



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
APRIL 28, 2015

MAYOR BARBARA HALLIDAY
MAYOR PRO TEMPORE GREG JONES
COUNCIL MEMBER FRANCISCO ZERMEÑO
COUNCIL MEMBER MARVIN PEIXOTO
COUNCIL MEMBER AL MENDALL
COUNCIL MEMBER SARA LAMNIN
COUNCIL MEMBER ELISA MÁRQUEZ

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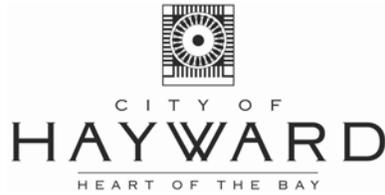
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CITY COUNCIL MEETING FOR APRIL 28, 2015
777 B STREET, HAYWARD, CA 94541
WWW.HAYWARD-CA.GOV

CLOSED SESSION
Closed Session Room 2B – 6:00 PM

1. **PUBLIC COMMENTS**
 2. Conference with Labor Negotiators
Pursuant to Government Code 54957.6
 - Lead Negotiators: City Manager David; City Attorney Lawson; Assistant City Manager McAdoo; Finance Director Vesely; Public Works-Engineering & Transportation Director Fakhrai; Human Resources Director Collins; Senior Human Resources Analyst Lopez; Assistant City Attorney Vashi; Community and Media Relations Officer Holland; Jack Hughes, Liebert Cassidy Whitmore
Under Negotiation: All Groups
 3. Adjourn to City Council meeting
-

CITY COUNCIL MEETING
Council Chambers – 7:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Peixoto

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PRESENTATIONS

- 19th Annual East Bay Affordable Housing Week
- Citywide Youth Survey: A Presentation on Results by the Hayward Youth Commission

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session 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. Approval of Minutes of the Special City Council Meeting on April 14, 2015
[Draft Minutes](#)
 2. Adoption of Ordinance Levying Special Tax within Community Facilities District
[Staff Report](#)
[Attachment I Summary of Notice](#)
-

The following order of business applies to items considered as part of Public Hearings and Legislative Business:

- *Disclosures*
 - *Staff Presentation*
 - *City Council Questions*
 - *Public Input*
 - *Council Discussion and Action*
-

PUBLIC HEARING

3. FY 2016 Master Fee Schedule/Fine and Bail Update (Report from Finance Director Vesely)
[Staff Report](#)
[Attachment I - Resolution](#)
[Attachment II - Fine and Bail Schedule](#)

LEGISLATIVE BUSINESS

4. Request to Amend Condition of Approval No. 3c-5, Approve the Final Map (Tract 8231), and Authorize the City Manager to Execute a Subdivision Agreement Associated with Stonebrae Country Club Village D, Located in Eastern Hayward on Walpert Ridge, Requiring Adoption of a Resolution. Stonebrae, L.P. (Subdivider/Applicant)(Report from Deputy Director of Development Services Bristow)
[Staff Report](#)
[Attachment I Village D Open Space and Lot Area Exhibit](#)
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[Attachment III Final Tract Map 8231](#)
[Attachment IV Resolution](#)

April 28, 2015



Information items are presented as general information for Council and the public. Should Council wish to take action on any of the “information” items, they will direct the City Manager to bring them back on a future Council agenda as an Action Item.

INFORMATION ITEMS

None

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, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

ADJOURNMENT

NEXT REGULAR MEETING – 7:00 PM, Tuesday, May 5, 2015

PUBLIC COMMENT RULES: *The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. 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 has 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. ******

April 28, 2015



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.

Please visit us on:



April 28, 2015





**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 14, 2015, 7:00 p.m.**

The Special City Council meeting was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Jones.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Mendall, Jones, Peixoto, Lamnin,
Márquez
MAYOR Halliday
Absent: None

PUBLIC COMMENTS

Mr. Charlie Peters, Hayward resident, provided documents for the record and spoke about the voluntary use of ethanol in the gasoline and an effective oversight for smog checks.

Mr. Jim Drake, Hayward resident, inquired if the loan from the City's Enterprise Fund to finance the Firehouse Clinic was going to be paid back within a year. Staff noted that Mr. Drake would receive a written response.

LEGISLATIVE BUSINESS

1. Consideration of a Community Workforce Agreement with the Building and Construction Trades Council of Alameda County for the New Library and Community Learning Center Project

Staff report submitted by Assistant City Manager McAdoo, dated April 14, 2015, was filed.

Assistant City Manager McAdoo and Public Works-Engineering and Transportation Director Fakhrai provided a synopsis of the report. Ms. McAdoo noted a revised Attachment II, comprising the proposed terms for the Community Workforce Agreement (CWA), was distributed to the Council prior to the Council meeting.

A letter from the Associated Builders and Contractors Inc., dated April 14, 2015, was provided to the Council prior to the meeting and was made a part of the record.

Discussion ensued among Council Members and City staff related to: the CWA and the Side Letter and negotiations between City staff and the Building and Construction Trades Council of Alameda County (Building Trades Council); project cost, scope, name consideration and furniture for the new library; the Joint Administrative Committee; the letter from the Associated Builders and Construction, Inc., and its request to delay action on staff's proposal; and the impact of CWAs on project costs.

Mayor Halliday opened the public hearing at 7:50 p.m.

Mr. Greg Gillis, Hayward resident and building contractor and engineer, expressed support for building a new library, but was concerned the CWA would discriminate against the majority of non-union construction workers and would increase project costs.

The following speakers expressed support for building a new library and urged the Council to approve the proposed Side Letter if Council proceeds with the CWA because it would protect the city and preserve the City Council's authority to keep the library on budget and scope, and within construction timeframe.

Ms. Helene Carr, Treasurer of the Friends of the Library and Campaign Treasurer for Committee to Protect Hayward's Future-Yes on Measure C

Ms. Kari McAllister, Hayward resident and Library Commission Member

Ms. Judy Harrison, President of the Friends of the Library and Campaign Chair for Committee to Protect Hayward's Future-Yes on Measure C

Mr. Stanley Smith, Hayward resident and Business Manager of Sprinklerfitters and Apprentices Local 483, expressed that Local 483 supported Measure C and he encouraged the Council to approve the CWA.

Mr. Andreas Cluver, Secretary-Treasurer of Building and Construction Trades Council of Alameda County, urged the Council to approve the CWA and reject the Side Letter. Mr. Cluver noted there were no additional labor costs as a result of Project Labor Agreements (PLA) on public works jobs; there were potential increases around the implementation of a local hire component; and rebidding could increase costs.

Mr. Obray Van Buren, Hayward resident, noted there had not been PLAs that were over budget and that were not done on time and named examples of successful neighboring projects.

Mr. John Taylor, submitted a card but did not speak.

Ms. Sonia Bustamante, Supervisor Valle's representative, referred to a letter from Board of Supervisors Valle and Chan, dated April 14, 2015, which included the positive experience with the Alameda County Project Stabilization/Community Benefits Agreement in terms of benefits to Alameda County's economy and the entire community.

Mr. Randy Hall, Hayward resident, supported the CWA and a skilled workforce.

Mr. Charlie Peters, Hayward resident, suggested making Congressman Swalwell a participant in the conversation related to funding for the new library.

Mayor Halliday closed the public hearing at 8:23 p.m.



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Council Member Mendall expressed there were positive provisions in the CWA; there were neighboring jurisdictions that used CWAs/PLAs to good effect; and was only concerned about the construction environment causing the bids to come in higher. Mr. Mendall offered a motion to proceed with the CWA including its revised terms, but did not support the Side Letter.

Council Member Zermeño seconded the motion noting there were positive aspects in the CWA and he believed the construction of the new library would be realized on time and within budget and did not think the Side Letter was needed. Mr. Zermeño noted there would be other CWA/PLA projects.

Council Member Lamnin supported the motion noting the CWA would provide job opportunities and urged the City's labor partners to work with the contractor community in understanding that the project is funded with tax dollars. Ms. Lamnin encouraged staff to look into Sonoma County's PLA related to non-union workers and to also engage in discussions with the Associated Builders and Contractors related to dual benefits.

Council Member Márquez supported the motion and suggested staff explore creative ideas for capital improvement fundraising aside from Measure C funds; noted the Council would make sure the project comes in on budget and on time; and the CWA was an opportunity to invest in Hayward residents and build relationships with contractors and the labor community.

Council Member Jones expressed he concurred with all the positive provisions that a CWA provides, but he was concerned that by not having a Side Letter the Council was subordinating its ability to rebid the project for reasons deemed appropriate. Mr. Jones added that the Council might not have to reject the bids, but it was prudent to have the Side Letter to protect the City's interest.

Council Member Peixoto noted that while he would have preferred to have the Side Letter in place, he did not want to delay the project and therefore expressed support for the motion. Mr. Peixoto trusted that the Building Trades Council would work with staff and the Council to ensure that the library project comes in on budget, on time, and the City has the funds necessary for other areas that Measure C was intended to fund. He also trusted that in the event that bids were received over budget or were not competitive, staff and the Building Trades Council would work collaboratively.

Mayor Halliday thanked City staff and the Building Trades Council for working collaboratively and also thanked Measure C supporters and reassured them the commitment to build the new library and community learning center on time and budget. Mayor Halliday supported the motion noting that Hayward residents were members of the Building Trades Council and having the partnership via the CWA would protect the City and the workforce.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried unanimously with Council Member Jones voting no, to adopt the Community Workforce Agreement without a Side Letter Agreement:

Resolution 15-054, “Resolution Authorizing the City Manager to Negotiate and Execute a Community Workforce Agreement with the Building and Construction Trades Council of Alameda County, Local Unions and Contractors”

2. Downtown Parking Study – Authorization for the City Manager to Negotiate and Execute a Professional Services Agreement and Appropriation of Funds

Staff report submitted by Transportation Manager Kelley, dated April 14, 2015, was filed.

Director of Public Works-Engineering and Transportation Fakhrai announced the report and introduced Transportation Manager Kelley who provided a synopsis of the report.

Discussion ensued among Council members and City staff. Council members offered the following comments related to the Downtown Parking Study: develop a signage program to advertise free downtown parking; research technology for meter enforcement; consider handicap accessible parking in the downtown; improve lighting in parking lots; include the senior population in the discussion of parking; consider enforcement for cars parked overnight and for long periods of time; monitor time of delivery to ensure that cars are not blocking access or traffic; include input from the community at large; take into consideration the culture change of adult children moving back home and the need for additional parking; consider consolidating municipal parking lots and using the funds to build one or two premier parking locations; consider charging for parking to generate funds to improve the downtown; and make the downtown a destination place where people can park.

Mayor Halliday opened the public hearing at 9:27 p.m.

Ms. Grace Alcañtar and Mr. Jim Drake submitted speaker cards but left the Council Chambers before the Mayor opened the public hearing.

Mayor Halliday closed the public hearing at 9:28 p.m.

Council Member Zermeño noted support for the proposed Downtown Parking Study and offered a motion per staff recommendation. Council Member Márquez seconded the motion.

Council Member Lamnin supported the motion and underscored parking signage; registering license plates and using fast track; consolidating the municipal parking lots; if pay for parking model is considered, communicate how the funds are spent; consider incentives for less used lots; consider Americans with Disabilities Act (ADA) parking accessibility; and improve lighting in parking lots.



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Council Member Márquez encouraged staff to continue to work with all stakeholders in getting their input on parking issues in the downtown and the communities that are undergoing changes to parking. Ms. Márquez reiterated her request that staff address accessible parking per ADA standards and ensure that parking areas are well lit to encourage walkability.

Council Member Mendall supported the motion and concurred with the need for handicap parking in downtown and the consolidation of parking lots which could create a redevelopment opportunity. Mr. Mendall mentioned a merchant suggested the option of having a 24-minute limit on parking spaces in front of her business.

Mayor Halliday supported the motion and suggested developing a better way to identify parking lots rather than by number. Mayor Halliday thanked staff for the preliminary solutions to parking issues while proceeding with the parking study.

It was moved by Council Member Zermeño, seconded by Council Member Márquez, and carried unanimously, to adopt the following:

Resolution 15-055, “Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with CDM Smith, Inc. for Professional Services for the Downtown Parking Study Project, Project No. 06909”

Resolution 15-056, “Resolution Amending Resolution 14-098, As Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2015, Relating to an Appropriation of Funds from the Capital Projects (Governmental) Fund (Fund 405) to the Downtown Parking Study Project, Project No. 06909”

INFORMATION ITEMS

There were none.

CITY MANAGER’S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Mayor Halliday reported on her attendance at the League of California Cities Revenue and Taxation Policy Committee on April 10, 2015, and noted she would be sharing a report with the Council from Mr. Michael Coleman regarding sales tax issues.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 9:35 p.m.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward

DATE: April 28, 2015
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of Ordinance Levying Special Tax within Community Facilities District

RECOMMENDATION

That the City Council adopts the Ordinance introduced on April 21, 2015.

BACKGROUND

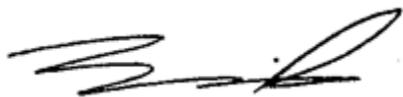
The Ordinance was introduced by Council Member Lamnin at the April 21, 2015, meeting of the City Council with the following vote:

| | | |
|-----------------|------------------|--|
| AYES: | Council Members: | Zermeño, Jones, Mendall, Peixoto, Lamnin, Márquez Mayor Halliday |
| NOES: | Council Members: | None |
| ABSENT: | Council Members: | None |
| ABSTAIN: | Council Members: | None |

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, April 25, 2015. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachment:

Attachment I Summary of Ordinance Published on 4/25/15

PUBLIC NOTICE OF AN INTRODUCTION OF ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

ORDINANCE OF THE CITY OF HAYWARD LEVYING SPECIAL TAX WITHIN
COMMUNITY FACILITIES DISTRICT

CITY OF HAYWARD
Community Facilities District No. 2
(Cannery Place Public Services)

WHEREAS, on April 21, 2009, the City Council (the "Council") of the City of Hayward (the "City") adopted a resolution entitled "Resolution of Intention to Establish Community Facilities District" (the "Resolution of Intention"), and has conducted proceedings (the "Proceedings") to establish "City of Hayward Community Facilities District No. 2 (Cannery Place Public Services)" (the "CFD") and the City of Hayward Community Facilities District No. 2 (Canner Place Public Services) (Future Annexation Area) (the "Future Annexation Area") pursuant to the Mello-Roos Community Facilities Act, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act") to finance certain public services (the "Services) as provided in the Act;

WHEREAS, pursuant to notice as specified in the Act, and as part of the Proceedings, the Council has held a public hearing under the Act relative to the determination to proceed with the formation of the CFD and the Future Annexation Area and the rate and method of apportionment of the special tax ("Special Tax") to be levied within the CFD to finance the Services, and at such hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the Future Annexation Area and the levy of the Special Tax were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held;

WHEREAS, upon the conclusion of the hearing, this Council adopted its "Resolution of Formation of Community Facilities District" (the "Resolution of Formation), pursuant to which it completed the Proceedings for the establishment of the CFD and the Future Annexation Area, the authorization of the levy of the Special Tax within the CFD and the calling of an election within the CFD on the propositions of levying the Special Tax and establishing an appropriations limit within the CFD, respectively; and

WHEREAS, on May 26, 2009, a special election was held among the landowner voters within the CFD at which such voters approved such propositions by the two-thirds vote required by the Act, which approval has been confirmed by resolution of this Council; and

WHEREAS, on June 2, 2009, Ordinance 09-06 was adopted by this Council, authorizing and levying the Special Tax within the CFD pursuant to the Act, at the rate and in accordance with the rate and method of apportionment of Special Tax set forth in the Resolution of Formation, including any parcel or parcels in the Future Annexation Area that annex into the CFD at the rate or rates to be approved unanimously by the owner or owners of each parcel or parcels, which Ordinance 09-06 was filed with the City Clerk of the City on July 7, 2009;and

WHEREAS, on April 21, 2015 this Council adopted A Resolution Approving the Annexation of Property Located in a Future Annexation Area, pursuant to which certain property in the Future Annexation Area (the “Annexation Property”) was annexed to the CFD following the execution by the owners of the Annexation Property of a unanimous approval in favor of such annexation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAYWARD as follows:

Section 1. By the passage of this Ordinance ____, the Council hereby authorizes and levies the Special Tax within the Annexation Property, as described in that certain “Annexation Map No. 1 to Community Facilities District No. 2 (Cannery Place Public Services), County of Alameda, State of California,” heretofore recorded as Instrument No. _____ on _____, 2015, in Book __ at Page __ of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of the County of Alameda, State of California, pursuant to the Act, at the rate and in accordance with the rate and method of apportionment of Special Tax set forth in the Resolution of Formation which rate and method is by this reference incorporated herein.

Section 2. All provisions of Ordinance 09-06 not inconsistent with this Ordinance are hereby ratified. All references to “the CFD” in Ordinance 09-06 shall hereafter be deemed to apply to the original boundaries of the CFD and the Annexation Property.

Section 3. If for any reason any portion of this Ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel within the CFD, by a court of competent jurisdiction, the balance of this Ordinance and the application of the Special Tax to the remaining parcels within the CFD shall not be affected.

Section 4. The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published immediately after its passage at least once in a newspaper of general circulation circulated in the City.

Section 5. This Ordinance shall take effect 30 days from the date of final passage.

Introduced at the meeting of the Hayward City Council held April 21, 2015, the above-entitled Ordinance was introduced by Council Member Lamnin.

This Ordinance will be considered for adoption at a regular meeting of the Hayward City Council, to be held on April 28, 2015, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: April 25, 2015
Miriam Lens, City Clerk
City of Hayward



DATE: April 28, 2015

TO: Mayor and City Council

FROM: Director of Finance

SUBJECT: FY 2016 Master Fee Schedule/Fine and Bail Update

RECOMMENDATION

That Council approves the attached resolution amending the City's Master Fee Schedule and the Fine and Bail Schedule to include changes and updates as appropriate.

SUMMARY

As part of the annual budget preparation process, City staff completes a review of Hayward's Master Fee Schedule to determine what adjustments, if any, are necessary to fees charged for services provided. For the immediate FY 2016 Master Fee Schedule/Fine and Bail Schedule, staff is presenting Council with known necessary updates and changes that have occurred during the year, largely the result of new legislation and implementation of new programs. The City is in the process of a comprehensive fee study update, and any resultant change to fees from this study will be brought to Council for consideration later in the fiscal year.

FY 2016 proposed fee changes and updates include:

Master Fee

1. All City Departments:
 - ❑ Proposing new fee for reinspections of Tobacco Retail Sales Establishments to recover actual costs associated with reinspections.
2. City Attorney:
 - ❑ Update Rent Stabilization Administrative Fees.
3. City Clerk:
 - ❑ Increase Passport Services for Priority Mail and Express Mail as vendor no longer provides the discounted rate therefore the City now pays the retail rate.
4. City Manager:
 - ❑ Text changes meant to better clarify and also to improve the method in which parcels are treated. An increase in one fee due to the consolidation.

5. Development Services:

- ❑ Condense and simplify Building Division fees to make improvements related to streamlining permit processes.
- ❑ Expand valuation-based fees to include new construction for most building types.
- ❑ Remove nine unnecessary Miscellaneous Permit fees.
- ❑ Increase address assignment fee to more accurately cover the costs of the service.
- ❑ Delete redundant, obsolete or not utilized sub permit fees.
- ❑ Change how sub permit fees are based so they will better reflect the number of inspections and time for each permit type scope of work.
- ❑ Eliminate the travel and documentation fees for all sub-permits.
- ❑ New fee will be added for the review of 3rd party special inspector reviews
- ❑ Incorporated Affordable Housing Impact Fees that were recently adopted by City Council.

6. Finance:

- ❑ Also reflected in the All Department Fees is the Credit/Debit Card Payment Transaction fee that was adopted by City Council on September 14, 2015.
- ❑ An additional fee that is also mirrored in the All Department Fees section is the Clerk-Assisted Telephone Credit/Debit Card Payment.
- ❑ New fee for Replacement Preferential Parking Permit.

7. Maintenance Services:

- ❑ Increase cart retrieval fee to recover actual costs.
- ❑ Increase fee of signs fabricated and installed by City crew to more accurately reflect the costs.

8. Police:

- ❑ Increase fees related to the Massage Permit Ordinance to recover actual costs associated with administering the program and remove fees that are no longer valid.
- ❑ Remove fee for signing off citation not issued by Hayward P.D., for Vehicle Verification or Administrative Fee
- ❑ Update terminology for Social Host Accountability Ordinance.

9. Transportation & Engineering:

Engineering

- ❑ New fees for violations of failure to comply for grading without a permit and further non-compliance violations where a penalty is warranted.

Airport Division:

- ❑ Increase Hanger and Storage fees biennially based on a CPI calculation.
- ❑ Update title of Weed Abatement Fee to Maintenance Staff Service Charge to better reflect the service.
- ❑ New fee for renting out Airport Administration Building meeting room.
- ❑ A nominal increase to Transient Overnight Tie Downs in response to an airport survey and cost recovery.
- ❑ Establish new Tie-Down Exchange fee to cover staff time.

10. Utilities & Environmental Services:

- Remove fees that are no longer valid.

Fine and Bail: No updates or changes at this time.

The complete and detailed listing of fees is reflected in the Fiscal Year 2016 Master Fee Schedule¹, along with the Fine and Bail Schedule², which can be reviewed at the Office of the City Clerk, on the City of Hayward's website at www.hayward-ca.gov, or in cd-rom format by request to the Office of the City Clerk.

BACKGROUND

The City maintains a Master Fee Schedule that identifies the fees for City services, which are charges to the users of these services. The Master Fee Schedule is based on the basic cost of delivering services (e.g., various building and fire inspections) and must comply with provisions of Propositions 218 and 26. The fee schedule was last comprehensively reviewed and updated in July 2008.

Over the last eight years, (FY 2009 – FY 2015), the City has completed smaller adjustments and modifications to the fee schedule (mostly cost of living adjustments and adjustments to support Council policies) as part of the annual budget process. Given the changes to the City's structure and its cost of operations during this period, it is appropriate to update the fee study and resultant fee schedule. Once the study had been completed, staff will present any required changes to the Master Fee Schedule to City Council during FY 2016.

Proposition 26 Review and Compliance

In November 2010, California voters approved Proposition 26, which amended Article XIIC of the State constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes are not disguised as fees: taxes must be approved by the voters whereas fees can be approved by legislative bodies, such as a City Council. The proposed Master Fee Schedule has been reviewed for compliance with Proposition 26 and, in the City Attorney's opinion, is compliant.

DISCUSSION

Summary of Changes in Fees by Program Area

All Departments

Tobacco Ordinance. Proposing new fee of \$125 to reflect actual staff and administrative costs for reinspections of Tobacco Retail Sales Establishments.

¹ <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/FINANCE/documents/2015/Draft.pdf>

² http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/FINANCE/documents/2015/Fine_Bail_Sched.pdf

City Attorney

Rent Stabilization Administrative Fees. Increases to the Annual Fee per Residential Unit from \$0.75 to \$1.41 and the Annual Fee per Mobile Home Space from \$0.41 to \$1.24. The Residential Rent Stabilization Ordinance’s annual program fee (“rental unit fee”) is imposed annually on each residential rental unit that is subject to the Residential Rent Stabilization Ordinance. The Mobile Home Space Rent Stabilization Ordinance’s annual program fee (“mobile home space fee”) is imposed on mobile home spaces that are subject to the Mobile home Space Rent Stabilization Ordinance. Both residential and mobile home fees are based on rent stabilization program administration costs incurred during previous calendar year 2014. They are service fees that are not subject to the voter or property owner approval procedures contained in Proposition 218, which the voters adopted at the November 1996 election. Costs that can be attributed exclusively to one ordinance or the other are so attributed. Costs common to the administration of both ordinances are divided proportionately based on the number of residential units or mobile home spaces in the City, which are subject to the ordinances. The majority of the rent program costs are recovered through the imposition of these fees.

City Clerk

The fees for the Office of the Clerk have increased nominally for Passport Services postage. The Passport Service for Priority Mail and Express Mail increased because effective January 29, 2015, the City is no longer receiving the discounted rate for the Pitney Bowes metered mail machines, which the City uses.

| <i>City Clerk</i> | Current Fee | Proposed Fee |
|-------------------|-------------|--------------|
| Priority Mail - | \$5.05 | \$5.75 |
| Express Mail | \$18.11 | \$19.99 |

Minor text changes to include the Priority Mail Service under the Passport Service fees. Also modified text for Photocopying of Public Records to be consistent with Section G) Photocopying of file Materials in the All City Departments section. No change in fees are related to either modification of text.

City Manager Office

Rental Housing & Hotel Inspection Fees and Penalties. All changes are attributed to clarifying and consolidation of language. Language was repetitive and caused confusion. The section for contiguous parcels was deleted and the difference in fees applies to the first inspection only (\$154 per parcel + \$53 per unit is now \$272.00); all remaining fees stay the same. With these changes, all parcels are treated the same.

Development Services – Building Division and Planning Division Fees

As the Development Services Department continues to make improvements related to streamlining permit processes, we recognize that an important component of that process is simplifying the existing eighteen page fee schedule for the Building Division (BFS). The current BFS has proved to be overly complex, inefficient, and unclear both for our staff and customers for the past five years. Jurisdictional comparisons were considered during numerous internal assessments, with various

communications occurring with Finance Department and City Attorney's Office staffs. The result of such assessments and communications are critical yet simple adjustments to the BFS, as described below, resulting in a more streamlined and abridged BFS, which ultimately will better serve the community and staff. Ultimately, the upcoming Master Fee Study, which we anticipate will be completed by the end of the calendar year, will provide more detailed assessments to complete the desired improvements to the BFS.

New Construction.

1. The current fee schedule uses valuation-based fees for Tenant Improvements and Residential Remodels only. In order to be more in line with the vast majority of Bay Area jurisdictions, we are proposing to expand the valuation table to include new construction for most building types.
2. The square footage based fees for Production Homes that are part of the current fee schedule work well. Since production homes are very similar and the plan check process is divided into review of master plans initially and then individual plots, we are proposing to keep this portion of the fee schedule intact for now.
3. ORGANIZATION: In order to clarify how the fees are calculated, we are proposing to group all of the fees into a system whereby the customer or staff can add up each line item as it applies in one sequence. The fee schedule as it stands now requires the user to jump throughout the document to locate the fees for the project. This is confusing and increases errors and inconsistent interpretations.

Misc. Permit Fees

1. Remove nine unnecessary permit fees from the Miscellaneous Permit fees table.
2. Increase the address assignment fee to \$163 for the first address and \$54 for each additional address, to more accurately cover the costs of the service (based on 1.5 hours for the first and ½ hour for each additional address, at established hourly rate of \$109).

Sub-Permit Fees (Plumbing, Mechanical, and Electrical)

1. Delete approximately 160 individual sub permit types that were redundant, obsolete or not utilized.
2. Change sub permit fees to consistently and more accurately reflect the number of inspections and time for each permit type scope of work. All fees will be based on either ½ hour (\$54), 1 hour (\$109), 2 hours (\$218) or 3 hours (\$327).
3. Eliminate the travel and documentation fees for all sub-permits. After evaluating the time to complete the services, we determined that the permit fee and the basic admin fee adequately cover such costs.

Additional Services and Other Fees

1. Add a new fee for the review of 3rd party special inspector review. This fee covers the process of adding these companies to our approved list, which entails making sure that their qualifications and licenses are current and no conflicts of interest exist. This fee will be based on four hours of time per application and is proposed to be \$436.

Building Division

Affordable Housing Impact Fees that were adopted by City Council Resolution No. 15-021 on January 27, 2015, to assure that future housing development mitigates its impact on the need for affordable housing in the City of Hayward by contributing to the production of residential units in the City that are affordable to very low, low- and moderate-income households, are included and noted below:

1. Ownership Residential Projects — 20 Units or More
 - a. Detached Dwelling Units: \$ 4. 00/ Square Foot of Habitable Space*
 - b. Attached Dwelling Units: \$ 3. 24/ Square Foot of Habitable Space*
2. Rental Residential Projects — 20 units or More
 - a. Projects Receiving All Discretionary Approvals Prior to Dec. 31, 2015 and All Building Permits Prior to Dec. 31, 2017: No fee
 - b. All Other Projects: \$ 3. 24/ Square Foot of Habitable Space*

Notes: Affordable housing impact fees shall be paid either prior to issuance of a building permit or prior to approval of a final inspection or issuance of an occupancy permit. Fees paid at occupancy shall be increased 10 percent, to \$4.40/ sq. ft. of habitable space for attached dwelling units and to \$3. 56/ sq. ft. of habitable space for attached dwelling units and rental residential projects.

“Habitable Space” means floor area within a dwelling unit designed, used, or intended to be used exclusively for living and sleeping purposes and exclusive of vent shafts, eaves, overhangs, atriums, covered entries and courts and any portion of a structure above ground used for parking, parking aisles, loading areas, or accessory uses.

Finance

Revenue Division incorporated the addition of the new Credit/Debit Card Payment Transaction Fee that was previously adopted by the City Council at the September 14, 2014 meeting and became effective November 17, 2014. The per transaction fee of \$3.95 is to help offset the costs of providing the service and will not completely cover all costs expended on credit card processing fees. This fee has also been reflected in the All Department Fees section.

As mirrored in the All Departments Fee section there is a new fee for Clerk-Assisted Telephone Credit/Debit Card Payment of \$3.95 or 3%, whichever is higher. Currently, there is no method to accept credit card payments over the phone for non-utility payments. LexisNexis offers a software product that would allow the City to accept this new type of payment, and this fee would cover the costs of the use of this software. The fee would just cover the processing cost, and no additional revenue would be received by the City.

New fee to partially recover costs of replacement Preferential Parking Permits. The Preferential Parking Permits cost approximately \$25.00 each, however a fee of \$10 will be charged to replace them to help offset the costs.

Maintenance Services

Street Maintenance has updated the fee for cart retrieval from \$31.00 to \$91.00 to fully reflect the cost of the service. The division has also had to increase the cost of signs fabricated and installed by City crew from \$205 to \$317 so that they can fully recover the cost of the service and materials. These fees have not been increased for some time and the City has not been recovering actual costs for services.

| <i>Street Maintenance</i> | Current Fee | Proposed Fee |
|--|-------------|--------------|
| Cart Retrieval Fee | \$31.00 | \$91.00 |
| Sign Fabricated & Installed by City Crew | \$205.00 | \$317.00 |

Police

Massage Permit Ordinance fees for Technician permits have been removed as well as fee changes that are recommended based on research into surrounding cities (Dublin, Fremont and San Francisco) to recover actual costs for charging applicants and estimated time spent in processing applicants including:

| | |
|--|--------|
| Badge Replacement | \$76 |
| Massage Out-Call initial Inspection/application | \$600 |
| Massage Out-Call Renewal | \$300 |
| Initial Inspection/application and processing of new massage establishment | \$300 |
| Annual Renewal fee for massage establishment | \$150 |
| Fine to massage establishment for every unauthorized massage therapist and each separate violation committed (established in Massage Permit Ord) | \$2500 |

- Approximate time required for initial new massage establishment application and inspection:

Inspections with (2) Detectives (\$50 per hour) and 1 CSO (\$31.50 per hour) working approximately 8.5 hours per establishment (adding in processing time) at the base pay total = \$267.75 not accounting for incidentals.

- Approximate time required for out-call inspection/application significantly longer due to extensive time required in processing and investigating the business, as it is not in an established location. Enforcement of regulation will be time extensive and problematic.

Administration. Remove \$20 fee charged for Vehicle Verification or Administrative Fee for signing off citation not issued by Hayward P.D. This fee has not been charged in approximately 4 years.

Traffic. Social Host Accountability Ordinance terminology was changed to clarify ordinance violations and costs. No impact to fees.

Transportation & Engineering

Engineering. New fees for violations of failure to comply for grading without a permit and further non-compliance violations where a penalty is warranted. The penalty for grading without a permit will be charged against the initial deposit. The subsequent fees will be assessed if a case is turned over to Code Enforcement. This is consistent with Building penalties.

New Fee

Failure to comply with this notice will result in further enforcement action by the Code Enforcement Division including, but not limited to; additional permit, inspection and penalty fees, and/or other available legal remedies.

| | |
|--|---------|
| Public Works penalty for grading without a permit | \$2,000 |
| Code violation illegal project, penalty fee may be applied daily | \$125 |
| Code Enforcement Investigation fees for permit not yet obtained. | \$2,000 |

Hanger Fees. Hanger and storage rates are adjusted biennially (odd numbered years) as identified in previous Master Fee Schedules and as reflected in existing tenant agreements. The current increase is recommended at 4%, which is based on a calculation that takes into account the Bay Area CPI and adjusts it to the base year for City-owned hangars.

Updated Maintenance Staff Service Charge per hour. Weed Abatement Fee has been more appropriately titled Maintenance Staff Service Charge per hour for charge outs for work as requested by Lessees in areas of their leasehold. Fee will be charged out based on the hourly cost for a Maintenance Worker position.

New Airport Administration Building Meeting room fee. A new fee will be charged for renting of the Administration Building meeting room. The fee is \$200 per day to for-profit Aviation organizations charging a fee to the public. The fee covers staff preparation and cleanup of the conference room including wear and tear of audio-visual equipment. Non-profit Aviation organizations not charging a fee to the public will not be assessed a charge.

Transient Overnight Tie Downs (Aircraft Gross Weight/Wing Span). A nominal increase in response to an airport survey indicating a need to increase fee to be in line with surrounding airports.

Tie-down Exchange. New fee attributed to staff time in changing tie-down spaces and updated in agreements. New fee is consistent with Hanger Exchange.

| | Existing Fees | Proposed Fees |
|---|---------------|------------------------------|
| Hangar Space | | |
| Row "A" T-Hangars | \$233 | \$242 |
| Standard T-Hangars | \$327 | \$340 |
| Large T-Hangars | \$448 | \$466 |
| Executive | \$815 | \$848 |
| Executive I Hangars | \$1,076 | \$1,119 |
| Executive II Hangars | \$1,174 | \$1,221 |
| Hangar Storage Rooms | | |
| Small | \$69 | \$71 |
| Medium | \$86 | \$90 |
| Large | \$167 | \$174 |
| Extra Large | \$213 | \$222 |
| Office Spaces | \$622 | \$647 |
| Transient Overnight Tie Downs (Aircraft Gross Weight/Wind Span) Daily Charge | New | First Four (4) Hours Free |
| Single Engine 3,500 lb. less than 40 ft | \$5.00 | \$6.00 |
| Twin Engine 12,500 lb. less than 50 ft and all Helicopters | \$7.00 | \$8.00 |
| 12,501 - 25,000 lb. more than 50 ft | \$10.00 | \$12.00 |
| Tie-Down Exchange | | |
| Administration Fee to Exchange tie-down spaces | New Fee | \$25.00 |
| Weed Abatement Services, hourly rate | \$75.00 | - |
| Maintenance Staff Service Charge per hour | New Fee | \$75.00 plus materials |
| Airport Administration Building Meeting Room | | |
| Non-profit Aviation organization charging no fee to the public | | No Charge |
| For-profit Aviation organization charging a fee to the public | New Fee | \$200/day |

Utilities & Environmental Services

Removed fees that were effective 10/01/12, 10/01/13 and 01/16/14, as they are outdated and no longer valid. No further changes are necessary at this time.

Fine and Bail Schedule – No changes or updates are being made to the Fine and Bail Schedule.

ECONOMIC IMPACT

Approval of the attached resolution will have a minor economic impact on our community in that only certain fees will be increased while some fees are being decreased. This action simply incorporates the fees associated with the prior policy direction into the Master Fee Schedule.

FISCAL IMPACT

The impact of adopting these fee changes will minimally impact overall city revenues.

PUBLIC CONTACT

A draft of the Master Fee Schedule update was presented to the Council Budget & Finance Committee on April 16, 2015. A public notice was published in The Daily Review on April 18, 2015 and April 23, 2015 announcing the date, time, location and subject matter of this public hearing.

NEXT STEPS

Upon approval of the attached resolution, the Schedules will be updated and the fees will be effective as of July 1, 2015, to allow for the required sixty-day notice period.

Prepared & Recommended by: Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

Attachments: Attachment I: Resolution
Attachment II: FY 2016 Fine and Bail Schedule

HAYWARD CITY COUNCIL

RESOLUTION NO. 15- _____

Introduced by Council Member _____

RESOLUTION ADOPTING A REVISED MASTER FEE SCHEDULE FOR FY 2016, INCLUDING A REVISED FINE AND BAIL SCHEDULE, RELATING TO FEES AND CHARGES FOR DEPARTMENTS IN THE CITY OF HAYWARD AND RESCINDING RESOLUTION NO. 14-074 AND ALL AMENDMENTS THERETO

WHEREAS, Section 15273 of the California Environmental Quality Act (CEQA) Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purposes of:

1. Meeting operating expenses, including employee wage rates and fringe benefits;
2. Purchasing or leasing supplies, equipment, or materials;
3. Meeting financial reserve needs and requirements;
4. Obtaining funds necessary for capital projects necessary to maintain service within existing service areas; or
5. Obtaining funds necessary to maintain intra-city transfers as are authorized by City Charter; and

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions.

WHEREAS, in November 2010, California voters approved Proposition 26, which amended Article XIII C of the State constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which must be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed Master Fee Schedule (MFS), including the proposed Fine and Bail Schedule, is compliant.

NOT, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby adopts certain changes in both the Master Fee Schedule and the Fine and Bail Schedule relating to fees and charges for all departments of the City of Hayward, either on its face or as applied, the invalidity of such provision shall not affect the other provisions of this Master Fee Schedule and the Fine and Bail Schedule, and the applications thereof; and to that

end the provisions of this Master Fee Schedule and the Fine and Bail Schedule shall be deemed severable.

BE IT FURTHER RESOLVED that Resolutions No. 14-074, and all amendments thereto are hereby rescinded.

BE IT FURTHER RESOLVED that this resolution shall become effective as of July 1, 2015.

IN COUNCIL, HAYWARD, CALIFORNIA April 28, 2015

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 Traffic Code

Fine and Bail Schedule

All fines not paid within legal time requirements will be assessed a penalty (total amount due will be the fine amount plus a penalty) (penalty equals double the fine amount plus an administration fee of \$18)

| <u>Section</u> | <u>Offense</u> | <u>Bail</u> |
|--|---|-------------|
| <u>Uniform Fire Code</u> | | |
| 9.01.4 | Parked in Fire Lane | 218.50 |
| Chapter 4 <u>Hayward Municipal Code</u> | | |
| 4-15.20(a) | Administrative Penalty associated with the Social Nuisance Ordinance | |
| | - 1st violation within a 12 month period: | 750.00 |
| | - 2nd violation within a 12 month period: | 1200.00 |
| | - 3rd violation within a 12 month period: | 2500.00 |
| | - Add'l violations within a 12 month period: | 5000.00 |
| Chapter 6 | Violation of any provision regulating TAXICABS is subject to Government Code section 36900: | |
| | - 1st violation within a 12 month period (infraction): | 100.00 |
| | - 2nd violation within a 12 month period (infraction): | 200.00 |
| | - 3rd violation within a 12 month period (infraction): | 500.00 |
| | - Add'l violations within a 12 month period (misdemeanor) | 500.00 |
| 6-5.04(a) | Insurance | |
| 6-5.04(b) | Taxicab Stands | |
| 6-5.04(c) | Standing on Streets | |
| 6-5.04(d) | Soliciting Passengers | |
| 6-5.04(e) | Direct Route | |
| 6-5.04(f) | Business License | |
| 6-5.04(g) | Mechanical Condition | |
| 6-5.04(h) | Exterior Condition | |
| 6-5.04(I) | Complaint Procedure | |
| 6-5.04(j) | Information to be posted in taxicabs | |
| 6-5.04(k) | Excessive Charges | |
| 6-5.04(l) | Sanitary Condition | |
| 6-5.04(m) | Fire Extinguisher | |
| 6-5.04(n) | Baggage | |
| 6-5.04(o) | Refusal to Pay Fine | |
| 6-5.04(p) | Refusal to Carry Passengers | |
| 6-5.04(q) | Unlicensed Taxicabs | |
| 6-5.04(r) | Taxicab Identification | |
| 6-5.04(s) | Driver's License and Permit | |
| 6-5.04(t) | Operation certificate and license | |
| 6-5.04(u) | Waybills Required | |
| <u>Hayward Traffic Code</u> | | |
| 5.02 | Obediance to Traffic Control Devices | 297.50 |
| 6.01.1 | No Parking - Red Curb Zone | 67.50 |
| 6.01.2 | Yellow Curb, Loading Zone | 67.50 |
| 6.01.3 | White Curb, Passenger Loading Zone | 67.50 |
| 6.01.4 | Green Curb Zone - Over Time Limit | 77.50 |
| 6.01.5 | Blue Curb, Disabled Persons Zone | 337.50 |
| 6.05 | Parking in Alley | 67.50 |
| 6.06 | Bus Zone | 287.50 |
| 6.23 | Municipal Lot/City Property Special Restrictions | 67.50 |
| 6.23h | Disabled Persons Stall | 337.50 |

| | | |
|-----------------------|--|--------------------|
| 6.24 | Selling on Street/City Property | 242.50 |
| 6.30 | Over Time Limit | 77.50 |
| 6.32 | Commercial Vehicle, Over Posted Time Limit | 129.50 |
| 6.33 | Commercial Vehicle in Residential Area | 129.50 |
| 6.35 | Not Parked within Designated Space | 67.50 |
| <u>Section</u> | <u>Offense</u> | <u>Bail</u> |
| 6.36(a) | Residential Permit Parking only | 75.00 |
| 6.36(b) | BART Commuter Parking on Designated Streets | 35.00 |
| 6.37 | Driving Off Interstate Truck Route | 63.50 |
| 6.38 | Commercial Vehicle in Posted No Parking | 129.50 |
| 6.39a | Parked off Pavement or Not Leading to Garage | 107.50 |
| 8.10 | Double Parked | 67.50 |
| 8.11 | No Parking in Parkways | 67.50 |
| 8.12 | Parked on Street over 72 Hours | 77.50 |
| 8.13 | Parking on Street for Sale or Repairs | 107.50 |
| 8.14 | Private Property Parking | 107.50 |
| 8.15 | Disabled Persons Stall, Private Property | 337.50 |
| 8.17 | Narrow Street Posted No Parking | 67.50 |
| 8.18 | Parked on Hill, Wheels not Curbed | 67.50 |
| 8.20.3 | Posted No Parking | 67.50 |
| 8.20.4 | No parking - Street Sweeping Zone | 75.00 |
| 8.21 | Not 18", not Parallel to Left Side One Way | 67.50 |
| 8.22 | Parked at Angle | 67.50 |
| 8.30 | Temporary No Parking Area | 67.50 |
| 8.39 | Leaving Attended Parking Lot without Paying | 77.50 |
| 8.50 | Blocking Crosswalk | 67.50 |
| | <u>California Vehicle Code</u> | |
| 21113a | Violate Restriction on School Grounds, etc. | 67.50 |
| 22500a | No Parking in an Intersection | 67.50 |
| 22500b | Parked Across Crosswalk | 67.50 |
| 22500d | Parking W/I 15' of Fire Station Driveway | 77.50 |
| 22500e | Parked Blocking Driveway | 67.50 |
| 22500f | Parked on Sidewalk | 67.50 |
| 22500g | Parked Adjacent To or Opposite Street Excavation | 67.50 |
| 22500h | Double Parked | 67.50 |
| 22500i | Bus Passenger Loading Zone w/Red Curb | 287.50 |
| 22500j | No Parking in Tunnel or Tube | 70.50 |
| 22500k | No Parking on a Bridge | 70.50 |
| 22502a | Parked Wrong Side of Road/over 18" from Curb | 70.50 |
| 22507.8a | Disabled Parking Space | 340.50 |
| 22507.8c | Disabled Access Area | 340.50 |
| 22507b | Disabled Parking - Obstruct or Block Access | 340.50 |
| 22513 | Tow Truck on Freeway | 43.50 |
| 22514 | Park w/in 15' of Fire Hydrant | 80.50 |
| 22515 | Unattended Vehicle with Motor Running | 80.50 |
| 22516 | Locked Vehicle Person Inside Can't Escape | 113.50 |
| 22521 | Parking on or w/in 7.5' of Railroad Track | 70.50 |
| 22522 | Block Sidewalk Ramp for Disabled Painted Red | 340.50 |
| 22523a | Vehicle Abandoned on Highway or Street | 460.50 |
| 22523b | Vehicle Abandoned on Private Property | 460.50 |
| 25300e | Warning Device Parked Vehicle | 86.50 |
| 26708 | Tinted windshield | 35.50 |
| 26710 | Defective windshield | 35.50 |
| 27155 | No gas cap | 35.50 |
| 27465b | Bald tire | 35.50 |
| 4000a | No evidence of current registration | 60.50 |
| 40226 | Dismissal of Handicap Citation | 35.50 |

4462b Display false tab
5200 No plate
5204a Expired tags

35.50
35.50
35.50

DATE: April 28, 2015

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Request to Amend Condition of Approval No. 3c-5, Approve the Final Map (Tract 8231), and Authorize the City Manager to Execute a Subdivision Agreement Associated with Stonebrae Country Club Village D, Located in Eastern Hayward on Walpert Ridge, Requiring Adoption of a Resolution. Stonebrae, L.P. (Subdivider/Applicant)

RECOMMENDATION

That Council relies on the previously approved environmental documents and adopts the attached resolution to:

1. Eliminate Condition of Approval 3c-5 related to requiring certain lots in Village D to be at least 10,000 square feet in size;
2. Approve the Final Map for Tract 8231; and
3. Authorize the City Manager to negotiate and execute a subdivision agreement in a form approved by the City Attorney.

BACKGROUND

The original vesting tentative tract map (Vesting Tentative Map No. 5354) and Precise Development Plan for Stonebrae Country Club was approved by the City Council in September 2002.

The first Final Map (Tract 5354) for Village A was approved on April 19, 2005 and recorded on July 29, 2005. The second Final Map (Tract 7736) for Village B was approved on November 14, 2006 and recorded on May 24, 2007. The third Final Map (Tract 7737) for Village E was approved on May 6, 2014 and recorded on August 13, 2014. Construction of homes within Village B is ongoing, Village E construction has just started and Village A construction is completed. In addition, the golf course is complete and the new club house has also been completed and now open to residents and guests.

Since 2007, the City Council has taken the following additional actions regarding this project:

- On January 29, 2008, and due to challenging economic conditions at the time, the City Council allowed the applicant additional time to pay traffic impact fees for the project and more time to complete required roadway improvements along Fairview Avenue.
- On April 5, 2011, the conditions of approval were amended pertaining to the size of the second water storage reservoir.
- On January 15, 2013, the Stonebrae Development Agreement was amended to extend its term for five years to February 26, 2018.
- On December 17, 2013, the conditions of approval were amended to allow the City to manage all aspects of the design and construction of the second water storage reservoir.
- On May 6, 2014, the conditions of approval were amended to allow for lots less than 10,000 square feet in size on the ridgeline of Village E.

The applicant has submitted Final Map (Tract 8231) that proposes 109 lots for Village D (original vesting tentative map showed 91 lots) and Improvement Plans for review. The total number of approved lots for Stonebrae is 614. As each Village develops, staff tracks the total number of lots to ensure that the total number of lots for the development does not exceed what was originally approved. The table below shows the number of lots developed within each Village and the number of lots approved in 2002 pursuant to the Vesting Tentative Tract Map.

| Village | Currently Approved or Proposed Number of Lots | Approved per Vesting Tentative Tract Map | Change |
|---------------|---|--|-----------|
| A | 214 | 237 | |
| B | 149 | 124 | |
| D | 109 | 91 | |
| E | 65 | 91 | |
| Totals | 537 | 543 | -6 |

The Public Works Director/City Engineer has determined that the change in the proposed number of lots is in substantial conformance with the Vesting Tentative Tract Map. It is anticipated the Village C, the final Village within Stonebrae, will have the remaining allowable lots, which would be 77 lots (71 lots originally proposed for Village C).

With the increasing pace of home building in the Bay Area, and with the completion of its signature amenity, the golf/community clubhouse, Stonebrae anticipates completion and build out of the entire Stonebrae community by the end of the extended Development Agreement term in 2018.

The proponent has submitted the subdivision Improvement Plans and has estimated it will cost \$3,374,930 to construct the improvements. Appropriate faithful performance and payment of labor bonds will be provided to the City prior to recording of the Final Map. The Final Map will not be released for recording until all required deposits of funds and fees have been made, the subdivision agreement has been executed, and all applicable conditions of approval are met.

DISCUSSION

Condition of Approval No. 3c-5 associated with the approved Precise Development Plan 97-120-02 and Vesting Tentative Tract Map 5354 requires that lots along the western perimeter of Villages D and E shall be equal to or greater than 10,000 square feet (SF), to ensure a variety of lot sizes within the master development. This group of lots in Village D includes lots that range in size from roughly 7,139 SF to 20,290 SF, with 28 of the 30 lots proposed to be smaller than 10,000 SF. Stonebrae has requested that this Condition of Approval be deleted for Village D, which Council previously approved for Village E. Staff support such request for the following reasons:

- 1. The Village D plan includes larger open space areas that will break up the homes more than the previously approved plan did.** The Vesting Tentative Map (VTM) originally contemplated continuous lots along the western border of Village D and E. The result was a longer continuous string of homes spread over Villages D and E. The primary reason why the Village D lots have been reduced in size is to include larger open space areas throughout the Village and specifically more open space in conjunction with the ridgeline lots.

Lot I is a new 8,048 square foot park amenity to be owned and maintained by the Stonebrae Homeowners Association and will provide needed open space envisioned for the Village D ridgeline lots.

Also, Village D ridgeline lots have been reduced in size to include a new open space/gap (Parcel D) between the golf course and the southerly property line. This new 1.3 acre amenity will be owned and maintained by the Stonebrae Homeowners Association and will provide a buffer between the homes and the golf course. It should be noted that if the area contained in Parcel D were to be add to each ridgeline lot in Village D, it is likely each lot would be 10,000 square feet in size or greater.

- 2. Stonebrae is voluntarily creating the new open space areas within Village D and the ridgeline to improve the community.** The proposed open space is not a requirement of the VTM. New Lot I is designated as a “park” on one of the exhibits for Village D (see Attachment I). Staff anticipates that improvements to this area be to a standard comparable to the Parcel D Park in Village A, which is similar and serves aa an overlook and vista towards Mt. Diablo.
- 3. Off-site views toward Village E will be similar to those in the Precise Plan.** From the long distances from which this area (the ridgeline in Village D) can be observed - from Hayward Blvd., Jalquin Vista Park and the back yards on Aqua Vista Court in the Bailey Ranch Subdivision, this row of houses will continue to have the same or fewer number of homes and the additional new open space.
- 4. The proposed layout will maintain/improve the view from Stonebrae Road towards the Bay, which will highlight the hills, golf course and the Bay.** New and larger open space areas will enhance the view as one exits from the higher points of Stonebrae Road and descends along Country Club Drive. The view will be to the park in Village E (park space added as part of the Final Map approval for Village E), an existing oak grove, and the golf course (hole #4 green), continuing out to the Bay in the distance.

Staff agrees that the elimination of Condition 3c-5 for Village D is appropriate for the reasons stated above and for the general benefit and compatibility of the surrounding neighborhoods, open space and public amenities. The open space created for Village D will be conveyed to the Stonebrae Homeowners Association for use as scenic easements and will be required to be maintained by the Homeowners Association in a manner compatible with the surrounding conditions.

Environmental Review - The City Council adopted Resolution No. 98-004 certifying the Final Supplemental Environmental Impact Report (FSEIR) for the Project on January 13, 1998. Council also adopted a Statement of Overriding Considerations for the Blue Rock Country Club Project (now known as Stonebrae Country Club) , Resolution No. 98-005 approving the Mitigation Monitoring Plan, Resolution No. 98-006 approving amendments to the General Plan and the Walpert Ridge Specific Plan, an application to reclassify the Blue Rock project site from an Agricultural (A) to a Planned Development (PD) district and Preliminary Development Plan approval. There is no substantial change proposed in the Project or in the circumstances under which the Project is being undertaken, nor is there any new information, which would require additional environmental analysis and review.

ECONOMIC AND FISCAL IMPACTS

The Final Map approval is consistent with the approved project and will not have a new fiscal or economic impact. The development created by the approval of the final map will provide needed higher-end housing and employ construction workers. There will also be an increase to the property tax revenues received by the City once the homes are constructed and occupied.

PUBLIC CONTACT

On April 17, 2015, a Notice of this City Council public hearing was sent to every property owner and occupant within 300 feet of the Final Map boundaries. Also, a Notice of this hearing was published in *The Daily Review* newspaper on April 18, 2015. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

Public hearings were previously conducted for the original Vesting Tentative Tract Map (5354) for the project (Blue Rock Country Club, now Stonebrae), of which this Final Tract Map is a part.

NEXT STEPS

Assuming the City Council approves the Final Map and adopts the attached resolution, the Final Map will be recorded, a Subdivision Agreement will be executed, construction/grading permits issued, and construction of improvements shown on the approved Improvement Plans will commence.

Prepared by: Damon Golubics, Senior Planner

Reviewed by: Sara Buizer, AICP, Planning Manager

Recommended by: David Rizk, AICP, Development Services Director

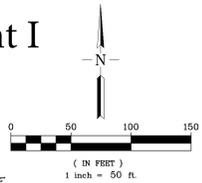
Approved by:



Fran David, City Manager

Attachments:

| | |
|----------------|--|
| Attachment I | Village D Open Space and Lot Area Exhibit |
| Attachment II | Original Vesting Tentative Tract Map No. 5354 |
| Attachment III | Final Tract Map 8231 |
| Attachment IV | Draft Resolution Eliminating Condition of Approval No. 3c-5, Approving Final Map No. 8231 and Authorizing Execution of a Subdivision Agreement |



PARCEL F
TRACT 7736
299 M 39



LOT AREA TABLE

| Lot # | Area | Lot # | Area | Lot # | Area | Lot # | Area |
|-------|-------------|-------|-------------|-------|-------------|-------|------------|
| 1 | 10,567 S.F. | 31 | 7,422 S.F. | 61 | 7,104 S.F. | 91 | 8,291 S.F. |
| 2 | 9,955 S.F. | 32 | 7,367 S.F. | 62 | 9,138 S.F. | 92 | 7,533 S.F. |
| 3 | 9,707 S.F. | 33 | 7,535 S.F. | 63 | 8,556 S.F. | 93 | 8,624 S.F. |
| 4 | 9,844 S.F. | 34 | 7,425 S.F. | 64 | 7,703 S.F. | 94 | 9,591 S.F. |
| 5 | 10,031 S.F. | 35 | 8,568 S.F. | 65 | 7,362 S.F. | 95 | 9,993 S.F. |
| 6 | 10,156 S.F. | 36 | 8,828 S.F. | 66 | 7,190 S.F. | 96 | 9,786 S.F. |
| 7 | 12,260 S.F. | 37 | 9,249 S.F. | 67 | 7,172 S.F. | 97 | 7,915 S.F. |
| 8 | 22,005 S.F. | 38 | 20,290 S.F. | 68 | 7,278 S.F. | 98 | 7,660 S.F. |
| 9 | 11,023 S.F. | 39 | 12,669 S.F. | 69 | 7,378 S.F. | 99 | 7,814 S.F. |
| 10 | 9,809 S.F. | 40 | 11,050 S.F. | 70 | 7,478 S.F. | 100 | 7,906 S.F. |
| 11 | 8,764 S.F. | 41 | 10,643 S.F. | 71 | 7,533 S.F. | 101 | 7,923 S.F. |
| 12 | 8,253 S.F. | 42 | 10,235 S.F. | 72 | 7,871 S.F. | 102 | 7,422 S.F. |
| 13 | 8,600 S.F. | 43 | 11,939 S.F. | 73 | 9,925 S.F. | 103 | 7,423 S.F. |
| 14 | 9,158 S.F. | 44 | 12,929 S.F. | 74 | 10,645 S.F. | 104 | 7,381 S.F. |
| 15 | 9,299 S.F. | 45 | 13,530 S.F. | 75 | 10,985 S.F. | 105 | 7,313 S.F. |
| 16 | 9,255 S.F. | 46 | 14,005 S.F. | 76 | 11,764 S.F. | 106 | 7,515 S.F. |
| 17 | 9,158 S.F. | 47 | 12,547 S.F. | 77 | 11,820 S.F. | 107 | 7,540 S.F. |
| 18 | 8,579 S.F. | 48 | 10,467 S.F. | 78 | 11,966 S.F. | 108 | 7,530 S.F. |
| 19 | 7,569 S.F. | 49 | 8,384 S.F. | 79 | 11,698 S.F. | 109 | 7,356 S.F. |
| 20 | 8,557 S.F. | 50 | 7,854 S.F. | 80 | 11,781 S.F. | | |
| 21 | 7,769 S.F. | 51 | 7,669 S.F. | 81 | 11,343 S.F. | | |
| 22 | 8,219 S.F. | 52 | 7,627 S.F. | 82 | 11,140 S.F. | | |
| 23 | 7,938 S.F. | 53 | 7,658 S.F. | 83 | 10,630 S.F. | | |
| 24 | 9,012 S.F. | 54 | 7,670 S.F. | 84 | 10,303 S.F. | | |
| 25 | 8,742 S.F. | 55 | 7,639 S.F. | 85 | 13,023 S.F. | | |
| 26 | 7,200 S.F. | 56 | 9,624 S.F. | 86 | 11,884 S.F. | | |
| 27 | 7,317 S.F. | 57 | 9,300 S.F. | 87 | 13,038 S.F. | | |
| 28 | 7,139 S.F. | 58 | 11,348 S.F. | 88 | 8,181 S.F. | | |
| 29 | 7,208 S.F. | 59 | 9,127 S.F. | 89 | 9,846 S.F. | | |
| 30 | 7,253 S.F. | 60 | 10,039 S.F. | 90 | 9,071 S.F. | | |

NOTE: THE CALCULATIONS BELOW ARE BASED ON THE FINAL MAP DATED MARCH 2015.

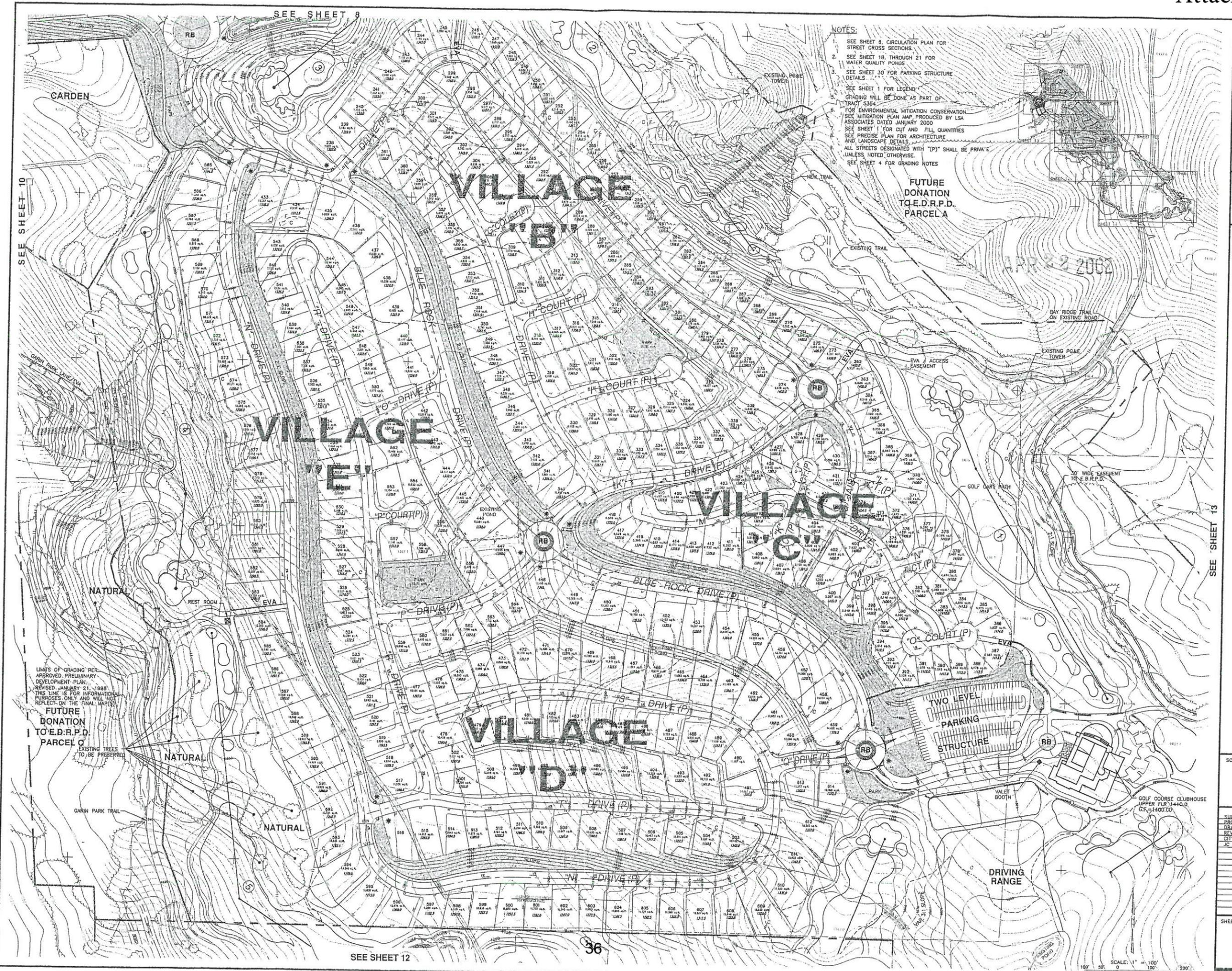
- AVERAGE LOT AREA CALCULATIONS**
- 1. PERIMETER LOTS (9-38) = 261,670 SF
 - 2. PARK/OPEN SPACE PARCELS (LOTS D & I) = 62,919 SF
 - 3. TOTAL (LOTS 9-38, D & I) = 324,589 SF
 - 4. AVERAGE PER LOT (LOTS 9-38, D & I) = 10,820 SF/LOT

- LOT AREAS**
- 1. LOT A (OPEN SPACE) = 10,089 SF
 - 2. LOT B (OPEN SPACE) = 6,002 SF
 - 3. LOT C (OPEN SPACE) = 4,958 SF
 - 4. LOT D (OPEN SPACE) = 54,871 SF
 - 5. LOT E (OPEN SPACE) = 71,536 SF
 - 6. LOT F (PARK) = 12,541 SF
 - 7. LOT G (OPEN SPACE) = 1,958 SF
 - 8. LOT H (OPEN SPACE) = 2,309 SF
 - 9. LOT I (PARK) = 8,048 SF

LOT AREAS EXHIBIT
TRACT 8231 - STONEBRAE VILLAGE D

CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA
FOR: STONEBRAE L.P.

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300



- NOTES:
1. SEE SHEET 8, CIRCULATION PLAN FOR STREET CROSS SECTIONS.
 2. SEE SHEET 18, THROUGH 21 FOR WATER QUALITY POND.
 3. SEE SHEET 30 FOR PARKING STRUCTURE DETAILS.
 4. SEE SHEET 1 FOR LEGEND.
 5. GRADING WILL BE DONE AS PART OF TRACT 5354.
 6. FOR ENVIRONMENTAL MITIGATION CONSERVATION SEE MITIGATION PLAN MAP PRODUCED BY LSA ASSOCIATES DATED JANUARY 2000.
 7. SEE SHEET 1 FOR CUT AND FILL QUANTITIES.
 8. SEE PRECISE PLAN FOR ARCHITECTURE AND LANDSCAPE DETAILS.
 9. ALL STREETS DESIGNATED WITH "(P)" SHALL BE PRIVATE UNLESS NOTED OTHERWISE.
 10. SEE SHEET 4 FOR GRADING NOTES.

FUTURE DONATION TO E.D.R.P.D. PARCEL A

LIMITS OF GRADING PER APPROVED PRELIMINARY DEVELOPMENT PLAN, REVISED JANUARY 21, 1998. THIS LINE IS FOR INFORMATIONAL PURPOSES ONLY AND WILL NOT REFLECT ON THE FINAL MAP(S).

FUTURE DONATION TO E.D.R.P.D. PARCEL C

EXISTING TREES TO BE PRESERVED

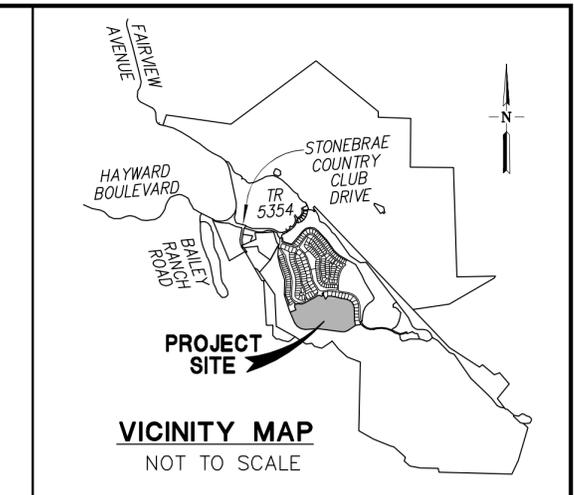
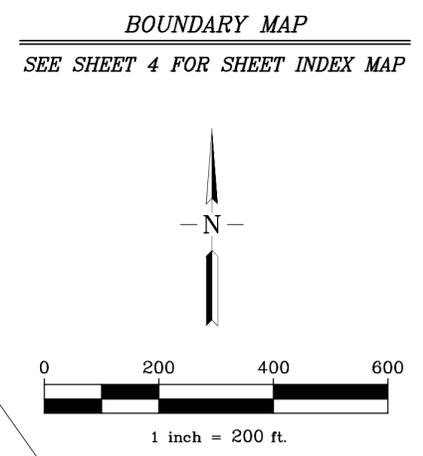
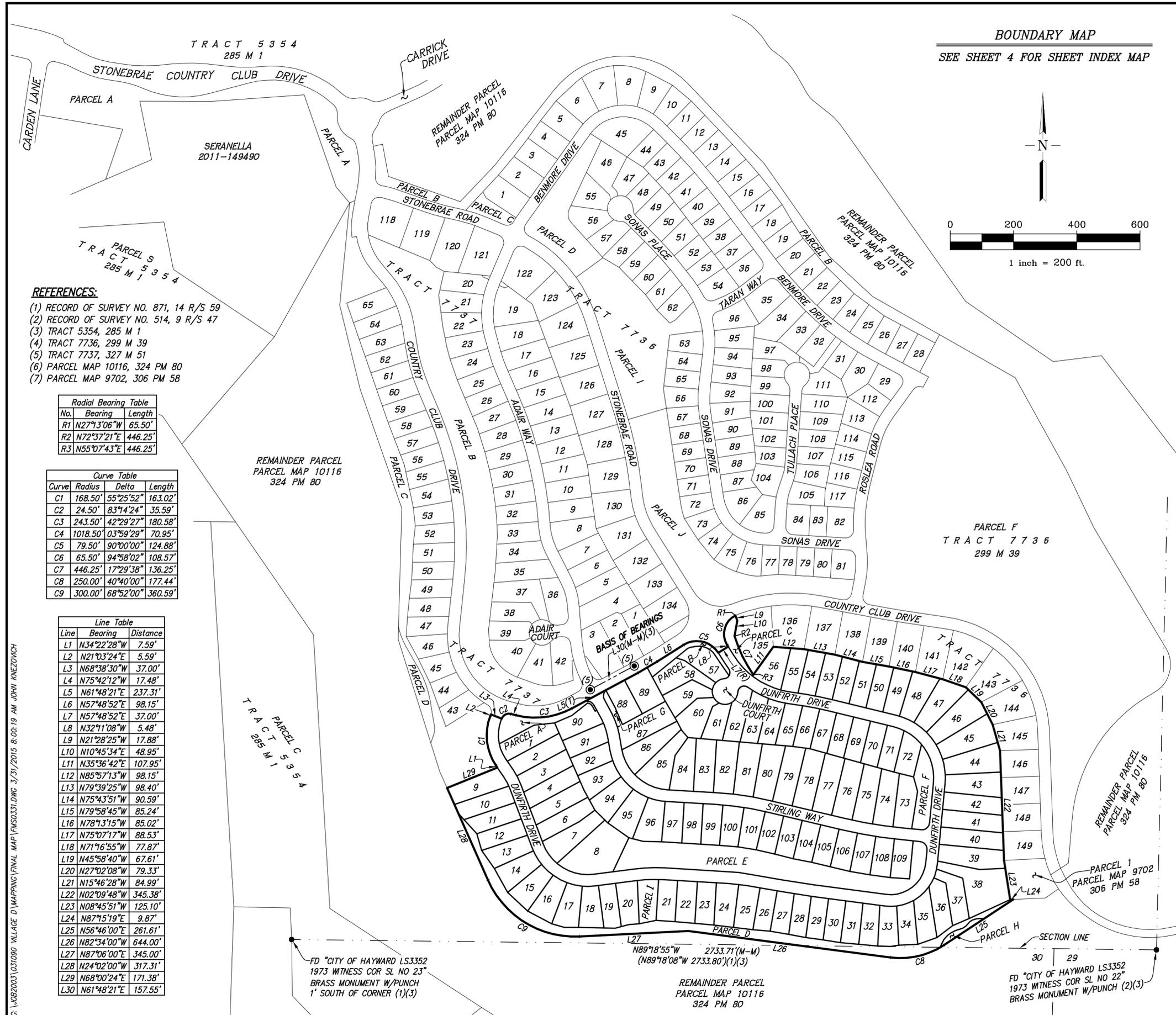
HAALAND GROUP, INC.

HAALAND GROUP, INC.
 351 ROLLING OAKS DRIVE
 SUITE 200
 THOUSAND OAKS, CA 91361
 PHONE: (805) 497-4554
 FAX: (805) 498-3727
 WEBSITE: WWW.HAALAND.COM

SITE PLAN / GRADING PLAN
VESTING TENTATIVE MAP - TRACT 5354
BLUE ROCK COUNTRY CLUB
 HAYWARD, CALIFORNIA

SCALE: 1"=100'

| REVISION | DATE | BY |
|----------|--------|-----|
| JC | 8/2001 | KEW |
| JC | 4/2002 | KEW |



REFERENCES:

- (1) RECORD OF SURVEY NO. 871, 14 R/S 59
- (2) RECORD OF SURVEY NO. 514, 9 R/S 47
- (3) TRACT 5354, 285 M 1
- (4) TRACT 7736, 299 M 39
- (5) TRACT 7737, 327 M 51
- (6) PARCEL MAP 10116, 324 PM 80
- (7) PARCEL MAP 9702, 306 PM 58

| Radial Bearing Table | | |
|----------------------|-------------|---------|
| No. | Bearing | Length |
| R1 | N27°13'06"W | 65.50' |
| R2 | N72°37'21"E | 446.25' |
| R3 | N55°07'43"E | 446.25' |

| Curve Table | | | |
|-------------|----------|-----------|---------|
| Curve | Radius | Delta | Length |
| C1 | 168.50' | 55°25'52" | 163.02' |
| C2 | 24.50' | 83°14'24" | 35.59' |
| C3 | 243.50' | 42°29'27" | 180.58' |
| C4 | 1018.50' | 03°59'29" | 70.95' |
| C5 | 79.50' | 90°00'00" | 124.88' |
| C6 | 65.50' | 94°58'02" | 108.57' |
| C7 | 446.25' | 17°29'38" | 136.25' |
| C8 | 250.00' | 40°40'00" | 177.44' |
| C9 | 300.00' | 68°52'00" | 360.59' |

| Line Table | | |
|------------|-------------|----------|
| Line | Bearing | Distance |
| L1 | N34°22'28"W | 7.59' |
| L2 | N21°03'24"E | 5.59' |
| L3 | N68°38'30"W | 37.00' |
| L4 | N75°42'12"W | 17.48' |
| L5 | N61°48'21"E | 237.31' |
| L6 | N57°48'52"E | 98.15' |
| L7 | N57°48'52"E | 37.00' |
| L8 | N32°11'08"W | 5.48' |
| L9 | N21°28'25"W | 17.88' |
| L10 | N10°45'34"E | 48.95' |
| L11 | N35°36'42"E | 107.95' |
| L12 | N85°57'13"W | 98.15' |
| L13 | N79°39'25"W | 98.40' |
| L14 | N75°43'51"W | 90.59' |
| L15 | N79°58'45"W | 85.24' |
| L16 | N78°13'15"W | 85.02' |
| L17 | N75°07'17"W | 88.53' |
| L18 | N71°16'55"W | 77.87' |
| L19 | N45°58'40"W | 67.61' |
| L20 | N27°02'08"W | 79.33' |
| L21 | N15°46'28"W | 84.99' |
| L22 | N02°09'48"W | 345.38' |
| L23 | N08°45'51"W | 125.10' |
| L24 | N87°15'19"E | 9.87' |
| L25 | N56°46'00"E | 261.61' |
| L26 | N82°34'00"W | 644.00' |
| L27 | N87°06'00"E | 345.00' |
| L28 | N24°02'00"W | 317.31' |
| L29 | N68°00'24"E | 171.38' |
| L30 | N61°48'21"E | 157.55' |

NOTE:

ALL MONUMENT TIE LINES ARE AT RIGHT ANGLES OR RADIAL AS INDICATED/NOTED TO THE MONUMENT LINE UNLESS OTHERWISE NOTED.

BASIS OF BEARINGS

THE BEARING OF THE MONUMENT LINE ON COUNTRY CLUB DRIVE, SHOWN AS N61°48'21"E BETWEEN THE FOUND MONUMENTS WITH A DISTANCE OF 157.55', AS SHOWN ON TRACT 7737, FILED AUGUST 13, 2014 IN BOOK 327 OF MAPS AT PAGE 51, OFFICIAL RECORDS OF ALAMEDA COUNTY, IS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND

- EXTERIOR BOUNDARY
- LOT LINE
- - - EXISTING EASEMENT LINE
- - - NEW EASEMENT LINE
- MONUMENT LINE
- MONUMENT TIE LINE
- EXISTING PROPERTY LINE
- FOUND STANDARD CITY OF HAYWARD MONUMENT, STAMPED RCE 25281
- FOUND POINT, AS NOTED
- ⊙ SET STANDARD CITY OF HAYWARD MONUMENT, STAMPED RCE 25281
- (M-M) MONUMENT TO MONUMENT
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PSE PUBLIC SERVICE EASEMENT
- SDE STORM DRAIN EASEMENT
- (R) RADIAL BEARING
- (T) TOTAL
- (DATA)(1) RECORD DATA & REFERENCE
- EX. EXISTING
- FD. FOUND
- IP. IRON PIPE
- SQ.FT. SQUARE FEET

TRACT 8231

BEING A 109 LOT RESUBDIVISION OF PARCEL H AS SHOWN ON THE MAP OF TRACT 7737, FILED AUGUST 13, 2014 IN BOOK 327 OF MAPS AT PAGES 51-63 AND A PORTION OF PARCEL A AS SHOWN ON PARCEL MAP 9702, FILED MAY 2, 2008 IN BOOK 306 OF PARCEL MAPS AT PAGES 58-67 OFFICIAL RECORDS OF ALAMEDA COUNTY

CITY OF HAYWARD
ALAMEDA COUNTY, CALIFORNIA
RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
(925) 227-9100
APRIL 2015

SHEET INDEX MAP

— SHEET COVERAGE
 # SHEET NUMBER

NOTE:
 PARCEL A - SHEET 5
 PARCEL B - SHEET 12
 PARCEL C - SHEET 12
 PARCEL D - SHEET 17
 PARCEL E - SHEET 17
 PARCEL F - SHEET 16
 PARCEL G - SHEET 13
 PARCEL H - SHEET 17
 PARCEL I - SHEET 7



LEGEND

- EXTERIOR BOUNDARY
- LOT LINE
- - - EXISTING EASEMENT LINE
- - - NEW EASEMENT LINE
- MONUMENT LINE
- MONUMENT TIE LINE
- EXISTING PROPERTY LINE
- FOUND STANDARD CITY OF HAYWARD MONUMENT, STAMPED RCE 25281
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- (R) RADIAL BEARING
- (T) TOTAL
- (DATA)(1) RECORD DATA & REFERENCE
- EX. EXISTING
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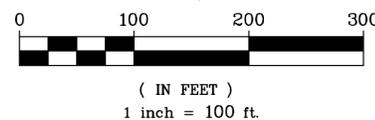
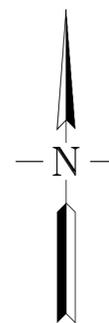
REMAINDER PARCEL
 PARCEL MAP 10116
 324 PM 80

NOTE:

ALL MONUMENT TIE LINES ARE AT RIGHT ANGLES OR RADIAL AS INDICATED/NOTED TO THE MONUMENT LINE UNLESS OTHERWISE NOTED.

BASIS OF BEARINGS

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TRACT 8231

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 PLEASANTON, CALIFORNIA
 (925) 227-9100
 APRIL 2015

G:\JOB2003\031090 VILLAGE D\MAPPING\FINAL MAP\FMS0431.DWG 3/31/2015 9:43:13 AM JOHN KNEZOVICH

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Councilmember _____

RESOLUTION ELIMINATING CONDITION OF APPROVAL 3C-5 FOR VILLAGE D OF THE VESTING TENTATIVE MAP FOR TRACT 5354 AND APPROVING FINAL MAP 8231 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBDIVISION AGREEMENT AND OTHER NECESSARY DOCUMENTS

WHEREAS, Vesting Tentative Tract Map No. 5354, Stonebrae Country Club, was approved by the City Council on April 19, 2005; and

WHEREAS, Final Map for Tract 8231, the fourth final map for the Stonebrae Country Club project, has been presented to the City Council of the City of Hayward for the development of Village D with 109 lots, nine open space and scenic easement parcels and the construction of Stirling Way, Dunfirth Drive and Dunfirth Court, as well as sewer, water and storm drain facilities, located south and east of Country Club Drive in eastern Hayward on Walpert Ridge; and

WHEREAS, the Director of Public Works/City Engineer has reviewed the Final Map and found it to be in substantial compliance with the approved vesting tentative tract map, the State Subdivision Map Act and provisions of Hayward's regulations; and

WHEREAS, a condition of approval for Vesting Tentative Map 5354 required that lots along the western perimeter of Village D shall be equal to or greater than 10,000 square feet (SF), and the Village D final map, as presently proposed, includes lots that range in size from roughly 7,139 SF to 20,290 SF; and

WHEREAS, the subdivider, Stonebrae, L.P., has requested that Vesting Tentative Map No. 5354 Condition of Approval No. 3c-5 be deleted for Village D to allow lots smaller than 10,000 square feet for the following reasons:

1. The Village D plan includes larger open space areas that will break up the homes more than the previously approved Vesting Tentative Tract Map did, and will also provide a buffer between such homes and the golf course.
2. Stonebrae is voluntarily creating the new open space areas within Village D and the ridgeline to improve the community.

APPROVED AS TO FORM:

City Attorney of the City of Hayward