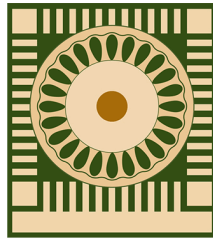


CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Tuesday, March 2, 2021

7:00 PM

Remote Participation

City Council

CITY COUNCIL MEETING

COVID-19 Notice: Consistent with State of California Executive Order No. 29-20 dated March 17, 2020, the City Council will be participating in public meetings via phone/video conferencing.

How to watch the meeting from home:

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

How to submit written Public Comment:

1. Use eComment on the City's Meeting & Agenda Center webpage at: <https://hayward.legistar.com/Calendar.aspx>. eComments are directly sent to the iLegislate application used by City Council and City staff. Comments received before 3:00 p.m. the day of the meeting will be exported into a report, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda.

2. Send an email to List-Mayor-Council@hayward-ca.gov by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the City Council and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 3:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

How to provide live Public Comment during the City Council Meeting:

Click the link below to join the meeting:

<https://hayward.zoom.us/j/95049559541?pwd=Ny9lM3h0SlFpa0FnRFhXMGl5Wk54UT09>

Meeting ID: 950 4955 9541

Passcode: CC3/2@7pm!

or

Dial: + 1 669 900 6833 or +1 346 248 7799

Meeting ID: 950 4955 9541

Password: 7815537755

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

CALL TO ORDER: Mayor Halliday

Pledge of Allegiance: Council Member Zermeño

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATIONS

Women's History Month: Presented to American Association of University Women

Art IS Education Month: Presented to East Bay Youth Orchestra

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

ACTION ITEMS

The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.

CONSENT

1. [MIN 21-030](#) Approve City Council Minutes of the Special City Council Meeting on February 13, 2021
Attachments: [Attachment I Draft Minutes 2/13/2021](#)
2. [MIN 21-031](#) Approve City Council Minutes of the City Council Meeting on February 16, 2021
Attachments: [Attachment I Draft Minutes 2/16/2021](#)
3. [CONS 21-082](#) Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for Route 238 (Phase 1 and 2) with Los Loza Landscaping, in an Annual Amount of \$270,000 and Approving an Additional \$20,000 Annually for Contingencies
Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)

PUBLIC HEARING

4. [PH 21-011](#) Switzer Residence: Adopt a Resolution Approving a Proposed Single-Family Residence and Attached Accessory Dwelling Unit on a Vacant 0.21-Acre Hillside Lot with an Average Slope Greater than 20% Located at 2579 Home Avenue, Assessor Parcel No. 081D-1660-040-00, Requiring Approval of Site Plan Review and Grading Permit Application No. 202000579, Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3. Bich-Khoi Do (Applicant); Bradley Switzer Trust (Owner) (Report from Development Services Director Simpson)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Project Plans](#)
[Attachment IV Public Correspondence](#)
[Attachment V PC Minutes 1/28/2021](#)

5. [PH 21-017](#) Rainbow Court Single-Family Residence: Adopt a Resolution Approving Site Plan Review and Grading Permit Application for Proposed Single-Family Residence on a Vacant 0.12-Acre Hillside Lot with an Average Slope Greater than 20%, Located at 2382 Rainbow Court, Assessor Parcel No. 425-0410-029-00, Application No. 202002396, Ravi Jonnadula, H & M Ventures (Applicant/Owner) (Report from Development Services Director Simpson)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Draft PC Minutes 2/11/2021](#)
[Attachment IV Plans](#)

LEGISLATIVE BUSINESS

6. [LB 21-008](#) Municipal Facility License Agreement Template: Adopt a Resolution Approving the Municipal Facility Master License Agreement Template for the Attachment of Wireless Facilities to City-Owned Vertical Infrastructure in the Public Right-of-Way, and Authorizing the City Manager to Execute Master Facility License Agreements with Qualified Companies in Substantial Conformance with the Template and Upon Approval by the City Attorney as to Form (Report from Assistant City Manager Ott)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Master License Agreement Template](#)

7. [LB 21-009](#) Planning Commission Vacancy: Acceptance of Resignation of Mr. Gary Patton from the Planning Commission Effective April 1, 2021, and Direction on Process for Filling the Vacancy (Report from City Clerk Lens)

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Resignation Letter](#)
[Attachment IV Planning Commission List of Applicants](#)

CITY MANAGER'S COMMENTS

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

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Members can provide oral reports on attendance at intergovernmental agency meetings, conferences, seminars, or other Council events to comply with AB 1234 requirements (reimbursable expenses for official activities).

COUNCIL REFERRALS

Council Members may bring forward a Council Referral Memorandum (Memo) on any topic to be considered by the entire Council. The intent of this Council Referrals section of the agenda is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the Council to the appropriate Council Appointed Officers for action by the applicable City staff.

ADJOURNMENT**NEXT MEETING, March 16, 2021, 7:00 PM****PUBLIC COMMENT RULES**

Any member of the public desiring to address the Council shall limit her/his address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.

CHILDCARE WILL NOT BE PROVIDED UNTIL FURTHER NOTICE DUE TO COUNTYWIDE SHELTER-IN PLACE ORDER.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 21-030

DATE: March 2, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve City Council Minutes of the Special City Council Meeting on February 13, 2021

RECOMMENDATION

That the City Council approves the Special City Council meeting minutes of February 13, 2021.

SUMMARY

The City Council held a meeting on February 13, 2021.

ATTACHMENTS

Attachment I Draft Minutes of 2/13/2021



**SPECIAL CITY COUNCIL MEETING – COUNCIL RETREAT
REMOTE PARTICIPATION
Saturday, February 13, 2021, 8:30 a.m.**

The Special City Council meeting was called to order by Mayor Halliday at 8:30 a.m. The special meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020, regarding the COVID-19 pandemic. Members of the City Council, City Staff, and members of the public participated via the Zoom platform.

Pledge of Allegiance: Council Member Lamnin

ROLL CALL

Present: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
Absent: None

PUBLIC COMMENTS

There were none.

WORK SESSION

1. Strategic Roadmap Update (Report from City Manager McAdoo)

City Manager McAdoo began the meeting by indicating the purpose of the retreat was to give Council a progress update on the Strategic Roadmap projects since the beginning of implementation and for Council to provide high-level guidance on the reprioritization of projects by priority area.

Ms. Christelle Blackford and Mr. Jim Rettew, consultants with CivicMakers, set the objectives of the retreat which involved prioritizing roadmap projects, aligning resources, incorporating Diversity, Equity, and Inclusion as part of roadmap discussions, and addressing staff burnout due to additional demands by the pandemic.

Mr. Jim Rettew provided a high-level overview of the implementation of 2019 Strategic Roadmap projects and impact of the pandemic and shared results of the survey completed by the Council, Executive Team and feedback provided by managers, captured in pages 6 through 22 of the Strategic Roadmap Update.

Management Analyst Mullins provided an overview of 2020 achievements around Diversity, Equity and Inclusion and additional proposed work for 2021 which is captured in pages 23 through 26 of the Strategic Roadmap Update.

Preserve, Protect and Produce Housing Priority Section: (pages 29through 40 of the Strategic Roadmap Update)

Management Analyst Cole-Bloom and Management Analyst Lobedan provided an overview of housing projects, shared successes, and achievements, and gave considerations for 2021.

Mr. Jim Rettew summarized survey results related to the priority area, including additional projects, and provided Council with instructions for dot voting and discussion around priorities and projects.

(Seven votes per Council Member)

PRESERVE, PROTECT AND PRODUCE HOUSING	AA	SL	EM	MS	AW *	FZ	BH
1: Navigation Center to Housing & Support the Homeless 1a: Identify Sustainability funding source for the Navigation Center. 1b: Oversee operations of the Navigation Center.	1a	1b	1a			1a	1a
2: Homelessness Reduction Strategic Plan 2a: Create plan modeled after an empowerment approach and best practices. 2b: Implement plan.		2a 2b	2a		2a		
3: Temporary Winter Shelters 3a: Partner with Alameda County to transition from Winter Warming Shelters to Winter Shelters. 3b: Continue partnership with Alameda County to implement Winter Shelters.	3b	3b				3a	3
4: Housing Incentives & Production Work Plan 4a: Explore moderate-income financing model. 4b: Amend Density Bonus Ordinance. 4c: Update Accessory Dwelling Unit (ADU) ordinance. 4d: Develop an Overlay Zoning District to allow RS zoned properties to develop into a variety of housing types at densities permitted under the applicable General Plan designation. 4e: Explore program to convert tax-defaulted properties to affordable housing. 4f: Create marketing materials for incentivizing housing production. 4g: Expand emergency shelter sites in Hayward.	4g	4e	4g	4a 4e	4a 4b 4c 4e	4e	
5: Evaluate the Affordable Housing Ordinance 5a: Add a section to Housing & Housing Development staff reports to track accomplishments of Housing Element goals and programs.	5b	5b	5b		5b		



**SPECIAL CITY COUNCIL MEETING – COUNCIL RETREAT
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5b: Hold work session for potential revisions.							
6: Expend the Affordable Housing Trust Funds 6a: Hold a work session on establishing funding priorities for Affordable Housing Trust. 6b: Issue Notice of Funding Availability (NOFA) or establish programs consistent with Council funding priorities.				6a 6b	6a	6a	
7: Recommend Updates to the Rent Stabilization Ordinance 7a: Provide 6-month update on the implementation of Rent Stabilization Ordinance & recommend amendments. 7b: Monitor implementation of Rent Stabilization Ordinance & prepare a statistical report.							
8: Pursue State Housing Funding Opportunities 8a: Identify & respond to regulations to ensure Hayward & Hayward-supported projects qualify for state housing funding. 8b: Apply for state housing funding to support strategic partnerships & Council priorities.	8b		8a	8b		8a	8b
9: Update the Housing Element Plan		9					9
10: Implement a Soft Story Ordinance							
11: COVID-19 Response 11a: Implement and monitor eviction moratorium. 11b: Implement COVID-19 rent relief program. 11c: Analyze alternative rent increase thresholds. 11d: Expand mediation services to tenants and landlords to support repayment plans. 11e: Allocate and administer CDBG-CV funding for homelessness and housing services.	11a 11b b		11a	11b		11a 11e	11a 11b 11d

*All of it.

(AA=CM Andrews; SL=CM Lamnin; EM=CM Márquez; MS=CM Salinas; AW= CM Wahab; FZ= CM Zermeño; BH=Mayor Halliday)

Grow the Economy Priority Section: (pages 43 through 53 of the Strategic Roadmap Update)

Assistant City Manager Ott provided an overview of new projects related to COVID-19, shared successes, and achievements, and gave considerations for 2021.

Ms. Cristelle Blackford summarized survey results related to the priority area and additional projects.

(Eight votes per Council Member)

GROW THE ECONOMY	AA	SL	EM	MS	A W	FZ	BH
1: Marketing Plan & Opportunity Zone Campaign 1a: Update the marketing plan. 1b: Implement the marketing plan.					1	1	1
2: Vacant Building Property Ordinance 2a: Enforce ordinance. 2b: Engage owners and encourage activation of vacant sites.	2a 2b	2b		2a 2b		2	2
3: Strengthen Workforce Development Pipelines 3a: Devise plan to maximize workforce development pipelines. 3b: Re-establish the Business Engagement Program and referral process. 3c: Collaborate with workforce development partners to organize, host and sponsor job fairs & awareness events.		3a 3b	3b		3a 3b 3c	3	3
4: Former City Center Building 4a: Complete deconstruction. 4b: Commence discussions on property redevelopment. 4c: Finalize disposition & development agreement. 4d: Implement disposition & development agreement.		4c	4c				
5: Disposition & Development of Route 238 Corridor Lands 5a: Finalize planning on redevelopment of 6 remaining parcel groups. 5b: Finalize disposition & development agreements for all parcels. 5c: Implement disposition & development agreements for all parcels.		5b	5a				
6: Update and Implement a Revised Cannabis Ordinance to Incorporate Best Practices to Better Support Cannabis Businesses	6				6	6	
7: Develop and Implement a Local Minimum Wage Ordinance							
8: Revise Alcohol Use Regulations to Support Existing and Encourage More Full-Service Restaurants		8			8	8	8
9: Update Form-Based Zoning Codes Along Mission Boulevard to Streamline New Development, Focus Commercial Development Where Appropriate, and Create a Cohesively Designed Corridor				9		9	



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10: Revamp Community Preservation Ordinance to Combat Blight and Enhance Neighborhood Livability	10		10a		10		10
11: Explore A Public Art Program and Prioritize Gateway Locations	11		11				11
12: Explore the Concept of a Business Incubator with CEDC, CSUEB, Chabot College and the Chamber				12	12	12	
13: Continue Supporting Business Development Through Concierge Service, Incentives/Grants/Loans, Collaborations with the Chamber And SBA, and the Newly Updated Events Grants	13	13		13	13		13
14: COVID-19 Pandemic Response 14a: COVID-19 Business Sector Reopening Assistance. 14b: COVID-19 Restaurant Assistance. 14c: COVID-19 Policy Development. 14d: Sidewalk Vendor Ordinance.	14		14a	14c	14		
15: COVID-19 Pandemic Recovery Business Assistance 15a: COVID-19 Small Business Recovery & Equity Programs. 15b: COVID-19 Retail Recovery Program. 15c: Outdoor Gathering Permit established. 15d: Outdoor Dining Permit established. 15e: Temporary Outdoor Business Activities Permit.	15	15a	15a	15a 15b		15a	15a 15b

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Combat Climate Change Priority Section: (pages 55 through 63 of the Strategic Roadmap Update)

Environmental Services Manager Pearson provided an overview of the projects and highlighted staff was recommending moving forward with the Tree Preservation Ordinance because funding became available, shared successes and achievements, and gave proposed focus areas for 2021.

Mr. Jim Rettew summarized survey results related to the priority area and additional projects.

(Four votes per Council Member)

CLIMATE CHANGE	AA	SL	EM	M S	AW	FZ	B H
1: Reduce Dependency on Fossil Fuels 1a: Ban natural gas in new residential buildings. 1b: Require EV charging infrastructure in new construction. 1c: Explore feasibility of banning natural gas in non-residential buildings. 1d: Prepare a plan to facilitate transition of natural gas appliances to electric in City facilities.	1b		1b	1b	1	1	1b
2: Work with EBCE to Transition Citywide Electricity Use to 100% Carbon Free (From Y1-3 To Y3-3+)		2	2	2		2	
3: Transition Electricity Use in City Operations to 100% Renewable Energy (From Y2-3 To Just Y2)					3		
4: Adopt & Implement 2030 GHG Goal & Roadmap (Same Timeline; More Resources Needed)		4	4	4	4		
5: Work with Stopwaste to Promote a Circular Economy and Explore Regulation of Single Use Products 5a: Conduct outreach regarding single-use disposables (from Y1-3 to Y3-3+) 5b: Develop ordinance regulating single-use food ware in restaurants and coordinate with county-wide efforts (from Y1-3+ to Y3-3+)	5a					5	5
6: Plant 1,000 Trees Annually	6		6	6		6	
7: Reduce Carbon Emissions - Transition 15% of Total City Fleet to EV/Hybrid Models		7					
8: Adopt and Implement the 2019 Building Code & Fire Code	8				8		
Complete Shoreline Master Plan 9a: Complete EIR for Shoreline Master Plan							9
10: Update Tree Preservation Ordinance (from Y2 to Y3)							10

(AA=CM Andrews; SL=CM Lamnin; EM=CM Márquez; MS=CM Salinas; AW= CM Wahab; FZ= CM Zermeño; BH=Mayor Halliday)

Improve Infrastructure Priority Section: (pages 65 through 79 of the Strategic Roadmap Update)

Public Works Director Ameri provided an overview under the priority area and introduced Deputy Public Works Director Garcia who shared successes and achievements and provided



**SPECIAL CITY COUNCIL MEETING – COUNCIL RETREAT
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considerations for 2021.

Ms. Cristelle Blackford provided survey results and additional projects from survey.

(Twelve votes per Council Member)

IMPROVE INFRASTRUCTURE	AA	SL	EM	MS	AW	FZ	BH
1: Improve Access and Mobility in Downtown Hayward 1a: Implement downtown parking plan. 1b: Prepare Downtown Specific Plan - Implementation Plan.	1b					1b	1b
2: Implement Major Corridor Traffic Calming Initiatives 2a: Complete Hayward Boulevard feasibility study. 2b: Implement Hayward Boulevard traffic calming plan. 2c: Complete Tennyson Road feasibility study. 2d: Implement Tennyson Boulevard traffic calming plan. 2e: D Street Traffic Calming Plan Feasibility Study. 2f: Implement D Street Traffic Calming Plan.	2c	2b 2d 2f	2c	2b	2	2d	2
3: Develop and Submit a Traffic Impact Fee			3		3		
4: Increase Transit Options and Ridership 4a: Work with AC Transit Interagency Liaison Committee to make bus transit more convenient and reliable. 4b: Work with Alameda County Transportation Commission (ACTC) to develop a rapid bus project along Mission Blvd. 4c: Work with Alameda County Transportation Commission (ACTC) to implement a rapid bus project along Mission Blvd. 4d: Continue to require new development adopt transportation demand management strategies to reduce the use of single occupancy vehicles and encourage the use of alternative modes of travel. 4e: Continue to work with BART to encourage transit-oriented development on BART owned property in Hayward.	4e	4c 4e	4a 4d	4a 4c 4d		4	4a 4c 4e
5: Maintain and Improve Pavement 5a: Maintain Pavement Condition Index (PCI) at 70*	5a	5a	5a	5a			5a

5b: Prepare OHHA pavement improvement program design. and financing structure. 5c: Construct various OHHA pavement improvements.							
6: Develop a Micro-Mobility Policy (eBikes, eScooters)						6	
7: Improve Mission Boulevard as a Key ‘Gateway to the City’ 7a: Complete Construction of Mission Boulevard Phase 2 7b: Explore funding of Mission Boulevard Phase 2 and Linear Park. 7c: Complete design of Mission Boulevard Phase 3 and construction.		7c		7a 7b 7c			
8: Implement the Bike & Ped Master Plan 8a: Add 2 miles of sidewalks per year. 8b: Add 10 lane miles of bike lanes per year. 8c: Assess Safe Routes to School. 8d: Implement Safe Routes School. 8e: Assess Safe Route for Seniors in the downtown area. 8f: Implement Safe Route for Seniors in the downtown area. 8g: Conduct a feasibility study of Jackson Street Improvements.	8a	8d 8f 8g			8	8b 8c	8
9: Expand EV Charging Infrastructure for City Fleet and Employees 9a: Conduct analysis of future demand. 9b: Construct additional EV charging facilities.			9b			9b	
10: Investigate Major Municipal Building Upgrade Needs 10a: Conduct a site and cost analysis of a new Police building. 10b: Conduct a needs assessment of upgrading the Corp Yard. 10c: Investigate funding options for new Police building and Corp Yard.	10 b	10 b	10a 10c	10c	10	10 b	
11: Upgrade and Maintain Airport Infrastructure and Facilities 11a: Rehabilitate the pavement in phases. 11b: Design, enclose, and construct open sections of Sulphur Creek adjacent to runways. 11c: Design and construct Engineered Materials Arresting System (EMAS) at the departure end of Runway 28L. 11d: Design and construct capital improvements to Airport hangars.						11	



**SPECIAL CITY COUNCIL MEETING – COUNCIL RETREAT
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12: Empty							
13: Upgrade Water System Infrastructure 13a: Develop and launch Advanced Metering Infrastructure (AMI) customer portal. 13b: Replace an average of 3 miles of water pipelines annually.	13 b		13 b		13a 13 b		13a 13b
14: Update Water Pollution Control Facility Phase II Plan 14a: Design the upgrade. 14b: Construct the upgrade.					14a 14 b		
15: Upgrade Sewer Collection System by Replacing an Average of 3 Miles of Sewer Lines Annually	15				15		
16: Implement Phase 2 of Solar Project and Investigate Interim Usages of Additional Energy						16	
17: Meet Regulatory Requirements for Zero Trash in Stormwater by Installing Trash Capture Devices 17a: Install trash capture devices. 17b: Perform related trash reduction activities.	17a 17 b		17 b	17 b			
18: Expand Recycled Water Facilities 18a: Complete RW project construction (initial phase). 18b: Develop a Recycled Water Master Plan.	18a		18 b			18a	18
19: Improve Broadband Network 19a: Investigate the use of dark fiber. 19b: Finalize implementation of fiber grant. 19c: Complete installation of dark fiber.	19c	19c	19 b	19 b 19c	19	19c	19

(AA=CM Andrews; SL=CM Lamnin; EM=CM Márquez; MS=CM Salinas; AW= CM Wahab; FZ= CM Zermeño; BH=Mayor Halliday)

The City Council took a 20-minute break and reconvened the meeting at 12:45 p.m.

Improve Organizational Health Priority Section: (pages 83 through 95 of the Strategic Roadmap Update)

Finance Director/Interim Human Resources Director Claussen provided an overview of the priority area and new projects related to COVID-19, shared successes, and achievements, and provided considerations for 2021.

Mr. Jim Rettew provided survey results and additional projects from survey.

(Twelve votes per Council Member)

IMPROVE ORGANIZATIONAL HEALTH	AA	SL	EM	MS	AW	FZ	BH
1: Maintain and Expand Fiscal Sustainability 1a: Evaluate an increase to the Transient Occupancy Tax. 1b: Continue to investigate funding tools and cost reduction strategies for PERS, other post-employment benefits (OPEB) liability, and other health care costs. 1c: Redo the Business License Tax.	1b	1b	1b		1b	1b	1b 1c
2: Racial Equity Plan 2a: Create a language accessibility policy. 2b: Create a training policy.							2
3: Work Across Strategic Roadmap Priorities to Include Racial Equity Lens	3		3	3		3	3
4: Continue City Participation in the Government Alliance for Racial Equity		4		4		4	4
5: Continue to Support and Build Capacity for Lean Innovation Throughout the Organization				5			5
6: Perform Staff Resource Allocation and Workforce and Prioritization Analysis to Support Annual Budget Process and Explore Succession Planning Efforts 6a: Develop talent acquisition plan for citywide and critical positions. 6b: Develop and Implement a Recruitment and Re-engineering Plan.	6	6	6	6a		6a	
7: Increase Employee Homeownership by Rolling Out a Down Payment Assistance Program for City Staff					7	7	7
8: Re-Engineer Performance Management Process to Align with Organizational Values			8				
9: Continue Employee Engagement Initiatives and Develop Employee Recognition Program(S)				9		9	
10: Onboarding Program & New Employee Experience 10a: Create an interdepartmental team to develop standards for creation of citywide operating protocols and desk manuals in preparation for loss of institutional knowledge. 10b: Develop a template/checklist departments can use to standardize and ease on-boarding.	10d	10d		10c			



**SPECIAL CITY COUNCIL MEETING – COUNCIL RETREAT
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Saturday, February 13, 2021, 8:30 a.m.**

<p>10c: Continue the one-on-one coaching program including speed coaching events and establish a “buddy” System for new employees; explore new coaching and mentoring opportunities. 10d: Use technology to create efficiencies.</p>							
<p>11: Talent Development Initiatives and Training Platform 11a: Develop training academy to cultivate leadership skills. 11b: Develop training calendar to expand and share resources citywide. 11c: Explore a path to higher education for employees (i.e., working scholar’s). 11n: Develop an employee-initiated talent development plan involving interdepartmental representation.</p>		11n	11n	11a11n		11a11b11n	
<p>12: Develop a Managerial Course to Cultivate Leadership Skills 12.a: Identity training areas. 12.b: Roll out pilot course. 12.c: Integrate with performance evaluations.</p>							
<p>13: Centralize Training Platforms to Reap Greater Use and Efficiencies</p>							
<p>14: Increase Security Footprint and Reduce System Outages 14a: Establish an Information security awareness training and outreach program. 14b: Upgrade water utility technology.</p>	14b				14		
<p>15: Public Data-Driven Decision-Making 15a: Explore additional modules in OpenGov to assist with visibility and awareness of current spending and future projections. 15b: Implement new online planning and permitting solution.</p>	15b	15a15b	15a		15		
<p>16: Deliver Products and Services that Facilitate Access to the City’s Technology-Based Tools Beyond the Office 16a: Improve IT asset management program. 16b: Establish new mobile device management solution.</p>		16b		16a	16		

17: Modernize Technology & Systems 17a: Replace aging fiber optic lines between City facilities. 17b: Upgrade City network connections and speeds.	17a 17b	17 b	17a		17		
18: Cloud-First Transition 18a: Assess current ERP solution, investigate new offerings available and implement appropriate solutions.							
19: Maintain and Expand Communications Efforts to Better Inform and Gather Input from the Community 19a: Conduct a website audit and update. 19b: Conduct a public opinion survey on the Transient Occupancy Tax. 19c: Inform the public about the 2020 Census. 19d: Reconstitute the Citywide Communications Committee 19e: Relaunch in the Loop. 19f: Issue an RFP for translation services. 19g: Explore using additional social media channels to broadcast City Council Meetings. 19h: Create a CRM operations desk manual. 19i: Conduct the Biennial Resident Satisfaction Survey. 19j: Continue working with local partners to promote and recognize hayward events and accomplishments, as appropriate.	19f 19j		19a 19 d	19a 19j		19e 19j	19c
20: Employee Wellness During COVID-19 20a: Develop and Implement COVID-19 Contract Tracking and Tracing Protocol. 20b: Develop and Implement a COVID-19 Testing Protocol. 20c: Develop and Implement a Citywide Safe Return to Work Strategy/Plan. 20d: Enhance and Implement a more rigorous Employee Wellness Program.	20a	20c 20 d	20 d		20		20c
21: Remote Work Updates Due to COVID-19 21a: Develop and Implement a Virtual Training/Resource Communication Strategy. 21b: Develop, implement, and support remote technology and tools to transition the workforce to a WFH environment.		21 b					21
22: Budget Changes Due to COVID-19 22a: Amend Budget to account for economic loss due to pandemic. 22b: Seek federal, state, and local reimbursement.	22b		22 d			22 b	22a 22 b



**SPECIAL CITY COUNCIL MEETING – COUNCIL RETREAT
REMOTE PARTICIPATION
Saturday, February 13, 2021, 8:30 a.m.**

(AA=CM Andrews; SL=CM Lamnin; EM=CM Márquez; MS=CM Salinas; AW= CM Wahab; FZ= CM Zermeño; BH=Mayor Halliday)

Support Quality of Life Priority Section: (pages 98 through 109 of the Strategic Roadmap Update)

Management Analyst Thomas provided an overview of the priority area and new projects, shared successes, and achievements, and provided considerations for 2021.

Ms. Cristelle Blackford provided survey results and additional projects from survey. (page 105 and 106).

(Nine votes per Council Member)

SUPPORT QUALITY OF LIFE	AA	SL	EM	MS	AW	FZ	BH
1: Oversee the Rebuilding of the South Hayward Youth and Family Center (The Stack) 1a: Finalize financing. 1b: Design and construct center. 1c: Continue working with service providers to ensure a mix of services and opportunities that best address the needs of the corridor.	1b	1b			1	1c	1
2: Complete Gateway and Corridor Landscape Beautification 2a: Complete Tennyson corridor landscape beautification. 2b: Complete Jackson corridor landscape beautification.	2a					2a	2
3: Implement Mental Health Comprehensive Assessment Teams (CAT) to Provide Targeted Mental Health Services and Avoid Inefficient Use of Public Safety Resources 3a: Assess findings from pilot. 3b: Roll out permanent CAT program (outside of County).	3b	3b	3b				3b
4: Update Comprehensive Emergency Services Plan for Community and Staff 4a: Update and approve community emergency plan. 4b: Implement updated plan. 4c: Conduct a 'risk & resilience' assessment of water system and update emergency response plan.	4	4a	4c		4		

5: Update Fire Strategic Plan 5a: Update and adopt strategic plan. 5b: Implement strategic plan.	5b				5		
6: Plan Library Operations and Hours to Leverage the New Facility 6a: Conduct survey of library hours need and analysis of use. 6b: Conduct strategic planning and implementation.			6a			6a	6a 6b
7: Implement Targeted Illegal Dumping Prevention Program 7a: Pilot programs and analysis. 7b: Roll out permanent program.			7a	7a 7b	7	7a	7a 7b
8: Implement Hayward Police Department Community Advisory Panel				8		8	
9: Expand Existing Support Services Offered by the Hayward Police Department Youth and Family Services Bureau to Include Life Skills, Education and Restorative Justice		9		9			
10: Implement a Strategy to Compel Union Pacific to Clean Up Their Unsafe and Blighted Properties, Mitigate Public Safety Risk, and Reduce Inefficient Use of Staff Resources	10		10	10		10	
11: Implement a Vaping Ban							
12: Complete La Vista Park 12a: Design La Vista Park 12b: Construct La Vista Park	12 b	12 b	12 b			12a	12 b
13: Evaluate Options for Adding Bathrooms to Heritage Plaza for Council Consideration		13	13			13	
14: COVID-19 Response 14a: Establish Graffiti Relief Program. 14b: Launch and run Food Distribution Operation. 14c: Launch and run COVID-19 Testing Site Operation. 14d: Operate Long-term Partial Activation of EOC, including rapid rollout of Veoci.	14a		14c				
15: Create and Implement Homeless Encampment Task Force	15			15			15
16: Community Engagement Around Public Safety 16a: Conduct community engagement and public polling to understand community concerns. 16b: Implement Policy Innovation Workshop to design potential policy solutions.		16	16 b	16a			
17: Implement Census 2020 Community Engagement							
18: Online Library Programming							
19: Library Curbside Service							
20: Tech Lending Library		20		20			



**SPECIAL CITY COUNCIL MEETING – COUNCIL RETREAT
REMOTE PARTICIPATION
Saturday, February 13, 2021, 8:30 a.m.**

21: Launch Bookmobile Program		21		21		21	
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(AA=CM Andrews; SL=CM Lamnin; EM=CM Márquez; MS=CM Salinas; AW= CM Wahab; FZ= CM Zermeño; BH=Mayor Halliday)

Ms. Cristelle Blackford and Mr. Jim Rettew thanked all members of the City Council for their participation and noted further discussion would follow at a future work session. Mr. Jim Rettew added the Executive Team would receive detailed notes regarding feedback from surveys and interviews and discussion provided at the retreat to help frame FY 2021/22 budget requests for priority projects.

Assistant City Manager Ott recognized Management Analyst Thomas for her work with the Strategic Roadmap Update.

2. Discussion of upcoming League of Women Voters Forum on the City’s Priorities and Designated Council Representative to Present

There was Council consensus for Mayor Halliday to be the City’s representative and to give a three-minute presentation at the “Meet Your Elected” program sponsored by the League of Women Voters Eden Area on February 18, 2021. Members of the City Council suggested Mayor Halliday give an update on the City’s COVID-19 response and highlight the City’s leadership; emphasize the six priorities from the Strategic Roadmap and the steps Council is taking toward revising the projects list; mention the City’s work with regional partners; and note the work of GARE (Government Alliance on Race and Equity) and the City around safety.

CivicMakers and City staff were commended for the work done so far related to the Strategic Roadmap. City staff across the organization was acknowledged for the response to the global pandemic and the resilience and creativity exercised.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 2:03 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 21-031

DATE: March 2, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Approve City Council Minutes of the City Council Meeting on February 16, 2021

RECOMMENDATION

That the City Council approves the City Council meeting minutes of February 16, 2021.

SUMMARY

The City Council held a meeting on February 16, 2021.

ATTACHMENTS

Attachment I Draft Minutes of 2/16/2021



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, February 16, 2021, 7:00 p.m.**

The City Council meeting was called to order by Mayor Halliday at 7:00 p.m. The meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020, and the Alameda County Health Officer Order No. 20-10 dated April 29, 2020 regarding the COVID-19 pandemic.

Members of the City Council, City Staff, and members of the public participated via the Zoom platform.

Pledge of Allegiance: Council Member Andrews

ROLL CALL

Present: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab, Zermeño
MAYOR Halliday
Absent: None

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:30 p.m., with all members present, regarding two items: (1) conference with property negotiators pursuant to Government Code section 54956.8 regarding Caltrans Parcel Group 6: Carlos Bee Boulevard and Overlook Avenue; APN: 455-0180-001-00; and (2) conference with labor negotiators pursuant to Government Code 54957.6 with all labor groups. Item 2 was heard first. City Attorney Lawson announced there was no reportable action related to the conference with labor negotiators. Regarding Caltrans Parcel Group 6, Mayor Halliday recused herself from discussion on the item, and with six members present, there was no reportable action.

PUBLIC COMMENTS

Ms. Meredith Walker, Mission Crossing condominium resident, urged the Council to allow the builders to open a walking path on Torrance Street to allow for a safe way in and out of the property. City Manager McAdoo noted the City has been in discussions with the developer about the possibility of granting temporary access to residents and they would be notified, and she provided Council's email address should residents want to contact the City.

CONSENT

1. Approve City Council Minutes of the City Council Meeting on January 26, 2021 **MINS 21-020**

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council meeting on January 26, 2021, with three minor corrections as noted in memorandum dated February 16, 2021.

2. Approve City Council Minutes of the City Council Meeting on February 2, 2021 **MINS 21-021**

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council meeting on February 2, 2021.

3. Adopt a Resolution Approving Plans and Specifications and Call for Bids for the FY21 Pavement Improvement Project **CONS 21-059**

Staff report submitted by Public Works Director Ameri dated February 16, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolution:

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-021, "Resolution Approving Plans and Specifications for the FY21 Pavement Improvement Project, Project Nos. 05227, 05236, 05238, 05295, and 05297 and Call for Bids"

4. Approval of Final Map of Tract 8442 (Harvey Avenue) Subdividing Two Existing Parcels at 28571 and 29591 Harvey Avenue, Hayward into 17 Parcels to Allow the Construction of 12 Detached Single-Family Residences with Common Open Space Area and Related Site Improvements; Applicant/Owner: Nuvera Homes, Application No. 201907986 **CONS 21-078**

Staff report submitted by Development Services Director Simpson dated February 16, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolution:

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, February 16, 2021, 7:00 p.m.**

Resolution 21-022, “Resolution Approving the Final Map of Tract 8442, Accepting the Easements Dedicated Thereon for Public Use and Authorizing the City Manager to Negotiate and Execute the Subdivision Agreement and Related Other Documents”

5. Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2021 **CONS 21-079**

Staff report submitted by Finance Director/Interim Human Resources Director Claussen dated February 16, 2021, was filed.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolution.

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas, Wahab,
Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-023, “Resolution Approving the Amended Fiscal Year 2021 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 20-211 and All Amendments Thereto”

Mayor Halliday announced that Public Hearing No. 7 was continued to March 6, 2021.

PUBLIC HEARING

6. Shoreline Master Plan Adoption: Adopt a Resolution Approving Final Hayward Regional Shoreline Adaptation Master Plan **PH 21-006**

Staff report submitted by Public Works Director Ameri and Development Services Director Simpson, dated February 16, 2021, was filed.

Public Works Director Ameri introduced Environmental Services Manager Pearson who provided a synopsis of the staff report and noted the City received a letter of support from Save The Bay in support of the Shoreline Master Plan and was distributed to the City Council.

Consultant Nick Shannon with Scape Landscape Architecture DPC presented the final Hayward Regional Shoreline Adoption Master Plan.

Discussion ensued among Council Members and City staff. Mr. Nick Shannon and Manager Pearson responded to inquiries posed by Council noting that Hayward Area Recreation and Park District (HARD) and East Bay Regional Park District (EBRPD) had not approved the Plan yet; the Plan is an aggressive approach to environmental protection and restoration; staff is in communication with partners in neighboring agencies; and plans for the shoreline south of the area have been addressed by the South Bay Salt Pond Restoration. It was suggested to engage diverse constituencies such as the Sierra Club and Friends of the San Lorenzo Creek, as Hayward Area Shoreline Planning Agency (HASPA) and its member agencies work to implement the Plan.

There being no public comments, Mayor Halliday opened and closed the public hearing at 7:48 p.m.

Members of the City Council thanked City staff, the consultant team, HASPA, EBRPD, and HARD were commended for their contributions to the Master Plan.

Council Member Wahab noted Hayward has done an incredible job overall in environmental policy efforts and noted the positive feedback received from interested groups.

Council Member Wahab made a motion to approve staff's recommendation.

Council Member Márquez, also the City's HASPA representative, seconded the motion.

Council Member Márquez acknowledged the remarkable community outreach, mentioned that at the last HASPA meeting it was discussed how HASPA would be reaching out to monolingual Spanish and Asian speaking residents to ensure they understand the Shoreline Master Plan as it moves into its implementation stage.

Council Member Andrews highlighted the Shoreline Master Plan was important work that protects critical infrastructure and urged staff and consultant team to continue to work with communities that do not have access to technology and put information in layman's terms to help understand potential impacts.

Council Member Lamnin applauded the outstanding community outreach, noted the balance of competing priorities in protecting and planning, and recommended staff position projects to be shovel ready should stimulus funds be made available.

Council Member Zermeño thanked staff for protecting a jewel of the community, encouraged residents to pick up litter along the shoreline to keep it clean, stressed the importance of regional partnership and planning to share costs and explore grants, and encouraged protection of green land.



**CITY COUNCIL MEETING
REMOTE PARTICIPATION
Tuesday, February 16, 2021, 7:00 p.m.**

Mayor Halliday noted the remarkable work done in the past two years, thanked those who worked to protect the shoreline and make it a recreational asset, appreciated the partnerships noting this was a small section of work that will be done around the entire Bay, and added Hayward was well positioned to receive federal and state funds to complete some projects.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the resolution:

AYES: COUNCIL MEMBERS Andrews, Lamnin, Márquez, Salinas,
Wahab, Zermeño
MAYOR Halliday
NOES: None
ABSENT: None
ABSTAIN: None

Resolution 21-024, "Resolution Adopting the Hayward Regional
Shoreline Adaptation Master Plan"

7. Switzer Residence: Adopt a Resolution Approving a Proposed Single-Family Residence and Attached Accessory Dwelling Unit on a Vacant 0.21-Acre Hillside Lot with an Average Slope Greater than 20% Located at 2579 Home Avenue, Assessor Parcel No. 081D-1660-040-00, Requiring Approval of Site Plan Review and Grading Permit Application No. 202000579, Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3. Bich-Khoi Do (Applicant); Bradley Switzer Trust (Owner). (Report from Development Services Director Simpson)

This item was continued to March 2, 2021.

CITY MANAGER'S COMMENTS

City Manager McAdoo made two announcements: (1) a community meeting on February 18, 2021 at 5:30pm via Zoom to watch a live presentation of the Interstate 880 Interchange Improvements (Whipple Road/Industrial Parkway Southwest and Industrial Parkway West) project and the environmental review process followed by questions and answers; information at <https://www.alamedactc.org/880whippleindustrial>; (2) a Zoom event sponsored by the Hayward Library, in partnership with the Hayward Arts Council and Eden Township Chapter of the Japanese American Citizens League, in honor of the Day of Remembrance via Zoom on February 27, 2021 at 4pm; free event but registration required and more information on the Hayward Library website.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Márquez invited all to a community meeting to receive feedback on the planned completion of bicycle and pedestrian roadway improvements along Patrick Avenue in South Hayward on February 22, 2021 at 6:30pm, more information on the City website.

Council Member Lamnin made three announcements: (1) AC Transit has partnered with California Governor's Office of Emergency Services to provide free shuttle services to those with appointments for vaccinations at the Oakland Coliseum; more information at <https://myturn.ca.gov>; (2) the Community Services Commission will begin receiving public comments at their next meeting for the next round of funding recommendations; and (3) the Housing Authority of Alameda County through its Family Support Services program provides services including case management, credit counseling and job referrals.

Council Member Andrews made two announcements: (1) reminded those who participate in the Adopt-A-Block program to continue cleaning their areas and the KHCSTF is working on scheduling socially distanced cleaning events; and (2) the Hayward Library has more Black History Month events and information is available on its website.

Council Member Wahab made a statement recognizing the recent attacks on Asian-Americans in the Bay Area and stated the negative sentiment is not shared by the City or Council and encouraged witnesses to report hate crimes.

Mayor Halliday shared the Council held a special meeting on Saturday, February 13, 2021, to review the Council's Strategic Roadmap and Council will have a retreat on Saturday, February 20, 201, to review internal processes. She announced the next regular meeting was scheduled for February 23, 2021.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:13 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: CONS 21-082

DATE: March 2, 2021
TO: Mayor and City Council
FROM: Director of Maintenance Services

SUBJECT

Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for Route 238 (Phase 1 and 2) with Los Loza Landscaping in an Annual Amount of \$270,000 and Approving an Additional \$20,000 Annually for Contingencies

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a landscape maintenance contract for Route 238 (Phase 1 and 2) with Los Loza Landscaping in an annual amount of \$270,000 and approving an additional \$20,000 annually for contingencies.

SUMMARY

A request for quotes was published to solicit quotes for contracted landscape maintenance of the Route 238 (Phase 1 and 2) areas. The project scope includes 537,673 square feet of Bay Friendly landscaping. A total of five quotes were received. Staff recommends executing the landscape maintenance contract with Los Loza Landscaping in an annual amount of \$270,000 per year. The term of this agreement will be through June 2023. The City will have the option to extend the contract for up to three one-year extensions through June 2026. If the City chooses to exercise the option to extend the agreement, the annual base amount of \$270,000 would be subject to a CPI increase for each extension. Staff also requests approval of an additional annual \$20,000 contingency to cover additional services that may be required during the contract term.

ATTACHMENTS

Attachment I Staff Report
Attachment II Resolution



DATE: March 2, 2021

TO: Mayor and City Council

FROM: Director of Maintenance Services

SUBJECT: Adopt a Resolution Authorizing the City Manager to Negotiate and Execute a Landscape Maintenance Contract for Route 238 (Phase 1 and 2) with Los Loza Landscaping, in an Annual Amount of \$270,000 and Approving an Additional \$20,000 Annually for Contingencies

RECOMMENDATION

That the Council adopts a resolution (Attachment II) authorizing the City Manager to negotiate and execute a landscape maintenance contract for Route 238 (Phase 1 and 2) with Los Loza Landscaping in an annual amount of \$270,000 and approving an additional \$20,000 annually for contingencies.

SUMMARY

A request for quotes¹ (RFQ) was published to solicit quotes for contracted landscape maintenance of the Route 238 (Phase 1 and 2) areas. The project scope includes 537,673 square feet of Bay Friendly landscaping. A total of five quotes were received. Staff recommends executing the landscape maintenance contract with Los Loza Landscaping in an annual amount of \$270,000 per year. The term of this agreement will be through June 2023. The City will have the option to extend the contract for up to three one-year extensions through June 2026. If the City chooses to exercise the option to extend the agreement, the annual base amount of \$270,000 would be subject to a CPI increase for each extension. Staff also requests approval of an additional annual \$20,000 contingency to cover additional services that may be required during the contract term.

BACKGROUND

On November 27, 2007, the Council approved the project for Phase 1 of the Route 238 Corridor Improvement, which included roadway, street, and landscape improvements on Mission Boulevard (from A Street to Industrial Parkway) and Foothill Boulevard (from

¹ [URL](#) - RFQ 2107-111920, Maintenance Route 238 Phase 1 & 2

Mission Boulevard to Apple Avenue).² On July 20, 2010³, Council approved the award of the construction contract for Phase 1. Phase 1 was completed by the contractor and accepted by the City in 2014; a monthly landscape maintenance contract was then awarded.

As a continuation of Phase 1, the Phase 2 project included improvements on Mission Boulevard from Industrial Parkway to the southern City limit near Blanche Street. On January 16, 2018, Council approved the award of construction contract for Phase 2.⁴ In December 2020, the Phase 2 landscape improvements were completed by the contractor and accepted by the City. Following acceptance, a Request for Qualifications (RFQ) was issued to request quotes seeking a single landscape maintenance contract that included both Phase 1 and 2 of the Route 238 areas. The Route 238 (Phase 1 and 2) project included a total investment of \$5,745,271 in landscape infrastructure and Bay Friendly plant material.

The RFQ was developed with a goal to maintain the Bay Friendly Certified landscaping in an excellent condition and accomplish the following:

- **Public Safety** - with 1,074 trees, the landscape contract requires annual pruning of all trees under 25 feet and all trees regardless of height to maintain a 6-foot, 6-inch clearance over sidewalks and 13 feet on the street side. The landscape contract requires 20 yards of decomposed granite each year to replenish tree wells and the median maintenance bands to prevent pedestrian trip and fall accidents. The landscape contract requires annual hard pruning of grasses to 12 inches in protected bike lane planters to maintain motorist visibility. The landscape contract requires weekly clean-up of sidewalks to be cleared of trash and debris.
- **Protected bike lanes** – bike lanes extend from Industrial Boulevard to the City limits on both sides of Mission Boulevard. These lanes are too narrow for street sweeper access; therefore, the landscape contract requires weekly cleaning of organic plant materials and litter.
- **Water Management** - the landscape contract requirements include enhanced irrigation language to help manage water consumption. During the weekly irrigation checks, the vendor is required to repair irrigation heads and emitter issues as part of the scope of work to prevent water loss due to damaged irrigation heads. The landscape contract requires management of weather-based irrigation controllers to manage and conserve water resources.
- **Mulch replenishment** - with a total of 537,673 square feet of landscaping, the landscape contract requires 900 yards of mulch to be added per year to maintain the Bay Friendly requirement of three inches of cover.

² [URL](#) - Council Report – Route 238 Phase 1, Project Approval, November 27, 2007

³ [URL](#) - Council Report – Route 238 Phase 1, Award of Contract, July 20, 2010

⁴ [URL](#) - Council Report – Route 238 Phase 2, Award of Contract, January 16, 2018

- **Entry Monument** - the landscape contract requires weekly maintenance of the entry monument area.

DISCUSSION

This report requests approval of the Route 238 (Phase 1 and 2) landscape maintenance service contract. The RFQ was developed to keep the City’s major thoroughfare through the City looking good while meeting Bay Friendly requirements.

Five vendors responded to RFQ 2011-111920⁵, with quotes ranging from \$252,000 to \$399,400. The Municipal Code does not require maintenance contracts of this type to be awarded to the lowest bidder. Selection of a maintenance contractor is based on price, qualifications, experience with similar projects, availability to complete the work in a timely manner, and other project-specific factors. Bayscape submitted the lowest bid at \$252,000, which included the lowest number of weekly maintenance work hours of any quote received, at 81 hours per week. Based on past performance with other City contracts, Los Loza has demonstrated a superb ability to provide the required maintenance and care for already existing Bay Friendly landscapes. In addition, the 121 hours listed in the Los Loza quote is more closely aligned with the level of service required for the area to maintain the Bay Friendly certification. Los Loza was chosen over Bayscape for their quality workmanship, number of hours, and trouble-free performance on several other projects throughout the City. Based on these additional considerations, Los Loza Landscaping was selected at \$270,000 and 120 work hours per week. A summary of submitted quotes is below.

Vendor Bid Amount

- | | | |
|--------------|---|-------------------------------|
| 1. Bayscape | - | \$252,000, 81 hours per week |
| 2. Los Loza | - | \$270,000, 120 hours per week |
| 3. Pacheco | - | \$297,000, 92 hours per week |
| 4. Del Conde | - | \$328,321, 90 hours per week |
| 5. New Image | - | \$399,400, 135 hours per week |

A graphic of the Route 238 (Phase 1 and 2) areas are represented in the image below.

⁵ [URL](#) - RFQ 2107-111920, Maintenance Route 238 Phase 1 & 2



SUSTAINABILITY FEATURES

The Route 238 Project (Phase 1 and 2) includes landscape improvements that have the following sustainability features:

1. **Water** - The project includes the installation of drought tolerant plants to reduce the amount of water usage. The project irrigation includes weather-based controllers to conserve water resources based on the weather and amount of rain received.
2. **Environment** - The project implemented Bay-Friendly landscaping techniques using native and climate appropriate plants for the median islands and sidewalk planters. The project has been Bay-Friendly certified. The project includes permeable pavers to treat storm water runoff from the sidewalk and to filter pollution from storm water before it enters the San Francisco Bay.

FISCAL AND ECONOMIC IMPACT

The term of this agreement will be through June 2023 with the option for up to three one-year extensions through June 2026. Funds are available and appropriated for the remaining months of FY 2021. Maintaining the landscape in these key City corridors will sustain an overall positive aesthetic in the City, potentially leading to more economic investment in these areas.

STRATEGIC ROADMAP

This agenda item contributes to the following Strategic Priorities:

1. Combat Climate Change – Improve sustainable practices and increase green spaces.

2. Support Quality of Life – Optimize City services and clean and beautify the City.

NEXT STEPS

If the Council adopts the attached resolution, the City Manager will execute the agreement with Los Loza Landscaping according to the terms described in this report.

Prepared by: Denise Blohm, Management Analyst

Recommended by: Richard Nield, Landscape Maintenance Manager
Todd Rullman, Director of Maintenance Services

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR ROUTE 238 (PHASE 1 AND 2) LANDSCAPE MAINTENANCE WITH LOS LOZA LANDSCAPING IN AN ANNUAL AMOUNT OF \$270,000 AND APPROVING AN ADDITIONAL \$20,000 ANNUALLY FOR CONTINGENCIES

WHEREAS, Hayward Municipal Code sections 2-8.09 through 2-8.14 allow maintenance contracts to be informally bid and awarded on the basis of price, qualifications to perform work, experience with similar projects, availability to complete work in timely manner, and any other factors that the City deems relevant; and

WHEREAS, RFQ 2011-111920 was published by the City of Hayward Finance Department to solicit quotes for landscape maintenance services for Route 238 (Phase 1 and 2) areas; and

WHEREAS, on December 14, 2020, five bids were received ranging from \$252,000 to \$399,400; and

WHEREAS, Los Loza Landscaping of Hayward, CA submitted a bid in the amount of \$270,000 based on 120 work hours per week; and

WHEREAS, Los Loza Landscaping provides the best value based on the level of service required for the area to maintain Bay Friendly certification; and

WHEREAS, an annual contingency of \$20,000 is necessary to cover additional services that may be required during the term of the agreement; and

WHEREAS, the term of the agreement shall be through Fiscal Year 2023; and

WHEREAS, the City will have the option to extend the contract for up to three one-year extensions through June 2026; and

WHEREAS, if the City chooses to exercise the option to extend the agreement, the annual base amount of \$270,000 would be subject to a CPI increase for each extension.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute a contract with Los Loza Landscaping for Route 238 (Phase 1 and 2) Maintenance, for a term through fiscal year 2023, in an annual amount of \$270,000, with an option of up to three one-year extensions through fiscal year 2026 subject to CPI increases in a form approved by the City Attorney.

BE IT FURTHER RESOLVED, that an additional \$20,000 annual contingency is approved for additional services that may be required during the term of the agreement.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: PH 21-011

DATE: March 2, 2021

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Switzer Residence: Adopt a Resolution Approving a Proposed Single-Family Residence and Attached Accessory Dwelling Unit on a Vacant 0.21-Acre Hillside Lot with an Average Slope Greater than 20% Located at 2579 Home Avenue, Assessor Parcel No. 081D-1660-040-00, Requiring Approval of Site Plan Review and Grading Permit Application No. 202000579, Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3. Bich-Khoi Do (Applicant); Bradley Switzer Trust (Owner)

RECOMMENDATION

That the Council adopts a resolution (Attachment II) approving the Site Plan Review with Grading Permit application for the proposed single-family residence and attached accessory dwelling unit on the vacant hillside parcel located at 2579 Home Avenue, based on the required Findings and subject to the Conditions of Approval.

SUMMARY

The applicant is requesting approval for a Site Plan Review (SPR) with Grading Permit application to allow the construction of a multi-level, 3,522 square-foot single-family residence with an attached 1,198 square-foot Accessory Dwelling Unit (ADU) with related on- and off-site improvements on a 0.21-acre (9,301 square-foot) vacant hillside parcel located at 2579 Home Avenue, Assessor Parcel No. 081D-1660-040-00.

Normally, Site Plan Review applications for single-family residences within the hillside areas are subject to administrative staff level review. However, the City Engineer determined the average slope of the property exceeds 20%, which requires Council review for the Grading Permit per Section 10-8.023 of the Hayward Municipal Code (HMC). The project was reviewed by the Planning Commission at a public hearing on January 28, 2021 and the Commission voted 4:2 to recommend approval of the project.

File #: PH 21-011

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Project Plans
Attachment IV	Public Correspondence
Attachment V	Planning Commission Meeting Minutes 1/28/21



DATE: March 2, 2021

TO: Mayor and City Council

FROM: Development Services Director

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BACKGROUND

Accessory Dwelling Units (ADUs). In 2016, the State of California enacted legislation pertaining to ADUs, codified as Government Code Section 65852.2, which significantly reduced barriers and zoning requirements related to their development in local municipalities. On January 1, 2020, updated state laws

became effective with the goal to increase streamlining the approval process for ADUs by further limiting local discretionary review and allowing more flexibility in the development standards pertaining to unit sizes, utility requirements, setbacks, etc. Benefits of ADUs have been cited to alleviate the state's housing crisis by promoting infill housing units in residential neighborhoods, allow for multigenerational properties, and provide more affordable housing by design.

With respect to the proposed development, state law mandates that the zoning review of ADUs by local jurisdictions shall be limited to "ministerial approval". This means that *if* a proposed ADU on a residentially zoned parcel, with either an existing or proposed single-family residence, meets the objective criteria prescribed within State law relating to unit size, setbacks, lot coverage, parking, etc., then the city or county is required to approve the ADU without discretionary review.

Planning Commission Hearing. On January 28, 2021, the Planning Commission reviewed the proposed project at a virtual public hearing via Zoom and voted 4:2 to approve the staff recommendation recommending approval to the Council with a revision to Conditions of Approval No. 39 to reflect a 10-year storm to be reviewed by the City Engineer and recommended that the owner and Old Highland Neighborhood Association (OHHA) meet to discuss parking and other items. Three members of the community shared comments and concerns regarding parking, storm drainage, and who may be residing at the subject residence. The property owner, Mr. Switzer, confirmed that he would be residing at the proposed dwelling and his extended family would reside in the ADU. A copy of the meeting minutes is included as Attachment V.

DISCUSSION

Existing Conditions. The 0.21-acre project site is a vacant, unimproved parcel of land with an average slope greater than 20% and with dual frontages along Home and Hillcrest Avenues. The topographic survey identifies an approximate 34-foot elevation difference from the top of the slope at the Hillcrest Avenue street-level downhill to the Home Avenue property line. The project site is primarily surrounded by existing residential development along all property boundaries except for the vacant parcel at its southwestern corner. Thus, the proposed residential project will be located within an already established residential neighborhood consistent with the nearby structures and land uses.

Proposed Project. The applicant is proposing to construct a new, multi-level, single-family residence containing 5 bedrooms and 4 bathrooms with 3,522 square-feet of conditioned habitable floor area and an attached two-car garage accessible from Hillcrest Avenue. The main-level (street level) of the residence will include a bedroom, family and dining room, kitchen, and the two-car garage, while the upper-levels will include a laundry room, a media room, additional bedrooms and bathrooms, and private decks and patios for open space. In addition, the project will also include an ADU attached to the main home consisting of 2 bedrooms, 1 bathroom, a kitchen, living room, and private deck within about 1,198 square-feet of conditioned habitable floor area and its own dedicated attached two-car garage accessible from Home Avenue. The upper-level decks and private open space amenities will offer views of California State University, East Bay, and the Bay Area.

Architecturally, the proposed residence incorporates a contemporary modern design aesthetic with flat and minimally sloped/angled roof pitches. Due to slope and how the structure steps down the hillside the view from Hillcrest Avenue (top of slope), the single-family residence will be designed

to appear as a single-story structure from the street. The proposed residence would likely be wood-framed construction and the exterior will be finished with a combination of stone cladding, wood siding and smooth stucco to complement the wooden slat railings on the various decks. The color palette for the residence will be a light-white body contrasted against the more earth tone wood siding, dark fascia boards, and stone veneer features. Lastly at its tallest points measured along the hillside, the residence is measured at 30-feet which is compliant with the zoning height limit standards. A copy of the project plans with architectural elevations and renderings are included as Attachment III.

Site Improvements. The proposed single-family residence will require on-site improvements to the subject property prior to the issuance of a Certificate of Occupancy. On-site improvements will include the installation of drought-tolerant landscaping, erosion control measures (during construction), and stormwater management features, and shall incorporate Best Management Practices (BMPs) for construction noise, grading and construction activities to prevent adverse negative impacts onto adjacent properties. Other site improvements would include new driveways along each frontage, concrete step pads for walkways, stairs, landscaping, and retaining walls.

Landscaping and Tree Removals. The applicant has submitted a landscaping and irrigation plan (Attachment III). The landscape and irrigation plans include conceptual level drawings that demonstrate compliance with the Bay-Friendly Water Efficient Landscape Ordinance (WELo), which requires sustainable landscaping practices by using drought-tolerant native species, appropriate irrigation methods, and water budget calculations. Much of the landscaping proposed on site will be near the proposed residence and include new tree planting, shrubs, and groundcovers along the side property lines of the project site and facing the street. A new pathway with steps from Hillcrest Avenue will extend downward along the hillside to Home Avenue along the western edge of the new residence.

The landscape plans and the arborist report identify one (1) existing Live Oak tree and one (1) existing Poplar tree which are proposed for removal and will require the issuance of a Tree Removal Permit to allow the construction of the new single-family residence at the project site. Pursuant to Chapter 10, Article 15 (Tree Preservation Ordinance)¹ the goal is to protect and preserve significant trees and control the re-shaping, removal or relocation of those trees that provide benefits for the neighborhood or the entire community while recognizing that there are rights to develop private property. Additionally, the Ordinance requires that any protected trees to be removed shall require on-site planting of trees with like-size, like-kind trees to meet or exceed the appraised value of the removed tree(s) as determined by a certified Master Arborist and reviewed by the City Landscape Architect. As proposed, the landscape plan includes four 24"-box trees to mitigate the loss of the trees to be removed: two Crape Myrtles, and Chinese Pistache trees. The landscaping and irrigation plans would be reviewed in greater detail during the building permit phase to ensure that all mitigation is adequate. Additionally, the City Landscape Architect will inspect the construction site to verify the trees are planted correctly with proper irrigation that will maximize the health of the trees.

Site Plan Review. Development on parcels within the designated Hillside Urban/Wildland Interface

¹ Tree Preservation Ordinance, Chapter 10, Article 15:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART15TRPR

Area are subject to the Site Plan Review process and associated findings contained in Section 10-1.3025 of the HMC². This is to demonstrate that proposed developments, along with any site improvements, are consistent with the development standards of the RS zoning district, City's Hillside Design Guidelines, as well as the applicable General Plan goals and policies. Per the HMC, the City Council may approve or conditionally approve an application for Site Plan Review when all of the following findings are made:

- a) The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;
- b) The development takes into consideration physical and environmental constraints;
- c) The development complies with the intent of City development policies and regulations; and
- d) The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Staff has provided a more detailed analysis for the required Site Plan Review findings for approval in the resolution (Attachment II).

Grading Permit. The project is subject to Council review for the proposed grading since the average slope of the site exceeds 20%. The applicant has submitted preliminary civil plans (grading, drainage, utility and erosion control plans) for the project that were reviewed by the City's Engineering Division. The applicant has also submitted a Geotechnical Report prepared by Gray Geotech (March 2019) which provides geotechnical recommendations that will be incorporated into the project's construction level plans by the applicant to mitigate any potential environmental impacts. The report identifies that the primary geotechnical concerns are the potential of downslope movement from erosion or creeping movement of the soil layer blanketing bedrock, shrink/swell movement of expansive soils, ground motions in a future seismic event, and managing both surface storm water and shallow groundwater. However, based on the findings of their investigation, the geotechnical engineers conclude that the property is suitable for the proposed site and landscape improvements provided the recommendation of the report are incorporated into the on-site construction and grading activities. Additionally, a standard set of conditions will include the review and approval of an erosion control plan; standards for import, export, and containment of construction materials; and a limitation on the days and hours of grading activity to minimize impacts on the surrounding neighborhood.

Hayward 2040 General Plan. The project site is designated as Low Density Residential (LDR) in the *Hayward 2040 General Plan*³. Properties within the LDR land use designation predominantly consist of single-family residences, second units, and ancillary structures on lot sizes that generally range from 5,000 to 10,000 square-feet throughout the Hayward Planning Area. The General Plan indicates that future development within this land use area will primarily consist of additional residential development, building and landscape improvements, and neighborhood enhancements.

The *General Plan* also provides goals and policies which serve as guiding principles and provide a host of

² Site Plan Review Findings, Chapter 10, Article 1:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3000SIPLRE

³ Low Density Residential, Hayward 2040 General Plan: <https://www.hayward2040generalplan.com/land-use/residential>

strategies for future development in the City. The proposed project was evaluated against the applicable goals and policies and found to be consistent with the following:

- **Land Use Policy LU-1.7 (Design Guidelines):** The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.
- **Land Use Policy LU-3.7 (Infill Developments):** The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and features.

Staff has reviewed the project components and finds that the development is consistent with the goals and policies of the City’s General Plan and the Hillside Design and Urban/Wildland Guidelines by proposing a residence which architecturally steps with the natural topography of the hillside and is compatible with the other dwellings in the area.

Zoning Ordinance. The project site is located within the RS (Single-Family Residential) zoning district. Pursuant to Section 10-1.200⁴, the RS zoning district allows for the development of a single-family residence as a primary use and an ADU as an ancillary use, both permitted by-right. The project, as proposed, would allow the construction of a new single-family dwelling and attached ADU, which meet the following objective development standards. Table 1 includes a comparison chart displaying the development standard requirements with what is being proposed.

Table 1: Development Standards

Criteria	Proposed	Required or Max. Allowed
Lot Coverage	37%	40%
Front Setback	21’ and 20’-8”	20’
Side Yard	6’-9”	6’-9”
Rear Yard	21’ and 20’-8”	20’
Parking	(2) Two-Car Garages = 4 Enclosed Spaces plus Driveway Capacity for 4 Uncovered Spaces	Three-Car Garage <u>or</u> Two-Car Garage plus 2 Uncovered Spaces
Driveway Length	20’	20’
Height	30’	30’

Hillside Design and Urban/Wildland Interface Guidelines. The project is located on a hillside parcel that is subject to the design standards of the Hillside Design and Urban/Wildland Interface Guidelines⁵. The purpose of the Hillside Design and Urban/Wildland Interface Guidelines is to seek to identify

⁴ Single-Family Residential District, Chapter 10, Article 1:
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200SIMIREDIRS

⁵ Hillside Design and Urban/Wildland Interface Guidelines: <https://www.hayward-ca.gov/sites/default/files/COH%20Hillside%20Design%20Urban-Wildland%20Interface%20Guidelines.pdf>

elements of good design which will enhance the appearance of the City and make the neighborhood more livable, while being conscious of the natural topographies and slopes. The proposed project has been designed to minimize impacts to the existing hillside and will be attractively designed to minimize visual impacts from adjacent properties and the street frontages, consistent with the Guidelines.

Staff Analysis. Staff finds that the proposed project is consistent with the development standards of the RS zoning district and the design requirements within the Hillside Design and Urban/Wildland Interface Guidelines in that the proposed development is designed to minimize excessive grading and blend into the existing slope. In addition, the proposed attached ADU on the site complies with the zoning development standards prescribed by State law. The proposed residence has been designed to reduce bulk and mass by stepping along the hillside through a series of outdoor decks and open area. The project includes a unique contemporary design aesthetic and will incorporate a mixture of materials including siding, stucco, and stone with a neutral contrasting color palette. In addition, the proposed landscaping along the street frontages and along the side of the residence, coupled with the sloped topography of the site, will also help to soften the bulk and mass of the proposed building, and minimize visual impacts from adjacent properties or from the public rights-of-way. As such, staff believes that the Council can support the draft findings and approve the proposed project.

In addition, staff reviewed the Planning Commission's request to amend Condition of Approval #39 (now bumped to #40 in Attachment II) with respect to storm drainage and planning for a 10-year storm. However, upon reevaluation, staff has added a new Condition #30 requiring that the project shall not block runoff from, or augment runoff to, adjacent properties, and that the developer may be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer. This new condition of approval is to ensure that nearby properties will not be further adversely impacted by the proposed developed than they already are by existing conditions.

Staff also rereviewed the project in conformance with the parking requirements and reaffirmed that the proposed single-family residence complies with the parking requirements set forth in the City's Off-Street Parking Regulations and within state law for ADUs as the site will provide the capacity for 8 total parking spaces: 4 in enclosed garages and 4 on driveways in front of garages. In addition, the ADU will be within 0.5-miles of a public bus stop at Hayward Boulevard/Parkside Drive and thus is exempt from all parking requirements.

Environmental Review. The proposed development is deemed categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303(a), Class 3 of the CEQA Guidelines as the project involves the construction of one (1) single-family residence on a legal parcel in a residential zone. Although the project will involve grading on a parcel with a slope greater than 10-percent, the project site is not located within an officially mapped area of severe geological hazard such as the Alquist-Priolo Earthquake Fault Zone area.

In addition, the proposed project also involves the concurrent construction of an ADU that will be attached and ancillary to the primary single-family residence. Pursuant to Section 65852.2 of the Government Code, ADUs shall be reviewed ministerially without discretionary review and thus are statutorily exempt from CEQA pursuant to Section 15268 (Ministerial Projects) of the CEQA

guidelines and Section 21080(b)(1) of the Public Resources Code. Therefore, no additional environmental analysis required.

ECONOMIC IMPACT

The proposed project would result in the development of a currently vacant lot in an existing residential neighborhood. The proposed development would not require the expansion of public utilities or services and is not expected to have a negative impact on the City regarding public utilities or public services. Furthermore, the project would result in new residents moving into Hayward, which should generate demand for goods and services, thereby providing stimulus for new or existing jobs in the City's economy.

FISCAL IMPACT

According to the City of Hayward Fiscal Impact Model (2017) prepared by Applied Development Economics, Inc., the project would generate an estimated \$2,442 in annual revenue from property and utility user taxes and approximately \$2,377 in annual costs related to City services, resulting in a net positive impact of approximately \$65 per year.

STRATEGIC ROADMAP

In January 2020, the Council adopted six Strategic Priorities as part of its three-year Strategic Roadmap. This agenda item supports the Strategic Priority of Preserve, Protect & Produce Housing; however, this item is not specifically related to a project identified in the Strategic Roadmap. The project will result in an increase in number of housing units within the City and include an ADU that will provide affordable housing by design to extended family members of the applicant.

SUSTAINABILITY FEATURES

The project has been designed to meet all applicable 2019 California Residential and Green Building Codes including the local REACH codes, which require a minimal level of energy efficiency, utility electrification, conservation, material recycling, and air quality, for new construction. In addition, the landscaping areas and irrigation system will be compliant with Bay Area-Friendly Water Efficient Landscape Ordinance, which requires the use of drought tolerant planting with water-efficient irrigation systems. Furthermore, the applicant will comply with ordinances related to construction debris and recycling to divert waste from landfills.

PUBLIC CONTACT

Following receipt of the application, staff conducted the following public outreach:

- On February 14, 2020, a Notice of Receipt of Application was sent to 80 addresses, including property owners and tenants located within a 300-foot radius of the project site, including interested stakeholder groups such as OHHA, Hayward Highland Neighborhood Task Force, and the Hayward Area Planning Association. In response to the Notice of Application Receipt, the Planning Division received correspondence from six persons stating their opposition to the

proposed project citing the massing, size, and compatibility of the proposed project with the rest of the surrounding neighborhood, the proposed project potentially being a multi-family residential development, and potentially adverse impacts that may arise as part of construction activity such as storm drainage issues. Following receipt of said concerns, Planning Division staff communicated with members of the community and listened to their concerns on the proposed project.

- On January 15, 2021, a Notice of Public Hearing was sent via standard mail to property owners, tenants, interested parties, and community stakeholder groups within 300-feet of the project site and a legal ad was published in The Daily Review newspaper providing notification of the upcoming virtual Planning Commission and City Council hearings.
- On January 28, 2021, the Planning Commission held a virtual public hearing and voted 4:2 to recommend approval of the project to the City Council. Three members of the community virtually attended the public hearing and provided comments.
- On February 5, 2021, a Notice of Public Hearing for the City Council was published in the Daily Review newspaper and sent to all property owners and interested stakeholders within 300 feet of the subject property. All public correspondence submitted to the City to date has been included as Attachment IV.
- On February 12, 2021, the applicant, Bradley Switzer, met with board members of OHHA, John Vukasin and Bob Carlson, at the project site to discuss the project in response to the recommendation by the Commission. Staff was informed by both parties that the conversation was positive and constructive. The applicant has agreed to explore solutions with OHHA on storm drainage issues along with the City's efforts on that area for future street improvements. The applicant planned to meet with the general OHHA membership before the City Council hearing to further explain the project.
- On February 16, 2021, the City Council held a public hearing and moved to formally continue this agenda item to a date certain on March 2, 2021. Thus, no additional noticing was required.

NEXT STEPS

If the Council approves the project, the decision will be final, and the applicant may then proceed with obtaining building permits.

Prepared by: Marcus Martinez, Associate Planner

Recommended by: Laura Simpson, Director of Development Services

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Councilmember _____

RESOLUTION APPROVING THE SITE PLAN REVIEW WITH GRADING PERMIT APPLICATION NO. 202000579 PERTAINING TO CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED ACCESSORY DWELLING UNIT LOCATED AT 2579 HOME AVENUE

WHEREAS, Bich-Khoi D (Applicant) on behalf of Bradley Switzer (Property Owner) submitted Site Plan Review No. 202000579, requesting a Site Plan Review with Grading Permit approval to construct a new single-family residence on a 0.21-acre vacant hillside lot with an average slope greater than 20% located at 2579 Home Avenue, Assessor Parcel Number 081D-1660-040-00; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on January 28, 2021, and recommended that the City Council approve the Site Plan Review with Grading Permit application; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on February 16, 2021, and the Council moved to formally continue the item to a date certain on March 2, 2021; and

WHEREAS, the hearing was duly held by the City Council on March 2, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed development is deemed categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303(a), Class 3 of the CEQA Guidelines as the project involves the construction of one (1) single-family residence on a legal parcel in a residential zone. Although the project will involve grading on a parcel with a slope greater than 10-percent, the project site is not located within an officially mapped area of severe geological hazard such as the Alquist-Priolo Earthquake Fault Zone area.

In addition, the proposed project also involves the concurrent construction of an Accessory Dwelling Unit (ADU) that will be attached and ancillary to the primary single-family residence. Pursuant to Section 65852.2 of the Government Code, ADUs shall be reviewed ministerially without discretionary review and thus are statutorily exempt from CEQA

pursuant to Section 15268 (Ministerial Projects) of the CEQA guidelines and Section 21080(b)(1) of the Public Resources Code. Therefore, no additional environmental analysis required.

SITE PLAN REVIEW

A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City

The proposed development will be compatible with on-site and surrounding structures and uses in that the project site is located in the established residential neighborhood of the Old Highland area, where all properties are in the Single-Family Residential (RS) zoning district subject to the same development standards (i.e., setbacks, height, and lot coverage), design guidelines, and performance standards.

Further, the proposed residence incorporates a contemporary modern design aesthetic with flat and minimally sloped/angled roof pitches. Due to slope and how the structure steps down the hillside the view from Hillcrest Avenue (top of slope), the single-family residence will be designed to appear as a single-story structure. The proposed residence would likely be wood-framed construction and the exterior will be finished with a combination of stone cladding, wood siding and smooth stucco to complement the wooden slat railings on the various decks. The color palette for the residence will be a light-white body contrasted against the more earth tone wood siding, dark fascia boards, and stone veneer features.

B. The development takes into consideration physical and environmental constraints

The proposed single-family residence and attached ADU take into consideration the physical and environmental constraints in that it is designed to be constructed along the existing slope and natural topography. The proposed architectural design of the single-family residence is consistent with the City's Hillside Design and Urban/Wildland Interface Guidelines. The Hillside and Urban/Wildland Interface Guidelines requires that new buildings within the development exhibit varied elevations, floor plans, setbacks, and a quality architecture to enhance the hillside setting. Most notably, the Hillside Design Guidelines requires that developments exhibit a stepped architecture along the slope to minimize excessive grading and unnecessary cuts into hillside. The proposed residence has incorporated well-articulated street-facing elevations with well-proportioned windows, flat and shed roofs and a variety of textures.

A Geotechnical Report (Gray Geotech, 2019) was prepared for the proposed project at the property that included an analysis of the physical and environmental constraints on the property with respect to slope stability, drainage, landslide potential, foundation, and retaining walls that determined the property was adequate to be built upon with the incorporation of specific design-level measures recommended by the Geotechnical

Engineer. These specific design-level geotechnical recommendations have been incorporated as Conditions of Approval for the proposed development.

C. The development complies with the intent of City development policies and regulations

The proposed single-family residence complies with applicable City development policies, including but not limited to the *Hayward 2040 General Plan*, the Hayward Municipal Code, and the City's Hillside Design and Urban/Wildland Interface Guidelines. The proposed ADU complies with the provisions of state law codified in Section 65852.2 of the Government Code. In addition, the development consistent with the following *Hayward 2040 General Plan* goals related to Land Use and Community Character:

- Land Use Policy LU-1.7 Design Guidelines: The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.
- Land Use Policy LU-3.7 Infill Developments in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and features.

The project also incorporates new drought-tolerant landscaping in compliance with the Bay Area-Friendly Water Efficient Landscape Ordinance and will enhance the visual quality and character of the existing vacant site. The project will require the removal of two existing mature trees and the project plans have demonstrated compliance with the City's Tree Preservation Ordinance which requires proper mitigation and replacement trees to compensate for the removal of protected trees.

D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The proposed single-family residence and attached ADU, as conditioned, will be compatible with the surrounding residential development as the project will be subject to all applicable provisions of the Hayward Municipal Code including construction, maintenance, landscaping, etc. In addition, the proposed development of one single-family residence and ancillary ADU will be located within an already established single-family residential neighborhood, consistent with the land use pattern and character of the surrounding homes in the vicinity.

The project will incorporate both on- and off-site improvements. On-site improvements will include the installation of drought- tolerant landscaping, erosion control measures, stormwater management features, and shall incorporate Best Management Practices (BMPs) for construction noise, grading and construction activities to prevent adverse negative impacts onto adjacent properties. Other site improvements would include a new driveway, concrete step pads for walkways, stairs, landscaping, and retaining walls.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, approves Site Plan Review with Grading Permit Application No. 202000579, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**CITY OF HAYWARD
SITE PLAN REVIEW AND GRADING PERMIT
APPLICATION NO. 202000579
CONDITIONS OF APPROVAL
2579 HOME AVENUE**

GENERAL CONDITIONS OF APPROVAL:

1. The approval of Site Plan Review No. 202000579 shall allow the construction of a multi-level, 3,522 square-foot single-family residence with an attached 1,198 square-foot Accessory Dwelling Unit (ADU), each with an attached garage, with related on- and off-site improvements located at 2579 Home Avenue, Assessor Parcel No. 081D-1660-040-00.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
4. Site Plan is approved subject to the Architectural, Civil and Landscape plans on file with the Planning Division, respectively, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan and/ or design that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission.
5. A copy of these conditions of approval shall be scanned and included on a separate full-sized sheet(s) within the building permit plan set.
6. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
7. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft. Approved address numbers shall be at least four inches in height on a contrasting background. Font strokes shall be of sufficient width such that they are legible to the public from the street fronting the property.
8. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.

9. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and/or renderings on file with the Planning Division. Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit and/or prior to construction.
10. All vents gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
11. All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and swimming pool equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit. All screening shall be compatible with respect to forms and materials used on the building.
12. If permitted, all above-ground utility meters, air conditioners, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen from all perspectives, unless other noise mitigation is required. All equipment shall be designed to be compatible with respect to location, form, design, exterior materials, and noise generation. The applicant shall obtain planning division review and approval prior to issuance of any permits.
13. All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.
14. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay impact fees. The impact fees shall be the rate that is in effect at the time of building permit issuance.
15. In accordance with Hayward Municipal Code (HMC) Section 10- 1. 3055, approval of this Site Plan Review is void 36 months after the effective date of approval unless:
 - a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or
 - b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an

extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.

16. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.
17. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
18. Prior to the issuance of the Certificate of Occupancy, the applicant shall contact the Planning Division and be subject to a site inspection by the designated project planner to verify that all applicable mitigations and conditions of approval, including architectural materials, colors and design, have been satisfied. The cost of inspection, including any subsequent inspections that are deemed necessary by the City, shall be paid by the applicant.
19. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.

BUILDING DIVISION:

20. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
21. Given the property is located within a Wildland-Urban Interface Fire Area, the materials and construction method for exterior wildfire exposure shall comply with Section R327 of the California Residential Code.
22. The plans submitted for plan check shall provide capability for electric vehicle charging in new single-family dwelling.
23. The proposed single-family residence shall be subject to the payment of school fees as set forth by the Hayward Unified School District (HUSD).

LAND DEVELOPMENT ENGINEERING:**Prior to the Issuance of Building Permit:**

24. Grading Permit: Applicant shall secure the City's grading permit for site grading and drainage improvements before issuance of any Building Permit. This permit shall require plans and design documents approved by the City Engineer and prepared by the State licensed and qualified engineer(s) retained by the applicant.
25. The applicant shall be responsible for implementing the recommendations identified in the Geotechnical Engineering Report prepared by Gray Geotech (March 2019) regarding seismic design, site preparations, foundations, retaining walls, concrete slab-on grade, drainage, etc. The recommendations shall be incorporated into the grading permit application and final construction level drawings (civil, drainage, landscape, site plans) and shall be submitted to the Building Division, Public Works Department – Engineering Division, Landscape Division, and Planning Division for review and approval.
26. Street Improvement Agreement: Property owner shall enter into a deferred improvement agreement with the city for improvements to fronting street segments as per the plans agreed to by OHHA and approved by the City Engineer. Applicant/Owner shall enter into a deferred agreement to complete street improvements per approved Precise Plan Line H-551 for Hillcrest and Home Avenue.
27. The site grading plans shall include site stability analysis, details for retaining walls, stormwater pollution prevention measures and landscaping.
28. The grading plans shall include all surface and sub-surface drains, drain inlets and structures.
29. Earth retaining structures greater than 4-feet in height (top to bottom of footing) shall building permit from the Building Division of the Development Services Department of the City.
30. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer may be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.

During Construction

31. Site Grading and Street Improvements: Site grading and street improvements shall be completed as per the plans approved by the City Engineer.
32. Construction Stormwater Management: Permittee shall control on-site silt and pollutants from flowing into creek and/or any public storm drain system by maintaining effective Stormwater Pollution Prevention measures and Best Management Practices.
33. Encroachment Permit: Encroachment permit shall be secured for work related to utility services in the City street right-of-way.
34. Erosion & Dust Control: Applicant shall install and maintain effective measures

for dust and erosion control and stormwater pollution prevention.

35. Best Management Practices: Best Management Practices for Stormwater Pollution Prevention shall be implemented during construction. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the City:
- a. Grading and site construction activities shall be limited to the hours 7:00 a.m. to 7 p.m. Monday through Saturday, and 10 a.m. to 6 p.m. on Sunday and holidays.
 - b. Grading and construction equipment shall be properly muffled.
 - c. Unnecessary idling of grading and construction equipment is prohibited.
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units.
 - e. Daily clean-up of trash and debris shall occur on Rainbow Court, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - f. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
 - g. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
 - h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions.
 - i. All grading and earth removal work shall follow remediation plan requirements if soil contamination is found to exist on the site.
 - j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - l. Sweep public streets daily if visible soil material is carried onto adjacent public streets.
 - m. Broom sweeps the sidewalk and public street pavement adjoining the project site daily. Caked on mud or dirt shall be scraped from these areas before sweeping.
 - n. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be

maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.

- o. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health, and the Regional Water Quality Control Board.
36. In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately, and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
37. Utility Services: All utility service connections to the project shall be installed underground.
38. Drainage Outfall: Storm drain outfall(s) shall dissipate drainage over a large area to minimize potential for soil erosion potential.

Prior to Issuance of Certificate of Occupancy:

39. Construction Damage Repairs: Street pavement, pavement markings, signs, plants, and other public improvements damaged during construction shall be replaced to match existing prior to issuance of the Final Construction Report by the City Engineer. Applicant is responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.
40. Drainage Detention Agreement: The property owner shall enter into an agreement with the City for maintenance of drainage detention facilities as approved by the City Engineer and its filing in the Alameda County's Public Records.

LANDSCAPING:

Prior to Issuance of a Building Permit:

41. Detailed landscape and irrigation plans in full compliance with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) shall be submitted for review and approval.
42. All required trees must be provided within the property lines. New tree planting shall not be done in the public right-of-way.
43. Tree mitigation summary chart shall be revised:
- a. Identify the areas on the landscape plan that will receive permeable pavers or pervious concrete and specify exact material due to the cost differences. Sheet

A02 called out for both pavers and pervious concrete paving for the ADU driveway and the patio for the main house. If the patio would be over the roof, the pavers used as flooring in the patio shall not be counted toward tree mitigation. The tree mitigation credit for using permeable paver would only permit when paver installation would be done on grade and runoff can recharge groundwater.

- b. Provide permeable paving detail/ Not all pavers or paver installation would qualify for being permeable or would receive credit of \$25.00/SF unit cost.
 - c. Stepping stone shall not be counted for permeable unless detail is provided to prove otherwise.
44. Proposed plant spacing shall be provided. Plant spacing shall not be closer the minimum spread provided in the reference books. Most of the shrubs shown to grow minimum 6 feet are shown at 5 feet on center. Graphic symbol for each shrub shall be in actual scale of proposed spacing.
 45. A domestic water service for irrigation for the landscape area less than 5,000 square feet is allowed; however, a gate valve and an antisiphon valve or a backflow prevention device at the point of connection must be provided. For a single-family residential development, a flow sensor is not required but highly recommended for using low flow system such as subsurface drip or emitter type of drip irrigation.
 46. Water budget calculation: Municipal Code Article 12, Appendix B shall use Eto of 44.2 for City of Hayward, and the calculation shall provide the calculation methodology used. For residential developments with less than five units shall use ET adjustment factor of 0.55. The water budget calculation does not calculate to match. Use the correct Eto for Hayward and provide ETAF used.
 47. Within the building permit submittal, clarification shall be provided if "RS" stands for a solar sensor or a rain sensor.
 48. Complete specification for rainwater harvesting barrel shall be provided. Some of the specifications were cut off.
 49. No tree shall be planted closer than minimum 5 feet from utility lateral service lines and edge of hardscape; and no parts of the tree planting shall encroach into utility easement.
 50. Erosion control fabric, compost blanket or a combination of compost sock and erosion fabric shall be installed for slopes equal or steeper than three-to-one (3:1) but less than two-to-one (2:1). Geotechnical engineer shall provide erosion control measures for slopes exceeds two to one (2:1).
 51. A soil analysis report shall be included for amending the soil with organic compost to bring the soil organic matter to a minimum of 5% by dry weight and incorporating organic fertilizers to recommended levels for planting area. If significant mass grading is planned the soil analysis report shall be done after mass grading and the report shall be submitted as part of the Certificate of Completion.

52. Minimum three inches deep organic recycled chipped wood mulch in dark brown color shall be provided in all planting areas including biotreatment area except for lawn area. The size of the mulch shall not exceed 1-1/2-inch in diameter.
53. Pursuant of HMC Section 10-12.07(b) of Hayward Municipal Code, irrigation Hydrozone map shall be provided.

During Construction

54. Prior to beginning work, the contractors working in the vicinity of trees for preservation are required to meet with the Project Arborist at the site to review all work procedure, access routes, storage areas and tree protection measures.
55. If existing Oak tree would be preserved, tree protection fence in compliance with the City's Tree Preservation Ordinance shall be installed at the dripline.
56. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist. Any necessary root pruning shall be performed by a qualified arborist and not by construction personnel.
57. If damages should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied. If the damages to tree result in removal, removed tree shall be replaced to its appraised value provided by the Project Arborist and approved by City Landscape Architect.
58. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.
59. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel with a tree pruning permit from City Landscape Architect.
60. Trees shall be irrigated, except oaks, on a schedule to be determined by the Project Arborist. Each irrigation session shall be wet the soil within the Tree Protection Zone to a depth of 30 inch.

Prior to Issuance of Certificate of Occupancy

61. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance with the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.

62. Pursuant to HMC Section 10-12.11: For new construction and rehabilitated landscape projects installed after December 1, 2015, the project applicant shall submit an irrigation audit report done by the third party as required in Appendix C - Certificate of Completion Part 5 to the City. The report may include, but not limited to inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming.

FIRE DEPARTMENT:

63. Residential buildings are required to install a fire sprinkler system in accordance with NFPA 13D. *(Deferred Submittal thru HFD shall be designed by a licensed C16 contractor)*
64. Maximum 80 PSI water pressure design criteria should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
65. Underground fire service line serving NFPA 13D sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-216. Water meter shall be minimum one inch in diameter.
66. An audible alarm bell (device) shall be installed on the fire sprinkler system riser.
67. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity.
68. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup.
69. CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
70. A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.
71. Materials and Construction Method for Exterior Wildfire Exposure – The building is located within the City of Hayward Wildland/Urban Interface Area and shall meet the construction requirements as stated in the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines, which includes Class A roofing materials and exterior non-combustible siding materials (stucco), double-pane windows. Do not use wood shake or treated wood shake roofs. The building construction shall comply with the requirements contained in the California Residential Code Section R327.

72. Provide spark arrestors with 1/4" metal mesh screens on all chimneys. Homeowners should inspect spark arrestors every year to ensure mesh screen integrity.
73. 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.
74. Roof eaves - Attic vents shall be covered with metal mesh in accordance with COH Urban Wildland Interface Guild lines. The dimensions of mesh openings shall be a minimum 1/16-inch and shall not exceed 1/8-inch
75. Locate chimney at least ten feet away from existing tree canopies.

Hazardous Materials

76. Grading – A condition of approval, prior to grading: Structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future uses, and other persons are mitigated.
77. Wells, Septic Tank Systems or Subsurface Structures – Any wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. These structures shall be documented and removed under permit from appropriate regulatory agency when required.
78. Hazardous Materials/Waste and their Vessels discovered during Grading/Construction – If hazardous materials/waste or their containers are discovered during grading/construction the Hayward Fire Department shall be immediately notified at (510) 583-4910.
79. Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts – If found on the property, the underground vessels/structures shall be removed under a plan filed with Hayward Fire Department and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to the soil or groundwater. A follow up report shall be required to be submitted that documents the activities and any conclusions. Below are specific requirements on each:
 - a. Underground storage tank and associate piping (plan, sampling and Hayward Fire Department permit and follow up report is required)
 - b. Oil Water Separators (plan, sampling required and follow up report is required)
 - c. Hydraulic Lifts (plan, sampling and follow up report is required).
80. Hazardous Materials/Waste during Construction - During grading and construction hazardous materials and hazardous waste shall be properly stored, managed and disposed.

UTILITIES:

81. Water Services (SFR). Revise Sheet C3 to show a proposed 1" service line and 1" domestic water meter per City of Hayward Standard Detail 216 (SD-216), Figure 2B, for combined residential domestic and fire service. Note that this may only serve the single-family residence for domestic water services. This shall be included within the building permit application construction level plans.
82. Water Services (ADU). The proposed ADU is required to have a separate water service and water meter. Revise Sheet C3 to show the installation of a new water service line and water meter to serve the ADU. A minimum 3/4" service line and 5/8" domestic water meter is required. This shall be included within the building permit application construction level plans.
83. Proposed Water Services (SFR). The proposed single-family house shall be served by a minimum 1" domestic water meter with combined domestic and fire services, per City of Hayward Standard Detail 216 (SD-216), Figure 2B. Configuration must show two water service lines after the water meter: one for domestic water service and one for fire water service.
84. Proposed Water Services (ADU). The ADU shall have a separate domestic water service and water meter. A minimum 3/4" service line and 5/8" domestic water meter is required.
85. Proposed Sanitary Sewer Services. If the lowest plumbing fixture in any building is below the rim elevation of the nearest upstream manhole or riser, a backflow prevention valve shall be installed on the sewer lateral. A backflow prevention device is required at the sewer lateral for this property, per City of Hayward Standard Detail 314 (SD-314).
86. All connections from existing water mains shall be performed by City Water Distribution personnel at the applicant's or owner's expense.
87. Water meters must be located a minimum of two feet from top of the driveway flares as per City Standard Detail 213 thru 218.
88. Water mains and services, including the meters, must be located "at least 10 feet horizontally from and one foot vertically above, any parallel pipeline conveying untreated sewage, ..." (such as a sanitary sewer lateral) per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572.
89. If the property will have more than 5,000 square feet of irrigated landscape, a separate irrigation water meter must be installed. Irrigation water meters must be protected by a reduced-pressure backflow prevention assembly, per SD-202.

SOLID WASTE & RECYCLING:

90. Residential Collection of Garbage, Recyclables, & Organics: Residents are required to place their garbage, recycling, and organics carts at the curb for weekly collection service by contracted service providers.

- a. The standard type of garbage, recycling, and organics containers are (1) 32-gallon cart for garbage, (1) 64-gallon cart for recycling, and (1) 64-gallon cart for organics.
 - b. The total space required for the standard service is approximately 3 feet by 9 feet. Sufficient space should be allocated in the garage to allow residents to keep the containers inside. Alternatively, the containers may be kept in a side yard behind a fence. Trash and recycle containers shall be stored out of public view on non-pickup days.
 - c. Residents shall not place carts at the curb any earlier than 6:00 a.m. the day before scheduled collection and are required to retrieve them no later than midnight the days the carts are emptied. (Hayward Municipal Code Section 5-1.15)
91. Please submit the Construction and Demolition Debris Recycling Statement at the time of your building permit. The applicant shall will only need to submit the top “applicant” half of the form during the building permit. The bottom half of the form should be completed upon completion of the project to receive final building inspection approval. The form can be located online at www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal.

PROJECT DATA

PROPERTY ADDRESS

2579 HOME AVE AND
2600 HILLCREST AVE (PROPOSED)
HAYWARD, CA 94542

SCOPE OF WORK

THE WORK INCLUDES GRADING THE EXISTING VACANT LOT AND BUILDING A NEW SINGLE-FAMILY RESIDENCE AND ATTACHED ADU UNIT, DRIVEWAYS AND GARAGES. THE MAIN RESIDENCE WILL BE ON HILLCREST AVENUE, WHILE THE ADU WILL HAVE ITS FRONTAGE ON HOME AVENUE.

PLANNING INFORMATION

ZONING DISTRICT: RS, SINGLE-FAMILY RESIDENTIAL
LOT SIZE: 9301 SQ FT
NO. OF STORIES: 2-STORY OVER BASEMENT AND 2-STORY ADU

SETBACKS/YARD REQUIREMENTS:

DESCRIPTION	AREA	ALLOWABLE	EXISTING	NEW
FRONT SETBACK	HOME	20'	N/A	21' MIN
	HILLCREST	20'	N/A	20'-8" MIN
REAR SETBACK		15'	N/A	N/A
SIDE SETBACK	10% HOME	6'-6"	N/A	6'-9" MIN
	10% HILLCREST	6'-9"	N/A	6'-9" MIN
BUILDING HEIGHT		30'	N/A	30' MAX
LOT COVERAGE		40%	N/A	37%

BUILDING INFORMATION

OCCUPANCY TYPE: R3/U
CONSTRUCTION TYPE: VB
FIRE SPRINKLERS: REQUIRED

FLOOR AREA:

DESCRIPTION	FLOOR	PROPOSED	TOTALS
ADU - CONDITIONED	1ST FLOOR	101	
	2ND FLOOR	1097	
	SUBTOTAL	1198	
ADU - UNCONDITIONED	DECK	138	
ADU - GROSS AREA	TOTAL		1336
MAIN HOUSE - CONDITIONED	1ST FLOOR	1824	
	2ND FLOOR	1698	
	SUBTOTAL	3522	
MAIN HOUSE - UNCONDITIONED	GARAGE - HILLCREST	459	
	GARAGE - HOME	718	
	DECKS	1184	
	STORAGE	256	
	SUBTOTAL	2617	
MAIN HOUSE - GROSS AREA	TOTAL		6139
TOTAL - GROSS AREA	GRAND TOTAL		7475

CODES

- 2019 CALIFORNIA BUILDING CODE (CBC)
- 2019 CALIFORNIA RESIDENTIAL CODE (CRC)
- 2019 CALIFORNIA ELECTRICAL CODE (CEC)
- 2019 CALIFORNIA MECHANICAL CODE (CME)
- 2019 CALIFORNIA PLUMBING CODE (CPC)
- 2019 CALIFORNIA FIRE CODE (CFC)
- 2019 CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS (CBEES)
- 2019 CALIFORNIA GREEN BUILDING CODE
- APPLICABLE HAYWARD MUNICIPAL CODES

PROJECT DIRECTORY

OWNER

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T: 510-909-1085

DESIGNER

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SURVEYOR

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GEOTECHNICAL ENGINEER

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LANDSCAPE ARCHITECT

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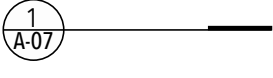

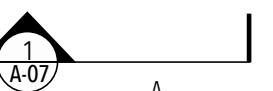
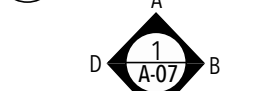




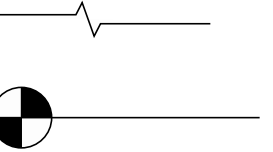
ARBORIST

Kiely Arborist Services
P.O. Box 6187
San Mateo, CA 94403
Contact: Kevin Kiely
T: 650-515-9783
E: kkarbor0476@yahoo.com

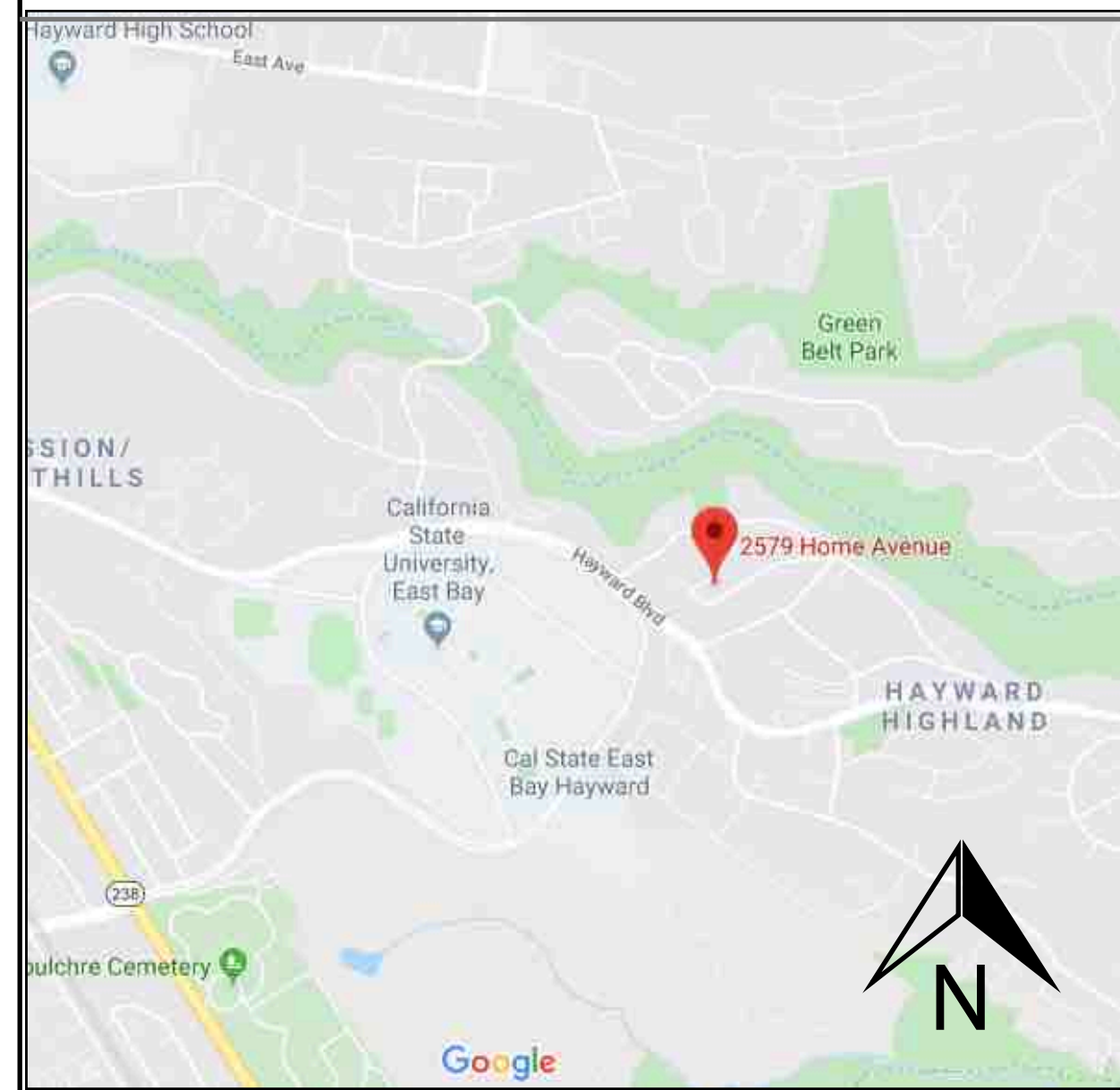
STRUCTURAL ENGINEER

IDS Engineering
6280 West Las Positas Blvd,
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Pleasanton CA, 94588
Contact: Steve Fedewa
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D: 925.413.3378
F: 925.461.2367
E: stevef@ids-eng.net

SYMBOLS

- DETAIL MARKER 
- ELEVATION MARKER 
- SECTION MARKER 
- INTERIOR ELEVATION MARKER 
- REVISION MARKER 
- DOOR SYMBOL 
- WINDOW SYMBOL 
- BREAK LINE 
- ELEVATION LINE 

VICINITY MAP



DRAWING INDEX

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- A-03 ROOF PLAN - PROPOSED
- A-04 1ST FLOOR: ADU FLOORPLAN - PROPOSED
- A-05 2ND FLOOR: ADU FLOORPLAN - PROPOSED
- A-06 1ST FLOOR: MAIN HOUSE PLAN - PROPOSED
- A-07 2ND FLOOR: MAIN HOUSE PLAN - PROPOSED
- A-08 EXTERIOR ELEVATIONS - PROPOSED
- A-09 EXTERIOR ELEVATIONS - PROPOSED
- A-10 COLOR RENDERINGS - PROPOSED

SURVEY

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- C-2 GRADING PLAN
- C-3 UTILITY & DRAINAGE PLAN
- C-4 SLOPE CALCULATION

LANDSCAPING

- L-1 LANDSCAPING PLAN
- L-2 IRRIGATION PLAN
- L-3 PLANTING NOTES, WATER & MAINTENANCE

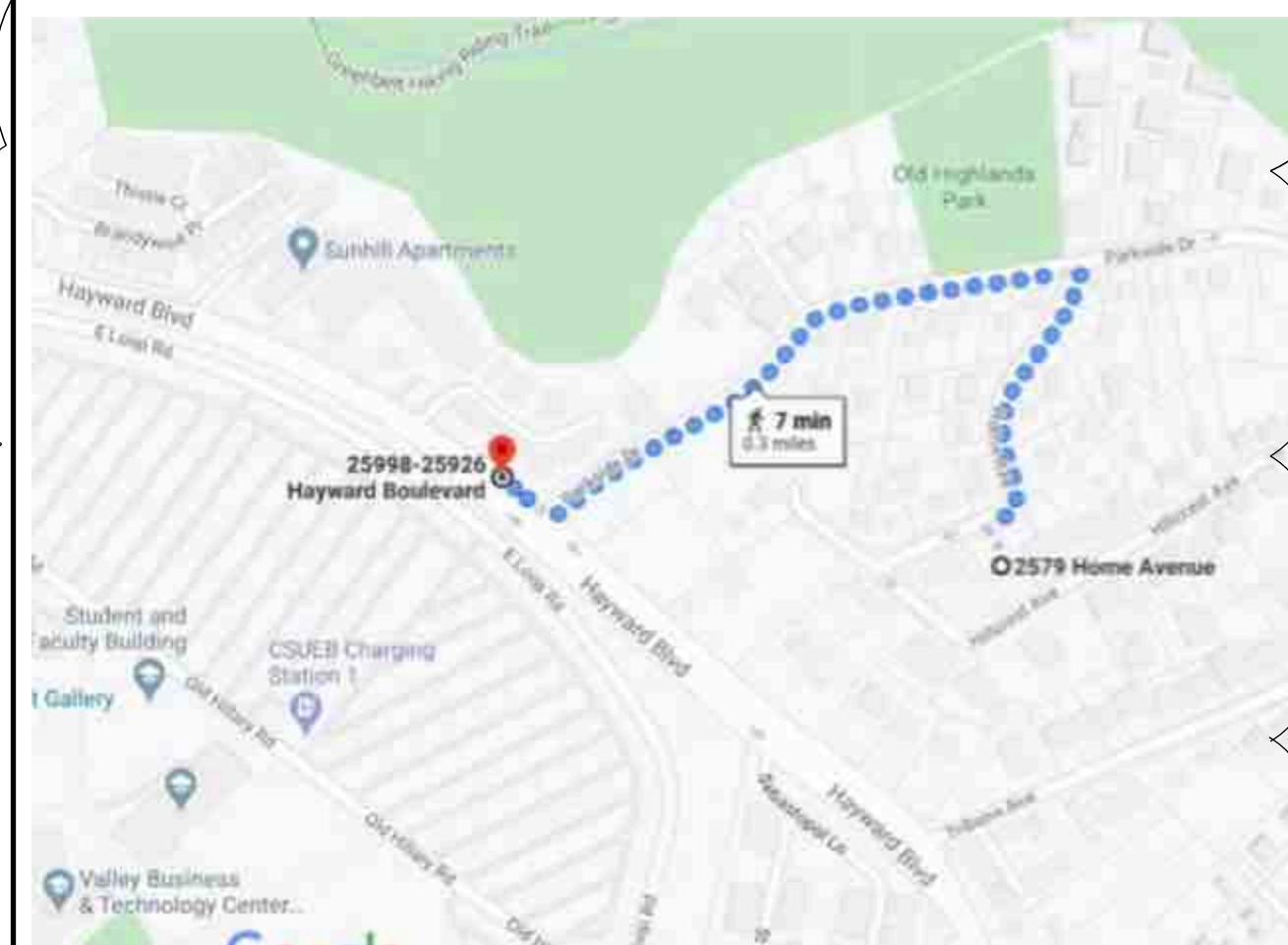
GEOTECHNICAL REPORT

See separate Geotechnical Report by Gray Geotech

ARBORIST REPORT

See separate Arborist Report by Kiely Arborist Services

TRANSIT INFO



DISTANCE TO NEAREST PUBLIC BUS STATION: .3 MILES
HAYWARD BLVD X PARKSIDE DR

GENERAL NOTES

- ALL CONSTRUCTION SHALL CONFORM TO CURRENT HAYWARD CODES AND ANY OTHER GOVERNING CODES, AMENDMENTS, RULES, REGULATIONS, ORDINANCES, LAWS, ORDERS, APPROVALS, ETC. THAT ARE REQUIRED BY APPLICABLE PUBLIC AUTHORITIES. IN THE EVENT OF CONFLICT THE MOST STRINGENT REQUIREMENTS SHALL APPLY.
 - THE GENERAL CONTRACTOR IS RESPONSIBLE FOR CHECKING CONTRACT DOCUMENTS, FIELD CONDITIONS, AND DIMENSIONS FOR ACCURACY AND CONFIRMING THE WORK CAN BE BUILT OR DEMOLISHED AS SHOWN BEFORE PROCEEDING WITH THE WORK. IF THERE ARE ANY QUESTIONS REGARDING THESE OR OTHER COORDINATION QUESTIONS, THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING A CLARIFICATION FROM THE DESIGNER BEFORE PROCEEDING WITH THE WORK IN QUESTION OR RELATED WORK.
 - ANY ERRORS, OMISSIONS OR CONFLICTS FOUND IN THE VARIOUS PARTS OF THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER BEFORE PROCEEDING WITH THE WORK.
 - CONTRACTOR SHALL THOROUGHLY EXAMINE THE PREMISES AND SHALL BASE HIS BID ON THE EXISTING CONDITIONS, NOTWITHSTANDING ANY INFORMATION SHOWN OR NOT SHOWN ON THE DRAWINGS.
- GENERAL NOTES (CONT'D)
- CONTRACTOR TO MAINTAIN ALL PROPER WORKMAN'S COMPENSATION AND LIABILITY INSURANCE THROUGHOUT THE DURATION OF PROJECT.
 - SUBSTITUTIONS, REVISIONS OR CHANGES MUST HAVE PRIOR APPROVAL OF DESIGNER.
 - DURING THE BIDDING AND NEGOTIATION PERIOD THE GENERAL CONTRACTOR AND SUBCONTRACTOR(S) SHALL CONFIRM IN WRITING APPROX. ONSITE DELIVERY DATES FOR ALL CONSTRUCTION MATERIALS AS REQUIRED BY THE CONSTRUCTION DOCUMENTS AND SHALL NOTIFY THE DESIGNER IN WRITING OF ANY POSSIBLE CONSTRUCTION DELAYS AFFECTING OCCUPANCY THAT MAY ARISE DUE TO THE AVAILABILITY OF THE SPECIFIED PRODUCT.
 - ALL WORK SHALL BE PERFORMED SUCH THAT DAMAGE TO EXISTING LANDSCAPE AND/OR PERSONAL PROPERTY IS PREVENTED OR MINIMIZED.
 - CONTRACTOR SHALL TAKE MEASURES TO PROTECT ADJACENT PROPERTIES. USE VISQUEEN, PLYWOOD, ETC. TO MINIMIZE NOISE, DUST, ETC.
 - IN THE EVENT THAT FOUNDATION MIGHT AFFECT ADJACENT PROPERTIES, CONTRACTOR SHALL TAKE ALL APPROPRIATE STEPS TO NOTIFY THE PROPERTY OWNER OF THE CONDITION, AND TO ADEQUATELY PROTECT THE ADJACENT STRUCTURE.
 - WRITTEN DIMENSIONS REFER TO FACE OF FINISH OR CENTER-LINE UNLESS OTHERWISE NOTED. EXTERIOR WALLS ARE DIMENSIONED TO FACE OF SHEATHING, U.O.N.
 - DIMENSIONS ARE TO TOP OF FINISHED FLOOR, SLAB OR DECK IN SECTION OR ELEVATION, UNLESS OTHERWISE NOTED.
 - "SIM." OR "SIMILAR" MEANS COMPARABLE CHARACTERISTICS FOR THE ITEM NOTED. VERIFY DIMENSIONS AND ORIENTATION ON PLAN.
 - "TYP." OR "TYPICAL" MEANS IDENTICAL FOR ALL SIMILAR CONDITIONS UNLESS NOTED OTHERWISE.
 - DIMENSIONS NOTED "CLR" OR "CLEAR" ARE MINIMUM REQUIRED DIMENSIONS AND CLEARANCES MUST BE ACCURATELY MAINTAINED.
 - CONTRACTOR TO VERIFY DIMENSIONS AND CONDITIONS IN FIELD. IF CONDITIONS ARE SIGNIFICANTLY DIFFERENT THAN REPRESENTED IN DRAWINGS, VERIFY CONDITIONS WITH DESIGNER.
 - ALL MATERIALS & EQUIPMENT TO BE NEW UNLESS OTHERWISE NOTED.
 - ALL MATERIALS & EQUIPMENT TO BE INSTALLED PER MANUFACTURER'S INSTRUCTIONS.
 - WINDOW AND DOOR SIZES ARE NOMINAL DIMENSIONS. REFER TO MANUFACTURER'S SPECIFICATIONS FOR ACTUAL ROUGH OPENINGS.
 - WHERE LOCATIONS OF WINDOWS AND DOORS ARE NOT DIMENSIONED, THEY SHALL BE CENTERED IN THE WALL OR PLACED TWO STUD WIDTHS FROM ADJACENT WALL AS INDICATED ON DRAWINGS, UNLESS OTHERWISE NOTED.
 - ALL CHANGES IN FLOOR MATERIAL SHALL OCCUR AT CENTERLINE OF DOOR OR FRAMED OPENING, UNLESS OTHERWISE INDICATED ON THE DRAWINGS.
 - SEALANT, CAULKING, FLASHING, ETC. LOCATIONS SHOWN ON DRAWINGS ARE INTENDED TO BE INCLUSIVE. FOLLOW MANUFACTURER'S INSTALLATION RECOMMENDATIONS AND STANDARD INDUSTRY AND BUILDING PRACTICES.
 - ALL ATTICS, RAFTER SPACES, SOFFITS, CRAWL SPACES, ETC. TO BE FULLY VENTILATED PER APPLICABLE CODE.
 - PROVIDE WOOD BLOCKING FOR ALL TOWEL BARS, ACCESSORIES, ETC.
 - MEET ALL CALIFORNIA ENERGY CONSERVATION REQUIREMENTS INCLUDING BUT NOT LIMITED TO:
 - MIN. ROOF/CEILING INSULATION R-19
 - MIN. WALL INSULATION IN FRAMED EXTERIOR WALLS R-13
 - MIN. FLOOR INSULATION OVER CRAWL/UNOCCUPIED SPACES R-13
 - ALL INSULATION TO MEET CEC QUALITY STANDARDS
 - INFILTRATION CONTROL:
 - DOORS AND WINDOWS WEATHER-STRIPPED.
 - EXHAUST SYSTEMS DAMPENED.
 - DOORS AND WINDOWS CEC CERTIFIED AND LABELED.
 - ALL JOINTS AND PENETRATIONS CAULKED AND SEALED.
 - DUCTS CONSTRUCTED AND INSTALLED PER UMC.
 - ELECTRICAL OUTLET PLATE GASKETS SHALL BE INSTALLED ON ALL RECEPTACLES, SWITCHES AND ELECTRICAL BASES ON EXTERIOR WALLS.
 - SMOKE ALARMS ARE TO BE INSTALLED IN ALL SLEEPING ROOMS. SMOKE ALARMS SHALL BE HARDWIRED TO 110V HOUSE WIRING AND WIRED TOGETHER IN SERIES. MINIMUM ONE ALARM PER STORY. REFER TO PLANS FOR LOCATIONS.
 - GENERAL CONTRACTOR IS TO COORDINATE INSTALLATION OF NOT IN CONTRACT ITEMS WITH OTHER TRADES.
 - LOCATION/SPECIFICATION OF SAFETY GLAZING (TEMPERED GLASS) ARE SOLE RESPONSIBILITY OF CONTRACTOR. ALL DOORS WITH GLAZING AND ALL GLAZING OF WINDOWS WITHIN 24" OF EDGE OF ANY DOOR SHALL BE TEMPERED GLASS (UBC SECTION 2406)

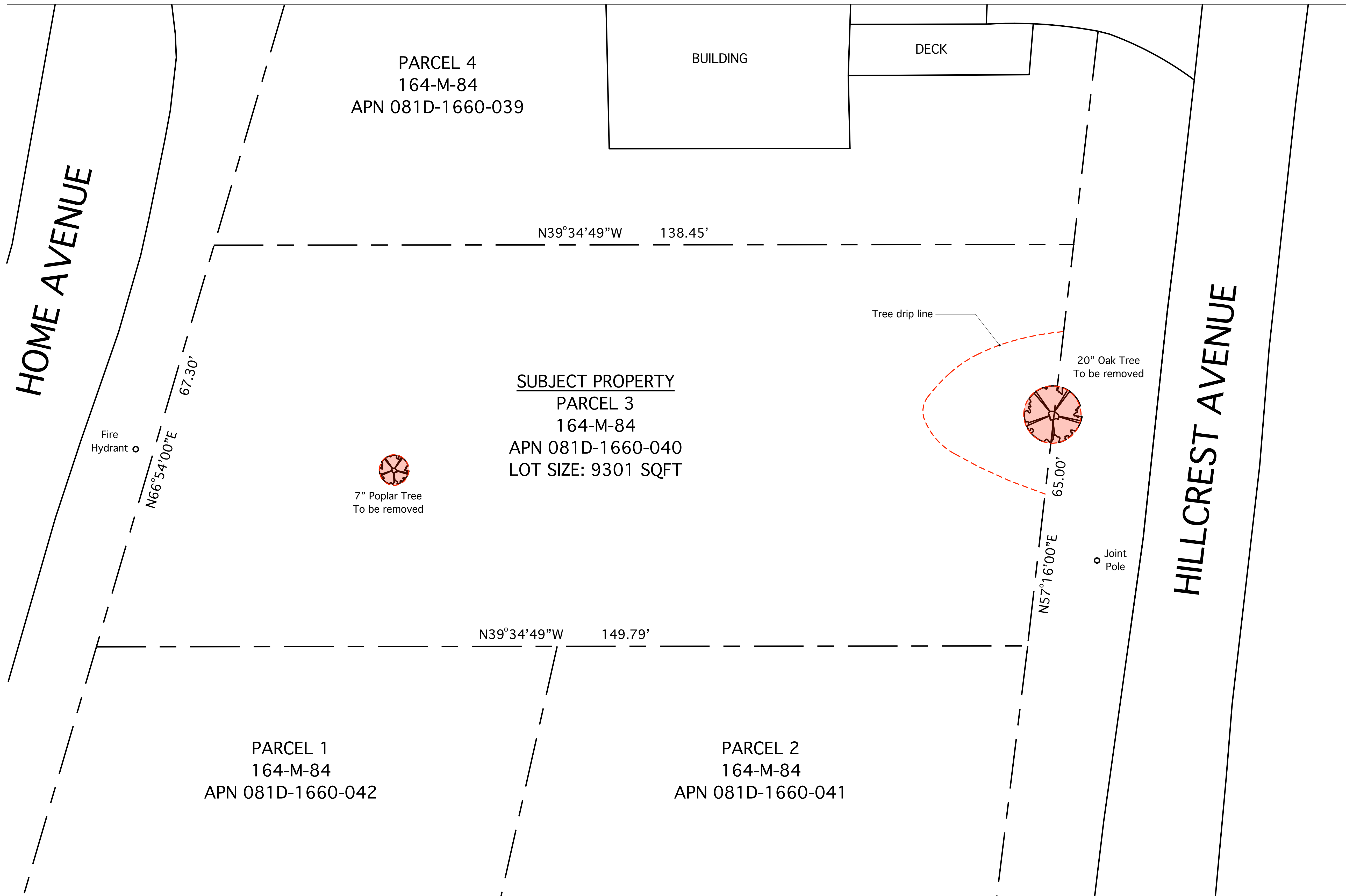
REVISIONS

MM/DD/YY	INITIAL PLAN DATE	REMARKS
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06/01/20 <td>DELTA1 <td></td> </td>	DELTA1 <td></td>	

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DESIGN + CONSTRUCTION + DEVELOPMENT

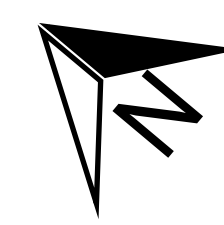
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Parcel 3, 164-M-84
Title Sheet



1 Site Plan: Existing

SCALE: 1/8" = 1'-0"



LEGEND

	Property Line
	Property Line
	Areas Removed

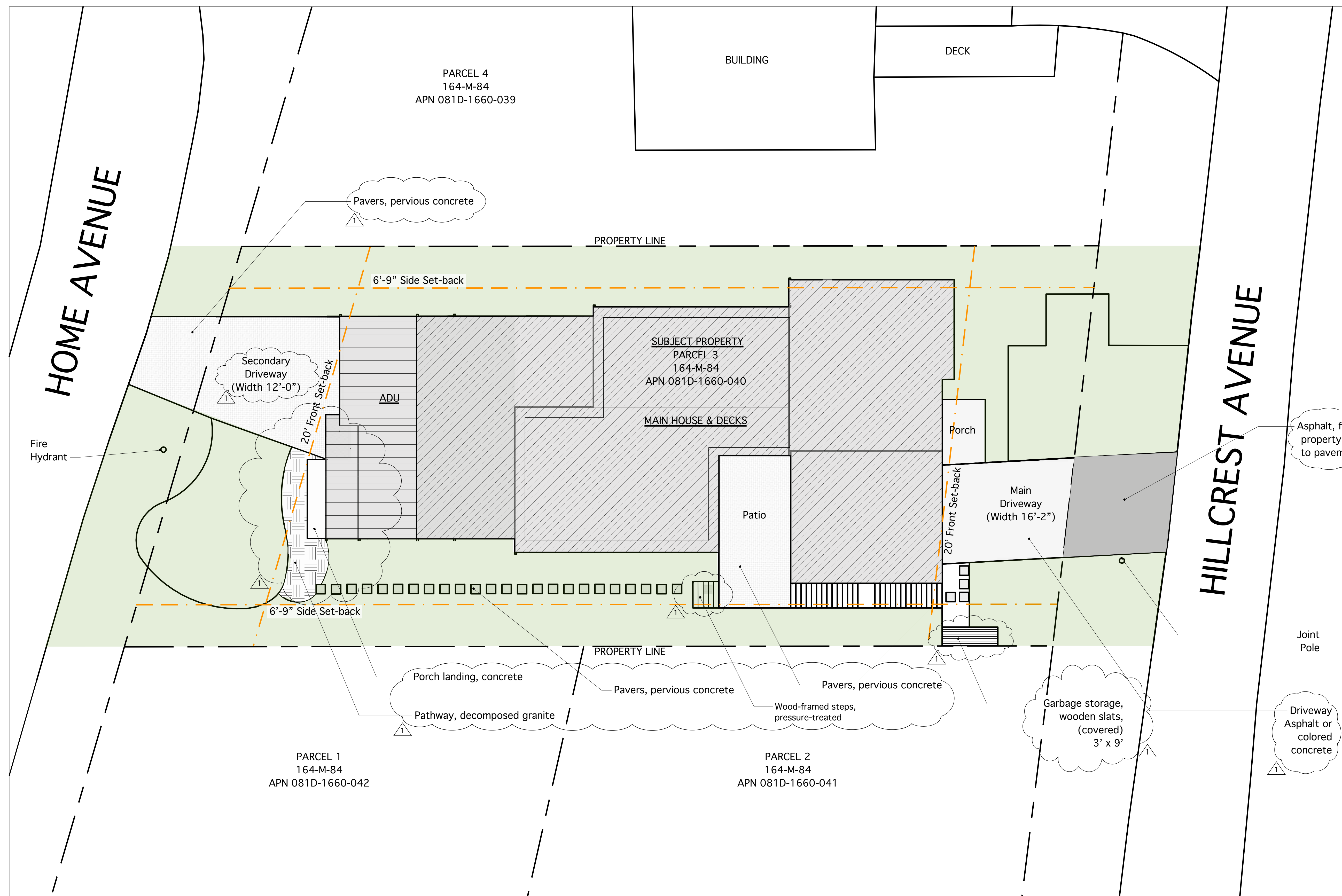
REVISIONS

NO.	DATE	REVISIONS
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4	--/--/--	--
5	--/--/--	--



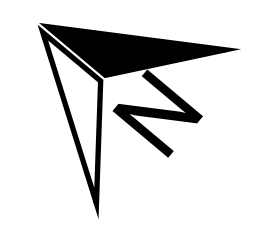
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**Parcel 3, 164-M-84
 Existing Site Plan**



1 Site Plan: Proposed
 SCALE: 1/8" = 1'-0"

LOT SIZE: 9301 SQFT
 BUILDING FOOTPRINT: 3468 SQFT
 LOT COVERAGE: 3468 SQFT / 9301 SQFT = 37%



LEGEND

	Property Line
	Set-back Line
	Slope 1/8" H : 1' L (min)
	Down-spout / scupper

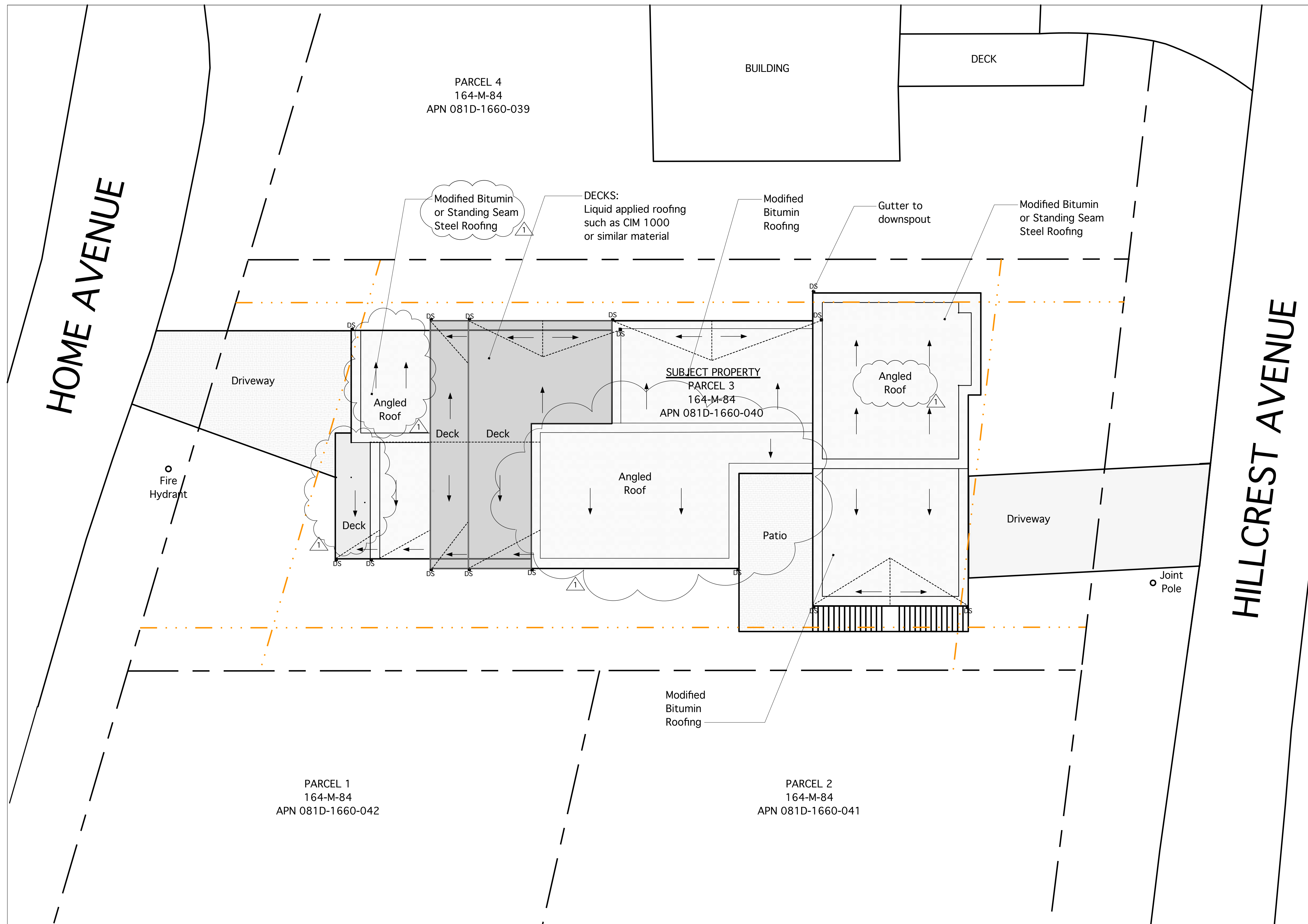
REVISIONS

NO.	DATE	REVISIONS
1	01/22/20	INITIAL PLAN DATE
2	06/01/20	DELTA 1
3	---	---
4	---	---
5	---	---

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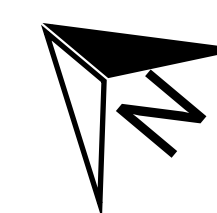
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**Parcel 3, 164-M-84
 Proposed Site Plan**



1 Roof Plan: Proposed

SCALE: 1/8" = 1'-0"



LEGEND

	Property Line
	Set-back Line
	Slope 1/8" H : 1' L (min)
	Down-spout / scupper

REVISIONS	MM/DD/YY	INITIAL PLAN DATE	REMARKS
1	01/22/20	DELTA 1	
2	06/01/20		
3			
4			
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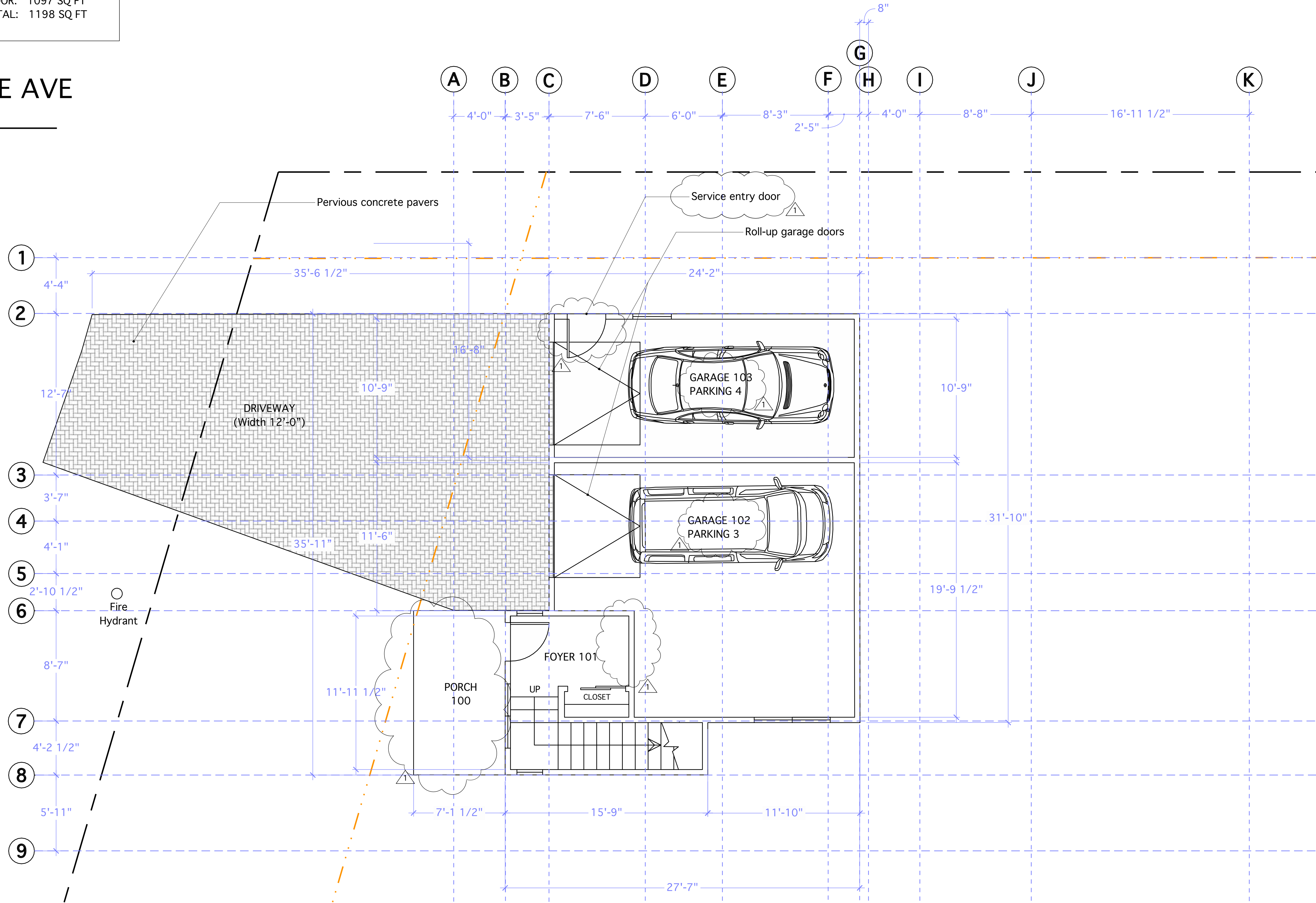
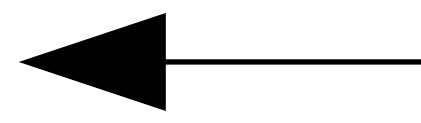
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**Parcel 3, 164-M-84
Proposed Roof Plan**

CONDITIONED SIZE

1ST FLOOR: 101 SQ FT
 2ND FLOOR: 1097 SQ FT
 ADU TOTAL: 1198 SQ FT

HOME AVE



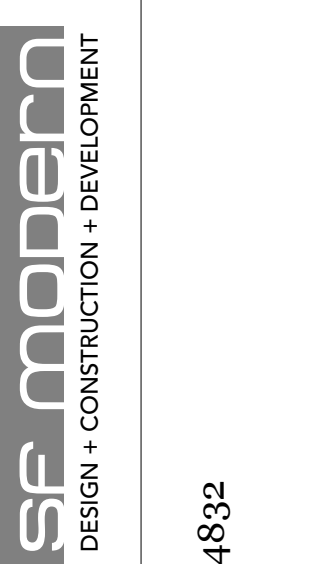
1 ADU Floor Plan, Level 1: Proposed

SCALE: 1/4" = 1'-0"

LEGEND

- Property Line
- Set-back Line
- Slope 1/8" H : 1' L (min)
- DS Down-spout / scupper

REVISIONS	REMARKS	MM/DD/YY	INITIAL PLAN DATE
1		01/22/20	DELTA
2		06/01/20	
3			
4			
5			



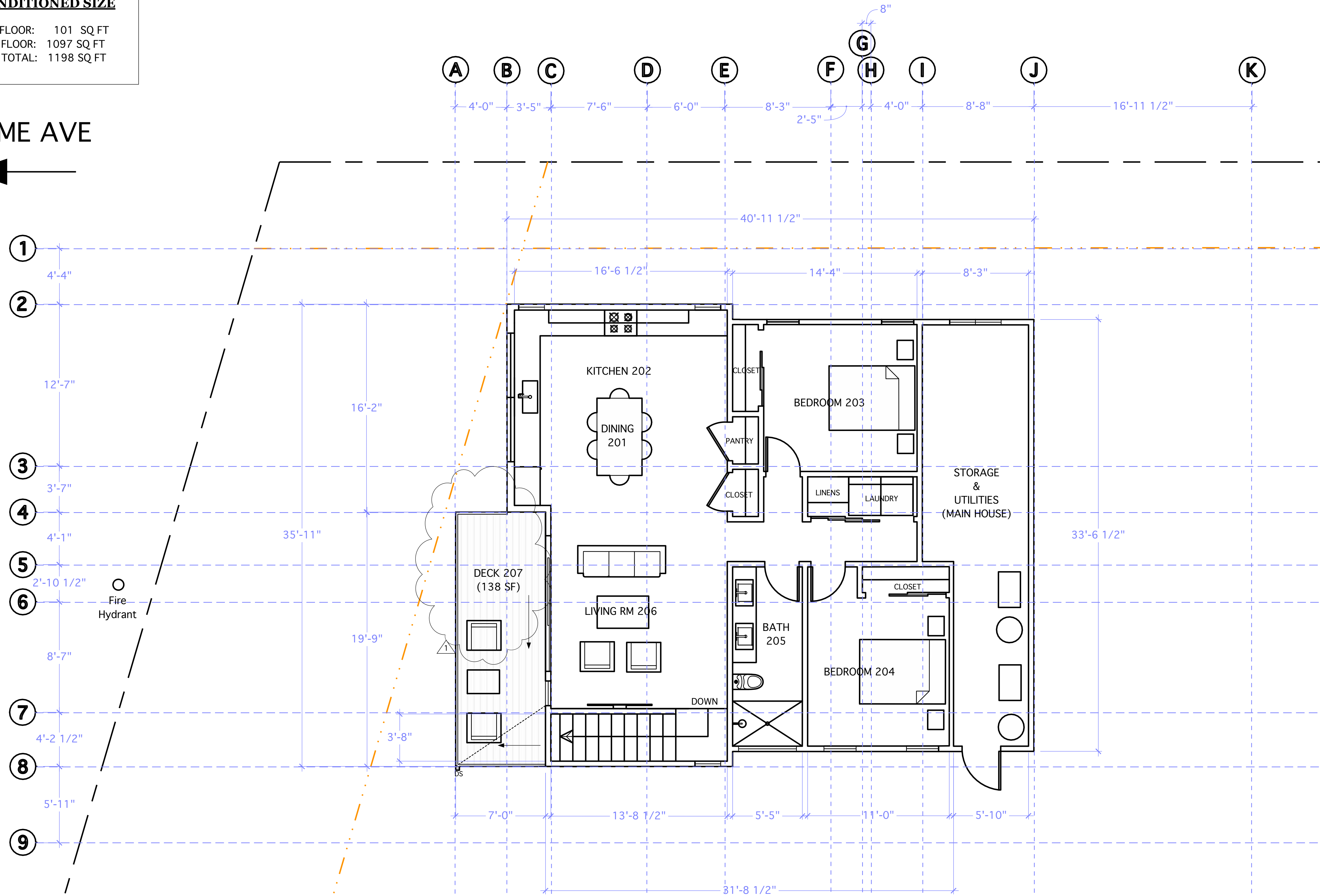
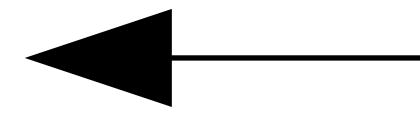
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**Parcel 3, 164-M-84
 ADU Floorpan, Level 1**

CONDITIONED SIZE

1ST FLOOR: 101 SQ FT
 2ND FLOOR: 1097 SQ FT
 ADU TOTAL: 1198 SQ FT

HOME AVE



1 ADU Floor Plan, Level 2: Proposed

SCALE: 1/4" = 1'-0"

LEGEND

- Property Line
- Set-back Line
- Slope 1/8" H : 1' L (min)
- Down-spout / scupper

NO.	DATE	REVISIONS
1	01/22/20	INITIAL PLAN DATE
2	06/01/20	DELTA 1
3	--/--/--	--
4	--/--/--	--
5	--/--/--	--

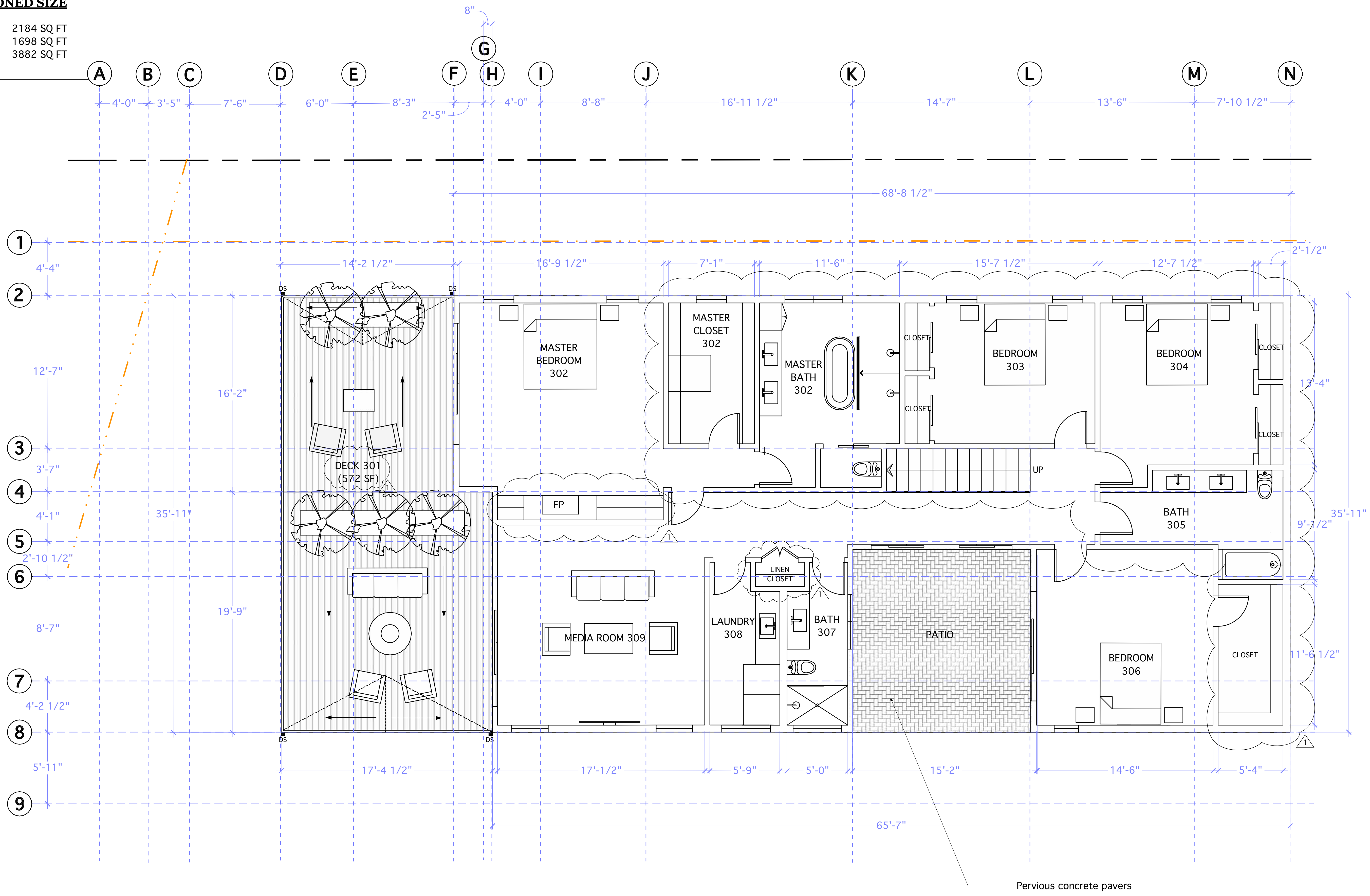
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**Parcel 3, 164-M-84
 ADU Floorplan, Level 2**

CONDITIONED SIZE

1ST FLOOR: 2184 SQ FT
 2ND FLOOR: 1698 SQ FT
 MAIN TOTAL: 3882 SQ FT



1 Main House, Level 1: Proposed

SCALE: 1/4" = 1'-0"

LEGEND

- Property Line
- Set-back Line
- Slope 1/8" H : 1' L (min)
- Down-spout / scupper

NO.	DATE	REVISIONS
1	01/22/20	INITIAL PLAN DATE
2	06/01/20	DELTA
3		
4		
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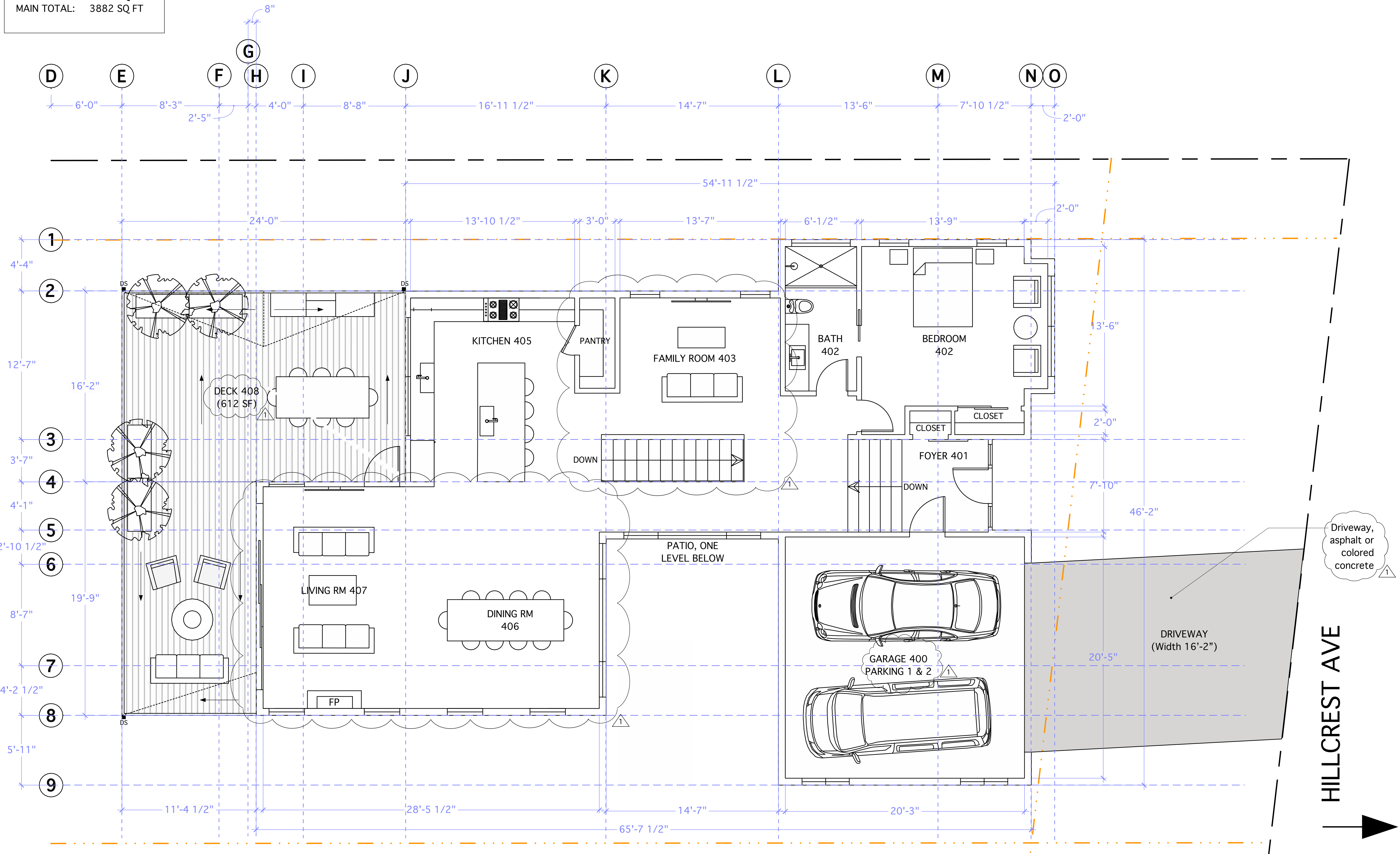
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**Parcel 3, 164-M-84
 Main House, Level 1**

CONDITIONED SIZE

1ST FLOOR: 2184 SQ FT
 2ND FLOOR: 1698 SQ FT
 MAIN TOTAL: 3882 SQ FT



1 Main House, Level 2: Proposed
 SCALE: 1/4" = 1'-0"

LEGEND

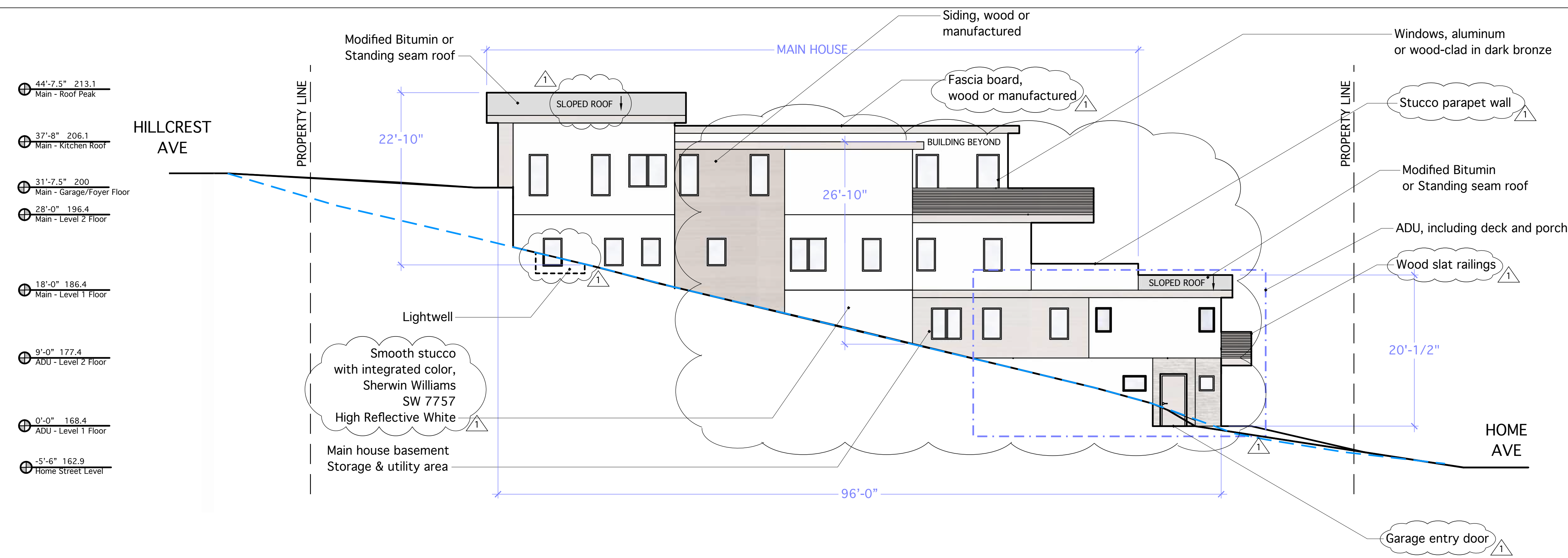
- Property Line
- Set-back Line
- Slope 1/8" H : 1' L (min)
- Down-spout / scupper

REVISIONS	REMARKS	MM/DD/YY	INITIAL PLAN DATE
1	DELTA	01/22/20	DELTA
2		06/01/20	
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 DESIGN + CONSTRUCTION + DEVELOPMENT

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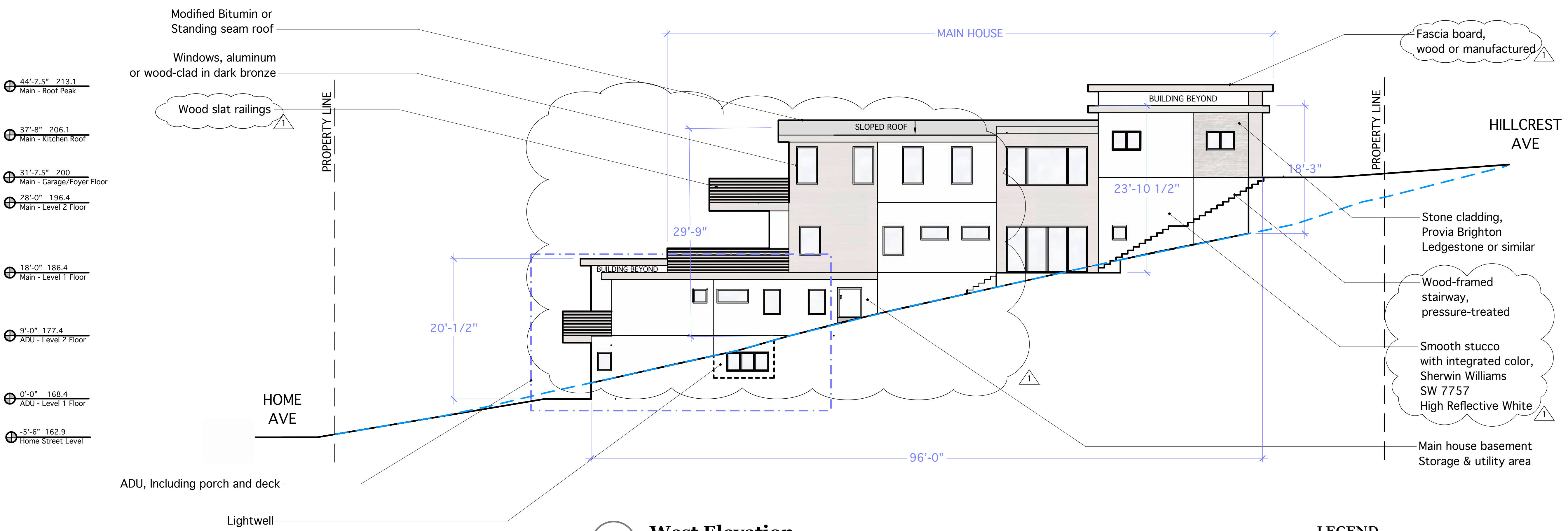
**Parcel 3, 164-M-84
 Main House, Level 2**



1 East Elevation SCALE: 1/8" = 1'-0"

LEGEND

- Property Line
- - - Existing Grade Line



2 West Elevation SCALE: 1/8" = 1'-0"

LEGEND

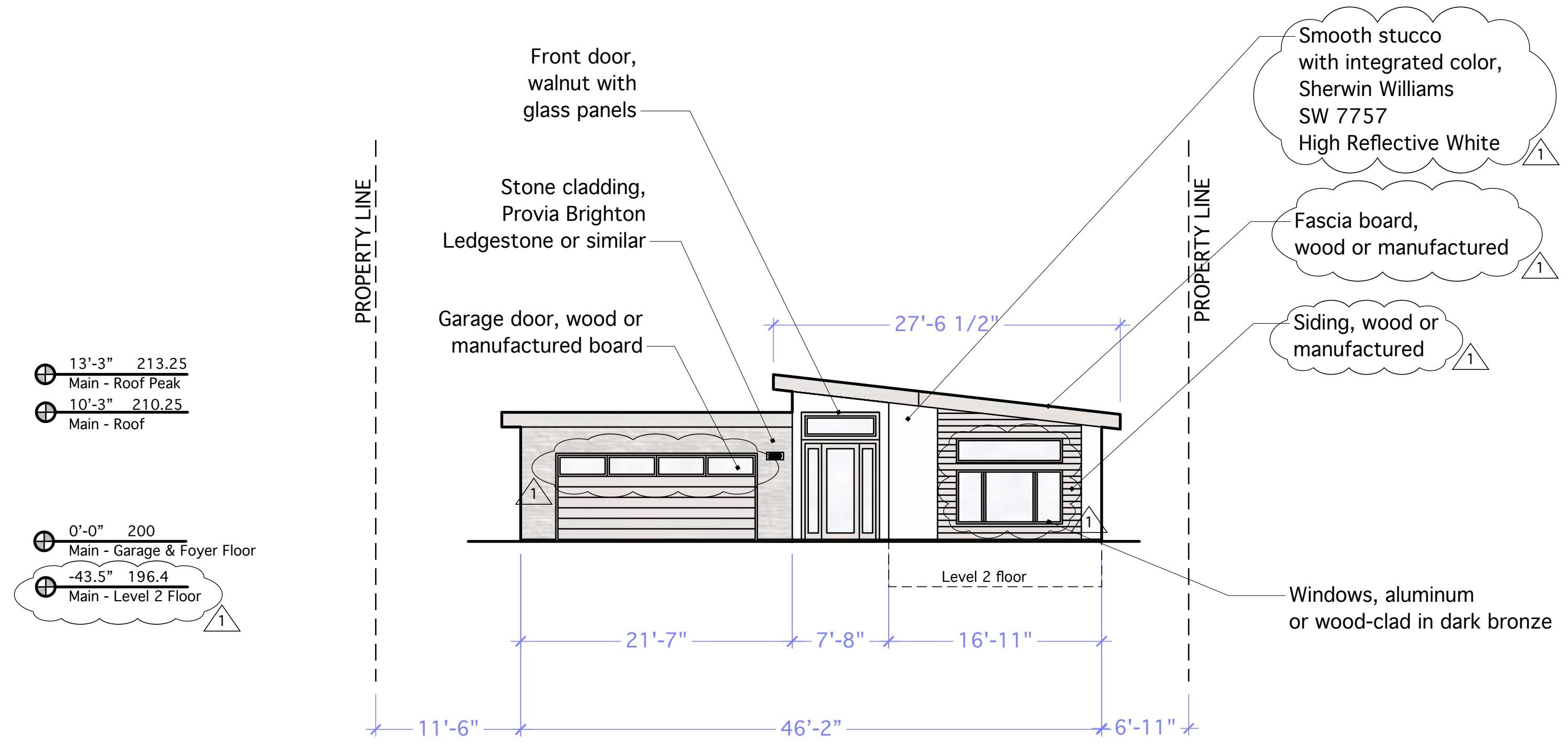
- Property Line
- - - Existing Grade Line

REVISIONS	REMARKS	MM/DD/YY	INITIAL PLAN DATE
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2		06/01/20	
3			
4			
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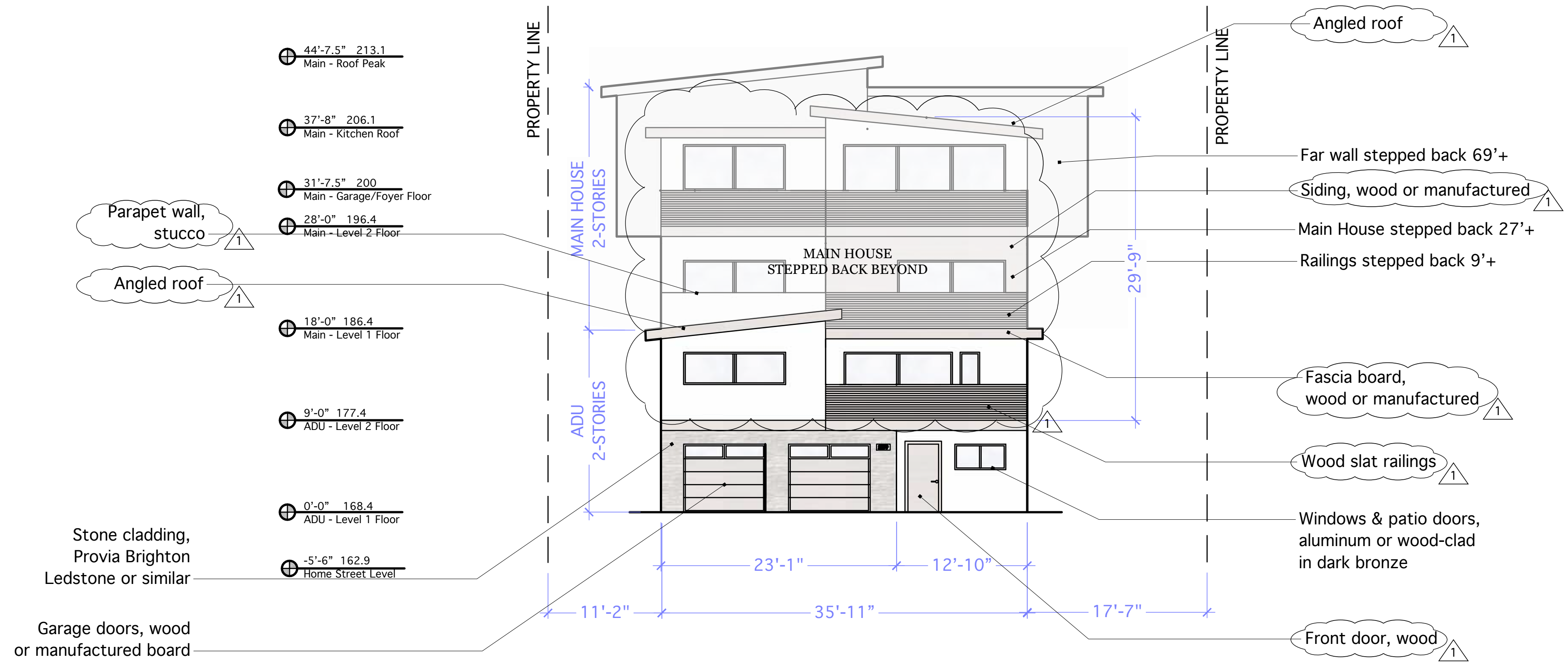
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Parcel 3, 164-M-84
Elevations - Proposed



1 South Elevation: Main House
SCALE: 1/8" = 1'-0"



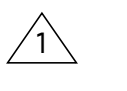
2 North Elevation: ADU
SCALE: 1/8" = 1'-0"

REVISIONS	REMARKS	MM/DD/YY	INITIAL PLAN DATE
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2		06/01/20	DELTA 1
3		--/--/--	--
4		--/--/--	--
5		--/--/--	--

SF modern
DESIGN + CONSTRUCTION + DEVELOPMENT

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Parcel 3, 164-M-84
Elevations - Proposed



SF modern
DESIGN + CONSTRUCTION + DEVELOPMENT

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REVISIONS	MM/DD/YY	INITIAL PLAN DATE	REMARKS
1	01/22/20	DELTA 1	
2	06/01/20		
3	--/--/--		
4	--/--/--		
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Parcel 3, 164-M-84
Renderings

ABBREVIATIONS

A.B.	AGGREGATE BASE
A.C.	ASPHALT CONCRETE
B.C.	BEGINNING OF CURVE(HORIZONTAL)
BLDG	BUILDING
BOW/BWLK	BACK OF WALK
B.V.C.	BEGINNING OF VERTICAL CURVE
C.B.	CATCH BASIN
CLF	CHAIN LINK FENCE
C.O.	CLEAN OUT
CONT.	CONTINUOUS
D.I.	DRAINAGE INLET
D/W	DRIVEWAY
E.C.	END OF CURVE(HORIZONTAL)
ELEV.	ELEVATION
EXIST.	EXISTING
E.V.C.	END OF VERTICAL CURVE
F.F.	FINISHED FLOOR ELEVATION
F.G.	FINISHED GRADE
F.H.	FIRE HYDRANT
F.C.	FACE OF CURB
F.L.	FLOW LINE
FOC	FACE OF CURB
F.S.	FINISHED SURFACE
G.B.	GRADE BREAK
G.V.	GATE VALVE
H.P.	HIGH POINT
I.D.	INSIDE DIAMETER
INV.	INVERT
J.P.	JOINT POLE
L.F.	LINEAL FEET
L.P.	LOW POINT
L&T	LEAD & TACK
MAX.	MAXIMUM
M.H.	MANHOLE
MIN.	MINIMUM
M.V.C.	MIDDLE OF VERTICAL CURVE
M.W.	MONITORING WELL
NO.	NUMBER
N.T.S.	NOT TO SCALE
P.C.C.	PORTLAND CEMENT CONCRETE
P.C.R.	POINT OF CURB RETURN
P.P.B.	PEDESTRIAN PUSH BUTTON
PP&T	PLASTIC PLUG & TACK
P.V.C.	POLYVINYL CHLORIDE
P.V.I.	POINT OF VERTICAL INTERSECTION
R	RADIUS
R.C.P.	REINFORCED CONCRETE PIPE
R/W	RIGHT-OF-WAY
S	SLOPE
S.D.	STORM DRAIN
S.D.M.N	STORM DRAIN MANHOLE
S.F.	SQUARE FEET
SHT.	SHEET
S.S.M.H.	SANITARY SEWER MANHOLE
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.FOC	TOP FACE OF CURB
TYP.	TYPICAL
U.O.N.	UNLESS OTHERWISE NOTED
V.C.	VERTICAL CURVE
V.C.P.	VITRIFIED CLAY PIPE (EXTRA STRENGTH)
W	WATER
W.M.	WATER METER
W.V.	WATER VALVE

BASIS OF ELEVATION

TOP OF THE RIM OF SANITARY SEWER MANHOLE AT INTERSECTION OF HOME AVENUE AND HILLCREST AVENUE. TBM ELEVATION: 173.29'

BASIS OF BEARING

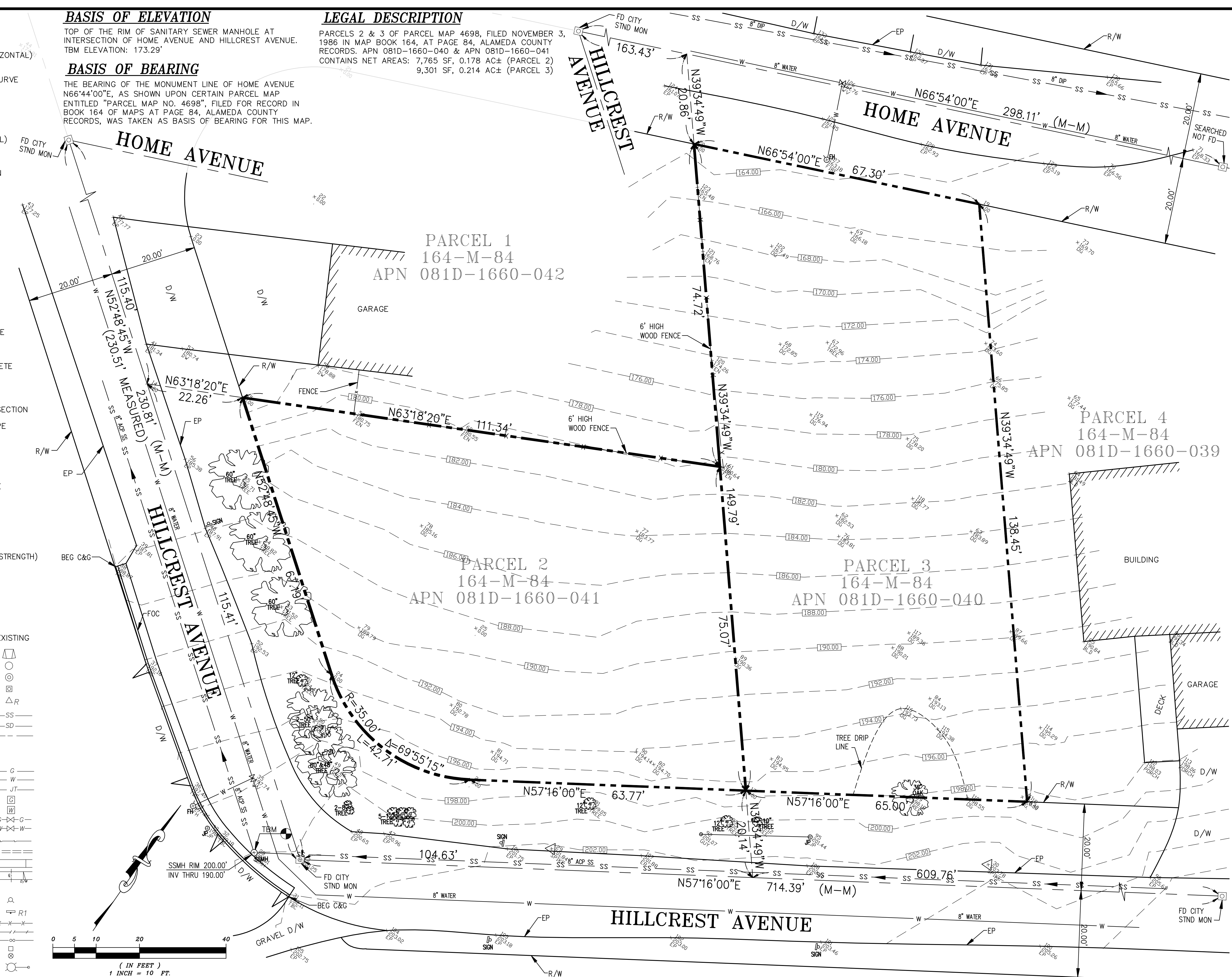
THE BEARING OF THE MONUMENT LINE OF HOME AVENUE N66°44'00"E, AS SHOWN UPON CERTAIN PARCEL MAP ENTITLED "PARCEL MAP NO. 4698", FILED FOR RECORD IN BOOK 164 OF MAPS AT PAGE 84, ALAMEDA COUNTY RECORDS, WAS TAKEN AS BASIS OF BEARING FOR THIS MAP.

LEGAL DESCRIPTION

PARCELS 2 & 3 OF PARCEL MAP 4698, FILED NOVEMBER 3, 1986 IN MAP BOOK 164, AT PAGE 84, ALAMEDA COUNTY RECORDS. APN 081D-1660-040 & APN 081D-1660-041 CONTAINS NET AREAS: 7,765 SF, 0.178 AC± (PARCEL 2) 9,301 SF, 0.214 AC± (PARCEL 3)

LEGEND

DESCRIPTION	PROPOSED	EXISTING
WHEELCHAIR RAMP		
SANITARY MANHOLE		
STORM MANHOLE		
CITY SURVEY MONUMENT		
STANDARD HOODED INLET		
SANITARY SEWER		
STORM SEWER		
CENTER LINE		
PROPERTY LINE		
MATCH LINE		
GAS LINE		
WATER LINE		
JOINT TRENCH		
GAS METER		
WATER METER		
GAS VALVE		
WATER VALVE		
EDGE OF PAVEMENT		
CURB AND GUTTER		
SIDEWALK		
DRIVEWAY		
PAVING CONFORM		
FIRE HYDRANT		
STREET SIGN		
FENCE(TYPE)		
ELECTRICAL CONDUIT		
OVERHEAD CONDUCTORS		
PULL BOX		
UTILITY POLE		
ELECTROLIER		



ADVANCED DEVELOPMENT

2983 BENJAMIN COURT
SAN JOSE, CALIFORNIA 95124
(408) 376-0570
JACOB SAIDIAN - CIVIL ENGINEER

TOPOGRAPHICAL & RECORD BOUNDARY SURVEY FOR: APN 081D-1660-040 & 041 HOME AVENUE & 2579 HILLCREST AVENUE HAYWARD CALIFORNIA

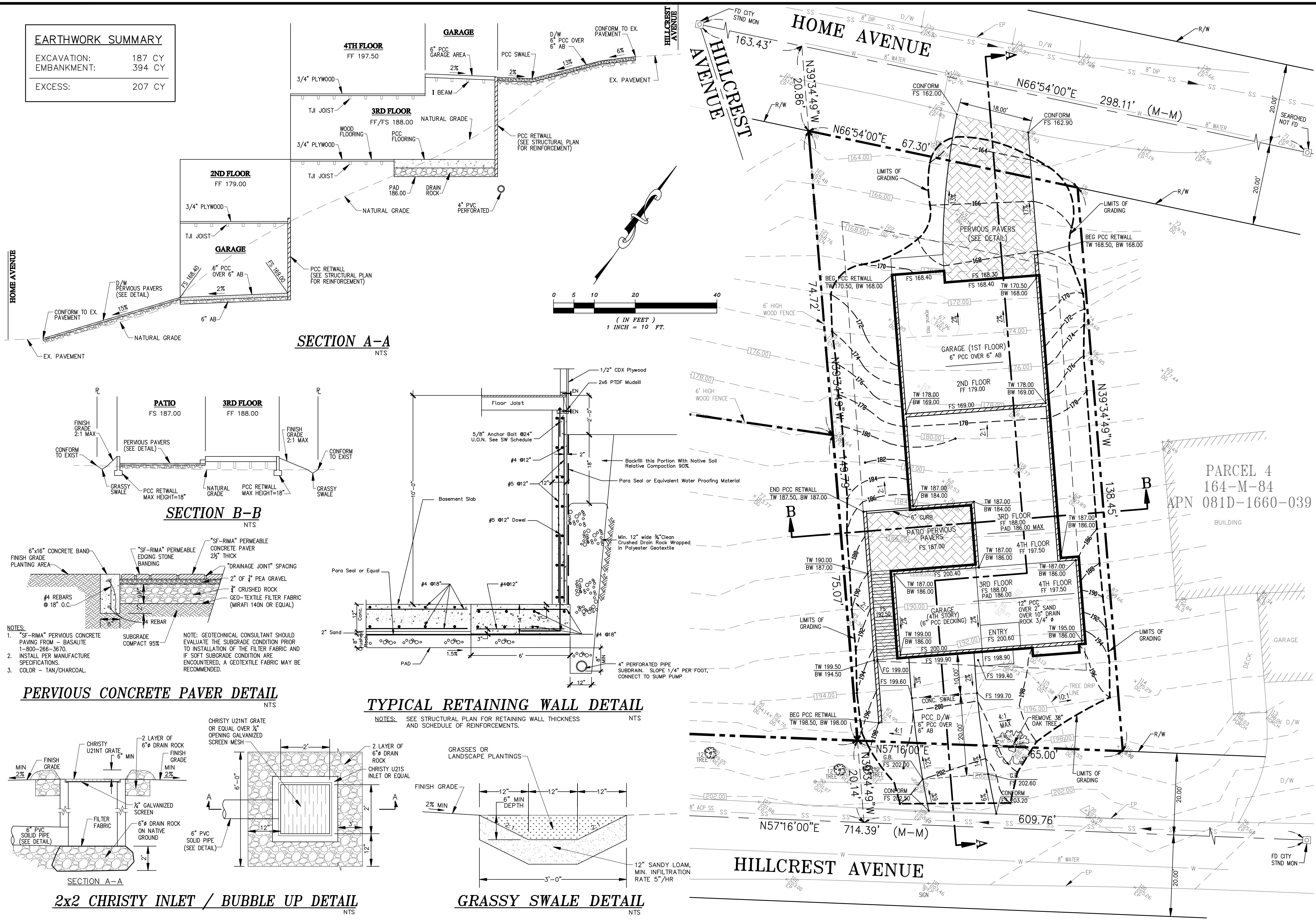
APPROVED BY: JACOB SAIDIAN, PROFESSIONAL ENGINEER, No. 33503, Exp. 08/20/18

CHECKED: JS, DRAWN: AG, DESIGNED: JS, SURVEYED: JS, SCALE: 1"=10', DATE: 05-06-2018

SHEET NO. **C1** OF 1
JOB NO. 401

EARTHWORK SUMMARY

EXCAVATION:	187 CY
EMBANKMENT:	394 CY
EXCESS:	207 CY



SECTION A-A
NTS

SECTION B-B
NTS

TYPICAL RETAINING WALL DETAIL
NTS

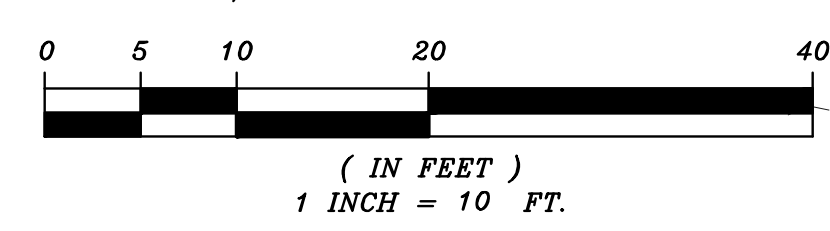
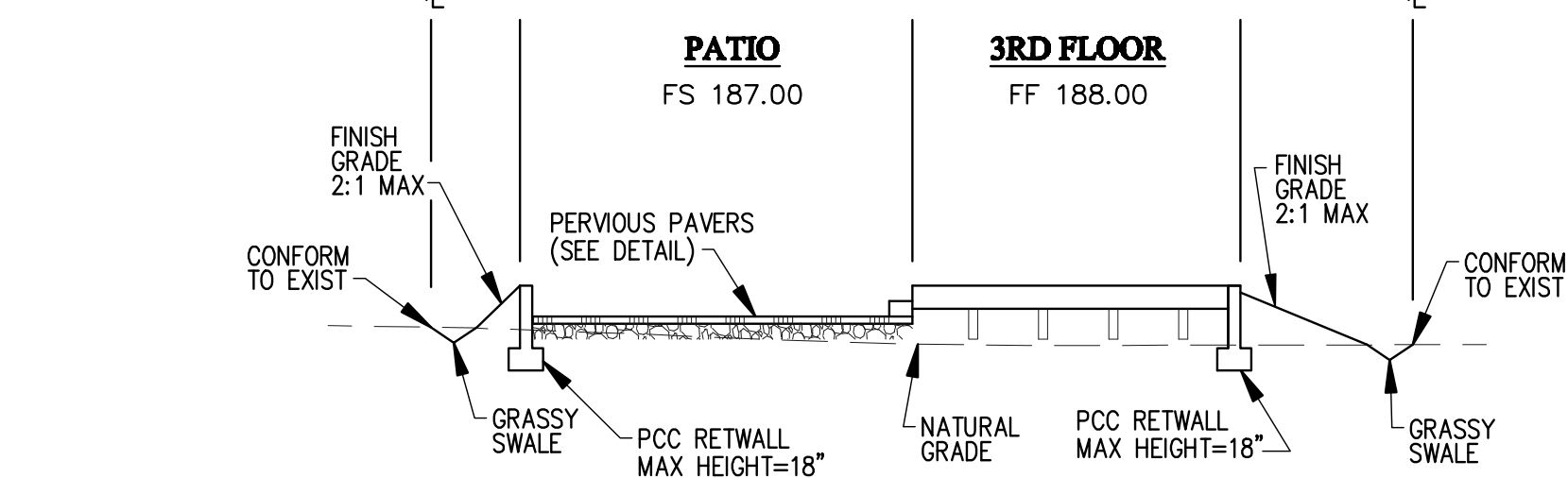
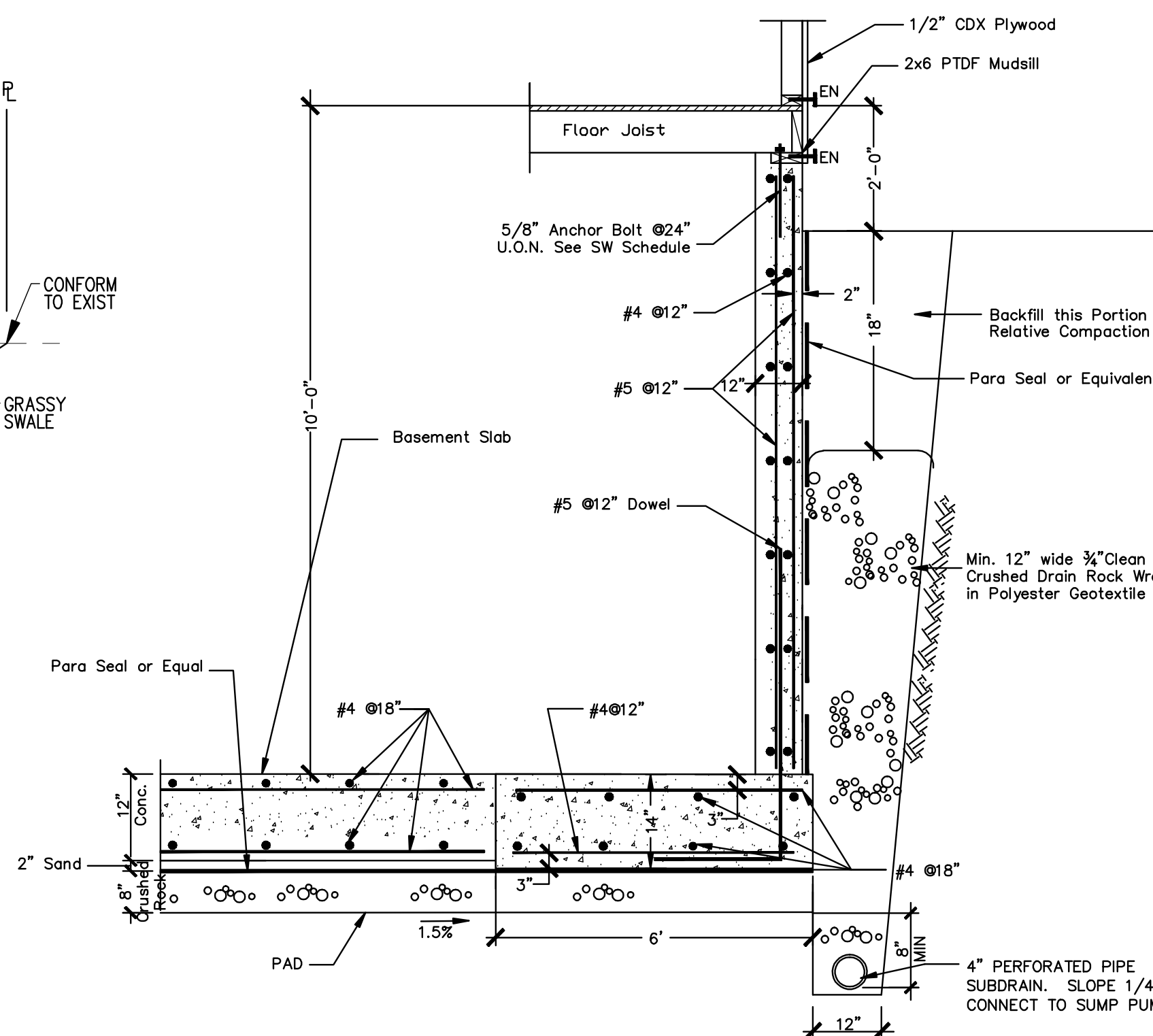
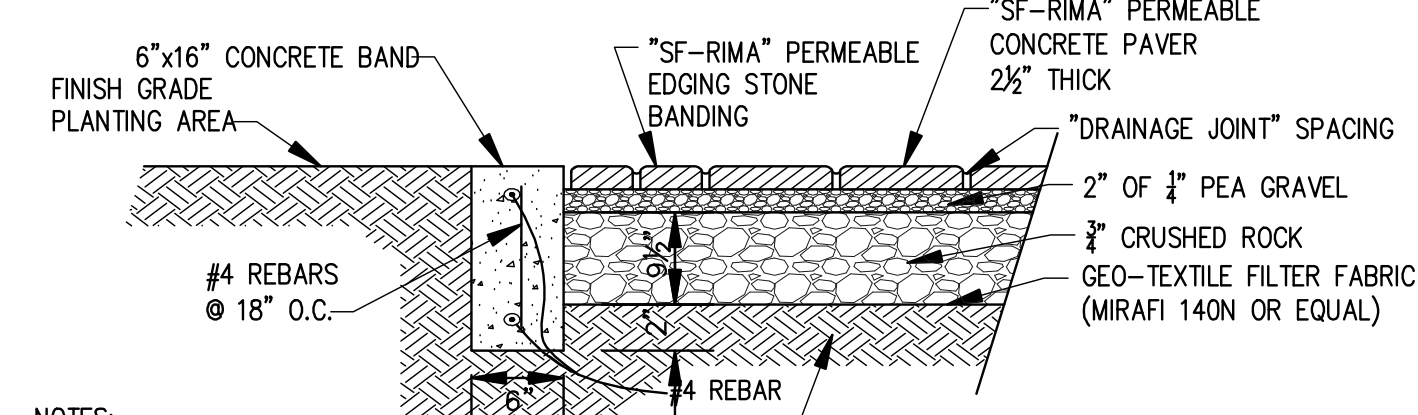
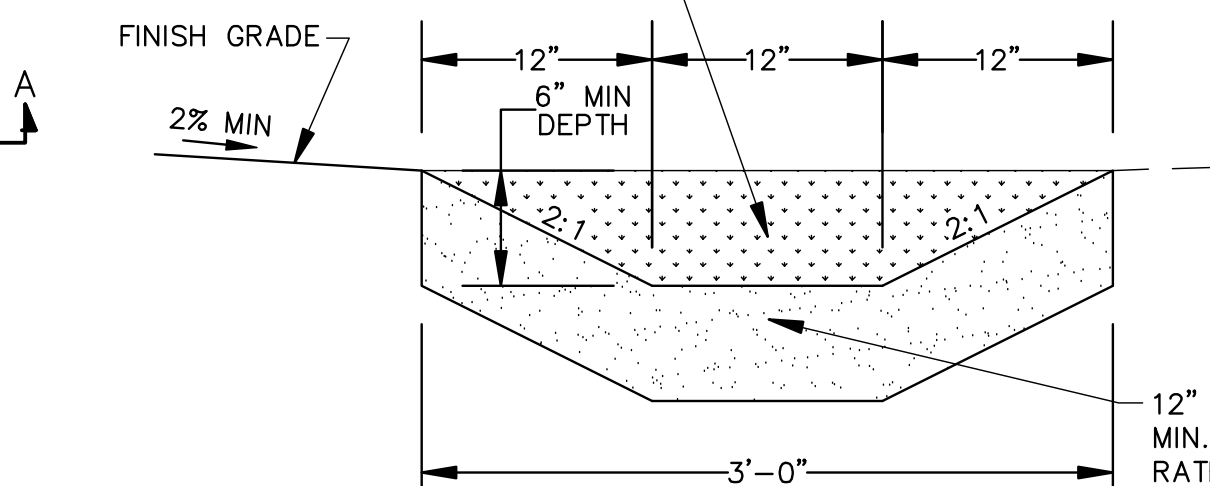
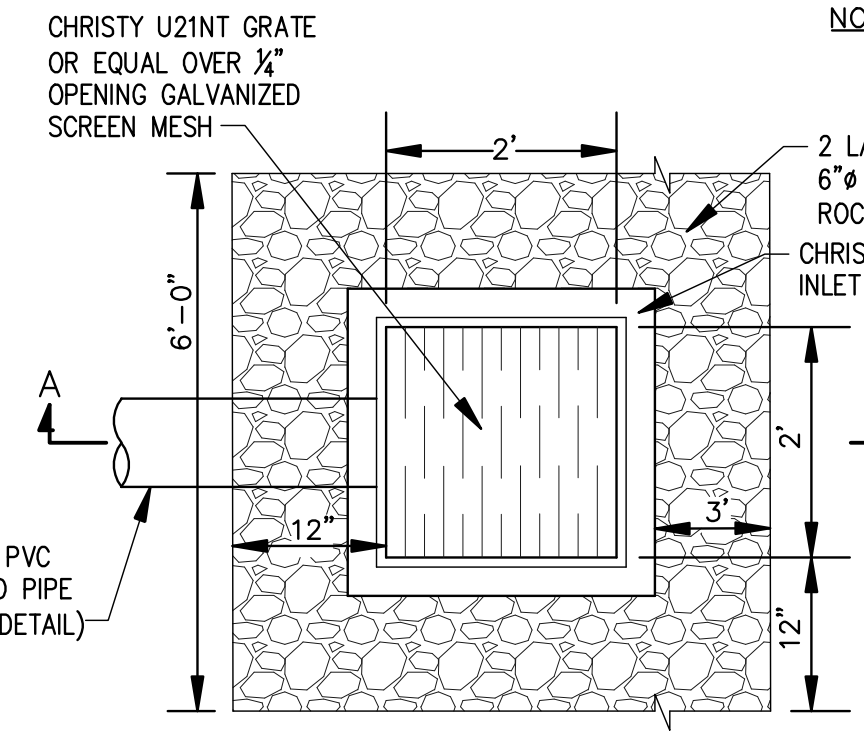
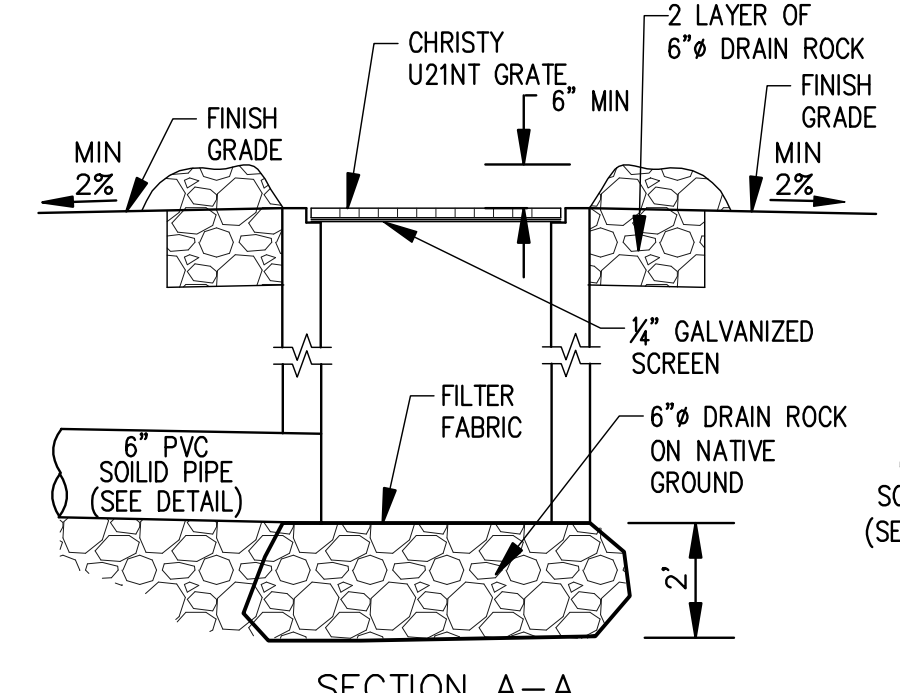
PERVIOUS CONCRETE PAVER DETAIL
NTS

GRASSY SWALE DETAIL
NTS

2x2 CHRISTY INLET / BUBBLE UP DETAIL
NTS

- NOTES:**
- "SF-RIMA" PERVIOUS CONCRETE PAVING FROM - BASALITE 1-800-266-3670.
 - INSTALL PER MANUFACTURE SPECIFICATIONS.
 - COLOR - TAN/CHARCOAL.
- NOTE: GEOTECHNICAL CONSULTANT SHOULD EVALUATE THE SUBGRADE CONDITION PRIOR TO INSTALLATION OF THE FILTER FABRIC AND IF SOFT SUBGRADE CONDITION ARE ENCOUNTERED, A GEOTEXTILE FABRIC MAY BE RECOMMENDED.

NOTES: SEE STRUCTURAL PLAN FOR RETAINING WALL THICKNESS AND SCHEDULE OF REINFORCEMENTS.



ADVANCED DEVELOPMENT

2933 BENJAMIN COURT
SAN JOSE, CALIFORNIA 95124
(408) 376-0570
JACOB SAIDAN - CIVIL ENGINEER

Revision	Date	Description

FOR: APN 081D-1660-040
2579 HOME AVENUE
HAYWARD CALIFORNIA

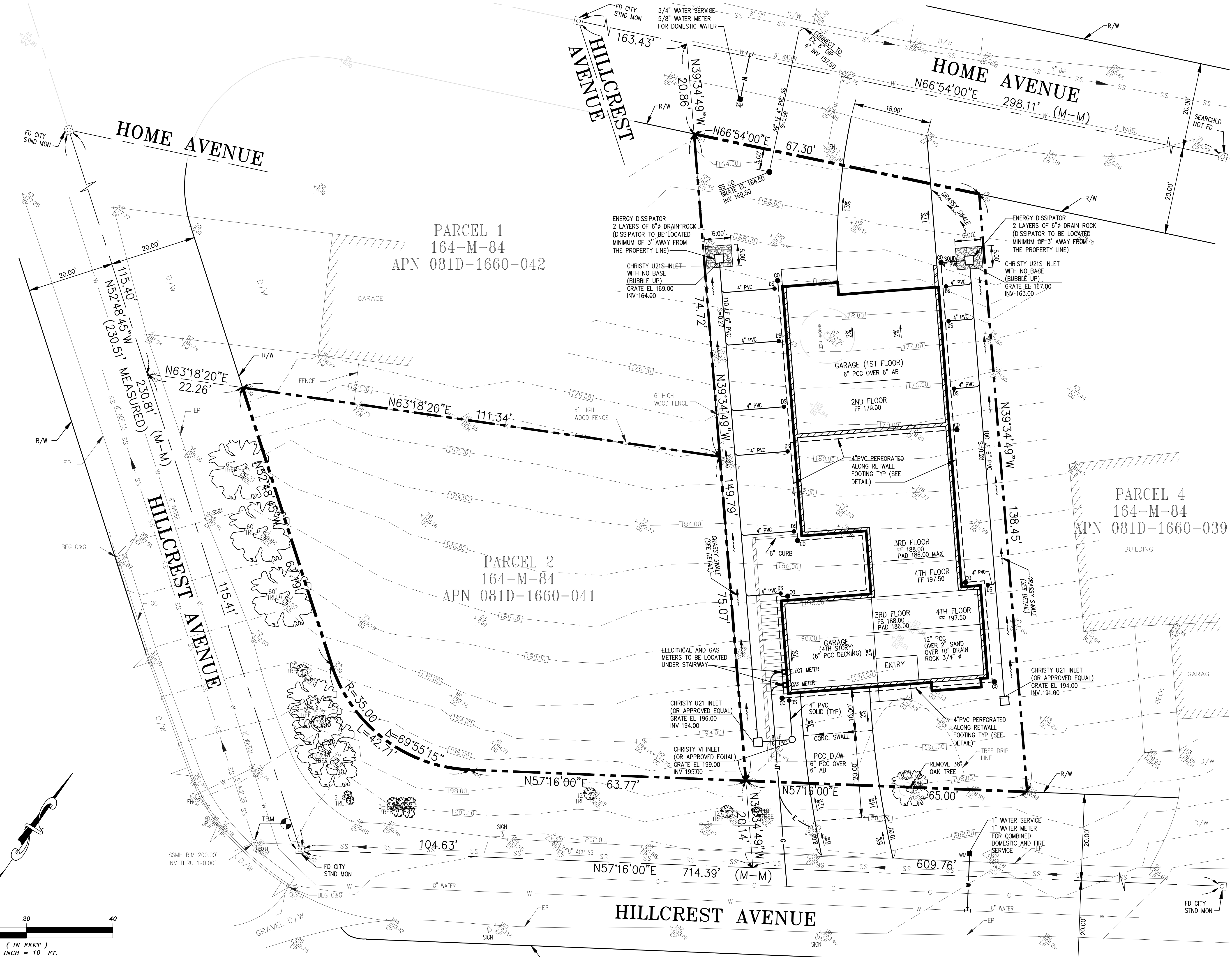
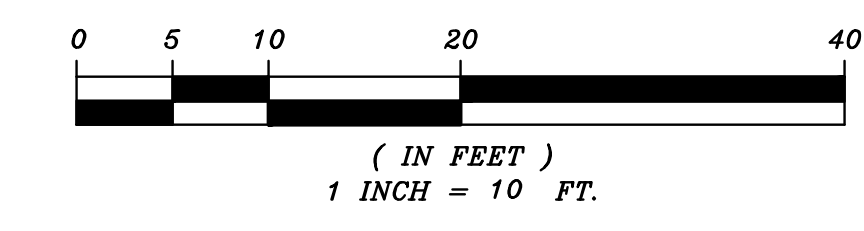
PARCEL 4
164-M-84
APN 081D-1660-039

APPROVED BY: *Jacob Saidan*
MICHAEL SAIDAN
No. 33503
Exp. 06/30/20
CIVIL ENGINEER

Checked: *Jacob Saidan*
Drawn: *Jacob Saidan*
Designed: *Jacob Saidan*
Surveyed: *Jacob Saidan*
Scale: 1"=10'
Date: 05-05-2020
Expires: 06/30/20

Sheet No. **C2**

Job No. 401



ADVANCED DEVELOPMENT

2983 BENJAMIN COURT
SAN JOSE, CALIFORNIA 95124
(408) 376-0570
JACOB SAIDIAN - CIVIL ENGINEER

Description	App'd	Date	Revision

UNDERGROUND UTILITY & DRAINAGE PLAN
FOR: APN 081D-1660-040
2579 HOME AVENUE
HAYWARD CALIFORNIA

PROFESSIONAL ENGINEER
JACOB SAIDIAN
No. 33503
Exp. 06/30/20
CIVIL

APPROVED BY:
JACOB SAIDIAN
[Signature]
P.C.E. No. 39509
EXPIRES 06/30/20

Checked: JS
Drawn: AG
Designed: JS
Surveyed: JS
Scale: 1"=10'
Date: 05-05-2020

Sheet No. **C3**

Job No. 401

TERMS AND DEFINITIONS

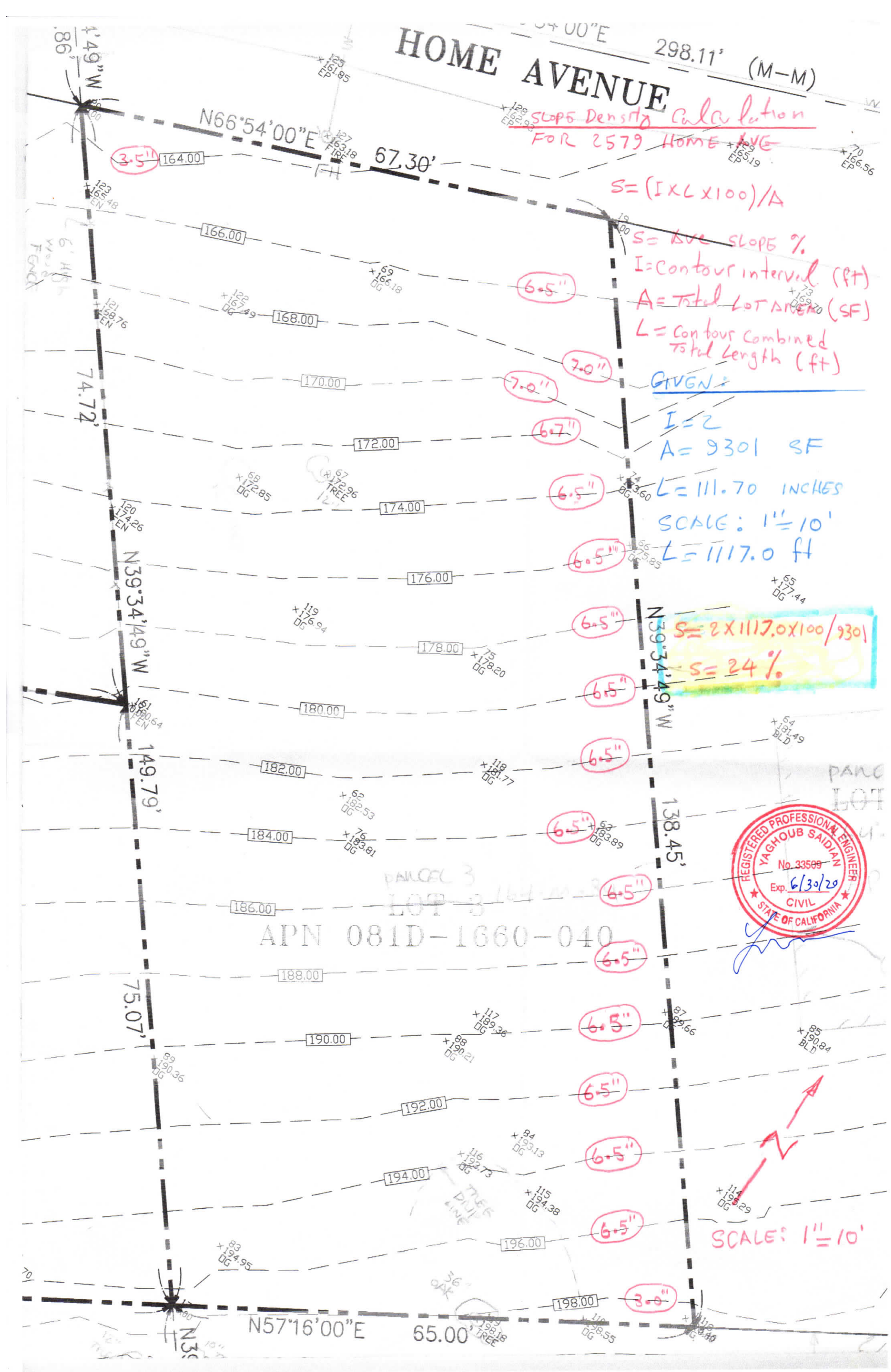
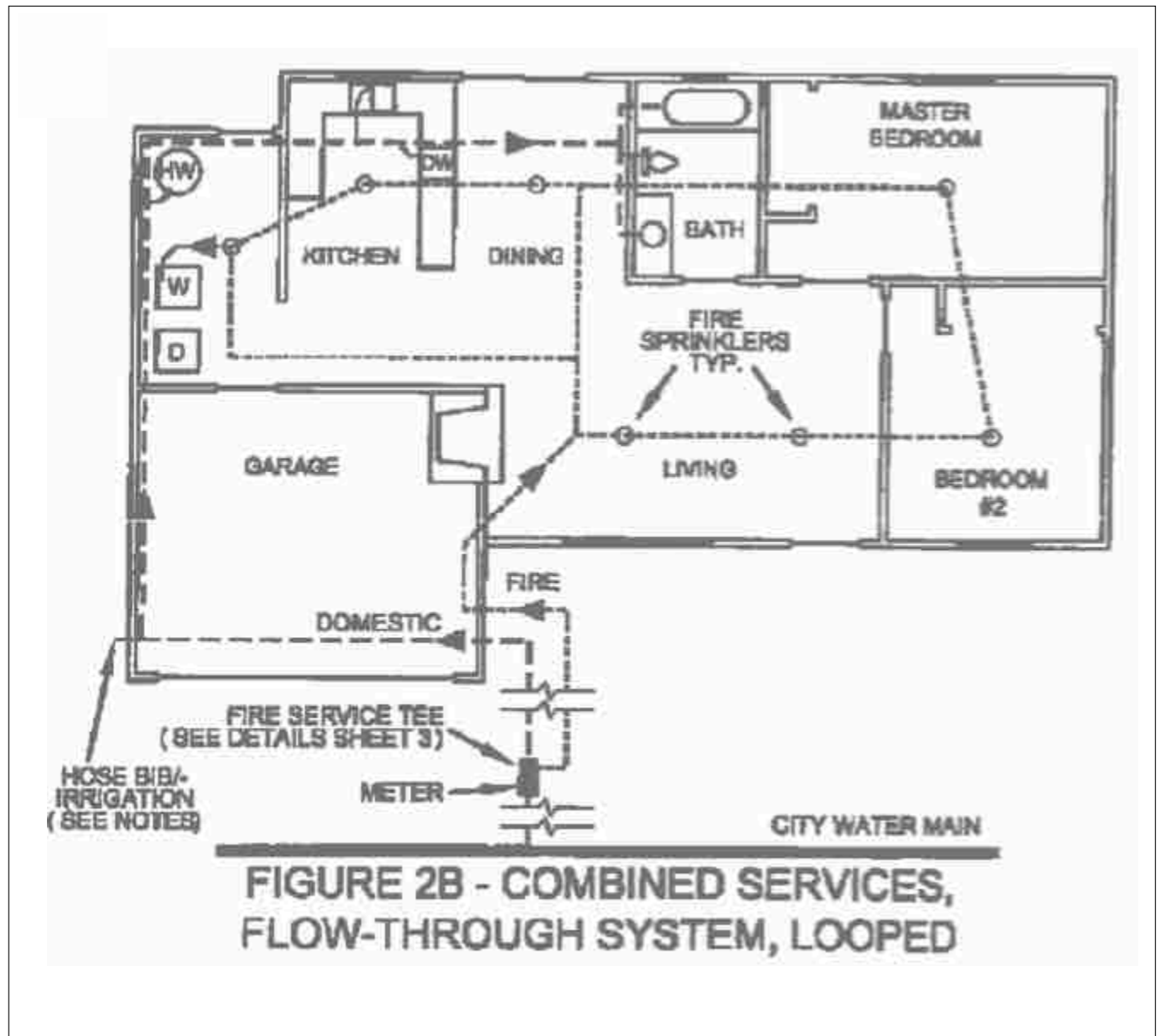
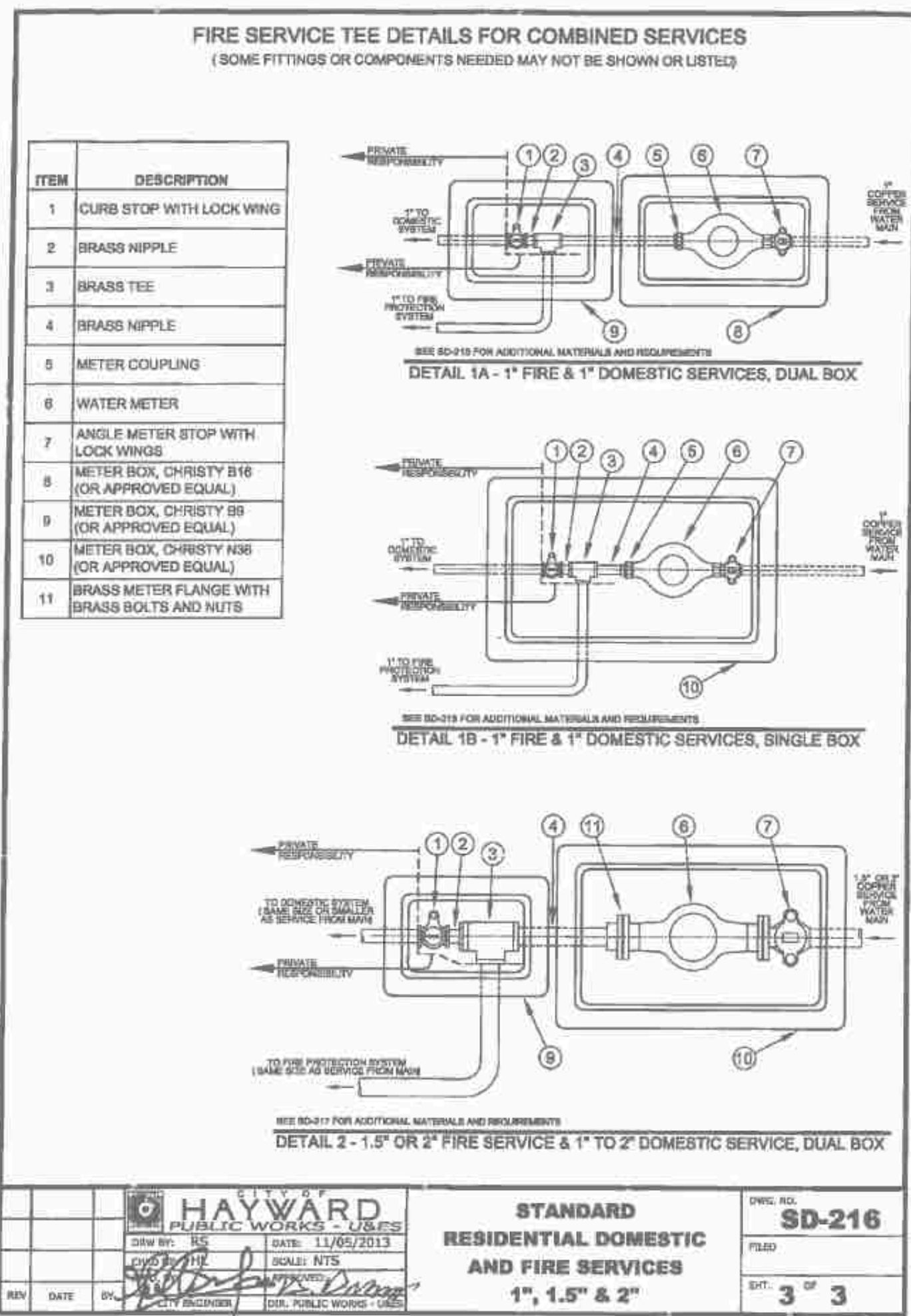
- RESIDENTIAL WATER SERVICES, ONE AND TWO FAMILY, 2" OR SMALLER
 - SEPARATE SERVICES: THE DOMESTIC SYSTEM AND STAND-ALONE FIRE PROTECTION SYSTEM ARE EACH SUPPLIED BY A SEPARATE SERVICE LINE AND METER. (SEE FIGURES 1A & 1B)
 - COMBINED SERVICE: THE DOMESTIC AND FIRE PROTECTION SYSTEMS SHARE A SINGLE SERVICE LINE AND METER. DOWNSTREAM THE METER, THE LINE MAY SUPPLY A MULTI-PURPOSE SYSTEM OR SPLIT TO SUPPLY SEPARATE DOMESTIC AND STAND-ALONE FIRE PROTECTION SYSTEMS. (SEE FIGURES 2A, 2B, 3A & 3B)
- RESIDENTIAL FIRE PROTECTION SYSTEMS
 - STAND-ALONE: SEPARATE AND INDEPENDENT FROM THE DOMESTIC SYSTEM.
 - CLOSED: DOES NOT CONNECT TO ANY DOMESTIC WATER FIXTURES AND CAN ONLY BE DRAINED THROUGH A RELIEF OR DRAIN VALVE. AT A MINIMUM, A DOUBLE CHECK VALVE ASSEMBLY (DCVA) BACKFLOW DEVICE (PER SD-201) IS REQUIRED ON ALL CLOSED SYSTEMS TO PROTECT THE DOMESTIC WATER SUPPLY. (SEE FIGURES 1A & 2A)
 - FLOW-THROUGH: CONNECTS TO ONE OR MORE DOMESTIC WATER FIXTURES SUCH THAT WATER IN THE SYSTEM IS REPLACED UPON USE OF THE FIXTURES; FLOW-THROUGH SYSTEMS MUST BE LOOPED OR SINGLE-MEANDER. (SEE FIGURES 1B & 2B)
 - MULTI-PURPOSE: USES THE SAME DISTRIBUTION PIPING WITHIN THE STRUCTURE TO SUPPLY THE DOMESTIC WATER FIXTURES AND FIRE SPRINKLERS. MULTI-PURPOSE SYSTEMS MUST BE LOOPED OR SINGLE-MEANDER, IF ALLOWED. (SEE FIGURES 3A & 3B)
- FIRE SPRINKLER PIPING LAYOUTS
 - BRANCHED: HAS DEAD-ENDS AT SOME SPRINKLER HEADS WHERE WATER COULD STAGNATE. (SEE FIGURES 1A & 2A)
 - LOOPED: HAS NO DEAD-ENDS AND FORMS ONE OR MORE LOOPS SUCH THAT WATER CAN CIRCULATE. (SEE FIGURES 2B & 3B)
 - SINGLE-MEANDER: ALL SPRINKLER HEADS ARE CONNECTED IN SERIES BY A SINGLE PIPING RUN. (SEE FIGURES 1B & 2B)

NOTES

- RESIDENTIAL FIRE PROTECTION SYSTEM SHALL BE DESIGNED BY A C-16 (FIRE PROTECTION) CALIFORNIA LICENSED CONTRACTOR OR A CALIFORNIA REGISTERED PROFESSIONAL ENGINEER (CIVIL, MECHANICAL, OR FIRE PROTECTION), AND PURSUANT TO THE CITY'S LATEST ADOPTED CALIFORNIA CODES & REGULATIONS INCLUDING, BUT NOT LIMITED TO: FIRE CODE (SEC. 900); CA RESIDENTIAL CODE (SEC. 1013); NFA 100, CA PLUMBING CODE (SEC. 803.4.16); CA ELECTRICAL CODE (ART. 700); NFPA 72; AND CA HEALTH & SAFETY CODE 19114.7.
- WATER SERVICES, FLOW-THROUGH AND MULTI-PURPOSE SYSTEMS WILL BE REVIEWED BY THE PUBLIC WORKS DEPARTMENT, UTILITIES & ENVIRONMENTAL SERVICES (UTILITIES). FIRE PROTECTION SYSTEMS WILL BE REVIEWED BY THE FIRE DEPARTMENT, FLOW-THROUGH AND MULTI-PURPOSE SYSTEMS WILL BE REVIEWED BY BOTH THE BUILDING AND FIRE DEPARTMENTS.
- THE DESIGN WATER PRESSURE FOR ALL FIRE PROTECTION SYSTEMS SHALL BE EITHER A MAXIMUM OF 80 PSI OR THE ACTUAL SUPPLY PRESSURE, WHICHEVER IS LOWER.
- THE FIRE SPRINKLER SYSTEM DEMAND FLOW RATE FOR COMBINED SERVICES THAT DO NOT INCLUDE A BACKFLOW DEVICE SHALL INCLUDE AN ADDITIONAL 5 GPM AT THE POINT WHERE THE SYSTEMS ARE CONNECTED (P13.5.5). IF THE TOTAL DEMAND EXCEEDS 100 GPM, THEN THE USE OF A SEPARATE FIRE SERVICE WILL BE REQUIRED.
- THE DOMESTIC WATER FIXTURES THAT A FLOW-THROUGH SYSTEM SUPPLIES SHALL BE A CLOTHES WASHER, DSB WASHER OR TOILET (ALTERNATE FIXTURES MAY BE PROPOSED). THE NUMBER AND KIND OF FIXTURES REQUIRED WILL DEPEND UPON THE LAYOUT AND SIZE OF THE SYSTEM AND STRUCTURE, AND SHALL BE DETERMINED BY UTILITIES. AT A MINIMUM, THE SYSTEM SHALL SUPPLY ONE FIXTURE PER FLOOR OF THE RESIDENCE.
 - FOR A SINGLE-MEANDER LAYOUT, THE SPRINKLER HEAD AT THE DOWNSTREAM END OF THE SYSTEM SHALL SUPPLY A FIXTURE.
 - WHERE THE LINE PRESSURE IN THE SPRINKLER SYSTEM IS GREATER THAN 80 PSI, A PRESSURE REDUCING VALVE (PRV) SHALL BE INSTALLED ON THE SUPPLY CONNECTION TO THE WATER FIXTURES; THE PRV MUST BE INSTALLED IMMEDIATELY DOWNSTREAM OF THE FIXTURES SHUT OFF VALVE AND LEFT UNOPENED, TO ALLOW FOR MAINTENANCE.
- FLOW-THROUGH AND MULTI-PURPOSE SYSTEMS SHALL HAVE LEAD-FREE SPRINKLER HEADS, VALVES AND FITTINGS (CA AB 1985).
- IN MULTI-PURPOSE SYSTEMS, IF A WATER SOFTENER OR FILTRATION DEVICE WILL BE USED THAT MAY RESTRICT FLOW OR REDUCE WATER PRESSURE TO THE FIRE SPRINKLERS, THE DEVICE MUST BE INCLUDED IN THE DESIGN OF THE SYSTEM.
- SERVICE AND METER SIZING**
 - METERS SHALL BE THE SAME SIZE AS THE SERVICE LINE FROM THE WATER MAIN.
 - DOMESTIC, IRRIGATION AND FIRE SERVICE LINES SHALL BE THE SAME SIZE OR SMALLER THAN THE METER SIZE.
 - MANIFOLDS THAT SUPPLY "MANIFOLD" METERS ARE NOT ALLOWED TO SUPPLY FIRE PROTECTION SYSTEMS.
- DOMESTIC AND IRRIGATION SYSTEMS: THE SIZE OF THE METER, SUPPLY AND SERVICE LINES SHALL BE 80% PER 80% OF THE MAXIMUM FLOW RATING OF THE METER. PER AWWA, THE 80% MAX FLOW RATING OF DISPLACEMENT METERS ARE:

1/2" = 15 GPM	3/4" = 25 GPM	1" = 40 GPM	1.5" = 60 GPM	2" = 100 GPM
---------------	---------------	-------------	---------------	--------------
- MULTI-PURPOSE AND SEPARATE FIRE SYSTEMS: THE SIZE OF THE METER, SUPPLY AND SERVICE LINES SHALL BE SIZED PER THE MAXIMUM INTERMITTENT FLOW RATING OF THE METER. PER AWWA, THE MAX INTERMITTENT FLOW RATING OF DISPLACEMENT METERS ARE:

1" = 80 GPM	1.5" = 100 GPM	2" = 180 GPM
-------------	----------------	--------------
- FIRE AND COMBINED SERVICES SHALL CONFORM TO SD-213 FOR 1" SERVICE AND SD-217 FOR 1.5" AND 2" SERVICES EXCEPT AS SPECIFIED HEREIN. OTHERWISE, SERVICE CONNECTIONS 2" AND SMALLER SHALL CONFORM TO STANDARD DETAILS SD-213 THRU SD-216 AND SD-217 THRU SD-218.
- ALL HOSE BIBS AND IRRIGATION SYSTEMS SHALL BE EQUIPPED WITH ATMOSPHERIC VACUUM BREAKERS/ANTI-SIPHON DEVICES.
- AS A CONDITION OF FINAL APPROVAL, THE OWNER/DESIGNER/CONTRACTOR SHALL INSTALL A VALVE SIGN OR TAG AT THE MAIN SHUTOFF VALVE TO THE WATER DISTRIBUTION SYSTEM (ITEM #17 SHEET 3) WITH THE FOLLOWING TEXT: "WARNING: THE WATER SYSTEM FOR THIS HOME SUPPLIES FIRE SPRINKLERS THAT REQUIRE CERTAIN FLOWS AND PRESSURES TO FIGHT A FIRE. DEVICES THAT RESTRICT THE FLOW OR DECREASE THE PRESSURE OR AUTOMATICALLY SHUT OFF THE WATER TO THE FIRE SPRINKLER SYSTEM, SUCH AS WATER SOFTENERS, FILTRATION SYSTEMS AND AUTOMATIC SHUTOFF VALVES, SHALL NOT BE ADDED TO THIS SYSTEM WITHOUT A REVIEW OF THE FIRE SPRINKLER SYSTEM BY A FIRE PROTECTION SPECIALIST. DO NOT REMOVE THIS SIGN." (CA 1213.5.7) THE SIGN OR TAG SHALL BE OF MATERIAL SUITABLE FOR WEATHER BURIAL, MIN. TEXT HEIGHT 0.2 INCHES.

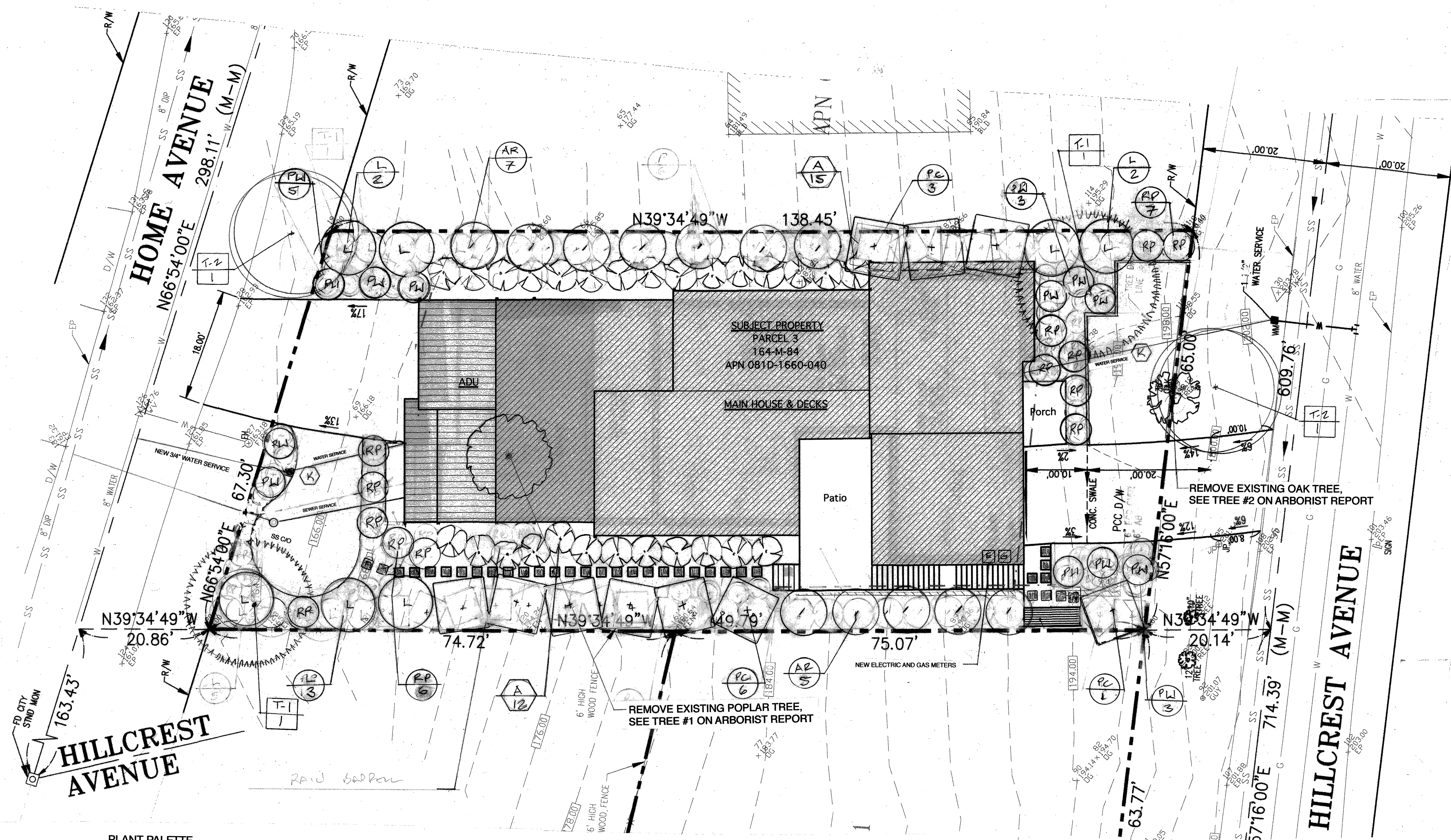


FIRE SERVICES

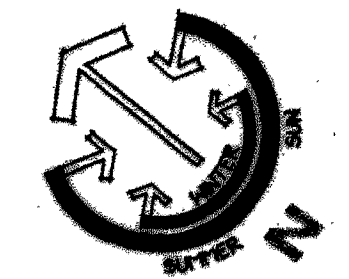
SLOPE CALCULATION

REVISIONS	REMARKS
MM/DD/YY	
1	
2	
3	
4	
5	

**APN 081D-1660-040
DOMESTIC & FIRE SERVICES
SLOPE CALCULATION**



USA NORTH 811
Call 811 Before You Dig



BAY-FRIENDLY WATER EFFICIENT LANDSCAPE ORDINANCE AND DOCUMENTATION PACKAGE

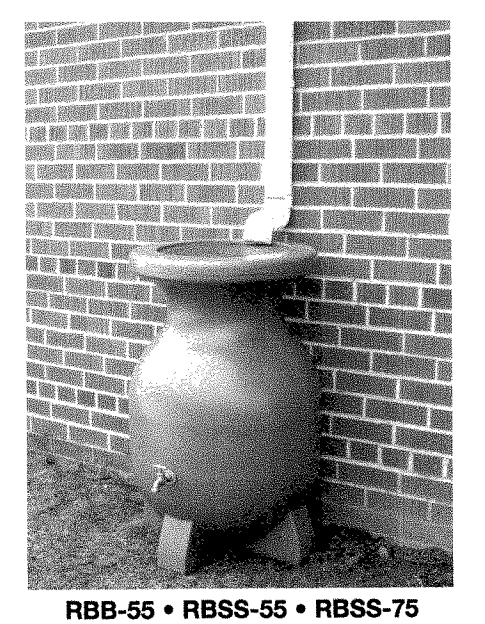
WE HAVE COMPLIED WITH THE CRITERIA OF THE CITY OF HAYWARD BAY-FRIENDLY WATER EFFICIENT LANDSCAPE ORDINANCE, HAYWARD MUNICIPAL CODE CHAPTER 10, ARTICLE 12, AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

WE AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE.

JON NELSON, PRINCIPAL

MARCH 28, 2020

KoolScapes
RAIN BARRELS
BARILS PLUVIAL



RBB-55 • RBSS-55 • RBSS-75

Installation Manual
Guide d'installation

YOU WILL NEED

- Downspout Diverter (1) (to be purchased separately)
- Hack saw
- Level
- Drill with 1/4" Drill Bit and screws to secure the downspout diverter to the downspout

TO START

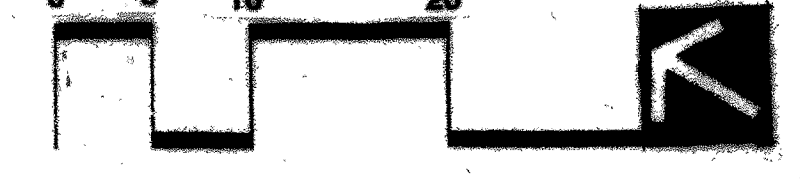
- Start by choosing a location for the KoolScapes™ Environmental Rain Barrel where there is a downspout nearby.
- Place the Downspout Diverter (1) on the top of the Rain Barrel and hold it up to the downspout and mark a line with a pencil.
- Using the Hack saw cut a straight line at the mark you just made.
- Place the Screen Guard (2) in the open area on the top of the Rain Barrel.
- Attach a downspout diverter to the downspout and connect so that it sits on the screen guard on the top of the Rain Barrel.
- Using the Level ensure your Rain Barrel is level to avoid tipping when full.
- Ensure that the signs (3) fit inserted into the fitting in the bottom front of the Rain Barrel - turn in clock wise direction until it is seated tight.
- Ensure that the drain plug (4) is also seated tight by also turning it in clock wise.

CARE AND MAINTENANCE

- The KoolScapes™ Environmental Rain Barrel needs little care.
- There is an overflow spout (5) in the back to prevent water from overflowing out the top of the Rain Barrel. To divert the water away from your home simply attach a backwash hose to the overflow spout and run through your garden or lawn for slow watering.
 - Also if you get a lot of rainfall in your area you may want to have several rain barrels to harvest the rainwater. To connect another Rain Barrel you will need to attach tubing to the overflow spout and secure with a clamp. Connect the other end of the tubing to the overflow spout of the second rain barrel and secure with a clamp.

PLAN VIEW

Scale 1" = 10'-0"



AUTOMATIC IRRIGATION SHALL COVER 100% OF PLANTED AREA

REVISIONS	DATE
5.5.2020 ADD UTILITY METERS	
10.21.2020 PLAN CHECK COMMENTS	

I.R. NELSON & ASSOCIATES, INC.
23585 SUMMIT ROAD 95033
LOS GATOS, CALIFORNIA
PHONE (408) 591-0873 EMAIL: CNDEV@AOL.COM

LANDSCAPE PLANNING FOR:
BRAD SWITZER
2579 HOME AVENUE
HAYWARD, CALIFORNIA

LANDSCAPE PLAN

DESIGNED BY	JON NELSON
CHECKED BY	JON NELSON
DATE	3.28.2020
SCALE	1" = 10'-0"
SHEET NO.	1 OF 1
PROJECT	2579 HOME AVENUE HAYWARD

PLANT PALETTE

KEY	QUANTITY	SIZE	BOTANICAL NAME	COMMON NAME	NOTES	WUCOLS IV RATING	HEIGHT X WIDTH
TREES							
T-1	2	24" BOX	LAGERSTROEMIA "TUSCARORA"	GRAPE MYRTLE	STANDARD	LOW	22'-0" X 12'-0"
T-2	2	24" BOX	PISTACIA CHINENSIS	CHINESE PISTACHE	STANDARD CITY STREET TREE	LOW	25'-0" X 25'-0"
SHRUBS							
AR	12	1 GALLON	AREBUTUS UNEDO "ELFIN KING"	STRAWBERRY TREE	COMPACT	LOW	6'-0" X 4'-0"
L	7	1 GALLON	LOROPETLUM "RAZZLEBERRY"	FRINGE FLOWER		LOW	8'-0" X 6'-0"
PC	10	1 GALLON	PRUNUS CAROLIANA "COMPACTA"	CAROLINA CHERRY		LOW	10'-0" X 10'-0"
PW	11	1 GALLON	PITOSPORUM TOBIIRA "CREAM D'AMINT"	PITOSPORUM		LOW	4'-0" X 4'-0"
RP	13	1 GALLON	RHAPHOLEPS "PINKIE"	INDIAN HAWTHORN		LOW	4'-0" X 4'-0"
GROUND COVER							
A	27	1 GALLON	ARCTOSTAPHYLOS "EMERALD CARPET"	MANZANITA		LOW	1'-0" X 6'-0"
K	850#	SOD	PHYLLOXEROPHYLLA	KURAPPA		LOW	4" X 3'-0"
SYMBOLS							
ST	34	18" X 18"	CONCRETE STEPPING STONES	SQUARE GREY	SMOOTH		18" X 18"
RB	2	55 GAL	KOOLSCAPE	RAIN BARREL	RBSS-55		55 GALLON
PLANT MIX							
			% OF LOW WATER USE				
	4		24" BOX TREES	LOW WATER USE	LOW		4%
	53		1 GALLON SHRUBS	LOW WATER USE	LOW		64%
	27		1 GALLON GR CVR	LOW WATER USE	LOW		32%
	850#		GROUND COVER	LOW WATER USE	LOW		
			SUBTOTAL	LOW WATER USE	LOW		100%

MWEO Calcs - Residential
2579 HOME AVENUE
HAYWARD

Hydrozones

Zone number 1 Plant factor Low.3 Irrigation type Drip
Area in square feet (number only) 3850

Continue

Zone	Plant Factor	Irr.	Irr. Eff. (PF/IE)	ETAF Area	ETAF x Area	ETWU Delete
1	.3	Drip	0.81	0.37	3850 s.f.	1,425
						38,988
TOTALS					3,850 s.f.	38,988 gal/yr

MAWA: 57,897 gal/yr
ETWU: 38,988 gal/yr
HAYWARD ANNUAL Eto = 44.1in

PASS!

Project Name and City

Project name 2579 HOME AVENUE

Choose city (for ETo data) HAYWARD

Continue

PLANTING SOURCED BY:

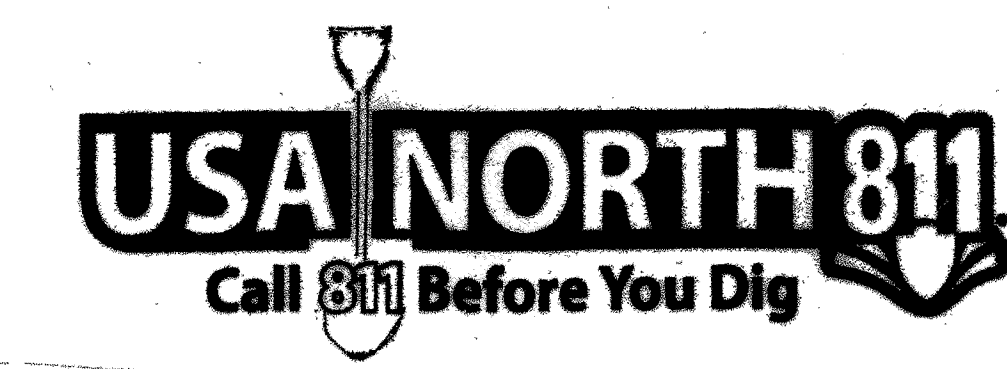
EBMUD- WATER CONSERVING PLANTS AND LANDSCAPES FOR THE BAY AREA
UNIVERSITY OF CALIFORNIA- WATER USE CLASSIFICATION OF LANDSCAPE SPECIES, CURRENT VERSION WUCOLS IV
SOIL TYPE: CLAY LOAM

TREE MITIGATION SUMMARY CHART: 2579 HOME AVE, HAYWARD 10.27.2020

Tree ID Number	Tree Species	Trunk Diameter (inches)	Protected	Status	Appraised Value
#1	Poplar	5.8, 7.8 and 6.2	Yes	Removal	\$340.00
#2	Oak	20.5	Yes	Removal	\$6,200.00
Total Value For Preservation Bond					0.00
Total Value For Mitigation					\$6,570.00

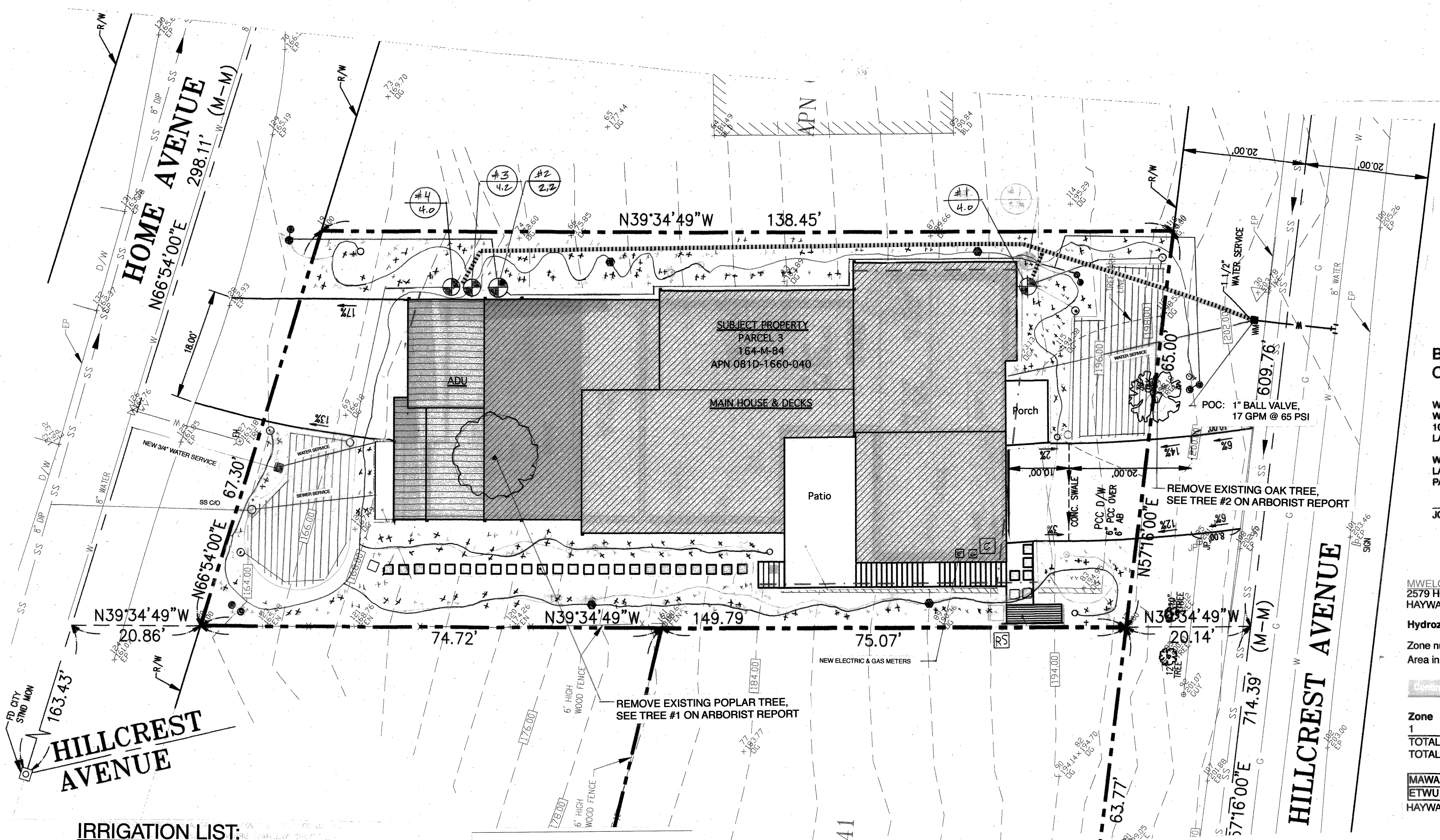
Required Trees	Required Tree Qty/size/ installed unit cost	Proposed tree quantity size	Unit Cost Difference	Mitigation Value
Street Trees	2-24" Box @ \$350 each	2-24" Box @ \$350.00	0.00	0.00
Screening Trees	0 2-24" Box @ \$350.00	0 2-24" Box @ \$350.00	\$700.00	\$700.00
TOTAL			\$700.00	\$700.00
MITIGATION GOAL				\$700.00
BALANCE				\$6,870.00

Standard Material/ Installed Unit Cost/SF	Proposed Material/ Installed Unit Cost/ SF	Unit Cost Difference	Total Square Footage/ SF	Mitigation Value \$
AC Paving for driveway	Permeable Pavers	\$25.00/ SF	1,224 SF	\$27,540.00
Standard Grey Concrete sidewalk	Permeable Pavers	\$25.00/ SF	39 SF	\$790.50
Standard Grey Concrete stepping stones	Permeable Pavers	\$25.00/ SF	136 SF	\$2,780.00
MITIGATION TOTAL				\$31,127.50



BASED ON GRADING PLANS PREPARED BY ADVANCED DEVELOPMENT DATED 9.24.2020

REVISIONS	BY
5.5.2020 ADD UTILITY METERS	
10/21/2020 PLAN CHECK COMMENTS	



BAY-FRIENDLY WATER EFFICIENT LANDSCAPE ORDINANCE AND DOCUMENTATION PACKAGE

WE HAVE COMPLIED WITH THE CRITERIA OF THE CITY OF HAYWARD BAY-FRIENDLY WATER EFFICIENT LANDSCAPE ORDINANCE, HAYWARD MUNICIPAL CODE CHAPTER 10, ARTICLE 12, AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

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JON NELSON, PRINCIPAL

MARCH 28, 2020

MWELO Calcs - Residential
2579 HOME AVENUE
HAYWARD

Hydrozones

Zone number 1 Plant factor Low.3 Irrigation type Drip
Area in square feet (number only) 3850

Zone	Plant Factor	Irr. Irr. Eff. (PF/E)	Area	ETAF x Area	ETWU Delete
1	.3	Drip 0.81 0.37	3850 s.f.	1,425	38,988
TOTALS			3,850 s.f.		38,988 gal/yr
			TOTAL SPECIAL LANDSCAPE AREA	0 s.f.	

MAWA: 57,897 gal/yr
ETWU: 38,988 gal/yr
HAYWARD ANNUAL Eto = 44.1in

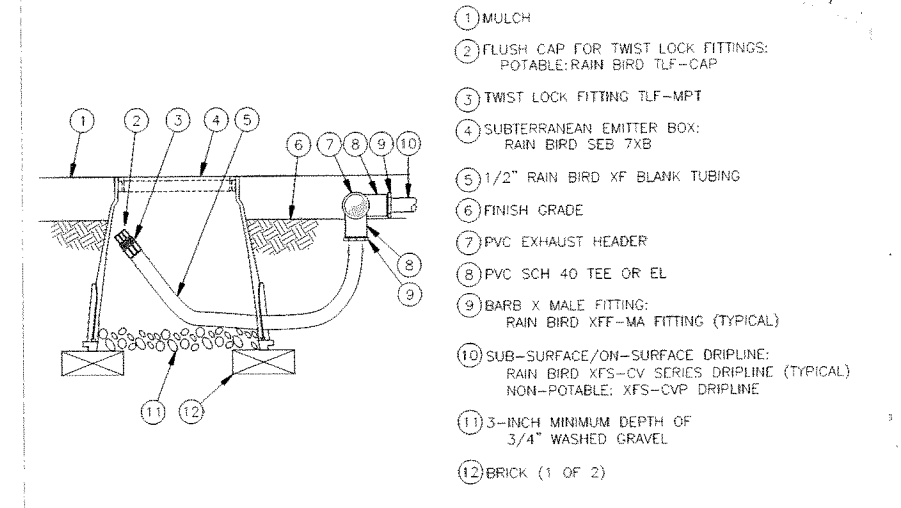
Project Name and City

Project name 2579 HOME AVENUE

Choose city (for ETo data) HAYWARD

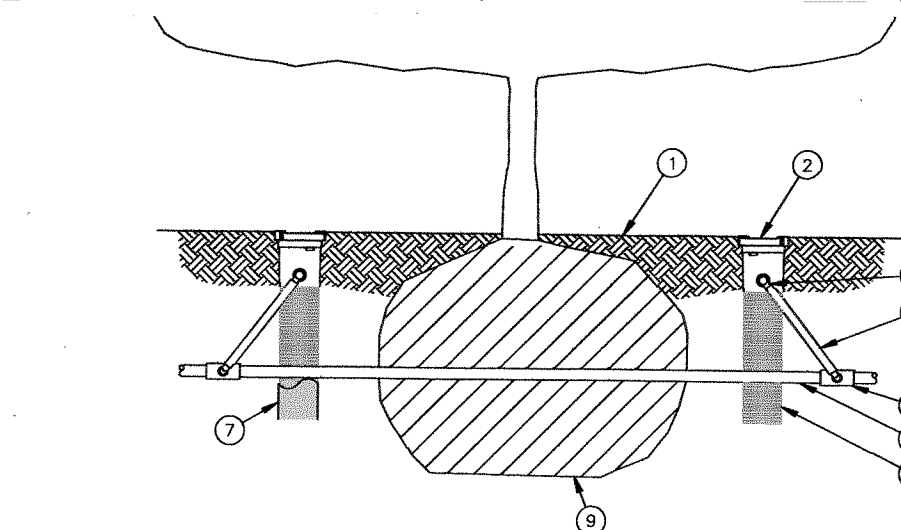
IRRIGATION LIST:

SYMBOL	SIZE	NAME/NOTES
	1"	WATER METER, CITY OF HAYWARD MIN 15 GPM, 65 PSI
		HUNTER X-CORE #XC-600I WALL MOUNT TO GARAGE INTERIOR WALL, 6 STATION CONTROLLER
		HUNTER SOLAR SENSOR MOUNT TO SIDE YARD FENCE, RUN WIRE TO GARAGE IRRIGATION CONTROLLER
	1"	RAINBIRD VALVE #XACZ-100 PRF, ASVF WITH 1" PR #RBY FILTER INSTALL PER LOCAL CODES USING A 1" PVC BALL VALVE
		RAINBIRD DRIP TECHLINE, RAINBIRD #XFS-06-12, 0.5 GPH, WITH 12" SPACING, X ROW SPACING OF 12" OC, INSTALL AT A DEPTH OF 4" WITH A 1" PVC HEADER AND FOOTER PIPE.
		RAINBIRD DRIP EMITTER, RAINBIRD #XB-10PC (BLACK, 1.0 GPM), PRESSURE COMPENSATING MODULE CONSTRUCTION.
	1/2"	RAINBIRD ROOT WATERING SYSTEM (#RWS-M, BUBBLER #1401, 0.25 GPM)
	3/4"	NDS PRO ADJUSTABLE INLINE CHECKVALVE #CV-0750-FF, INSTALL IN ROUND VALVE BOX
	1/2"	AIR VALVE, RAINBIRD #ARV050 AIR RELIEF VALVE INSTALL IN CARSON R-910 VALVE BOX
	1/2"	FLUSH VALVE, NETAFIM #TLFV-1, INSTALL IN A CARSON R-910 VALVE BOX
	3/4"	BLACK POLY PLASTIC DISTRIBUTION LINE, 4" DEEP, STAKE EVERY 5'-0" OC USING WIRE STAKES
	1"	MAINLINE SCH 40 PVC PIPE, 18" MIN DEPTH



NOTE: ALLOW A MINIMUM OF 6-INCHES OF DRIPLINE TUBING IN VALVE BOX IN ORDER TO DIRECT FLUSHED WATER OUTSIDE VALVE BOX.

XFS-CV SUB-SURFACE/ON-SURFACE DRIPLINE FLUSH POINT WITH RAINBIRD TLF FITTINGS



NOTES:
1. POSITION 2-3 UNITS (OR MORE) EVENLY SPACED AROUND PLANT. FOR NEW TREES PLACE NEAR ROOT BALL. FOR EXISTING TREES PLACE HALF THE DISTANCE BETWEEN CANOPY EDGE AND TREE TRUNK.
2. INSTALL PRODUCT WITH TOP EVEN WITH FINISH GRADE OR TOP OF MULCH.
3. RWS-M SERIES AVAILABLE IN THE FOLLOWING MODELS:
RWS-M-B-C-1401: 0.25 GPM (0.95 L/M), CHECK VALVE
RWS-M-B-1402: 0.25 GPM (0.95 L/M)
RWS-M-B-1403: 0.5 GPM (1.9 L/M), CHECK VALVE
RWS-M-B-1402: 0.5 GPM (1.9 L/M)
4. WHEN INSTALLING IN EXTREMELY HARD OR CLAY SOILS, ADD 3/4" (1.9 CM) GRAVEL UNDER AND AROUND THE UNIT TO ALLOW FASTER WATER INFILTRATION AND ROOT PENETRATION.
5. ONCE RWS-M HAS BEEN INSTALLED IN THE BASKET WITH PEA GRAVEL BEFORE LOCKING LID.
6. OPTIONAL RWS-SOCK FOR USE IN SANDY SOILS.
7. ROOT WATERING SYSTEM RWS-M
INSTALLATION FOR TREES

**VALVE SPEC (VALVE #1 & #4)
FOR RAINBIRD XFS DRIPLINE**

RAINBIRD Landscape Drip Zone Calculator

Questions

- What type of area are you trying to irrigate? Shrub & Groundcover - Sub-surface
- What is the type of soil within the irrigated area? Sandy Loam (Loam)
- Is this a sloped installation? Yes
- How much area will be irrigated (sq ft)?
- What is the outlet pressure after the pressure regulator?

Recommendations

Below are the recommendations and results of your drip tubing calculations. You may select a new drip tubing Type, Part Number or enter a new Row Spacing to recalculate the results as required.

Recommended Drip Tubing	Type	Part Number	Emitter Flow	Emitter Spacing	Row Spacing	Recommended Row Spacing
XFS Dripline	XFS-06-12		0.9 GPH	18 in	18	18 - 21 in

Total Drip Zone Flow: 3.83 GPM
Maximum Lateral Length of Tubing: 294 ft
Total Length of Zone Dripline Required: 284 ft
Application Rate: 0.64 in/hr
Time to Apply 1/4" of Water: 23 minutes (based on a 90% system efficiency)

Recommended Control Valve Kits

Part Number	Inlet Size	Outlet Size	Flow Range	Inlet Pressure Range	Regulated Pressure
XCCZ-075-PRF	0.75 in	0.75 in	0.2 - 5 GPM	15 - 120 psi	30 psi
XACCZ-075-PRF	0.75 in	0.75 in	0.2 - 5 GPM	20 - 120 psi	30 psi
XCCZ-LF-100-PRF	1 in	0.75 in	0.2 - 5 GPM	20 - 120 psi	30 psi

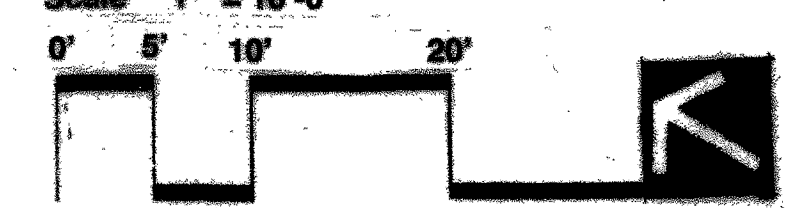
Required Number of Stakes: 71
Recommended Number of Flush Points: 1
Suggested Header and Footer Pipe Size: Class 315 1/2"

VALVE DEMAND

WATER SUPPLY: CITY OF HAYWARD 1" MIN WATER SUPPLY 15 GPM/65 PSI

VALVE NUMBER	GPM DEMAND	DELIVERY TYPE	VALVE SIZE	LOCATION
#1	4.0	DRIPLINE	1"	SUN-GRCVR
#2	2.2	BUBBLER	3/4"	SUN-TREE
#3	3.3	DRIPLINE	1"	SUN-SHRUB
#4	4.0	DRIPLINE	1"	SUN-GRCVR

PLAN VIEW



AUTOMATIC IRRIGATION SHALL COVER 100% OF PLANTED AREA

I.R. NELSON & ASSOCIATES, INC.
 23585 SUMMIT ROAD
 LOS GATOS, CALIFORNIA 95033
 PHONE (408) 591-0873 EMAIL: CNDEV@AOL.COM

LANDSCAPE PLANNING FOR:
BRAD SWITZER
 2579 HOME AVENUE
 HAYWARD, CALIFORNIA

DRAWN
 JRN
 CHECKED
 JRN
 DATE
 3.26.20
 SCALE
 1" = 10'-0"
 JOB NO.
 HAYWARD
 SHEET

L-2
 SHEETS

PLANTING NOTES

THE CONTRACTOR SHALL LOCATE AND VERIFY THE EXISTENCE OF ALL UTILITIES PRIOR TO STARTING WORK. PRIOR TO BIDDING AND QUOTING COSTS FOR THIS PROJECT THE LANDSCAPE CONTRACTOR SHALL VISIT THE SITE AND BECOME FAMILIAR WITH ALL EXISTING CONTROLS, PIPING, WIRING AND ANY NEEDED IMPROVEMENTS THAT ARE REQUIRED TO COMPLETE BOTH THE AUTOMATIC IRRIGATION AND LANDSCAPING SHOWN ON THIS PLANSET.

ALL WORK TO BE PERFORMED BY PERSONS FAMILIAR WITH THIS TYPE OF WORK AND UNDER THE SUPERVISION OF A QUALIFIED PLANTING FOREMAN.

ALL WORK PERFORMED NEAR SIDEWALKS, DRIVEWAYS, ROADS, OR TEMPORARY WALKWAYS SHALL BE FENCED OFF TO PREVENT ANY ACCESS OTHER THAN LANDSCAPE CONTRACTORS PERSONAL. ALL WALKWAYS SHALL BE SWEEP DOWN WHEN NEEDED TO PROMOTE A SAFE WORKPLACE.

ALL LANDSCAPED AREAS SHALL RECEIVE AN AUTOMATIC IRRIGATION SYSTEM WHICH WILL WATER 100% OF PLANTED AREAS WITH A MINIMUM OF RUNOFF TO STREETS AND SIDEWALKS. IRRIGATION WILL ADJUSTED TO ELIMINATE OVER AND UNDER SPRAY ON ALL BUILDINGS, FENCES AND CARLS. THIS SYSTEM SHALL BE SET TO WATER LANDSCAPED AREAS DURING THE NIGHT TIME OR AS EARLY IN THE MORNING AS POSSIBLE TO REDUCE WATER LOST TO EVAPORATION (10 PM UNTIL 6:00 AM ONLY) IRRIGATION CONTROLLER SHALL ALSO HAVE A RAIN SENSOR INSTALLED TO OVERRIDE THE AUTOMATIC SYSTEM.

ALL PLANTING AREAS AND TREE/SHRUB PLANTING HOLES SHALL BE FREE FROM ROCKS AND CONSTRUCTION DEBRIS LARGER THAN 2" IN DIAMETER.

ALL LANDSCAPED AREAS SHALL HAVE NITRIIFIED REDWOOD SAWDUST ROTOTILLED INTO THE TOP 6" OF SOIL. THE APPLICATION RATE WILL BE 6 CUBIC YARDS OF NITRIIFIED SAWDUST PER 1000 SQUARE FEET OF AREA. THIS AMOUNTS TO A 2" LAYER OF SAWDUST INCORPORATED AS SOIL AMENDMENT INTO THE EXISTING SOIL.

FINISH SOIL GRADE SHALL BE 1" BELOW TOP OF PAVING, CURBS OR SIDEWALKS. LANDSCAPE CONTRACTOR SHALL ENSURE POSITIVE SURFACE DRAINAGE AWAY FROM BUILDING FOUNDATIONS IN ALL AREAS.

THE PLANT MATERIAL LOCATIONS ARE DIAGRAMATIC AND SUBJECT TO CHANGE IN THE FIELD AS DIRECTED BY THE LANDSCAPE PLANNER. LAYOUT PLANTS ACCORDING TO THE PLAN SO THAT PLANTS ARE PROPERLY SPACED FOR FUTURE GROWTH. MINOR ADJUSTMENTS MAY BE NECESSARY DUE TO VARIATIONS IN SITE CONDITIONS (EX: MAILBOXES, UTILITIES, LIGHT FIXTURES, DRAINAGE STRUCTURES).

ALL PLANT MATERIAL SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE CURRENT AMERICAN STANDARDS OF NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.

ALL TREES AND SHRUBS SHALL HAVE AGRIFORM 21 GRAM FERTILIZER TABLETS INSTALLED IN THE BACKFLIP AND ROOT ZONE OF PLANTS. TABLET APPLICATION RATE SHALL BE 15 GALLON MATERIAL WILL GET 3 TABLETS, 5 GALLON MATERIAL 2 TABLETS, AND ALL 1 GALLON STOCK WILL GET 1 TABLET.

THE PLANT COUNT IS FOR THE CONTRACTORS CONVENIENCE, IN CASE OF DISCREPANCY, THE PLAN SHALL GOVERN.

ALL GROUNDCOVER AND LANDSCAPED BEDS SHALL RECEIVE A 3" DEPTH OF SMALL SIZE WOOD MULCH CONSISTING OF FIBER OR DRIED RECYCLED WOOD FIBER. IF RECYCLED WOOD CHIP IS USED ALL MATERIAL SHALL BE CERTIFIED FROM THE SUPPLIER TO CONTAIN NO CHEMICAL, PAINT, LEAD OR OTHER HAZARDOUS MATERIAL PRIOR TO SHIPPING ON SITE.

THE EXCEPTION TO THIS NOTE CONCERNING THE MULCH IS AREAS THAT WILL BE GETTING KURAPIA GROUNDCOVER FROM SOD. THIS AREA WILL NOT BE MULCHED, WILL ONLY GET SOIL ADJMENTMENT, AND FINISH GRADING PRIOR TO FERTILIZER APPLICATION AND GROUNDCOVER INSTALLATION.

ALL TREES TO BE STAKED. STREET TREE INSTALLATION SHALL HAVE VESPRO 18" TREE ROOT CONTROL INSTALLED. VINES SHALL TO TYED BACK TO SUPPORT THE LONG RANGE GROWTH OF THE PLANT.

CONTRACTOR SHALL APPLY ONE APPLICATION OF "RONSTAR" PRE-EMERGENT WEED CONTROL TO ALL PLANTED AREAS. THE PRE-EMERGENT WEED CONTROL SHALL BE APPLIED USING THE MANUFACTURERS RECOMMENDED RATE OF APPLICATION.

CONTRACTOR SHALL PERFORM A 30 DAY LANDSCAPE MAINTENANCE PERIOD BEGINNING FROM THE DATE OF FINAL PLANT INSTALLATION, APPLICATION OF WEED CONTROL AND FINAL PROJECT CLEANUP.

THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL LANDSCAPE PLANTING FOR A PERIOD OF 6 MONTHS FROM THE DATE OF FINAL PLANT INSTALLATION, APPLICATION AND LANDSCAPE MAINTENANCE PERIOD.

FOR ADDITIONAL INFORMATION SEE PLANTING, IRRIGATION, HARDSCAPE, GRADING, SITE IMPROVEMENT AND CONSTRUCTION DETAIL PLANS.

The Water Calculator

Results

Note: Schedules are based upon at most 3 separate days per week to comply with current watering restrictions. For more information about the restrictions please click here (http://www.sjwater.com/news/topic/water_conservation_rules_in_effect/).

2579 HOME AVENUE HAYWARD, CALIFORNIA

Settings: Low Water Plants, Loam, Drip-Emitter Line, Sloped Area

Controller Settings

Table with columns for Month (Jan-Dec) and rows for days of the month (1-15, 16-31) showing watering frequency.

* If your irrigation controller has a "Seasonal Adjust % Feature" we suggest that you program your controller to the July recommendations and then adjust as suggested below:

San Jose - Seasonal / Budget Adjustments

Table showing seasonal budget adjustments for months Jan through Dec.

Seasonal / Budget Adjust % Feature is used to make global run time changes without reprogramming the entire

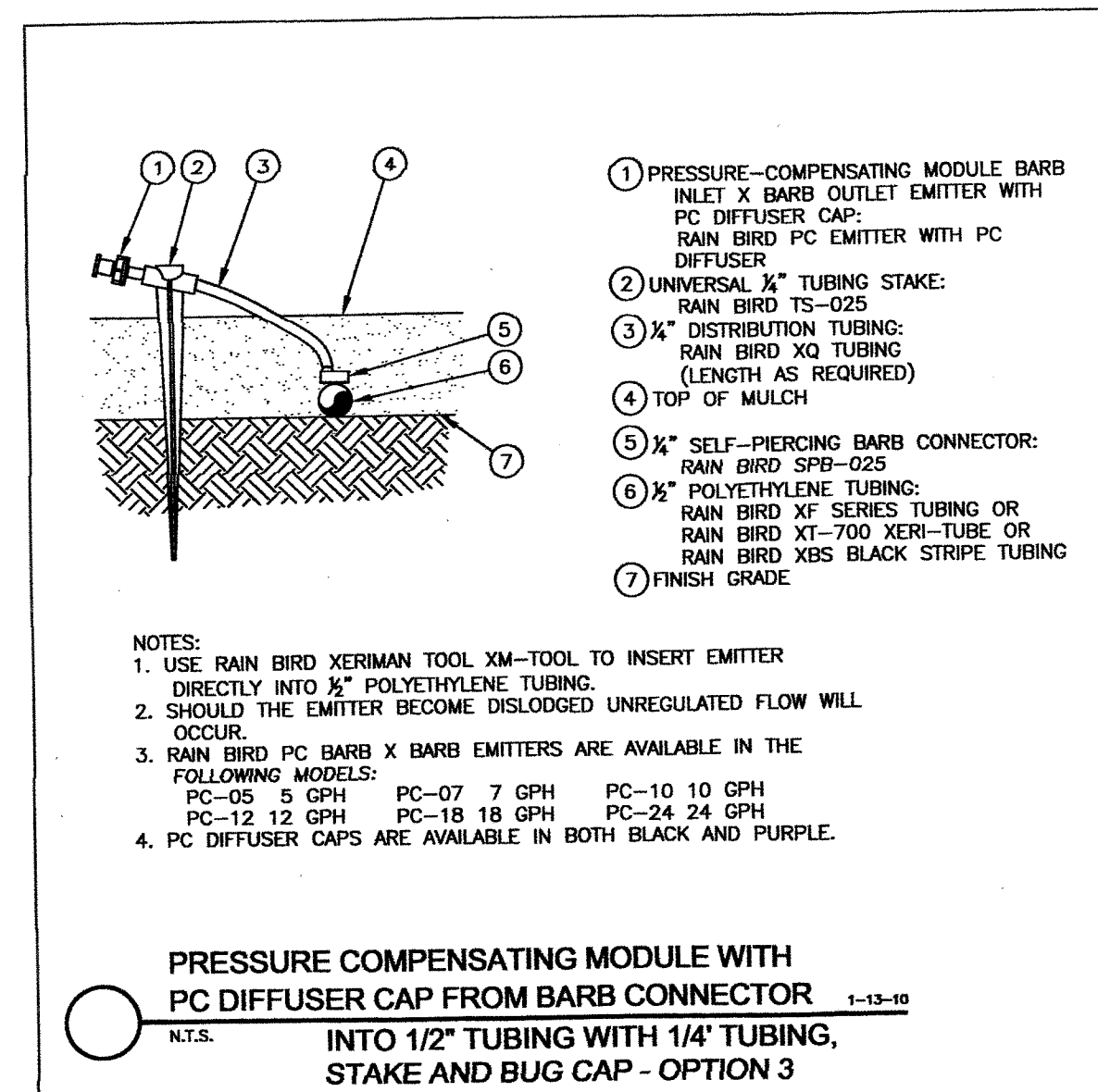
WATER AND LANDSCAPE EFFICIENCY CHECKLIST

IRRIGATION POINTS:

- 1. MANUAL SHUTOFF OF ENTIRE IRRIGATION SYSTEM WITHIN 10'-0" OF POINT OF CONNECTION. EXISTING POC IS A 1" AND 1" SIZE, SYSTEM DESIGNED FOR A MINIMUM OF STATIC PRESSURE OF 65 PSI, PRODUCING 17 GPM AT WATER METER.
2. ALL DRIP EMITTERS ARE DESIGNED FOR MATCHED PRECIPITATION RATES THROUGHOUT ALL VALVES AND SYSTEMS.
3. IRRIGATION WATER AUDIT SHALL BE PERFORMED UPON PROJECT COMPLETION.
4. SITE IS PRIMARILY FLAT, NOT SLOPED, REDUCING ANY RUNOFF CONDITIONS.
5. DRIP EMITTERS AND BUBBLERS ARE ALL DESIGNED TO CURRENT ANSI STANDARDS FOR THE MOST EFFICIENT IRRIGATION.
6. AUTOMATIC IRRIGATION CONTROLLER IS DESIGNED USING REDUCING CARBON IMPACT, DESIGNED WITH NON-VOLATILE MEMORY ALLOWING FOR FULL MEMORY IF SYSTEM IS SHUT-OFF FOR ANY REASON.
7. AUTOMATIC IRRIGATION IS CONTROLLED BY A SOLAR SYNC SENSOR PROVIDING POSITIVE CLOCK SHUT-OFF IN A RAIN EVENT.
8. EACH AUTOMATIC IRRIGATION VALVE HAS ITS OWN INDIVIDUAL BALL VALVE SHUT-OFF LOCATED AT EACH VALVE BOX LOCATION, THIS ALLOWS FOR QUICK POSITIVE CONTROL OF EACH CONTROL VALVE.
9. ALL DRIP VALVES HAVE ACCU-SYNC #40 PRESSURE REDUCING VALVES ATTACHED TO ELIMINATE ANY MISTING OR BLOWOUTS OF DRIP EMITTERS. AND MAINTAIN A CONSTANT PRESSURE OF 40 PSI OR LESS.
10. SYSTEM DESIGNED USING DRIP EMITTER IRRIGATION. POPUP SPRAY HEADS ARE USED IN ONLY A VERY LIMITED WAY ON THIS PROJECT. THIS PROMOTES HEALTHY PLANT GROWTH, AND REDUCES OVERALL WATER USE.
11. A MASTER VALVE IS INSTALLED BETWEEN THE BACKFLOW PREVENTION VALVE AND THE FIRST AUTOMATIC VALVE TO REDUCE WATER LOSS DUE TO MAINLINE PIPE DAMAGE.
12. BACKFLOW PREVENTION UNIT IS TO BE INSTALLED PER LOCAL CODES, UPON INSTALLATION UNIT SHALL HAVE BACKFLOW TEST GIVEN TO ASSURE COMPLIANCE.

PLANTING ITEMS

- 13. PROJECT IS NOT DESIGNED WITH ANY FORM OF NOXIOUS OR INVASIVE TREES, SHRUBS OR GROUNDCOVER.
14. HEAVY AMOUNTS OF WOOD MULCH CHIPS IN LANDSCAPE AREAS, 3" DEPTH IN GENERAL PLANTING BEDS. THIS DEPTH OF MULCH WILL REDUCE WEED GROWTH AND IRRIGATION WATER EVAPORATION AT EMITTER SITE.
15. HEAVY USE OF SOIL ADJMENTMENTS IN PLANTING AREAS ALLOWS FOR BETTER PLANT GROWTH AND REDUCED AMOUNTS OF IRRIGATION WATER. THE MIX SHOWN ON PLAN IS DOUBLE THE AMOUNT OF ORGANIC MATERIAL REQUIRED BY THE CURRENT STATE STANDARD.
16. ALL PLANTING IS DERIVED FROM THE MOST CURRENT WULCOS IV SOFTWARE AND FROM THE LATEST EAST BAY MUNICIPAL UTILITY DISTRICT PLANTING RECOMMENDATIONS TITLED "LOW WATER USE PLANTINGS".
17. LANDSCAPE PLANTINGS FEATURE NO LAWN SOD OR ANNUAL FLOWER COLOR, DECORATIVE WATER FEATURES OR VEGETABLE GARDENS.
18. ALL FERTILIZER REQUIRED WILL BE ORGANIC, SLOW RELEASE VARIETY. THIS WILL REDUCE THE NITROGEN SPIKE AND SUBSEQUENT INCREASED IRRIGATION TO WATER RAPIDLY GROWING PLANTINGS.
19. ALL PLANTINGS USED ARE RELATIVELY LOW WATER USE MATERIAL. PLANT PALETTE WATER RATIO IS 100% LOW WATER USE PLANTINGS. NO HIGH USE NURSERY MATERIAL INCLUDED SUCH AS FLOWER/ GARDEN OR WATER FEATURE USE INCORPORATED IN DESIGN OF THIS PROJECT.



LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE

SHRUB AND GROUNDCOVER AREAS:

- All weeds shall be removed as they appear. Additional weed control shall be initiated as necessary to maintain a weed free condition.
Shrub and ground cover shall be fertilized as little as possible while still keeping them healthy. It might be necessary to fertilize 1 to 2 times a year after the danger of frost has passed in the Spring and possibly again in the Fall. Application to be 1 pound of actual nitrogen per 1,000 square feet using a 16-16-16 slow release formula material. Where possible use organic fertilizers whenever possible. Native ground cover such as Manzanita doesn't want much fertilizer if any. DO NOT USE OR APPLY ANY FORM OF FERTILIZER IN THE EXISTING OAK TREE DRIFLINE.
Trim and edge as necessary to restrict growth from encroaching on sidewalks, irrigation components, or other adjacent areas.
Thin, shape and head back all shrubs only as needed, but check them at least annually.
All shrubs with a leaf size exceeding 2 inches shall be selectively pruned with hand clippers.
Maximize plant size. Encourage shrubs to completely fill in planting beds. Shrubs shall have a natural branching habit and form at all times.
Maintain shrubs at driveways and entrances to a height that will ensure safe vehicular access and view.
Prune at the proper time of year for each species to promote new growth and flowering.
Irrigate as necessary to maintain adequate growth and reasonable appearance.
Spot check soil moisture with a soil sampling probe weekly.
Control pests, including rodents and snails, to provide a healthy environment for plants and people.

TREES:

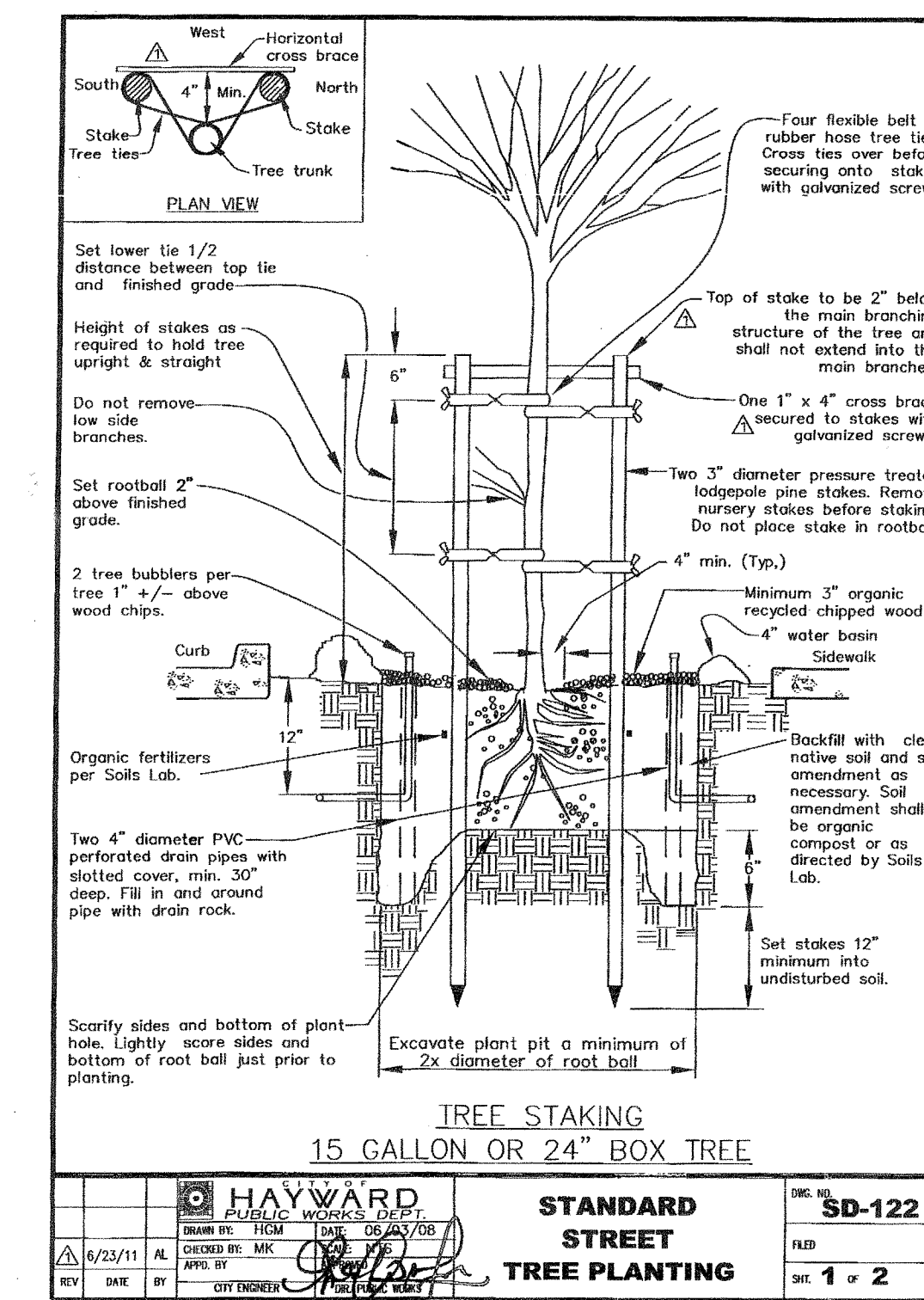
- All trimming of trees on the property is to be discussed with the Owner prior to commencement of work and may require guidance and/or skills of a certified arborist.
Trim, shape and selectively prune to maintain a safe, reasonable appearance. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained standard arboriculture practices.
Control pest and diseases as needed. Report occurrences to the Owner.
Tag and report any trees that show stress or weakness or trees that are in danger of uprooting paticos or endangering building to the Owner assign as they are detected.
Remove all dead, diseased or damaged branches back to a side branch.
Stake and support trees when necessary. Check all trees and remove unnecessary tree guy wires at least annually.
All guys and ties shall be checked frequently to avoid girdling
Maintain watering basins on young trees through the second year of establishment if they have drip irrigation.
Fertilized ornamental trees each April with deep root feeding and a 3 to 4 month, water soluble, 10-15-15 slow release fertilizer at recommended rates for the individual planting. DON'T FERTILIZE MATURE OAK TREES.
Irrigate as required as required to maintain adequate growth and appearance.

Irrigation System Maintenance:

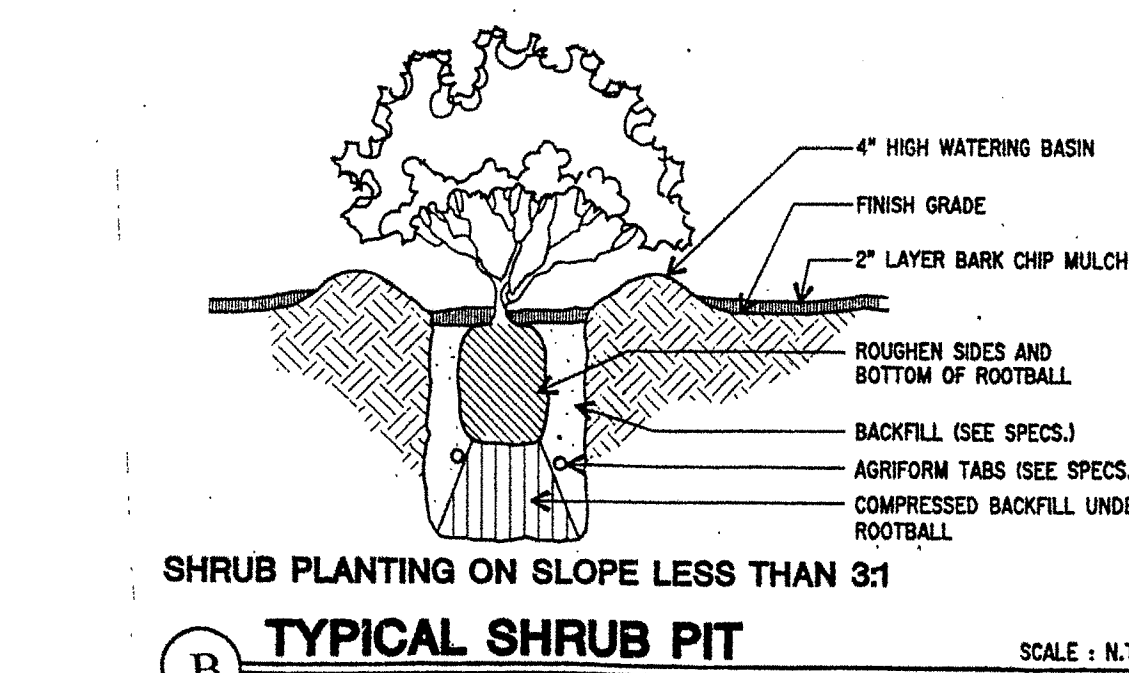
It is the responsibility of the landscape maintenance crew or the homeowner if there is no maintenance company to maintain the complete sprinkler and irrigation system in an operable condition at all times. This includes, but is not limited to, pressure regulators, basket strainers, back flow devices, pump systems, main pressure lines, lateral lines, clocks, valves, drip emitters, and sprinkler heads.

- Annually, during the month of February, a detailed Irrigation System Check shall be performed. A report on all necessary and suggested repairs shall be submitted to the homeowner or property owner by March 1st.
All systems are to be operationally checked monthly by running each zone a minimum of two minutes.
Keep valves in adjustment to prevent excessive flow velocity, slow or rap closure, excessive preside, and water hammer.
Check and record the water supply static pressure annually. Differences in the sprinkler systems design operating pressure and actual available water pressure can affect operation and efficiency.
Annual backflow device certification tests for all devices shall be completed once a year when notified and as required by the water department or supplier, and the results submitted to the owner and the water department supplier. Monthly, the devices shall be visually checked for failure. Water meter readings are to be taken monthly and recorded in a water usage log to help determine if there are any leaks.
Check all irrigation control clocks once a month to ensure that timers are still programmed correctly and are receiving ET data. Adjust water application settings of timers only if automatic ET irrigation controller shows error. Verify appropriate operation duration and frequency and start time. Irrigate only at night between 10:00 PM and 8 AM. Reprogram the ET based automatic controllers two months after the establishment period and of any new planting installations.
At the beginning of the rainy season and monthly during the rainy season, make sure a rain sensor is still properly installed, set at one fourth of an inch or less, and not sheltered by walls, shrubs or other plants. All irrigation systems must be turned off during periods of rain.
Repair and adjust all sprinkler heads to maintain proper coverage on an as needed and ongoing basis. Adjust irrigation system components whenever irrigation water falls or runs onto hard surfaces such as sidewalks, streets or driveways. (There are no sprinkler heads on this job because there is only drip irrigation).
General plant health, due to under or over watering and vandalism to irrigation materials shall be reported monthly.
Verify that sprinkler coverage is properly adjusted. Check the nozzle, arc, radius level and attitude with respect to slope. Make sure all heads pop-up completely and fully retract when the water is turned off. Check for sprinklers blocked by grass, plants or other obstacles. If the spray is blocked, remove the obstacle or move the sprinkler head. Make sure sprinklers are vertical and flush with the soil grade. (There are no sprinkler heads on this job because there is drip irrigation).
Check drip zone emitters for debris and assure proper operation.
Clean out Y-filters of drip valve assemblies and flush drip lines, if excessive dirt or mineral deposits are noticed.
Identify pipeline and valve leaks, and low head drainage problems. Make repairs immediately. Signs of leakage include green and soggy areas, often around spray heads and hose bibs.
Repair or replace broken hardware and pipes with matching, original equipment. Refer to pipe size in irrigation plan, to maintain correct design pressure after repairs. Test all repairs.
Winterize sprinkler systems if freezing is to be expected by removing all the water from the irrigation system in order to prevent cracked pipes, broken heads and other problems.

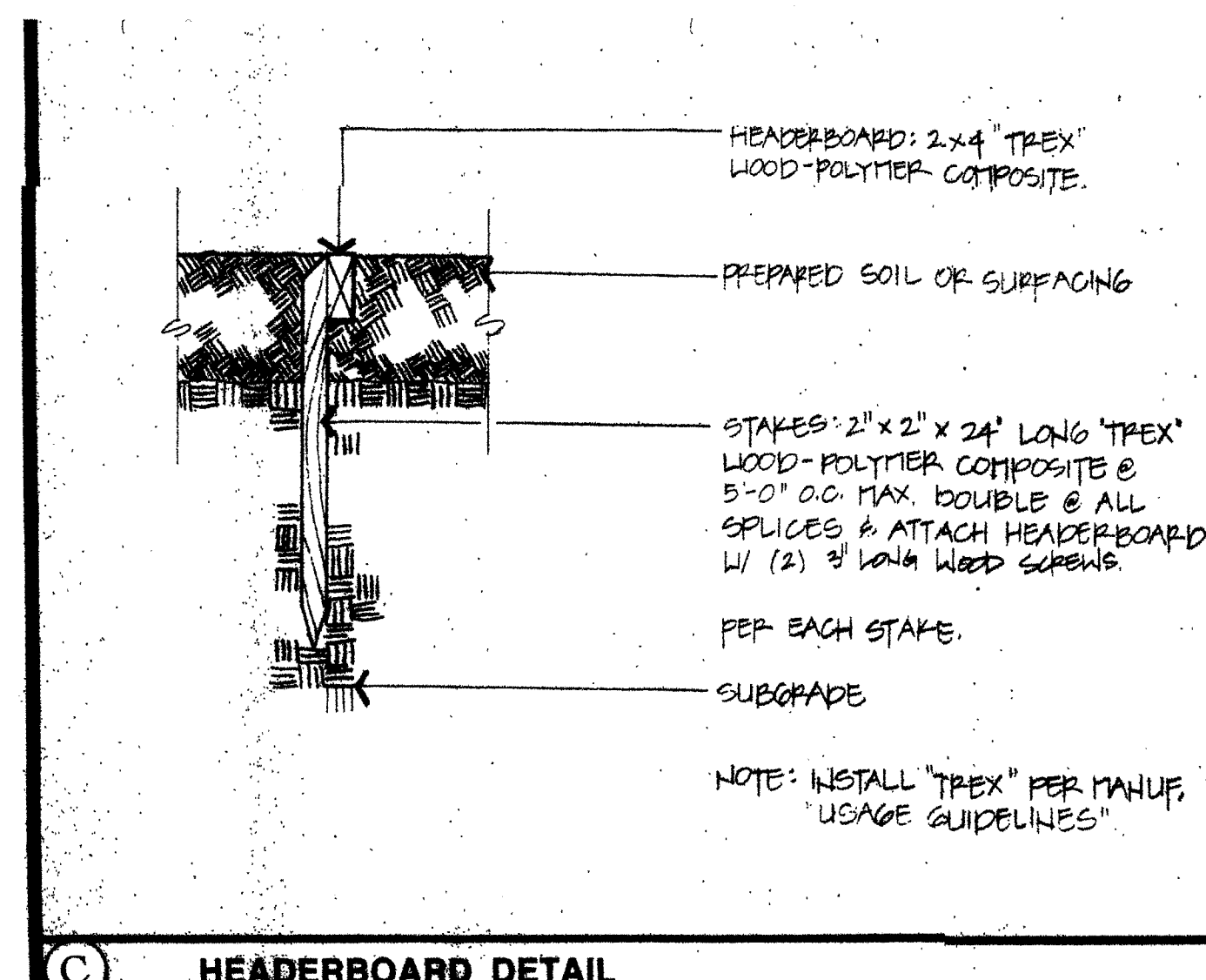
Identify your priorities during water limited situations such as various stages of drought. These priorities shall be summarized and reported to the home or property owner annually.



STANDARD STREET TREE PLANTING SD-122



TYPICAL SHRUB PIT SCALE: N.T.S.



HEADERBOARD DETAIL N.T.S.

Table with columns REVISIONS and BY.

I.R. NELSON & ASSOCIATES, INC. 23585 SUMMIT ROAD LOS GATOS, CALIFORNIA 95033 PHONE (408) 591-0873 EMAIL: CNDEY@AOL.COM

LANDSCAPE PLANNING FOR: BRAD SWITZER 2579 HOME AVENUE HAYWARD, CALIFORNIA

DRAWN: JRN CHECKED: DATE: 1.17.2019 SCALE: AS NOTED SHEET NO: HAYWARD SHEET

L-3 SHEETS

PLANTING NOTES, WATER, AND MAINTENANCE

Marcus Martinez

From: Louis Maiwald [REDACTED]
Sent: Monday, March 30, 2020 4:15 PM
To: Edgar Maravilla
Subject: Comments for Application: 202000579

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

Dear Edgar,

My response to you is regarding Application 202000579 located at 2579 Home Avenue.

I have lived on Hillcrest Ave in the Old Highlands since 1976 and was on the OHHA board for eleven years and president for 5 years. I was a resident when the streets were still two way. I am familiar with this community and the growth we have gone through. I was involved with the one way street system we proposed to Mayor Ilene Weinreb, the City Council and the City of Hayward for our neighborhood.

Unfortunately, I have watched the City of Hayward fail to maintain the semi-rural character for the Old Highlands. Among them are buildings that are being built at twice the size of existing homes with minimum setbacks only and no restriction to the narrow streets and neighboring terrains, sloped hills and riparian areas we are surrounded by. Further, PG&E shut our neighborhood off of power a second time last year at Hayward Blvd because of the canyon foliage.

I live next to the "GOLDEN OAKS II" Homes which have created much concern for the community and I now see a new project being proposed in the center of our community. That is the project at 2579 Home Ave. This is a multi-family home being built in the middle of our single family homes, in a semi-rural neighborhood. It does not appear to conform to the Hillside Design nor flow with the land contour well. It will be the biggest structure in this neighborhood (Lot 2 of GOLDEN OAKS II was reduced down from 6057 sq. ft. because it was so large). Additionally, It has no backyard for either structure.

I would say this structure does not represent the type of home this community agreed with the City of Hayward and it's concurrence with the City to maintain a rural environment for this area of Hayward.

Thank you,

Lou Maiwald

Marcus Martinez

From: George Dimic [REDACTED]
Sent: Wednesday, February 26, 2020 6:23 AM
To: Edgar Maravilla
Subject: Application # 202000579 - 2579 Home Ave

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

Hi Edgar,

Thank you for meeting with me on 2.24.20 to review the proposed captioned development (plans dated 01.22.20). Upon a careful review of the plans, I (along with many of my neighbors) are vehemently opposed to this development on the following grounds:

1. the submitted plans are clearly an attempt to build multi-family development in an area zoned for low density single family residences. The stated address is 2579 Home Ave and it represents the ADU building, with Hillcrest access to the main unit???
2. the ADU and the Main Unit share no access to one-another....clearly meant that one of them will be a rental unit, thus not complying with single family residence definition
3. neither unit has the required 3-car garage or sufficient off-street parking
4. the design does not at all fit the in-fill development guidelines established for this area....style and character of the surrounding buildings
5. water management (run-off) is not adequately designed and will exacerbate flooding of downhill properties on Home Ave

I urge you and the Planning Department to reject this application.

Sincerely, George

George Dimic, PE
ACCO Engineered Systems
1133 Aladdin Ave., San Leandro CA 94577

[REDACTED]
email: [REDACTED]

Marcus Martinez

From: Sara Ellen Daniel [REDACTED]
Sent: Wednesday, March 18, 2020 5:31 PM
To: Edgar Maravilla
Subject: Notice of Receipt of Application 2579 Home Ave
Attachments: icon.png

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

Dear Edgar Maravilla,

I'm writing to oppose the plan for building a massive, four story high structure on the lot adjacent to my home. The proposed home spans the entire distance from Hillcrest Avenue to Home Avenue, less the 20 foot setbacks. When I look out of my home towards the west, I will see a massive wall of stucco spanning 96 feet in length and 44 feet 11 inches in height with a total of 23 glass windows and/or doors on just the east side of the structure! Nearly the entire parcel will be graded due to the very large footprint of the proposed structure. This is definitely not consistent with the size, scale, and appearance of the existing neighborhood!

The existing neighborhood has winding roads with abundant changes in elevation. Many of the roads, including Home Avenue and Hillcrest Avenue, are narrow, one way streets. We don't have manicured lawns, but rather more of a natural look and with native vegetation. The California poppies are just starting to bloom! In the evenings, there are deer and foxes roaming the grassy hillsides. There are flocks of wild turkeys living here and walking in the roads. We definitely have a semi-rural look and feel to the neighborhood. Most of the homes are older and smaller with quaint appearances. The homes were built gradually over the decades, and some of the newer ones are stucco with tile roofs. But none have such a massive look and feel with 96 continuous linear feet on a side and nearly 60 separate windows and doors! The neighbors on Home Avenue will be looking up at a four story structure, while the neighbors on the sides will be looking at the 96' long by 44' 11" walls. Additionally, the ADU is not in keeping with the spirit of the law. The law was intended to provide affordable housing. This proposed ADU has a two car garage with cedar garage doors, a paver driveway, stone cladding, and a large deck. The architecture, finishes, and landscaping of the ADU will almost certainly make it a pricey rental unit.

As a resident of this neighborhood, I, for one, am not wealthy. I moved here for the quiet, green, open feel and the gorgeous view of the San Francisco Bay. If the construction at 2579 Home Avenue is allowed to proceed as proposed, a big part of what I moved here for will be gone forever. I can't afford to move to a more expensive neighborhood. Please allow me and my neighbors to continue to enjoy what we moved here for.

I sincerely hope you take our concerns into consideration before you allow wealthy investors to change the nature of our neighborhood and degrade our quality of life.

Sincerely,
Sara Ellen Daniel

Hayward, CA 94542
[REDACTED]



Address not found

Your message wasn't delivered to edgarmaravilla@hayward-ca.gov because the address couldn't be found, or is unable to receive mail.

The response from the remote server was:

550 permanent failure for one or more recipients (edgarmaravilla@hayward-ca.gov:550 No such user (edgarmaravilla@hayward-ca.gov))

----- Forwarded message -----

From: Sara Ellen Daniel [REDACTED]
To: edgarmaravilla@hayward-ca.gov
Cc:
Bcc:
Date: Wed, 18 Mar 2020 17:26:15 -0700
Subject: Notice of Receipt of Application 2579 Home Ave
Dear Edgar Maravilla,

I'm writing to oppose the plan for building a massive, four story high structure on the lot adjacent to my home. The proposed home spans the entire distance from Hillcrest Avenue to Home Avenue, less the 20 foot setbacks. When I look out of my home towards the west, I will see a massive wall of stucco spanning 96 feet in length and 44 feet 11 inches in height with a total of 23 glass windows and/or doors on just the east side of the structure! Nearly the entire parcel will be graded due to the very large footprint of the proposed structure. This is definitely not consistent with the size, scale, and appearance of the existing neighborhood!

The existing neighborhood has winding roads with abundant changes in elevation. Many of the roads, including Home Avenue and Hillcrest Avenue, are narrow, one way streets. We don't have manicured lawns, but rather more of a natural look and with native vegetation. The California poppies are just starting to bloom! In the evenings, th ----- Message truncated -----

From: Sara Ellen Daniel [REDACTED]
Date: Wed, Mar 18, 2020, 4:52 PM
Subject: Notice of Receipt of Application 2579 Home Ave
To: [<edgarmaravilla@hayward-ca.gov>](mailto:edgarmaravilla@hayward-ca.gov)

Dear Edgar Maravilla,

I'm writing to oppose the plan for building a massive, four story high structure on the lot adjacent to my home. The proposed home spans the entire distance from Hillcrest Avenue to Home Avenue, less the 20 foot setbacks. When I look out of my home

ATTACHMENT V

towards the west, I will see a massive wall of stucco spanning 96 feet in length and 44 feet 11 inches in height with a total of 23 glass windows and/or doors on just the east side of the structure! Nearly the entire parcel will be graded due to the very large footprint of the proposed structure. This is definitely not consistent with the size, scale, and appearance of the existing neighborhood!

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As a resident of this neighborhood, I, for one, am not wealthy. I moved here for the quiet, green, open feel and the gorgeous view of the San Francisco Bay. If the construction at 2579 Home Avenue is allowed to proceed as proposed, a big part of what I moved here for will be gone forever. I can't afford to move to a more expensive neighborhood. Please allow me and my neighbors to continue to enjoy what we moved here for.

I sincerely hope you take our concerns into consideration before you allow wealthy investors to change the nature of our neighborhood and degrade our quality of life.

Sincerely,
Sara Ellen Daniel

Hayward, CA 94542

██████████

Marcus Martinez

From: Valerie Caveglia [REDACTED]
Sent: Wednesday, March 18, 2020 4:48 PM
To: Edgar Maravilla
Subject: 2579 Home Ave

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

Valerie

Dear Edgar:

I am writing about my grave concern regarding the abomination that is being proposed to be built between Home Ave. and Hillcrest Ave.

In the 1980's and 1990's I personally spent 20 years working with my HOA and the City to keep our neighborhood in tact from overdevelopment. I felt we had succeeded. The Hillside Design Guidelines under the committee of past Councilman Joe Hilson, city staff, and many of us, and the Hayward Hills Task Force documents were the public input that the City, at the time, assured us would be respected over the years as time marched forward.

Fast Forward: Where are the people at City Hall who know those guidelines exist? That the plans for 2579 were even accepted to be considered is shocking to me. Everything this neighborhood has worked for over the years is being ignored. This structure might as well be an apartment building. (I wouldn't be surprised if it became a multiple dwelling unit in disguise.) There is no consistency in size when this structure is compared to anything, anywhere, in our neighborhood, not to mention the immediate homes.

The man who bought that lot should know better, as he used to live here on Hillcrest before he got divorced. That he would pass this on to a firm across the Bay that specializes in speculative sale seems careless and ill thought out. Mr. Switzer is not behaving responsibly with his purchase and is threatening the very essence of our neighborhood.

Please put a stop to this madness!

Valerie Caveglia

Hayward CA 4542

Visit my website at:
ValeriesImagesinWood.com

"Less is more only where more is no good"
...Frank Lloyd Wright

Marcus Martinez

From: Robert Carlson [REDACTED]
Sent: Thursday, March 12, 2020 7:54 PM
To: Edgar Maravilla
Subject: Construction at 2579 Home ave -- Community member response

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

March 12, 2020

Edgar Maravilla, Associate Planner
Delivered By Email

Dear Mr. Maravilla;;

I have reviewed the proposed construction for 2579 Home Ave., Hayward. I have several concerns including the concern that this huge 6,150 gross sqft house which is to be plopped squarely in a neighborhood of modest 1980's homes will destroy the character of the neighborhood, which is highly valued by the current residents. The stated goals of the City's design guidelines, developed in agreement with neighborhood representatives, are about the preservation and enhancement of the character of the existing neighborhood and maintenance of open space. A 6,150 ft residence(s) is completely out of keeping with the current neighborhood and contrary to both of these stated principles.

Policy Number One of the Hayward Highlands Neighborhood Plan, the current in-force plan for the neighborhood, states the goal of "Retain(ing) the single-family character of the Hayward Highlands area by allowing only appropriate residential infill development which is consistent in **size, scale, and appearance** with existing residential structures and encourage owner occupied buildings." This construction does none of this.

This lot is zoned as a RSB6 with a 6,000 sqft minimum. According to Hayward policy the City is committed to owner-occupied residences. OHHA already is being overrun by "dormitory" houses rented to students. Now this owner is stating up front that he is building a 1,198 square foot additional dwelling on the lot which by any stretch of the imagination cannot be owner occupied along with an owner-occupied primary residence. This construction is not owner occupied nor does it meet the 6,000 minimum lot size per residence.

The parcel in question consists of 9,300 sqft. Minimum lot size per residence in OHHA is 6,000. This helps assure that the intentions of the neighborhood plan are met. However, disguising two houses as one and building them on 9,300 feet is a sham designed to circumvent the agreed upon zoning for OHHA. Two houses would require 12,000 sqft lot. Building this house on this lot is contrary to long established agreements and zoning uniquely agreed between the City and Old Highlands Homeowners Association, OHHA.

The primary issue is raised when the lot location and size of the construction are considered together. There are 3,000+ sqft homes in the OHHA area but their size is usually mitigated by location. Often the size is hidden by slopes, flag lots or located in one of the OHHA areas with large homes already in place (Rainbow Court for example). Here is a lot sitting centrally in a neighborhood of modest 1970/80 homes. This new structure is FOUR STORIES HIGH and over 6,000 gross square ft. You might as well build a hotel in the middle of the town square.

Policies B1 and B2 of the Hayward Highlands Neighborhood Plan are also germane. Policy B1 states: "Allow only new development and improvements which respects the existing semi-rural character, especially in the Old Highlands . . . neighborhoods."

And B2 states: "Allow only infill development which is respectful of natural features including steeply sloped hillsides, creeks, and riparian corridors." B.2.1 goes on to say: "Allow only new construction which features stepped-back building envelopes on sloped areas and minimal onsite grading . . ." This construction does not follow the guideline/commitment that the City and neighborhood agreed upon when developing the Hayward Highlands Neighborhood Plan.

Regarding ADUs, they are a subterfuge for unilaterally changing neighborhood zoning by permitting anyone with enough space, money, and greed to build a second house on a lot zoned for a single family, low density project. ADUs target the very neighborhoods that value traditional spacing and development because of their larger lot sizes. However, in point of fact, the ADU ordinance also has an appropriate limitation on this construction when it states: "Assessory Dwelling Units proposed to be attached from the primary residence shall comply with the development standards set forth by the underlying zoning, for the primary structure including . . . architectural compatibility"

I also object to the form of the "Notice of receipt of Application" as it seems to intentionally downplay the size and scope of the project by understating its architecture through the elevation selected to picture on the notice, down-sizes the building by describing only inhabitable square feet in lieu of actual gross square footage, and by providing a very limited timeline for response. This notice needs to be resent with honesty and transparency in mind.

I respectfully request that this application be summarily denied and the current lot owner be advised and copied the neighborhood plan so that future potential buyers of the property can be informed of the policies and agreements which are in place to limit housing construction to size, scale, and appearance that reflect the neighborhood values and culture.

Sincerely,

Robert Carlson

Edgar Maravilla, Associate Planner
City of Hayward
777 B St.
Hayward, CA 94541
Also sent by Email



RE: Response to "Notice of Receipt of Application"
regarding construction of a residence at 2579 Home Avenue

Dear Mr. Maravilla:

Having already sent correspondence to your office expressing the Old Highlands Homeowners Association's (OHHA) concern about the notice given for this project this correspondence will address the specific concerns the neighborhood has with its construction.

To start, with absolute clarity, the OHHA Board and residents it represents, are vehemently opposed to this project. This monstrous sized home has no place in the neighborhood under consideration for its construction. This is an attempt to build a multi-family development in an area zoned for low-density single-family homes.

The primary issue is raised when the lot location and size of the construction are considered together. There are 3,000+ sqft homes in the OHHA area but their size is typically mitigated by location. Often the size is hidden by slopes, flag lots or located in one of the OHHA areas with large homes already in place (Rainbow Court for example). However, in this situation the lot is sitting centrally in a neighborhood of modest 1970/80 homes. This new structure is four stories high, a block long, and over 6,000 gross sqft. It has a two-car garage and entrance facing Home Ave and another two-car garage and entrance on Hillcrest.

While this construction may be viewed to be legal when comparing its physical measurements against City specifications it is clearly illegal when measured against the Old Highlands Master Plan and the 1977 zoning agreement between the Old Highlands and the City. Specifics of its illegality and contravening of established agreements are as follows:

- 1) City/OHHA Agreements: As a result of ten years of debate over OHHA zoning wherein the citizens of OHHA wanted to retain the open rural character of the area while speculators wanted to build student housing and apartments; on October 11, 1987 the City agreed to OHHA's requests and rezoned the area for low density single occupancy housing. While the institutional memory at City hall may have forgotten this conflict over zoning, there are many OHHA residents who have not. We need to keep the agreement reached between OHHA and the City. Two houses on 9,300 sqft does not belong on a lot zoned as RSB6 with a 6,000 sqft minimum.
- 2) 2040 Hayward City Plan: The 2040 City Plan regarding infill states: "The City shall protect the pattern and character of existing neighborhoods by requiring new infill

developments to have complimentary building forms and site features.” This is not the case with this project.

- 3) The Hayward Highlands Neighborhood Plan: The 1998 Hayward Highlands Neighborhood Plan, the plan currently in effect and posted on the City website, states the goal of “Retain(ing) the single-family character of the Hayward Highlands area by allowing only appropriate residential infill development which is consistent in size, scale, and appearance (*emphasis added*) with existing residential structures and encourage owner occupied buildings.” This construction does none of this. One of the two structures is not likely to be owner occupied and the size, scale, and appearance of the entire project is NOT consistent with the rest of the neighborhood.

The Plan further states in sections B1 and B2 that Hayward will “Allow only new development and improvements which respects the existing semi-rural character, especially in the Old Highlands . . . neighborhoods.”

And in B2 “Allow only infill development which is respectful of natural features including steeply sloped hillsides, creeks, and riparian corridors.” B.2.1 goes on to say: “Allow only new construction which features stepped-back building envelopes on sloped areas and minimal onsite grading . . .”

These are commitments derived from extensive negotiations and work by both community members and the City and should never be lightly tossed aside for convenience. This construction does not follow the guidelines/commitments that the City and neighborhood agreed upon when jointly developing the Hayward Highlands Neighborhood Plan.

- 4) Project use and potential for misuse: The development has seven bedrooms and not too far in the future when all the rules of construction and Accessory Dwelling Units (ADU) are forgotten this structure will likely follow the pattern of several other houses in the OHHA neighborhood and become student housing providing rented rooms to as many as 14 Cal State Eastbay students.
- 5) Parking: Seven bedrooms also raises the issue of parking. Again, out of respect for neighborhood concerns, the streets in OHHA are primarily one way and narrow with parking allowed only on one side. In this case the parking is already used up by existing residents and the project only has space for four vehicles. Since street parking is unavailable and the project lacks enough parking for its size, this is a major issue on streets too narrow for parking on both sides.
- 6) Storm Drainage: This lot steeply slopes from its North side to its South side facing Home Ave. The Home Ave. residents across from the site have repeatedly suffered from flooding water in their homes. To address this the home directly across from the construction (2562 Home Ave) has constructed an extensive storm drainage system for that residence, and neighbors, protection. Key to this protection system is the ability of this hillside to absorb considerable amounts of water which will otherwise over-run the

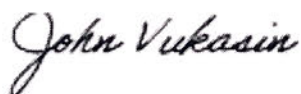
defenses installed by the homeowners. We are not convinced that a traditional downslope containment system would adequately address the storm drainage issue for the homeowners on Home Ave.

- 7) Accessory Dwelling Units (ADU): ADUs are a subterfuge for unilaterally changing neighborhood zoning by permitting anyone with enough space and money to build a second house on a lot zoned as a single family, low density project. It is obvious that the City Council responded to Senator Wieckowski pleas when they adopted the ADU ordinance. But this is not his community and we are unfamiliar with any public hearing held on this issue prior to a unilateral action to halve the zoning and density laws currently in effect in Hayward. It is also a concern that while a street light installation requires agreement from every owner within 175 feet and while speed bumps require agreement from 60% of the block residents, a person can build an ADU without any consultation with their neighbors. ADUs target the very neighborhoods that value traditional spacing and development because of their larger lot sizes. This needs to change. However, even the ADU ordinance specifies that: "Accessory Dwelling Units proposed to be attached from the primary residence shall comply with the development standards set forth by the underlying zoning, for the primary structure including . . . architectural compatibility."

OHHA and the City have had long and on-going discussions about zoning, roads, storm drainage and the like. OHHA hoped that once these issues were settled and memorialized in agreements such as the 1998 Hayward Highlands Neighborhood Plan there would be no reason to rehash them or challenge the City's decisions effecting OHHA. But, unfortunately, here we go once again as decisions relating to OHHA's rural character and the zoning that sustains it returns to the forefront. Let's stop the madness and show respect to the OHHA residents by adhering to the City's commitments to preserve this unique neighborhood in the Hayward community.

If this proposal is approved administratively, even with changes, please advise when the Planning Commission or City Council will hear it. We will want to appeal.

Sincerely;



John Vukasin, President
Old Highlands Homeowners Association (OHHA) Board

CC:

Kelly McAdoo, Hayward City Manager
Sara Buizer, Hayward Planning Manager
Laura Simpson, Hayward Dir. of Devl. Serv.
Robert Carlson, OHHA Board Vice President
Grant Anderson, OHHA Board Treasurer

Ruth Ritter, OHHA Board Secretary
Charles Dalmon, OHHA Board Member
Margaret Warhurst, OHHA Board Member
Bijan Mashaw, OHHA Board Member

March 9, 2020

Kelly McAdoo, City Manager
 Laura Simpson, Director of Development Services
 Sara Buizer, Planning Manager
 Edgar Maravilla, Associate Planner
 777 B Street
 Hayward, CA 94541

RECEIVED

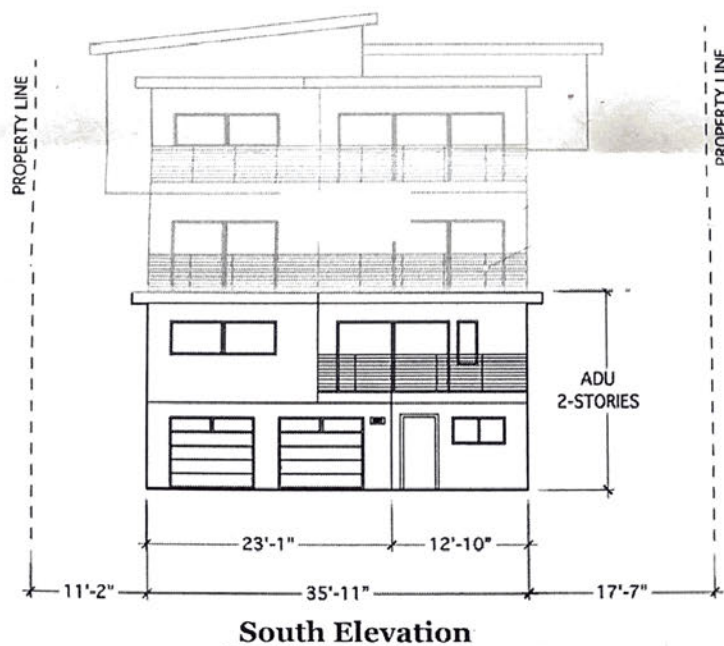
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PLANNING DIVISION

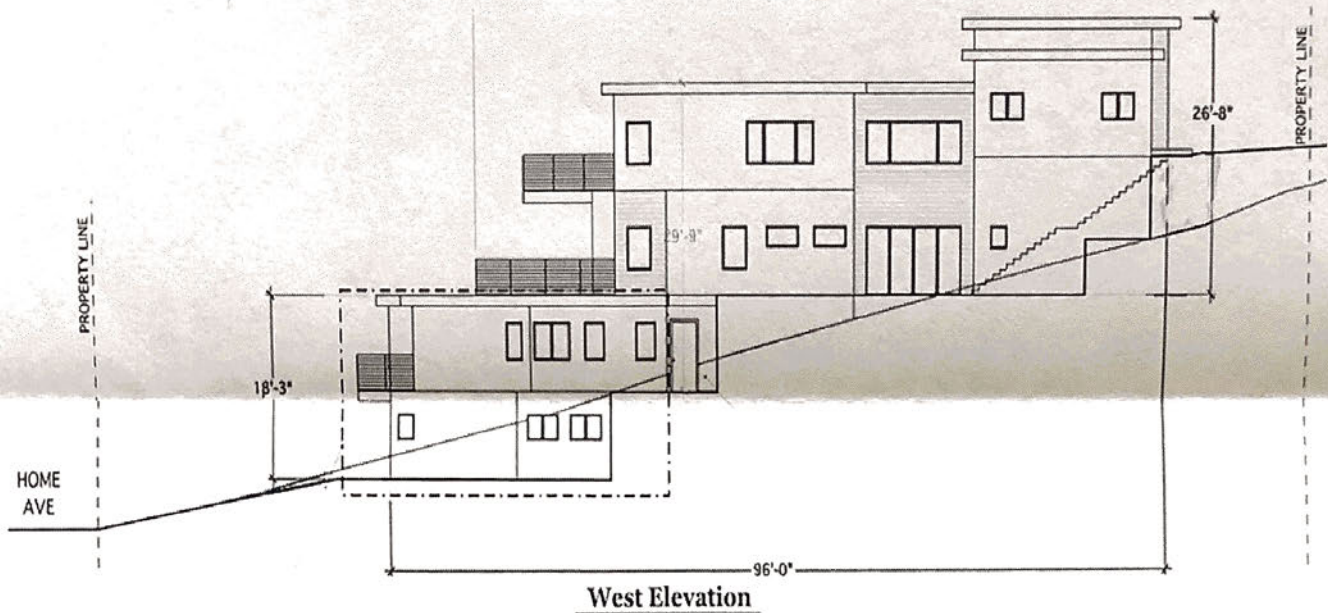


Dear City Officials;

Attached to this letter is a copy of a "Notice of Receipt of Application" which we received on February 18, 2020. There are several issues of concern with this notice including the lack of transparency in the description of this construction project. The notice seems perfunctory and while purporting to be soliciting community comment on this project it seems to be, in fact, a part of a review process which is focused on finishing as easily and with as little community interference as possible. The Notice further leaves the impression that the City values the goals of the developer more than the views of the community in which the development will be placed. Ultimately the notice appears to hide controversial factfinding in order to dampen response and creates a short timeline of five working days in which the community must research the regulations, examine the project, have the project assessed by its own experts, meet its Board, and respond with its concerns. This action appears to put the developer's interest before the community's which the City, and its staff, is hired to protect. The City appears to be siding with the developer to move this project forward as soon as possible to approval and completion.



Let's look at the issues imbedded in the notice. First examine the north elevation as placed on the notice. In all appearances it is a simple one-story house which could easily pass through the community comment process without much opposition. However, included here you will find views from the West (side) and the South elevations which paint a dramatically different picture of this residence and which would obviously raise community concern. Viewed from Home Ave this residence is FOUR stories high plus additional structure.



From the side this residence stretches a full block with a two-door garage and entrance on Home Ave and a second two-car garage and entrance on Hillcrest Ave.

Having seen this, look back on the illustration provided by the City and ask yourself if it properly represents the scope of this construction project and fairly informs the community concerning the project's size and scope for a reflective and considered response.

A similar problem exists regarding statements about the size of the residence. The information from the City states the TWO residences are 3,522 sqft and 1,198 sqft for a total of 4,720 sqft. This is not the actual size of the building. This is habitable square feet and does not count garages and storage, for example. As such it understates the actual square footage needed by the community to accurately judge the residence's fit into the neighborhood. In this case the gross square feet under roof is 6,153. Again, this understatement by the City seems an effort to minimize the impact of the residence and soften community response based on its size.

These three issues: (1) shortness of response time, (2) selection of the image to represent the project, and (3) significant understatement of the gross square feet can collectively and easily lead to the conclusion that community response was not of any primary concern to the Hayward Planning Department but moving the project through the system was.

In our view the City Planning Department needs to be directed to provide transparent and full information regarding pending construction in any neighborhood. The Planning Department should be putting the neighborhood responses foremost as they review and approve construction projects.

We requested an extension of time for review of this project. It was extended 30 days but frankly the neighborhood response to this project has been so overwhelmingly negative that the OHHA is holding a community meeting on March 23 to discuss OHHA's response. In summary, to react to the meeting comments and form a coherent response may take slightly more than the time given.

One key element that has been overlooked in this approval process is that in 1979 there was a zoning dispute between OHHA and the City, with legal suits being filed, as speculators tried to rezone the Old Highlands for student housing and other University services. The outcome of that settlement was a commitment by the City to forever maintain low-density single-family residential development in the OHHA neighborhood. This project is two houses setting on 9,300 sqft lot in a neighborhood which has a 6,000 lot size minimum. It is the OHHA Board's position that this project, and the ADU policy generally, reneges on the promise reached as the dispute was settled. Further this construction ignores a jointly developed 1998 plan, which is currently posted on the Hayward website as the plan in effect at this time, which states that Hayward will *"retain the single family character of the Hayward Highlands area, by allowing only appropriate residential infill development which is consistent in size, scale and appearance with existing residential structures, and encourage owner-occupied housing."* This structure is not consistent in size, scale and appearance with existing residential structures and one of the two houses will not be owner occupied.

We request a new mailing of the "Notice of Receipt of Application" which with maximum transparency identifies the key characteristics of this residence for proper and fully informed review by the residents of Old Highlands. Further, the deadline for response should provide sufficient time for the afore mentioned public meeting to be held and sufficient time for OHHA Board response.

Sincerely;

Old Highlands Homeowners Association Board

John Vukasin, Chairman, Tribune Ave

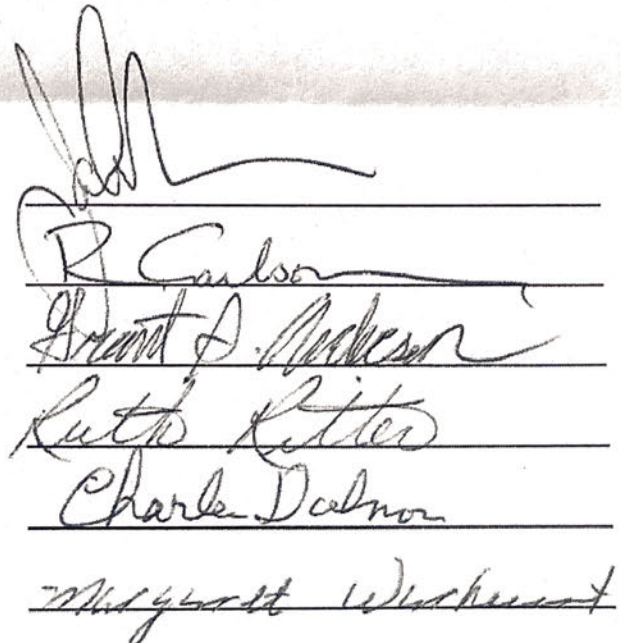
Robert Carlson, Vice Chair, Home Ave

Grant Anderson, Treasurer, Hillcrest Ave

Ruth Ritter, Secretary, Parkside Ave

Charles Dalmon, Board Member, Grandview Ave

Margaret Warhurst, Board Member, Home Ave



Handwritten signatures of the Old Highlands Homeowners Association Board members, each on a horizontal line. The signatures are: Robert Carlson, Grant Anderson, Ruth Ritter, Charles Dalmon, and Margaret Warhurst.

**PLANNING COMMISSION MEETING
THURSDAY, JANUARY 28, 2021**

**DOCUMENTS RECEIVED AFTER
PUBLISHED AGENDA**

ITEM #1 PH 21-003

**Proposed Single-Family Residence and Attached
Accessory Dwelling Unit on a Vacant 0.21-Acre
Hillside Lot with an Average Slope Greater than 20%
Located at 2579 Home Avenue**

PUBLIC COMMENTS

&

STAFF RESPONSE

Marcus Martinez, Associate planner
City of Hayward
777 B St.
Hayward, CA 94541
Also sent by Email

1/26/2021



RE: **ADDENDUM** - Response to Notice of Planning Commission Public Hearing regarding construction of a residence at 2579 Home Avenue

Dear Mr. Martinez and members of the Hayward Planning Commission:

1 | This correspondence is regarding the City approval being sought for a new construction at 2579
Home Avenue. Having just recently come into possession of the supporting documents and
staff findings for approval we respectfully request that this item be tabled to provide time for
adequate review of these extensive and complex documents. A quick review finds errors of fact
2 | as well as significant omissions of information (for instance the bearing of the Highlands
Neighborhood Plan) on this project. The letter provided earlier today needs to be expanded to
adequately respond to the documents now available. We understand that state law has made
demands in this area of municipal authority however having read the law it appears not all
3 | areas still reserved for municipalities has been considered in this plan (for example storm
drainage and public safety).

4 | Thank you for the opportunity to represent our community clearly and fairly on a decision
which has deeply affected it and created a high level of concern among affected residents.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Vukasin', is written over the word 'Sincerely,'.

John Vukasin, President
Old Highlands Homeowners Association Board

CC: Kelly McAdoo, Hayward City Manager
Laura Simpson, Hayward Director of Development Services
Sara Buizer, Hayward Planning Manager
Robert Carlson, OHHA Board Vice President
Grant Anderson, OHHA Board Treasurer
Ruth Ritter, OHHA Board Secretary
Charles Dalmon, OHHA Board Member
Margaret Warhurst, OHHA Board Member
Bijan Mashaw, OHHA Board Member

Marcus Martinez, Associate planner
City of Hayward
777 B St.
Hayward, CA 94541
Also sent by Email

1/27/2021



RE: Response to Notice of Planning Commission Public Hearing regarding construction of a residence at 2579 Home Avenue

Dear Mr. Martinez:

1 | This correspondence is regarding the City approval being sought for new construction at 2579 Home Avenue. To start, with absolute clarity, the Old Highlands Homeowners Association (OHHA) Board, and residents it represents, are vehemently opposed to this project. This monstrous sized home has no place in our neighborhood. Further, this is an attempt to build a multi-family development in an area zoned for low-density single-family homes and is not in compliance with the February 1998 Hayward Highlands Neighborhood Plan. The neighborhood zoning is RS with a requirement of 5,000 square feet minimum per home. The two residences in question are being constructed on an 8,700 square foot parcel. 2

3 | The following issues are of concern:

- 1) Max Unit Size -- The Accessory Dwelling Unit (ADU) exceeds the maximum size which, as stated in the Hayward Guidelines, is 1,000 square feet for two or more bedrooms. The ADU is 1,198 square feet.
- 2) Height – Hayward Guidelines limits ADU structures to 16 feet in height. This ADU structure is 18’3” and exceeds the maximum of one story in the Hayward Ordinances. Overall building height is limited to 30 feet. From the ground floor facing Home Avenue to the top of the upper floor facing Hillcrest Avenue, the structure rises 44’ 11”.
- 3) Parking – State ADU regulations state that parking may be required by the City but is limited to one space per bedroom. This house and ADU have 7 bedrooms but only 4 parking spaces are evident. It must be noted that this is not a trivial matter in the OHHA neighborhood. Both Home and Hillcrest Avenues are one-way with limited parking and that is only allowed on one side. The parking requirement is deemed necessary to provide passage for emergency vehicles on a narrow roadway.

6 | The primary concern is the ADU which adds parking, traffic, zoning, road service, sewage, police, and fire protection issues among many others. Zoning is a local process which considers these issues. It is clear that the State has usurped the local housing management process and has in fact declared zoning regulations and CC&Rs rules null and void as it relates to ADUs. Any remaining rules or ordinances must be limited to objective standards for which ministerial review is possible. More subjective zoning requirements such as fit into the community are unenforceable. However, sewage, storm drainage, safety, and traffic are all legal mitigations which can be imposed on a planned ADU.

7

Regarding storm drainage, this lot steeply slopes from its North side to its South side facing Home Avenue. The Home Avenue residents across from the site have repeatedly suffered from flooding water in their homes. To address this, the homeowners have built an extensive private storm drainage system for their properties' protection. Key to this protection system is the ability of this hillside to absorb considerable amounts of water which will otherwise over-run the defenses installed by the homeowners. We are not convinced that a traditional downslope containment system would adequately address the storm drainage issue for the homeowners on Home Avenue.

8

Beyond these issues there remains other considerations in that OHHA's zoning is not a result of the City of Hayward's sole action but the result of a contractual agreement between the City of Hayward and OHHA. Soon after the annexation of OHHA to the city of Hayward in the mid-60s, the City proposed plans for rezoning the area. This was in response to speculators who hoped to profit from the construction of the Cal State Hayward campus across from the OHHA area. This process lasted over ten years and prompted several courses of legal action between OHHA and the City. Finally, in 1992, a community wide committee was formed to draft guidelines defining the relationship between the OHHA community and the City. Ultimately this resulted in an agreement known as the Hayward Highlands Neighborhood Plan. This agreement; this contract; was codified in the City's planning documents and is still in place today. This document is clear about the agreement regarding zoning. What is not clear is the question of the State having the power to unilaterally declare a contracted agreement that a public entity made with a Community Corporation null and void in the same manner that it nullifies zoning established by the City alone, all without compensation to the Corporation for its loss.

9

For the above reasons, OHHA opposes the construction of this home and ADU. The size of this multi-family development is overwhelming and does not conform with the neighborhood nor is it in compliance with the Hayward Highlands Neighborhood Plan.

Sincerely,



John Vukasin
Chair, Old Highlands Homeowners Association Board

CC: Kelly McAdoo, Hayward City Manager
Laura Simpson, Hayward Director of Development Services
Sara Buizer, Hayward Planning Manager
Robert Carlson, OHHA Board Vice President
Grant Anderson, OHHA Board Treasurer
Ruth Ritter, OHHA Board Secretary
Charles Dalmon, OHHA Board Member
Margaret Warhurst, OHHA Board Member
Bijan Mashaw, OHHA Board Member

TO: Planning Commission
FROM: City of Hayward Planning Division
DATE: January 28, 2021
SUBJECT: Response to Letter Received from OHHA

Letter from Old Highlands Homeowners Associations (OHHA), dated January 26, 2021

1. A legal ad was published in the Daily Review newspaper, and a public hearing notice via postcard was distributed to all properties and interested parties within 300-feet of the project site on Friday, January 15, 2021. Both forms of public notification indicated that the Planning Commission agenda would be available online at hayward.legistar.com/Calendar.aspx the Friday before the Planning Commission hearing. The Planning Commission agenda was published online for public review on Thursday, January 21, 2021.

The Planning Commission is being requested to review the proposed project and provide a recommendation to the City Council. The City Council will review the project and the recommendation from the Planning Commission at a virtual public hearing tentatively scheduled for Tuesday, February 16, 2021.

2. The Hayward Highlands Neighborhood Plan was incorporated into the goals and policies of the Hayward 2040 General Plan that was adopted in 2014 by the City Council. The proposed project is deemed compliant with the property's land use designation of Low Density Residential (LDR) as it includes a detached single-family home and second unit (also known as an Accessory Dwelling Unit).
3. Noted. Please see response #1 above.
4. Noted.

Letter from Old Highlands Homeowners Associations (OHHA), dated January 27, 2021

1. OHHA's opposition to the proposed project is noted. Previous correspondence from OHHA and the surrounding neighborhood has been included as Attachment V to the staff report.
2. Pursuant to Section 65852.2 of the Government Code (State law), properties with proposed single-family residences and Accessory Dwelling Units (ADUs) are not considered multi-family properties. ADUs are considered ancillary or "accessory" to the primary single-family dwelling on the property. In addition, per State law, local agencies may not impose a minimum lot area requirement on ADUs; thus, the subject parcel is eligible to develop an ADU although the site does not have 10,000 square-feet of lot area.
3. Size - ADUs are allowed to be no more than 50% of the habitable floor area of the primary dwelling with a cap of 1,200 square-feet. As the proposed single-family home is greater than

2,400 square-feet, the maximum size for the proposed ADU is 1,200 and thus is deemed in compliance.

4. Height – For ADUs that are attached to the primary single-family dwelling, ADUs are allowed to defer to the height limitations of the primary structure which is 30-feet. In addition, per the Hayward Municipal Code, the building height is defined as the following:
 - **BUILDING HEIGHT.** The vertical distance at any point from the finished grade or existing grade, whichever is lower, to the highest point of the coping of a flat roof, to the top roof line of a mansard roof, or to the midpoint of the highest gable of a pitched or hip roof. Where unusual deviations occur on the existing grade, such as a small swale, the Planning Director may make minor adjustments in the building height envelope to permit reasonable building design consistent with the intent and purpose of the building height standard. Graded area entirely under a building and not visible from the exterior of the building, such as underground garages and basements, shall not be included for purposes of calculating height.

Further, for hillside properties, height measurements are measured along the hillside versus the lowest point of the parcel against the highest part of the proposed structure; thus, the proposed structure is in compliance with the established height limitations.

5. Parking – State law states that “[p]arking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway”. The proposed ADU includes a two-car garage and a driveway which can accommodate up to 4 standard vehicles; thus, the ADU complies with the parking requirements per State law.
6. The ADU will include a driveway and enclosed garage which provides up to 4 dedicated parking spaces separate from the main home which will be accessible from Home Avenue. There will be a sanitary sewer connection along Home Avenue that will service the ADU.
7. The project was required to include stormwater detention facilities of adequate capacity to mitigate any increase drainage run-off. The project has included two drainage detention and infiltration basins to capture roof runoff just below the structure and above Home Avenue. In addition, the project will incorporate pervious pavers or concrete for the lower driveway. Additional requirements included in conditions of approval numbers 37 and 39 require the dissipation of drainage and an agreement to maintain these facilities.
8. The Hayward Highlands Neighborhood Plan was incorporated into the goals and policies of the Hayward 2040 General Plan that was adopted in 2014 by the City Council. The proposed project is deemed compliant with the property’s land use designation of Low Density Residential (LDR) as it includes a detached single-family home and second unit (also known as an Accessory Dwelling Unit).
9. Noted. OHHA’s opposition to the proposed project is noted. Previous correspondence from OHHA and the surrounding neighborhood has been included as Attachment V to the staff report.

Marcus Martinez

From:
Sent: Thursday, February 18, 2021 4:16 PM
To: Kelly McAdoo; Marcus Martinez; Barbara Halliday
Cc: 'Robert Carlson'; 'Bijan Mashaw'; 'Charles Dalmon'; 'Grant Anderson'; 'Margaret Warhurst'; 'Ruth Ritter'; 'Joy Rowan'; 'Valerie Caveglia'
Subject: RE: Proposed Development at 2579 Home Avenue

Follow Up Flag: Follow up
Flag Status: Completed

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

The following is the Old Highlands Homeowners Association - OHHA, response to the proposed residential construction at 2579 Home Avenue. Having represented our community for over 50 years gives us an unique insight into this project's fit into our neighborhood.

There is clearly a dilemma here. On one hand is the right of a property owner to use his/her residential lot to build a home in our community. However, such construction must be built within community established rules which are designed to maintain the community's choice of the type of environment in which they wish to live. Most often these rules are established by elected bodies as construction guidelines. But this is not the case for this community.

Annexed in the early 60's, the community and City almost immediately were at odds as the City expansion plans ran into the established rural culture of OHHA. The issues started with assessment for sewers and water, and later zoning and streets became the primary points of contention. Speculators wanted to take OHHA properties to develop commercial enterprises in support of the new university under construction. What followed was 15 or so years of disagreement, which included several lawsuits, about the future fit of OHHA into the developing City of Hayward. OHHA drafted its own master plans first in 1978 and again in 1992. To resolve these contentious issues the Hayward Highlands Neighborhood Task Force was established between the City and OHHA residents to draft a neighborhood plan. The plan developed was codified by the City in 1998. This plan is viewed by OHHA as the operative plan currently and it is still on Hayward's books as the applicable plan for the OHHA neighborhood. This plan fully describes the agreed rules which we believe appropriately protect the immediate and future environment in which we live.

Regarding the proposed subject construction, the Planning Department staff claim the 1998 plan is not applicable because of being rolled into in the 2040 plan. This fails on two aspects:

1. The specific and pointed language regarding development limits embodied in the 1998 Plan is missing from the 2040 plan and so it lacks a useful description of all construction provisions, and
2. The 1998 Plan was a direct and comprehensive agreement between all the interested parties regarding OHHA. Once a contract is formed between organizations such as OHHA (a State recognized corporation), and the City, it cannot be unilaterally changed because one or the other wants something different. We can state that the OHHA leadership at the time knew nothing of the development of the 2040 plan and OHHA was not represented as it was formed.

Building this house on this lot is contrary to these long-established agreements and the zoning uniquely agreed between the City and OHHA. The Hayward Highlands Neighborhood Plan states: "Allow only new

development and improvements which respects the existing semi-rural character, especially in the Old Highlands . . . neighborhoods.” And further states: “Allow only infill development which is respectful of natural features including steeply sloped hillsides, creeks, and riparian corridors.” Policy Number One of the Hayward Highlands Neighborhood Plan states the goal of “Retain(ing) the single-family character of the Hayward Highlands area by allowing only appropriate residential infill development which is consistent in size, scale, and appearance with existing residential structures and encourage owner occupied buildings.” This construction does none of this.

The staff report from the permit office of the City states “. . .the proposed development of one single family residence and ancillary ADU will be located within an already established single-family residential neighborhood consistent with the land use pattern and character of the surrounding homes in the vicinity.” Wrong, Wrong, Wrong. This structure is much larger than surrounding homes and is of a different design. From Home Ave it presents as a four-story house. From its lowest point to its highest it rises over 40 feet. One resident likened it to building a hotel in the town square. There are large homes in OHHA, but they are mitigated, for the most part, by much of their size being out of view.

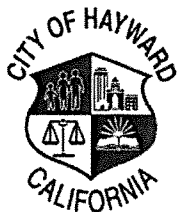
In addition to its size there is concern that by building on that lot, significant water runoff will occur. The lot currently protects Home Ave through absorption of runoff, but this will be reduced by the construction. Residences on Home Ave have been significantly flooded in the past. The property owners have constructed their own storm drainage system for protection but without the lot adequately reducing runoff, this system may be overwhelmed.

With the above stated, OHHA offers the following suggested resolutions:

- 1) Basically, while OHHA does do not appreciate this residence’s style or size, OHHA has no legal recourse to prevent it from being built. However, the City permit staff clearly had no sense of the will of the neighborhood or its basic feeling regarding the value of open space, rural atmosphere, or appreciation for home style and size. Perhaps this staff should embark on a tour of this neighborhood to understand these factors so future builders can be made aware and coached to *voluntarily* build more compatible homes in this unique neighborhood.
- 2) After discussions between OHHA and the builder it is apparent that the builder is willing to work on the design to affect a higher level of control of the water runoff. These designs are likely to affect the streets somewhat since the water is currently channeled under Home Ave into the private stormwater system. OHHA requests that City engineering staff be made available to work with both parties to design a water control system which the builder can incorporate as part of his residence construction.
- 3) OHHA asks that the builder and City landscaper work with OHHA to create a landscape plan in a style consistent with the neighborhood and which will also reduce the size impression of the home and assist in its integration into the neighborhood.

We appreciate the opportunity to express our concerns and offer input regarding this construction. Please contact Robert Carlson at your earliest convenience regarding the City’s views on OHHA’s suggested resolutions.

Thank you,
John Vukasin
Chair, OHHA Board



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, January 28, 2021, 7:00 p.m.**

This meeting was conducted utilizing teleconference and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, the Planning Commission, City Staff, and members of the public participated via the Zoom Webinar platform.

MEETING

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

ROLL CALL

Present: COMMISSIONERS: Ali-Sullivan, Goldstein, Patton, Roche, Stevens
CHAIRPERSON: Bonilla
Absent: COMMISSIONER: None

Staff Members Present: Billoups, Brick, Buizer, Chan, Martinez, Wikstrom

ELECTION OF OFFICERS:

Nomination for Chair:

Commissioner Goldstein nominated Commissioner Roche for Chair. Commissioner Roche accepted the nomination.

The motion carried with the following roll call vote:

AYES: Commissioners Ali-Sullivan, Goldstein, Patton, Roche, Stevens
Chair Bonilla
NOES: None
ABSENT: None
ABSTAIN: None

Nomination for Vice-Chair:

Commissioner Roche elected Chair Bonilla for Vice-Chair. Chair Bonilla accepted the nomination.

The motion carried with the following roll call vote:



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AYES: Commissioners Ali-Sullivan, Goldstein, Patton, Roche, Stevens
Chair Bonilla
NOES: None
ABSENT: None
ABSTAIN: None

Nominations for Secretary:

Commissioner Goldstein nominated Commissioner Patton for Secretary. Commissioner Patton declined the nomination.

Commissioner Roche nominated Commissioner Stevens for Secretary. Commissioner Stevens accepted the nomination.

The motion carried with the following roll call vote:

AYES: Commissioners Ali-Sullivan, Goldstein, Patton, Roche, Stevens
Chair Bonilla
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC COMMENT:

Mr. Zachariah Oquenda, newly appointed Planning Commissioner, introduced himself and congratulated Chair Roche, Vice-Chair Bonilla, and Secretary Stevens on their elections to office.

PUBLIC HEARING:

For agenda item No. 1 the Planning Commission may make a recommendation to the City Council.

1. Proposed Single-Family Residence and Attached Accessory Dwelling Unit on a Vacant 0.21-Acre Hillside Lot with an Average Slope Greater than 20% Located at 2579 Home Avenue, APN: 081D-1660-040-00, Requiring Approval of Site Plan Review and Grading Permit Application No. 202000579, Bich-Khoi Do (Applicant) and Bradley Switzer (Owner)

Commissioner Stevens disclosed that he lives slightly more than 1000 feet from the proposed project, and he is a member of the Old Highlands Homeowners Association



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(OHHA). He said that he is not a board member and did not participate in any of the comments by the OHHA. Mr. Stevens said that there is not a conflict of interest and that he will be participating in the item.

Associate Planner Martinez provided a synopsis of the staff report and PowerPoint presentation.

Discussion ensued between the Planning Commission and staff regarding the following: the Hayward Highlands Neighborhood plan which was superseded by the City's 2014 General Plan; Accessory Dwelling Unit (ADU) regulations and City requirements; the City's adopted grading ordinance; City Council review requirements for slopes greater than 20%; staff said there are constitutional limitations that precludes a City from setting occupancy caps on single family residences; the City has the authority to enforce public nuisances; solar panels will be required; staff confirmed adoption of Reach Codes that limits the ability to extend new gas lines for construction of single family residences and confirmed that this project will not have gas service; what was the prior use of this property; and inquired about community outreach beyond the City's notification requirements. Staff spoke about the neighborhoods' concerns of flooding of downhill properties on Home Street and described the proposed project's appropriate mitigation measures with two detention basins and pervious pavements for lower driveway and the possible expansion of condition of approval (COA) # 39 that can address a ten-year storm.

Chair Roche opened and the public hearing at 7:42 p.m.

Ms. Joy Rowan had connectivity issues with ZOOM and will call in.

Mr. Robert Carlson, OHHA Vice President, spoke against the item and requested the Planning Commission to consider tabling the item and requested more time to have an opportunity to review the project to enable more public comments. He said there will be parking and flooding issues.

Ms. Valeria Caveglia, OHHA resident, said that the lot has been empty since she moved across the street in 1978 and that there are existing parking issues in the neighborhood.

Mr. Brad Switzer, owner, said this will be his primary residence, his wife's extended family will be living in the ADU; he is a former resident of the area and is very familiar and sensitive to the issues discussed such as the parking issues and the narrow one-way street. Mr. Switzer spoke about the mitigation measures they have been put in place to address parking and runoff mitigation. He expressed the desire to incorporate some of the City's mitigation measures for drainage to ensure that the water is diverted properly and not into



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neighbors' properties. He confirmed that the project will include solar panels that will not add to the height of the project.

Ms. Joy Rowan, OHHA resident, is glad to hear that Mr. Switzer will be living in the house; that the OHHA put in its own storm drains and that this area needs to be studied for a ten-year storm mitigation. She spoke about existing parking issues.

Chair Roche closed the public hearing at 7:56 p.m.

Commissioner Goldstein commented that the neighborhood's concerns have not been adequately addressed and recommended tabling the item to allow the OHHA, City staff and the owner time to meet about these concerns.

Commissioner Bonilla expressed concerns about the flooding and appreciated the City instituting a ten-year storm/flood mitigation plan; has concerns about the size, scale and appearance as compared to the existing neighborhood; make sure the ADU remains affordable; and was glad to hear that the owner will be residing in the home and his in-laws will be living in the ADU. Mr. Bonilla would like to see the fragmentation between the neighborhood and owner worked out and for the two parties to come together and communicate.

Commissioner Stevens said COA # 39 needs to be revised regarding the water detention system; the old Highland area is a semi-rural setting with an out of the city type living and the neighborhood's character needs to be respected; he has concerns about the removal of the oak tree and why the development is not embracing the existing tree. He said that architectural form and site design are critical and creates the character of the neighborhoods and he would like the applicant to return to the drawing board and be more respectful of the hillside and character of the environment. Mr. Stevens said that open space is important and even though decks are considered open space, there is not any dirt under the proposed decks. Mr. Stevens said that he would second the tabling of this item as more work needs to be done between the owner and the OHHA to come up with a better plan.

Commissioner Ali-Sullivan said that he supports tabling the item if there is the chance that the owner, who is familiar with the neighborhood, and the OHHA, find a way to work together to come to an agreement on the proposed project. He commented about ADUs and that this project proposes that the ADU is attached to the main structure.

Commissioner Patton said that he wanted to remind everyone that the reason the item is before the Commission is the recommendation for the grading permit and the current process. Mr. Patton commented that he had expressed concerns with staff about a year ago



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about the City reviewing this process in other cities. Mr. Patton said the State's intent regarding ADUs has always been about affordable housing and from an engineering and water perspective when a property is developed drainage will be improved. He said he is not convinced that there will be a benefit to tabling the item; there will not be any material changes except improved communication between the property owner and the OHHA. Mr. Patton said that the direction from the State and ADU ordinances speaks to the benefit of fast-tracking projects.

Chair Roche agrees with Commissioner Patton as the issue before the Commission is the slope issue and that City staff has worked with the owner on all other mitigation measures. Ms. Roche commented that the speakers spoke about existing flooding issues in the neighborhood and that there is a broader issue that needs to be addressed for the whole neighborhood. Ms. Roche appreciated Commissioner Patton's comments about how property improvements help mitigate drainage issues. She spoke about visiting the area and that there are existing mini-mansions and lots of large homes that are not as visible from the street as this project because of the location. Ms. Roche likes the architecture and design and asked staff what would happen if the Commission tabled the item.

Assistant City Attorney Brick said if the item were tabled, then the item gets continued to the next meeting. Mr. Brick said this is usually not done at Planning Commission meetings as the item is a recommendation to the City Council, and that by not voting the Commission is not assisting Council with the proposed project. Mr. Brick said that it would be more beneficial to vote on the item and to provide feedback to the City Council which can include addressing COA #39 regarding drainage and recommendations to specifics so that staff can bring this recommendation to the Council.

Chair Roche said by moving forward with a vote, this will allow the OHHA more time to review the project and they can present their concerns to the City Council.

Commissioner Ali-Sullivan said there was no value in continuing the item other than the owner and OHHA being able to communicate. He said the proposed project itself would not change in two weeks regarding scale and water management. Mr. Ali-Sullivan said based on the letters that were received this project has been under review by the HHA for over a year. He said the City has done a good job in reviewing the OHHA comments and letters and addressed the concerns raised in a satisfactory manner.

Associate Planner Martinez confirmed for Commissioner Goldstein that the item is tentatively scheduled to be heard by the City Council on February 16, 2021.

Commissioner Stevens commented that as Chair Roche mentioned, architectural form in a lot of the communities throughout Hayward often do not fit the neighborhood and he sees



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this as an opportunity to influence how this development is going to look and feel. Mr. Stevens said this is an opportunity for the applicant and the OHHA to work together over the next several weeks to refine the concept, adjust the architecture and provide a project more suitable and consistent with the neighborhood's character. Mr. Stevens said that he does not see tabling the item as an issue as long as it requires the owner more due diligence to refine the design and really listen to what the community's been stating.

Commissioner Goldstein made a motion that the Planning Commission recommends to the City Council to approve the staff recommendation and that COA #39 is updated to reflect a ten-year storm to be reviewed by the City Engineer and recommended that the owner and the OHHA meet to discuss parking and any other items prior to the City Council meeting.

Commissioner Bonilla asked about the merit of having the two parties meet.

Commissioner Goldstein said if the parties cannot resolve issues prior to the City Council meeting, then the OHHA can bring their grievances to the City Council.

Commissioner Ali-Sullivan seconded the motion. Mr. Ali-Sullivan commented that it would be beneficial for the applicant to meet with the OHHA and work together on a resolution.

A motion was made by Commissioner Goldstein, seconded by Commissioner Ali-Sullivan.

The motion passed with the following roll call votes:

AYES:	Commissioners Ali-Sullivan, Goldstein, Patton Chair Roche
NOES:	Commissioners Bonilla and Stevens
ABSENT:	None
ABSTAIN:	None

APPROVAL OF MINUTES

2. Approval of the Planning Commission Meeting Minutes of October 22, 2020.

A motion was made by Commissioner Bonilla seconded by Commissioner Stevens, to approve the Planning Commission Meeting Minutes of October 22, 2020.

The motion passed with the following roll call votes:

AYES:	Commissioners Ali-Sullivan, Bonilla, Goldstein, Stevens Chair Roche
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NOES: None
ABSENT: None
ABSTAIN: Patton

COMMISSION REPORTS

Commissioner Patton announced that effective April 1, 2021, he will be resigning from the Planning Commission and will be relocating to Atlanta. Mr. Patton requested an update on the Costco Fuel Facility item.

Oral Report on Planning and Zoning Matters:

Planning Manager Buizer provided an update on the Costco item per Commissioner's Patton request. Ms. Buizer said the item moved forward to the City Council and Council approved the Costco gas station with recommendations to a change in the process. Council recently adopted a resolution that will change the process for new auto fueling station applications; these applications will be brought before the Council Economic Development Committee, then before the Planning Commission for a recommendation, then to the City Council for a final decision.

Planning Manager Buizer asked Zachariah Oquenda to join the meeting and officially welcomed him to the Planning Commission, Mr. Oquenda was officially appointed by the City Council on Tuesday, January 26, 2021, and was sworn in by the City Clerk's Office. Mr. Oquenda thanked Ms. Buizer for the official welcome and is excited to join the Planning Commission.

Planning Manager Buizer announced that former Assistant City Manager Hurtado retired at the end of December and Deputy City Manager Ott was promoted to Assistant City Manager. Development Services Director Simpson will be retiring at the end of March. Ms. Buizer announced that she will be promoted to Acting Deputy Director of Development Services, and she will be promoting Jeremy Lochirco and Leigha Schmidt to Acting Planning Manager and Acting Principal Planner. Ms. Buizer said that with her new position she will be attending more Council meetings and Principal Planner Lochirco and Senior Planner Schmidt will be attending the Planning Commission meetings. Ms. Buizer wished Commissioner Patton good luck and that staff has enjoyed his expertise.

Commissioners' Announcements, Referrals:

Chair Roche welcomed Mr. Oquenda and wished Commissioner Patton good luck.



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Commissioner Bonilla and Chair Roche congratulated Planning Manager Buizer on her promotion.

ADJOURNMENT

Chair Roche adjourned the meeting at 8:39 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read "Robert Stevens", is written over a horizontal line.

Robert Stevens, Secretary
Planning Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Denise Chan", is written over a horizontal line.

Denise Chan, Senior Secretary
Office of the City Clerk



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: PH 21-017

DATE: March 2, 2021

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Rainbow Court Single-Family Residence: Adopt a Resolution Approving Site Plan Review and Grading Permit Application for Proposed Single-Family Residence on a Vacant 0.12-Acre Hillside Lot with an Average Slope Greater than 20%, Located at 2382 Rainbow Court, Assessor Parcel No. 425-0410-029-00, Application No. 202002396, Ravi Jonnadula, H & M Ventures (Applicant/Owner)

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) approving the Site Plan Review with Grading Permit application for the proposed single-family residence on a vacant hillside parcel at 2382 Rainbow Court, based on the required Findings and subject to the Conditions of Approval.

SUMMARY

The applicant is requesting approval for a Site Plan Review (SPR) with Grading Permit application to allow the construction of a three-story, 3,442-square-foot single-family residence with a roof deck and a 3-car garage on a 0.12-acre (5,125 square-feet) vacant hillside parcel located at 2382 Rainbow Court (Assessor Parcel No. 425-0410-029-00).

Generally, Site Plan Review (SPR) applications for single-family residences within the hillside areas are subject to administrative staff level review. However, the average slope of the area that will be graded is 21.3% and the Grading/Clearing Ordinance requires that the City Council approve the Grading Plan for developments where the area disturbed is over 20% per Section 10-8.023 of the Hayward Municipal Code (HMC). Since the HMC does not allow staff to refer a SPR application directly to City Council without Planning Commission review, staff presented this application to the Planning Commission for recommendation prior to City Council consideration. Staff believes the single-family residence is an attractive addition to the surrounding neighborhood and is consistent with the RS District development standards, Hillside Design Guidelines, and the Hayward 2040 General Plan.

File #: PH 21-017

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Draft Planning Commission Minutes
Attachment IV	Plans



DATE: March 2, 2021

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Rainbow Court Single-Family Residence: Adopt a Resolution Approving Site Plan Review and Grading Permit Application for Proposed Single-Family Residence on a Vacant 0.12-Acre Hillside Lot with an Average Slope Greater than 20%, Located at 2382 Rainbow Court, Assessor Parcel No. 425-0410-029-00, Application No. 202002396, Ravi Jonnadula, H & M Ventures (Applicant/Owner)

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BACKGROUND

The project site is located within the Single Family Residential (RS) zoning district and is designated Suburban Density Residential (SDR) in the Hayward 2040 General Plan. The proposed development is located on a vacant 5,125-square-foot lot that slopes upward from Rainbow Court.

In 1978, Tract No. 3992 was recorded formally subdividing the land into ten individual residential lots creating the Rainbow Court cul-de-sac – accessible from Parkside Drive, a one-way street. The parcel is subject to the height restriction per recorded Tract Map 3992, which limits the height of the home to elevation 606 feet for buildings on Lots 7 through 10. This home is located on Lot 8 and as proposed, complies with the height limitation.

Planning Commission. On March 11, 2021, the Planning Commission reviewed the proposed project at a virtual public hearing via Zoom and voted 6:0 (one absent) to recommend the City Council approve the Site Plan Review with Grading Permit application with a modification to Condition 29(d). During the hearing, an adjacent property owner spoke and expressed concerns about the possible impact that additional grading might have on her patio paving and retaining wall. To mitigate this concern, Condition 29(d) was subsequently updated to address potential storm water runoff and is reflected in the attached resolution (Attachment II). A copy of the draft of the Planning Commission minutes is included as Attachment III.

DISCUSSION

Existing Conditions. The 0.12-acre project site is a vacant, unimproved parcel of land located at the neck of Rainbow Court. The Topographic Survey identifies an approximate 12-foot drop in the first 30 feet from the concrete sidewalk at street-level. The parcel levels off and slopes from the south to the north side property lines. The parcel is not located in the Alquist-Priolo Fault Zone or any Seismic Landslide or Liquefaction areas. The project site is located within an existing single-family neighborhood and is surrounded by other single-family uses.

Proposed Project. The applicant is proposing to construct a Mediterranean Style three-story 3,442-square-foot, single-family residence containing 3 bedrooms, 1 study/guest room, 3 full bathrooms, 2 half bathrooms and a three-car garage. The ground level of the home will contain the 3-car garage. The 1st floor will include a living room, dining room, kitchen, family room and study/guest room, and the second floor will include a loft, laundry room, a master bedroom and two other bedrooms. From the second floor, stairs lead to the roof top deck. A copy of the project plans with architectural elevations are included as Attachment IV.

Site Improvements. As proposed, the new single-family residence will require on-site improvements to the subject property prior to the issuance of a Certificate of Occupancy. On-site improvements include the installation of drought-tolerant landscaping, erosion control measures (during construction), stormwater management features, and the incorporation of Best Management Practices (BMPs) for construction noise, grading and construction activities to prevent adverse negative impacts onto adjacent properties. Other site improvements include a new driveway, decorative paving, concrete steps, and a new

retaining wall.

Landscaping. The applicant submitted a landscaping and irrigation plan, which is included as part of the project plans (Attachment IV). The landscape and irrigation plans include conceptual level drawings that demonstrate compliance with the Bay-Friendly Water Efficient Landscape Ordinance (WELo), which requires sustainable landscaping practices by using drought-tolerant native species, appropriate irrigation methods, and water budget calculations. Much of the landscaping proposed on site will be near the proposed residence and include new tree planting, shrubs and groundcovers.

The landscaping and irrigation plans will be reviewed in greater detail during the building permit phase and the City's Landscape Architect will inspect the project site during construction to verify the trees are planted correctly with proper irrigation to maximize the health of the trees.

Site Plan Review. Development on parcels within the designated Hillside Urban/Wildland Interface Area are subject to the Site Plan Review process and associated findings contained in Section 10-1.3025 of the Hayward Municipal Code¹. This is to demonstrate that proposed developments, along with any site improvements, are consistent with the development standards of the RS zoning district, Hillside Design Guidelines, as well as the applicable General Plan goals and policies. Per the HMC, the Council may approve or conditionally approve an application for Site Plan Review when all of the following findings are made:

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;
- The development takes into consideration physical and environmental constraints;
- The development complies with the intent of City development policies and regulations; and
- The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Staff has provided a more detailed analysis of the required Site Plan Review findings for approval within the draft resolution.

Grading Permit. The project is subject to Council review for the proposed grading since the average slope of the site, 21.3% exceeds 20%. The applicant has submitted preliminary civil plans (grading, drainage, utility, and erosion plans) for the project that was reviewed by the City's Engineering Division. The applicant has also submitted a Geotechnical Report prepared by Frank Lee & Associates (October 2015 & updated July 2019) providing recommendations on site preparation, compaction, excavating, drainage (surface and subdrain), foundations, slabs, retaining walls based on the soil investigation and analysis.

¹ Site Plan Review Findings, Chapter 10, Article 1:
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3000SIPLRE

The report finds that the slopes on the project site are moderate, the surface and subsurface soils are not highly expansive soils, and the site contains competent soil conditions. In addition, the report finds that the project is outside of the Alquist-Priolo Fault Zone but because of its proximity to it, there is the potential for significant ground shaking by an earthquake. However, the report concludes that the property is suitable for the proposed site and landscape improvements provided the recommendation of the report are incorporated into the on-site construction and grading activities. Additionally, a standard set of conditions will include the review and approval of an erosion control plan and containment of construction materials; and a limitation on the days and hours of grading activity to minimize impacts on the surrounding neighborhood.

Hayward 2040 General Plan. The project site is designated as Suburban Density Residential (SDR) in the *Hayward 2040 General Plan*². Properties within the SDR land use designation predominantly consist of single-family residences within the rural and suburban areas located within the eastern hills of the Hayward Planning Area. The General Plan indicates that future development within this land use area will primarily consist of additional residential development, building and landscape improvements, and neighborhood enhancements.

The *General Plan* also provides goals and policies which serve as guiding principles and provide a host of strategies for future development in the City. The proposed project was evaluated against the applicable goals and policies and found to be consistent with the following:

- Land Use Policy LU-1.7 Design Guidelines: The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.
- Land Use Policy LU-3.7 Infill Developments in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and features.
- H-3.1 Diversity of Housing Types: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.

Staff has reviewed the project components and finds that the development is consistent with the goals and policies of the City's General Plan and the Hillside and Urban/Wildlife Design Guidelines by proposing a residence which architecturally steps with the natural topography of the hillside and is compatible with the other dwellings in the area.

Zoning Ordinance. The project site is located within the RS, Single-Family Residential zoning district. Pursuant to Section 10-1.200³, the RS zoning district allows for the development of single-family residence as a primary use permitted by-right. The project, as proposed, would

² Suburban Density Residential, Hayward 2040 General Plan: <https://www.hayward2040generalplan.com/land-use/residential>

³ Single-Family Residential District, Chapter 10, Article 1:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200SIMIREDIRS

allow the construction of a new single-family dwelling, which meets the following objective development standards. Table 1 includes a comparison chart showing the development standards proposed by the project and those required by the Zoning Ordinance.

Table 1: Zoning Development Standards

Criteria	Proposed	Required
Lot Coverage	40%	40%
Front Setback	20'	20'
Side Yard	5'	5'
Rear Yard	20'	20'
Parking	Three-car garage	Two-car garage
Driveway Length	20'	20'
Height	30'	30'

Hillside and Urban Wildland Interface Guidelines. The project is located on a hillside parcel that is subject to the design standards of the Hillside and Urban Wildland Interface Guidelines⁴. The purpose of the Hillside and Urban Wildland Interface Guidelines is to seek to identify elements of good design which will enhance the appearance of the city and make the neighborhood more livable, while being conscious of the natural topographies and slopes. The proposed residence has been designed to minimize impacts to the existing hillside and will be attractively designed to minimize visual impacts from adjacent properties and the street frontages.

Staff believes the proposed project is consistent with the design guidelines of the Hillside Design and Urban/Wildland Interface Guidelines in that the proposed development has been designed to minimize grading while not exceeding the 606 feet elevation constraint that was required when the original subdivision for Rainbow Court was approved. Additionally, staff notes that the front façade gradually steps back with the slope and the home is nestled into the hillside and as such, will minimize the mass and bulk of the project as seen from the street.

Environmental Review. The proposed project is deemed categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303(a), Class 3 of the CEQA Guidelines as the project involves the construction of one single-family residence on a legal parcel in a residential zone. Although the project will involve grading on a parcel with a slope greater than 20 percent, the project site is not located within an officially mapped area of severe geological hazard, such as the Alquist-Priolo Earthquake Fault Zone area. Therefore, no additional environmental analysis is required.

ECONOMIC IMPACT

The proposed project would result in the development of a currently vacant lot in an existing residential neighborhood. The proposed development would not require the expansion of

⁴ Hillside Design and Urban/Wildland Interface Guidelines:
<https://www.hayward-ca.gov/sites/default/files/COH%20Hillside%20Design%20Urban-Wildland%20Interface%20Guidelines.pdf>

public utilities or services and is not expected to have a negative impact on the City regarding public utilities or public services. Furthermore, the project would result in new residents moving into Hayward, which should generate demand for goods and services, thereby providing stimulus for new or existing jobs in the City's economy.

FISCAL IMPACT

According to the City of Hayward Fiscal Impact Model (2017) prepared by Applied Development Economics, Inc., the project would generate an estimated \$1,992 in annual revenue from property and utility user taxes and approximately \$1,917 in annual costs related to City services, resulting in a net positive impact of approximately \$75 per year.

STRATEGIC ROADMAP

In January 2020, the Council adopted six Strategic Priorities as part of its three-year Strategic Roadmap. This agenda item supports the two of Core priorities of the Strategic Roadmap:

- *Priority: Preserve, Protect, and Produce More Housing.* The project will increase the housing stock in Hayward.
- *Priority: Combat Climate Change.* The carbon footprint will be reduced as new homes will not be allowed to have gas appliances.

SUSTAINABILITY FEATURES

The project has been designed to meet all applicable 2019 California Residential and Green Building Codes, which require a minimal level of energy efficiency, conservation, material recycling, and air quality, for new construction. In addition, the landscaping areas and irrigation system will be compliant with Bay Area-Friendly Water Efficient Landscape Ordinance, which requires the use of drought tolerant planting with water-efficient irrigation systems. Furthermore, the applicant will comply with ordinances related to construction debris and recycling to divert waste from landfills.

PUBLIC CONTACT

Following receipt of the application, staff conducted the following public outreach:

- On July 13, 2020, a Notice of Receipt of Application was sent to all property owners and tenants located within a 300-foot radius of the project site, including interested stakeholder groups such as Old Highland Homeowners Association (OHHA), Highland Neighborhood Task Force, and the Hayward Area Planning Association.
- On January 29, 2021, a Notice of Public Hearing was advertised in the newspaper and sent to all property owners, relevant stakeholders, and site addresses within 300-feet of the subject property. Staff received no public comments prior to the hearing.

- On February 11, 2021, the Planning Commission held a virtual public hearing and voted 6:0 to recommend approval of the project to the City Council with one revised condition. One member of the public participated in this meeting and voiced concerns over the amount of grading and potential impacts to their property.
- On February 19, 2021, a Notice of Public Hearing for the City Council was published in the Daily Review newspaper and sent to all property owners and interested stakeholders within 300 feet of the subject property.

NEXT STEPS

If the Council approves the project, the decision will be final, and the applicant may then proceed with obtaining building permits.

Prepared by: Carl Emura, Associate Planner

Recommended by: Laura Simpson, Director of Development Services

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Councilmember _____

RESOLUTION APPROVING THE SITE PLAN REVIEW WITH GRADING PERMIT APPLICATION NO. 202002396 FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 2382 RAINBOW COURT

WHEREAS, on June 30, 2020, Ravi Jonnadula, H & SM Ventures (Applicant/Property Owners) submitted Application No. 202002396, requesting a Site Plan Review with Grading Permit approval to construct a new single-family residence on a 0.12-acre Hillside vacant lot located at 2382 Rainbow Court, Assessor Parcel Number 425-0410-0.29-00; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on February 11, 2021, and recommended that the City Council approve the Site Plan Review with Grading Permit application; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on March 2, 2021.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds and determines as follows:

SITE PLAN REVIEW

Per Section 10-1.3025 of the Hayward Municipal Code, the City Council may approve or conditionally approve an application when all the following findings are met:

A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;

The proposed development will be compatible with on-site and surrounding structures and uses in that the project site is located in the established residential neighborhood of the Old Highland area, where all properties are in the Single-Family Residential (RS) zoning district subject to the same development standards (i.e., setbacks, height, and lot coverage), design guidelines, and performance standards.

B. The development takes into consideration physical and environmental constraints;

The proposed single-family residence takes into consideration the physical and environmental constraints in that it is designed to be constructed along the existing

slope and natural topography. The proposed architectural design of the single-family residence is consistent with the City's Hillside Design and Urban/Wildland Interface Guidelines. The Hillside and Urban/Wildland Interface Guidelines requires that new buildings within the development exhibit varied elevations, floor plans, setbacks, and a quality architecture to enhance the hillside setting. Most notably, the Hillside Design Guidelines requires that developments exhibit a stepped architecture along the slope to minimize excessive grading and unnecessary cuts into hillside. The proposed residence has incorporated well-articulated street-facing elevations with well-proportioned windows and a variety of textures.

C. The development complies with the intent of the City polices and regulations;

The proposed single-family residence complies with applicable City development policies, including but not limited to the Hayward 2040 General Plan, the Hayward Municipal Code, and the City's Hillside Design and Urban/Wildland Interface Guidelines. In addition, the development consistent with the following Hayward 2040 General Plan goals related to Land Use and Community Character:

Land Use Policy LU-1.7 Design Guidelines: The City shall maintain and implement commercial, residential, industrial, and hillside design guidelines to ensure that future development complies with General Plan goals and policies.

Land Use Policy LU-3.7 Infill Developments in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and features.

H-3.1 Diversity of Housing Types: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.

The project also incorporates new drought-tolerant landscaping in compliance with the Bay Area-Friendly Water Efficient Landscape Ordinance and will enhance the visual quality and character of the existing vacant site.

D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The proposed single-family residence, as conditioned, will be compatible with the surrounding residential development as the project will be subject to all applicable provisions of the Hayward Municipal Code including construction, maintenance, landscaping, etc. In addition, the proposed development of one single-family residence will be located within an already established single-family residential neighborhood, consistent with the land use pattern and character of the surrounding homes in the vicinity.

The project will incorporate both on- and off-site improvements. On-site improvements will include the installation of drought- tolerant landscaping, erosion control measures, stormwater management features, and shall incorporate Best Management Practices (BMP) for construction noise, grading and construction activities to prevent adverse negative impacts onto adjacent properties. Other site improvements would include a new driveway, concrete step pads for walkways, stairs, landscaping, and retaining walls.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed development is deemed categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303(a), Class 3 of the CEQA Guidelines as the project involves the construction of one (1) single-family residence on a legal parcel in a residential zone. Although the project will involve grading on a parcel with a slope greater than 10-percent, the project site is not located within an officially mapped area of severe geological hazard such as the Alquist-Priolo Earthquake Fault Zone area. Therefore, no additional environmental analysis required.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby approves Site Plan Review with Grading Permit Application No. 202002396, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**CITY OF HAYWARD
SITE PLAN REVIEW AND GRADING PERMIT
APPLICATION NO. 202002396
CONDITIONS OF APPROVAL
2382 RAINBOW COURT**

GENERAL

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Site Plan is approved subject to the revised Architectural plans received on 11/30/2020, respectively, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan and/ or design that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission.
3. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
4. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.
5. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
6. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.

7. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
8. The home is subject to the height restriction per recorded Tract Map 3992 which limits the height of the home to elevation 606 feet for buildings on Lots 7 through 10. The height of the home shall be surveyed prior to issuance of a Certificate of Occupancy to confirm that the elevation of the house is 606 feet or less prior to issuance of a Certificate of Occupancy. The Conditions of Approval shall be included on the building permit set and condition 7 shall be underlined and highlighted in bold lettering.
9. The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
10. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
11. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
12. The building colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit.
13. All vents gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
14. In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines)
15. In accordance with Hayward Municipal Code (HMC) Section 10- 1. 3055, approval of this Site Plan Review is void 36 months after the effective date of approval unless:
 - a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or

- b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.
16. The City requires that construction and demolition debris be recycled per certain ordinance requirements. Submittal of the Debris Recycling Statement is required at the time of your building permit. The form can also be found at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>. You may also visit Hayward's Green Halo webpage and create a waste management plan instead of filling in the Debris Recycling Statement. Residential Collection of Garbage, Recyclables, & Organics: Residents are required to place their garbage, recycling, and organics carts at the curb for weekly collection service by contracted service providers.
17. Trash, recycle, and organics containers shall be stored out of public view on non-pickup days.
18. All pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Development Services Director.

BUILDING

19. The project will require a building permit and the associated plan review process.
20. The project is subject to the City of Hayward's new Reach Code. This local ordinance seeks to limit carbon emissions by encouraging the use of all electric appliances, electric heat pump water heaters and heat pump HVAC units. To learn more about the specific requirements and exceptions, please visit the website here: <https://www.hayward-ca.gov/reach-code>

ENGINEERING

21. A geotechnical report evaluating the site for the proposed development shall be submitted to the City. The report shall be prepared by a California state licensed and qualified consultant based on soil tests. The report shall provide design criteria for site grading, earth retaining structures, foundations and stormwater pollution prevention.
22. The plans shall provide the proposed driveway grades in compliance with the Hayward City Standard Details SD-109.
23. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City.
24. Best Management Practices for stormwater pollution prevention shall be followed during construction. Mud or dirt on street pavement shall be removed before the end of each workday.
25. Stormwater Pollution Prevention: Stormwater pollution prevention measures, as per plans approved by the city engineer shall be in place before any ground disturbing activity.

26. Stormwater pollution prevention measures shall be upgraded and maintained as needed during construction.
27. All construction activities shall be completed per plans approved by the City, fees and charges shall be paid and permits shall be closed.
28. A Grading Permit shall be secured if the land disturbance outside the building footprint on slope exceeding 20% or total cut/fill quantity exceeds 300 Cubic yards or if land disturbance area exceeds 7,500 square feet (Hayward Municipal Code Section 10.8.10. The grading permit will require plans prepared by a state licensed civil engineer retained by the applicant and approved by the City Engineer.
29. A grading permit is required as per the Hayward Municipal Code 10-8.23(b) prior to the issuance of any building permit. The grading permit application shall include plans providing construction and design details for grading and improvements on-site and along its fronting street and related calculations prepared by or under the direction of the state licensed and qualified professionals for the following:
 - a. Provide details of existing and finished grades and slopes, cut and fill quantities, earth retaining structures and stormwater pollution prevention measures.
 - b. Provide details for preventing injury to lives, vegetation, improvements and structures on adjoining properties.
 - c. Provide details of surface and sub-surface drains, drain inlets and structures and other improvements for drainage collection, treatment and disposal to a public storm drain.
 - d. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer shall be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.
 - e. The project's Stormwater Control Plan shall show drainage management areas, locations and details of all treatment control measures and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 Technical Design Guidance available on-line.
 - f. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria shall be used to design the storm drain system.
 - g. Existing unused driveway shall be replaced with a city standard sidewalk.
 - h. Multiple street pavement excavations shall be repaired with a single pavement patch and as per the City standard details.
30. Disturbed land areas shall be protected against erosion until ground is stabilized with effective ground cover/landscaping.
31. Street pavement, pavement markings, curb, gutter, sidewalks, driveway, signs, plants and other public improvements damaged during construction shall be

removed and replaced to match existing prior to issuance of the Final Construction Report by the City Engineer. Applicant is responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.

32. Prior to issuance of a Certificate of Occupancy, all public and private improvements, including punch list items, must be complete prior to the issuance of a certificate of occupancy. Remove and replace damaged street improvements fronting the property and secure the Final Construction Report issued by the City Engineer.

FIRE

33. Proper building permits for the construction of the building shall be submitted to the COH Building Department.
34. Residential buildings are required to install a fire sprinkler system in accordance with NFPA 13D. *(Deferred Submittal thru HFD shall be designed by a licensed C16 contractor)*
35. Maximum 80 PSI water pressure design criteria shall be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
36. Underground fire service line serving NFPA 13D sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-216. Water meter shall be minimum one inch in diameter.
37. An audible alarm bell (device) shall be installed on the fire sprinkler system riser.
38. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity.
39. CO detectors shall be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
40. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup.
41. A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.
42. Materials and Construction Method for Exterior Wildfire Exposure – The building is located within the City of Hayward Wildland/Urban Interface Area, and shall meet the construction requirements as stated in the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines, which includes Class A roofing materials and exterior non-combustible siding materials (stucco), double-pane windows. Wood shake or treated wood shake roofs shall not be

allowed. The building construction shall comply with the requirements contained in the California Residential Code Section R337.

LANDSCAPING

43. For a hillside development with a dedicated valve, a backflow prevention device in conformance with the City Standard Detail SD-202 shall be provided.
44. A master valve and a flow sensor shall be provided.
45. Pursuant to HMC Article 12 - Bay-Friendly Water Efficient Landscape Ordinance requires the following for single-family residential developments with usual yard: Section 10-12.14 requirement for installing basic "laundry to landscape" plumbing in each residence where usable private yard is available. Plumb-ready "laundry to landscape" system shall meet Plumbing Code and shall be addressed in the plumbing plan during building permit process.
46. Pursuant to HMC Section 10-12.15 Minimum one fifty (50) gallon lidded rainwater catchment device shall be located on the plan where it would be easily accessible to use.
47. Plant spacing shall not be closer the minimum spread provided in the reference books in the ordinance.
48. Tree shall be located a minimum of 5 feet from lateral service lines and driveways, a minimum of 15 feet from a light pole, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.
49. Trees shall not be planted too close to the neighboring property or the property fence and retaining wall where more than a half of the tree canopy will encroach into the neighboring property and tree trunk may damage the fence/retaining wall as the trees mature.
50. The irrigation plans shall include designation of landscape zones per water use (Hydrozone Map).
51. Shut-off valve shall be provided at point of connection before the irrigation submeter.
52. An irrigation detail for lateral line connection shall be provided where irrigation lateral line goes through the retaining wall at the southern side yard.
53. Each tree shall be irrigated with two tree bubblers on a separate valve. Flow rate of each bubbler device shall not exceed 0.25 gallon per minute.
54. Bio-treatment area, when wider than ten feet, shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system that allows "cycle and soaking" program function. When the treatment area width is less than ten feet, efficient irrigation system that meets the current ordinance requirements shall be provided. The irrigation for bio-retention area shall be provided on a separate valve.
55. Mulch shall be organic recycled chipped wood in the shade of Dark Brown color, unless steep slope would prevent from using chipped wood. Mulch size shall not

exceed 1-1/2-inch in diameter. For steep slopes, organic green waste, organic compost blanket or organic compost sock in combination of chipped wood mulch shall be considered.

56. Erosion control fabric, compost blanket or a combination of compost sock and erosion fabric shall be installed for slopes equal or steeper than three-to-one (3:1) but less than two-to-one (2:1). Geotechnical engineer shall provide erosion control measures for slopes exceeds two to one (2:1).
57. Pursuant to HMC Section 10-12.07 (4), a qualified soil testing laboratory shall complete a soil fertility test prior to amending the planting soil and shall provide recommendations for organic compost to bring the soil organic matter to a minimum of 5% by dry weight and incorporating organic fertilizers to recommended levels for planting area. The final testing results, recommendations and organic compost shall be submitted to the project landscape architect for review and approval and shall be submitted to City Landscape Architect prior to requesting the final landscape inspection with Appendix C Certification of Completion.
58. Plant fertilizer shall be organic as stated in the City's Bay-Friendly Water Efficient Landscape Ordinance: Section 10-12.06 (a) (1) (B) 7.

Prior to the Issuance of Building Permit

59. Detailed landscape and irrigation plans in full compliance with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) prepared by a licensed landscape architect shall be submitted for review and approval. The plans shall be wet-stamped and wet-signed and shall include water budget calculations.
60. One fifteen-gallon tree shall be planted within the front yard setback area. The tree shall be planted minimum five feet from any underground utility lateral lines and from the edge of structure or paving.
61. Minimum fifty (50) gallon lidded rainwater catchment device per each single-family home shall be required as well as incorporation of onsite rain garden and porous paving are encouraged in accordance with Municipal Code Article 12, Section 10.12.15.
62. Erosion control fabric, compost blanket or a combination of compost sock and erosion fabric shall be installed for slopes equal or steeper than three-to-one (3:1) but less than two-to-one (2:1). Geotechnical engineer shall provide erosion control measures for slopes exceeds two to one (2:1).

Prior to Issuance of Certificate of Occupancy

63. All landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or

applicable parts shall be e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.

64. Pursuant to HMC Section 10-12.11: For new construction and rehabilitated landscape projects installed after December 1, 2015, the project applicant shall submit an irrigation audit report done by the third party as required in Appendix C - Certificate of Completion Part 5 to the City. The report may include, but not limited to inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation controllers with application rate and soil.

UTILITIES

65. Water and sewer service are available and subject to standard conditions and fees in effect at time of application and payment. All connections to existing water mains and modifications to existing water services (upsized, downsize, relocate, abandon, etc.) shall be performed by City crews at the owner's/applicant's expense.
66. Proposed Water Services. The proposed single-family house shall be served by a minimum 1" domestic water meter with combined domestic and fire services, per City of Hayward Standard Detail 216.
67. If the property will have more than 5,000 square feet of irrigated landscape, a separate irrigation water meter must be installed. Irrigation water meters must be protected by a reduced-pressure backflow prevention assembly, per SD-202.
68. Sewer Services. The applicant shall be assessed a new residential sanitary sewer connection fee.
69. The single-family house shall have separate sanitary sewer connections. If the lowest plumbing fixture in any building is below the rim elevation of the nearest upstream manhole or riser, a backflow prevention valve shall be installed on the sewer lateral. A backflow prevention device is required at the sewer lateral for this property, per City of Hayward Standard Detail 314 (SD-314).
70. Sanitary sewer backflow devices. If the lowest plumbing fixture in any building is below the rim elevation of the nearest upstream manhole or riser, a backflow prevention valve shall be installed on the sewer lateral. Sheet C-4 indicates that a backflow prevention device shall be installed at sewer lateral per SD-314.
71. Water mains and services, including the meters, shall be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
72. Water meters and services shall be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218.

73. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval. Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.



**MINUTES OF THE MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, February 11, 2021, 7:00 p.m.**

This meeting was conducted utilizing teleconference and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, regarding the COVID-19 pandemic. Members of the Planning Commission, City Staff, and members of the public participated via the Zoom Webinar platform.

MEETING

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

ROLL CALL

Present: COMMISSIONERS: Ali-Sullivan, Bonilla, Goldstein, Oquenda, Stevens
CHAIRPERSON: Roche
Absent: COMMISSIONER: Patton

Staff Members Present: Billoups, Blanton, Brick, Chan, Emura, Lochirco, Martinez, Nguyen, Vigilia, Wikstrom

PUBLIC COMMENT:

There were none.

PUBLIC HEARING:

For agenda items No. 1, the Planning Commission may make a recommendation to the City Council.

For agenda items Nos. 2 and 3, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

1. Proposed Single-Family Residence on a Vacant 0.12-Acre Hillside Lot Located at 2382 Rainbow Court, by Ravi Jonnadula, H&M Ventures (applicant/Property Owners), Requiring Approval of a Site Plan Review and Grading Permit (Application No. 202002396)



**MINUTES OF THE MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, February 11, 2021, 7:00 p.m.**

Associate Planner Emura provided a synopsis of the staff report and PowerPoint presentation. Mr. Emura noted a correction to the Development Standards Chart in which the rear yard setback is 20 feet.

Discussion ensued between staff and the Planning Commission regarding the following: Were there any public comments from the adjacent property owner; request staff to provide improved language for Condition of Approval (COA) 29d related to managing runoff to represent mitigation measures for future storms; and the accessibility of driveway and sidewalk.

Associate Planner Emura noted that the adjacent property owner, Holly Guier, had concerns about the elevations and staff provided Ms. Guier with a final copy of the plans.

Senior Civil Engineer Wikstrom noted that there will be standardized COAs and will provide language to address COA 29d that manages runoff and spoke about how standardizing the language will provide staff discretion and flexibility to work with the applicant. Mr. Wikstrom said the driveway and sidewalk accessibility will be reviewed during the grading permit process.

Chair Roche opened the public comment at 7:20 p.m.

Ms. Holly Guier, Hayward resident, spoke about issues with the project grading and has significant concerns about the impact to her property as to the stability of the hill as other development has already caused cracks on her property.

Chair Roche closed the public comments at 7:22 p.m.

Commissioner Oquenda said that it be worthwhile to have future conversations regarding initiating an in-lieu fee component for larger single-family homes that have a single dwelling unit.

Commissioner Bonilla asked staff to address Ms. Guier's concerns regarding the residual effects that could adversely impact her property because of the proposed development, and who is responsible if there are issues on Ms. Guier's property.

Senior Civil Engineer Wikstrom stated Ms. Guier's concerns are valid as there will be a significant amount of grading that will be performed behind her property and if something were to occur, then there would be a legal remedy for damages. Mr. Wikstrom said included in COA #21 is a requirement for a geotechnical report and the avenue for staff to pursue is to have the proper geotechnical report to enable staff to make the appropriate recommendations to prevent this from occurring through the COAs and grading permit



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process.

Commissioner Stevens stated that design matters as the type of architecture and site design that is used is what creates a sense of community and does not feel this is an appropriate use of the land nor the appropriate design for this setting. Mr. Stevens said the adjacent property had several large trees that were removed after April 2019 and asked if there was a previous grading permit that allowed for the tree removal. He encouraged the City's policy makers to formalize the design review for all homes that are built in Hayward so that the community can have a say in how projects are developed.

Commissioner Ali-Sullivan requested Commissioner Stevens to explain his comment of "not the appropriate use of land". Mr. Stevens said when properties are being developed, we need to be respectful of the environment, topography, and nature. He said it is not prudent to perform expensive excavation and build retaining walls and other systems when there are other options such as building a smaller home which would be a better fit for the topography. Mr. Stevens said if you view the entire area it is all going to be constructed, paved and all the vegetation will be removed from this area.

Chair Roche said she visited the site, and that the area is all built out. Ms. Roche said it is concerning there are already cracks in the Ms. Guier's foundation as there are some huge houses near her property. Ms. Roche said this will be the last site to be developed and the developer is following all the City's requirements and taking measures to make sure the grading is done properly. Ms. Roche is ready to move forward with this item.

A motion was made by Commissioner Goldstein seconded by Commissioner Ali-Sullivan, to recommend to the City Council to approve the staff recommendation, which includes a modification to COA 29d to replace the language with the following: The project shall not block runoff from, or augment runoff to, adjacent properties. The developer shall be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.

The motion passed with the following roll call votes:

AYES:	Commissioners Ali-Sullivan, Bonilla, Goldstein, Oquenda, Stevens Chair Roche
NOES:	None
ABSENT:	Commissioner Patton
ABSTAIN:	None



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2. Proposed Cannabis Microbusiness with Delivery, Distribution, and Manufacturing Activities Located at 2416 Radley Court, Unit 3 (APN: 439-0058-112-00) Requiring Approval of Conditional Use Permit Application No. 201901980. Jeffrey Teicheira of Green Grizzly (Applicant); Diane Wright Trust (Property Owner)

Associate Planner Martinez provided a synopsis of the staff report and PowerPoint presentation. Mr. Martinez announced that staff received two public comments after the agenda was published, one from the applicant and one from Balch Enterprises who owns property in proximity to the project site. Mr. Martinez said that both were shared with the Planning Commission members prior to tonight's hearing and is posted on the City's website.

Discussion ensued between staff, the Planning Commission, and the applicant regarding the following:

What are the projected revenues; confirm wages; will the applicant participate in equity hiring practices for those who have been charged with cannabis-related offenses; closed loophole process for cannabis wastewater treatment; disposal process of solid waste material to be compostable and the environmental impacts; requirements for cameras in the delivery/distribution trucks; staff response to applicant's request for proposed modification to conditions of approval; hours of operation; improvements to exterior of building including the addition of public art; how many cannabis commercial operators have been approved and how many are in process; parking spaces; has applicant considered all electric vehicles and having electric vehicle charging docks; has applicant considered participating in the City beautification programs; do applicants need to come before the Commission for each license; and data on odor mitigation and security issues.

Natalia Thurston, lawyer for applicant, Green Grizzly, the projected revenues are included in the development application and for year one it is \$3,168,757 gross and at the City's 7% tax rate the City would derive approximately \$220,000; confirmed that wages would be at \$20/per hour and that Green Grizzly will participate in equity hiring practices for persons previously criminalized. Ms. Thurston said for solid waste disposal there are state rules and laws governing microbusinesses and spoke about contracting with a third party and explained the process. She said this solid waste would be compostable and the manufacturing process does not contain any toxins. Ms. Thurston stated that Green Grizzly intends to incorporate sustainable practices to contribute to the clean environment.

Associate Planner Martinez explained the closed loop system for water treatment is a self-contained zero discharge system that recycles the water that goes through the manufacturing process. Mr. Martinez said that the City's Water Pollution



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Source Control staff would only require this system if an applicant were using a solvent based extraction method. He said that Green Grizzly is not using a solvent based method therefore the requirement does not apply.

Associate Planner Martinez said Ms. Thurston requested modification to COA #2 related to the loading and unloading of distribution vehicles and relayed that he had a conversation with Ms. Thurston and the Hayward Police Department. Mr. Martinez said the City wants this condition to remain, thus all operations and all potential visibility of the cannabis product is performed indoors. Mr. Martinez said Ms. Thurston's other request was to modify COA #5 about COA #38a with respect to security cameras in the distribution and delivery vehicles and this has been discussed and the condition will also remain. Mr. Martinez said the applicant's hours of operations is within the framework of the State's Bureau of Cannabis Control and noted the Commission can place more restrictive hours through a condition of approval.

Principal Planner Lochirco said that the City Council authorized 23 licenses, six applicants failed to meet the timing deadline for submittal of their land use application; one applicant's permit license was revoked, and currently there are three that are operational. Mr. Lochirco said that the rest are in various stages of approval. He noted that some applicants have applied for several licenses through the City.

Associate Planner Martinez clarified that there are certain land use applications that have minimal intensity such as deliveries and testing laboratories, that are eligible for an administrative use permit which can be decided at the staff level unless appealed.

Associate Planner Martinez responded that there are three cannabis businesses in operation and are as follows: a dispensary, a testing laboratory, and a manufacturing operation. He said the testing facility probably has a robust odor mitigation plan as cannabis is a small component of their business as they also test food and other products. The majority of the dispensary's products are prepackaged and preprocessed and odor would be at a minimum per the State guidelines. He said for the manufacturing operation, this is part of a commercial kitchen operation and the cannabis component is a small portion of a larger operation. Mr. Martinez said he is not aware of any data regarding odor nuisances at this time and that the operations are subject to an annual review and annual inspection prior to renewing their cannabis permit. Mr. Martinez said the City does not have data on security issues at this time.

Principal Planner Lochirco clarified that the manufacturing facility that is currently open and operational is using an odorless cannabis extraction method and that the cultivation operations could potentially be more noticeable when they come online and will be subject to higher scrutiny.



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Ms. Thurston conveyed that security can be an issue for cannabis businesses and that Green Grizzly can build a cage inside the warehouse for the vehicle to pull this way no one can access the warehouse and employees.

There being no speakers, Chair Roche opened and closed the public hearing at 8:15 p.m.

Commissioner Ali-Sullivan has concerns about the hours of operation going into the evening which can attract theft and vandalism and asked if the Commission would consider amending the hours of operation.

Commissioner Stevens appreciates the applicant's Community Benefit Program (CBP) offer of providing funding for youth programs but raised the concern that cannabis like alcohol is not an innocuous substance and would like to see a CBP aimed to help adults that could get themselves in trouble with cannabis.

Associate Planner Martinez confirmed for Commissioner Bonilla that the applicant's hours are consistent with similar microbusinesses that the Commission has previously discussed and approved. Mr. Bonilla appreciates the applicant's willingness to consider an all-electric fleet and encouraged them to do so; appreciates their sustainability measures; commitment to equity hiring and he noted the importance of this; appreciates the livable wages and hopes other businesses will take the lead from Green Grizzly and do the same.

Commissioner Oquenda appreciates the applicant paying living wages; having an equity hiring practice for persons that have been criminalized which tends to be black and brown community members. He said that he is happy with the applicant's responses to invest in substance abuse programs and noted the Hayward Coalition's work for Healthy Youth where they have held community events to cannabis education for the public. He said it is important for the Commission to address the public health impact and any new cannabis businesses should be contributing to mitigating those harms.

Mr. Oquenda asked the Commission to include more specific language to the COAs that the Community Benefit Programs include education awareness and prevention on cannabis use. He would like the Commission to be consistent with the City Council's guidance and the City's vision for being sustainable, clean, and green, that there would be an eco-sustainable process in place for eligible cannabis waste disposal so that the waste is put to sustainable use especially the waste products that do not contain toxins or solvents.

Associate Planner Martinez confirmed for Commissioner Ali-Sullivan that the Commission has allowed the delivery component hours to extend to 10 p.m.



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Chair Roche thanked the applicant for being willing to accept the recommendations for the community benefit and for being cooperative. Ms. Roche agrees with her fellow Commissioners on the equity hiring practice and living wage. Ms. Roche said it would be good to implement a community benefit program monitoring system to be able to gather data on how the different businesses are complying.

Principal Planner Lochirco provided a point of clarification for the Commission that the community benefit program was specifically discussed at the Council level and Council was very intentional in raising the tax an extra 1%, with the reasoning being the City Council wanted to have an opportunity to make sure that the community benefit program would be supported by a percentage of the overall revenue that was being generated by that business. He said the community benefit program is already considered as part of the additional sales tax.

Chair Roche reopened the public comment at 8:28 p.m.

Ms. T. Paige Bearce-Beery, Hayward business owner, supports having the operation until 10 p.m. as it gets very quiet and dark in that area and having business operations until that time are welcome.

Chair Roche closed the public comment at 8:29 p.m.

Principal Planner Lochirco responded to Commissioner Oquenda that part of the applicant's application was a community benefit component and since then Council has taken a different course of action to formalize how to best meet the community needs with the resources that would be coming in and to standardize the sales tax. Mr. Lochirco said that some of the businesses have voluntarily performed outreach to members of the community.

Commissioner Oquenda made a motion to approve the staff recommendation.

Commissioner Stevens seconded the motion.

Commissioner Ali-Sullivan made a friendly amendment to include a COA that the applicant participates in the City's Adopt a Block program.

Commissioners Oquenda and Stevens accepted the friendly amendment.

A motion was made by Commissioner Oquenda seconded by Commissioner Stevens to approve the staff recommendation with the added COA that the applicant participate in the City's Adopt a Block Program.



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The motion passed with the following roll call votes:

AYES: Commissioners Ali-Sullivan, Bonilla, Goldstein, Oquenda, Stevens
Chair Roche
NOES: None
ABSENT: Commissioner Patton
ABSTAIN: None

3. Proposed Industrial Campus with Three Speculative Industrial Buildings and a Three-Story Data Center on Approximately 26-Acre Site Located at 25800 Clawiter Road (APNs 439-0080-003-07, 439-0080-003-12, 439-0080-010-00, 439-0080-005-02, and 439-0080-003-10) Requiring Approval of Major Site Plan Review and Conditional Use Permit Application No. 201906718 and Adoption of a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP): Teresa Goodwin for HPA Architecture (applicant) on behalf of Janet Galvez for Hines (Owner)

Associate Planner Blanton provided a synopsis of the staff report and PowerPoint presentation. Ms. Blanton spoke to the following revisions: the first being a minor modification to Mitigation Measure GHG-1 and revisions to conditions of approval related to Mitigation Measure GHG-1, transportation, and landscaping. Ms. Blanton said the applicant was present and has a presentation.

Ms. Janet Galvez, project manager, provided a PowerPoint presentation, and spoke about the project. Ms. Galvez spoke about receiving, at last-minute, Condition of Approval #81 for a new traffic signal light which requires a payment of \$500,000, and given the short notice of this condition, Ms. Galvez is requesting that the payment be due upon the issuance of the Certificate of Occupancy and would also like to be reimbursed by other projects that are in the pipeline that will benefit from the traffic light. Ms. Galvez said that she wants to be responsible for her fair share only and requests that the Planning Commission take this into consideration.

Ms. Teresa Goodwin, HPA Architecture, spoke about the project.

Commissioner Oquenda disclosed that he had a conversation with the representative of the Sheet Metal Workers Union, they did not discuss the project and he was informed about the tentative labor agreement between the union and the developer. Mr. Oquenda said there is not a conflict of interest and he will be participating in the item.

Discussion ensued between staff, Planning Commission, the applicant, and applicant's team regarding the following:



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What is the practice for modifying the \$500,000 fee for the traffic light and what options are available for deferring the payment; appreciation for the public outreach and that suggestions were included in the project; where can public art be placed; pedestrian movement between the two buildings; applicant's commitment to building the entire project and any mechanism for developer to complete the project; employee and public amenities; traffic operational deficiencies; number of electric vehicles parking spaces; project labor agreements; is there a need to coordinate with HASPA because of the close proximity to the bay; how long does the applicant need to analyze the traffic light signal fee; parking standards and for revised COA #36 is there be more specific language for level of service.

Associate Planner Blanton stated that the \$500,000 fee comes from the Alameda County Transportation Commission (CTC); this traffic light signal would be a part of the interchange with the interstate and is more complicated than a standard intersection signal. Ms. Blanton said the revised COA contains Condition #81 and there is language that speaks to the cost sharing aspect where other projects will be contributing to the cost of the traffic signal and Hines would be reimbursed. Ms. Blanton said regarding the other concern raised by the applicant about the timing of the payment, that per Public Works Director Ameri, there typically is not a phasing for payments and the deposits are due earlier on in the process than what the applicant is proposing. Ms. Blanton said employees will safely use Clawiter to traverse the area. Ms. Blanton said there is not a specific condition that requires the applicant to finish the project, however, there is condition language that requires the frontage and landscaping improvements must be completed, that way if the next buildings are delayed, there is still a finished project feel from the street while the phases are being developed. Ms. Blanton said the majority of parking spaces fall under the Industrial zoning specifications.

Ms. Galvez stated the financials to support the project are in place and they can proceed with the full development. She is requesting to defer the traffic light signal fee because it was a last minute added expense and she needs time to figure out this cost with her financial partners. Ms. Galvez said the goal is to pay the fee when they pull the permits for buildings 1, 2 and 3. She shared what is done in other cities for traffic impact fees. Ms. Galvez said they have several project labor agreements with positive relationships with the unions.

Associate Planner Blanton said that the first to be built is building 4 and the tenant for this building is not expected to generate a lot of traffic. The buildings expected to generate more traffic are buildings 1, 2 and 3 and when the permits are pulled for these buildings the applicant is proposing to pay the fee at that time. Ms. Blanton reiterated that she did receive this direction from the Public Works Department as they were very clear that the



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payment should be consistent as is done with other projects. Ms. Blanton explained the local transportation analysis process and how it relates to projects. Ms. Blanton said traffic studies take longer to develop and the final version was ready about a week ago and that this was in response to the applicant's desire to expedite the project and for the item to be brought before the Planning Commission. Ms. Blanton said that HASPA has viewed the project and are generally supportive of the design and HASPA was more interested in the pedestrian and bike infrastructure. Ms. Blanton said revised COA #36 is a menu of options for the GHG.

Principal Planner Lochirco said that the project location, though close to the Hayward area shoreline, analysis shows that the project should not have any impact from the sea level rise and does not believe it is in an area designated as a flood plain.

Assistant City Attorney Brick suggested that the timing of the payment can be at the discretion of the Public Works Director as this would allow the applicant and the Public Works Director to work together on a compromise. Mr. Brick said a partial payment could create problems because if there is a need for traffic control then the funds would not be available to build the traffic light.

Chair Roche opened the public hearing at 9:43 p.m.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, spoke in support of the project, stated that the Chamber reviewed the plan, and they believe that this development will be a great contribution to the City and will help to get Hayward back on its feet and get people working.

Mr. Vince Sugrue, representing Sheet Metal Workers Union Local 104, spoke in support of the project that will play an important role in the City and is committed to utilize a skilled and trained local labor force to help construct this development.

Mr. Jason Lindsey, Business Representative for Iron Workers Local 378, spoke in support of the project and that many of his members live in Hayward. He spoke about the importance of a having a trained skilled workforce.

Mr. Glenn Loveall, Political Coordinator of Iron Worker Local 378, spoke in support of the project and the project labor agreement and how it will prioritize having local members working on this project.

Ms. April Atkins, Field Representative for Carpenters Local 713, representing 4300 carpenters locally and 40,000 throughout No California, spoke in support of the project and



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how this project will provide the opportunity for many men and women to work on this project. Ms. Atkins said the Carpenters Union is in full support of this project.

Chair Roche closed the public hearing at 9:52 p.m.

Commissioner Oquenda supports the project and commends the Planning Commission for their work on this project, as this is the kind of project that represents the type of growth that the City needs. He appreciates the applicant's work with the different unions on the project labor agreements. Mr. Oquenda accepts revised COAs #36B and for #82, he encouraged the Commission to leave the payment for the traffic light signal to the discretion of the Public Works Director. He supports the parking reduction for building 4.

Ms. Alicia Guerra, of Buchalter, in response to comments about COA #82, she wanted to clarify that often when cities do not have development impact fee programs and the city wants to impose additional requirements to fund infrastructure, they will enter into an agreement that specifies the timing for deposit, phasing and funding, and include reimbursement provisions.

Commissioner Ali-Sullivan said this is an impactful development that represents what the City envisions moving forward. He appreciates the willingness of labor and applicant to work together on labor agreements. Mr. Ali-Sullivan hopes that moving forward this is a model for other developments to support fair wages. He favors the project and sees this project as a catalyst for the industrial area.

Commissioner Bonilla said he agrees that this is a great project; appreciated that the applicant listened to staff, the Planning Commission and the community and acted on the feedback and suggestions. Mr. Bonilla made a motion to approve the staff recommendation with an addition to revised COA #82 for the Public Works Director to have the discretion to work with the applicant regarding the deposit.

Commissioner Goldstein seconded the motion.

Commissioner Stevens fully supports the project and noted that a data center of this caliber exists in only a few places in the world. He feels very fortunate that the applicant chose Hayward for this project.

Chair Roche was glad there was the Work Session which allowed the Planning Commission to work out a lot of issues at that time and that the applicant did a great job listening and incorporating the suggestions. Ms. Roche is pleased about the labor agreements.



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A motion was made by Commissioner Bonilla seconded by Commissioner Goldstein to approve the staff recommendation with added language to the COA #82 to read as follows: at the discretion of the Director of Public Works, payment under this condition may be delayed up until issuance of the Certificate of Occupancy and may be prorated by the Building Division.

The motion passed with the following roll call votes:

AYES: Commissioners Ali-Sullivan, Bonilla, Goldstein, Oquenda, Stevens
Chair Roche
NOES: None
ABSENT: Commissioner Patton
ABSTAIN: None

APPROVAL OF MINUTES

4. Approval of the Planning Commission Meeting Minutes of January 28, 2021.

A motion was made by Commissioner Bonilla, seconded by Commissioner Stevens, to approve the Planning Commission Meeting Minutes of January 28, 2021.

The motion passed with the following roll call votes:

AYES: Commissioners Ali-Sullivan, Bonilla, Goldstein, Oquenda, Stevens
Chair Roche
NOES: None
ABSENT: Commissioner Patton
ABSTAIN: None

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Principal Planner Lochirco announced that there are currently no items scheduled for the February 25, 2021 meeting and it could be cancelled.

Commissioners' Announcements, Referrals:

Commissioner Ali-Sullivan and the Planning Commissioners extended a warm welcome to Commissioner Oquenda.



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Commissioner Oquenda announced that the City Council will be reviewing the Strategic Road Map this Saturday, February 13, 2021. He appreciates the welcome.

Commissioner Stevens announced that Alameda County is working on the planning for a Youth Biking & Hiking Trail that will connects Niles and Sunol, and there is preliminary information on the County's website.

ADJOURNMENT

Chair Roche adjourned the meeting at 10:13 p.m.

APPROVED:

Robert Stevens, Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk

architecturalradii@yahoo.com



PROJECT INFORMATION

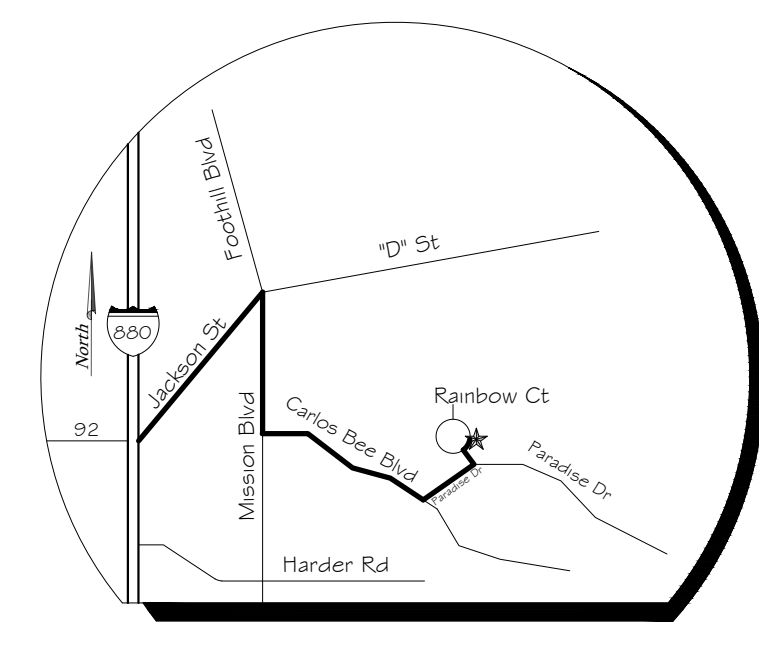
PROJECT ADDRESS: 2382 Rainbow Ct. (APN:) 425-41-29
 Hayward, CA 94542
SCOPE OF WORK: Construct a (N)5104ft2 3-story SFD w/Rooftop Terrace per Plans/Specifications
ZONING: RS Single-family Residential 5000ft2
TYPE OF CONSTRUCTION: V-B
TYPE OF OCCUPANCY: R3/U
CONSTRUCTION AREA: 3442ft2 Habitable, 1192ft2 3-car Garage, 770ft2 Rooftop Terrace = 5404ft2
FOOTPRINT: 2083ft2
LOT SIZE: 104'x53' avg. (5227ft2) 2083ft2/5227ft2 = Lot Coverage 40%

OWNERS: H&M Ventures LLC
 43393 Bryant St.
 Fremont, CA 94539

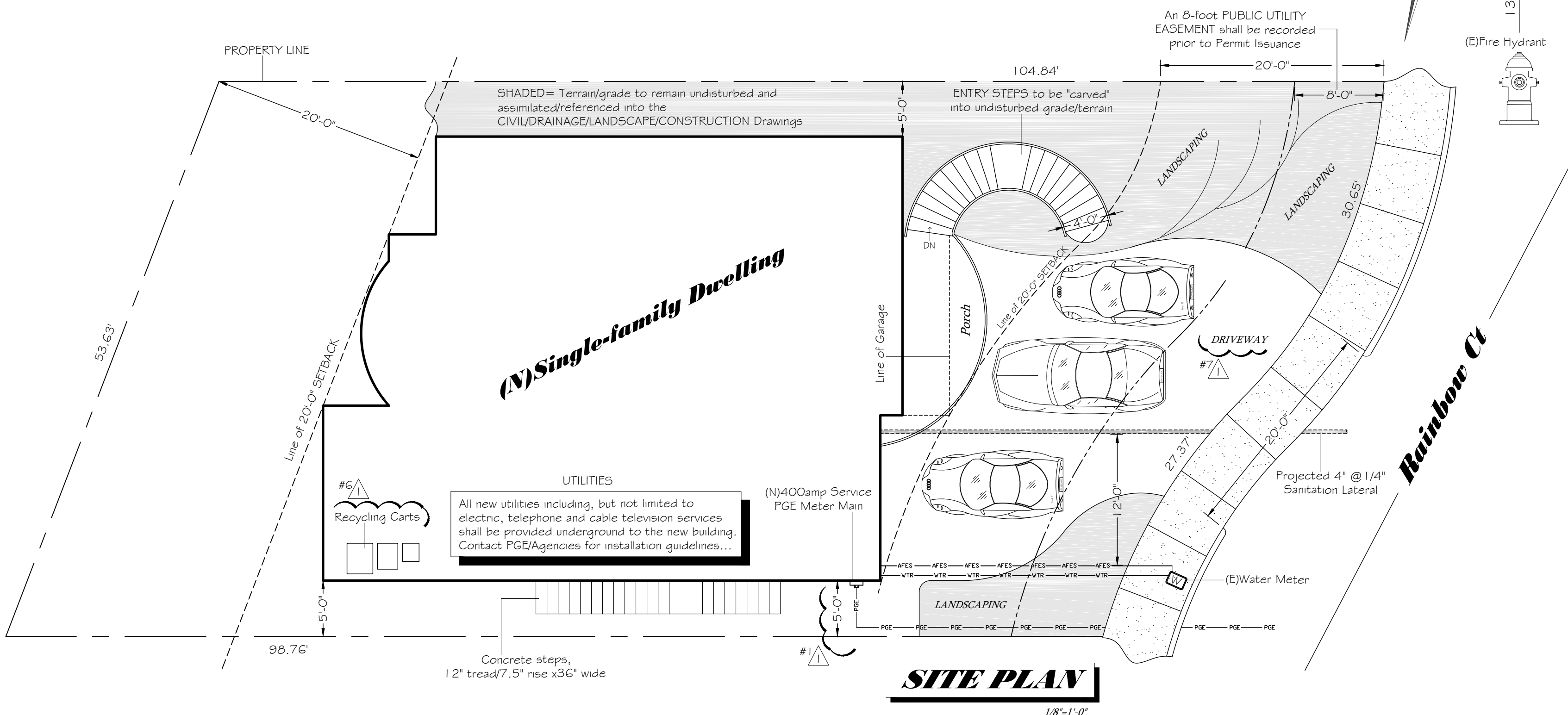
AFES: Yes. (deferred submittal)

INDEX

- A1 SITE PLAN
- A2 FRONT/REAR ELEVATIONS
- A3 LEFT/RIGHT ELEVATIONS
- A4 FLOOR PLAN
- LP1 LANDSCAPE PLAN (Irrigation Notes)
- LP2 LANDSCAPE PLAN (Planting Notes)
- LP3 LANDSCAPE PLAN (Irrigation Notes)
- C1 DRAINAGE PLAN
- C2 DRAINAGE CONSTRUCTION DETAILS
- C3 EROSION CONTROL
- SU SURVEY/TOPOGRAPHY PLAN
- V1 SUBJECT LOT PHOTOS



EMERGENCY PHONE: _____



SITE PLAN
1/8"=1'-0"

GENERAL NOTES

ALL WORK PERFORMED UNDER THIS CONTRACT SHALL INCLUDE, BUT IS NOT NECESSARILY LIMITED TO FURNISHING ALL LABOR, MATERIALS, ACCESSORIES, TOOLS, AND TRANSPORTATION.
 JOBSITE TO BE RELATIVELY CLEAN AT ALL TIMES...

DIMENSIONS AND QUANTITIES

ALL DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE SHOWN OR NOTED. THE CONTRACTOR SHALL NOT SCALE DRAWINGS. ALL DIMENSIONS TO TAKE PRECEDENCE OVER SCALED DRAWINGS. THE CONTRACTOR AND ALL HIS SUBCONTRACTORS SHALL VERIFY ALL GRADE ELEVATIONS, DIMENSIONS, AND CONDITION OF THE PROJECT BEFORE PROCEEDING WITH THE WORK AND SHALL NOTIFY THE DESIGNER/ENGINEER IMMEDIATELY IN THE EVENT OF DISCREPANCIES BETWEEN ACTUAL CONDITIONS AND THAT OF THE DRAWINGS FOR CLARIFICATION.

OMISSIONS

IF STRUCTURAL FEATURES OF THE CONSTRUCTION ARE NOT SHOWN ON THE DRAWINGS OR CALLED FOR IN THE SPECIFICATIONS OR GENERAL NOTES, THE CONSTRUCTION SHALL BE THE SAME AND OF SIMILAR CONDITIONS AS SHOWN ON THE DRAWINGS. IN THE ABSENCE OF ANY MATERIAL DESCRIPTION IN PART OR WHOLE, THE CONTRACTOR SHALL FURNISH AND INSTALL ALL COMPONENTS NECESSARY FOR COMPLETION OF THE WORK OR SYSTEM IN SIMILAR QUALITY TO SPECIFIED CONSTRUCTION, TO THE SATISFACTION OF THE OWNER, THE DESIGNER AND OR ENGINEER.

THE CONTRACTOR SHALL CONTACT THE DESIGNER IF ANY QUESTIONS ARISE. ANY DEVIATIONS FROM THE CONSTRUCTION DOCUMENTS SHALL BE COORDINATED WITH THE DESIGNER/ENGINEER. THE DESIGNER AND/OR ENGINEER SHALL BE EXEMPT FROM LIABILITY IF CHANGES IMPACT THE WORK AREA OR RELATED AREAS WITHOUT PRIOR CONSENT AND WRITTEN APPROVAL FROM SAID PARTIES.

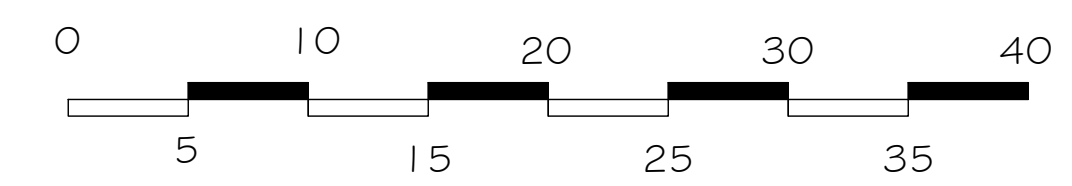
CODES AND ORDINANCES

- CODES AND ORDINANCES OF JURISDICTIONAL BODIES OR TRIBUNAL SHALL BE CONSIDERED AS MINIMUM REQUIREMENTS AND SHALL TAKE PRECEDENCE OVER CONTRACT DOCUMENTS WHICH INADVERTENTLY, MAY BE PREPARED AT VARIANCE WITH THE CODES AND ORDINANCE REQUIREMENTS. HENCE, THEY SHALL TAKE PRECEDENCE THEREOF.
- THE FOLLOWING CODES SHALL PREVAIL:
- 2019 CA BUILDING CODE (Based on the 2019 IBC) as amended by City Ordinance
 - 2019 CA RESIDENTIAL CODE (Based on the 2019 IRC) - as amended by City Ordinance
 - 2019 CA FIRE CODE (Based on the 2019 IFC)
 - 2019 CA GREEN BUILDING STANDARDS CODE - as amended by City Ordinance
 - 2019 ELECTRICAL CODE (Based on the 2019 NEC)
 - 2019 CA PLUMBING CODE (Based on the 2019 UPC) - as amended by City Ordinance
 - 2019 CA MECHANICAL CODE (Based on the 2019 UMO) - CA Code of Regulations Title 24 Part 4
 - 2019 CA ENERGY CODE - CA Code of Regulations Title 24 Part 6
 - AND ANY APPLICABLE CITY OF HAYWARD CODES/ORDINANCES/ OR AMENDMENTS.

SUBCONTRACTOR

Each subcontractor is considered a specialist in his respective field and shall, prior to the submission of his bid or performance of his work, notify the General Contractor, who is to subsequently inform the Designer and Owner of any work called out in the drawings that cannot be fully guaranteed...

1. TRADE NAMES AND MANUFACTURERS REFERRED TO, ARE FOR QUALITY STANDARDS ONLY. SUBSTITUTIONS WILL BE PERMITTED ONLY IF APPROVED BY THE OWNER OR DESIGNER.
2. WORK SHALL NOT BE PERFORMED WHEN WEATHER CONDITIONS MAY CREATE HAZARDOUS WORKING CONDITIONS THAT MAY LEAD TO FAILURE IN WORKMANSHIP. ...WATER AND ELECTRICITY DO NOT MIX!...
3. THE CONTRACTOR/SUBCONTRACTORS WARRANT THAT THEIR WORK AND ALL MATERIALS FURNISHED UNDER THEIR RESPECTIVE CONTRACTS, AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP.
4. UPON WRITTEN NOTICE OF ANY DEFECT IN MATERIALS OF WORKMANSHIP, THE CONTRACTOR SHALL, AT THE OPTION OF THE DESIGNER AND OR OWNER/ENGINEER REPAIR OR REPLACE SAID DEFECT AND ANY DAMAGE TO OTHER WORK AS A RESULT OF THE CORRECTION. REPLACEMENT OF REPAIR SHALL BE WITHOUT COST TO THE OWNER.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SATISFACTORY COMPLETION OF ALL WORK UNDER THE CONTRACT IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS.
6. IN ACCORDANCE WITH THE GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS AT THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS WITHIN THE JOB SITE AND PROPERTY DURING THE PERFORMANCE OF HIS WORK. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND BE LIMITED TO NORMAL WORK HOURS.



- (STORM DRAINS) CGBC 4.1.06.2
1. The applicant shall be responsible for litter control of all paved surfaces. All on-site storm drains shall be cleaned immediately before the start of the rainy season beginning October 15 of each year, subject to the review and approval of the Building Public Works Inspector.
 2. The property owner shall be made aware of the educational materials on storm water pollution prevention (as furnished by the City).
 3. Outdoor washing shall be managed in such a way that there is no discharge of soaps, solvents, cleaning agents or other pollutants to the storm drains. Wash water shall discharge to the sanitary sewer, subject to review and approval of the Union Sanitary District.

ROOF TRUSSES - deferred submittal

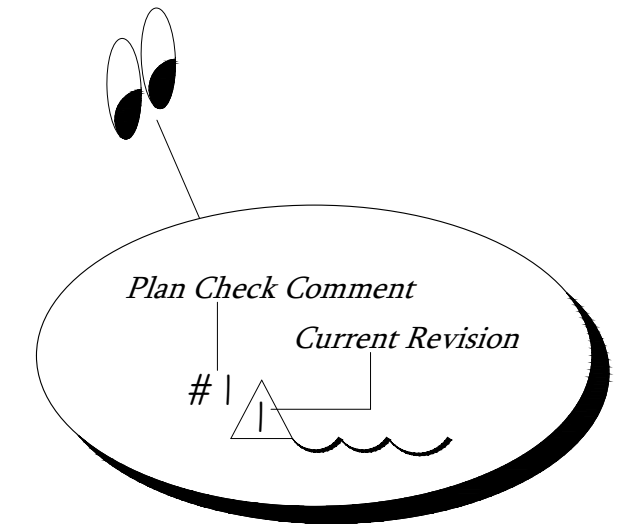
Manufactured Truss drawings and calculations shall be prepared by a civil or structural engineer licensed in the State of California. The design shall be submitted to the responsible design professional in charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building without any corrections.

CONSTRUCTION/DEMOLITION (CD) RECYCLING

Because of the amount of construction debris that will be generated by the work proposed in the application, this project is subject to Chapter 15.44 of the Newark Municipal Code, Green Building and Construction and Demolition Debris Recycling. One hundred percent (100%) of all concrete and fifty percent (50%) of remaining construction and/or demolition debris generated by this project shall be recycled. The applicant shall complete the attached Waste Management Plan and return it to the Building Inspection office prior to the issuance of a Certificate of Occupancy. Included with the Waste Management Plan is a list of recyclers that serve the South Bay Area.

If the contractor will be hiring a subcontractor or vendor to haul any construction debris off the site they must use the City of Hayward authorized construction debris hauler which is Waste Management of Alameda County (WMAC).

NOTE: Debris Boxes must be provided by (WMAC) per the City of Hayward Franchise Agreement with the Waste Management of Alameda County (WMAC).



BEST MANAGEMENT PRACTICES

The contractor shall implement all applicable Best Management Practices (BMPs) from the California Best Management Practices Handbook for Construction Activities for the duration of all activity. Additional BMPs may be required by the City Engineer as necessary to minimize the pollution of the storm water runoff from the project area.

Hose bibs shall have non-removable backflow devices

ENCROACHMENT PERMIT/BOND

Any proposed work, such as driveway modifications, utility tie-ins, and landscaping, within the Rainbow Ct. right-of-way will require the issuance of a City of Hayward encroachment permit. The encroachment permit must be obtained prior to the issuance of a building permit. Conditions of issuance of this permit include the following submittal:

- a. Three copies of the approved site, utility, and grading and drainage plan, clearly showing any work in the public right-of-way.
- b. An itemized cost estimate for the proposed work within the public right-of-way.
- c. A performance bond in the amount of 120% of the cost of off-site construction. The bond must remain in effect for a period of one year after acceptance of the project to ensure completion of work and the correction of any construction deficiencies.
- d. Submittal of a completed encroachment permit application and payment of the permit fee as determined based on the cost estimate.
- e. Insurance endorsements meeting the City's minimum requirements.

PUBLIC WORKS

The work during construction has the potential to damage the existing private improvements along the shared boundary lines and public improvements along Poplar St., such as the curb, gutter, sidewalk, asphalt, etc. It is the responsibility of the contractor to repair any private improvements and any damage to existing street improvements caused by this construction prior to the issuance of a Certificate of Occupancy...

This home is subject to the height restrictions per recorded Tract Map 3992 which limits the height of any part of the home to 606 feet MSL for buildings on lots 7-10. The height of the home shall be surveyed prior to issuance of a Certificate of Occupancy to confirm that the elevations of the home is an elevation of 606 feet MSL or less, prior to issuance of the CoO. This condition of approval shall also be included on the building permit set, and shall be underlined and in bold lettering.

Grading and construction activities shall be conducted in a manner that causes no cracking, undermining, or destruction of landscape features and outbuildings located on the adjacent property at 26144-26148 Parkside Drive. Any damage shall be repaired or corrected by the contractor/applicant prior to issuance of a Certificate of Occupancy.

UTILITIES

All new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground to the new building

- AFES + FIRE DEPARTMENT NOTES**
1. Approved address numbers shall be visible and legible from street frontage and shall contrast with background...see A3
 2. Fire Department Access must be provided and maintained serviceable prior to and during construction...note "emergency number" Sheet A1.
 3. Provide approved street signs prior to building permit issuance.
 4. The roof shall be fire stopped to preclude entry of flames or embers under roof covering.
 5. Approved smoke detectors shall be installed/located as required by CBC 310.9 and interconnected to sound simultaneously. For specific location requirements of approved smoke alarms, see CFC 907.2.11.5.4 [2013 CRC 315]. Carbon Monoxide Alarms shall be installed per manufacturer installation instructions.
 6. A residential fire sprinkler system compliant with NFPA 13D is required.
 7. A separate submittal for permit is required prior to work on any fire protection system or component. Submit (3) sets of "AFES" design shop drawings, calculations and specifications to the Development Services Center for review and approval.
 8. The inspection, hydrostatic test, and flushing of the "AFES" shall be witnessed by the building inspector specialist/Fire Marshall. Do not cover/conceal until an inspection has been completed.

H&M Ventures LLC
 2382 Rainbow Ct.
 Hayward, CA 94542
 (408) 373-3365

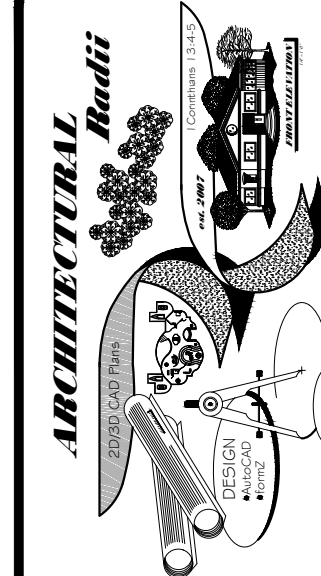
PC Letter 9/16/20

No. Revision/Issue

Designed/Drafted by
MARTIN CHRISTIANSEN
 33418 4th St.
 UNION CITY, CA 94587
 (510) 334-1959
 architecturalradii@yahoo.com

Scope of Work
 See Sheet A1
 PROJECT INFORMATION...

Project 19K Sheet
 Date 19.7-1
 Scale AS NOTED
A1



FRONT ELEVATION

1/4" = 1'-0"



REAR ELEVATION

1/4" = 1'-0"

H&M Ventures LLC
2382 Rainbow Ct.
Hayward, CA 94542
(408)373-3385

PC Letter 9/16/20

No. Revision/Issue Date

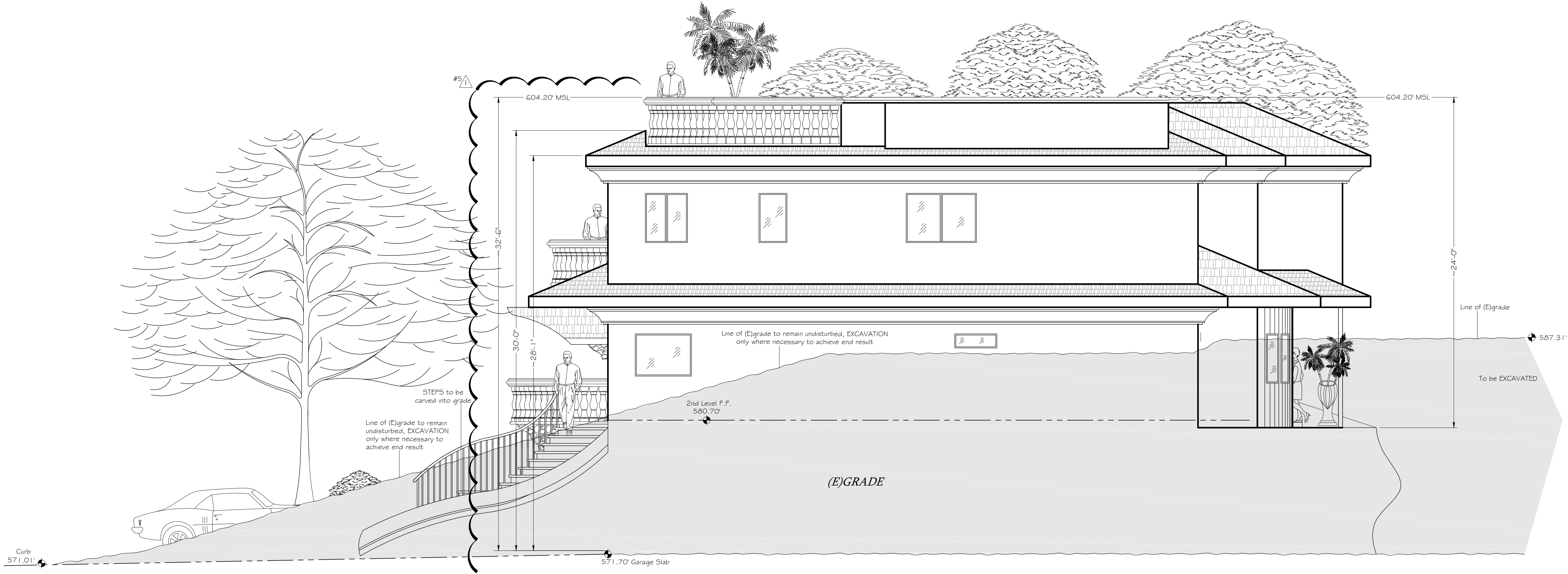
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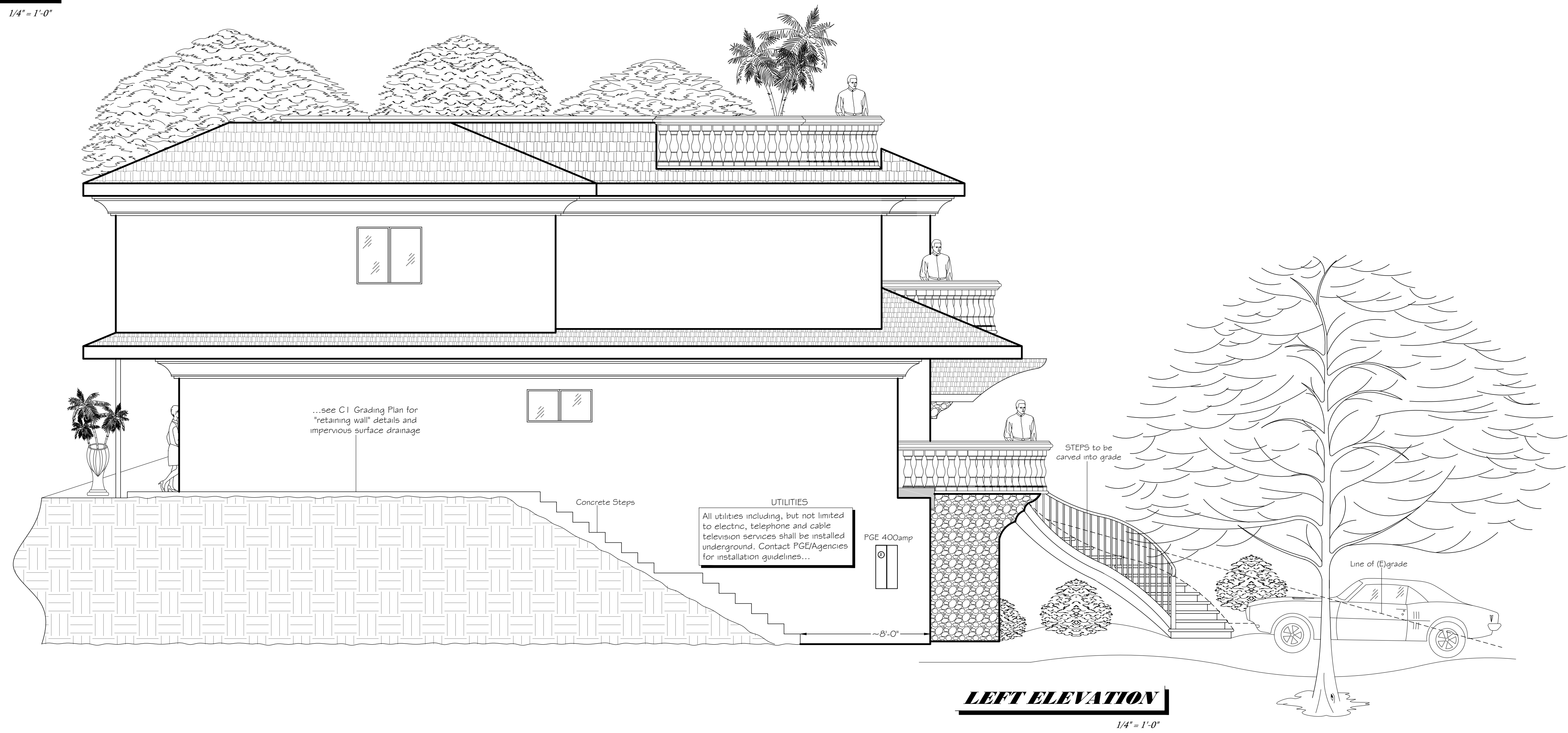
Scope of Work

See Sheet A1
PROJECT
INFORMATION...

Project	19K	Sheet	A2
Date	19.7-1		
Scale	AS NOTED		



RIGHT ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"

H&M Ventures LLC
2382 Rainbow Ct.
Hayward, CA 94542
(408) 373-3365

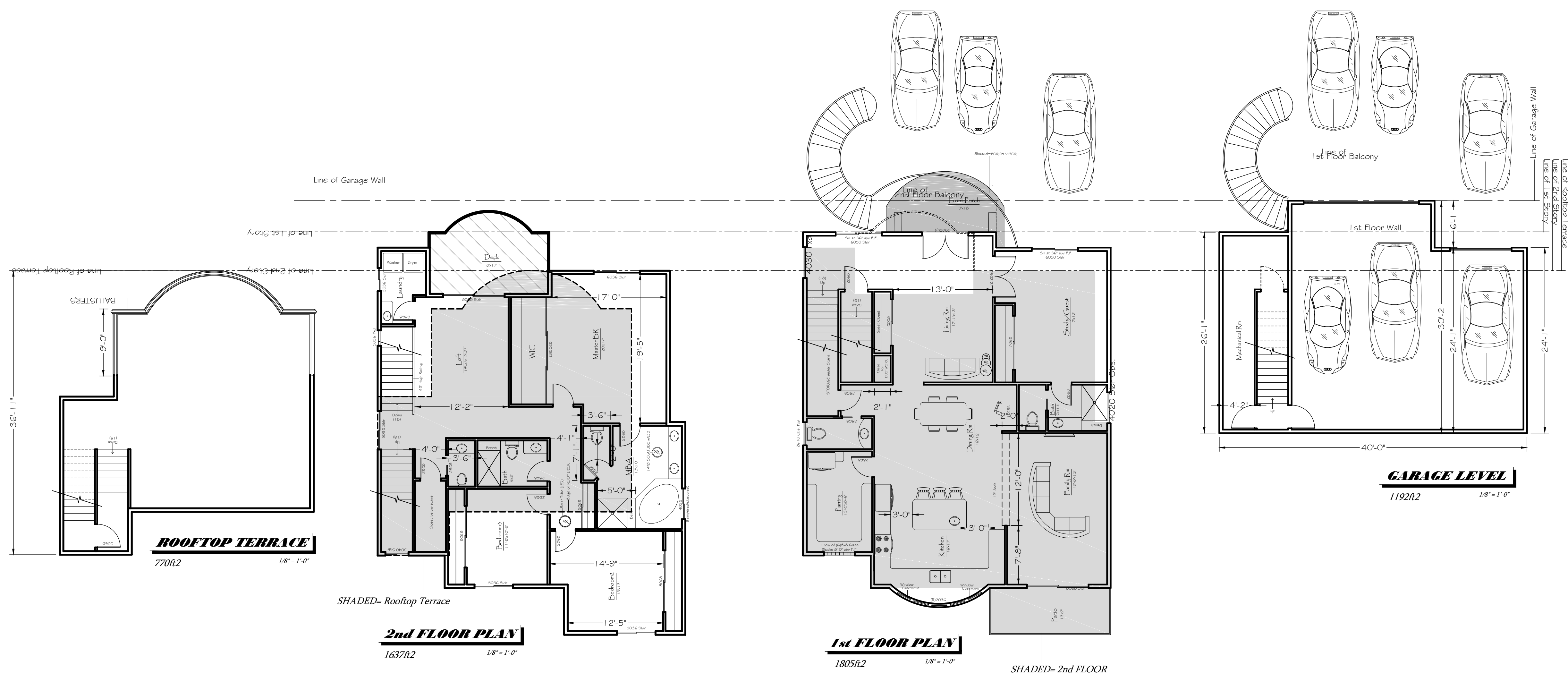
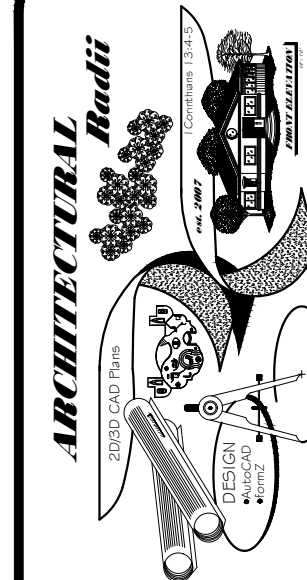
PC Letter 9/16/20

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Designed/Drafted by
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UNION CITY, CA 94587
(510) 334-1959
architecturalradii@yahoo.com

Scope of Work
See Sheet A1
PROJECT
INFORMATION...

Project	19K	Sheet	A3
Date	19.7-1		
Scale	AS NOTED		



H&M Ventures LLC
2362 Rainbow Ct.
Hayward, CA 94542
(408) 373-3365

PC Letter 9/16/20

No.	Revision/Issue	Date

Designed/Drafted by
MARTIN CHRISTIANSEN
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 UNION CITY, CA 94587
 (510) 334-1959
 architecturalradii@yahoo.com

Scope of Work
 See Sheet A1
 PROJECT
 INFORMATION...

Project	19K	Sheet	A4
Date	19.7-1		
Scale	A5 NOTED		

GRADING & DRAINAGE NOTES:

NOTE: THIS DRAWING IS APPROVED SUBJECT TO:

- ALL GRADING IS SUBJECT TO OBSERVATION BY THE CITY, PERMITTEE OR REPRESENTATIVE. SHALL NOTIFY THE CITY OF HAYWARD DEPARTMENT OF PUBLIC WORKS PROJECT INSPECTOR AT LEAST 48 HOURS BEFORE START OF ANY GRADING.
- APPROVAL OF THIS PLAN APPLIES ONLY TO (A) THE EXCAVATION, PLACEMENT, AND COMPACTION OF NATURAL EARTH MATERIALS, (B) THE INSTALLATION OF ON-SITE (I.E. PRIVATE PROPERTY) STORM WATER CONVEYANCE AND TREATMENT FACILITIES THAT ARE OUTSIDE OF THE 5-FOOT BUILDING ENVELOPE, AND (C) THE INSTALLATION OF RETAINING STRUCTURES. THIS APPROVAL DOES NOT CONFER ANY RIGHTS OF ENTRY TO EITHER PUBLIC PROPERTY OR THE PRIVATE PROPERTY OF OTHERS. APPROVAL OF THIS PLAN ALSO DOES NOT CONSTITUTE APPROVAL OF ANY IMPROVEMENTS WITH THE EXCEPTION OF THOSE LISTED ABOVE. PROPOSED IMPROVEMENTS, WITH THE EXCEPTION OF THOSE LISTED ABOVE, ARE SUBJECT TO REVIEW AND APPROVAL BY THE RESPONSIBLE AUTHORITIES AND ALL OTHER REQUIRED PERMITS SHALL BE OBTAINED.
- UNLESS OTHERWISE NOTED ON THE PLAN, ANY DEPICTION OF A RETAINING STRUCTURE ON THIS PLAN SHALL NOT CONSTITUTE APPROVAL FOR CONSTRUCTION OF THE RETAINING STRUCTURE UNLESS A SEPARATE STRUCTURAL REVIEW, BY THE DEPARTMENT OF PUBLIC WORKS IS COMPLETED AND APPROVED.
- IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE OR AGENT TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES.
- THE PERMITTEE OR AGENT SHALL MAINTAIN THE STREETS, SIDEWALKS AND ALL OTHER PUBLIC RIGHTS-OF-WAY IN A CLEAN, SAFE AND USABLE CONDITION. ALL SPILLS OF SOIL, ROCK OR CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE PUBLICLY OWNED PROPERTY DURING CONSTRUCTION AND UPON COMPLETION OF THE PROJECT. ALL ADJACENT PROPERTY, PRIVATE OR PUBLIC SHALL BE MAINTAINED IN A CLEAN, SAFE AND USABLE CONDITION.
- ALL GRADING SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MANAGEMENT DISTRICT FOR AIRBORNE PARTICULATES.
- IN THE EVENT THAT HUMAN REMAINS AND/OR CULTURAL MATERIALS ARE FOUND, ALL PROJECT-RELATED CONSTRUCTION SHOULD CEASE WITHIN A 100-FOOT RADIUS. THE CONTRACTOR SHALL, PURSUANT TO SECTION 7050.5 OF THE HEALTH AND SAFETY CODE, AND SECTION 5097.94 OF THE PUBLIC RESOURCES CODE OF THE STATE OF CALIFORNIA, NOTIFY THE MARIN COUNTY CORONER IMMEDIATELY.
- THIS PLAN DOES NOT APPROVE THE REMOVAL OF TREES. APPROPRIATE TREE REMOVAL PERMITS AND METHODS OF TREE PRESERVATION SHOULD BE OBTAINED FROM THE CITY'S PLANNING DEPARTMENT AND THE CITY ARBORIST.
- FOR NON-RESIDENTIAL PROJECTS, ANY NON-HAZARDOUS EXPORT RESULTING FROM PROJECT RELATED EXCAVATION OR LAND CLEARING SHALL BE 100% REUSED AND RECYCLED PER CALIFORNIA GREEN BUILDING STANDARDS CODE SECTION 5.4.08.
- ALL GRADING WORK SHALL CONFORM TO THE RECOMMENDATIONS OF THE PROJECT GEOTECHNICAL REPORT AND/OR THE PROJECT SOIL ENGINEER. ALL GRADING WORK SHALL BE OBSERVED AND APPROVED BY THE SOIL ENGINEER.
REPORT DATE:
REPORT NUMBER:
SOILS ENGINEERING COMPANY:
CONTACT INFORMATION:
- THE SOIL ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING ANY GRADING. UNOBSERVED AND/OR UNAPPROVED GRADING WORK SHALL BE REMOVED AND REPLACED UNDER OBSERVATION.
- PERIMETER BUILDING GRADES SHALL SLOPE AWAY FROM BUILDINGS AT LEAST 5% MINIMUM
- ALL DOWNSPOUTS SHALL HAVE SPLASH BOXES AS SHOWN ON THE GRADING AND DRAINAGE PLAN. DIRECTION OF THE FLOW SHALL BE AWAY FROM THE BUILDING.

BENCH MARK

DESCRIPTION: ASSUMED BENCHMARK, MAG NAIL ON STREET, NEAR THE SOUTHWESTERLY CORNER OF LOT AS SHOWN: ELEV.: 100.00'

ALL TOPOGRAPHIC FEATURES AND ELEVATIONS HAD BEEN TAKEN FROM SURVEYS BY OTHERS, PROVIDED BY THE OWNER

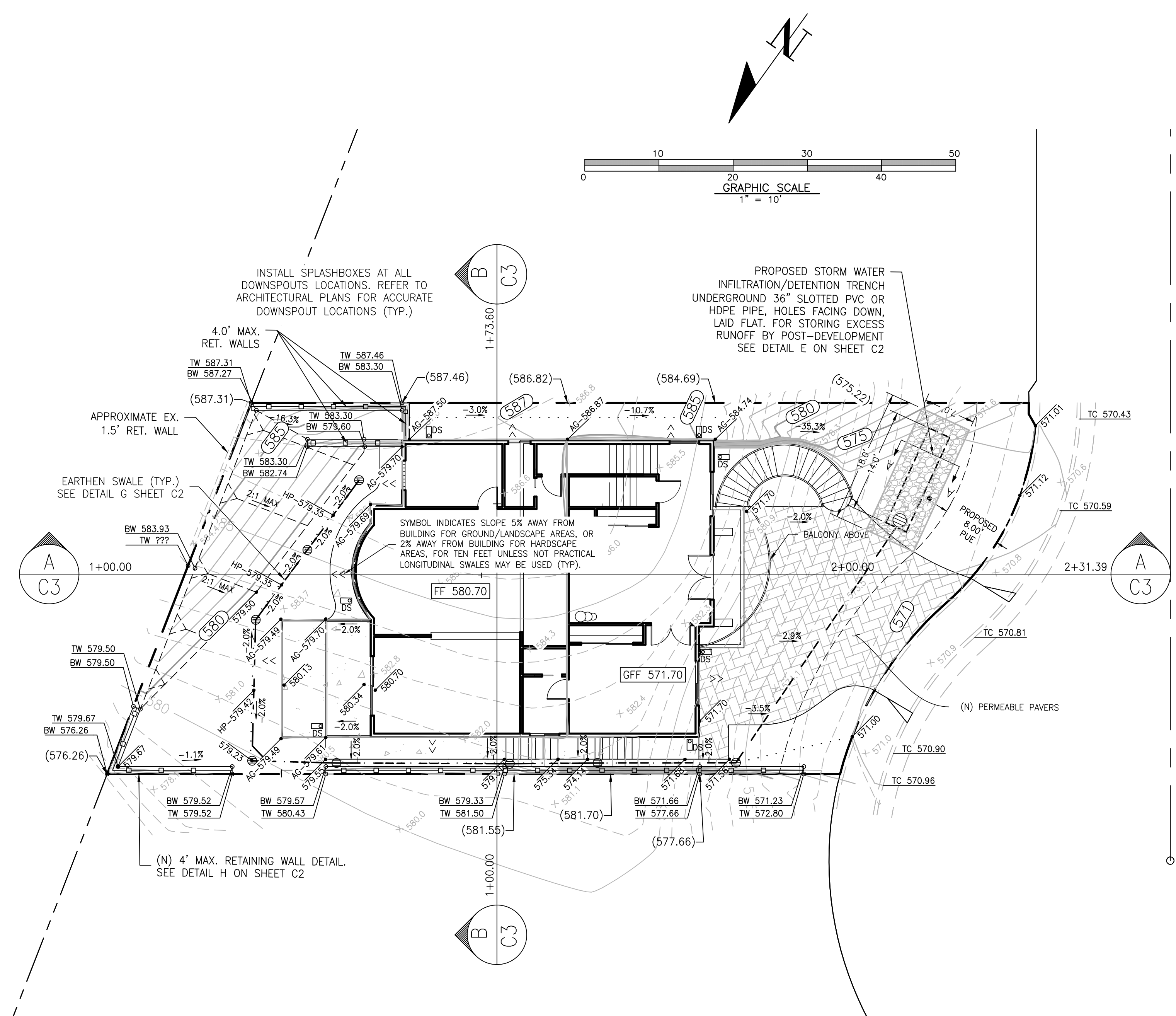
EARTHWORK QUANTITIES		
DESCRIPTION	CUT (-)	FILL (+)
BUILDING FOOTPRINT	580 C.Y.	0 C.Y.
SITE WORK (EXCLUDES BUILDING FOOTPRINT)	385 C.Y.	4 C.Y.
TOTALS RAW:	965 C.Y.	4 C.Y.
20% SHRINKAGE FACTOR (ASSUMED)	965 C.Y.	1 C.Y.
TOTAL ADJUSTED:	965 C.Y.	5 C.Y.
NET EXPORT = CUT - FILL	960 C.Y. (N=PLACE C.Y.)	

NOTE: EARTHWORK QUANTITIES SHOWN ARE APPROXIMATE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO INDEPENDENTLY ESTIMATE QUANTITIES FOR HIS/HER OWN USE.

ABBREVIATIONS

- | | |
|--------------------------------|--------------------------------------|
| AC = ASPHALT CONCRETE | LP = LOW POINT |
| AD = AREA DRAIN | PAD = PAD ELEVATION |
| BC = BEGIN CURVE | PCC = PORTLAND CEMENT CONCRETE |
| BS = BOTTOM OF STAIR | PL = PROPERTY LINE |
| BU = BUBBLE UP | PV = PAVEMENT GRADE |
| BVC = BEGIN VERTICAL CURVE | PVC = POLYVINYL CHLORIDE PIPE |
| BRW = BOTTOM OF RETAINING WALL | PVI = POINT OF VERTICAL INTERSECTION |
| CB = CATCH BASIN | RPC = REINFORCED CONCRETE PIPE |
| CL = CENTERLINE | ROW = RIGHT OF WAY |
| CO = CLEANOUT | S<=0.04> = SLOPE |
| DS = DOWNSPOUT WITH SPLASH BOX | SD = STORM DRAIN |
| EC = END CURVE | SDMH = STORM DRAIN MANHOLE |
| ELEV. = ELEVATION | SG = SUBGRADE ELEVATION |
| EVC = END VERTICAL CURVE | SS = SANITARY SEWER |
| EX = EXISTING | SSMH = SANITARY SEWER MANHOLE |
| F/C = FACE OF CURB | STA = STATION |
| FF = FINISHED FLOOR ELEVATION | TC = TOP OF CURB |
| FH = FIRE HYDRANT | TF = TOP OF FENCE |
| FL = FLOW LINE | TRW = TOP OF RETAINING WALL |
| GB = GRADE BREAK | TS = TOP OF STAIR |
| GFF = GARAGE FINISH FLOOR | TW = TOP OF WALL |
| HC = HANDICAP UNIT | VCP = VITRIFIED CLAY PIPE |
| INV = INVERT | WM = WATER METER |
| | WV = WATER VALVE |

DESCRIPTION	SYMBOL
BOUNDARY LINE	---
LOT LINE	---
EASEMENT LINE	---
SIDEWALK	---
WOOD FENCE	X X X
CHAIN LINK FENCE	---o---
RETAINING WALL	---
DRAINAGE DRAIN INLET	---
AREA DRAIN	---
DROP INLET	---
MONUMENT	---
FIRE HYDRANT	---
ELECTROVALVE	---
WATER METER	---
AC UNIT	---
SANITARY SEWER LATERAL	---
STORM DRAIN	SD
SANITARY SEWER	SS
STREET LIGHT CONDUITS	SL
WATER	W
JOINT TRENCH	JT
HOUSE SERVICE	SVC
SLOPE ARROW	---
EXISTING CONTOUR	---
PROPOSED CONTOUR	---
OVERLAND RELEASE	---
DIRECTION OF SURFACE DRAINAGE	---
S/S SLOPE AWAY FROM BUILDING	---
GAS LINE	---
OVERHEAD ELECTRICAL LINE	---
UNDERGROUND ELECTRICAL LINE	---
DOWNSPOUTS W/SPLASH BOX	---



a. Project Phase Number: (N/A, 1, 2, etc.)	N/A	b. Total Site (acres):	0.12
Total Site Existing	0	d. Total Area of Site Disturbed (acres):	0.12
c. Impervious Surfaces (square feet):			

	Existing Condition of Site Area Disturbed (+/- sq.ft.)	Proposed Condition of Site Area Disturbed (+/- sq.ft.)	
		Replaced (1)	New (2)
e. Impervious Surfaces			
Roof Area(s)	0	0	2,019
Parking/Driveways	0	0	0
Sidewalks, Patios, etc.	0	0	469
Streets (Public)	0	0	0
Roadway Projects	0	0	0
Streets (Private)	0	0	0
Total Impervious Surfaces: e.1	0	e.2 0	e.3 2,488
f. Pervious Surfaces			
Landscape Areas	5,190	0	2,702
Pervious Pavers	0	0	0
Other Pervious Surfaces (green roof, etc.)	0	0	0
Total Pervious Surfaces: f.1	5,190	f.2 0	f.3 2,702

g. Total Proposed Replaced + New Impervious Surfaces (e.2 + e.3):	2,488
h. Total Proposed Pervious Surfaces = Total Proposed Replaced + New Pervious Surfaces:	2,702
i. Percent of Replacement of Impervious Area in Redevelopment Projects (e.2/c x 100)	0%
j. Percent of Impervious Area of proposed Projects (g.2/c x 100)	48%

ELEVATION	INTERVAL	PERCENT (%) SLOPE	AREA
571	26	23	49
572	53		53
573	52		52
574	54		54
575	53		53
576	53		53
577	53		53
578	54		54
579	54		54
580	54		54
581	53		53
582	115		115
583	106		106
584	98		98
585	88		88
586	75		75
587	42		42
			1106 FT

S = PERCENT (%) SLOPE = (I * L * 100) / A

I = INTERVAL OF CONTOURS = 1

L = LENGTH OF SUM OF CONTOURS = 1106 FT

A = GROSS AREA IN SQUARE FEET = 5190 SF

SO: S = 21.3 %

TOPOGRAPHIC CONTOURS AND ELEVATIONS HAD BEEN TAKEN FROM SURVEYS BY OTHERS, PROVIDED BY THE OWNER

REVISIONS	DATE	BY	CITY

REGISTERED PROFESSIONAL ENGINEER
P. OSCAR OSUNA
 No. 70829
 Exp. 6-30-21
 CIVIL
 STATE OF CALIFORNIA

P. Oscar Osuna
 PORFIRIO OSCAR OSUNA
 RCE 70829 EXP. 6-30-21

OSUNA ENGINEERING INC.
 Planning | Surveying | Civil Engineering

CONSULTING CIVIL ENGINEERS & LAND SURVEYORS
 TEL: (408) 772-4381
 117 BERNAL RD. STE. 70-336
 SAN JOSE, CA 95119
 info@osunaengineering.com

GRADING & DRAINAGE PLAN

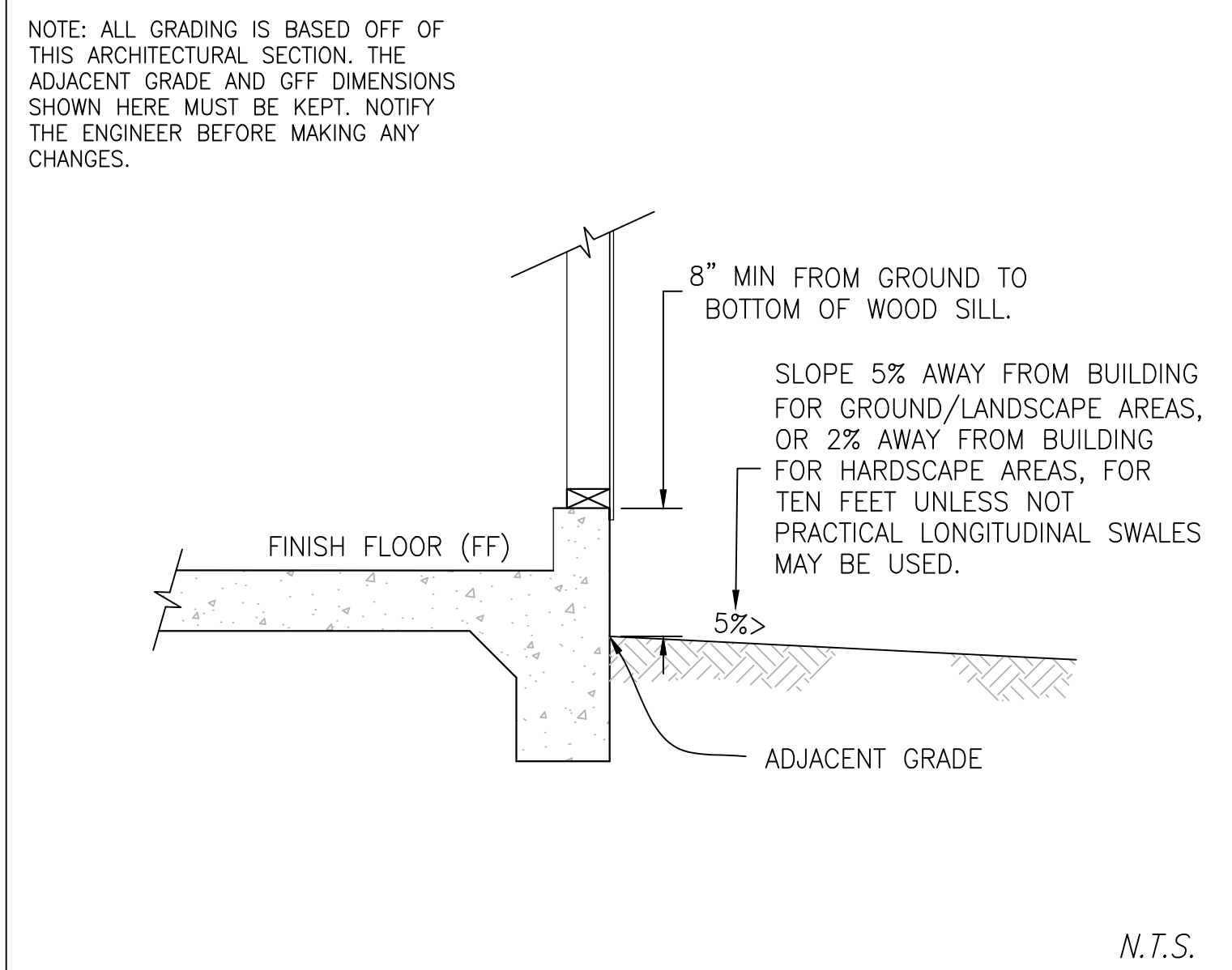
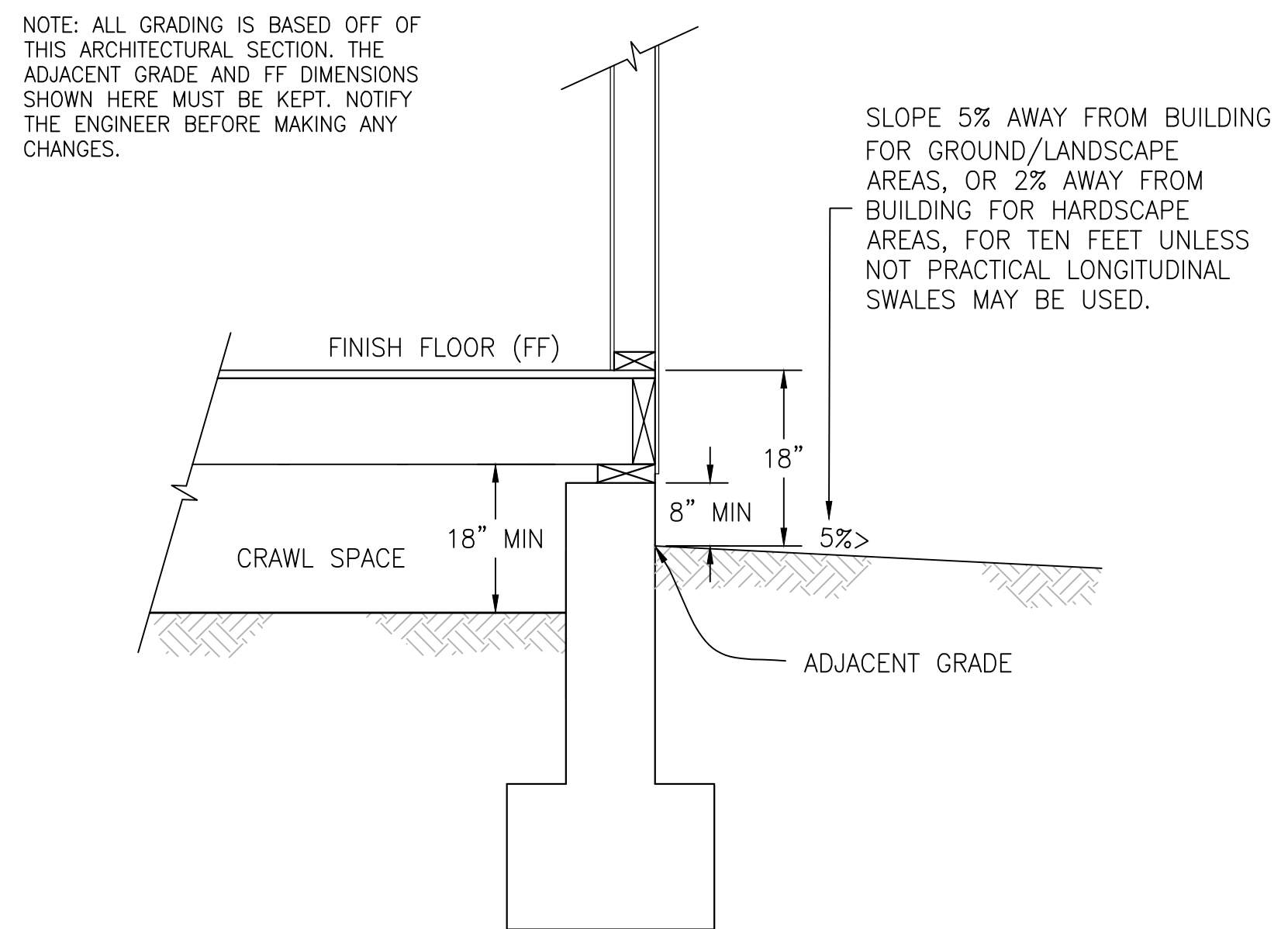
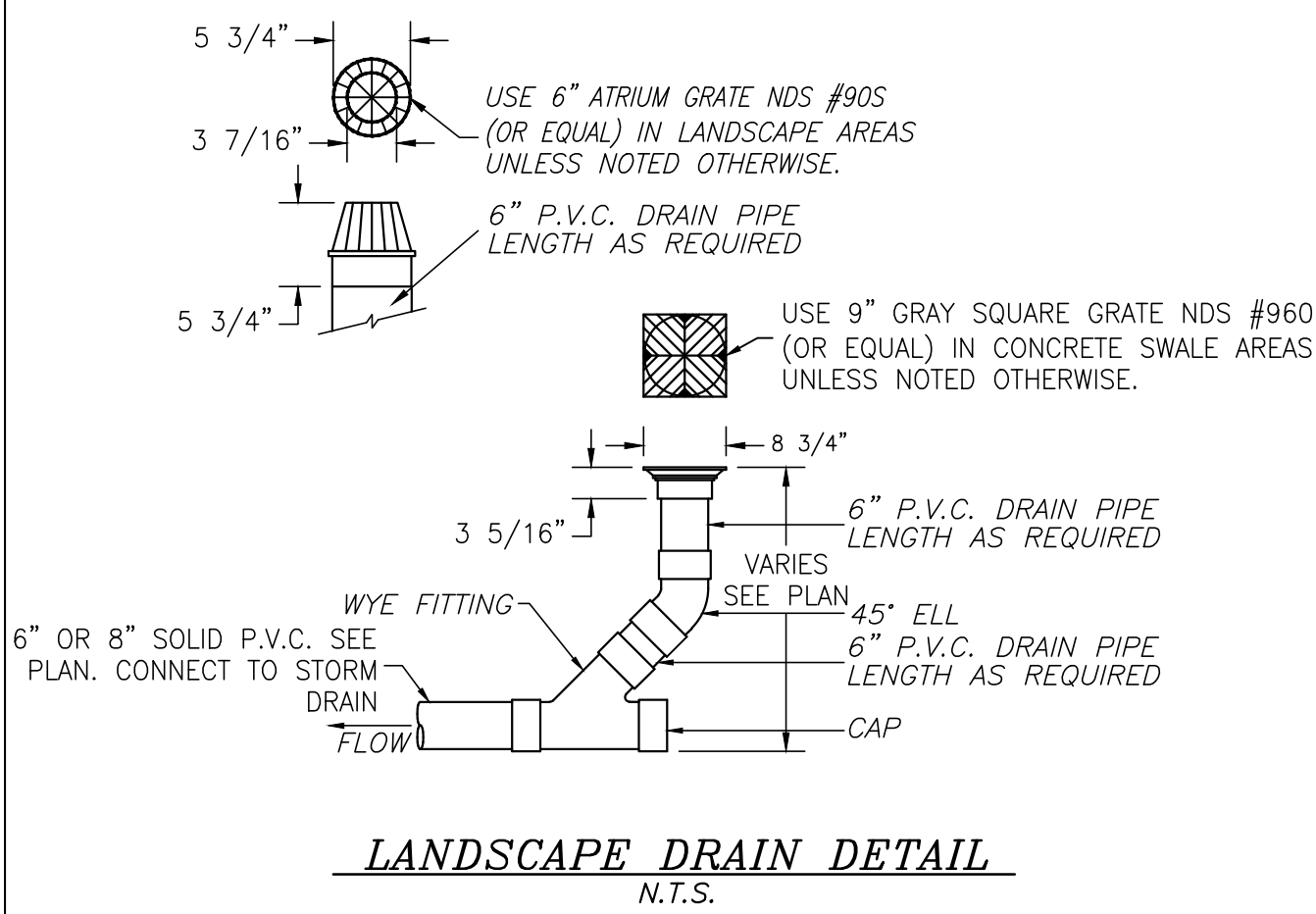
2382 RAINBOW COURT

HAYWARD, CALIFORNIA
 Project No.: 1937 | Design: O.O. | Check: O.O. | Date: 11/20/20

SHEET C1

OF 4 SHEETS

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING ALL RESONS AND FROM THE TIME HIS EQUIPMENT SHALL BE USED TO NORMAL WORKING HOURS AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL PERSONS AND PROPERTY ON THE PROJECT, INCLUDING THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.



N.T.S.

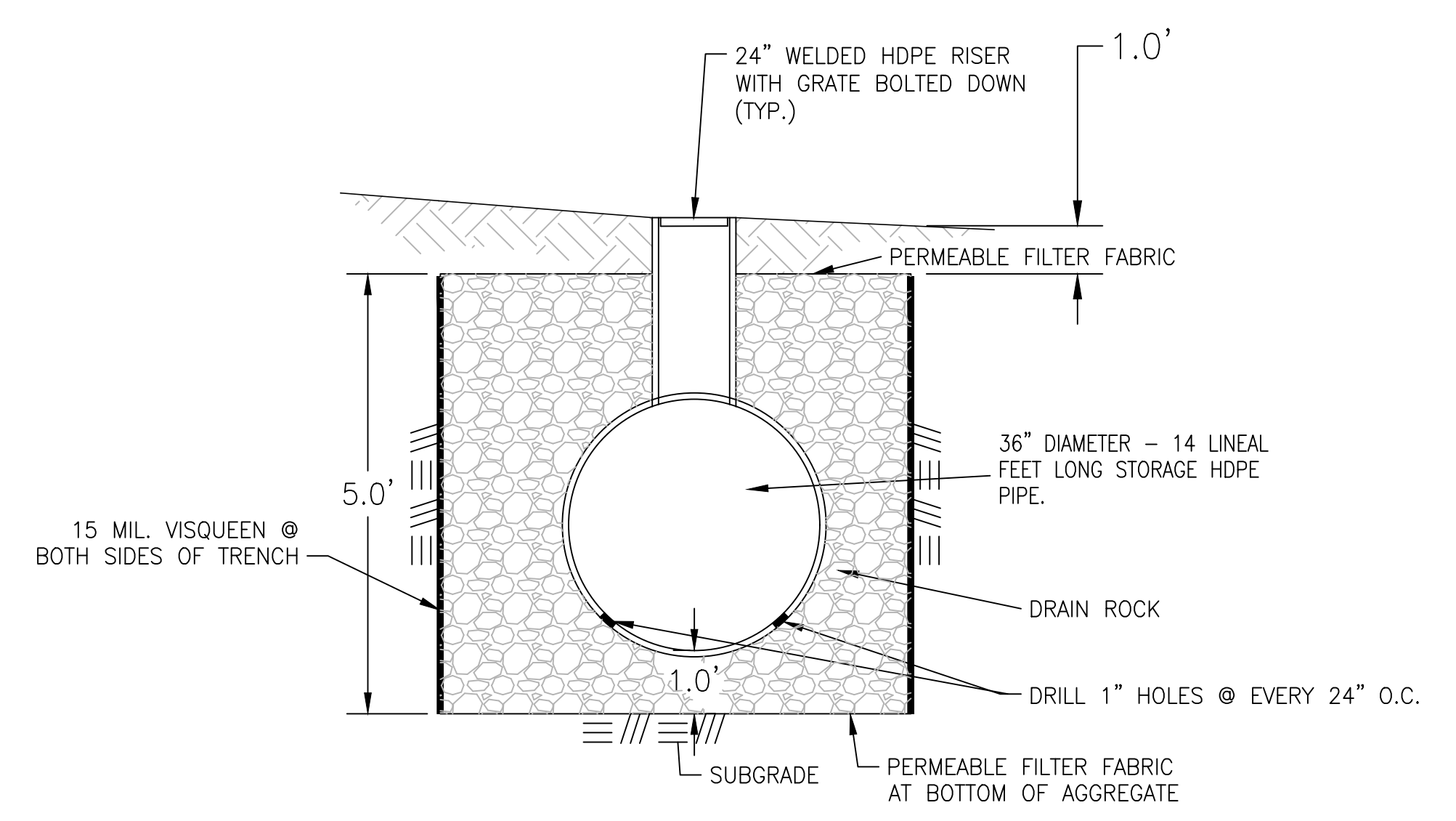
N.T.S.

A NOT USED

B AREA DRAIN DETAIL

C TYPICAL FOUNDATION/FF/GROUND SECTION

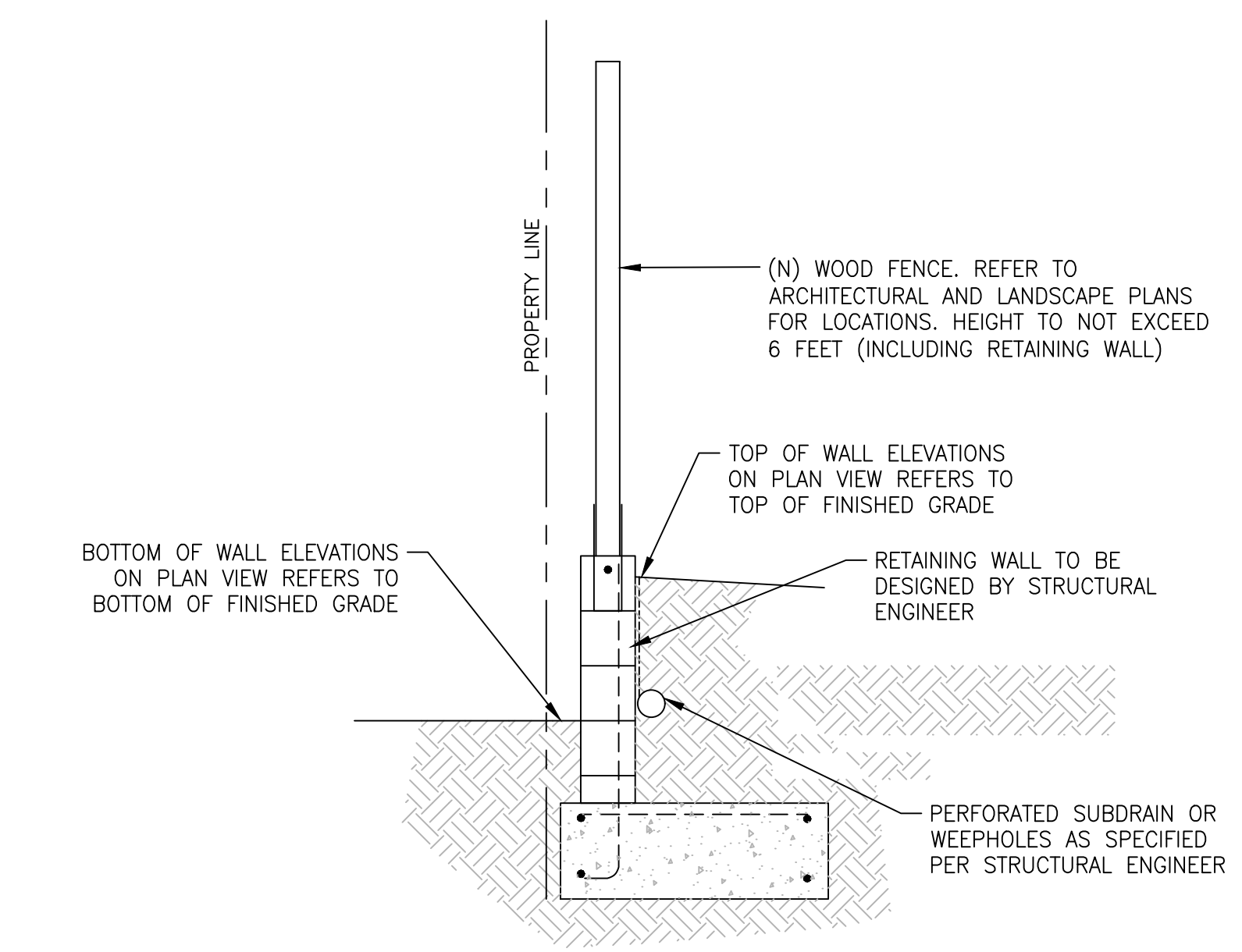
D TYPICAL FOUNDATION/GFF/GROUND SECTION



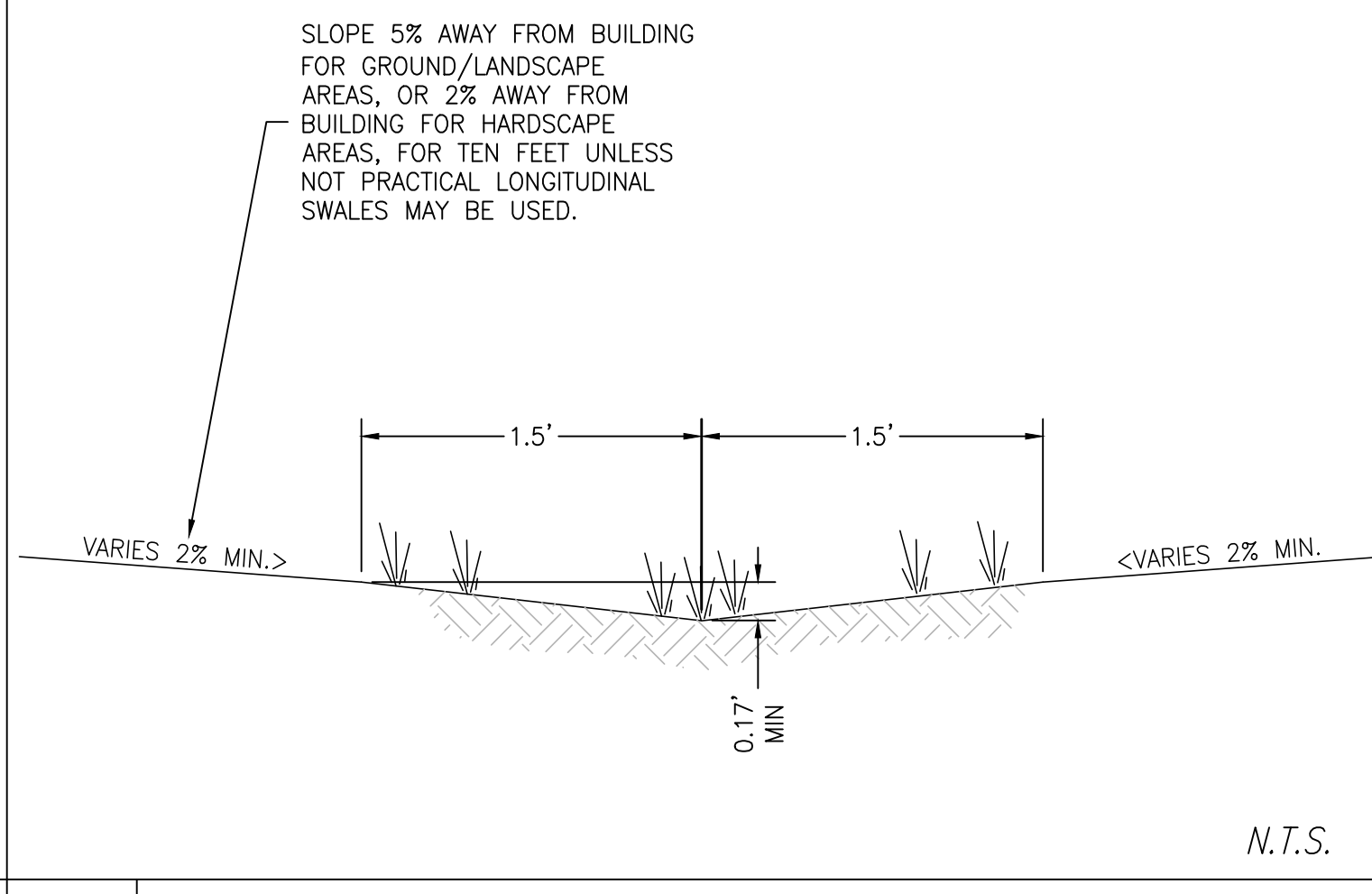
N.T.S.

E STORM WATER INFILTRATION/DETENTION TRENCH DETAIL

F NOT USED

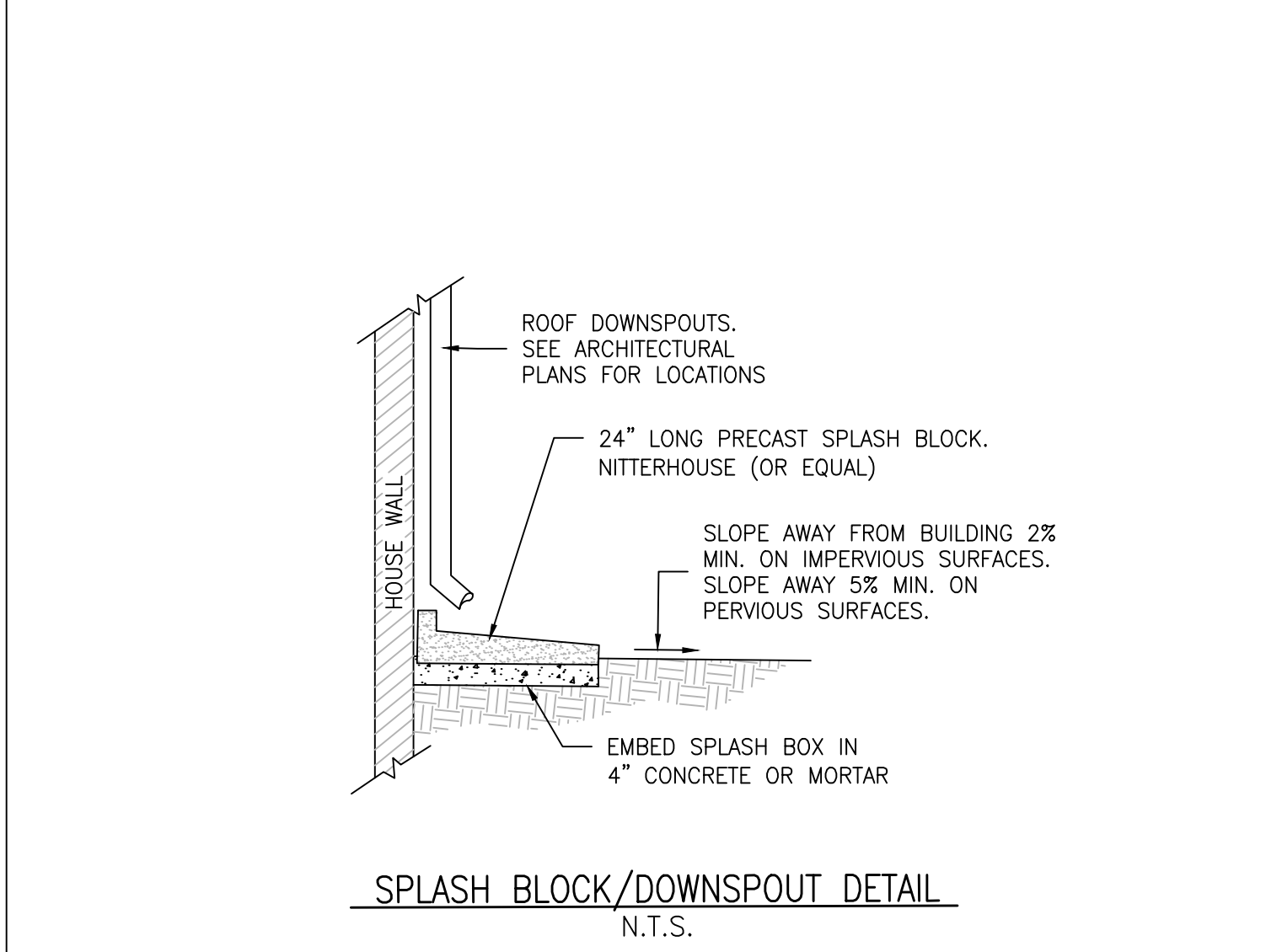


H GENERIC RETAINING WALL DETAIL



N.T.S.

G EARTHEN SWALE DETAIL



N.T.S.

I SPLASH BLOCK/DOWNSPOUT DETAIL

NO.	REVISIONS	DATE	BY



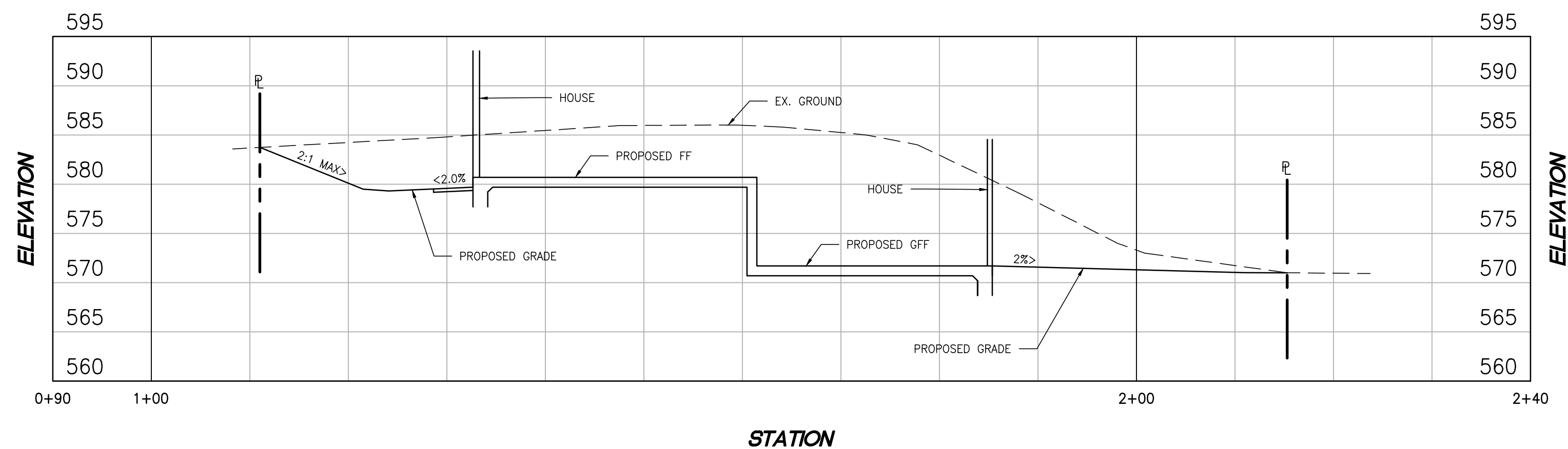
Porfirio Oscar Osuna
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 SAN JOSE, CA 95119
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GRADING & DRAINAGE PLAN
 CONSTRUCTION DETAILS
 2382 RAINBOW COURT
 HAYWARD, CALIFORNIA
 Project No.: 1937 | Designed: J.O | Checked: O.O | Date: 11/20/20

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING ALL NECESSARY PERMITS, ETC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES AND ADJACENT PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND ADJACENT PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND ADJACENT PROPERTIES.

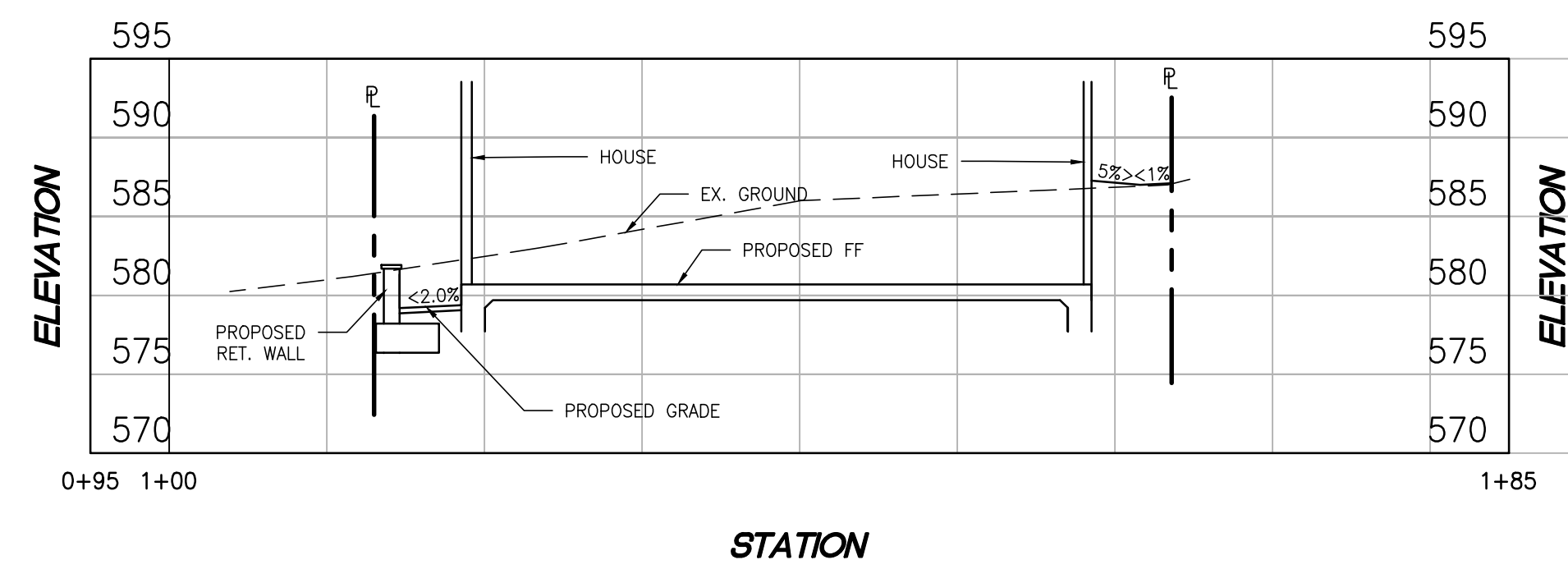
SECTION A PROFILE



SCALE: H:1"=10'; V:1"=10'

A SECTION A

SECTION B PROFILE



SCALE: H:1"=10'; V:1"=10'

B SECTION B

NO.	DATE	BY	CITY	REVISIONS



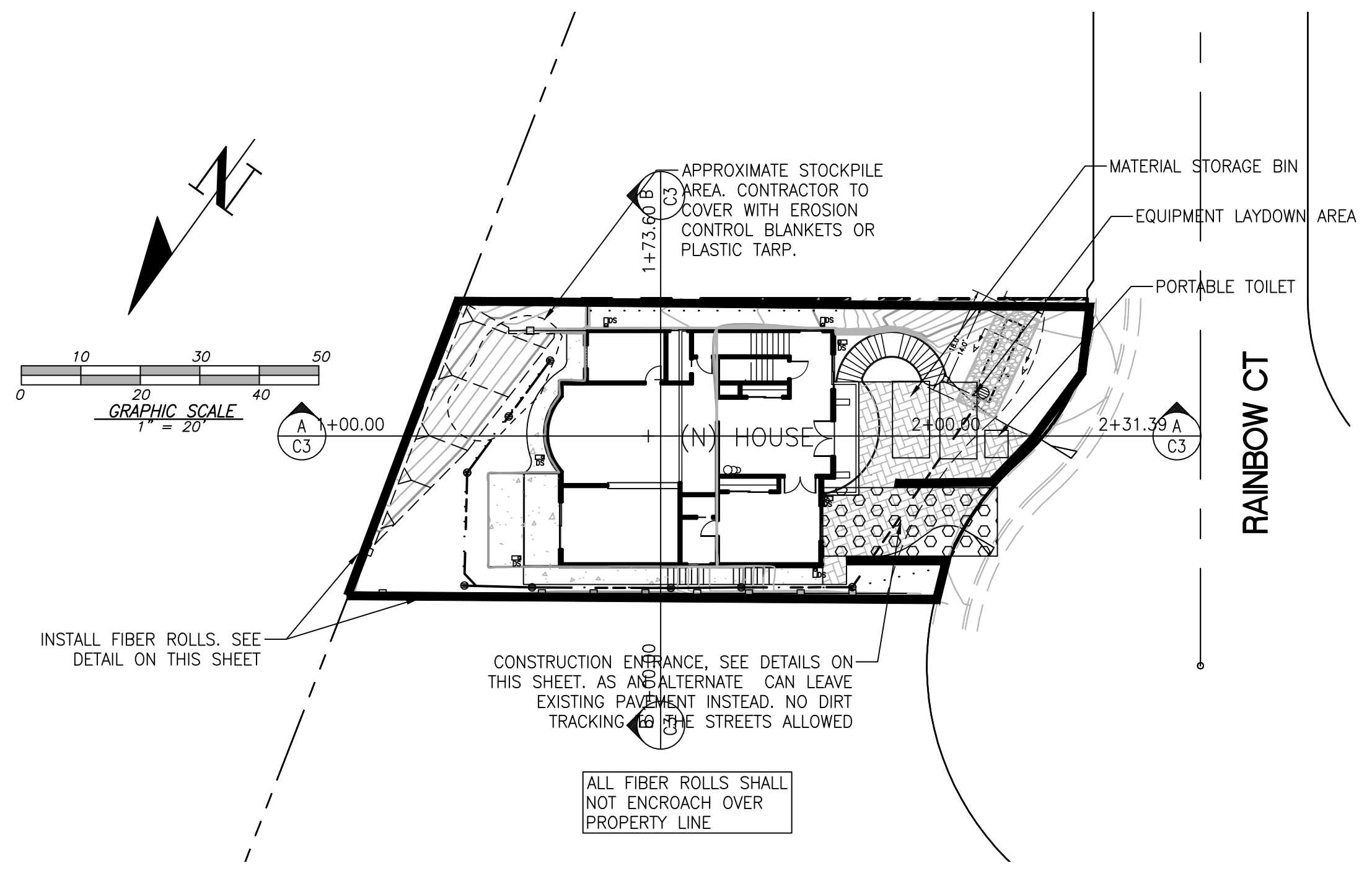
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GRADING & DRAINAGE PLAN
 SECTIONS
 2382 RAINBOW COURT
 HAYWARD, CALIFORNIA
 Project No.: 1937 Design: J.O. Check: O.O. Date: 11/20/20

SHEET
C3
 OF 4 SHEETS

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTY FROM THE PROJECT. THIS RESPONSIBILITY SHALL INCLUDE, BUT NOT BE LIMITED TO, NORMAL WORKING HOURS AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND COUNTY OF SAN JOSE, CALIFORNIA, AND THE STATE OF CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND COUNTY OF SAN JOSE, CALIFORNIA, AND THE STATE OF CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND COUNTY OF SAN JOSE, CALIFORNIA, AND THE STATE OF CALIFORNIA.



NOTES:
 1. PROTECT ALL INLETS IN THE PUBLIC STREETS SURROUNDING THE SITE.
 2. ALL ON-SITE LANDSCAPE AREA DRAINS TO BE CAPPED OR PROTECTED UNTIL LANDSCAPING IS FINISHED.

LEGEND

PROPOSED	DESCRIPTION
---	SITE BOUNDARY
○	STABILIZED CONSTRUCTION ENTRANCE 2"-3" ROCK (MIN)
—	FIBER ROLL
○	INLET PROTECTION

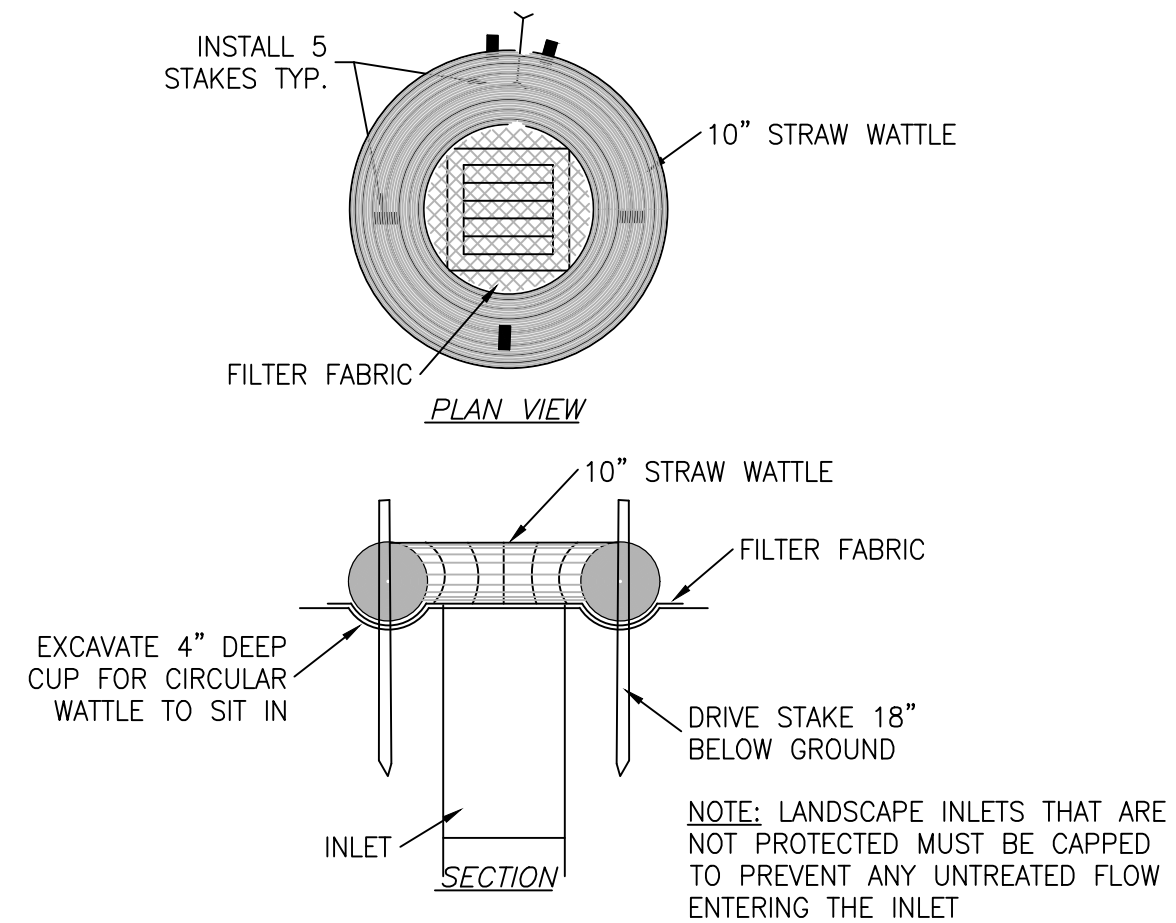
- MAINTENANCE NOTES**
- MAINTENANCE IS TO BE PERFORMED AS FOLLOWS:
- REPAIR DAMAGES CAUSED BY SOIL EROSION OR CONSTRUCTION AT THE END OF EACH WORKING DAY.
 - SWALES SHALL BE INSPECTED PERIODICALLY AND MAINTAINED AS NEEDED.
 - SEDIMENT TRAPS, BERMS, AND SWALES ARE TO BE INSPECTED AFTER EACH STORM AND REPAIRS MADE AS NEEDED.
 - SEDIMENT SHALL BE REMOVED AND SEDIMENT TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN SEDIMENT HAS ACCUMULATED TO A DEPTH OF 1 FOOT.
 - SEDIMENT REMOVED FROM TRAP SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
 - RILLS AND GULLIES MUST BE REPAIRED.

EROSION & SEDIMENT CONTROL NOTES

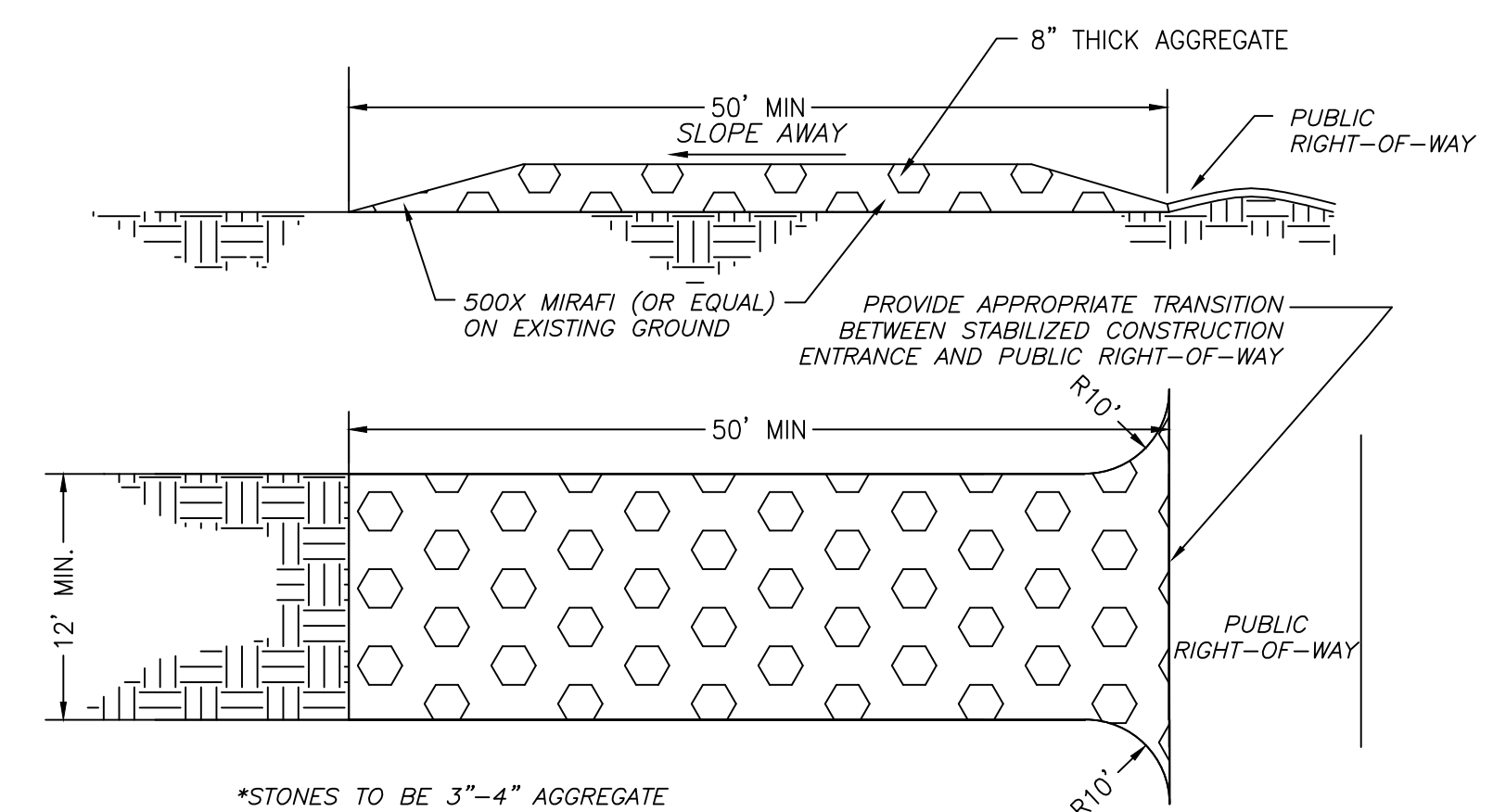
- NOT USED
- THE DEVELOPER IS RESPONSIBLE FOR ENSURING THAT ALL CONTRACTORS AND SUBCONTRACTORS ARE AWARE OF ALL STORM WATER QUALITY MEASURES AND IMPLEMENT SUCH MEASURES. FAILURE TO COMPLY WITH THE APPROVED CONSTRUCTION BEST MANAGEMENT PRACTICES WILL RESULT IN THE ISSUANCE OF CORRECTION NOTICES, CITATIONS, AND/OR STOP ORDERS.
- ANY VEHICLE OR EQUIPMENT WASHING/STEAM CLEANING MUST BE DONE AT AN APPROPRIATELY EQUIPPED FACILITY WHICH DRAINS TO THE SANITARY SEWER. OUTDOOR WASHING MUST BE MANAGED IN SUCH A WAY THAT THERE IS NO DISCHARGE OF SOAPS, SOLVENTS, CLEANING AGENTS OR OTHER POLLUTANTS TO THE STORM DRAINS. WASH WATER SHALL DISCHARGE TO THE SANITARY SEWER, SUBJECT TO REVIEW AND APPROVAL OF UNION SANITARY DISTRICT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR LITTER CONTROL AND SWEEPING OF ALL PAVED SURFACES DURING CONSTRUCTION.
- THE FACILITIES SHOWN ON THIS PLAN ARE DESIGNED TO CONTROL EROSION AND SEDIMENT DURING THE RAINY SEASON, OCTOBER 1 TO APRIL 15. EROSION CONTROL MEASURES ARE TO BE FUNCTIONAL PRIOR TO OCTOBER 1ST OF ANY YEAR GRADING OPERATIONS HAVE LEFT AREAS UNPROTECTED FROM EROSION.
- ALL ON-SITE STORM DRAINS SHALL BE CLEANED IMMEDIATELY BEFORE THE START OF THE RAINY SEASON BEGINNING ON OCTOBER 1ST EACH YEAR, SUBJECT TO THE REVIEW OF THE BUILDING/ENGINEERING INSPECTOR.
- IF RAINY WEATHER BECOMES IMMINENT, GRADING OPERATIONS SHALL BE STOPPED AND EROSION CONTROL MEASURES SHALL BE IMPLEMENTED TO PROTECT DISTURBED AREAS.
- DURING THE RAINY SEASON, ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIAL AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT LADEN RUNOFF TO ANY STORM DRAIN SYSTEM.
- CONSTRUCTION ENTRANCES SHALL CONSIST OF A MINIMUM 8" THICK LAYER OF 3"-4" FRACTURED STONE AGGREGATE UNLaid WITH GEOTEXTILE LINER FOR A MINIMUM DISTANCE OF 50 FEET, AND IS TO BE PROVIDED AT EACH VEHICLE ACCESS POINT TO EXISTING PAVED STREETS. THE DEPTH AND LENGTH OF AGGREGATE MAY NEED TO BE ADJUSTED IN THE FIELD TO ENSURE NO TRACKING OF SEDIMENT ONTO EXISTING PAVED STREETS. CONSTRUCTION ENTRANCES SHALL SLOPE AWAY FROM EXISTING PAVED STREETS.
- INLETS NOT USED IN CONJUNCTION WITH EROSION CONTROL MEASURES ARE TO BE BLOCKED UNLESS THE AREA DRAINED IS UNDISTURBED OR STABILIZED.
- BORROW AREAS AND TEMPORARY STOCKPILES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES TO THE SATISFACTION OF THE CITY ENGINEER.
- NO STRAW BALES OR SILT FENCES SHALL BE USED AS EROSION CONTROL MEASURES. SILT FENCES MAY ONLY BE USED AS A PHYSICAL BARRIER TO PREVENT VEHICULAR AND PEDESTRIAN TRAFFIC FROM USING NON-APPROVED ACCESS POINTS (E.G. - ALONG RIGHT-OF-WAY).
- ALL DISTURBED AREAS INCLUDING FLAT PADS ARE TO BE TREATED WITH STRAW AND TACKIFIER AT A RATE OF 2 TONS PER ACRE APPROXIMATELY 3 INCHES THICK.

SUPPLEMENTAL EROSION & SEDIMENT CONTROL NOTES

- SEE STANDARD EROSION & SEDIMENT CONTROL NOTES ABOVE.
- THE FACILITIES SHOWN ON THIS PLAN ARE DESIGNED TO CONTROL EROSION AND SEDIMENT DURING THE RAINY SEASON, OCTOBER 1 TO APRIL 30. FACILITIES ARE TO BE OPERABLE PRIOR TO OCTOBER 1 OF ANY YEAR. GRADING OPERATIONS DURING THE RAINY SEASON WHICH LEAVE DENUDED SLOPES SHALL BE PROTECTED WITH EROSION CONTROL MEASURES IMMEDIATELY FOLLOWING GRADING ON THE SLOPES.
- CONSTRUCTION ENTRANCES SHALL BE INSTALLED PRIOR TO COMMENCEMENT OF GRADING. ALL CONSTRUCTION TRAFFIC ENTERING ONTO THE PAVED ROADS MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCE WAYS.
- CONTRACTOR SHALL MAINTAIN STABILIZED ENTRANCE AT EACH VEHICLE ACCESS POINT TO EXISTING PAVED STREETS. ANY MUD OR DEBRIS TRACKED ONTO PUBLIC STREETS SHALL BE REMOVED DAILY AND AS REQUIRED BY THE CITY.
- INLET PROTECTION SHALL BE INSTALLED AT OPEN INLETS TO PREVENT SEDIMENT FROM ENTERING THE STORM DRAIN SYSTEM. INLETS NOT USED IN CONJUNCTION WITH EROSION CONTROL ARE TO BE BLOCKED TO PREVENT ENTRY OF SEDIMENT.
- THIS EROSION AND SEDIMENT CONTROL PLAN MAY NOT COVER ALL THE SITUATIONS THAT MAY ARISE DURING CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. VARIATIONS AND ADDITIONS MAY BE MADE TO THIS PLAN IN THE FIELD. NOTIFY THE CITY REPRESENTATIVE OF ANY FIELD CHANGES.

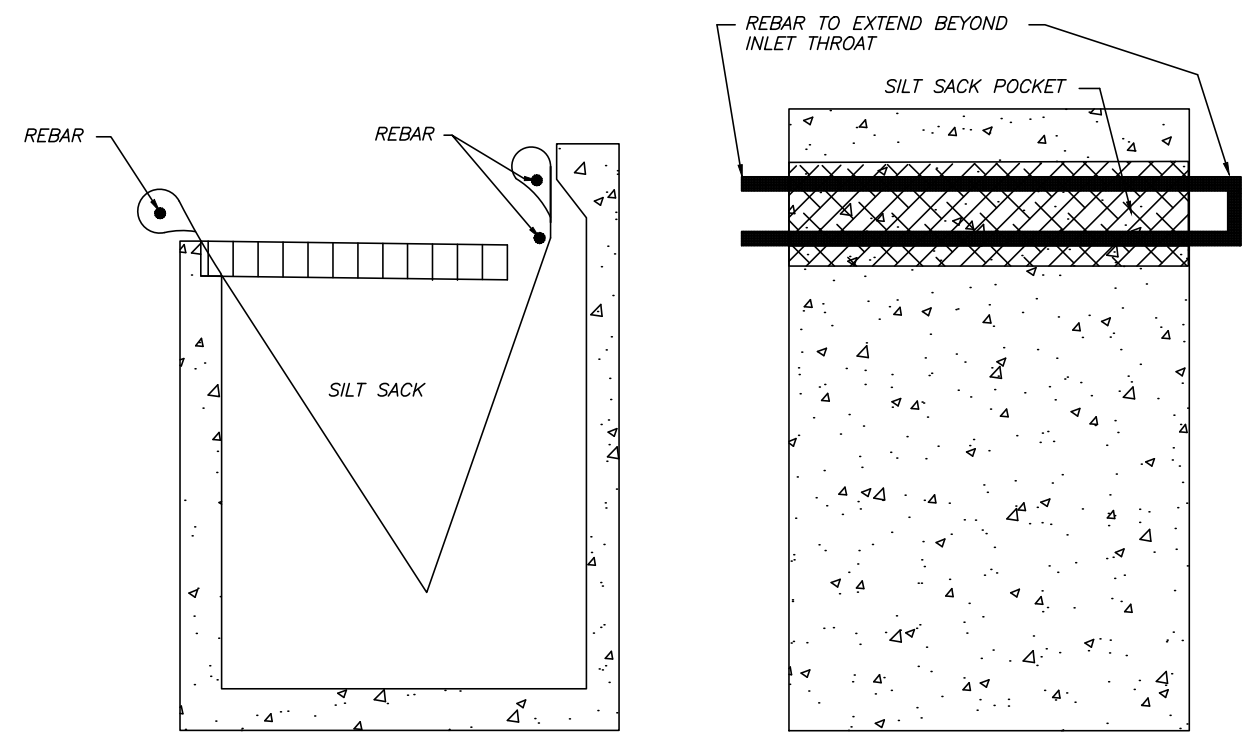


ALTERNATE FIBER ROLL INLET PROTECTION
 MAY BE USED IN LANDSCAPE AREA DRAINS
 N.T.S.

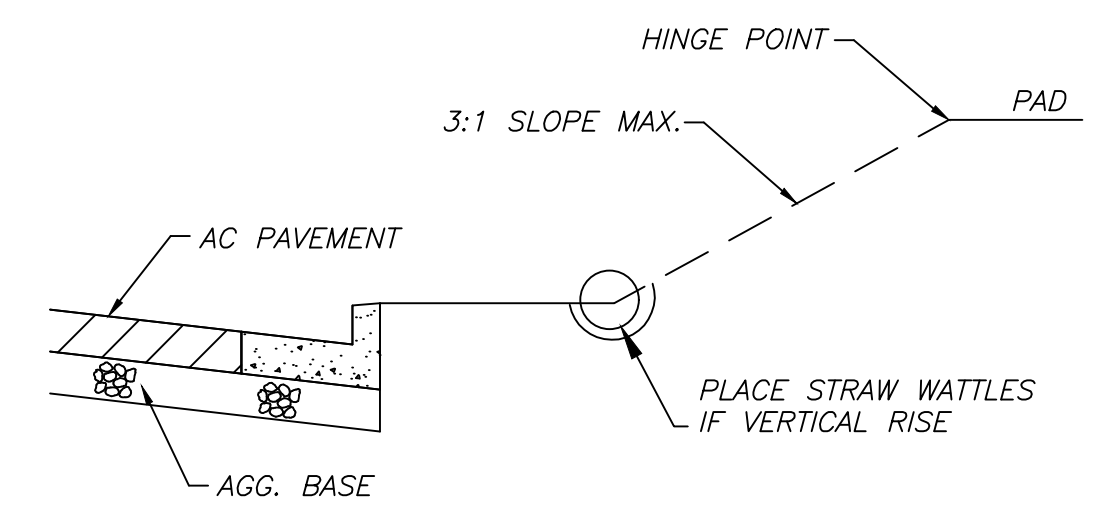


MAINTENANCE:
 THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND, AND REPAIR AND/OR CLEAN OUT ANY MEASURES USED TO TRAP SEDIMENT.
 ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY SHALL BE REMOVED IMMEDIATELY.
 WHEN NECESSARY, WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. THIS SHALL BE DONE AT AN AREA STABILIZED WITH CRUSHED STONE, WHICH DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.

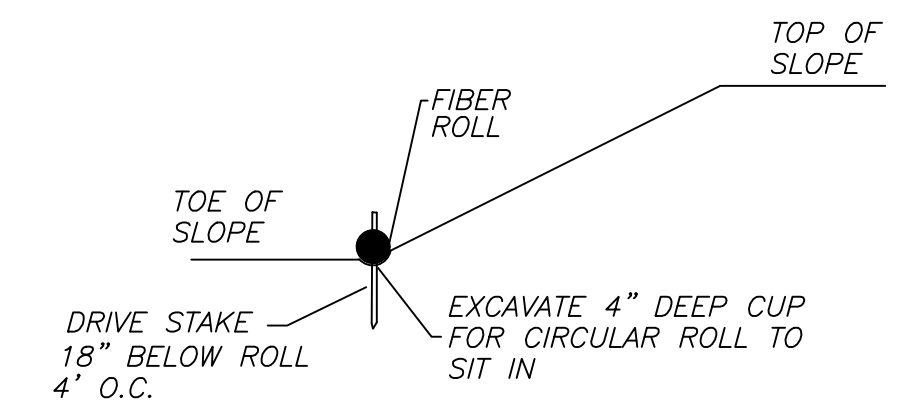
STABILIZED CONSTRUCTION ENTRANCE
 N.T.S.



CALIFORNIA MODIFIED SILT SACK
 REED & GRAHAM, INC. (OR EQUAL)
 BEFORE & AFTER STREETS ARE PAVED
 N.T.S.



FRONT YARD SLOPE DETAIL
 AFTER STREET ARE PAVED
 N.T.S.



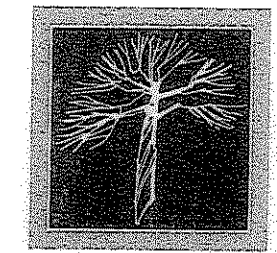
FIBER ROLL INSTALLATION DETAIL
 N.T.S.

NO.	REVISIONS	DATE	CITY	BY

Porfirio Oscar Osuna
 PORFIRIO OSCAR OSUNA
 RCE 70829 EXP. 6-30-21

OSUNA ENGINEERING INC.
 Planning | Surveying | Civil Engineering
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 TEL. (408) 772-4381
 info@osunaengineering.com

GRADING & DRAINAGE PLAN
EROSION CONTROL
2382 RAINBOW COURT
 HAYWARD, CALIFORNIA
 Project No.: 1937 | Design: J.O | Check: J.O | Date: 11/20/20

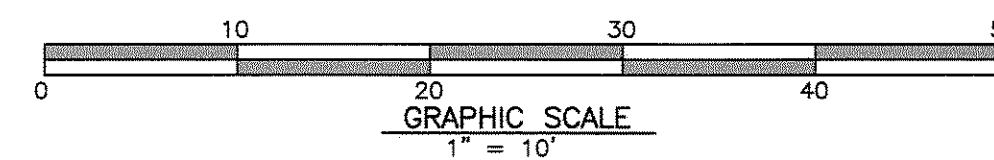
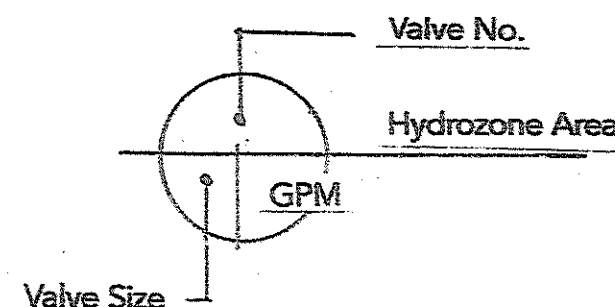


THOMAS SCHERER ASSOCIATES
Landscape Architecture

P.O. Box 68, Aptos, CA 95001
Tel (831) 688-8913

Irrigation Legend:

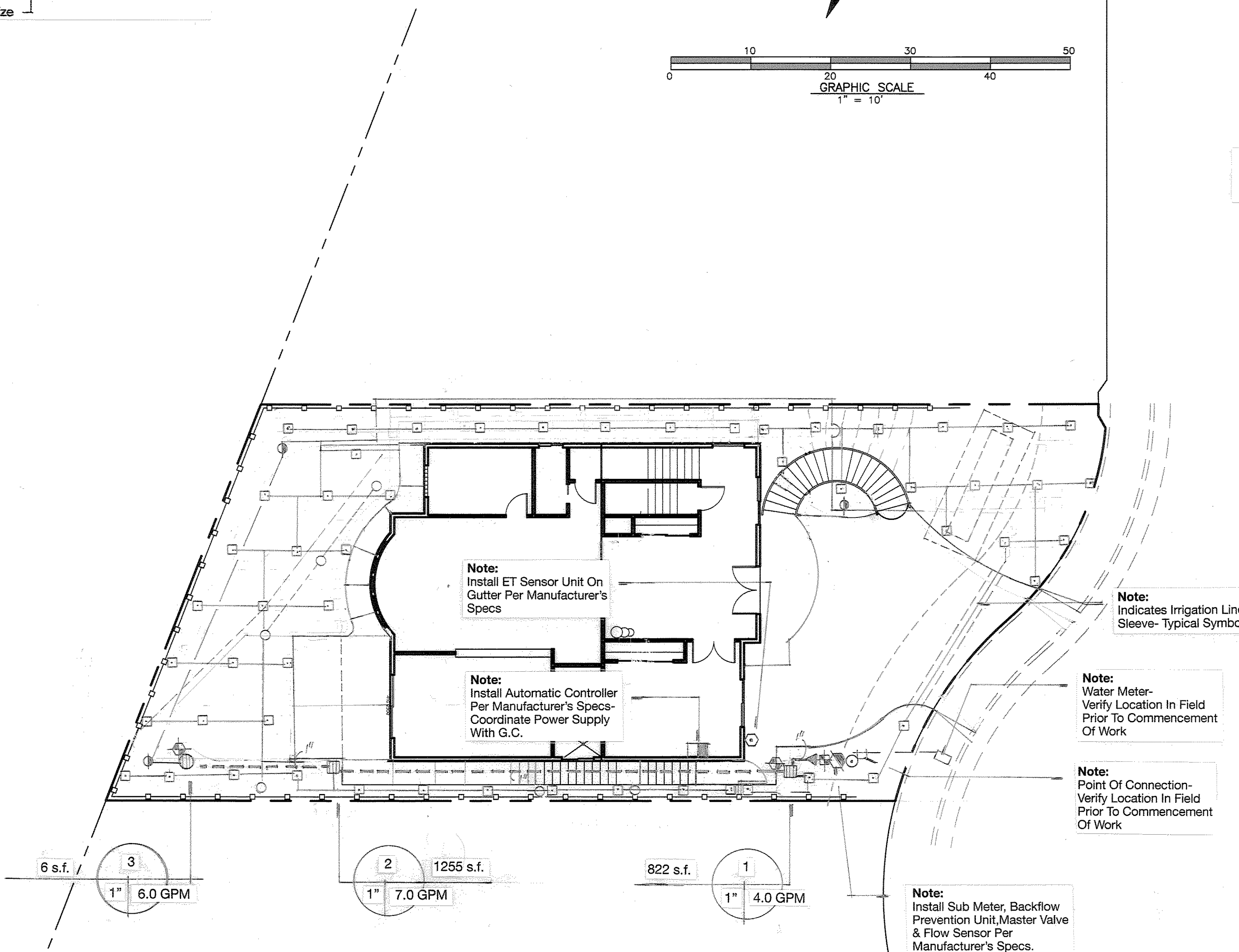
SYMBOL	HEADTYPE	PSI	GPM	PR.	MANUF.	MODEL No.
	Drip Emitter	25	2	GPH	Hunter	MPE-20 Pressure Compensating Multi Port Emitter With 6 Ports Per Emitter Install With Hunter Multi Purpose Box
	Flood Bubbler	20	1.5	GPM	Hunter	AFB
	Remote Control Valve				Hunter	PGV 1" Install Per Manufacturer's Specs.
	Master Valve				Hunter	ICV-101G Install Per Manufacturer's Specs.
	Drip Zone Valve Kit				Hunter	ICZ-101 Install Per Manufacturer's Specs.
	Quick Coupler Valve				Rainbird	33DRC Series 3/4" Size
	Automatic Controller				Hunter	I-Core 6 Station Wall Mount-Power By Others
	ET Sensor				Hunter	Wireless 'Solar Sync' Install On Gutter Per Manuf. Specs
	Flow Sensor				Hunter	HFS Install Per Manufacturer's Specs
	Backflow Prevention Unit				Fabco	Model 825Y Install Per Manufacturer's Specs.
	Sub Meter				Zenzer	Model MJ Water Meter- 1" Size
	Mainline	PVC Sch. 40				Size Per Plan Bury 18" Min. Below Grade
	Lateral Line	PVC Sch. 40				Size Per Plan Bury 12" Min. Below Grade
	Irrigation Line Sleeve	PVC Sch. 40				Size To Accommodate Irrigation Lines- 24" Depth



"I HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND HAVE APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN AND IRRIGATION DESIGN PLAN"

IRRIGATION NOTES:

- System is designed for 65 PSI static pressure at meter. Maximum flow is 7.0 GPM. Contractor shall run pressure tests at each point of connection before commencing work. Any discrepancies between actual pressure and design pressure shall be reported to the landscape architect and owner prior to further work being done.
- All applicable governmental plumbing and health code regulations shall have precedence over these plans and specifications.
- Location of valves, back flow prevention units, mainline, lateral line and automatic controllers are shown schematically due to scale of the plans. Install in planter areas where ever possible or in the most appropriate location. Install mainline and lateral line in the same trench (with a 6" min. separation vertically) wherever possible.
- Contractor shall verify all points of connection (POC) in the field prior to commencement of work. If discrepancies exist between existing conditions and those indicated on the plans, contractor shall contact the landscape architect and owner immediately before continuing work. Likewise, contractor shall verify configuration and dimensions of areas to be irrigated before commencement of work.
- All irrigation lines in and around existing trees shall be **HAND TRENCHED** and care shall be taken not to damage existing tree roots.
- All irrigation lines under paving shall be placed in sch. 40 PVC sleeves, size to accommodate irrigation lines adequately, for the full width of the paving.
- All changes in direction of irrigation pipe shall be accomplished with the use of proper fittings. **NO PIPE SHALL BE BENT.**
- In no case shall the spacing of heads exceed the recommended spacing of the manufacturer.
- Minimum depth of PVC lateral lines shall be 12"(twelve inches) below grade. Minimum depth of PVC main line shall be 18"(eighteen inches) below grade.
- Prior to any planting operations, a coverage test shall be performed by the contractor in the presence of the landscape architect and owner. Contractor shall furnish all materials and provide all labor necessary to correct inadequate coverage.
- Contractor shall be responsible for the procurement of all necessary permits and shall provide owner with an "As Built" plan (reproducible) of the installed irrigation system upon completion of the project.
- All installation shall comply with Chapter 10 Article 12 of the **Bay Friendly Water Efficient Landscape Ordinance**



RAINBOW COURT

Maximum Applied Water Allowance Calculations for New and Rehabilitated Residential Landscapes

Enter	Is
Ma	s
Click on the blue cell on right to Pick City Name	
ET _o of City from Appendix A	San Jose Name of City
	45.30 ET _o (inches/year)
	0 Overhead Landscape Area (ft ²)
	2083 Drip Landscape Area (ft ²)
	0 SLA (ft ²)
Total Landscape Area	2,083.00
Results:	Gallons
(ET _o) x (0.62) x [(0.55 x LA) + (1.0 - 0.55) X SLA]	Cubic Feet
	HCF
	Acre-feet
	Millions of Gallons
MAWA calculation incorporating Effective Precipitation (Optional)	
ET _o of City from Appendix A	45.30 ET _o (inches/year)
Total Landscape Area	2,083.00 LA (ft ²)
Special Landscape Area	0.00 SLA (ft ²)
	14 Total annual precipitation (inches/year)
Enter Effective Precipitation	3.50 Eppt (in/yr)(25% of total annual precipitation)
Results:	
MAWA = [(ET _o - Eppt) x (0.62)] x [(0.55 x LA) + (1.0 - 0.55) x SLA]	29,695.25 Gallons
	3,969.69 Cubic Feet
	39.70 HCF
	0.09 Acre-feet
	0.03 Millions of Gallons

Estimated Total Water Use

Equation: ETWU = ET_o x 0.62 x [(PF x HA)/IE] + SLA; Considering precipitation ETWA = (ET_o - Eppt) x 0.62 x [(PF x HA)/IE] + SLA

Enter values in Pale Blue Cells

Tan Cells Show Results

Messages and Warnings

Irrigation Efficiency Default Value

Plant Water Use Type	Plant Factor
Very Low	0 - 0.1
Low	0.2 - 0.3
Medium	0.4 - 0.6
High	0.7 - 1.0
SLA	1

Hydrozone	Select System From the Dropdown List click on cell below	Plant Water Use Type (s) (low, medium, high)	Plant Factor (PF)	Hydrozone Area (HA) (ft ²) Without SLA	Irrigation Efficiency (IE)	(PF x HA (ft ²))/IE
Zone 1	Drip	Low	0.30	822	0.81	304
Zone 2	Drip	Low	0.30	1,255	0.81	465
Zone 3	Drip	Low	0.30	6	0.81	2
				0		0
			Sum	2,083		

ETWU=	19,997	Gallons
	2,673	Cubic Feet
	27	HCF
	0	Acre-feet
	0	Millions of Gallons

ETWU complies with MAWA

Landscape Documentation Package For :

Residence
2382 Rainbow Court
Hayward, CA 94542

Applicant: Thomas Scherer Landscape Architect
P.O. Box 68
Aptos, CA 95001
(831) 688-8913
zeskats@earthlink.net

Owner: Ravi Joondula
2382 Rainbow Court
Hayward, CA 94542
(408) 373-3385
ravijo@gmail.com

Total Landscape Area: 2,083 s.f.
Drought Tolerant Shrubs/Ground cover : 2,083 s.f.
Turf Area: 0 s.f.
Total: 2,083 s.f.

Project Type: New
Water Supply Type: Potable
Water Supply: City of Hayward, CA

"I agree to comply with the requirements of the Water Efficient Landscape Ordinance and submit a complete landscape documentation package."

Thomas Scherer 11/24/2020 Date

See Sheet L-1: Irrigation Design Plan, Water Efficient Landscape Worksheet,
See Sheet L-2: Planting Design Plan
See Sheet L-3: Irrigation & Planting Details

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE CONTRACTOR ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

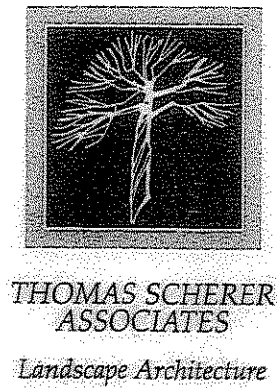
REVISIONS

NO.	DATE	CITY	BY

OSUNA ENGINEERING INC.
Planning (Surveying) Civil Engineering
CONSULTING CIVIL ENGINEERS & LAND SURVEYORS
117 BERNAL RD. STE. 70-336
SAN JOSE, CA 95119
TEL: (408) 772-4381
info@osunainc.com

IRRIGATION PLAN LEGEND & NOTES
2382 RAINBOW COURT
CALIFORNIA
Project No.: 637 Design: TS Check: O.O. Date: 6-1-2020

SHEET L-1
OF 3 SHEETS



THOMAS SCHERER
ASSOCIATES
Landscape Architecture

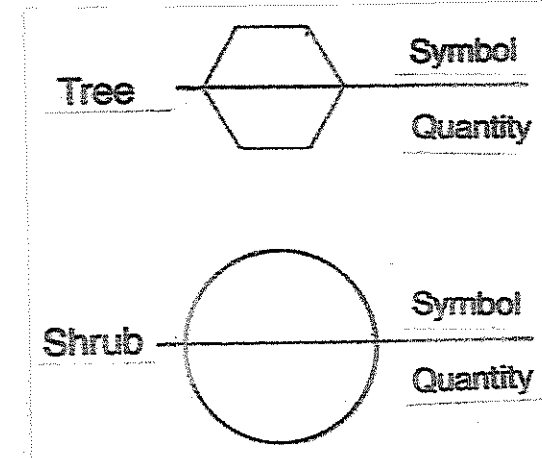
P.O. Box 68, Aptos, CA 95001
Tel (831) 688-8913

Planting Legend:

Symbol	Botanical Name	Common Name	Size	H2O Quan.	Comment
Trees:					
A	Hymenosporum flavum	Sweetshade	15 g.c.	M	1
B	Lagerstroemia h 'Tuscorora'	Crape Myrtle	15 g.c.	L	1
C	Arbutus 'Marina'	Strawberry Tree	15 g.c.	L	1
Shrubs:					
1	Agave 'Blue Flame'	Agave	5 g.c.	L	7
2	Salvia leucantha	Mexican Sage	5 g.c.	L	15
3	Xylosma c. 'Compacta'	Shiny Xylosma	5 g.c.	L	10
4	Escallonia fradesi	N.C.N.	5 g.c.	M	6
5	Osmanthus fragrans	Sweet Olive	5 g.c.	M	4

Groundcovers:

	Sedum rubrotinctum Pork & Beans Plant 1 g.c. @ 18" o.c. L		Cistus p. 'Sunset' Magenta Rockrose Plant 1 g.c. @ 48" o.c. L
	Cistus salvifolius 'Prostratus' Sageleaf Rockrose Plant 1 g.c. @ 48" o.c. L		Ceanothus g. 'Diamond Heights' Diamond Heights Carmel Creeper Plant 1 g.c. @ 48" o.c. L



% WATER USE PLANTS:

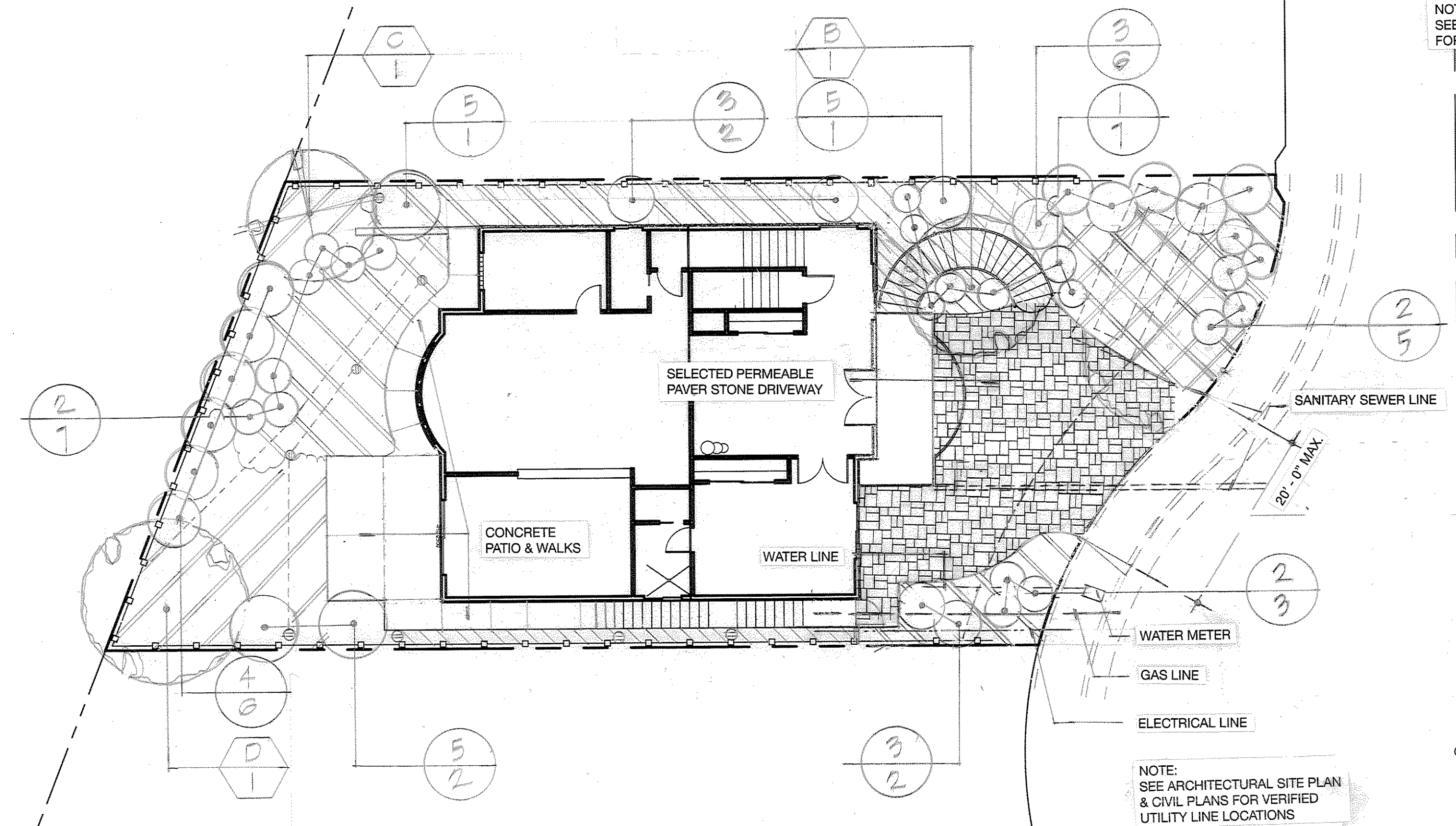
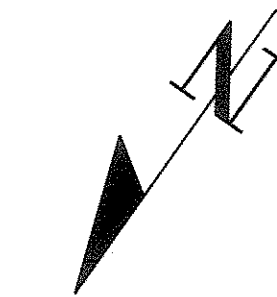
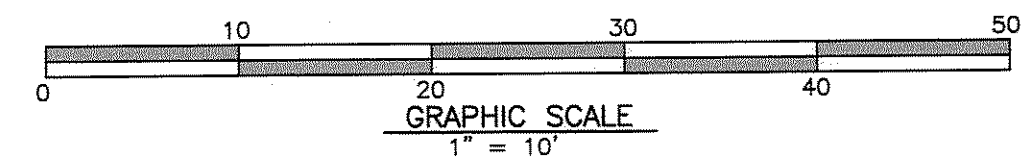
High Use:	0 %
Medium Use:	29%
Low Use:	71%

Total Landscape Area: 2,083 s.f.

Turf Area:	0 s.f.
Drought Tolerant Shrubs/Ground cover:	2,083 s.f.
Total:	2,083 s.f.

Water Use Key:

- VL Very Low
- L Low
- M Medium
- H High



SITE DATA:

Front Yard:	
Total Area:	1,468 s.f.
Proposed Paverstone Driveway:	646 s.f. (44%)
Rear Yard:	
Total Area:	1,649 s.f.
Proposed Walks & Patio:	386 s.f. (23%)

NOTE:
SEE ARCHITECTURAL SITE PLAN
& CIVIL PLANS FOR VERIFIED
UTILITY LINE LOCATIONS

"I HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND
HAVE APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE
LANDSCAPE DESIGN PLAN AND IRRIGATION DESIGN PLAN"

NOTE:
SEE CIVIL ENGINEER'S PLANS
FOR GRADING & DRAINAGE

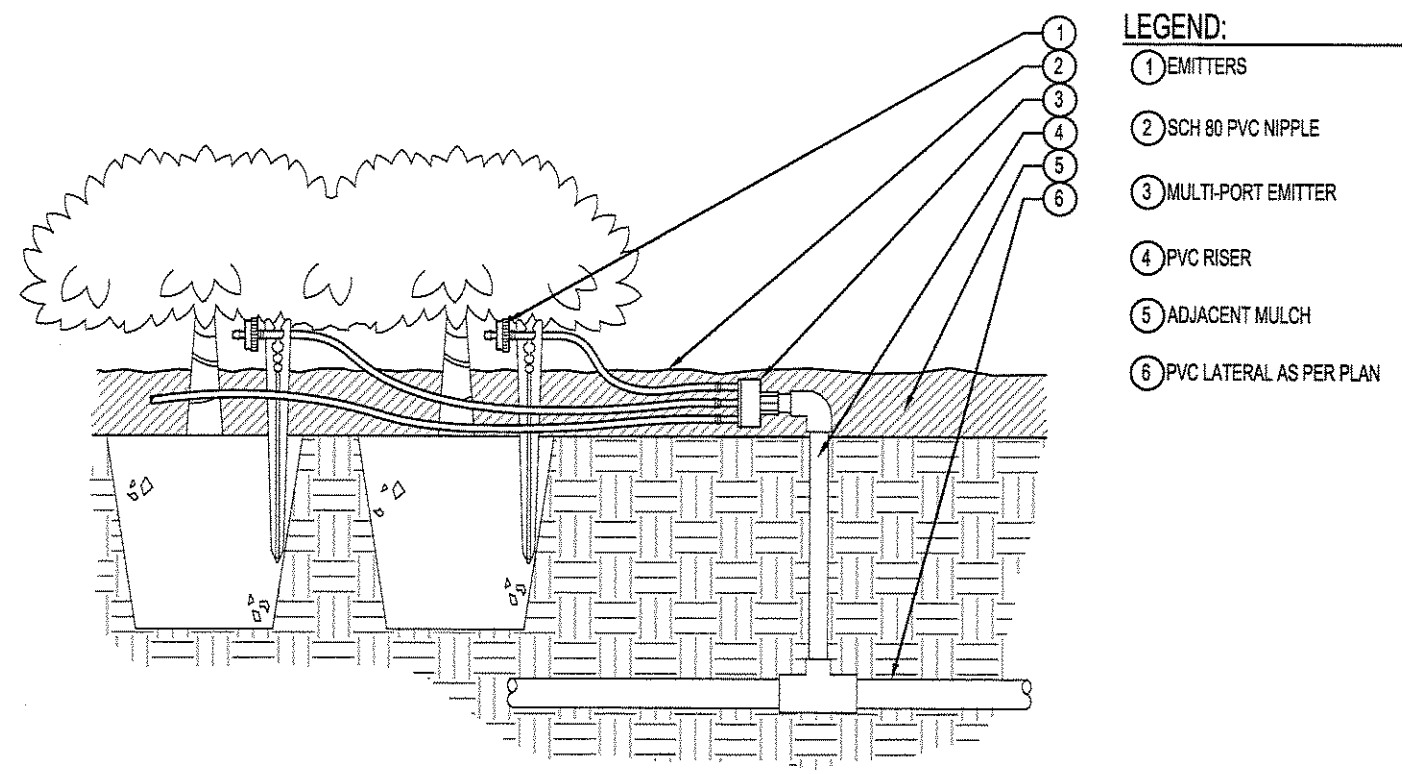
RAINBOW COURT

Planting Notes:

- Circles shown indicate approximate mature size of plant material.
- Contractor shall be responsible for adequate erosion control measures during construction.
- Care shall be taken to avoid construction activity and/or staging under the drip line of existing trees in order to prevent soil compaction, root or tree damage. All work to be done under the drip line of trees shall be done by hand.
- No plant shall be planted in a drainage swale regardless of position on plan.
- FINISH GRADING: Till all planter areas to an 6 inch depth. Break up or remove all compacted lumps of soil, rocks larger than 1 inch in diameter, and all deleterious material from planter areas. Finish grade all areas to a smooth, even surface free of abrupt changes in grade. Make minor grading changes as required to insure positive drainage (1% minimum).
- SOIL PREPARATION: Thoroughly incorporate the following amendments into the top 6 (six) inches of all areas to be planted, except where indicated otherwise. Amounts given are per 1000 square feet:
 - 4 cubic yards of nitrogen stabilized shavings.
 - 2 cubic yards of Nitrohumus or Gro-power.
 - 8 pounds of all purpose fertilizer (8-8-4).
- No plant shall be installed until a fully automatic drip irrigation system, covering all planter areas, is installed, tested and is fully operational.
- PLANTING OF TREES, SHRUBS & VINES: Unless otherwise noted, All Street Trees shall be planted per City of Hayward Detail SD-122
All trees shall be planted per detail 1
All shrubs shall be planted per detail 2
All planter pits shall receive the following back fill mix:
 - 60% soil of the site
 - 20% nitrogen stabilized redwood shavings
 - 20% Nitrohumus or Gro-power or equal
 - Acid loving plants shall receive peat moss
 - Fertilizer tablets (Agriform 21 gram: 20-10-5) or equal, applied per manufacturer's recommendations.
 - Add Coarse Pumice Or Perlite To 6" Depth For Succulents
- Contractor shall guarantee all small trees, shrubs, vines, ground covers and turf to live and grow in an acceptable condition for a period of 90 (ninety) days from the date of installation completion. Contractor shall also guarantee all trees and shrubs 24 box size and larger for a period of 1(one) year from the date of installation completion.
- Upon completion of planting operations, contractor shall apply an approved pre-emergent herbicide (Bonstar or equal) as weed control per manufacturer's specifications. In addition, a 3 inch layer of approved mulch shall be installed over the finish grade of all planter areas.
- MAINTENANCE PERIOD: Contractor shall maintain the site for a period of 90 calendar days after acceptance by owner. Maintenance shall include weekly mowing of turf areas; weeding of all turf and ground cover areas; removal of all trash and debris from planter areas and hardscape areas; pruning and trimming of all plant materials required; replacement of all dead or dying plant material & 2 applications of fertilizer.
- Contractor shall comply with all features of Chapter 10 Article 12 of the Bay Friendly Water Efficient Landscape Ordinance.

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST OR INCURRED BY THE OWNER OR THE ENGINEER, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

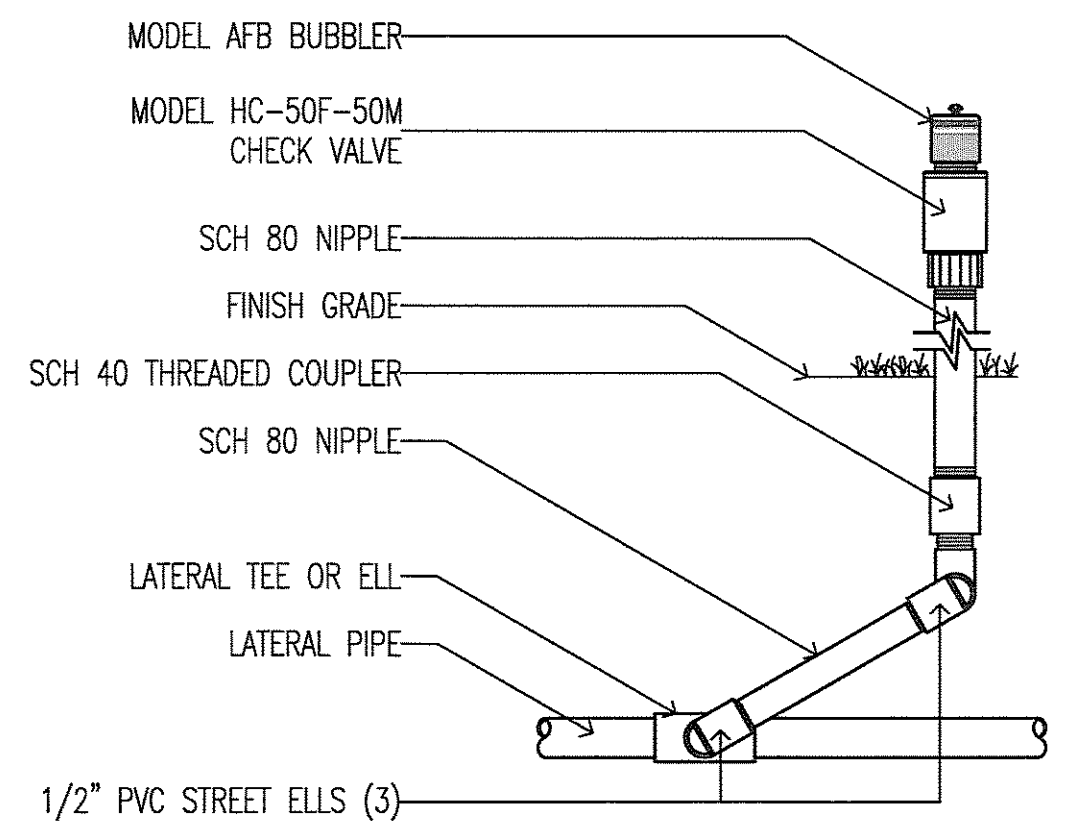
<p>OSUNA ENGINEERING INC. Planning Surveying Civil Engineering</p> <p>CONSULTING CIVIL ENGINEERS & LAND SURVEYORS 117 BERNAL RD., STE. 70-336 SAN JOSE, CA 95119 TEL: (408) 772-4381 Info@osunaengineering.com</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>CITY</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	CITY	BY																
NO.	DATE	CITY	BY																		
<p>PLANTING PLAN LEGEND & NOTES:</p>																					
<p>2382 RAINBOW COURT HAWAII, CALIFORNIA Project No.: 1937 Design: T.S. Checked: O.O. Date: 6-1-2020</p>																					
<p>SHEET L-2 OF SHEETS</p>																					



- LEGEND:**
- 1 EMITTERS
 - 2 SCH 80 PVC NIPPLE
 - 3 MULTI-PORT EMITTER
 - 4 PVC RISER
 - 5 ADJACENT MULCH
 - 6 PVC LATERAL AS PER PLAN

MULTI-PORT EMITTER - SIDE OFF PVC
H.M.M.PM.02

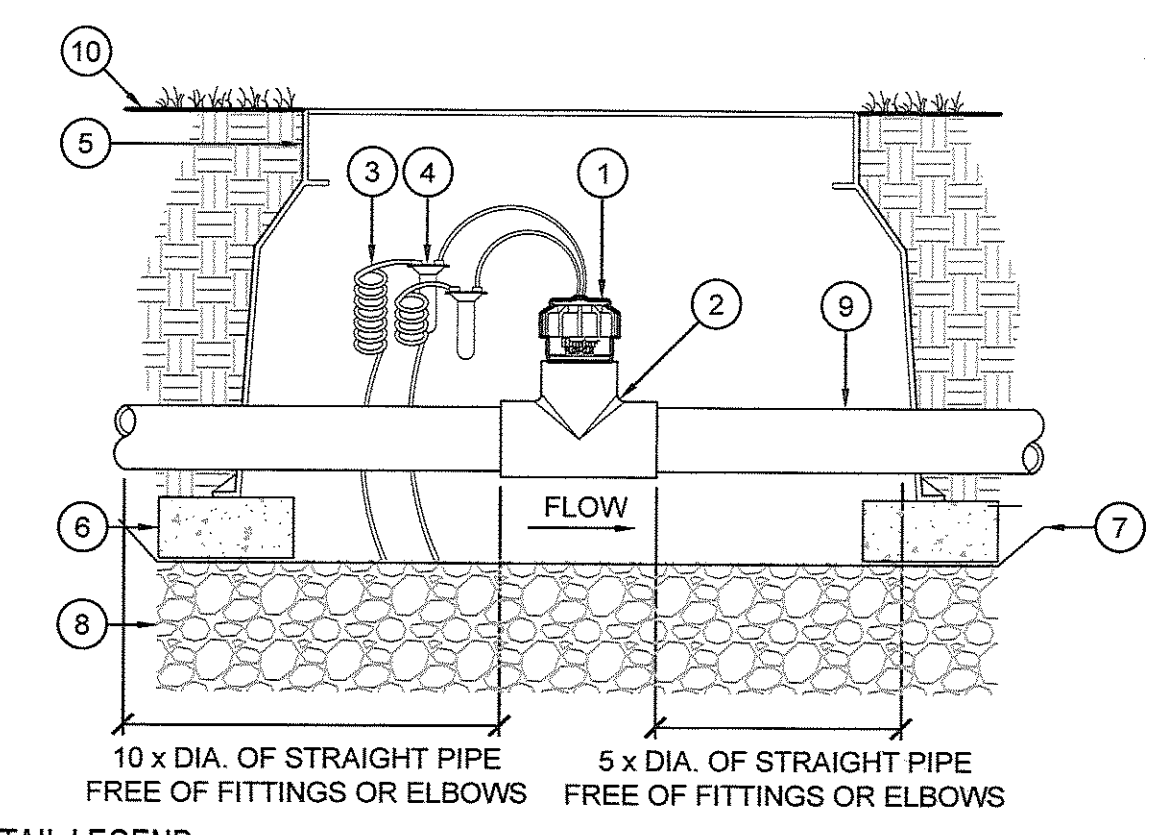
NOT TO SCALE



- MODEL AFB BUBBLER
- MODEL HC-50F-50M CHECK VALVE
- SCH 80 NIPPLE
- FINISH GRADE
- SCH 40 THREADED COUPLER
- SCH 80 NIPPLE
- LATERAL TEE OR ELL
- LATERAL PIPE
- 1/2" PVC STREET ELLS (3)

AFB BUBBLER

E

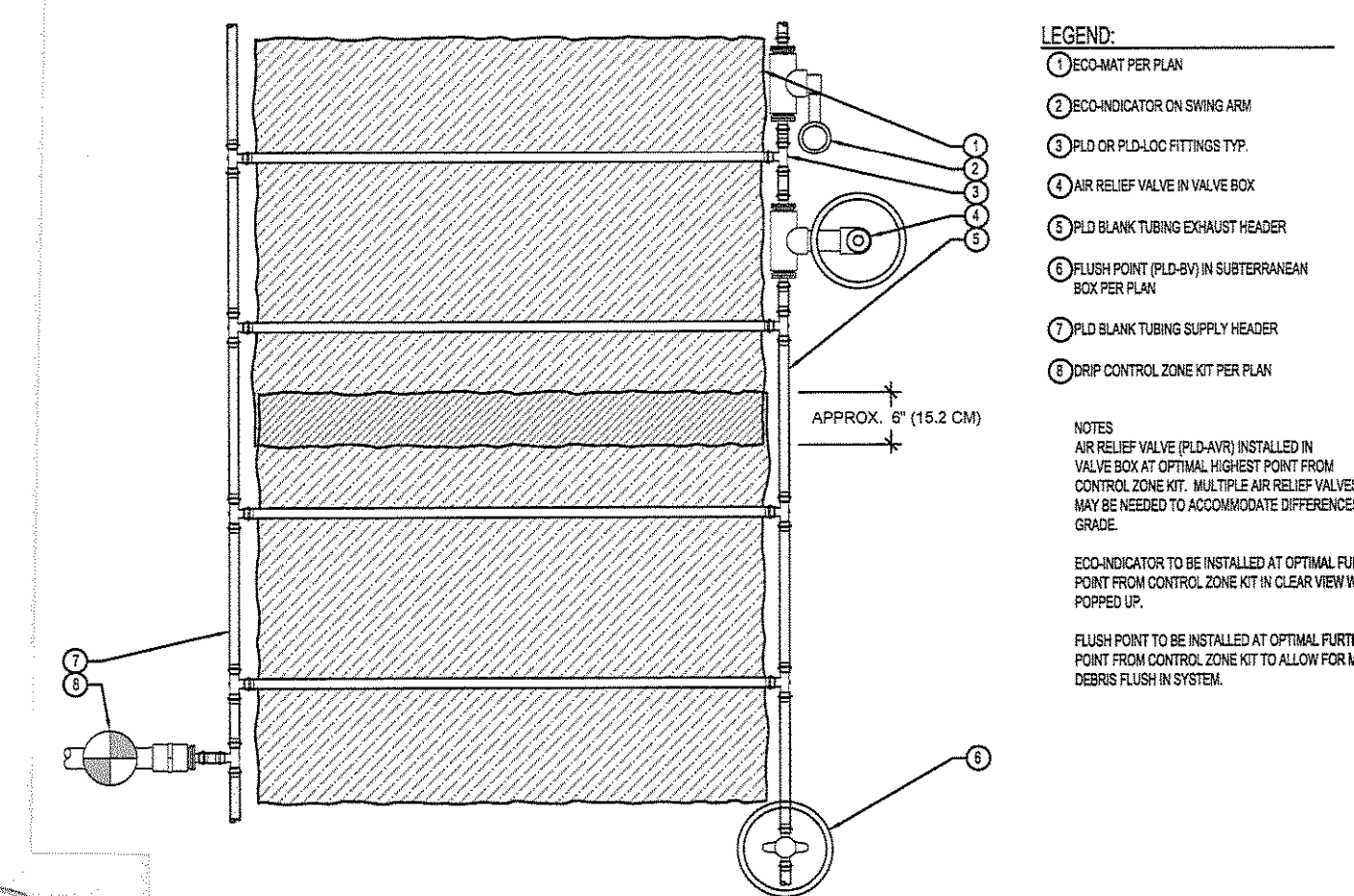


- DETAIL LEGEND:**
- 1 FLOW SENSOR PER PLAN (HFS)
 - 2 RECEPTACLE TEE (FCT), SIZE PER PLAN
 - 3 MIN. 18/2 WIRE PER PLAN TO CONTROLLER SENSOR TERMINALS. MAXIMUM WIRE DISTANCE RUN OF 1,000'
 - 4 DBRY-6 WIRE SPLICE
 - 5 RECTANGULAR VALVE BOX PER PLAN
 - 6 BRICK SUPPORTS AT EACH CORNER (4)
 - 7 FILTER FABRIC
 - 8 GRAVEL BASE, DEPTH PER PLAN
 - 9 MAIN LINE AND SOIL COVER PER PLAN
 - 10 FINISHED GRADE

HFS FLOW SENSOR
HUNTER SHFS.01

NOT TO SCALE

I

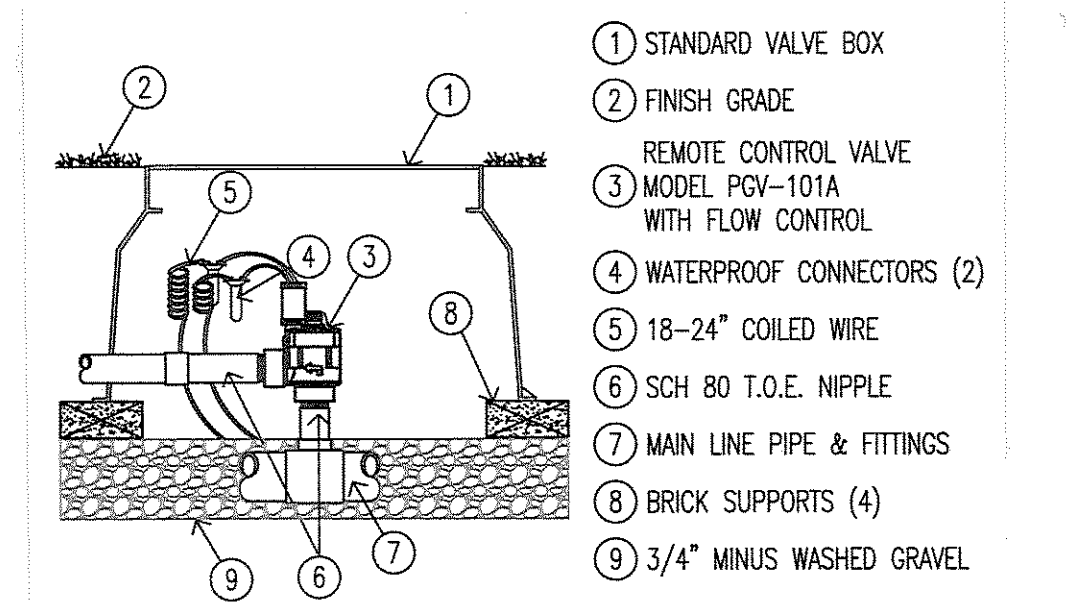


- LEGEND:**
- 1 ECO-MAT PER PLAN
 - 2 ECO-INDICATOR ON BRING ARM
 - 3 PLD OR PLD-LOC FITTING TYPE
 - 4 AIR RELIEF VALVE IN VALVE BOX
 - 5 PLD BLANK TUBING EXHAUST HEADER
 - 6 FLUSH POINT (PLD-RV) IN SUBTERRANEAN BOX PER PLAN
 - 7 PLD BLANK TUBING SUPPLY HEADER
 - 8 DRIP CONTROL ZONE KIT PER PLAN

ECO-MAT - PLAN VIEW WITH BLANK PLD HEADER AND EXHAUST AT MAT GRADE
H.M.E.M.03

NOT TO SCALE

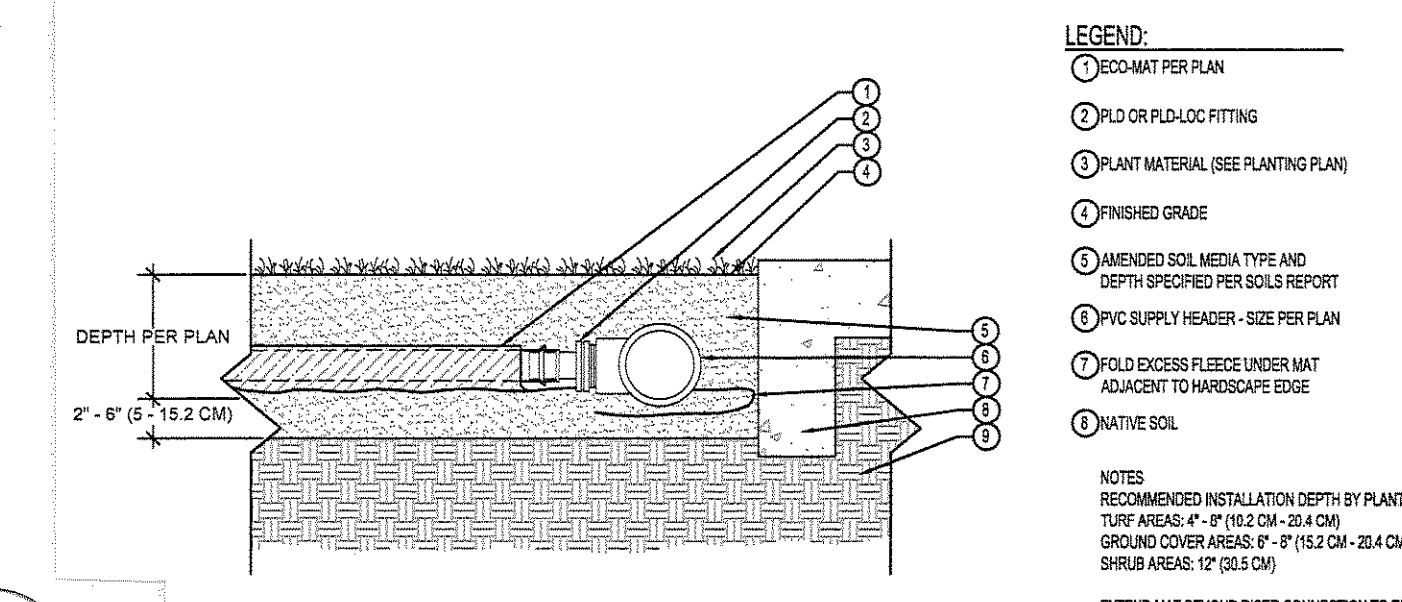
F



- 1 STANDARD VALVE BOX
- 2 FINISH GRADE
- 3 REMOTE CONTROL VALVE MODEL PGV-101A WITH FLOW CONTROL
- 4 WATERPROOF CONNECTORS (2)
- 5 18"-24" COILED WIRE
- 6 SCH 80 T.O.E. NIPPLE
- 7 MAIN LINE PIPE & FITTINGS
- 8 BRICK SUPPORTS (4)
- 9 3/4" MINUS WASHED GRAVEL

PGV ANGLE VALVE

F

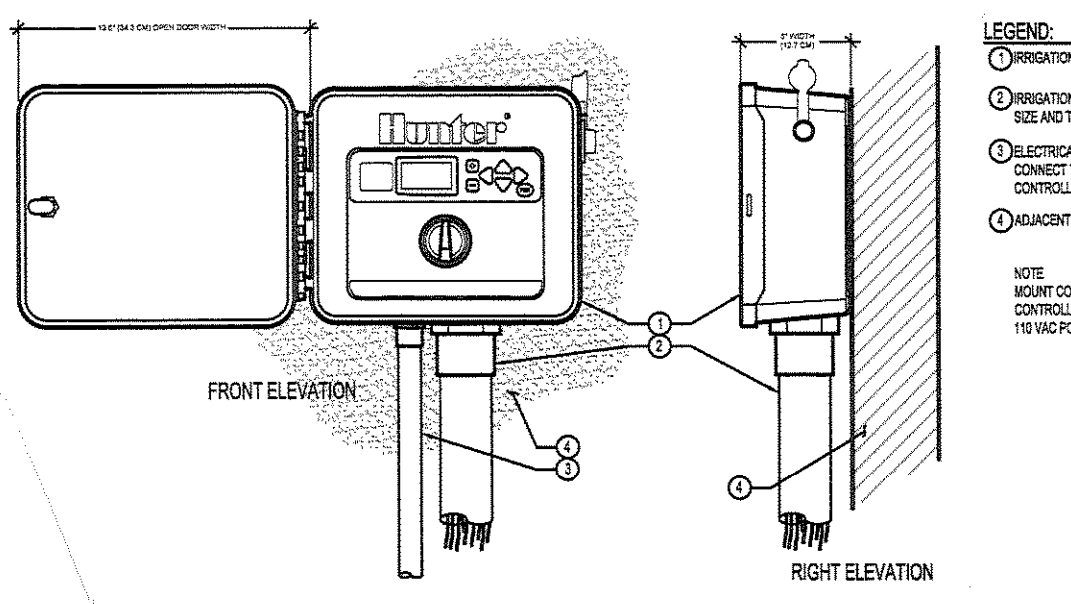


- LEGEND:**
- 1 ECO-MAT PER PLAN
 - 2 PLD OR PLD-LOC FITTING
 - 3 PLANT MATERIAL (SEE PLANTING PLAN)
 - 4 FINISHED GRADE
 - 5 WASHED SOIL MEDIA TYPE AND DEPTH SPECIFIED PER SOIL REPORT
 - 6 PVC SUPPLY HEADER - SIZE PER PLAN
 - 7 HOLD EXCESS FIBRE UNDER MAT ADJACENT TO HARDSCAPE EDGE
 - 8 NATIVE SOIL

ECO-MAT - PVC AT MAT GRADE CONNECTION ADJACENT TO HARDSCAPE
H.M.E.M.09

NOT TO SCALE

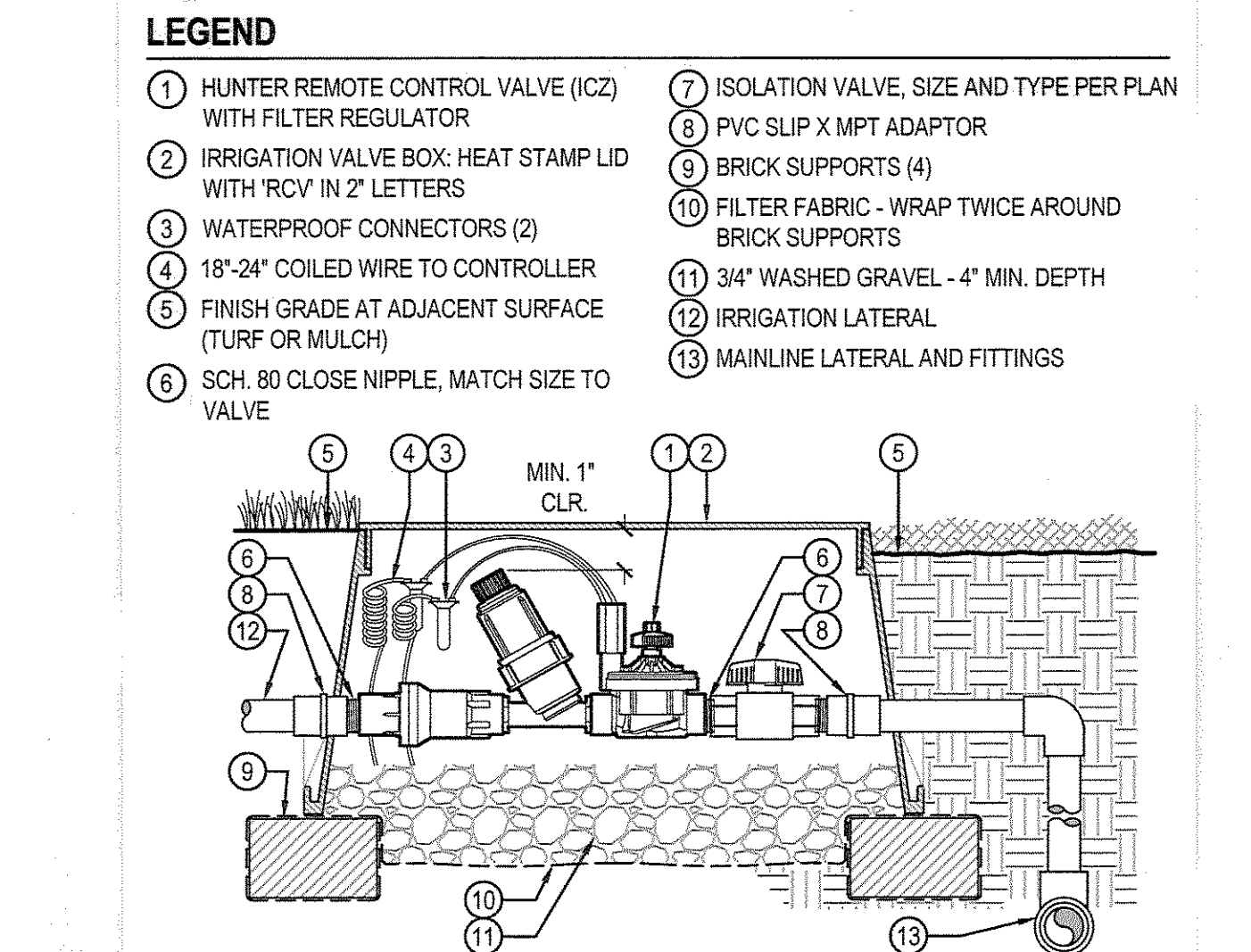
G



- LEGEND:**
- 1 REMOTE CONTROL VALVE PER PLAN
 - 2 REMOTE CONTROL WIRE IN CONDUIT (SEE AND TYPE PER LOCAL CODES)
 - 3 ELECTRICAL SUPPLY CONDUIT (CONNECT TO POWER SOURCE, LOCAL CODES)
 - 4 ADJACENT SURFACE TO MOUNT CONTROLLER PER PLAN

1 CORE - WALL MOUNT

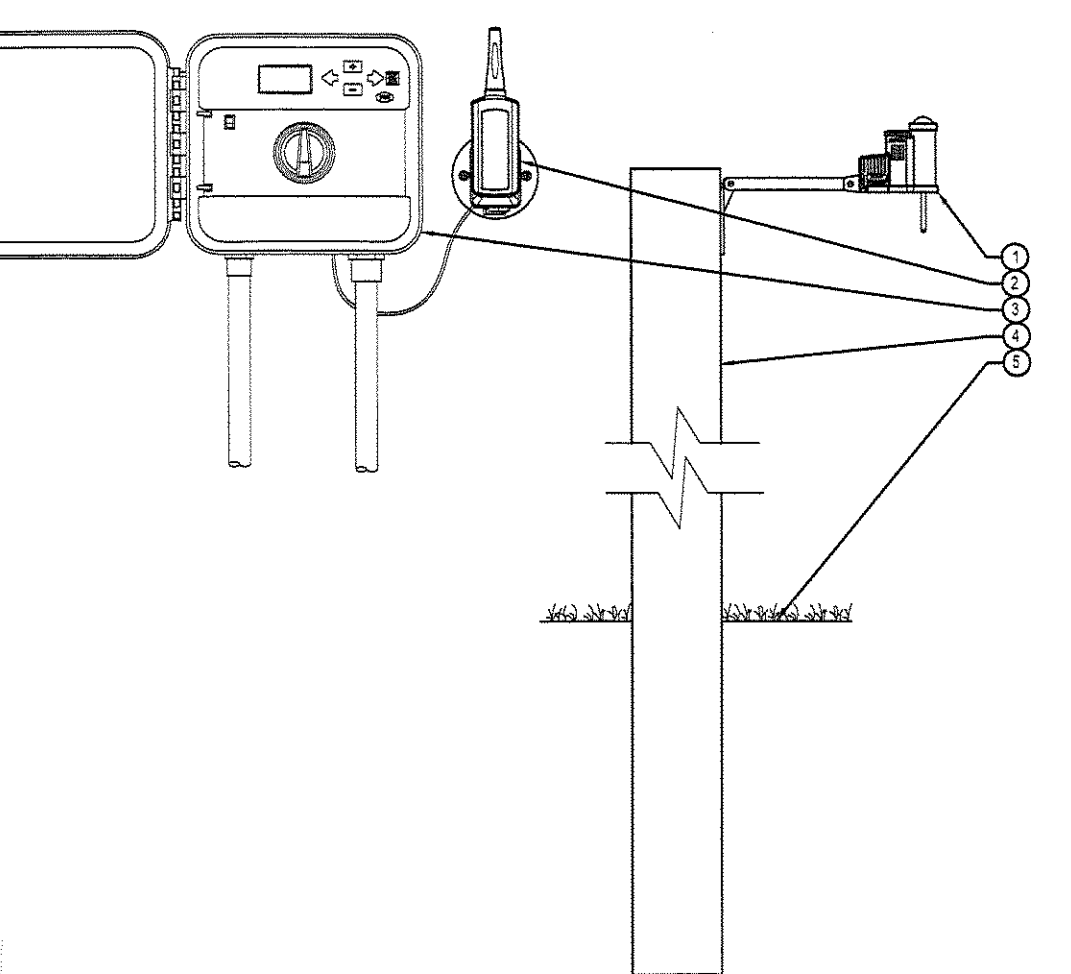
G



- LEGEND**
- 1 HUNTER REMOTE CONTROL VALVE (ICZ) WITH FILTER REGULATOR
 - 2 IRRIGATION VALVE BOX: HEAT STAMP LID WITH 'RCV' IN 2" LETTERS
 - 3 WATERPROOF CONNECTORS (2)
 - 4 18"-24" COILED WIRE TO CONTROLLER
 - 5 FINISH GRADE AT ADJACENT SURFACE (TURF OR MULCH)
 - 6 SCH. 80 CLOSE NIPPLE, MATCH SIZE TO VALVE
 - 7 ISOLATION VALVE, SIZE AND TYPE PER PLAN
 - 8 PVC SLIP X MPT ADAPTOR
 - 9 BRICK SUPPORTS (4)
 - 10 FILTER FABRIC - WRAP TWICE AROUND BRICK SUPPORTS
 - 11 3/4" WASHED GRAVEL - 4" MIN. DEPTH
 - 12 IRRIGATION LATERAL
 - 13 MAINLINE LATERAL AND FITTINGS

DRIP CONTROL ZONE KIT (ICZ-101) WITH ISOLATION VALVE

H

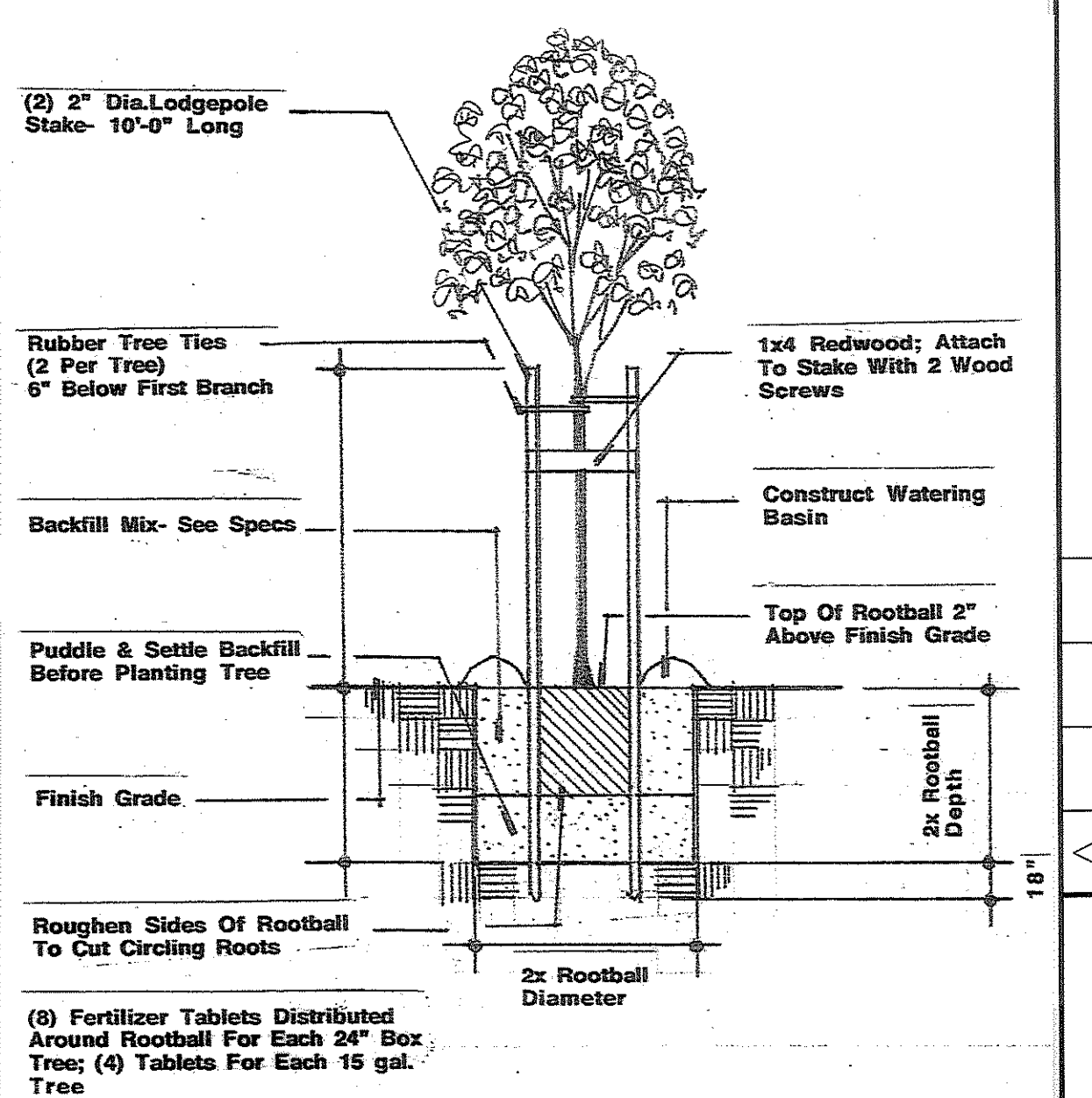


- LEGEND:**
- 1 SOLAR SYNC WIRELESS SENSOR
 - 2 SOLAR SYNC WIRELESS RECEIVER
 - 3 SOLAR SYNC COMPATIBLE CONTROLLER
 - 4 POST OR SUITABLE MOUNTING SURFACE
 - 5 FINISHED GRADE

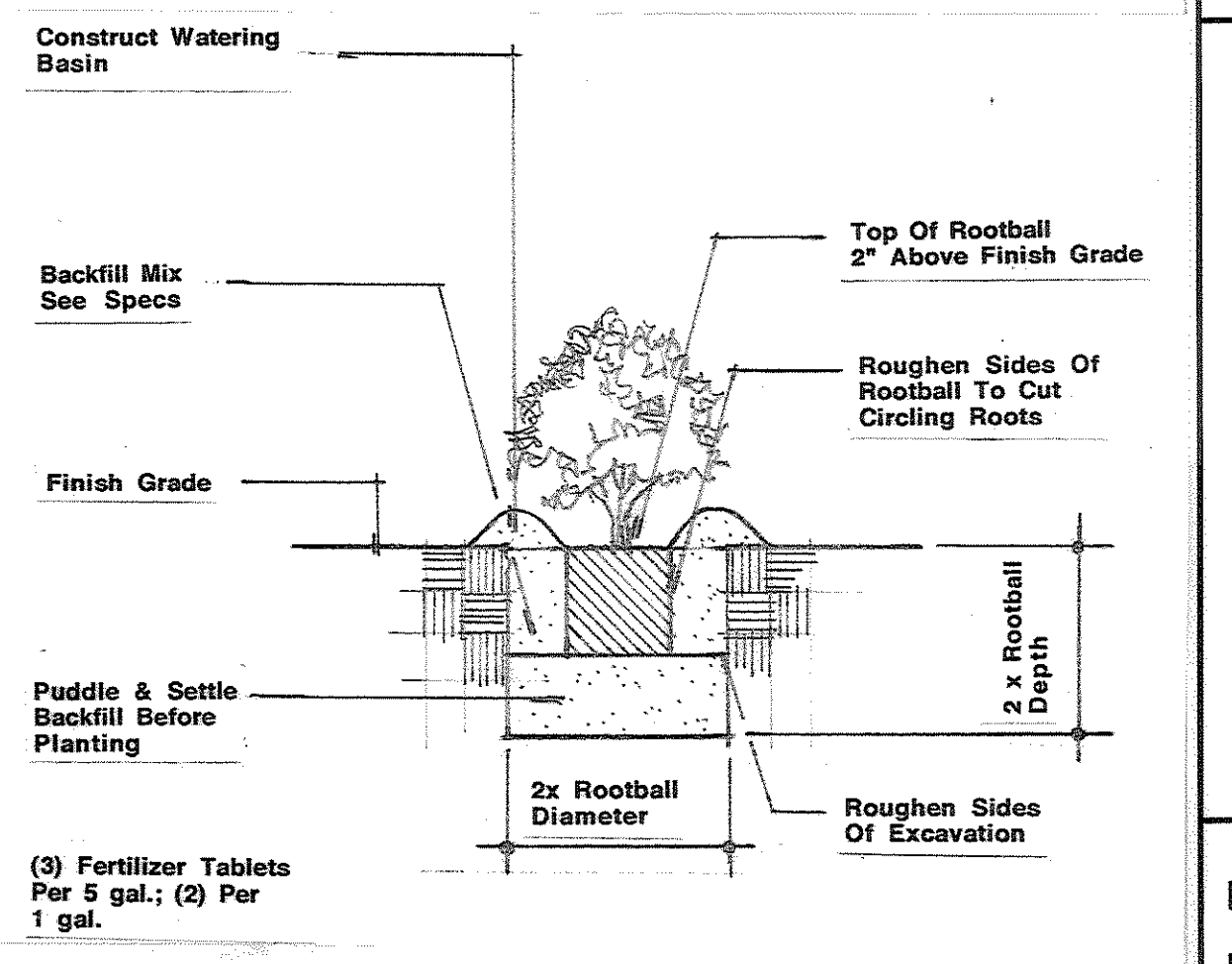
SOLAR SYNC WIRELESS WITH GENERIC WALL MOUNT CONTROLLER
HUNTER S.SS.04

NOT TO SCALE

H



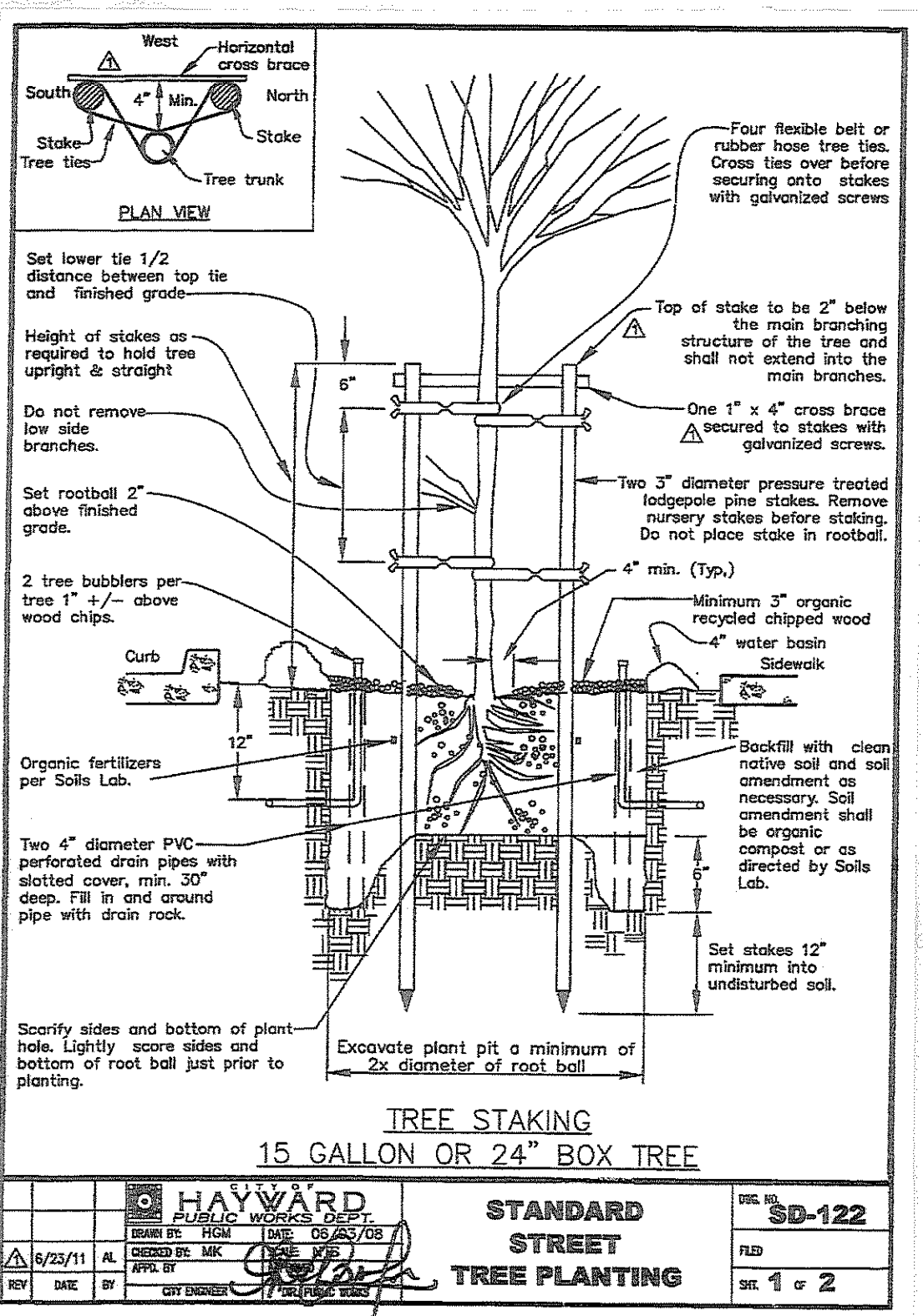
1 Tree Staking



2 Shrub Planting

STREET TREE PLANTING SPECIFICATIONS:

1. Tree shall be healthy, disease and insect-free, well rooted, and properly trained with a straight trunk that can stand upright without support. Tree shall exhibit a central leader, or a main branch that can be trained as a central leader. Branches shall be well-developed and shall be evenly and radially distributed around the trunk. Root ball shall not exhibit knotted or circling roots.
2. Tree shall comply with federal and state laws requiring inspection for plant diseases and pest infestation. Clearance from the county agricultural commissioner, as required by law, shall be obtained before planting trees delivered from outside the county.
3. Prior to planting tree, determine the location of existing or future underground utilities. Locate tree a minimum of 5 feet from lateral service lines and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.
4. Tree pit shall be tested for proper drainage prior to planting tree. Fill pit with water; if water remains after a 24-hour period, cuger three 4"-diameter by 3-foot deep holes at the bottom of the tree pit. Backfill with drain rock.
5. Set tree in an upright and plumb position. As much as possible, tree shall be positioned such that dominant branches are parallel to the roadway and are oriented away from potential conflicts.
6. If required by the City, a pressure-compensating bubbler, or drip emitters, shall be provided to each tree.
7. Depending on the planter strip width, or the tree well size and the tree species being planted, a 24" deep root-barrier may be required by the City to be placed between the root-ball and the curb and/or sidewalk. Length of strip barrier or size of the box barrier will be specified by the City.
8. Stakes are to be removed when the tree diameter meets or exceeds the diameter of the stake.



TREE STAKING
15 GALLON OR 24" BOX TREE

HAYWARD STANDARD STREET TREE PLANTING

SD-122

REV 02/11

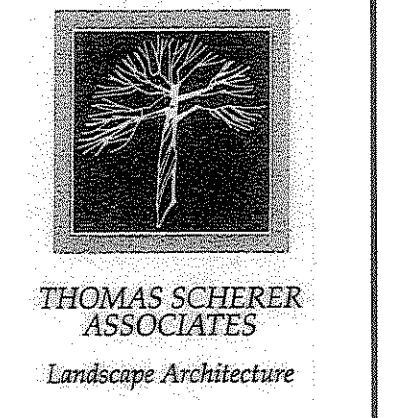
DATE 02/11

BY [Signature]

SCALE 1" = 2'

SD-122

NO.	DATE	BY	CITY	REVISIONS



P.O. Box 68, Aptos, CA 95001
Tel: (831) 688-8915

OSUNA ENGINEERING INC.
Planning / Surveying / Civil Engineering

CONSULTING CIVIL ENGINEERS & LAND SURVEYORS

117 BERNAL RD., STE. 70-336, SAN JOSE, CA 95119

TEL: (408) 772-4381
info@osunaeengineering.com

IRRIGATION & PLANTING DETAILS

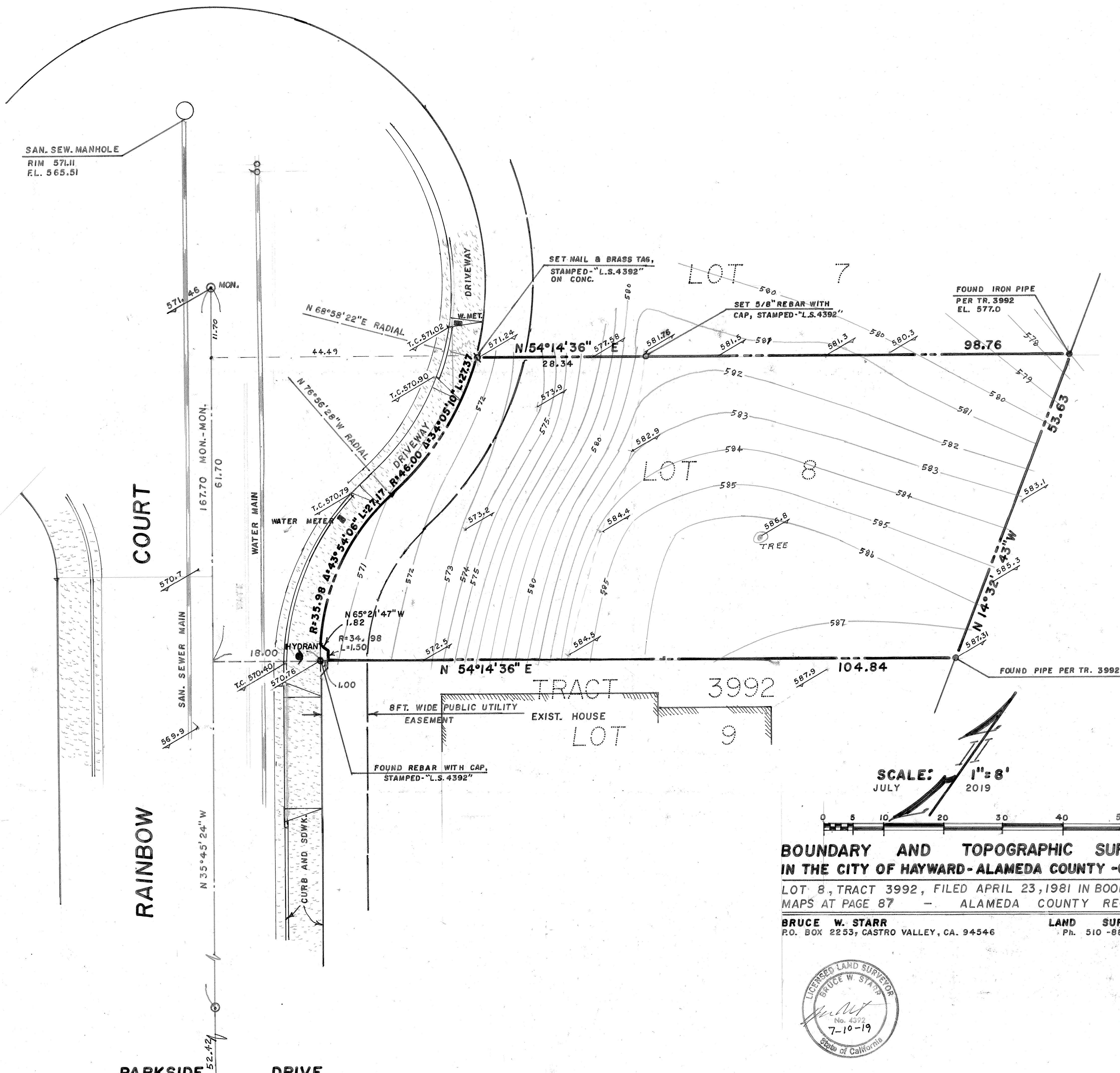
2382 RAINBOW COURT

HAYWARD, CALIFORNIA

Project No.: 1837

Check: 0.0 | 6-1-2020

SHEET **L-3** OF 10 SHEETS



SAN. SEW. MANHOLE
RIM 571.11
E.L. 565.51

COURT

RAINBOW

PARKSIDE DRIVE

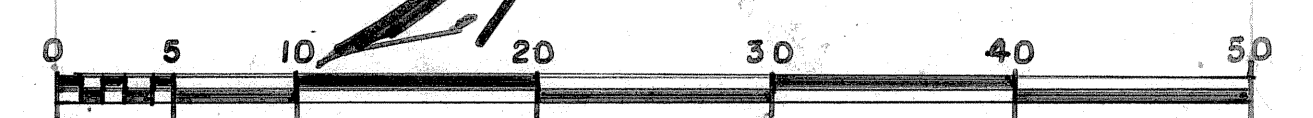
LOT 7

LOT 8

TRACT 3992

EXIST. HOUSE LOT 9

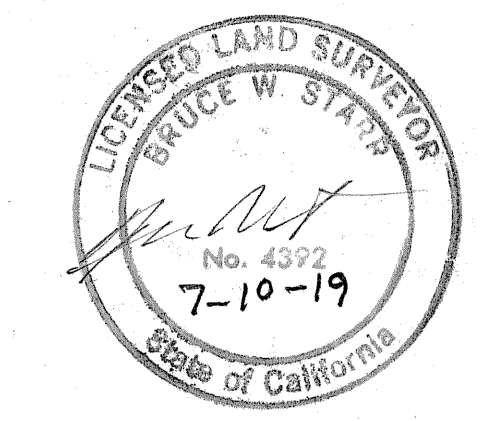
SCALE: 1" = 8'
JULY 2019



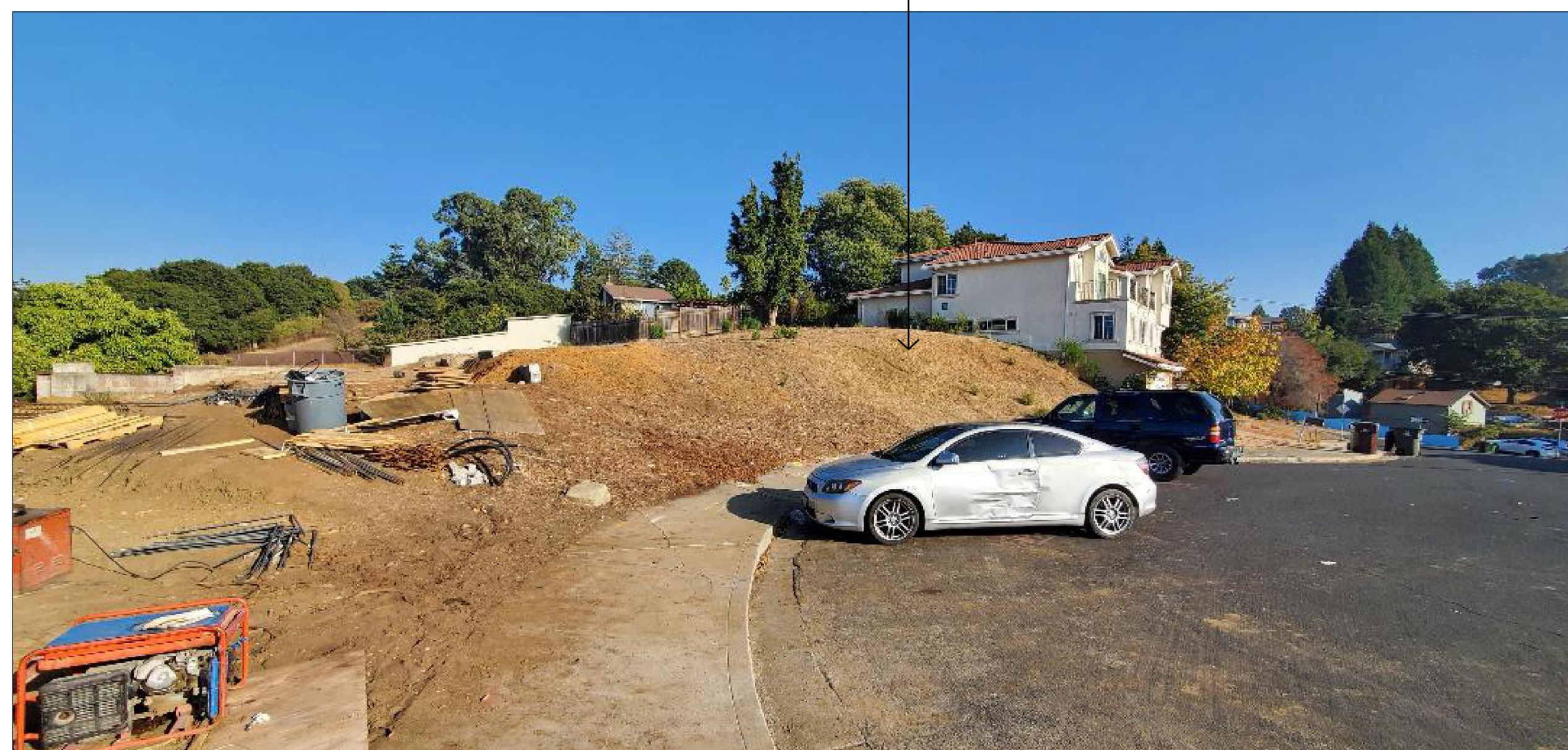
**BOUNDARY AND TOPOGRAPHIC SURVEY
IN THE CITY OF HAYWARD-ALAMEDA COUNTY -CALIF.**

LOT 8, TRACT 3992, FILED APRIL 23, 1981 IN BOOK 26 OF
MAPS AT PAGE 87 - ALAMEDA COUNTY RECORDS

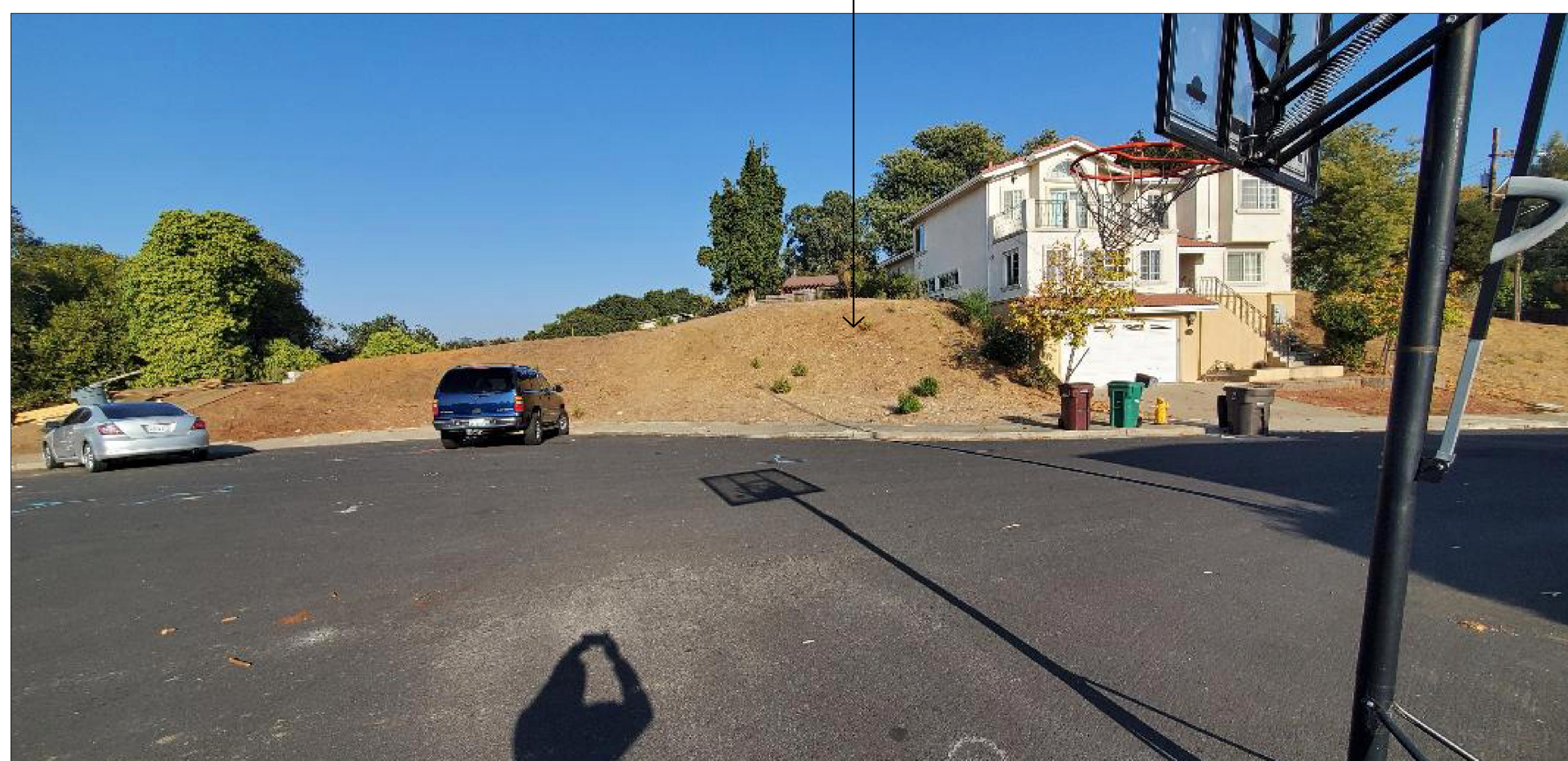
BRUCE W. STARR LAND SURVEYOR
P.O. BOX 2253, CASTRO VALLEY, CA. 94546 Ph. 510-889-8385



SUBJECT LOT



SUBJECT LOT



SUBJECT LOT



VIEW OF THE BAY



H&M Ventures LLC
2362 Rainbow Ct.
Hayward, CA 94542
(408) 373-3365

No.	Revision/Issue	Date

Designed/Drafted by
MARTIN CHRISTENSEN
33418 4th St.
UNION CITY, CA 94587
(510) 334-1959
architecturalradii@yahoo.com

Scope of Work

See Sheet A1
PROJECT
INFORMATION...

Project	19K	Sheet	V1
Date	19.7.1		
Scale	AS NOTED		



File #: LB 21-008

DATE: March 2, 2021

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT

Municipal Facility License Agreement Template: Adopt a Resolution Approving the Municipal Facility Master License Agreement Template for the Attachment of Wireless Facilities to City-Owned Vertical Infrastructure in the Public Right-of-Way, and Authorizing the City Manager to Execute Master Facility License Agreements with Qualified Companies in Substantial Conformance with the Template and Upon Approval by the City Attorney as to Form

RECOMMENDATION

That the Council adopts a resolution (Attachment II) approving the Municipal Facility License Agreement (MFLA) template (Attachment III) for the attachment of wireless facilities to City-owned vertical infrastructure, such as street lights in the public right-of-way, and authorizing the City Manager to execute MFLAs with qualified companies in substantial conformance with the template and upon approval by the City Attorney as to form.

SUMMARY

Demand for wireless technology continues to grow exponentially. To meet this ongoing demand, further compounded by an increase in residents working or learning from home due to COVID-19, wireless companies desire to install small cell technology to meet the demand and prepare for future needs. In order for wireless companies to install equipment on vertical infrastructure with the City, such as street light poles, a MFLA is needed to protect both the interests of the City as well as the wireless company. The MFLA represents a multi-year effort across multiple public meeting bodies, as well as numerous rounds of negotiation and revisions with interested wireless companies over an eighteen-month span. Outside legal counsel specializing in the area of small cell municipal agreements has assisted the City in the negotiation of the MFLA terms and language to strike a balance between desired terms and what is considered fair and reasonable compared to similar sized municipalities. The template establishes the form of the MFLA for Council approval. The resolution approving the template allows the City Manager to negotiate specific terms with individual carriers in individual MFLAs, such as individualized insurance requirements, as long as overall the individual MFLA substantially conforms with the Council approved MFLA template.

File #: LB 21-008

This staff report summarizes the multi-year history leading up to the creation of the MFLA template, as well as discusses key provisions of the MFLA. The process to create this template has involved feedback from internal staff, external vendors, and outside legal counsel to create a document that creates a path forward towards the deployment of small cell technology on City-owned vertical infrastructure within the City's public right-of-way.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Master Municipal Facility License Agreement Template



DATE: March 2, 2021

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Municipal Facility License Agreement Template: Adopt a Resolution Approving the Municipal Facility Master License Agreement Template for the Attachment of Wireless Facilities to City-Owned Vertical Infrastructure in the Public Right-of-Way, and Authorizing the City Manager to Execute Master Facility License Agreements with Qualified Companies in Substantial Conformance with the Template and Upon Approval by the City Attorney as to Form

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SUMMARY

Demand for wireless technology continues to grow exponentially. To meet this ongoing demand, further compounded by an increase in residents working or learning from home due to COVID-19, wireless companies desire to install small cell technology to meet the demand and prepare for future needs. In order for wireless companies to install equipment on vertical infrastructure with the City, such as street light poles, a MFLA is needed to protect both the interests of the City as well as the wireless company. The MFLA represents a multi-year effort across multiple public meeting bodies, as well as numerous rounds of negotiation and revisions with interested wireless companies over an eighteen-month span. Outside legal counsel specializing in the area of small cell municipal agreements has assisted the City in the negotiation of the MFLA terms and language to strike a balance between desired terms and what is considered fair and reasonable compared to similar sized municipalities. The template establishes the form of the MFLA for Council approval. The resolution approving the template allows the City Manager to negotiate specific terms with individual carriers in individual MFLAs, such as individualized insurance requirements, as long as overall the individual MFLA substantially conforms with the Council approved MFLA template.

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BACKGROUND

The demand for wireless services is expected to grow exponentially over the next several years with tremendous increases in the amount of available connected devices. The COVID crisis has compounded this demand as more residents and businesses rely on mobile devices in their homes and offices for communication, education, and online content, which place increased demand on cell phone networks. Traditionally, wireless antennas and equipment were primarily installed on large towers on private land and on the rooftops of buildings that were subject to land use review under a City's zoning code.

To accommodate the increased demand for wireless services, wireless carriers seek to deploy small cell technology in public right-of-way to improve capacity. In addition, small cells are expected to be an important part of the wireless industry's upgrade to 5G networks (fifth generation of cellular mobile communications). 5G technology is expected to use different frequencies cover a smaller radius than previous generations of wireless networks. Street light poles and other municipal poles are considered good opportunities for 5G antenna placement by wireless carriers due to volume and availability of municipal poles within the City.

The main anticipated benefits of 5G over previous generations of wireless networks are higher download speeds, greater capacity to carry data, and the reduction of time it takes to transfer data between devices. These features are desirable for residents and businesses who want to leverage these higher speeds and increased capacity for work from home or schooling from home, but also to leverage potential opportunities with cutting edge technology, such as telehealth services or autonomous vehicles. 5G technology keeps City residents and the business community aligned with current mobile technology trends, which demand increased mobile speeds and the ability to support greater numbers of users simultaneously on mobile networks.

In June 2018, the City entered into an agreement with Magellan Advisors, following a competitive request for proposals process, to develop and update the City's wireless telecommunications regulations, right of way ordinance, and master license agreements with telecommunication companies.

CTAC Feedback - The Council Technology Application Committee (CTAC) reviewed and commented on these updated items at its September 14, 2018 meeting and offered the following feedback, which has been incorporated into the wireless ordinance and MFLA template design.

- **Public Notice Requirements:** The City will be required to notice properties within a 500-foot radius of a cell site antenna location.
- **MFLA Template Design:** The MFLA template will be brought before the City Council for initial approval.
- **Relocation of Infrastructure:** The MFLA has a section dedicated to relocation and displacement of equipment that outlines options for the City to relocate infrastructure that may have a wireless facility leased on it.

Taking into account the feedback from CTAC in September 2018, on January 8, 2019, City Council approved the Public Right of Way Telecommunications Antenna and Facilities Ordinance (“Wireless Ordinance”) and associated amended Master Fee Schedule.

Hayward’s Wireless Ordinance¹ applies to wireless installations on all types of vertical infrastructure in the public right-of-way and requires that new small cell installations must maintain an unobtrusive design and be camouflaged when feasible. It also provides there shall be no signage or advertising logos outside of small identifying information and no facilities may be located immediately in front of, besides, or behind historic resources recognized by the City. The MFLA template does not change this ordinance or the requirement that carriers comply with it. It supplements the Wireless Ordinance by providing the contractual terms and conditions for use of City-owned vertical infrastructure, such as street lights, in a manner similar to the agreements that wireless providers enter into with utility pole owners, such as PG&E, for use of their utility poles and street lights for wireless installations.

As mentioned in the staff report accompanying the adoption of the Wireless Ordinance on January 8, 2019, the concept and framework for establishing a MFLA was the next step outlined in the roadmap. To meet this demand, staff has engaged an outside law firm experienced in negotiating small cell master license facility agreements to collect vendor feedback and create a template for Council approval.

Starting in the summer of 2019, the City sought input from interested providers and received extensive feedback and proposed redlines. Negotiations on the content of the MFLA with interested wireless companies have also been ongoing over this time span and the City has engaged in over fifteen phone calls and meetings, as well as reviewed and revised the MFLA template over five times. City staff reviewed each set of comments in consultation with outside counsel. Not all proposed revisions from the vendor community were incorporated into the MLFA template; however, what is in the MLFA template has been determined to be reasonable based on outside counsel’s review and experience with other cities and the carrier agreements in those communities.

One common public concern with wireless technology is whether it is safe. The Federal Communications Commission (FCC) has the sole authority to set standards for safe levels of RF emissions. Vendors must demonstrate their equipment meets the standards set forth by

¹ **Hayward Wireless Ordinance Visual Impact Guidelines**

https://library.municode.com/CA/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH7PUWO_ART4WICOFAPURI-W_S7-4.140VIIMGU

the FCC before they can deploy it. If a vendor is able to demonstrate that their equipment meets the standard set by the FCC, then the vendor may install the wireless technology equipment.

DISCUSSION

To address wireless facilities applications in the public Right-of-Way (PROW), staff recommends that the City Council approve the MFLA template for wireless facilities attaching to City-owned vertical infrastructure in the PROW. The proposed MFLA (Attachment III) reflects revisions requested by the carriers through various rounds of comments and represents a balance of best practices and processes. The proposed MFLA is the City's good faith attempt to reconcile those comments and propose a reasonable agreement template. Staff also recommends that the Council provide the City Manager delegated authority to approve minor carrier-specific changes to the template that do not significantly change the risks and rewards to the City (e.g., insurance provisions and certain definitions).

As the owner of poles in the PROW, the City is responsible for entering into license agreements with wireless carriers in order for those carriers to attach to the City's poles. A wireless carrier will likely apply for multiple locations in the City, and given the short deadlines, known commonly as "shot clocks," by which Federal law requires the City to act on each wireless application, including permits and any contractual approvals (60 days for small cell installations on existing structures and 90 days on new or replacement structures), it is not feasible to take a separate license agreement to the Council for approval for each installation.

Key MFLA Terms

The information below represents the key terms in the MFLA that are commonly of interest. This list is not meant to be exhaustive, but rather provides a high-level overview of common language and terminology.

- **FCC Order & Current Rental Fee.** The MFLA includes an annual rent payment for use of the City poles. Under a FCC declaratory order and regulations that went into effect on January 14, 2019, the FCC declared that all fees (including permit fees and rental fees for use of government-owned infrastructure, such as streetlights in the PROW) must be based on a reasonable approximation of the City's costs, such that only objectively reasonable costs are factored into those fees, and fees are no higher than the fees charged to similarly situated competitors in similar situations. Recurring fees (the rental fee for attachment to municipal infrastructure and use of PROW), are presumed reasonable by the FCC order, if no greater than \$270 per facility/per year.
- **Alternate Rent.** The legal validity of this FCC Order has been challenged, and the Ninth Circuit Court of Appeals recently upheld the FCC's limitation on rental fees discussed above. The litigation is ongoing, but the effectiveness of the FCC Order has not been stayed. Therefore, given the potential that litigation will continue, staff is accounting

for uncertainty in the fee terms of the MFLA template. Staff recommends that for all periods when the FCC Order is in effect, the annual rent per location be the \$270 suggested by the FCC (increased annually by three percent). For any period that the FCC Order is not in effect, meaning that it is stayed by a court of law or it is vacated or invalidated and has not been replaced by the FCC with an alternative provision setting a specific amount as rent, then the rent would increase to the rate of \$1,500 (also increased annually by three percent). This alternative rate reflects the rate in similar agreements in some other cities in California. Street lights and other poles have clear value to wireless service providers that the City may reasonably expect to capture through its lease pricing.

- **Fiber-In-Lieu of Payment.** The MFLA grants the City the discretion to negotiate, as partial consideration for rent, strands of fiber and associated conduit that the licensee owns to support each licensed pole. The licensee does not have to provide fiber in-lieu of paying a rental fee.
- **Term of Agreement and Renewals.** The MFLA contains a standard term of ten years with two five-year renewals, which is consistent with State law.
- **License Termination & Radio Frequency (RF) Emissions.** Termination language exists in the MFLA in Section 6.11 for the City to terminate the license for scenarios such as 60 consecutive days of nonoperation or the interference of the day-to-day operation of the City. Section 6.9 of the MFLA includes language that the carrier cannot replace approved equipment without City consent if the RF emissions differ than the equipment that was previously approved.
- **Relocation.** The MFLA also provides the flexibility for a licensee to add, remove, or relocate locations in the City per Section 6.4.2 of the MFLA.
- **Insurance and Performance Bonds.** The MFLA requires insurance, explains the parties' rights and obligations with respect to use and damage to any City infrastructure, and requires a licensee to provide a performance bond.

These key terms represent the most common areas of the MFLA, which address common questions surrounding the detailed language contained in the MFLA. The goal is to address these key terms in the staff report to provide a general overview of the MFLA template and demonstrate the diversity of topics covered within it.

In sum, staff proposes that the Council adopts the resolution approving the MFLA template and authorizing the City Manager to enter into individual MFLA agreements with wireless carriers and infrastructure providers to allow use of the City's vertical infrastructure, resulting in the needed flexibility to add additional locations over time. That said, each location would still require a permit in compliance with the City's applicable permitting processes and design regulations.

ENVIRONMENTAL REVIEW

The authorization of a MFLA is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. This agreement sets forth the legal terms and obligations for requesting use of the City infrastructure in the PROW and approval of such use. The authorization for wireless carriers and infrastructure providers to attach antennas to this infrastructure is guided by existing state and federal law and the Hayward Municipal Code. This action does not authorize any specific development or installation on any specific piece of property within the City’s boundaries, most of which will be placed on existing infrastructure, and is mostly a means to streamline the contracting process in accordance with federal shot clocks.

Alternatively, even if the authorization to use this agreement is a “project” within the meaning of State CEQA Guidelines Section 15378, the action is exempt from CEQA on multiple grounds. First, the action is exempt from CEQA because the Council’s action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). This template agreement creates terms for wireless carriers should they apply to place facilities in the public right-of-way, often on existing City infrastructure. Moreover, in the event that the action is interpreted to permit installation of wireless facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land), as these facilities are allowed under federal and state law, are by their nature smaller when placed in the public right-of-way, and are subject to various siting and design preferences to prevent aesthetic impact to the extent feasible.

ECONOMIC IMPACT

Deployment of 5G wireless technology in the City creates a path towards higher download speeds and the reduction of time it takes to transfer data between devices. 5G wireless technology keeps City residents and the business community aligned with current mobile technology trends, which demand increased mobile speeds and the ability to support greater numbers of users simultaneously on mobile networks, especially in light of the current COVID crisis and current remote school and work situations. As an economic driver, this technology helps keep pace with increased demand of mobile traffic desired by residents and businesses.

FISCAL IMPACT

The approval of new wireless communications facilities located on City infrastructure in the PROW will generate revenue in the form of rent from the MFLA for each installation. As discussed in the staff report, this rate will be set at \$270 per pole annually. The City has contributed approximately \$60,000 towards the creation and review of the wireless ordinance and MFLA template creation process, including opportunities for vendor feedback.

While these efforts have been budgeted and paid for out of the City Manager's Office, the City's intent is to offset some of these costs from the fee required to be paid by carriers at the time they enter into an MFLA with the City.

STRATEGIC ROADMAP

This agenda item promotes the Improve Infrastructure strategic roadmap priority; however, there is not a specific project related to this item outlined in the Council's Strategic Roadmap.

PUBLIC CONTACT

As mentioned previously in the staff report, there have been numerous ongoing discussions with multiple carriers regarding the appropriate MFLA template over the course of the last two years. Additionally, starting in September 2018, the concept and framework for the Wireless Ordinance and MFLA was brought forth to CTAC. Following this, Council approved the Wireless Ordinance in January 2019, which incorporated Council and CTAC feedback.

NEXT STEPS

If Council approves this item, staff will proceed with entering into MFLAs with individual wireless carriers that are in substantial conformance with the MFLA template approved this evening. Once a specific MFLA is entered into with a carrier, they can submit site specific applications through the City's standard processing process, similar to an encroachment permit process. This process is already being incorporated into the City's cloud hosted planning and permitting solution for further ease of access and use internally and externally.

Prepared by: Nathaniel Roush, IT Manager

Recommended by: Jennifer Ott, Assistant City Manager

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-_____

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD APPROVING THE MUNICIPAL FACILITY LICENSE AGREEMENT TEMPLATE FOR THE ATTACHMENT OF WIRELESS FACILITIES TO CITY-OWNED VERTICAL INFRASTRUCTURE IN THE PUBLIC RIGHT-OF-WAY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE MASTER FACILITY LICENSE AGREEMENTS WITH QUALIFIED COMPANIES IN SUBSTANTIAL CONFORMANCE WITH THE TEMPLATE AND UPON APPROVAL BY THE CITY ATTORNEY AS TO FORM

WHEREAS, the Telecommunications Act of 1996 (TCA) recognized that cities have authority to regulate personal wireless service facilities, but limited the scope of such regulation; and

WHEREAS, the TCA prevents cities from prohibiting or effectively prohibiting these facilities and requires cities to act on applications for these facilities within a reasonable timeframe; and

WHEREAS, Congress passed Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 on February 22, 2012, generally requires that a state and local government “may not deny, and shall approve” certain applications for substantial changes to existing sites that modify transmission equipment at an existing wireless tower or base station; and

WHEREAS, in 2014 the Federal Communications Commission (FCC) adopted regulations interpreting Section 6409(a) that established an expedited timeframe for the review of proposed modifications and defined key terms in the statute that control whether the local agency may deem that a modification causes a substantial change; and

WHEREAS, new regulations issued by the FCC in 2018 that apply to “small wireless facilities” generally preempt subjective land-use regulations, preempt local regulations that prohibit or effectively prohibit the provision of wireless services, and impose expedited review timeframes to provide applicants with a judicial remedy when the State or local government fails to approve or deny the request within the timeframes established by the FCC; and

WHEREAS, California Public Utilities Code sections 7901 and 7901.1 grant telephone corporations a limited right to use the public rights-of-way for facilities, which

includes personal wireless service facilities, necessary to provide telephone services, as long as such installations do not “incommode” or interfere with public use of the public right-of-way and are subject to the City’s aesthetic regulations and reasonable controls imposed by the City as to time, place, and manner in which the public right-of-way is accessed; and

WHEREAS, the City’s existing regulations and licensing arrangements, which are applicable to any installations in the public right-of-way, are not most protective of the City’s authority and must be updated to comply with current federal and state laws; and

WHEREAS, the City Council desires to protect and promote public health, safety, and welfare, and also balance the benefits that flow from robust, advanced wireless services with the City’s local values, which include, without limitation, the public’s use of the City’s rights-of-way, the aesthetic character of the City, its various neighborhoods and community without (1) prohibiting or effectively prohibiting any personal wireless service provider’s ability to provide personal wireless services; (2) prohibiting or effectively prohibiting any personal wireless service provider’s ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulations; (3) unreasonably discriminating among providers of functionally equivalent services; (4) denying any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC’s regulations concerning such emissions; (5) prohibiting any collocation or modification that the City may not deny under federal or state law; or (6) otherwise authorizing the City to preempt any applicable federal or state law or regulation; and

WHEREAS, the adoption of this resolution is necessary to ensure that the City’s regulation of personal wireless facilities in the public right-of-way is consistent with federal and state laws, does not unreasonably interfere with public use of the public right-of-way, and preserves public peace, health, and safety, to the extent allowed under federal and state laws.

BE IT RESOLVED that the City Council of the City of Hayward approves the municipal facility license agreement template for the attachment of wireless facilities to City-owned vertical infrastructure in the public right-of-way, which is included as Attachment III to the staff report and incorporated herein by reference, and authorizes the City Manager to execute master facility license agreements with qualified companies in substantial conformance with the template and upon approval by the city attorney as to form.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

MUNICIPAL FACILITY LICENSE AGREEMENT

THIS MUNICIPAL FACILITY LICENSE AGREEMENT (the “Agreement”) is dated as of _____, 20__ (the date fully executed by all parties, referred to herein as “Effective Date”), and entered into by and between the City of Hayward, a California municipal corporation (the “Licensor”), and _____, a _____ (“Licensee”). Licensor and Licensee are referred to herein collectively as the “Parties” or individually as a “Party.”

Recitals

A. WHEREAS, the Licensor is the owner of certain Municipal Facilities (as defined below) located in the Rights-of-Way (as defined below) of the City of Hayward (“City”);

B. WHEREAS, Licensee is authorized to conduct business as a telephone company in the State of California;

C. WHEREAS, Licensee desires to use space on certain of the Licensor’s Municipal Facilities in the Rights-of-Way to construct, attach, install, operate, and maintain of its Equipment (as defined below);

D. WHEREAS, Licensor is willing to allow Licensee to use and physically occupy portions of the Municipal Facilities in the Rights-of-Way subject to the terms and conditions of this Agreement.

Agreement

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to the following covenants, terms, and conditions:

1. DEFINITIONS. The following definitions shall apply generally to the provisions of this Agreement:

1.1 “Equipment” means the equipment cabinets, antennas, related equipment, utilities, and fiber optic cables, and wires, whether referred to individually or collectively, to be installed on a Municipal Facility and operated by Licensee under a particular Supplement.

1.2 “Hazardous Substance” means any substance, chemical or waste that is identified as hazardous or toxic in any applicable federal, state or local law or regulation, including, but not limited to, petroleum products and asbestos.

1.3 “Laws” means any and all applicable statutes, codes, constitutions, ordinances, resolutions, regulations, judicial decisions, rules, tariffs, administrative orders, court orders, or other requirements of the Licensor or other governmental agency having jurisdiction over the parties to this Agreement as such laws may be amended from time to time.

1.4 “Make-Ready Work” means the work required on or in a Municipal Facility to create space for the Equipment, and/or replacing and/or reinforcing the existing Municipal Facility to accommodate Equipment including, but not limited to, rearrangement or transfer of existing Equipment and the facilities of other entities, and Municipal Facility relocation and replacement if applicable.

1.5 “Municipal Facilities” means Licensor-owned structures and equipment in the ROW, including, but not limited to, street lights, street furniture, bus stops, billboards, or other poles, lighting fixtures, or electroliers located within the ROW, and may refer to such facilities in the singular or plural, as appropriate to the context in which used. The term includes Replacement Facilities referred to in Section 4.1.4. The term excludes decorative light poles and traffic signal poles.

1.6 “Person” means and includes any individual, partnership of any kind, corporation, limited liability company, association, joint venture, or other organization, however formed, as well as trustees, heirs, executors, administrators, or assigns, or any combination of such persons.

1.7 “PUC” means the California Public Utilities Commission.

1.8 “Right(s)-of-Way” or “ROW” has the same meaning as the definition of “Public right of way” in Section 7-4.10 of the Hayward Municipal Code.

1.9 “Services” means the transmission and reception of communications signals for the provision of personal wireless services, telecommunications services and mobile data services as defined in federal law, but specifically excluding cable services and/or video services as defined by the Digital Infrastructure and Video Competition Act (as codified in Public Utilities Code section 5800 et seq.).

1.10 “Supplement” shall mean each separate authorization, granted by Licensor to Licensee with regard to a specific Equipment installation, the form of which is attached hereto as Exhibit A, each and every of which shall be subject to the terms and conditions of this Agreement.

1.11 “Transfer” means any transaction in which the rights and/or obligations held by Licensee under this Agreement or a Supplement are transferred, directly or indirectly, in whole or in part to a party other than Licensee.

2. TERM; SUPPLEMENT TERM.

2.1 **Term.** The initial term of this Agreement shall be for a period of ten (10) years (the “Initial Term”), commencing on the Effective Date and ending on the tenth (10th) anniversary thereof, unless sooner terminated as provided herein. Provided that Licensee is not in default of the Agreement or any Supplement following written notice and the expiration of any applicable cure period at the time of renewal, this Agreement shall be automatically renewed for two (2) successive five (5) year renewal terms (each, a “Renewal Term”), unless either Party gives the other Party written notice of the intent not to renew this Agreement at least six (6) months prior to the expiration of the Initial Term or any Renewal Term, as applicable. The Initial Term and all Renewal Terms shall be collectively referred to herein as the “Term.” Except as

provided in Section 6.12, any holding over after the termination or expiration of the Term shall constitute a default by Licensee, notwithstanding that Licensor may elect to accept one or more payments of fees from Licensee after such default occurs.

2.2 **Supplement Term.** Unless otherwise specified in a Supplement, the initial term for each particular Supplement shall begin on its effective date (“Supplement Effective Date”) and shall end upon the expiration of the Term, unless such individual Supplement is earlier terminated or this Agreement is earlier terminated, as provided for herein (the “Supplement Term”). All of the provisions of this Agreement shall be in effect during the Supplement Term. The expiration or termination of the Agreement shall immediately terminate all Supplements. Except as provided in Section 6.12, any holding over after the expiration of the Supplement Term shall constitute a default by Licensee, notwithstanding that Licensor may elect to accept one or more payments of fees from Licensee after such default occurs.

3. **REPRESENTATION CONCERNING SERVICES; NO AUTHORIZATION TO PROVIDE OTHER SERVICES.** Licensee represents, warrants, and covenants that its Equipment installed pursuant to this Agreement and each Supplement will be utilized solely for providing the Services, and Licensee is not authorized to and shall not use its Equipment installed on Municipal Facilities to offer or provide any other services not specified herein without Licensor’s prior written consent. At any time that Licensee ceases to operate as a provider of Services under federal or state law, it shall provide written notice of the same to Licensor within ten (10) business days of such cessation, at which time the Licensor shall have the option, in its sole discretion and upon six (6) months’ written notice to Licensee, to terminate this Agreement and to require the removal of Licensee’s Equipment from the ROW and from Municipal Facilities, including the cost of any site remediation, at no cost to the Licensor and without any liability to Licensee related directly or indirectly to such termination.

4. **SCOPE OF AGREEMENT.** Licensee may only use Municipal Facilities pursuant to an approved Supplement. Any and all rights expressly granted to Licensee under this Agreement shall be exercised at Licensee’s sole cost and expense, and shall be subject to the restrictions set forth herein.

4.1 **Attachment to Municipal Facilities.** Subject to the conditions herein, Licensor hereby authorizes and permits Licensee to locate, place, attach, install, operate, maintain, control, remove, reattach, reinstall, relocate, and replace Equipment on identified Municipal Facilities located in the ROW for the purpose of providing Services.

4.1.1 In any situation where Licensee has a choice of attaching its Equipment either to Municipal Facilities or to third-party-owned property in the ROW, Licensee shall use good faith efforts to seek approval to attach to the Municipal Facilities, provided that: (i) such Municipal Facilities are at least equally functionally suitable for the operation of Licensee’s Equipment to meet Licensee’s Service needs and (ii) the rental fee and installation costs, including Make-Ready Work, associated with such attachment over the length of the Term are comparable to the rental fee and installation costs, including Make-Ready Work, to Licensee of attaching to third-party-owned property.

4.1.2 Licensee will submit to the authorized representative of the Licensor an application substantially in the form of Exhibit B (“Application”) hereto including a proposed design for any proposed Equipment installations that identifies both the Equipment and the Municipal Facility Licensee proposes to use. One Application is required per Municipal Facility. A total of 10 applications can be submitted at the same time if the proposals use the same type of equipment and are being placed on the same type of structure.

4.1.3 Licensor may approve, approve with conditions, or disapprove an Application in its sole discretion, subject to applicable federal and state laws; provided however, that Licensor shall not unreasonably delay its decision. Any approved Equipment shall be included as part of the applicable Supplement.

4.1.4 If Licensee submits an Application to use a Municipal Facility that is structurally inadequate or otherwise unsuitable to accommodate its proposed Equipment, Licensor may permit the replacement of the Municipal Facility with a non-standard pole to accommodate Licensee’s Equipment (a “Replacement Facility”) with one that is acceptable to and approved by the Licensor as part of the applicable Supplement. Any Replacement Facility shall be installed and maintained in accordance with Section 6 of this Agreement.

4.1.5 Unmetered electricity where possible. Licensee shall be solely responsible for obtaining and maintaining the provision of electricity to the Equipment, including, but not limited to, making payments to electric utilities. Where commercially feasible and available, Licensee shall secure unmetered electricity services. If a meter is required by the electric utility, the City and Licensee will cooperate to use a low-profile wireless smart meter on the Municipal Facility or utilize an underground vault for the meter, wherever possible, rather than a separate meter pedestal. If service using a flat rate, a pole-mounted wireless smart meter, or a meter in an underground vault would be facilitated by sharing a City circuit or provisioning point serving the Municipal Facility, the Parties will cooperate to enter into a separate circuit use agreement and the application will include the information needed to evaluate such use.

4.2 **Additional Authority.** Nothing in this Agreement shall limit in any way Licensee’s obligation to obtain any additional required regulatory approvals or permits from any City department, board, commission, or other governmental agency that has regulatory authority over the Licensee’s proposed activities involving use of the Municipal Facilities in the ROW.

4.3 **No Interference.** Licensee acknowledges and agrees that the primary purpose of the Municipal Facilities is to serve the Licensor and the public. In the performance and exercise of its rights and obligations under this Agreement, Licensee shall not interfere in any manner with Licensor’s own services or the existence and operation of any and all public and private rights-of-way, sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electrical and telephone wires, traffic signals, communication facilities owned by the Licensor, electroliers, cable television, location monitoring services, public safety and other then existing telecommunications equipment, utilities, or municipal property, without the express written approval of the owner or owners of the affected property or properties, except as permitted by Laws or this Agreement. If any physical interference occurs or if any RF interference affects Licensor’s services and facilities, Licensee shall take corrective measures to eliminate such interference, including powering down or discontinuing using the Equipment,

methodology, or technology that causes the interference until such time as the interference is corrected or eliminated. . In the event that such interference does not cease promptly, Licensee acknowledges that continuing interference may cause irreparable injury and harm, and therefore, in addition to any other remedies, and without limitation of any other remedy, Licensor shall be entitled to seek temporary and permanent injunctions against the breach of this Subsection. Notwithstanding the foregoing, Licensor and Licensee agree to work in good faith with each other to resolve any interference to or by Licensee, and to meet and confer with each other to try to address and resolve interference issues before seeking injunctive relief. To the extent the interference concerns RF interference between Licensee and third parties, the regulations promulgated by the Federal Communications Commission shall control the resolution of same.

4.4 Permits; Default. In addition to any other remedies available hereunder, whenever Licensee is in default of this Agreement or an applicable Supplement, after all applicable notice and cure periods, Licensor may deny further encroachment, excavation, or other permits for work in connection with installations under this Agreement until such time as Licensee cures all of its defaults.

4.5 Compliance with Laws. Licensee shall comply with all Laws in the exercise and performance of its rights and obligations under this Agreement.

4.6 Non-Exclusive Use Rights. Notwithstanding any other provision of this Agreement, any and all rights expressly or impliedly granted to Licensee under this Agreement shall be non-exclusive (except the Licensed Areas (as defined in each applicable Supplement) of individual Municipal Facilities identified in approved Supplements shall be exclusive to Licensee’s use), and shall be subject and subordinate to (1) the continuing right of the Licensor to use, and to allow any other person or persons to use, any and all parts of the ROW or Municipal Facilities (except the Licensed Areas) of individual Municipal Facilities identified in approved Supplements), exclusively or concurrently with any other person or persons, and (2) the public easement for streets and any and all other deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title (collectively, “Encumbrances”) which may affect the ROW or Municipal Facilities now or at any time during the Term of this Agreement, including, without limitation any Encumbrances granted, created, or allowed by the Licensor at any time.

5. COMPENSATION. Licensee shall be solely responsible for the payment of all fees in connection with Licensee’s performance under this Agreement, including, but not limited to, those set forth below.

5.1 One Time Fees. The Licensor activities described in this Section 5.1 are “One-Time Fees” that reimburse the City for its costs associated with this Agreement, and reviewing and approving permits and applications to attach Equipment on identified Municipal Facilities located in the ROW pursuant to this Agreement and Supplements to this Agreement.

5.1.1 Permit Fees/Deposits. Licensee shall be responsible for paying all costs associated with City review, processing and inspection as part of all permit applications filed for the installation, modification, maintenance and removal of Equipment on identified Municipal Facilities located in the ROW. Applicable permit fees/deposits are set forth in the City of

Hayward Master Fee Schedule, which may be amended from time to time by the City of Hayward.

5.1.2 MLA Processing and Supplement Fees/Deposits. Licensee shall be responsible for paying all costs associated with Licensor review and processing of this Agreement and any Supplements thereto (or any amendment thereto) and/or the other administrative review, consultation and inspection described in this Agreement, including review of Licensee submittals. Applicable MLA processing and Supplement fees/deposits are set forth in the City of Hayward Master Fee Schedule, which may be amended from time to time by the City of Hayward.

5.1.3 Deposits. The fee and deposit amounts shall be assessed and administered consistent with standard Licensor practice and Master Fee Schedule(s) as currently adopted and subsequently amended or replaced, in a manner consistent with applicable law. Where a deposit is required, Licensee shall submit a deposit to Licensor to cover the fees and costs in Sections 5.1.1 and 5.1.2 above in accordance with the City's Master Fee Schedule(s). All actual costs incurred by Licensor shall be reimbursed by Licensee to Licensor from any such deposit. Licensee shall replenish the deposit at Licensor's request as the deposit is depleted or within sixty (60) days of a final invoice. No permit or Supplement will be issued until all permit and Supplement costs are paid in full. Any portion of the deposit not used to reimburse Licensor's costs shall be credited towards future Application review costs or, at Licensee's request, repaid to Licensee.

5.2 **Rent.**

5.2.1 Licensee acknowledges that the FCC has issued an Order (FCC 18-133) that relates to the rent which went into effect on January 14, 2019 but that FCC Order is currently the subject of litigation. Paragraphs 5.2.2, 5.2.3, 5.2.4, and 5.2.5 govern the payment of rent and how it may be impacted by the FCC Order and the resolution of related litigation during the Term.

5.2.2 During any period in which the FCC Order is in effect and during any period in which the Adjusted Rent or Alternate Rent provisions in paragraphs 5.2.3 and 5.2.4, respectively, are not applicable, the Licensee shall pay rent as described in this paragraph. Licensee shall pay to the Licensor the base amount of two hundred and seventy dollars (\$270.00) per calendar year for each location covered by a Supplement. The base amount under all Supplements shall be subject to an annual adjustment of three percent (3%) applied on each anniversary of the Effective Date. Any new Supplements entered into during a given year shall commence at the rent, as adjusted by this Section to reflect the then-current rate. (the "Rent"). If the cost-based requirement is not invalidated but the two hundred seventy dollar (\$270) safe harbor established by the FCC Order is invalidated, the Licensee shall continue to pay Rent until: (i) the FCC establishes a new safe harbor amount for recurring fees; (ii) the City establishes an Adjusted Rent under paragraph 5.2.3; or (iii) the Alternate Rent becomes applicable.

5.2.3 **Cost Study.** During any period in which the FCC Order is in effect, Licensor reserves the right to adjust the Rent paid in paragraph 5.2.2 ("Adjusted Rent") based on

a study of its actual costs (“Cost Study”). In the event the Licensor conducts a study hereunder and elects to apply the Adjusted Rent, the Licensor must provide any study and a breakdown of actual costs considered resulting in the Adjusted Rent, and the Adjusted Rent shall apply as of the next anniversary of the Effective Date. The Adjusted Rent shall be subject to an annual adjustments of three percent (3%) applies on each anniversary of the Effective Date.

5.2.4 In the event that the cost-based requirement for recurring fees from the FCC Order ceases to be effective, (for example, because it is stayed, or it is vacated or invalidated), the Licensee shall automatically and immediately be obligated to pay Alternate Rent as described in this paragraph and paragraph 5.2.5, if applicable. For each location covered by a Supplement, Licensee shall pay Alternate Rent to Licensor for each Municipal Facility used by Licensee, on an annual basis on the Effective Date, in the base amount of one thousand five hundred dollars (\$1,500). The base amount under all Supplements shall be subject to an annual adjustment of three percent (3%) applied on each anniversary of the Effective Date. (“Alternate Rent”). Any new Supplements entered into during a given year shall commence at the Alternate Rent.

5.2.5 The Licensor agrees that irrespective of whether the relevant provisions of the FCC Order cease to be effective, no Alternate Rent shall be due for any periods during which the relevant provisions of the FCC Order were in effect. However, if Licensee has paid Rent or Adjusted Rent pursuant to the provisions of paragraph 5.2.2 or paragraph 5.2.3, respectively, for a calendar year, and the cost-based requirement for recurring fees from the FCC Order subsequently ceases to be effective during the same calendar year, the Licensee shall pay the difference between the Rent or Adjusted Rent, as applicable, and the Alternate Rent for the period from the date the cost-based requirement for recurring fees from the FCC Order ceased to be effective, until the next anniversary of the Effective Date (“Rent Adjustment”). Such Rent Adjustment shall be paid to Licensor on the anniversary of the Effective Date of the following year.

5.2.6 Receipt of any Rent, Adjusted Rent, or Alternate Rent by the Licensor, with knowledge of any breach of this Agreement by Licensee, or of any default on the part of Licensee in the observance or performance of any of the conditions or covenants of this Agreement, shall not be deemed a waiver of any provision of this Agreement. There shall be no refunds of Rent, Adjusted Rent, Alternate Rent or Rent Adjustment paid due to the termination or expiration of the License or any Supplement for any reason.

5.3 **Fiber-in-Lieu of Rent, Adjusted Rent, or Alternate Rent.** If Licensee owns and installs fiber in connection with this Agreement, Licensor and Licensee may, but shall not be required to, agree in any Supplement(s) that, as partial or full consideration for the deployment of Equipment on Municipal Facilities within the ROW, in lieu of payment of Rent, Adjusted Rent, or Alternate Rent, Licensee may transfer ownership to Licensor of designated strands of fiber and associated conduit and pull boxes installed in the ROW and owned by Licensee.

5.4 **Payment.**

5.4.1 Licensee shall make the first payment of the Rent, Adjusted Rent, or Alternate Rent (whichever is applicable) under any Supplement within forty-five (45) days of the

Supplement Effective Date (as defined therein). The amount of the first payment of the Rent, Adjusted Rent, or Alternate Rent for any Supplement shall be prorated to cover the period from the Supplement Effective Date of the applicable Supplement to the next anniversary of the Effective Date of this Agreement. Thereafter, the Rent, Adjusted Rent, or Alternate Rent shall be paid in advance for each Municipal Facility used on or before each anniversary of the Effective Date. Acceptance by Licensor of any payment of the Rent, Adjusted Rent, or Alternate Rent shall not be deemed a waiver by Licensor of any breach of this Agreement occurring prior thereto, nor will the acceptance by Licensor of any such payment preclude Licensor from later establishing that a greater amount was actually due or from collecting any balance that is due. Licensor hereby agrees to provide to Licensee certain documentation (the "License Documentation") evidencing Licensor's interest in, and right to receive payments under, this Agreement, including without limitation: (i) a complete and fully executed Internal Revenue Service Form W-9 and California Franchise Tax Board Form 590, or their respective tax equivalents, in a form acceptable to Licensee, for any party to whom rent payments are to be made pursuant to this Agreement; and (ii) other documentation requested by Licensee in Licensee's reasonable discretion. From time to time during the Term of this Agreement and within thirty (30) days of a written request from Licensee, Licensor agrees to provide updated License Documentation in a form reasonably acceptable to Licensee.

5.4.2 The Rent, Adjusted Rent, or Alternate Rent (and any Rent Adjustment) shall be paid by check made payable to the City and mailed or delivered to the Director of Public Works, at the address provided for in Section 10 below. The place and time of payment may be changed at any time by Licensor upon thirty (30) days' written notice to Licensee. Mailed payments shall be deemed paid upon the date such payment is officially postmarked by the United States Postal Service. If postmarks are illegible to read, the payment shall be deemed paid upon actual receipt. Licensee assumes all risk of loss and responsibility for late payment charges if payments are made by mail. Notwithstanding the foregoing, upon agreement of the parties, Licensee may pay the Rent by electronic funds transfer, and if agreed, the Licensor will provide to Licensee bank routing information for such purpose upon request of Licensee.

5.5 **Delinquent Payment.** A five percent (5%) late fee shall be added to the Rent, Adjusted Rent, or Alternate Rent (and any Rent Adjustment) if not received by Licensor within 30 calendar days after the due date. In addition, all unpaid fees shall accrue interest on the amount due at the rate of five percent (5%) per annum until paid in full. All late fees and interest payments shall be treated as part of, and subject to the same terms as, the Rent under this Agreement.

5.6 **Additional Remedies.** The late fee set forth in Section 5.5 above is not exclusive, and does not preclude the Licensor from pursuing any other or additional remedies in the event that payments become overdue by more than thirty 30 days.

6. **CONSTRUCTION.** Licensee shall comply with all applicable federal, state, and local codes related to the construction, installation, operation, maintenance, and control of Licensee's Equipment installed on Municipal Facilities. Except as permitted in Section 6.9 below, Licensee shall not attach, install, maintain, or operate any Equipment on Municipal Facilities without the prior written approval of an authorized representative of the Licensor for each location as evidenced in a signed Supplement. Licensee shall keep the Municipal Facilities free and clear

from any liens arising out of any work performed, material furnished, or obligations incurred by or for Licensee. Licensee shall complete the installation of its Equipment on each Municipal Facility within one (1) year of the Supplement Effective Date unless otherwise specified in the Supplement. The City may extend the one-year deadline for completing installation, in its sole discretion, in specific situations for good cause.

6.1 **Reports.** On an annual basis on January 1 of each year, Licensee shall promptly furnish to Licensor a current list and map that identifies the exact location of the Equipment in or on each Municipal Facility approved in a Supplement. That information must be provided in a format that is compatible with Licensor's information technology, including but not limited to ESRI compatible GIS shapefiles, which Licensor shall provide to Licensee upon request.

6.2 **Site Selection and Design Standards.** The Equipment and any Replacement Facility shall comply with the then-current site selection and design standards posted on the Public Works webpage, as may be revised or amended from time to time, and with the City permit and conditions of approval. The version in effect as of the Effective Date is set forth in Exhibit D and available at the following link: <https://www.hayward-ca.gov/documents/small-cell-development-and-design-guidelines-street-light>. All future Supplements and modifications to existing Equipment shall be subject to then-current design standards in the Hayward Municipal Code or published on the City website. It is the sole responsibility of Licensee to ensure that the then-current standards are consulted before applying for any future Supplement.

6.3 **Obtaining Required Permits.** Licensee acknowledges that in addition to a signed Supplement, each installation of Equipment and maintenance thereof shall also be subject to then-current City permitting requirements as set out in the City's Municipal Code, including but not limited to Chapter 7 – Public Works, Article 4 – Wireless Communications Facilities in the Public Right of Way. Licensee agrees to comply with the current applicable ordinances regarding such installations and maintenance as well as any future regulations that may be adopted by the City related to such installations and maintenance. Licensee shall apply for the appropriate permits and pay any standard and customary permit fees.

6.4 **Relocation and Displacement of Equipment.**

6.4.1 This Agreement creates no right for Licensee to receive any relocation assistance or payment for any reason under the Relocation Assistance Act, the Uniform Relocation Assistance Act, or under any existing or future law upon any termination of tenancy.

6.4.2 Licensee understands and acknowledges that Licensor retains all discretion to relocate Municipal Facilities and may require Licensee to relocate one or more of its Equipment installations on a Municipal Facility or due to the relocation of the Municipal Facility. Licensee shall at Licensor's direction and upon ninety (90) days' prior written notice to Licensee, relocate such Equipment at Licensee's sole cost and expense whenever Licensor reasonably determines that the relocation is needed for any of the following purposes: (a) if required for the construction, modification, completion, repair, relocation, or maintenance of a Licensor or other public agency project; (b) because the Equipment is interfering with or adversely affecting proper operation of Municipal Facilities; or (c) to protect or preserve the public health or safety, including, but not limited to, the safe or efficient use of rights-of-way. In

any such case, Licensor shall use reasonable efforts to afford Licensee a reasonably equivalent alternate location. If Licensee shall fail to relocate any Equipment as requested by the Licensor within the prescribed time, Licensor shall be entitled to remove or relocate the Equipment at Licensee's sole cost and expense, without further notice to Licensee. Licensee shall pay to the Licensor actual costs and expenses incurred by the Licensor in performing any removal or relocation work and any storage of Licensee's property after removal within forty-five (45) days of the date of a written demand accompanied by supporting documentation for this payment from the Licensor.

6.4.3 To the extent the Licensor has actual knowledge thereof, the Licensor will attempt promptly to inform Licensee of the displacement or removal of any Municipal Facility on which any Equipment is located.

6.5 Relocations at Licensee's Request. In the event Licensee desires to relocate any Equipment from one Municipal Facility to another, Licensee shall so advise Licensor. Licensor will use reasonable efforts to accommodate Licensee by making another reasonably equivalent Municipal Facility available for use in accordance with and subject to the terms and conditions of this Agreement. Licensor may require Licensee to submit an application and/or enter into a new Supplement for the prospective relocation site. Licensee shall be liable for all costs of relocation, including any costs which Licensor may incur.

6.6 Make Ready

6.6.1 Make Ready Work and Costs.

(a) Licensee shall bear responsibility for all Make-Ready Work. If a Person other than Licensee or Licensor would have to rearrange or adjust any of its facilities in order to accommodate new Equipment, Licensee shall be responsible, at Licensee's sole expense, to coordinate such activity. Licensee shall be responsible for directly paying such other Person for its charges for the same. If Licensee is requested by another Person, in comparable circumstances, to relocate or adjust any Equipment to accommodate that Person's facilities, subject to Licensor's written approval of such relocation, Licensee shall reasonably cooperate with such request.

(b) Construction, installation, and operation of the Equipment shall be conditioned on the completion of all Make-Ready Work needed to establish full compliance with NESC, and with Licensor's regulatory rules and engineering standards, and subject to the inspection and approval of Licensor; provided, however, that Licensee shall not be responsible for any third-party or Licensor costs necessary to correct third party or Licensor attachments that are non-compliant at the time of Licensee's Application.

6.6.2 Notification of Completion of Installation. Within twenty (20) business days of completing the installation of Equipment on each Municipal Facility, Licensee shall notify Licensor of such completion.

6.7 Replacement Facilities

6.7.1 Ownership of Replacement Facilities Licensor shall own any approved Replacement Facility. Where needed, Licensee shall cooperate with Licensor to transfer ownership and any associated warranties of any Replacement Facility from Licensee to Licensor without charge to Licensor.

6.7.2 Replacement Facility Installation. If Licensee is performing Make-Ready Work, Licensee shall be responsible for providing and installing any approved Replacement Facility.

6.8 Damage, Maintenance & Repair.

6.8.1 Licensee shall, at its sole cost and expense and to the satisfaction of the Licensor: (a) remove, repair, or replace any of its Equipment that is damaged or becomes detached; and/or (b) repair any damage to ROW, Municipal Facilities, or other property, whether public or private, caused by Licensee, its agents, employees, or contractors in their actions relating to attachment, operation, repair, or maintenance of Equipment. Licensee shall complete such removal, repair, or replacement within thirty (30) days' of written notice.

6.8.2 Licensor shall maintain and keep the Municipal Facilities authorized to be used by Licensee pursuant to any Supplement (other than any Replacement Facilities) in good condition in accordance with Licensor's standard maintenance requirements. Such maintenance of Municipal Facilities shall be at Licensor's sole cost and expense, except to the extent this Agreement provides otherwise. In the event that a Replacement Facility needs to be cleared from the ROW, Licensor shall conduct this work. In the event a Municipal Facility (including any Replacement Facility) being used by Licensee pursuant to a Supplement needs to be replaced or repaired, Licensor shall conduct this work at Licensee's expense using Replacement Facilities provided by Licensee in advance. For every five (5) Equipment installations, Licensee shall provide the Licensor with one extra Replacement Facility during the Terms of the Agreement, which Licensor will store.

6.8.3 The work to be performed by or services to be provided by Licensee under this Agreement or a Supplement may be subject to prevailing wage rate payment as set forth in California Labor Code Section 1771 ("**Section 1771**"). Accordingly, to the extent that such services are subject to the prevailing wage rate payment requirements set forth in Section 1771, Licensee shall comply with all applicable California Labor Code requirements pertaining to "public works" or "maintenance," including the payment of prevailing wages in connection with the services to be provided hereunder (collectively, "**Prevailing Wage Policies**"). Within thirty (30) business days following Licensee's receipt of Licensor's written request, Licensee shall make available during Licensee's regular weekday business hours for Licensor's inspection at Licensee's corporate offices Alameda County which Licensee shall designate, copies of Licensee's payroll records that pertain to this Agreement or a Supplement and are subject to the Prevailing Wage Policies to the Licensor. Licensor shall also have the right to copy such records, subject to Licensor's written agreement that Licensor shall only disclose such records to the extent that Licensor is required under applicable Laws to make such records available for review by or disclosure to third parties.

6.8.4 Licensee shall defend, indemnify and hold Licensor harmless and its officers, officials, employees, volunteers, agents and representatives (collectively, “**Indemnitees**”) from and against any and all present and future liabilities, obligations, orders, claims, damages, fines, penalties and expenses (including attorneys’ fees and costs) (collectively, “**Claims**”), arising directly from or in direct connection with Licensee’s failure to comply with any Prevailing Wage Policies that apply to the work relating to Licensee’s Equipment under this Agreement or any Supplements, including all Claims made by contractors, subcontractors or other third party claimants with whom Licensee has contracted to perform work relating to Licensee’s Equipment within the scope of this indemnity pursuant to Labor Code sections 1726 and 1781, as amended and added by Senate Bill 966.

6.8.5 If Licensee does not remove, repair, replace, or otherwise remediate such damage to its Equipment, a Replacement Facility, or to the ROW, Municipal Facilities or other property as required in this Section 6.8, the Licensor shall have the option to perform or cause to be performed such removal, repair, or replacement on behalf of Licensee and shall charge Licensee for the actual costs incurred by the Licensor. If such damage causes a public health or safety emergency, as reasonably determined by Licensor, Licensor may immediately perform reasonable and necessary repair or removal work on behalf of Licensee and will notify Licensee as soon as practicable; provided, however, that such repair work shall not include any technical work on Licensee’s Equipment. Licensor shall have no obligation to maintain or safeguard the Equipment.

6.8.6 Upon the receipt of a demand for payment, along with supporting documentation, by the Licensor pursuant to this Section 6.8, Licensee shall within thirty (30) days of such receipt reimburse the Licensor for such costs.

6.8.7 The terms of this Section 6.8 shall survive the expiration termination of this Agreement.

6.9 **Change in Equipment.** If Licensee desires to install Equipment which is different in any material way from the then-existing and approved Equipment, then Licensee shall first obtain the written approval for the use and installation of such Equipment from an authorized representative of the Licensor. Any such approval shall take the form of an amendment to the applicable Supplement. In addition to any other submittal requirements, and if requested by Licensor, Licensee shall provide “load” (structural) calculations for all Equipment changes. In addition to the foregoing, Licensee shall comply with any other applicable City permitting or approval process for the Equipment change. Notwithstanding the foregoing, Licensor’s approval for modifications or an amendment to the applicable Supplement shall not be required in connection with routine maintenance or modifications that consist of upgrades or replacement of “like-kind” Equipment which is substantially similar (or smaller in size) in appearance, dimensions, weight, and RF emissions to the then-existing and approved Equipment.

6.10 **Unauthorized Equipment.** If Licensor discovers any Equipment has been installed on Municipal Facilities without authorization pursuant to this Agreement or a Supplement, Licensor may send an invoice to Licensee for a sum equal to five (5) times the then-current Rent as compensation for the unauthorized attachments, and, within sixty (60) days from the date of such invoice, Licensee shall (i) pay the invoiced amount to Licensor and submit an

Application for the unauthorized Equipment, or (ii) produce documentation showing Licensor's prior approval of the Equipment identified in the invoice. If, in accordance with this Section, Licensee fails to pay all fees and submit the Application or submit documentation satisfactorily showing Licensor's prior approval within sixty (60) days of Licensor's invoice, Licensor may remove the unauthorized Equipment at Licensee's expense. If Licensor removes such unauthorized Equipment, Licensee has ten (10) days to pick up the Equipment and pay the Licensor a storage fee or such Equipment shall become the property of Licensor, who shall have sole rights over such Equipment's disposition. Licensor's removal of unauthorized Equipment shall not release Licensee from its obligation to pay those invoiced fees accruing pursuant to this Section.

6.11 Termination of a Supplement.

6.11.1 Licensee shall have the right to terminate any Supplement on thirty (30) days' notice to Licensor. In the event of such termination, removal of Equipment associated with the terminated Supplement shall be governed by Section 6.12 below and Licensor shall retain any Rent paid, without refund or setoff.

6.11.2 Licensor shall have the right to terminate any Supplement in any of the following circumstances: if Licensor determines the covered Equipment has been inoperative for sixty (60) consecutive days; if Licensee's operation under a particular Supplement is deemed by Licensor to endanger or pose a threat to the public health, safety, or welfare or interfere with the normal day-to-day operation of any Licensor department or service or the ROW; or Licensor is mandated by law, a court order or decision, or the federal, state, or local government to take certain actions that will cause or require the removal of an Equipment. Licensor shall provide written notice to Licensee regarding its intent to terminate the applicable Supplement pursuant to this Section, after which Licensee shall have thirty (30) days to cure. The City may extend the cure period, in its sole discretion, for good cause. If Licensee does not cure within thirty (30) days following notice, Licensor may then terminate the applicable Supplement upon written notice to Licensee.

6.12 Removal of Equipment. Within sixty (60) days after the expiration or earlier termination of a Supplement, Licensee shall promptly, safely, and carefully remove the Equipment covered by the terminated or expired Supplement from the applicable Municipal Facility and ROW. Within sixty (60) days after the expiration or earlier termination of this Agreement, Licensee shall promptly, safely, and carefully remove all Equipment from all applicable Municipal Facilities and ROW. The City may extend the timeline for removal of Equipment, in its sole discretion, for good cause. If Licensee fails to complete removal work pursuant to this Section, then the Licensor, upon written notice to Licensee, shall have the right at the Licensor's sole election, but not the obligation, to perform this removal work and charge Licensee for the actual costs and expenses, including, without limitation, reasonable administrative costs. Licensee shall pay to the Licensor actual costs and expenses incurred by the Licensor in performing any removal work and any storage of Licensee's property after removal within thirty (30) days of the date of a written demand for this payment from the Licensor. After the Licensor receives the reimbursement payment from Licensee for the removal work performed by the Licensor, the Licensor shall promptly make available to Licensee the property belonging to Licensee and removed by the Licensor pursuant to this Section at no

additional liability to the Licensor. If the Licensor does not receive reimbursement payment from Licensee within such thirty (30) days, or if Licensor does not elect to remove such items at the Licensor's cost after Licensee's failure to so remove pursuant to this Section, or if Licensee does not remove Licensee's property within thirty (30) days of such property having been made available by the Licensor after Licensee's payment of removal reimbursement as described above, any items of Licensee's property remaining on or about the ROW, Municipal Facilities, or stored by the Licensor after the Licensor's removal thereof may, at the Licensor's option, be deemed abandoned. If Licensee's property is deemed abandoned, the Licensor may either dispose of such property in any manner allowed for by Law or elect to take title to the abandoned property. If Licensor elects to take title to the abandoned property, then upon notice written notice from Licensor to Licensee, ownership of such abandoned property shall transfer to Licensor without the need for any further actions or documentation from either Party. Further, Licensee agrees to execute any mutually agreeable additional documents that may be reasonably necessary to effectuate the transfer of ownership of the abandoned property to Licensor. The provisions of this Section shall survive the expiration or earlier termination of this Agreement.

6.13 Risk of Loss. Licensee acknowledges and agrees that Licensee, subject to the terms of this Agreement, bears all risks of loss, damage, relocation, or replacement of its Equipment and materials installed in the ROW or on Municipal Facilities pursuant to this Agreement from any cause, and Licensor shall not be liable for any cost of replacement or of repair to damaged Equipment, including, without limitation, damage caused by the Licensor's removal of the Equipment, except to the extent that such loss or damage was caused by the willful misconduct or gross negligence of the Licensor, including, without limitation, each of its elected officials, department directors, managers, officers, agents, employees, and contractors, subject to the limitation of liability provided in Section 7.3 below.

6.14 Hazardous Substances. Licensee agrees that Licensee, its contractors, subcontractors, and agents, will not use, generate, store, produce, transport, or dispose any Hazardous Substance on, under, about or within the area of a ROW or Municipal Facility in violation of any Law. Except to the extent of the gross negligence or intentional misconduct of Licensor, Licensee will pay, indemnify, defend, and hold Licensor harmless against and to the extent of any loss or liability incurred by reason of any Hazardous Substance produced, disposed of, or used by Licensee pursuant to this Agreement. Licensee will ensure that any on-site or off-site storage, treatment, transportation, disposal or other handling of any Hazardous Substance on behalf of Licensee will be performed by persons who are properly trained, authorized, licensed and otherwise permitted to perform those services.

6.15 Inspection. Licensor may conduct inspections of Equipment on Municipal Facilities. Except in circumstances where Licensor has special reason to be concerned about potential violations or in case of an emergency, Licensor will give Licensee five (5) business days' prior written notice of such inspections, and Licensee shall have the right to be present at and observe any such inspections. Licensee shall pay Licensor for its reasonable costs for safety inspections performed for the purpose of determining if a safety violation of which Licensor has provided notice to Licensee has been corrected by Licensee.

6.16 Access. Licensee shall have access to the Equipment for non-emergency purposes, between the hours of 7:00 AM and 7:00 PM, consistent with the Municipal Code's

limitation on construction noise and/or activity. If Licensee requires non-emergency access outside of these hours, Licensee shall provide telephonic notice, at least 24 hours in advance of accessing its Equipment, to the Licensor at the following telephone number: 510-583-4730. In the event of an emergency at any time, Licensee will, if time permits, attempt to provide prior telephonic notice to the Licensor at the following telephone number: 510-583-4730.

7. INDEMNIFICATION AND RELEASE. Licensee and its affiliates, predecessors, successors, assigns, officers, directors, employees, agents, attorneys, consultants and volunteers voluntarily and knowingly release and forever discharge Licensor and its employees, consultants, officers, officials, agents and successors in interest ("Releasees") from any and all claims, demands, causes of action, damages, liabilities and obligations: a) for injury to or death of Licensee or its respective officers, employees or agents or to damage to property of Licensee pursuant to entry upon the Licensor's ROW or performance of this Agreement or any subsequently issued permit; b) arising from the termination of any right to be in the ROW or termination or transfer of Licensee's ownership of the Equipment, resulting from the act of a third party or termination of the Agreement by Licensor in accordance with the terms of this Agreement, including without limitation claims for inverse condemnation, precondemnation damages, eminent domain, improvements within the public right-of-way, unreasonable preacquisition activity, loss of goodwill, bonus value of the Equipment, interest, attorney fees, expert witness fees, court costs and any and all other expenses which may have been payable to Licensee, including relocation assistance benefits which may arise by reason of Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the California Government Code, Article 9 of Chapter 4 of Division 24 of the California Health and Safety code and federal requirements titled as "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" (Public Law 91-646), as amended, and any and all regulations promulgated thereunder (the "Relocation Laws") or by reason of any law or regulation of the United States of America, the State of California, or the City of Hayward. Licensee understands and agrees that this release fully and finally releases the Releasees from all unknown and unanticipated injuries, losses, or damages, arising out of the claims released hereby. Licensee does further hereby waive all rights and benefits of Section 542 of the Civil Code of the State of California which provides as follows:

A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her, would have materially affected his or her settlement with the debtor or released party.

Licensee shall indemnify, defend, and hold Licensor, its officers, employees, agents, and volunteers harmless from and against any and all liability, claims, suits, actions, damages, and causes of action arising out of any personal injury, bodily injury, loss of life, or damage to property, or any violation of any federal, state, or municipal law or ordinance, or other cause in connection with the negligent or intentional acts or omissions of Licensee, its employees, subcontractors, or agents, or on account of the performance or character of the work pursuant to this Agreement or any subsequently issued permit issued hereunder or Licensee's entry upon the ROW, except for any such claim arising solely out of the active negligence, sole negligence, or willful misconduct of Licensor, its officers, employees, agents, or volunteers. This indemnification shall survive termination of this Agreement

7.1 **Waiver of Claims.** Licensee waives any and all claims, demands, causes of action, and rights it may assert against the Licensor on account of any loss, damage, or injury to any Equipment or any loss or degradation of the Services as a result of any event or occurrence which is beyond the control of the Licensor.

7.2 **Waiver of Subrogation.** Licensee hereby waives and releases any and all rights of action for negligence against Licensor which may hereafter arise on account of damage to Equipment, Municipal Facilities, or to the ROW, regardless of whether or not, or in what amounts, such insurance is now or hereafter carried by the Licensee. This waiver and release shall apply between the Parties and shall also apply to any claims under or through either Party as a result of any asserted right of subrogation. All such policies of insurance obtained by Licensee concerning the Municipal Facilities, Equipment, or the ROW shall waive the insurer's right of subrogation against the Licensor.

7.3 **Limitation on Consequential Damages.** Neither Party shall be liable to the other, or any of their respective agents, representatives, employees for any lost revenue, lost profits, loss of technology, rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, even if advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise.

8. SECURITY DEPOSIT. In order to secure the performance of its obligations under this Agreement, Licensee will provide the following security instrument to the Licensor:

8.1 **Performance Bond.** Prior to the commencement of any work under this Agreement or any applicable Supplement, Licensee must provide a performance bond running to the Licensor in the sum of \$25,000 for the first ten Supplements, and an additional \$25,000 to cover up to an additional ten Supplements, and so on. The performance bond is conditioned upon the faithful performance by Licensee of all the terms and conditions of this Agreement and upon the further condition that, if Licensee fails to comply with any terms or conditions governing this Agreement, there shall be recoverable jointly and severally from the principal and surety of the bond any damage or loss suffered by the Licensor as a result, including, without limitation, the full amount of any compensation, indemnification, or costs of removal or abandonment of Licensee's property, plus costs and reasonable attorneys' fees up to the full amount of the performance bond. Licensee shall keep the performance bond in place during the term of this Agreement. The bond forms shall be in a form approved by the City Attorney. Upon completion of Licensee's removal obligations hereunder, Licensee may terminate the performance bond and City shall cooperate with Licensee in connection with such termination.

8.2 **Assessment of the Bond.** The performance bond may be assessed by the Licensor for any failure by Licensee to pay Licensor an amount owed under this Agreement beyond applicable notice and cure periods, including, but not limited to:

(a) Reimbursement of costs borne by the Licensor to correct violations of the Agreement not corrected by Licensee, after Licensor provides notice and a reasonable opportunity to cure such violations. This shall include, without limitation, removal of Equipment.

(b) Providing monetary remedies or satisfying damages assessed against Licensee due to a material breach of this Agreement.

8.3 Restoration of the Bond. Licensee must deposit a sum of money or a replacement instrument sufficient to restore the performance bond to its original amount within thirty (30) days after written notice from the Licensor that any amount has been recovered from the performance bond and the reasons therefor. Failure to restore the bond to its full amount within thirty (30) days will constitute a material breach of this Agreement. Licensee will be relieved of the foregoing requirement to replenish the bond during the pendency of an appeal from the Licensor's decision to draw on the performance bond.

8.4 Required Endorsement. The performance bond is subject to the approval of the Licensor and must contain the following endorsement:

"This bond may not be canceled until sixty (60) days after receipt by the City of Hayward, by registered mail, return receipt requested, of a written notice of intent to cancel or not to renew."

8.5 Reservation of Licensor Rights. The rights reserved by Licensor with respect to the performance bond are in addition to all other rights and remedies Licensor may have under this Agreement or any other Law.

8.6 Admitted Surety Insurer. The surety supplying the bond shall be an "admitted surety insurer", as defined in California Code of Civil Procedure Section 995.120 and authorized to do business in the State of California.

9. INSURANCE. On or before beginning any of the services or work called for by any term of this Agreement, Licensee, at its own cost and expense, shall carry, maintain for the duration of the Agreement, and provide proof thereof that is acceptable to Licensor of the insurance specified below with insurers and under forms of insurance satisfactory in all respects to Licensor. Licensee shall not allow any subcontractor to commence work on any subcontract until all insurance required of Licensee has also been obtained for the subcontractor.

9.1 Workers' Compensation. Statutory Workers' Compensation Insurance and Employer's Liability insurance for any and all persons employed directly or indirectly by Licensee shall be provided with limits not less than One Million Dollars (\$1,000,000). In the alternative, Licensee may rely on a self-insurance program to meet these requirements so long as the program of self-insurance complies fully with the provisions of the California Labor Code. The insurer, if insurance is provided, or Licensee, if a program of self-insurance is provided, shall waive all rights of subrogation against Licensor for loss arising from work performed under this agreement.

9.2 Commercial General and Automobile Liability. Licensee, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the period covered by this agreement in an amount not less than one million dollars per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply

separately to the work to be performed under this agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this agreement, including the use of owned and non-owned automobiles. Coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 and Insurance Services Office Automobile Liability form CA 0001 Code 1 (any auto).

Each of the following shall be included in the insurance coverage or added as an endorsement to the policy:

9.2.1 Licensors, its officers, employees, agents, and volunteers are to be covered as insureds as respects each of the following: liability arising out of activities performed by or on behalf of Licensee, including the insured's general supervision of Licensee; products and completed operations of Licensee; premises owned, occupied or used by Licensee; or automobiles owned, leased, hired, or borrowed by Licensee. The coverage shall contain no special limitations on the scope of protection afforded to Licensors, its officers, employees, agents, or volunteers.

9.2.2 The insurance shall cover on an occurrence basis, and not on the basis of an accident or claims made.

9.2.3 The insurance must cover personal injuries as well as bodily injuries. Any exclusion of contractual liability in personal injury provisions of the policy or any endorsement to it must be eliminated.

9.2.4 The insurance must cover complete contractual liability. This may be provided by amending the definition of "incidental contract" to include any written agreement.

9.2.5 Any explosion, collapse, and underground property damage exclusion must be deleted.

9.2.6 An endorsement must state that coverage is primary insurance and that no other insurance affected by the Licensors will be called upon to contribute to a loss under the coverage.

9.2.7 The policy must contain a cross liability or severability of interests clause.

9.2.8 Any failure of Licensee to comply with reporting provisions of the policy shall not affect coverage provided to Licensors and its officers, employees, agents, and volunteers.

9.2.9 Broad form property damage liability must be afforded. A deductible that does not exceed Twenty Five Thousand Dollars (\$25,000) may be provided.

9.2.10 Insurance is to be placed with California- admitted insurers with a Best's rating of no less than B:XI.

9.2.11 Notice of cancellation or non-renewal must be received by Licensor at least thirty days prior to such change.

9.3 Property Insurance. Property Insurance for all of Licensee's Equipment, improvements, trade fixtures and other personal property on, in or upon the right of way against loss or damage by fire, vandalism and other such risks. The amount of insurance shall be 100% the then actual replacement costs. Licensor shall not be required to maintain insurance against fire or any other insurance risk for the ROW, and Licensee will make no claim of any nature against Licensor by reason of any damage to Licensee's Equipment or other personal property or improvements in the event it is damaged or destroyed by fire or by any other cause.

9.4 Deductibles and Self-Insured Retentions. During the period covered by this agreement, upon express written authorization of City's City Attorney, Licensee may increase such deductibles or self-insured retentions with respect to Licensor, its officers, employees, agents, and volunteers. Licensor may condition approval of an increase in deductible or self-insured retention levels upon a requirement that Licensee procure a bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to each of them.

9.5 Notice of Reduction in Coverage. In the event that any coverage required under Sections 9.1, 9.2, and 9.3 of this Agreement is reduced, limited, or materially affected in any other manner, Licensee shall provide written notice to Licensor at Licensee's earliest possible opportunity and in no case later than five days after Licensee is notified of the change in coverage.

9.6 Licensor's Remedies. In addition to any other remedies Licensor may have if Licensee fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, Licensor may, at its sole option:

9.6.1 Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the agreement;

9.6.2 Order Licensee to stop work under this agreement or withhold any payment which becomes due to Licensee hereunder, or both stop work and withhold any payment, until Licensee demonstrates compliance with the requirements hereof;

9.6.3 Terminate this Agreement following all applicable notice and cure periods in the Agreement.

9.6.4 Exercise of any of the above remedies, however, is an alternative to other remedies Licensor may have and is not the exclusive remedy for Licensee's failure to maintain insurance or secure appropriate endorsements.

9.7 **Filing of Certificates and Endorsements.** Prior to the commencement of any work pursuant to this Agreement, Licensee shall file with the Licensor the required certificate(s) of insurance with blanket additional insured endorsements, which shall state the following:

(a) the policy number; name of insurance company; name and address of the agent or authorized representative; name and address of insured; project name; policy expiration date; and specific coverage amounts;

(b) that Licensee's Commercial General Liability insurance policy is primary as respects any other valid or collectible insurance that the Licensor may possess, including any self-insured retentions the Licensor may have; and any other insurance the Licensor does possess shall be considered excess insurance only and shall not be required to contribute with this insurance; and

(c) that Licensee's Commercial General Liability insurance policy waives any right of recovery the insurance company may have against the Licensor.

The certificate(s) of insurance with endorsements and notices shall be mailed to the Licensor at the address specified in Section 10 below.

9.8 **Severability of Interest.** "Severability of interest" or "separation of insureds" clauses shall be made a part of the Commercial General Liability and Commercial Automobile Liability policies.

10. NOTICES.

10.1 **Method and Delivery of Notices.** All notices pursuant to this Agreement shall be in writing and delivered personally or transmitted (a) through the United States mail, by registered or certified mail, postage prepaid; or (b) by means of prepaid overnight delivery service, addressed as follows:

If to the Licensor: City of Hayward
Director of Public Works
777 B Street, 2nd Floor
Hayward, CA 94541

If to Licensee: [Licensee ADDRESS]

10.2 **Date of Notices; Changing Notice Address.** Notices shall be deemed given upon receipt in the case of personal delivery, three days after deposit in the mail, or the next business day in the case of overnight delivery. Either party may from time to time designate any other address for this purpose by thirty (30) days' prior written notice to the other party delivered in the manner set forth in this Section.

11. DEFAULT; CURE; REMEDIES.

11.1 **Licensee Default and Notification.** This Agreement is granted upon each and every condition herein, and each of the conditions is a material and essential condition to the

granting of this Agreement. Except for causes beyond the reasonable control of Licensee, if Licensee fails to comply with any of the conditions and obligations imposed hereunder, and if such failure continues for more than thirty (30) days after written demand from the Licensor to commence the correction of such noncompliance on the part of Licensee, the Licensor shall have the right to revoke and terminate this Agreement by written notice to Licensee, if such failure is in relation to the Agreement as whole, or any individual Supplement, if such failure is in connection solely with such Supplement, in addition to any other rights or remedies set forth in this Agreement or provided by law.

11.2 Cure Period. If the nature of the violation is such that it cannot be fully cured within thirty (30) days due to circumstances not under Licensee's control, the period of time in which Licensee must cure the violation shall be extended for such additional time reasonably necessary to complete the cure, provided that: (a) Licensee has promptly begun to cure; (b) Licensee is diligently pursuing its efforts to cure; and (c) Licensee provides a timeline to complete its cure efforts and responds within twenty-four (24) hours of any status request by Licensor. Licensor may not maintain any action or effect any remedies for default against Licensee, unless and until Licensee has failed to cure the breach within the time periods provided in these Sections 11.1 and 11.2.

11.3 Licensor Default. If Licensor breaches any covenant or obligation of Licensor under this Agreement in any manner, and if Licensor fails to commence to cure such breach within thirty (30) days after receiving written notice from Licensor specifying the violation (or if Licensor fails thereafter to diligently prosecute the cure to completion), then Licensee may enforce any and all of its rights and/or remedies provided under this Agreement or by Law[.

12. ASSIGNMENT AND CUSTOMER EQUIPMENT. This Agreement shall be binding upon, and inure to the benefit of, the successors and assigns of the parties.

12.1 This Agreement is not assignable unless Licensor consents in writing. Such consent to assignment shall bind and insure to the benefit of the respective successors and assigns of the parties. This requirement for consent shall not apply to: (a) any disposition of all or substantially all of the assets of Licensee in the market in which the City is located as defined by the FCC; (b) any merger, consolidation or reorganization of Licensee whether voluntary or involuntary; (c) any collateral assignment, security interest or pledge of this Agreement by Licensee to any lender to Licensee; and (d) any assignment to an affiliate of Licensee that wholly or majority owned by such affiliate, except that any assignment to such an affiliate shall cause Licensee to notify Licensor of the affiliate's name and change of address, if any.

12.2 Licensee need not own all components of Equipment subject to this Agreement, and may permit its customers to maintain ownership of Equipment components under the following conditions: (1) all Equipment must be wholly under the control and management of Licensee; (2) Licensee shall be liable for all acts or omissions, and all harms associated with the Equipment whether the same are its acts or omissions, or the acts or omissions of the owner of the Equipment; (3) Licensee acknowledges and agrees that no rights of ownership in Equipment by Licensee's customers shall permit any such customer to enter upon, or use any portion of the Municipal Facilities or the Equipment, in any other manner or at any other place, including to add to, or modify or install Equipment, which shall be Licensee's sole responsibility; and (4)

Licensee delivers to Licensor, in a form acceptable to Licensor, an acknowledgment and agreement by the entity on whose behalf the Equipment has been installed that the Licensor has not granted it a consent to be in the ROW for any purpose; that it is bound by Licensee's representations, obligations and duties hereunder; that it shall have no rights or claims against the Licensor of any sort related to the Equipment or Municipal Facilities; that its Equipment may be subject to taxes, fees or assessments as provided in the Laws or the Agreement, and that Licensor may treat any Equipment owned by such entity as if it were owned by Licensee for all purposes (including, but not limited to, removal and relocation); and the Equipment may only be used for the purposes and uses permitted herein. Such acknowledgement may be provided for all Equipment on Municipal Facilities, and need not be provided separately, site by site.

13. RECORDS; AUDITS.

13.1 **Records Required by Code.** Licensee will maintain complete records pursuant to all applicable Laws.

13.2 **Additional Records.** The Licensor may require such additional reasonable non-confidential information, records, and documents from Licensee from time to time as are appropriate in order to reasonably monitor compliance with the terms of this Agreement.

13.3 **Production of Records.** Licensee shall provide such records or make them available at a mutually agreeable location within twenty (20) business days of a request by the Licensor for production of the same, unless additional time is reasonably needed by Licensee, in which case, Licensee shall have such reasonable time as needed for the production of the same. If any person other than Licensee maintains records on Licensee's behalf, Licensee shall be responsible for making such records available to the Licensor for auditing purposes pursuant to this Section.

13.4 **Public Records.** Licensee acknowledges that information submitted to Licensor may be open to public inspection and copying under the Law. Licensee shall avoid providing information that it considers confidential or proprietary and no information provided by Licensee pursuant to this Agreement shall be treated by Licensor as "confidential" or "proprietary" unless provided in writing and clearly marked as such by Licensee. Licensor shall notify Licensee within five (5) business days of receiving a request for any records which include information marked as "confidential" or "proprietary" by Licensee in order to allow the Licensee an opportunity to protect against any such disclosure and/or obtain a protective order narrowing the scope of such disclosure and/or use of the information, and to the extent allowed by Law and at the Licensor's sole determination, Licensor shall apply exceptions to disclosure of such information that are applicable under the Law. If a suit is filed by a member of the public with respect to any such request, Licensor will cooperate in any action to intervene filed by Licensee.

14. MISCELLANEOUS PROVISIONS. The provisions that follow shall apply generally to the obligations of the parties under this Agreement.

14.1 **Waiver of Breach.** The failure of any Party at any time or times to require performance of any provision hereof shall in no manner affect the right at a later time to enforce the same. No waiver by any Party of any condition, or of any breach of any term, covenant,

representation, or warranty contained herein, in any one or more instances, shall be deemed to be construed as a further or continuing waiver of any such condition or breach or waiver of any other condition or of any breach of any other term, covenant, representation or warranty.

14.2 Severability of Provisions. If one or more of the provisions of this Agreement shall be held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such provision shall be deemed severable from the remaining provisions of this Agreement and shall not affect the legality, validity or constitutionality of the remaining portions of the Agreement.

14.3 Contacting Licensee. Licensee shall be available to the staff employees of any Licensor department having jurisdiction over Licensee's activities twenty-four (24) hours a day, seven days a week, regarding problems or complaints resulting from the attachment, installation, operation, maintenance, or removal of the Equipment. The Licensor may contact by telephone the Licensee's network control center operator at telephone number [REDACTED].

14.4 Intentionally omitted.

14.5 Force Majeure. Except for payment of amounts due, neither Party shall have any liability for its delays or its failure of performance due to: fire, explosion, pest damage, power failures, strikes or labor disputes, acts of God, the elements, war, civil disturbances, acts of civil or military authorities or the public enemy, inability to secure raw materials, transportation facilities, fuel or energy shortages, or other causes reasonably beyond its control, whether or not similar to the foregoing.

14.6 "AS IS" condition of Municipal Facilities. Municipal Facilities licensed to Licensee pursuant to this Agreement are licensed to and accepted by Licensee "as is" and with all faults. The Licensor makes no representation or warranty of any kind as to the present or future condition of or suitability of the Municipal Facilities for Licensee's use and disclaims any and all warranties express or implied with respect to the physical, structural, or environmental condition of the Municipal Facilities and their merchantability or fitness for a particular purpose. Licensee is solely responsible for investigation and determination of the condition and suitability of any Municipal Facility for Licensee's intended use.

14.7 Representations and Warranties. Each of the Parties to this Agreement represents and warrants that it has the full right, power, legal capacity, and authority to enter into and perform the Party's respective obligations hereunder and that such obligations shall be binding upon such Party without the requirement of the approval or consent of any other person or entity in connection herewith, except as provided in Section 4.2 above. This Agreement shall not be revocable or terminable except as expressly permitted herein.

14.8 Amendment of Agreement. This Agreement may not be amended except pursuant to a written instrument signed by both parties.

14.9 Entire Agreement. This Agreement contains the entire agreement of the parties with respect to the matters addressed herein, except as to any Supplements that may be issued in accordance with this Agreement.

14.10 Non-Exclusive Remedies. No provision in this Agreement made for the purpose of securing enforcement of the terms and conditions of this Agreement shall be deemed an exclusive remedy or to afford the exclusive procedure for the enforcement of said terms and conditions, but the remedies herein provided are deemed to be cumulative.

14.11 No Third-Party Beneficiaries. It is not intended by any of the provisions of this Agreement to create for the public, or any member thereof, a third-party beneficiary right or remedy, or to authorize anyone to maintain a suit for personal injuries or property damage pursuant to the provisions of this Agreement. The duties, obligations, and responsibilities of the Licensor with respect to third parties shall remain as imposed by state law.

14.12 Construction of Agreement. The interpretation and enforcement of this Agreement shall be governed by the laws of the State of California. Venue for any action shall either be in the United States District Court for the Northern District of California or the Alameda County Superior Court of California. The rights and remedies of Licensee and Licensor for default in performance under this Agreement are in addition to any other rights or remedies provided by law. The prevailing party in any action brought under this Agreement shall be entitled to reasonable attorneys' fees in addition to any other relief to which the party may be entitled.

14.13 Effect of Acceptance. Licensee (a) accepts and agrees to comply with this Agreement and all Laws; (b) agrees that this Agreement was entered into pursuant to processes and procedures consistent with Law; and (c) agrees that it will not raise any claim to the contrary or allege in any claim or proceeding against the Licensor that at the time of acceptance of this Agreement any provision, condition or term of this Agreement was unreasonable or arbitrary, or that at the time of the acceptance of this Agreement any such provision, condition or term was void or unlawful or that the Licensor had no power or authority to make or enforce any such provision, condition, or term.

14.14 Time is of the Essence. Time is of the essence with regard to the performance of all of Licensee's obligations under this Agreement.

14.15 Taxes. Licensee shall be responsible for payment of all fees and taxes charged in connection with the right, title and interest in and construction, installation, maintenance and operation of the Equipment for the purposes set forth herein, including but not limited to the following:

(a) **Business License.** Licensee shall obtain a business license from Licensor and pay the applicable business license tax.

(b) **Possessory Interest Tax.** Licensor hereby provides notice pursuant to California Revenue and Taxation Code Section 107.6, and Licensee acknowledges, that this Agreement may create a possessory interest and Licensee may be subject to property taxes levied on such interest, as described in California Revenue and Taxation Code Section 107.6. Licensee shall pay directly to the appropriate authority, when due, all real and personal property taxes, fees, and assessments, assessed against the area licensed and the Equipment.

14.16 **Counterparts.** This Agreement (and any Supplement) may be executed in multiple counterparts, including by electronic means, each of which shall be deemed an original, and all such counterparts once assembled together shall constitute one integrated instrument.

[signature page to follow]

SIGNATURE PAGE TO MUNICIPAL FACILITY LICENSE AGREEMENT

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be legally executed as of the Effective Date.

Licensor:

CITY OF HAYWARD

By: _____

Name: _____

Title: _____

ATTEST:

_____, Clerk

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

BY: _____
City Attorney

Licensee:

By: _____

Name: _____

Title: _____

Exhibits:

Exhibit A – Supplement
Exhibit B – Application

EXHIBIT A
FORM OF SUPPLEMENT
SUPPLEMENT

This Supplement (“Supplement”), is approved by the City of Hayward as Licensor this _____ day of _____, 20____ (the date executed by all parties, referred herein as “Supplement Effective Date”).

1. **Supplement.** Licensee has submitted an application for approval to use a Municipal Facility pursuant to that certain Municipal Facility License Agreement between Licensor, City of Hayward, and Licensee, dated _____, 20__ (“Agreement”). Licensor has reviewed the Application to Use Municipal Facility and grants approval subject to the terms of this Supplement. All of the terms and conditions of the Agreement are incorporated hereby by reference and made a part hereof without the necessity of repeating or attaching the Agreement. In the event of a contradiction, modification, or inconsistency between the terms of the Agreement and this Supplement, the terms of this Supplement shall govern. Capitalized terms used in this Supplement shall have the same meaning described for them in the Agreement unless otherwise indicated herein. **IF THE SUPPLEMENT IS NOT COUNTER-SIGNED BY LICENSEE AND RETURNED TO LICENSOR WITHIN 30 DAYS AFTER LICENSOR HAS GRANTED APPROVAL, THE SUPPLEMENT SHALL BE VOID AND OF NO LEGAL EFFECT. IF LICENSEE STILL WANTS TO USE THE MUNICIPAL FACILITY, LICENSEE WILL BE REQUIRED TO SUBMIT A NEW APPLICATION AND ASSOCIATED FEES.**
2. **Licensed Area Description and Location.** Licensee shall have the right to use the space on the specific Municipal Facility (the “Licensed Area”) depicted in Attachment 1 attached hereto to install Equipment as further listed in Attachment 2 attached hereto.
3. **Equipment.** The Equipment to be installed at the Licensed Area is described in Attachment 2 and depicted in Attachment 1.
4. **Term.** The term of this Supplement shall commence on the Supplement Effective Date and continue for in the Term of the Agreement.
5. **Compensation.** The initial Rent/Adjusted Rent/Alternate Rent for this Supplement shall be as follows per year: _____. Rent/Adjusted Rent/Alternate Rent is subject to annual increase and the automatic increases and is payable in accordance with Section 5 of the Agreement. *[Or if applicable in lieu of Rent/Adjusted Rent/Alternate Rent, as provided for in Section 5.3 of the Agreement, Lessee shall provide (describe fiber facilities)].*
6. **Performance Bond.** The Performance Bond *[circle one]* is / is not covered by existing performance bond. If not covered by existing performance bond, a bond is required pursuant to Section 8 of the Agreement in the amount of _____.
7. *[If applicable]* **Use of City Wiring.** Licensee is authorized to use City circuits and provision point in accordance with the terms of a separate City circuit use agreement and the

following conditions [if applicable]:

8. Miscellaneous.

[signature page follows]

IN WITNESS THEREOF, the parties hereto have caused this Supplement to be legally executed in duplicate, effective upon execution by both parties.

Licensors:

THE CITY OF HAYWARD

By: _____
Name: _____
Title: _____
Date: _____

Licensee:

Accepted:

By: _____
Name: _____
Title: _____
Date: _____

Attachments:

Attachment 1 – Licensed Area

Attachment 2 – Equipment List and Description

Attachment 1

Licensed Area

[site plan showing licensed area of applicable Municipal Facility and showing proposed
Equipment installation]

Attachment 2

Equipment List and Description

EXHIBIT B

APPLICATION TO USE MUNICIPAL FACILITY

Applicant: _____ Date: _____

Licensee: _____ Application/License#: _____

Type of Municipal Facility	Alteration Required	Small Cell Equipment Heights (provide both (1) the overall height of pole structure with added facilities; and (2) the height of individual facilities)	Small Cell Equipment Weights	Small Cell Equipment Dimensions	Location of Any Additional Equipment
<i>[street light] [other, specify]</i>	<i>[Pole Reinforcement] [Pole Replacement] [None]</i>				<i>[Installed on Pole, specify attachment height, weight and dimensions] [Installed on/in Ground (Vault), specific dimensions] [Other Location] [Not Applicable/Needed]</i>

APPLICANT SHALL PROVIDE THE FOLLOWING AS APPLICABLE:

- Site plan and engineering design and specifications for installation of Equipment, including the location of radios, antenna facilities, transmitters, equipment shelters, cables, conduit, point of demarcation, backhaul solution, electrical distribution panel, electric meter, and electrical conduit and cabling. Where applicable, the design documents should include specifications on design, pole modification, and ADA compliance.
- Include a load bearing study that determines whether the pole requires reinforcement or replacement in order to accommodate attachment of proposed Equipment.
- If the proposed installation will require reinforcement or replacement of an existing pole, provide applicable design and specification drawings.
- The number, size, type, and proximity to the facilities of all communications conduit(s) and cables to be installed.
- Description of the utility services required to support the facilities to be installed. Indicate whether unmetered electricity is available at the site.
- List of the contractors and subcontractors, and their contact information, authorized to work on the project.
- If proposing to use a City circuit or provisioning point, provide information required by a separate City circuit use agreement to evaluate such use.

- Payment of the applicable One-Time Fees (pursuant to Section 5.1 of the Agreement).

APPLICANT REPRESENTATIVE: _____

PRINT NAME: _____

TITLE: _____

TELEPHONE: _____ **EMAIL:** _____



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: LB 21-009

DATE: March 2, 2021

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Planning Commission Vacancy: Acceptance of Resignation of Mr. Gary Patton from the Planning Commission Effective April 1, 2021, and Direction on Process for Filling the Vacancy

RECOMMENDATION

That the Council accepts the resignation of Mr. Gary Patton from the Planning Commission effective April 1, 2021 and adopts a resolution (Attachment II) appointing former Council Member Al Mendall to fill the vacancy until September 2021.

SUMMARY

Mr. Gary Patton was appointed to the Planning Commission on September 18, 2018 and his term was set to expire September 30, 2022. Mr. Patton's resignation will become effective April 1, 2021 per his resignation letter (Attachment III).

During its City Council retreat on February 20, 2021, Mayor Halliday shared the upcoming Planning Commission vacancy with Council. It was noted that options for filling an unexpected vacancy involved conducting a special recruitment or filling the vacated seat during the 2021 annual appointment process for the City's appointed officials to Commissions and Keep Hayward Clean and Green Task Force.

According to Deputy Development Services Director Buizer, Planning Division staff anticipates a few public hearings in the next six to nine months involving key development sites and additional cannabis businesses, as well as initiatives that would benefit from work session discussions and feedback from the Planning Commission. Planning staff recommended either holding a special recruitment or utilizing the 2020 list of Planning Commission applicants to fulfill the balance of Commissioner Patton's term (approximately 2 years). While staff has conducted special Planning Commission recruitments to fill unexpected vacancies in the past, a special recruitment during shelter in place would limit the community outreach to social media and would not benefit from outreach via water bill inserts, which usually requires two to three months to reach the entire City.

Mayor Halliday suggested the option to appoint former Council Member Al Mendall to fill the vacancy until the Council confirms the 2021 commissions and task force appointments, currently anticipated in September. It was noted that former Council Member Mendall chose to not seek reelection in 2020 and his knowledge after serving on the Council as well as on the Planning Commission would be an asset to

the Planning Commission during the interim. He has also expressed a willingness to serve in this short-term capacity, should the Council appoint him. Some members of the City Council expressed support for the option and one or two were interested in evaluating the 2020 list of Planning Commission applicants who had expressed the Planning Commission as their number one choice for service. Attachment IV is the 2020 Planning Commission List of Applicants.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Resignation Letter
Attachment IV	2020 Planning Commission List of Applicants



DATE: March 2, 2021

TO: Mayor and City Council

FROM: City Clerk

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SUMMARY AND DISCUSSION

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According to Deputy Development Services Director Buizer, Planning Division staff anticipates a few public hearings in the next six to nine months involving key development sites and additional cannabis businesses, as well as initiatives that would benefit from work session discussions and feedback from the Planning Commission. Planning staff recommended either holding a special recruitment or utilizing the 2020 list of Planning Commission applicants to fulfill the balance of Commissioner Patton's term (approximately 2 years). While staff has conducted special Planning Commission recruitments to fill unexpected vacancies in the past, a special recruitment during shelter in place would limit the community outreach to social media and would not benefit from outreach via water bill inserts, which usually requires two to three months to reach the entire City.

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to not seek reelection in 2020 and his knowledge after serving on the Council as well as on the Planning Commission would be an asset to the Planning Commission during the interim. He has also expressed a willingness to serve in this short-term capacity, should the Council appoint him. Some members of the City Council expressed support for the option and one or two were interested in evaluating the 2020 list of Planning Commission applicants who had expressed the Planning Commission as their number one choice for service. Attachment IV is the 2020 Planning Commission List of Applicants.

FISCAL IMPACT

There is no fiscal impact associated with this action.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the projects outlined in the Council's Strategic Roadmap.

NEXT STEPS

Should former Council Member Mendall be appointed to fill the Planning Commission vacancy, he would be administered the oath of affirmation prior to his first Planning Commission meeting.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Kelly McAadoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION No. 21-

Introduced by Council Member _____

RESOLUTION ACCEPTING THE RESIGNATION OF MR. GARY PATTON FROM THE PLANNING COMMISSION

WHEREAS, Mr. Gary Patton was appointed to the Planning Commission on September 18, 2018; and

WHEREAS, Planning Commissioner Patton submitted a resignation letter effective April 1, 2021; and

WHEREAS, the City Council nominated former Council Member Mendall to fill the seat that will be vacated by Mr. Gary Patton on April 1, 2021 until July 31, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby accepts the resignation of Mr. Gary Patton; and commends him for his civic service to the City.

IN COUNCIL, HAYWARD, CALIFORNIA, _____ 2021.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

From: AT&T
Sent: Sunday, January 24, 2021 6:55 PM
To: Barbara Halliday <Barbara.Halliday@hayward-ca.gov>
Cc: Sara Buizer <Sara.Buizer@hayward-ca.gov>
Subject: Gary Patton Planning Commission

.Mayor Halliday,

I am sending you this email to advise you that effective April 1, 2021, I am resigning from the Hayward Planning Commission. It has been a challenging 2.5 years and I am grateful for the opportunity I have had to serve the community. The Planning Commission is blessed to have great people who are genuinely committed to making the City of Hayward the best that it can be moving forward. I turned 65 last November and I am planning to relocate to the Atlanta area this spring in order to further enhance my retirement lifestyle. Again, I thank you and the City Council for the opportunity and good luck with the challenges ahead.

Sincerely,

Gary Patton
Planning Commissioner

2020 APPLICANT PREFERENCE BY CATEGORY

PLANNING COMMISSION

Binder #	Name	RANKING	
2	Aidan I Ali-Sullivan	1	-----> Selected
3	Ajibola T Hassan	1	
7	Andrew D Felsinger	1	
11	Arun Walawalkar	1	
12	Bradley Mark Switzer	1	
15	Carlos N Saavedra	1	
26	Elmer Yovany Acosta	1	
27	Faith M Munn	1	
28	Frances Sagapolu (KHCGTF)	1	
29	Gagandeep Gill	1	
30	Genevieve Wilson	1	
43	Jose R Garcia	1	
51	Linda Cardott	1	
56	Maggie Elkin	1	
63	Michael E Chase	1	
66	Nick H Estrada	1	
69	Patrick K Kariuki (KHCGTF)	1	
75	Richard M McMahon	1	
77	Robert M Davis	1	
80	Royalton L Brown	1	
84	Surendra Sewak	1	
86	Tiffani Lorenz	1	
87	Timothy Kim	1	
91	William B Bradshaw	1	
92	Zachariah J Oquenda (CSC/CAP)	1	----->Selected
10	Arieana Castellanos	2	
17	Celia Ching W Chung	2	
24	Dorothy R Bowling	2	
41	Jose Garcia	2	
49	Lenora R Taylor (KHCGTF)	2	

Ranking: One (1) being the most desired and five (5) being the least desired

CURRENT MEMBER

FORMER MEMBER

2020 APPLICANT PREFERENCE BY CATEGORY

PLANNING COMMISSION

Binder #	Name	RANKING
54	Lourdes Montoya	2
57	Manuel F Flores	2
60	Matthew Eashman	2
65	Nancy Polanco	2
33	Jadesola Edwards	3
67	Pamela D Nelson	3
68	Patrick D Rodriguez	3
21	Darelle Demps (KHCGTF)	4
32	Gerricka Hamilton	4
48	Kusum Kanji	4
79	Roy Mick Rubio	5

Ranking: One (1) being the most desired and five (5) being the least desired

CURRENT MEMBER

FORMER MEMBER