

ARTICLE 1

PROPERTY DEVELOPERS - OBLIGATIONS AS TO STREETS

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ARTICLE 1

PROPERTY DEVELOPERS - OBLIGATIONS AS TO STREETS

SEC. 7-1.00 PURPOSE. In enacting this portion of this Article, the City Council hereby finds that this City has experienced explosive increases in population, area growth, and land development for high-activity purposes, the direct result of which is to rapidly render the previously existing streets and highways inadequate in width and development to provide minimum acceptable service capacity to the lands being developed, and therefor the public is being denied streets and highways of minimum standards for safe and convenient vehicular and pedestrian access and travel.

Therefore, the provisions hereof are intended officially to define the requirements, policies, and procedures for the acquisition of public rights of way and for the construction of public improvements in connection with the development of property in order to:

- a. Supplement and insure conformity to the Zoning Ordinance, the Subdivision Map Act and to Chapter 10, Articles 3 and 4 of this Code, and to extend the basic requirements thereunder, to apply to land development in which no subdivision is involved;
- b. Spread the costs of required public improvements upon the abutting properties as contemplated by law;
- c. Protect the vested interest of the public in the pre-existing capacity of City streets and highways, and to provide for private participation in the widening and improvement of streets and highways when the same becomes necessary by reason of development of abutting property;
- d. Protect the public safety and general welfare of the general public.

SEC. 7-1.01 INTENT. Compliance with the requirements provided herein is not intended to relieve any further and additional obligations with respect to streets imposed by reason of other regulations of City or as may be provided for by agreement with City.

SEC. 7-1.10 CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS, LIGHTING, AND PAVING REQUIRED. PERMIT APPLICATION. Except as otherwise provided herein, any person constructing, adding to, or arranging for the construction of, or addition to any off-street parking facilities, or any building in the City of Hayward, the result of which effects an increase in the density of use of the property or effects an increase of the traffic generation on the street in question, shall also provide for the construction of curbs, gutters, sidewalks, street lighting, and street paving to meet the existing street pavement, in accordance with City of Hayward standard specifications and design along all public street frontage adjoining the property upon which such work is to be done, unless curbs, gutters, sidewalks, lighting, and paving constructed in accordance with City standards and design therefor already exist.

A permit for such work shall be applied for in accordance with and subject to the provisions of Article 2, Chapter 7 of this Code in addition to the special provisions herein provided. Said permit shall be issued, or a variance as provided in Section 7-1.15 shall be granted, prior to or in conjunction with the issuance of any building permits or other permits for said property.

SEC. 7-1.15 VARIANCE FROM CONSTRUCTION REQUIREMENTS. A variance from the application of Section 7-1.10 in requiring public street improvements to be installed in conjunction with improvements to the abutting property may be granted under the following circumstances:

- (1) Where the City Engineer, on behalf of the Public Works Department, finds and determines that area drainage facilities are inadequate and that the installation of all or a portion of the required public improvements would endanger the public welfare by reason thereof; or
- (2) Where said City Engineer determines that it would be in the best interests of the City to cause all or a portion of the required work to be done on an area project basis rather than on an individual basis; or
- (3) Where the City Manager finds and determines that such requirements, as applied to an individual property, by reason of exceptional or extraordinary situation or condition of said property, or the location thereof, or of the use or development of property in the immediate vicinity of said property, will involve practical difficulties or would cause undue hardship, unnecessary to carry out the purposes and spirit of this portion of this Article.

Such variance shall not be granted nor become effective unless and until an agreement between the property owner and the City of Hayward is properly executed, agreeing that the property owner will undertake the construction of the required improvements as required by these regulations within ninety (90) days after notice to begin the construction of said improvements is sent by the City to the property owner. Said agreement shall further provide that in the event of default in undertaking and completing the required improvements within the time specified, the City may cause such work to be done and the cost thereof to be assessed as a lien against the property. Such agreement shall recite that it runs with the land and shall be recorded in order to constitute notice to any prospective buyers or encumbrancers. The City Manager is hereby authorized to execute such an agreement for and on behalf of the City.

SEC. 7-1.20 LOCATION OF CURBS, GUTTERS, SIDEWALKS AND PAVING. Curb, gutters, sidewalks and street paving shall be constructed at official grades or at other grades established by the City Engineer, and shall be located (1) within the existing right of way for public streets in excess of sixty-eight (68) feet in width, and (2) within the established right-of-way line for public streets established as sixty-eight (68) feet or less in width in accordance with Article 4, Chapter 10 of this Code, or other appropriate regulations.

SEC. 7-1.25 DEDICATION OF RIGHT OF WAY FOR CERTAIN STREETS REQUIRED. Prior to the issuance of any building permits, or other permits, for the improvement or use of property adjoining a public street established as sixty-eight (68) feet or less in width, there shall be dedicated to the City of Hayward that part of said property sufficient to bring said public street up to the width-line established therefor. In the event existing buildings or other structural improvements are located within the right of way to be dedicated, the City of Hayward shall compensate the owner for the costs of removing and relocating said improvements to the remaining property.

SEC. 7-1.30 EXCEPTIONS TO CURBS, GUTTERS, SIDEWALKS, LIGHTING AND PAVING REQUIREMENTS. The construction requirements hereof shall not apply to any of the following circumstances:

- (1) The subdividing or resubdividing of land insofar as the same is regulated by the Subdivision Map Act of the State of California and City of Hayward regulations therefor;
- (2) Where the installation of the required public improvements is provided for by a subdivision agreement or other development agreement to which the City of Hayward is a party requiring, at a minimum, on either a current or a deferred basis, such installation of improvements and dedication of land as would be required under this article;
- (3) Any adjoining street frontage where special precise plan lines in excess of sixty-eight (68) feet in width for future street widening have been established in accordance with Article 4, Chapter 10 of this Code, or other regulations, and the necessary property therefor has not been acquired; or
- (4) Where the installation of the required public improvements is part of a public improvement project already budgeted by the City, or where the same is to be installed by proceedings conducted pursuant to State of California Assessment District Acts.

SEC. 7-1.35 CITY BUILDING OFFICIAL. DUTIES OF FINAL INSPECTION.

The City Building Official shall deny final approval and acceptance, and shall refuse to allow final public utility connections to any building or structure, unless curbs, gutters, sidewalks, lighting, and paving as may be required herein exist or are constructed and accepted by the City.

DRIVEWAYS

SEC. 7-1.50 DEFINITIONS. For the purposes of this portion of this Article, certain words and phrases are defined and certain provisions are to be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

SEC. 7-1.51 DISTRICT. District shall mean the zoning district for the property as established by the Zoning Ordinance of the City of Hayward.

SEC. 7-1.52 DRIVEWAY. Driveway shall mean any curb depression, curb cut, ramp, or other facility or structure, including culverts, which allow access from the public right of way, street, service streets, or alley to private property at a point where a motor vehicle, including trucks, trailers, automobiles and other vehicles of similar kind and use, can gain access to such private property.

SEC. 7-1.53 DRIVEWAY WIDTH. Driveway width shall mean a distance measured between the grade-breaks at the gutter level.

SEC. 7-1.54 LOCATION. For purposes of determining the location of driveways with respect to property lines, "location" shall mean the distance from a point on the curb line at right angles to the point of intersection of the property lines.

SEC. 7-1.55 PRIVATE CONTRACT. The construction of driveways by private contract shall mean by construction other than by the City of Hayward, or by contract let by the City of Hayward.

SEC. 7-1.60 DRIVEWAY PERMIT REQUIRED. It shall be unlawful for any person to repair or construct, or cause to be repaired or constructed, by private contract in the City of Hayward, any driveway, or to begin excavation for the purposes of constructing a driveway within any public street without first obtaining a permit for such work.

Said permit shall be applied for and issued in accordance with and subject to the provisions of Article 2, Chapter 7 of this Code in addition to the special provisions herein provided.

SEC. 7-1.65 DRIVEWAY SPECIFICATIONS. All driveway work shall be performed in accordance with City of Hayward Standard Specifications and design therefor, and shall be constructed at official grades or at other grades established by the City Engineer.

Driveways shall be constructed of permanent materials, which include Portland cement concrete, asphaltic concrete, bricks, or pavers; however, in the case of temporary work, the Director of Public Works may permit other materials to be used.

All work performed adjacent to existing improvements shall match, as close as practical, the surface finish, scoring, color, and appearance of the existing improvements.

Joints between sections of driveways to be repaired or replaced, and sections to remain in place shall be formed by paving or by removal and replacement to the nearest expansion joint.

Scoring lines shall be placed in driveways at no more than three (3) foot centers, both longitudinally and transversely as directed by the Director of Public Works.

SEC. 7-1.70 DRIVEWAY WIDTHS. The minimum driveway width shall be 12 feet in all districts, except that along arterial or major collector streets it shall be a minimum of 16 feet. The maximum driveway width shall be 20 feet in a single-family residential district, and 35 feet in all other districts. Maximum and minimum driveway widths other than the standards herein set forth may be authorized by the Traffic Engineer where circumstances so warrant and such driveways do not create a hazard to pedestrians and vehicular traffic.

SEC. 7-1.71 JOINT DRIVEWAYS. Driveways serving two adjoining ownerships shall extend at least nine feet on each side of the joint property line as extended to the curb line and may be extended in total width to 35 feet with the approval of the Traffic Engineer and when a joint easement for access purposes has been recorded with the Alameda County Recorder.

SEC. 7-1.72 LOCATION OF DRIVEWAYS WITH RESPECT TO CURB RETURNS. No driveway shall be located within five feet of any curb return, except as permitted by the Traffic Engineer; however, in the case of a compound radius curb return, this requirement shall apply only to a curb return with a radius of 100 feet or less.

SEC. 7-1.73 LOCATION OF DRIVEWAYS WITH RESPECT TO PROPERTY LINES. No driveway as measured from the edge of the flare shall be located within two feet of any property line, except as provided for joint driveways or except as permitted by the Traffic Engineer.

SEC. 7-1.74 REQUIRED DISTANCE BETWEEN DRIVEWAYS. There shall be a distance of at least 25 feet between adjacent driveways on any single property frontage or frontage of any group of properties under one ownership serving a single use, except as permitted by the Traffic Engineer.

SEC. 7-1.75 NUMBER OF DRIVEWAYS. No more than two (2) driveways shall be allowed for a single property frontage or frontage of any group of properties under one ownership serving a single use unless approved by the Traffic Engineer where circumstances so warrant, and the location of such additional driveways do not have an adverse effect upon curb parking and street traffic.

SEC. 7-1.76 APPLICATION OF DRIVEWAY STANDARDS IN AREAS WITHOUT VERTICAL CURBS. The standards provided herein for driveway widths and locations shall apply where vertical curb is not present. Access to properties without such curb shall meet the driveway requirements hereof through the use of bumpers, fences, berms, walls, planting areas or other such obstacle located within the subject property so that the allowed access point is clearly defined.

SEC. 7-1.77 DRIVEWAY ALIGNMENT. Every driveway to be constructed or altered shall be located so that the centerline of the driveway meets with the centerline of the access to the property served at their point of intersection on the property line.

SEC. 7-1.78 DRIVEWAYS - RELOCATION OF PUBLIC FACILITIES. Whenever the relocation of poles, signs, fire hydrants, traffic signals or other public improvements become necessary to accommodate a driveway request, the applicant at his own expense shall cause such relocation to City standards and to the satisfaction of the Director of Public Works. The Director of Public Works may require the posting of a cash bond as a condition to the issuance of a driveway permit and cause such work to be done by City forces or by separate contract. In the event the City undertakes the relocation, the cost thereof shall be deducted from the cash bond.