

- A. The proposed text amendment will minimize fiscal impacts on residents and owners in the Mt. Eden Phase II Annexation area by allowing them up to 10 years to connect their properties to the public sewer system, provided their existing septic systems are operating sufficiently and provided no expansion of use occurs that would generate additional sewer discharge.
- B. The proposed text amendment is in conformance with the purposes of all applicable, officially adopted policies and plans, since potential health hazards related to wastewater disposal for a limited number of properties would be addressed by requiring connection to the public sewer system should a private septic system fail.
- C. Streets and public facilities, proposed to be improved with annexation, are currently adequate to support the existing uses potentially affected by the text amendment.

Section 2. SCOPE. The proposed text amendment is associated with the properties in the Mt. Eden Phase II Annexation Area, which are identified in the attached map, Attachment "VIII-a" and the attached list of potentially affected properties, Attachment "VIII-b," incorporated herein by reference.

Section 3. TEXT CHANGE. Chapter 11, Article 3, Section 11-3.201 of the Hayward Municipal Code related to requirements to connect to the municipal sewer system is hereby amended as follows:

“SEC. 11-3.201 DUTY TO CONNECT TO MUNICIPAL SEWER.

The owner of any property used for human occupancy, employment, recreation, or other purpose, which abuts on any street, alley or right of way in which there is located a public sanitary sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with said public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so provided that said public sewer is within two hundred (200) feet of the property line, except:

(a) Any owner receiving such notice may apply in writing to the City Manager before expiration of said ninety (90) day period for a permit to delay the installation of such a sewer service not to exceed one (1) year if the owner can furnish sufficient evidence to the City Manager that:

- (1) Connection to the sewer at this time would be impractical due to personal hardship; and
- (2) The premises are now served by a septic tank; and
- (3) By written report of the Alameda County Department of Environment Health, the septic tank is operating efficiently now and that its continued operation would not create a hazard to public health.

Upon receipt of such evidence to the City Manager's satisfaction, the said extension of time for completing the connection may be granted in writing. Such a delay shall not be subject to further extensions.

(b) Any property legally serviced by a private septic system in the Mt. Eden Annexation (Phase I or Phase II) area can delay connecting to the public sewer system for up to 10 years from the effective date of the annexation, provided that:

- (1) The owner of the affected property receiving official notice to connect to the public sewer system submits a written notice to the Director of Public Works within 90 days of receipt of such notice, indicating he/she wishes to delay connection;
- (2) There are no changes in use on the property, addition of facilities or other changes that increase the sewer discharge; and
- (3) The owner of the affected property provides written evidence to the City annually by December of each calendar year that the septic system is operating properly. Evidence can take the form of an inspection report by an experienced property

owner, a licensed plumbing contractor with experience in inspecting septic systems, or the Alameda County Department of Environmental Health.

Upon receipt of such evidence to the City Manager's satisfaction, the said extension of time for completing the connection may be granted in writing. Such a delay shall not be subject to further extensions.

Owners of properties affected by this exception shall be required to record with the Alameda County Recorder's Office a notice indicating that the property will be required to connect to the public sewer system upon written notice from the City of Hayward if failure of the septic system occurs, if expansion of use resulting in increased sewer discharge occurs or when the 10-year timeframe expires, whichever first occurs.

Properties that connect to the City system will be required to pay all connection charges in effect at the time of connection."

Section 4. 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 excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 5. EFFECTIVE DATE. This ordinance shall apply only if annexation of the involved properties is approved, and shall become effective upon the effective date of such annexation.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 2009, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 2009, by the following votes of members of said City Council:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

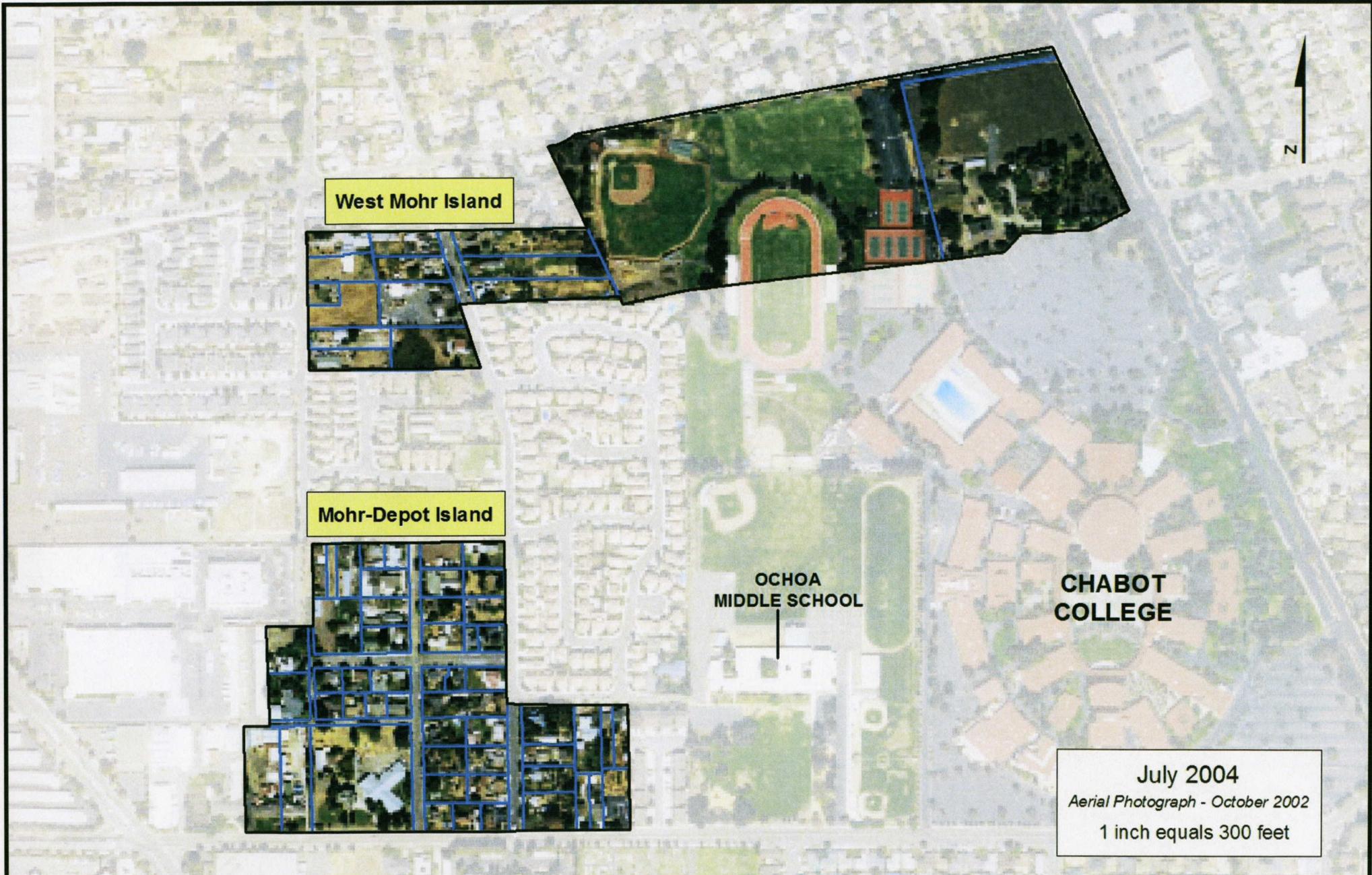
APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



West Mohr Island



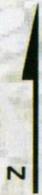
Mohr-Depot Island



**OCHOA
MIDDLE SCHOOL**

**CHABOT
COLLEGE**

July 2004
Aerial Photograph - October 2002
1 inch equals 300 feet



Mt. Eden Annexation Phase II Parcel List with Recommended Pre-Zoning Designations

OWNER NAME	Acres	STREET ADDRESS	APN	Mt. Eden Neigh. Plan Prezoning	Proposed Prezoning	USE CODE	USE DESCRIPTION (Assessor's)	TAX RATE AREA
STATE OF CALIFORNIA & SOU	17.32	1895 DEPOT RD	441-0020-002-07	RS	PF	300	Exempt Public Agency	25027
TULLY GAYLE F & JERYL R JR &	8.59	24985 HESPERIAN BLVD	441-0020-007-01	A	A	2100	Two, three or four single family homes	59049
CHECKABOARD SQUARE RENT	0.55	25017 EDEN AVE	441-0065-010-00	RS	RS	1100	Single family residential homes used as such	59086
MILISTEFR LINDA	0.54	25087 EDEN AVE	441-0065-011-00	RS	RS	1400	Single family res home with slight industrial use	59086
LIRANZO ANDREW C TR	0.93	2627 DEPOT RD	441-0065-013-00	RS	RS	1100	Single family residential homes used as such	59086
JORDAN CONSTANCE TR & JO	1.08	2661 DEPOT RD	441-0065-014-00	LI	LM	1130	Residential Imps on Industrial Land	59086
RODRIGUEZ ANASTACIO M &	0.22	2282 LAGUNA DR	441-0068-001-00	RS	RS	1100	Single family residential homes used as such	59086
ANDRADE CHERYL & MICHAEL	0.16	LAGUNA DR	441-0068-002-00	RS	RS	1100	Single family residential homes used as such	59086
ANDRADE CHERYL & MICHAEL	0.38	2240 LAGUNA DR	441-0068-003-00	RS	RS	1100	Single family residential homes used as such	59086
VANDENBROEK MARK TR	0.18	2230 LAGUNA DR	441-0068-004-00	RS	RS	1100	Single family residential homes used as such	59086
GOMEZ MARIA B TR	0.18	24921 MONTE VISTA DR	441-0068-005-00	RS	RS	1100	Single family residential homes used as such	59086
VANDENBROEK MARK TR	0.39	24941 MONTE VISTA DR	441-0068-006-00	RS	RS	2100	Two, three or four single family homes	59086
GAINUS LERA F	0.39	25061 MONTE VISTA DR	441-0068-007-00	RS	RS	2700	Res property of 4 units, lesser quality than 2400	59086
SIMPSON JANET TR	0.36	2365 OCCIDENTAL RD	441-0068-008-00	RS	RS	1100	Single family residential homes used as such	59086
DECASAS MANUEL & ROCIO	0.76	2381 OCCIDENTAL RD	441-0068-010-01	RS	RS	1100	Single family residential homes used as such	59086
ESCALANTE JULIO R & LOURDI	0.32	MONTE VISTA DR	441-0068-011-00	RS	RS	1000	Vacant residential land, zoned 4 units or less	59086
KEITH STANLEY JR	0.31	25039 MOHR DR	441-0068-012-00	RS	RS	1100	Single family residential homes used as such	59086
MALIZIA SAM S	0.33	25045 MOHR DR	441-0068-013-00	RS	RS	1100	Single family residential homes used as such	59086
GUTIERREZ RICHARD & LAFOR	0.33	25051 MOHR DR	441-0068-014-00	RS	RS	1100	Single family residential homes used as such	59086
MOTA ARACELI	0.21	25057 MOHR DR	441-0068-015-00	RS	RS	1100	Single family residential homes used as such	59086
BANDA DENISE T & FRANK J	0.10	2251 OCCIDENTAL RD	441-0068-016-00	RS	RS	1100	Single family residential homes used as such	59086
PALKOVIC CLIFFORD M HEIRS	0.36	25080 MONTE VISTA DR	441-0068-017-00	RS	RS	1100	Single family residential homes used as such	59086
GUTIERREZ JUAN C & SHIH SU	0.31	25060 MONTE VISTA DR	441-0068-018-00	RS	RS	1100	Single family residential homes used as such	59086
MEYERS RONALD A & SHIRLEY	0.34	24942 MONTE VISTA DR	441-0068-019-00	RS	RS	1100	Single family residential homes used as such	59086
MEBUST THOMAS & MATHIS I	0.20	25024 EDEN AVE	441-0068-020-00	RS	RS	1100	Single family residential homes used as such	59086
KETEVECS PAUL R & CLARKEKI	0.20	2374 OCCIDENTAL RD	441-0068-021-00	RS	RS	1100	Single family residential homes used as such	59086
BARNEY JUANA L	0.28	25111 MONTE VISTA DR	441-0068-022-00	RS	RS	1100	Single family residential homes used as such	59086
ALLEN KENNETH L & IRENE A	0.18	25123 MONTE VISTA DR	441-0068-023-00	RS	RS	1100	Single family residential homes used as such	59086
ORTEGA AGUSTIN & AMAYA V	0.15	2451 RAMONA DR	441-0068-024-00	RS	RS	1100	Single family residential homes used as such	59086
ANNUNZIATO FRANK A & ELAI	0.17	2475 RAMONA DR	441-0068-025-00	RS	RS	1100	Single family residential homes used as such	59086
LASTER JANE ETAL	0.21	25080 EDEN AVE	441-0068-026-00	RS	RS	1100	Single family residential homes used as such	59086
TAUMOEPEAU SALESI	0.17	25108 MONTE VISTA DR	441-0068-027-00	RS	RS	1100	Single family residential homes used as such	59086
KRAUSE HARRY R TR	0.13	2250 OCCIDENTAL RD	441-0068-028-00	RS	RS	1100	Single family residential homes used as such	59086
SUH CHUNG S & PAEK N	0.29	25169 MOHR DR	441-0068-029-00	RS	RS	1100	Single family residential homes used as such	59086
DORRIS HOWARD P & CHERYL	0.61	25124 MONTE VISTA DR	441-0068-030-00	RS	RS	1100	Single family residential homes used as such	59086
LAUSTEN ELLERY D JR & ELLER	0.33	25275 MOHR DR	441-0068-031-00	RS	RS	1100	Single family residential homes used as such	59086
SANTOS JOHN D & CYNTHIA N	0.33	25281 MOHR DR	441-0068-032-00	RS	RS	1100	Single family residential homes used as such	59086
MALIZIA SAM S	0.33	25387 MOHR DR	441-0068-033-00	RS	RS	1200	Single family res home with non-economic 2nd ur	59086
FLORES MARIA G ETAL	0.22	2401 DEPOT RD	441-0068-034-00	RS	RS	1100	Single family residential homes used as such	59086
PEDERSEN MARIE O TR	0.22	2449 DEPOT RD	441-0068-035-00	RS	RS	1100	Single family residential homes used as such	59086
WILLIAMS ROBERT H	0.23	2487 DEPOT RD	441-0068-036-00	RS	RS	1100	Single family residential homes used as such	59086
LEMUS JOSE E JR & VERONICA	0.34	25272 MONTE VISTA DR	441-0068-037-00	RS	RS	1100	Single family residential homes used as such	59086
MEDEIROS MITCHELL A TR	0.35	25256 MONTE VISTA DR	441-0068-038-00	RS	RS	1100	Single family residential homes used as such	59086
MARTING JONATHAN & DEBO	0.35	25240 MONTE VISTA DR	441-0068-039-00	RS	RS	1100	Single family residential homes used as such	59086

* The two bolded parcels indicate recommended pre-zoning that differs from that in the 1990 Mt. Eden Neighborhood Plan.

Mt. Eden Annexation Phase II Parcel List with Recommended Pre-Zoning Designations

HORIZON SERVICES	3.07	2595 DEPOT RD	441-0068-040-04	A	A	8700	Nursing or boarding home	59086
TRAYNOR ALAN R	0.27	2210 OCCIDENTAL RD	441-0071-007-01	RS	RS	1100	Single family residential homes used as such	59087
UMBLE CAROLYN & THOMAS	0.21	2214 OCCIDENTAL RD	441-0071-008-04	RS	RS	1100	Single family residential homes used as such	59087
NGUYEN HOA T & GONZALEZ	0.47	2233 DEPOT RD	441-0071-008-05	RS	RS	1100	Single family residential homes used as such	59087
GUTIERREZ JUAN J & JUANITA	0.52	2236 OCCIDENTAL RD	441-0071-009-00	RS	RS	1100	Single family residential homes used as such	59086
SULLIVAN FREDRICK T & MAVI	0.58	25272 MOHR DR	441-0071-010-00	RS	RS	1100	Single family residential homes used as such	59086
PRATT ROBERT A & ROBERTA	0.32	25278 MOHR DR	441-0071-011-00	RS	RS	2100	Two, three or four single family homes	59086
BERTILLION ALLEN W & JACQL	0.39	25384 MOHR DR	441-0071-012-00	RS	RS	1100	Single family residential homes used as such	59086
BERTILLION ALLEN W & JACQL	0.56	25392 MOHR DR	441-0071-013-00	RS	RS	1100	Single family residential homes used as such	59086
YORK MILTON E TR	0.22	2315 DEPOT RD	441-0071-014-00	RS	RS	1100	Single family residential homes used as such	59086
BERTELSEN ROSE B TR	0.21	2289 DEPOT RD	441-0071-015-00	RS	RS	1100	Single family residential homes used as such	59086
PRATT ROBERT & ROBERTA TF	1.03	24764 MOHR DR	441-0074-009-00	RSB4	RSB4	1100	Single family residential homes used as such	59049
SHEPPARD DONALD L & LINDA	0.89	24772 MOHR DR	441-0074-010-00	RSB4	RSB4	1100	Single family residential homes used as such	59049
CASTANEDA MARIA L	0.87	24880 MOHR DR	441-0074-011-00	RSB4	RSB4	1100	Single family residential homes used as such	59049
LIU CHECHEN & SHUFEN	0.49	24655 MOHR DR	441-0077-002-00	RSB4	RSB4	2100	Two, three or four single family homes	59086
PORTUGAL SENOVIO	0.52	24763 MOHR DR	441-0077-003-04	RSB4	RSB4	1100	Single family residential homes used as such	59086
WYLLIE JAMES V & DIANA L	1.04	24881 MOHR DR	441-0077-004-03	RSB4	RSB4	1100	Single family residential homes used as such	59086
HELLWIG PHYLLIS M	0.98	24887 MOHR DR	441-0077-005-00	RSB4	RSB4	1100	Single family residential homes used as such	59086
PHILLIP DAVID A & MARIANA	0.49	24694 EDEN AVE	441-0077-019-02	RSB4	RSB4	1100	Single family residential homes used as such	59086
DIAZ MAXIMIANO JR & CASTIL	0.49	24610 EDEN AVE	441-0077-020-02	RSB4	RSB4	2100	Two, three or four single family homes	59086
JETTE ARIEL C & RUTH B TRS	0.71	EDEN AVE	441-0077-021-02	RSB4	RSB4	1000	Vacant residential land, zoned 4 units or less	59086
HILARIO EDMUND & SANTOS	0.21	24594 EDEN AVE	441-0077-022-02	RSB4	RSB4	1100	Single family residential homes used as such	59086
LIU CHECHEN	0.51	24582 EDEN AVE	441-0077-024-02	RSB4	RSB4	4100	Warehouse	59086
LIU CHECHEN & SHU F	0.43	24570 EDEN AVE	441-0077-025-02	RSB4	RSB4	1100	Single family residential homes used as such	59086
Total Acreage:	55.40							

* The two bolded parcels indicate recommended pre-zoning that differs from that in the 1990 Mt. Eden Neighborhood Plan.