CITY OF
HAYWARD
HEART OF THE BAY

Planning Commission

July 26, 2012

Table of Contents

Agenda 3

Administrative Use Permit PL-2011- 0298 – Adwin Pratap (Applicant)/ Michael and Richard Silva (Owners) – Request to operate an auto body shop with a spray paint booth in an existing warehouse adjacent to single-family residential properties.

- Staff Report 6
- Attachment I - Findings for Approval 10
- Attachment II - Conditions of Approval 12
- Attachment III - PC Staff Report dated May 31, 2012. 16
- Attachment IV - Minutes of May 31, 2012 PC Meeting 38
- Attachment V - Email from Villeroy dated July 10, 2012 46

Zone Change Application PL-2010-0372 / Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District and a Tentative Tract Map to Create 14 Parcels.

- Staff Report 47
- Attachment I - Area Map 57
- Attachment II - Site Plan Aerial 58
- Attachment III - Initial Study and Mit. Neg. Dec.. 59
- Attachment IV - Mitigation Monitoring and Reporting Program. 84
- Attachment V - PD Findings for Approval 87
- Attachment VI - PD Conditions of Approval. 89
- Attachment VII - Tract Findings For Approval. 91
- Attachment VIII - Tract Conditions of Approval 92
- Attachment IX - Burrowing Owl Resource Management Plan 107
- Attachment X - Letter From Hayward Area Shoreline Planning Agency 108
- Attachment XI - Areas Maintained By The Property Owner's Association 109
- Attachment XII - Zone Change Preliminary Plans. 110
- Attachment XIII - Vesting Tentative Tract Map 114

PL-2012-0204 HIST – Designation of Historical Resources on the Local Register – 1436, 1442, 1465, and 1471 B Street; 1421, 1431, and 1444 C Street; and 22589 Chestnut Street – Caltrans (Owner/Applicant)

- Staff Report 118
- Attachment I - Area Map 132
- Attachment II - Findings for Approval 133
- Attachment III - Historic Preservation Ordinance 134
- Attachment IV - Greek Revival Style 152
- Attachment V - Queen Anne Style 160
- Attachment VI - Colonial Revival Style 167

Attachment VII - Neoclassical Style 174
Approval of Minutes
June 28, 2012 179

CITY OF HAYWARD
777 B STREET, HAYWARD, CA 94541-5007
(510) 583-4205 / www.hayward-ca.gov
LIVE BROADCAST – LOCAL CABLE CHANNEL 15

AGENDA
HAYWARD PLANNING COMMISSION
Thursday, July 26, 2012 , AT 7:00 PM
COUNCIL CHAMBERS

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:
Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair 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 for organization. Speakers are expected to honor the allotted time.

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT: (The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission 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 Commission 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 for further action).

ACTION ITEMS: (The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item).

PUBLIC HEARINGS: For agenda item No. 1 and No. 3, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision. For agenda item No. 2, the Planning Commission may make a recommendation to the City Council.

1. Administrative Use Permit PL-2011- 0298 – Adwin Pratap (Applicant)/ Michael and Richard Silva (Owners) – Request to operate an auto body shop with a spray paint booth in an existing warehouse adjacent to single-family residential properties. The site is located at 29225 Sims Court in the Industrial (I) District (APN 464-0100-015-03).

   Staff Report
   Attachment I - Findings for Approval
   Attachment II - Conditions of Approval

Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

Attachment III - PC Staff Report dated May 31, 2012
Attachment IV - Minutes of May 31, 2012 PC Meeting
Attachment V - Email from Villeroy dated July 10, 2012

2. Zone Change Application PL-2010-0372 / Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District and a Tentative Tract Map to create 14 Parcels. The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing District**.**

   Staff Report
   Attachment I - Area Map
   Attachment II - Site Plan Aerial
   Attachment III - Initial Study and Mit. Neg. Dec.
   Attachment IV - Mitigation Monitoring and Reporting Program
   Attachment V - PD Findings for Approval
   Attachment VI - PD Conditions of Approval
   Attachment VII - Tract Findings For Approval
   Attachment VIII - Tract Conditions of Approval
   Attachment IX - Burrowing Owl Resource Management Plan
   Attachment X - Letter From Hayward Area Shoreline Planning Agency
   Attachment XI - Areas Maintained By The Property Owner's Association
   Attachment XII - Zone Change Preliminary Plans
   Attachment XIII - Vesting Tentative Tract Map

3. PL-2012-0204 HIST – Designation of Historical Resources on the Local Register – 1436, 1442, 1465, and 1471 B Street; 1421, 1431, and 1444 C Street; and 22589 Chestnut Street – Caltrans (Owner/Applicant)

   Staff Report
   Attachment I - Area Map
   Attachment II - Findings for Approval
   Attachment III - Historic Preservation Ordinance
   Attachment IV - Greek Revival Style
   Attachment V - Queen Anne Style
   Attachment VI - Colonial Revival Style
   Attachment VII - Neoclassical Style

COMMISSION REPORTS:

4. Oral Report on Planning and Zoning Matters

5. Commissioners' Announcements, Referrals

APPROVAL OF MINUTES

6. **June 28, 2012**

ADJOURNMENT

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which 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.

NOTE: Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 2012

TO: Planning Commission

FROM: Carl Emura, Associate Planner

SUBJECT: Administrative Use Permit PL-2011- 0298 – Adwin Pratap (Applicant)/ Michael and Richard Silva (Owners) – Request to operate an auto body shop with a spray paint booth in an existing warehouse adjacent to single-family residential properties.

The site is located at 29225 Sims Court in the Industrial (I) District (APN 464-0100-015-03)

RECOMMENDATION

That the Planning Commission finds that the project is exempt from California Environmental Quality Act (CEQA) review and approve the administrative use permit, subject to the attached findings and conditions of approval.

BACKGROUND

The applicant proposes to operate an auto body and paint shop adjacent to residential properties to service vehicles sold at his used auto sales business in San Leandro. All work would be conducted inside the building. Staff had recommended denial of the application due to potential impacts of the business on the adjacent residents and the availability of numerous auto repair facilities in the immediate area.

On May 31, 2012, the majority of Planning Commissioners, after a duly-noticed public hearing, expressed favor toward approving the application and directed staff to prepare the findings and conditions for approval (see attached May 31 staff report and meeting minutes, Attachments III and IV). Four Commissioners supportive of the application noted that the property is an allowed use in the Industrial District and that the applicant had addressed the concerns of the surrounding residential property owners. Furthermore, Commissioners noted that the proposed landscaping and the presence of the business on Sims Court might help reduce the graffiti and illegal dumping occurring in the area.

The three Commissioners opposing were concerned about the proximity of the exhaust vents to the single-family dwellings, the potential decline in property values, and the potential to expand operations beyond that being proposed.

DISCUSSION

The adjacent neighbors had expressed concerns regarding three particular issues: noise, paint fumes/toxicity, and property values (see Attachment III, Attachments IV-VIII). Staff believes that potential impacts to the neighborhood would be mitigated such that there would be no impacts on the adjacent properties, if measures are implemented per the recommended conditions of approval.

Noise – The proposed business would be operated only between the hours of 9:30am and 2:30pm, and would not be open on weekends. The business would not be open to the general public, which would limit vehicle trips to employee vehicles and to delivery of the vehicles to be serviced. All vehicle servicing would be required to be performed indoors and the two garage doors would remain closed while work is performed. The applicant prepared an acoustical study (see Attachment III of the attached May 31, 2012 staff report) that indicates the noise level at the property line would be 56.6 dB, below the maximum 70 dBA level allowed in residential zones between 7:00am and 9:00pm by the City's Noise Regulations (Municipal Code Section 4-1.03.1a).

Paint Fumes and Toxicity – Only water-based, low-volume Volatile Organic Compound (VOC) paints would be used to paint the vehicles. All painting would be performed within a spray booth, located within the building, which would capture all paint film not deposited on the vehicle itself. The venting system incorporates an exhaust filter rated at 99% efficiency, above that required (98%) by the Bay Area Air Quality Management District (BAAQMD) in the removal of paint overspray. The applicant expects that the level of paint activity would remain under the BAAQMD threshold of 30 gallons per year. Should the level of activity exceed this threshold, an Air Permit from the BAAQMD would be required, involving monitoring of all paint activity.

Property Values – Staff believes that additional business activity at this location should reduce the incidents of graffiti and illegal dumping that occur presently on this dead-end street. The reduction of these negative impacts because of additional "eyes on the street" should help offset current economic conditions that impact property values.

Administrative Use Findings

A. The proposed use is desirable for the public convenience or welfare.

The proposed auto body shop and spray booth facility is desirable for the public welfare in that there is an ongoing need for used cars in good condition. The proposed facility will allow the applicant to restore used cars to meet that need. In addition, with its presence on the cul-de-sac, the business will deter dumping in the public right-of-way. It will also provide some revenue to the City in the way of business license fees and sales tax from supplies purchased in the City.

B. The proposed use will not impair the character and integrity of the zoning district and surrounding area.

The applicant proposes to operate in a manner that does not impair the character and integrity of the zoning district and surrounding area in that operations would take place within an enclosed building to control noise levels; air quality would be maintained through emissions controls and regulations; and additional landscaping would improve the buffer between the subject property and the adjacent residential uses.

C. The proposed use will not be detrimental to the public health, safety, or general welfare.

The applicant proposes to operate in a manner that would not be detrimental to the public health, safety, or general welfare in that operations would take place within an enclosed building to control noise levels; air quality would be maintained through emissions controls and regulations; and additional landscaping would improve the buffer between the subject property and the adjacent residential uses. In addition, as conditioned, the auto body repair and paint spraying would be limited to only cars and trucks sold by the applicant at his off-site used car lot and not more than six cars could be worked on per week. Furthermore, the facility would not be open to the general public and the hours of operation would be limited to 9:30 am to 2:30 pm, Monday through Friday.

D. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

The proposed auto body shop and spray booth facility as conditioned will be in harmony with applicable City policies and the intent and purpose of the zoning district involved in that the facility, allowed as a permitted primary use in the Industrial Zoning District, will operate in a manner that would mitigate impacts to the adjacent residential properties. The noise level, use of water-based paint, landscaping and limited hours of operations will mitigate the impacts to the adjacent single family residential dwellings.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section15303, New Construction or Conversion of Small Structures.

PUBLIC CONTACT

On July 16, 2012, a Notice of Public Hearing was sent to every property owner and occupant within 300 feet of the subject site. Since the letters of objection were received from residents that are included as attachments to the May 31 staff report, staff received one additional email from resident Brian Villeroy, opposing the application because of health and safety concerns. Most of Mr. Villeroy's concerns are addressed in the Discussion section above. Mr. Villeroy also comments on the poor maintenance conditions of other nearby businesses. Many of the businesses in the area have been in operation for a number of years, predating annexation to the City. It is expected that, over time, conditions will improve as replacement business will be subject to current City requirements. The subject property is developed with a modern building,

separated from the residential properties by a masonry wall; the conditions of approval require appropriate property maintenance.

NEXT STEPS

Following the Planning Commission decision, a 10-day appeal period begins. If the decision is appealed, the application would be scheduled for a public hearing before the City Council.

Prepared by: Carl Emura, ASLA, Associate Planner

Recommended by:

_____

Richard Patenaude, AICP
Planning Manager

Approved by:

_____

David Rizk
Development Services Director

Attachments:

Attachment I	Findings for Approval
Attachment II	Conditions of Approval
Attachment III	May 31, 2012 Planning Commission Report with Attachments I through X
Attachment IV	Minutes of May 31, 2012 Planning Commission hearing
Attachment V	Email from Brian Villeroy dated July 10, 2012

CITY OF HAYWARD
PLANNING DIVISION
ADMINISTRATIVE USE PERMIT
July 26, 2012

ADMINSTRATIVE USE PERMIT PL-2011- 0298 – Adwin Pratap (Applicant)/ Michael and Richard Silva (Owners) – Request to operate an auto body shop with a spray paint booth in an existing warehouse adjacent to residential properties.

The site is located at 29225 Sims Court in the Industrial (I) District (APN: 464-0100-015-03).

FINDINGS FOR APPROVAL

A. Approval of Administrative Use Permit PL-2011-0298 to operate an auto body shop with a spray paint booth in an existing warehouse adjacent to residential properties is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section15303, New Construction.

B. The proposed auto body shop and spray booth facility is desirable for the public welfare in that there is an ongoing need for used cars in good condition. The proposed facility will allow the applicant to restore used cars to meet that need. In addition, with its presence on the cul-de-sac, the business will deter dumping in the public right-of-way. It will also provide some revenue to the City in the way of business license fees and sales tax from supplies purchased in the City.

C. The applicant proposes to operate in a manner that does not impair the character and integrity of the zoning district and surrounding area in that operations would take place within an enclosed building to control noise levels; air quality would be maintained through emissions controls and regulations; and additional landscaping would improve the buffer between the subject property and the adjacent residential uses.

D. The applicant proposes to operate in a manner that would not be detrimental to the public health, safety, or general welfare in that operations would take place within an enclosed building to control noise levels; air quality would be maintained through emissions controls and regulations; and additional landscaping would improve the buffer between the subject property and the adjacent residential uses. In addition, as conditioned, the auto body repair and paint spraying would be limited to only cars and trucks sold by the applicant at his off-site used car lot and not more than six cars could be worked on per week. Furthermore, the facility would not be open to the general public and the hours of operation would be limited to 9:30 am to 2:30 pm, Monday through Friday.

E. The proposed auto body shop and spray booth facility as conditioned will be in harmony with applicable City policies and the intent and purpose of the zoning district involved in that

the facility, allowed as a permitted primary use in the Industrial Zoning District, will operate in a manner that would mitigate impacts to the adjacent residential properties. The noise level, use of water-based paint, landscaping and limited hours of operations will mitigate the impacts to the adjacent single family residential dwellings.

CITY OF HAYWARD
PLANNING DIVISION
ADMINISTRATIVE USE PERMIT
July 26, 2012

ADMINSTRATIVE USE PERMIT PL-2011- 0298 – Adwin Pratap (Applicant)/ Michael and Richard Silva (Owners) – Request to operate an auto body shop with a spray paint booth in an existing warehouse adjacent to residential properties.

The site is located at 29225 Sims Court in the Industrial (I) District (APN: 464-0100-015-03).

This approval is void three years after the effective date of approval unless substantial improvements have been made as determined by the Planning Director. Improvements shall be installed per the approved plan labeled Exhibit "A". Any modification to this permit shall require previous review and approval by the Planning Director.

CONDITIONS OF APPROVAL

1. Prior to the commencement of the auto body shop and spray paint boot, the conditions of approval are to be completed by the business owner.
2. All signs shall comply with the Sign Ordinance regulations for the Industrial Zoning District.
3. The facility shall not be open to the general public. Only automobiles to be sold at the owner's used car dealership shall be allowed to be worked on at this facility. The number of vehicles to be serviced is limited to six per week.
4. The hours of operation shall be limited to Monday to Friday from 9:30 am to 2:30 pm.
5. The building's roll-up doors shall remain closed whenever any auto body work or paint spraying is conducted.
6. The operation of the facility shall comply with the City of Hayward Municipal Code, Chapter 4 Public Welfare, Morals and Conduct, Article 1 Public Nuisances, Residential Noise Limitations.
7. Only water-based paint shall be used to paint the automobiles. All repaint, paint match or paint repairs to automobiles shall be in compliance with the Bay Area Air Quality Management District's Regulation 8, Rule 45, Motor Vehicle and Mobile Equipment Coating Operations (8-45).
8. Violation of conditions is cause for revocation of this permit, subject to a public hearing before the duly authorized reviewing body.

Landscape

9. Landscape Plan requirements:

   a. Detailed landscape and irrigation improvement plans shall be approved by the City. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's *Bay-Friendly Water Efficient Landscape Ordinance*, *Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes*. Dripline of the existing trees to be saved shall be shown on the plan.

   b. No spray heads shall be located within two (2) feet of paved surfaces or structure. Detailed irrigation plan shall show all spray head location and irrigation method for the first two feet of planting next to hardscape.

   c. Use PVC Class 200 for sleeving under the pavement and bury it 36" under roadways and driveways and 24" under walkways.

Fire Department

10. Due to the change of building use and the building area exceeding 5,000 square feet, a fire sprinkler system is required in accordance with NFPA 13 Standard prior to occupancy of the building.

Utilities

The parcel currently has an existing commercial sewer service, with a permitted discharge capacity of approximately 210 gallons per day of domestic strength wastewater. Based on the information provided by the applicant that the business will have one employee, no additional sewer capacity will need to be purchased. It also has an existing 1" domestic water meter.

11. Water & Sewer Service are available and subject to standard conditions and fees in effect at time of application and payment of fees.

12. If the existing water service line and meter cannot be reused, it must be abandoned by City Water Distribution Personnel at the owner's/applicant's expense.

13. A separate water service line to supply the fire sprinkler system shall be installed. All fire services shall be installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-204. Minimum sizing shall be per Fire Department's requirements.

14. Any modifications needed to the water service and/or water meter (upsize, downsize, relocate, etc.) must be performed by City Water Distribution Personnel at the owner's/applicant's expense.

15. All domestic & irrigation water meters must have Reduced Pressure Backflow Prevention Assemblies, per City of Hayward Standard Detail 202.

Development Review Services

16. A van-accessible handicapped parking space shall be provided. The proposed handicap parking stall shall meet CalTrans 2006 Standard Plan A90A.

17. The on-site parking stall design shall meet the City of Hayward's Off-Street Parking Regulation standards and Standard Detail 110B.

Water Pollution Control

18. A Standard Industrial Waste Monitoring Structure (Dwg. No. SD-309 filed 6-15-93) shall be installed end of pipe if not existing.

19. Automotive Body Repair Activities:

    A. Dry Sanding

        1. Conduct all sanding indoors.
        2. Sweep, vacuum, or use other dry cleanup methods routinely to pick up dust from dry sanding of primer, metal, or body filler. Make extra efforts to thoroughly sweep or vacuum dust prior to mopping.
        3. Use vacuum sanding equipment whenever possible in order to reduce the amount of airborne dust.

    B. Wet Sanding

        1. Conduct all sanding indoors.
        2. Do not wet sand in a wash rack or in an area with a floor drain.
        3. If possible, reduce or eliminate need for a sanding bucket:
            a. Use dent repair tools whenever practical for small dents.
            b. Use vacuum sanding equipment whenever practical (for larger panels) in order to minimize the amount of wastewater.
            c. Use spray bottle to squirt water onto the panel. This eliminates sanding bucket wastewater and also minimizes drips and spills.
            d. Place a pan under the car panel being sanded to catch drips. Pour the collected water back into the wet sanding bucket.
            e. Clean up drips with a rag, or let the drips dry and then sweep or vacuum up the dust.

    C. Cleaning Floors

        Sanding dust and wet-sanding drips often end up on the shop floor. If the shop floor is mopped and the mop water is discharged to the sanitary sewer, the mop water alone can cause a violation of local sanitary sewer discharge limits for zinc.

        Instead of mopping, sweep the floors.

        1. If mopping must be done, follow this three-step procedure:
            a. Clean up all drips and spills with rags or other absorbent materials.
            b. Sweep or vacuum to pick up dust. (This should be a frequent routine.)
            c. Mop with a minimal amount of water. Do not let water run outside.

d. Dispose of the mop water to the sanitary sewer through a drain or permitted treatment system. As an additional precaution, let the mop water settle overnight or longer (in a bucket or settling unit) prior to discharge.

D. Miscellaneous:

1. When receiving damaged vehicles, inspect for leaks. Use drip pans if necessary.
2. Conduct all body repair and painting work indoors.
3. When cleaning wheels, avoid the use of acid-based wheel cleaners if soap and elbow grease will do.
4. Never use spray-on, acid-based wheel cleaners in areas where rinse water may flow to a street, gutter, or storm drain.

CITY OF
HAYWARD
HEART OF THE BAY

DATE: May 31, 2012

TO: Planning Commission

FROM: Carl Emura, Associate Planner

SUBJECT: Administrative Use Permit PL-2011- 0298 – Adwin Pratap (Applicant)/ Michael and Richard Silva (Owners) – Request to operate an auto body shop with a spray paint booth in an existing warehouse adjacent to single-family residential properties.

The site is located at 29225 Sims Court in the Industrial (I) District (APN 464-0100-015-03)

RECOMMENDATION

That the Planning Commission finds the project exempt from California Environmental Quality Act (CEQA) review and denies the administrative use permit, subject to the attached findings.

SUMMARY

The applicant proposes to operate an auto body shop adjacent to residential properties that would not be open to the general public to serve his used auto sales business in San Leandro. The shop would include a spray paint booth and all work is proposed to be conducted inside the building. Residents in proximity to the property oppose the application, citing concerns about noise, paint fumes, toxic paints and property values. The neighborhood (½-mile radius) currently contains 18 auto or truck repair establishments. Staff is not supporting the proposed use, given staff's inability to make the required findings to support an administrative use permit, particularly due to the inability to determine this use, which would serve a business in San Leandro, would benefit the community of Hayward.

BACKGROUND

The applicant operates a used car sales lot, Absolute Auto Sales, in San Leandro and would like to convert an existing warehouse into an auto body facility, including a spray paint booth, to do minor body work and touch-up painting for vehicles sold at his car sales lot in San Leandro. The property, previously occupied by an ice cream truck company, is zoned Industrial (I) District. With the exception of the properties to the west, which are zoned Single Family Residential (RSB4) District, the surrounding properties are also zoned Industrial District. The property to the south contains a construction equipment storage yard; the property to the east, across Sims Court, contains an

office/warehouse; the property to the north is occupied by Roto-Rooter; and the properties immediately to the west contain small-lot, single-family homes.

The facility would initially operate three days a week from 9:30 a.m. to 2:30 p.m. and later expand operations to five days a week. According to the applicant, no work would be performed on the weekends and only minor automobile bodywork would be performed consisting of touch-ups or partial paint jobs; no collision repairs or extensive bodywork would be performed. All bodywork and painting would be done inside the building with the two roll-up doors closed. No automobile detailing would be done at this location. No work would be done outside the building.

Automobile repair is a primary use in the Industrial District, however, when a primary use abuts a residential property, approval of an Administrative Use Permit is required. During the public notice period, staff received six responses from the residents along the west side of the property opposing the facility. Concerns were raised about noise, paint fumes, toxic paint and chemicals, and impacts to property values. Because of the significant concern of the adjacent residents, the Planning Director referred this matter to the Planning Commission.

DISCUSSION

The concerns from the surrounding neighbors focused on three major issues: noise, paint fumes and toxicity, and property values.

Noise – One of the residents made reference to the noise from the ice cream truck business, previously operating on this site, emanating from their refrigeration units, trucks and workers, and was concerned about the noise from the proposed use. The applicant states that their operation would not adversely affect the adjacent residences closest to the property in that there would be a maximum of two staff members, the hours of operation would be limited to 9:30 a.m. to 2:30 p.m., they would not be open on the weekends or to the general public, and the two garage doors would remain closed when they are working on the vehicles.

The City of Hayward Municipal Code (Sec. 4-1.03.1) states that no person shall produce or allow to be produced noise that exceed 70 dBA (the level when close to a main road by day) between the hours of 7:00 a.m. and 9:00 p.m. or 60 dBA (a noisy lawn mower at a 10-meter distance) between the hours of 9:00 p.m. and 7:00 a.m. According to a report "Sims Court Acoustical Study" (Attachment III), dated February 10, 2012, and prepared by Patrick Burger, Architect, the noise level would be 56.6 dB at the concrete masonry wall on the property line adjacent to the residences with the doors closed, and 66.9 dB with the doors open. Therefore, the noise level would be consistent with the Municipal Code standards.

However, the property contains a significant amount of outdoor parking area with two garage doors that face some of the adjacent residences. Vehicle movements would take place in the outdoor area adjacent to the residences. It is also likely that it would be inconvenient to the operations to leave the garage doors closed at all times. As the business grows, the noise impact could increase. While the applicant proposes to limit the use to the day-time hours, some of the adjacent residents have expressed that they are home during the day.

Paint Fumes and Toxicity – Only water–based low volume Volatile Organic Compounds (VOC) paint would be used to paint the vehicles. Outdoor emissions of VOC contribute to the formation of ozone. The Bay Area Quality Management District (BAAQMD) requires obtaining an Air Permit if 30 gallons or more of paint or solvent is used per year. The Air Permit limits the amount of paint and solvent that can be used and requires that records of the date, quantity of paint sprayed, mixture ratio and vehicle license number be kept. Other requirements are to install a filter on the spray booth to achieve at least 98% capture efficiency and the spray booth should be fully enclosed and ventilated.

The applicant would be using a state-of-the-art Col-Met Spray Booth (www.colmetsb.com), a 15' x 34'-6" (518 square feet) self-contained enclosed structure, which will be located within the building. According to the applicant, all work (limited to minor bodywork and the partial spray painting of cars) will be performed inside the spray booth, or in the building, and not outside the building, or exterior parking area. This self-contained spray booth captures all paint film not deposited on the car body itself. The venting system exits through the roof of the building and incorporates an exhaust filter manufactured by Columbus Industries. The paint arrestor filter is rated at 99% efficiency for the removal of paint overspray.

However, there is no guarantee that emissions from the spray booth would be consistently controlled. Adjacent residents have expressed concern about the health impacts related to the spray painting operations, especially affecting those with asthma. Persons who are exposed to toxic air pollutants have increased chance of developing cancer and other serious health problems.

Property Values – The applicant would be planting a line of evergreen shrubs, along the rear and south property lines, to aid in the screening of their facility from the adjacent residential parcels, as well as new plantings and street trees along the front property line. The applicant believes his facility would be less visually and acoustically intrusive, than the property might otherwise be subjected to by any other potential full-time, more intensive use or any other existing use abutting the residential properties and therefore does not believe that his facility would detract from those existing values.

However, the proposed use would contribute to a large number of auto and truck repair establishments within a ½-mile radius of the project site that have the potential to negatively impact the health and welfare of nearby residents, thereby potentially affecting property values.

Administrative Use Findings

While the applicant may be able to mitigate the operational impacts of the business on the adjacent residential properties, staff does not believe that all the required findings, as follow, can be made.

A. The proposed use is desirable for the public convenience or welfare.

The proposed auto body shop and spray booth facility is not desirable for the public welfare in that the proposed business does not provide service to the Hayward community while having the potential for causing negative impacts to adjacent local residents. The surrounding area (1/2-mile radius from the site) already contains at least 18 auto or truck repair establishments.

B. The proposed use will not impair the character and integrity of the zoning district and surrounding area.

The applicant claims that the proposed auto body shop and spray booth facility could operate in a manner that does not impair the character and integrity of the zoning district and surrounding area in that operations would take place within an enclosed building to control noise levels; air quality would be maintained through emissions regulations; and additional landscaping would improve the buffer between the subject property and the adjacent residential uses. However, it has been the experience of the City of Hayward that auto-oriented uses often find it convenient to perform certain operations outside of an enclosed building. The proposed use also has the potential to increase operations beyond that proposed. The potential intensity of this use is of special concern given the small-lot, single-family residential uses adjacent to the industrial properties along the westerly side of Sims Court. Residents have expressed concern regarding health impacts caused by pollutants and disruption of the neighborhood's peace and quiet.

C. The proposed use will not be detrimental to the public health, safety, or general welfare.

The applicant claims that the proposed auto body shop and spray booth facility will not be detrimental to the public health, safety, or general welfare in that operations would take place within an enclosed building to control noise levels; air quality would be maintained through emissions regulations; and additional landscaping would improve the buffer between the subject property and the adjacent residential uses. However, it is not possible to consistently monitor the operations of individual businesses, and potential impacts of the proposed use to the, at least, 18 auto and truck repair establishments within one-half mile of the site could be detrimental to public health and general welfare of the immediately adjacent neighborhood.

D. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

The purposes for requiring an administrative use permit when an industrial use abuts a residential district includes assuring that the use is permitted where there is a community need. In this case, the surrounding area (1/2-mile radius from the site) already contains at least 18 auto or truck repair establishments. Therefore, community need cannot be established for this use, which would serve a business in San Leandro, that has the potential to negatively impact the adjacent residential neighborhood.

ENVIRONMENTAL REVIEW

Disapproved projects are exempt from CEQA review when the public agency determines that the application for project approval will not be approved. Should the Planning Commission decide to approve the administrative use permit, staff will be required to make an environmental assessment and will develop findings in support of the project and recommended conditions of approval for Commission consideration.

PUBLIC CONTACT

On September 28, 2011, an Official Notice of the request was sent to every property owner and occupant within 300 feet of the subject site. As a result of the notice, staff received six responses opposing the auto body shop from the residential property owners along the west side of the property. They expressed concerns about noise, health and property values. The applicant distributed a letter dated January 12, 2012 (See Attachment V) to the residents along the west property line addressing their concerns. On May 11, 2012 a Notice of Public Hearing for the Planning Commission meeting was mailed. No responses have been received by the time this report was prepared.

NEXT STEPS

Following the Planning Commission decision begins a 10-day appeal period. If denied, the decision could be appealed and the application would be scheduled for a public hearing before the City Council.

Prepared by: Carl T. Emura, ASLA, Associate Planner

Recommended by:

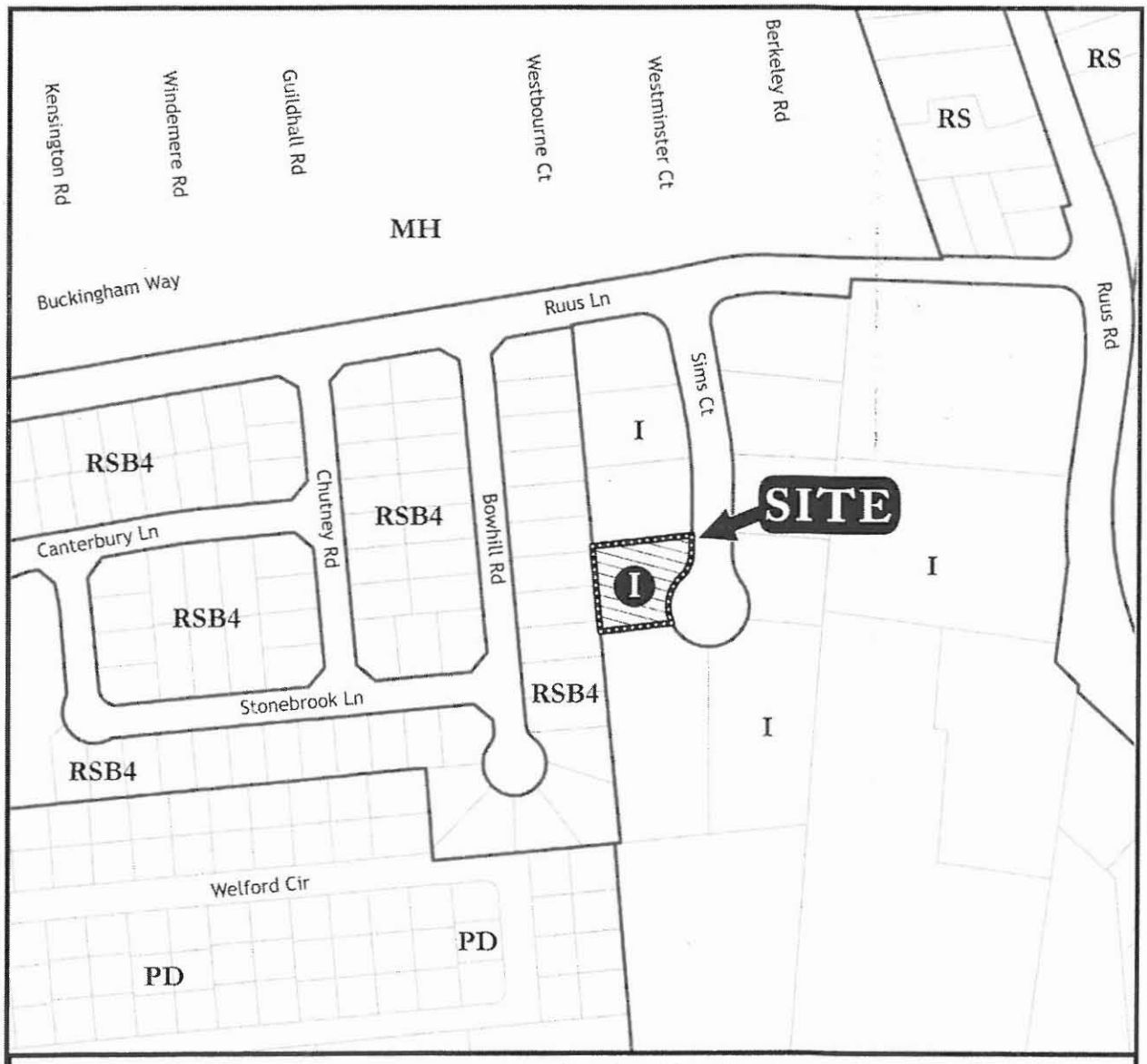
Richard Patenaude, AICP
Planning Manager

Approved by:

David Rizk
Development Services Director

Attachments:

Attachment I Area Map
Attachment II Findings for Denial
Attachment III Sims Court Acoustical Study dated 2/10/12
Attachment IV Email from Maria Penafiel dated 9/26/11
Attachment V Email from Bruce Finley dated 9/26/11
Attachment VI Letter from Yusuf Ali dated 9/27/11
Attachment VII Email from Delnis Miranda dated 9/28/11
Attachment VIII Email from resident of 29298 Bowhill Road dated 10/3/11
Attachment IX Letter to Neighbors from Applicant dated 1/12/12
Attachment X Plan



Area & Zoning Map

PL-2011-0298 AUP

Address: 29225 Sims Court

Applicant: Adwin Pratap

Owner: Micharel or Richard Silva

Zoning Classifications

RESIDENTIAL

MH Mobile Home Park

RS Single Family Residential, min lot size 5000 sqft

RSB4 Single Family Residential, min lot size 4000 sqft

INDUSTRIAL

I Industrial

OTHER

PD Planned Development

N

FEET 200 400

CITY OF HAYWARD
PLANNING DIVISION
ADMINISTRATIVE USE PERMIT
May 31, 2012

ADMINSTRATIVE USE PERMIT PL-2011- 0298 – Adwin Pratap (Applicant)/ Michael and Richard Silva (Owners) – Request to operate an auto body shop with a spray paint booth in an existing warehouse adjacent to residential properties.

The site is located at the 29225 Sims Court in the Industrial (I) District, (APN: 464-0100-015-03)

FINDINGS FOR DENIAL

A. Denial of Use Permit Application No. PL-2011-0298 to request to operate an auto body shop and a spray paint booth in an existing warehouse adjacent to residential properties in the Industrial (I) Zoning District is exempt from the provisions of California Environmental Quality Act guidelines pursuant to Section 15270 (a), *Projects that are Disapproved.*

B. The proposed auto body shop and spray booth facility is not desirable for the public welfare in that the proposed business does not provide service to the Hayward area while having the potential for causing negative impacts to adjacent local residents. The surrounding area (1/2-mile radius from the site) already contains at least 18 auto or truck repair establishments.

C. The proposed auto body shop and spray booth facility will impair the character and integrity of the zoning district and surrounding area. In spite of the applicant claims that the proposed auto body shop and spray booth facility could operate in a manner that does not impair the character and integrity of the zoning district and surrounding area in that operations would take place within an enclosed building to control noise levels; air quality would be maintained through emission regulations; and additional landscaping would improve the buffer between the subject property and the adjacent residential uses. It has been the experience of the City of Hayward that auto-oriented uses often find it convenient to perform certain operations outside of an enclosed building. The proposed use also has the potential to increase operation beyond that proposed. The potential intensity of this use is of special concern given the small-lot, single-family residential uses adjacent to the industrial properties along the westerly side of Sims Court. Residents have expressed concern regarding health impacts caused by pollutants and disruption of the neighborhood's peace and quiet.

D. The proposed auto body shop and spray booth facility will be detrimental to the public health, safety, or general welfare. In spite of the applicant claims that the operations would take place within an enclosed building to control noise levels; air quality would be

maintained through emissions regulations; and additional landscaping would improve the buffer between the subject property and the adjacent residential uses. It is not possible to consistently monitor the operations of individual businesses, and potential impacts of the proposed use to the, at least, 18 auto and truck repair establishment within one-half mile of the site could be detrimental to public health and general welfare of the immediately adjacent neighborhood.

E. The proposed auto body shop and spray booth facility in harmony with applicable City policies and the intent and purpose of the zoning district involved in that the purposes for requiring an administrative use permit when an industrial use abuts a residential district includes assuring that the use is permitted where there is a community need. In this case, the surrounding area (1/2-mile radius from the site) already contains at least 18 auto or truck repair establishments. Therefore, community need cannot be established for this use that has the potential to negatively impact the adjacent residential neighborhood.

SIMS COURT ACOUSTICAL STUDY

Subject Property:	29225 Sims Court
Date of Study:	February 10, 2012
Time of Study:	4:30 PM to 5:30 PM
Weather:	Clear, 56°, Wind >5 mph

Acoustical Study Parameters:
The Acoustical Study was performed while operating the loudest piece of equipment to be employed in Applicants operation of the facility: A Portable Air Compressor, manufactured by Schrader-Bridgeport. Model: NAC82-4256-VAT

The instrument used for the Study was a Center Technologies Model 325, with a range of 35-130dB, accuracy of +/- 1.5dB, and resolution of 0.1dB. A windscreen was employed during the testing. The device is a rated IEC 651 TYPE II device, OSHA Compliant, and calibrated to NIST (National Institute of Standards & Technology) Standards. The device employs an Electret condenser microphone, with a frequency range of 31.5Hz to 8KHz, and a dynamic range of 50dB.

Readings were taken using a Frequency Weighting of **A**; and a Time Weighting of **FAST**

For each location several readings were obtained, and for purposes of this study, the highest reading was taken, and is noted below.

The following are the results of the study:

@ 5' inside buildings south wall, with doors closed:	80.4 dB
@ 5' inside buildings south wall, with doors open:	79.1 dB
@ 5' outside buildings south wall, with doors closed:	66.4 dB
@ 5' outside buildings south wall, with doors open: (@ door closest to West property line)	72.9 dB
@ 5' outside buildings south wall, with doors open: (@ door closest to East property line)	77.9 dB
@ 2' from West property lines CMU wall, with doors closed:	56.6 dB
@ 2' from West property lines CMU wall, with doors open:	66.9 dB

Summary of Findings:
The results of the study confirm that the generated noise level is below 70dBA at the property lines, within the allowable limits requirements of the City's Residential Property Noise Restrictions. The existing 6' high CMU wall must further reduce the noise levels beyond the property line, although no readings were taken on the opposite side of the wall, from the neighboring properties. Based on these findings, Applicant believes his proposed use of the facility conforms to the requirements of the City's Residential Property Noise Restrictions.

I certify that the above Acoustical Study was conducted by me, on the date and at the time first noted above, and the instrument used and readings obtained, are those as outlined and stated above.

Patrick J. Burger
Architect

Carl Emura

From: Maria Penafiel [maritesfiel@yahoo.com]
Sent: Monday, September 26, 2011 11:12 AM
To: Carl Emura
Subject: 29225 Sims Court auto body shop adjacent to single family homes

Dear Mr Carl Emura

This letter is in reference to PL-2011-0298 AUP . I am a property owner located at 29270 Bowhill Road Hayward CA 94544.
I am totally not agreeable to having someone operate an autobody shop with a spray paint booth because this is close to residential homes.
As you enter Ruus lane there will be a different traffic flow in that area plus the fumes that the residents can inhale. I know that this people just want to be competitive in their business that's why they want to be confined in one place so that when people want to bargain they can just go from one body shop to another . People can just walk from one body shop to another. Please not at our own expense, this is not a flea market . If they want to establish a business pls be considerate of others and the surroundings too and how it will affect others.

Hoping that you will not approve of this and I am also speaking in behalf of the residents of Georgia Manor, a residential facility for the elderly which is just across the street.

Thank you.

Sincerely
Maria Penafiel

Attachment V

From: Bruce Finley [bfbusiness@comcast.net]
Sent: Monday, September 26, 2011 8:04 PM
To: Carl Emura
Subject: Opposition to PL-2011-0298-AUP

Importance: High

Dear Mr. Emura,

I'm writing in reference to the Official Notice I received concerning Adwin Pratap, Micharel or Richard Silva's request to operate a auto body shop with a spray paint boot at 29225 Sims Court in Hayward.

I am adamantly opposed to having this facility so close to residential homes. Among the many reasons I have, is the fact that the noise level is sure to go up in the neighborhood. I'm very concerned about the potential noise level, not only during the day, but when they work outside normal business hours.

The use of chemicals and paints so close to homes is unconscionable. Everyone, especially the young, seniors, and those with medical conditions in the neighborhood are at risk for chemical exposure through airborne particles.

I implore you not to approve this request for the sake of the residents.

Please reply acknowledging receipt of this email.

Thank you,

Bruce Finley
29278 Bowhill Rd.
Hayward, CA 94544

RECEIVED
SEP 29 2011
PLANNING DIVISION

September 27, 2011

Carl T. Emura, ASLA
Planning Division
777 B Street
Hayward, CA, 94541-5007

Re: PL-2011-0298AUP
Address: 29225 Simms Court, Hayward, CA
Applicant: Adwin Pratap
Owner: Micharel or Richard Silva

Mr. Cart T. Emura,

Thank you for the opportunity to respond to the proposed auto body shop at 29225 Simms Ct. I reside on Bowhill Rd. My home is located along the south west edge of the proposed auto body shop. Auto body repair and paint facilities already exist within the community and I do not see the need for another. My home will directly be impacted by this facility.

There is what appears to be a heavy equipment storage facility within the court. There are more than a dozen auto repair and paint facilities from Ruus Lane to Industrial Parkway on Ruus Road and from Ruus Road to Stratford Road. on Industrial Parkway. There is a truck repair facility as well as a tire and brake repair facility on Industrial Parkway between Russ Road and Stratford Road and a very large auto auction wholesale center on Addison Way and Stratford Road. Though these shops and locations are all different they all have one thing in common, toxic and hazardous chemical waste and conditions. How often are the businesses checked for compliance?

According to the Department of Labor of the United States**, "auto body shops are potentially exposed to a variety of chemical and physical hazards. Chemical hazards may include volatile organics from paints, fillers and solvents; diisocyanates, polyisocyanates and hexavalent chromium from spray painting operations; silica from sandblasting operations; dusts from sanding; and metal fumes from welding and cutting. "

According to the United States Environmental Protection Agency***, " People who are exposed to toxic air pollutants at sufficient concentrations, for sufficient durations, may increase their chances of getting cancer or experiencing other serious health effects, such as reproductive problems, birth defects, and aggravated asthma. Auto body shops repair, repaint, and customize cars, trucks, and other vehicles. Their activities include sanding, cleaning, and painting, all of which may release pollutants into the air and may contribute to health concerns in the shop and in the community. "

All of these services also bring about noise within the community. The service doors of the building face my home. The noise from power tools and metal work will travel directly into my home. A food service business was there for several years (Hayward Wholesale Ice Cream). The refrigeration units would go on at all hours of the night not to mention all the ice cream vendor trucks and the loud yelling and ice cream truck music during business hours.

I am retired and spend most of my time at home during the day also my six grandchildren (3,4,4,5,10,12) are often at my home. They love to play in the backyard and I am now afraid that they will be subjected to the harsh and often caustic chemicals used in the auto body industry.

I understand that the auto body industry does use precautions to minimize the hazards of the industry. The equipment used such as a spray booth will contain paint fumes and toxic paints. This will minimize the impacts of pollution in the area, non-the-less, more pollution and hazardous materials will be introduced. Even at a minimized level, pollution, both toxic and noise, that was not present before will be now be present. Body shops work well into the evening hours to meet scheduled completion times. They may have official hours of business, but when quitting time comes, they don't drop their tools and walk away for the night.

The addition of the auto body shop so close to the home will also decrease property values in the area. With today's economic woes, the last thing the community needs is a decrease in property values. The decrease in value may increase the number of home owners who once had equity in their home to now owe more money than the home is worth, thus leading to the possibility of an increase in foreclosures or short sales. With this in mind home prices can drop by as much as 15%.****

I received my notice on the 24th of September. I am sure that a lot of home owners might not have the time to respond to this notice. Please give them more time to voice their opinions. Thank you for your time, your consideration in this matter will be greatly appreciated. I would like to see our neighborhood remain as it is. I do not believe another auto body repair and paint shop is needed in this area.

Thank You for Your Time,

Yusuf Ali
Bowhill Rd.,
Hayward, CA, 94544
(510)786-1974

**http://www.osha.gov/SLTC/autobody/index.html

***http://pubweb.epa.gov/oar/toxicair/community/guide/autobody_comm_info.pdf

****http://realestate.msn.com/7-neighborhood-threats-to-your-homes-value

Attachment VII

From: Del Miranda [miranda@tensilica.com]
Sent: Wednesday, September 28, 2011 6:55 PM
To: Carl Emura
Subject: 29225 Simms Court

Dear Carl Emura,

My name is Delnis Miranda and I live at 29236 Bowhill Road in Hayward. I recently received your mail notification regarding the property located at 29225 Simms Court, which is located directly in back of my home. I understand that you received a request to operate an autobody shop at that property. I would like to express concern over this decision.

From my understanding of Autobody shops, they are relatively high in terms of air, noise, and visual pollution. My primary concern is the health of my wife and two young children. My youngest daughter has severe asthma. The pollutants from excessive automotive exhausts and paint contaminants from the spray paint booth may result in dire consequences to my daughter's health. Second to that, the noise pollution resulting from operating an autobody repairing vehicles often exceed safe decibel levels and require the use of protective gear to prevent hearing loss. Such noise, especially in the early morning and late afternoon hours, will disturb the much needed tranquility and quietness of the neighborhood and cause a significant increase in stress levels for surrounding neighbors. Autobody shops also tend to collect wrecked cars in various stages of repair, leading to visual pollution and overall loss of property values. All in all, having an Autobody shop next to my home will be very troublesome for my family.

It is my belief that AutoBody shops should be located in areas that is a reasonable distance away from residential areas due to health risks due to pollution.
I hope that you will deny approval for this request and continue to do what's best for the people of Hayward and keep Hayward, the Heart of the Bay, a great place to live.

Feel free to contact me if you have any questions. I would appreciate if you keep me informed of what happens next.

Regards,
del

Attachment VIII

From: denfisherman@comcast.net
Sent: Monday, October 03, 2011 3:19 PM
To: Carl Emura
Subject: autobody shop at 29225 sims court

The body shop is too close to residential area to have a spray paint booth. We already have about six body shop in the area. If wind blow in the direction of the house the paint fume would be loud smelling. I disapprove of this location for a body shop. I am a homer at 29298 bow hill road. Thank you

Adwin Pratap
Absolute Auto Sales
16500 E 14th Street
San Leandro, CA 94578
(Office) 510-363-8705 (Cell) 510-274-9850

January 12, 2012

Subject: **29225 Sims Court – Proposed Minor Bodywork and Spray Paint Booth Within Existing Building**

To My Bowhill Road Neighbors,

We have received your comments regarding our proposed use of the subject site. We fully understand and appreciate your concerns and wanted to take this opportunity to further clarify our proposed use of the property.

We are not a business dedicated to automobile bodywork, and/or the repair of vehicles that have been seriously damaged. I own a car dealership, Absolute Auto Sales, located in San Leandro, which is my primary business. I intend on using this location, 29225 Sims Court, solely for minor bodywork, and the partial, touch-up painting of cars. I will not be completely painting any cars. There will never be more than 3 cars on site, and cars will generally be parked within the building. Three days a week, there will only be one employee's car in the parking lot. Any given car to be painted will be on site, within the building, for 1 to 2 days only. My use of this facility will be fairly limited.

The previous comments from the neighborhood to the City focused on four major concerns: Noise, Paint Fumes, Toxic Paints, and, Property Values. I address these issues below.

NOISE

My proposed hours of operation will be limited to 9:30 AM to 2:30 PM, on Mondays, Wednesdays and Fridays, for a total of no more than 15 work hours per week. There is no work proposed on Tuesdays, Thursdays or weekends. Although an eventual expansion of my business may entail extending operating days to include Tuesday and eventually Thursday, the hours of operation would always be limited, as noted above, and no work would be performed on weekends. There will be a maximum of 2 employees, normally one employee, and on occasion, one helper or myself. There will be only minor automobile bodywork performed – no collision repairs or extensive bodywork. The spray painting performed will occur within a self-contained spray booth, within the building. The two roll-up doors to the building will be closed during the painting process. The compressor used for the spray painting is a Schrader-Bridgeport, 30 gallon, 2HP Running – 5HP Peak, Model NAC 82 – 4256, which generates approximately 85dB @ 3 meters. Audible noise level, in dB, outside the roll-up doors would be approximately <80dBA, and well below 70dBA at the property lines, well within the requirements of the City's Residential Property Noise Restrictions. As an example, normal conversation at a distance of 3-5 feet ranges from 60 to 70dB. **The limited hours of operation, and the low dB ('noise') generated, will not be an issue adversely affecting any of the adjacent residences closest to the subject building.**

PAINT FUMES

The spray paint booth I will be using (a Col-Met Spray Booth, www.colmetsb.com) is a state of the art, self-contained and enclosed structure, which will be located within the building. All work – limited to minor bodywork and the partial spray painting of cars - will be performed inside the spray booth, or in the building, and not outside the building, or in any outdoor parking area. This self-contained spray booth structure captures all paint film not deposited on the car body itself. The venting system exits through the roof of the building and incorporates an **exhaust filter manufactured by Columbus Industries. It is a paint arrestor filter rated at 99% efficiency for the removal of paint overspray. Underwriters Laboratory file number: R5277 Paint fumes will not adversely affect the neighborhood.**

TOXIC PAINTS & CHEMICALS

We will be using only water-based paints. There will be no VOC (Volatile Organic Compound) type paint products used at this facility. **There will be no toxic paints employed in my operations. We will not be detailing or washing any cars on site. I subcontract out to another off-site company – authorized for such work – all detailing and car washing. There will be no toxic chemicals used in our proposed operations.**

PROPERTY VALUES

We will be planting a line of evergreen shrubs, along the rear and left side property lines, to aid in the screening of our facility from the adjacent residential parcels, as well as new plantings and street trees along the front property line. As a condition of use, the City requires appropriate landscaping and an approved sprinkler system, to maintain the landscaping in optimal condition. My proposed use of this facility is a lot less intrusive visually and acoustically, than the property might otherwise be subjected to by any other potential full-time, more intensive use, tenant. **I propose that the above elements, in combination, act to increase the areas property values**, and not detract from those existing values. The view from any neighboring residential properties will be enhanced by the landscaping proposed, and my occupancy of the property.

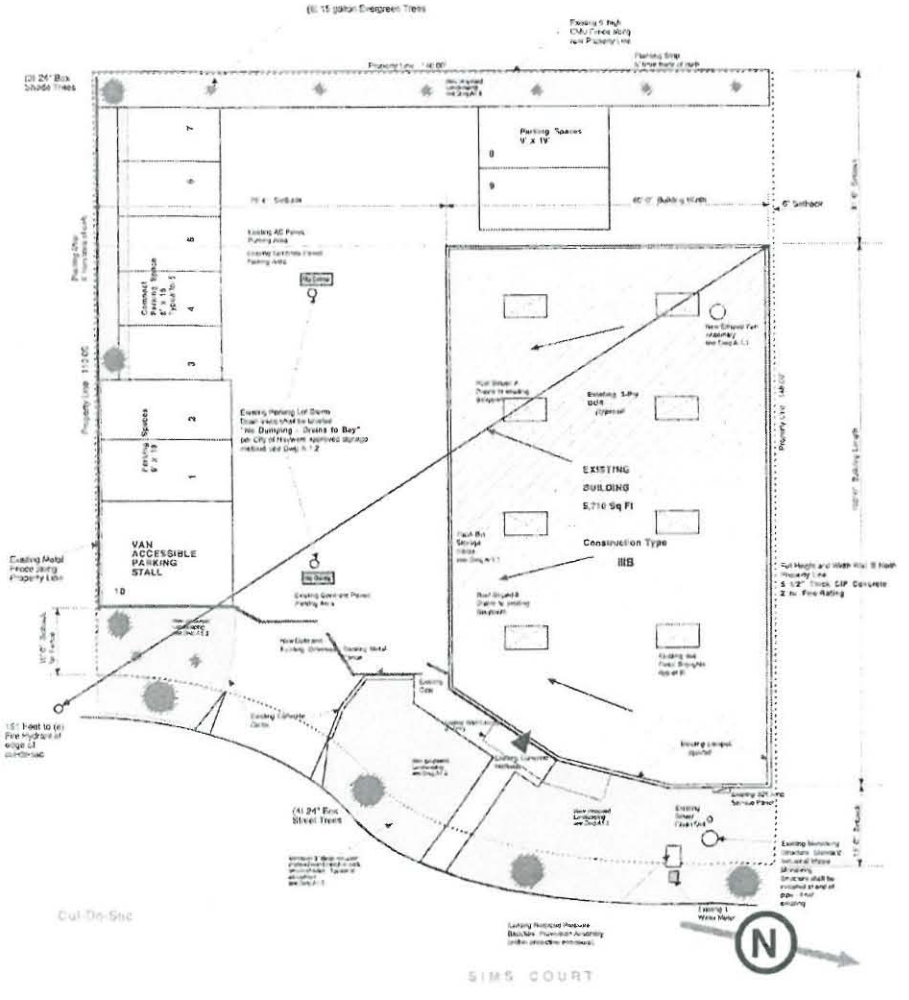
In summary, **there will be no hazardous or toxic chemicals whatsoever released into the neighborhood. Sound pollution will also not be an issue**. There will be no late afternoon, evening or nighttime operations at this facility. I believe my use of the property will enhance your sightlines, vis-à-vis the landscape screening proposed, and not infringe on your privacy, either visually or acoustically – especially given the limited hours of operation. I hope I have satisfactorily addressed all of the issues that may be of concern to you, my residential neighbors, and hope to have your support as I proceed through Planning Review.

Should you have any questions or concerns you feel are not sufficiently addressed in this letter please feel free to contact me directly at 510-274-9850, or, for technical questions, my Architect, Patrick Burger at 415-595-5457.

Thank you for your time and your consideration of my proposal and planned use of the property.

Sincerely,

Adwin Pratap



DRAWING LEGEND

A-1.0 TITLE SHEET & SITE PLAN
A-1.1 FLOOR PLANS
A-1.2 ELEVATIONS & SECTION
A-1.3 LANDSCAPE PLAN & DETAILS

PREVIOUS USE

Hayward Wholesale Ice Cream Co. (2000's)
Inland Industrial Tire N, Inc. (1990's)

SPRAY BOOTH INFORMATION

Col-Met Spray Booth will have an approved automatic fire-extinguishing system.

Spray Booth size will be 15'-0" x 24'-6"
Total Sq Ft = 518 sf < 571 sf (10% of Bldg Size)

SEWER SERVICE

Water and Sewer Services are available and subject to standard conditions and fees in effect at the time of application and payment.

Sewer Capacity Fee Due and Payable Prior to Final Inspection

PROJECT INFORMATION

ADDRESS: 29225 SIMS COURT
Hayward, CA 94544

A.P. # 464010001503

Owner: Adwin Pratap
590 Meek Ave
Hayward, CA 94541
Ph 510-363-8705

Architect: Patrick J. Burger
441 Banbury Street
Hayward, CA 94544
Ph 415-595-5457

ZONING: I - Industrial

Proposed Use:

Auto Spray Paint Booth
Maximum Number of Employees: 1
Hours of Operation: 9:30 AM to 2:30 PM

ALL Bodywork, Detailing and Car Preparation will be performed off site - at the Applicants Used Car Dealership:

Absolute Auto Sales
16500 E 14th Street
San Leandro, CA 94578

NOT OPEN TO THE PUBLIC

(Limited to cars for the Applicants Used Car Dealership)

WATER SERVICE

Existing 1" Domestic Meter

Account # 40-64000.03

Water Fixtures served by (e) 1" meter

(1) Water Closet
(1) Hand Sink

Only City Water Distribution Personnel shall perform operation of valves on the Hayward Water System

SOLID WASTE REQUIREMENTS

74 lbs per employee 1 employee x 74 lbs
74/150 = <1/2 cy/week

64 US gallons = 0.3163 cubic yards

(2) 64 gallon containers = 0.63 cubic yards

Total .63 CY provided > .5 CY required

(1) 64 gallon Container = garbage
(1) 64 gallon Container = recyclables

64 gal = 28" w x 30" d x 43" h

VICINITY MAP

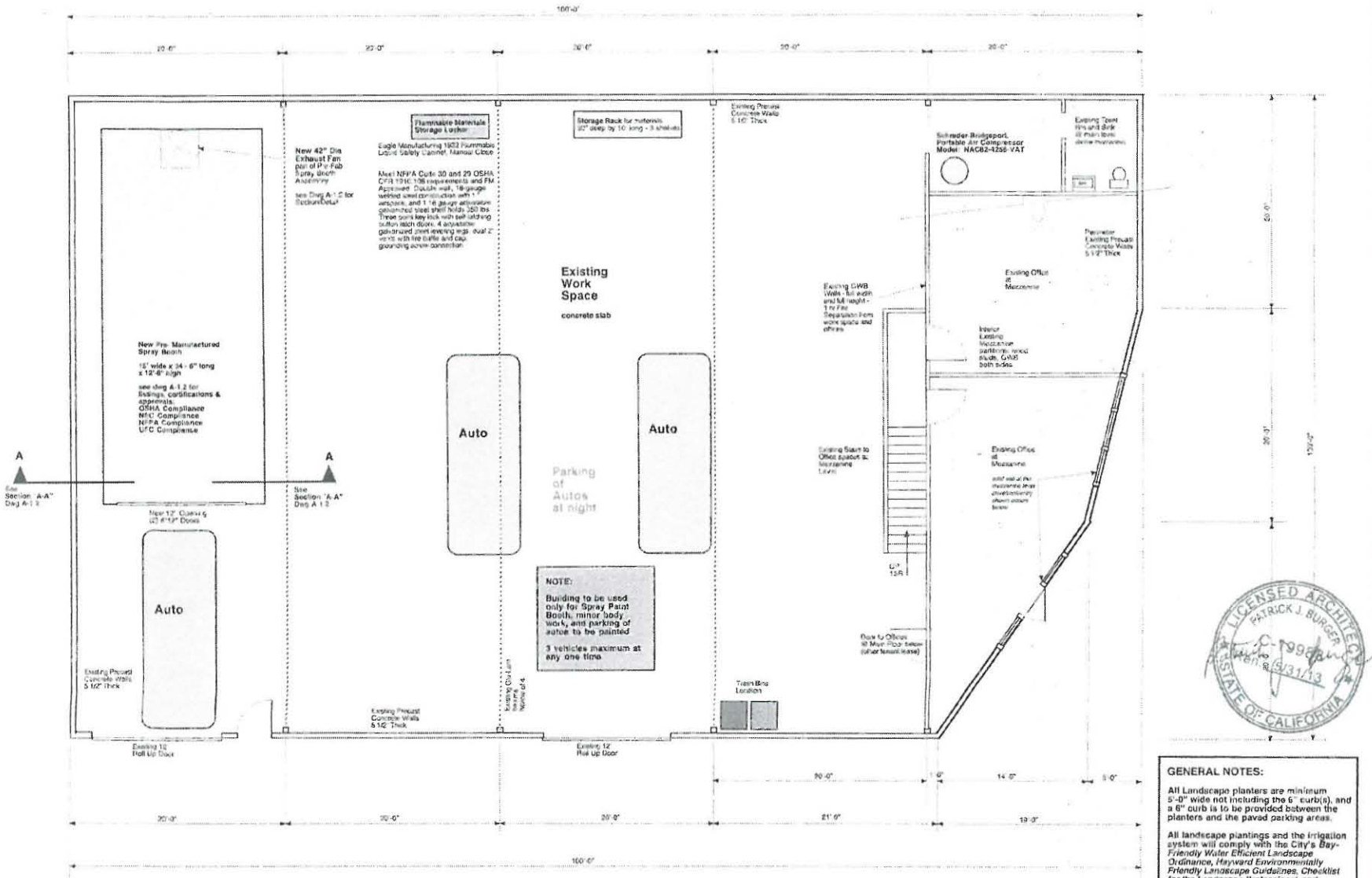
REVISIONS

Revised per Dec 16, 2011 letter of recommendations of Planning, Landscape Dev. & Water Pollution Source Control

Patrick J. Burger, Architect
441 Banbury Street Hayward, CA 94544
patrick@bandcfdesign.com (415) 595-5457
Architect, California Lic # C-19988

TITLE SHEET & SITE PLAN
Project: Auto Spray Paint Booth
Address: 29225 Sims Court Hayward, CA 94544
Owner: Adwin Pratap
Project # PL-2011-0298 AUP

A-1.0



EXISTING / PROPOSED FLOOR PLAN (no change) with PROPOSED SPRAY BOOTH

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

GENERAL NOTES:

All Landscape planters are minimum 5'-0" wide not including the 6" curb(s), and a 6" curb is to be provided between the planters and the paved parking areas.

All landscape plantings and the irrigation system will comply with the City's *Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines, Checklist for the Landscape Professional, and applicable Municipal Codes.*

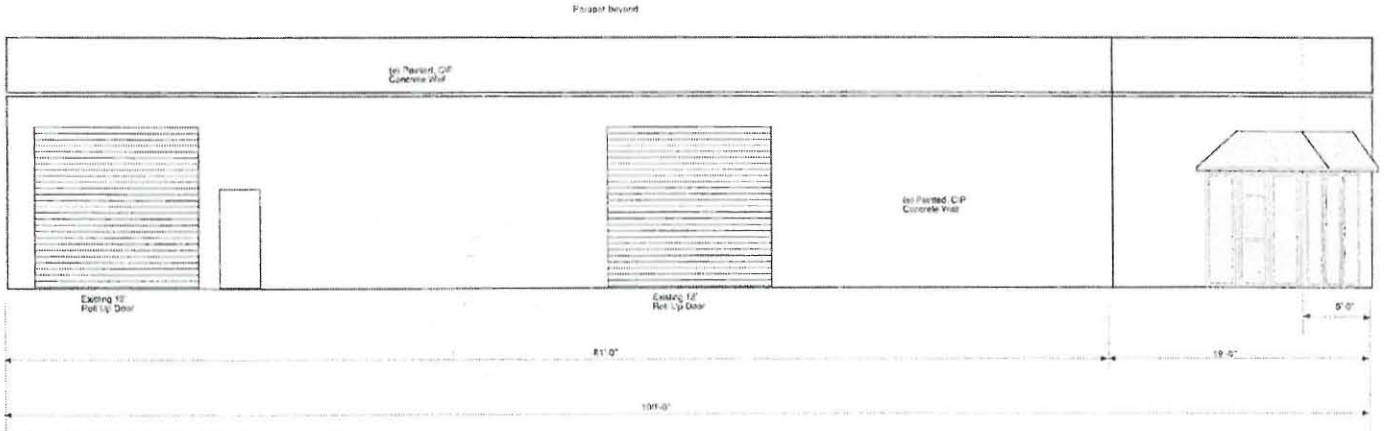
There are no existing trees on the property.

REVISIONS

Patrick J. Burger, Architect
441 Belmont Street Hayward, CA 94544
patrick@burgerarchitect.com
Architect, California Lic.# C-19988 (415) 535-5457

FLOOR PLAN
Project: Auto Spray Paint Booth
Address: 29225 Sims Court Hayward, CA 94544
Owner: Advin Pratap
Project # PL-2011-0298 AUP

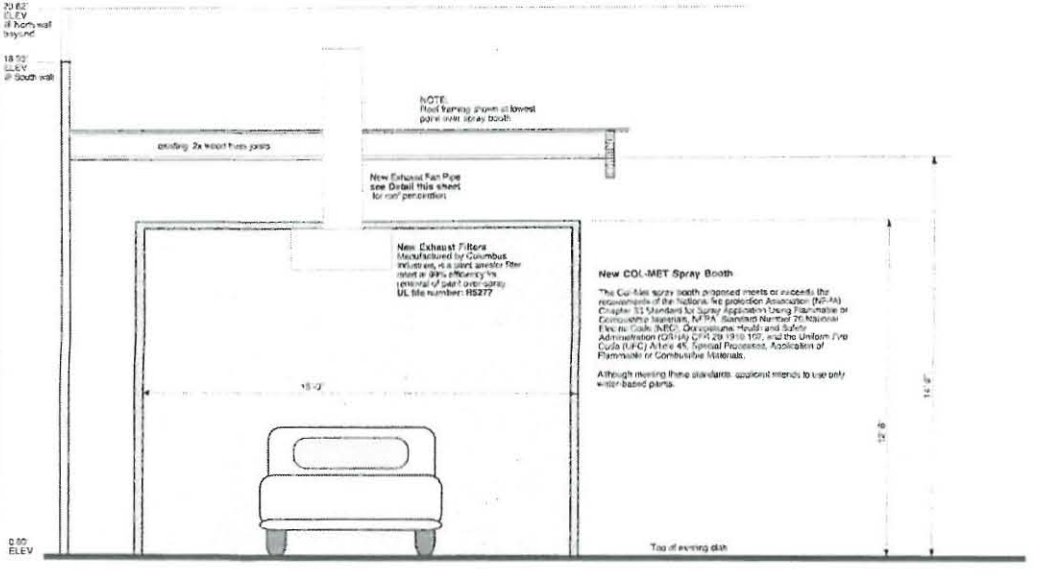
A-1.1



BUILDING ELEVATION - South Wall (North and West Walls - Solid Walls - No Openings) No Change to Bldg Exterior

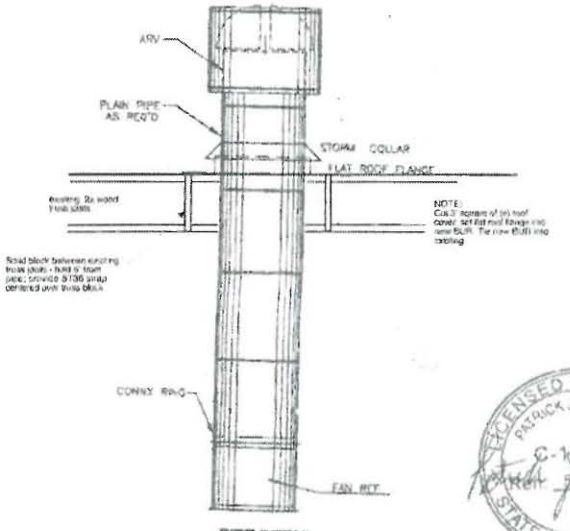
Scale: 1/8" = 1'-0"

DETAIL of DRAIN SIGNAGE @ Storm Drains



SECTION "A - A"

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



PIPE DETAIL

LICENSED ARCHITECT PATRICK J. BURGER C-10988 Exp. 5/31/13 STATE OF CALIFORNIA

REVISIONS

Patrick J. Burger, Architect
441 Sunbury Street Hayward, CA 94544
patrick@architectbrother.com (415) 595-5457
Architect, California Lic.# C-19988

ELEVATION, SECTION & DETAILS

Project: Auto Spray Paint Booth
Address: 29225 Sims Court Hayward, CA 94544
Owner: Adwin Pratap
Project # PL-2011-0296 AUP

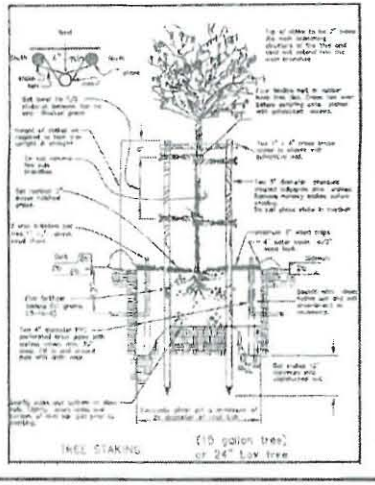
DRAWN BY: PJB
Nov 16, 2011
SCALE: As Noted
DRAWING NO.
A-1.2
PROJECT: See Cover

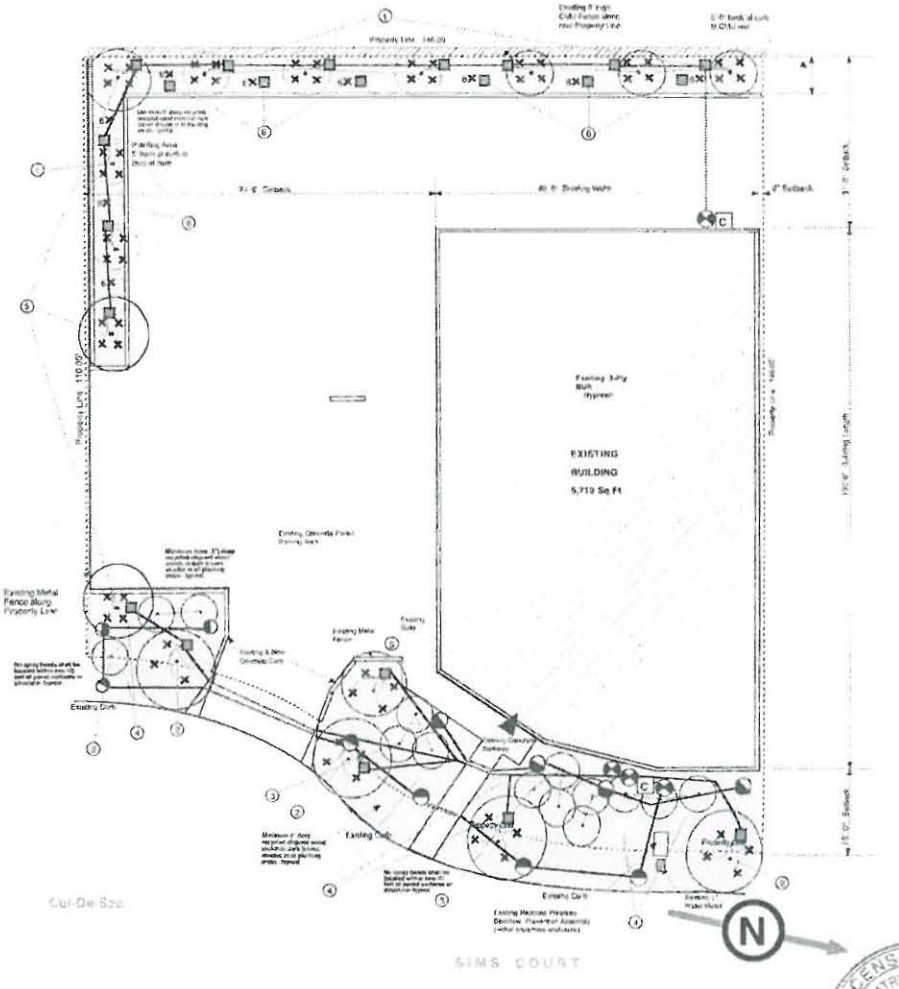
PLANT, TREE & SHRUB SCHEDULE

Sym	Common Name	Botanical Name	Size	Quan
1	Arborvitae - Evergreen	Thuja occidentalis	15 gal.	8
2	Swamp Myrtle	Tristania laurina	24" box	4
3	Creeping Juniper	Juniperus Horizontalis 'Plumosa'	15 gal.	14
4	Sunrise Yellow Gazania	Gazania rigens luecolaena	12" o.c. each way	
5	Trident Maple	Acer buergerianum	24" box	4
6	Gazania, Kiss Bronze	Gazania splendens, kiss bronze	12" o.c. each way	

IRRIGATION SCHEDULE

Sym	Component Description
	Water Meter
C	Irrigation Controller, weather based
	3/4" Control Valves - Rainbird 'E' Series
	Rainjet 852c (half circle)
——	Class 160 PVC (12" deep)
——	Class 160 PVC (12" deep - under paving)
	Rainbird MultiOutlet Xeribug
×	Rainbird Xeribug Drip Emitters





LANDSCAPE & IRRIGATION PLAN

Scale 1" = 10' 0"

REVISIONS

1/5/12 revised per Dec 19 recommendations by City of Hayward Landscape Architect Michelle Rice

Patrick J. Burger, Architect
441 Danbury Street Hayward, CA 94544
patrick@architectburger.com (415) 585-5457
Architect, California Lic# C-19988

LANDSCAPE PLAN & DETAILS
Project: Auto Spray Paint Booth
Address: 29225 Sims Court Hayward, CA 94544
Owner: Advin Pratap
Project # PL-2011-0298 AUP

A-1.3

MINUTES OF THE SPECIAL MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 31, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541

MEETING

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

ROLL CALL

Present:	COMMISSIONERS:	Faria, Lamnin, Lavelle, Loché, McDermott, Mendall
	CHAIRPERSON:	Márquez
Absent:	COMMISSIONER:	
	CHAIRPERSON:	

Commissioner Lavelle led in the Pledge of Allegiance.

Staff Members Present: Conneely, Emura, Koonze, Patenaude, Philis

General Public Present: 20

PRESENTATION

Hayward Airport Administration Building – Presentation was withdrawn

PUBLIC COMMENTS

None

PUBLIC HEARINGS

1. Administrative Use Permit PL-2011-0298 – Adwin Pratap (Applicant) / Michael and Richard Silva (Owners) – Request to operate an auto body shop with a spray paint booth in an existing warehouse adjacent to single-family residential properties. The site is located at the 29225 Sims Court in the Industrial (I) District (APN 464-0100-015-03)

Associate Planner Carl Emura gave a brief synopsis of the report noting that during the public notice period six objections were received from surrounding residential property owners regarding noise, paint fumes, toxic paint, property values, and the number of existing auto repair businesses in the area. Associate Planner Emura stated that within a half-mile radius there were 18 auto repair businesses. In the vicinity of the proposed business, he said, there were 11 auto repair businesses. Mr. Emura also noted that although the applicant had indicated he would keep the doors of the warehouse closed to control noise, for the health of the workers the door would need to remain open to allow for air circulation.

Associate Planner Emura explained that due to the size of the warehouse, 5,700 square feet, the potential to expand beyond what was proposed was great. He also pointed out that if the business was sold, the new owner might maximize the use of the facility. Therefore, Associate Planner Emura said staff was not supportive of the application and was recommending that the Commission find the project exempt from California Environmental Quality Art (CEQA) review and deny the administrative use permit.

Commissioner Loché asked how close the nearest residence was from the paint booth exhaust vents and Mr. Emura said approximately 50 feet.

Commissioner Lamnin asked if there had been any reports of crime since the building had been vacant and Associate Planner Emura said he didn't know and suggested she ask the applicant. Commissioner Lamnin asked staff how operating hours were enforced under a conditional use permit (CUP) and Associate Planner Emura responded that it would be very difficult and staff might have to rely on adjacent property owners who would be supplied with a copy of the conditions of approval. Associate Planner Emura cited a similar situation on Jackson where the business expanded beyond what was approved and he noted enforcement has been a problem.

Commissioner Loché asked how long ago the prior business (an ice cream truck company) left the location and Associate Planner Emura suggested he ask the applicant.

Commissioner Mendall asked if the proposed paint booth was inside the building and staff said yes. Regarding the four findings that must be made to approve the project, Commissioner Mendall asked if staff had found that the business didn't meet any of the conditions. Associate Planner Emura said the proposed business primarily didn't meet the first finding: The proposed use is desirable for the public convenience or welfare. Associate Planner Emura pointed out that this business would not be open to the public and that the used car facility it supported was located in San Leandro. Any improvements made to the cars, he said, would benefit the City of San Leandro.

Planning Manager Patenaude said all four findings needed to be found favorable for staff to recommend the project, and with residents already expressing concern about their welfare and there being a sufficient number of this type of business in the neighborhood, the purpose of an administrative use permit (AUP) was to minimize the impact as much as possible. Commissioner Mendall asked if the project met the other three findings. Planning Manager Patenaude said the applicant had shown he could mitigate the concerns related to the other findings, but pointed out his responses were a one-sided look at the information. Mr. Patenaude agreed that the other findings might not be negative.

Commissioner Mendall asked if any sales tax would be collected by the City of Hayward from the proposed business since orders would be going through the office in San Leandro. Planning Manager said the only tax the City would receive would be from business to business sales, or when the business owner purchased supplies with local transactions. Commissioner Mendall asked if any fees would be collected by the City of Hayward such as the business license fee and Planning Manager Patenaude confirmed that would only be a couple hundred a year at most. He said he couldn't think of any other fees to be collected.

Commissioner McDermott said it was her understanding that the location would be used to repair cars for the San Leandro sales site and wouldn't be a traditional auto body repair shop. Associate Planner Emura said the applicant had indicated that repairs would only be made on cars that would be sold in San Leandro.

Based on her experience in real estate, Commissioner McDermott said the business being proposed would cause "external obsolesce," which would cause the value of the nearby homes to decline in value for reasons beyond their control.

Commissioner Mendall pointed out that the property was zoned industrial and had been zoned industrial for a long time, even before the homes were built. Planning Manager Patenaude confirmed that and noted the zoning had changed to allow more home construction. Mr. Patenaude added that across the street, on the other side of Sims Court, no use permit would be required because the back of those lots did not abut with residential.

Chair Márquez opened the Public Hearing at 7:18 p.m.

Bruce Finley, Bowhill Road resident, thanked the Commissioners for looking at the project and Mr. Emura for working hard and recommending denial. Speaking for neighbors who couldn't make it to the meeting, he said none of them wanted this business, not because of taxes or how much money the City was going to make, but because of the welfare of the residents who lived there. Mr. Finley said there were elderly people, small children and people with medical conditions. One of his neighbors said he could smell paint from some of the other shops, Mr. Finley said, and he wondered if that would be the case if the business followed standards. Bottom line, he said, "we all know over time things change." Mr. Finley said when he moved in he knew there was an ice cream truck factory behind his home, but he didn't know they had a compressor and there was noise generated from that, but nothing ever happened. He implored the Commissioners to take a hard look at this business and "do what's right" for the citizens, which was to deny the application. He said the property owner could find something else that would work for all parties.

Commissioner Lamnin asked Mr. Finley if he received the letter from the applicant that was included with the staff report. Mr. Finley said he received the letter in January, but only remembered it when a neighbor showed him his letter. Once the neighbors received information from the City, he said, that's when they reached out to Mr. Emura and other staff members. He pointed out that many of his neighbors didn't speak English and were hesitant to speak up either by letter or speaking at a meeting.

Commissioner Mendall asked Mr. Finley how this proposed use compared to the other businesses already in the area. Commissioner Mendall pointed out the zoning was Industrial so they weren't going to get a park, they were going to get an industrial use and he asked how would the proposed business compared to what was there and what could be there. Mr. Finley said he hasn't noticed anything from any of the other businesses except for the construction lot behind his house and he said knew it was there when he moved in and he was "hoping and praying" it wouldn't make too much noise. He said he did hear noise at the ice cream truck business late at night, but he said he never had to call police. Regarding the proposed business, Mr. Finley pointed out they have a 500 square foot painting booth to do minor work, and if he owned a car lot in San Leandro, he wouldn't be building something in Hayward; he would want it closer. He concluded by saying the applicant may have the best of intentions, but things change and he's afraid the business would just get bigger over time and create noise and fumes.

Commissioner Faria thanked Mr. Finley for coming and said she drove past the site and although the building was attractive, she saw that the wall was right in his backyard. She pointed out that the homes were new and that young or multiple families probably lived there, and she said she could see how they could be exposed by this business and the other businesses in the area. Mr. Finley said in the past, residents had packed the Council Chambers to speak in favor of the businesses coming into the industrial area, and he emphasized that neighbors were not anti-business, they just wanted what was right for everybody and this was not it.

Commissioner Loché asked Mr. Finley how long the ice cream truck company had been gone and Mr. Finley said approximately 6 months, maybe slightly longer. Commissioner Loché agreed with Commissioner Faria that the property was beautiful and he asked Mr. Finley if the noise and/or appearance of that business was a problem. Mr. Finley said appearance wasn't the issue for him, just the noise and fume factors, but said the people who lived right behind the building might have a problem with appearance.

Adwin Pratap, applicant and Meek Avenue resident, introduced his architect Patrick Burger, a Banbury Street resident, who said he was hired last fall by Mr. Pratap to review his business plan, measure the property, and make an initial submittal to Planning. Since then, he said, the City had sent two letters citing concerns and

both times they had responded to staff and felt at that time, and through the process until around March, that they had met the conditions that Planning had required to approve the project. Mr. Burger explained that what he thought happened was that neighbors either did not read the letters, or understand the letters, or believe the letters, and saw the word "body shop" and went to City Hall and put pressure on Planning. In response to that pressure, he said, although Planning had found that the business had met the criteria for the zoning, staff was not approving the application.

In light of the issues the neighbors were concerned with, Mr. Burger said Mr. Pratap responded via letter that he was going to use low VOC fume paint and an optional filter for the paint booth that would capture 99% of any over-spray. Mr. Burger said that remaining 1%, for the approximately three cars a week Mr. Pratap planned to paint, would generate a minuscule amount of odor; the neighbors would not smell any vapors. He said neighbors didn't understand why Mr. Pratap needed 500 square feet to paint and he explained that Mr. Pratap might need to paint a pick-up truck or parts from several different vehicles.

Mr. Burger said all businesses want to grow and expand, but Mr. Pratap's business plan was not to convert to a body shop. Maybe in one or two years Mr. Pratap would graduate to six vehicles a week, he said, but that would not be all of a sudden. Part of the terms and conditions, Mr. Burger said, was that vehicles be kept inside the building so at night there would be no cars in the parking lot.

Regarding noise, Mr. Burger said he conducted an acoustical survey with the warehouse doors both opened and closed and found the proposed business would be below guidelines and standards for a business located next to a residential property. One of the conditions of approval required that doors be closed during operations, he said, even though they were within guidelines when the doors were open, but they would be in even better condition with them shut. Mr. Burger displayed a sign that would be posted at the business that would remind employees to shut the doors when using the paint compressor.

Mr. Burger said in good faith the applicant had done everything he could to meet the conditions from Planning and at some point there needed to be a demarcation line between a residential neighborhood and an industrial use. Mr. Burger concluded that the applicant had dealt with fume and noise concerns, so the only thing that might be applicable was the fact that the business was in San Leandro but the shop was in Hayward. He pointed out that Mr. Pratap would be purchasing parts and materials; that Mr. Pratap lived in Hayward; and he noted that the worker who would be doing the painting also lived in Hayward.

Commissioner Mendall asked the applicant why he was locating the painting and repair business in Hayward. Mr. Pratap explained that it was closer to his home and his worker's home, and mentioned his worker would be able to walk to work. Commissioner Mendall asked if Mr. Pratap would be driving the cars from San Leandro to the Hayward shop and Mr. Pratap said yes. Commissioner Mendall asked him why he needed such a large building if he was only going to paint two or three cars a week. Mr. Pratap said he looked at a number of locations and liked this one best because it was in the back corner where he wouldn't get public walk-ins. He acknowledged the building was big, but explained he would be working on semi-trucks and bobtails.

Commissioner Lamnin asked Mr. Pratap if the cars would be drivable when they were brought to the shop and he said yes. She asked if any engine work would be done and Mr. Pratap said only body work and paint. Commissioner Lamnin asked if any engines would be running and Mr. Pratap said only to move the vehicles in and out of the shop and paint booth. Commissioner Lamnin asked if it made more sense to contract with a paint shop in San Leandro and Mr. Pratap said he thought having a shop of his own would be more economical. Commissioner Lamnin asked him to speak more on why he selected this particular location. Mr. Pratap said he noticed the property before and said it had been vacant for about a year and half. He said he noticed a lot of illegal dumping and he thought by moving in he could help the owner by maintaining the property and the City of Hayward by deterring dumping and vandalism. Commissioner Lamnin said she saw

the landscape plan for the property and she asked if he had any plans for the existing fence. Mr. Pratap said he would repair the fence.

Chair Márquez asked about the proposed business hours of three days a week for a set number of hours a day and Mr. Pratap said those were his standard business hours. Chair Márquez asked what the maximum number of employees on site would be and Mr. Pratap said one.

Narendra Pratap, a Meek Avenue resident and father of Adwin, said he had run a body shop for many years and the State of California required fumeless paints, like a water-based paint, adding that the proposed paint booth would also have a vent filter so there shouldn't be any problems.

Doug Ligibel, Mesa Circle resident, said this was a "no-brainer," noting with several residential windows within 50 feet of the industrial property nobody could convince him that industrial painting wouldn't have hazardous fumes. He pointed out that Hayward had one of the highest default, foreclosure, and short sell rates in Northern California, and said downtown had 10 foreclosures in the last 30 days, two within 25 feet of his front door. He agreed with Commissioner McDermott that property values were plummeting, especially in industrial areas. Mr. Ligibel said he agreed with the staff recommendation based on potential health hazards and that the proposed business would be a property value "destroyer."

Maria Penafiel, a Bowhill Road resident, said her property was adjacent to the proposed business. Ms. Penafiel explained that she was in the health care industry and was very familiar with the health risks associated with auto body spray paint. As part of an assessment, she said, patients were asked if they had been exposed to any fumes. Doctors don't ask how close they were to the exposure, she said, just *if* they had been exposed to fumes. Ms. Penafiel said patients have a variety of lung ailments related to exposure. She said the City should be careful with these kinds of issues as they were hazardous to residents' health.

Chair Márquez closed the Public Hearing at 7:44 p.m.

Chair Márquez asked staff if any other letters, emails or phone calls had been received after the meeting packet had been distributed and staff said no.

Commissioner McDermott asked staff if the proposed business would trigger a Bay Area Air Quality Management District (BAAQMD) requirement to obtain an air permit and Associate Planner Emura explained that the applicant had indicated that he would be using less than the 30 gallons or more of paint or solvent in a year. Commissioner McDermott asked how that would be monitored and Mr. Emura said that was something the Air Quality District would monitor, not the City.

Commissioner Lamnin asked how the BAAQMD would monitor that and Associate Planner Emura said he thought the proposed business would have to complete an application stating how many gallons they would be using, but he wasn't sure. Commissioner Lamnin asked if any OSHA or other type of monitoring or training was triggered by the purchase of certain equipment and Mr. Emura said not that he was aware of, but he noted that the BAAQMD recommended a certain type of sprayer and the training to go with it.

Commissioner McDermott made a motion per staff recommendation to find the project exempt from California Environmental Quality Act (CEQA) review and deny the administrative use permit. Commissioner Loché seconded the motion commenting that if operated as indicated on the application, the business could operate without having a significant impact on the neighboring residences, but with the potential to increase

operations beyond what was being proposed, if he lived on the street, he would share the expressed concerns. He said there were a lot of factors that could easily change over time. Working on the vehicles with the warehouse doors closed would be difficult to maintain over time and who would address that, he asked. The neighbors shouldn't have to, he said. Commissioner Loché said with industrial and residential this close together, just 50 feet away; the proposed business wasn't a good fit for this location. He concluded that he would rather not put the residents at risk.

Commissioner Lavelle said she would not be supporting the motion because the City should be able to support the business as it had applied to the City. She said she agreed with one comment made by Mr. Ligibel: that this was very straight-forward. Commissioner Lavelle pointed out this was an industrial parcel, in an industrial part of Hayward, very close to the freeway, with a very limited industrial use with limited hours. With the proposed limited hours, Commissioner Lavelle said the business was an improvement to the property.

Commissioner Lavelle said she drove around the area and saw that Sims Street had car tires everywhere and that might be reduced if there was a business operating there. She said the parcel next door was a dead equipment yard, and if it was operating, would be ten times louder than the proposed part-time auto body use. Commissioner Lavelle said it was extremely fortunate for the neighbors that the equipment yard was not in use at the moment. Located next door to the proposed business, she said, was Roto-Rooter, which must have trucks coming and going at least 10 to 12 hours a day plus weekends.

Commissioner Lavelle said the residential street was lovely and she complimented the homeowners for beautifully maintaining their homes, but she pointed out there was a tradeoff when moving to an area between the freeway and an industrial area. She said she didn't see any reason why the findings could not be made for a paint/auto use, which was much different from an auto repair shop. She said she found it impressive that the applicant said he would be willing to close the doors during the day and she pointed out this would help limit any exposure to any chemicals. Commissioner Lavelle noted that the applicant had addressed each and every comment made by the residents in his letter of response to the City. And having no or low VOC paint and using water-based chemicals would nearly exhaust any opportunity for neighbors to be concerned about health issues, she said.

Hours would be limited, Commissioner Lavelle continued, and the benefits would include the business license fees paid by the applicant, the property taxes paid by the land owner, that the property would be even more improved than it already was, and that the applicant would replace the fence. She said these benefits would increase the value of the property on Sims Street and therefore the residences behind. Commissioner Lavelle said neighbors would have every opportunity, and had every right, to monitor the noise and if issues developed, complain to whoever was necessary just as they would for existing businesses like the Roto-Rooter. She concluded that she would not vote against a new business coming to Hayward and leave a property undeveloped.

Commissioner Lamnin said she also would not be supporting the motion. She noted that the purpose of the administrative use permit was to give the community an opportunity to voice their concerns and she emphasized that she was aware of health issues including that Hayward had one of the highest asthma rates in the country. Commissioner Lamnin said the City must pay attention to issues such as fumes, noise, and property values, and in this case, she said, the applicant had done his best to address those concerns. She said she didn't want to penalize the applicant for problems that might happen and she cited the ME Lounge as an example of how the City had created comprehensive conditions for approval and the restaurant had met them. Commissioner Lamnin agreed that the City did have to be careful, but she pointed out that if the proposed business were to operate across the street, there would be no opportunity to control the fumes, noise, or what happens in the future. She said this business could be used as a model and noted the Commission could request a review if need be. She emphasized there were mechanisms in place to deal with any concerns.

Although she appreciated that this would be a business occupying a currently vacant space, Commissioner Faria said the City owed the residents who were paying property taxes to take into account the potential for creating problems in the future. She acknowledged what the business would be bringing to the City, but she asked what about what the residents were bringing to the City including property tax and taking care of the City's neighborhoods and making it a better place to live. Commissioner Faria said she would be supporting the motion.

Commissioner Mendall commented that this was a tough one because this was a Hayward resident who wanted to open a business in Hayward; he wanted to support that. Commissioner Mendall said that concerns like noise and fumes were concerns that could be mitigated. He said he was trying to imagine how he would feel if he lived there and he asked how this use would compare to other potential uses for the site. He said the Commission could add conditions of approval to help mitigate concerns and if the business began operating in a way they didn't want, they could deal with those things. He said the one finding that had him stuck was how this business would be good for the City; it would not be providing a business service to the residents of Hayward. Commissioner Mendall asked for a Commissioner opposing the motion to articulate a good reason why that finding fits, he said he'd like to hear it.

Commissioner Lamnin said because this was Hayward resident and the employee was a Hayward resident. She said she didn't know if the property owner was a Hayward resident, but said the rental fees would benefit Hayward, the reduction in blight to the property, the increase in trees; all of these could be Hayward benefits. She agreed it was a fine line, but she said the space was big enough to help make sure there was enough space for the all cars to be worked on inside the shop with the doors closed, as would be required.

Chair Márquez asked staff, if the application was approved, would the Conditional Use Permit stay with the property if it was sold to somebody else, and Planning Manager said any new owner with the same business use with the same intensity, the permit would carry forward. Any intensity of use and the new owner would have to come back to the Commission for modification of the use permit, he explained.

Chair Márquez clarified the motion and said she would not be supporting the motion because the applicant had worked with staff to mitigate concerns. She said of any type of business use, this was ideal because it was so restricted and limited and the applicant had been very clear he wasn't going to increase the number of hours or days. Chair Márquez said she understood the neighbors' concerns, but said the applicant had done a really good job of trying to minimize that and that he was willing to close the doors while working was impressive. She expressed concern about the health of the applicant and his worker, but said the limited hours would help protect them, too. She said she wished the proposed business would generate sales tax, but noted it was a beautiful building and she was glad the applicant wanted to make upgrades to the landscaping. She concluded that she would rather see a reduction in dumping, loitering and graffiti in the area than have a building stay vacant for a longer period of time, and that she would not be supporting the motion.

The motion failed 3:4:0.

AYES:	Commissioners Faria, Loché, McDermott
NOES:	Commissioners Lamnin, Lavelle, Mendall Chair Márquez
ABSENT:	
ABSTAINED:	

Assistant City Attorney Maureen Conneely advised the Commission to make a final action or at least steps toward a final action. She pointed out there were no conditions of approval or findings for approval, but said it would be appropriate for the Commission to direct staff to prepare both since it appeared a majority of the Commission was inclined to approve the business.

Commissioner Mendall said he wanted to make that motion and he asked that staff to be very strict with the conditions of approval. He said he wanted to see conditions that constrained the use by limiting the number of cars that could be painted, limit the hours of operation, and that staff monitor the fumes, if possible, so the City ended up with a fairly mild, innocuous use that would not effect the neighbors. Commissioner Lamnin seconded the motion, agreed with the restrictions, and asked staff to make the revised staff report available to the neighbors so they would be ensured that they were safe and property values protected. She emphasized that the Commission had heard their concerns.

Commissioner Lavelle said she would be supporting the motion and she asked staff if the decision would be made administratively or if the conditions of approval and the findings for approval would come back for Commission review. Planning Manager said the matter would come back to the Commission and confirmed for Commissioner Lavelle that it could take four to six weeks for that to happen. Commissioner Lavelle said she wanted to make sure the applicant understood that the business would have to wait for final approval before opening.

Commissioner Mendall urged neighbors to remain involved and if there were conditions that they thought would make the proposed business a good neighbor, to express those to staff and to the applicant so when the matter came back in four weeks everyone could be comfortable with the conditions and everyone could move forward and feel good about the decision.

The motion passed 4:3:0.

AYES:	Commissioners Lamnin, Lavelle, Mendall Chair Márquez
NOES:	Commissioners Faria, Loché, McDermott
ABSENT:	
ABSTAINED:	

From: Brian Villeroy
To: Carl Emura;
Subject: PL-2011-"0298 AUP Paint shop at 29225 Sims Court
Date: Tuesday, July 10, 2012 12:36:44 PM

I cannot imagine what would prompt anyone to consider placing a car painting shop at this location and would like to voice my objection at this time.
1. TOXICITY- paint produces fumes and regardless of how many filters are put on it some of it will escape and pollute the adjacent residential community.Is there not a mandatory tower of a certain height to keep toxic components out of the air?
2. MULTIPLICITY- there at many other auto body shops in the adjacent area. What possible reason could there be for adding one more? Are there going to be more accidents planned?. A fleet maintenance facility is being planned for the corner of RUUS RD. & INDUSTRIAL ROAD. Do these two facilities have anything to do with each other?
3.PROXIMITY-The proposed paint shop on SIMS COURT is exactly 46 feet from the upstairs bedroom window of one of the houses directly behind. it.This would seem to be a thumb in the eye of the owners. Are they going to have to live with all windows closed in the future.? Are there going to be fences installed to close off
view of car carnage? The existing view of rusting construction machinery is already an eyesore. Is this permitted by the city.? It would seem that the city is moving in the direction of beautification.Why now do we have a counter move toward creating a toxic waste dump?
4.FIRE & EXPLOSION - Having recently lived through the four days of HELL created by the setting off of fireworks by certain individuals who think this is wonderful way to live, I ask you to consider damage that could be caused by accidental fire and explosion at a paint shop. The houses in this community Are built in such proximity that 300 or more houses would burn.
BEAUTIFY HAYWARD. DON'T DESTROY IT.

CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 2012

TO: Planning Commission

FROM: Tim R. Koonze, Associate Planner

SUBJECT: **Zone Change Application PL-2010-0372 / Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner)** – Request for a Zone Change from Light Manufacturing District to Planned Development District and a Tentative Tract Map to Create 14 Parcels

The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing District.

RECOMMENDATION

That the Planning Commission recommends that the City Council 1) adopts the Initial Study/Mitigated Negative Declaration (Attachment III), and a Mitigation Monitoring and Reporting Plan (Attachment IV); 2) approves the Zone Change from Light Manufacturing District to Planned Development District to allow warehousing; and 3) approves the Tentative Tract Map creating 14 industrial parcels, pursuant to the attached findings and the conditions of approval.

SUMMARY

The applicant is requesting a Zone Change from Light Manufacturing (LM) District to Planned Development (PD) District to allow warehouse use along with all the uses permitted in the LM District. The development site carries an Industrial Corridor General Plan land use designation. The applicant is also processing a Tentative Tract Map to create 14 industrial parcels. The proposed project site consists of 86.83 acres, of which 31.5 acres would be developed for light manufacturing uses (e.g., manufacturing and assembly of clothing, assembly of electronic appliances, publishing facilities, etc.), with the ability to include warehousing, which is not allowed in the Light Manufacturing District. The remainder of the site would be set aside for burrowing owl foraging.

Street and utility improvements must be installed as part of the subdivision; however, the applicant is not proposing to construct the buildings at this time. Lots would be offered for sale, allowing for custom industrial buildings in the future. The buildings would be required to meet all Minimum Design and Performance Standards specified in the Industrial Zoning District.

Regarding potential environmental impacts, the U.S. Army Corp of Engineers, which must approve a wetland mitigation plan, determined that the improvements of the proposed project would remove 0.23 acres of wetlands under the Corps jurisdiction. The developer proposes to mitigate the loss of the wetlands by creating a new wetland area over three times the size of the

wetland loss area on the west side of the property within a 2.39-acre wetland mitigation site. The mitigation site borders the California Department of Fish and Game's Eden Landing Ecological Reserve.

California Department of Fish and Game has determined that the Weber site is a suitable habitat for the burrowing owl, which is listed as a "Species of Special Concern," but is not a listed species under the Special Endangered Species Act. In response, the applicant has proposed mitigation measures that include pre-construction surveys for burrowing owls and having a biologist on-site during construction pursuant to California Fish and Game regulations, vacating farming operations on 37 acres of land that would be left untouched to provide additional foraging for the burrowing owl and recording a conservation easement over the 55 acres that are not being developed (Attachment VIII, Conditions Numbers1 and 2).

BACKGROUND

The project site consists of approximately 86.5 acres, of which 31.5 acres would be developed with light manufacturing uses with the ability to include warehousing uses. The remaining 55 acres consists of 37 acres of cultivated land and 18 acres of wetlands. The applicant proposes to preserve the 55 acres for burrowing owl foraging. It is a flat site that drains towards the wetlands to the south. There is a single-family home on the property, which is not considered historic, that would be removed. Much of the site to be developed has been farmed for non-commercial purposes. From the 1940s to approximately 1980 it was used as a duck club with a portion of the land cultivated with hay, barley and oat production to entice the ducks. The remainder of the site contains wetlands.

The area north of the site is zoned Industrial District. Currently, single-family homes are intermixed with industrial uses and, pursuant to the Zoning Ordinance, are an allowed primary use until 2015, at which time they will be considered legal non-conforming uses. As legal non-conforming uses, they would not be allowed to be reconstructed if more than 50 percent of the structure is destroyed. The Eden Shores residential project lies southwest of the property. To the west and south of the property lies the Eden Landing Ecological Preserve, consisting of wetlands.

On October 23, 2007, the City Council approved the South of Route 92 Specific Plan Amendment, which established the City's Urban Limit Line at the Weber property and called for light manufacturing on the north section of the property and preserving the wetlands on the southern portion of the property. The proposed development is located within the established Urban Limit Line.

DISCUSSION

Project Description – The proposal is to create 14 parcels served by private streets. It is the developer's intent to create the subdivision at this time, but allow future owners to construct custom buildings at a later date. The applicant is requesting a zone change to allow warehousing, in addition to the uses currently listed for the Light Manufacturing District. Warehouse use is a use not allowed in the Light Manufacturing District. To compensate for the right to develop this additional use, the applicant proposes to create buffer zones that would be planted with native

species between the proposed industrial uses and the existing wetland areas, vacating farming operations on 37 acres of land that would be left untouched to provide additional foraging for the burrowing owl, recording a conservation easement over the 55 acres that are not being developed, and providing off-site improvements consisting of curb, gutter, sidewalk and tie-in paving on the south side of Baumberg Avenue from the property site to match the existing street improvements near Industrial Boulevard.

The development is compatible with the surrounding structures and uses in the immediately-adjacent industrially zoned properties. The proposal conforms to the General Plan designation of Industrial Corridor.

Environmental Issues

Wetlands –The Army Corp of Engineers determined that that the improvements of the proposed project would remove 0.23 acres of wetlands under the Corps jurisdiction and the jurisdictional waters of the California Regional Water Quality Control Board (RWQCB). The placement of fill material in the 0.23 acre area requires authorization from the Corps and RWQCB**.** The developer proposes to mitigate the loss with the creation of 0.76 acres of wetlands, rehabilitation of 0.38 acres of existing farmed wetlands, and a naturally vegetated setting around the created wetland. The mitigation site borders the California Department of Fish and Game's Eden Landing Ecological Reserve. To ensure protection of the newly-created wetland area, the applicant would record a Conservation Easement over the 2.39 acre Mitigation Site.

As the recommended conditions of approval indicate (see Condition No. 1, Attachment VIII), prior to approval of the final map, the applicant shall obtain approval from the Army Corps of Engineers for the Weber Property Wetland Mitigation Plan, which includes implementation of the Burrowing Owl Resource Management Plan described below (Attachment IX). This proposed mitigation concept is acceptable to the Corps.

Burrowing Owls – California Department of Fish and Game (CDFG) has determined that the site provides habitat for the Burrowing Owl, which is listed as a "Species of Special Concern," but is not a listed species under the Special Endangered Species Act. The project has the potential to impact approximately 27.2 acres of burrowing owl foraging habitat; however, most of the area is cultivated and is poor foraging for much of the year. To mitigate the loss of the 27.2 acres, the applicant is proposing a Burrowing Owl Resource Management Plan that includes:

- Managing vegetation to provide habitat suitable for use by burrowing owl;
- Removal of land use activities that could contribute to burrowing owl decline (e.g., cessation of cultivation of 37 acres of the site); and
- Provision of habitat elements conducive to use of the property by fossorial animals.

Such Plan would provide 55 acres of burrowing owl habitat, including the 2.39 acre wetland mitigation area. This acreage would be adjacent to the 5,040-acre Eden Landing Ecological Reserve, which is suitable habitat for burrowing owl and other species.

As described in the Burrowing Owl Resource Management Plan, surveys for burrowing owls would be required to be conducted prior to any construction activity to ensure that there are no impacts to

burrowing owls. Pre-construction surveys will be conducted within 30 days prior to the onset of any ground disturbing activities. Surveys will be conducted by a qualified biologist following CDFG survey methods. The surveys will include all portions of the 86.83-acre Weber Property, including the 31.5-acre Weber Light Manufacturing Park, associated 2.39-acre wetland mitigation site, and the 52.94-acre undeveloped portion of the 86.83-acre Weber Property and immediately surrounding areas. All potential burrows within the 86.83-acre Weber Property will be flagged to alert biological and work crews to their presence.

If burrowing owls are found during the non-breeding season (September 1 to January 31), occupied burrows will be avoided by establishing a no-construction buffer zone around the burrow or a passive relocation effort may be instituted to relocate the owl(s) out of harm's way.

If burrowing owls are found during the breeding season (February 1 to August 31), the project ground disturbing activities will follow the CDFG recommended avoidance protocol whereby occupied burrows will be avoided with a no-construction buffer zone unless a qualified biologist verifies through non-invasive methods that: either 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If either 1) or 2) are true, then construction can proceed without a no-construction buffer zone (Attachment VIII, Cond. No. 100).

Hayward Area Shoreline Planning Agency (HASPA) – HASPA was formed in 1970 to establish an environmental management program for the enhancement of the acquired shoreline properties, to acquire additional lands to satisfy refined program objectives and to establish a program to enhance the knowledge, appreciation, and enjoyment of San Francisco Bay.

In 1993 HASPA published "Hayward Area Shoreline Planning Program – A Shared Vision". This document included various objectives regarding protecting environmental resources, encouraging industrial development and traffic circulation improvements, and supporting land management efforts. The project conforms to the objectives in that the wetlands on the property are to be preserved and the wetland area that is affected by the development is being mitigated by creating a new wetland area. The developer proposes to protect and enhance the existing wetland and maintain them in such a way as to enhance the area for burrowing owl foraging. HASPA encourages industrial infill in areas designated for industrial uses and public utilities that are identified in HASPA's brochure; the Weber property is one of the properties to be industrially developed.

Flood Zone and Drainage – The property is located in a flood zone. In order to comply with the City's Flood Plain Management Ordinance, the applicant proposes to import up to five feet of engineered fill to raise the building pads to an elevation of eight feet above sea level and finished floors for future buildings to an elevation of at least nine feet above sea level, which is above the 100 year flood zone elevation.

To avoid flooding along the lower portions of Bridge Road and Baumberg Avenue, the applicant is proposing an extensive storm drain system. The preliminary design has been approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD). A condition of

approval would require that prior to approval of the final map for the subdivision, the drainage plan shall be approved by the ACFC&WCD and the City Engineer (Attachment VIII, Cond. No. 27).

Off-site and drainage improvements - The developer is proposing to discharge storm water runoff to the existing Eden Shores Pump Station and storm drain system in Marina Drive. Based on preliminary drainage studies prepared by the developer's project engineer, the Alameda County Flood Control and Water Conservation District (ACFC&WCD) staff has determined that with certain improvements to the existing drainage system, the proposed Weber development and its tributary drainage area can drain to the existing Eden Shores Pump Station and storm drain system in Marina Drive. Therefore, the developer will be required to submit to the ACFC&WCD and the City a detailed drainage plan designing for off-site drainage facilities to accommodate the runoff associated with the proposed development and if necessary, incorporate onsite storm water detention or other measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream drainage facilities to be exceeded. The detailed drainage plan for off-site improvements shall be approved by the ACFC&WCD prior to issuance of any construction or grading permit by the City.

The project is proposing pad elevations of eight feet above mean sea level and finished floor elevations are proposed to be nine feet above mean sea level. The California Ocean Protection Council has prepared reports on the projected rise of sea level over the next few decades and on to the next century. The proposed pad elevations would be almost one foot above the projected rise in sea level in the year 2050.

Traffic –A Traffic Impact Study for the Weber Property Industrial Park was prepared on November 15, 2010, by TJKM Transportation Consultants traffic analysis assumed standard industrial uses, which include warehouse uses, and concluded that the proposed development's truck and passenger vehicle traffic is expected to generate approximately 2,403 daily trips on a typical weekday, including 305 trips during the a.m. peak hour and 315 trips during the p.m. peak hour, which represents approximately eight percent of the traffic flow. Currently, the level of service (LOS) for the intersection of Baumberg Avenue and Industrial Boulevard operates at an acceptable level (LOS C or better). The study concluded that no mitigations due to project traffic are necessary. The City's Transportation Manager has reviewed the traffic study and agrees with the conclusions.

Planned Development Findings - In order for the Planned Development Zoning District to be approved, the following findings must be made:

A. Development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies.

The development is compatible with the surrounding structures and uses in that it is immediately adjacent to industrially zoned properties to the north. The property is within the Industrial Corridor as defined by the General Plan. Future building would be required to comply with all City regulations. With the implementation of fencing and buffer zones, the development would also be compatible with the adjacent wetland areas immediately adjacent to the south, east and west of the property.

B. ***Streets and utilities, existing or proposed, are adequate to serve the development.***

The existing sanitary sewer and water mains are adequate to serve the proposed project. A mitigation measure would require that a storm drain system be designed to accept all storm water draining onto the site. The Alameda County Flood Control and Water Conservation District has determined that the existing facilities are of adequate size to accommodate all storm water collected within the proposed drainage system.

C. The development would be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of substantial desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development.

The buildings to be developed on the property would have to meet City zoning and design standards. They would conform to the buildings allowed to be constructed in the adjacent industrially zoned properties. The proposed drainage system will improve the drainage situation within the existing adjacent community by providing a drainage system that will accept all overland drainage directed to the proposed site and convey that drainage via storm drain mains to an approved system of adequate capacity to accept the drainage.

The project conforms to the objective of the 1993 Hayward Area Shoreline Planning Agency (HASPA) Program document (http://www.ci.hayward.ca.us/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/documents/planning/HASPAPlanningProgram-SharedVision.pdf) in that the wetlands on the property are to be preserved and the wetland area that is affected by the development is being mitigated by creating a new wetland area. The developer proposes to protect and enhance the existing wetland areas and maintain them in such a way as to enhance the area for burrowing owl foraging. The 1993 HASPA document objective states, "Encourage industrial development and traffic circulation improvements," and a related strategy states, "Promote industrial in-fill development in areas designed for industrial and public utilities on the exhibit at the end of this program." That exhibit indicates the Weber property as "Industrial/Public Utilities."

With the inclusion of fencing and a planted buffer zone, as well as 55 acres of wetlands/burrowing owl habitat, the proposed development would be compatible with the HASPA Program.

D. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

The Planned Development would allow for warehouse uses, which are not listed as a use in the existing Light Manufacturing District. The ability to utilize the buildings for warehouse use increases the probability of sale or lease without being a detriment to the surrounding area. For this privilege, the applicant proposes to create buffer zones that would be planted with native species between the proposed industrial uses and the existing wetland areas,

vacating farming operations on 37 acres of land that would be left untouched to provide additional foraging for the burrowing owl, recording a conservation easement over the 55 acres that are not being developed to prohibit any future development in those areas, and providing off-site improvements consisting of curb, gutter, sidewalk and tie-in paving on the south side of Baumberg Avenue from the property site to match the existing street improvements near Industrial Boulevard.

Tentative Tract Map - A vesting tentative tract map is being processed with this proposal to create parcels of land that could be sold individually. If approved, the proposed subdivision would create fourteen parcels for light manufacturing and warehouse use, two common parcels for the proposed private street and for the landscape areas adjacent to the private street.

Two private streets are proposed within the project. The major private street, identified as Private Street A on the tentative map, would have a 40-foot-wide street with a sidewalk on one side within a 58-foot-wide right-of-way. The private street identified as Private Street B also would have a 40-foot-wide street but has sidewalks on both sides of the street within a 63-foot-wide right-of-way. Both streets would have a 6-foot-wide Public Utility Easement (PUE) located on each side of the street. To facilitate truck traffic, there would be no on-street parking.

Private Street A is over 1,700 feet long without an outlet. In order to provide adequate emergency vehicle circulation, the applicant is proposing a 20-foot-wide emergency vehicle access road that would connect the private street to Baumberg Avenue. This solution is acceptable to the Fire Department.

As part of the subdivision improvements, Baumberg Avenue, a public roadway fronting the development, will be improved with curb, gutter, sidewalk and tie-in pavement conforming to the existing improvements at the corner of Industrial Boulevard and Baumberg Avenue. All existing utility poles and overhead utility lines along Baumberg Avenue shall be removed and placed underground. There are existing utilities within the adjacent public streets, including sanitary sewer, and water, which can adequately serve the proposed project.

Prior to approval of a final map, a Property Owners' Association would be required to be created (Attachment VIII, Cond. No. 69). The formation of a Property Owners' Association (POA) and the creation of Conditions, Covenants, and Restrictions (CC&R's) will be required so that the POA will be responsible for maintaining all private streets, private street lights, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to clean water treatment facilities, landscaping, preservation and replacement of trees, as well as decorative paving. For any necessary repairs performed by the City in locations under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the POA established to maintain the common areas within the association boundary. The common area landscaping includes the landscaping proposed alongside the private streets including buffer areas between the street and the wetlands (see map, Attachment XI). The CC&R's will also contain a standard condition that if the POA fails to maintain the common areas private streets, lights and utilities, the City of Hayward will have the right to enter the subdivision and perform the necessary work to maintain these areas and lien the properties for their proportionate share of the costs.

The developer is proposing a vesting tentative map so that the developer gains, for a period of three years after the date of approval or conditional approval of the vesting tentative map, the right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect on the date that the vesting tentative map is approved by City Council.

Findings for the Tentative Tract Map - In order for a Tentative Tract Map to be approved, the Planning Commission must make the following findings;

A. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.

B. Upon the completion of remediation recommended by the project Geotechnical Engineer, the site will be physically suitable for the proposed type of development.

C. With mitigation measures required by the City, federal and state regulatory agencies, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

D. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.

E. Upon completion of the proposed improvements, the streets and utilities will be adequate to serve the project.

F. None of the findings set forth in Section 66474 of the Subdivision Map Act for denial of a tentative map have been made.

Environmental Review - An Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program have been prepared for the project pursuant to the California Environmental Quality Act (CEQA) (see Attachments III and IV). No significant environmental impacts are expected to result from the project. The public comment and review period for the environmental documents will end August 6, 2012, and any comments received after the Planning Commission meeting will be addressed in the final environmental documents that will be presented to the City Council at the public hearing that will be held this fall.

Staff received a letter from the Hayward Area Shoreline Planning Agency (HASPA) (Attachment X) encouraging that a number of items be addressed, to which the applicant responded and staff supports, as described below. HASPA met on June 21, 2012 to discuss the proposed project.

- To address concerns regarding the burrowing owl, the applicant proposes a Burrowing Owl Resource Management Plan to provide for and maintain a habitat for burrowing owls as discussed earlier.

- With regards to the drainage system and the type and amount of engineered fill to be used, it should be noted that the drainage system has been preliminarily approved by the Alameda

County Flood Control and Water Conservation District and the California Regional Water Quality Control Board. The final drainage design must meet the approval of these two agencies. The proposed fill would be engineered fill; the material and the method of installation would meet the approval of a registered soils engineer.

- Stewardship of the proposed wetlands was addressed by requiring the applicant to obtain approval from the U.S. Army Corps of Engineers for the Weber Property Wetland Mitigation Plan, which includes implementation of the Burrowing Owl Resource Management Plan. The design of the proposed wetland area must meet the approval of the Corps of Engineers.

- An increase in mosquito population was also a concern, but the wetland areas around the project, according to the Alameda County Mosquito Abatement District, are primarily seasonal wetlands that have a low mosquito population during the summer months. The surrounding wetland area is within the Alameda County Mosquito Abatement District and is monitored weekly or more during the wet season and treated as determined necessary.

PUBLIC CONTACT

On July 5, 2012, a Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records. At the latest Hayward Area Shoreline Planning Agency meeting City staff informed the members of the July 26, 2012 Planning Commission meeting. At the time this staff report was prepared, other than the letter from Hayward Area Shoreline Planning Agency, Planning staff had not received any further concerns from the public or outside agencies.

NEXT STEPS

If the Commission denies the proposed zone change, such decision will be appealable to the City Council. If the Commission recommends approval of the zone change, the application will be scheduled for City Council review at a public hearing in September or October (as would an appeal hearing). The decision of the City Council would be final.

Prepared by: Tim R. Koonze, Associate Planner

Recommended by:

Richard Patenaude, AICP
Planning Manager

Approved by:

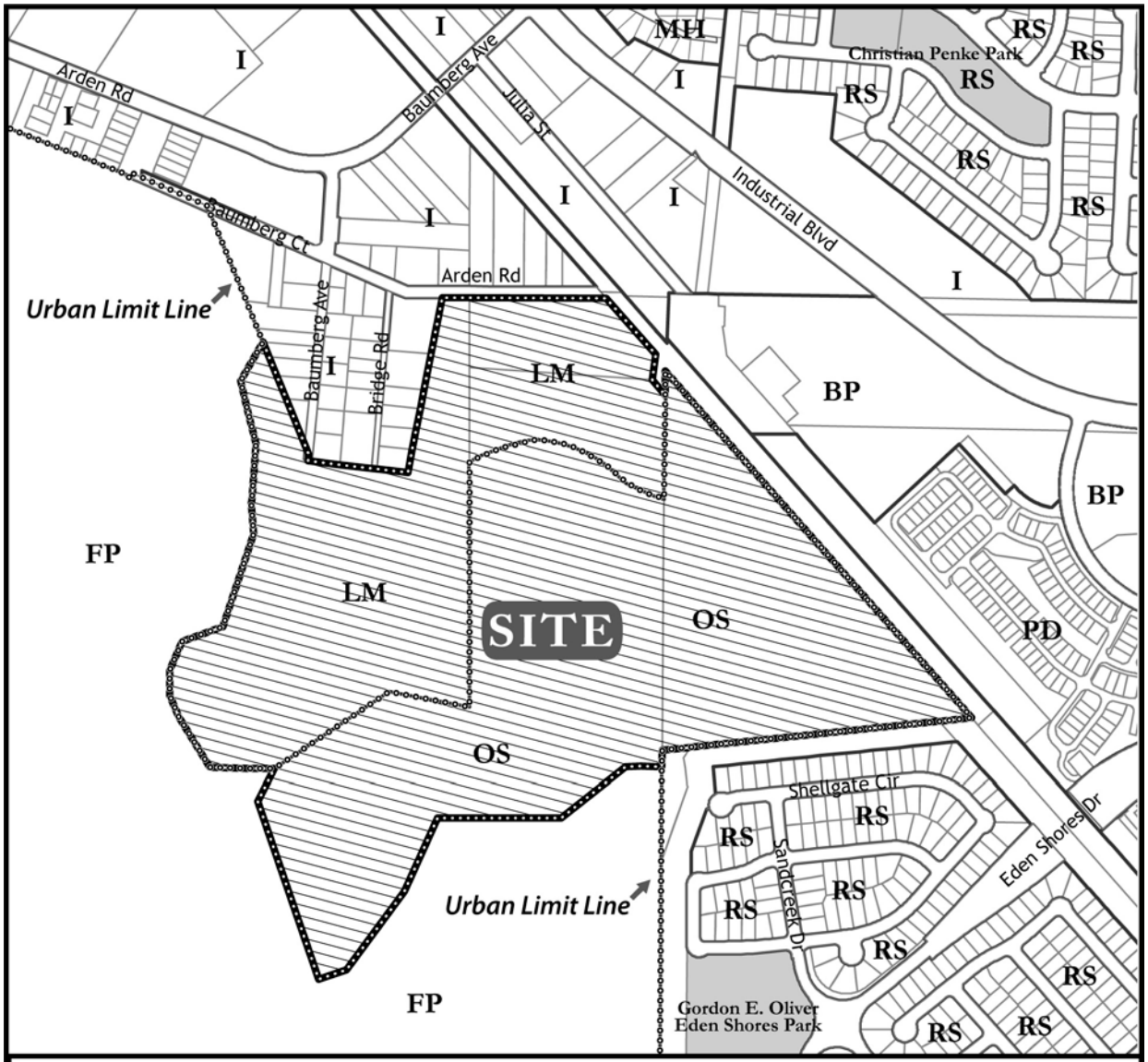
_____

David Rizk
Development Services Director

Attachments:

Attachment I	Area Map
Attachment II	Site Plan Aerial
Attachment III	Initial Study Checklist and Mitigated Negative Declaration
Attachment IV	Mitigation Monitoring and Reporting Program
Attachment V	Findings for Approval for the Planned Development
Attachment VI	Conditions of Approval for the Planned Development
Attachment VII	Findings for Approval for the Vesting Tentative Tract Map
Attachment VIII	Conditions of Approval for the Vesting Tentative Tract Map
Attachment IX	Burrowing Owl Resource Management Plan – May 2012
Attachment X	Letter from the Hayward Area Shoreline Planning Agency
Attachment XI	Areas Maintained by the Property Owner's Association
Attachment XII	Zone Change Preliminary Plans
Attachment XIII	Vesting Tentative Map 8039

Attachment I



Area & Zoning Map

PL-2010-0372 ZC
PL-2010-0373 TTM 8039

Address: 3596 Baumberg Avenue
Applicant: John Weber
Owner: John Weber

Zoning Classifications

RESIDENTIAL

MH Mobile Home Park
RS Single Family Residential, min lot size 5000 sqft

INDUSTRIAL

I Industrial
LM Light Manufacturing
BP Business Park

OPEN SPACE

FP Flood Plain
OS Open Space

OTHER

PD Planned Development

N

FEET 500 1000

Site Plan Aerial

Attachment II

0 400 800 1,600 Feet

July, 2012

CITY OF
HAYWARD
HEART OF THE BAY

DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division

INITIAL STUDY CHECKLIST

Project Title:	Weber Property-PL-2010-0372 ZC & PL-2010-0373 TTM 8039
Lead agency name and address:	City of Hayward, 777 "B" Street, Hayward, CA 94541-5007
Contact person:	Tim R. Koonze, Associate Planner (510) 583-4207 tim.koonze@hayward-ca.gov
Project location:	Property is located at 3596 Baumberg Avenue, APN # 461-0040-001-00, 461-0040-002-00, 461-0040-003-00 & 461-0040-004
Project sponsor's name and address:	John Weber PO Box 608 Diablo, CA 94528
General Plan:	Industrial Corridor (IC)
Zoning:	Light Manufacturing (LM) District
Description of project:	Request for a zone change from Light Manufacturing District to Planned Development in (PD) District conjunction with a Vesting Tentative Map 8039 to subdivide the lot into 14 parcels.
Surrounding land uses and setting:	The uses surrounding the subject site include wetlands to the west, a mixture of wetlands and single-family residences to the south, a mixture of industrial and single-family residences to the east and north.

Other public agencies whose approval is required:

United States Army Corps of Engineers, State of California Regional Water Quality Control Board, and Alameda County Flood Control and Water Conservation District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

✸	Aesthetics	Agriculture and Forestry Resources			Air Quality
✸	Biological Resources	Cultural Resources		✸	Geology /Soils
	Greenhouse Gas Emissions	Hazards & Hazardous Materials		✸	Hydrology / Water Quality
	Land Use / Planning	Mineral Resources			Noise
	Population / Housing	Public Services			Recreation
	Transportation/Traffic	Utilities / Service Systems			Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

[x] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Tim Kaanze — 7/3/12
Signature — Date

Tim Kaanze
Printed Name — For

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. **AESTHETICS** -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? ***Comment:***. *The proposed improvements would not affect any scenic vista. Therefore, no impact.*	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ***Comment:*** *No scenic resources exist in the area. Therefore, no impact.*	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings? ***Comment:*** *The proposal consists of fourteen new industrial buildings and the construction of a street to access the proposed buildings. The project has housing, commercial, and industrial development on three sides of the property. The proposed improvements will eliminate 0.75 acres of existing wetlands. The wetlands mitigation will result in the creation of 0.76 acres of wetlands and rehabilitation of 0.38 acres of existing farmed wetlands within a 2.39-acre wetland mitigation site which includes an upland buffer to protect jurisdictional waters within the mitigation site. The mitigation site borders the California Department of Fish and Game Eden Landing Ecological Reserve. Therefore, with the wetland mitigation and ensuring that future buildings comply with the Industrial District Design Standards, the impact is considered less than significant.* **Mitigation 1A:** The Burrowing Owl Resource Management Plan shall be incorporated into the Weber Property Wetland Mitigation Plan approved by the Army Corps of Engineers and the California Regional Water Quality Control Board. **Mitigation 1B:** Obtain approval from the Army Corps of Engineers for the Weber Property Wetland Mitigation Plan which includes implementation of the Burrowing Owl Resource Management Plan.	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Mitigation 1C: Record a Conservation Easement and over the 2.39 acre Mitigation Site. Continue to maintain the remaining undeveloped 52.94-acre portion of the Weber Parcel in keeping with the City of Hayward Specific Plan. A copy of the recorded Conservation Easement shall be provided to the Planning Division.				
Mitigation 1D: *As* described in the *Burrowing Owl Resource Management Plan* and below, pre-construction surveys for burrowing owls shall be conducted prior to any construction activity to ensure that there are no impacts to burrowing owls. If burrowing owls are present in the construction area, construction will not occur. Pre-construction surveys will be conducted within 30 days prior to the onset of any ground disturbing activities. Surveys will be conducted by a qualified biologist following CDFG survey methods (CDFG 2012) to establish the status of burrowing owl on the Project site. The surveys will include all portions of the 86.83-acre Weber Property, including the 31.5-acre Weber Light Manufacturing Park, associated 2.39-acre wetland mitigation site, and the 52.94-acre undeveloped portion of the 86.83-acre Weber Property, immediately surrounding areas, and all access routes. All potential burrows within the 86.83-acre Weber Property will be flagged to alert biological and work crews to their presence.				
a. If burrowing owls are found to occupy the 86.83-acre Weber Property during the non-breeding season (September 1 to January 31), occupied burrows will be avoided by establishing a no-construction buffer zone around the burrow or a passive relocation effort may be instituted to relocate the individual(s) out of harm's way.				
b. If burrowing owls are found to occupy the 86.83-acre Weber Property during the breeding season (February 1 to August 31), the project ground disturbing activities will follow the CDFG recommended avoidance protocol whereby occupied burrows will be avoided with a no-construction buffer zone unless a qualified biologist verifies				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
through non-invasive methods that: either 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If either 1) or 2) are true then construction can proceed without a no-construction buffer zone.				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? **Comment** *The light generated from the proposed 14 industrial sites is less than significant given that the proposal will be an extension of the adjacent developed area with an industrial zoning; no mitigation is required.*	☐	☐	☒	☐
II. **AGRICULTURE AND FOREST RESOURCES**: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use? ***Comment:*** *According to "A Guide to the Farmland Mapping and Monitoring Program, 2004 Edition, the Alameda County Board of Supervisors determined that there is no Farmland of Local Importance for Alameda County. Therefore there is no impact.*	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ***Comment:*** *The project is not located in an agricultural zoning district nor is it subject to a Williamson Act contract. Therefore is no impact.*	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? **Comment** *There are no forest lands in this area and the project does not involve the rezoning of forest land or timberland; therefore, no impact.*	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use? **Comment** *There are no forest lands in this area and the project does not involve the loss of forest land or involve conversion of forest land; therefore, no impact.*	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? **Comment** *The project does not involve, nor is it located near, any commercially operated agricultural lands, The project is not located near any forest land. Therefore, no impact.*	☐	☐	☐	☒
III. **AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? **Comment** *The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation; therefore the proposed project will not conflict with the goals of the air quality plan and there is no impact.*	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? **Comment** *The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation. There are no existing or projected air quality violations that affect this property; therefore the proposed project will not violate any air quality standard and there is no impact.*	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? **Comment** *The proposed project meets the screening criteria in Table 3-1 of the Air District's CEQA Guidelines; therefore, no impact.*	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations? **Comment** *(Refer to III a).*	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people? **Comment** *The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation; therefore, there is no impact.*	☐	☐	☐	☒
IV. **BIOLOGICAL RESOURCES** -- Would the project:				
Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ***Comment:*** *The California Department of Fish and Game has determined that the proposed construction site would affect the habitat of the*	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Burrowing Owl. Observations of burrowing use by Huffman-Broadway Group, Inc. (HBG) over the past decade indicates that the site is used for foraging habitat, but not for nesting or rearing of young. Prior to commencement of construction The May 2012 Borrowing Owl Resource Management Plan prepared by (HBG) shall be incorporated into the Weber Property Wetland Mitigation Plan also prepared by Huffman-Broadway Group, Inc., which is approved by the Army Corps of Engineers and the Regional Water Quality Control Board. The purpose of the Borrowing Owl Resource Management Plan is to provide protections during project construction and maintain suitable habitat for the ecological sustainability of the Burrowing Owl. The remaining 52.94-acre undeveloped portion of the 86.83 acre Weber Property in the southern and eastern portions of the site will continue to be preserved in keeping with the City of Hayward's Specific Plan as open space lands for conservation purposes. These open space lands, in combination with the adjacent 5,000+ acre Eden Landing Ecological Reserve will provide and maintain suitable foraging habitat for the ecological sustainability of burrowing owls. With these mitigation measures, the impacts on the burrowing owl will be less than significant. **Mitigation 2**: The Weber Property Wetland Mitigation Plan prepared by the Huffman-Broadway Group, Inc., shall be approved by the Army Corps of Engineers and the Regional Water Quality Control Board.				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? ***Comment:*** *Refer to IV a..*	☐	☒	☐	☐
c)Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? **Comment** *The 31.5-acre Weber Light*	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Manufacturing Park Project will impact 0.23 acres of Army Corps of Engineer's jurisdictional waters (wetlands) and will impact 0.52 acre of RWQCB jurisdictional waters. The Weber Property Wetland Mitigation Plan prepared by the Huffman-Broadway Group, Inc., which is approved by the Army Corps of Engineers and the Regional Water Quality Control Board, will result in the re-establishment (creation) of 0.76 acres of wetlands and rehabilitation of 0.38 acres of existing farmed wetlands within a 2.39-acre wetland mitigation site which includes an upland buffer to protect jurisdictional waters within the mitigation site. With these mitigation measures .the impacts on the federally protected wetlands will be less than significant. (Refer to IV a for Mitigation Measure 2).				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ***Comment:*** *Prior to commencement of construction of the Weber Light Manufacturing Park, the Burrowing Owl Resource Management Plan (HBG May 2012) shall be implemented for the project. The purpose of the plan is to provide protections during project construction and maintain suitable habitat for the ecological sustainability of burrowing owls. The Burrowing Owl Resource Management Plan shall be incorporated into the Weber Property Wetland Mitigation Plan prepared by the HGB, which is approved by the Army Corps of Engineers and the Regional Water Quality Control Board. With these mitigation measures .the impacts on the movement of migratory wildlife species will be less than significant. (Refer to IV a for Mitigation Measure 1A, 1B, 1C and 1D).*	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? **Comment** *The project site does not contain any significant stands of trees. Any removal of tress would be required to comply with the City's Tree Preservation Ordinance including providing replacement tees. A condition of*	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
approval will require that an arborist report, that meets the approval of the City's Landscape Architect, be submitted prior to approval of the final map. With this condition, the impacts on the project would comply with local policies and ordinances; therefore, there would be a less than significant impact.				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? ***Comment:*** *There are no habitat conservation plans affecting the property. Therefore, no impact.*	☐	☐	☐	☒
V. **CULTURAL RESOURCES** -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? ***Comment:*** *There are no historical resources associated with the improvements on the site or the affected parcels. In addition, the surrounding properties have no historical significance; therefore, no impact.*	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? ***Comment:*** *No known archaeological resources exist on the site. Therefore, no impact.*	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ***Comment:*** *No known paleontological resources exist on the site. Therefore, no impact.*	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries? ***Comment:*** *There are no records of any human remains located on the subject sites. In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking*	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act. With this condition of approval there will be no impact.				
VI. **GEOLOGY AND SOILS** -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. **Comment** *The affected parcels are not located near any known fault traces. Therefore, no impact.*	☐	☐	☐	☒
ii) Strong seismic ground shaking? **Comment** *The affected parcels are not located near any known fault traces; however, future buildings will be designed and constructed to withstand ground shaking in the event of an earthquake; therefore, there is less than a significant impact.*	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction? **Comment** *The project site is within an area identified as subject to liquefaction movement. A condition of approval will require a soils investigation at the time of building permit with recommendations on foundation design that addresses the effects of liquefaction; therefore, there is less than significant impact.*	☐	☐	☒	☐
iv) Landslides? **Comment** *The project site is a flat lot located along the wetlands and will not be subject to landslides; therefore, no impact.*	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? **Comment** *The project site is a flat lot. The applicant proposed to put three to five feet of engineered fill to be placed on the site to specifications of a geotechnical engineer to ensure stability and to raise the property above the flood zone level; therefore, no impact.*	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? **Comment** *Refer to VIb.*	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? **Comment** *Refer VIb.*	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? **Comment** *The project will be connected to the City's sanitary sewer system and will not involve septic tanks or other alternative wastewater; therefore, no impact.*	☐	☐	☐	☒
VII. **GREENHOUSE GAS EMISSIONS** -- Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? **Comment** *All light industrial development on the parcels being rezoned to allow warehousing fall below the allowable screening criteria established by the Bay Area Air Quality Management District and will not exceed the threshold of significance for Greenhouse gas emissions; therefore no impact.*	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? **Comment** *Future construction will conform to the City's Green Building Ordinance which includes measures regarding greenhouse gasses; therefore, no impact.*	☐	☐	☐	☒
VIII. **HAZARDS AND HAZARDOUS MATERIALS** -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **Comment** *The proposed development will consist of light manufacturing and warehouse uses. Any use or storage of hazardous materials/waste must meet the*	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
requirements of the City of Hayward Fire Department. Such uses would be required to obtain appropriate permits and would be subject to regular inspections; therefore, no significant impact.				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? **Comment** *See VIII a).*	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? **Comment** *There are no schools within one-quarter mile of the project site; therefore, no impact.*	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? **Comment** *Phase I and II studies have been done on the site and it has been determined that there are no hazardous materials on the project site and the project site is not on a list of hazardous materials site; therefore, no impact.*	☐	☐	☐	☒
project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? **Comment** *The project is not located within an airport land use plan area or within two miles of a public airport; therefore, no impact.*	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? **Comment** *The project is not located within the vicinity of a private air strip; therefore, no impact.*	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? **Comment** *The project site is located at the terminus of a street and will not interfere with an adopted emergency response plans or evacuation plan; therefore, no impact.*	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? **Comment** *The project site is not located within the City's Wildland Interface Area; therefore no impact.*	☐	☐	☐	☒
IX. **HYDROLOGY AND WATER QUALITY** -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? **Comment** *The project will comply with all water quality and wastewater discharge requirements of the City; therefore, no impact.*	☐	☐	☐	☒
Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? **Comment** *The project will be connected to the existing water supply and will not involve the use of water wells and will not deplete groundwater supplies or substantially interfere with groundwater recharge; therefore, no impact.*	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? **Comment** *The proposed drainage system for the project is designed to accept all off-site drainage that is directed towards the project site. All off-site and on-site drainage entering the proposed drainage system is designed to be directed to an existing drainage system of sufficient capacity. A condition of approval will require the drainage design to meet the approval of the Alameda County Flood Control and Water Conservation District and*	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the City of Hayward; therefore, no significant impact.				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? **Comment** *Refer to IX c.*	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? **Comment** *Refer to IX c.*	☐	☐	☒	☐
f) Otherwise substantially degrade water quality? **Comment** *A condition of approval will require that the proposed drainage design shall be treated to meet the Alameda County Flood Control and Water Conservation District's C-3 requirements before entering an existing drainage facility; therefore, no impact.*	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? **Comment** *The proposed development would consist of light manufacturing and warehouse uses. There are no new homes proposed; therefore, no impact.*	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? **Comment** *The project site is not located in an area that would be subject to flooding from the failure of a dam or levee. The project site is currently located within a 100-year flood hazard area; however, three to five feet of engineered fill will be placed on the site to specifications of a geotechnical engineer to ensure stability and to raise the property above the flood zone level. A condition of approval will require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) that indicates that the property has been designed to be above the flood level as identified by the Federal Emergency Management Agency (FEMA); therefore, it would be less than significant.*	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Mitigation 3: The applicant shall obtain a Conditional Letter of Map Revision (CLOMR) that indicates that the property has been designed to be above the flood level as identified by the Federal Emergency Management Agency (FEMA)..				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? **Comment** *(Refer to IX h Mitigation Measure 3)).*	☐	☒	☐	☐
j) Inundation by seiche, tsunami, or mudflow? **Comment** *Refer to IX h.*	☐	☒	☐	☐
X. **LAND USE AND PLANNING** -- Would the project:				
a) Physically divide an established community? **Comment** *The project site is located in the Baumberg area at the terminus of Bridge Road and Baumberg Avenue and is located within Hayward's urban limit line. The adjacent properties on Bridge Road and Baumberg Avenue are zoned for industrial use as is the proposed project; therefore, there is no established community that would be physically divided by the proposed development; therefore no impact.*	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? **Comment** *The property lies within the Industrial Corridor as identified on the General Plan. The proposal is to amend the Zoning Ordinance from a Light Manufacturing Zoning District to a Planned Development District to allow warehouse uses as a primary use. The use of warehouses is consistent with the abutting industrially zoned properties; therefore there is no impact.*	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? **Comment** *The project site is not covered by any habitat conservation plan or natural community conservation plan; therefore, no impact.*	☐	☐	☐	☒
XI. MINERAL RESOURCES -- Would the project:	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? **Comment** *There are no known mineral resources on the project site; therefore no impact.*				
b)Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? **Comment** *The project site is not identified as a site known to have mineral resources; therefore, no impact.*	☐	☐	☐	☒
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Comment** *The zone change proposal from a Light Manufacturing Zoning District to a Planned Development District would allow warehouse uses as a primary use. All uses within the proposed buildings will be required to comply with the City's Noise Regulations as defined in Section Chapter 4 Article1 of the Hayward Municipal Code; therefore, no impact.*	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? **Comment** *Refer to XII a).*	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? **Comment** *Refer to XII a).*	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? **Comment** *Refer to XII a).*	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? **Comment** *The project is not located within an airport land use plan area or within two miles of a public airport; therefore, no impact.*	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
levels? **Comment** *The project is not located within the vicinity of a private air strip; therefore, no impact.*				
XIII. **POPULATION AND HOUSING** -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? **Comment**. *The project involves a new road that serves the proposed 14 industrial parcels and terminates in a cul-de-sac. All properties surrounding the site are either zoned industrial, open space or flood plain. The project would not induce substantial population growth; therefore, no impact.*	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? **Comment**. *The project involves the removal of one single-family dwelling and, as such, the project would not displace a substantial number of existing housing. Therefore, it would have a less than significant impact.*	☐	☐	☒	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? **Comment**. *Refer to XIIIb.*	☐	☐	☐	☒
XIV. **PUBLIC SERVICES** --				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Other public facilities? **Comment** *The project is proposing an industrial use within an urbanized area that is already served by police and fire services and no additional public services facilities would be needed to adequately serve the proposed project. Since the use is industrial it would not have an impact on schools or parks. .*	☐	☐	☐	☒
XV. **RECREATION** --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? **Comment** *The proposed project is an industrial use. As there is no housing proposed there would not be a need to use neighborhood and regional parks or other recreational facilities, therefore, no impact.*	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? **Comment** *The project is proposing an industrial use which does not include require recreational facilities or require the construction or expansion of recreational facilities; therefore, no impact.*	☐	☐	☐	☒
XVI. **TRANSPORTATION/TRAFFIC** -- Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? **Comment** *The project will not conflict with any plan regarding the circulation system. The project is an industrial project which would create a new street for access. The proposed street would be connected to Baumberg Avenue an established industrial street that currently serves as a connector street for the surrounding industrial area. The 14 new light manufacturing/warehouse uses would*	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
create a minimal impact to the existing traffic system, therefore, no significant impact				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? **Comment.** *No level of service will be significantly impacted by the14 new industrial buildings.*	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? **Comment** *The project involves no change to air traffic patterns; therefore, no impact.*	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? **Comment** *The project has been designed to meet all City requirements regarding street design will not increase any hazards; therefore no impact.*	☐	☐	☐	☒
e) Result in inadequate emergency access? **Comment** *The project includes constructing a street that ends in a cul-de-sac that would serve the proposed 14 industrial sites. The proposed street connects to Baumberg Avenue, an existing public street and includes an emergency vehicle access road that would connect to the private street portion of Baumberg Avenue. This design will provide adequate access; therefore, no impact.*	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? **Comment** *The project does not involve any conflicts or changes to policies, plans or programs related to public transit, bicycle or pedestrian facilities; therefore, no impact.*	☐	☐	☐	☒
XVII. **UTILITIES AND SERVICE SYSTEMS** -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? **Comment** *The project will not exceed wastewater treatment requirements; therefore no impact.*	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **Comment** *There is sufficient capacity to accommodate the proposed project; therefore, no impact.*	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **Comment** *There is sufficient capacity in the existing storm drain system to accommodate the proposed project; therefore, no impact.*	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? **Comment** *There is sufficient capacity to accommodate the proposed project; therefore, no impact.*	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? **Comment** *There is sufficient capacity to accommodate the proposed project; therefore, no impact.*	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? **Comment** *There is sufficient capacity to accommodate the proposed project; therefore, no impact.*	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste? **Comment** *The project will be subject to the regulations stipulated in Chapter 5, Article 1 Solid Waste Collection and Disposal in the City's Municipal Code; therefore, no impact.*	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. **MANDATORY FINDINGS OF SIGNIFICANCE --**				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? **Comment** *As evidenced in Section IV a and IV d of the checklist above, it has been determined that the project will not have any significant impacts to fish, wildlife species or plant life; therefore no impact.*	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? **Comment** *As evidenced in Sections IX c, IX f, XIII a, and XV a of the checklist above, it has been determined that the project will not have any significant impacts; therefore no impact to cumulative impacts.*	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? **Comment** *The project will not have any environmental impacts therefore will not cause substantial adverse effects on human beings; therefore no impact.*	☐	☐	☐	☒

DEPARTMENT OF
DEVELOPMENT SERVICES
Planning Division

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

PROJECT DESCRIPTION: Request for a zone change from Light Manufacturing to Planned Development in conjuction with a Vesting Tentative Map 8039 requesting subdividing the lot into 14 parcels.

Weber Property PL-2010-0372 ZC & PL-2010-0373 TTM – John Weber (Applicant/Owner) – Property is located at 3596 Baumberg Avenue, APN # 461-0040-001-00, 461-0040-002-00, 461-0040-003-00 & 461-0040-004.

II. *FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT*:

The proposed project could not have a significant effect on the environment.

III. *FINDINGS SUPPORTING DECLARATION*:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.

2. The project will not adversely affect any scenic resources.

3. The project will not have a significant adverse effect on agricultural land since as no commercial agriculture occurs on the site and the developable portion of the property is too small to be used for commercial agriculture.

4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.

5. The California Department of Fish and Game has determined that the proposed construction would affect the habitat of the Burrowing Owl. The Burrowing Owl Resource Management Plan (HBG May 2012) shall be incorporated into the Weber Property Wetland Mitigation

Plan prepared by the Huffman-Broadway Group, Inc., which would be approved by the Army Corps of Engineers and the Regional Water Quality Control Board. With these mitigations, the project will not result in significant impacts to biological resources such as wildlife and wetlands.

6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.

7. The project site is not located within a "State of California Earthquake Fault Zone"; however, it may experience ground shaking due to the proximity to active faults in the region. Construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.

8. The project will not lead to the exposure of people to hazardous materials.

9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff directed to the site or that falls within the site. All storm water runoff would be treated to meet the clean water criteria established by the Alameda County Flood Control and Water Conservation District and directed to existing drainage facilities of sufficient capacity.

10. The project is consistent with the policies of the City General Policies Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.

11. The project could not result in a significant impact to mineral resources since the developable portion of the site is too small to be developed to extract mineral resources.

12. The project will not have a significant noise impact.

13. The project will not result in a significant impact to public services.

14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

IV. *PERSON WHO PREPARED INITIAL STUDY*: Tim Koonze, Associate Planner

Signature: Tim Koonze Dated: 7/3/12

V. *COPY OF INITIAL STUDY IS ATTACHED*

For additional information, please contact the City of Hayward Development Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4114

Weber Property

Mitigation Monitoring and Reporting Program

Zone Change Application No. PL-2010-0372 PD; Tentative Tract Map Application No. PL-2010-0373 (TTM 8039); John Weber (Applicant/Owner)

June 15, 2012

Mitigation 1A

Significant environmental Impact: *The California Department of Fish and Game have determined that the proposed construction site would affect the habitat of the Burrowing Owl. The Burrowing Owl Resource Management Plan (HBG May 2012) shall be incorporated into the Weber Property Wetland Mitigation Plan prepared by HBG. Evidence of plan approval, including the amount for endowment funding for long-term management activities for the 2.39-acre Mitigation Site shall be provided to the City of Hayward Planning Division.*

Mitigation Measure: The Burrowing Owl Resource Management Plan shall be incorporated into the Weber Property Wetland Mitigation Plan approved by the Army Corps of Engineers and the California Regional Water Quality Control Board. With incorporation of this mitigation measure, impacts will be reduced to a less-than-significant level.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to approval of the Final Map

Mitigation 1B

Significant environmental Impact: *Endowment funding for implementation of the long-term management actions described in the Burrowing Owl Resource Management Plan shall be included with the endowment funding required for t the Corps-approved wetland mitigation plan for the 2.39-acre wetland mitigation site. Evidence of plan approval, shall be provided to the City of Hayward Development Services Department.*

Mitigation Measure: Obtain approval from the Army Corps of Engineers for the Weber Property Wetland Mitigation Plan which includes implementation of the Burrowing Owl Resource Management Plan. With incorporation of this mitigation measure, impacts will be reduced to a less-than-significant level.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to approval of the Final Map

Mitigation 1C

Significant environmental Impact: *In addition to recording a Conservation Easement for the purpose of reestablishment and enhancement of seasonal wetlands and to maintain suitable habitat for the ecological sustainability of burrowing owls on the 2.39-acre Mitigation Site, and continue to maintain the remaining undeveloped 52.94-acre portion of the Weber Parcel. A copy of the officially recorded document shall be provided to the City of Hayward Planning Division.*

Mitigation Measure: Record a Conservation Easement and over the 2.39 acre Mitigation Site. Continue to maintain the remaining undeveloped 52.94-acre portion of the Weber Parcel in keeping with the City of Hayward Specific Plan. A copy of the recorded Conservation Easement shall be provided to the Planning Division. With incorporation of this mitigation measure, impacts will be reduced to a less-than-significant level.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to approval of the Final Map

Mitigation 1D

Significant environmental Impact: *The California Department of Fish and Game have determined that the proposed construction site would affect the habitat of the Burrowing Owl.*

Mitigation Measure: *A*s described in the *Burrowing Owl Resource Management Plan* and below, pre-construction surveys for burrowing owls shall be conducted prior to any construction activity to ensure that there are no impacts to burrowing owls. If burrowing owls are present in the construction area, construction will not occur. Pre-construction surveys will be conducted within 30 days prior to the onset of any ground disturbing activities. Surveys will be conducted by a qualified biologist following CDFG survey methods (CDFG 2012) to establish the status of burrowing owl on the Project site. The surveys will include all portions of the 86.83-acre Weber Property, including the 31.5-acre Weber Light Manufacturing Park, associated 2.39-acre wetland mitigation site, and the 52.94-acre undeveloped portion of the 86.83-acre Weber Property, immediately surrounding areas, and all access routes. All potential burrows within the 86.83-acre Weber Property will be flagged to alert biological and work crews to their presence.

a. If burrowing owls are found to occupy the 86.83-acre Weber Property during the non-breeding season (September 1 to January 31), occupied burrows will be avoided by establishing a no-construction buffer zone around the burrow or a passive relocation effort may be instituted to relocate the individual(s) out of harm's way.

b. If burrowing owls are found to occupy the 86.83-acre Weber Property during the breeding season (February 1 to August 31), the project ground disturbing activities will follow the CDFG recommended avoidance protocol whereby occupied burrows will be avoided with a no-construction buffer zone unless a qualified biologist verifies through non-invasive methods that: either 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If either 1) or 2) are true then construction can proceed without a no-construction buffer zone.

Implementation Responsibility: Project developers, including project contractor
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to and during construction

Mitigation 2

Significant environmental Impact: *The San Francisco District Corps of Engineers determined that 37.77 acres of jurisdictional waters (wetlands) occur within the 86.83-acre Weber property, plus an additional 0.29 acre isolated pond that was not determined by the Corps to be subject to their jurisdiction. The 31.5-acre proposed project area will impact 0.23 acres of Corps jurisdictional waters (wetlands). In addition, the project improvements will impact 0.52 acre of RWQCB jurisdictional waters. The applicant shall obtain approval of a Weber Property Wetland Mitigation Plan prepared by the Huffman-Broadway Group, Inc., from the Army Corps of Engineers and the Regional Water Quality Control Board; thus impact will be mitigated to a level of insignificance.*

Mitigation Measure: The Weber Property Wetland Mitigation Plan prepared by the Huffman-Broadway Group, Inc., shall be approved by the Army Corps of Engineers and the Regional Water Quality Control Board.

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to approval of the Final Map

Mitigation 3

Significant environmental Impact: *The project site is currently located within a 100-year flood hazard area; however, three to five feet of engineered fill will be placed on the site to specifications of a geotechnical engineer to ensure stability and to raise the property above the flood zone level. A condition of approval will require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) that indicates that the property has been designed to be above the flood level as identified by the Federal Emergency Management Agency (FEMA); therefore, it would be less than significant.*

Mitigation Measure: Mitigation 3**:** The applicant shall obtain a Conditional Letter of Map Revision (CLOMR) that indicates that the property has been designed to be above the flood level as identified by the Federal Emergency Management Agency (FEMA).

Implementation Responsibility: Project developer
Monitoring Responsibility: City of Hayward Planning Division
Timing: Prior to approval of the Final Map

CITY OF HAYWARD
PLANNING DIVISION

ZONE CHANGE PL-2010-0372

July 26, 2012

Zone Change Application PL-2010-0372 / Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District and a Tentative Tract Map to Create 14 Parcels.

The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing District.

FINDINGS FOR APPROVAL

A. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.

B. Development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies.

The development is compatible with the surrounding structures and uses in that it is immediately adjacent to industrially zoned properties to the north. The property is within the Industrial Corridor as defined by the General Plan. Future building would be required to comply with all City regulations. With the implementation of fencing and buffer zones, the development would also be compatible with the adjacent wetland areas immediately adjacent to the south, east and west of the property.

C. ***Streets and utilities, existing or proposed, are adequate to serve the development.***

The existing sanitary sewer and water mains are adequate to serve the proposed project. A mitigation measure would require that a storm drain system be designed to accept all storm water draining onto the site. The Alameda County Flood Control and Water Conservation District has determined that the existing facilities are of adequate size to accommodate all storm water collected within the proposed drainage system.

D. The development would be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of substantial desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development.

The buildings to be developed on the property would have to meet City zoning and design standards. They would conform to the buildings allowed to be constructed in the adjacent industrially zoned properties. The proposed drainage system will improve the drainage situation within the existing adjacent community by providing a drainage

system that will accept all overland drainage directed to the proposed site and convey that drainage via storm drain mains to an approved system of adequate capacity to accept the drainage.

The project conforms to the objective of the 1993 Hayward Area Shoreline Planning Agency (HASPA) Program document in that the wetlands on the property are to be preserved and that the wetland area that is affected by the development is being mitigated by creating a new wetland area. The developer proposes to protect and enhance the existing wetland areas and maintain them in such a way as to enhance the area for burrowing owl foraging. The 1993 HASPA document objective states, "Encourage industrial development and traffic circulation improvements," and a related strategy states, "Promote industrial in-fill development in areas designed for industrial and public utilities on the exhibit at the end of this program." That exhibit indicates the Weber property as "Industrial/Public Utilities."

With the inclusion of fencing and a planted buffer zone, as well as 55 acres of wetlands/burrowing owl habitat, the proposed development would be compatible with the HASPA Program.

E. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

The Planned Development would allow for warehouse uses, which are not listed as a use in the existing Light Manufacturing District. The ability to utilize the buildings for warehouse use increases the probability of sale or lease without being a detriment to the surrounding area. For this privilege, the applicant proposes to create buffer zones that would be planted with native species between the proposed industrial uses and the existing wetland areas, vacating farming operations on 37 acres of land that would be left untouched to provide additional foraging for the burrowing owl, recording a conservation easement over the 55 acres that are not being developed to prohibit any future development in those areas, and providing off-site improvements consisting of curb, gutter, sidewalk and tie-in paving on the south side of Baumberg Avenue from the property site to match the existing street improvements near Industrial Boulevard.

CITY OF HAYWARD
PLANNING DIVISION

CONDITIONS OF APPROVAL

July 26, 2012

Zone Change Application PL-2010-0372 / Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District and a Tentative Tract Map to Create 14 Parcels.

The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing District.
Planned Development District No. PL-2008-0372 PD to allow warehousing which is not a use allowed in the Light Manufacturing District and create 14 parcels served by private streets shall be developed according to these conditions of approval and in substantial conformance with the preliminary development plan labeled in the City files as "Exhibit A." Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

The Zone Change for the Planned Development District becomes void one year following the effective date of approval of the Preliminary Development Plan by the City Council, unless before that time, a Precise Development Plan is submitted. A one-year extension for the Preliminary Development Plan, approval of which is not guaranteed, may be granted by the City Council, provided the request for such extension is submitted at least 30 days prior to the expiration of the original approval. A request for a second one-year extension, approval of which is not guaranteed, may also be granted by the City Council, provided the request for such second extension is submitted at least 30 days prior to the expiration of the first extension.

The permittee shall assume the defense of, and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.

Any proposals for minor alterations to the proposed site plan and/or design that do not require a variance to the Zoning Ordinance standards must be approved by the Planning Director prior to implementation.

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward. The applicant/developer's engineer shall perform all design work unless otherwise indicated.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

1. The precise plan shall include the following designs:

    a. A decorative masonry wall shall be located along the east property line abutting the Union pacific Railroad and the Alameda County Flood Control and Water Conservation District. The wall design shall be consistent throughout the project. The wall design shall be approved by the Planning Director.

    b. Chain link fences shall be located along the all other exterior boundaries except those abutting street right-of-ways. The fences shall be designed netting or slats to prevent windswept debris from drifting into the wetland areas. The fence design shall be consistent throughout the project. The location, design and materials shall be approved by the Planning Director.

    c. Buffer zones shall be located between the proposed improvements and the wetland areas. The buffer zones are to be planted with seed with native grasses and planted with native plants that provide a suitable transition between the proposed land use and the adjacent wetlands. The location, design and materials shall be approved by the Planning Director and the City's Landscape Architect.

    d. All industrial buildings shall comply with the Minimum Design and Performance Standards identified in the Industrial District of the Zoning Ordinance.

2. The uses allowed on the 14 proposed parcels shall include all the uses listed in the Light Manufacturing District with the addition of a warehouse use.

CITY OF HAYWARD
PLANNING DIVISION

TENTATIVE TRACT MAP 8039

July 26, 2012

Zone Change Application PL-2010-0372 / Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District and a Tentative Tract Map to Create 14 Parcels.

The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing District.

FINDINGS FOR APPROVAL

A. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.

B. Upon the completion of remediation recommended by the project Geotechnical Engineer, the site will be physically suitable for the proposed type of development.

C. With mitigation measures required by the City and federal and state regulatory agencies, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

D. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.

E. Upon completion of the proposed improvements, the streets and utilities will be adequate to serve the project.

F. None of the findings set forth in Section 66474 of the Subdivision Map Act for denial of a tentative map have been made.

[1] [1] **The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:**

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

CONDITIONS FOR APPROVAL

July 26, 2012

Zone Change Application PL-2010-0372 / Tentative Tract Map Application PL-2010-0373 – John Weber (Applicant/Owner) – Request for a Zone Change from Light Manufacturing District to Planned Development District and a Tentative Tract Map to Create 14 Parcels.

The project is located at 3596 Baumberg Avenue at the southerly terminus of Baumberg Avenue and Bridge Road in a Light Manufacturing District.

Vesting Tentative Tract Map 8039 - PL-2010-0373

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

All construction shall meet the California Building Code (CBC) and all applicable City of Hayward Building Department Ordinances (Ordinance #02-13) and amendments.

Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Department Ordinances (Ordinance #02-13) and amendments in use by the Hayward Fire Department.

The developer/subdivider's Professional Engineers registered to practice in the State of California shall perform all design work unless otherwise indicated.

Unless other stated, all documents, agreements, required improvement bonds or securities, completely signed improvement plans, and signed final map shall be submitted to the City for approval prior to presenting to the City Council for approval.

A copy of these approved conditions of approval shall be inscribed on full-sized sheets in the tract improvement plan sheets.

PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS AND FINAL MAP

In conjunction with the Precise Plan, applicant/developer shall submit tract improvement plans and final map application for the entire project. Said improvement plans and final map shall meet all City standards and submittal requirements except as expressly approved for this Planned Development. The following information shall be submitted with or in conjunction with improvement plans and final map. The City reserves the right to include more detailed conditions of approval regarding required infrastructure based on these more detailed plans:

1. The Weber Property Wetland Mitigation Plan, which shall incorporate, the Burrowing Owl Resource Management Plan prepared by Huffman-Broadway Group Inc., dated May 2012, shall be approved by the Army Corps of Engineers and the California Regional Water Quality Control Board.

2. The verbiage for a Conservation Easement over the remaining 52.94-acre undeveloped portion of the 86.83-acre Weber Property in the southern and eastern portions of the site, and all existing wetlands contained within this area, shall continue to be maintained as open space lands in keeping with the requirements of the City of Hayward's Specific Plan. The easement shall insure that land uses are restricted to maintain the existing wetlands in their current state and allow for future enhancement and restoration of wetlands. The document shall be approved by the Planning Director.
3. The Developer shall process the necessary reports, studies and documentation to remove the property from the Federal Emergency Management Agency (FEMA) designated flood zone. This includes, but not limited to, preparation of all necessary documents and reports supporting the addition of fill, and stipulating measures to protect adjacent occupied areas, as required by FEMA and the City of Hayward. A Conditional Letter of Map Revision (CLOMR) issued by FEMA shall be submitted to the City prior to approval of the final map.
4. A detailed drainage study for both offsite and onsite improvements shall be submitted for reviewed and approved by the ACFC&WCD and the City Engineer.
5. A detailed drainage plan designing for offsite drainage facilities to accommodate the runoff associated with the proposed development and as required, incorporating offsite improvements required by the ACFC&WCD and onsite improvements such as storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream drainage facilities to be exceeded. The detailed drainage plan for offsite improvements shall be approved by the ACFC&WCD prior to issuance of any construction or grading permit by the City.

TRACT IMPROVEMENTS PLANS

Geotechnical Investigation Report, Tract Improvement Plans, Grading and Erosion Control Plans, Drainage plans and calculations, SWPPP, and Landscaping and irrigation plans shall be reviewed and approved by the City Engineer. Subject plans shall, in addition to the standard improvements, incorporate the following conditions and design requirements:

6. Tract Improvement Plans shall be approved in concurrence with the Precise Development Plan. Submit the following proposed improvement plans with supporting documents, reports and studies:
   a. Three original Geotechnical Investigation Reports, in **bound form**, for the proposed development prepared by a State of California licensed Professional Engineer who is authorized to prepare such report;
   b. Sixteen full size (22"x34") sets of Preliminary Tract Improvement Plans including Grading and Erosion and Sediment Control Plans. Two sets of plans shall have original signatures;
   c. Five sets of Drainage Plan, Hydrology map with supporting calculations and reports;
   d. Five sets of Cleanwater treatment plan with supporting calculations and reports;
   e. Three original Storm Water Pollution Prevention Plans (SWPPP) prepared by a Qualified SWPPP Developer (QSD);

f. Sixteen full size (22”x34”) sets of Landscaping and irrigation plans prepared by a State of California licensed Landscape Architect. These sets of plans shall be submitted in concurrence with the Preliminary Improvement Plans;

g. Ten sets of Preliminary Final Map;

h. A complete Development Building Application Information Form consisting of: 1) Impervious Material Form and 2) Operation and Maintenance Information Form, which is available at Public Works Engineering and Transportation Division; and

i. Applicable initial deposits required for processing such development application.

Public Street

***Baumberg Avenue*:**

7. All existing utility poles and overhead utility lines along Baumberg Avenue shall be removed and placed underground. Location of utility joint trench shall be reviewed and approved by the City Engineer.

8. Baumberg Avenue shall be designed for an ultimate 60-foot wide right-of-way and 48-foot curb to curb width.

9. The proposed street improvements along Baumberg Avenue from existing improvements at the corner of Industrial Boulevard and Baumberg Avenue to the intersection with Arden Road shall be designed, generally reflective of the alignment and width shown on the submitted vesting tentative tract map, with Portland Cement Concrete curb, gutter, and 5.5-foot wide sidewalk abutting the curb and tie-in pavements.

10. Three standard LED street lights shall be installed along Baumberg Avenue between the railroad track and the intersection with Arden Road.

11. All curb returns shall have a 30-foot radius at the curb face.

12. Baumberg Avenue shall be designed with a T.I of 10 with a minimum AC thickness of five inches when using conventional section.

Private Street A and Private Courts A and B

13. Proposed onsite street improvements shall be designed, generally reflective of the alignment and width shown on the submitted vesting tentative tract map, and as approved by the City Engineer.

14. In general, Street and Court A shall have fifty-eight-foot right-of-way with travel lane width of forty-foot measuring from face of curb to face of curb, five-foot sidewalk on one-side of the street, and six-foot Public Utility Easement (PUE) on both sides of the Street and Court A.

15. In general, Court B shall have sixty-three-foot right-of-way with travel lane width of forty-foot measuring from face of curb to face of curb, five-foot sidewalk and six-foot Public Utility Easement (PUE) on both sides of Court B.

16. Right-of way of these private street and courts shall be designated as private access easement (PAE), emergency vehicle access easement (EVAE), sanitary sewer easement (SSE) and water line easement (WLE).

17. These onsite roadways shall be constructed to the same standards as a public street and shall be designed to facilitate street sweeping, including the layout of trees and pedestrian ramps. The Property Owners' Association shall be responsible for maintaining these onsite roadways, and shall perform street sweeping on a regular basis.

18. At least ten feet of decorative pavement section e.g. interlocking pavers or stamped colored concrete, or bands of decorative paving, shall be installed at the project entrance (Private Street A at Baumberg Avenue). One foot concrete band shall be provided around decorative materials. The Planning Director shall approve the material, color and design and the City Engineer shall approve the pavement section for the decorative paving. Decorative pavements shall be capable of supporting a 75,000 lb. GVW load.

19. Upon any necessary repairs to the public facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the Property Owners' Association.

20. The on-site standard LED streetlights and pedestrian lighting shall have a decorative design approved by the Planning Director. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer. Submit a copy of the photometric plans with the improvement plans. Such fixtures shall have shields to minimize "spill-over" lighting on adjacent properties that are not part of the tract.

21. The interior intersections shall be designed to meet Fire Department access and turning movements. Pedestrian ramps shall be installed to facilitate access and circulation throughout the development.

22. Onsite roadway shall be designed with a TI of 10 and minimum AC thickness of five inches when using conventional section.

Storm Drainage

23. The on-site storm drain system shall be a private system owned and maintained by the homeowners' association.

24. Minimum storm drain pipes in the street shall be 12-inch in diameter RCP pipes Minimum cover over the pipe shall be three feet.

25. The development shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project site. Mitigation measures will be required to mitigate augmented runoff with off-site and/or on-site improvements.

26. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the City Engineer, and in case of referral, the Alameda County Flood Control and Water Conservation District (the Flood Control District).

27. A contingency/emergency overland flow drainage plan to account for blocked drainage inlets and the 100-year flood (the one percent chance flood) shall be submitted for review and approval by the Flood Control District and City Engineer. The emergency overland flow drainage plan shall show emergency overflow within the road right-of-way or emergency overland drainage passage. Show right-of-way or emergency overland drainage passage on the tentative map between lots to allow passage of emergency overland release.

The potential area of flooding shall not extend outside the road right-of-way or emergency overland drainage passage, unless approved by the City Engineer. The contingency/emergency overland flow drainage plan shall also address how the adjacent Industrial areas at lower elevation will be protected.

28. If necessary, drainage easements shall be obtained from adjacent property owners for the proposed emergency overland release route. The applicant's project engineer shall evaluate the situation and make appropriate mitigation measures.

29. An Encroachment Permit shall be obtained from the Flood Control District prior to commencement of any work within District right-of–way and for the construction, modification or connection to District-maintained facilities.

30. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.

31. An erosion and sedimentation control plan to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook shall be approved by the City Engineer prior to implementing throughout project construction.

Stormwater Quality Requirements:

32. A Storm Water Pollution Prevention Plan shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system for review and approval of the City Engineer.

33. The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The storm drain design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).

34. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area or a grassy swale prior to stormwater runoff entering an underground pipe system.

35. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page30). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5 – 12 has a section titled "BMP Design Criteria for Flow and Volume." Those materials are available in the internet at www.cabmphandbooks.com for your reference.

36. The project should be designed to direct runoff to the landscaped yards and common space, prior to entering into the underground pipe system. Unit pavers should also be considered for impervious areas such as the driveways, parking areas and fire truck turnarounds.

37. The developer/subdivider is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

Utilities

38. Language for easements for water and sewer lines not in public rights-of-way shall state that no structures or trees shall be installed in the easement.

39. The City of Hayward is currently working on implementing a Recycled Water Project to utilize recycled water for certain uses, such as irrigation. It is recommended that the proposed development consider utilizing this alternative water source if it becomes available in the future.

Sanitary Sewer

40. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application for service.

41. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City.

42. All public sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval.

43. Each building shall have an individual sanitary sewer lateral.

44. All on-site sanitary sewer mains shall be a minimum of ten-inch in diameter and manhole shall be installed at the change of flow direction, and the beginning and the end of each sanitary sewer main. The sanitary sewer mains shall be located a minimum of 10 feet from the water main.

45. Minimum horizontal separation between sanitary sewer main and storm drain pipe shall be four feet.

Water System

46. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.

47. All fire services shall be installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-204. Minimum sizing shall be per Fire Department's requirements.

48. Water service is available subject to standard conditions and fees in effect at the time of application for service.

49. Water mains within the development shall be public mains, configured in a looped system, designed and constructed to the City Standards and Specifications, and approved by the City Engineer.

50. Where a public water main is in an unpaved easement, landscape/walkway area, or under decorative paving, stamped and colored concrete, or pavers, the water main shall be ductile iron pipe with shut-off valve at the beginning and ending of the pipe type change and shall be located five feet from the face of curb (5.5 feet from back of curb).

51. All public water mains shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains (12" Diameter or Less) and Fire Hydrants," latest revision at the time of permit approval.

52. The existing 6" water main in Court B shall be looped and connect back to the

proposed 12” water main in Street A. The connection for the loop should be made as close to the end of the existing main as possible in order to avoid a dead-end main.

53. The proposed 12-inch water main in Court A shall loop at the end of the court and then connect to the proposed 12-inch water main located in the easement between Parcels 9 and 10.

54. If the meters and service lines cannot be reused, they must be abandoned by City of Hayward Water Distribution Personnel at the owner’s/applicant’s expense.

55. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials.

56. Water laterals including meters are to be located a minimum of six feet from sanitary sewer laterals.

57. Water meters and services to be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218.

58. Applicant’s engineer shall provide the estimated water demand for domestic and irrigation, each separately, in gallons per minute, so that the supply lines and meters can be appropriately sized.

59. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each domestic and irrigation water meter, per City Standard SD-202.

60. Separate irrigation water meters shall be installed for landscaping purposes.

61. A reduced pressure backflow preventer shall be installed behind the water meter for irrigation services, per City of Hayward Standard Detail 202.

62. Each building shall have its own domestic water meter.

63. All domestic and irrigation water meters shall be radio-read type.

64. Provide water demand (gallons per minute) on the improvement plans so that proper water pipe and meter size may be determined.

Other Utilities (PG&E, cable, phone, etc...)

65. All service to lots shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. All facilities necessary to provide service to the dwellings, including transformers and switchgear, shall also be undergrounded.

66. All surface-mounted hardware (fire hydrants, electroliers, etc.) along onsite roadways shall be located outside the sidewalk within the Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.

67. The joint trench design and location shall meet the approval of the City Engineer.

68. All utilities shall be designed in accordance with the requirements of the City and applicable public agency standards.

Property Owners' Association and Conditions, Covenants and Restrictions

69. The Property Owners' Association (POA) shall be formed and the Conditions, Covenants, and Restrictions (CC&R's) shall be created so that the HOA will be responsible for maintaining all private streets, private street lights, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to Cleanwater treatment facilities, landscaping, preservation and replacement of trees, as well as decorative paving. For any necessary repairs performed by the City in locations under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the POA established to maintain the common areas within the association boundary. The common area landscaping includes all areas except the private rear yards. The CC&R's will also contain a standard condition that if the property owners' association fails to maintain the common areas; private streets, lights and utilities, the City of Hayward will have the right to enter the subdivision and perform the necessary work to maintain these areas and lien the properties for their proportionate share of the costs.

70. Developer/POA shall execute a Storm Treatment Measures Maintenance Agreement (as prepared by staff in the Public Works-Engineering and Transportation Division). This Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

Fire Protection

71. The construction of emergency vehicle access, locations and alignments shall meet all requirements of Hayward Fire Department and the California Fire Code.

72. Design of proposed onsite street and courts shall meet Hayward Fire Department Standards and requirements.

73. The minimum width of fire lane is 20 feet. The minimum width of fire lane with fire hydrants is 26 feet. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be maintained at all time.

74. Fire lane of 20 to 26 feet wide shall be posted on both sides as a fire lane; 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the Hayward Fire Department fire lane requirements.

75. All proposed new roadways shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete.

76. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant shall be a modified double steamer, capable of flowing 1,500 gallons per minute at 20 PSI for two-hour duration. The design and layout of the hydrants shall be reviewed and approved by the Hayward Fire Department.

77. If fire hydrants are located so as to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).

78. Maximum distance from any point on street frontage to a fire hydrant in dead-end street or cul-de-sac shall not exceed 200 feet. Maximum spacing between fire hydrants is 400 feet.

79. All buildings shall be installed with automatic fire sprinkler system in according to the Fire Code regulations. The minimum water meter size shall be 1 inch. Fire permits are required for sprinkler installation.

80. All buildings shall be constructed in such locations that any portion of the buildings will be within 150 feet hose lay distance to a fire apparatus road.

81. Addressing of the buildings shall be in compliance with the Hayward Fire Department requirements. All buildings shall have a minimum 4 inch self-illuminated address installed on the front of the building so as to be visible from the street. A decorative address monument sign shall be installed at each court entrance, indicating the building addresses for the units served by such court. Minimum size numbers shall be 6 inches in height on a contrasting background.

82. Blue reflective pavement markers shall be installed at fire hydrant locations.

Landscaping and Irrigation

83. Prior to the approval of the tract improvement plans, a detailed landscaping and irrigation plan for the common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Hayward Environmentally Friendly Landscape Guidelines and Checklist for professional, Bay-Friendly Water Efficient Landscape Ordinance, and Municipal Codes.*

84. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be 22" x 34" without an exception.

85. Street Trees. Provide one 24-inch box street tree per 20 to 40 lineal feet in the front and side landscape setback areas or fraction thereof. All trees shall be planted a minimum of 5-foot away from any underground utilities, a minimum of 15 feet from a light pole, and a minimum 30 feet from the face of a traffic signal or as otherwise specified by the city. Trees shall be planted according to the City Standard Detail SD-122 and the detail shall be included in the landscape plans.

86. Existing trees shall be preserved in accordance with the *Tree Preservation Ordinance*. Provide a comprehensive arborists report by a licensed arborist on all existing trees within the limit of project area including health, species, caliper, approximate height, canopy diameter, and value using the latest edition of "Guide for Plant Appraisal" by the International Society of Arboriculture. Provide ISA worksheet per each trees are subjected for valuation. The arborists report and valuation shall be reviewed and approved by the City.

87. A tree preservation bond will be required for all trees that are to remain, and the bond will be in effect throughout the construction period and until completion of the entire project improvements. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.

88. All removed trees shall be mitigated within the project area. Tree mitigation shall be provided above and beyond the required trees.

89. The landscape in the parking lot must conform to Zoning Ordinance Chapter 10, Article 2 Off-Street Parking Regulation.

90. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

PRIOR TO FILING OF FINAL MAP

91. Submit the following documents for review, approval or for project records:

    a) Copy of the Notice of Intent filed with State Water Resources Control Board;
    b) Signed Stormwater Treatment Measures Maintenance Agreement;
    c) Engineer's estimate of costs, including landscape improvements;
    d) Signed Final Map;
    e) Signed Subdivision Agreement; and,
    f) Subdivision bonds.

92. Final Map shall be approved by the City Council. The City Council meeting will be scheduled approximately sixty days after the Final Map is deemed technically correct, and Improvement Plans with supporting documents, reports and agreements are approved by the City Engineer.

DEDICATIONS, EASEMENTS AND FINAL MAP

93. The final map shall reflect a Conservation Easement over the remaining 52.94-acre undeveloped portion of the 86.83-acre Weber Property in the southern and eastern portions of the site, and all existing wetlands contained within this area, shall continue to be maintained as open space lands in keeping with the requirements of the City of Hayward's Specific Plan. A deed restriction shall be placed on the property to insure that land uses are restricted to maintain the existing wetlands in their current state and allow for future enhancement and restoration of wetlands.

94. Dedication of five-foot wide right-of-way along Baumberg Avenue frontage to accommodate a sixty-foot wide right-of-way.

95. The final map shall reflect all easements needed to accommodate the public portions of the sanitary sewer and water systems that are outside of the private streets. The easements shall be a minimum of 12 feet wide. The private streets shall be designated as a Public Utility Easement (PUE), Private Assess Easement (PAE), Water Line Easement (WLS), Sanitary Sewer Easement (SSE) and Emergency Vehicle Access Easement (EVAE).

96. The final map shall reflect easements over all buffer zones located between the proposed improvements and the wetland areas. The location of the easements shall be approved by the Planning Director and the City Engineer.

97. Prior to the approval of the final map, all documents that need to be recorded with the final map shall be approved by appropriate department managers, and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

AGREEMENTS

98. The developer/subdivider shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332 of the Municipal Code: Security for Installation of Improvements. Insurance shall be provided per the terms of the subdivision agreement.

99. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

PRIOR TO GRADING OR SITE CONSTRUCTION

100. *A*s described in the *Burrowing Owl Resource Management Plan* and below, pre-construction surveys for burrowing owls shall be conducted prior to any construction activity to ensure that there are no impacts to burrowing owls. If burrowing owls are present in the construction area, construction will not occur. Pre-construction surveys will be conducted within 30 days prior to the onset of any ground disturbing activities. Surveys will be conducted by a qualified biologist following CDFG survey methods (CDFG 2012) to establish the status of burrowing owl on the Project site. The surveys will include all portions of the 86.83-acre Weber Property, including the 31.5-acre Weber Light Manufacturing Park, associated 2.39-acre wetland mitigation site, and the 52.94-acre undeveloped portion of the 86.83-acre Weber Property, immediately surrounding areas, and all access routes. All potential burrows within the 86.83-acre Weber Property will be flagged to alert biological and work crews to their presence.

    a. If burrowing owls are found to occupy the 86.83-acre Weber Property during the non-breeding season (September 1 to January 31), occupied burrows will be avoided by establishing a no-construction buffer zone around the burrow or a passive relocation effort may be instituted to relocate the individual(s) out of harm's way.

    b. If burrowing owls are found to occupy the 86.83-acre Weber Property during the breeding season (February 1 to August 31), the project ground disturbing activities will follow the CDFG recommended avoidance protocol whereby occupied burrows will be avoided with a no-construction buffer zone unless a qualified biologist verifies through non-invasive methods that: either 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If either 1) or 2) are true then construction can proceed without a no-construction buffer zone.

101. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, detailed grading, erosion and sediment control measures and drainage plans with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved of the City Engineer.

102. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the developer/subdivider's Engineer shall submit a completed 1) Development and Building Application Information: Impervious Surface Form, 2)

Operation and Maintenance Information for Stormwater Treatment Measures Form, and 3) Information Request for Stormwater Treatment Measures Maintenance Agreement Form.

103. Permanent buffers shall be established prior to construction to protect the existing wetlands within the 52.94 acre site from the Project area, as shown on Sheet 3 of the Vesting Tentative Tract Map – Tract 8039- Weber Property. The buffers will be planted with native vegetation.

104. Prior to the issuance of a grading or building permit, the developer/subdivider shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned two years after the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer/subdivider shall provide an arborist's report evaluating the condition of the trees at that time.

105. Prior to the issuance of a tree removal permit, landscape plans including a tree mitigation summary shall be submitted to the City Landscape Architect for review and approved. That approved landscape plans and a summary of list of trees to be removed shall be attached to the tree removal permit.

106. Recommendations of the project geotechnical consultants shall be implemented, including those related to ground-motion parameters for use in structural design of buildings.

107. Prior to grading: Houses, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future occupancies and other persons are mitigated.

108. All wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future occupancies or the environment. These structures shall be documented and removed under permit when required.

109. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials or associated structures are discovered during demolition or during grading. These structures shall include, but shall not be limited to: actual hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.

110. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

111. Fire hydrants, fire lanes and water system improvements for the development shall be operational and in service prior to the start of any combustible construction and /or storage of combustible construction materials.

DURING CONSTRUCTION

112. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:

a. Grading and site construction activities shall be limited to the hours 7:30 AM to 6:00 PM Monday through Friday with no work on weekends and Holidays unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval.
b. Grading and construction equipment shall be properly muffled.
c. Unnecessary idling of grading and construction equipment is prohibited.
d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential units.
e. Developer/subdivider shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
f. The developer/subdivider shall participate in the City's recycling program during construction.
g. Daily clean up of trash and debris shall occur along all peripheral streets and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions.
i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
j. All unpaved access roads, parking areas and staging areas at construction sites shall be paved, have water applied three times daily, or non-toxic soil stabilizers applied.
k. All paved access roads, parking areas and staging areas at construction sites shall be swept daily (with water sweepers).
l. Inactive construction areas (previously graded areas inactive for 10-days or more) shall have non-toxic soil stabilizers applied, or shall be hydroseeded.
m. Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, watered twice daily or applied with non-toxic soil binders.
n. Construction debris shall be gathered on a regular basis and placed in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, tarps on the ground are to be used to collect fallen debris or splatters that could contribute to storm water pollution.
o. The sidewalks and public street pavement adjoining the project site shall be broom-swept on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
p. All dirt, gravel, rubbish, refuse and green waste from the sidewalk, street, and storm drain system adjoining the project site shall be removed. During wet weather, driving vehicles off paved areas and other outdoor work areas shall be avoided.
q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
r. Filter materials (such as sandbags, filter fabric, etc.) shall be installed at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; 3) street washing activities; or 4) saw cutting asphalt or concrete activities, or in order to retain any debris or dirt flowing into the storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles shall be properly disposed in the trash.
s. A contained and covered area shall be created on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on

the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.

t. Cleaning machinery, tools, brushes, etc., or rinsing containers, into a street, gutter, storm drain or stream is prohibited (see City's *"Building Maintenance/Remodeling"* flyer for more information).

u. Concrete/gunite supply trucks or concrete/plasters finishing operations shall not discharge washwater into street gutters or drains.

v. The developer/subdivider shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

113. The developer/subdivider shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.

114. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.

115. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The developer/subdivider shall require the soils engineer to submit daily all testing and sampling and reports to the City Engineer or his or her designee.

116. Tree preservation and protection measures, as required by the City Landscape Architect, shall be included in grading and improvement plans. Trees shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period. Where trees are being removed, mitigation for the removed trees equal to their value shall be provided as outlined in the City Tree Preservation Ordinance.

117. Tree protection measures information shall be provided for the off-site trees that are proposed to remain in place, where the site improvements or construction would occur within the drip lines of such trees.

118. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

1. The Letter of Map Revision (LORM) issued by FEMA shall be submitted to the City.

2. The final map shall be approved by the City and filed in the County Recorder's Office prior to the issuance of a Certificate of Occupancy of any unit.

3. The developer/subdivider shall be obligated for the following fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Map is approved by the City Council, unless otherwise indicated hereinafter:

   a. Supplemental Building Construction and Improvement Tax;
   b. Building Construction and Improvement Tax;

c. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the unit is issued.

4. Prior to granting occupancy, water service meters shall be installed by water distribution personnel at the developer/subdivider's expense. The application for water services shall be presented to the City Inspector.

5. Prior to the City installing the water meters, the developer/subdivider shall provide the Public Works-Utilities with certified costs covering the installation of the public water mains and appurtenances.

6. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4900 at least 24 hours before the desired final inspection appointment.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

7. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

8. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements.

9. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.

10. The developer/subdivider shall submit an "as built" plans on mylars and in compact disc containing files in PDF format, or acceptable formats, containing the following:

    a. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.
    b. All the site improvements, except landscaping species, buildings and appurtenant structures.

BURROWING OWL RESOURCE MANAGEMENT PLAN

Due to the size (88.8 mb) of this attachment, this document is available on the City's website at the following link:

http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/documents/2012/Attachment_IX_Burrowing_Owl_Resource_Management_Plan_052312.pdf

To view a hard copy, please contact the Office of the City Clerk or the Planning Division

HAYWARD AREA SHORELINE PLANNING AGENCY

Hayward Area Recreation and Park District
East Bay Regional Park District
City of Hayward

June 21, 2012

Planning Commission
City of Hayward
777 "B" Street
Hayward, CA 94541

RECEIVED
JUL 05 2012
PLANNING DIVISION

RE: Weber Property

Dear Planning Commission:

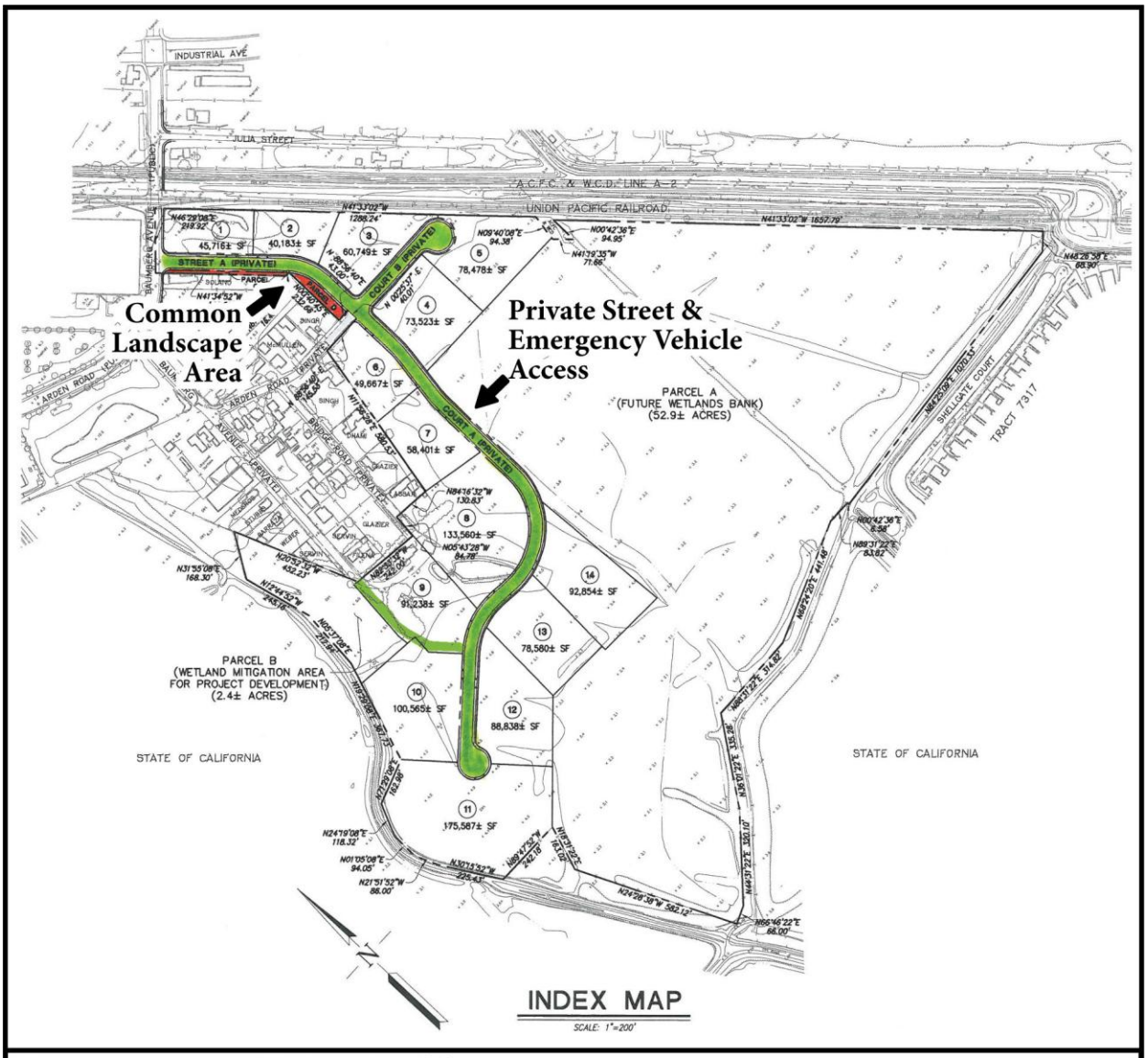
The Hayward Area Shoreline Planning Agency (HASPA) has reviewed the proposal to develop the Weber property located at 3596 Baumberg Avenue in Hayward. HASPA and the HASPA Citizens Advisory Committee have indentified the following concerns: burrowing owls, the drainage system, the amount and what type of fill that will used, stewardship of the proposed wetlands and the design of the wetlands and the mosquito ponds.

The Hayward Area Shoreline Planning Agency respectfully requests that these concerns be addressed before the final recommendations for the approval of the project are made. If you have any questions, please contact Karl Zabel, HASPA staff liaison, at 510-881-6714 or via email at zabk@haywardrec.org.

Sincerely,

Minane Jameson
HASPA Chair

Mail: C/O Hayward Area Recreation and Park District Attention: Karl Zabel
1099 E Street Hayward, CA 94541 510-881-6714 zabk@haywardrec.org



Improvements Maintained by Property-Owner Association

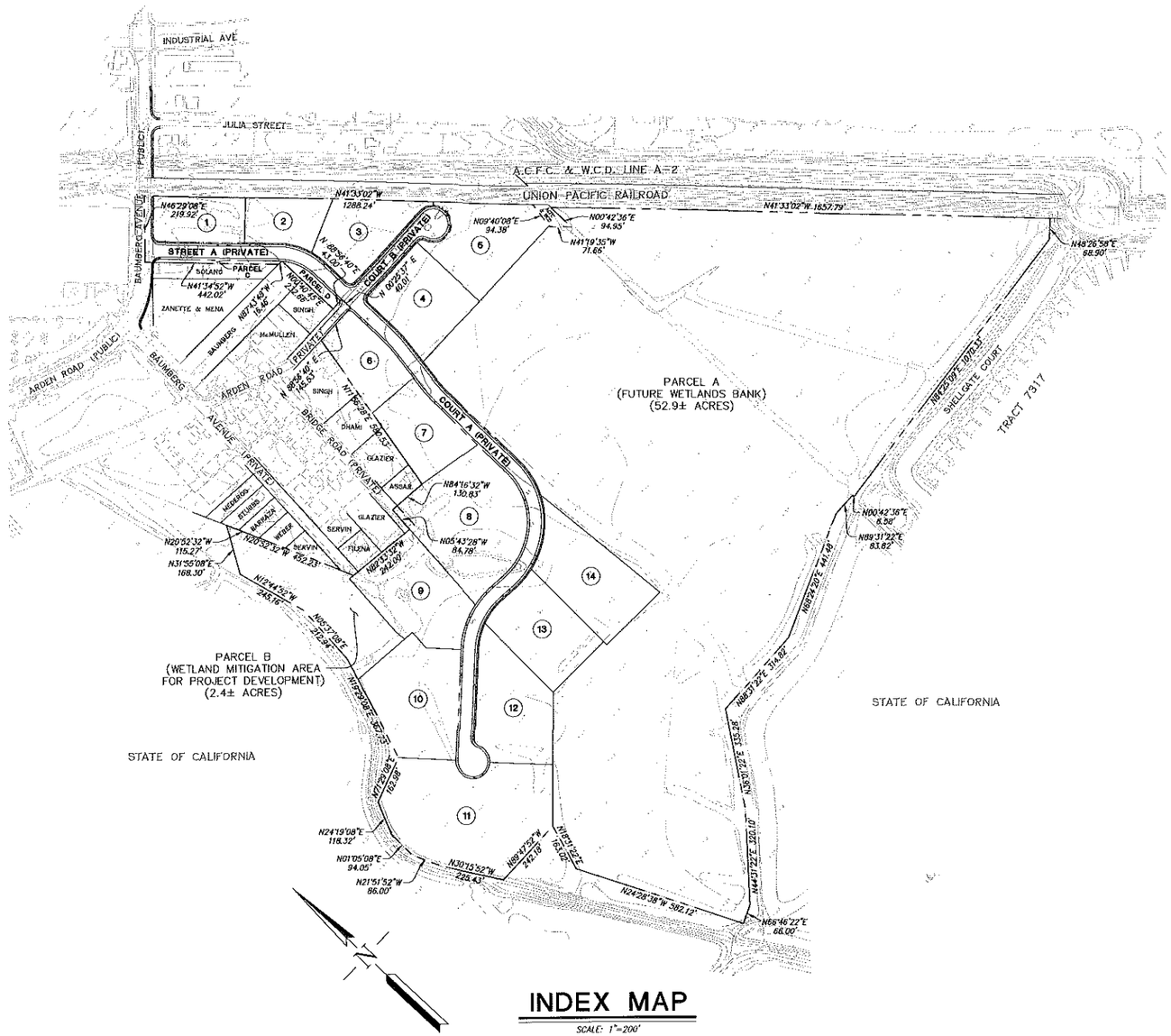
PLANNED DEVELOPMENT PERMIT
PRELIMINARY PLAN
WEBER PROPERTY
TRACT 8039
CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA

LEGEND

PROPOSED	DESCRIPTION	EXISTING
	TRACT BOUNDARY	
	LOT LINE	
	RIGHT OF WAY	
	CENTER LINE	
	FLOOD WALL	
	EASEMENT LINE	
12"SD	STORM DRAIN	EX 12"SD
8"SS	SANITARY SEWER	EX 8"SS
8"W	WATER	EX 8"W
	CURB & GUTTER	EX EP
	SIDEWALK/WALKWAY	
	EARTH OR GRASS SWALE	
	STORM WATER INLET	
	FIELD INLET	
	DIRECTION OF FLOW	
	MANHOLE	
	FIRE HYDRANT	
	BLOW OFF	
	WATER VALVE	
	STREET LIGHT	
	MONUMENT	
	POWER POLE	
	TRAFFIC SIGN	
	FENCE	
	HANDICAP RAMP	
	SLOPE	
x 525.2	SPOT ELEVATION	+525.2
	ASPHALT PAVEMENT	
	AGGREGATE	
(12)	LOT NUMBER	

ABBREVIATIONS

AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
A.C.F.C. & W.C.D.	ALAMEDA COUNTY FLOOD CONTROL WATER CONSERVATION DISTRICT
AE	ACCESS EASEMENT
BC	BEGINNING OF CURVE
CL	CENTER LINE
C&G	CURB AND GUTTER
DWY	DRIVEWAY
DIP	DUCTILE IRON PIPE
EP	EDGE OF PAVEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FC	FACE OF CURB
FF	FINISHED FLOOR
FG	FINISHED GRADE
FI	FIELD INLET
FL	FLOW LINE
FM	FORCE MAIN
GB	GRADE BREAK
GR	GRATE
HGL_{10}	HYDRAULIC GRADE LINE (10-YEAR STORM)
HP	HIGH POINT
INV	INVERT ELEVATION
LF	LINEAR FOOT
LP	LOW POINT
MH	MANHOLE
P	PAD
PAE	PRIVATE ACCESS EASEMENT
PAV	PAVEMENT
PL	PROPERTY LINE
PSDE	PRIVATE STORM DRAIN EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
RET	CURB RETURN
RW	RIGHT OF WAY
S	SLOPE
SDE	STORM DRAIN EASEMENT
SF	SQUARE FEET
SO	SIDE OPENING
SSE	SANITARY SEWER EASEMENT
SWI	STORM WATER INLET
SWK	SIDEWALK
TC	TOP OF CURB
TG	TOP OF GRATE
TYP	TYPICAL
WLE	WATER LINE EASEMENT
WM	WATER METER



INDEX MAP
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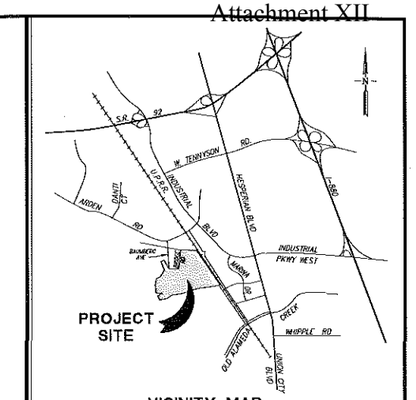

VICINITY MAP
NOT TO SCALE

SHEET INDEX

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	SECTIONS AND DETAILS
3	SITE PLAN
4	TOPOGRAPHIC MAP

PROJECT TEAM

Owner/Developer
John Weber
PO Box 608
Diablo, CA 94528
Phone: (510) 816-0147
Contact: John Weber

Civil Engineering & Planning
Ruggeri-Jensen-Azar
4690 Chabot Drive, Suite 200
Pleasanton, CA 94588
Phone: (925) 227-9100
Contact: John Zellmer

Soils Engineer
Berlogar Geotechnical Consultants
5587 Sunol Boulevard
Pleasanton, CA 94566
Phone: (925) 848-0220
Contact: Frank Berlogar

GENERAL NOTES

1. THIS PLANNED DEVELOPMENT IS FOR THE PURPOSE OF ADDING WAREHOUSE LAND USE TO THE LIGHT INDUSTRIAL USE ALREADY DESIGNATED BY THE SOUTH OF ROUTE 92 SPECIFIC PLAN. DEVELOPMENT GUIDELINES FOR ARCHITECTURE WILL FOLLOW THE SPECIFIC PLAN. RIGHT OF WAY LANDSCAPING WILL BE UTILIZED FOR STORM WATER QUALITY AND WILL FOLLOW THE ALAMEDA COUNTY CLEAN WATER PROGRAM FOR LANDSCAPING.
2. THIS PLANNED DISTRICT IS FOR THE CREATION OF THE LOTS AND STREET RIGHT OF WAY ONLY. ALL ON-LOT DEVELOPMENT WILL REQUIRE SEPARATE REVIEW BY THE CITY OF HAYWARD.
3. EACH LOT WILL BE REQUIRED TO TREAT STORM WATER TO MEET THE REQUIREMENTS OF PROVISION C.3 OF THE MUNICIPAL PERMIT PRIOR TO DISCHARGE TO THE STORM DRAIN SYSTEM.
4. ALL LOTS WILL BE PRIVATELY OWNED AND MAINTAINED. ALL RIGHT OF WAYS WILL BE DEDICATED TO THE CITY OF HAYWARD. PARCEL A WILL BE RETAINED BY THE OWNER FOR CREATION OF A WETLANDS BANK. PARCEL B WILL BE RETAINED BY THE OWNER FOR WETLAND MITIGATION FOR FUTURE PROJECT DEVELOPMENT.

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

DATE: FEBRUARY 06, 2012 JOB NO. 071076 SHEET 1 OF 4

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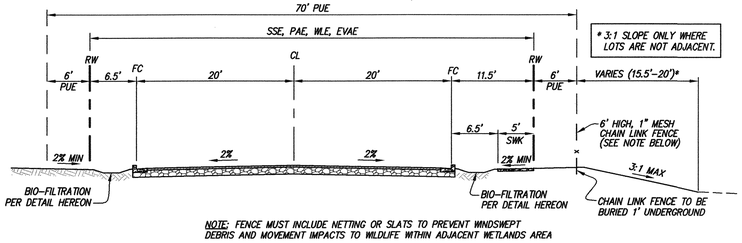
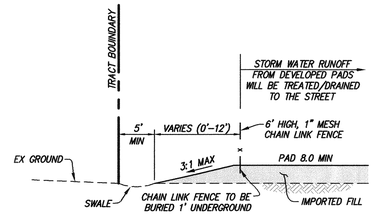


SECTION A-A

NOT TO SCALE



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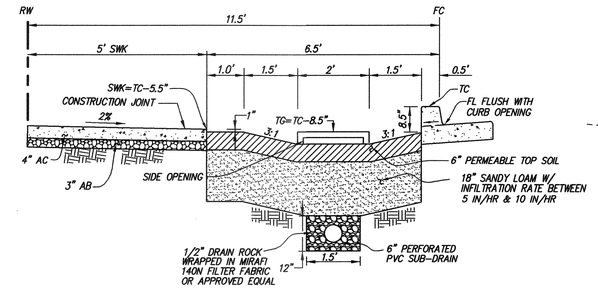
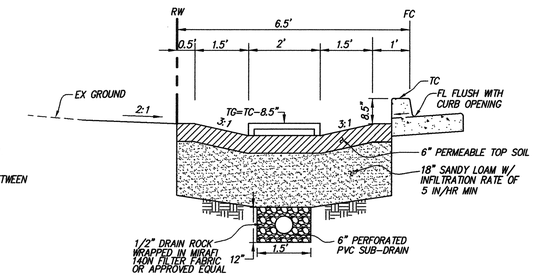


BIO-FILTRATION DETAIL (BETWEEN CURB AND SIDEWALK)

NOT TO SCALE



BIO-FILTRATION DETAIL (NO SIDEWALK)

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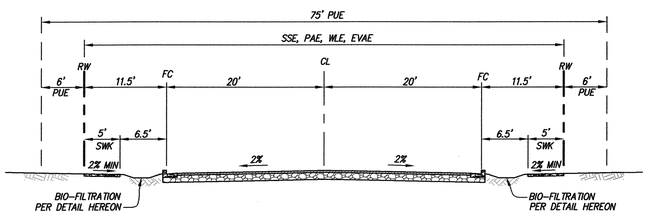

SECTION B-B

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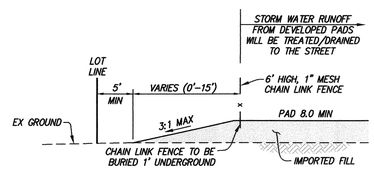

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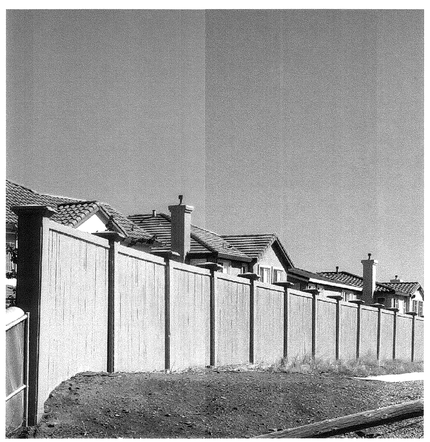
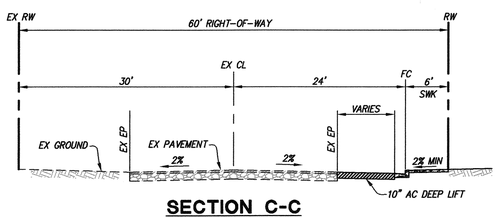


TYPICAL BOUNDARY AND FLOOD WALL

NOTE: THE RETAINING WALL ALONG THE BAUMBERG TRACT WILL BE SIMILAR MATERIALS/APPEARANCE WITH A 6' CHAINLINK FENCE ON TOP.

TYPICAL GRASSY SWALE



SECTION C-C

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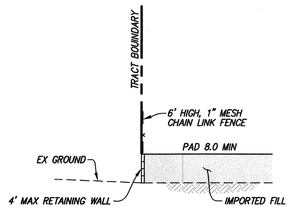
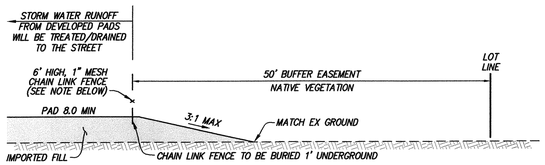


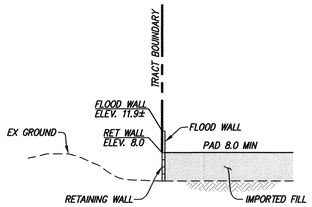
SECTION G-G

NOT TO SCALE



SECTION D-D BUFFER EASEMENT

NOT TO SCALE



SECTION H-H

NOT TO SCALE

SECTIONS AND DETAILS

PLANNED DEVELOPMENT PERMIT

TRACT 8039 - WEBER PROPERTY

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

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

DATE: FEB 06, 2012 JOB NO. 071076 SHEET 2 OF 4

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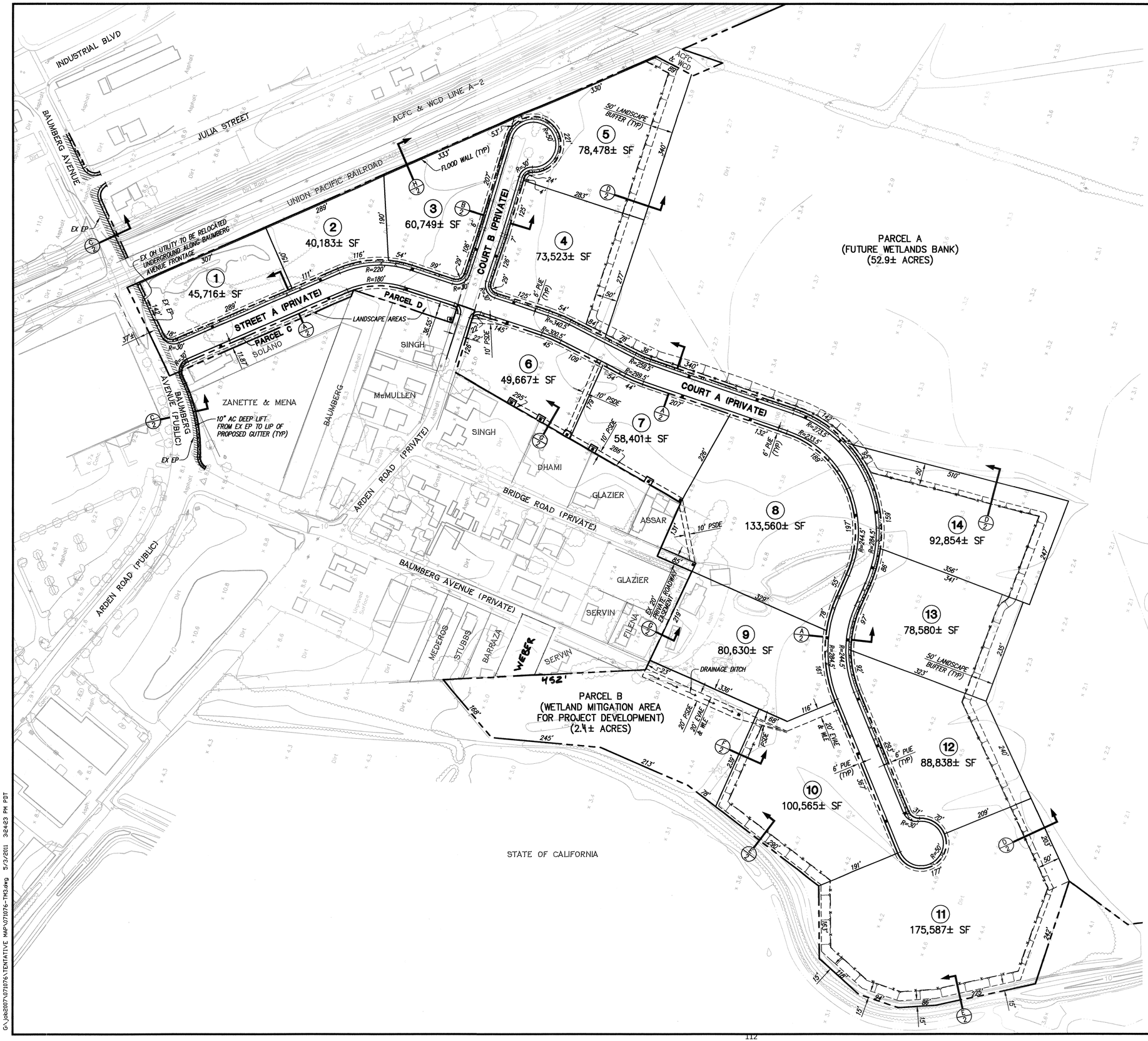

LAND USE SUMMARY

LAND USE	LOTS	ACRES	% OF SITE
LIGHT INDUSTRIAL/WAREHOUSE LOT 40,183 S.F. TO 175,587 S.F.	14	26.6	30.5%
FUTURE WETLANDS BANK	–	52.9	60.7%
WETLAND MITIGATION AREA	–	2.9	3.3%
LANDSCAPE AREA	–	0.3	0.4%
RIGHT OF WAY (STREETS & SIDEWALKS)	–	4.4	5.1%
	14	87.1	100.0%

SITE SUMMARY

NUMBER OF LOTS:	14
SITE ACRES	87.1 ACRES
DEVELOPED ACRES (LOTS AND STREETS)	31.3 ACRES

NOTE: ALL STREETS ARE PRIVATE

NOTES:

1. THE LOCATION OF THE FOLLOWING EASEMENTS CANNOT BE DETERMINED. THESE EASEMENTS ARE ALONG POLE LINES AS EXISTED IN 1910, 1921, AND 1922. B1844 OR P274, B87 OR P34, B166 OR P202.
2. ALL EXISTING TREES ONSITE TO BE REMOVED WITHIN DISTURBED AREAS.
3. ALL EXISTING BUILDINGS ONSITE TO BE DEMOLISHED.
4. ALL EXISTING POWER POLES TO BE REMOVED/RELOCATED BY OTHERS.
5. LED ENERGY EFFICIENT STREETLIGHTS SHALL BE USED ON THIS PROJECT.
6. THE PROJECT WILL BE DEVELOPED AS A SINGLE PHASE.
7. PARCELS C & D SHALL BE PROPERTY OWNER'S ASSOCIATION LOTS OR BE ADDED TO LOTS 1–3.

PRELIMINARY SITE PLAN

PLANNED DEVELOPMENT PERMIT

TRACT 8039 - WEBER PROPERTY

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

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4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: FEB 06, 2012 JOB NO. 071076 SHEET 3 OF 4

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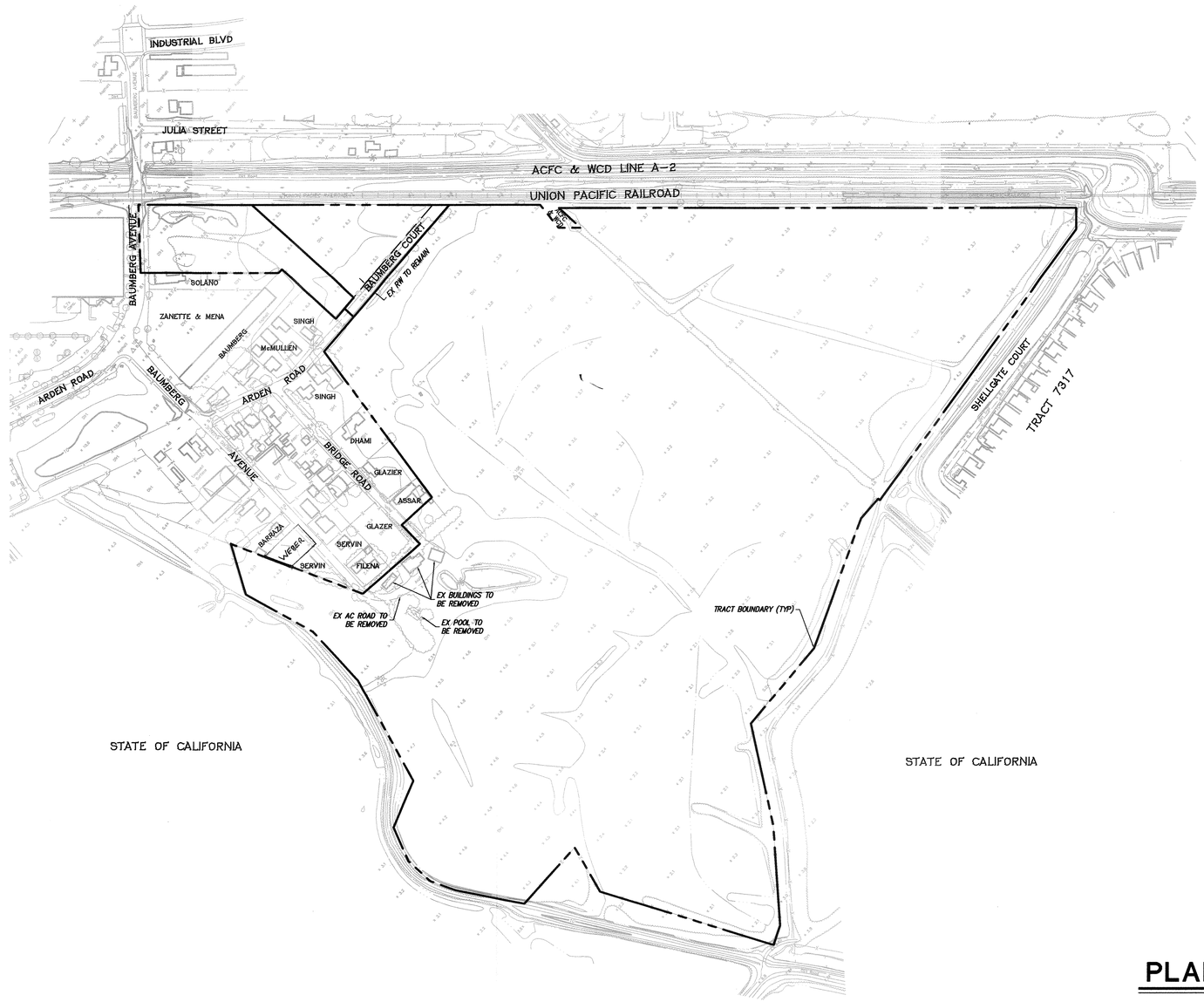
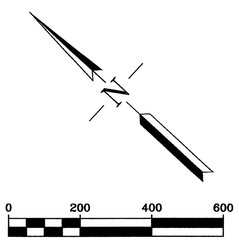


SLOPE RANGE	PERCENTAGE OF SITE
0 – 10%	100%
11 – 20%	0%
21 – 30%	0%
31% OR GREATER	0%



TOPOGRAPHIC MAP

PLANNED DEVELOPMENT PERMIT

TRACT 8039 - WEBER PROPERTY

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

RJA
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4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: FEB 06, 2012 JOB NO. 071076 SHEET 4 OF 4

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VESTING TENTATIVE TRACT MAP

TRACT 8039 - WEBER PROPERTY

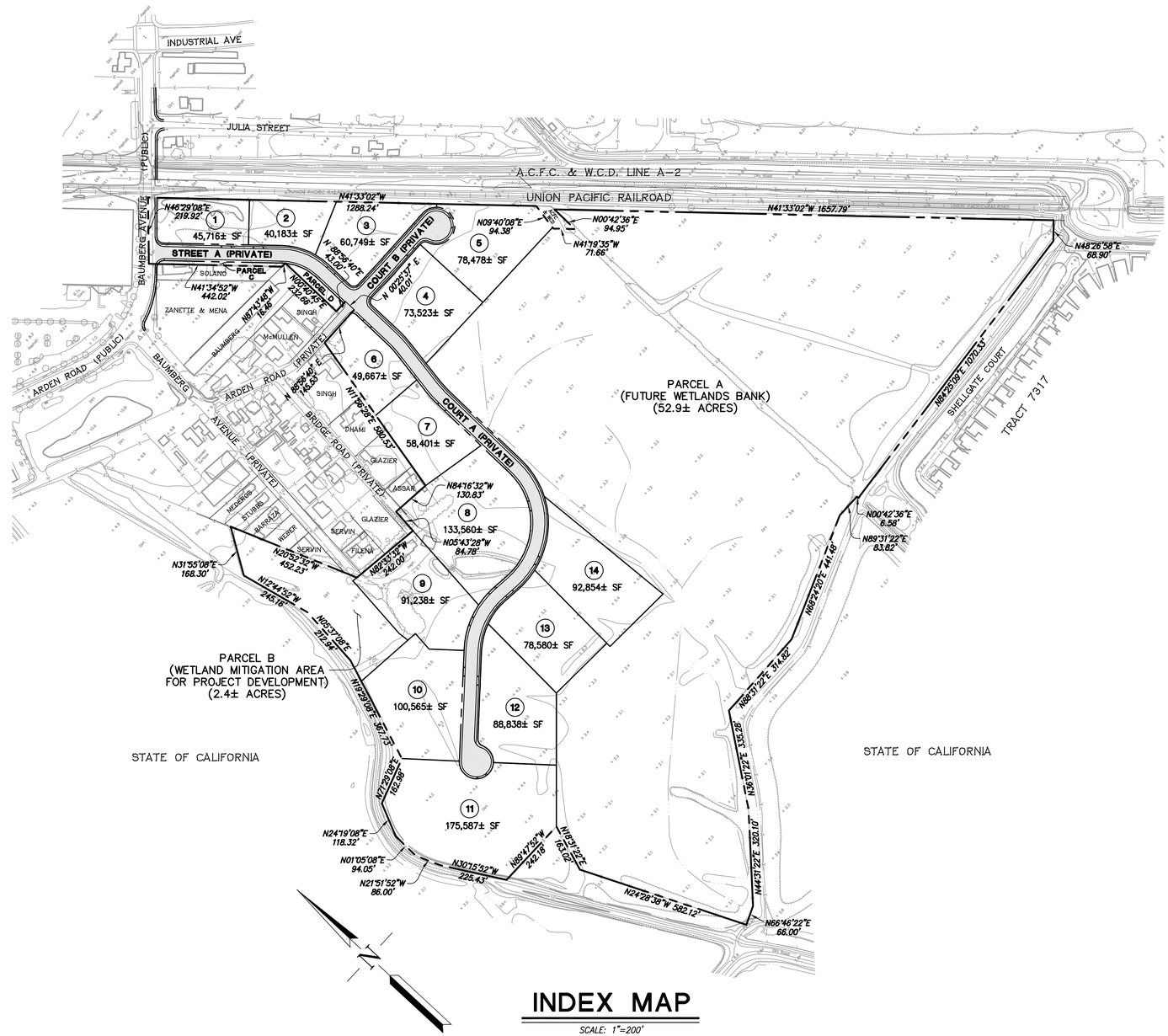
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

LEGEND

PROPOSED	DESCRIPTION	EXISTING
	TRACT BOUNDARY	
	LOT LINE	
	RIGHT OF WAY	
	CENTER LINE	
	FLOOD WALL	
	EASEMENT LINE	
12"SD	STORM DRAIN	EX 12"SD
8"SS	SANITARY SEWER	EX 8"SS
8"W	WATER	EX 8"W
	CURB & GUTTER	EX EP
	SIDEWALK/WALKWAY	
	EARTH OR GRASS SWALE	
	STORM WATER INLET	
	FIELD INLET	
	DIRECTION OF FLOW	
	MANHOLE	
	FIRE HYDRANT	
	BLOW OFF	
	WATER VALVE	
	STREET LIGHT	
	MONUMENT	
	POWER POLE	
	TRAFFIC SIGN	
— x — x —	FENCE	— x — x —
	HANDICAP RAMP	
	SLOPE	
x 525.2	SPOT ELEVATION	×525.2
	ASPHALT PAVEMENT	
	AGGREGATE	
12	LOT NUMBER	

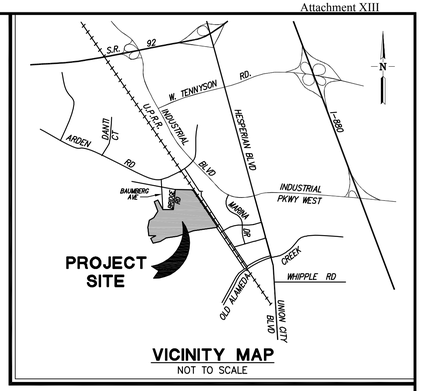
ABBREVIATIONS

AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
A.C.F.C. & W.C.D.	ALAMEDA COUNTY FLOOD CONTROL WATER CONSERVATION DISTRICT
AE	ACCESS EASEMENT
BC	BEGINNING OF CURVE
CL	CENTER LINE
C&G	CURB AND GUTTER
DWY	DRIVEWAY
DIP	DUCTILE IRON PIPE
EP	EDGE OF PAVEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FC	FACE OF CURB
FF	FINISHED FLOOR
FG	FINISHED GRADE
FI	FIELD INLET
FL	FLOW LINE
FM	FORCE MAIN
GB	GRADE BREAK
GR	GRATE
HGL_{10}	HYDRAULIC GRADE LINE (10-YEAR STORM)
HP	HIGH POINT
INV	INVERT ELEVATION
LF	LINEAR FOOT
LP	LOW POINT
MH	MANHOLE
P	PAD
PAE	PRIVATE ACCESS EASEMENT
PAV	PAVEMENT
PL	PROPERTY LINE
PSDE	PRIVATE STORM DRAIN EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
RET	CURB RETURN
RW	RIGHT OF WAY
S	SLOPE
SDE	STORM DRAIN EASEMENT
SF	SQUARE FEET
SO	SIDE OPENING
SSE	SANITARY SEWER EASEMENT
SW	STORM WATER INLET
SWK	SIDEWALK
TC	TOP OF CURB
TG	TOP OF GRATE
TYP	TYPICAL
WLE	WATER LINE EASEMENT
WM	WATER METER



INDEX MAP

SCALE: 1"=200'



VICINITY MAP

NOT TO SCALE

GENERAL NOTES

1. OWNER: JOHN WEBER, P.O. BOX 608, ALAMO, CA 94528, PHONE: (510) 816-0147
2. CIVIL ENGINEER: RUGGERI-JENSEN-AZAR, 4690 CHABOT DRIVE, SUITE 200, PLEASANTON, CA. 94588, PHONE: (925) 227-9100, CONTACT: JOHN ZELLMER
3. GEOTECHNICAL ENGINEER: BERLOGAR GEOTECHNICAL CONSULTANTS, 5587 SUNOL BOULEVARD, PLEASANTON, CA. 94566, PHONE: (925) 484-0220, CONTACT: FRANK BERLOGAR
4. ASSESSOR'S PARCEL NUMBERS: 461-0020-007, 461-0020-008, 461-0020-009, 461-0020-010, 461-0020-011, 461-0020-012, 461-0020-013, 461-0040-001, 461-0040-002, 461-0040-003, 461-0040-004, 461-0045-028
5. EXISTING USE: AGRICULTURE
6. PROPOSED USE: OPEN SPACE, LIGHT MANUFACTURING AND WAREHOUSE
7. EXISTING ZONING: LIGHT MANUFACTURING AND OPEN SPACE
8. SITE AREA: 87± ACRES
9. PROPOSED ZONING: LIGHT MANUFACTURING/WAREHOUSE
10. MINIMUM LOT SIZE: 40,183 SF
11. TOTAL NUMBER OF PROPOSED LOTS: 14
12. BENCHMARK: CITY MONUMENT DISC AT THE INTERSECTION OF HESPERIAN BOULEVARD AND TRIPALDI WAY. ELEVATION: 7.86 FEET, NGVD 29
13. UTILITIES:
    - a. WATER: CITY OF HAYWARD
    - b. SANITARY SEWER: CITY OF HAYWARD
    - c. STORM DRAIN: ALAMEDA COUNTY FLOOD CONTROL DISTRICT
    - d. GAS AND ELECTRIC: PACIFIC GAS AND ELECTRIC
    - e. TELEPHONE: AT&T
    - f. CABLE TV: COMCAST CABLE
    - g. FIRE PROTECTION: CITY OF HAYWARD
14. ALL EROSION CONTROL MEASURES SHALL BE IN CONFORMANCE WITH THE CRITERIA AND STANDARDS OF THE CITY OF HAYWARD.
15. BOUNDARY AS SHOWN IS COMPILED FROM RECORD INFORMATION AND DOES NOT REPRESENT A FIELD SURVEY OF THE PROPERTY.
16. AERIAL TOPOGRAPHY WAS FLOWN BY HJW GEOTECHNICAL, INC. IN MARCH 24, 2005. TOPOGRAPHIC INFORMATION ON THIS PLAN ARE ON NGVD 29.
17. THE PROPERTY IS WITHIN ZONE AE – SPECIAL FLOOD HAZARD SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, AS SHOWN IN FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 065033 0426 G, REVISED AUGUST 3, 2009. A CLOMAR REQUEST HAS BEEN PREPARED TO REMOVE PROPOSED DEVELOPED AREA FROM THE SPECIAL FLOOD HAZARD ZONE.
18. THE PROPERTY IS LOCATED IN A SEISMIC HAZARD ZONE FOR LIQUEFACTION BY THE CALIFORNIA GEOLOGIC SURVEY.
19. A PROPERTY OWNER'S ASSOCIATION WILL BE FORMED TO OWN AND MAINTAIN ALL COMMON AREAS AND ASSOCIATED INFRASTRUCTURE (PRIVATE STREETS, PRIVATE UTILITIES, LANDSCAPING, ETC.) THE ASSOCIATION WILL ALSO MAINTAIN THE EVAE & PSDES.
20. THE PROPERTY OWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE OF BUFFER EASEMENTS WITHIN PARCELS A & B. MAINTENANCE OF BUFFER EASEMENTS WITHIN PRIVATE LOTS WILL BE THE RESPONSIBILITY OF THE INDIVIDUAL OWNERS.
21. PEDESTRIAN RAMPS WILL BE INSTALLED AT WARRANTED LOCATIONS WITHIN THE PROJECT.
22. TRAFFIC SAFETY SIGNAGE SHALL BE PROVIDED ON PRIVATE STREETS (INCLUDING STREET NAME, STOP & PARKING RESTRICTION SIGNS) IN ACCORDANCE WITH CITY STANDARDS.

SHEET INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	STREET SECTIONS AND DETAILS
3	PRELIMINARY GRADING PLAN
4	PRELIMINARY UTILITY PLAN

ENGINEER OF WORK

PLANS PREPARED UNDER THE DIRECTION OF:

JOHN ZELLMER, RCE 46914, EXPIRES 6-30-13 — DATE

RUGGERI-JENSEN-AZAR

OWNER'S CERTIFICATE

I, JOHN WEBER, AGREE TO THE FILING OF SAID MAP AND AGREE TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

JOHN WEBER — DATE

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

DATE: JANUARY 20, 2012 JOB NO. 071076 SHEET 1 OF 4

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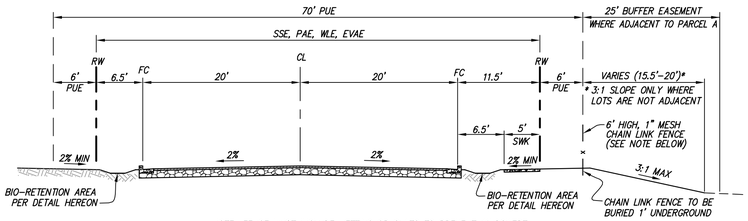
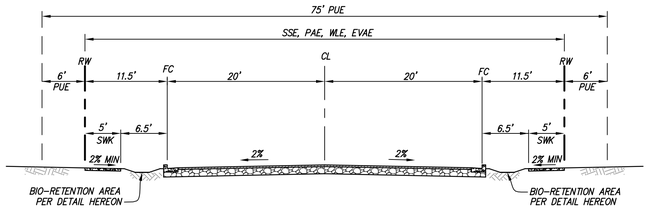


NOTE: FENCE MUST INCLUDE NETTING OR SLATS TO PREVENT WINDSWEPT DEBRIS AND MOVEMENT IMPACTS TO WILDLIFE WITHIN ADJACENT WETLANDS AREA

SECTION A-A

NOT TO SCALE



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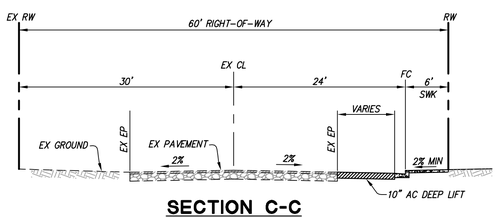

SECTION C-C

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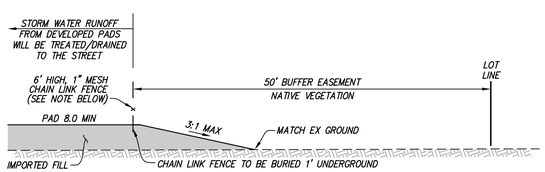
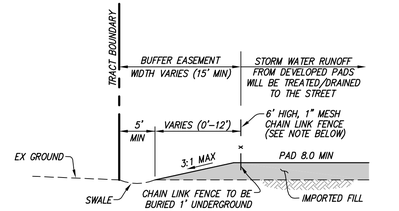


NOTE: FENCE MUST INCLUDE NETTING OR SLATS TO PREVENT WINDSWEPT DEBRIS AND MOVEMENT IMPACTS TO WILDLIFE WITHIN ADJACENT WETLANDS AREA.

SECTION D-D
BUFFER EASEMENT

NOT TO SCALE



NOTE: FENCE MUST INCLUDE NETTING OR SLATS TO PREVENT WINDSWEPT DEBRIS AND MOVEMENT IMPACTS TO WILDLIFE WITHIN ADJACENT WETLANDS AREA.

SECTION E-E

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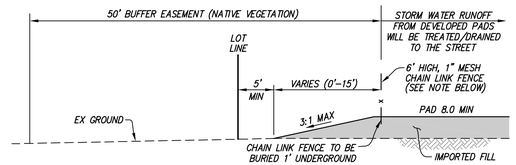

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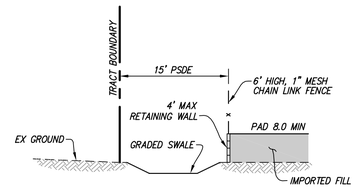
SECTION F-F

NOT TO SCALE



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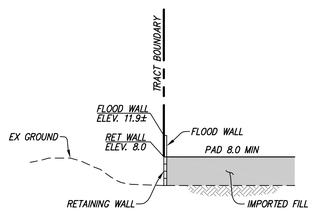

SECTION H-H

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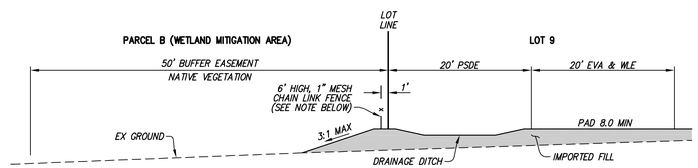
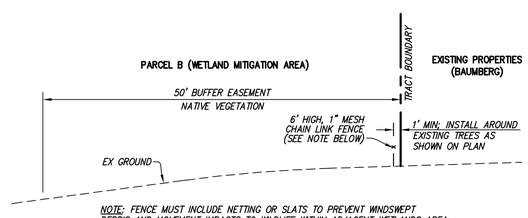


NOTE: FENCE MUST INCLUDE NETTING OR SLATS TO PREVENT WINDSWEPT DEBRIS AND MOVEMENT IMPACTS TO WILDLIFE WITHIN ADJACENT WETLANDS AREA.

SECTION J-J

NOT TO SCALE



NOTE: FENCE MUST INCLUDE NETTING OR SLATS TO PREVENT WINDSWEPT DEBRIS AND MOVEMENT IMPACTS TO WILDLIFE WITHIN ADJACENT WETLANDS AREA.

SECTION K-K

NOT TO SCALE

PAVEMENT CHART

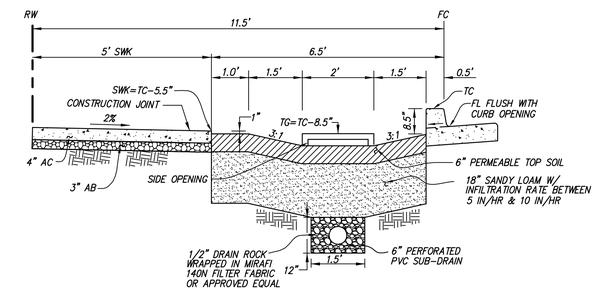
STREET NAME	TRAFFIC INDEX	PAVEMENT SECTIONS	
		A.C.	CLASS 2 AGGREGATE BASE
STREET A, COURTS A & B	8	5"	17"

THE PAVEMENT DESIGN SECTIONS ARE BASED ON PRELIMINARY "R" VALUES. THE PROJECT SOILS ENGINEER SHALL TAKE FINAL "R" VALUE TESTS OF COMPLETED SUB GRADE TO DETERMINE FINAL STREET SECTIONS.

ESTIMATED EARTHWORK QUANTITIES

ITEMS	CUT (C.Y.)	FILL (C.Y.)
LOTS	2,200	136,000
STREET	1,300	9,600
WETLANDS	147,000	----
TRENCH SPOIL	9,300	----
SUBSIDENCE (5" ASSUMED)	----	27,000
SHRINKAGE (10% ASSUMED)	----	15,000
TOTAL	159,800	187,600
IMPORT	----	27,800

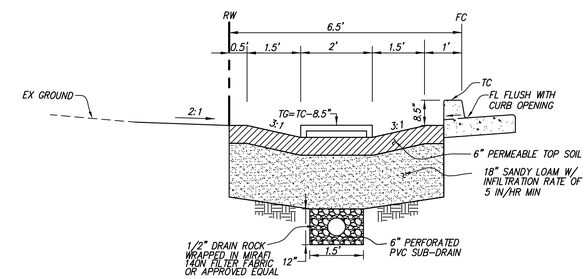
1. ALL QUANTITIES SHOWN ON THIS PLAN ARE APPROXIMATE. CALCULATED CUT AND FILL ARE TO "ROUGH GRADE" AND EXISTING GROUND. THE ACTUAL AMOUNT OF EARTH MOVED IS VARIABLE DEPENDENT ON COMPACTION, CONSOLIDATION, STRIPPING REQUIREMENTS, AND THE CONTRACTOR'S METHOD OF OPERATION.
2. THIS ESTIMATE ASSUMES STRIPPING WILL BE REUSED FOR ON-SITE FILL MATERIAL.
3. ASSUMED SUBSIDENCE & SHRINKAGE FACTORS PROVIDED BY GEOTECHNICAL ENGINEER'S PRELIMINARY ESTIMATE.
4. WETLAND CUT HAS BEEN ESTIMATED BY HUFFMAN-BROADWAY GROUP, INC. FOR WETLAND RESTORATION GRADING.



NOTE: FINAL DESIGN OF BIO-RETENTION AREAS SHALL BE PER THE ALAMEDA COUNTY C.3 STORM WATER TECHNICAL GUIDANCE DOCUMENT, VERSION 3.0, DATED 12/01/2011.

BIO-RETENTION AREA DETAIL (BETWEEN CURB AND SIDEWALK)

NOT TO SCALE



NOTE: FINAL DESIGN OF BIO-RETENTION AREAS SHALL BE PER THE ALAMEDA COUNTY C.3 STORM WATER TECHNICAL GUIDANCE DOCUMENT, VERSION 3.0, DATED 12/01/2011.

BIO-RETENTION AREA DETAIL (NO SIDEWALK)

NOT TO SCALE

STREET SECTIONS AND DETAILS
VESTING TENTATIVE TRACT MAP
TRACT 8039 - WEBER PROPERTY

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

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

DATE: JANUARY 20, 2012 JOB NO. 071076 SHEET 2 OF 4

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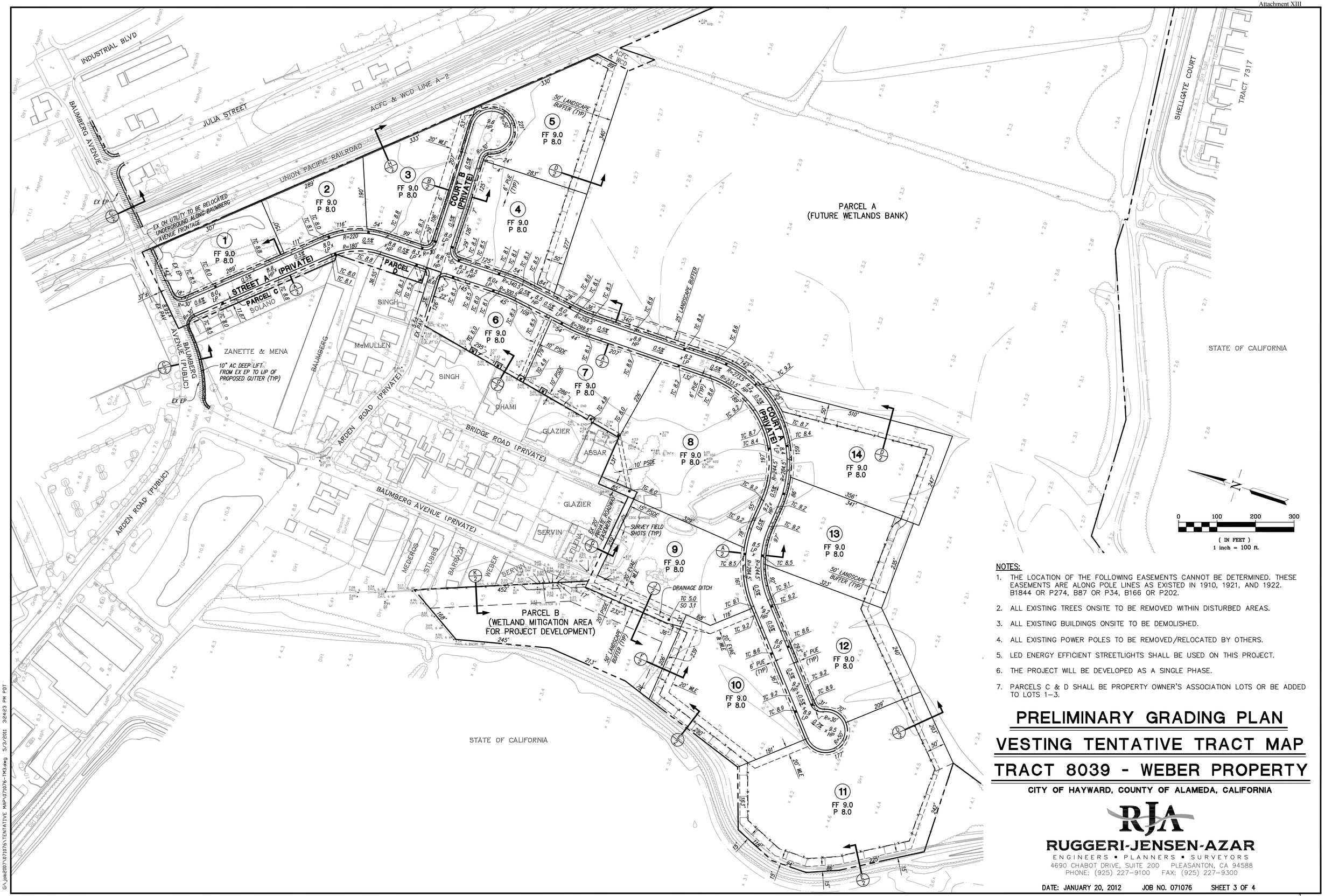

NOTES:

1. THE LOCATION OF THE FOLLOWING EASEMENTS CANNOT BE DETERMINED. THESE EASEMENTS ARE ALONG POLE LINES AS EXISTED IN 1910, 1921, AND 1922. B1844 OR P274, B87 OR P34, B166 OR P202.
2. ALL EXISTING TREES ONSITE TO BE REMOVED WITHIN DISTURBED AREAS.
3. ALL EXISTING BUILDINGS ONSITE TO BE DEMOLISHED.
4. ALL EXISTING POWER POLES TO BE REMOVED/RELOCATED BY OTHERS.
5. LED ENERGY EFFICIENT STREETLIGHTS SHALL BE USED ON THIS PROJECT.
6. THE PROJECT WILL BE DEVELOPED AS A SINGLE PHASE.
7. PARCELS C & D SHALL BE PROPERTY OWNER'S ASSOCIATION LOTS OR BE ADDED TO LOTS 1–3.

PRELIMINARY GRADING PLAN

VESTING TENTATIVE TRACT MAP

TRACT 8039 - WEBER PROPERTY

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

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PHONE: (925) 227–9100 FAX: (925) 227–9300

DATE: JANUARY 20, 2012 JOB NO. 071076 SHEET 3 OF 4

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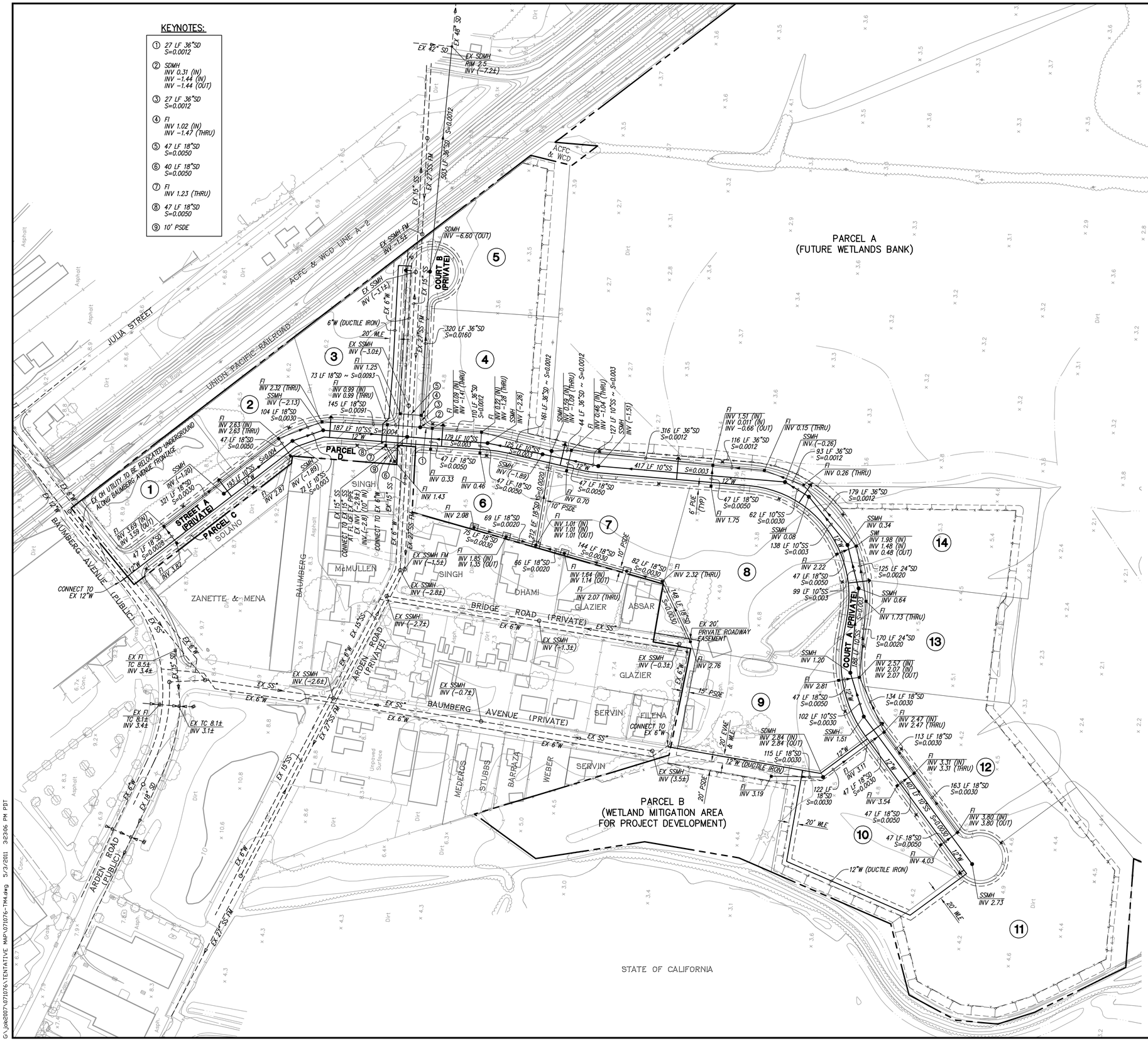

NOTES:

1. THE LOCATION OF THE FOLLOWING EASEMENTS CANNOT BE DETERMINED. THESE EASEMENTS ARE ALONG POLE LINES AS EXISTED IN 1910, 1921, AND 1922. B1844 OR P274, B87 OR P34, B166 OR P202
2. ALL STORM DRAINS SHALL BE REINFORCED CONCRETE PIPE.
3. ALL SANITARY SEWERS SHALL BE POLYVINYL CHLORIDE PIPE.
4. ALL WATER PIPES SHALL BE POLYVINYL CHLORIDE PIPE (UNO).
5. INSTALLATION OF STRUCTURES AND TREES ARE PROHIBITED WITHIN THE EX STREET RIGHT OF WAY TO BE ABANDONED, AND OTHER WATER & SEWER EASEMENTS NOT IN PUBLIC RIGHT OF WAY. SSE & WLE EASEMENT TO BE MAINTAINED TO ALLOW CITY ACCESS.
6. INSTALLATION OF STRUCTURES AND TREES ARE PROHIBITED FOR EASEMENTS OUTSIDE PUBLIC RIGHT OF WAY.
7. WATER & SEWER SERVICE ARE SUBJECT TO STANDARD CONDITIONS & FEES IN EFFECT AT THE TIME OF APPLICATION.
8. EXISTING OVERHEAD UTILITY LINES ALONG BAUMBERG AVENUE FRONTAGE SHALL BE PLACED UNDERGROUND FROM PROPOSED STREET A TO THE UNION PACIFIC RAILROAD TRACKS.
9. TWO ADDITIONAL WATER VALVES SHALL BE INSTALLED ADJACENT TO NEW FIRE HYDRANTS TO ALLOW FOR ISOLATION OF LINE DURING EMERGENCY SHUT OFF.
10. CONTROL VALVES SHALL BE INSTALLED ON WATER LINES WHERE ENTERING/EXITING EASEMENTS. WATER LINES WITHIN EASEMENTS SHALL BE DUCTILE IRON.
11. EACH BUILDING SHALL HAVE ITS OWN DOMESTIC WATER METER (METERS SHALL BE RADIO-READ TYPE).
12. SEPARATE IRRIGATION WATER METERS SHALL BE INSTALLED FOR LANDSCAPING PURPOSES (METERS SHALL BE RADIO-READ TYPE).
13. SANITARY SEWER MAINS AND MANHOLES SHALL BE PUBLICLY OWNED & MAINTAINED BY THE CITY OF HAYWARD.
14. EACH BUILDING SHALL HAVE AN INDIVIDUAL SANITARY SEWER LATERAL.
15. ONLY WATER DISTRIBUTION PERSONELL SHALL PERFORM OPERATION OF WATER VALVES ON THE CITY OF HAYWARD WATER SYSTEM.

PRELIMINARY UTILITY PLAN

VESTING TENTATIVE TRACT MAP

TRACT 8039 - WEBER PROPERTY

CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA

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PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: JANUARY 20, 2012 JOB NO. 071076 SHEET 4 OF 4

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CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 26, 2012

TO: Planning Commission

FROM: Director of Development Services

SUBJECT: PL-2012-0204 HIST – Designation of Historical Resources on the Local Register – 1436, 1442, 1465, and 1471 B Street; 1421, 1431, and 1444 C Street; and 22589 Chestnut Street – Caltrans (Owner/Applicant)

RECOMMENDATION

That the Planning Commission find that the proposed action is exempt from review under the California Environmental Quality Act (CEQA) and approve the designation of the residential structures located at 1436, 1442, 1465, and 1471 B Street; 1421, 1431, and 1444 C Street; and 22589 Chestnut Street as historical resources to be placed on the Local Register, subject to the attached findings.

SUMMARY

Caltrans is applying to the City of Hayward for inclusion of all eight properties on the City's local register of historical resources, which would be the first properties added to the City's register since 2001. This binds Caltrans and future owners to certain restrictions regarding alterations, relocation and demolition, as well as entitles them to certain incentives for preservation.

The City's Historic Preservation Ordinance already protects all eight of the properties because they are listed in the Hayward Survey List adopted by the City Council in July 2010. The City's Historic preservation ordinance establishes two historic resource categories:

- The Council-adopted Survey List, as mentioned, which lists known historical resources within the City, and
- Designated Historical Resources, which have been officially designated and placed on the local register of historical resources (currently includes 13 properties); official designation requires a separate public hearing before the Planning Commission.

Resources in both categories are subject to California Environmental Quality Act (CEQA) review and City Historical Resources permits are required for any exterior alteration, demolition or relocation. Permits for alteration may be acted upon by the Planning Director, but permits for demolition or relocation would require action by the Planning Commission. Designated Historical Resources on the local register receive an extra measure of review in matters of building relocation, but local register listing also offers incentives for preservation such as use of the Mills Act, which

potentially provides significant property tax relief. It is likely that most incentives developed by the City over the next year will be available primarily to officially designated properties.

The City of Hayward, or any property owner, may request the designation of an historical resource. The Planning Commission is authorized to approve, conditionally approve, or deny the formal designation of an historical resource to the local register. The "Local Register" means "a list of properties officially designated as historically significant by the City of Hayward."

BACKGROUND

In July 2010, the City Council adopted a new Historic Preservation Ordinance (Attachment III) and a Historical Resources Survey & Inventory Report (the "Report"). The Ordinance defines "Historical Resources" as "any buildings, structures, sites, objects, historic district and archaeological resources that have been determined to have a) age; b) integrity; and c) historical significance." For the purposes of the Ordinance and the California Environmental Quality Act (CEQA), the term "historical resources" also includes the following: "1) a resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in the National Register or the California Register of Historical Resources; 2) a resource designated in a local register of historical resources or identified as historically significant in an adopted survey list; or 3) any object, building, structure, site, area, place, record, or manuscript that the City of Hayward determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California or of Hayward."

The Inventory Report contains the results of a reconnaissance-level survey (the "Survey"), involving a visual evaluation of properties. The principal purpose of a reconnaissance survey is to identify a "first cut" of buildings in a given area that appear, because of age and physical integrity, to be eligible for listing on national, state or local historic registers. It is assumed that properties can sustain some alterations and still retain the characteristics that are essential to their historical significance.

The integrity scale, developed by the consultant who prepared the Inventory Report, is intended to serve as a quick reference tool for the Planning Division staff to identify buildings that should be reviewed prior to alteration or demolition. The levels of integrity are described as follows:

> High: Properties that exhibit an excellent degree of integrity of design, materials, feeling, workmanship and setting. Such properties retain, to a high degree, original materials and features including exterior siding and window materials, architectural detailing and stylistic features. Their general setting and physical context is intact. These properties may have modest alterations or additions that have had little impact on the historic integrity of the property. *The properties at 1436, 1465 and 1471 B Street; 1431 and 1444 C Street; and 22589 Chestnut Street were identified by the historic resources survey as exhibiting a high degree of integrity.*
>
> Moderate: Properties that exhibit a moderate degree of integrity of design, materials, feeling, workmanship and setting. Such properties retain approximately 50% or more of the building's original materials and features including one or more of the following: exterior siding and

window materials, architectural detailing and stylistic features. Their general setting and physical context is intact. These properties may have alterations or additions, but the general form, massing and original stylistic features of the property – the basic elements that allow it to communicate its historic character. *The properties at 1442 B Street and 1421 C Street were identified by the historic resources survey as exhibiting a moderate degree of integrity.*

Low: Properties that exhibit a low or negligible degree of integrity of design, materials, feeling, workmanship and setting. Properties with low integrity are properties with two or more of the following: removal and replacement of original windows with modern sash (vinyl or aluminum, usually), complete siding replacement, significant alterations to the setting/physical context and/or notably incompatible or out-of-scale additions. *Properties exhibiting a low degree of integrity would not likely be designated as significant individual historical resources, but could contribute to the overall character of an historic district.*

In the late 1960s and early 1970s, Caltrans purchased numerous residential properties for right-of-way expansion as part of the Route 238 Hayward Bypass Project. As the Bypass Project has been abandoned, Caltrans proposes to relinquish excess State-owned properties in Hayward along the relinquished Route 238 corridor. The subject properties are now eligible to be transferred and disposed of. The properties were evaluated by Caltrans in 1986 and determined not eligible for the National Register of Historic Places (NRHP); the State Historic Preservation Officer (SHPO) concurred on December 28, 1986. However, due to the passage of time, changing perceptions of significance, and because these properties have been included by the City in its Adopted Survey List, Caltrans architectural historians re-evaluated these properties for eligibility to the NRHP, and as historical resources under the California Environmental Quality Act (CEQA), found them to be eligible for the NRHP. The State Resources Code requires protection of these resources, and Caltrans and City staff agree that the best protection would be placement on the City's local register of historical resources.

DISCUSSION

Hayward was originally platted by Don Castro in 1856. An 1864 addition to this plan laid out the twelve blocks extending to the east, from Main Street to Fourth Street, between A and D Streets. However, the historical Sanborn maps suggest that development in the area remained sparse until after the turn of the 20th century. The Hayward Historical Resources Survey List & Inventory Report also identifies a potential Upper B Street Historic District (see following map), in which the subject properties would be located. The District encompasses a notable concentration of late-19th- and early-20th-century residential properties in a variety of architectural styles representative of that period of development. The area contains some of the City's first residential tracts, and remains as a noteworthy example of residential development in pre-World War II Hayward. The neighborhood is also associated with Hayward's early Portuguese community, many of whose members settled in the neighborhood because of its proximity to All Saints Church, the IDES Hall, and the downtown commercial district.

Evaluation of Properties – The following paragraphs evaluate the historic significance of the subject properties that are recommended for designation in Hayward's Local Register. The process for such designation is explained in Section 10-11.090 of the City's Historic Preservation Ordinance (Attachment III).

1436 B Street – This one-story wood-frame Neoclassical cottage (see photograph below and Attachment VII), built ca. 1905, is dominated by a square tower with a bell-shaped roof over a bell-shaped skirt creating an image not unlike a pagoda. The tower roof terminates in an urn-shaped finial. The principal roof is a complex of hip roofs which curves as it extends over the side angled bay and part of the porch. The porch features a bowed Tuscan column resting on a solid rail and supporting part of the hip roof. An entablature, which features a dentil course, encircles the house, the tower beneath the roof and beneath the skirt, and the porch. The windows in the tower are 5/1 double-hung windows. The upper sashes are shorter than the lower sashes and feature a diamond-shaped central pane. Other windows are the 1/1 double-hung wooden sash type and awning type. A small square bay, now obscured by shrubbery, extends from the facade. The house and porch rail are clad in triple-rabbeted bevel siding with drop rustic siding on the basement level and composition shingles on the roof and the tower skirt.

Significance: Its integrity intact, this house is a unique example of the transition between the late Queen Anne cottage and the subsequent Classical Revival within the context of Hayward's late-19th- and early-20th-century residential architecture. It appears to meet the criteria of eligibility for inclusion on the National Register of Historic Places on the basis of its architectural merits. This property is identified by the City's Historical Resources Survey & Inventory Report as exhibiting a high degree of integrity.

1442 B Street – This one-and-a-half story wood-frame Colonial Revival (see photograph below and Attachment VI) house was built ca. 1905. This house retains a high degree of integrity for materials, workmanship, location, setting, feeling, association, and design. It has a front gable roof with a skirt of roof dividing the lower and upper stories. The side porch extends from the house under a hip roof supported by Tuscan columns. The porch is partially glazed. The rail is solid and clad in bevel siding. The roof, clad in composition shingles, soffit of the gable and soffit of the corner bay roof are boxed with the rafters exposed beneath. The corner bay features large 1/1 double-hung windows of wide proportions. The bay is supported by a series of small brackets. The lower-story facade windows include an awning type, a bank of three windows, and a fixed light flanked by two casement-type windows. The upper-story window consists of a bank of three 1/1 double-hung windows flanked by a pair of very slender Tuscan columns. The house above the floor line is sheathed in triple rabbeted bevel siding and the gable peak is clad in fish scale shingles. The basement level is sheathed in Drop Rustic siding. It has a group of three awning type windows in a bank. Aluminum awnings have been added to the lower story windows.

Significance: The property is a good example of the transition from the Queen Anne style to smaller and less-ornamented houses around the turn of the 20th century. The house retains some features typical of earlier houses, such as the shallow overhang above the upper-floor windows and the fish scale shingle siding in the front gable. At the same time, it has a simpler, less irregular form than the typical Queen Anne house, with fewer ornamental details (compare to 1431 C Street, for example). The introduction of Colonial Revival style columns reflects the transition to a more academic approach to historical revival styles, although the house is still a long way from the more "correct" Colonial Revival style of the 1910s and 1920s. It is a significant example of that transitional style, seen in the decades immediately before and after 1900. A field survey reveals that this is the only known example of a transitional Queen Anne/Colonial Revival home in Hayward. This makes it a significant example of its type and period. For these reasons, the property appears to be eligible for the National Register of Historic Places. This property is identified by the City's Historical Resources Survey & Inventory Report as exhibiting a moderate degree of integrity.

1465 B Street – This fine example of a late Queen Anne cottage (see photograph below and Attachment V), built ca. 1880, has a hip roof with gables over two angled bays, a recessed porch and all of its original sawn and turned wood trim. The one-story house rests on a raised basement, which has several 1/1 double-hung windows. The focus of the house is the facade bay. In the center is a fixed window with an arched fanlight flanked by carved, square panels. The molding beneath the sill of this window is curved and features a central ornament. An elaborate, oversized keystone extends from the arch through the molded cornice into the gable. The side windows of the angled bay are narrow 1/1 double-hung windows with wooden sashes. They are joined to the cornice by delicately sawn and -spindled brackets on one side only. This pattern is repeated on the side-angled bay. The gable has a wide 3/1 double-hung window flanked by consoles that support a carved and pierced panel. This panel includes a carved sunburst motif surrounded by pierced floriated designs. The raking cornice is highly decorated with bosses and thin panels of rosettes. The ends of the cornice terminate in sawn and pierced curving scrolls. Both bays are sheathed in shingles in a stepped pattern above the floor line. Below the floor, the bays are clad in the drop rustic wood siding that covers the rest of the house. The recessed porch features full and attached turned posts with brackets supporting a shallow shed roof and a rail composed of thin, turned balusters. The same type of railing is used on the flight of wooden stairs. The porch windows are the narrow 1/1 double-hung type in plain enframements; the front door has a moveable transom.

Significance: The house at 1465 B Street has retained its integrity and represents a fine example of the late Queen Anne cottage idiom in Hayward. It appears to meet the criteria of eligibility for inclusion on the National Register of Historic Places as embodying its type, period, and method of construction. The degree of integrity and elaboration of detail characteristic of this style is remarkable within the context of Hayward's late 19th-century architecture. This property is identified by the City's Historical Resources Survey List & Inventory Report as exhibiting a high degree of integrity.

1471 B Street – This one-story wood-frame Late Queen Anne cottage (see photograph below and Attachment V) built ca. 1880 retains a high degree of integrity for materials, workmanship, location, setting, feeling, association, and design. It reflects the Late Queen Anne cottage in its asymmetry and use of textural contrasts and turned and sawn woodwork. The house has a recessed front porch flanked on one side by an angled-bay and on the other side by a square corner bay set at an angle to the house. The roof is a gable-on-hip roof with gables over each bay and a tiny, tower-like terminal on the end of the porch. The central bay windows are double hung with typical Queen Anne upper sashes composed of a large central pane surrounded by multi-colored square lites. The side bay windows and other windows are the 1/1 double-hung wooden sash type. The front door has a transom and original screen door. The porch features turned posts resting on a balustrade of turned balusters and molded handrail. Wooden arches spring from the mid-point of the posts; the spandrels are filled with pierced sunray motifs with wooden pendants at the crowns of the arches. The larger, angled bay features elaborately sawn brackets with pendants over the angled windows. Both bays have moldings and recessed panels beneath the sill lines that emphasize the projection of the bays as well as provide another textured surface. There is a wide entablature encircling the house with bead-and-reel molding at the cornice. This molding forms a raking cornice on the gables. The main bay gable has a triangular section at the peak flush with the cornice, and a casement attic window. The house is sheathed in Drop Rustic siding everywhere except in the main roof gable, which is clad in fish scale shingles. The roof is covered with wood shingles. The only observable alteration consists of the addition of two aluminum-frame sliding windows in the raised basement, which apparently was finished into a room. There is a detached garage beside its eastern elevation.

Significance: The property is a locally significant and relatively unaltered specimen of a late Queen Anne cottage in Hayward. This building is a rare surviving home representing an era of initial settlement in the area east of downtown, making it a significant local example of its type and period of construction. For these reasons, the property appears to be eligible for the National Register of Historic Places. This property is identified by the City's Historical Resources Survey & Inventory Report as exhibiting a high degree of integrity.

1421 C Street – This one-story wood-frame late Queen Anne cottage (see photograph below and Attachment V) built ca. 1885 retains a high degree of integrity for materials, workmanship, location, setting, feeling, association, and design. The only loss of integrity appears to have been the replacement of the attic window, which featured colored square panes surrounding a central pane, with a single pane window. This house has a rectangular plan on a raised basement with a projecting angled bay. The main roof is a hip type and the bay section has a front gable roof. The gable has a deep raking cornice with moldings at the junction of the cornice soffit and the gable and is sheathed in octagonal shingles. The windows on the house are 1/1 double-hung windows of narrow proportions. Beautifully sawn brackets with elaborate pendants support the gable over the angled bay. Simpler sawn brackets join the bay window brackets to the cornice. A wide, plain entablature encircles the house. The house is clad in drop rustic siding and the roof is composition shingles. The porch features a Chippendale style porch railing including turned posts with sawn brackets supporting a simple frieze of square boards.

Significance: The property is a locally significant and relatively unaltered specimen of a Queen Anne cottage in Hayward. This building is a rare surviving home representing an era of initial settlement in the area east of downtown, making it a significant local example of its type and period of construction. For these reasons, the property appears to be eligible for the National Register of Historic Places. This property is identified by the City's Historical Resources Survey & Inventory Report as exhibiting a moderate degree of integrity.

1431 C Street – Overall, the property maintains a high level of integrity with regard to materials and design. It was moved to its location sometime between 1923 and 1951. Though this house has been moved to its present location, it seems likely that its former location was situated in a residential area nearby. As such, its integrity of setting is most likely intact. Additionally, aside from its concrete foundation and porch steps, this house still retains a high degree of integrity for materials, workmanship, and design. This one-story wood-frame Queen Anne cottage (see photograph below and Attachment V) with some Eastlake influences was built ca. 1880. It has a rectangular plan with a projecting angled bay. The main roof is a gable-on-hip type and the bay section has a front gable roof. Each gable is highly decorated; the bay gable has a deep raking cornice with moldings at the junction of the cornice soffit and the gable, molding outlining a triangular sunburst panel. The gable on the main roof features decorative trusswork at the peak with sawn scrollwork panels. This gable is sheathed in a stepped pattern of rectangular shingles. The bay is highlighted by Eastlake trim, sawn brackets with pendants, paneling beneath the sill line, and narrow 1/1 double hung windows. The style of the sawn brackets is reminiscent of the Gothic Revival style. The porch is also accented with sawn brackets atop gracefully attached and full tapered turned posts. The porch roof is hipped and placed beneath the plain entablature that encircles the house. Sawn brackets join the cornerboards to the entablature. The other windows on the house are narrow 1/1 double-hung windows with molding and half-pendants on the sills. The house is clad in drop rustic siding and the roof in wood shingles. The house rests on a 20th-century poured concrete foundation and has concrete stairs with a wrought iron railing leading to the porch. The concrete work, and the fact that the house does not appear on the 1923 Sanborn map, but does appear on the 1951 update, suggests the house was moved to this location – probably in the 1940s. There is a detached garage at the rear of the lot.

Significance: This property is a significant and relatively unaltered specimen of an early Queen Anne cottage with Eastlake influences in Hayward. It is also a rare surviving home representing an era of early settlement in Hayward, making it a significant local example of its type and period of construction. For these reasons, the property appears to be eligible for the National Register of Historic Places. This property is identified by the City's Historical Resources Survey & Inventory Report as exhibiting a high degree of integrity.

1444 C Street – This one-story Queen Anne cottage (see photograph below and Attachment V), built ca. 1880, is on a raised basement with a dwelling unit on that level. The house has a hip roof with a gabled bay extension and a lowered hip porch roof. The house has retained its ornamental woodwork including strips of trim on the angled bay, sawn brackets with turned pendants, scroll consoles on a plain entablature, and a triangular panel carved into a sunburst motif filling the gable. The house is encircled by a molded entablature. The porch features two full and two attached turned posts with trusswork brackets supporting a frieze of turned spindles. Sawn consoles bridge the frieze to support the hip porch roof. The porch railing is solid and the balustrade on the staircase has turned balusters interspersed with plain, square posts. The exterior of the building and the enclosed staircase are clad in drop rustic siding, while the roof is sheathed in wood shingles. Windows are the 1/1 double-hung wooden sash type except for one single-pane type. A short, paneled door provides access to the lower story unit.

Significance: With its integrity intact, this property appears to meet the criteria of eligibility for inclusion on the National Register of Historic Places as a very good example of a late Queen Anne cottage. This property is identified by the City's Historical Resources Survey & Inventory Report as exhibiting a high degree of integrity.

22589 Chestnut Street – This modest, one-story wood frame house, built ca. 1875, has a pyramidal roof, a square plan with a shed back porch and a hip-roof front porch (see photograph below). The fenestration is symmetrical, with a central front door flanked by a pair of 1/1 double-hung wooden sash windows with segmentally arched upper sashes. Similar windows are evenly spaced on the side elevations. Porch posts and balustrades are plain, square members. The moderately steep roof is clad in composition shingles and has boxed, medium-width eaves. The house is sheathed in drop rustic siding. A detached two-car garage at the rear of the lot replaced a smaller one constructed on the property after 1923.

Significance: Its integrity intact, this modest dwelling is a fine example of the vernacular expression of the Greek Revival style (see Attachment IV) of architecture, popular in California during the 1870s. It appears to meet the criteria of eligibility for inclusion on the National Register of Historic Places on the basis of its architectural significance as an example of vernacular Greek Revival houses in an urban setting. This property is identified by the City's Historical Resources Survey List & Inventory Report as exhibiting a high degree of integrity.

Findings – The stated purpose and authority of Hayward's Historic Preservation Ordinance are furthered by the proposed designations due to the following:

1. All structures proposed for designation have been determined to have age, integrity, and historical significance. The Hayward Historical Resources Survey & Inventory Report identifies these properties as contributory to the potential Upper B Street Historic District. The District encompasses a notable concentration of late-19th- and early-20th-century residential properties in a variety of architectural styles representative of that period of development. The area contains some of the City's first residential tracts, and remains as a noteworthy example of residential development in pre-World War II Hayward.
2. All structures proposed for designation have been determined to be eligible for inclusion by the State Historic Preservation Officer on the National Register of Historic Places on the basis of being good to excellent examples of their architectural style or as representing particular examples in changing styles during the late-19th- and early-20th-century periods.
3. All structures proposed for designation are identified as historically significant in the Hayward Historical Resources Survey & Inventory Report adopted by the City in June 2010. The properties at 1436, 1465 and 1471 B Street; 1431 and 1444 C Street; and 22589 Chestnut Street were identified by the Historical Resources Survey as exhibiting a high degree of integrity. The properties at 1442 B Street and 1421 C Street were identified by the Historic Resources Survey as exhibiting a moderate degree of integrity.

ENVIRONMENTAL REVIEW

In accordance with Section 15331 (Historical Resources Restoration/Rehabilitation) of the California Environmental Quality Act Guidelines, the proposed designations are categorically exempt from environmental review as the proposed designation meets the conditions outlined for preservation of an historic resource.

PUBLIC CONTACT

All property owners within 300 feet of the subject properties have been notified. As of the writing of this report, staff has received two inquiries from neighborhood residents requesting general information about this matter, and one inquiry from a potential buyer regarding the impact of historic designation on ownership.

NEXT STEPS

The action by the Planning Commission may be appealed, within 10 days, by any interested party to the City Council.

Prepared by: Richard E. Patenaude, AICP, Planning Manager

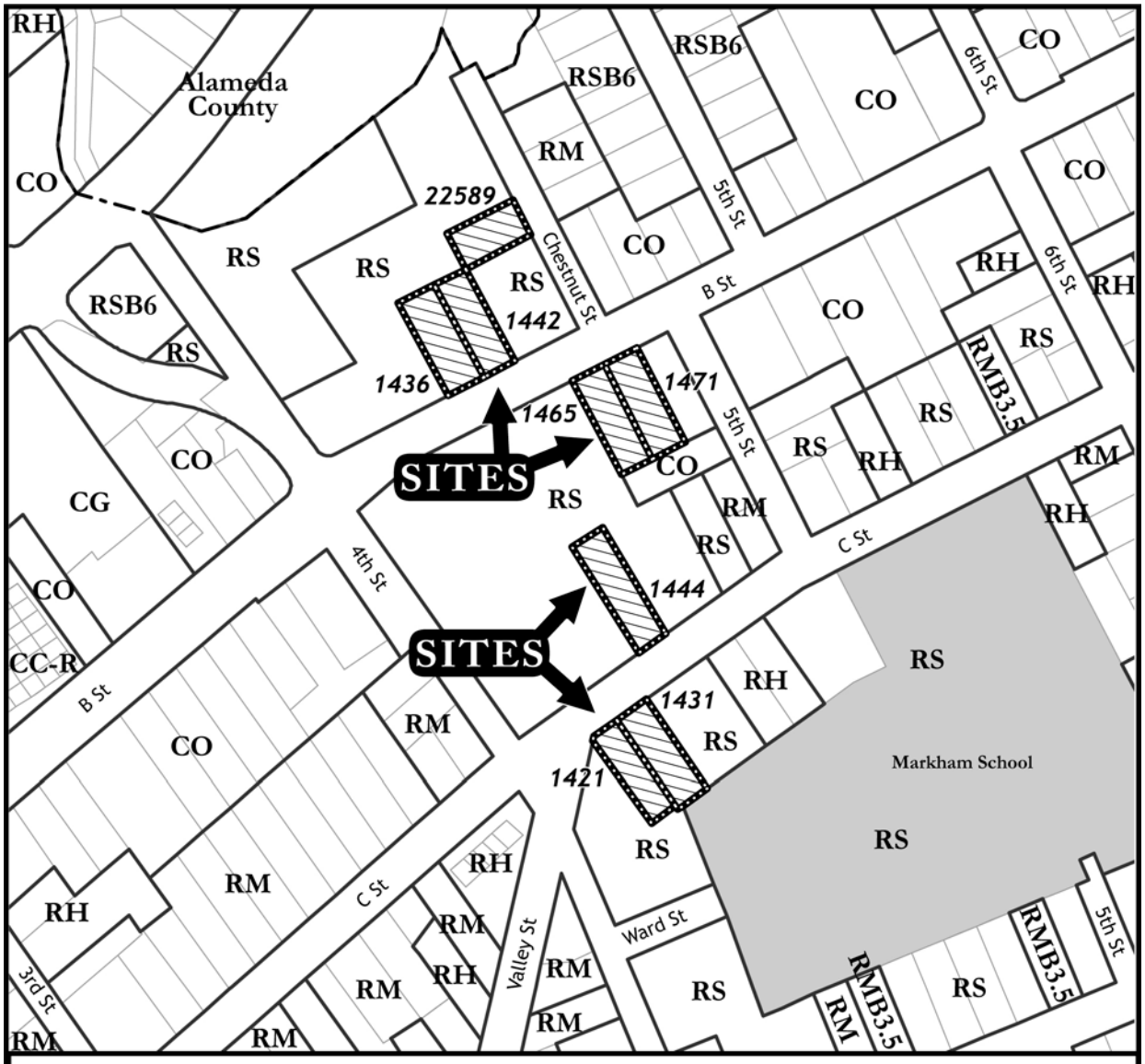
Approved by:

_____

David Rizk
Development Services Director

Attachments:

Attachment I	Area Map
Attachment II	Findings for Approval
Attachment III	Historic Preservation Ordinance
Attachment IV	Greek Revival Style
Attachment V	Queen Anne Style
Attachment VI	Colonial Revival Style
Attachment VII	Neoclassical Style



Area & Zoning Map

PL-2012-0204

Addresses: 1436 B St, 1442 B St, 1465 B St, 1471 B St, 1421 C St, 1431 C St, 1444 C St, 22589 Chestnut St

Applicant: Mark Shindler

Owner: California Department of Transportation

N

FEET 200 400

Zoning Classifications

RESIDENTIAL

RH High Density Residential, min lot size 1250 sqft
RM Medium Density Residential, min lot size 2500 sqft
RMB3.5 Medium Density Residential, min lot size 3500 sqft
RS Single Family Residential, min lot size 5000 sqft
RSB6 Single Family Residential, min lot size 6000 sqft

COMMERCIAL

CN Neighborhood Commercial
CO Commercial Office

CENTRAL CITY

CC-R Central City - Residential

CITY OF HAYWARD
DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

July 26, 2012

PL-2012-0223 HIST – Designation of Historical Resources on the Local Register – Caltrans (Owner/Applicant)

1436, 1442, 1465, and 1471 B Street; 1421, 1431, and 1444 C Street; and 22589 Chestnut Street (APNs 427-0036-033-01; -041-00; -055-01) – Single-Family Residential (RS/SD7) District

FINDINGS FOR APPROVAL

A. Approval of PL-2012-0223 HIST will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15331 (Historical Resources Restoration/Rehabilitation) of the California Environmental Quality Act Guidelines, as the proposed designation meets the conditions outlined for preservation of an historic resource.

B. All structures proposed for designation have been determined to have age, integrity, and historical significance. The Hayward Historical Resources Survey List & Inventory Report identifies these properties as contributory to the potential Upper B Street Historic District. The District encompasses a notable concentration of late-19th- and early-20th-century residential properties in a variety of architectural styles representative of that period of development. The area contains some of the City's first residential tracts, and remains as a noteworthy example of residential development in pre-World War II Hayward.

C. All structures proposed for designation have been determined to be eligible for inclusion on the National Register of Historic Places on the basis of being good to excellent examples of their architectural style or as representing particular trends in changing styles during the late-19th- and early-20th-century periods.

D. All structures proposed for designation are identified as historically significant in the Hayward Historical Resources Survey & Inventory Report adopted by the City in June 2010. *The properties at 1436, 1465 and 1471 B Street; 1431 and 1444 C Street; and 22589 Chestnut Street were identified by the Survey as exhibiting a high degree of integrity. The properties at 1442 B Street and 1421 C Street were identified by the Survey as exhibiting a moderate degree of integrity.*

ARTICLE 11

HISTORIC PRESERVATION ORDINANCE

Section	Subject Matter
10-11.010	PURPOSE
10-11.020	APPLICABILITY
10-11.030	DEFINITIONS
10-11.040	IDENTIFICATION OF HISTORICAL RESOURCES
10-11.050	REQUIREMENT TO OBTAIN HISTORICAL ALTERATION PERMIT AND/OR HISTORICAL RESOURCE DEMOLITION OR RELOCATION PERMIT
10-11.060	HISTORICAL ALTERATION PERMIT PROCESS
10-11.070	HISTORICAL RESOURCES DEMOLITION OR RELOCATION PERMIT PROCESS
10-11.080	HISTORICAL RESOURCES DESIGNATION CRITERIA
10-11.090	HISTORICAL RESOURCES DESIGNATION PROCESS
10-11.100	INCENTIVES FOR THE PRESERVATION OF DESIGNATED HISTORICAL RESOURCES
10-11.110	ADOPTED SURVEY LIST
10-11.120	APPEALS
10-11.130	ORDINARY MAINTENANCE AND REPAIR
10-11.140	DUTY TO KEEP IN GOOD REPAIR
10-11.150	CONDITIONS OF APPROVAL FOR DEVELOPMENT PROJECTS LOCATED WITHIN ARCHAEOLOGICALLY SENSITIVE AREAS, AND/OR WITHIN OR ADJACENT TO KNOWN ARCHAEOLOGICAL SITES
10-11.160	ENFORCEMENT; ADMINISTRATIVE CITATIONS

ARTICLE 11

HISTORIC PRESERVATION ORDINANCE

SEC. 10-11.010 PURPOSE. The purpose of this Article is to promote the public health, safety and general welfare of the inhabitants of the City by providing for the identification, protection, enhancement, perpetuation and use of historical resources, including buildings, structures, signs, objects, features, sites, historic and prehistoric archaeological sites, places, districts, designed landscapes, cultural landscapes and areas within the City that reflect special elements of the City's architectural, artistic, cultural, engineering, aesthetic, historical, political, social and other heritage. The protection of historical resources will achieve the following objectives:

a. To safeguard the heritage of the City as embodied and reflected in such resources;

b. To encourage public knowledge, understanding and appreciation of the City's past;

c. To foster civic and neighborhood pride and a sense of identity based on community character and the recognition and use of historical resources;

d. To promote the enjoyment and use of historical resources appropriate for the education and recreation of the inhabitants of the City;

e. To preserve historic architectural styles and design preferences reflecting phases of the City's history and to encourage complementary contemporary design and construction;

f. To enhance property values and to increase economic and financial benefits to the City and its inhabitants;

g. To protect and enhance the City's attraction to tourists and visitors (thereby stimulating business and industry);

h. To identify as early as possible and resolve conflicts between the preservation of the historical resources and alternative land uses;

i. To integrate the preservation of historical resources and the extraction of relevant data from such resources into public and private land management and development processes; and

j. To conserve and recycle valuable community resources by continuing use and maintenance of the historic built environment.

SEC. 10-11.020 APPLICABILITY. This Article shall apply to all historical resources and potentially significant historical resources within the City.

SEC. 10-11.030 DEFINITIONS. Terms used in this Article are defined as follows:

a. "Adopted Survey List" means a list of resources (e.g., object, building, structure, site, area, place, record, or manuscript), adopted by the City of Hayward, which the City has determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of Hayward but which have not been officially designated on the local register of historical resources. Resources listed on the adopted survey list shall be considered historical resources, as that term is hereinafter defined.

b. "Age" means the characteristic of being at least fifty years old.

c. "Alteration" means exterior change or modification of character-defining features, through public or private action, of any historical resource or any potentially significant historical resource, or of any contributing resource located within an historic district, which may include, but not be limited to, exterior changes to or modification of structure, architectural details or visual characteristics, such as surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archeological sites or areas and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, significant plantings and landscape accessories, to the extent that such would affect the exterior character-defining features of the property containing the resource.

d. "Association" means the direct link between an important historic event or persons and a historic property for design, engineering or construction value and/or the ability to yield important information about prehistory or history.

e. "Buildings" means structures created to shelter human activity. Historic buildings are considered in their entirety. A building that has lost its basic structural elements is usually considered a "ruin" and is a site, as that term is hereinafter defined.

f. "Character-Defining Features" means those physical characteristics of an historical resource or potentially significant historical resource that convey its historical significance and justify its inclusion in, or eligibility for inclusion in, the national, state or local register. Character-defining features of a resource are documented by a qualified professional on a Primary Record survey form and/or a full historic evaluation and also may consist of features mutually agreed upon by a property owner and the Planning Director or designated City staff.

g. "Design" means the combination of elements that create the form, plan, space, structure and style of a property.

h. "Designated Historical Resource" means any historical resource that has been designated and placed on a local register of historical resources pursuant to this Article.

i. "Evaluation" means an intensive survey to determine the historical significance of a resource. An evaluation consists of completed Department of Parks and Recreation (DPR) 523 series survey forms, including: 1) Primary Record (523A); 2) Building,

Structure, Object Record (523B); and 3) any additional survey form appropriate for documentation of the subject resource.

j. "Feeling" means a property's expression of the aesthetic or historic sense of a particular period of time and results from the presence of physical features that, taken together, convey the property's historic character.

k. "Historical Resources" means any buildings, structures, sites, objects, historic district and archaeological resources that have been determined to have a) age; b) integrity; and c) historical significance. For the purposes of this Article and of the California Environmental Quality Act (CEQA), the term "historical resources" shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the National Register or the California Register of Historical Resources.
(2) A resource designated in a local register of historical resources or identified as historically significant in an adopted survey list.
(3) Any object, building, structure, site, area, place, record, or manuscript that the City of Hayward determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California or of Hayward.

l. "Historic Context Statement" means a document adopted by the City Council that describes historic periods and themes in Hayward's history, which is used as a tool to assist with the assessment of a property's historic significance by providing a framework against which to objectively qualify the property's relationship to larger themes and events.

m. "Historic District" means a geographically-definable area – urban or rural, small or large – possessing a significant concentration, linkage, or continuity of sites, buildings, structures and/or objects united by past events or aesthetically by plan or physical development. An historic district may also comprise individual elements separated geographically but linked by association or history. A contributing resource within an historic district is an historical resource which contributes to the character of a historic district as described in National Register Bulletin 15.

n. "Historical Significance" means, in national, state or local history, architecture, archaeology, engineering and culture that is present in districts, sites, buildings, structures and objects, which possess age, integrity and association with an important historical context with reference to the following:

(1) An association with events that have made a significant contribution to the broad patterns of national, state and/or local history and cultural heritage; or
(2) An association with the lives of persons significant in national, state and/or local past; or
(3) The embodiment of the distinctive characteristics of a type, period, region, or method of construction, or that represent the work of a master or important creative individual, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(4) Details that have yielded, or may be likely to yield, information important in prehistory or history.

o. "Historic Preservation Officer" means the Planning Director, or his or her designee, when such a designation is relevant for consultation with federal agencies for the purpose of Section 106 procedures. This designation may be used for other consultations affecting community historical resources.

p. "Integrity" means the ability of a property to convey its historical significance. Evaluation of integrity is grounded in an understanding of a property's physical features and how they relate to its historical significance. There are seven aspects or qualities that, in various combinations, define integrity: location, design, setting, materials, workmanship, feeling and association. To retain historic integrity, a property will possess several, and usually most, of the aspects. Determining which of the seven aspects are most important to a property requires knowing why, where and when the property is significant.

q. "Interior Architectural Feature" means any portion of the interior of a public space in a publicly-owned building, or of a space in a privately-owned building, designated as an historical resource, where the interior space is generally accessible for use and viewing by the general public. The feature must meet the criteria for historical significance, as that term is defined hereinabove. Proposed changes to designated interior architectural features must follow the same procedures outlined in this Article for alteration to exterior features.

r. "Local Register" means a list of properties officially designated as historically significant by the City of Hayward pursuant to a local ordinance or resolution adopted by the City Council.

s. "Location" means the place where the historic property was constructed or the place where the historic event occurred.

t. "Object" means a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by design or nature, moveable yet related to a specific setting or environment.

u. "Potentially Significant Historical Resource" means a resource that is identified through a reconnaissance survey and/or by the City to have (a) age and (b) integrity, but historical significance has not yet been evaluated or determined. The fact that a resource is not listed in or determined to be eligible for listing in the California Register, or is not listed in a local register, does not preclude the City from determining that the resource is a potentially significant historical resource, such that further evaluation can be required to evaluate the resource for historic significance.

v. "Preservation" means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historical resource. Work including preliminary measures to protect and stabilize the resource generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

w. "Qualified Historic Consultant" means a consultant that meets the Secretary of the Interior's Professional Qualification Standards.

x. "Reconnaissance Survey" means a preliminary historic survey of a defined geographic area, which identifies resources warranting further evaluation to determine historical significance, and which may also identify geographic areas and/or properties that do not have potential historical resources and will not be subject to historic review, provided the timeframe of the reconnaissance survey remains valid for such determination. A reconnaissance survey will generally include DPR 523 Primary Record survey forms (DPR 523A) or equivalent information for those resources determined to warrant future further evaluation.

y. "Reconstruction" means the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure, or object, for the purpose of replicating its appearance at a specific period of time and in its historic location.

z. "Rehabilitation" means the act or process of making possible a compatible use for a resource through repair, alterations and additions while preserving those portions or features which convey its historical, cultural, or architectural value.

aa. "Restoration" means the act or process of accurately depicting the form, features and character of a resource as it appeared at a particular period in time by means of the removal of features from other periods in its history and reconstructing missing features from the restoration period.

bb. "Setting" means the physical environment of an historical resource. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role.

cc. "Site" means the location of a significant event, a prehistoric or historic occupation or activity, or a building, structure or landscape, whether standing, existing, ruined or vanished, where the location itself possesses historic, cultural, or archaeological value, regardless of the value of any existing structure. A site can possess associative significance or information potential or both, and can be significant under any or all of the four criteria for historical significance identified above.

dd. "Standards" means the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties, which is the body of information that provides acceptable approaches for preserving, rehabilitating, restoring and reconstructing historical resources or potentially significant historical resources. A project that follows the Secretary's Standards is considered not to result in a significant impact to the resource under CEQA.

ee. "Structure" means a man-made feature made of interdependent and interrelated parts in a definite pattern of organization. The term "structure" is distinguished from "buildings," which are constructed primarily for human shelter. If a structure has lost its historic configuration or pattern of organization through deterioration or demolition, it is usually considered a "ruin" and is a site, as that term is defined hereinabove.

ff. "Substantial Adverse Change" means the demolition, destruction, relocation, or alteration of the character-defining features of an historical resource or its immediate surroundings, such that the significance of an historical resource would be materially impaired. A project that may cause a substantial adverse change to an historical resource is a project that may have a significant effect on the environment under CEQA.

gg. "Unique Archaeological Resource" means an archaeological artifact, object or site, about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

(1) The resource contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
(2) The resource has a special and particular quality, such as being the oldest of its type or the best available example of its type.
(3) The resource is directly associated with a scientifically recognized important prehistoric or historic event or person.

hh. "Workmanship" means the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

SEC. 10-11.040 IDENTIFICATION OF HISTORICAL RESOURCES.

a. The City's 2009 Reconnaissance Survey excludes certain properties from further historic evaluation and identifies those properties requiring a full evaluation, as part of future development proposals, to determine whether a property is an historical resource.

b. The City of Hayward may periodically update its 2009 Reconnaissance Survey and/or survey additional properties located within the City limits, for the purposes of identifying those properties or geographic areas that are determined not to be or contain potentially significant historical resources, as well as identifying those properties or areas that may contain potentially significant historical resources and will require additional evaluation in order to make determinations of age, integrity and/or significance.

c. The City of Hayward may require that applicants for development projects and building permits retain qualified historic consultants to prepare evaluations to be used by the City to determine whether a property or site is an historical resource or a potentially significant historical resource, as part of development review and/or environmental review processes. The City may require a peer review of any evaluation report submitted directly by an applicant.

d. Reconnaissance surveys and evaluations shall use the adopted Hayward Historic Context Statement as a tool for understanding whether and why the property has historical significance.

e. The City of Hayward shall maintain a comprehensive record of reconnaissance surveys, evaluations and historic reports completed for properties located within the City limits, including those records completed as part of the 2009 Reconnaissance Survey and those records submitted by individual applicants.

f. The City of Hayward shall maintain a local register of designated historical resources. The local register shall include only those resources formally designated as historical resources in accordance with the processes set forth in this Article. The City of Hayward shall also maintain an adopted survey list identifying resources considered to be historically significant to Hayward but not officially designated on the local register.

g. The City of Hayward may publish or adopt archaeological sensitivity maps and/or may request the assistance of the Northwest Information Center, the area's historical resources information system located at Sonoma State University, for information about known archaeological sites, or about potential historic or prehistoric resources that may be determined to be significant or unique.

SEC. 10-11.050 REQUIREMENT TO OBTAIN HISTORICAL ALTERATION PERMIT AND/OR HISTORICAL RESOURCE DEMOLITION OR RELOCATION PERMIT.

Development projects and building permit applications involving structures or buildings at least 50 years in age or which are located within an historic district shall include the following steps in the development review process to determine if an historical alteration permit and/or historical resource demolition or relocation permit is required. Residential properties developed pursuant to a tentative tract map after 1946 are exempted from obtaining historical permits as defined herein. Building permit applications involving only interior improvements are not subject to the provisions of this Article, unless the building interior is specifically listed, or has the potential to be listed, on the local register as a designated historical resource. Nothing in this Article relieves a property owner or developer from any independent obligation under CEQA to conduct environmental review.

a. City staff shall consult the comprehensive record of reconnaissance surveys and evaluations on file with the Planning Division to determine whether the subject resource has been previously reviewed, and if so, the status of the resource (i.e., historical resource, potentially significant historical resource, not a significant resource, or requires evaluation).

b. If the subject resource has not been previously reviewed, or if the Planning Director determines the existing reconnaissance survey and/or evaluation is no longer valid due to the age of the survey or analysis (more than five years old), or as a result of substantial change to the physical condition of the resource or its setting, the applicant, at his or her own expense, may be required to provide an evaluation. Evaluations shall be prepared by a qualified historic consultant and shall use the California Register Criteria for Evaluation and the adopted Hayward Historic Context Statement to determine historical significance.

c. Resources that are surveyed, and/or evaluated and determined not to have historical significance shall require no further historic review.

d. Resources that are surveyed, evaluated and determined to be an historical resource or a potentially significant historical resource shall be subject to CEQA review and the discretionary permit requirements established by this Article for any proposed alteration, demolition or relocation of the resource.

e. The Planning Director may waive the requirement for a discretionary alteration permit if either of the following apply: (1) the resource is located in a geographic area that has been determined by a current, valid reconnaissance survey, or other survey or evaluation conducted by the City or applicant, not to be or contain potentially significant historical resources; or (2) the nature of work is minor and incidental; will not adversely affect the external appearance of the character-defining features of existing significant improvements, buildings and structures on the site; and the proposed project or building permit application is consistent with the Secretary of the Interior's Standards.

SEC. 10-11.060 HISTORICAL ALTERATION PERMIT PROCESS.

a. Unless waived by the Planning Director pursuant to subsection 10-11.050(e), it shall be unlawful for any person to alter or modify character-defining features of a potentially significant historical resource or an historical resource, a designated historical resource, a resource listed on the City's adopted survey list, or a resource that lies within an historic district, without first obtaining an historical alteration permit as outlined below. Neither the Planning Director nor the Building Official shall grant any permit to carry out such work without the approval of an historical alteration permit.

b. If an historical alteration permit is required pursuant to Section 10-11.050, the following procedures will be followed in processing the permit application:

(1) Historical alteration permit applications shall be submitted to the Planning Division for review and approval. Applications shall be accompanied by materials as required by the Planning Director and reasonably necessary for the proper review of the project, including but not limited to, information regarding the age and construction of a building or structure and building permit records.

(2) The Planning Director or designated staff shall determine whether the application will be processed as a "minor" or "major" historical alteration permit.

(i) "Minor" historical alteration permits shall apply to alterations with a valuation of less than $10,000, or as determined to be minor by the Planning Director.

(ii) "Major" historical alteration permits shall apply to alterations with a valuation of $10,000 or greater, unless the proposed alteration is determined to be minor by the Planning Director.

c. City staff will review applications for compliance with the Secretary of the Interior's Standards and may require that the applicant deposit funds for the City to retain the services of a qualified historic consultant, if necessary.

d. Environmental review of an historical alteration permit application will be required as follows:

(1) If the proposed alteration or modification is in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the potential impact on historical resources shall be considered less than significant and the project exempt from CEQA, unless other factors are identified which could cause other potentially significant environmental impacts.

(2) If the proposed alteration or modification is not in compliance with the Secretary of the Interior's Standards, then CEQA review will be required.

e. Historical alteration permit applications (both minor and major) require the review and approval of the Planning Director, or designated staff, except as provided below:

(1) Any application involving preparation of an initial study, negative declaration or environmental impact report shall be referred to the Planning Commission for approval at a duly noticed public hearing.

(2) The Planning Director may also require that an historical alteration permit application be reviewed and approved by the Planning Commission, at his/her discretion.

f. As part of the review process, the Planning Director or Planning Commission may impose conditions on a project to bring the proposed work into compliance with the Secretary of the Interior's standards.

g. The Planning Director's or Planning Commission's decision to approve, conditionally approve or deny an historical alteration permit may be appealed in accordance with the provisions of this Article.

h. Reconstruction of potentially significant historical resources and historical resources shall comply with the Secretary of the Interior's Standards and require an historical alteration permit as described above. If all of the conditions of reconstruction as defined in this Article and by the Standards for Reconstruction cannot be met, then reconstruction should not be undertaken until CEQA analysis is completed. Reconstruction, though not encouraged, may be a viable option.

SEC. 10-11.070 HISTORICAL RESOURCES DEMOLITION OR RELOCATION PERMIT PROCESS.

a. It shall be unlawful for any person to tear down, demolish, remove or relocate an historical resource, a potentially significant historical resource, a designated historical resource, a resource that has been listed on the City's adopted survey list, or a resource that lies within an historic district, without first obtaining an historical resource demolition or relocation permit as outlined below. Neither the Planning Director nor the Building Official shall grant any permit to carry out such work without the prior approval of an historical resources demolition or relocation permit by the Planning Commission.

b. If an historical resource demolition or relocation permit is required pursuant to Section 10-11.050, the following procedures will be followed in processing the permit application:

(1) Applications for an historical resource demolition or relocation permit shall be submitted to the Planning Division for review and consideration by the Planning Commission. Applications shall be accompanied by materials as required by the Planning Director and reasonably necessary for the proper review of the project, including but not limited to information regarding the age and construction of a building or structure and building permit records.

(2) City staff will review applications for compliance with the Secretary of the Interior's Standards and may require that the applicant deposit funds for the City to retain the services of a qualified historic consultant, if necessary.

(3) Environmental review of an historical resource demolition or relocation permit application will be conducted as follows:

(i) If the proposed demolition or relocation is in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the potential impact on historical resources shall be considered less than significant and the project exempt from CEQA, unless other factors are identified associated with the proposed project that could cause potentially significant environmental impacts.

(ii) If the proposed demolition or relocation is not in compliance with the Secretary of the Interior's Standards, then the project is not exempt and CEQA review will be required.

(4) Notice of public hearing for the Planning Commission's consideration of an historical resource demolition or relocation permit application shall be provided in the manner prescribed in Government Code Sections 65090 and 65091, or any successor statute thereto.

(5) The Planning Commission shall complete its review and shall render its decision after the conclusion of a public hearing on the application. In reviewing permits sought to wholly or partially relocate or demolish an historical resource, a potentially significant historical resource, or resources within an historical resource site or historic district, the Planning Commission may approve, conditionally approve or disapprove the issuance of the permit or permits. The Planning Commission may condition approval of the permit to bring the proposed work into compliance with the Secretary of the Interior's Standards.

(6) The Planning Commission's decision to approve or deny an historical resource demolition or relocation permit may be appealed to the City Council in accordance with the provisions of this Article.

(7) In the case of a proposal to relocate a designated historical structure listed on the National Register of Historic Places, the applicant must first obtain written approval from the Keeper of the National Register prior to relocation to ensure that the resource will retain its National Register status.

(8) In the case of a proposal to relocate a designated historical structure that is not listed on the National Register of Historic Places but is a locally designated historical resource, the Planning Director shall obtain sufficient information to ensure the new location substantially recreates the original

location in terms of siting, setback, ordinal orientation and all other features that marked the original location, in order to retain its local register status.

SEC. 10-11.080 HISTORICAL RESOURCES DESIGNATION CRITERIA. For the purposes of this Article, an object, building, structure, site, area, district, unique archaeological resource, place, record, or manuscript may be classified a designated historical resource and placed on the local register by the Planning Commission pursuant to Section 10-11.090, if the resource is determined through survey and documentation to be an "Historical Resource" as defined in this Article.

SEC. 10-11.090 HISTORICAL RESOURCES DESIGNATION PROCESS. Historical resources and historic districts shall be designated and placed on the local register by the Planning Commission in the following manner:

a. The City of Hayward or any property owner may request the designation of an historical resource or a potentially significant historical resource or the designation of an historic district by submitting an application for such designation to the Planning Division. The Planning Director, Planning Commission or City Council may also initiate such proceedings on their own motion.

b. The Planning Director will conduct a study of the proposed designation and make a preliminary determination based on such documentation as may be required, as to the appropriateness for designation. If the Planning Director determines the application merits consideration, the Planning Commission shall conduct a public hearing to consider designation of the historical resource or historic district.

c. No building alteration, demolition or relocation permit for any improvement, building or structure proposed for designation or located within a historic district that is proposed for designation shall be issued while the application for designation, or any appeal related thereto, is pending.

d. Notice of the date, place, time and purpose of public hearings to consider designation of historical resources and historic districts shall be given in the manner prescribed in Government Code Sections 65090 and 65091, or any successor statute thereto.

e. At the conclusion of the public hearing for the designation of a proposed historical resource or historic district, the Planning Commission shall approve in whole or in part, or disapprove in whole or in part, the application for designation of the resource as an historical resource on the local register.

f. The Planning Commission's decision to approve, conditionally approve or deny the formal designation of an historical resource or historic district may be appealed in accordance with the provisions of this Article.

SEC. 10-11.100 INCENTIVES FOR THE PRESERVATION OF DESIGNATED HISTORICAL RESOURCES.

a. Nothing in this Article shall prevent the City Council from waiving or reducing any processing fees for permits or other procedures for an owner of a designated historical resource undertaking work on the resource. The Planning Director is

authorized to accelerate the processing of any required applications involving a designated historical resource.

b. Nothing in this Article shall prevent the City of Hayward from establishing a funding program and guidelines for use by owners of a designated historical resource, as defined in this Article. Funding subsidies may be available for an owner undertaking work on an historical resource who is prevented by economic constraints from completing work in compliance with the Secretary of the Interior's Standards. The Planning Director may develop an application for requested subsidies. Evaluation criteria could include the significance of the historical resource, owner need and necessity for the work to be undertaken. All work undertaken shall meet the Secretary of the Interior's Standards for the Treatment of Historic Properties. Emergency measures to ensure the stability of a damaged designated historical resource shall be an allowable cost.

c. Nothing in this Article shall prevent the City of Hayward from adopting the provisions of the Mills Act, adopted in 1972 by the State of California and amended in 1984, to allow an owner of a designated historical resource to have the property tax amount abated based on the provisions of the Act. The owner and the City shall enter into an agreement which defines the actions to be taken by the owner to ensure the restoration, protection and continued compatible use of the property.

d. Nothing in this Article shall prevent the City of Hayward from adopting the provisions of the Marks Historical Rehabilitation Act. Under the provisions of this Act, the City of Hayward may issue tax-exempt revenue bonds for the purpose of financing the historical rehabilitation of buildings with significance to the City of Hayward, the State of California, or the United States.

e. Nothing in this Article shall prevent the City of Hayward from participating in the development of an historic easement for a designated historical resource, including cultural/historic landscapes and all other historical resource types. The purpose of the easement is to protect the City's historical resources for the benefit of the community by allowing the owner to obtain a tax credit for the restoration, protection, or continued compatible use of the historical resource. The value of the revised deed restrictions may be held by the City or appropriate historical society or preservation organization with the expertise to oversee the enforcement of the easement for the current owner and any subsequent property owner.

f. Historical resources and designated historical resources shall be eligible to use the California Historical Building Code, which can allow for alternate methods of meeting building code requirements.

SEC. 10-11.110 ADOPTED SURVEY LIST. Historical resources may be placed on the adopted survey list by the City Council in the following manner:

a. The City of Hayward or any property owner may request the inclusion of an historical resource or potentially significant historical resource on the adopted survey list by submitting an application to the Planning Director. The Planning Commission or City Council may also initiate such proceedings on their own motion.

b. The Planning Director will conduct a study of the proposed application and make a preliminary determination, based on such documentation as may be required, as to the appropriateness of the resource for inclusion on the adopted survey list and shall forward such analysis and recommendation to the Planning Commission and City Council for consideration at a public hearing.

c. No alteration, demolition or relocation permits shall be issued for the subject resource while an application to include the resource on the adopted survey list, or any appeal related thereto, is pending.

d. Notice of the date, place, time and purpose of public hearings to consider inclusion of resources onto the adopted survey list shall be given in the manner prescribed in Government Code Sections 65090 and 65091, or any successor statute thereto.

SEC. 10-11.120 APPEALS.

a. The following actions by the Planning Commission may be appealed by an interested party to the City Council:

(1) A determination that an object, site or structure be placed on the local register as a designated historical resource or historic district or not be placed on the local register as a designated historical resource or historic district;
(2) A determination that an object site or structure be placed on the adopted survey list or not placed on the adopted survey list:
(3) The Planning Commission's decision to approve, conditionally approve or deny an historic alteration permit, an historical resource demolition permit or an historical resource relocation permit; and
(4) Any item acted on by the Planning Commission on appeal or referral from the Planning Director.

b. The following actions by the Planning Director may be appealed by an interested party to the Planning Commission:

(1) The Director's decision to approve, conditionally approve or deny an historic alteration permit for a potentially historical resource or an historical resource or site.

c. In the event that the applicant, any interested person or any member of the City Council is aggrieved by a decision of the Planning Commission or Planning Director, the aggrieved party may, within ten days of an action by the Planning Commission or fifteen days of an action by the Planning Director, appeal in writing to the appropriate body as outlined above. Notice of appeal shall be in the manner prescribed in Section 10-1.2820 of the City's Zoning Ordinance. The appellate body may affirm, modify or reverse the original decision. Action by the appellate body shall be final, unless there is a further appeal to the City Council, in which case, the City Council action shall be final.

SEC. 10-11.130 ORDINARY MAINTENANCE AND REPAIR. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature, or interior feature identified as a resource, in or on any property covered by this Article that does not involve a change in design, material or external appearance thereof; nor does this Article

prevent the construction, reconstruction, alteration, restoration, demolition or relocation of any such feature when the Building Official certifies to the Planning Director that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California Historical Building Code.

SEC. 10-11.140 DUTY TO KEEP IN GOOD REPAIR. The owner, occupant or other person in actual charge of a historical resource, or an improvement, building or structure in an historic district shall keep in good repair all of the exterior portions of such improvement, building or structure as necessary to prevent deterioration and decay of any exterior architectural feature.

SEC. 10-11.150 CONDITIONS OF APPROVAL FOR DEVELOPMENT PROJECTS LOCATED WITHIN ARCHAEOLOGICALLY SENSITIVE AREAS, AND/OR WITHIN OR ADJACENT TO KNOWN ARCHAEOLOGICAL SITES. Proposals for the development or redevelopment of a site identified as archaeologically sensitive by any archaeological sensitivity map adopted by the City shall be subject to the following review process and conditions of project approval:

a. City staff will consult with the Northwest Information Center for information about whether the project is located within or adjacent to a known archaeological site, and if it is determined that it is so located, then a historical alteration permit shall be required for the project. CEQA review of the project shall consider potentially significant impacts on archaeological resources and identify appropriate mitigation measures to be imposed as conditions of approval, in addition to the conditions identified below.

b. If the project is not located within or adjacent to a known archaeological site, then the project applicant has the option to either have an archaeological survey be completed for the site to determine what, if any, conditions of approval will be required as mitigation measures or agree to comply with the following conditions of approval, which shall be conclusively deemed to reduce potentially significant impacts on archaeological resources to a less-than-significant level. No archaeological resources report is required as part of any CEQA review of the project, provided the applicant accepts the following conditions and incorporates them into the project:

(1) An archaeologist shall be present on-site to monitor all ground-disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:

(i) Work at the location of the find will halt immediately within thirty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined hereinabove.

(ii) If the find is determined not to be a unique archaeological resource, construction can continue. The archaeologist will prepare a brief informal memorandum/letter that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find.

(iii) If the find appears to be significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memorandum/letter.

(iv) If the resource cannot be avoided, the archaeologist shall develop an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the Planning Director. The action plan shall be in conformance with California Public Resources Code 21083.2.

(2) In addition to the conditions listed above, all development projects located within an archaeological sensitivity area and/or containing known archaeological resources on-site shall also be subject to the following measures as conditions of project approval:

(i) This project may adversely impact undocumented human remains or result in the discovery of significant historic or archaeological materials. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply.

a. If human remains are encountered, they shall be treated with dignity and respect as due to them. Information about such a discovery shall be held in confidence by all project personnel and shared only on a need-to-know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.

b. Remains shall not be held by human hands. Surgical gloves shall be worn if remains need to be handled.

c. Surgical masks shall also be worn to minimize exposure to pathogens that may be associated with the remains.

(ii) In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains, such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.

(iii) An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area, plus a reasonable buffer zone, by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on site at the time or discovery, by the monitoring archaeologist (typically 25 to 50 feet for single burial or archaeological find).

(iv) The exclusion zone shall be secured (e.g., 24-hour surveillance) as directed by City or Alameda County representatives, if considered prudent to avoid further disturbances.

(v) The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:

a. The City of Hayward Planning Director;
b. The contractor's point(s) of contact;
c. The Coroner of the County of Alameda (if human remains found);
d. The Native American Heritage Commission (NAHC) in Sacramento; and
e. The Yrgin band of Ohlones.

(vi) The Coroner shall examine the remains after being notified of the discovery. If the remains are Native American, the Coroner shall notify the NAHC within 24 hours.

(vii) The NAHC shall be responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Yrgin band of Ohlones. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)

(viii) Within 24 hours of notification by the NAHC, the MLD will be granted permission to inspect the discovery site.

(ix) Within 24 hours of notification by the NAHC, the MLD may recommend to the City's Planning Director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.

(x) If the MLD recommendation is rejected by the City, the parties shall attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

SEC. 10-11.160 ENFORCEMENT; ADMINISTRATIVE CITATIONS.

a. The City Manager, or his or her designee, shall have the authority to enforce the provisions of this Article.

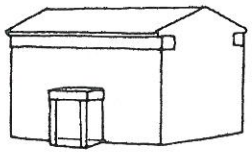
b. Any person who violates a provision of this Article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. In addition to all other remedies or penalties provided by law, a violation of any of the sections contained in this Article is punishable by administrative penalties as set forth in Chapter 1, Article 7 of the Hayward Municipal Code. Any

person subject to administrative penalties pursuant to this Article shall have the right to request an administrative hearing in accordance with Hayward Municipal Code 1-7.07 through 1-7.10, inclusive. The administrative penalties imposed by this Article do not preclude other potential civil actions or criminal prosecution under any other provision of law

c. In addition to any of the foregoing remedies, the City Attorney may maintain an action for injunctive relief to restrain or enjoin or to cause correction or removal of any violation of this Article.

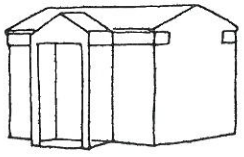
d. Any person who demolishes, alters, relocates or constructs a building or structure in violation of this Article shall be required to restore the building or structure and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the City Attorney. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

ENTRY PORCH LESS THAN FULL HEIGHT, OR ABSENT



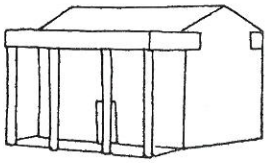
pages 186–7

FULL-HEIGHT ENTRY PORCH



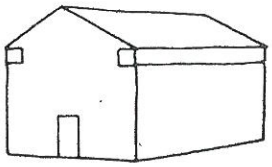
pages 188–9

FULL-FACADE PORCH



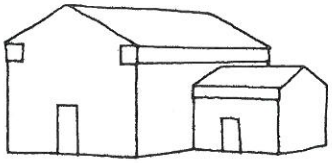
pages 190–1

FRONT-GABLED ROOF



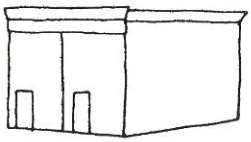
page 192

GABLE FRONT AND WING



page 193

TOWN HOUSE



pages 194–5

PRINCIPAL SUBTYPES

Greek Revival

1825–1860

IDENTIFYING FEATURES

Gabled or hipped roof of low pitch; cornice line of main roof and porch roofs emphasized with wide band of trim (this represents the classical entablature and is usually divided into two parts: the frieze above and architrave below); most have porches (either entry or full-width) supported by prominent square or rounded columns, typically of Doric style; front door surrounded by narrow sidelights and a rectangular line of transom lights above, door and lights usually incorporated into more elaborate door surround.

PRINCIPAL SUBTYPES

Six principal subtypes can be distinguished on the basis of porch and roof configurations:

ENTRY PORCH LESS THAN FULL HEIGHT, OR ABSENT—About 20 percent of Greek Revival houses have small entry porches which do not extend the full height of the facade. In some examples the entry porch is recessed *into* the facade. About 5 percent lack porches altogether.

FULL-HEIGHT ENTRY PORCH—This subtype has a dominant central porch extending the full *height*, but less than the full *width*, of the facade; it thus resembles the Early Classical Revival style from which the Greek Revival sprang. The Greek Revival version can usually be distinguished from its predecessor by the typical band of cornice trim and the rectangular lights, rather than a curving fanlight, over the entrance. As in the earlier style, many Greek Revival examples have a traditional classical pediment above the entry porch. In contrast to the earlier style, however, many Greek examples have flat-roofed entry porches. As in the entry porch less than full height, this type of entry porch also occurs recessed *into* the facade. About one-fourth of Greek Revival houses are of this subtype; like Early Classical Revival houses, these are most common in the southern states.

FULL-FACADE PORCH—In this configuration, the colonnaded porch occupies the full width and height of the facade. No pediment occurs above the porch, which is covered either by the main roof or, less commonly, by a flat or shed-style extension from it. In a few examples, the full-facade porch also extends around one or both sides of the house. This subtype makes up about one-fourth of Greek Revival houses. Like the preceding type, it is most common in the southern states.

FRONT-GABLED ROOF—All of the preceding subtypes have side-gabled or hipped roofs. In

this subtype the gable end is turned 90 degrees to make the principal facade. In some high-style examples a full-width, colonnaded porch is present beneath the front gable, giving the house the appearance of a miniature Greek temple with its traditional classical pediment. Smaller entry porches are common on vernacular examples. This subtype is more common in the northeastern and midwestern states.

GABLE FRONT AND WING—In this subtype a front-gabled roof, as in the type just described, has a side wing (less commonly two wings) added; these are typically lower than the dominant front-gabled portion. This subtype rarely occurs outside of the northeastern states and is particularly common in western New York and Ohio.

TOWN HOUSE—A sixth subtype consists of narrow urban houses with Greek Revival detailing. These occur both with and without porches. They are most common in those port cities of the Atlantic and Gulf coasts that were expanding in the decades from 1830 to 1860. These include Boston; New York; Philadelphia; Washington; Richmond, Virginia; Savannah, Georgia; Mobile, Alabama; New Orleans, Louisiana; and Galveston, Texas.

VARIANTS AND DETAILS

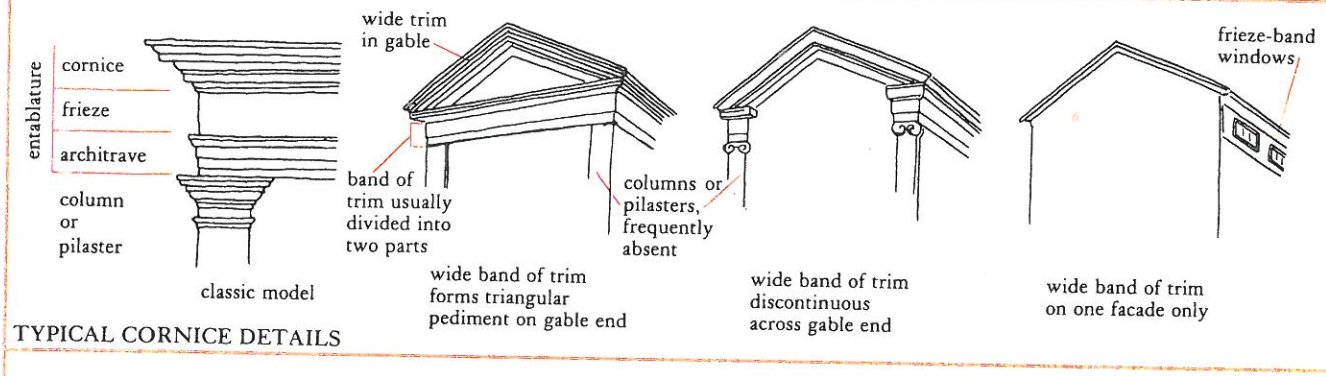
The principal areas of elaboration in Greek Revival houses are cornice lines, doorways, porch-support columns, and windows:

CORNICE LINES—The wide band of trim beneath the cornice of both the main roof and the porch roofs is an almost universal feature of Greek Revival houses. Commonly the band is made up of undecorated boards, but complex incised decorations also occur. In gabled houses the trim band may be variously treated along the gabled walls. Post-1850 examples, particularly in the South, often have Italianate brackets added at the cornice line.

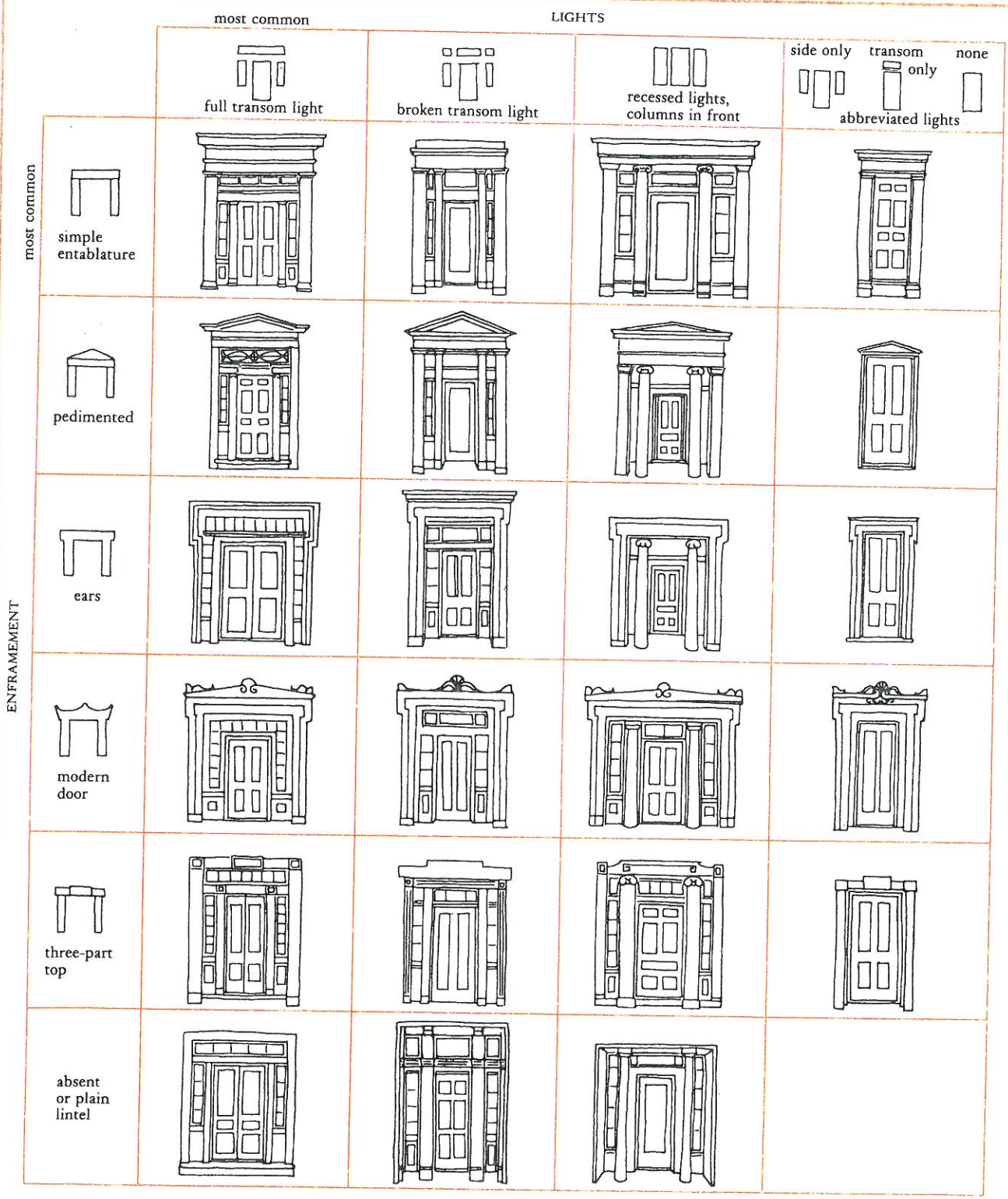
DOORWAYS—As in the preceding Georgian, Adam, and Early Classical Revival styles, elaborated door surrounds are a dominant feature of Greek Revival houses. The door itself is either single or paired and is most frequently divided into one, two, or four panels. The door is usually surrounded on sides and top by a narrow band of rectangular panes of glass held in a delicate, decorative frame. Door and glazed surround, in turn, are usually encased in a larger decorative enframement of wood or masonry. Not uncommonly door and glass are recessed behind the front wall, thus creating complex three-dimensional effects; free-standing columns are sometimes added to the inset portion.

COLUMNS—Classical columns for the support of porch roofs are a prominent feature of most Greek Revival houses. In some examples they dominate the entire facade; others retain only smaller entry porch columns. Although many Greek Revival houses have "correct" Greek columns, many also have Roman details; still more have vernacular adaptations with *no* clear classical precedent. The following guide to Classical Column Identification must therefore be used in combination with other typical features when identifying Greek Revival houses:

Classical columns are distinguished principally by their capitals (tops) and bases. Both Greek and Roman columns share three principal types of capitals which define the three familiar orders of classical architecture: Doric (plain capitals), Ionic (capitals with scroll-like spirals called volutes), and Corinthian (capitals shaped like inverted bells decorated with leaves). All three types are found in Greek Revival houses, as well as in most



TYPICAL CORNICE DETAILS



TYPICAL DOORWAYS

other classically influenced American styles. Greek and Roman examples of these three orders are distinguished by subtle differences in either the capitals or bases.

All columns of classical antiquity were round, as are many Greek Revival columns. Vernacular Greek Revival houses, on the other hand, commonly have *square* (and occasionally octagonal) columns, which were simple and inexpensive to construct from boards and moldings. Such columns generally lack classical capitals. About 40 percent of columns found on Greek Revival houses are square; the remaining 60 percent include about 40 percent Doric, 15 percent Ionic, and 5 percent Corinthian. Note that the Greek Doric column has no base, while the Roman version does. This distinction frequently will distinguish Greek Revival Doric columns from the Roman Doric columns of the Early Classical Revival. Note, however, that many Greek Revival houses retained Roman columns, particularly in the southern states, so that column type alone is seldom sufficient to identify the style.

Pilasters are also frequent Greek Revival features. They are most commonly used on the corners of frame houses but are occasionally found across the entire facade in lieu of free-standing columns.

WINDOWS—As in the preceding Adam style, Greek Revival window sashes most commonly had six-pane glazing. The rounded, three-part Palladian windows of Adam houses disappeared, to be replaced only occasionally by rectangular, tripartite examples. Small frieze-band windows, set into the wide trim beneath the cornice, are frequent. These are often covered with an iron or wooden grate fashioned into a decorative Greek pattern. Window surrounds were generally far less elaborate than doorways.

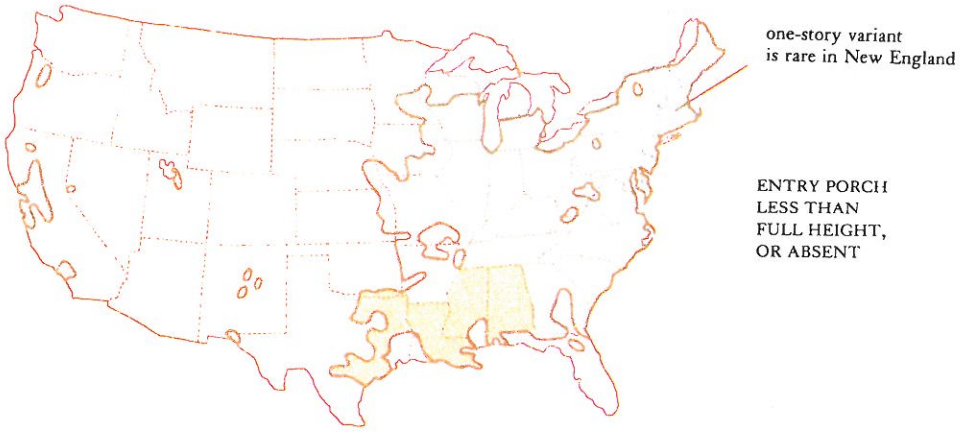
OCCURRENCE

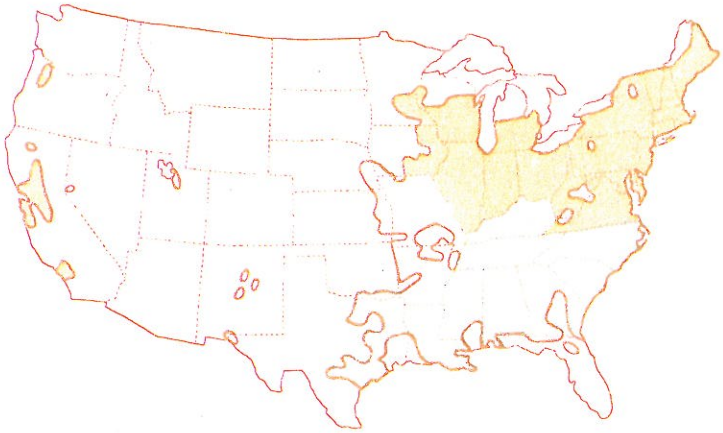
Greek Revival was the dominant style of American domestic architecture during the interval from about 1830 to 1850 (to 1860 in the Gulf Coast states) during which its popularity led it to be called the National Style. It occurs in all areas settled by 1860, as noted on the map, and especially flourished in those regions that were being rapidly settled in the decades of the 1830s, '40s, and '50s. The style moved with the settlers from the older states as they crossed into Kentucky, Tennessee, and the Old Northwest Territory (today's Midwest). It followed the southern planters as they moved westward from the Old South into Alabama, Mississippi, and Louisiana. It even arrived on the west coast, sometimes disassembled into packages and shipped by way of Cape Horn! Each of the principal subtypes of the style shows geographic differences in frequency of occurrence, as noted above and in the maps.

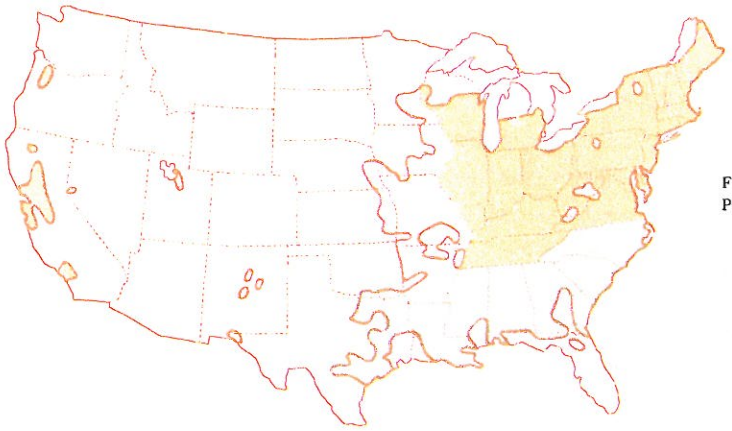
Not surprisingly, the largest surviving concentrations of Greek Revival houses are found today in those states with the largest population growth during the period from 1820 to 1860. These are, in descending order of growth: New York, Pennsylvania, Ohio, Illinois, Virginia, Massachusetts, Indiana, Missouri, Tennessee, Alabama, Wisconsin, Georgia, Mississippi, Michigan, Texas, Kentucky, and Louisiana. New York gained about 2½ million persons during the interval while Louisiana gained about ½ million.

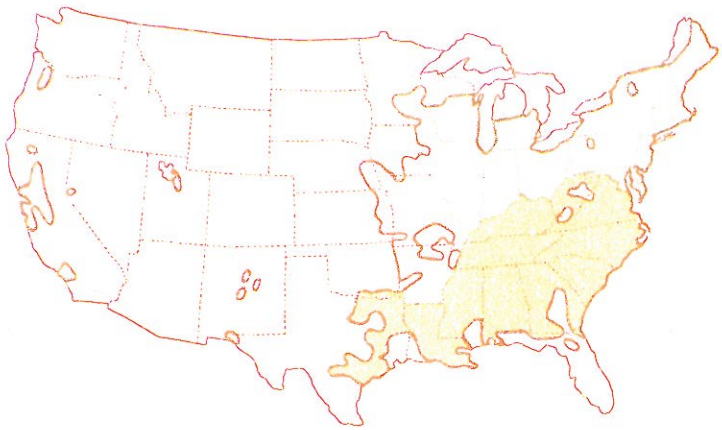
COMMENTS

The final years of the 18th century brought an increasing interest in classical buildings to both the United States and western Europe. This was first based on Roman models (see the Early Classical Revival chapter), but archeological investigation in the early 19th









very common

rare

principal settled areas in 1860

DISTRIBUTION OF GREEK REVIVAL HOUSES

century emphasized Greece as the Mother of Rome which, in turn, shifted interest to Grecian models. Two additional factors enhanced Greek influence in this country. Greece's involvement in a war for independence (1821–30) aroused much sympathy in the newly independent United States; at the same time, the War of 1812 diminished American affection for British influence, including the still dominant Adam style in domestic architecture.

The Greek Revival began and ended in this country with public buildings built in Philadelphia. Among the first examples was the Bank of the United States (1818, William Strickland), and one of the last monuments was the Ridgeway Branch of the Philadelphia Library (1870, Addison and Hutton). Most domestic examples date from the period from 1830 to 1860. Among the earliest was a Greek remodeling of the Custis-Lee house in Arlington, Virginia, completed in 1820. The style was spread by carpenter's guides and pattern books, the most influential of which were written by Asher Benjamin (*The Practical House Carpenter; The Builder's Guide*) and Minard Lafever (*The Modern Builder's Guide; The Beauties of Modern Architecture*).

In addition to these guides for local carpenter-builders, there were a growing number of trained architects in America, some educated abroad, who designed high-style buildings in the fashionable Grecian mode. Among the most prominent were Benjamin H. Latrobe and his pupils Robert Mills and William Strickland; Strickland's own pupils Thomas U. Walter and Gideon Shryock; Ithiel Town, Alexander Jackson Davis (early work), John Haviland, Alexander Parris, and Isaiah Rogers.

One of the most familiar stereotypes in American architecture is the full-colonnaded Greek Revival mansion of the southern states. In this century these are sometimes called Southern Colonial houses, a historical inaccuracy since most were built long after American independence. This particular Greek Revival subtype does, however, have a little recognized colonial background, for it sprang, at least in part, from French colonial building practices. Early in their colonial expansions both the French and English appended broad living porches, a rarity in Europe, to houses built in tropical regions. The origins of these large *galeries* or verandahs are obscure, yet they appear wherever British or French colonists encountered warm climates, including the West Indies, Africa, India, and Australia. In the United States, most were built by the French in subtropical Louisiana. With the waning of French influence after the Louisiana Purchase in 1803, these forms slowly evolved in the Gulf Coast states into the full colonnaded Greek Revival form now sometimes known as Southern Colonial.

The decline of Greek Revival influence was gradual. In the more fashion-conscious urban centers of the Atlantic seaboard it began to be replaced by the Gothic Revival and Italianate movements in the 1840s. In the interior states, and in rural areas everywhere, it remained a dominant style for domestic buildings until the early 1860s.

An important and enduring legacy of the Greek Revival to American domestic architecture is the front-gabled house. Popularized during the ascendance of the Greek Revival style in the early 19th century, this became the predominant form for detached urban houses in cities of the Northeast and Midwest until well into the 20th century. There it occurs in unadorned folk versions, as well as in styled Gothic, Italianate, Queen Anne, and Shingle houses. In rural areas, the form of Greek Revival known as gable front and wing likewise remained a popular form for folk houses until the 1930s.

ROUND
Greek Revival copies often omit fluting in column shaft

SQUARE
never found in Greek and Roman prototypes

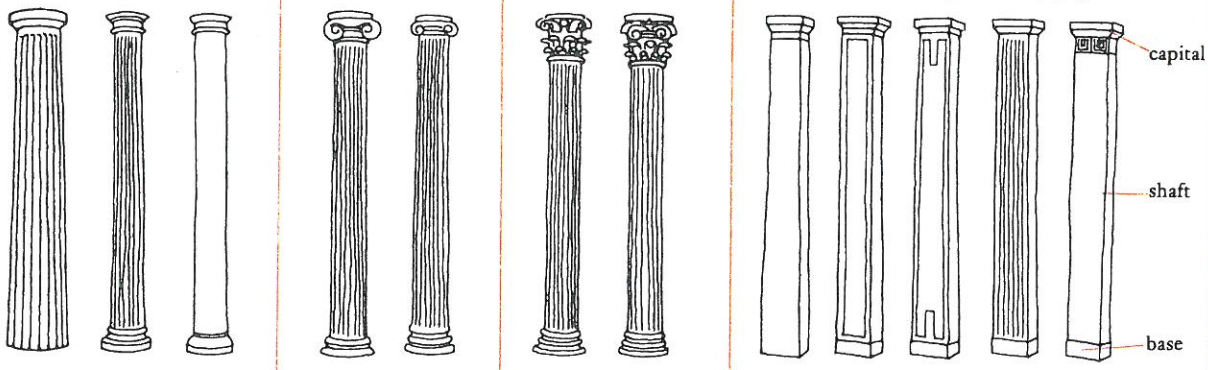
approximate distribution on Greek Revival houses

Doric, 40 percent

Ionic, 15 percent

Corinthian, 5 percent

vernacular Doric simplifications, 40 percent



Greek, fluted, no base

Roman, fluted with base

Roman Tuscan, unfluted with base

Greek, large volutes

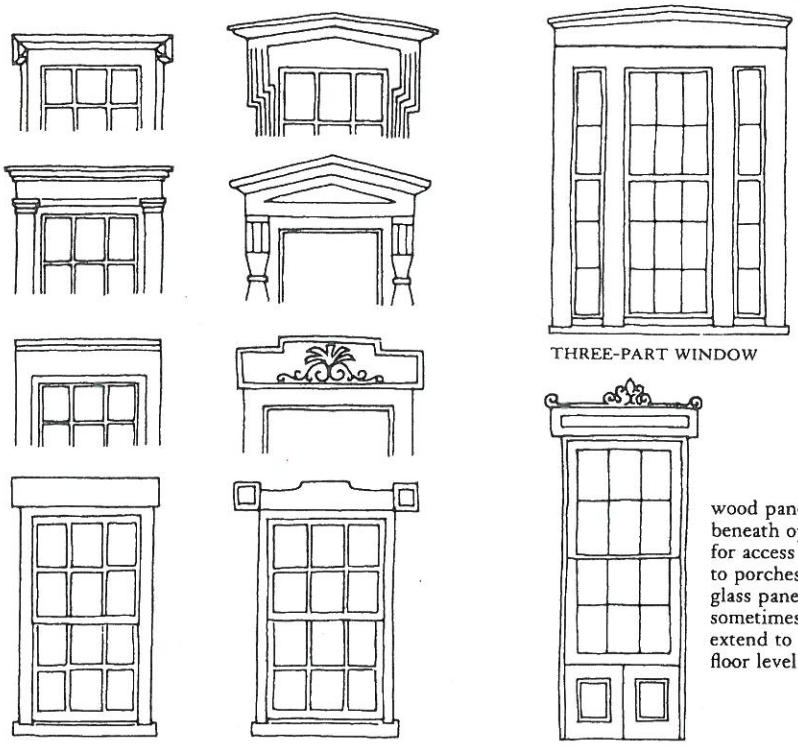
Roman, volutes sometimes at 45° angle

Greek and Roman, similar

Roman Composite, Corinthian with volutes added

based loosely on Greek and Roman precedents

COLUMN TYPES



most common in wood examples

most common in masonry examples

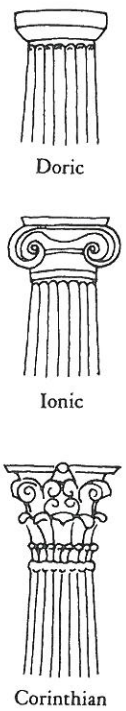
DECORATIVE CROWNS

THREE-PART WINDOW

ELONGATED WINDOW

wood panels beneath open for access to porches; glass panes sometimes extend to floor level

TYPICAL WINDOW DETAILS



Doric

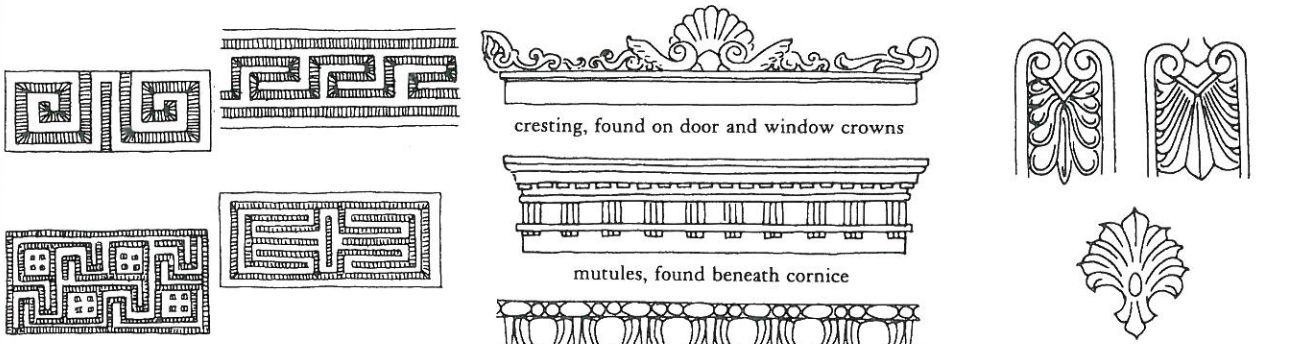
volutes

Ionic

acanthus leaves

Corinthian

CLASSICAL CAPITALS



Greek key design, fret

cresting, found on door and window crowns

mutules, found beneath cornice

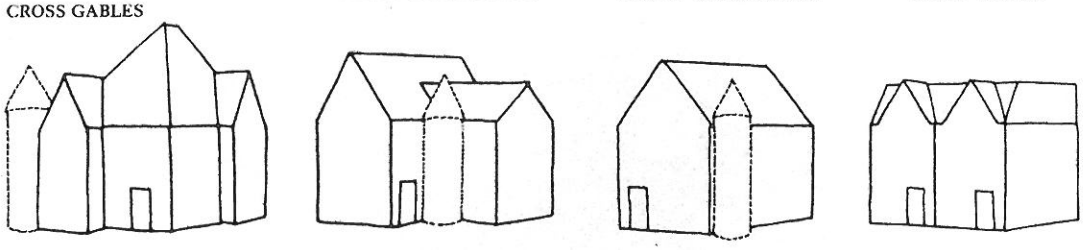
egg-and-dart design

honeysuckle-leaf design, anthemium

DECORATIVE DETAILS These designs may be found on door and window crowns, columns, pilasters, beneath cornice, etc.

Attachment V

SHAPE SUBTYPES



	HIPPED ROOF WITH LOWER CROSS GABLES	CROSS-GABLED ROOF	FRONT-GABLED ROOF	TOWN HOUSE
DECORATIVE DETAILING SUBTYPES				
SPINDLEWORK	pages 269–73	page 274	page 275	pages 286–7
FREE CLASSIC	pages 276–9	page 280	page 281	pages 286–7
HALF-TIMBERED	pages 282–3	pages 282–3	pages 282–3	pages 286–7
PATTERNED MASONRY	pages 284–5	pages 284–5	pages 284–5	pages 286–7

PRINCIPAL SUBTYPES

Queen Anne

1880–1910

IDENTIFYING FEATURES

Steeply pitched roof of irregular shape, usually with a dominant front-facing gable; patterned shingles, cutaway bay windows, and other devices used to avoid a smooth-walled appearance; asymmetrical facade with partial or full-width porch which is usually one story high and extended along one or both side walls.

PRINCIPAL SUBTYPES

Queen Anne houses are most conveniently subdivided into two sets of overlapping subtypes. The first is based on characteristic variations in *shape;* the second on distinctive patterns of *decorative detailing.*

SHAPE SUBTYPES

Four principal shape subtypes can be distinguished:

HIPPED ROOF WITH LOWER CROSS GABLES—Over half of all Queen Anne houses have a steeply hipped roof with one or more lower cross gables. Most commonly there are two cross gables, one front-facing and one side-facing, both asymmetrically placed on their respective facades. Unlike most hipped roofs, in which the ridge runs parallel to the front facade, Queen Anne hipped ridges sometimes run front-to-back, parallel to the side of the house. Others have pyramidal roofs with no ridge or merely a small flat deck crowning the hip. The hipped portion of the roof may have a gable-on-hip added; dormers and additional gables are common. A tower, when present, is most commonly placed at one corner of the front facade. The roof form of this subtype is among the most distinctive Queen Anne characteristics and occurs in examples ranging from modest cottages to high-style landmarks.

CROSS-GABLED ROOF—About 20 percent of Queen Anne houses have simple cross-gabled roofs without a central, hipped unit. These are normally of L-shaped plan; a tower, when present, is usually embraced within the L.

FRONT-GABLED ROOF—About 20 percent of Queen Anne houses have a full-width front gable which dominates the front facade. This form occurs most frequently in detached urban houses. A tower, when present, is usually placed at one corner of the front facade.

TOWN HOUSE—Detached Queen Anne urban houses usually have front-gabled roofs (as in the type just described). Attached row houses are uncommon but occur in both gabled

and flat-roofed forms. Each attached unit may be individually distinguishable on the facade or may be part of a larger facade design.

DECORATIVE DETAILING SUBTYPES

Four principal subtypes can be distinguished on the basis of decorative detailing:

SPINDLEWORK—About 50 percent of Queen Anne houses have delicate turned porch supports and spindlework ornamentation, which most commonly occurs in porch balustrades or as a frieze suspended from the porch ceiling. Spindlework detailing is also used in gables and under the wall overhangs left by cutaway bay windows. Lacy, decorative spandrels and knob-like beads are also common ornamental elements in this subtype. Spindlework detailing is sometimes referred to as gingerbread ornamentation, or as Eastlake detailing (after Charles Eastlake, an English furniture designer who advocated somewhat similar design elements).

FREE CLASSIC—About 35 percent of Queen Anne houses use classical columns, rather than delicate turned posts with spindlework detailing, as porch supports. These columns may be either the full height of the porch or raised on a pedestal to the level of the porch railing; the railings normally lack the delicate, turned balusters of the spindlework type of Queen Anne house. Porch-support columns are commonly grouped together in units of two or three. Palladian windows, cornice-line dentils, and other classical details are frequent. This subtype became common after 1890 and has much in common with some early (asymmetrical) Colonial Revival houses (see pages 326–7).

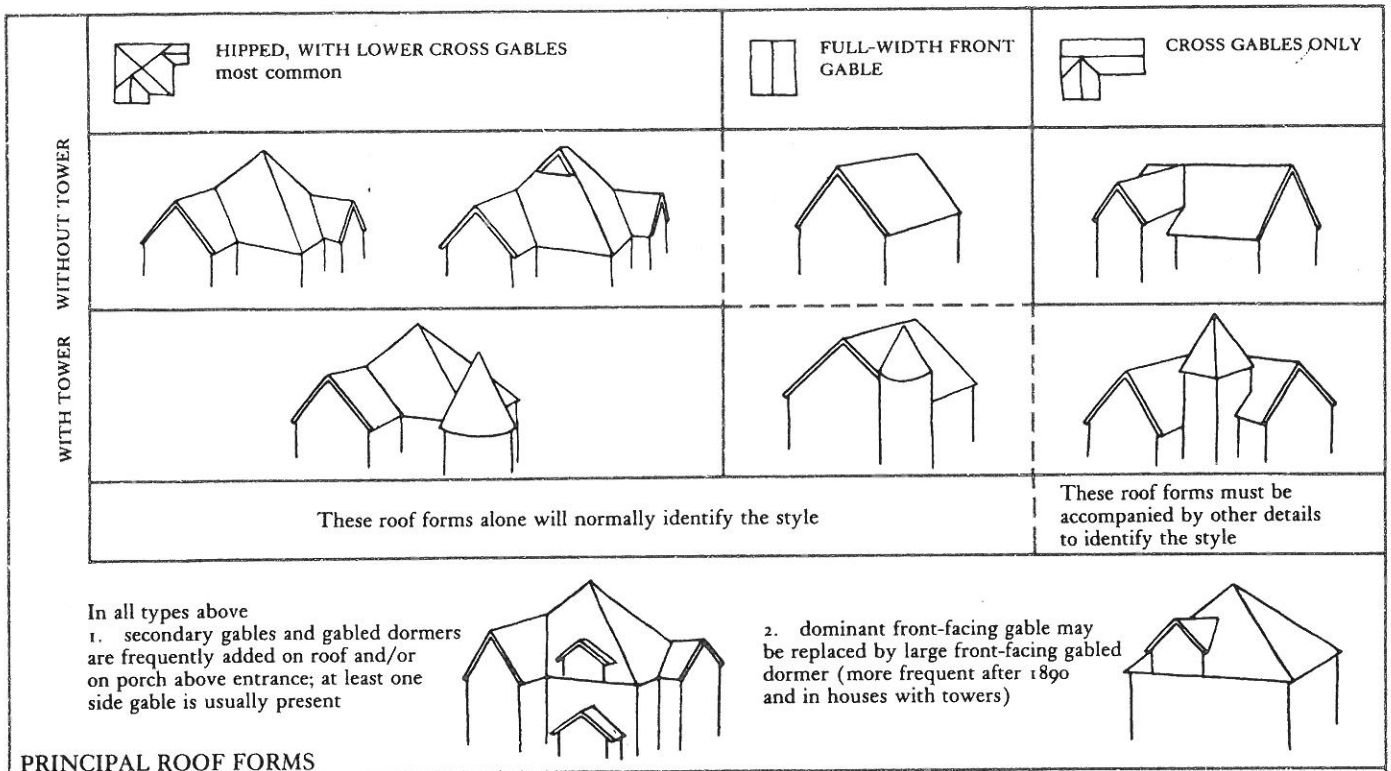
HALF-TIMBERED—About 5 percent of Queen Anne houses have decorative half-timbering in gables or upper-story walls. Porch supports in this subtype are usually heavy turned posts with solid spandrels. Groupings of three or more windows are a common characteristic. This subtype occurs principally in the northeastern states and shares certain features with the early Tudor house (see page 355).

PATTERNED MASONRY—About 5 percent of Queen Anne houses have masonry walls with patterned brickwork or stonework and relatively little wooden detailing. Terra-cotta and stone decorative panels are frequently inset into the walls. Gable dormers, sometimes parapeted and shaped, are frequent. Examples of this subtype are usually high-style architect-designed houses which exhibit a wide variation in shape and detail. Most were built in large cities, particularly New York, Chicago, and Washington, D.C.; few have escaped subsequent demolition.

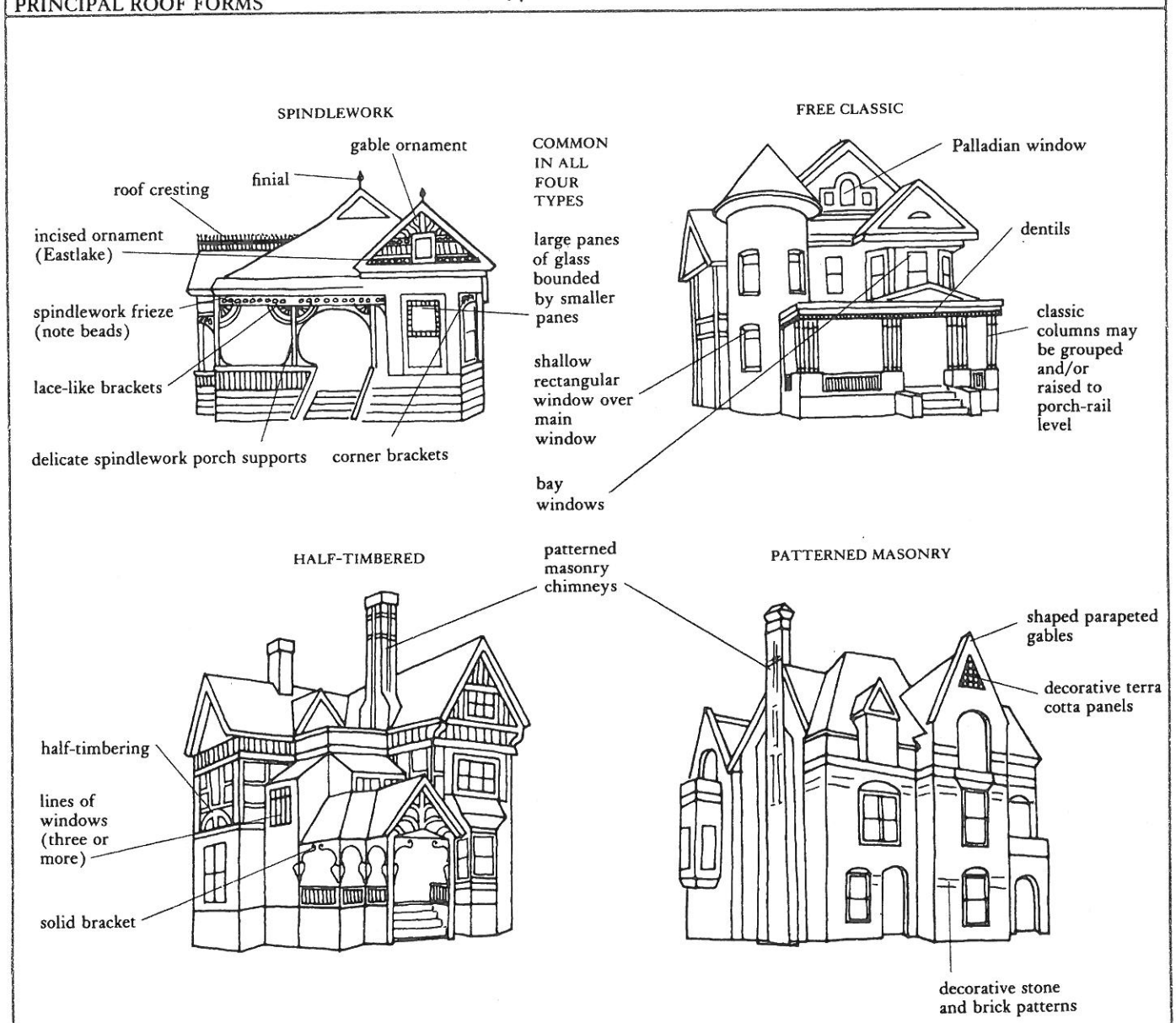
VARIANTS AND DETAILS

The Queen Anne, like the Stick style, uses wall surfaces as primary decorative elements. This is accomplished in two ways: (1) by avoiding plain flat walls through such devices as bays, towers, overhangs, and wall projections, and (2) by using several wall materials of differing textures wherever expanses of planar wall do occur.

DEVICES FOR AVOIDING FLAT WALL SURFACES—Irregularities in ground plan were facilitated by the widespread adoption of balloon framing techniques in the late 19th century (see page 36). Queen Anne houses make full use of this freedom by incorporating frequent bay windows and towers, as well as through the use of wall insets or projections which



PRINCIPAL ROOF FORMS



TYPICAL DECORATIVE DETAILS

provide random changes in the horizontal continuity of the wall plane. Other devices are used to avoid planar walls in *elevation*—that is, to provide a similar discontinuity of the wall plane *vertically;* these devices usually mimic the Medieval use of overhanging gables and upper stories. Particularly characteristic features are roof gables that overhang bay windows shaped into the wall below (cutaway bay windows). These occur in over half of all Queen Anne houses. In high-style examples entire gables or second stories are sometimes cantilevered out beyond the plane of the walls below. Many modest examples have less elaborate false overhangs; these are formed from moldings or pent roofs applied directly to the flat wall surfaces.

WALL TEXTURE VARIATIONS—Differing wall textures are a hallmark of Queen Anne houses. These are most commonly achieved with patterned wood shingles shaped into varying designs (note that this original shinglework patterning has been replaced by other materials on many surviving examples). In masonry houses, texture is obtained by using differing patterns of brick courses or brick of different colors; terra-cotta panels and other materials are also inserted for textural effect. A variety of materials are also commonly used on the different stories of Queen Anne houses (shingle over clapboard or over brick is most common).

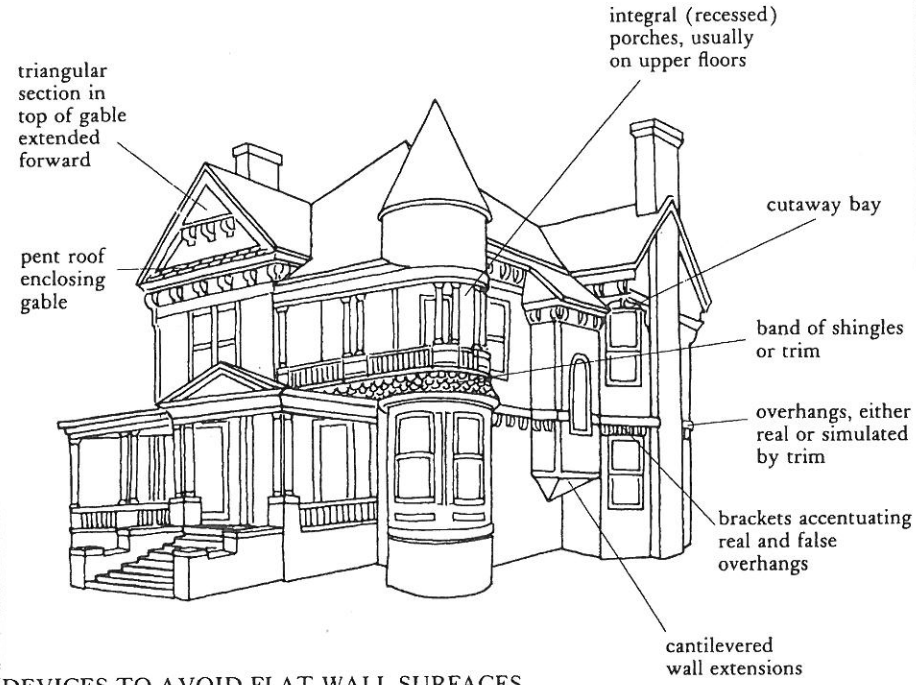
PORCHES—Extensive one-story porches are common and accentuate the asymmetry of the facade. These always include the front entrance area and cover part or all of the front facade; they also commonly extend along one or both sides of the house. Second-story porches may be present; recessed porches sometimes occur in gables, second stories, or towers.

TOWERS—Towers are a common Queen Anne feature and may be round, square, or polygonal (the square form is the least common). These are of varying height and may rise from ground level, be cantilevered out at the second floor, or show other variations in position. In later examples the tower may appear to be less a separate design element than a mere bulge growing from the main mass of the house (see also the Shingle style, page 29). Round or polygonal wooden towers are particularly characteristic of the Queen Anne (round masonry towers may be Richardsonian Romanesque; square towers are more common on Stick, Italianate, or Second Empire houses). Towers placed at a front facade corner are most often Queen Anne, whereas those embraced within an L or centered on the front facade are equally common in several other styles.

OTHER DETAILS—Door and window surrounds tend to be simple in Queen Anne houses. Window sashes usually have only a single pane of glass; a frequent elaboration has a single large pane surrounded by additional small or rectangular panes on one or more sides. Some later examples have curved glass in tower windows. Doors commonly have delicate incised decorative detailing and a single large pane of glass set into the upper portion. Gables are commonly decorated with patterned shingles or more elaborate motifs.

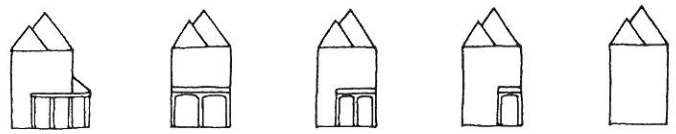
OCCURRENCE

This was the dominant style of domestic building during the period from about 1880 until 1900; it persisted with decreasing popularity through the first decade of this century. In the heavily populated northeastern states the style is somewhat less common than elsewhere. There, except for resort areas, it is usually more restrained in decorative



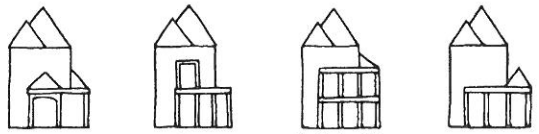
DEVICES TO AVOID FLAT WALL SURFACES

PLACEMENT



wrap-around 40% | full 15% | partial 20% | entry only 20% | none 5%

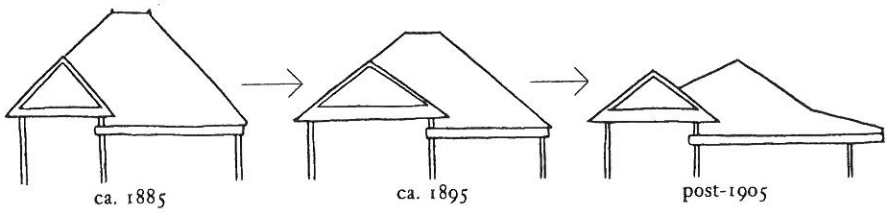
TYPICAL EMBELLISHMENTS



pediment at entry 45% | second story porch over entry 20% | full double deck 5%* | turret on porch 5%

*more common in Gulf coast and Texas

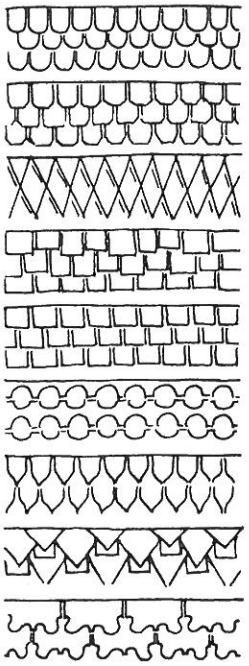
PORCHES



ca. 1885 → ca. 1895 → post-1905

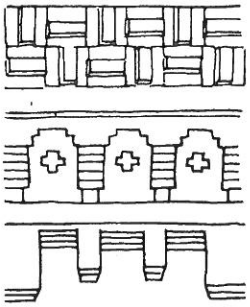
TYPICAL ROOF-PITCH CHRONOLOGY

WOOD SHINGLES



These and numerous other variations may be used either singly or in combination; shingle patterns are most frequent in gables and in horizontal bands between floors, but may occur anywhere

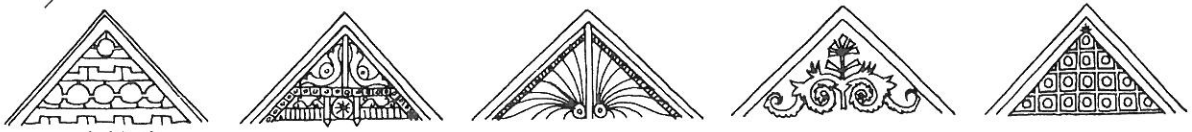
BRICK



These and other patterns of brick texture and color are found in chimneys and in masonry walls

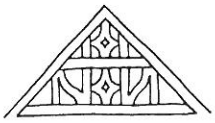
TYPICAL WALL-TEXTURE PATTERNS

usually found in spindlework and free classic

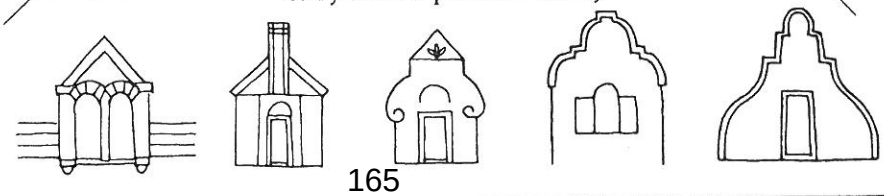


wood shingle (most common)

usually found in half-timbered



usually found in patterned masonry



TYPICAL GABLE DETAILING

detailing and is more often executed in masonry. Moving southward and westward the style increases steadily in dominance and ebullience; California and the resurgent, cotton-rich states of the New South have some of the most fanciful examples.

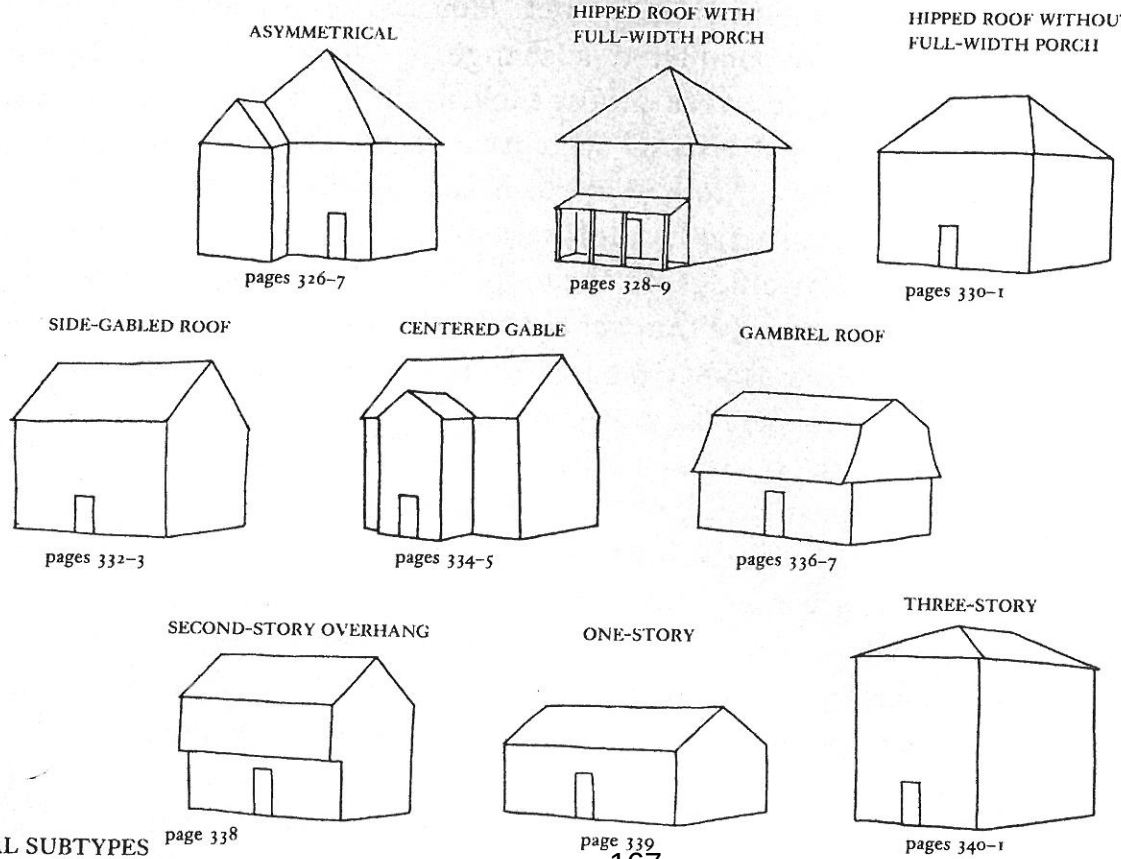
COMMENTS

The style was named and popularized by a group of 19th-century English architects led by Richard Norman Shaw. The name is rather inappropriate, for the historical precedents used by Shaw and his followers had little to do with Queen Anne or the formal Renaissance architecture that was dominant during her reign (1702–14). Instead, they borrowed most heavily from late Medieval models of the preceding Elizabethan and Jacobean eras. The half-timbered and patterned masonry American subtypes are most closely related to this work of Shaw and his colleagues in England. The spindlework and free classic subtypes are indigenous interpretations.

The half-timbered Watts-Sherman house built at Newport, Rhode Island, in 1874 is generally considered to be the first American example of the style. A few high-style examples followed in the 1870s and by 1880 the style was being spread throughout the country by pattern books and the first architectural magazine, *The American Architect and Building News.* The expanding railroad network also helped popularize the style by making pre-cut architectural details conveniently available through much of the nation.

The earliest American examples followed Shaw's early, half-timbered designs, but during the 1880s the inventive American spindlework interpretation became dominant. Throughout the 1880s and '90s a relatively few high-style urban examples continued to imitate Shaw's later English models, which were executed in masonry. In the decade of the 1890s the free classic adaptation became widespread. It was but a short step from these to the early, asymmetrical Colonial Revival houses which, along with other competing styles, fully supplanted the Queen Anne style after about 1910.

4



PRINCIPAL SUBTYPES

Colonial Revival

1880–1955

IDENTIFYING FEATURES

Accentuated front door, normally with decorative crown (pediment) supported by pilasters, or extended forward and supported by slender columns to form entry porch; doors commonly have overhead fanlights or sidelights; facade normally shows symmetrically balanced windows and center door (less commonly with door off-center); windows with double-hung sashes, usually with multi-pane glazing in one or both sashes; windows frequently in adjacent pairs.

PRINCIPAL SUBTYPES

Nine principal subtypes can be distinguished. Some examples may be almost identical to their colonial (particularly Georgian and Adam) prototypes. Clues for distinguishing Revival copies from early originals are given below under Variants and Details.

ASYMMETRICAL—About 10 percent of Colonial Revival houses have asymmetrical facades, a feature rarely seen on their colonial prototypes. These asymmetrical examples range from rambling, free-form houses resembling the free classic Queen Anne style (see pages 276–9) to simple boxes with asymmetrical window or porch arrangements. Prior to 1900 this subtype accounted for about one-third of all Colonial Revival houses. After 1910 few examples were constructed until the 1930s, when irregular facades reappeared with less elaborate detailing. These were, in part, inspired by the desire for attached garages, which were difficult to incorporate within a balanced facade.

HIPPED ROOF WITH FULL-WIDTH PORCH—About one-third of Colonial Revival houses built before about 1915 are of this subtype, which is sometimes called the Classic Box. These have a one-story, full-width porch with classical columns, which is added to a symmetrical, two-story house of square or rectangular plan. Two-story pilasters are common at the corners; dormers, hipped or gabled, are usually present. Doors may be centered or placed to the side. These houses have both Neoclassical and Colonial Revival influences, but lack the full-height porches of typical Neoclassical houses.

HIPPED ROOF WITHOUT FULL-WIDTH PORCH—About 25 percent of Colonial Revival houses are simple two-story rectangular blocks with hipped roofs; porches are usually absent or, if present, are merely small entry porches covering less than the full facade width. This subtype, built throughout the Colonial Revival era, predominates before about 1910. On early examples, the colonial detailing tended to be highly exaggerated and of awkward

proportions; fanciful, pedimented dormers were particularly favored. After about 1910 detailing became more "correct" by closely following Georgian or Adam precedents.

SIDE-GABLED ROOF—About 25 percent of Colonial Revival houses are simple, two-story rectangular blocks with side-gabled roofs. As in the type just described, the details tend to be exaggerated prior to 1910 and more "correct" afterward. This subtype was built throughout the Colonial Revival era but predominates after about 1910.

CENTERED GABLE—Less than 5 percent of Colonial Revival houses have a centered front gable added to either a hipped or side-gabled roof. These uncommon Revival houses mimic high-style Georgian or Adam prototypes. Scattered examples were built throughout the Colonial Revival era.

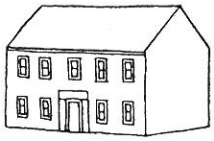
GAMBREL ROOF—About 10 percent of Colonial Revival houses have gambrel roofs. Most are one story with steeply pitched gambrels containing almost a full second story of floor space; these have either separate dormer windows or a continuous shed dormer with several windows. A full-width porch may be included under the main roof line or added with a separate roof. This subtype is known as Dutch Colonial, but very few examples closely follow early Dutch precedent. From about 1895 to 1915 the most common form has a front-facing gambrel roof, occasionally with a cross gambrel at the rear. These are influenced by the typical gambrels of the earlier Shingle style (see pages 298–9). Side gambrels, usually with long shed dormers, became the predominant form in the 1920s and '30s.

SECOND-STORY OVERHANG—This subtype is loosely based on Postmedieval English prototypes (see page 107), commonly built with the second story extended slightly outward to overhang the wall below. The subtype was relatively rare until the 1930s, when stylized, side-gabled examples (called Garrison Colonial houses) became very popular. These persisted into the 1950s. Unlike their early prototypes, these typically have masonry-veneered first stories with wooden wall claddings above. Georgian- or Adam-inspired doorways are commonly mixed with decorative pendants or other Postmedieval details.

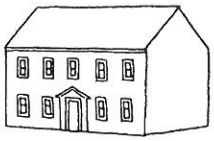
ONE-STORY—The preceding subtypes are all based on familiar two-story prototypes, but one-story Colonial Revival houses are also common. These are generally Cape Cod cottages, loosely patterned after early wooden folk houses of eastern Massachusetts, usually with the addition of Georgian- or Adam-inspired doorways. These were built throughout the Colonial Revival era but were most common in the 1920s and '40s

THREE-STORY—A small percentage of Colonial Revival houses are three stories high. These include both narrow urban houses and more typical forms modeled after three-story Adam prototypes, common in parts of New England (see page 164). These typically have low-pitched, hipped roofs which appear almost flat; Adam fanlights are usual over entrances. In the early decades of this century, narrow urban houses were becoming less common in all but the largest cities. In those populous cities where urban houses persisted, Colonial Revival detailing remained popular through the 1920s.

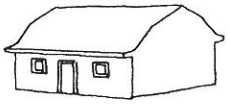
ORIGINAL EXAMPLES



Georgian



Adam

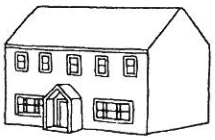


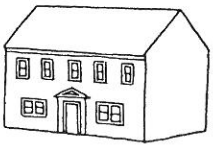
Dutch

REVIVAL EXAMPLES

paired, triple, or bay windows

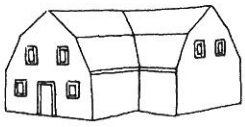
never found in originals





front-facing gambrel roof with cross gambrel

never found in originals

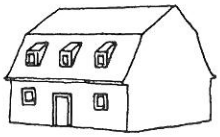


one-story side wings, either open or enclosed, usually with flat roof

if found on original probably an addition

steeply pitched gambrel containing a nearly full second story

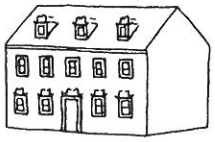
originals with moderate- to low-pitched roofs

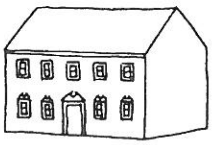


broken pediments

segmental, triangular, or ogee

only ogees found on originals and even these not common



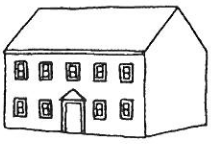


continuous dormer across front and/or Federal or Georgian entry detail

dormer never in originals

brick houses with Georgian doorways

originals primarily in Virginia, Maryland, or landmark examples



Be certain to check range map, page 115, for Dutch Colonial houses. Originals occur *only* within the range shown on this map.

VARIANTS AND DETAILS

As in their Georgian and Adam prototypes, the principal areas of elaboration in Colonial Revival houses are entrances, cornices, and windows.

ENTRANCES—The illustrations of Georgian and Adam entrances on pages 155 and 158 include most variants found on colonial prototypes; some common additional variations favored on Colonial Revival houses are illustrated here. Broken pediments, rare on colonial originals, were particularly favored by the Revivalists. Entrance details on careful Colonial Revival copies can be distinguished from originals only by their regular, machine-made finish, which contrasts with the slightly irregular hand finishes of early examples. On less precise Colonial Revival copies, door surrounds are typically flatter than the originals; that is, less wood and fewer and shallower moldings are used to gain a similar frontal effect but less depth and relief are apparent when viewed from the side.

CORNICES—In original Georgian and Adam houses the cornice is an important identifying feature. It is almost always part of a boxed roof-wall junction with little overhang, and is frequently decorated with dentils or modillions (see page 155). These are also typical of many Colonial Revival examples. Some, however, have open eaves and rake, or even exposed rafters, features never found on original colonial houses.

WINDOWS—As in the originals, most Colonial Revival windows are rectangular in shape with double-hung sashes. In the more accurate copies, each sash has six, eight, nine, or twelve panes. Equally common are multi-pane upper sashes hung above lower sashes that have only a single large pane, a pattern never seen on colonial originals. Where bay windows, paired windows, or triple windows (except the Adam Palladian type) are present, they clearly signify a Colonial Revival house rather than an original.

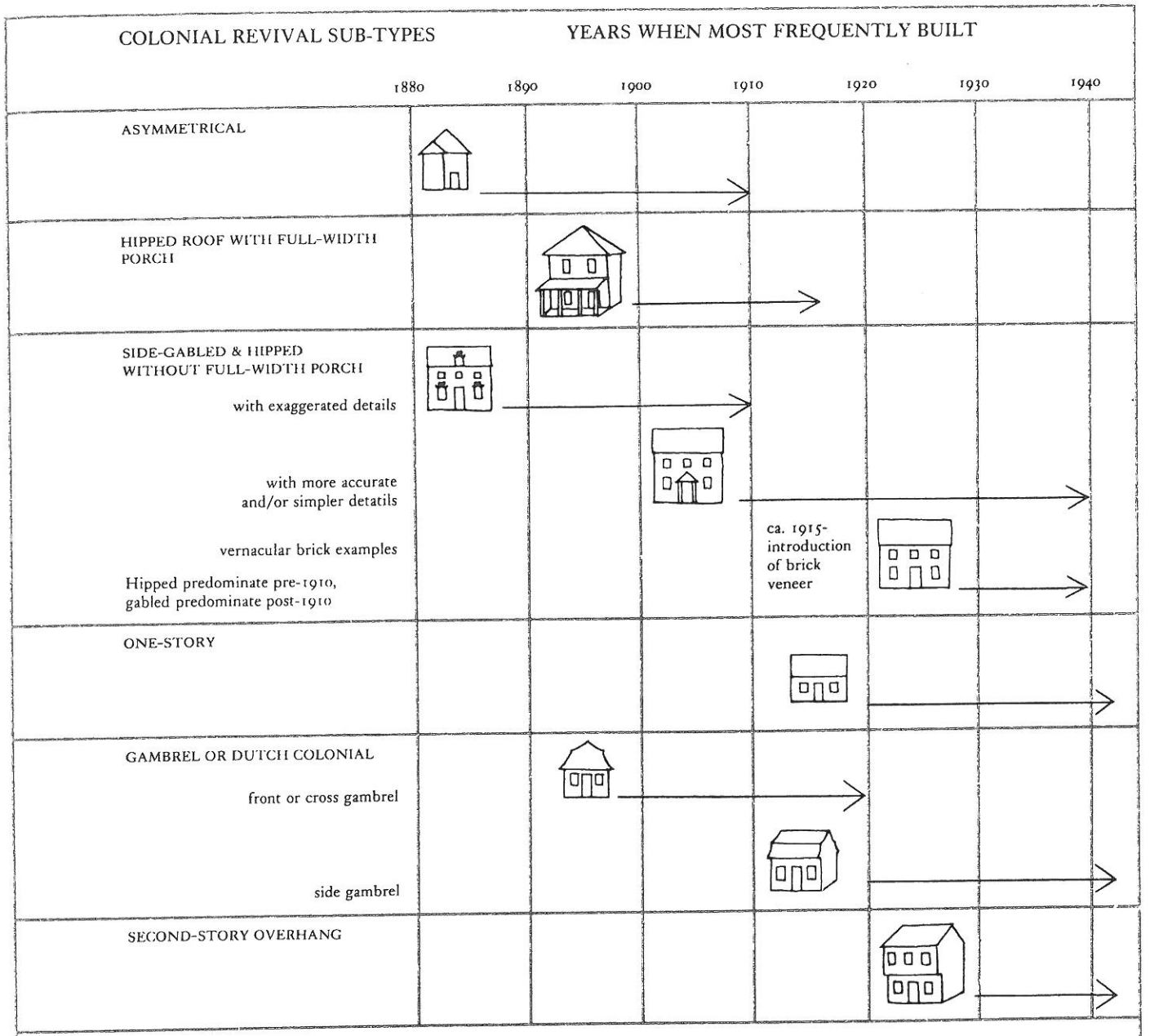
OTHER DETAILS—All common wall materials were used, but masonry predominates in high-style examples. Vernacular examples were generally of wood before about 1920, with masonry progressively more common as veneering techniques became widespread in the 1920s. High-style elaborations of Georgian and Adam originals may also occur on landmark Colonial Revival copies.

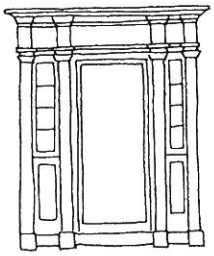
OCCURRENCE

This was a dominant style for domestic building throughout the country during the first half of this century. The different subtypes were not, however, equally common throughout this long period, but shifted with changing fashion (see each subtype above). After briefly passing from favor in mid-century, the style has recently reappeared in somewhat different form as a dominant Neoeclectic style (see page 489).

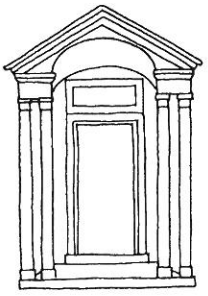
COMMENTS

The term "Colonial Revival," as used here, refers to the entire rebirth of interest in the early English and Dutch houses of the Atlantic seaboard. The Georgian and Adam styles form the backbone of the Revival, with secondary influences from Postmedieval English or Dutch Colonial prototypes. Details from two or more of these precedents are freely combined in many examples so that pure copies of colonial houses are far less common than are eclectic mixtures.

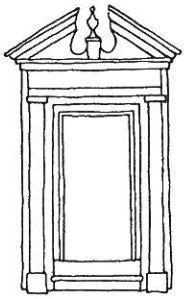




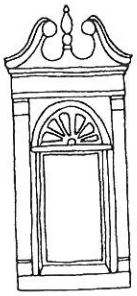
sidelights without fanlight above, uncommon on originals



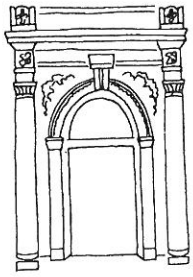
portico with *curved* underside (roof may be gable or curved), on few originals



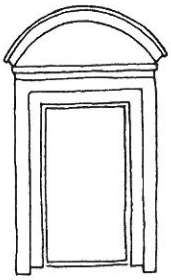
broken triangular and segmental pediments: rare on originals; broken ogee pediments occasionally on originals



broken pediments, not usually over fanlights on originals



heavily elaborated entrances, not common on American originals (copied from English Georgian)



pediments without supporting pilasters, not on originals

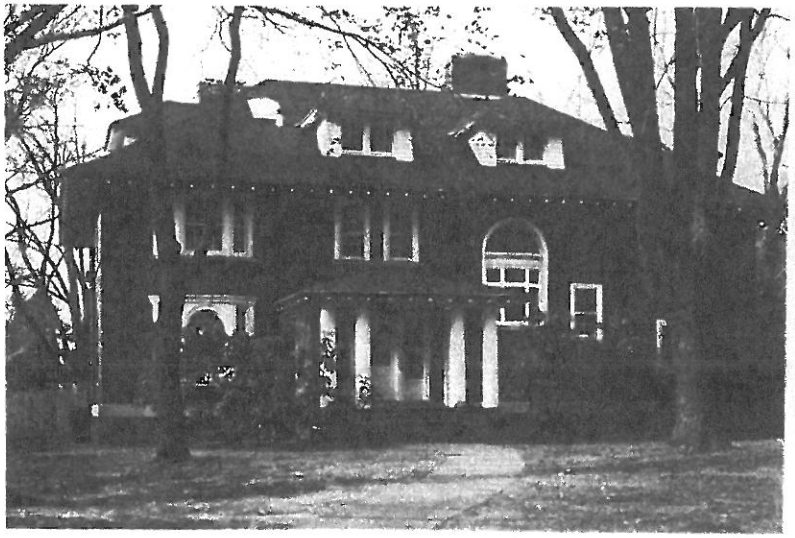
6

REVIVAL ENTRANCES: SOME COMMON WAYS THEY VARY FROM ORIGINALS

In the years between 1880 and 1900 the Colonial Revival movement also influenced two other architectural styles: Queen Anne and Shingle. In the Queen Anne this produced the free classic subtype, which grades into the closely related asymmetrical Colonial Revival house. In the Shingle style, the shingled walls and rambling forms were thought to evoke early shingled houses with shed and lean-to additions. Moreover, colonial details such as Palladian windows were used in many examples.

The Philadelphia Centennial of 1876 is credited with first awakening an interest in our colonial architectural heritage. In 1877 the fashionable architects McKim, Mead, White, and Bigelow took a widely publicized tour through New England to study original Georgian and Adam buildings at first hand. By 1886 they had executed two landmark houses in the style—the Appleton House (1883–84) in Lennox, Massachusetts, and the Taylor House (1885–86) in Newport, Rhode Island. These important examples typify the two subtypes that were most common before 1910: the asymmetrical form with superimposed colonial details and the more authentic symmetrical hipped roof shape; details in both tended to have exaggerated proportions.

These early examples of Colonial Revival were rarely historically correct copies but were instead free interpretations with details inspired by colonial precedents. During the first decade of this century, Colonial Revival fashion shifted toward carefully researched copies with more correct proportions and details. This was encouraged by new methods of printing that permitted wide dissemination of photographs in books and periodicals. In 1898 *The American Architect and Building News* began an extensive series called "The Georgian Period: Being photographs and measured drawings of Colonial Work with text." This was joined in 1915 by the *White Pine Series of Architectural Monographs*, which was dominated by photographs of colonial buildings. These and similar ventures led to a wide understanding of the prototypes on which the Revival was based. Colonial Revival houses built in the years between 1915 and 1935 reflect these influences by more closely resembling early prototypes than did those built earlier or later. The economic depression of the 1930s, World War II, and changing postwar fashions led to a simplification of the style in the 1940s and '50s. These later examples are most often of the side-gabled type, with simple stylized door surrounds, cornices, or other details that merely suggest their colonial precedents rather than closely mirroring them.



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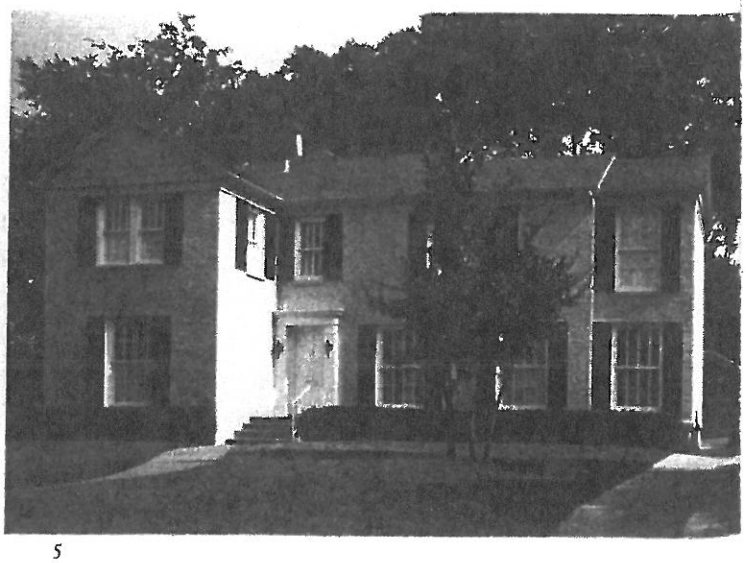

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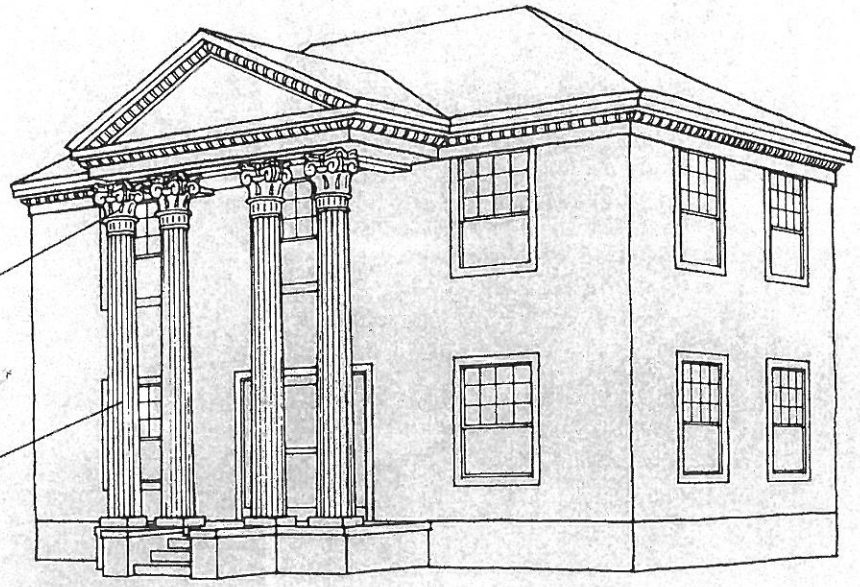
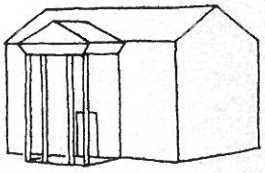


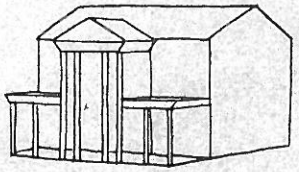
facade with symmetrically balanced windows and center door

FULL-HEIGHT ENTRY PORCH



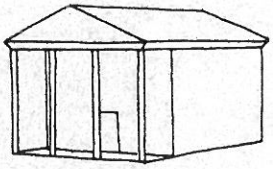
pages 346–7

FULL-HEIGHT ENTRY PORCH WITH LOWER FULL-WIDTH PORCH



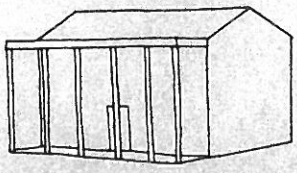
page 348

FRONT-GABLED ROOF



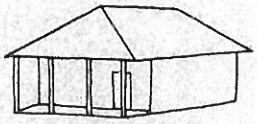
page 349

FULL-FACADE PORCH



pages 350–1

ONE-STORY



pages 352–3

PRINCIPAL SUBTYPES

Neoclassical

1895–1950

IDENTIFYING FEATURES

Facade dominated by full-height porch with roof supported by classical columns; columns typically have Ionic or Corinthian capitals; facade shows symmetrically balanced windows and center door.

PRINCIPAL SUBTYPES

Five principal subtypes can be distinguished:

FULL-HEIGHT ENTRY PORCH—This common subtype has a dominant central entry porch extending the full height, but less than the full width, of the facade. It closely resembles certain Early Classical Revival and Greek Revival subtypes. As in both of these earlier styles, the entry porch may have a classical pediment and gabled roof above or, as in the Greek Revival only, the porch roof may be flat. Some Neoclassical examples have curved, semi-circular entry porches with flat roofs, a variation unusual on earlier prototypes.

FULL-HEIGHT ENTRY PORCH WITH LOWER FULL-WIDTH PORCH—In this relatively uncommon subtype, a full-width, one-story porch is added to the full-height entry porch just described. This dual-level entry porch is without precedent in the earlier classical styles. Most examples were built from 1895 to 1915; few, after World War I.

FRONT-GABLED ROOF—In this uncommon subtype, the full-facade, colonnaded porch beneath the front-facing gable gives the house the appearance of a miniature Greek temple. This form was very common in Greek Revival houses, but makes up only a small percentage of Neoclassical examples.

FULL-FACADE PORCH—In this subtype, as in the one just described, a colonnaded porch occupies the full width and height of the facade. Here, however, the porch is not covered by a traditional pedimented gable but instead either by the principal (side-gabled or hipped) roof, or by a flat or shed extension from such a roof. This subtype became particularly popular in the period from about 1925 to 1950. These later examples normally have slender columns without elaborate capitals or fluted surfaces.

ONE-STORY—One-story Neoclassical cottages, a common subtype, usually have hipped roofs with prominent central dormers. The colonnaded porch may be either full- or partial-width and may be included under the main roof or have a separate flat or shed roof.

VARIANTS AND DETAILS

The principal areas of elaboration in Neoclassical houses are porch-support columns, cornices, doorways, and windows.

PORCH-SUPPORT COLUMNS—In Neoclassical houses built before about 1920, the columns are generally more ornate than those of Early Classical Revival or Greek Revival prototypes. Corinthian or Ionic capitals, or mixtures of the two, are found in about 75 percent of Neoclassical houses but in only 20 percent of Greek Revival examples. This change was made possible by the introduction of mass-produced capitals prefabricated of molded plaster or composition materials. Fluted column shafts are common in early houses. After about 1925, very slender, unfluted (often square) columns began to be used, primarily on houses with full-facade porches. Those usually lack capitals and their proportions readily distinguish them from earlier Neoclassical and Greek Revival examples.

DOORWAYS—Doors commonly have elaborate, decorative surrounds based on Greek Revival, Adam, or even Georgian precedents (see pages 155 and 201). Those with Georgian or Adam doorways are easily distinguished, because original examples very rarely had full-height, two-story columns (although some have had such porches added later). Greek Revival–type doorways may be more easily confused with original examples.

CORNICES—Neoclassical houses usually have a boxed eave with a moderate overhang, frequently with dentils or modillions beneath; a wide frieze band is occasionally found beneath the cornice. These are loosely based on Adam or Greek Revival precedents.

WINDOWS—Windows are rectangular with double-hung sashes. Examples following early precedent have six or nine panes to each sash; others have a multi-pane or single-pane upper sash and a single-pane lower sash. The presence of bay windows, paired windows, triple windows (except the Palladian type), transomed windows, or arched windows differentiate Neoclassical from Greek Revival or Early Classical Revival examples.

OTHER DETAILS—Many elaborations found on Early Classical Revival and Greek Revival houses also occur in Neoclassical examples. Roof-line balustrades, in particular, are much more common in Neoclassical houses than in the earlier styles.

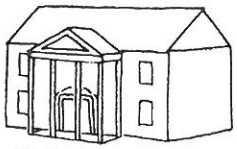
OCCURRENCE

Neoclassical was a dominant style for domestic building throughout the country during the first half of the 20th century. Never quite as abundant as its closely related Colonial Revival contemporary, it had two principal waves of popularity. The first, from about 1900 to 1920, emphasized hipped roofs and elaborate, correct columns. The later phase, from about 1925 to the 1950s, emphasized side-gabled roofs and simple, slender columns. During the 1920s, the style was overshadowed by other Eclectic fashions.

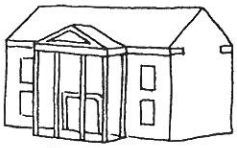
COMMENTS

This revival of interest in classical models dates from the World's Columbian Exposition, held in Chicago in 1893. The exposition's planners mandated a classical theme, and many of the best-known architects of the day designed dramatic colonnaded buildings arranged

ORIGINAL EXAMPLES



Early Classical Revival



Greek Revival

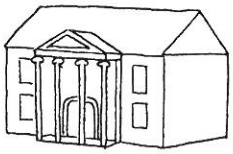
with full-height entry porch

Greek Revival

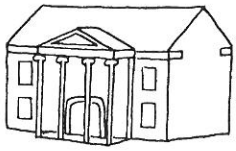
with full-facade porch

NEOCLASSICAL EXAMPLES

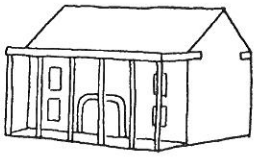
column capitals are usually ornate, columns are slender and simple post-1920



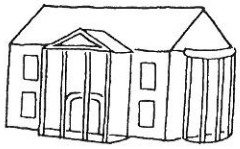
Corinthian Composite in only 5 percent of originals

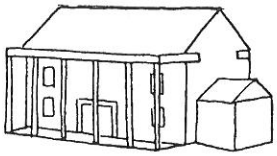


Ionic in only 15 percent of originals

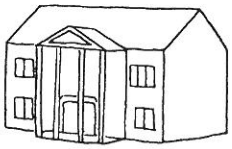


side extensions and porticos may be added, unusual in originals

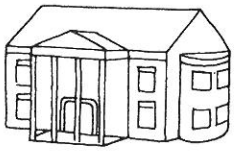




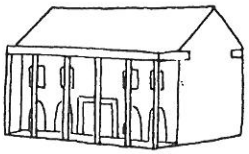
window variations not found in originals



paired and triple windows

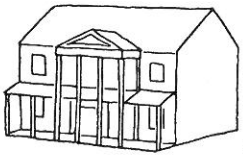


transomed and bay windows

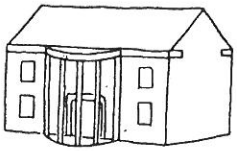


arched windows

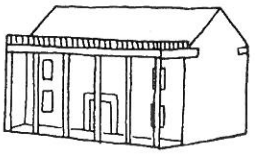
atypical portico and porch variations



two-story entry porch with one-story porch unusual on originals



curved portico in only 2 percent of originals

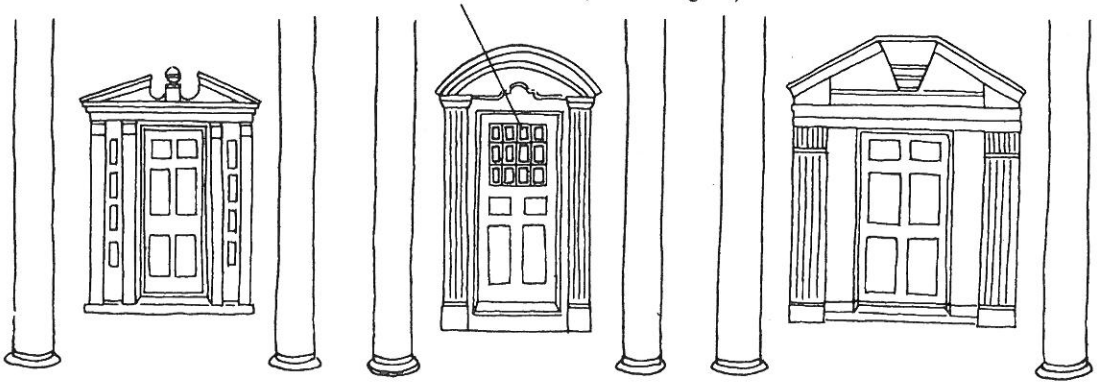


roof-line balustrade unusual on originals

DISTINGUISHING THE NEOCLASSICAL HOUSE FROM EARLY CLASSICAL REVIVAL & GREEK REVIVAL ORIGINALS

TYPICAL ELABORATIONS

Door with more than one line of lights always post-1890 (it may, however, replace an original)



Houses with a broken pediment at the entrance or above a window and two-story columns are always Neoclassical; houses with an unbroken pediment at the entrance and two-story columns are usually Neoclassical (a few Greek Revival originals have unbroken triangular pediments)

TYPICAL ENTRANCES

around a central court. The exposition was widely photographed, reported, and attended; soon these Neoclassical models became the latest fashion throughout the country.

The central buildings of the exposition were of monumental scale and inspired countless public and commercial buildings in the following decades. The designs of smaller pavilions representing each state of the Union were more nearly domestic in scale and in them can be seen the precedents for most Neoclassical houses. Those of Ohio, Utah, and South Dakota, for example, all had semi-circular, full-height entry porches. Nebraska and Kentucky were represented by more traditional full-height porches with triangular pediments. The Connecticut pavilion had a full-height entry porch with a lower full-width porch. All of these drew heavily on the country's previous interest in the Early Classical Revival and Greek Revival styles. The Virginia pavilion was a copy of Mount Vernon, whose full-facade porch, among the first in the country, had been added in 1784 to an earlier Georgian house. The presence of this replica at the fair, and the original's wide familiarity as the nation's premier museum house, contributed to the incorrect impression that such porches were somehow colonial. Thus did Georgian, Adam, Early Classical Revival, and Greek Revival traditions, which originally spanned a century and a half of the nation's history, become fused into the eclectic Neoclassical style.

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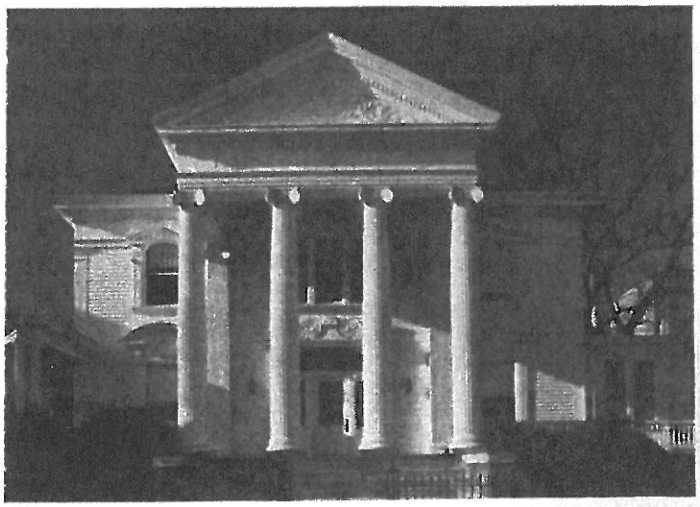

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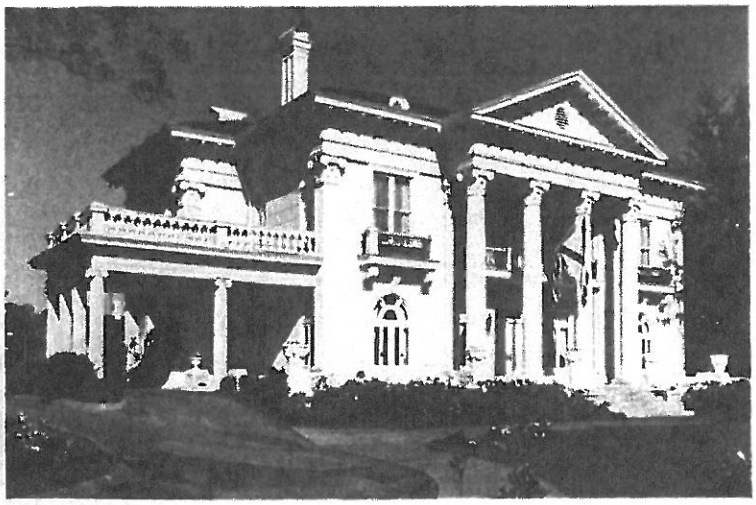

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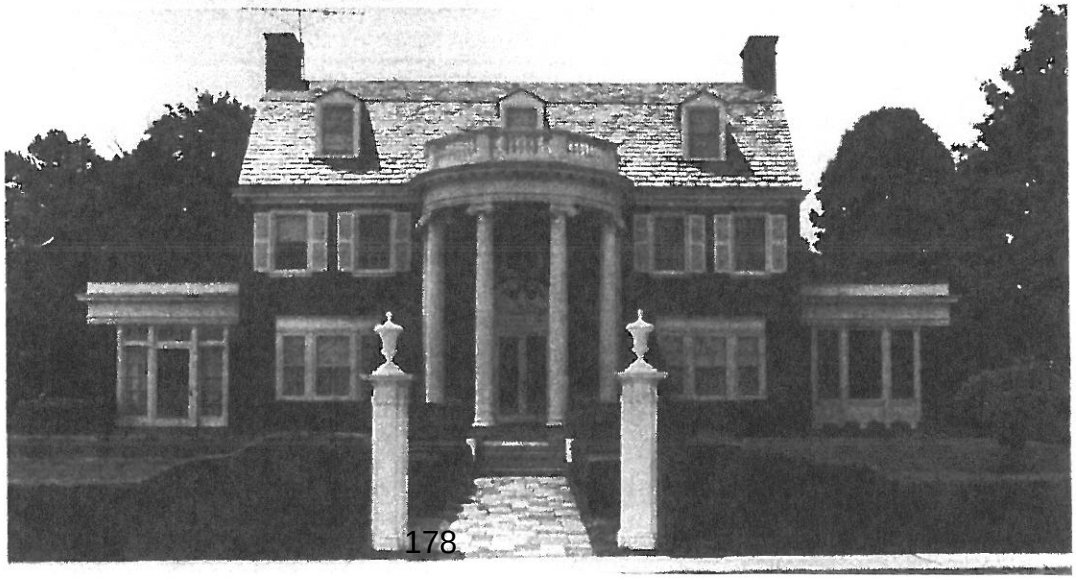

MINUTES OF THE SPECIAL MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 28, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541

MEETING

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

ROLL CALL

Present:	COMMISSIONERS:	Faria, Lavelle, Loché, Mendall
	CHAIRPERSON:	Márquez
Absent:	COMMISSIONER:	Lamnin, McDermott
	CHAIRPERSON:	

Commissioner Mendall led in the Pledge of Allegiance.

Staff Members Present: Conneely, DeClercq, Patenaude, Philis, Rizk

General Public Present: 2

PUBLIC COMMENTS

None

PUBLIC HEARINGS

1. Zone Change Application No. PL-2012-0524 PD – JMJ Development LLC (formerly Wittek Development)/Eden Housing, Inc. (Applicants) – Request for approval of Precise Development Plan for development of Phase I of a mixed-use development consisting of 357 multi-family residential units. The project site is located at 28850 Dixon Street and 28901-28937 Mission Boulevard; APNs 078C-0441-001-16, -17, -23, -24 and -28

Planning Manager Richard Patenaude gave a synopsis of the report noting this was a significant project for Hayward, and especially South Hayward, as staff believed it would be a catalyst for further development while also fulfilling the goals and policies of the General Plan and the long-standing Mission-Garin Neighborhood Plan.

Commissioner Loché asked what was on the south side of the park area and Planning Manager Patenaude said an existing condominium complex. Commissioner Loché asked what would serve as a border between the park and the condo complex and Mr. Patenaude said there was already a fence or wall along the property line. Commissioner Loché asked if the goal for the park area was for it to be used by residents only or citizens in general. Planning Manager Patenaude said it would be a public park, but due to the proximity to the project it would provide additional open space to the residents of the 357 units. Mr. Patenaude also noted that the park would provide a circulation path between Mission Boulevard and Dixon Street, which was needed as the block between Tennyson and Valle Vista is long.

Commissioner Loché said he understood the project would be a catalyst for future development, and he asked if a grocery store might become more feasible for a future developer. Planning Manager Patenaude said staff was hoping that a grocery store would be part of a later phase of the project and said Phase I could stir up other activity. Commissioner Loché asked if the main issue was financing because of the dissolution of the

Redevelopment Agency (RDA) or because of the area itself. Planning Manager Patenaude pointed out that the project was re-phased primarily because of financial issues and a big part of that was the elimination of the RDA and the different funding mechanisms that went with it. He said that financing would have to take a different turn for later phases.

Commissioner Lavelle asked what the setback was on the east side of the project along Mission, in front of the senior units, and if there was going to be sidewalk. Planning Manager Patenaude said there were trees in both the public and private right-of-ways and that a10-foot setback was required along the frontage but that it appeared the buildings were about 15 feet back. Commissioner Lavelle asked if that met the Form-Based Code guidelines and Planning Manager Patenaude said yes. Commissioner Lavelle said she noticed the apartment units located next door to the project had a deeper setback with lovely landscaping that was very well maintained. She said if the new development, which would be situated higher and closer to the street, was similarly landscaped and maintained it would provide a nice corridor. She asked if staff had any concerns about noise along Mission and if noise issues had already been covered in the California Environmental Quality Act (CEQA) review. Planning Manager Patenaude said noise issues, as well as air quality concerns, were dealt with in the original preliminary plan and he also noted that there were no private balconies that faced Mission.

Commissioner Lavelle said that even with the change in phasing she hoped the result would still be attractive, high quality new homes, but she noted that the BART overflow parking would now go away sooner rather than later and she asked how commuters who park in the lot would be accommodated. Development Services Director David Rizk said that staff was in the process of working with BART to revise the draft Joint Powers Authority (JPA) parking study and that would include addressing the parking problem collaboratively. He said that one of the purposes of the JPA was to address commuter parking that would be lost with the development. Mr. Rizk said an informational update would come to the Planning Commission before the final JPA was presented to Council in the fall. Also in the fall, he said a parking district would be formed that would require BART commuters to purchase passes to park on certain streets and free permits for residents to park in front of their properties. Mr. Rizk said parking surveys had been conducted at different times of day to determine capacity and how to best manage parking in the area. Commissioner Lavelle said she hoped the results of the JPA study would be concluded and administered by the time the project was built. Mr. Rizk said the parking district would need to be in place before the construction fencing went up. Commissioner Lavelle made the point that while the City was encouraging folks to use public transportation, walk, or ride their bikes, bus service had been reduced significantly so the last thing the City should do was create more problems for commuters.

Regarding the change to the layout of the proposed buildings, Commissioner Faria commented that the original plan appeared to have greater access for emergency vehicles. Planning Manager Patenaude said staff had been working with the Fire Department, and a Fire Protection Engineer was “tweaking” the plan and had requested that a stairwell be added to one of the buildings to increase accessibility. Planning Manager Patenaude pointed out that all structures would have to meet all building and fire codes by the final development stage, and that fire access issues were being ironed out now to avoid any problems later.

Commissioner Faria asked for confirmation that the building facing Mission had ground floor retail before the re-phasing and Planning Manager Patenaude said yes, that it had been removed, and he noted the frontage along Dixon would have a commercial appearance, but the uses would primarily be for residential services. He said that the scale of the building along Mission was appropriate for one facing a major street. Commissioner Faria said her concern was that the plain front would invite graffiti and Planning Manager Patenaude said there would be a significant access point for the project from Mission that connected with the interior open space. He said it was likely that guests and residents walking in and out of the development would use that entry.

Commissioner Mendall confirmed that Phase I of the new development only included buildings on the Perry & Key site and Planning Manager Patenaude said that was correct. Commissioner Mendall asked if there were any changes to any of the other phases to be voted on that night and Mr. Patenaude said no. Commissioner Mendall also confirmed that the re-phasing moved the affordable housing to the Perry & Key site and when that was confirmed. Commissioner Mendall said it seemed logical to have a corresponding modification to the plan for Parcel 1 where the affordable housing was originally proposed. Planning Manager Patenaude explained that a precise plan was required as each phase came through and that the Planning Commission would see the next phase at a future meeting. Commissioner Mendall asked if the City was going to build affordable housing on Parcel 1 as well and Planning Manager Patenaude said the modified preliminary plan moved all affordable housing units to Phase 1. Commissioner Mendall pointed out that the affordable housing units were always part of Phase I, and that Phase I used to include a grocery store. Planning Manager Patenaude said that was correct, this was the new Phase I. Mr. Patenaude said Parcels 1 and 2 would most likely be market rate housing. "And a grocery store if we're lucky," said Commissioner Mendall, and Planning Manager Patenaude said the City just didn't know when and of what that phase would consist.

Commissioner Mendall confirmed that the new precise plans for the frontage along Mission Boulevard did not include ground floor retail and Planning Manager Patenaude reiterated that service-oriented uses such as the leasing offices for the Eden Housing portion of the development would be located there. Commissioner Mendall asked if the ground floor frontage on Dixon had the same type of uses and Planning Manager Patenaude said yes. Commissioner Mendall said his concern was similar to Commissioner Faria's that the area feel walkable and that there were "eyes on the street" and not just a large blank wall. He said the windows at street level were good but he wondered what was behind the windows. Planning Manager Patenaude said there were two residential units, two lobbies, and one manager's office for each of the two buildings.

Commissioner Mendall pointed out that the layout of Parcel 2 would also change because the senior housing was originally located there and Planning Manager Patenaude said yes, market-rate housing would probably be included on Parcels 1 and 2. Commissioner Mendall asked if the Commission would see that and Planning Manager Patenaude said each precise plan for each phase would be reviewed by the Commission.

Regarding parking, Commissioner Mendall said he was glad to hear the parking district was coming and said it needed to be in place before the housing was occupied. He asked if the proposed units in Phase I would be part of the parking benefit district. Development Services Director Rizk said the whole area was within the JPA boundary, but street parking on Dixon and Mission would be managed and controlled by the JPA, and that the JPA would not manage parking on-site at the development.

Commissioner Mendall asked if the amount of public dollars was significantly reduced for this phase or for the whole project. Development Services Director Rizk said several agreements had been recently executed, but he noted that two public funding sources, the state's Housing and Community Development Proposition 1C grants which provided funding for infill infrastructure and the other for affordable housing, went down in proportion to the reduction in the size of this phase. Mr. Rizk also mentioned in March of 2009, when Council approved the project, there was a condition that the RDA would contribute up to $19.8 million. He said that amount had been reduced significantly due to the elimination of the RDA, but he said the RDA Successor Agency was going to contribute $5.9 million. Commissioner Mendall asked if it was likely that the $5.9 million was really going to be available.

Assistant City Attorney Maureen Conneely explained that there were several sources for the $5.9 million including a NSP grant, some home loans because the City participated in a consortium at the County level, and some unencumbered low-mod funds that could be loaned to Eden through the City's Housing Authority. Commissioner Mendall asked Ms. Conneely if she was talking about the original $47 million from Proposition 1C or the $19.8 million and she responded it was money from the Successor Agency. Ms. Conneely said that the RDA had originally contemplated a $20 million contribution through its bonding capacity. She said when the RDA was eliminated the City had some unencumbered low-mod balances and the City used those in combination with a NSP grant and home loan funds to create a package of just under $6 million to loan to Eden Housing through the Housing Authority.

Regarding fire safety, Commissioner Mendall asked if the road on the north side of the development was wide enough for a fire truck and Planning Manager Patenaude said yes. Mr. Patenaude also confirmed that the units would have fire sprinklers. When Commissioner Mendall asked if sprinklers were required due to the height of the building, Planning Manager Patenaude explained that all new construction, regardless of height, required sprinklers.

Development Services Rizk said the original Phase I was approved with 206 affordable units and because the re-phased development only had 151, the remaining 55 units should be part of the development west of Dixon Street. Adding to comments made by Planning Manager Patenaude and Commissioner Loché, Mr. Rizk said the project should not only be a catalyst for this development but the area in general. He also noted that the state had acquired land near the project site to build the Route 238 bypass freeway, but because that project was no longer being pursued, the state was in position to sell its land including a parcel south of Valle Vista between Mission and Dixon that would be ideal for transit-oriented development.

Chair Márquez asked for confirmation that the proposal by Eden Housing for the Perry & Key site was a combination of family and senior housing. Planning Manager Patenaude said the development consisted of 357 units; 151 from Eden Housing, and 206 market rate units on the Dixon portion of the development. Chair Márquez commented that the report said Eden Housing was going to provide 87 1 to 3-bedroom family units and 64 1 to 2-bedroom senior units and she asked if Eden Housing had any experience in the Bay Area with a mixed development. She noted that usually, the development was either family or senior and that she'd never seen one combined. Planning Manager Patenaude said Eden Housing had experience with both types of units and he suggested that representatives from Eden respond to her question.

Chair Márquez asked who would be responsible for the park and Planning Manager Patenaude said a landscape-lighting district would be formed and the developer had already contributed to the formation of the district. When Chair Márquez was still unclear on who would maintain the park, Mr. Patenaude explained that the district was a City mechanism for funding maintenance by either the Homeowners' Association or the responsibility could be turned over to the Hayward Area Parks and Recreation District (HARD). Chair Márquez asked if there had been any discussions with HARD and Planning Manager Patenaude said staff had been working with HARD on site planning and potential park amenities.

Assistant City Attorney Conneely clarified that the ownership participation agreement, which was one of the recently executed agreements mentioned earlier by Development Services Director Rizk, specifically addressed park maintenance and determined that the developer would initially be responsible for maintenance. She added that if the developer failed to maintain the park then HARD would step in. Chair Márquez confirmed that maintenance costs would be paid for through the assessment fees and Ms. Conneely said yes.

Chair Márquez said that access to the park from the development was really important and she said access should be easy and that there should be more than one way to get to the park area. Looking at the design plan, Chair Márquez asked for confirmation that there were no entrances to the development from Mission and that

residents would access their unit from the interior court and Planning Manager Patenaude said that was correct. Mr. Patenaude also confirmed that parking would be available in sub-grade garages.

Regarding the JPA with BART, Commissioner Mendall asked staff how BART felt about losing their parking lot. He commented that the lots were always full and he asked staff to convince him parking wasn't going to be an awful mess for the next few years. Development Services Director Rizk said before that parking became unavailable a parking district would be formed that would allow BART commuters to park in residential neighborhoods. Those cars without a permit or a residential parking pass will be cited, he said. Commissioner Mendall said commuters already park on the streets now, that there wasn't any extra parking that could be utilized, and that basically they would be reducing the number of spaces. Mr. Rizk said parking surveys indicated that there was excess capacity and that was all part of the parking study being conducted by Nelson/Nygaard Consulting Associates. Development Services Director Rizk said the City would be looking at that issue very carefully to make sure there was the capacity to accommodate and replace that parking. He said the original boundary of the JPA was large enough that the parking area could be expanded if there was a need in the future and, if needed, the boundaries of the JPA could be expanded. Mr. Rizk said the purpose of the parking district was to ensure impacts to residents would be minimal and he noted that passes would be free. Commissioner Mendall asked if BART commuters would have to pay and David said "big bucks," and explained that was part of the revenue generation to pay for the management and enforcement of the district. Any excess revenue, he said, would be used for streetscape and street enhancements related to parking.

Commissioner Mendall said he remembered discussions with Nelson/Nygaard Consulting Associates and representatives saying that they wanted as many properties in the area as possible to participate in the parking district to maximize the number of shared parking spaces. Commissioner Mendall pointed out that if the parking spaces of the residents of the housing units were included in the district, the parking potential would be maximized. He said he understood from staff comments that the housing units would not be part of the district and he asked for confirmation that the district would only include the street parking in front of the units. Development Services Director Rizk said right now, the status of including housing units in the parking district was "probably not," but noted there hadn't been any final resolution on the details of the district. Mr. Rizk reiterated that existing homeowners would receive free passes.

Commissioner Mendall asked if the re-phasing was approved tonight without those parking spaces included as part of the district, would it be too late to add them in later. Development Services Director Rizk said the details of the district formation were a separate approval through JPA and the City Council. He said he didn't think the decision of the Commission would have any bearing on the Council's decision. Commissioner Mendall commented that the housing units would be private property and the parking associated with it would be private so the City wouldn't have the authority to say they must join. Mr. Rizk explained that it would be the same as the other existing homes; unless they wanted to be cited for parking in front of their property, they must participate. Commissioner Mendall clarified that what he meant was that the City wouldn't be able to utilize and share any of the parking under the buildings as BART parking if the Commission didn't require it as part of the approval that night. Development Services Director Rizk said that was true. Mr. Rizk commented that he had heard proponents wanted to "unbundle" the parking in certain situations so residents could buy parking separately from the units, but he noted that the structure was already parked at a very low ratio and staff did not expect a lot of excess parking capacity. Mr. Rizk said the approval that night concerned the precise plan being consistent with the modified preliminary plan, but he agreed that unless the Commission conditioned the approval, those spaces would not be available for off-site parkers. Commissioner Mendall asked that the applicant speak to that when they addressed the Commission.

Commissioner Lavelle said part of the reason the units were being built, and the way they would be marketed, was to encourage one person to take BART while the other partner either took BART or rode their bicycle. She said she didn't think the City should assume before people even move in that there would be a whole lot of empty parking spaces. It was not traditional parking, she said, with two spaces per unit and a lot of visitor parking; parking would be very limited. Commissioner Lavelle said what Commissioner Mendall was proposing was putting severe conditions on future residents of a private development with homes they would own; she said the City shouldn't be doing that to the developer or to future residents. She commented that the BART overflow parking lot wasn't that big and the major surface parking lot would still be available for commuters. She also noted that as the economy improved, AC Transit would maybe be able to improve service in the area. Commissioner Lavelle said she would not be in any way favorable to what Commissioner Mendall was describing saying it was way too restrictive. She suggested letting the JPA study group complete its findings and proposal and let Council make the approval.

Commissioner Loché said he was under the impression that this was a temporary parking situation and he asked if it would be permanent. Development Services Director Rizk said the parking district to allow commuters to park on public streets was permanent. Mr. Rizk reiterated that the idea was utilize the unused parking available along public streets for BART commuters and to ensure that residents could park in front their property. Commissioner Loché confirmed that when the Commission discussed using parking that was allotted for residents it would be on permanent basis.

Jonathan Ennis, the architect for the project with BDE Architecture, Inc., used a PowerPoint presentation to follow up on comments made by the Commissioners. For Chair Márquez, Mr. Ennis displayed a slide that showed the location of the family and senior affordable housing units and he noted that each building would have a separate manager's office, community room, offices, and service coordinator. For Commissioner Loché, he pointed out the fence between the park and condo complex and indicated that the developer would be planting a flowering vine. Regarding the setback along Mission Boulevard, Mr. Ennis said there would be a five-foot planting strip with trees, a five-foot-wide sidewalk, and then a varied setback of between 10 and 15 feet in front of the building itself. As far as acoustics, Mr. Ennis said the development met or exceeded the requirements under the California Building Code, and noted the windows were individually sound-rated. Mr. Ennis then pointed out various amenities for the project including a tot lot surrounded by the family housing, community gardens, BBQ area and various seating. He pointed out a trellis that would link the family and senior housing so both groups could participate in activities together. On the other side of the development, Mr. Ennis described the amenities for the market-rate units, and noted that three smaller open spaces were combined into two larger spaces that allowed for more light to penetrate the complex and better amenities.

Regarding the building faces on Dixon and Mission, Mr. Ennis said the developer wanted those faces to be active and not a bunch of units with shades pulled from 9:00 a.m-5:00 p.m. He pointed out with 206 units in the complex, the leasing office would be open all the time and would function like a retail space with eyes on the street. Mr. Ennis also pointed out the location of the lobbies, the business center with Wi-Fi, and the café for residents, which would also keep the area "activated." Along Dixon, Mr. Ennis highlighted similar uses.

In response to Commissioner Faria, Mr. Ennis said fire access had been improved from the previous design where fire vehicles could not access the podium and had only "edge-based access." With the new design plan fire vehicles could use the 26-foot-wide private road that the developer would maintain, which would allow one vehicle to park, one to pass, with an entrance from Mission Boulevard. He noted that the "open to the sky" design between the buildings would allow fire access all around the building. Mr. Ennis said the developer was also working on fine-tuning sprinklers and fire hose hook-ups from the landscape podiums.

Regarding Commissioner Mendall's comments about parking, Mr. Ennis said the complex would be "self-parked" with secure garages and he noted that the underground driveways would dead end because for residential units, parking would be assigned, people would already know where they were going to park and

would not "hunt and peck" for a spot like they would at a retail location. Mr. Ennis pointed out that if the parking was open to BART commuters they would hit the dead end and have to turn around to get back out.

Commissioner Mendall asked if the parking spots would be bundled with the units for a single price, or could a resident rent a unit without also renting a parking spot and Mr. Ennis said he thought parking was unbundled. Commissioner Mendall asked what would happen to any unused parking spots and Mr. Ennis said at a ratio of one parking space per unit, any extra spaces would likely be absorbed by other residents. Commissioner Mendall pointed out that Mr. Ennis said "likely" and he reiterated the development was being marketed to residents who would use public transit, and he said that if the complex was part of the parking district those unused spots would be surplus and could be used by BART commuters.

Tony Bosowski, representative for Wittek-Montana, pointed out that the parking was secured and for residents only. Mr. Bosowski said opening the parking to commuters would make leasing, and ultimately selling the units, very difficult. At a 1:1 ratio, he said it was going to be a difficult sell and even if the developer was fantastically successful, there would still only be 10-20 spaces. Mr. Bosowski said opening the parking up to anyone would not work for them.

Andrea Osgood, representing Eden Housing, said under their financing, since it was a tax credit program, they couldn't offer or sell extra parking spaces to the general public because they can't generate extra revenue on capital improvements funded with housing dollars. Commissioner Mendall acknowledged he remembered that. Ms. Osgood asked Development Director Rizk or Assistant City Attorney Conneely to talk about the contents of the Owner Participation Agreement (OPA) because it dealt directly with the requirements of the parking district. Ms. Osgood also said she didn't think the Commission was the body to be making a condition at this time.

Assistant City Attorney Conneely said that was a good observation, and she noted that the purpose of the "exhaustive" OPA was to set the rights and obligations of the various parties to the development including the City of Hayward, the private developer, and Eden Housing, the non-profit developer. Ms. Conneely also noted the OPA secured the City's loan of its Housing Authority dollars. All of the various aspects of the development were included in the OPA that was signed last week, she said. At the direction of Council in July of 2011, Ms. Conneely said staff had been working with the development team for the last 10 months to produce the OPA and parking was included. Regarding the action being taken that evening, Ms. Conneely said the Planning Commission had only to determine if the precise development plan was in conformance with the modified preliminary development plan.

Commissioner Faria asked Mr. Ennis if the units were single- or multi-level and he said all the units were flats with 100% of them ADA adaptable. Commissioner Faria also asked about the availability of connections for hybrid vehicles. Mr. Ennis said he didn't think that requirement was included in the conditions of approval, but said most buildings had a conduit from the electrical room to the garages so management could run a wire later.

Commissioner Loché asked what the barrier was between the Eden Housing and Wittek-Montana projects. Mr. Ennis said there was a real property line between the two and noted the parking garages were no longer "stacked," which made the developments much simpler to build and more efficient. Looking at a slide from the presentation, Mr. Ennis pointed out the two opposing buildings would look at rows of planted areas and trees with a good neighbor guardrail-type or wooden fence to keep people from passing through.

Chair Márquez asked if any of the family or senior units would have universal design and Mr. Ennis said all units would be designed per Chapter 11B, Publicly Funded Housing, so kitchens would have wheelchair turnaround space and bathrooms would be set up for ADA use. Mr. Ennis said California Building Code was great and almost all units being built were livable for people with disabilities.

At the request of Chair Márquez, Mr. Bosowski, identified himself as a Danville resident and representative of Wittek-Montana. He thanked staff and said it had been 10 months since Council authorized the development of the OPA and 18 months in total that they had been working on the project. He said it had been a long road and this was just another step to get past to move the project forward.

Andrea Osgood, senior project manager with Eden Housing, with business address on Everett Avenue in Oakland, thanked staff and noted she had been working on the project since Eden's first trip to the Planning Commission several years ago.

Chair Márquez opened and closed the Public Hearing at 8:27 p.m.

Commissioner Mendall said he would move the staff recommendation even though he had concerns about parking and he was disappointed that the project didn't include some of the planned retail, but he said he was pleased with the eyes on the street and retail-like frontage. He said this was a difficult area and the Commission wanted to do everything it could to make it safer. Commissioner Mendall said it was unfortunate that the grocery store wasn't coming in as part of Phase I, but he was going to be disappointed and move the staff recommendation. Commissioner Lavelle seconded the motion and said she looked forward to the project being built. She pointed out that residents of the proposed developments could shop at two new Fresh & Easy Neighborhood Markets in Hayward and there was a Mi Pueblo Food Center not very far away. She agreed with Commissioner Mendall that the Commission hoped there would be a new grocery store in the area, but she noted residents could take BART from South Hayward to the Hayward station and shop at Lucky.

Commissioner Loché said he would be supporting the motion, looked forward to the project getting underway, and appreciated Development Services Director Rizk mentioning that the number of affordable housing units was less than what was originally proposed. He said he would like to see a "valid effort" to include the remaining units in a future phase. Commissioner Loché said he also shared Commissioner Mendall's hope that a grocery store be a part of future phase.

Commissioner Faria said she would be supporting the motion and was really happy to see improvements to neighborhood that would provide opportunity for future growth.

Chair Márquez said she would also be supporting the motion and she thanked staff and the applicant for answering questions and that she was glad the development was finally taking place in that area.

The motion to find that there was no change in circumstances of the project requiring additional environmental review under the California Environmental Quality Act and determining that the Precise Development Plan was in substantial conformance with the Modified Preliminary Development Plan, and approving the findings and conditions of approval, passed 5:0:2 with Commissioners Lamnin and McDermott absent.

AYES:	Commissioners Faria, Lavelle, Loché, Mendall Chair Márquez
NOES:	
ABSENT:	Commissioner Lamnin, McDermott
ABSTAINED:	

COMMISSION REPORTS

2. Oral Report on Planning and Zoning Matters

Planning Manager Patenaude announced the next meeting would be July 26, 2012 with two items scheduled for discussion.

3. Commissioners' Announcements, Referrals

Commissioner Lavelle said she wanted to give a great deal of thanks to Commissioner Mendall and that she really enjoyed working with him as a Commissioner. She said he had spurred some excellent questions and changes in projects and said his attention to detail wouldn't necessarily be missed, but was appreciated. Commissioner Lavelle said the reason why he was moving on was an excellent one; he was joining a higher body in the City of Hayward and would be making many more future decisions. She said the Commission had been an excellent body for him to learn how to participate in a quality manner with other folks from Hayward. She wished him very well and success and congratulated him.

Chair Márquez presented Commissioner Mendall with a Planning Commission resolution, which she read. She congratulated Commissioner Mendall and said he would be missed. She also thanked him for his service.

Commissioner Mendall said it had been a pleasure to serve for the last six years. He noted that Commissioner Lavelle was the only Commissioner already serving when he arrived, but he said he enjoyed working with all of the Commissioners. He said the City really had a wonderful Planning Commission and wonderful staff and he said he appreciated that they all put up with him (including tonight). He said he would miss everyone, but noted the Planning Commission staff was in good hands and would continue to do a wonderful job, "maybe especially now that I am gone." Commissioner Mendall thanked everyone.

APPROVAL OF MINUTES

4. May 10, 2012 minutes approved unanimously with Chair Márquez abstaining.
   May 31, 2012 minutes approved unanimously with one minor correction.

ADJOURNMENT

Chair Márquez adjourned the meeting at 8:37 p.m.

APPROVED:

_____
Sara Lamnin, Secretary
Planning Commissioner

ATTEST:

_____

Suzanne Philis, Senior Secretary
Office of the City Clerk