



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 05/22/01
AGENDA ITEM 8
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Utility Service Agreement 01-1 - Michael Lindow and Amber Stewart (Applicants/Owners) - Authorize the City Manager to Execute a Utility Service Agreement for Sewer Service at 249 Laurel Avenue

RECOMMENDATION:

It is recommended that the City Council:

- 1) Direct staff to apply to the Local Agency Formation Commission (LAFCO) for approval of the Utility Service Agreement;
- 2) Authorize the City Manager to execute a Utility Service Agreement to provide sewer service for the property at 249 Laurel Avenue; and
- 3) Authorize the City Manager to execute a Public Street Improvement Agreement at the property at 249 Laurel Avenue.

DISCUSSION:

A City sewer line was installed in the 1930s in Laurel Avenue to serve properties on that street. This action follows an ordinance executed in 1911 that:

... does hereby permit any of the property known as Meeks Home Tracts Nos. 3 and 4, to have in perpetuity the right of connecting to any of the main sewers now constructed, or which will be constructed, provided that the said Hayward Investment company pays to the said Town of Hayward on demand the sum of \$25 per year for said privilege.

The subject property falls within the area that benefits by this ordinance, and for this reason staff reluctantly recommends approval of the application. There is no other sewer provider on the street except for the City of Hayward. East Bay Municipal Utilities District Water supplies the water, and the Alameda County Flood Control and Water Conservation District is responsible for the storm drain system. Most of the properties along Laurel Avenue were developed before 1950 and are connected to the City sewer system. To date, there have been no requests for utility service agreements on Laurel Avenue. The area is within Hayward's sphere of influence and may at a future date become part of the City of Hayward. The City's General Plan Map

designation for the property is Residential – Medium Density. Being two blocks away from the City limits, annexation of the single parcel at issue would be inconsistent with LAFCO policies and good planning practices.

The applicant intends to replace a house constructed in 1922 with a six-unit apartment project. The project does not meet City standards as they relate to density (Hayward's Zoning Ordinance would allow five, and an exception could be granted for six) and design standards (minimum landscape setbacks are not met, paving dominates the site, the site is surrounded by a chain-link fence, and the architecture is poor by City standards). Early in the review process for the development, the County referred the project to the City. At that time the County did not mention the need for another connection to the City sewer. The City's response was a request to redesign the project to include an "S" curve and to avoid a "bowling alley" appearance (which could result in the loss of a unit) and add landscaping. No elevations of the buildings were provided to the City. In response to the City's request, a few changes were made (loss of one unit, addition of sparse landscaping, and relocation of meters). However, all of the County standards are met, and the County Planning Director approved the development.

The applicant indicates he has spent a considerable amount of money developing plans that meet with the County's approval and that his project would be a considerable improvement to the area. He also indicates that when he initially telephoned the City regarding sewer connection fees and timing, he was not told about the need to apply for a utility service agreement nor did he receive any indication that he would not be able to connect to the City sewer.

Staff is aware that the 70-year-old sewer is in poor condition. Additionally, studies have not been performed to determine the cumulative impacts of connecting to the system additional, more intense developments on Laurel Avenue. Staff is of the opinion, however, that the City sewer has the capacity to accept effluent from the six units that are proposed at this time.

There is a City policy to require full street improvements (curb, gutter, and sidewalk) in connection with the approval of utility service agreements, as well as an agreement to annex when requested to do so by the City. No other conditions, such as those related to density and design, have been applied; nevertheless, there have been no similar requests for utility service agreements for multi-family developments that fall short of meeting City requirements. In staff's opinion, it is not in the City's best interest to encourage development that will ultimately be incorporated into the City but which fails to meet the City standards. The City Council may wish to take this opportunity to suggest amending the 1911 Ordinance to require that development associated with future requests for utility service agreements meet development standards that reflect quality design. Further, these design standards should be agreed to by both the City and the County and could be used to guide future development in the areas identified in the 1911 Ordinance.

Prepared by:



Dyana Anderly, AICP.
Planning Manager

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

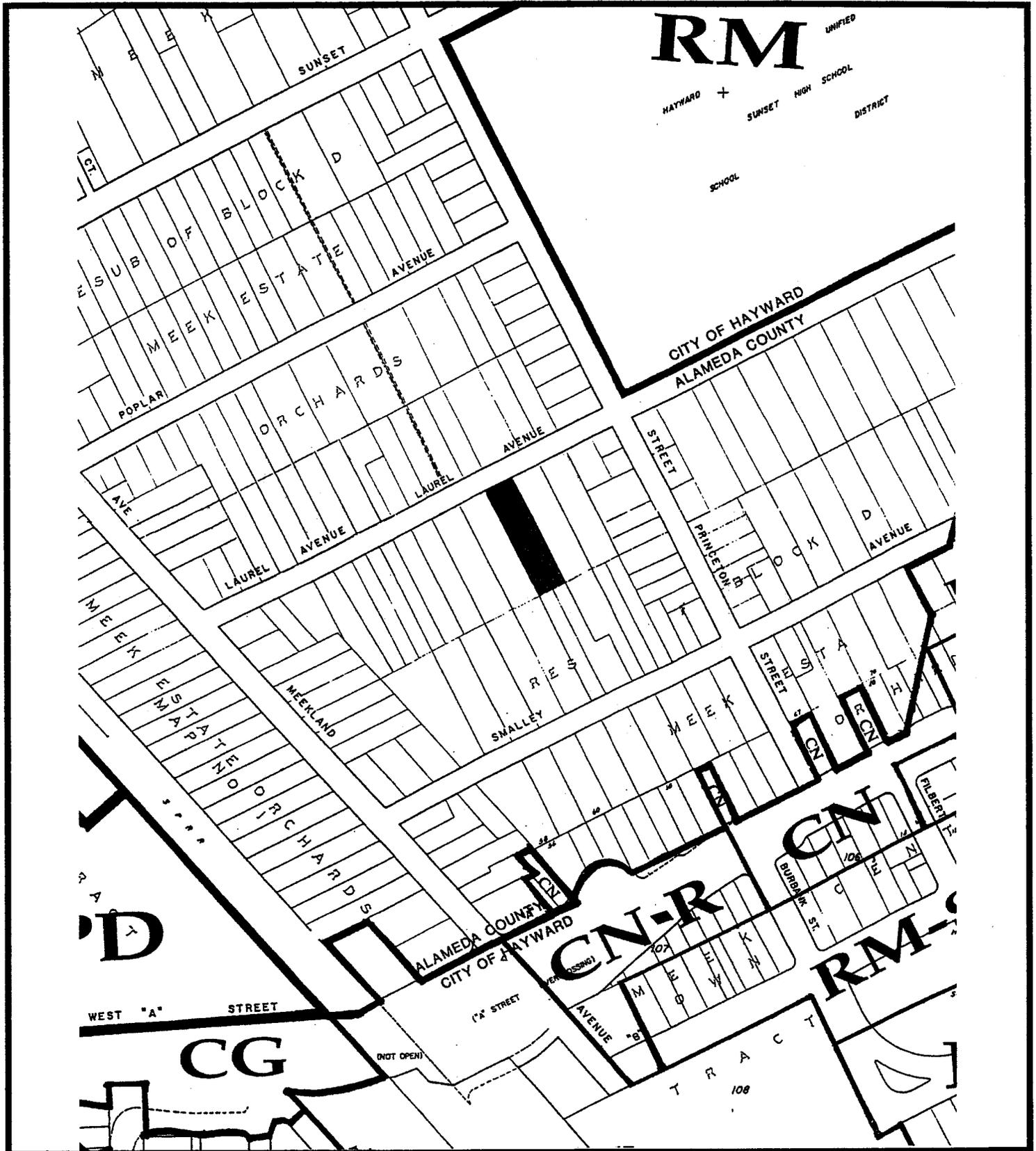
Approved by:



Jesús Armas, City Manager

Attachments: Area Map
Draft Resolution

5.16.01



Area & Zoning Map

USA 01-01

Address: 249 Laurel Avenue

Applicant: Michael Lindow & Amber Stewart

Owner: Michael Lindow & Amber Stewart

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC STREET IMPROVEMENT AGREEMENT AND UTILITY SERVICE AGREEMENT 01-1 - MICHAEL LINDOW AND AMBER STEWART (APPLICANTS/OWNERS) FOR SEWER SERVICE AT 249 LAUREL AVENUE AND DIRECTING STAFF TO APPLY TO THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR APPROVAL

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized and directed to execute a Public Street Improvement Agreement and Utility Service Agreement Application No. 01-1 - Michael Lindow and Amber Stewart (Applicants/Owners) to provide sewer service at 249 Laurel Avenue, in a form to be approved by the City Attorney.

BE IT FURTHER RESOLVED by the City Council that staff is directed to apply to the Local Agency Formation Commission (LAFCO) for approval of the Utility Service Agreement.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward