

**CITY COUNCIL MEETING
TUESDAY, NOVEMBER 19, 2019**

**DOCUMENTS RECEIVED
AFTER PUBLISHED AGENDA**

AGENDA QUESTIONS & ANSWERS

Items 3, 4, and 11

AGENDA QUESTIONS & ANSWERS
MEETING DATE: November 19, 2019

Item # 3: [CONS 19-732](#) Adopt a Resolution Approving Plans and Specifications and Call for Bids for the Hayward High-Speed Fiber Optic Network Installation Project

For the High Speed Fiber agenda item, would you please remind me why the cost is so high for this first segment of the proposed network, including the \$911,944 amount for contingencies? Also, what is the expected cost for phases 2 and 3?

The original grant application for the High Speed Fiber project was submitted in 2015. Since then, construction costs have increased sometimes up to 30% to 40% higher. The current cost estimate was provided by City's consultant utilizing current unit prices. The design for all 3 phases has been completed. The \$911,944 contingency covers all aspects of the project including construction, CWA admin costs, consulting contract, inspection, and administration. The contingency amount is about 20% of the total project cost which is typical for this type of project.

Phase 2 construction costs are estimated at \$4.5M and Phase 3 at \$2.3M. These includes a 15% contingency for construction costs and 10% contingency for CWA. Phase 2 and 3 will require coordination with UPRR & CALTRANS to prepare design plans, exhibits and applications for various crossings. Construction inspection and administrative costs have not been estimated.

Item # 4: [CONS 19-733](#) Adopt a Resolution Approving Plans and Specifications and Call for Bids After Approval from Federal Aviation Administration (FAA) and the Division of State Architect (DSA) for the Fire Station 6 and Fire Training Center Project

Does the Community Work Agreement apply to the Fire Station 6 Project?

Yes, it does. The Community Work Agreement applies to all City Capital Improvement Projects that exceed \$1M.

Item # 11: [PH 19-088](#) Route 238 Corridor Land Development - Parcel Group 6 Carlos Bee Quarry Project: Adopt a Resolution Certifying an Addendum to the 2014 General Plan Environmental Impact Report, Approval of Master Development Plan, and Authorization for the City Manager to Issue a Request for Proposals for the Disposition and Development of the Parcel Group (Report from City Manager McAdoo)

In the Draft Master Development Plan, on page 12, is the map intended to show the location of parcel group 6? Currently, I think only group 5 is shown?

The Master Development Plan that will go in the document library will also include identification for Parcel Group 6.

On page 7 of the draft RFP, under Student Housing, it currently says that "Any development on this property shall include a minimum of 150 units of student housing."

I thought our requirement was 125 for a total accommodation of 500 students?

The RFP going out on Thursday will include language of "a minimum of 125 units of student housing."

CLOSED SESSION ITEM #2

Pursuant to Government Code 54956.9(d)(1)

**Pending Litigation: City of Hayward v. California
State University Trustees**

Alameda County Superior Court, No. RG 18895213

Email from Sherman Lewis

From: Sherman Lewis <> **On Behalf Of** Sherman Lewis
Sent: Saturday, November 16, 2019 5:00 PM
To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>
Subject: city v CSU

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Questions for your lawyers:

How much has this case cost the City so far?

How much do you think it will cost continuing with your current strategy?

If you don't know or won't guess, why should we keep funding this?

Does the case depend on Cal State University Hayward EB or on Long Beach?

Are the CSU attorneys retained by Long Beach or CSUEB Hayward?

Are they primarily concerned about a precedent affecting all the CSUs rather than Hayward?

Does Hayward have the ability to ask the judge for a preliminary judgment in order to stop Jarndyce v Jarndyce?

If the judge rules against Hayward clearly badly, would you have a good substantive argument to appeal?

Would you stipulate to allowing Pioneer Way to go forward, since it is causing costly traffic problems for both the City and the CSU?

Would you stipulate to allowing student housing to go forward, since the City claims to want it?

Is the possible net cost to the city worth stopping needed projects?

Would you mind if we got an independent legal opinion?

Do you have any information that would indicate the old guy am on the wrong track?

If the information is a matter of public policy, would you tell him?

Conference with Legal Counsel

Pursuant to Government Code 54956.9(d)(1)

Pending Litigation:

City of Hayward v. California State University Trustees

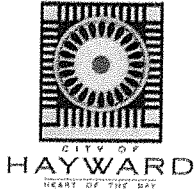
Alameda County Superior Court, No. RG 18895213

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Sherman Lewis
Professor Emeritus, Cal State Hayward
President, Hayward Area Planning Association
510-538-3692, sherman@csuhayward.us

ITEM #2 MIN 19-141

**REVISION TO COUNCIL MINUTES OF
NOVEMBER 5, 2019**



DATE: November 19, 2019
TO: Mayor and City Council
FROM: City Clerk
SUBJECT Revisions to Council Minutes of November 5, 2019

Mayor Halliday is suggesting a change to the City Council minutes of November 5, 2019.

Page six, paragraph fourth currently reads:

“Council Member Wahab made a motion to adopt a policy where the City Manager requests an independent investigation from the California Department of Justice, Office of the Attorney General, if a death results from any use of force involving Hayward Police Department officers; and that the first case investigated be that of Mr. Agustin Gonzalez.”

Proposed to read:

“Council Member Wahab made a motion to adopt a policy where the City Manager requests an independent investigation from the California Department of Justice, Office of the Attorney General, if a death results from any use of force involving Hayward Police Department officers; and that the first such request be made regarding the Augustin Gonzalez case.”

With the changes noted above, I respectfully request approval of the amended minutes.

ITEM #11 PH 19-088

Route 238 Corridor Land Development - Parcel Group 6 Carlos Bee Quarry Project: Adopt a Resolution Certifying an Addendum to the 2014 General Plan Environmental Impact Report, Approval of Master Development Plan, and Authorization for the City Manager to Issue a Request for Proposals for the Disposition and Development of the Parcel Group

Memo



DATE: November 19, 2019

TO: Mayor and City Council

FROM: City Manager

THROUGH: Deputy City Manager

SUBJECT Route 238 Corridor Land Development - Parcel Group 6 Carlos Bee Quarry Project: Adopt a Resolution Certifying an Addendum to the 2014 General Plan Environmental Impact Report, Approval of Master Development Plan, and Authorization for the City Manager to Issue a Request for Proposals for the Disposition and Development of the Parcel Group

RECOMMENDATION

That Council accepts the amendment to agenda item PH 19-088, regarding the inclusion of Attachment VIII Memorandum Regarding Addendum to Hayward General Plan EIR. Staff believes that the Master Development Plan, Addendum, and Request for Proposals consistently and adequately covers the scope, impacts, and mitigations of construction within and near the creek and riparian area. As further evidence of that, Attachment VIII from the City's California Environmental Quality Act consultant, LSA, confirms that the Addendum to the Hayward General Plan Environmental Impact Report adequately addresses any biological impacts and mitigations to the creek and riparian habitat from the trail development.

Recommended by: Jennifer Ott, Deputy City Manager

Approved by:

Kelly McAdoo, City Manager

MEMORANDUM

DATE: November 19, 2019

To: Jennifer Ott, Deputy City Manager, City of Hayward

FROM: Shanna Guiler AICP, Associate/Environmental Planner
 Theresa Wallace, AICP, Principal in Charge

SUBJECT: Response to Comments from Bruce King, Friends of San Lorenzo Creek regarding the California Environmental Quality Act (CEQA) Addendum for the Route 238 Development Project – Quarry Site (Parcel Group 6)

LSA has reviewed the comment letter and subsequent email, dated November 14, 2019, from Bruce King, Friends of San Lorenzo Creek, regarding the CEQA Addendum for the Route 238 Development Project – Quarry Site (Parcel Group 6). Specifically, Mr. King raises concerns regarding the construction and operation of the Hayward Foothill Trail, proposed along the riparian corridor. The primary issues raised by the commenter are:

- Protection of the creek setback area from development such as the Hayward Foothill Trail;
- Plan for restoration of habitat within the creek setback that is currently damaged; and
- Consistently and adequately cover the scope, impacts, and mitigations of construction within the creek and riparian area.

As part of the City’s review and consideration of comments received, LSA provides the following written responses to enter into the record for the California Environmental Quality Act (CEQA) determination for the project.

Protection of the Creek Setback Area

As indicated on p. B-26 of the CEQA Addendum, the proposed project has been designed to avoid the riparian areas within the project site. The future alignment of the proposed Hayward Foothill Trail within the project site would be refined as part of the final Site Plan Review and in consultation with Alameda County, the City of Hayward, and the Hayward Area Recreation District. As stated on p. B-25 of the CEQA Addendum, consistent with General Plan Policy NR-1.3, prior to construction of the proposed trail segment, a qualified biologist will be required to identify and map the location of special-status plant species so they can be avoided during final design and construction of the proposed trail alignment. Consistent with General Plan Policy NR-1.12, *Riparian Corridor Habitat Protection*, the City will require that the Foothill Trail alignment be sited at a sufficient setback from the creek slope dependent upon site topography and existing vegetative cover in order to minimize habitat disturbance and maintain natural corridor vegetation.

As described on p. B-26 of the CEQA Addendum, a variety of wildlife may use the riparian corridor on the project site to move through this section of the City, but residential activity, fences, and the general disturbance associated with urban life limit the value of this area to local wildlife. As described above, the proposed project is designed to preserve the existing riparian corridor within the project site, such as it currently exists. Wildlife can continue to move through the area using the open space lands that would remain undeveloped, including the proposed trail corridor. Therefore, the proposed project would not impact the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

As described in the GP EIR, 2040 General Plan impacts on riparian habitats or sensitive natural communities were determined to be less than significant with implementation of General Plan policies and no mitigation measures were identified. As identified in the CEQA Addendum, these same General Plan policies would apply to development of the proposed project; therefore, the GP EIR adequately evaluated the impacts of the proposed project and potential impacts would be less-than-significant and additional mitigation is not required.

Restoration of Habitat within the Creek Setback Area

Any riparian habitat removed prior to implementation of the proposed project (e.g., as part of prior quarry operations) does not constitute an impact under CEQA, as the evaluation of project impacts is based on the proposed change from existing (or baseline) conditions; therefore, no habitat restoration would be required to mitigate any significant effects. No changes to the CEQA Addendum are required.

Scope, Impact and Mitigations of Construction within the Creek and Riparian Area

As described above, the proposed project has been designed to avoid the riparian areas within the project site. The future alignment of the proposed Hayward Foothill Trail would be refined as part of the final Site Plan Review and in consultation with Alameda County, the City of Hayward, the Hayward Area Recreation District, and the applicable regulatory agencies. Any work involving encroachment into the riparian area, construction activities within the drainage area, or development within the watercourse setback established by the County, would require appropriate permits from the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, the California Department of Fish and Wildlife (CDFW), the County and/or the City. Regulatory permits would require compensation of wetlands and riparian vegetation at a minimum 1:1 ratio, to be compliant with the national “no net loss” policy.

Potential indirect impacts to the drainage (e.g., degraded water quality due to construction-related runoff) would be avoided through implementation of Best Management Practices (BMPs) in accordance with RWQCB guidelines and the Construction General Permit (see Section 10.0, *Hydrology and Water Quality* of the CEQA Addendum).

As described in the GP EIR, 2040 General Plan impacts on riparian habitats or sensitive natural communities were determined to be less than significant with implementation of General Plan policies and no mitigation measures were identified. As identified in the CEQA Addendum, these same General Plan policies would apply. Required compliance with federal, State and local

regulations regarding sensitive biological resources and wetland areas would ensure that the proposed project would result in less-than-significant impacts related to riparian habitat or other sensitive natural communities. Therefore, the CEQA Addendum fully evaluates potential impacts to the riparian corridor that could result from implementation of the proposed project. No changes to the CEQA Addendum are required.

ITEM #11 PH 19-088

Route 238 Corridor Land Development - Parcel Group 6 Carlos Bee Quarry Project: Adopt a Resolution Certifying an Addendum to the 2014 General Plan Environmental Impact Report, Approval of Master Development Plan, and Authorization for the City Manager to Issue a Request for Proposals for the Disposition and Development of the Parcel Group

Email and Letter from Bruce King, Friends of San Lorenzo Creek

From: Bruce King <>

Sent: Thursday, November 14, 2019 11:48 PM

To: Jennifer Ott <Jennifer.Ott@hayward-ca.gov>; Barbara Halliday <Barbara.Halliday@hayward-ca.gov>; Sara Lamnin <Sara.Lamnin@hayward-ca.gov>; Elisa Marquez <Elisa.Marquez@hayward-ca.gov>; Al Mendall <Al.Mendall@hayward-ca.gov>; Mark Salinas <Mark.Salinas@hayward-ca.gov>; Aisha Wahab <Aisha.Wahab@hayward-ca.gov>; Francisco Zermeno <Francisco.Zermeno@hayward-ca.gov>

Cc: Sara Buizer <Sara.Buizer@hayward-ca.gov>; John Stefanski <John.Stefanski@hayward-ca.gov>; Paul McCreary <mccp@haywardrec.org>; Rick Hatcher <Rick.Hatcher@haywardrec.org>; Minane Jameson <Minane.Jameson@haywardrec.org>; Paul Hodges <Paul.Hodges@haywardrec.org>; Carol Pereira <carol.pereira@haywardrec.org>; Lou Andrade <andl@haywardrec.org>; Hank Ackerman <Hank@acpwa.org>; Susie Hufstader <susie@bikeeastbay.org>; Miriam Lens <Miriam.Lens@hayward-ca.gov>

Subject: FSLC Comments on Parcel Group 6 for Nov 19 City Council Meeting

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Jennifer Ott and City Council,

The attached letter provides creek-related comments on Parcel Group 6 documents that are being reviewed at the November 19 Hayward City Council meeting.

Friends of San Lorenzo Creek (FSLC) recommends that the City Council not approve the Master Development Plan (MDP) or certify a Final Program Environmental Impact Report (EIR) without including resolutions that:

- Protect the creek setback area from development such as the Hayward Foothill Trail;
- Plan for restoration of habitat within the creek setback that is currently damaged; and
- Consistently and adequately cover the scope, impacts, and mitigations of construction within the creek and riparian area

Bruce King

Friends of San Lorenzo Creek

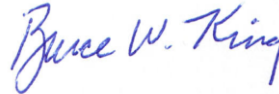
FRIENDS OF SAN LORENZO CREEK

Date: November 14, 2019

To: Jennifer Ott, Deputy City Manager
Hayward City Council Members

From: Bruce King, Friends of San Lorenzo Creek

Cc: Paul McCreary, HARD General Manager
HARD Board of Directors



Subject: Friends of San Lorenzo Creek Comments on
Parcel Group 6 Master Development Plan and Environmental Analyses

This letter provides creek-related comments on the following Parcel Group 6 (PG6) documents that are being reviewed at the November 19 Hayward City Council meeting:

- PG6 Master Development Plan (Sept 2019);
- CEQA Addendum for the Route 238 Development Project Quarry Site (July 19, 2019); and
- Environmental Constraints Analysis (Nov 2019)

Friends of San Lorenzo Creek (FSLC) recommends that the City Council not approve the Master Development Plan (MDP) or certify a Final Program Environmental Impact Report (EIR) without including resolutions that:

- Protect the creek setback from development such as the Hayward Foothill Trail;
- Plan for restoration of habitat within the creek setback that is currently damaged; and
- Consistently and adequately cover the scope, impacts, and mitigations of construction within the creek and riparian area

The above recommendations are detailed further on the next page.

Attachment A provides FSLC comments and pictures that were submitted in May.

RECOMMENDED RESOLUTIONS

FSLC recommends that the City Council not approve the Master Development Plan (MDP) or certify a Final Program Environmental Impact Report (EIR) without including resolutions that do the following:

1. Creek Setback

Establish in the scope and analysis of these PG6 documents a minimum, 20-foot, creek setback and conservation area from the creek top-of-bank. This setback area will:

- Exclude Development – Generally exclude most development from this setback area, including the northern segment of the Hayward Foothill Trail. This Trail segment on the north side of the development should be mostly located outside the 20-foot setback.
- Include Restoration - Include restoration of this setback area with native trees and plants to:
 - Create a riparian/wildlife corridor, and
 - Buffer the existing creek and banks from the new development and human activity.

2. Consistently Cover Development Within the Riparian Area

The PG6 documents need to consistently scope, and cover the impacts and mitigations for, any developments that are included in this plan for construction within the creek and riparian area. This includes construction of:

- Storm water drainage systems that discharge into the creek; and
- A bridge and segment of the Hayward Foothill Trail across the creek and riparian forest.

FURTHER EXPLANATION

Exclude Development from the Creek Setback

The PG6 MDP and CEQA Addendum state that there will be a minimum 25-foot buffer from the edge of the restriction area (i.e., creek top-of-bank) which will be feasible for passive uses except for the Hayward Foothill Trail. These documents then state that the Trail will be approximately 16 feet wide. This means that there would only be nine feet of undeveloped space when a 25-foot creek setback is used. But a 20-foot, minimum setback for development is typical for the City of Hayward and required by the County. In fact, research has shown that setbacks of 50-100 feet are needed for healthier creeks, riparian corridors, and watersheds. So, a 20-foot minimum creek setback should be specified, and the Hayward Foothill Trail along the northern side of the development should generally be located outside this setback.

Restoration of the Setback Area

The project documents only describe the creek setback area as “open space” and do not specify any habitat restoration of this space. Restoration would: a) create a healthy riparian/wildlife corridor; b) buffer the existing flourishing creek and banks from the new development and human activity; and c) replace a portion of the extensive riparian woodland that was once present on the north-facing slope before the quarry removed ~160 feet of the hill top. In addition, the CEQA Addendum does not discuss restoration of habitat within the creek setback because there is no remaining habitat in the setback to be impacted. The City should strive to return the existing creek and its corridor to

good ecological health by requiring habitat restoration and generally no development within a minimum 20-foot creek setback.

Excluding development from and restoration of a 20-foot minimum creek setback would make this project consistent with the following General Plan policy:

Policy NR-1.12 Riparian Corridor Habitat Protection.

The City shall protect creek riparian habitats by:

- *Requiring sufficient setbacks for new development adjacent to creek slopes,*
- *Requiring sensitive flood control designs to minimize habitat disturbance,*
- *Maintaining natural and continuous creek corridor vegetation,*
- *Protecting/replanting native trees, and*
- *Protecting riparian plant communities from the adverse effects of increased stormwater runoff, sedimentation, erosion, pollution that may occur from improper development in adjacent areas.*

Consistently Cover Development and Impacts Within the Riparian Area

The PG6 documents inconsistently include and exclude construction of developments within the creek and riparian forest area. For example, site plans, the CEQA Addendum, and the Environmental Constraints Analysis specifically include construction of:

- Storm water drainage systems that discharge into the creek; and
- A bridge and segment of the Hayward Foothill Trail across the creek and riparian forest.

Then these documents inconsistently state that:

- The creek and riparian forest area will not be disturbed by development;
- Any impacts to the woodland vegetation or rare plant populations will be assessed and would require mitigation; and
- Potential impacts would be less-than-significant and additional mitigation is not required.

If these documents include construction of these developments, then assessment of the creek and riparian biological resources must be also be included, along with the impacts and mitigations.

These inconsistencies are evident in the following document sections:

- CEQA Addendum, Section 4, Biological Resources; and
- Environmental Constraints Analysis, Section 3.2.4 Biological Resources and Section 3.2.9 Hydrology and Water Quality

ATTACHMENT A
Parcel 6 Previous Creek and Trail Comments and Pictures
May 1, 2019

From: Bruce King [REDACTED]

Date: Wed, May 1, 2019 at 10:25 PM

Subject: Route 238 Parcel 6 Creek & Trail Comments

To: Jennifer Ott <jennifer.ott@hayward-ca.gov>, Paul McCreary <mccp@haywardrec.org>, <john.stefanski@hayward-ca.gov>

Cc: Hank Ackerman <Hank@acpwa.org>, Minane Jameson <Minane.Jameson@haywardrec.org>, Rick Hatcher <Rick.Hatcher@haywardrec.org>, Sara Buizer <Sara.Buizer@hayward-ca.gov>, Sherman Lewis <sherman@csuhayward.us>, Susie Hufstader susie@bikeeastbay.org

Jennifer, Jon, and Paul:

This email contains comments regarding creek and trail concerns that should be addressed in, and prior to development of, the Route 238 Parcel 6 developer request for proposal.

Summary Comments List:

- * The creek at Parcel 6 is part of a roughly one-mile section of a natural creek and wildlife corridor.
- * The top-of-bank soil and native vegetation at Parcel 6 has been mostly removed by past quarry excavation.
- * The creek set back area and needed riparian/wildlife corridor should be determined, restored, and permanently conserved.
- * Paved trails and other developments should generally be kept outside creek and creek setback areas.
- * Human access to the creek and setback areas needs to be controlled so that habitat and steep banks are sufficiently protected.
- * The location and bridge-design of the Hayward Foothills Trail where it crosses the Parcel 6 creek canyon needs to be determined and creek habitat impacts need to be minimized.
- * Multi-use trail operation and security may need to be determined.
- * Hiking trail possibilities should be assessed along the entire creek corridor.

In most cases, competent professionals need to further assess and develop these concerns. Other agencies (e.g., HARD and Flood Control) and the public (e.g., FSLC, Bike East Bay) should also be involved.

Let know how I can be involved and help.

DETAILED COMMENTS

Creek Site Description

Attachment. See topo maps, Google map views, and pictures in the attachment to this email.

Creek Reach Above Mission Blvd. The creek at Parcel 6 is a USGS intermittent stream and an unnamed tributary of Ward Creek in the Old Alameda Creek Watershed. A natural section of this creek runs for roughly a third of a mile on the northern side of Parcel 6. This section of creek is part of a natural creek and wildlife corridor that extends for about one mile from Campus Drive downhill to where it is undergrounded at Margaret Drive and Palisade Street. Further upstream, this creek is buried under CSUEB and then reappears as a natural creek around Dobbel Avenue.

Parcel 6 Section of Creek and Habitat. According to topo maps and my field observations, the section of creek at Parcel 6 is roughly up to 100 feet deep, has very steep banks that are very difficult to climb, and is roughly 100 feet wide between the north and south tops of banks. The steep creek banks form a dense Coast Live Oak and Bay riparian woodland with diverse native ground plants. The creek and its pools are flowing well at the beginning of May. Unfortunately, the top-of-bank to creek-set-back areas along Parcel 6 are mostly scrapped clean of vegetation due to past quarry excavation. In some cases, the tops of banks with natural vegetation are elevated above and uneven with the relatively flat and vegetation-free quarry site. In addition, a 1959 topo map appears to show that the hill that was present before the quarry formed a creek canyon that was up to roughly 160 feet deep. This means that quarry activity likely removed extensive north-facing riparian woodland.

Creek Corridor Restoration and Conservation

Overview. The creek set back area and needed riparian/wildlife corridor should be determined, restored, and permanently conserved.

Pre-Developer Planning. The needed creek set back area, along with detailed restoration and conservation requirements should be determined before a developer is selected, since it is not in a developer's primary profit interest to provide for habitat restoration and conservation.

Set Back and Corridor Determination. A minimum creek set back should be calculated. For example, calculate a 2:1 slope (horizontal to vertical) from the creek bank toe and then add an additional minimum of 20 feet at the top-of-bank. In addition, wildlife experts should determine what additional setback area, topography modification, and habitat needs to be added to make a riparian wildlife corridor that will effectively support the presence and movement of native animals and plants.

Restoration. Native habitat then needs to be restored to the determined creek set area that is currently and mostly devoid of top soil and plants. The developer must be responsible for a restoration plan, along with extended maintenance, monitoring, and reporting to ensure habitat success. An oversight agency also needs to be determined.

Conservation. Lastly, a permanent conservation easement, third-party easement holder, and maintenance endowment should be established and funded by the developer. The Route 238 Ruby Street site on San Lorenzo Creek and the Roberts Ranch housing development on Crow Creek are active examples of such restoration and conservation. In these cases, the easement holders are Flood Control (Ruby St) and The Restoration Trust (Roberts Ranch). The restoration oversight agencies are the Water Board and California Department of Fish & Wildlife.

Trails and Creek Access

Restrict Development in Set Back. Paved trails and other developments should generally be kept outside creek and creek setback areas.

Control Human Access. Human access to the creek and setback areas needs to be controlled with fencing, gates, access points/paths, or other means so that habitat and steep banks are sufficiently protected from human activity. Fences could be mid-height, wire fences that blend with the environment and also allow for needed animal passage. Controlled access points and paths should be developed where people can overlook and/or go down near the creek without damaging habitat.

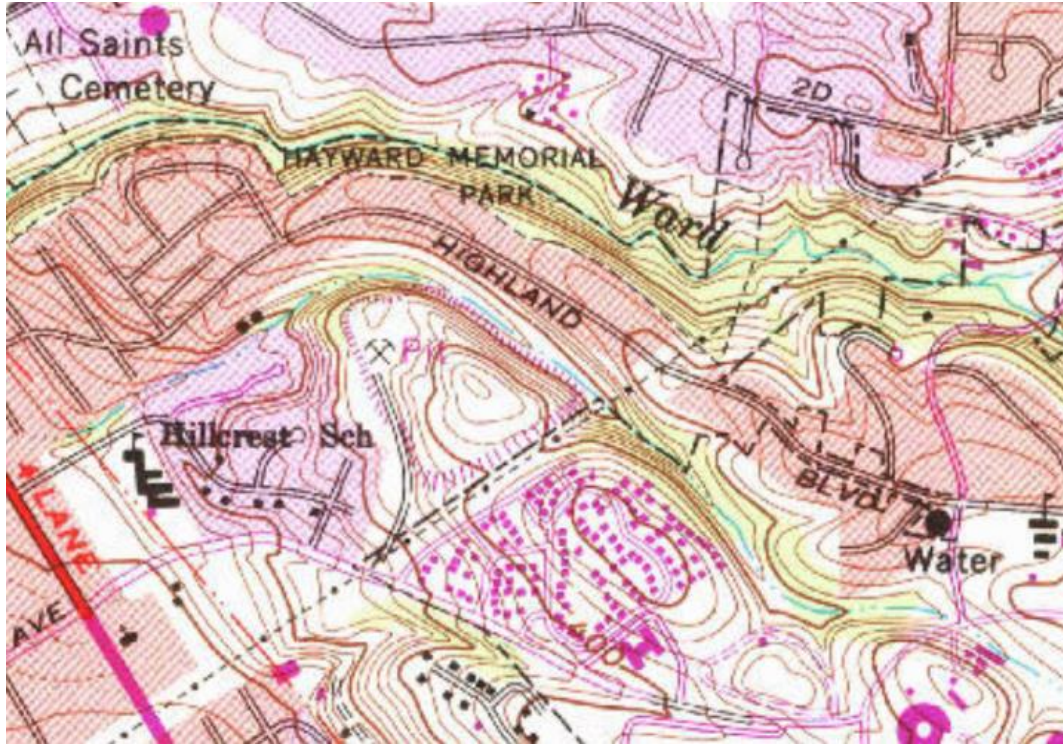
Trail Bridge Crossing. The location where the Hayward Foothills Trail crosses the Parcel 6 creek canyon, and the bridge-trail design, needs to be selected so that: a) Impacts to creek habitat (and needed mitigations) are minimized; b) Bridge construction costs are controlled; and c) The multi-use trail optimally aligns with needed and realistic right-of-ways in the Highland Boulevard area, across Ward Creek canyon, connection to the Hayward Plunge Trail, and lastly connection to Second Street.

Trail Bridge Length. The Parcel 6 creek canyon may be up to roughly 100 feet wide. A Hayward Foothills Trail bridge would likely need to span most of the canyon to avoid damage to the steep creek banks and habitat. A shorter bridge may require significant grading of a trail down the steep creek banks to the bridge along with required mitigations.

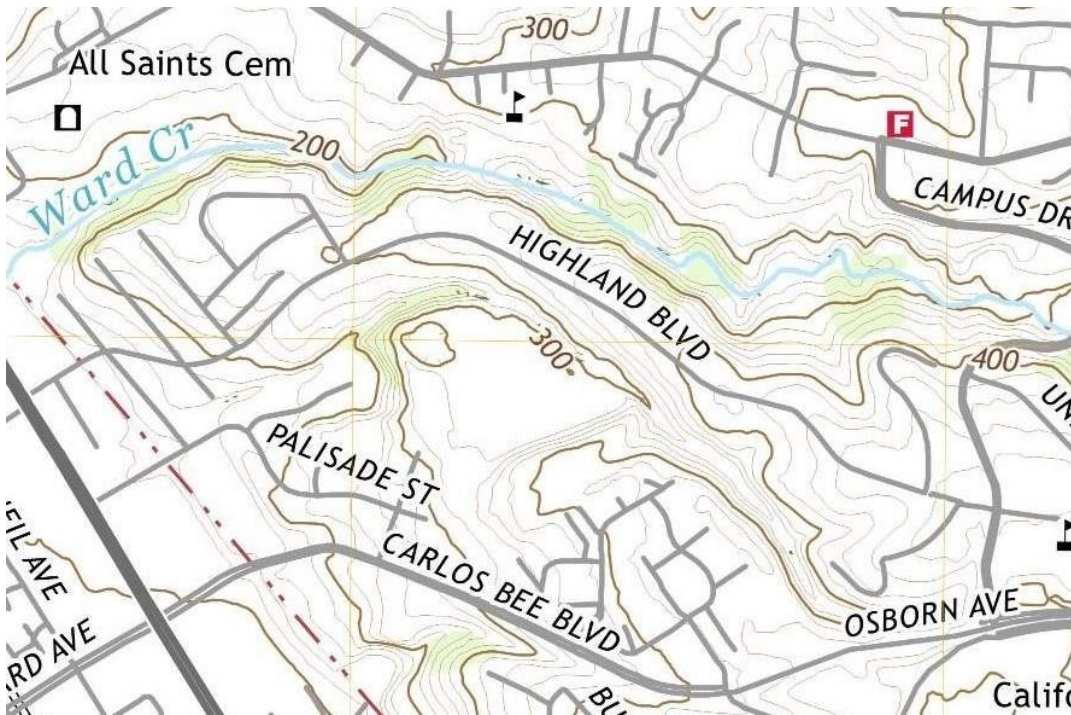
Trail & Bridge Operation & Security. If criteria for security (e.g., operation hours, cameras, gates, lighting) of this regional multi-use trail is being determined as part of this development RFP, then the operational purpose and security of the entire Hayward Foothills Trail should be drafted by HARD, The City, and County with public input. For example, operational hours and lighting may affect the trail's use as a transportation corridor.

Hiking Trail. Potential for a designated dirt hiking trail along one or both sides of the entire, top-of-bank, creek corridor at Parcel 6 and beyond should be assessed.

Email Attachments
Route 238 Parcel 6, 1959 Topo & Satellite Maps and Current Creek Pictures
Bruce King, 29 April 2019



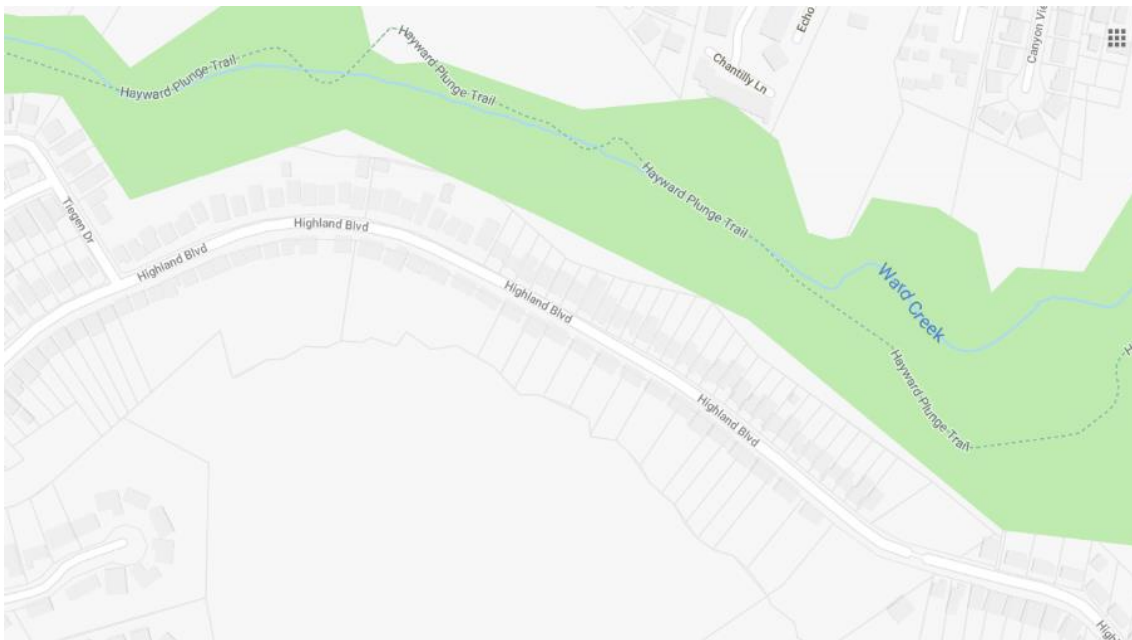
1959 Topo



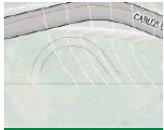
2018 Topo



Current Google Maps Satellite Image



Current Goggle Maps Street & Parcel Image

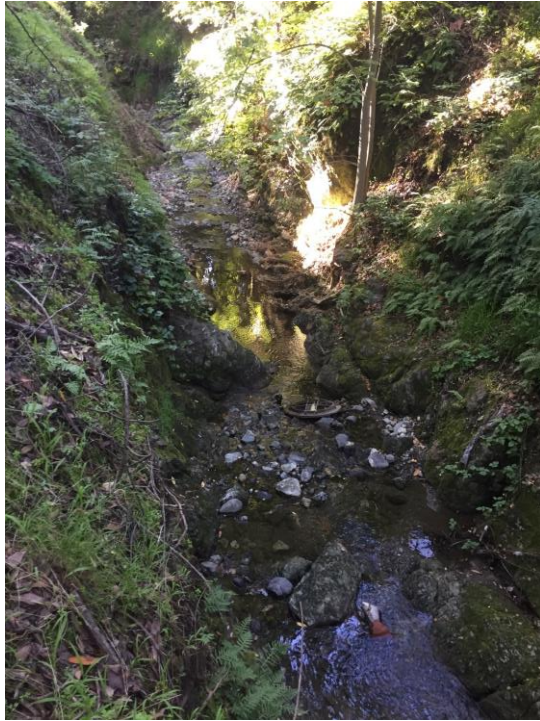


City of Hayward Master Development Plan - July 25, 2019



Bayview Village Site Plan – July 25, 2019





ITEM #11 PH 19-088

Route 238 Corridor Land Development - Parcel Group 6 Carlos Bee Quarry Project: Adopt a Resolution Certifying an Addendum to the 2014 General Plan Environmental Impact Report, Approval of Master Development Plan, and Authorization for the City Manager to Issue a Request for Proposals for the Disposition and Development of the Parcel Group

**Email from Alicia Lawrence on behalf of
The Hayward Collective**

From: Alicia Lawrence <>

Sent: Tuesday, November 19, 2019 3:31 PM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>

Cc: The Hayward Collective <thecollective@thehaywardcollective.com>; Jennifer Ott <Jennifer.Ott@hayward-ca.gov>

Subject: Parcel 6 Master Plan

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday, City Council Members, and Staff,

I hope this reaches you all before this evening's meeting; I - unexpectedly - will not be able to attend and comment regarding Parcel 6.

We fully support the need for more student housing; especially for students who are homeless and/or living out of their cars. It is our hope CSUEB acquires this parcel and is the steward of the property to ensure a substantial dent is made in the need for student housing.

Short of that; we have many concerns and reservations.

It is unclear if the student housing units - should they be designated as affordable - count towards the AHO requirements. It is our position, that in a master plan that also includes townhomes, the student housing should not be able to count towards AHO requirements. Our understanding of the AHO, is that the student housing would not fulfill the requirement, but it is not clear in the reading of the staff report.

As previously stated, 10% affordable units for purchase (or 6% if they're rental units) is insufficient. And the projections shared during the September 5, 2019 HHTF meeting support our consistent stance that 10% is not enough. The RFP should clearly state that plans that exceed the AHO minimums will be prioritized, and that affordable housing developers are strongly encouraged to apply and will be preferred.

Regarding the Transportation Demand Management measures; we maintain our skepticism about privatized bicycle companies. They are not friendly towards disabled community members as they frequently clutter sidewalks, and inherent in being privately-owned they are not public modes of transportation and thusly not subjected to community oversight that other modes of actual public transit are. The same applies to any TDM that relies on ride-sharing companies. Effectively, all TDM measures should emphasize improving/expanding actual public transit opportunities.

Thank you for considering our input.

Sincerely,

Alicia G. Lawrence on behalf of The Hayward Collective

ITEM #11 PH 19-088

Route 238 Corridor Land Development - Parcel Group 6 Carlos Bee Quarry Project: Adopt a Resolution Certifying an Addendum to the 2014 General Plan Environmental Impact Report, Approval of Master Development Plan, and Authorization for the City Manager to Issue a Request for Proposals for the Disposition and Development of the Parcel Group

Email from Sherman Lewis

From: Sherman Lewis <> On Behalf Of Sherman Lewis

Sent: Sunday, November 17, 2019 2:15 PM

To: List-Mayor-Council <List-Mayor-Council@hayward-ca.gov>

Cc: Jennifer Ott <Jennifer.Ott@hayward-ca.gov>; Laura Simpson <Laura.Simpson@hayward-ca.gov>;

Sara Buizer <Sara.Buizer@hayward-ca.gov>; Monica Davis <Monica.Davis@hayward-ca.gov>

Subject: Comments on Parcel Group 6 Master Plan and RFP

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Comments on Parcel Group 6 Master Development Plan and RFP

Trail

p. 12: helpful "SD-7 Overlay provides a general location of the trail...trail alignment will be refined during the specific planning process." P. 20: problem: "A portion of the Hayward Foothill Trail **would** run along the northern and western boundary of the project site, and north/south within the PG&E utility corridor just east of the site. The trail **would** consist of a **16-foot wide** multi-use trail to accommodate pedestrians and bicyclists to the extent feasible." "Would run" should be "could be," because this alignment and the one on the west side make no sense; they are on cliffs or go sideways and up and over. "Would consist" 16-foot wide should be "could consist" because 16-feet would destroy the creek, be expensive on steep slopes, or preempt area needed for development. "Would" is too strong relative to "generally."

p. 22: The trail section marker on the left is not possible on the right. The marker shows a very steep slope on one side not in the drawing. The red lines on the left are topographically fantastical.

p. 20. A 25-foot buffer ordinarily would make sense but may not be needed along the cut line of the quarry edge, an issue which should be determined by naturalists and geotechnical engineers, not by formula. Figure 4-1 is unrealistic. There is no topography allowing a wide flat trail in open space.

I'd like to see: "The trail would serve pedestrians and be carefully designed to protect the steep wooded slopes of Dobbel Creek."

Passive open space

p. 20: "The proposed project would include 12 acres of dedicated open space located around the drainage along the northern boundary of the project site and in the steeply sloped areas."

p. 27: "Approximately 12.25 acres of passive open space, including undeveloped areas, and land set aside to preserve riparian areas and protect steep slopes."

The city has not shown the details behind these numbers. One city source showed 5.28 acres for the creek which seems right. 12 acres seems incorrect.

My research shows

Existing conditions		Total square Feet	Gross square feet	Acres	Percent
Open Space		<i>measured</i>			
Creek Area. steep ravine and creek on north side, city figure		Design W.	234,353	5.38	18.2%
Steep Rock Face. on east side, existing		Design W.	115,870	2.66	9.0%
Steep Rock Face. on east side, proposed (D.W. omitted)		37,577	37,577	0.86	2.9%
West Area. steep drop off and slope on west side, adjusted		36,622	10,890	0.25	0.8%
total steep open space			398,689	9.15	30.9%

1.5-acre park

p. 27: "An approximately 1.5-acre neighborhood park;" p. 21: "would" should be "could" because a large central park which looks good on paper does not follow the principals for the use of public spaces set out by William Holly Whyte (<https://www.pps.org/>). The same park area works better in smaller areas closer to front doors, which also allows more efficient use of the site and does not preempt land need for housing. "Easily accessible" by car is different from by walking.

Vehicular access

p. 23: The plan text and graphics describe an auto-based system.

Left turns coming up hill are problematic in principal, but not in practice so far. The gain from moving the left uphill to the powerline is minimal. On solution is to swing an uphill lane on the right side of Bee south onto vacant Caltrans land and then loop it back north to cross Bee at right angles on a more level slope.

p. 24: HAPA did a site plan based on the graphic:



We revised the city's graphic because the curves and angles preempted density. We consider the p. 24 master plan graphic and ours above inferior to a mini-parks approach. See the Walkways vs Cars report at <https://www.dropbox.com/s/khmpbb9mq0nz4e/Walkways%20vs%20cars.pdf?dl=0>.

p. 25: These cross sections took up so much land they dramatically reduced the area for development, increased car dependency, increased costs, and reduced economies of scale. ROW and setbacks added up to 68 feet, a wide suburban density. The street cross sections are not aimed at getting density.

Shuttle route

p. 26: The shuttle route is less attractive than one that swings through the project to get close to riders and uses Fletcher-Watkins to get them faster to downtown and BART. With more riders and shorter distance, this will be more cost-effective. The plan should call for a busway through the south side of the project.

Retail and commercial space

p. 27 My research indicates that the Bayview project can support a café, nothing more—it is too small. The Master Plan concepts reduce the buildable area by about 25 percent. Developers sometimes provide uneconomic retail to please cities. Those spaces fail or have to be subsidized. They increase the cost of the housing to do so.

Development area

p. 27: The area on the southeast side is better developed from City View. As shown, it will require roadway as it is unwalkable, and the roadway preempts the grading plan needed for a walkable site. It reaches a very small area, but one with a great view.

Site Plan

p. 27: a perfectly good site plan for cars—lot of wasted space, not serviceable by transit.

The development area is so limited and the ROW so wide you could need 5 stories to get the density, and in general the plan squashes suburbia into a small area and then pretends that TDM can work.

Student housing

p. 27: What best works for students needs study. The overhead of dedicated student housing may be greater than normal rents. City View needs to be compared to on-campus rents and students need to be consulted. The campus, in response to a public records request by the City, was unable to produce any information on rental agency overhead, student age, marital status, children, class unit load, hours of work, current housing situation (own, rent, parents' home), current housing locations, and income. The campus has a new housing committee that reports next spring.

Building types

p. 30: The three-story types shown in industrial plain block brutalism style are now fashionable if unattractive, but give the idea of building but not streetscape.

p. 31-32: five to six stories is just too large a scale for me to support and not needed to get density. Some four story may work but three is all that is needed and a more human scale and less costly to build. It feels un-Hayward. I am not impressed with your consultants—they know about big new modern buildings 4 – 5 - 6 stories that will be difficult in Hayward. They don't show older dense styles with more visual appeal.

History

p. 8 Background and RFP p. 4.

In the mid-1960s, the California State Department of Transportation (Caltrans) purchased more than 400 parcels of property for construction of a 14-mile Route 238 Corridor [Bypass-Foothill Freeway](#) to run through the City of Hayward and parts of unincorporated Alameda County from [Castro Valley to Fremont](#). Due to legal challenges, in [1970](#) Caltrans [eventually abandoned the project and tried to build the shorter Hayward Bypass](#). In 1982, state legislation was passed to allow Hayward and other local jurisdictions—working through the Alameda County Transportation Commission—to develop alternative strategies for relieving traffic congestion in Central Alameda County. [to use of funds from the sale of surplus right-of-way to fund the Bypass](#). The legislation called for these [to](#) Local Alternative Transportation Improvement Program (LATIP) projects to be funded from proceeds from the sale of [a few surplus](#) properties that had been accumulated by Caltrans for the 238 Bypass Freeway.

[The Alameda County Transportation Agency tried to use sales tax funds on the Bypass which voters had designated for a project along Mission and Foothill. Legal challenges stopped that funding in 1999.](#)

Following this, [Hayward, Alameda County, and Caltrans jointly planned new land uses for the excess property \(The Route 238 Bypass Land Use Study\)](#). Caltrans [began to individually sold some houses to Caltrans tenants and auctioned off most of these other](#) properties with the [sole purpose of disposing of the land, without any larger land use considerations funding the new LATIP which, among other things, financed the construction of the downtown Loop](#). In order to ensure the productive development of [vacant land the remaining properties](#) in a manner that maximizes land value while balancing the desires of the surrounding neighborhood and larger community, the City entered into a Purchase and Sale Agreement with Caltrans in January 2016 to manage the disposition and development of these properties.

RFP

p. 7: “a university that is struggling to house its students.” My impression is that the campus actually places more emphasis on affordable housing for new faculty because it is planning to build enough student housing on campus and does not refer to off-campus student housing in its climate plan or master plan.

p. 8: “...the developer shall construct and deed to the City at a minimum a new 1.5-acre neighborhood park.” There has been staff review but no policy process or Council decision if this specific idea is the best was to go. It would be better to say “the developer shall construct a minimum of 1.5 acres of neighborhood parkland for use by residents and the public.” Otherwise you impose a burden on HARD and make it more difficult for the HOA to manage the area.

Bayview

This Bayview thing is an adventure into uncharted waters. The gist of it is easy enough to understand, but there is a lot detail that shows how it can work. It will be challenging to get investors to pay attention.

--

Sherman Lewis
Professor Emeritus, Cal State Hayward
President, Hayward Area Planning Association
510-538-3692, sherman@csuhayward.us

ITEM #13 PH 19-048

Introduction of an Ordinance Adopting the California Code of Regulations 2019 Edition of Title 24, Including the 2019 Building, Fire, Plumbing, Mechanical, Electrical, Energy and Green Building Codes; and Related Amendments, Into the Hayward Municipal Code

Memo



DATE: November 19, 2019
TO: Mayor and City Council
FROM: City Manager
THROUGH: Fire Chief
SUBJECT Introduction of an Ordinance Adopting the California Code of Regulations 2019 Edition of Title 24, Including the 2019 Building, Fire, Plumbing, Mechanical, Electrical, Energy and Green Building Codes; and Related Amendments, Into the Hayward Municipal Code

RECOMMENDATION

That Council accepts an amendment to Agenda Item LB 19-048, Attachment III - Draft Fire Ordinance. The amendment adds minor language to specify the section where the Fire Prevention Code appears in the City's Municipal Code. The amended ordinance is attached with the changes highlighted in yellow on pages 1 and 14.

Recommended by: Garrett Contreras, Fire Chief

Approved by:

Kelly McAdoo, City Manager

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A FIRE PREVENTION CODE FOR THE CITY OF HAYWARD; ADOPTING THE CALIFORNIA FIRE CODE, 2019 EDITION, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR PENALTIES FOR VIOLATION, AND REPEALING ORDINANCE NO. 16-23, AS AMENDED, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

Section 1. Effective January 1, 2020, Ordinance No. ____, and all amendments thereto, is hereby repealed and in substitution thereof a new fire code for the City of Hayward is hereby enacted as **CHAPTER 3, ARTICLE 14 - FIRE PREVENTION CODE OF THE CITY OF HAYWARD** to read as follows:

SEC. 1. FIRE PREVENTION CODE OF THE CITY OF HAYWARD, ADOPTION OF CALIFORNIA FIRE CODE. The City Council of the City of Hayward for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, hereby adopts that certain code and standards known as the 2019 California Fire Code and based on the International Fire Code being particularly the 2018 edition thereof and the whole thereof (including Appendices Chapter 4, B, C, D, E, F, G, H, I, J, K, N, O) save and except such portions as are hereunder deleted, modified, or amended as set forth hereinafter, as the Fire Code of the City of Hayward. A copy of each said California Fire Code is on file in the office of the Fire Marshal, to which reference is hereby made for further particulars.

Said code is adopted by reference pursuant to Section 50022.2 et seq. of the Government Code of the State of California, and the same is hereby adopted and incorporated as fully as if set out at length herein and, from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Hayward except as otherwise noted herein.

SEC. 2. ESTABLISHMENT AND DUTIES OF THE FIRE PREVENTION OFFICE.

- 2.1 The California Fire Code shall be enforced by the Fire Prevention Bureau and the Operations Division in the Fire Department of the City of Hayward.

- 2.2 The chief officer in charge of the Fire Prevention Bureau shall be appointed by the Fire Chief.
- 2.3 The Chief of the Fire Department shall recommend to the City Manager the employment of technical personnel responsible for code enforcement. The Chief of the Fire Department may also detail such members of the Fire Department as inspectors as shall from time to time be necessary.

SEC. 3. DEFINITIONS.

- 3.1 Whenever the word "jurisdiction" is used in the California Fire Code, it shall be held to mean the City of Hayward.
- 3.2 Whenever the term "Corporation Counsel" is used in the California Fire Code, it shall be held to mean the City Attorney of the City of Hayward.
- 3.3 Whenever the term "Fire Code Official" or "Fire Marshal" is used, it shall be held to mean the Chief Officer in charge of the Fire Prevention Bureau for the Fire Department or his/her designated representative.

~~SEC. 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN ABOVEGROUND TANKS IS TO BE PROHIBITED.~~

- ~~4.1—The storage and use of flammable or combustible liquids (including flammable cryogenic liquids) in aboveground tanks is prohibited, within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would minimize a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.~~
- ~~4.2—New bulk plants for flammable or combustible liquids are prohibited within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would minimize a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.~~

~~SEC. 5. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED.~~ The limits referred to in Section 6104.2 of the California Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: Within the city limits of Hayward, unless approved by the Fire Chief upon a finding that such an approval would minimize the danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

~~SEC. 6. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED.~~ The storage and use of explosives and blasting agents is prohibited within the city limits of Hayward, unless approved by the Fire Chief upon a finding that such an approval would minimize the danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

~~SEC. 7. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED.~~ The storage of compressed natural gas is prohibited within the city limits of Hayward, unless approved by the Fire Chief upon a finding that such an approval would minimize the danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

SEC. 84. AMENDMENTS MADE IN THE CALIFORNIA FIRE CODE. The California Fire Code is amended in the following respects, with the reference numbers being taken from the California Fire Code, including deletions, additions and text changes.

**GENERAL
CHAPTER 1 – SCOPE AND ADMINISTRATION
DIVISION II ADMINISTRATION**

SECTION 104 - GENERAL AUTHORITY AND RESPONSIBILITIES

~~104.10 FIRE INVESTIGATIONS.~~ Amend section to read:

~~104.10 FIRE INVESTIGATIONS.~~ The Fire Department shall investigate promptly the cause, origin, and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury to person or destruction or damage to property and, if it appears that such fire is of suspicious origin, the department shall then initiate efforts for the immediate collection of all physical evidence relating to the cause of the fire.

~~The Fire Chief is authorized to investigate the cause, origin, and circumstances of unauthorized releases of hazardous materials.~~

104.10.1 ASSISTANCE FROM OTHER AGENCY. Amend subsection to read:

104.10.1 ASSISTANCE FROM OTHER AGENCY. The Police Department shall assist the Fire Department in its investigations whenever requested to do so, unless otherwise directed by the Chief of Police.

~~Add new Section 104.12 to read:~~

~~104.12 FIRE PROTECTION.~~ The Fire Chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises in the jurisdiction. This shall be done according to the relative severity of probable fire, including the rapidity with which

~~it may spread. Such appliances shall be of a type suitable for the probable class of fire associated with such buildings or premises and shall have approval of the Fire Chief.~~

~~SECTION 105 – PERMITS.~~

~~105.2.2 INSPECTION AUTHORIZED Amend section to read:~~

~~105.2.2 INSPECTION AUTHORIZED. Before a permit is issued, the Fire Chief or his or her designated representative is authorized to inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces, or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Department, joint approval shall be obtained from all departments concerned.~~

~~105.8 PERMIT FEES. Add new subsection 105.8 to read:~~

~~Section 106 – Fees.~~

106.2.1 PERMIT FEES. The City Council of the City of Hayward may, if it so desires establish by resolution, permit fees in connection with any permits required or authorized to be issued by the Fire Chief or any other authorized representative of the Fire Department.

SECTION 108 - BOARD OF APPEALS.

108.1 BOARD OF APPEALS ESTABLISHED. Amend section to read:

108.1. BOARD OF APPEALS ESTABLISHED. In order to determine the suitability of alternate materials and type of construction, there shall be and hereby is created an appropriate board consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters. The Fire Chief shall be an ex-officio member and shall act as secretary of the board. The Fire Appeal Board shall be appointed by the City Manager and shall hold office at his or her pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant, and may recommend to the executive body such new legislation as is consistent therewith.

CHAPTER 2 – DEFINITIONS

SECTION 202 - GENERAL DEFINITIONS.

HIGH-RISE BUILDING. Add a paragraph to read:

The Fire Chief may determine that a building is a “high-rise structure” based on site/building configuration and the lack of viable exterior access to the upper floors for firefighting, rescue operations and where firefighters must place almost complete reliance on the building’s life safety features, fire protection systems and components of building construction.

CHAPTER 5 - FIRE SERVICE FEATURES

~~SECTION 503 - FIRE APPARATUS ACCESS ROADS.~~

~~503.1 WHERE REQUIRED. Add new subsection 503.1.4 to read:~~

~~503.1.4 FIRE LANES. Where necessary to maintain adequate emergency vehicle approaches to buildings or fire apparatus access roads, the Fire Chief may establish designated "Fire Lanes."~~

- ~~1. — Restrictions and requirements as specified in the California Vehicle Code sections 22500.1 and 22658 shall apply to fire lanes established by this section.~~

SECTION 503 - FIRE APPARATUS ACCESS ROADS.

Add new subsection 503.6.1 to read:

503.6.1 KEY SWITCHES. A key switch shall be provided and mounted on a stationary place on the outside of the security gate. The key switch shall be mounted on a permanently affixed monument three (3) to five (5) feet above ground.

SECTION 505 - PREMISES IDENTIFICATION

505.1 ADDRESS IDENTIFICATION. Amend section to read:

505.1 ADDRESS IDENTIFICATION. New and existing buildings shall have approved address numbers, building numbers or approved building identification plate in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the Fire Department, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6) high with a minimum stroke width of 0.5 inch (12.7 mm) and installed on the front of the dwelling (R-3, R-3.1 and R-4) in a location so as to be visible from the street. Otherwise, **minimum building address shall be 12" high with 1.5" stroke. When building is located greater than 50 feet from street frontage, address shall be minimum 16" high with 1.5" stroke. Tenant space number shall be 6" high with 0.75" stroke on a contrasting background so as to be visible from the street.** ~~a minimum 6-inch address shall be installed in a location approved by the Fire Department.~~ Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

SECTION 507 - FIRE PROTECTION WATER SUPPLIES.

507.5 FIRE HYDRANT SYSTEMS.

507.5.1 WHERE REQUIRED. Amend subsection to read:

507.5.1 WHERE REQUIRED. Fire hydrant systems and fire hydrants shall be in accordance with Section 507.5. Hydrants shall be of the type approved in the City of Hayward and have not less than a six-inch connection with the mains. A shutoff valve shall be installed in the hydrant connection, a minimum distance of five feet from the hydrant. Hydrants should be tested annually for proper functioning in accordance with the requirements of the authority having jurisdiction or upon request of the Fire Chief.

Hydrants shall be placed at least 40 feet from the buildings to be protected. Where it is not feasible to place them at that distance, they may be in closer proximity in locations approved by the Fire Chief.

~~CHAPTER 6 – BUILDING SERVICES AND SYSTEMS~~

~~SECTION 603 FUEL FIRED APPLIANCES.~~

~~603.4 PORTABLE UNVENTED HEATERS.~~ Amend section to read:

~~603.4. PORTABLE UNVENTED HEATERS.~~ The use of listed portable unvented oil-burning heating appliances shall be limited to supplemental heating in Group U Occupancies.

~~EXCEPTION:~~ When approved by the Fire Chief, portable unvented oil-burning heating appliances may be used in any occupancy during construction when such use is necessary for the construction and the use does not represent a hazard to life or property.

~~SECTION 605 ELECTRICAL EQUIPMENT, WIRING AND HAZARDS~~

~~605.11 SOLAR PHOTOVOLTAIC POWER SYSTEMS.~~

~~605.11.1.2 MARKING CONTENT.~~ Amend section to read:

~~605.11.1.2 MARKING CONTENT.~~ Marking content shall be provided in accordance with Section 605.11.1.2.1 and 605.11.1.2.2.

~~605.11.1.2.1 MARKING AND LABELING OF DISCONNECTING MEANS.~~ Each photovoltaic system disconnecting means shall be permanently labeled to identify it as a photovoltaic system disconnect. A warning sign shall be placed adjacent to the power disconnect in a location clearly

visible from the location where the power disconnect is operated. The marking shall contain the words:

~~WARNING: ELECTRIC SHOCK HAZARD.
DO NOT TOUCH TERMINAL.
TERMINALS ON BOTH THE LINE AND LOAD SIDES MAY BE ENERGIZED IN THE OPEN
POSITION.~~

~~605.11.1.2.2 MARKING OF DC CONDUIT, RACEWAYS, ENCLOSURES AND CABLE
ASSEMBLIES.~~ The marking shall contain the words:

~~WARNING: PHOTOVOLTAIC POWER SOURCE.~~

Add new subsections 605.11.5 through 605.11.5.2 to read:

~~605.11.5 PHOTOVOLTAIC SYSTEM DISCONNECTING MEANS.~~ Photovoltaic system disconnecting means shall be provided in the locations described in Section 605.11.5.1 through 605.11.5.2.

~~605.11.5.1 MAIN SERVICE DISCONNECTS.~~ A main service disconnect shall be provided to disconnect all conductors in a building or other structures from the photovoltaic system conductors. The power disconnect shall be installed at a readily accessible location on the outside of a building or structure.

~~605.11.5.2 ROOF DC POWER DISCONNECTS.~~ A roof power disconnect shall be provided in proximity of the photovoltaic array to de-energize the DC circuits from the array to the mains service disconnect and inverter. Power disconnects on the one- and two- family residential roof shall be located within 3 feet of the photovoltaic array along roof access and pathways and located together when possible. Power disconnects on roof other than the one- and two- family residential shall be located as close as practically possible to the photovoltaic array and installed along the center line axis pathways when possible.

Add new subsection 605.11.6 to read:

~~605.11.6 NON-HABITABLE BUILDINGS OR STRUCTURES.~~ Detached Group U non-habitable structures, such as parking shade structures, carports, solar trellises, and similar type structures shall comply with Section 605.11 through 605.11.3.

CHAPTER – 9 FIRE PROTECTION SYSTEMS

~~SECTION 901 – GENERAL.~~

~~901.4 INSTALLATION.~~

~~Add new subsection 901.4.7 to read:~~

~~901.4.7 FIRE SPRINKLER CONTRACTORS. All design and on-site installation work for automatic sprinkler systems shall be done by people whose qualifications satisfy applicable State of California requirements and whose expertise in the field is demonstrable through documentation of their appropriate education, experience, or license to the Fire Chief's satisfaction.~~

SECTION 903 - AUTOMATIC SPRINKLER SYSTEMS.

903.2 WHERE REQUIRED. Amend 903.2 to read

903.2 WHERE REQUIRED. An automatic sprinkler system shall be installed in all new construction, regardless of occupancy classification, where the total floor area is 5,000 square feet (465 m²) or more (area separation walls may not be used in lieu of a sprinkler system except when buildings are separated by fire wall constructed in accordance with Section 706 FIRE WALLS of the 2019 California Building Code), building height exceeds two stories, or floor heights exceed 15 feet (4,572 mm) from the lowest level of Fire Department access and locations described in Section 903.2.1 through 903.2.2~~12~~. In cases where multiple requirements may apply, the most restrictive requirement shall prevail. Floor areas of mezzanines shall be included in calculating the total floor area to be used in determining automatic fire-extinguishing requirements.

Add new subsection 903.2.2~~01~~ to read:

903.2.2~~01~~ EXISTING BUILDINGS. An automatic sprinkler system shall be installed in an existing building when cumulative additions, repairs, or alterations are made to the building and such additions, repairs, or alterations meet any of the following conditions:

1. ~~Additions, repairs, or alterations are valued at~~ to residential buildings (R-3, R-3.1, R-4) that increase the conditioned livable floor area of the existing structure by 50%. ~~The increase in livable area shall be calculated cumulatively from January 1, 2010, assessed value of the building. (Value is based only on the structure involved. If owner disputes valuation, an appraisal can be performed at the owner's expense, by an appraiser acceptable to the Fire Chief.)~~
2. Any addition or additions to the original building which will add 10 percent or more to the total floor area of the existing building and the resulting floor area is 5,000 square feet (465 m²). The floor area shall be calculated in accordance with Section 903.2.
3. Additions, repairs, or alterations that will result in a change in occupancy or use and with the resulting floor area is 5,000 square feet (465 m²) or more and shall comply

with the most current CBC and CFC edition. ~~The floor area shall be calculated in accordance with Section 903.2.~~

4. Accumulative area of alteration, addition or repair is 5,000 square feet (465 m²) or more. ~~The floor area shall be calculated in accordance with Section 903.2.~~ Area of alteration, addition or repair area shall be calculated cumulatively from January 1, 2010. Building owners are to be held responsible.
5. Extensive remodeling in existing one- and two-family dwellings and townhouses, where roofs/ceilings are reconstructed or altered, and new sprinkler systems can be installed without inconvenience ~~upon the Fire Chief's determination.~~

903.2.201.1 EXISTING BUILDINGS IN HAYWARD DOWNTOWN CORE AREA. Alternative design in lieu of fire sprinkler systems in Hayward's Downtown Core Area shall be permitted when it satisfies all provisions established by the Hayward Fire Department.

1. The Hayward Downtown Core is bounded by A St., Foothill Blvd., D St., and Grand St. and includes a four- block strip along the south side of D St. and a two-block area west of Grand St.
2. The alternative design option is only available to a renovation, improvement, or redevelopment project on an existing building used as Group A, B, E, F, M, R and S.
3. The alternative design is not applicable to newly constructed projects.
4. The project shall satisfy all provisions listed in the supplemental document - *Alternative Design in Lieu of Fire Sprinkler Systems in Hayward's Downtown Core.*

Add new subsection 903.2.212 to read:

903.2.212 HILLSIDE DESIGN AND WILDLAND-URBAN INTERFACE. Developments located in the hillside wildland-urban interface zone identified in Section 4901.3 of the ordinance shall be fully sprinkler per NFPA 13. Single family residence fire sprinkler system shall be installed in accordance with NFPA 13D with modifications listed in Section 903.3.1.3.1.

Add new subsection 903.2.8.2 to read:

903.2.8.2 GROUP ~~R-3 TOWNHOUSE OR~~ R-2, MULTI-FAMILY RESIDENTIAL, R-2.1, R-4. In buildings with 3 or more Group ~~R-23~~ dwelling units, ~~or buildings with R-2.1 or R-4 uses,~~ the automatic fire sprinkler systems shall be installed in accordance with Section 903.3.1.1.

903.3 INSTALLATION REQUIREMENTS903.3.1.1 NFPA 13 SPRINKLER SYSTEMS. Add to the end of this section to read:

“When automatic sprinkler systems are required in buildings of undetermined use, they shall be designed and installed to have a sprinkler density of 0.33 GPM for 3,750 square feet with a maximum coverage of 100 square feet per head. Use is considered undetermined if not classified at time permit is issued. Where subsequent use requires a system with greater capability, the system shall be reinforced to the required code in order to obtain clearance for the new use.”

903.3.1.2 NFPA 13R SPRINKLER SYSTEM. Deleted.903.3.1.2.1 BALCONIES AND DECKS. Deleted.903.3.1.3 NFPA 13D SPRINKLER SYSTEMS. Amend 903.3.1.3 to read:

903.3.1.3 NFPA 13D SPRINKLER SYSTEMS. Automatic sprinkler systems installed in one- and two-family dwellings (R-3) and R-3.1 shall be permitted to be installed throughout in accordance with NFPA 13D. ~~Multipurpose sprinkler systems shall be permitted provided the systems are installed in accordance with NFPA 13D and City of Hayward Standard Details.~~ Sprinkler systems in Group R-3.1 facilities and R-3 buildings located in the Wildland Urban Interface Area shall be installed in accordance with this section, Section 903.2.8 and NFPA 13D with modifications listed in Section 903.3.1.3.1.

903.3.1.3.1 MODIFIED NFPA 13D SPRINKLER SYSTEMS.

~~When a modified~~ NFPA 13D systems ~~is~~ are required in the Wildland Urban Interface Area or areas identified as high hazard areas, the system shall be installed to meet the following requirements.

1. Complete sprinkler coverage shall be provided in attics, garages, decks, porches, foyers and crawl spaces 3 feet or higher or having storage.
2. For sprinkler systems in buildings with R-3.1 use, sprinkler coverage shall be provided in bathrooms and closets.
3. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any water flow activity in the fire sprinkler system.
4. Provide a minimum of two replacement sprinklers for emergency replacement along with an appropriate wrench for changing sprinkler heads.

5. Control valve shall be secured with a chain and breakaway lock.

903.3.5 WATER SUPPLY. Amend 903.3.5 to read:

903.3.5 WATER SUPPLY. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. Water supplies for automatic sprinkler systems shall be connected to the city water main. The potable water supply shall be protected against backflow in accordance with *Health and Safety Code, Section 13114.7, NFPA 24*, and the City of Hayward installation standards.

Add new subsections 903.3.5.3 to 903.3.5.4.2 to read:

903.3.5.3 FIRE SERVICE CONNECTIONS. Each fire service shall ~~be have~~ installed ~~therein- a detector check valve of such pattern and design~~ in accordance with City of Hayward Standard Details.

~~903.3.5.3.1 FIRE SERVICE MAINS SUPPLYING HYDRANTS. Pipe smaller than six inches in diameter shall not be installed as private fire service main supplying hydrants.~~

~~903.3.5.3.2 FIRE SERVICE MAINS NOT SUPPLYING HYDRANTS. For a fire service main that does not supply hydrants, diameter smaller than 6 inches shall be permitted to be used when all the following conditions are met:~~

- ~~• It supplies fire suppression systems only, including automatic fire suppression systems, water spray fixed systems, foam systems and standpipe systems; and~~
- ~~• Hydraulic calculations shall show that the main is able to supply the total demand at the appropriate pressure.~~

~~903.3.5.3.31 COMMERCIAL OR INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL BUILDINGS. FIRE SERVICE FOR NFPA 13 SPRINKLER SYSTEMS. When an application is made for commercial or industrial/multi-family residential fire service connections, such~~ Fire service installation for systems in accordance with NFPA 13 shall be not less than four inches in diameter. Fire service line smaller than four inches in diameter shall be permitted when all the following conditions are met:

- A fire service main is dedicated to supplying a single automatic fire sprinkler system in one building; and
- Hydraulic calculations shall show that the fire service line is able to supply the demand at the appropriate pressure for automatic fire sprinkler systems.

903.3.5.3.42 ONE- AND TWO- FAMILY RESIDENTIAL BUILDINGS. When an application is made for one- and two- family residential fire service connection serving residential fire sprinkler systems installed in accordance with NFPA 13D including modified NFPA 13D, such fire service installation shall not be less than one inch in diameter. For an application utilizing existing underground water line, a minimum $\frac{3}{4}$ inch in diameter shall be permitted.

903.3.5.4 WATER FLOW TEST DATA. Water flow test data applied in automatic fire sprinkler system design shall be less than five years old. **Adjustments shall be made to the flow test results in order to take into account daily and seasonal fluctuations and uncertainties of overall water supply per the Hayward Public Works Department's recommendation of the maximum water pressure applied in the fire protection systems design.** ~~Adjustments shall be made to the flow test results in order to take into account daily and seasonal fluctuations and uncertainties of overall water supply.~~

903.3.5.4.1 SAFETY MARGIN. A safety margin of 10% or 10 PSI may be used as a guideline. The projections prepared by the water utility shall be used when they are available.

Add new subsections 903.3.910 to 903.3.910.2 to read:

903.3.910 POST INDICATOR VALVES. One dedicated post indicator valve shall be provided for each sprinkler system water supply.

903.3.910.1 CONTROL INDICATOR VALVES. Use of control indicator valves which are parts of a backflow preventer assembly in lieu of the dedicated post indicator valve shall be allowed, subject to the approval of the Fire Department, when all of the following conditions are met:

1. The city water main is the only source of water supply to the fire service line.
2. The underground fire service line serves the wet fire sprinkler system(s) for only one (1) building.
3. The control valves of the backflow preventers are indicator valves, such as OS&Y valves.
4. A backflow preventer has at least one indicator valve not less than 40 feet away from the building, except in the following circumstances:
 - For buildings less than 40 feet in height, a backflow preventer with at least one indicator valve shall be permitted to be installed closer than 40 feet, but at least as far from the building as the height of the wall facing the backflow preventer.

- For buildings located in the Hayward Downtown Area, a backflow preventer with at least one indicator valve shall be permitted to be installed closer than 40 feet but shall be at the farthest possible location from the building.
5. The backflow preventer is located no farther than 150 feet away from the building, measured by underground fire service line. The backflow preventer shall be located in a way to avoid confusion in the field.

903.3.9.210.2 OTHER TYPE POST INDICATOR VALVES. The following valves controlling fire service water supply shall also be allowed in lieu of the dedicated post indicator valves.

1. An approved wall-type post indicator valve; or
2. Control valves installed in a fire-rated room accessible from the exterior.

903.4.1 MONITORING. Amend 903.4.1 to read:

903.4.1 MONITORING. Alarm, supervisory and trouble signals shall be distinctly different from one another and shall be automatically transmitted to an approved central supervising station and shall sound an audible signal at a constantly attended location in accordance with Section 903.4.2. This system shall have a supervised alarm and local alarm signaling capability.

903.4.2 - ALARMS. Add new subsection 903.4.2.1 and 903.4.2.2 to this section to read:

903.4.2.1 COMMERCIAL OR INDUSTRIAL BUILDINGS. At least one interior audible alarm device shall be installed within each tenant space of the building at a constantly attended location in the building and shall be placed in a location so as to be heard throughout the constantly attended areas in accordance with NFPA 72. The device shall activate upon any water flow activity in the fire sprinkler system.

903.4.2.2 ONE- AND TWO- AND MULTI-FAMILY RESIDENTIAL BUILDINGS. At least one interior audible alarm device shall be installed within the dwelling units in a location so as to be heard throughout the home with bedroom doors closed. The device shall activate upon any water flow activity in the fire sprinkler system.

SECTION 904 - ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS

904.3.5 MONITORING. Amend 904.3.5 to read:

904.3.5 MONITORING. Where a building fire alarm system or fire sprinkler monitoring system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system or the fire sprinkler monitoring system in accordance with NFPA 72. This system shall have a

supervised alarm and local alarm signaling capability. Central station monitoring is required, which shall be done by an approved and/or listed central station monitoring company.

~~SECTION 905 – STANDPIPES~~

~~905.1 GENERAL. Add sentence to the end of this section to read: “Buildings three stories or more in height shall have an approved standpipe system.”~~

~~905.3 REQUIRED INSTALLATIONS. Amend to substitute any reference to “4 Stories” with “3 Stories.”~~

~~905.4 LOCATION OF CLASS I STANDPIPE HOSE CONNECTIONS. Add new number 6 to read:~~

~~6. DUAL OUTLETS. All Class I standpipe outlets located as required in Section 905.3 shall have added outlets located in enclosed corridors adjacent to enclosed stairway access doors at each level of every required stairway.~~

~~CHAPTER 33 – FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION~~

~~SECTION 3301 – GENERAL.~~

~~3313 STANDPIPES. Amend subsection 3313.1 to read:~~

~~3313.1 WHERE REQUIRED. Every building three stories or more in height shall be provided with not less than one standpipe for use during construction. Such standpipe shall be provided with Fire Department hose connections at accessible locations adjacent to usable stairs and the standpipe outlets shall be located adjacent to such usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.~~

~~In each floor there shall be provided a 2 ½ inch (64 mm) valve outlet for Fire Department use. Where construction height requires installation of a Class I standpipe, fire pumps and water main connections shall be provided to serve the standpipe.~~

CHAPTER 49 – WILDLAND-URBAN INTERFACE FIRE AREA

SECTION 4901- GENERAL

Add new subsection 4901.3 to read:

4901.3 WHERE REQUIRED. Development in the area east of Mission Boulevard from the south side of D Street to the city limits south to Union City shall be constructed in accordance with this chapter.

SECTION 4902 - DEFINITIONS

Amend "WILDLAND-URBAN INTERFACE FIRE AREA" definition to read:

"WILDLAND-URBAN INTERFACE FIRE AREA" is land designated which is covered with grass, grain, brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are designated by the Fire Chief on a map maintained in the office of the Fire Chief. The "WILDLAND-URBAN INTERFACE FIRE AREA" has been defined as:

"The areas east of Mission Boulevard Blvd. from the south side of D Street to the city limits south to Union City."

SECTION 4905.2. ~~Amend Section 4905.2 to read:~~

~~4905.2 CONSTRUCTION METHODS AND REQUIREMENTS WITHIN ESTABLISHED LIMITS. Within the limits established by Section 4901.3, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements described in Section 4905.2.1, 4905.2.2 and 4905.2.3. In cases where multiple requirements may apply, the most restrictive requirement shall prevail.~~

~~Add new subsection 4905.2.1 to read:~~

~~4905.2.1 The building construction shall comply with the requirements contained in the California Building Standards Code including the following:~~

- ~~1. — California Building Code Chapter 7A,~~
- ~~2. — California Residential Code Section R327,~~
- ~~3. — California Reference Standards Code Chapter 12-7A~~

Add new subsection 4905.2.21

4905.2.21 The building constructed shall comply with the following requirements:

1. 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.
2. Design roofs shall comply with a 'Class A' non-combustible roof rating as outlined in the California Building Code. (Do not use wood shake or treated wood shake roofs.)
3. Provide spark arrestors with 1/4" metal mesh screens on all chimneys. Homeowners should inspect spark arrestors every year to ensure mesh screen integrity.
4. Additions to existing decks are subject to review by the Fire Marshal and may be required to meet building construction and fire protection standards.
6. 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.
7. Locate chimney at least ten feet away from existing tree canopies.
8. Enclose all roof eaves.

~~Add new subsection 4905.2.3 to read:~~

~~4905.2.3 In addition, the building construction shall comply with other City standards and regulations including but not limited to the Zoning Ordinance, Subdivision Ordinance, Building Ordinance, Fire Code Ordinances, Grading Ordinance, Tree Preservation Ordinance, and Water Efficient Landscape Ordinance.~~

SECTION 4906.1 General. Amend Section 4906.1 to read:

SECTION 4906.1 - CITY OF HAYWARD HILLSIDE DESIGN AND URBAN/WILDLAND INTERFACE GUIDELINES. As adopted by Resolution No. 93-037.

CHAPTER 50 – HAZARDOUS MATERIALS - GENERAL PROVISIONS

SECTION 5001 – GENERAL.

Add new subsection 5001.5.3 to read:

SECTION 5001.5.3 Hazardous Materials Business Plans (HMBP). - Shall be submitted annually. The frequency may be increased, modified or waived by the Fire Chief or their designee, but shall not exceed the time frames as established by the State of California laws and regulations.

SECTION 5003 - GENERAL REQUIREMENTS.

Add new subsection 2703.1.5 to read:

SECTION 5003.1.5 - PROHIBITED LOCATION. – Hazardous materials are not allowed below grade plane in buildings.

SECTION 5004.2.2 – SECONDARY CONTAINMENT FOR HAZARDOUS MATERIALS LIQUIDS AND SOLIDS. Where required by Table 5004.2.2, buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section when the capacity of an individual vessel or aggregate capacity of multiple vessels equals or exceeds 55 gallons. Additionally, the Fire Chief or his designee may require secondary containment at quantities less than 55 gallons or as specified in Chapter 50 in order to protect life safety, emergency responders, or the environment.

~~CHAPTER 52 – COMBUSTIBLE FIBERS~~

~~SECTION 5205 – BALED STORAGE.~~

~~Add new subsection 5205.3 to read:~~

~~5205.3 FIRE PROTECTION. Baled storage under any roof or overhang shall be protected by an approved automatic sprinkler system.~~

CHAPTER 57 – FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 5701 - GENERAL.

5701.4 PERMITS.

Add new subsection 5701.4.1 to read:

5701.4.1 PLANS. Plans shall be submitted with each application for a permit to store more than 60 gallons of flammable and combustible liquids in drums or tanks. The plans shall indicate the methods of storage, quantities to be stored, distances from buildings and property lines, access ways, fire-protection facilities, and provisions for drainage and runoff. Storage shall be in accordance with approved plans.

SECTION 5703 - GENERAL REQUIREMENTS.

Add new subsection 5703.1.4 to read:

SECTION 5703.1.4 - PROHIBITED LOCATION. Flammable and combustible liquids are not allowed below grade plane in buildings.

SECTION 5704 - STORAGE.

Add new subsection 5704.1.1 to read:

5704.1.1 APPLICABILITY. Storage and use of flammable and combustible liquids in aboveground tanks over 60 gallons is prohibited within the city limits of Hayward unless approved by the Fire Chief upon a finding that such approval would minimize the danger to the health, safety, and welfare of the population of Hayward or to neighboring properties. When allowed, storage and use of flammable and combustible liquids in containers, cylinders, and tanks shall be in accordance with sections 5701 and 5704. For permits see Section 105.1 and 5701.4.

EXCEPTION: Allowance shall be granted in the industrial area of Hayward for stationary, monitored, and double-walled aboveground flammable and combustible liquid storage tanks as follows:

- a. Emergency power diesel generator tanks that do not exceed an aggregate site capacity of 5500 gallons. Tanks shall meet Underwriter Laboratory UL142 standard when manufactured as part of an emergency power generator package (generator belly tank) or Underwriter Laboratory UL2085 standard when tanks are separate from the generator package. Interstitial space shall be electronically monitored.
- b. Gasoline and diesel fueling tanks that meet the Underwriter Laboratory UL2085 standard and do not exceed a site capacity of 550 gallons. Interstitial space shall be electronically monitored.
- c. Combustible IIIB liquid storage tanks that do not exceed a site capacity of 5500 gallons. Tanks shall meet the Underwriter Laboratory UL142 standard.
- d. Hydraulic oil tanks for elevators that meet California Division of Industrial Safety standards.

For motor-vehicle-fuel-dispensing stations, see Chapter 23.

SECTION 5706 - SPECIAL OPERATIONS.

5706.2 STORAGE AND DISPENSING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS ON FARMS AND CONSTRUCTION SITES.

5706.2 Amend the subsection to read:

5706.2 STORAGE AND DISPENSING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS ON FARMS AND CONSTRUCTION SITES.

The storage of Class I, flammable and Class II or III combustible liquids in aboveground tanks is prohibited within the city limits of Hayward unless approved by the Fire Chief upon a finding that such approval would minimize danger to the health, safety, and welfare of the population of Hayward or to neighboring properties. When allowed, permanent and temporary storage and dispensing of Class I, flammable and Class II and III combustible liquids for private use on farms and rural areas and at construction sites, earth-moving projects, gravel pits or burrow pits shall be in accordance with Sections 5706.2.1 through 5706.2.8.1. For permits see section 105.1 and 5701.4.

~~EXCEPTION: Storage and use of fuel oil in containers connected with oil-burning equipment regulated by Section 603 and the California Mechanical Code.~~

5706.2.8 DISPENSING FROM TANK VEHICLES.

~~5706.2.8.~~ Amend number 2 to read:

~~2.—The dispensing hose does not exceed 50 feet (15,240 mm) in length.~~

Add item 9 and 10 to read:

9. Vapor-recovery systems are provided in accordance with Section 2306.7.9.
10. Tank vehicles shall not be permitted to serve as portable or temporary storage tanks.

**APPENDIX B
FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

SECTION B105 - FIRE-FLOW REQUIREMENTS FOR BUILDINGS. Amend subsections B105.1 and B105.2 to read:

B105.1 ONE- AND TWO-FAMILY DWELLINGS. The minimum fire-flow requirements for one- and two-family dwellings shall be 1,000~~500~~ gallons per minute, at 20 PSI. (5,677.5 L/min.)

~~EXCEPTION: Fire-flow may be reduced 50 percent when the building is provided with approved automatic sprinkler system. The resulting fire flow shall not be less than 1,500 gallons per minute at 20 PSI.~~

Table B105.2. Deleted

B105.2 BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 and R-4 BUILDINGS. ~~The fire-flow for buildings other than one- and two-family dwellings shall not be less than specified in Table No. B105.1.~~

~~EXCEPTION: A reduction in required fire-flow of up to 50 percent, as approved by the Fire Chief, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire-flow shall not be less than 1,500 gallons per minute at 20 PSI. (5,677.5 L/min.).~~

**APPENDIX C
FIRE HYDRANT LOCATIONS AND DISTRIBUTION**

TABLE C10~~5.12.1~~ amended to read:

TABLE C10~~5.12.1~~
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE FLOW REQUIREMENT (GPM)¹	MINIMUM NUMBER OF HYDRANTS	DISTRICT	AVERAGE SPACING BETWEEN HYDRANTS (FEET)^{2, 3, 4}	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT⁵	HYDRANT TYPE
1,750 or less	1	Low Density Residential	400	225	Modified Steamer
		Median Density	400	200	Double Steamer
		Others	300	180	Double Steamer
2,000	2	Low Density Residential	400	225	Modified Steamer
		Median Density	400	200	Double Steamer
		Others	300	180	Double Steamer
2,500	3	Low Density Residential	400	225	Modified Steamer
		Median Density	400	200	Double Steamer
		Others	300	180	Double Steamer
3,500	4	Low Density Residential	400	225	Modified Steamer
		Median Density	400	200	Double Steamer
		Others	300	180	Double Steamer
4,500	5	All	300	180	Double Steamer
5,500	6	All	300	150	Double Steamer
6,500	7	All	250	150	Double Steamer
7,500 or more	8	All	250	120	Double Steamer

1. Measured at 20 PSI residual pressure.
2. Reduce by 100 feet for dead-end streets or roadways.

3. Where streets are provided with median dividers or arterial streets are provided with four or more traffic lanes, hydrants spacing shall average 500 feet on each side.
4. Where new water mains are extended along streets, where hydrants are not needed for protection of structures or similar fire problems, fire hydrants should be provided at not less than 1,000-foot spacing to provide for transportation hazards.
5. Reduce by 50 feet for dead-end streets or roadways.

**APPENDIX D
FIRE APPARATUS ACCESS ROADS**

SECTION D103 MINIMUM SPECIFICATIONS

~~D103.1 ACCESS ROAD WIDTH WITH A HYDRANT. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders~~

~~Delete "MINIMUM CLEARANCE AROUND A FIRE HYDRANT" in Figure D103.1.~~
D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent.

Exception 1: Grades 10% to 15% shall be constructed with a minimum 6-inch thick Portland Cement Concrete, upon approval from the Fire Marshal Office.

Exception 2: Grades 15.1% to 20% shall be constructed with a minimum 6-inch thick Portland Cement Concrete with grooves, upon Fire Chief's approval.

D103.3 TURNING RADIUS. Amend Section D 103.3 to read:

D103.3 TURNING RADIUS. The minimum inside turning radius shall be 17 feet. The minimum outside turning radius shall be 45 feet.

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

SEC. 95. APPEALS.

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Manager.

~~SEC. 10-6. FEES.~~ Fees may be established by resolution of the City Council for permits required by the code, and the fee required for any permit shall accompany the application for such permit. Unless the permit specifies otherwise, the permit shall be issued for a one-year period.

SEC. 117. PENALTIES.

- 11.1 Any person who shall violate any of the provisions of this code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council of the City of Hayward or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a criminal offense and subject to the penalties set forth in the Hayward Municipal Code, Chapter 1, Article 3, Section 1-3.00 et. seq.
- 11.2 The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions or to prohibit the use of any other criminal or civil remedy.

SEC. 128. REPEAL OF CONFLICTING ORDINANCES. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the California Fire Code as adopted and amended herein are hereby repealed.

SEC. 139. VALIDITY. The City Council of the City of Hayward hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council of the City of Hayward that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SEC. 1410. DATE OF EFFECT. This ordinance shall take effect and be in force from and after its approval as required by law.

Section 2. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the __ day of December 2019, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the __ day of December 2019, 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

PUBLIC COMMENT

KIM HUGGETT

Centro de Hayward

Ilumina la Temporada 2019

Sábado 7 de Diciembre

¡Únase a la diversión!
3:00 - 6:30pm
en la calle B y la calle Watkins

¡Busque todas las divertidas actividades de vacaciones en el centro de Hayward!
Iluminación del Árbol de Navidad
★ Patinaje Sobre Hielo
★ Coros y Bandas Escolares
★ ¡Entretención, diversión familiar y mucho más!

Traiga un nuevo juguete u oso de peluche sin envolver para la campaña de recolección de juguetes para niños organizado por los Departamentos de Bomberos y Policía de Hayward y reciba un boleto de sorteo para ganar una canasta de diversión familiar!



Downtown Hayward

Light up The Season 2019

Saturday 7th December

Join the Fun!
3:00 - 6:30pm
B Street & Watkins Street

Look for all the fun Downtown Hayward Holiday Activities!
★ Tree Lighting
★ Ice Skating
★ Choirs & School Bands
★ Entertainment, Family Fun & much more!

Bring a new unwrapped toy or teddy bear for the Toys for Kids Drive by the Hayward Fire and Police Departments and receive a prize ticket to win a Family Fun Basket



PUBLIC COMMENT

CHARLIE PETERS

Former FBI Cyber Official Trent Teyema Named Parsons CTO
By Carey Smith / Washington Exec / November 17, 2019

Parsons Corp. announced it has tapped veteran cybersecurity expert Trent Teyema as chief technology officer for its federal business.

Teyema will also serve as a senior vice president, and will oversee intellectual property protection, and research and development initiatives, among other duties.

Teyema, who has more than 20 years of experience in the cybersecurity field, most recently served as chief operating officer and chief of cyber readiness for the FBI. He also held appointed roles in the White House.

“Trent has proven experience in managing some of our country’s most complex and high-risk national security challenges,” said Carey Smith, president of Parsons’ federal business. “We look forward to working with him to expand Parsons’ technology solutions portfolio as it grows in scope and diversity.”

Teyema has a master’s degree in forensic science from George Washington University.

<https://washingtonexec.com/2018/09/parsons-trent-teyema-cto/#.XdHJSr-IaRt>

VW-Shell Oil-Parsons Corp, Self Driving Public Private Partners?

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Carey Smith Named Parsons President and Chief Operating Officer

Press Release / Parsons.com / November 12, 2019

CENTREVILLE, VA (Nov. 12, 2019) – Parsons Corporation (NYSE:PSN) announces the appointment of Carey Smith to the role of president, effective immediately. In addition to her current duties as chief operating officer, she will now be responsible for Parsons’ operational business lines and the functions that are critical to supporting our customers’ missions. The role spans the company’s global operations.

“Carey’s proven track record of organic and strategic growth makes her well prepared to take on this increased leadership responsibility,” said Chuck Harrington, Parsons chairman and chief executive officer. “She is an exceptional leader and the Parsons team looks forward to further success with her in this new role.”

Smith’s appointment, combined with organizational realignments, will improve synergies between the Critical Infrastructure and Federal Solutions business segments and increase growth and performance. The move integrates corporate procurement, information technology (IT), corporate real estate and facilities, and the safety and sustainability enterprise functions into the operations team. The company is also establishing independent sustainability and safety functions to emphasize each core value independently and further enhance its commitment to corporate social responsibility.

“I am honored to take on this increased responsibility,” said Smith. “This is an exciting time at Parsons. We are in a strong competitive position with ample market opportunities, and I am proud of our talented employees and what we have collectively accomplished. I look forward to working with the Parsons team to achieve continued growth and deliver a better world.”

Smith joined Parsons in 2016 as president of the firm’s Federal Solutions business where she helped shape and grow the current portfolio. She was appointed chief operating officer in 2018 when the company merged its Federal Solutions and Critical Infrastructure business segments to better position for technologically converged defense, intelligence and critical infrastructure markets and provide greater value for our customers.

She received an honorary doctorate degree from Ohio Northern University, a master’s degree in electrical engineering from Syracuse University and a bachelor’s degree in electrical engineering from Ohio Northern University. Smith serves on the boards of Edison International and the Professional Services Council and has received numerous industry awards.

Parsons (NYSE: PSN) is a leading disruptive technology provider for the future of global defense, intelligence, and critical infrastructure, with capabilities across cybersecurity, missile defense, space, connected infrastructure, and smart cities. Please visit parsons.com, and follow us on LinkedIn and Facebook to learn how we’re making an impact.

<https://www.parsons.com/2019/11/carey-smith-named-parsons-president-and-chief-operating-officer/>

CAPP contact: Charlie Peters / (510) 537-1796 / cappcharlie@earthlink.net



Clean Air Performance Professionals

(October 8, 2019)

Attention "SMOG CHECK" Stations

All (Smog Check) stations must complete the Cal-VIS enrollment process with OnCore by October 31, 2019 to perform inspections on November 1, 2019.

https://www.smogcheck.ca.gov/About_BAR/BARLeadership.aspx

→ *Cal-VIS = Parsons Corp Contractor?*

VW-Shell Oil-Parsons Corp, "Wallet Flushing" Car Tax?

Google: ARB 1 510 537 1796 ...

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Parson's New Smart City Challenge Will Transform Mobility

Pasadena Now / August 21, 2019

Parsons Corporation has launched its first Smart Cities Challenge, called "Transforming Intersections," that it said will allow cities to significantly increase mobility and reduce the amount of time citizens spend at red lights.

Parsons was formerly headquartered in Pasadena and still maintains a large presence in Old Pasadena.

Cities and counties that want their commuters to spend less time sitting at red lights and more time catching up with friends and family can apply to be part of the Transforming Intersections challenge, which intends to collaborate with governments to solve some of the most complex mobility issues, the company said in a statement Tuesday.

"Every year people spend more than a week and a half of their life sitting at red traffic lights," Chuck Harrington, Parsons Chairman and CEO, said. "By changing intersections through our Transforming Intersections challenge, we will not only revolutionize how cities move, but we'll provide people with some of their valuable time back to do things other than sit at a traffic light. Our goal is to give cities the opportunity to increase their mobility, reduce their carbon footprint through reduced idling of vehicles, and keep their city moving."

Through "Intelligent Intersections," Parsons said cities and counties can leverage existing data to provide automated traffic re-timing based on changing traffic patterns.

In addition, vehicles connected with the system can communicate with traffic signals, which will lead to more efficient and environmentally friendly driving with a smaller carbon footprint and, ultimately, safer intersections. With Intelligent Intersections, traffic signal owners can

also provide priority to transit and emergency vehicles or automatically extend green cycles for pedestrians needing extra time to cross the street.

For most cities, managing their transportation network has become a complex mobility challenge as the population increases and the demand for new services grows. The solution for such complexity, Parsons said, could be as simple as transforming an intersection.

“Starting today, cities and counties in the United States, Canada, and beyond can apply to collaborate with us to use new mobility technologies to address the challenges their transportation networks face every day,” Andrew Liu, Parsons Vice President of Smart Cities, said. “The winner of the smart cities challenge will receive a free one-year trial of the Parsons Intelligent Intersections solution for their transportation corridor.

The company said more than four million hours of annual vehicle delays are caused by poor signal timing alone within the United States. In addition, 40 percent of all pedestrian accidents happen at intersections, the statement said.

Through Intelligent Intersections, Parsons said drivers can reduce their fuel consumption by 20 percent with well-timed signals. It added their solution contributes to the sustainability of surface transportation.

To apply for Transforming Intersections, interested cities and counties can visit www.parsons.com/smart-cities-challenge and fill out a short-form online application.

<http://www.pasadenanow.com/main/parsons-new-smart-city-challenge-will-transform-mobility-improve-lives/#.XdNu47-IaRt>

VW-Shell Oil-Parsons Corp, Wallet Flushing Public Private Partnership?

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

MTBE on '60 Minutes'

Stella Sez, Hemmings Motor News, MARCH 2000

(snip)

Sierra Research, a consultant hired to help oversee the implementation of the new car inspection system, repeatedly wrote memos outlining numerous concerns about Parsons Infrastructure & Technology, the company hired by the state to install and operate the system. The following memo excerpt may be of special interest: "Nov. 25, 1998 ... blames problems on incompetence of top Parsons Infrastructure executives, and complains state officials are ignoring these problems... The state needs to recognize that the people involved in this effort (e.g., Sherwood and Amlin) have absolutely no experience doing what they are trying to do. They have never been involved in implementing or operating a centralized program."

The memo refers to Larry Sherwood, general manager of Parsons Infrastructure, and Dave Amlin, a Parsons employee. Larry Sherwood is the "father of California Smog Check II", and the former chief of staff of the Bureau of Automotive Repair. Dave Amlin, the current California Manager of BAR Engineering, is reported to have been a Parsons employee. Could this be a different Amlin? Could this be a conflict of interest? At a recent Inspection and Maintenance Review Committee meeting that CAPP President Charlie Peters and I attended, Dave Amlin was present. The main subject of the meeting was Smog Check program evaluation. Remote Sensing was a part of the presentation. Note: As reported in one of my earlier "Hemmings" letters, Dave Amlin of BAR is the person who, at the 1994 Clean Air Conference Seminar on scrappage, giggled every time the word "scrappage" was mentioned. When I went to the microphone to ask questions as a hobbyist, he suggested that I might be the person who could put ads in OUR hobby magazines for collector cars to be scrapped.

More next month... Stella

<http://clubs.hemmings.com/capp/march.html>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Protest of Contract May Delay Smog Project

By *VIRGINIA ELLIS / Los Angeles Times / July 17, 1996*

A get-tough smog control program for Los Angeles faces new delays after a competitor for the \$100-million contract filed a protest accusing the winning contractor of a conflict of interest.

The protest alleges that Parsons Engineering Science, the winning bidder, should be disqualified because during the bidding process it hired a state official who had been privy to "a mother lode of inside information."

State officials said the protest had forced them to postpone the award of the seven-year contract and could delay the new program several months beyond its scheduled July 1997 start-up.

The protest was submitted Monday by Envirotest of Sunnyvale, a losing bidder in the competition for a contract to operate a new vehicle emissions program designed to substantially reduce pollution in one of California's smoggiest regions.

Envirotest complained that Parsons Engineering Science of Pasadena had an unfair advantage because it hired Larry Sherwood, who as the former head of the state's Smog Check program for vehicles could provide "an insider's insight into the priorities and concerns" of officials evaluating the bids.

Parsons officials denied that Sherwood had any involvement in the development of their bid, and said there were no violations of conflict of interest laws.

A lawyer for the state contended that the allegations had no merit. "At first blush the claims appear to be those of a desperate bidder who was simply unable to be financially competitive," said Tom Welsh, a Sacramento lawyer hired to represent the state's Bureau of Automotive Repairs, overseer of the Smog Check program.

Parsons Vice President Phillip Morris said that on the advice of its lawyers his company had "carefully structured Larry Sherwood's employment duties to exclude him from any participation whatsoever in this procurement."

The new program attempts to bring California into compliance with the federal Clean Air Act by cracking down on cars considered gross emitters--the 15% of vehicles that

belch out so much pollution that they have become a major contributor to the state's smog.

Under the program, vehicles suspected of gross emissions would have to be inspected at a series of centers operated by private companies under contract with the state. The program would be set up in the most polluted regions in the state--the Los Angeles Basin, Orange County, Sacramento and San Diego.

After a formal bid process, the state selected Parsons to run the Los Angeles program and Environmental Systems Products for the Orange County program. It did not make a selection for the contract covering both Sacramento and San Diego, saying the bids were too high.

Although it gave Envirotest the highest rating on the technical side, the Bureau of Automotive Repair said it was not selected for the first two contracts because of its high cost.

Each company was required to set a price that it would charge consumers for inspecting their vehicles. For Los Angeles, Envirotest bid \$52.40 and Parsons bid \$31. For Orange County, Envirotest bid \$72.40, compared to the winning bid of \$32.

Envirotest President Bob Miller contended that Parsons should never have been allowed to submit a bid because of its hiring of Sherwood, an official who "had access to voluminous confidential information about ourselves and all the other bidders." It said the hiring of Sherwood violated state conflict of interest laws.

In their protest, Envirotest alleged that until he left his state job Nov. 29, 1995, to work for Parsons, Sherwood had played a pivotal role in the bidding process. To support that claim, the company submitted copies of dozens of state documents that showed Sherwood had participated in conferences with bidders, had been asked to settle several policy issues relating to the Smog Check program, and had been one of the officials who routinely received memorandums related to the bidding.

The state's Department of General Services will rule on the protest.

<https://www.latimes.com/archives/la-xpm-1996-07-17-mn-24976-story.html>

EPA 510 537 1796

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Smog shops have vested interest in clean air

By Charlie Peters / San Bernardino Sun, pg A6 / April 8, 1996

After reading the three part series "Consumer Nightmare?" by Steven Church (March 17 - 19). I find it amazing that more Californians are not aware of what is really happening with the state's Smog Check program.

For the past five years a poor economy has plagued California. The money starved California government and regulatory agencies have found their pot of gold at the end of the rainbow via the Smog Check program.

Financial relief for the poor economy will be generated by contracts such as the smog testing contract signed with the Parsons Co. (via Engineering Science) and Envirotest.

The Environmental Protection Agency's demands for clean air (through the 1990 Clean Air Act amendments) will generate the largest tax increase in history. Behind the effort is Dr. Don Stedman, patent holder of the remote sensing technology to detect "gross polluters," the state's worst polluting vehicles. Stedman works out of the University of Denver.

A long list of international government and big business interests, led by the federal EPA, have provided funding for Stedman's work.

Pollution credit trading is at the core of this money tree.

Numerous buy back programs project that 50,000 cars a day will be scrapped to meet the state's clean-air standards, generating approximately \$1,000.00 a car. This moves money from small business and the public to government and big business.

Parsons (Engineering Science) is also the referee for Smog Check II, the latest rendition of Smog Check, and Envirotest is the quality auditing service that takes all the information from the smog testing equipment in California. These two international companies are providing.

Money and power generated from command and control policies that have possibilities of changing the face of America are a raging debate in many quarters. One voice is demanding that responsible government "manage what it mandates."

Promotion of responsible government to promote competitive market inspection and quality maintenance is getting consideration as an option to the money trading strategy. The Clean Air Performance Professionals has requested a pilot study to change management techniques to improve mechanics' Smog Check performance. CAPP maintains that the study will demonstrate a reduction in mobile emissions in excess of 1 million tons per year. Such a result promotes continuation of America's love affair with the automobile.

The strategy of the proposed pilot study is that government and the private sector can work together toward common goals to provide the public with services that are superior to those provided by government monopoly efforts.

America is making big decisions that affect the very air we breathe. But only private citizens can decide the final direction and results by lobbying for improved performance.

Peters of Loma Linda is President of Clean Air Performance Professionals. Point of view is an occasional column of commentary by local citizens. Send material to point of view, The Sun, 399 N. D St., San Bernardino, Calif. 92401. Or fax it to (909) 885-8741.

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net