



CITY OF
HAYWARD
HEART OF THE BAY

PLANNING COMMISSION

NOVEMBER 15, 2012

Table of Contents

Agenda	2
Vesting Tentative Tract Map 8032 Application No. PL-2009-0525 – JMJ Development LLC (Applicants) - Request for Approval of Vesting Tentative Tract Map for Development of 206 Residential Condominium Units. The Project Site is Located at 28850 Dixon Street and 28901-28937 Mission Boulevard; APNs 078C-0441-001-16, -23, -24 and -28	
Agenda Report	4
Attachment I - Area and Zoning Map	9
Attachment II - Approved Site Plan	10
Attachment III - Tentative Tract Map	17
Attachment IV - Findings for Approval	23
Attachment V - Conditions of Approval	24
Approval of Minutes	
October 4, 2012.	43
September 20, 2012	53



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, NOVEMBER 15, 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 the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

1. Vesting Tentative Tract Map 8032 Application No. PL-2009-0525 – JMJ Development LLC (Applicants) - Request for Approval of Vesting Tentative Tract Map for Development of 206 Residential Condominium Units. The Project Site is Located at 28850 Dixon Street and 28901-28937 Mission Boulevard; APNs 078C-0441-001-16, -23, -24 and -28

[Agenda Report](#)

[Attachment I - Area and Zoning Map](#)

[Attachment II - Approved Site Plan](#)

[Attachment III - Tentative Tract Map](#)



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 IV - Findings for Approval](#)
[Attachment V - Conditions of Approval](#)

COMMISSION REPORTS:

2. Oral Report on Planning and Zoning Matters
3. Commissioners' Announcements, Referrals

APPROVAL OF MINUTES

4. [October 4, 2012](#)
[September 20, 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.

DATE: November 15, 2012

TO: Planning Commission

FROM: John Nguyen, Development Review Engineer

SUBJECT: **Vesting Tentative Tract Map 8032 Application No. PL-2009-0525 – JMJ Development LLC (Applicants) - Request for Vesting Tentative Tract Map for Development of 206 Residential Condominium Units**

The Project Site is Located at 28850 Dixon Street and 28901-28937 Mission Boulevard; APNs 078C-0441-001-16, -23, -24 and -28 (South Hayward BART Mixed-Use Project)

RECOMMENDATION

That the Planning Commission rely on the previously approved environmental documents for the South Hayward BART Mixed-Use Project and find that there is no change in circumstances of the project to require additional environmental review under the California Environmental Quality Act, determine that the Vesting Tentative Tract Map application is in substantial conformance with the South Hayward BART Mixed-Use Project's Precise Plan, and approve the Vesting Tentative Tract Map application, subject to the attached findings (Attachment IV) and conditions of approval (Attachments V).

SUMMARY

The Vesting Tentative Tract Map 8032 is a component of the South Hayward BART Mixed-Use development Project (the "project") that is significant for the City of Hayward, especially the South Hayward BART/Mission Boulevard corridor, as its development will serve as a catalyst for further development in the area. The project will fulfill goals and policies of the General Plan and Mission-Garin Neighborhood Plan by providing high-density residential units in the vicinity of the BART station. The City and the Developers, JMJ Development, LLC, and Eden Housing, have executed an Owner Participation Agreement that sets forth the parties' rights and obligations with respect to the project.

The Developers are required to file a tentative map for condominium purposes for the project's 206 market-rate units so that these units can be sold separately. The vesting tentative map application is in conformance with both the Precise Plan application approved by the Planning Commission on June 28, 2012, and the Owner Participation Agreement.

BACKGROUND

On March 17, 2009, the City Council approved a change of zone from Station Area Residential (SAR) District to Planned Development (PD) District (PL-2008-0547), for Wittek Development, LLC, and Montana Properties, Inc. (Wittek-Montana), who have since assigned the project rights to a new entity, JMJ Development, LLC, to develop the South Hayward BART Station parking lots and the former Perry & Key site along Mission Boulevard.

In early 2011, the Developers advised City staff that the project, as originally proposed, may no longer be feasible and asked the City to consider approving modifications to the project. On June 8, 2011, the Planning Director approved the Developers' request for a Minor Modification to the Preliminary Development Plan for the Planned Development District (the "Modified Preliminary Development Plan"), which included a rephrasing of the project, among other things. The City Council approved Modified Conditions of Approval and an Owner Participation Agreement with the Developers on July 26, 2011, which established the various components of the project, including the rephrasing. The rephrasing of the project foresees development of the Perry & Key site and the satellite BART overflow lot as Phase I, including 151 affordable housing units and 206 market-rate units, and redevelopment of the main BART parking lot west of Dixon Street as Phase II. The Developers submitted a Precise Development Plan for Phase I, which the Planning Commission approved on June 28, 2012.

Vesting Tentative Tract Map 8032, the subject of this report, includes (a) the satellite BART overflow lot fronting Dixon Street, (b) the parcel of land owned by JMJ Development on the former Perry & Key site, and (c) two properties currently owned by the City of Hayward (acquired from Caltrans) for the park site. The 151 affordable housing units developed by Eden Housing are not part of the Tentative Map application. If the vesting tentative map is approved, a final map will be processed and recorded, allowing 206 condominium units to be sold individually.

DISCUSSION

Staff recommends that the Planning Commission determine that the Vesting Tentative Tract Map 8032 for Phase I is in substantial conformance to the Modified Preliminary Development Plan and Precise Plan for this site.

Vesting Tentative Tract Map – Tentative and final maps are required for all subdivisions creating five or more parcels, condominiums, condominium conversions, a community apartment project containing five or more parcels, or the conversion of a dwelling to a stock cooperative containing five or more dwelling units. A tentative tract map is required to ensure that any proposed development complies with the Subdivision Map Act, the California Environmental Quality Act, the City subdivision, zoning, and building regulations, the Hayward General Plan and Neighborhood Plans, and requirements of the Public Works, Fire, and Police Departments.

A vesting tentative tract map is being processed with this proposal to create a one-lot subdivision for condominium purposes. If the vesting tentative map is approved, a final map will be processed and recorded, allowing each unit to be sold separately. 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 on which the developer's application for a vesting tentative map is approved. The proposed vesting tentative map is consistent with the Owner Participation Agreement entered into by the City and the Developers for the project.

The proposed subdivision creates 206 residential market-rate condominium units, a private street connecting Mission Boulevard to Dixon Street along the northerly boundary, a driveway entry from Dixon Street to the sub-grade parking garage, and a public park along the southerly property line that will provide pedestrian circulation between Mission Boulevard and Dixon Street, as anticipated by the Preliminary Plan. The private street shall have a minimum twenty-five foot-wide travel lane, and be constructed to the same standards as a public street. The proposed minimum width of the travel lane is adequate for circulation and meets the Fire Department accessibility requirements. The private street is to be designated as a fire lane and no parking will be allowed except in the designated parking areas. Full frontage improvements such as Portland cement concrete curb, gutter and sidewalk have been installed with recent street improvements along Mission Boulevard and Dixon Street. Any damage to these public street improvements during construction must be repaired by the Developer and the full width of Mission Boulevard and Dixon Street along the project frontage shall be slurry sealed at the Developer's expense prior to the issuance of a final construction report for tract acceptance.

There are public utilities available to the site with adequate capacity to serve the proposed development. On-site sewer in the driveway and storm drain systems will be owned and maintained by the owner of the market-rate complex and then, when condominium units are sold, they will be owned and maintained by the Homeowners' Association (HOA).

The formation of a HOA and the creation of conditions, covenants, and restrictions (CC&Rs) will be required (prior to the sale of any condominium units) so that the HOA will be responsible for maintaining the private street, driveway, private lightings, private utilities, and other privately-owned common areas and on-site facilities, including, but not limited to, clean water treatment facilities, landscaping, and decorative and pervious paving, plus the adjacent park improvements on the City land.

Off-site Improvements – Two vacant parcels, approximately 0.64-acre (27,878 square-foot), owned by the City (acquired recently from Caltrans for the project), adjacent to and southerly of the site, are to be improved as a public park for the area. The conditions of approval of the approved Preliminary Development Plan and the proposed Vesting Tentative Map require the applicant to improve, dedicate and maintain this park for public use (or provide the funding to do so). As agreed by the Developers, the City will form a landscape and lighting assessment district (LLD Zone 14) to provide for the financing of the maintenance costs of the park. As the parcels are not contiguous, the Developers and the City have agreed to a land swap of a parcel of equal size contiguous to the larger parcel. The two parcels (to become a single larger parcel) will also provide opportunity for a pedestrian link between Mission Boulevard and Dixon Street, midway between Tennyson Road and Valle Vista Avenue. Staff has included a recommended condition of approval in Attachment V, requiring a more-detailed landscape plan incorporating more amenities and active areas to be submitted with improvement plans and the final subdivision map.

Findings for the Vesting Tentative Tract Map - In order for a Vesting Tentative Tract Map 8032 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 Mitigation Monitoring & Report Program (MMRP) for the South Hayward BART Mixed-Use Project and any remediation recommended by the project Geotechnical Engineer, the site will be physically suitable for the proposed type of development.
- C. 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 (CEQA)

On March 17, 2009, the City Council adopted a Mitigated Negative Declaration (MND) and a Mitigation Monitoring & Reporting Program (MMRP) for the South Hayward BART Mixed-Use Project, which includes the development of this site. With the request for a Minor Modification to the Preliminary Development Plan associated with the Planned Development District for the Project, an Addendum to the MND was prepared on June 8, 2011, addressing the proposed modifications to the project and potential environmental impacts associated with those modifications. The fundamental conclusion of the Addendum was that the proposed changes to the Project would not result in new environmental effects, nor substantially increase the severity of previously disclosed impacts beyond those already identified in the previously-adopted MND. On June 28, 2012, the Planning Commission found that there was no change in circumstances of the project requiring additional environmental review under the California Environmental Quality Act and approved Zone Change Application No. PL-2012-0254 Precise Development Plan (PD). The Vesting Tentative Map 8032 is in substantial conformance with the Precise Development Plan, and there has been no change in the circumstances of the project triggering the need for additional environmental review.

PUBLIC NOTICE

On November 2, 2012, a Notice of Public Hearing was mailed to property owners and occupants within 300 feet of the project boundaries. Notice was also provided to interested parties and appropriate public agencies. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

NEXT STEPS

Approval of the Vesting Tentative Tract Map 8032 entitles the Developers to prepare and submit the improvement plans and final map for review and approval by the City before proceeding with the construction. The Planning Commission decision begins a 10-day appeal period. If approved and there is no appeal within that time period, the Developers may proceed with the final map and improvement plans. The final map will eventually be processed and recorded, allowing each unit to be sold separately.

Prepared by: John Nguyen, P.E., Development Review Engineer

Recommended by:



Richard E. Patenaude, AICP, Planning Manager

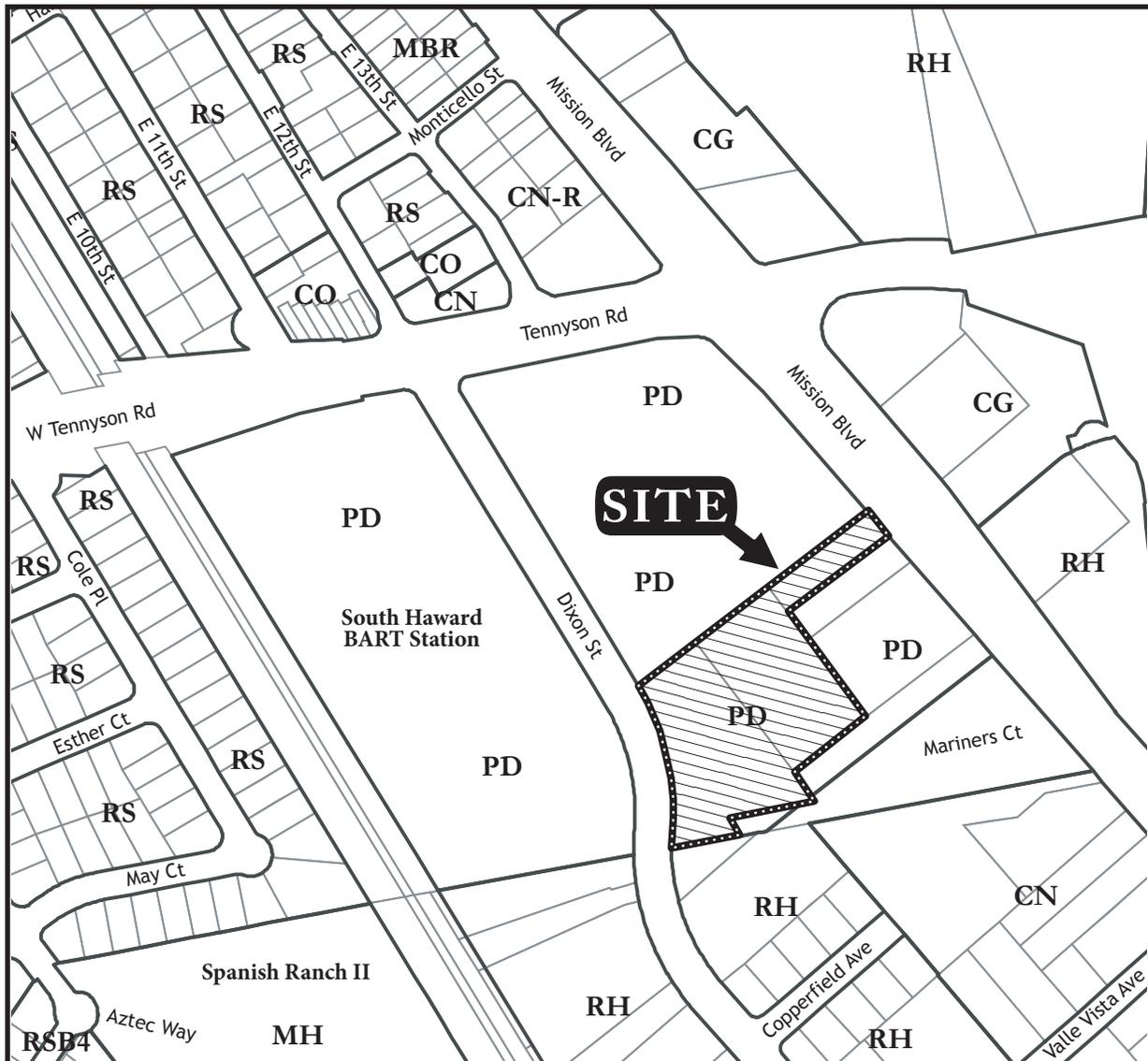
Approved by:



David Rizk, AICP
Development Services Director

Attachments:

- | | |
|-----------------|--|
| Attachment I: | Area and Zoning Map |
| Attachment II: | Approved Site Plan |
| Attachment III: | Vesting Tentative Tract Map |
| Attachment IV: | Findings for Approval |
| Attachment V: | Conditions of Approval – Vesting Tentative Map |



Area & Zoning Map

PL-2009-0525 TTM 8032

Address: South Hayward
BART Station

Applicant: JMJ Development, LLC

Owner: JMJ Development, LLC

Zoning Classifications

RESIDENTIAL

- MH Mobile Home Park
- RH High Density Residential, min lot size 1250 sqft
- RS Single Family Residential, min lot size 5000 sqft
- RSB4 Single Family Residential, min lot size 4000 sqft

COMMERCIAL

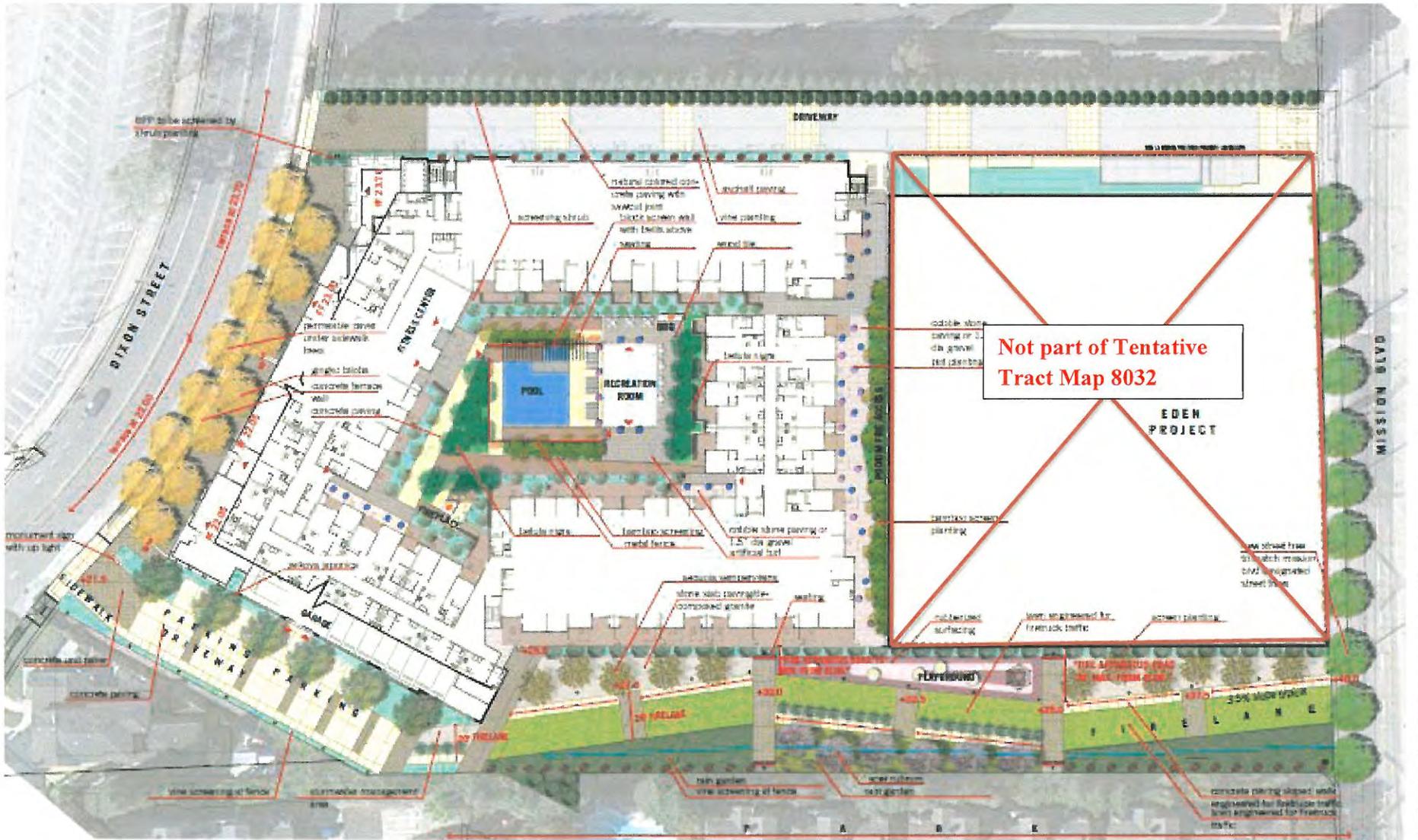
- CG General Commercial
- CN Neighborhood Commercial
- CN-R Neighborhood Commercial/Residential
- CO Commercial Office

OTHER

- PD Planned Development



FEET 300 600

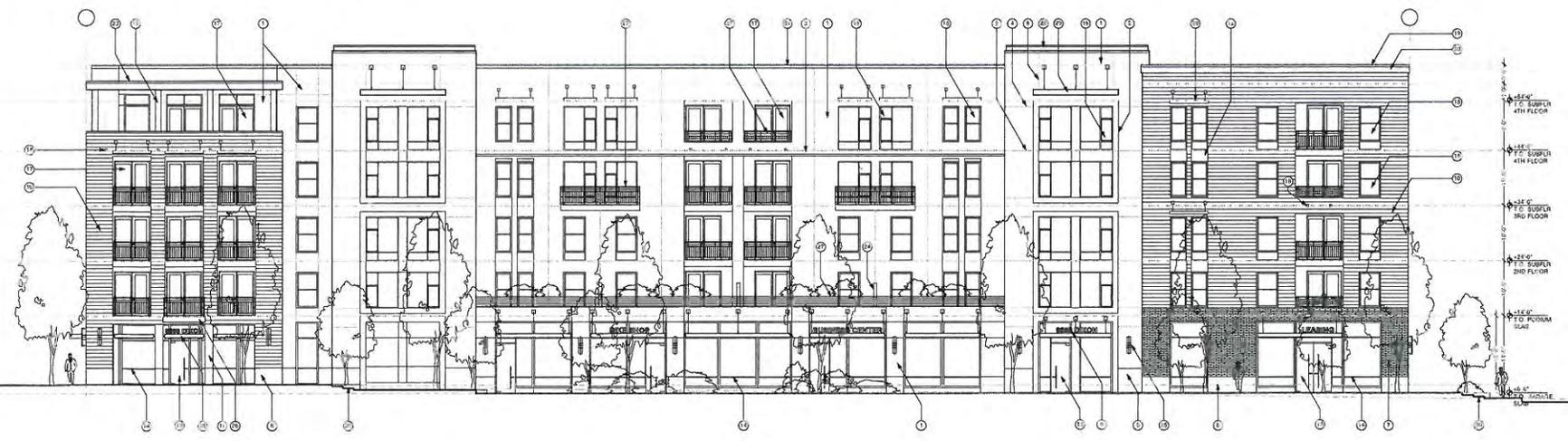


Proposed Site Layout for Vesting Tentative Tract Map 8032





- GENERAL NOTES**
- A. —
- SHIELD NOTES**
- 1. THE REST ALL NOTES ARE SIZED OF EVERY SHIELD
 - 1) 3/8" COAT PLASTER IN ELASTIC/EPIC PAINT
 - 2) 3/8" COAT PLASTER COATED FOAM TRIM
 - 3) PLASTER COATED FOAM TRIM
 - 4) GALVANIZED HORIZONTAL CONTROL JOINT TYP
 - 5) SUPERIOR BA BASS W/ INSULATION CONTROL JOINT AT FLOOR AND ROOF LINES TYP
 - 6) GALVANIZED VERTICAL CONTROL JOINT TYP
 - 7) 3/8" SUDCOCK THIN BRICK OF SCRATCH AND SPREAD W/ MORTAR JOINTS
 - 8) 36" NAPA VALLEY CAST STONE IN SITUATION AND SHOWN IN SECTION JOINTS, BENEATH
 - 9) 3/8" MIN. BUILDING ADDRESS ON CONTRASTING BACKGROUND
 - 10) 1/2" WIRE MESH CEMENT BOND W/ 1/2" X 1/2" TRIM TYP. AT CORNERS AND AROUND OPENINGS
 - 11) HARDIE TRIM 6" X 6" COLUMNS, PTD
 - 12) HARDIE PANEL, PTD TO MATCH WINDOWS
 - 13) 6" X 6" 4" GLASS ENTRANCE DOORS
 - 14) 4" ALUMINUM STOREFRONT W/ OFFSET GLAZING
 - 15) VINYL OR ALUM. SINGLE HUNG WINDOW, CHESTNUT STAINES OR BROWN, HORIZONTAL SASHES OR BROWN W/ AND W/ FIXED LITE BELOW
 - 16) VINYL OR ALUM. CASSEMENT WINDOWS
 - 17) 1/2" THERMALLY BREADED INSULATION FLOOR W/ INTEGRAL SLOPE, PTD TO MATCH WINDOW, TYP
 - 18) GSM THRU WALL SCUPPERS, PTD
 - 19) 1/2" X 1/2" HARDIE TRIM W/ GSM COPING, PTD
 - 20) 1/2" X 1/2" HARDIE TRIM, PTD
 - 21) 1/2" FOAM TRIM W/ GSM COPING, TYP
 - 22) STEPPED BACK PARAPET W/ GSM COPING, PTD
 - 23) SOLID WOOD FRAMED FLAT ROOF W/ MODIFIED BURDEN LOW SLOPE PAVING
 - 24) DECORATIVE DECK DIVIDER 1/2" X 1/2" X 1/2" TUBE
 - 25) STEEL FRAME W/ 1/2" INSULATION GALVANIZED STEEL WALL PANEL, HOT DIPPED GALVANIZED PTD
 - 26) 20" X 2" BURGESS LIGHTING, CUSTOM EXTERIOR FINISH
 - 27) PROJECTING DECK (PODIUM SLAB)
 - 28) DEGRADED, SILENT BALCONY, HELDED TUBE
 - 29) GALVANIZED, HOT DIPPED GALVANIZED, PTD
 - 30) HOT DIPPED GALVANIZED 1/2" STEEL TUBE FRAME W/ WALL PANEL, PROJECTED SHROUDED W/ RUG AND CLEANS TO RAKE PLATE CONNECTION
 - 31) HOT DIPPED GALVANIZED 1/2" STEEL TUBE FRAME W/ WALL PANEL, PROJECTED SHROUDED W/ RUG AND CLEANS TO RAKE PLATE CONNECTION
 - 32) LANDSCAPED, HANGING BACK
 - 33) VINYL SLIDING DOOR
 - 34) BRASS GRILLE
 - 35) GARAGE ENTRANCE
 - 36) BREEZE WALL
 - 37) PODIUM STAIR



WITTEK-MONTANA AND EDEN HOUSING
PRECISE PLAN RESUBMITTAL

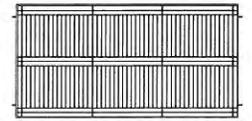
PRECISE PLAN 10.27.24
PREC. PLAN REV. 10.27.24

CONCEPTUAL
ELEVATIONS
WIT. - MONT.

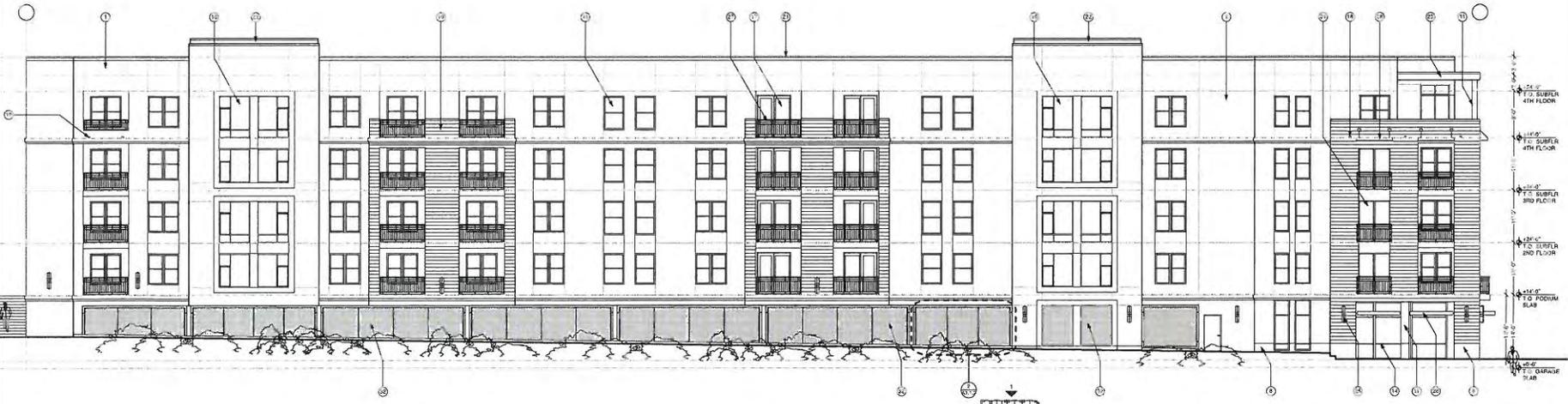
WEST ELEVATION - DIXON STREET 1

GENERAL NOTES

- A - SHEET NOTES**
 (NOTE: NOT ALL NOTES ARE USED ON EVERY SHEET)
- 1) COAT PLASTER W/ ELASTOMERIC PAINT
 - 2) 2X12" PLASTER COATED FORM TRIM
 - 3) PLASTER COATED FORM TRIM
 - 4) GALVANIZED HORIZONTAL CONTROL JOINT TYP.
 - 5) SUPERIOR M-B-DIE HORIZONTAL CONTROL JOINT AT FLOOR AND ROOF LINES TYP.
 - 6) GALVANIZED VERTICAL CONTROL JOINT TYP.
 - 7) 3/8" MILDSTEEL THIN BRICK OR SCRATCH AND BROWN OR MORTAR JOINTS
 - 8) 3/8" M-M-P VALLEY CAST STONE OR SCRATCH AND BROWN OR MORTAR JOINTS
 - 9) 2" MIN. BUILDING ADDRESS ON CONTRASTING BACKGROUND
 - 10) 1" WIDE BRICK ELEMENT (ROWS 10); MARBLE TRIM TYP. AT CORNERS AND AROUND OPENINGS
 - 11) MARBLE TRIM 6" X 12" COLUMNS, PTD
 - 12) MARBLE PANEL, PTD TO MATCH WINDOWS
 - 13) 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 14) 1" ALUMINUM STOREFRONT W/ OFFSET GLAZING
 - 15) 1/2" X 1/2" ALUM. SINGLE FRAME WINDOW, 0.8-2.0" MIN. ON 1/2" FRAME AND 0.8" MIN. ON 1/2" FRAME OR BELOW 1/2" AND 1/2" FIXED LITE BELOW
 - 16) VINYL OR ALUM. CASCASET WINDOWS
 - 17) 1/2" X 1/2" THERMATU PANEL GLASS, PTD TO MATCH WINDOWS, TYP.
 - 18) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 19) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 20) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 21) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 22) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 23) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 24) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 25) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 26) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 27) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 28) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 29) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 30) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 31) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 32) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 33) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 34) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 35) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 36) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 37) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 38) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 39) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 40) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 41) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 42) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 43) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 44) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 45) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 46) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 47) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 48) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 49) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 50) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 51) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 52) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 53) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 54) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 55) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 56) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 57) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 58) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 59) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 60) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 61) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 62) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 63) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 64) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 65) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 66) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 67) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 68) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 69) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 70) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 71) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 72) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 73) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 74) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 75) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 76) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 77) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 78) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 79) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 80) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 81) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 82) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 83) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 84) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 85) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 86) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 87) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 88) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 89) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 90) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 91) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 92) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 93) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 94) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 95) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 96) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 97) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 98) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 99) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS
 - 100) 1/2" X 1/2" X 1/2" GLASS ENTRANCE DOORS



TYP. GARAGE GRILL 2
1/4" = 1'-0"



NORTH ELEVATION - FACING DRIVEWAY 1
1/4" = 1'-0"

WITTEK-MONTANA AND EDEN HOUSING
PRECISE PLAN RESUBMITTAL

SOUTH HAYWARD, CA

DATE: 04/18
 PRELIM PLAN: 04/17/2012
 PREC. PLAN RESUB: 7/24/2012

CONCEPTUAL ELEVATIONS
 WIT. - MONT.



- GENERAL NOTES**
- NOTE: NOT ALL NOTES ARE USED IN EVERY SHEET
- 1) 5/8" GYPSUM PLASTER OVER ELASTOMERIC PAINT
 - 2) 2" GYPSUM PLASTER COATED FOAM TRIM
 - 3) PLASTER COATED FOAM TRIM
 - 4) BALANCED HORIZONTAL CONTROL JOINT, JOIST TYP.
 - 5) BALANCED VERTICAL CONTROL JOINT, TYP.
 - 6) 2" MIN. MIDSPAN THIN BRICK CL. MORTAR AND BRICKS BY MORTAR JOINTS
 - 7) 2" MIN. MIDSPAN THIN BRICK CL. MORTAR AND BRICKS BY MORTAR JOINTS
 - 8) 2" MIN. BUILDING JOISTS ON CONTINUOUS BALCONY SLAB
 - 9) 2" WIDE GREEN CEMENT SIDING BY 1/2" X 4" HARDIE TRIM TYP. AT CORNERS AND AROUND OPENINGS
 - 10) HARDIE TRIM (LAD COLUMN) PTD
 - 11) HARDIE PANEL PTD TO MATCH WINDOW
 - 12) 2" X 4" GLASS ENTRANCE DOORS
 - 13) 2" ALUMINUM STOREFRONT W/ OFFSET GLAZING
 - 14) VINYL OR ALUM. SINGLE HUNG WINDOW, CHESTNUT FINISH, 1/2" SPINDLE BALANCE, 1/2" SPINDLE OR BETWEEN W/ AND 1/2" FIXED LITE BELOW
 - 15) VINYL OR ALUM. CASSEMENT WINDOWS
 - 16) 2" THERMATRU FRAMELESS FINISH DOOR W/ INTEGRAL SILLGLAZE PTD TO MATCH WINDOW, TYP.
 - 17) GSM THRU WALL SCUPPERS PTD
 - 18) 1/2" X 4" HARDIE TRIM PTD BY GSM COPING PTD
 - 19) 2" FOAM TRIM W/ GSM COPING, TYP.
 - 20) STEEPED BACK PARAPET W/ GSM COPING PTD
 - 21) SOLID WOOD FRAMED FLAT ROOF W/ MODIFIED BITUMEN ON 2" SLOPE ROOFING
 - 22) DECORATIVE ROCK OVER LARCHEN - 1" TUBE STEEL FRAME W/ 1/2" MIN. WALL, 1/2" MIN. TUBE STEEL PANEL, NOT DIPPED, GALVANIZED PTD
 - 23) 2" X 4" EVERGREEN LIGHTING, CUSTOM EXTERIOR FINISH
 - 24) PROJECTING DECK (PODIUM SLAB)
 - 25) DECK/RAMP, RAIL BALCONY, WELDED TUBE GUARDRAIL, 1/2" DIPPED GALVANIZED PTD
 - 26) HOT DIPPED GALVANIZED 1/2" STEEL TUBE FRAME W/ STE. PANELS, 1/2" DIPPED GALVANIZED PTD AND GLEYS TO KNIFE FLATE CONNECTION
 - 27) HOT DIPPED GALVANIZED 1/2" STEEL TUBE FRAME W/ STE. PANELS, 1/2" DIPPED GALVANIZED W/ RSD AND GLEYS TO KNIFE FLATE CONNECTION
 - 28) LANDSCAPED/PAVEMENT SETBACK
 - 29) VINYL BLINDING DOOR
 - 30) GARAGE ORILLE
 - 31) GARAGE ENTRANCE
 - 32) BREEZE WAY
 - 33) PODIUM STAIR

WITTE-MONTANA AND EDEN HOUSING
PRECISE PLAN RESUBMITTAL
SOUTH HAYWARD, CA



EAST ELEVATION - AT PROPERTY LINE BETWEEN MARKET RATE AND AFFORDABLE HOUSING 1



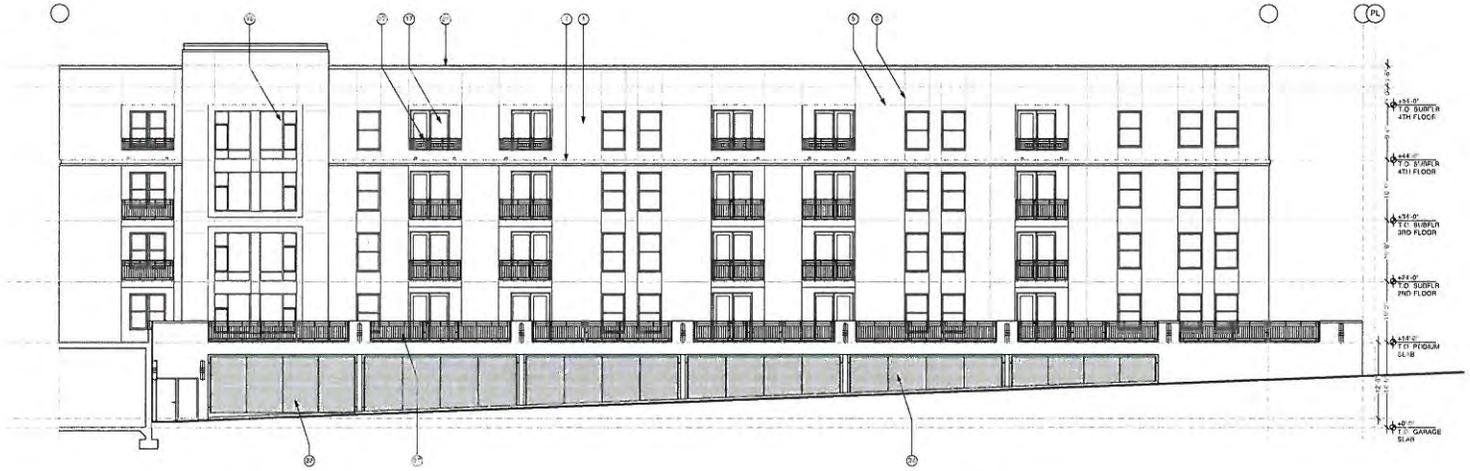
ISSUE 0118
PRECISE PLAN 01/17/2012
PREC. PLAN RESUB 01/17/2012

CONCEPTUAL ELEVATIONS
WITTE - MONT.

DATE: 01/17/2012
SCALE: 1/8" = 1'-0"
DRAWN BY: [Name]
CHECKED BY: [Name]

GENERAL NOTES

- A. -
SHEET NOTES
 NOTE: NOT ALL NOTES ARE USED ON EVERY SHEET
 1. 5/8" PLASTER OVER ELASTOMERIC PAINT
 2. 3/4" PLASTER COATED FCAM TRIM
 3. PLASTER COATED FCAM TRIM
 4. GALVANIZED HORIZONTAL CONTROL JOINT, TYP.
 5. SUPERIOR 44 SLIDE HORIZONTAL CONTROL JOINT AT FLOOR AND ROOF LINES, TYP.
 6. GALVANIZED VERTICAL CONTROL JOINT, TYP.
 7. 2" X 4" MUDJOCK TUB BRICK OF SCRATCH AND BRUSH IN MORTAR JOINTS
 8. 36" ALPA VALLEY CAST STONE (3) SIGNATOR AND (1) PIONEER MORTAR JOINTS, 30" HD
 9. 2" MIN. BUILDING ADDRESS ON CONTRASTING BACKGROUND
 10. 1/2" HD FIBER CEMENT SIDING (3) SIGNATOR AND (1) PIONEER TRIM TYP. AT CORNERS AND AVENUE OPENINGS
 11. HARDIE TRIM CLAD COLUMNS, PTD
 12. HARDIE PANEL, PTD TO MATCH WINDOWS
 13. 4" X 8" GLASS ENTRANCE DOORS
 14. 1/2" ALUMINUM SH-DEFLECT W/ OPTIC GLAZING
 15. VINYL OR ALUM. SOLID FIBER HINGED CHESTNUT BRUNZE OR ESPRESSO (W/ LAMINATE SUBSTRATE) OR SILVERLINE W/ AND HDI FRED LITE BELOW
 16. VINYL OR ALUM. CASSETTE WINDOWS
 17. 1/2" HD THERMATRI FIBERGLASS FRENCH DOOR W/ METALLIC SUBSTRATE, PTD TO MATCH WINDOWS, TYP.
 18. GRM THRU WALL SCUPPER, PTD
 19. 1/2" HD HARDIE TRIM, PTD W/ GRM COPING, PTD
 20. 1/2" HD HARDIE TRIM, PTD
 21. 1/2" HD FIBER CEMENT TRIM W/ GRM COPING, TYP.
 22. STEPPED BACK FLARE W/ TRM COPING, PTD
 23. SOLID WOOD FRAMED FLAT ROOF W/ MODIFIED BITUMEN (2" SLOPE) ROOFING
 24. RECOMMENDED BRICK FINISH W/ HINGED 4" TUBE STEEL FRAME W/ 2" X 4" HD 1/2" GALVANIZED STEEL PANEL, NOT DIPPED GALVANIZED, PTD
 25. 2" HD EVERGREEN LUMBER (CUSTOM EXTERIOR FINISHER)
 26. FIBERGLASS DECK (PERFORM LAM)
 27. REGRIND/PAINT ASBEST BALCONY (WELDED TUBE W/ HORIZONTAL, NOT DIPPED GALVANIZED, PTD)
 28. NOT DIPPED GALVANIZED 4" TUBE STEEL FRAME W/ 2" X 4" HD 1/2" GALVANIZED STEEL PANEL, NOT DIPPED GALVANIZED, PTD AND SLEWS TO KNIFE PLATE CONNECTION
 29. NOT DIPPED GALVANIZED 1/2" STEEL TUBE FRAME W/ 2" X 4" HD 1/2" GALVANIZED STEEL PANEL, NOT DIPPED GALVANIZED, PTD AND SLEWS TO KNIFE PLATE CONNECTION
 30. LANDSCAPED HARDSCAPED SETBACK
 31. VINYL SLURRING DOOR
 32. GARAGE GRILLE
 33. GARAGE ENTRANCE
 34. BREEZE WAY
 35. PROGRAM STAIR



SOUTH ELEVATION - FACING PARK 1

WITTEK-MONTANA AND EDEN HOUSING
PRECISE PLAN RESUBMITTAL

SOUTH HAYWARD, CA

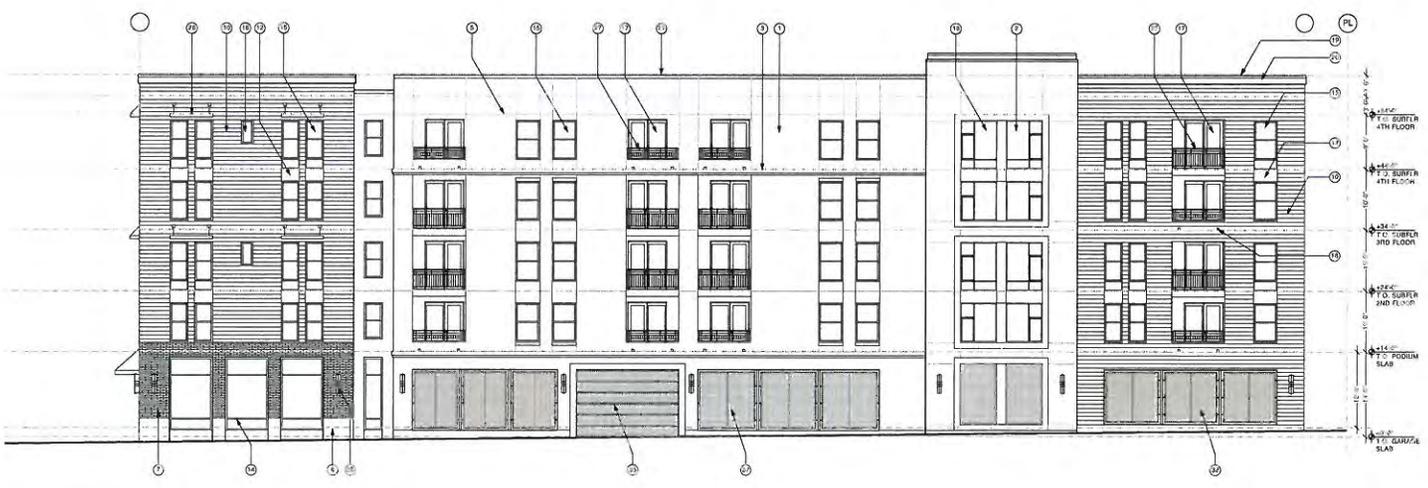
DATE: 05/11/2022
 PROJECT: WITTEK-MONTANA AND EDEN HOUSING
 PRECISE PLAN RESUBMITTAL

CONCEPTUAL ELEVATIONS WITTEK-MONTANA



- GENERAL NOTES**
- SHEET NOTES**
- NOTE: NOT ALL NOTES ARE USED IN EVERY SHEET
- 1 3/4" DAY PLASTER W/ ELASTOMERIC PAINT
 - 2 3/4" X 12" PLASTER COATED FOAM TRIM
 - 3 PLASTER COATED FOAM TRIM
 - 4 GROUTED HORIZONTAL FINISH JOINT TYP.
 - 5 SUBSTRUM M-SLOPE HORIZONTAL CONTROL JOINT AT FLOOR AND ROOF LINES TYP.
 - 6 UNFINISHED VERTICAL CONTROL JOINT TYP.
 - 7 1/2" SCHEDULE 40S BRICK OR SCRATCH AND BRUSH W/ MORTAR JOINTS
 - 8 1/2" NAPA VALLEY CAST STONE 3" SCRATCH AND BRUSH W/ MORTAR JOINTS, 30 PSF
 - 9 1/2" MCM BUILDING ADDRESS IN CONTRASTING BACKGROUND
 - 10 6" WIDE FIBER CEMENT SIDING W/ 1X1 HANDLE TRIM TYP. AT CORNERS AND AROUND OPENINGS
 - 11 WINDOW TRIM GLAZ COLLARS, PTD
 - 12 WINDOW PANEL, PTD TO MATCH WINDOWS
 - 13 8" 4132-0" GLASS ENTRANCE DOORS
 - 14 1/2" ALUMINUM STOREFRONT W/ OFFSET GLAZING
 - 15 VINYL OR ALUM. SINGLE HUNG WINDOW, CUSTOMIZABLE BRONZE OR BRASS FINISH, MONOTOPIC OR BELDEN W/ AND W/O FIXED LITE BELOW
 - 16 VINYL OR ALUM. CASSEMENT WINDOWS
 - 17 1/2" THERMATRY FIBERGLASS FRENCH DOOR W/ INTEGRAL SILL/LITE, PTD TO MATCH WINDOW, TYP.
 - 18 1/2" ALUM. THRU WALL SUPPORT, PTD
 - 19 1/2" 1X6 HARDIE TRIM, PTD W/ 1/2" GCM COPING, PTD
 - 20 3/4" X 12" HARDIE TRIM, PTD
 - 21 1/2" FOAM TRIM W/ 1/2" GCM COPING, TYP.
 - 22 STEPPED BACK PARAPET W/ 1/2" GCM COPING, PTD
 - 23 SOLID WOOD FRAMED FLAT ROOF W/ MODIFIED BITUMEN, 1/2" 2X8 JOIST
 - 24 1/2" 1/2" 1X6 E-GREEN LIGHTS, CUSTOM EXTERIOR FINISH
 - 25 PROJECTING DECK (PODIUM SLAB)
 - 26 1/2" 1/2" 1X6 WELDED BALCONY W/ WELDED TUBE GUARDRAIL, NOT DIPPED GALVANIZED, PTD
 - 27 NOT DIPPED GALVANIZED 1/2" STEEL TUBE FRAME W/ 1/2" 1X6 PANELS, PROJECTING GUARDRAIL W/ FLAT AND GLASS TO KNIFE FLATE CONNECTION
 - 28 1/2" 1/2" 1X6 WELDED BALCONY W/ WELDED TUBE GUARDRAIL, NOT DIPPED GALVANIZED, PTD
 - 29 NOT DIPPED GALVANIZED 1/2" STEEL TUBE FRAME W/ 1/2" 1X6 PANELS, PROJECTING GUARDRAIL W/ FLAT AND GLASS TO KNIFE FLATE CONNECTION
 - 30 UNLOCATED/ HANDICAPPED STAIR
 - 31 VINYL SLIDING DOOR
 - 32 GARAGE SHILLE
 - 33 GARAGE ENTRANCE
 - 34 BREEZE WAY
 - 35 PODIUM STAIR

WITTEK-MONTANA AND EDEN HOUSING
PRECISE PLAN RESUBMITTAL
SOUTH HAYWARD, CA



SOUTH ELEVATION - GARAGE ENTRANCE 1
1/8" = 1'-0"



DATE: 10/27/2012
PRECISE PLAN RESUBMITTAL

CONCEPTUAL ELEVATIONS WIT. - MONT.

DATE: 10/27/2012
PROJECT: 1307
SHEET: A3.1.5

VESTING TENTATIVE TRACT 8032 FOR CONDOMINIUM PURPOSES HAYWARD, CALIFORNIA

FLOOD ZONE DATA

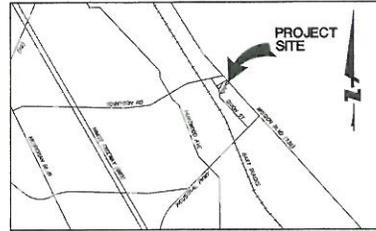
PER FLOOD INSURANCE RATE MAP NUMBER 50010C0203G, AUGUST 3, 2009:

A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X", "OTHER FLOOD AREAS", DEFINED AS: "AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OF WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD."

A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X", "OTHER AREAS", DEFINED AS: "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

ABBREVIATIONS

AC	ASPHALT CONCRETE	INV	INVERT
AD	AREA DRAIN	JUN	JUNCTION
APPROX	APPROXIMATE	JB	JUNCTION BOX
BC	BEGINNING OF CURVE	JT	JOINT TRENCH
BCR	BEGIN CURB RETURN	LAT	LATERAL
BLDG	BUILDING	LEN	LENGTH
BM	BENCHMARK	LF	LINEAR FEET
BO	BLOWOFF	LG	LP OF OUTLET
BOV	BLOWOFF VALVE	LP	LOW POINT
BOV	BACK OF WALK	MAX	MAXIMUM
BVC	BEGIN VERTICAL CURVE	MH	MANHOLE
BW	BOTTOM OF WALL	MIN	MINIMUM
CB	CATCH BASIN	MON	MONUMENT
C&G	CURB & GUTTER	NOT	NOT TO SCALE
C, CL	CENTERLINE	OV	OVERLAP
CD	CLEANOUT	PA	PAVED SURFACE
COM	COMMUNICATIONS BOX	PCC	PORTLAND CEMENT CONCRETE
CONC	CONCRETE	PG&E	PETROLEUM GAS AND ELECTRIC
CR	CURB RETURN	PL P	PROPERTY LINE
CVC	CENTER OF VERTICAL CURVE	POC	POINT OF CONNECTION
DIA	DIAMETER	PRC	POINT OF REVERSE CURVE
D/W	DOMESTIC WATER	PR	PROPOSED
D/W	DRIVEWAY	PUE	PUBLIC UTILITY EASEMENT
DS	DOWNSPOUT	PV	PAVEMENT
DWG	DRAWING	R	RADIUS
E	ELECTRIC	RM	RIM ELEVATION
EO	END OF CURVE	R/W	RIGHT OF WAY
EV	END OF CURB RETURN	S	SLOPE
EL	ELEVATION	SD	STORM DRAIN
EP	EDGE OF PAVEMENT	SDMH	STORM DRAIN MANHOLE
EV	END VERTICAL CURVE	SHT	SHIELD
EX	EXISTING	SS	SANITARY SEWER
FO	FIBER OPTICAL	SSMH	SANITARY SEWER MANHOLE
FOB	FACE OF BUILDING	ST	STREET
FOL	FACE OF CURB	STA	STATION
FF	FINISHED FLOOR ELEVATION	STD	STANDARD
FG	FINISHED GRADE	S/W	SIDEWALK
FT	FEET	T OR TELS	TELEPHONE
FL	FIRE LINE	TC	TOP OF CURB
F, F/L	FIRE LINE	TEMP	TEMPORARY
FM	FORCE MAIN	TOP	TOP OF GRATE
FOB	FACE OF BUILDING	TP	TOP OF PAVEMENT
FP	FINISHED PAVEMENT	TR	TOP OF RAMP
FS	FIRE SERVICE	TS	TOP OF STAIR
FT	FEET	TW	TOP OF WALL
G	GAS	TYP	TYPICAL
GB	GRADE BREAK	VC	VERTICAL CURVE
GE	GRADE ELEVATION	VERT	VERTICAL
GM	GAS METER	WM	WATER METER
HP	HIGH POINT	WV	WATER VALVE
HV	HIGH VOLTAGE		



VICINITY MAP
N.T.S.

LEGEND

	PROPOSED	EXISTING
PROPERTY LINE	---	---
LOT LINE	---	---
CONTOUR LINE	---	---
STORM DRAIN LINE	---	---
SANITARY SEWER LINE	---	---
WATER LINE	---	---
FIRE LINE	---	---
JOINT TRENCH	---	---
GAS LINE	---	---
TELEPHONE LINE	---	---
SANITARY SEWER CLEANOUT	●SDP	●SDP
WATER METER	□WM	□WM
WATER VALVE	●WV	●WV
FIRE HYDRANT	●FH	●FH
STORM DRAIN CLEANOUT	●SDCP	●SDCP
STORM DRAIN AREA DRAIN	●AD	●AD
STORM DRAIN DROP INLET	■	■
SIGN	—S	—S
ELECTRICIAN	—E	—E
FENCE LINE	—F	—F

SHEET INDEX

C1.0	TITLE SHEET
C2.0	EXISTING CONDITIONS
C3.0	PRELIMINARY CHASING AND DRAINAGE PLAN
C4.0	PRELIMINARY UTILITY PLAN
C5.0	PRELIMINARY STORMWATER CONTROL PLAN

PROJECT INFORMATION

OWNER:	JMU DEVELOPMENT, LLC 476 HAWKINS PETITE GROUP 2055 HAWTHORNE BLVD., #1200 TORRANCE, CA 90503
DEVELOPER - MASTER PLAN:	WITTEK DEVELOPMENT, LLC 1575 JUNGUS HIGHWAY EAST FAIRFIELD, CA 94524 CONTACT: KURT WITTEK/TONY BOSEWALD
DEVELOPER - AFFORDABLE HOUSING:	EDEN HOUSING, INC. 2345 GRAND STREET FAIRFIELD, CA 94504 TEL: 925-247-8103 CONTACT: ANURCA GOLOD
ARCHITECT: (JM & GH PARCEL)	EGE ARCHITECTURE 485 CALIFORNIA ST., STE 1200 SAN FRANCISCO, CA 94104 TEL: 415-677-0456 (EXT. 307) CONTACT: JOYACHAN ENIG
CIVIL ENGINEER / SURVEYOR (JM & GH PARCEL):	BKF ENGINEERS 1825 TECHNOLOGY DRIVE, SUITE 450 SAN JOSE, CA 95110 TEL: 408-461-3356 CONTACT: JACOB NGUYEN
LANDSCAPE ARCHITECT (JM PARCEL):	GLE LANDSCAPE ARCHITECTURE 3077 MISSION STREET, #200 SAN FRANCISCO, CA 94110 TEL: 415-285-3014 CONTACT: GARY STRANG
LANDSCAPE ARCHITECT (EDEN PARCEL):	VAN DORN ASHD LANDSCAPE ARCHITECTS, INC. 88 14TH ST., SAN FRANCISCO, CA 94103 TEL: 415-564-1522 (EXT. 103) CONTACT: SHARIL VAN DORN
GEOTECHNICAL ENGINEER (JM & EDEN PARCEL):	AMSO CONSULTING ENGINEERS 731 DUCOMBE AVENUE HAYWARD, CALIFORNIA 94544 (510) 690-3714 (OFFICE) (510) 690-3773 (FAX) (510) 619-2205 (CELL)

PROPERTY DESCRIPTION: 47H 0782-0441-001-10, 17, 28

EXISTING ZONING: PLANNED DEVELOPMENT (PD)
PROPOSED ZONING: PLANNED DEVELOPMENT (PD)

LOT AREA

NO. OF LOTS:	
TOTAL ACREAGE:	4.34 ACRES
PUBLIC DEDICATION (STREET):	0.00 ACRES
NET ACREAGE:	4.34 ACRES

EXISTING UTILITY PROVIDERS

SANITARY SEWER:	CITY OF HAYWARD
WATER:	CITY OF HAYWARD
STORM DRAINAGE:	CITY OF HAYWARD & ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
ELECTRICAL:	PG&E
GAS:	PG&E
TELEPHONE:	AT&T

OWNER'S STATEMENT

I, Jessie Montana, 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.

BY: [Signature]
JMU DEVELOPMENT, LLC

OWNER'S STATEMENT

I, Frances David, 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.

BY: [Signature]
CITY OF HAYWARD

OWNER'S STATEMENT

I, Jacob B. Nguyen, 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.

BY: [Signature]
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
MANAGER, REAL ESTATE AND PROPERTY DEVELOPMENT DEPARTMENT

GEOTECHNICAL ENGINEER

THIS TENTATIVE MAP SUBMITTAL HAS BEEN PREPARED IN ACCORDANCE WITH GEOTECHNICAL REPORT.

AMSO CONSULTING ENGINEERS

ENGINEER'S STATEMENT

THIS TENTATIVE MAP SUBMITTAL HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICE.

BY: [Signature] 6/16/2012
JACOB B. NGUYEN
P.E. #63994 EXP. 6/30/12
BKF ENGINEERS

SURVEYOR'S STATEMENT

THIS TENTATIVE MAP SUBMITTAL HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH STANDARD SURVEYING PRACTICE.

BY: [Signature] 6/16/2012
JOHN KOROYAN
P.L.S. #9883 EXP. 12/31/13
BKF ENGINEERS



1825 TECHNOLOGY DRIVE
SUITE 450
SAN JOSE, CA 95110
408-461-3356
408-461-3356 (FAX)

HAYWARD

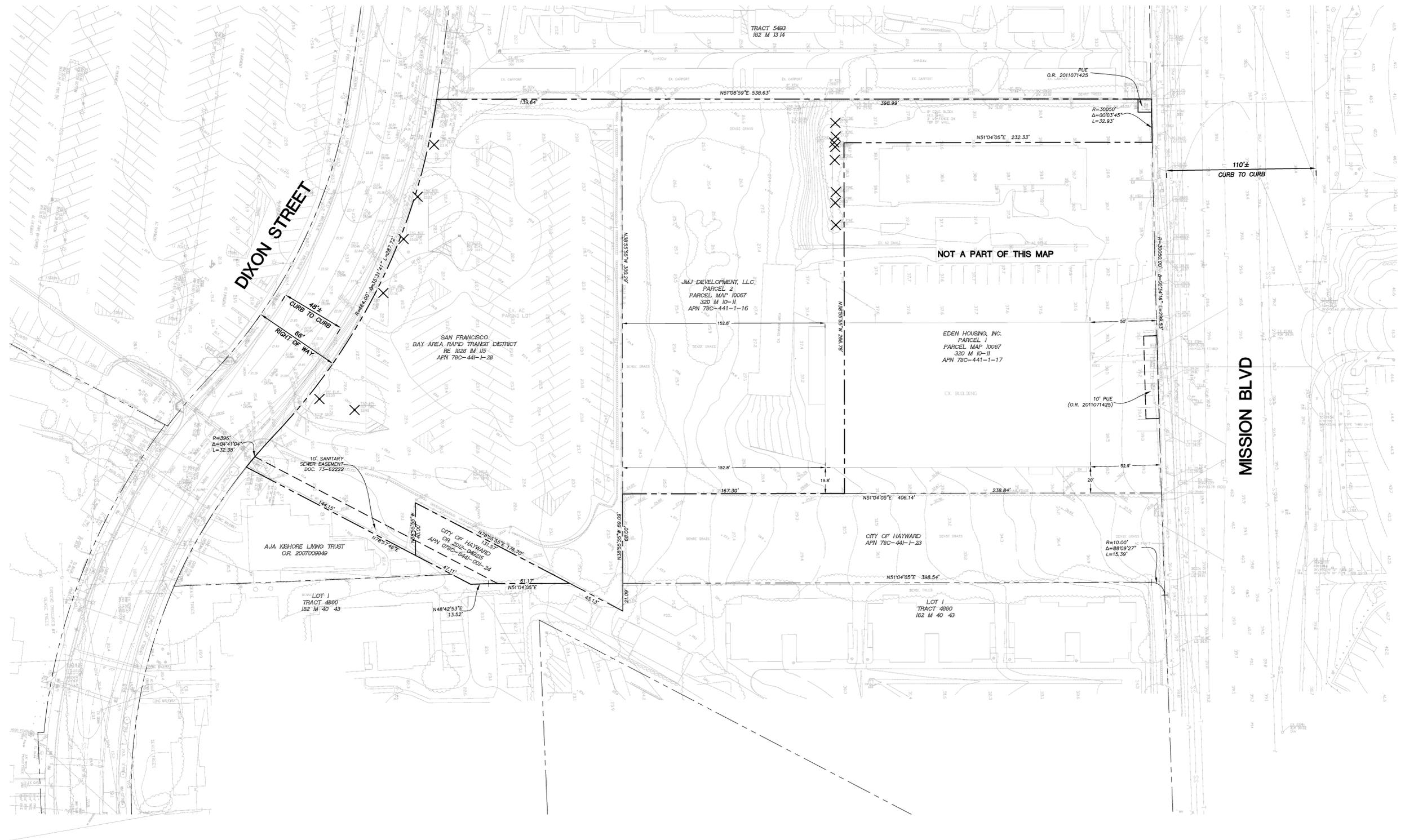
SOUTH HAYWARD WITTEK-MONTANA
VESTING TENTATIVE TRACT 8032

TITLE SHEET
ALAMEDA COUNTY

CALIFORNIA

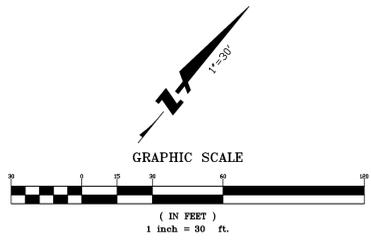


No.	Revision	Date	Drawn By	Checked By	Project Number
		06/16/12	J. Nguyen	J. Nguyen	C1.0



LEGEND

- = EASEMENT LINE
- = PROPERTY LINE
- = TREE TO BE REMOVED



**SOUTH HAYWARD BART DEVELOPMENT – JMJ DEVELOPMENT
VESTING TENTATIVE TRACT 8032
EXISTING CONDITIONS**



1650 TECHNOLOGY DRIVE
SUITE 650
SAN JOSE, CA 95110
408-467-9100
408-467-9199 (FAX)

HAYWARD

ALAMEDA COUNTY

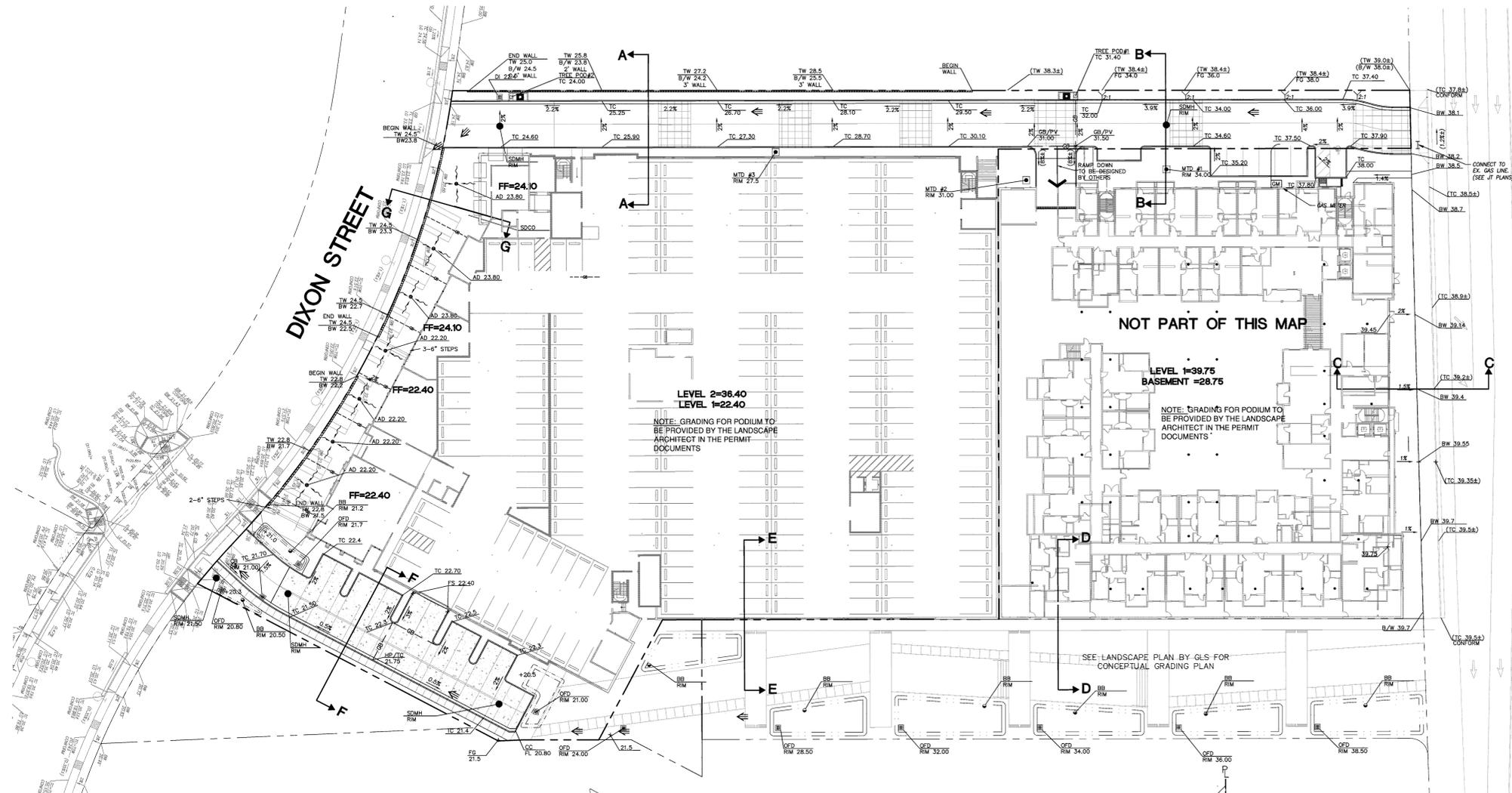
CALIFORNIA



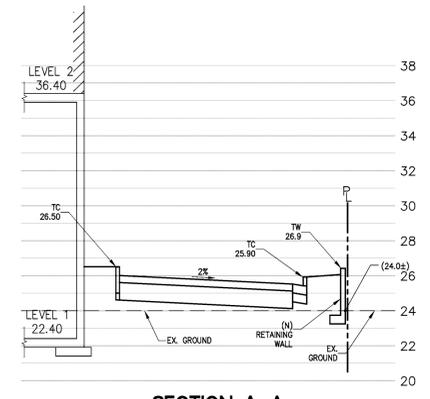
No.	Revisions	Date: 10/01/2012	Drawing Number:
		Scale: AS SHOWN	C2.0 2 OF 6
		Design: MS	
		Drawn: EM/SB	
		Approved: JN	
		Job No: 20076125	

GRADING LEGEND

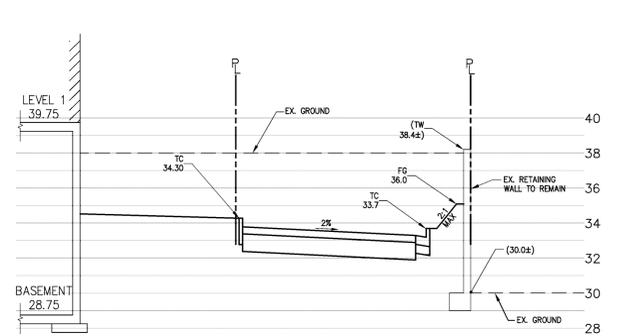
- TC = TOP OF CURB
- BW = BACK OF WALK
- CC = CURB CUT (CURB OPENING)
- FL = FLOW LINE
- FG = FINISH GRADE
- HP = HIGH POINT
- TW = TOP OF WALL
- B/W = BOTTOM OF WALL
- GB = GRADE BREAK
- (24.0±) = EX SPOT ELEVATION
- 1.0± = DRAINAGE PATTERN
- FS = FINISH SURFACE
- LP = LOW POINT
- FF = FINISH FLOOR ELEVATION
- GF = GARAGE FINISH FLOOR
- +20.0 = PROPOSED FINISH GRADE
- SDMH ⊙ = STORM DRAIN MANHOLE
- OFD ■ = CATCH BASIN
- SDCO ● = STORM DRAIN CLEANOUT
- = TREATMENT BASIN
- ⇨ = OVERLAND RELEASE
- ▒ = CONCRETE PAVEMENT
- ░ = AC PAVING
- ▤ = DECORATIVE PAVEMENT PER LANDSCAPE PLANS



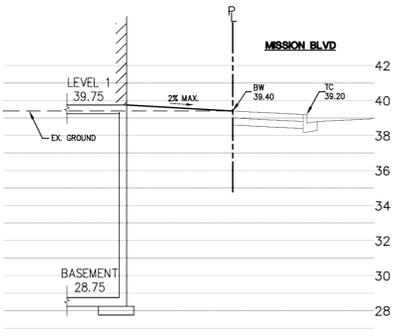
MISSION BLVD



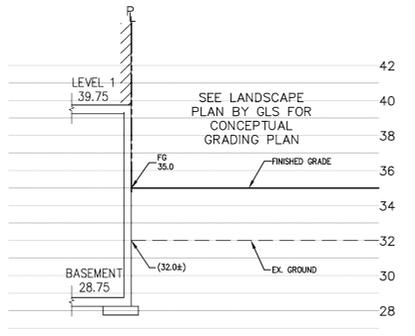
SECTION A-A
VERT. 1"=4'
HORT. 1"=10'



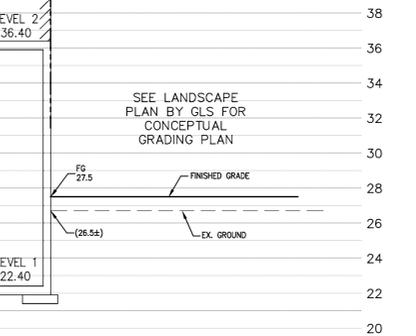
SECTION B-B
VERT. 1"=4'
HORT. 1"=10'



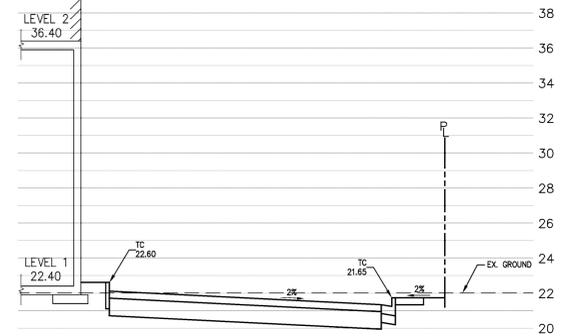
SECTION C-C
VERT. 1"=4'
HORT. 1"=10'



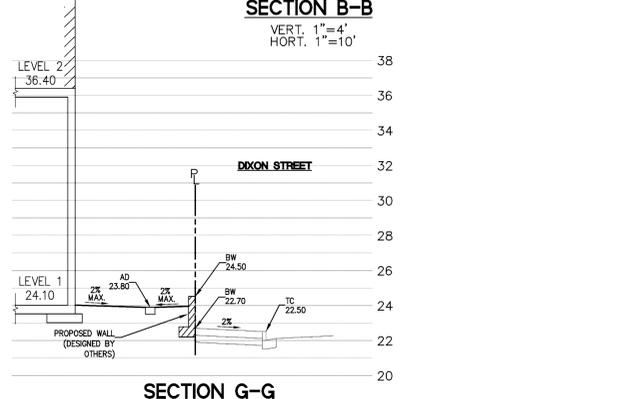
SECTION D-D
VERT. 1"=4'
HORT. 1"=10'



SECTION E-E
VERT. 1"=4'
HORT. 1"=10'



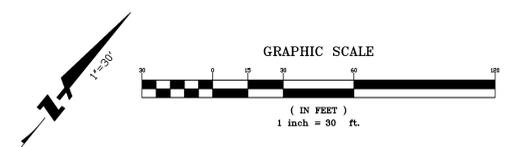
SECTION F-F
VERT. 1"=4'
HORT. 1"=10'



SECTION G-G
VERT. 1"=4'
HORT. 1"=10'

EARTHWORK QUANTITIES

CUT: 39,300 CY
FILL: 500 CY



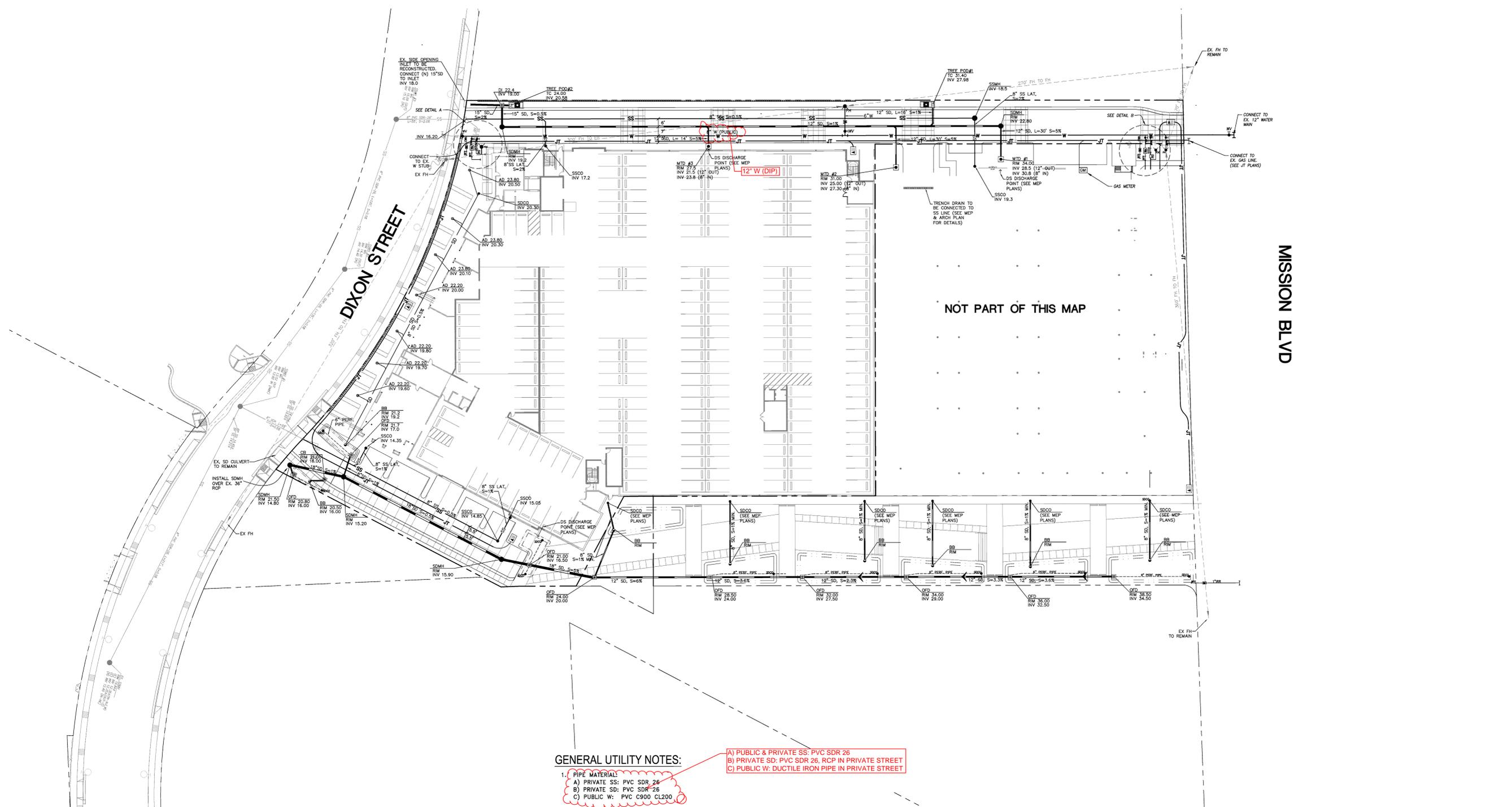
BKF
ENGINEERS / SURVEYORS / PLANNERS
1650 TECHNOLOGY DRIVE
SUITE 650
SAN JOSE, CA 95110
408-467-9100
408-467-9199 (FAX)

SOUTH HAYWARD BART DEVELOPMENT - JMJ DEVELOPMENT
VESTING TENTATIVE TRACT 8032
PRELIMINARY GRADING AND DRAINAGE PLAN

HAYWARD CALIFORNIA ALAMEDA COUNTY



No.	Revisions	Date: 10/01/2012	Drawing Number:
		Scale: AS SHOWN	C4.0
		Design: MS	
		Drawn: EM/SB	
		Approved: JN	
		Job No: 20076125	4 OF 6



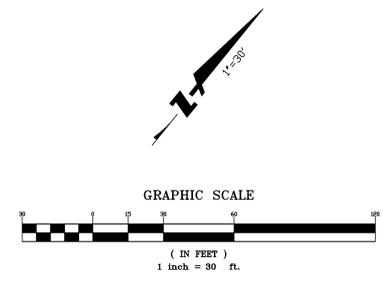
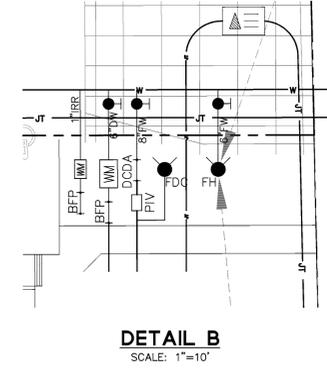
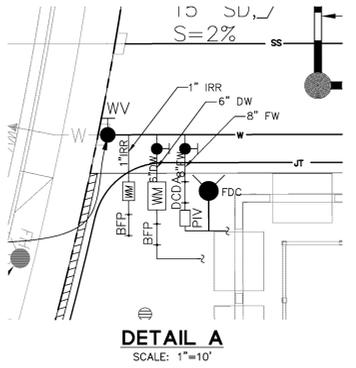
GENERAL UTILITY NOTES:

- A) PUBLIC & PRIVATE SS: PVC SDR 26
- B) PRIVATE SD: PVC SDR 26, RCP IN PRIVATE STREET
- C) PUBLIC W: DUCTILE IRON PIPE IN PRIVATE STREET

1. PIPE MATERIAL:
 - A) PRIVATE SS: PVC SDR 26
 - B) PRIVATE SD: PVC SDR 26
 - C) PUBLIC W: PVC C900 CL200
2. PUBLIC WATER MAIN(S) AND METERS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY'S "SPECIFICATIONS FOR CONSTRUCTION OF WATER MAINS (12" DIAMETER OR LESS) AND FIRE HYDRANTS" LATEST REVISION AT THE TIME OF PERMIT APPROVAL. THE WATER MAIN SHALL HAVE A MINIMUM OF 48" OF COVER.
3. A SEPARATE 1-INCH IRRIGATION WATER WILL BE INSTALLED FOR MJM DEVELOPMENT, EDEN, AND PARK PARCEL.
4. ALL DOMESTIC & IRRIGATION WATER METERS SHALL BE WITH RADIO-READ TYPE.
5. LOCATION OF FIRE HYDRANTS SHALL BE APPROVED BY THE FIRE MARSHALL.
6. WATER MAINS AND SERVICES, INCLUDING THE METERS, MUST BE LOCATED AT LEAST 10 FEET HORIZONTALLY FROM ONE-FOOT VERTICALLY ABOVE ANY PARALLEL PIPELINE CONVEYING UNTREATED SEWAGE (INCLUDING SANITARY SEWER LATERALS), AND AT LEAST SIX FEET FROM AND ONE-FOOT VERTICALLY ABOVE ANY PARALLEL PIPELINE CONVEYING STORM DRAINAGE.
7. 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.
8. THE SANITARY SEWER LATERALS SHALL HAVE CLEANOUTS AND BE CONSTRUCTED PER CITY STANDARD DETAIL SD-312.
9. SEE LANDSCAPE PLANS FOR SCREENED PLANTING OF BFPs.
10. ALL UTILITY SERVICES SHALL BE "UNDERGROUND SERVICE" DESIGNED AND INSTALLED IN ACCORDANCE WITH THE PACIFIC GAS AND ELECTRIC COMPANY, AT&T, AND COMCAST REGULATIONS. TRANSFORMERS, AND SWITCH GEAR CABINETS, SHALL BE PLACED UNDERGROUND UNLESS OTHERWISE APPROVED BY THE PLANNING DIRECTOR AND THE CITY ENGINEER.
11. THE DESIGN OF THE DRAINAGE SYSTEM SHALL BE REVIEWED AND APPROVED BY ACFC & WCD AND THE CITY OF HAYWARD.
12. A REDUCED PRESSURE BACKFLOW PREVENTION ASSEMBLY WILL BE INSTALLED FOR EACH IRRIGATION AND DOMESTIC METER PER CITY STANDARD DETAIL SD-202.
13. ALL FIRE SERVICES SHALL BE INSTALLED PER CITY STANDARD SD-204.

UTILITY LEGEND

— G — = GAS LINE (SEE JT PLANS)	• WV = WATER VALVE
— W — = WATER LINE	• AD = AREA DRAIN
— SS — = SANITARY SEWER LINE	• OFD = OVERFLOW DRAIN
— JT — = JOINT TRENCH (SEE JT PLANS)	• FH = FIRE HYDRANT
— SD — = STORM DRAIN LINE (TREATED)	• TRANS = TRANSFORMER (SEE JT PLANS)
— IRR — = IRRIGATION LINE	• WM = WATER METER
— FW — = FIRE WATER LINE	• SSCO = SANITARY SEWER CLEANOUT
— SD — = STORM DRAIN LINE (UNTREATED)	• SDCO = STORM DRAIN CLEANOUT
••• 8" PERFORATED PIPE	• SSMH = SANITARY SEWER MANHOLE
— — = PROPERTY LINE	• SDMH = STORM DRAIN MANHOLE
	• IRR = IRRIGATION METER
	• BFP = BACK FLOW PREVENTOR
	• PIV = POST INDICATOR VALVE
	• FDC = FIRE DEPARTMENT CONNECTION
	• BB = BUBBLER BOX
	• CB = CATCH BASIN



1650 TECHNOLOGY DRIVE
SUITE 650
SAN JOSE, CA 95110
408-467-9100
408-467-9199 (FAX)

HAYWARD

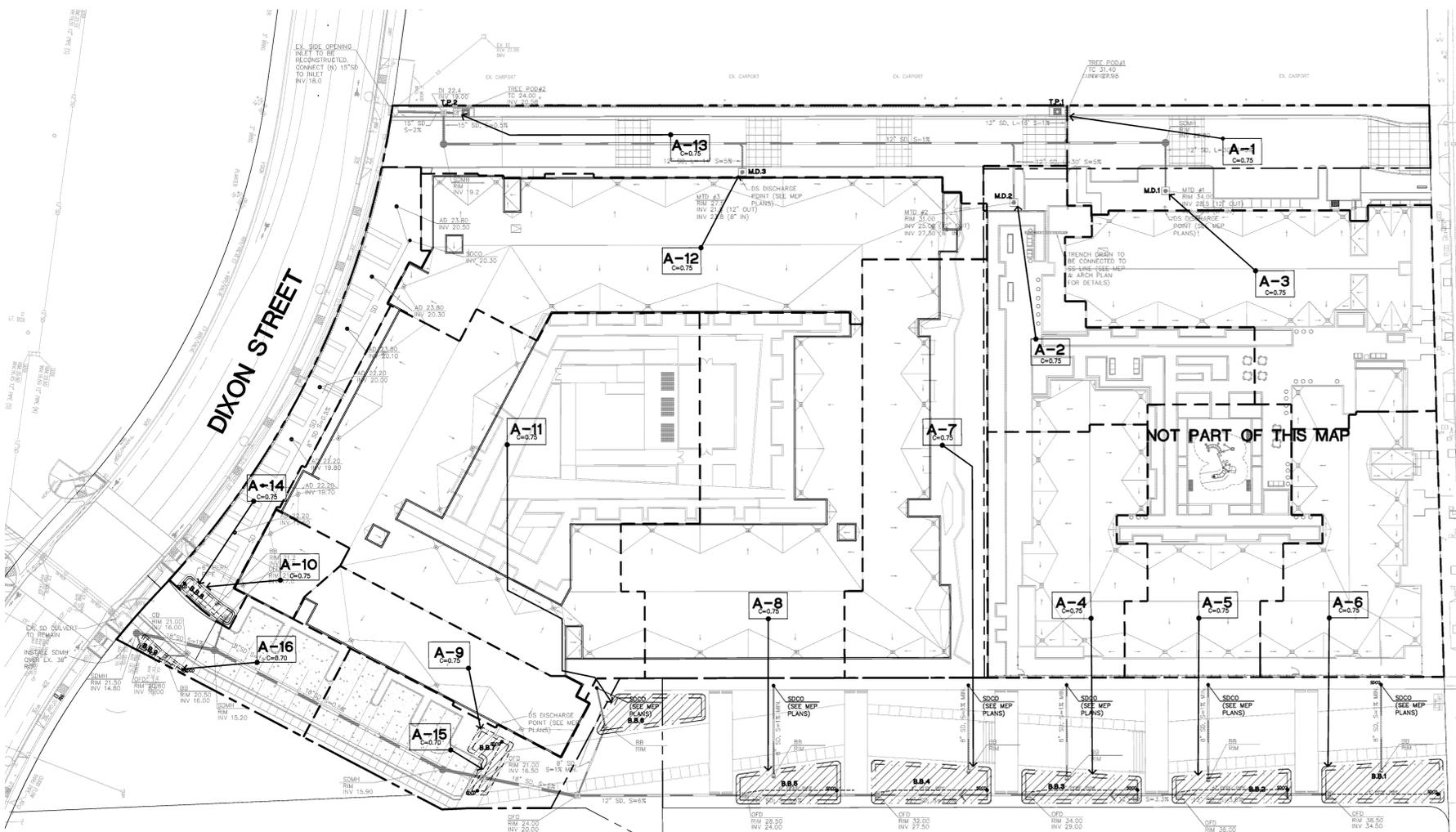
**SOUTH HAYWARD BART DEVELOPMENT - MJM DEVELOPMENT
VESTING TENTATIVE TRACT 8032
PRELIMINARY UTILITY PLAN**

ALAMEDA COUNTY

CALIFORNIA



No.	Revisions	Date: 10/01/2012	Drawing Number:
		Scale: AS SHOWN	C5.0
		Design: MS	
		Drawn: EM/SB	
		Approved: JN	5 OF 6
		Job No: 20076125	



LEGEND

- PROPERTY LINE
- DRAINAGE AREA BOUNDARY
- ← POINT OF TREATMENT OF DRAINAGE AREA
- TREATMENT AREA
- B.B.# BIORETENTION SWALE
- SDMH STORM DRAIN MANHOLE
- OFD OVERFLOW DRAIN
- MTD MECHANICAL TREATMENT DEVICE
- TP TREE POD
- BUBBLER BOX
- DRAINAGE SLOPE

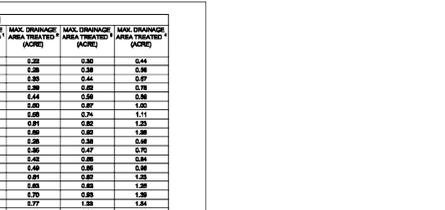
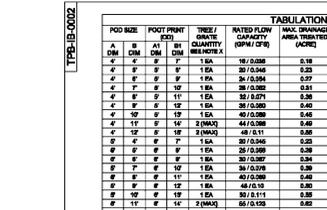
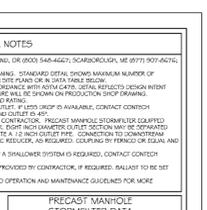
- NOTE:
- FOR TREATMENT SOIL SPECIFICATION, SEE APPENDIX L IN ALAMEDA COUNTY CLEAN WATER PROGRAM CS STORM WATER TECHNICAL GUIDANCE DATED MAY 29, 2012.
 - BACKFILL BIORETENTION ONLY WITH PERMEABLE PLANTING MATERIAL AND DRAIN ROCK AS SPECIFIED IN THIS DETAIL. ABSOLUTELY NO NATIVE MATERIAL SHALL BE USED FOR BACKFILL. CONTRACTOR MUST COORDINATE WITH CIVIL ENGINEER PRIOR TO CONSTRUCTION.

MISSION BLVD

DIXON STREET

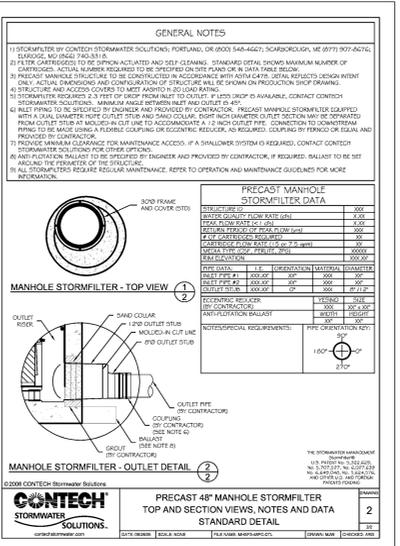
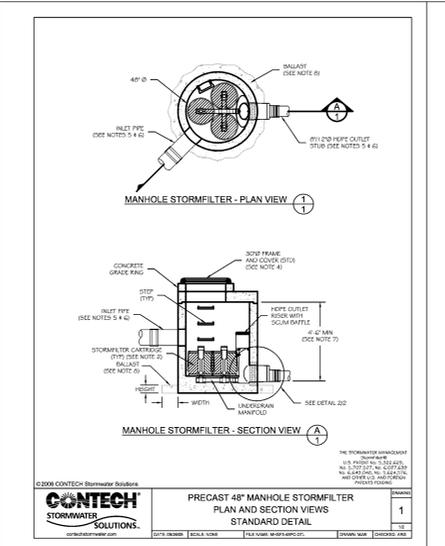
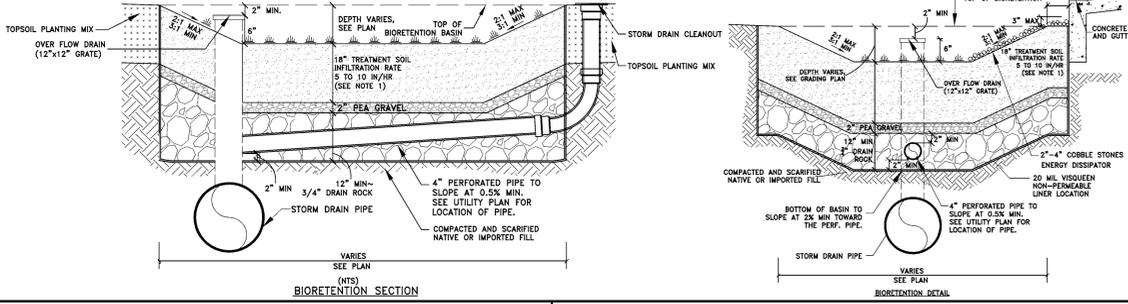
NOT PART OF THIS MAP

SEE SHEET 3 OF 3 FOR NOTES, SPECIFICATIONS & CAPACITIES



TREATMENT CONTROL MEASURE SUMMARY

DRAINAGE AREAS	DRAINAGE AREA SIZE (SF)	PERVIOUS SURFACE (SF)	TYPE OF PERVIOUS SURFACE	IMPERVIOUS SURFACE (SF)	TYPE OF IMPERVIOUS SURFACE	WATER QUANTITY (FLOW GENERATED)		PROPOSED TREATMENT CONTROLS	DIMENSIONS OF TREATMENT CONTROLS	CONFORMS TO SIZE STANDARD?
						REQUIRED (CF)	PROVIDED (CF)			
A-1	10295	2850	LANDSCAPE	7475	ASPHALT CONCRETE	-	-	T.P.1 TREE POD	5' x 10' TREE POD	YES
A-2	10815	1600	LANDSCAPE	9015	ROOF CONCRETE	-	-	M.D.2 MECHANICAL TREATMENT DEVICE	60" # MANHOLE	YES
A-3	16115	1150	LANDSCAPE	14625	ROOF CONCRETE	-	-	M.D.1 MECHANICAL TREATMENT DEVICE	60" # MANHOLE	YES
A-4	10070	1000	LANDSCAPE	9070	ROOF CONCRETE	450	980	B.B.3 BIORETENTION BASIN	63' x 15.5' x 0.5'	YES
A-5	10865	1100	LANDSCAPE	9785	ROOF CONCRETE	500	980	B.B.2 BIORETENTION BASIN	63' x 15.5' x 0.5'	YES
A-6	11015	2200	LANDSCAPE	8815	ROOF CONCRETE	360	1323	B.B.1 BIORETENTION BASIN	63' x 27' x 0.5'	YES
A-7	14650	4000	LANDSCAPE	10650	ASPHALT CONCRETE	550	600	B.B.4 BIORETENTION BASIN	62' x 19' x 0.5'	YES
A-8	18485	2770	LANDSCAPE	15715	ASPHALT CONCRETE	650	650	B.B.5 BIORETENTION BASIN	62' x 19' x 0.5'	YES
A-9	5585	300	LANDSCAPE	5285	ROOF CONCRETE	223	475	B.B.7 BIORETENTION BASIN	28' x 17' x 0.5'	YES
A-10	1810	250	LANDSCAPE	1560	ROOF CONCRETE	50	250	B.B.8 BIORETENTION BASIN	31' x 8' x 0.5'	YES
A-11	29815	9900	LANDSCAPE	24015	ROOF	1100	1200	B.B.6 BIORETENTION BASIN	63' x 23' x 0.5'	YES
A-12	19776	300	LANDSCAPE	19476	ASPHALT CONCRETE	-	-	M.D.3 MECHANICAL TREATMENT DEVICE	60" # MANHOLE	YES
A-13	13050	1750	LANDSCAPE	11300	ASPHALT CONCRETE	-	-	T.P.2 TREE POD	5' x 10' TREE POD	YES
A-14	6000	800	LANDSCAPE	5250	ASPHALT CONCRETE	200	250	B.B.8 BIORETENTION BASIN	31' x 8' x 0.5'	YES
A-15	6600	3000	LANDSCAPE	3600	ASPHALT CONCRETE	230	475	B.B.7 BIORETENTION BASIN	28' x 17' x 0.5'	YES
A-16	4770	700	LANDSCAPE	4070	ASPHALT CONCRETE	150	150	B.B.9 BIORETENTION BASIN	27' x 8' x 0.5'	YES

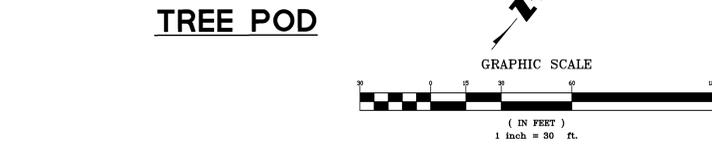


MECHANICAL TREATMENT DEVICE

POD SIZE (D)	POD HEIGHT (H)	POD TYPE	RATED FLOW CAPACITY (GPM)	RATED FLOW CAPACITY (MGD)	MAX. DRAINAGE AREA (ACRES)		MAX. DRAINAGE AREA (ACRES)	
					AREA TREATED (MGD)	AREA TREATED (MGD)	AREA TREATED (MGD)	AREA TREATED (MGD)
4'	4'	1	1.6	0.038	0.18	0.30	0.54	
4'	6'	1	1.6	0.038	0.23	0.38	0.58	
4'	8'	1	1.6	0.038	0.27	0.45	0.67	
4'	10'	1	1.6	0.038	0.31	0.50	0.78	
4'	12'	1	1.6	0.038	0.35	0.54	0.88	
4'	14'	1	1.6	0.038	0.40	0.60	1.00	
4'	16'	1	1.6	0.038	0.45	0.66	1.11	
4'	18'	1	1.6	0.038	0.50	0.72	1.23	
4'	20'	1	1.6	0.038	0.55	0.78	1.35	
4'	22'	1	1.6	0.038	0.60	0.84	1.47	
4'	24'	1	1.6	0.038	0.65	0.90	1.59	
4'	26'	1	1.6	0.038	0.70	0.96	1.71	
4'	28'	1	1.6	0.038	0.75	1.02	1.83	
4'	30'	1	1.6	0.038	0.80	1.08	1.95	
4'	32'	1	1.6	0.038	0.85	1.14	2.07	
4'	34'	1	1.6	0.038	0.90	1.20	2.19	
4'	36'	1	1.6	0.038	0.95	1.26	2.31	
4'	38'	1	1.6	0.038	1.00	1.32	2.43	
4'	40'	1	1.6	0.038	1.05	1.38	2.55	
4'	42'	1	1.6	0.038	1.10	1.44	2.67	
4'	44'	1	1.6	0.038	1.15	1.50	2.79	
4'	46'	1	1.6	0.038	1.20	1.56	2.91	
4'	48'	1	1.6	0.038	1.25	1.62	3.03	
4'	50'	1	1.6	0.038	1.30	1.68	3.15	
4'	52'	1	1.6	0.038	1.35	1.74	3.27	
4'	54'	1	1.6	0.038	1.40	1.80	3.39	
4'	56'	1	1.6	0.038	1.45	1.86	3.51	
4'	58'	1	1.6	0.038	1.50	1.92	3.63	
4'	60'	1	1.6	0.038	1.55	1.98	3.75	
4'	62'	1	1.6	0.038	1.60	2.04	3.87	
4'	64'	1	1.6	0.038	1.65	2.10	3.99	
4'	66'	1	1.6	0.038	1.70	2.16	4.11	
4'	68'	1	1.6	0.038	1.75	2.22	4.23	
4'	70'	1	1.6	0.038	1.80	2.28	4.35	
4'	72'	1	1.6	0.038	1.85	2.34	4.47	
4'	74'	1	1.6	0.038	1.90	2.40	4.59	
4'	76'	1	1.6	0.038	1.95	2.46	4.71	
4'	78'	1	1.6	0.038	2.00	2.52	4.83	
4'	80'	1	1.6	0.038	2.05	2.58	4.95	
4'	82'	1	1.6	0.038	2.10	2.64	5.07	
4'	84'	1	1.6	0.038	2.15	2.70	5.19	
4'	86'	1	1.6	0.038	2.20	2.76	5.31	
4'	88'	1	1.6	0.038	2.25	2.82	5.43	
4'	90'	1	1.6	0.038	2.30	2.88	5.55	
4'	92'	1	1.6	0.038	2.35	2.94	5.67	
4'	94'	1	1.6	0.038	2.40	3.00	5.79	
4'	96'	1	1.6	0.038	2.45	3.06	5.91	
4'	98'	1	1.6	0.038	2.50	3.12	6.03	
4'	100'	1	1.6	0.038	2.55	3.18	6.15	

- NOTES:
- PRECAST CONCRETE TREEPOD VAULT CONFORMS TO ASTM C857 & C858.
 - FOR BYPASS FLOW RATES CONTACT KRISTAR ENTERPRISES, INC.
 - KRISTAR STANDARD #24.00" (CAST IRON OR CONCRETE) MAINTENANCE/INSPECTION ACCESS COVER & 48.00" X 48.00" TREE GRATES SUPPLIED. ALTERNATE 24.00" X 48.00" HINGED FULL ACCESS COVER AND/OR ALTERNATE TREE GRATE/ACCESS COVER CONFIGURATIONS TO MEET LOCAL AGENCY STANDARDS ARE AVAILABLE UPON REQUEST.
 - PREPARED BEDDING FOR VEGETATED LANDSCAPE AREAS OR ALTERNATE FINISHED SURFACES (e.g. PAVERS, ETC.) CAN BE PROVIDED AS REQUIRED UPON REQUEST.
 - STANDARD MINIMUM STRUCTURE DEPTH IS 3.5' (42.00"). OUTLET INVERT IS SLIGHTLY LESS AS ACCOMMODATE PIPE SIZE & TYPE. FOR DIPS LESS THAN THE STATED MINIMUM CONTACT KRISTAR ENTERPRISES, INC. FOR ENGINEERING ASSISTANCE.
 - BOTH INLET & OUTLET PIPES CAN BE ACCOMMODATED ON THREE SIDES UNDER THE PREFILTER AREA ALLOWING JUNCTION CONNECTIONS TO BE MADE. STANDARD UNITS ARE SUPPLIED WITH #6.00" PVC COUPLERS CAST MONOLITHIC. HOWEVER PIPE SIZES UP TO #18" RCP CAN BE ACCOMMODATED UPON REQUEST. FOR SIZES OVER #18.00" RCP CONTACT KRISTAR ENTERPRISES, INC. FOR ENGINEERING ASSISTANCE.
 - FOR APPLICATIONS THAT DO NOT REQUIRE INFILTRATION, A NON-PERMEABLE LINER CAN BE PLACED BETWEEN THE UNIT & BEDDING MATERIAL.

TREEPOD™ Biofilter with Internal Bypass (Side Inlet Version) **KriStar Enterprises, Inc.**
 300 Sutton Place, Santa Rosa, CA 95407
 Ph: 800.579.8819, Fax: 707.524.9180, www.kristar.com



BKF
 ENGINEERS / SURVEYORS / PLANNERS
 1650 TECHNOLOGY DRIVE
 SUITE 650
 SAN JOSE, CA 95110
 408-467-9100
 408-467-9199 (FAX)

SOUTH HAYWARD BART DEVELOPMENT - JMJ DEVELOPMENT
VESTING TENTATIVE TRACT 8032
STORMWATER CONTROL PLAN
 ALAMEDA COUNTY CALIFORNIA

Revisions: _____
 Date: 10/01/2012
 Scale: AS SHOWN
 Design: MS
 Drawn: EM/JS
 Approved: JN
 Job No: 20076125
 Drawing Number: **C6.0**
6 OF 6

FINDINGS FOR APPROVAL

November 15, 2012

Vesting Tentative Tract Map 8032 - PL-2009-0525

Request to create one parcel for the construction of 206 residential condominium units. JMJ Development LLC (Applicant) – Project Site, approximately 2.91 acres, is Located at 28850 Dixon Street and 28901-28937 Mission Boulevard; APNs 078C-0041-16, 23, 24, and -28

1. The approval of Vesting Tentative Map Tract 8032, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Mitigated Negative Declaration, Addendum to the Mitigated Negative Declaration, and Mitigation Monitoring and Report Program were prepared per the guidelines of the California Environmental Quality Act (CEQA) for the South Hayward BART Mixed-Use Project, which includes the development of this site. The Vesting Tentative Map 8032 is in substantial conformance with the Precise Development Plan, and there has been no change in the circumstances of the project triggering the need for additional environmental review
2. The vesting 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.
3. Upon the completion of Mitigation Monitoring & Reporting Program (MMRP) for the South Hayward BART Mixed-Use Project the site will be physically suitable for the proposed type of development.
4. 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.
5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
6. Upon completion of the proposed improvements the streets and utilities will be adequate to serve the project.
7. None of the findings set forth in Section 66474 of the Subdivision Map Act¹ have been made.

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 are 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 OF APPROVAL
PLANNING DIVISION

November 15, 2012

VESTING TENTATIVE TRACT MAP 8032 [PL-2009-0525]
PHASE I - SOUTH HAYWARD BART MIXED USE PROJECT
JMJ Development LLC (Applicants) –
Request for Approval of Vesting Tentative Map for 206 Residential Condominium Units

28850 Dixon Street and 28901-28937 Mission Boulevard
APNs 078C-0441-001-16, -23, -24 and -28

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 Professional Engineers registered to practice in the State of California 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.

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

Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code (CFC), National Fire Protection Association Codes and Standards (NFPA), and all applicable City of Hayward Fire Department Ordinances and amendments.

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.

The improvement plans shall incorporate features encouraged to discourage crime, such as adequate lighting, visible and accessible areas, etc., and shall be reviewed and approved by the Hayward Police Department staff.

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

A copy of these conditions of approval shall be included on a full-sized sheet(s) in the improvement plan set.

PRIOR TO APPROVAL OF IMPROVEMENT PLANS, AND THE FINAL MAPIMPROVEMENT PLANS

Improvement plans for each phase of the project, including a hydrology map and drainage calculations, and erosion and sediment control plan, a landscaping and irrigation plan, and joint trench, street lighting and photometric plan, shall be submitted to the City for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

1. First submittal requirements for the proposed improvement plans with supporting documents, reports and studies and final map:
 - a. Fifteen full size (22"x34") sets of Preliminary Tract Improvement Plans including Grading and Erosion and Sediment Control Plans. The Project Civil Engineer shall be responsible for coordinating with the Project Geotechnical Engineer for review and approval of the Improvement Plans prior to the approval by the City. Two sets of plans shall have original signatures;
 - b. Fifteen full size (22"x34") sets of Joint trench, Streetlight and Photometric Plans;
 - c. Fifteen full size (22"x34") sets of Landscaping and Irrigation Plans prepared by a State of California licensed Landscape Architect;
 - d. Four sets of Drainage Plan, Hydrology map with supporting calculations and reports;
 - e. Three sets of Cleanwater treatment plan with supporting calculations and reports;
 - f. Three set of original Storm Water Pollution Prevention Plans (SWPPP) prepared by a Qualified SWPPP Developer (QSD);
 - g. Eight sets of Preliminary Final Map, with supporting maps, documents and closure calculations;
 - h. The following documents required for the Cleanwater requirements: a) Hydromodification Management Worksheet; b) Infiltration/Rainfall Harvesting and Use Feasibility Screening Worksheet; c) Development and Building Application Information Impervious Surface Form; d) Project Applicant Checklist of Stormwater Requirements for Development Projects; e) C.3 and C.6 Data Collection Form; and f) Numeric Sizing Criteria used for stormwater treatment; and
 - i. Applicable initial deposits required for processing such development application.

Mission Boulevard, Dixon Street, and Tennyson Road and Dixon Street Intersection

2. The project engineer shall coordinate with the City project managers from Public Works – Engineering and Transportation Department regarding any changes along Mission Boulevard and Dixon Street to accommodate the development so that improvements can be done in a timely manner to meet the schedules of the City's Route 238 Corridor Improvement Project and Dixon Street Improvement Project.
3. Existing utilities along the project frontages shall be placed underground.

4. The Developers shall install new concrete sidewalk and driveway approach along Mission Boulevard frontage improvements consistent with the City's Route 238 Corridor Improvement Project plans.
5. Any damaged and/or broken sidewalks and street improvements along the property frontages shall be removed and replaced as determined by the City inspector.

Private Street and driveway

6. Proposed private street and driveway improvements shall be designed, generally reflective of the alignment and width shown on the submitted vesting tentative tract map, and shall be constructed to the same standards as a public street and as approved by the City Engineer.
7. Decorative pavement shall be installed at the southerly driveway entrance and at the private street intersections with the public streets. At least ten feet of decorative pavement section e.g. interlocking pavers or stamped colored concrete, or bands of decorative paving, etc. shall be installed at the driveway entrance from the front property line. 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 lbs. GVW load.
8. Upon any necessary repairs to the 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 homeowners association established to maintain the common areas within the subdivision boundary.
9. Private street and driveway shall be constructed per City Standard Detail SD-110.
10. The developer shall implement the traffic control, signage and striping for the private street as approved by the City Engineer.
11. Decorative on-site private streetlights shall be installed the private street and driveway. Pedestrian lighting shall be provided throughout the development, including interior walkways, to enhance safe pedestrian movement. The location of the lights shall be shown on the improvement plans for each phase of the project and shall be approved by the City. Selected fixtures shall minimize "spill-over" lighting on adjacent properties that are not part of the development. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.
12. Title 24 compliant with parking stalls and loading areas, and handicap ramps and accessible pathways shall be provided throughout the project, per federal and state standards and exceptions.

13. A reciprocal agreement for ingress and egress, and parking, shall be executed between all involved parties, and that document shall be provided to the City for review and approval prior to approval of improvement plans.

Landscaping and Irrigation

14. Prior to the approval of the improvement plans or issuance of the first building permit, a detailed street tree, landscaping and irrigation plans shall be reviewed and approved by the City, and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan, which shall include, but not limited to the following:
 - a. Planting and irrigation plans 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*.
 - b. An overall landscape concept statement addressing the quality of the proposed landscape design, the quality of the pedestrian environment, safety, water conservation and stormwater treatment. Consult the South Hayward BART/Mission Boulevard Concept Design Plan for guidelines regarding development street landscape treatments and the quality of pedestrian environments.
 - c. A comprehensive arborist report for all existing trees. The report shall be prepared by a licensed arborist and shall include the 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 an ISA worksheet for each tree.
 - d. Information providing the preliminary soil volume and structural support for the raised planters on the podium levels for trees and other planting.
 - e. A 24-inch box street tree provided at every 20-40 linear feet of street frontage.
 - f. A table showing 1) total required and provided common open space for each parcel, and 2) total area of irrigated landscape area for each parcel.
 - g. Screening for all above-ground utility equipment with either architectural or landscape features.
 - h. Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the adjacent finished pavement.
15. Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private open space area.
16. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, and public art for the common open space areas. The two Caltrans-owned properties adjacent to and south of the Perry & Key/BART overflow parking sites shall include pedestrian walkways and benches, and, where appropriate, shall otherwise be developed to allow free-style play and recreation to meet the project's group open space requirements.

17. Pursuant to the City's Tree Preservation Ordinance, trees shall be provided to mitigate for any protected trees that are removed, with such trees to be at least equal in value to the trees that are being removed. These mitigation trees are required to be in addition to any required street trees, screening trees, or parking lot trees.
18. 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.
19. A separate tree removal permit will be required for all trees that are to be removed. This can be obtained from the City Landscape Architect prior to demolition. Tree mitigation shall be done above and beyond the required trees.

Storm Drainage

20. The on-site storm drain system including water quality treatment facilities within the development shall be a private system owned and maintained by the Homeowners' Association.
21. On-site grading shall be done in such a way to prevent surface stormwater runoff discharging into the proposed sub-terrain parking.
22. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved by the Alameda County Flood Control and Water Conservation District and the City of Hayward. Development of this site is not to augment runoff to the District flood control facility downstream, Zone 3A, Line D. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design of Line D and any augmented runoff will need to be mitigated on-site.
23. Mitigation Measure 9: A site-specific drainage plan shall be prepared for each phase of the project area prior to approval of the associated grading and improvement plans. The report shall include a summary of existing (pre-project) drainage flows from the project site, anticipated increases in the amount and rate of stormwater flows from the site and an analysis of the ability of downstream facilities to accommodate peak flow increases. The analysis shall also include a summary of new or improved drainage facilities needed to accommodate stormwater increases. The drainage plan shall be reviewed and approved by the Alameda Flood Control and Water Conservation District staff and Hayward Public Works Department staff prior to approval of the improvement and grading plans for each phase of the development.
24. The project 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 area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
25. No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
 26. Minimum storm drain main pipes shall be 12-inch in diameter pipe and the minimum cover over the pipe shall be three feet.
 27. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
 28. Erosion and sedimentation control plans 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-

29. The owner shall provide pertinent information for the preparation of a Stormwater Treatment Measures Maintenance Agreement by Engineering and Transportation Division staff. The owner/developer shall execute a Storm Treatment Measures Maintenance Agreement, and the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
30. 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).
31. 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. The proposed BMPs shall be designed to comply with the criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit and the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment. Those materials are available on the internet at www.cabmphandbooks.com for your reference.
32. The project should be designed to direct runoff to the landscaped yards and treatment facility, 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. Roof leaders shall discharge into a landscaped area or a grassy swale prior to stormwater runoff entering an underground pipe system.
33. The Bioretention shall be designed using the Bio-treatment Soil Mix (BSM) specifications, per attachment L of the C.3 Stormwater Technical Guidance dated May 29, 2012.

34. The developer 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 work order.
35. Trash enclosures and/or recycling areas shall be covered and shall drain to the sanitary sewer system.
36. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, as determined by the City Engineer and Landscape Architect, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance."
37. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.

Sanitary Sewer System

38. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application for service. Sewer connection fees are due and payable prior to final inspection.
39. The development's sanitary sewer mains and manholes, where located on BART or State owned parcels, shall be public, owned and maintained by the City. For Phase I, the sewer main and manholes in the private street along the northwest property line shall be public, owned and maintained by the City. Manholes shall be provided where building mains connect to the public sewer main. Where public sewer mains and manholes are located in an unpaved easement, an all-weather utility truck accessible surface must be provided.
40. The development's sanitary sewer main in the proposed driveway shall be an eight-inch private building court main, owned and maintained by the Homeowner's Association.
41. All public sewer mains, building court mains, building sewers and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval.
42. The proposed development will impact the existing City of Hayward Wastewater Collection System. The developer(s) for each phase of the development shall be responsible for its share of upsizing downstream sewer mains that have been identified by City staff as having inadequate capacity as a result of each phase of the development's impact, and such share shall be determined by the City.

Water System

43. Water service is available from the City and is subject to standard conditions and fees in effect at the time of application.
44. Only City of Hayward Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
45. 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.
46. The existing South Hayward BART station site is currently served by an 8" water main that connects to the 8" water main in Dixon St. and dead ends at a fire hydrant near the middle of the site. This existing water main will be insufficient for the proposed development. The proposed development will impact the existing City water system. To mitigate this impact and provide the area with sufficient fire flows for the proposed structures, the applicant/developer of Phase I shall construct a 12-inch public water main from Mission Boulevard to the 8-inch line in Dixon Street. Additional public water mains may be needed to provide water service to other areas of the development, as determined by the Public Works - Utility Director and the Fire Chief.
47. The development's 12-inch water mains in the private street shall be public, owned and maintained by the City. The water mains shall be configured in a looped system and located 5 feet from the face of curb. Minimum cover over the pipe shall be four feet.
48. Where a public water main is under decorative pavement, stamped, or colored concrete (including turf-blocks), and based on the proposed decorative pavement sections along the proposed private street, the water main shall be constructed of ductile iron from shut-off valves installed by the City under the Route 238 Corridor Improvement and Dixon Street Improvement Projects.
49. Separate irrigation water meters shall be installed for landscaping purposes.
50. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each commercial and irrigation water meter, per City Standard SD-202.
51. Dedicated private fire lines shall be installed per City Standard Details. The dedicated fire lines can be used for private fire hydrants and for the building sprinkler systems. Building sprinkler system and private underground fire service line shall be reviewed under fire permit application.
52. All fire services shall have an above ground Double-Detector Check and Trim/Fire meter installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-201 and 204. Minimum sizing shall be approved by Fire Chief.
53. All domestic, fire service line and irrigation water meters shall be Radio-Read type.

54. Water meters and services shall be located a minimum of two feet from the top of driveway flairs, per City Standard Detail SD-213 thru SD-218.
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 a sanitary sewer laterals), and at least four feet horizontally from and one 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. Provide water demand (gallons per minute) on the improvement plans so that proper water pipe and meter size may be determined. Calculations shall be based upon fixture units using current California Plumbing Code. Water meters serving each condominium residence shall be sized large enough to serve both domestic and fire sprinkler system.

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

57. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T, and Comcast regulations. Transformers, and switch gear cabinets, shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
58. The developer shall submit conceptual undergrounding plans with the improvement plans.
59. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed private street shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
60. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
61. All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened from the streets with minimum five-gallon shrubs and/or an architectural screen, to be approved by the Planning Director.
62. The joint trench location and design shall meet the approval of the City Engineer.
63. The contractor shall take every reasonable precaution to protect all underground electrical wires for street lights, traffic signal loop sensors, traffic signal interconnect, etc.
64. All existing utilities and improvements that are damaged during construction shall be completely restored at contractor's/developer's expense to the satisfaction of the City Engineer

65. The contractor shall not disturb or destroy any monuments without specific written consent from the City Engineer.

Fire Protection and Hazardous Materials

66. In order to meet the requirement of Section 503 of the CFC, the following alternative features proposed by Hughes Associates, Inc., the project fire protection engineer, shall be implemented to the satisfaction of the Fire Chief:
- a. Provide an additional access point to the podium level at the south side of the project near the end of the driveway and guest parking. There shall be two access points to the courtyard/podium. The building access shall be provided via courtyard/podium and the protected stairway enclosure.
 - b. Provide Podium level standpipe hose connections.
 - c. Provide designated ladder areas for escape and rescue operations.
 - d. Provide four exit stairs for the proposed condominium structure.
 - e. Extend the corridor on the northwest side of the proposed building to exterior wall of that building so that portable smoke exhaust fans can be utilized for escape and rescue operations.
 - f. Provide additional 150-foot long 26-foot wide emergency vehicle access roadway from Mission Boulevard, within the public park and along the southeast boundary of the project. The emergency vehicle access roadway shall be located so that the horizontal distance between the edge of access road and the aboveground portion of the building is at least 15 feet and not more than 30 feet.
 - g. Two new public fire hydrants shall be installed as follows: one at the corner of Mission Boulevard and the proposed private street and another one approximately 300 feet inside the project along the proposed private street. The locations of fire hydrants shall be approved by the Fire Chief.
 - h. New Public fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. Blue reflective fire hydrant markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants as required by the Fire Chief.
67. Fire Department operations require a minimum 26-foot wide emergency vehicle access roadway with a minimum of 13'-6" vertical clearance in areas where the building height exceeds 30 feet. All finished surface of emergency vehicle access roadway shall be designed and engineered to withstand the GVW of 75,000 lbs. Emergency access from the podium shall be in such way as to present a safe access way from grade level, up through the exterior stairwell to the podium to allow firefighters for safe laddering operations at the podium level.
68. The proposed structures within this development shall be protected with an automatic fire sprinkler system as per NFPA 13, CFC and City requirements.
69. Standpipe systems shall be provided as per NFPA 14, CFC and City requirements.

70. Installation of underground fire service line shall be installed as per NFPA 24, CFC and City requirements. Locations of fire department connections and post indicators valves shall be approved by the Fire Chief.
71. Fire alarm system shall be provided as per NFPA 72, CFC and City requirements.
72. Address and premise identification approved numbers shall be placed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property. Dimensions of address numbers or letters on the front of the buildings shall be approved by the Fire Department.

Hazardous Materials-

73. Notification shall be made immediately to the Hayward Fire Department upon discovery of any contamination, hazardous materials/waste, underground storage tank, hydraulic lift, well, septic tank or subsurface structures that may or could contain hazardous materials. These materials or structures shall be removed and disposed of properly in order not to pose a threat to the development construction workers, future residents or the environment. Notification shall also be made to the Hayward Fire Department at least 48 hours prior to removal. These structures shall be documented and removed under permit as required by law.
74. Any hazardous materials use or storage shall be reported to the Hayward Fire Department during building permit application. Based on the reported type and quantity of hazardous materials a Fire Department annual Consolidated Permit could be required for hydraulic elevators, emergency generators, and operation of general maintenance facilities

Landscaping and Lighting Assessment District

75. The Developer shall agree to the formation of a Landscape and Lighting District (LLD) for the maintenance of the public park, prior to the framing inspection of the market rate units building, in order to fund the operation and maintenance of the Phase I park and the walkway public access easement connecting the park and Dixon Street. The details of the implementation and cost of such LLD are set forth in the Owner Participation Agreement, which has been entered into by the Developer and the City. A reserve fund shall be established and maintained to cover replacement and major repair costs for the park. Prior to approval of the final map, developer shall provide a \$7,500 deposit to the City to cover the costs associated with formation of the LLD.
76. Subject to approval of the City, the Developers shall prepare a written document disclosing the special assessment district and the estimate maximum annual assessment that is also increased annually by the Consumer Price Index (CIP) to any potential homebuyers. .

Dedications, Easements and Deed Restrictions

77. The final map(s) shall reflect:

- a. Dedication of six-foot-wide Public Utility Easement (PUE) along the property lines adjoining the public streets.
- b. Dedication of Sanitary Sewer Easement (SSE), Water Line Easement (WLE), PUE, Emergency Vehicle Access Easement (EVAE) and Ingress and Egress Easement (IEE) within the private street.
- c. Dedication of PUE, Pedestrian Access Easement (PAE) and declaration of Private Storm Drain Easement (PSDE) and Emergency Overland Release Easement for Storm Drain (EORESD) within the southerly driveway.

Agreements

78. The owner/developer shall execute the City's standard subdivision agreement(s) and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided pursuant to the terms of the subdivision agreement(s).
79. The owner/developer shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement with the City of Hayward", that shall address the placement and maintenance of various treatment control measures within the subdivision and on adjacent property designated as a public park. The HOA shall be responsible for the maintenance of the various treatment control measures on both properties. The owner/developer shall execute the Stormwater Treatment Measures Maintenance Agreement, prepared by Public Works Engineering and Transportation staff, which shall be 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 ISSUANCE OF GRADING PERMITS

80. Mitigation Measure 7: The applicant shall submit an erosion and sediment control plan and a stormwater pollution prevention plan (SWPPP) for each phase of the project, as part of the Grading and Improvement Plan application submittal, utilizing best management practices in accordance with the Alameda County Clean Water Program NPDES Permit Section C.3, including but not limited to limiting periods during which grading occurs.
81. Mitigation Measure 12: A Construction Noise Management Plan shall be prepared for each phase of the project. The plans shall specify measures to be taken to minimize construction noise on surrounding developed properties. The Noise Management Plan for each phase shall be approved by City and shall contain, at minimum, a listing of hours of construction operations, a requirement for the use of mufflers on construction equipment, limitation on on-site speed limits, and identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor plans and specifications.
82. A copy of the Notice of Intent (NOI) from the State Water Resources Control Board shall be provided to the City.

83. The developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved on the site that are within 50 feet of any grading or construction. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition, as determined by the City's Arborist.
84. Trees shall be preserved in accordance with the Tree Preservation Ordinance. All trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes and per tree preservation guidelines, including installation of tree protection fencing prior to the start of grading, as recommended by the project consulting arborist. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
85. A final environmental and health based clearances shall be obtained from Department of Toxic Substance Control and submitted to the Hayward Fire Department to ensure that the property meets residential development standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances. Per the Department of Toxic Substances Control a soil management plan shall be presented for approval. The plan shall be approved by the California Regional Water Quality Control Board – San Francisco Bay Region and submitted to the Hayward Fire Department.
86. 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, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials/waste must be properly managed and disposed in accordance with state, federal and local regulations.
87. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

PRIOR TO ISSUANCE OF BUILDING PERMITS

88. Prior to the approval of improvement plans or issuance of the first building permit for each phase, detailed landscaping and irrigation plans for all common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Hayward Environmentally Landscape Designs & Checklist.
89. Prior to issuance of the first building permit, the corresponding final map shall be approved by the City and filed with the County Clerk-Recorder's Office.
90. Mitigation Measure 3: The applicant shall have prepared a geotechnical investigation by a licensed geotechnical engineer for each phase of the project, which will outline recommendations for construction given the location of the project site near the Hayward

fault. Submittal of the geotechnical report shall be submitted as part of building permit applications.

91. Mitigation Measure 5: The applicant shall submit a detailed soils report, prepared by a licensed geotechnical engineer, as part of the building permit application that demonstrates the type of construction suitable for the project site for each phase, based on recommendations in the soils present.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

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

DURING CONSTRUCTION

93. Fire Department requires that each building shall be provided with not less than one standpipe for use during construction. Where construction height requires the installation of class-1 standpipes, fire pumps and water main connections shall be provided to serve the standpipes. Standpipes shall be accessible in the finished building in the stairwells and interior corridors.
94. 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 housing units;
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
 - f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
 - g. The developer shall participate in the City's recycling program during construction;
 - h. Daily clean-up of trash and debris shall occur on Dixon Street, Tennyson Road and Mission Boulevard and other neighborhood streets utilized by construction equipment or vehicles making deliveries.

- i. 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;
 - j. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
 - k. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - l. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - m. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
 - n. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
 - o. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - p. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
 - q. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
 - r. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - s. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - t. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - u. Create a contained and covered area 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;
 - v. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
 - w. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - x. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
95. A representative of the 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 grading operations with recommended corrective measures given to the contractor and the City Engineer.

96. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
97. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per conditions of approval above.
98. Construction Administration services shall be provided by the project landscape architect. Services to include:
 - a. Observation of irrigation system before burying pipes;
 - b. Observation of soil preparation and soil amendments;
 - c. Observation of plant material upon delivery to the site;
 - d. Observation of layout and placement of plant material upon delivery to the site;
 - e. Observation of final acceptance; and
 - f. Observation for maintenance period commencement.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

99. The approved final map shall be filed and recorded in the County Recorder's Office prior to the issuance of a Certificate of Occupancy.
100. The developer shall pay all required fees, including those indicated below, with the amount of such fees to be in accordance with the fee schedule in effect at the time of issuance of the building permits, unless otherwise specified:
 - a. Supplemental Building Construction and Improvement Tax;
 - b. Building Construction and Improvement Tax;
 - c. School Impact Fee;
 - d. Water facilities Fee (payable prior to final inspection);
 - e. Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued; and
 - f. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.
101. Any damaged curb, gutter and/or sidewalk along the Tennyson Road, Dixon Street and Mission Boulevard property frontages shall be repaired or replaced to the satisfaction of the City Engineer.
102. All common area landscaping, irrigation and other required improvements in the current phase shall be installed according to the approved plans.
103. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.
104. Final Fire Department inspection is required to verify that requirements for fire protection facilities have been met, and actual construction of all fire protection equipment has been

completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4910 at least 24 hours before the desired final inspection appointment.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

105. 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 for each phase. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
106. The developer shall submit a final statement of water main extension costs and notarized bill of sale to the Utilities Administration prior to application for water service.
107. Landscape improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs and a Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract to the Engineering Department by the developer.
108. Developers for each phase of construction may be required to pay for an AC overlay along Tennyson Road, Dixon Street and Mission Boulevard, if required by the City Engineer, if it is determined by the City Engineer that such overlay is necessary due to deterioration resulting from heavy traffic during the construction of each phase of the development.
109. The improvements associated with the Pacific Gas and Electric Company, Comcast and AT&T shall be installed to the satisfaction of the respective companies.
110. 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.
111. Landscape improvements and street trees shall be installed according to the approved plans and a Certificate of Substantial Completion for each project phase, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
112. The construction of the public park shall be completed.
113. The subdivider shall submit an Auto CAD file format (release 2010 or later) in a CD of approved final map and 'as-built' improvement plans showing lot and utility layouts that can be used to update the City's Base Maps.
114. The subdivider shall submit an "as built" plan for each phase indicating the following:

- a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, SBC and Comcast, etc; and
- b. All the site improvements, except landscaping species, buildings and appurtenant structures.
- c. Final Geotechnical Report.

Homeowners Association

115. Prior to the sale of any units, or prior to the acceptance of site improvements for each phase of the project, whichever first occurs, a Homeowners' Association (HOA) shall be created to maintain the common area landscaping and open space amenities as depicted on the approved tentative tract map. The exact limits of responsibility for the HOA will be finalized during processing of the Final Map for each phase of the development.
116. Prior to the sale of any units, or prior to the acceptance of site improvements for each phase of the project, whichever first occurs, Covenants, Conditions and Restrictions (CC&R's) shall be prepared for the project which shall be reviewed and approved by the Planning Director and City Attorney that shall include the following provisions:
 - a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
 - b. A statement regarding all HOA fees and landscaping and lighting assessment district assessments obligating individual homeowners shall be provided to homeowners on bright paper.
 - c. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association.
 - d. The Association shall be managed and maintained by a professional property management company.
 - e. The Association shall ensure that no less than 75% of the units shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.
 - f. The Association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The Association representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within 14 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 and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.

- g. A provision that if the Association fails to maintain the landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
- h. A requirement that the building exteriors and amenities shall be maintained free of graffiti. The Association representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 48 hours of notification by the City.
- i. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- j. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
- k. Any transformer shall be located underground and shall be located outside any front or side street yard.
- l. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
- m. The CC&Rs shall specify the outdoor collection locations of trash and recycle containers. In addition, trash and recycle containers shall not be moved to the collection location more than 24 hours prior to collection and shall be removed within 24 hours after collection.
- n. Upon any necessary repairs to the 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 Association established to maintain the common areas within the subdivision boundary.
- o. Streetlights and pedestrian lighting shall be owned and maintained by the Association and shall have a decorative design approved by the Planning Director and the City Engineer.
- p. The private street and driveway shall be swept at least once a month.
- q. Balconies may not be used for storage and personal items may not be draped over the railings.
- r. Contribution to the Community Facilities District to pay for proportionate share of the cost for public services, including police services.
- s. Contributions to fully fund implementation of measures to relieve potential overflow parking impacts, including such measures as implementing, funding and administering of a residential parking permit program according to City requirements, increasing the on-street parking supply through implementation of angled parking on appropriate streets, or managing the existing on-street parking, using time restrictions to improve turnover and provide a pool of short-term parking.
- t. The Association shall be responsible for providing on-going maintenance work of the public park and shall be reimbursed for the maintenance costs under the Landscaping and Lighting District Zone formed for the area. A provision that if the Association fails to maintain the landscaping and irrigation in the public park for which it is responsible, the City shall have the right to commence and complete such work as is necessary to maintain the park areas, after reasonable notice.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 4, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:02 p.m. by Chair Márquez.

ROLL CALL

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

Commissioner Chair Márquez led in the Pledge of Allegiance

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

General Public Present: 5

ELECTION OF OFFICERS

Commissioner Loché made a motion to maintain current officers (Chair: Márquez; Vice Chair: Faria; Secretary: Lamnin), through December 2012. Commissioner McDermott seconded the motion. The motion passed 6:0:1 (Lavelle absent)

PUBLIC COMMENTS

None

Chair Márquez announced that the Commission would start with Items 2 (Oral Reports) and 3 (Commissioners' Announcements). After completing Items 2 and 3, Chair Márquez recused herself from Item 1 due to a family business being located near the applicant address and called for a five minute break to give Commissioner Lavelle time to arrive.

Vice Chair Faria called the meeting to order at 7:22 p.m. Commissioner Lavelle entered the Council Chambers at 7:26 p.m.

PUBLIC HEARINGS

1. Conditional Use Permit Application PL-2012- 0103 – Chongyu Nie (Applicant/Owner) Request to allow a café, commercial amusement center, and banquet hall with the sale of beer and wine. The project is located at 1019 B Street, between Main Street and Foothill Boulevard, in the Central City-Plaza (CC-P) and the Central City Commercial (CC-C) Zoning Subdistricts

Associate Planner Tim Koonze gave a synopsis of the report noting the applicant still needed to identify a second exit for the establishment and that an email had been received from COMMPRE (Community

Prevention of Alcohol-Related Problems) expressing concern about the sale of alcohol at a computer gaming business that would be patronized by youth; that outside promotions could lead to out-of-control behaviors; whether surveillance cameras could be used to monitor possible alcohol consumption by minors; that the sale of bottled wine could lead to over-consumption; and that the low price of beer and wine could lead to over-consumption. Mr. Koonze noted that the Alcohol Beverage Control (ABC) license being pursued by the applicant would allow for the sale of beer and wine but required that food sales make up 60% of total receipts. He also noted that the conditional use permit would prohibit outside promoters and that cameras could be used to monitor the potential sale and consumption of alcohol by minors. Mr. Koonze said the applicant and Detective Ryan Cantrell from the Hayward Police Department were present to answer any questions.

Commissioner Loché said he wasn't a gamer, but knew some games could be racy both sexually and violently and he asked if there would be any restriction on the type of games underage individuals could play and how that would be monitored. Associate Planner Koonze said there was nothing in the conditions that addressed that concern, but noted a condition could be added based on the game ratings. Mr. Koonze suggested asking the applicant for more information about what games would be available.

Commissioner Loché asked about the full bottles of wine proposed to be sold and if they would be a key component of sales. Associated Planner Koonze said the sale of wine was part of the ABC license being pursued for the restaurant portion of the business, and noted the consumption of wine in the gaming area could be restricted with a condition.

Commissioner Lamnin asked if there were any security concerns about lighting in the hallway. Associate Planner Koonze directed her attention to Condition 14 which addressed lighting requirements. Commissioner Lamnin asked how many people wide the proposed hallway would be and Mr. Koonze said wider than two as the applicant may use the hallway for food delivery.

Commissioner Lamnin asked for clarification about the required percentage of food sales and noted the application suggested food sales wouldn't reach 60% of total sales. Associate Planner Koonze explained that when the report was first being prepared, the applicant wasn't sure food sales would reach 60% of total sales, but was now adamant that they would.

Commissioner Trivedi said he was really glad to see someone proposing a new dining and entertainment option in downtown that targeted youth and college students. Commissioner Trivedi asked why events were invite-only and not promotional. Associate Planner Koonze explained that during discussions the applicant asked for invitation only and mentioned that in the past, the City had had problems with promotional events that got too big and out of control. Commissioner Trivedi said besides the Bistro on B Street there were no other musical venues that sold tickets for entertainment events. Commissioner Trivedi said he didn't see any restriction of hours for amplified sound and Mr. Koonze noted that the applicant must adhere to the City's noise ordinance at all times and doors must be closed.

Commissioner Trivedi asked about the rear yard and the open lot behind the building and Associate Planner Koonze explained that the fence separating the yard from the lot also marked the boundaries of the property and were separate.

Commissioner McDermott asked what the occupancy limit was for the facility. Associate Planner Koonze said total occupancy would be determined when the building permit application was submitted but noted that during discussions with the fire department, occupancy of roughly 150 was mentioned and that was the approximate total the applicant had mentioned as well.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 4, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

Commissioner McDermott asked about the discrepancy in business hours between the business plan and the staff recommendation and Associate Planner Koonze acknowledged the discrepancies and noted that after conversations with both the applicant and Detective Cantrell, it was determined that alcohol sales would be allowed until 11:00 p.m.

Commissioner Lavelle apologized for her late arrival. She asked why the application was coming before the Commission when a second or emergency exit had yet to be determined. Associate Planner Koonze explained that the applicant had several options including signing an easement with the property owner behind the facility or redesigning the interior of the building, but wanted to receive approval before deciding. Mr. Koonze noted that regardless of which option was selected, the second exit would have to have the approval of the Building Official and Fire Marshall. Commissioner Lavelle expressed concern about approving a business plan when the adequacy of the building layout was yet to be determined. Commissioner Lavelle asked about the rear yard area and Mr. Koonze explained that it wasn't a true exit.

Commissioner Lavelle asked if staff had discussed smoking regulations with the applicant and Associate Planner Koonze said not to his knowledge, but noted the applicant owned the current business at the location should already know the regulations. She noted that because the business was located in the middle of block patrons may be challenged by how far they would have to travel to smoke and that it would be up to the applicant to monitor that patrons were in compliance with the ordinance.

Commissioner Lavelle asked for a better description of how the "moving wall" inside the facility would function. Associate Planner Koonze explained that the gaming area would never change, but that the wall could be moved to either create a larger space for the front café or to create a private area for invitation-only functions. Commissioner Lavelle commented that the moving wall could impede the view of the back corner of the facility and make it more difficult for staff, security, and Hayward PD to monitor for alcohol consumption by minors. Mr. Koonze noted that alcohol would not be sold in the gaming area and the moving wall wouldn't change that. Commissioner Lavelle said an adult could purchase alcohol at the front of the facility and then go to the gaming area and Mr. Koonze pointed out that the two technicians working the gaming area would regulate alcohol in that area. Commissioner Lavelle asked if the technicians would be over age 21 and Mr. Koonze suggested she ask the applicant.

Commissioner Lavelle said the design was confusing and based on the comments made in the email from COMMPRE she wanted to be fully assured that the conditions of approval would not allow access to alcohol by minors in any way.

Commissioner Lamnin asked how viable was an exit to the rear. Associate Planner Koonze said it was up to the applicant and whether he could secure easements from the adjoining property owners. Commissioner Lamnin asked who owned the property behind the facility and Mr. Koonze said he didn't know. Planning Manager Patenaude said a condominium project had been approved for the property behind the facility a few years ago and the application was still pending. Mr. Patenaude noted that that the easement would have to be irrevocable and that may cause some constraints for adjacent property owners.

Commissioner Lamnin noted the staff report and the business plan indicated the business would be open six days a week, but the Conditional Use Permit said seven. Associate Planner Koonze said the applicant's intent was to operate six days a week, but if the business did well and wanted to expand, the City had no objection and the Use Permit would already allow for it.

Commissioner Lamnin asked if Condition of Approval number 35, regarding noise, also included gaming sounds and Mr. Koonze said any noise emanating from the business would be included, but he noted gaming computers would have headsets.

Vice Chair Faria said she also had concerns about underage drinking and the lack of an established emergency exit, and she invited the applicant, Mr. C.Y. Nie, to the podium to introduce himself and to answer questions.

Vice Chair Faria opened the Public Hearing at approximately 8:00 p.m.

Commissioner Lavelle said the business proposal was unique and she asked what was meant in the business plan by "fresh take on the classic hardcore gaming café." Mr. Nie deferred the question to his daughter, Cynthia Nie, who introduced herself as the primary consultant for the video gaming lounge experience noting she had grown up with gaming, was working as a game designer at a well-known gaming company, and was a proponent for community around gaming noting it was a powerful tool for youth. In response to Commissioner Lavelle's question, Ms. Nie asked the Commission to picture a large area filled with rows and rows of computers with kids locked into their gaming stations with headphones on and eyes glazed. She noted cafes were big in Asia with people plugging in money for hours and hours of game play. Ms. Nie said she wanted to bring some of that experience to the area but with a social atmosphere where kids brought their friends and played against each other. In America kids don't want to bring computers and meet other gamers.

Commissioner Lavelle asked Ms. Nie if girls and women would participate and Ms. Nie said she was aware of stereotypes and that most games were targeted at boys and men, but that she hoped to shift that. Ms. Nie also noted that the lounge area would accommodate other types of games including board games.

Commissioner McDermott asked if there was an age limit for the gaming area. Ms. Nie said at this point they did not intend to have an age limit, admitted they hadn't thought about access and the maturity of the games, but noted software was available that could limit what products could be used when a patron logs on. Ms. Nie said she wanted to be family friendly so parents would feel comfortable about letting their child play after school and preferred not set an age limit for the gaming area. Commissioner McDermott said she understood Ms. Nie's goal of wanting to create a social atmosphere for game playing, noting the isolating nature of computer games.

Looked at the business plan, Commissioner McDermott expressed concern that the restaurant equipment would not be adequate if 60% of sales had to come from food. Miss Nie said the plan was to offer light fare including small plates, soups, salads and sandwiches. Commissioner McDermott pointed out that a restaurant was one of the toughest businesses with or without experience, noted business projections were aggressive in terms of what they expected to take in the first year, and asked what experience they had. Mr. Nie admitted he didn't have any direct restaurant experience, but noted they had operated their current business in Hayward for over 20 years, had good friends who had owned restaurants and would help them, and that his wife loved to cook and had always dreamed of becoming a restaurant owner.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 4, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

Commissioner McDermott confirmed that alcohol was prohibited in the gaming area and Mr. Nie said that was correct, that technicians would be constantly checking, and that surveillance cameras could be used to monitor the area. Mr. Nie said that if a private party wanted to rent part of the gaming area, he would make sure that all guests met requirements.

Associate Planner Koonze made it clear that no condition of approval prohibited alcohol in the gaming area, but that one could be added.

Regarding a private event, Commissioner McDermott asked for confirmation that the person renting the space would have to be present at all times. Mr. Nie said either that person or someone with full power to act as a representative. He also noted that management and security would also be present during the entire event. Commissioner McDermott asked for confirmation from Mr. Nie that anyone not on list would not be allowed into the event and he said friends of invitees would be allowed, but staff would check the list and the rental agreement would include language that detailed specific restrictions. Security and safety was very important, he said.

Regarding financing, Commissioner McDermott asked Mr. Nie if he had applied for the \$250,000 loan mentioned in his business plan. Mr. Nie said he had hoped for assistance from the City, but because that was not available, would apply for a portion of that loan amount and use money he already had in the bank. Commissioner McDermott emphasized the importance of having reserves to cover at least six months of operating costs. Mr. Nie said he owned the building free and clear and could secure loans against the commercial property.

Commissioner Trivedi asked if a loan had been pursued and Mr. Nie said he had checked with banks and could easily get an equity loan. Commissioner Trivedi said he didn't see any mention of renovation and he asked for an estimate of costs. Mr. Nie said that the major renovations would be a sprinkler system, kitchen, and bathroom at an estimated cost of \$100,000. He said no other major modifications would be needed. Commissioner Trivedi confirmed the facility would be single level and asked Mr. Nie to review the layout.

Commissioner Trivedi said looking at the game list they were mostly first-person multi-player shooting games and said he was concerned about young children playing some of them. He asked Mr. Nie if he would consider a condition that would control who could play what games. Ms. Nie said two different membership levels could be created so when patrons under 13 login they would have a limited number of games they could play. Commissioner Trivedi also suggested having a form parents could sign off on and more game diversity to attract girls.

Commissioner Trivedi complimented the Nie family on the modern appearance of the building and encouraged them to carefully choose building modifications suggesting a high level of finishes. Regarding the proposed menu, he said he wasn't sure how realistic the prices were and although he loved "out of the box" business ideas, he encouraged them to be thoughtful about their menu choices.

Commissioner Loché disclosed that he went by the business and Mr. Nie showed him around. He commented that the building was a lot larger than he realized and that the staircase inside was beautiful.

Regarding the game title list, Commissioner Loché said he wanted the applicant to make an effort to find out the age of the players so young patrons would only have access to the appropriate level of games, but wondered how useful that would be if younger players could still watch or see the games being played by older players.

Commissioner Loché confirmed with the applicant that they were agreeable to adding a condition of approval that prohibited alcohol in the gaming area and he asked about food and drink around the computers in general. When Ms. Nie indicated that she would favor no food or drinks, except bottled water, in the gaming area, Commissioner Loché pointed out that might limit food sales. Ms. Nie said at a gaming café in Berkeley no food or drink was allowed in the gaming area and that didn't appear to be a problem and she expected patrons would eat in the café and then go back to gaming area.

Regarding the business plan, Commissioner Loché asked about discounts for students and Ms. Nie said she was working on a subscription plan that would include a discounted rate for regular players and she said adding a student rate made sense. Commissioner Loché confirmed advertising and promotional efforts would include Hayward schools and colleges and Ms. Nie said yes.

Commissioner Lamnin asked Mr. Nie to discuss his efforts to create a second exit. Mr. Nie said his building and other adjacent parcels once belonged to the owner of The Green Shutter Hotel. The parking lot behind his building had a new owner, he said, and he was hopeful an irrevocable easement could be secured otherwise he would have to consider another options if he wanted more than 49 patrons inside the building at one time. Mr. Nie acknowledged that such a small number of patrons didn't make sense.

Commissioner Lamnin asked Mr. Nie how important alcohol sales were to the success of the business and Mr. Nie said he wasn't sure, but noted it was limited to 40% or less of total sales. Commissioner Lamnin commented that the existing business at the location, the Satin Rose, had irregular hours and she asked how the new business would be different. Mr. Nie explained that the Satin Rose was a storefront wholesale business and that hours were reduced as downtown foot traffic dropped off. He said he understood the new business would be a challenge, but he noted he had a strong, young team and that he believed in their strengths that they could use their minds to creatively solve any problem. Commissioner Lamnin agreed but noted it took a lot of personal time and investment to grow a business.

Commissioner Lamnin asked if the facility could also be used as an internet café and Ms. Nie said they were planning on offering free Wifi if people wanted to bring their laptops. Commissioner Lamnin asked what if they didn't have a computer and Ms. Nie said basic internet service could be offered at each station. Mr. Nie commented that the Main Library was a major spot for free Wifi access, but because hours were limited, his business could bring an internet café atmosphere downtown.

Commissioner Lamnin asked if the Small Business Revolving Loan Fund was still operational and Assistant City Attorney Maureen Conneely explained that technically the program still existed but funding had been dramatically cut back in recent years.

Commissioner McDermott expressed concern about patrons under 18 having access to games rated M for "Mature" and Ms. Nie said she could create a report that specifically addressed the issue, outline their proposed services, and present it at another time. Ms. Nie also mentioned that the facility could subscribe to a huge game list provided by the company "Valve" that included a variety of game genres for internet cafes. Commissioner McDermott asked about the game "Minecraft," and Ms. Nie explained that the game was free and that kids would have to set up an account to play it.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 4, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

Commissioner Trivedi asked the applicant if they were going to have Xbox and Nintendo games and Ms. Nie said she hadn't seen a model for that set-up and would have to do some research, but noted they did intend to have projection screens for the event area so it could work. Commissioner Trivedi said Mr. Nie's earlier suggestion that during the day the facility could be used as a lounge area where people could study or hang out, could be very useful and a great asset in downtown Hayward and Commissioner Trivedi said he hoped they pursued that.

Regarding the yard behind the facility, Commissioner Trivedi asked if the applicant had plans to create a patio area and Mr. Nie said no, that space would be used for a trash enclosure.

Vice Chair Faria said the proposal was interesting and could bring students down from CSUEB, but because transportation might be an issue, she suggested downtown merchants create a shuttle for the students. She said having games and a coffeehouse atmosphere where people could socialize or study sounded appealing. Vice Chair Faria also commented that she felt comfortable with how alcohol would be handled at the facility.

Vice Chair Faria closed the Public Hearing at 8:33 p.m.

Mr. Nie said he checked the bus schedule and the last bus back to campus was at 10:30 p.m.

Commissioner Trivedi made a motion per staff recommendation with an amendment to add three additional conditions of approval: no alcohol in the gaming area; no full bottles of wine to be sold; and that the applicant monitor accessibility to mature games by underage patrons.

Commissioner Loché seconded the motion but asked if developing a method for monitoring the age of patrons and access to games could be done at a later time. Assistant City Attorney Conneely suggested that the motion state that staff would work with the applicant to develop procedures in order to assure that games were accessible to age-appropriate patrons.

Commissioner Lamnin asked if creating a schedule that included times when alcohol was not served or certain games were not available would be helpful in keeping the facility family-friendly. Planning Manager Patenaude pointed out that the motion already included no alcohol in the gaming area, no full bottles of wine to be sold, and noted that alcohol was served in the front of the facility with staff monitoring that it didn't move to the back. If reports were made that alcohol was found in the gaming area, Mr. Patenaude said the conditions would be enforced and the City would take action.

Commissioner Lamnin said she would be supporting the motion and suggested the applicant bring in a partner to help with the food. She also suggested leasing computers to avoid huge start-up costs; creating a layout that supported socialization and was less screen-focused; training for staff that included encouraging ergonomics and stretching; scheduling a Wii fitness time for moms; implementing student discounts; and having a broadband service that was fast enough to make playing fun. Commissioner Lamnin also reminded the applicant about the importance of following the smoking ordinance.

Commissioner Lavelle complimented the applicant for a unique idea and wished them success with the gaming activities. Based on the market the applicant was trying to attract, she suggested a coffee and

sandwich bar. Commissioner Lavelle expressed concern about approving a CUP for alcohol service and suggested the business start by getting established as designed and after becoming successful as a gaming and sandwich café, add alcohol service later. She commented that the present design was not suitable to avoid underage drinking and that she agreed with some of the comments made in the email from COMMPRE that it was too difficult for staff and police to see all the way to the back. Commissioner Lavelle said the issue of the secondary exit needed to be resolved before proceeding and concluded that her preference was that the plan go back to staff for resolution of these issues before being approved.

Speaking to the issues brought up by Commissioner Lavelle, Commissioner Trivedi said the layout was conducive to monitoring alcohol because the hallway was so long staff would be likely to spot an underage patron with a drink. He also noted staff would be trained according to ABC guidelines. Commissioner Trivedi agreed with Commissioner Lamnin's suggestion that alcohol didn't need to be sold at all hours and suggested evenings only. Commissioner Trivedi encouraged the applicant to serve food on the nicer end of the spectrum and, if done well, alcohol could be a good complement.

Commissioner McDermott said there were too many issues that needed to be resolved before she could make a decision. She said she was in favor of what they were trying to do, but would prefer sending it back to staff first.

Commissioner Loché said some concerns were shared by all of the Commissioners, but with the added condition of no food or drink in the gaming area, his concern about underage drinking was alleviated because nothing could be hid. The second exit was also a concern but Commissioner Loché noted there were viable options and if the applicant couldn't create a second exit then the business wouldn't happen anyway. Commissioner Loché said his vote wouldn't change depending on which exit option was selected.

Commissioner Trivedi confirmed with staff that regardless of approval if the issue of the second exit wasn't resolved the application couldn't move forward and Associate Planner Koonze said that was correct.

Commissioner Lamnin asked staff how confident they were that stated concerns could be resolved at staff level and asked if there might be something the Commission would need to review. Planning Manager Patenaude said the resolution regarding the second exit was challenging, not unresolvable, but would add cost to the project.

Commissioner Lamnin said she shared the concern that the application was not fleshed out and that staff was under tremendous pressure to get things moving in Hayward. Rather than be an obstacle, Commissioner Lamnin said she would support the application with an amendment that no food or drink be allowed in gaming area. Both Commissioner Loché and Trivedi said they supported the amendment.

Vice Chair Faria asked Commissioner Trivedi to reiterate the motion.

The motion to find the proposed project Categorical Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development Projects, and approve the Conditional Use Permit with an amendment to add three additional conditions of approval: No food or drink in gaming area; no full bottles of wine to be sold; and City staff/applicant to develop protocol regarding age-appropriate access to games was approved 4:2:1 (AYES: Faria, Lamnin, Loché, Trivedi; NOES: Lavelle, McDermott; ABSTAIN: Márquez)



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 4, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

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

Vice Chair Faria wished the applicant great success with the business.

COMMISSION REPORTS

2. Oral Report on Planning and Zoning Matters

Planner Manager Patenaude reported that with the Planning Commission's recommendation the City Council had approved the Weber project on September 25, 2012. He also noted that a neighbor appealed the recommendation of the Commission regarding the Simms Court Autobody Shop and the matter would now go to Council for a final decision. Mr. Patenaude also gave times and locations of upcoming trainings and community workshops related to the General Plan Update.

Chair Márquez asked if the deadline to apply to the General Plan Task Force had been extended and Senior Secretary Philis confirmed the deadline had been extended to October 10, with interviews scheduled for October 16, 2012.

3. Commissioners' Announcements, Referrals

Commissioner Loché asked if the Conditional Use Permit for the Golden Peacock would come back to the Planning Commission for review and Associate Planner Koonze said because there was no requirement to come back, the Commission would only review the permit if complaints had been received. Commissioner Loché mentioned a neighboring business had complained about parking and had asked if he would have an opportunity to comment to the Commission or City Council. Mr. Koonze asked Commissioner Loché to have the person contact him to try to resolve the problem without it having to come back for review.

Commissioner Lamnin reminded the audience to register and vote in the upcoming presidential election and mentioned a League of Women Voter forum happening the next night in the Council Chambers.

Commissioner McDermott announced a Tri-CED Science Fair on Saturday, October 6, 2012, at Alden E. Oliver Sports Park in Hayward from 9:00am -4:00pm. She encouraged families to get engaged with science.

Commissioner Trivedi also urged everyone to vote.

ADJOURNMENT

Vice Chair Faria adjourned the meeting at 8:50 p.m.

APPROVED:

Sara Lamnin, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 20, 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, Trivedi
CHAIRPERSON: Márquez
Absent: COMMISSIONER:
CHAIRPERSON:

Commissioner Lamnin led in the Pledge of Allegiance

Staff Members Present: Buizer, Conneely, Emura, Patenaude, Pearson, Philis

General Public Present: 27

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 29225 Sims Court in the Industrial (I) District (APN 464-0100-015-03).

Continued from May 31, 2012.

Associate Planner Carl Emura briefly reviewed the key points of his report for newly appointed Planning Commissioner Vishal Trivedi.

Chair Márquez thanked Mr. Emura for acknowledging Commissioner Trivedi, congratulated and welcomed Mr. Trivedi, and invited discussion on the report.

Commissioner Lamnin asked if business hours would remain 9:00 a.m. to 2:30 p.m. if the business changed from three days a week to five (closed Saturday and Sunday) and staff said yes. She also mentioned that she didn't see where the concerns expressed at the May 31st meeting were addressed in the staff report. Associate Planner Emura said the applicant had to comply with all conditions of approval and all concerns expressed including noise, toxic paint, and fumes from the exhaust, were addressed in the conditions. Commissioner Lamnin asked if that could be better articulated and Mr. Emura said yes, but noted that the Bay Area Air Quality Management District mandated a 98% efficiency rate for the vent filter and the use of water-based paints. Planning Manager Patenaude pointed out that Condition of Approval Number 7 required that all repaint and repairs be in compliance with

BAAQMD regulations. Regarding noise, Mr. Patenaude said the business would have to be in compliance with the Hayward Municipal Code regardless of whether the doors to the business were open or closed.

Commissioner Loché asked if the letters mentioned by staff were received before or after the May 31st Planning Commission meeting. Associate Planner Emura said six letters were received before the first meeting, one after, and that letter was Attachment 5 of the current staff report. Commissioner Loché asked if the Planning Commission would review the request if the business wanted to expand and Mr. Emura said yes because it would be a modification of the Use Permit.

Commissioner Lavelle pointed out that Condition of Approval Number 8 clearly stated that “Violation of conditions is cause for revocation of this permit, subject to a public hearing before the duly authorized reviewing body,” and she asked if that body was the Planning Commission and Mr. Emura said yes. She asked if noise or pollution levels higher than allowed by either the City or the BAAQMD were the type of complaints that could generate a hearing and Mr. Emura said yes, but noted that first the City would attempt to have the applicant correct the problem before bringing it to the Commission.

Regarding Condition of Approval Number 19, under Water Pollution Control, Commissioner Lavelle asked if the condition was so detailed because automobiles would be sanded inside the facility. Mr. Emura explained that typically cars were sanded before being painted and he added that body work might also require sanding. Commissioner Lavelle confirmed with Mr. Emura that no engine repair would take place.

Commissioner Faria asked if there was any requirement to test that the ventilation and exhaust filter was working at 98% efficiency on an annual basis. Associate Planner Emura said the BAAQMD set that requirement and that he didn’t know how they addressed compliance. If there was a malfunction with the venting and filtration system, Commissioner Faria asked how that information would be communicated to the business owner. Mr. Emura said someone would have to complain to the BAAQMD and request an inspection. Planning Manager Patenaude pointed out that neighbors could also call Planning staff.

Commissioner Trivedi asked about paint disposal and asked if language in the Conditions of Approval protected the City. Planning Manager Patenaude said that although the Conditions of Approval did not include anything specific about paint disposal, he said language could be added, and noted that regulations by the Water Pollution Control Board would demand proper disposal.

Chair Márquez mentioned that the applicant originally requested to operate three days per week and was now asking for five and she asked for background on that increase. Associate Planner Emura said staff requested the increase for simplicity of the conditions. Chair Márquez also confirmed with staff that operating hours were actually Monday thru Friday, 9:30 a.m. to 2:30 p.m. as stated in the report, rather than 9:00 a.m. as mentioned earlier.

Chair Márquez also asked if either a resident or business owner could file a complaint if they felt the property was being misused and Associate Planner Emura said anyone could file a complaint.

Chair Márquez opened the Public Hearing at 7:21 p.m.

Bruce de Garmeaux, Stonebrook Lane resident speaking on behalf of homeowners behind the proposed business, requested that staff display a slide from the presentation that showed the adjacent houses from the parking lot of the business and noted that homes were even closer to the business than they appeared.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 20, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

He said with only one exception, everyone surveyed had indicated that they didn't want a facility of this sort "on their doorstep." Mr. de Garneau said neighbors weren't "obstructionists," but they wanted to bring four things to the attention of the Commission: toxicity of fumes (regardless of filters, he said, some will escape and pollute the adjacent community); multiplicity (he said there were already too many auto-related businesses in the area; he counted 13); that one neighbor's bedroom window was 46 feet from the edge of the property; the danger of fire and explosions (especially on the 4th of July when he pointed out illegal fireworks were always a problem); and proximity (he said this business was too close to anyone). Mr. Guillermo said neighbors would welcome some other type of business and he commented that because the property was located on a cul-de-sac, graffiti really wasn't a problem.

Del Miranda, Bowhill Road resident whose property is located directly behind the proposed business, said he was strongly opposed to a decision to allow the auto business. He said the report didn't adequately address the concerns of the neighbors and he pointed out that under Administrative Use Findings the business was not "desirable for the public convenience or welfare." Mr. Miranda said the proposed business did not support "an ongoing need for used cars" and commented that that argument was weak and could be said about any business. He noted the proposed business only provided a low level of income to the City and argued that there was "very little to no" dumping or graffiti in the area, but there had been instances of dumping automotive parts. Mr. Miranda said seeing damaged cars in the area would induce the dumping of automobiles and said there were thousands of other businesses that would add to and benefit the residents of Hayward.

Mr. Miranda noted that Part B, under Administrative Use Findings, stated the proposed business "Will not impair the character and integrity of ...the surrounding area" and commented that auto body shops located along Ruus Road were already an eyesore with graveyards of cars spilling out onto the sidewalk. Mr. Miranda presented a photograph of Ruus Road and the current view from his bedroom window and lamented how that view could change. He commented that new landscaping wouldn't be enough to hide the visual problem since even a six-foot masonry had never been sufficient in masking the problem and he presented another photograph from his neighbor's backyard showing items stored on a business property towering above the top of the wall.

For Part C, that "The proposed use will not be detrimental to the public health, safety or general welfare," Mr. Miranda noted that even water-based solvents and paints were dangerous to health and he cited having to take his daughter to the emergency room twice for asthma-related issues. Asking the neighbors to call when there was a problem he said it could be too late and he questioned if he should call after he takes his daughter to the emergency room and how many times did that had to happen. Mr. Miranda concluded that regulation was needed and the Planning Commission had the responsibility to keep families safe and he asked Commissioners if they would want their kids to grow up under this kind of distress.

Chair Márquez closed the Public Hearing at 7:31 p.m.

Commissioner McDermott said that this was the third time the item had come before the Commission and she wouldn't be swayed from her initial decision which was to deny the applicant. She said the proposed business did not meet all the criteria for approval especially Part A, that the business was

desirable for the public convenience or welfare. She noted it was only convenient for the business owner and that she would not be supporting the applicant.

Commissioner Lamnin asked for confirmation that cars would not be stored on the lot and Associate Planner Emura said the applicant had indicated that car storage would be confined to inside the building. Mr. Emura noted that the applicant was limited to six cars per week and the warehouse was large enough to accommodate that many. Commissioner Lamnin noted the intent was not to create blight or store cars in the parking area and Mr. Emura said that was correct.

Commissioner Faria said she agreed with Commissioner McDermott that the health and safety of the families living adjacent to the proposed business would be impacted and that she would not be supporting the application. She also stated that having a business at that location three days a week from 9:30 a.m. to 2:30 p.m. would not mitigate the problems of dumping or graffiti because those things happened when people were not around and usually at night.

Commissioner Lavelle thanked Associate Planner Emura for preparing appropriate Conditions of Approval for an appropriate business in an industrial area and noted she'd already spoken in favor of supporting the business coming to Hayward. She wished the applicant good luck as he opened a new business in Hayward, if the application was approved.

Commissioner Lavelle made a motion per staff recommendation to find the proposed project exempt from California Environmental Quality Act (CEQA) review and approve the administrative use permit. Commissioner Lamnin seconded the motion.

Speaking on her second, Commissioner Lamnin commented that she felt challenged because when the item initially came before the Commission it was presented as a Hayward resident operating a business in Hayward with one employee also from Hayward, even though the cars would be sold in San Leandro. Commissioner Lamnin noted she drove by the business site and noticed there was blight in the area which was why the proposed improvements seemed like a good idea. Planting more trees would improve air quality and she noted she was very sensitive to the fact that Hayward had one of the highest asthma rates in the nation. She also noted that law enforcement had indicated that purposeful activity did deter problems like dumping. Commissioner Lamnin commented that the concerns of the neighbors had been heard, the Conditions of Approval reflected that, and as proposed the business could serve as a model of how a business could be in compliance and help clean up the area. She thanked Mr. Miranda for the photographs and suggested staff review the businesses shown for violations. Commissioner Lamnin encouraged staff to visit the proposed business, if approved, and work with BAAQMD to ensure the community was safe. She asked Commissioner Lavelle if she would accept an amendment to the motion to include language requiring proper disposal of paint and Commissioner Lavelle said she would.

Commissioner Loché agreed that the application was difficult because the location was in an industrial district and something like a community center or park would not be located there. That said, he commented that he had issue with the application because it was not a new business in Hayward; that the real business was in San Leandro. Associate Planner Emura said that was correct, the used car lot was located in San Leandro, only paint and repair work would be done in Hayward. Commissioner Loché also noted that income to the City would be minimal at best and that he didn't think putting a business 40-60 feet from residential was appropriate and he would be concerned if he lived there. Commissioner Loché concluded that even if everything was working well in the beginning, over time the business had the potential to be very hazardous to people living in the immediate area and that he would not be supporting the motion.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 20, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

Chair Márquez said she would be supporting the motion and noted that the area was an industrial zoned district and compared to what could come into the space, this business had the least amount of impact to the surrounding area. She said she was impressed that the applicant was willing to operate minimal hours, on a minimal number of cars, and to not store cars in the parking lot. Chair Márquez said she appreciated neighbors coming out to express concerns, but hypothetically, another business might want to operate Monday thru Friday 8 a.m. to 6 p.m. and that could potentially be more hazardous than what was being proposed. She concluded that because of the number of controls, this business was a good fit, but she encouraged neighbors to express any concerns as they occurred.

Commissioner Trivedi said he wasn't a member of the Commission when the item was presented before, but said he had read the report and agreed it was a tough call. He noted the area was zoned industrial, the applicant was a Hayward resident and business owner with a Hayward employee, and the conditions were extensive. Commissioner Trivedi encouraged neighbors to work collaboratively with the business owner, be vigilant that the conditions of approval were being met, and work with the City to ensure compliance. He said staff and the applicant had worked extensively to mitigate concerns, but ultimately it was an industrial area, some business was going to operate there and the proposed limited use was amendable to residents' concerns. He said he would be supporting the motion.

The motion to find the proposed project exempt from California Environmental Quality Act (CEQA) review and approve the administrative use permit was approved 4:3:0

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

2. Zone Conditional Use Permit No. PL-2012-0174 – Darren W. Guillaume for Doc's Wine & Cheese Revival LLC (Applicant)/Lydia Chen (Owner) – Request to Operate a Retail Wine and Cheese Shop with Instructional Wine Tasting at 22570 Foothill Boulevard – Central City – Commercial Subdistrict

Planning Manager Patenaude gave a synopsis of the report.

Commissioner McDermott commented that when she read the staff report she was excited. She said she visited a similar business in downtown Danville and it was very nice. She said a lot of people from the community would come and the environment was informal, relaxing, and during her visit she learned a lot about wine. She said that a business like this would be an attribute to the downtown noting a variety of shops was needed to attract people with different tastes including those who wanted to learn about wine and taste different wines. She said she very much looked forward to have this type of business in the community.

Commissioner Lavelle asked about Condition of Approval number 14 which read "No refrigerated or otherwise chilled beverages shall be sold on the premises." Planning Manager Patenaude explained that the intent of the condition was to prohibit the business from having a refrigerated case where customers

could walk in and purchase a readily chilled beverage that could be consumed immediately. This was to ensure that over time the business did not transform into a liquor store, he said. Mr. Patenaude mentioned that storage may require that some beverages be chilled.

Commissioner Lavelle then asked about the differences between Conditions 6 and 20, which both were in regards to what and how much signage was allowed in the window. Planning Manager Patenaude explained that Condition 6 dealt specifically with promotional signs; a business name affixed to the window would be allowed as long as it did not occupy more than 25% of the window. Commissioner Lavelle asked if City staff would review signs for compliance with the City sign code and Mr. Patenaude indicated that signage that occupied less than 25% of the window would not require a permit. Commissioner Lavelle asked if that meant that neon or flashing signs were allowed and Mr. Patenaude said yes, neon signs under 6 square feet were exempt. He noted that windows outlined with neon were not allowed. Commissioner Lavelle said signage should be attractive and tasteful.

Commissioner Lavelle commented that throughout the report it was stated that “fine European wines” would be sold and taste tested and she asked if California wines would be sold. Planning Manager Patenaude said that wouldn’t be prohibited but the language comes from the applicant’s business plan.

Commissioner Lamnin asked if the applicant was present and staff indicated he was. She asked staff if any comment had been received from the Hayward Police Department or COMMPRE (Community Prevention of Alcohol-Related Problems) and Mr. Patenaude said PD had been working with the applicant and had expressed support for the application with the conditions. He said that no comments had been received from COMMPRE.

Commissioner Trivedi said he was also excited when he read the report and thought the business would add to the cultural and entertainment opportunities in downtown. Commissioner Trivedi noted that he didn’t see anything about the design of the storefront in the report and he asked if that was typically included for consideration. Planning Manager Patenaude said the exterior had already been improved through a façade improvement program so there would be no custom exterior, but he presented a slide that showed what the applicant intended in terms of window signage. He noted the signage appeared to be quite tasteful.

Regarding Condition 12, Commissioner Faria noted it read no alcohol would be served besides the “instructional pours” and she asked how that could be so if the business had a tasting area. Planning Manager Patenaude explained that “instructional pours” was the taste testing. Commissioner Faria said she was also glad to see the proposal come forward and commented it would be a benefit to the downtown area.

Commissioner Loché asked if there had ever been a business like this in Hayward. Planning Manager Patenaude said not that he recalled, but then thought he remembered something similar on Jackson Street when he was a kid. Commissioner Loché asked who would be responsible for checking identification as stated in Condition 10. Mr. Patenaude said the ABC (Alcoholic Beverage Control) Type 86 license was specific for the tasting function and the applicant would have to check IDs. He also noted that the tasting area was separated from the sale area as required. Commissioner Loché asked if everyone would be carded regardless of apparent age and Mr. Patenaude said he couldn’t say for sure if someone was clearly over 21 and he deferred the question to the applicant.

Responding to Commissioner Lamnin’s comments from earlier, Commissioner Lavelle said that COMMPRE was a program under Horizon Services that sought to reduce incidents of alcohol and drug abuse, and noted the agency had recently lost funding for outreach efforts to cities. She noted that based



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 20, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

on past remarks COMMPRE would have an opinion about this particular application, but until funding was restored to support the variety of their efforts, she didn't think the City would be hearing from them.

Chair Márquez asked if the applicant had to get permission via a Conditional Use Permit before pursuing Type 20 and 86 licenses with the ABC, and Planning Manager Patenaude said he believed that was the case. Chair Márquez also wanted to know more information about the surveillance system proposed. Mr. Patenaude said the security plan would be submitted later after PD works with the applicant and reviews the plan. Chair Márquez asked if there were any plans to change the bright blue façade paint color and Mr. Patenaude said not at this time. Noting the question was for the applicant, Chair Márquez asked how the three, one ounce servings provided to tasting customer would be monitored.

Chair Márquez opened the Public Hearing at 8:03 p.m.

Darren Guillaume, applicant with proposed business address on Foothill Boulevard, introduced himself as a certified Sommelier, retired commissioned officer from the Army utilizing a Patriotic Express loan to start the business, and a lover of wine who had extensive knowledge of wine having studied under three separate Master Sommeliers. He noted while he loved good wine, it didn't have to be expensive, but it had to go with the meal being enjoyed. Mr. Guillaume noted that ABC was very specific about what happens at an instructional tasting and the tasting area was limited to 10% of his retail space and, like a tavern, no one under the age of 21 would be allowed in this area. He said he was not required by ABC to card everyone, but if someone was lucky enough to appear to be under the age of 30 he would. He noted, however, that due to the high fines levied by ABC and the fact that the owner would be responsible for the fines regardless of employee action, all employees would be directed to check all IDs. Mr. Guillaume also said all employees would receive ABC training.

Regarding tasting, Mr. Guillaume said patrons would be restricted to three, one-ounce pours, but they could select any wine to receive instruction. He said his plan was to take a tour of Europe through his wine shop with three wines from every region in Europe available for sale with one New World wine corresponding in alcohol level, tannins, and acids for each region. He said his shop would be a much-needed avenue for the Hayward community to attain low-alcohol wines of great quality. He mentioned the large Portuguese community in Hayward and said he said he would be providing some excellent Portuguese wines, along with wines from France, Italy, Spain, Germany and Hungary. He said no product over 24% alcohol by volume would be sold and he noted that was per the ABC license to keep the shop from being classified as a liquor store. Mr. Guillaume said if he conducts an instructional tasting of Belgium beers, he will of course chill the beer first. The same would go for the tasting of certain wines, champagnes and sparkling aperitifs, he said.

Commission Loché asked if limiting tasting to three, one-ounce pours would be a hindrance to the business. Mr. Guillaume explained that pours would be a scheduled event and either he or another certified sommelier (or higher) would be providing the instructional pour. Commission Loché clarified and pointed out most wineries provide tastes of more than three wines and Mr. Guillaume said that would not be an issue. Commission Loché asked why he selected the location at Foothill and Mr. Guillaume said it was a nice location, relatively close to the theater district, with Buffalo Bills right across the street, lots of foot traffic and currently nothing bringing people across the street other than the

Japanese restaurant next door. Mr. Guillaume pointed out that there was also the opportunity to bring business in from the Tri-City region including Castro Valley and San Leandro because there were no shops providing European wines or instruction tasting.

Commissioner Trivedi asked for more information about the instructional component of the business. Mr. Guillaume said topics would include how to properly decant wine, how to properly and safely open a champagne bottle, how to saber a champagne bottle safely, how to identify the characteristics of the wine including the actual taste of the earth it is grown in, and how to identify acid levels and whether or not the wine had been doctored with sugars or added acids.

Commissioner McDermott asked Mr. Guillaume for a price range for the beers and wines available at the shop because he mentioned the reasonable cost of some wines and it was often assumed that more expensive was better. Mr. Guillaume said the retail price for a bottle of beer would vary up to \$11, while wines would range from \$12 to thousands of dollars. He mentioned a half bottle of one particular wine sold for approximately \$380, while a full bottle of first-growth Bordeaux would range between \$4,000 to \$7,000.

Commissioner McDermott recalled a wine tasting she attended in Alamo and she asked how portions would be monitored. Mr. Guillaume said a lot of businesses had a Type 41 license which would allow patrons to consume an entire bottle at the facility. His Type 86 license was slightly more restrictive and the purpose of the instruction was so the person was educated on the wine. He noted it was against the law to sell the wine being served for instructional purposes so the cost would be flat fee to cover the cost of cleaning the glasses. He explained that he would set aside \$8,000 a year to provide wine for instructional tasting only and once he reached that amount, instructional tastings would stop until the next year.

Commissioner McDermott asked if wine would be stored at the facility and she asked about the height limit of the racks of bottles that could be stored in the shop. Mr. Guillaume said his racks were no higher than four feet and Planning Manager Patenaude commented that rack heights over six feet required a permit.

Commissioner Lamnin noted that Mr. Guillaume's knowledge and passion for wine showed and she asked about his marketing plan. Mr. Guillaume said he was going to advertise collaboratively with the theater and other establishments in the area. Commissioner Lamnin asked Mr. Guillaume if he anticipated any challenges with parking or the ongoing construction in the area and he noted that all businesses had suffered 20-40% profit loss due to the construction, but he noted that was a temporary measure that would resolve on its own. He assured Commissioner Lamnin that he had included that cost in his budget.

Commissioner Lamnin asked if New World wine was from local vintners and Mr. Guillaume explained that "New World" was any wine produced outside of Europe including South Africa, New Zealand, Australia, the Americas, and parts of Asia. Commissioner Lamnin asked if he had relationships with local or European wineries. Mr. Guillaume explained that the purpose of selecting New World wines was to match and pair them with Old World wines being served. He noted that Old World wines were much lower in alcohol content from local wines and that most could not be compared. He said he did already have relationships with European wineries as well as several producers.

Commissioner Faria asked if his instruction would include food pairing and Mr. Guillaume said yes.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 20, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

Chair Márquez asked how many employees he anticipated hiring. Mr. Guillaume said he was hoping to have three employees in addition to himself, but noted that if he could hire another certified sommelier he wouldn't need as much additional staff.

Commissioner Trivedi asked how significant a role cheese and beer would serve at the shop. Mr. Guillaume explained that once the shop was moving forward he would contract with companies based in Philadelphia and South Sacramento to bring in cheeses that could be paired with the available wines. He said he would not sell pate or bread. Commissioner Trivedi asked if only Belgium beers would be featured at the shop and Mr. Guillaume said he was Belgian and he was partial to Belgian beers. He mentioned BevMo or a beer hall for a variety of beers and Commissioner Trivedi pointed out that Hayward didn't have a BevMo.

Regarding the high value of some of the wines, Commissioner Trivedi asked if Mr. Guillaume if he had taken appropriate security measures. Mr. Guillaume said he had asked Hayward Police exactly where he should put cameras and said he was very concerned about his inventory and as a retired Army officer he could guarantee there would be security.

Chair Márquez thanked him for indulging the many questions and closed the Public Hearing at 8:21 p.m.

Assistant City Attorney Conneely asked Chair Márquez if anyone else wanted to speak during the Public Comments, but there were no other speakers.

Commissioner Loché said a mix of businesses was needed in Hayward and said this business was going to be a benefit to the City. He joked that perhaps he should recuse himself because he really liked wine and noted he would be enthusiastically supporting the application and looked forward to seeing this business in downtown Hayward.

Commissioner McDermott warned Mr. Guillaume that the Planning Commission was a heavily watched program and she recommended he increase his security.

Commissioner Lamnin said given the enthusiasm for the application she would make a motion to move the staff recommendation. The motion was seconded by Commissioner Loché. Commissioner Lamnin thanked the applicant for bringing the idea to Hayward and commented that she was thrilled to see a business they didn't have in the area that would add to the diversity of the downtown. She thanked him for providing a service and for his commitment to training and security and noted it was clearly his intent to run a high quality business. Commissioner Lamnin commented that while she wasn't much of a wine drinker, she was a big fan of goat cheese and if he found something interesting she would be happy to make a purchase.

Speaking on his second, Commissioner Loché said he was looking forward to adding a little technique to his enjoyment of wine.

Commissioner Trivedi thanked Mr. Guillaume for choosing to locate in Hayward and said this was exactly the type of business the City wanted to see in downtown. He noted many people would take advantage of the business; the business would create much needed foot traffic in the downtown; and

would contribute to the downtown entertainment area. Commissioner Trivedi encouraged Mr. Guillaume to put some thought and care into the design and finish of the business to accompany the high quality of his inventory.

Commissioner McDermott congratulated Mr. Guillaume and said that due to the unique nature of the business, marketing to people who would not expect or be aware of such a business being located in downtown Hayward would be critical. She also suggested he join, and talk with the Hayward Chamber of Commerce for assistance in promoting the business.

Chair Márquez said she would be also supporting the motion and she thanked Mr. Guillaume for his passion and commitment and for making this a high quality business.

Commissioner Lavelle said she supported everything said by the other Commissioners, noted she was a wine consumer, and said she looked forward to being a customer at the new shop. She asked if the motion maker and second would be willing to remove Condition of Approval number 14 commenting that she wasn't in favor of restricting the business owner from being able to sell chilled wine and beer. She noted those items were available across the street at the drug store or down the street at Safeway, and she said she did not want to restrict this business owner in that way. Commissioner Lamnin said she was amendable to the change, but questioned if the HPD representative or staff had any concerns. Planning Manager Patenaude said staff didn't have any particular concerns, and he noted that language contained in the preamble of the Conditions would prevent the application from morphing into an unwanted activity. Commissioner Loché said he also accepted the change.

Chair Márquez asked Commissioner Lamnin to reiterate the motion with the removal of Condition of Approval number 14.

The motion to find the project categorically exempt from review under CEQA, Section 15301, Existing Facilities, and approve the Conditional Use Permit, subject to the findings and conditions of approval, with an amendment to remove Condition of Approval number 14, was approved unanimously 7:0:0.

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

3. Development Agreement No. PL-2010-0235, General Plan Amendment No. PL-2010-0236, Zone Change No. PL-2010-0237 and Parcel Map No. PL-2010-0431 – Westlake Development LLC (Applicant)/Chang Income Partnership L.P. (Owner) – Amend the General Plan Designation from Low Density Residential to Medium Density Residential; Rezone from Single-Family Residential to Open Space and Planned Development; Approve a Parcel Map for the Park Expansion and Future Development Lots; and Approve a Related Development Agreement. The Property is Located at the Northeast Corner of Eden and Denton Avenues

Senior Planner Sara Buizer gave a synopsis of the report noting a staff recommendation that a Condition of Approval be added requiring protective measures for an existing large oak tree (assuming the tree is in good health) located on the public right of way near the proposed entrance to the residential development.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 20, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

Commissioner Lavelle said the City was fortunate to have a relationship with the local recreation district and she asked for more information about the “fee interest” that the applicant would dedicate for the expansion of Greenwood Park. Senior Planner Buizer explained that the applicant was dedicating an interest in the property and “fee interest” was language that gave some flexibility in how the property would be transferred to the City.

Commissioner Lavelle asked who would ultimately own the park if HARD (Hayward Area Recreation and Park District) was responsible for maintaining it. Assistant City Attorney Conneely explained that currently some parks were owned by the City and leased to HARD and others were owned and maintained by HARD. Commissioner Lavelle said this was a fine opportunity to expand a park that was already busy with activity noting the community would enjoy the expansion now as would the owners of the new homes later.

Commissioner McDermott agreed that the report was complex and asked the City’s preference to acquire the land; would they pay cash or would they give credit for the development. Senior Planner Buizer explained that while the City did not have a preference per se, because the development could happen at any time over the 10 year period, the City was hesitant about holding that much money in reserve. Because of that, Ms. Buizer said there may be a preference to purchase the land outright and hold the developer responsible for all fees when construction began. Senior Planner Buizer commented that a lot depended on how quickly the project moved forward.

Commissioner McDermott asked why HARD would spend funds to make improvements to the park if the City of Hayward owned the property. Assistant City Attorney Conneely explained that once the property was acquired and the park improvements were complete Council would be asked to amend the lease agreement to include this park. Ms. Conneely said this was typically how recent park acquisitions had been handled.

Commissioner McDermott asked how the fair market value of \$15 per square foot for the property was determined. Senior Planner Buizer said appraisals were done by both the City and the developer, the number was negotiated, and the developer’s board authorized acceptance of that price. Ms. Buizer commented that a lot went into the negotiation: the applicant was looking for amendments to General Plan Designations and a development agreement that determined a length of time to complete the project, and in exchange the City got a park expansion; something that it has wanted for a long time.

Commissioner McDermott asked about feedback from residents in the area and what concerns they had about the proposed park expansion and housing development. Senior Planner Buizer said there were a couple of concerns including the availability of guest parking on the property and whether the Denton road closure would be eliminated and traffic would cut through the existing neighborhood. Ms. Buizer said there was no plan to open Denton.

Commissioner McDermott asked if current residents would have any input regarding the park development. She said she saw a lot of people playing basketball and walking their dogs. Senior Planner Buizer deferred the question to HARD representative Larry Lepore.

Larry Lepore, Park Superintendent for HARD, introduced himself and said there was a community process each time HARD developed a new park, or renovated an existing park, that included noticing residence within 500 feet of the park site, posting information on HARD's website, and notifying stakeholders, organizations, and Home Owner Associations of the community meetings. He said input received at community meetings was received and brought back as part of the preliminary design, and then later as the Revised Master Plan. Mr. Lepore explained that public comments could also be made when the board considered the Revised Master Plan for approval.

Commissioner McDermott noted that public meetings were not always convenient and she suggested including a questionnaire with the notice that people could complete and return. Mr. Lepore said a phone number and email address for HARD was always included with the notice for any comments. Commissioner McDermott said listing options (such as dog park, volleyball court, etc.) on the questionnaire would allow residents to rank the options they would prefer.

Commissioner Lamnin asked if a large tree located in the middle of the property would be preserved and Senior Planner Buizer said staff would have to review the precise plans and the tract map to see if it could.

Commissioner Lamnin asked what would be done, or had been done, to mitigate toxins in the area. Ms. Buizer said the Hazardous Materials division of the Hayward Fire Department had been working with the applicant, as well as regional agencies, and based on the updated reports submitted by the developer on August 30, 2012, the Department of Toxic Substances Control and Bay Area Water Quality Control Board had accepted the report conclusion and deemed the property acceptable for residential and park use with no further action required.

Commissioner Lamnin asked if multi-units would be an option with the zone change and Senior Planner Buizer said no, the development agreement only allowed up to 36 two-story, single family detached homes. Commissioner Lamnin asked if street parking could be marked in some way and Ms. Buizer said not on Eden or Denton Avenues. Commissioner Lamnin said she thought the spots were allocated as part of the parking requirement and Ms. Buizer explained that the developer was showing what could be provided offsite. Ms. Buizer also noted that typical projects of this size were only providing the two covered parking spaces per unit and the garage; this project was unique because there were 19 designated guest parking spots onsite.

Commissioner Lamnin asked the Assistant City Attorney if the Development Agreement locked the City into any expedited approvals or if the normal process was still in place and Ms. Conneely responded that the normal review process was in place. Commissioner Lamnin asked if there were any concerns with the Development Agreement as it current stood and staff said no.

Commissioner Faria said she visited the site and commented that the change in density would fit with nearby properties. She also noted that current residents were parking within the existing developments freeing some parking on Eden Avenue. Commissioner Faria commented that according to the general map plan the size of the park was smaller. Senior Planner Buizer confirmed the park size would be a little smaller but the majority of what was envisioned was intact. Commissioner Faria asked if the park in-lieu fees paid by KB Development would be supporting the expansion and Ms. Buizer said yes, the fees paid by KB would be used for both acquisition and improvements.

Commissioner Loché said residents living adjacent to the development had expressed concern about having both the entrance and exit on Denton Avenue and he asked for confirmation that traffic would



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 20, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

not be impacted. Senior Planner Buizer said she spoke with Public Works Transportation staff and they reiterated that traffic impacts were considered less than significant or minimal.

Commissioner Loché asked if there was any plan to create a breezeway between the development and the park so residents could walk to the park and Senior Planner Buizer said most likely definitive barriers would separate the two parcels so everyone would know what is park and what is private, but that would be determined during the final design stage. Ms. Buizer noted that units facing the park would have direct access and that the developer wanted to integrate those units with the park. Commissioner Loché said he liked that.

Commissioner Trivedi said that as a matter of principle, he preferred that the development be integrated with the park and neighborhood rather than closed off and he also liked that homes would be facing the park. Commissioner Trivedi confirmed that regardless of the payment mechanism the City would acquire the park within 90 days and make all improvements, and Senior Planner Buizer said yes and also confirmed that the developer would have 10 years to develop the rest of the site.

Chair Márquez asked at what stage the analysis for the Community Facility District (CFD) would occur and Senior Planner Buizer said during the next stage of development. Ms. Buizer explained that if the analysis determined that additional public safety services were needed a new CFD could be formed or annexed to an existing CFD. Chair Márquez asked if number of calls for service and the nearest fire station were considerations and Senior Planner Buizer said yes, as well as if there was already a shortfall of services for the area.

Commissioner Faria asked if the 10-year time frame for development was typical. Senior Planner Buizer said yes, per the Hayward Municipal Code with an extension of 5 additional years.

Commissioner McDermott noted that the report said the developer would put a \$20,000 deposit for the CFD and she asked if the City had used deposits in the past and if the money could be used for other things. Assistant City Attorney Conneely said the intent of the deposit was to defray the costs of conducting the fiscal study of the impact the development would create on public safety services. Anything left over, she said, would be applied to the assessment of the CFD. Commissioner McDermott said she had several questions for the applicant.

Chair Márquez opened the Public Hearing at 9:13 p.m.

Jack Matthews, architect with business address in San Mateo, and Project Manager Sunny Tong, representing the applicant with business address in San Mateo, introduced themselves.

Commissioner McDermott asked if the developer had done similar projects in the area. Mr. Tong responded that he was currently working on a five acre Transit-Oriented Development in San Leandro near the downtown bus station consisting of office and residential units. Mr. Tong also mentioned a single family housing project located in Hayward on a two acre site that should come before the Planning Commission in the next six to nine months. Commissioner McDermott asked if developer was based in California and Mr. Tong said he was based in San Mateo.

Commissioner McDermott asked if solar panels were going to be offered as a purchase option and Mr. Tong said his design team wanted to be as green as possible, but he didn't know if the roof was designed for solar panels and he deferred the question to his architect. Mr. Matthews said the orientation of the roof was important for collecting solar energy and he said electrical generation could be possible on some units and solar hot water on most. Mr. Matthews said the goal was a Green point rating of around 100 (noting the City's standard was 75), noting it was the developer's philosophy and a good marketing tool. Commissioner McDermott confirmed that the community was very interested in Green construction.

Commissioner Lavelle asked if the developer had tried to acquire an occupied parcel located next to the southeast corner of the development. Mr. Tong said attempts were made to contact the home owner, and he believed the homeowner attended the community meeting, but said the owner didn't seem to have any desire to relocate. Commissioner Lavelle pointed out that may change over the 10 year development period.

Commissioner Trivedi asked if any consideration had been given to the site's proximity to the airport such as an easement for aircraft noise. Senior Planner Buizer said no, but said an easement was a typical requirement placed on deeds for such property, or improvement to windows if deemed necessary to mitigate some of the noise. She noted an evaluation would be made when the site plan was reviewed.

Commissioner McDermott said Commissioner Trivedi's concern would be addressed in the purchase contract as part of the disclosure to the potential home buyer.

Commissioner Lamnin said she appreciated their intent to be green and asked if multi-family units had been considered. Mr. Tong said the intention was always for single family homes.

"Citizen Sam" Samiul, with address on Denton Avenue, displayed a petition he had circulated with the signatures of residents who didn't like the current design of the development. Mr. Samiul said residents would prefer an entrance located on Eden Avenue and an exit on Denton Avenue and include a dog park at the south end of Eden to create two parks areas: one for people, one for animal lovers. He noted that having dual entry points would better facilitate emergency services and evacuations. Mr. Samiul pointed out that fire trucks would have a difficult time maneuvering in the small cul-de-sac located at the end of Denton. He asked that the Commission consider keeping the area low density with historic charm. Mr. Samiul concluded by saying neighbors were willing to work with the developer, they didn't like the current design, and would prefer if Westlake just donated the land to the City.

Juanita Gutierrez, with address on Occidental Road, identified herself as a retired real estate broker and the former chairperson for the Mt. Eden Task Force. Ms. Gutierrez expressed frustration with the proposed development indicating the park was a slice of the original plan. She asked that the Commission not rush to make a decision noting the park would serve all of the neighborhoods, not just the KB homes or new development. Ms. Gutierrez said Kennedy Park was not big enough and so crowded on Sundays that the people looked like ants. Now is the time to do the right thing, she said, and asked the Commission to create a grand park for children of all ages.

Mr. Lepore said he'd been involved in the Greenwood Park expansion process since he came to HARD more than seven years ago. He said HARD attempted to negotiate the entire parcel but KB was unable to purchase the entire parcel. From there other options were considered including the Mt. Eden plan from 1990 that called for an 1.25 acres extension. Mr. Lepore noted that the current proposal was slightly less than that. He said HARD's directive has always been to provide park and open space for residents and had been doing so since its formation in 1944. He noted that while HARD was a special district, separate



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 20, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

from the City, it did work closely with City staff. Mr. Lepore said whether through the Master Lease Agreement with the City or by acquiring the property itself, HARD would provide the improvements and the ongoing maintenance for the expansion. Mr. Lepore concluded by saying it had been a pleasure to work with City staff, especially Senior Planner Buizer, and that the District had spent years working through all the complexities now contained in the Development Agreement. He said HARD supported this latest proposal, acknowledged that, of course, they wanted the entire area, and emphasized that they were developing the best facility they could with the property that was available.

Chair Márquez stated for the record that the Commission was asking Mr. Lepore to comment on the proposal because of HARD's relationship to the project.

Commissioner McDermott extended her gratitude to Mr. Lepore noting that HARD did a fantastic job for the community with a multitude of activities for citizens of all ages. She noted it was difficult to please everyone but City staff and HARD had done their best. Mr. Lepore thanked her for the comments and said he would bring them back to staff.

Commissioner Loché asked staff to explain why, without the Planned Development Zone Change, the potential amount of park land dedication would only be 0.6 acres. Senior Planner Buizer explained that unless the development was over 50 units, the City couldn't require a land dedication. If the development was 50 units, she explained, per City ordinance the land dedication requirement was 748 square feet per unit and multiplying that by the proposed 36 units totaled 0.6 acres. Ms. Buizer said that was included in her report to show that the proposed one acre dedication exceeded that amount and wasn't even required by ordinance.

Commissioner Trivedi asked for confirmation that a park in-lieu fee could have been paid and Senior Planner Buizer said that was correct and brought up the first slide of her presentation that showed under the current designation, no park would be required if the fee was paid. Commissioner Trivedi said he wanted it make it clear to residents that the City could have had no park if the development had taken a different form. Commissioner Trivedi also pointed out that options like a dog park or community center were part of the community outreach process. Mr. Lepore said all input and park amenities would be considered, but noted the site wasn't big enough for a community center.

Regarding access for fire and safety vehicles, Commissioner Trivedi asked staff for confirmation that interior roadways had the required turning radius for emergency vehicles and Senior Planner Buizer said yes, the layout had been reviewed by the Hayward Fire Department and met all minimum requirements. Commissioner Trivedi also confirmed that Denton would not be opened for through traffic and impacts to traffic on Denton were negligible and Ms. Buizer said that was correct.

Chair Márquez closed the Public Hearing at 9:37 p.m.

Commissioner Lamnin said she appreciated efforts to bring open space to community but had several concerns with the proposal. Regarding the two-story design of the homes, she pointed out the population of Hayward was aging and the design of the homes was not universal and had no accessibility. She had asked about multi-family units earlier she said because she was a proponent for one unit within an owned space, but she didn't know if that would be allowed under the current agreement or design.

Commissioner Lamnin said her other concern was having the entrance and exit on Denton Avenue. She pointed out that looking at the map the street looked wide, but she visited the site and found it didn't feel wide and with cars parked on the street, she was concerned about traffic impacts and would like to see a design with an entrance or egress on Eden Avenue. Commissioner Lamnin said she understood that would require some reworking of the design, but it felt safer to her.

Commissioner Lavelle said this development was very exciting for Hayward and was an outstanding example of government working with the community for compromise. She acknowledged that the shape of the development was a little unusual and resulted in an uneven parcel of land for the park extension, but she pointed out that the City had been successful in securing a portion of land that would become part of Greenwood Park within 90 days. Commissioner Lavelle said that was an unusual and successful result from which everyone in the neighborhood would benefit. Regarding suggestions made by "Citizen Sam," Commissioner Lavelle said she wasn't sure if the proposed location of the dog park was a good idea because dogs bark a lot and the homes facing that area might not like it, but she encouraged residents to give comments to HARD so all the needs of homeowners could be considered in the design of the park. Commissioner Lavelle concluded by saying this was a great growth area for the City, the KB home development was very attractive, very modern, and to Commissioner Lamnin said there would be other opportunities to create universal design single story units.

Commissioner Lavelle made a motion per the staff recommendation and complimented the creative planning that went into the project. Commissioner Faria seconded the motion commented that based on all of the work that had been done and the proposed improvements, the development would be a benefit to the community.

Commissioner Loché said he would be supporting the motion, but expressed concern that while looking for parking on Denton the one way traffic would create problems. He said if the proposal was approved, he hoped Council would look into creating two-way traffic to help reduce congestion and added trips on Denton. Commission Loché said he wouldn't recommend a second egress on Eden Avenue because of the resulting reduction in open space. He said he appreciated all the work done and the amount of open space added to Greenwood Park.

Assistant City Attorney Conneely clarified that the motion included the added condition of approval recommended by staff to protect the oak tree and both Commissioner Lavelle and Faria were supportive of the amendment.

Commissioner McDermott said she would be supporting the motion noting the development would complement the area and the park extension would add value to the properties surrounding it. She pointed out that having a park was a luxury and assumed that neighboring areas would use it.

Chair Márquez thanked Commissioner Trivedi for pointing out that without Commission support there would be no park expansion or improvement. She said she shared Commissioner Lamnin's sentiments regarding universal design, but noted the size of the project size was not significant. She said she liked the green point rating the developer was trying to achieve and concluded that she would be supporting the motion.

The motion to recommend approval to the City Council of the proposed project, including the adoption of the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program; approval of the General Plan Amendment, Zone Change, and Parcel Map to create a park expansion lot and parcel for future development lots; and a Development Agreement to identify the allowable density of future development in exchange for dedicating a fee interest in land for the expansion of Greenwood



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 20, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

Park; with an amendment to add a condition of approval for the protection of an existing large oak located near the proposed project entrance on Denton Avenue.

The motion passed 6:1:0 (NOES: Lamnin)

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

Commissioner Lamnin suggested that the development CC&Rs include language that requires garages to be used for parking. She also thanked staff for the inclusion of the sewer connection fees in the report.

COMMISSION REPORTS

4. Oral Report on Planning and Zoning Matters

Planning Manager Patenaude introduced Senior Planner Erik Pearson who gave a PowerPoint presentation of Association of Bay Area Governments' (ABAG) Regional Housing Needs Allocation (RHNA) and Priority Development Area Investment and Growth Strategy noting that ABAG's housing production count of very low housing units produced during the last cycle for Hayward was short by 77 units. Mr. Pearson said ABAG had been notified of the error and a revision request had been made, but the appeal process had to play out before the correction would be reflected.

Commissioner Lavelle asked if it was true that Hayward was not mandated to meet the RHNA numbers produced by ABAG. Senior Planner Pearson said that was correct, the City just had to show it had General Plan designations, zoning in place, and an inventory of available parcels. Commissioner Lavelle said she was glad the very low housing numbers listed by ABAG were being corrected. Mr. Pearson noted that the error took place when reporting changed from a fiscal year to a calendar year creating a six month period when counts were missed.

Commissioner Lamnin asked if the required number of housing units was based on census counts and Senior Planner Pearson said yes, but also current population, natural population growth, economic projections, and a number of other factors.

Commissioner Lamnin asked about recruitment for General Plan Task Force and Senior Planner Pearson gave an update noting the deadline to apply might be extended.

Chair Márquez asked about an upcoming training and Mr. Pearson said it would most likely be scheduled to replace a regular Planning Commission meeting.

Planning Manager Patenaude noted that Officer Elections would be placed on the next agenda and noted the next meeting was scheduled for October 4, 2012.

5. Commissioners' Announcements, Referrals

Commissioner Lamnin asked if a replacement Commissioner had been selected for the Sustainability Committee. Chair Márquez asked if anyone was interested and Mr. Trivedi said he was interested.

Commissioner Lamnin welcomed and congratulated new Commissioner Trivedi. She also reminded everyone to vote in the upcoming election and noted the deadline to register to vote was October 22.

Commissioner Lavelle commented that there were 11 statewide propositions on the ballot. She also noted that a new massage business opened on Jackson Street and she asked why these types of businesses didn't have to come before the Commission. Planning Manager Patenaude explained that in the past massage parlors typically required a Conditional Use Permit, however, about two years ago the state legislature passed a law that created a clearing house agency that certified massage technicians. He said that as long as all technicians were certified, then a massage parlor could locate in any zoning district that allowed professional services and wouldn't have to come before the Commission. Mr. Patenaude noted that the agency in charge was monitoring the certification of technicians and that he received frequent status emails. Depending on feedback from police, the new law sunsets in a couple of years and will either be renewed, revised or cut, he said.

Commissioner McDermott asked if the technician's certification was public information and Planning Manager Patenaude said yes noting that if the Commission ever had a question about a certain address he could check with Revenue to confirm the business had the appropriate permits. Commissioner McDermott said it will be interesting to see how many problems occur because of less oversight. Mr. Patenaude commented that he was sure the police departments would weigh in if there were problems.

Commissioner Trivedi thanked everyone for the warm welcome and said he appreciated staff and other Commissioners for getting him started.

APPROVAL OF MINUTES

6. July 26, 2012 minutes approved with Commissioners McDermott and Trivedi abstaining.

Chair Márquez asked for an update to a question she'd asked on the 26th regarding assistance provided to tenants currently living in homes owned by CalTrans. Senior Planner Buizer said any existing tenant in good standing would receive a stipend from CalTrans. Those tenants purchasing a CalTrans home would apply that stipend toward the purchase price, she said.

ADJOURNMENT

Chair Márquez adjourned the meeting at 10:17 p.m.

APPROVED:

Sara Lamnin, Secretary
Planning Commissioner



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 20, 2012, 7:00 p.m.
777 B Street, Hayward, CA94541**

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk