



**Date:** February 11, 2016

**To:** Planning Commissioners

**From:** Leigha Schmidt, Senior Planner

**RE:** **Revised Condition of Approval for Item No. 1, Ward Creek Cottages Rezoning and Vesting Tentative Map Application No. 201400648.**

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Following release of the staff report and attachments for Item **No. 1, Ward Creek Cottages Rezoning and Vesting Tentative Map Application No. 201400648**, the applicant and Utilities staff continued to negotiate on language related to replacement and evaluation of a City-owned storm drain that would serve the project.

Utilities staff has requested that the existing Condition No. 67 on Attachment IV be replaced with a revised condition. Below please find the clean version followed by the underline/strikethrough version showing the exact changes from the original proposed condition.

**Revised Condition 67 (Clean):**

Applicant shall be responsible for all costs to replace the existing 16-inch reservoir storm drain with a minimum 18-inch storm pipeline from the development's point of connection in the upper portion of Ward Creek. Furthermore, the project Civil Engineer shall evaluate and certify the condition and adequacy of the existing reservoir storm drain located in the lower portion of Ward Creek, and the existing energy dissipater and associated erosion protection. If after the review of the evaluation report the City Engineer determines that any repairs or modifications are required to the lower portion of the pipeline or the energy dissipater, the applicant shall be responsible for all costs to perform any repairs, modifications or replacement as determined by the City Engineer to accommodate the proposed development, and in compliance with the requirements of all permitting and regulatory agencies such as, but not limited to, the City of Hayward, ACFC&WCD, Regional Water Quality Control Board, and Army Corps of Engineers. Applicant and City may enter into an agreement for the City to manage the construction of

required work within Ward Creek and adjacent areas, at the applicant's expense and contingent upon the approval of the Director of Utilities and Environmental Services.

**Condition 67 (Strikethrough/Underline of original condition as modified):**

Applicant shall be responsible for all costs to replace the existing 16-inch reservoir storm drain with a minimum 18-inch storm pipeline from the development's point of connection to the energy dissipater outfall in the upper portion of Ward Creek. ~~For the existing reservoir storm drain located in the lower portion of Ward Creek, Furthermore, the~~ The project Civil Engineer shall evaluate and certify the condition and adequacy of the existing reservoir storm drain located in the lower portion of Ward Creek, and the existing energy dissipater and associated erosion protection. ~~and If after the review of the evaluation report the City Engineer determines that any repairs or modifications are required to the lower portion of the pipeline or the energy dissipater,~~ the applicant shall be responsible for all costs to perform any repairs, modifications or replacement as ~~needed~~ determined by the City Engineer to accommodate the proposed development, and ~~as required by~~ in compliance with the requirements of all permitting and regulatory agencies such as, but not limited to, the City of Hayward, ACFC&WCD, Regional Water Quality Control Board, and Army Corps of Engineers. Applicant and City may enter into an agreement for the City to manage the construction of required work within Ward Creek and adjacent areas, at the applicant's expense and contingent upon the approval of the Director of Utilities and Environmental Services.