



DATE: July 17, 2018

TO: Mayor and City Council

FROM: City Attorney and Interim Director of Public Works

SUBJECT Proposed Addendum to Stonebrae Slope Management Program

RECOMMENDATION

That the City Council conducts a public hearing regarding the proposed addendum to the Stonebrae Slope Management Program and adopts the attached resolution (Attachment II) approving the proposed addendum (Attachment III).

SUMMARY

Stonebrae LP, the developer of the Stonebrae project, seeks City Council approval for an addendum to the development's Slope Management Program, which was required to be implemented as a condition of approval for the project. The addendum would clarify that the Homeowners' Association is responsible for maintenance and repair of subdrain systems located throughout the development, except for the subdrains located upon the golf course, which remain the responsibility of the golf course owner/operator. The CC&Rs for the Stonebrae development contemplate periodic modifications to the Slope Management Program, subject to the City's approval. The Stonebrae Homeowners Association has endorsed the Addendum to the Slope Management Program.

BACKGROUND

On January 27, 1998, the City Council adopted an ordinance authorizing execution of a development agreement between the City of Hayward and Hayward 1900, Inc. for development of the Blue Rock Country Club project, currently known as Stonebrae. On September 10, 2002, the City Council approved the vesting tentative map and precise development plan for the project, which contemplated construction of 614 single-family homes and a links style golf course, among other amenities. Among the conditions of approval for the project was a requirement that the developer implement a slope management program to monitor and maintain unstable slopes within the development. Consistent with the Conditions of Approval, Stonebrae LP engaged Engeo Incorporated as its geotechnical engineer, which prepared the 2005 Slope Management Program (SMP), pursuant to which the improvements in Stonebrae have been constructed.

DISCUSSION

The SMP for the Stonebrae development provides a framework for defining responsibilities, priorities and activities relating to slopes within the development, which, at buildout, will include the (634) new homes now approved in the five distinct villages previously approved by Council. Project Condition of Approval no. 22 required a Certified Engineering Geologist or licensed Geotechnical Engineer to be responsible for the identification and remediation of unstable slopes within the Stonebrae development and to develop and implement a program to identify the types of onsite hazards, and include a plan for appropriate periodic monitoring for constructed slopes and their associated drainage system. In addition to the SMP, the Stonebrae CC&Rs dated February 17, 2006 states that the Stonebrae Homeowners Association shall enforce the provisions of the Slope Management Program and any modifications to the Program approved by the City.

In March 2018, the City of Hayward received a request from Stonebrae LP to adopt an addendum to the Slope Management Program. Engeo Incorporated conducted a review of the Plan in 2017 to comment on the applicability of the Plan to Village C within the Stonebrae development. During the review, Engeo Incorporated identified ambiguous language in the SMP related to the repair of subdrain systems throughout the development (see Attachment IV). These subdrains, built to support the developed slopes are located throughout the development under HOA-owned parcels, golf course parcels and privately-owned parcels. The purpose of the subdrains (as distinct from the normal storm water drainage system) is to collect subsurface waters that may cause slope instability. The proposed addendum is intended to clarify that Stonebrae Homeowners Association has the responsibility to maintain and repair subdrains located throughout the development, except for the subdrains located solely upon the golf course, which remain the responsibility of the golf course owner/operator.

ECONOMIC IMPACT

There is no economic impact to the City related to this item.

FISCAL IMPACT

There is no fiscal impact to the City related to this item.

STRATEGIC INITIATIVES

This item does not relate to any of the three Council Strategic Initiatives.

PUBLIC CONTACT

Notice of the public hearing was published in the Daily Review on Friday, July 6, 2018 and mailed to each homeowner within the Stonebrae development.

NEXT STEPS

If approved by the City Council, the Stonebrae Slope Management Program will be modified to be consistent with the proposed addendum and implemented accordingly.

Prepared by: Michael G. Vigilia, Senior Assistant City Attorney

Recommended by: Michael S. Lawson, City Attorney
Alex Ameri, Interim Director of Public Works

Approved by:



Kelly McAdoo, City Manager