



CITY OF
HAYWARD
HEART OF THE BAY

PLANNING COMMISSION

JUNE 27, 2013

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CITY OF HAYWARD
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AGENDA
HAYWARD PLANNING COMMISSION
THURSDAY, JUNE 27, 2013 , 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. Request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of a Conditional Use Permit (Application No. PL-2012-0069) and Vesting Tentative Tract Map (Application No. PL-2013-0070) associated with 124 townhomes, 321 residential condominiums (some to be on the ground floor), a 30,000 square foot retail space, and 10 remaining parcels in common ownership that will entail utilizing the existing parking structure, on a 11.33 acre site located at 22301 Foothill Boulevard. Integral Communities (Applicant); MDS Realty II & 22301 Foothill Hayward, LLC (Owners)



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.

[Staff Report](#)

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

[Attachment II - IS/MND/MMRP](#)

[Attachment III - Findings for Approval](#)

[Attachment IV - Conditions of Approval](#)

[Attachment V - Project Plans](#)

[Attachment VI - Comments Received Electronically as of June 18, 2013](#)

[Attachment VII - General Plan Map](#)

[Attachment VIII - Proponents' Responses to Findings](#)

COMMISSION REPORTS:

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

APPROVAL OF MINUTES

4. [April 25, 2013](#)
[May 9, 2013](#)
[May 23, 2013](#)

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: June 27, 2013

TO: Planning Commission

FROM: Damon Golubics, Senior Planner

SUBJECT: **Request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of a Conditional Use Permit (Application No. PL-2012-0069) and Vesting Tentative Tract Map (Application No. PL-2013-0070) associated with 124 townhomes, 321 residential condominiums (some to be on the ground floor), a 30,000 square foot commercial space, and 10 remaining parcels in common ownership that will entail utilizing the existing parking structure, on a 11.33 acre site located at 22301 Foothill Boulevard. Integral Communities (Applicant); MDS Realty II & 22301 Foothill Hayward, LLC (Owners)**

RECOMMENDATION

Staff recommends the Planning Commission adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment III) and approves the requested conditional use permit and vesting tentative tract map, subject to the attached findings (Attachment IV) and conditions of approval (Attachment V).

SUMMARY

This application concerns a request for a Conditional Use Permit and Vesting Tentative Tract Map to permit the construction of four hundred and forty five (445) residential condominiums (proposed to initially be rental apartment homes) and townhomes and 30,000 square feet of commercial space at 22301 Foothill Boulevard (former Mervyn's headquarters site) in the Central City-Commercial (CC-C) zoning district. The proposal offers ultimate home ownership and two different types of housing choices within walking distance to downtown shopping and along one of the City's major arterials. The Project also incorporates private and group open spaces to serve the future homeowners. The current General Plan encourages "residential development in the downtown area to increase market support for business and to extend the hours of downtown activity."

It is anticipated that the project will provide higher quality housing that will attract new residents to the Downtown with expected annual incomes of \$65,160 to \$103,685 (considered middle income levels), which will help support and foster business activity in the downtown area. As discussed in this report, it is anticipated that the residents of the proposed units would spend several million dollars annually in Hayward, and the commercial space in the project would generate annual sales of several million dollars. Recent market analyses show that the potential for a non-residential development on the site is limited. Significant environmental impacts related to traffic or other

impact areas are not anticipated with this project.

BACKGROUND

Local Setting & Context - The Project is located on the northern edge of the downtown area. This location consists of a mix of office, commercial and residential development, with the bulk of the office and retail uses situated along Foothill Boulevard and the residential uses located behind the commercial and offices uses away from the Foothill Boulevard corridor. Much of the surrounding residential subdivisions were constructed after World War II. No major development has occurred in the vicinity of the project site since this area of the City does not have tracts of vacant land and much of the area is fully developed. With the closure of the Mervyn's retail chain of department stores in 2008, there was no need for the headquarters building anymore. Since the closure, the building remained vacant and no other interest parties leased or purchased the building or site. Current access to the property is from Hazel Avenue and City Center Drive. Right turn in and out of the project site is provided from Foothill Boulevard.

The Project site is surrounded on all sides by urbanized development consisting of residential, office and commercial land uses. Most residential properties near the project site include single-family and multi-family homes one (1) to two (2) stories in height with adjacent surface parking and landscaped areas. The San Lorenzo Creek flood control channel, maintained and owned by the Alameda County Flood Control and Water Conservation District, physically separates the project from existing residential properties to the west. Located immediately south of the project site is the beginning of existing downtown retail establishments, which provide retail shopping and personal services for the neighborhood. East of the project site across Foothill Boulevard is a mix of retail, commercial and office uses set back from Foothill Boulevard. Further east and behind these uses are some high density residential complexes. North of the project site is a mix of uses with commercial establishments fronting Foothill Boulevard and behind these businesses are single family and multi-family housing. The gas station at the corner of Hazel Avenue and Foothill Boulevard will remain. Carlos Bee Park, a neighborhood park in an unincorporated area nearby, is about a one-mile walk from the project site. AC Transit Route 48 stops at City Center Drive and Foothill Boulevard site.

Existing Project Site Setting - The Project site consists of two developed parcels, irregularly-shaped approximately 11.33 acres in size. The Project site gently slopes downward and west towards the middle of the site from Foothill Boulevard towards the San Lorenzo Creek concrete flood control channel. Two hundred and thirty three (233) trees of varying sizes and species are dispersed across the project site. Eight trees will remain on the site and the rest will be removed and replaced with new landscaping (see later discussion in the report). Existing driveway entrances/curb-cuts exist along each of the three roads abutting the project site. Specifically, there are two existing driveways into the site from Hazel Avenue, one driveway off of Foothill Boulevard and one driveway off of City Center Drive.

DISCUSSION AND STAFF ANALYSIS

Project Description – The project entails construction of 445 dwelling units and 30,000 square feet of commercial space. The existing parking garage is proposed to provide parking for the apartment homes/condominiums and customers of the commercial space. To help ensure the retail space will be occupied by desired tenants, staff is recommending (see recommended conditions of approval, Attachment IV) that the 30,000 square feet of commercial/retail space shall be fully occupied (or will be assured to be leased to the satisfaction of the Development Services Director) prior to issuance of certificates of occupancy for more than 75% of the condominiums/apartment units; and that at no time shall the 30,000 square foot retail/commercial space be divided into leasable space below 10,000 square feet in size (excluding full service restaurants or other desired uses as approved by the Development Services Director).

Site Plan - The Project would result in the construction of four hundred and forty five (445) dwelling units and 30,000 square feet of ground floor commercial space on the site. The existing parking garage would be kept as the only remaining structure on the site. The existing office building, auto center and surface parking lots will be demolished and removed. There are no existing structures on the site that have any significant historic significance or value. Of the 445 dwelling units, 321 would be condominiums located on the south portion of the site (proposed to be rental apartment homes initially, with a condominium map to be filed initially) and 124 townhome units would be constructed on the north half of the site (see Attachment V for a full set of Project plans).

Subdivision of Land - The Project includes a proposed vesting tentative tract map to create a residential condominium subdivision including eight (8) units and one (1) parcel held in common ownership for access, parking, open space and utilities. All public utilities necessary to serve the subdivision are located adjacent to the Project site and utility easements would run within the private road system within the project.

Landscaping and Open Space - Proposed landscaping is proposed throughout the site (see sheet L1 of Attachment V), including along all street frontages. Most open areas of the Project site will be vegetated with trees, shrubs, grasses and natural turf. The preliminary landscape plan shows approximately 275 replacement trees, related to the proposed removal of 225 trees from the property. A tree appraisal report was submitted for the Project which indicates that irrigation to the existing trees had been turned off, some trees have died and other are in a severe state of decline. The condition of the existing trees range from poor to good, but most suffer from a variety of problems that are listed in the report. Two stormwater detention areas are located in the townhome section of the Project adjacent to the internal street labeled “C” Street.

The City’s Zoning regulations require a minimum 100 square feet of open space per dwelling unit. If there are 445 dwelling unit proposed, the project would be required to have 44,500 square feet of open space. Of that amount, each unit must have 30 square feet of group open space for a total of 13,350 square of group open space. The multi-family part of the project has 33,000 square feet of group open space and 24,305 square feet of private open space for a total of 57,305 square feet of open space. The townhome section of the project has 17,200 square feet of group open space and 15,454 square feet of private open space for a total of 32,654 square feet of total open space. In summary, the minimum amount of required private and group open spaces will be met.

Public Parkland - No public park space has been proposed as part of this Project. The staff of the Hayward Area Recreation and Park District (HARD) is recommending that park in-lieu fees be paid for the creation of future park space, trails, or enhancements to existing park facilities within the immediate vicinity of the project. City's regulations and State law allow the City to require dedication of parkland, payment of park dedication in-lieu fees, or a combination of both. Based upon the number of proposed dwelling units and per City standards, if parkland dedication was required, the applicant would need to dedicate 6.5 acres of the 11.33 acre site for public park purposes. If only park dedication in-lieu fees were required, a payment of \$4,511,593 would be required. The Project proponent is proposing to pay this amount in in-lieu fees to meet park obligation requirements. HARD staff has indicated to City staff that they will be submitting additional comments on the project prior to the Planning Commission hearing, but such correspondence was not be available for inclusion in this staff report. This information will be available at the Planning Commission meeting.

Floor Plans and Quality of Housing Design and Materials - The basic attributes of part of the proposed condominiums and townhomes are summarized in the table below.

Unit Type	# of Bed-rooms	# of Bath-rooms	Floor Area (sq. ft.)	Number Of Units	Percent of Total (by type)
Condominiums/Apartments					
Plan 1-1	1	1	730	119	37%
Plan 1-2	1 + Den	1	786	63	20%
Plan 2-1	2	2	1,105	104	32%
Plan 2-2	2	2	1,137	22	7%
Plan 2-3	2	2	1,073	13	4%
				321	100%
Townhomes					
Unit 1	2	2.5	1,485	20	17%
Unit 2	3	2.5	1,570	39	31%
Unit 3	3 + Den	2.5	1,850	39	31%
Unit 4	4 + Multi-Purpose Room	4	2,115	26	21%
				124	100%
GRAND TOTAL				445	

The project proponents have indicated that the unit mix for this project, suggested floor plan layouts, fit and finishes of the construction, and amenities provided within each unit and the complex will ensure that these units are seen as “high end” dwellings.

For the townhome units, the applicants have indicated that the standard specification level will consist of tile entries, wood cabinets, pre-wiring, etc. There will be numerous optional upgrades typical of today's new homes, such as granite counter tops, hard wood flooring, upgraded fixtures, solar roof panels, etc. Pricing for the townhomes should range from the mid 400,000's to the mid 500,000's.

For the apartment homes, residents will enjoy all of the amenities typical of a “Class A” apartment home community, such as a swimming pool, outdoor kitchen for residents to barbeque, gathering rooms, 24 hour security, on site leasing office, laundry in the units etc. The units will feature tile entries and granite counter tops, private patios, etc. Elevators will of course be provided. Rents are projected to be about \$2.15 to \$2.20 per square foot.

Grading and Site Work – The Project includes some earthwork in order to accommodate the Project. An estimated 4,000 cubic yards of soil would be imported. A retaining wall system will be built adjacent to internal “A” Street and townhouse blocks TH-1, TH-2 and TH-3. The preliminary grading plan is depicted in Attachment V (Preliminary Grading Plan – Sheet C4). Architectural site plans have been crafted by different architects for the condominiums and the townhomes. Sheet A1.1.0 in Attachment V shows the layout of the condominiums, retail space and integration of the existing parking garage. Architectural layout of the townhomes is shown on Sheet A.TH.1 in Attachment V.

Building Elevations – As shown in Attachment V, the condominium and retail part of the Project is designed in a contemporary style and the proposed building colors are harmonious with the surroundings. Offsets of wall plains are used effectively to break up the building mass into different components. Brick and stucco dominate the exterior treatment of the building. Simple awnings and residential decks also break up the mass of the building and add interest to exterior elevations. Placement of trees and landscaping along the street frontages is done in a way to not hide any of the building's architecture.

The townhome portion of the project employs five different and distinct styles. Plans show an Agrarian Contemporary, Contemporary Craftsman, Contemporary Monterey, Contemporary Spanish and Coastal Contemporary style used. Each is unique and can be seen as a transition to the existing neighborhood beyond Hazel Avenue. The proposed exterior color selection for each design style is warm not harsh or glaring. The City of Hayward Design Guidelines suggest breaking up bulky buildings into components which relate to interior and exterior functions with variations in height, color and texture. .

Access and Circulation - On-site vehicular and pedestrian access would be provided by the existing private roadway to the parking garage and by a series of new private roads, alleys and sidewalks internal to the development. Access to the project will be from two driveways onto Hazel Avenue, one access from Foothill Boulevard, and the existing access point from City Center Drive.

Some curbside parking will be available on Foothill and Hazel. Currently shown on the development plans are “mountable median islands” forcing traffic exiting from the development site onto Hazel Avenue to turn right. In an effort to stem the flow of traffic from the development into the existing neighborhood to the west, staff is also requiring medians in the center of Hazel Avenue (not shown on the current set of development plans) as a condition of approval (see Attachment IV).

Parking for the commercial space will be provided in the existing parking garage. A loading area is off of the access road from City Center Drive and is approximately 90 feet back from this private roadway. Accessible parking space for this space is adjacent to the loading dock and City Center Drive.

The proposed Vesting Tentative Tract Map will allow the subdivision of the property to accommodate private roadway, common areas, 312 condominiums and 124 townhomes. The project site is approximately 11.33 acres and the resulting density is 39.3 dwelling units per acre, under the allowable density maximum density of 65 dwelling units per acre as regulated by the zoning standards. The project site is located within an existing commercial and residential neighborhood that includes a mix single-family and multi-family development, as well as commercial development.

Parking - Based on the City’s Off-Street Parking Regulations and as shown in the table below, the Project would comply with most of the City’s minimum parking standards.

Land Use	Units/Size	Requirement	Total Required	Total Provided (Garage/Covered)
Multi-Family Units	321 Units	1.5 spaces per unit	482	507
Retail Space	30,000 sq.ft	1 space per 315 sq.ft.	96	96
Townhomes	124 Units	2 spaces per unit	248	287
Total Parking			826	890

The Project does not meet the minimum requirements for uncovered parking spaces. However, the applicant has proposed more covered parking in the existing parking garage to compensate for the lack of uncovered parking. Covered parking is normally seen as more desirable than uncovered parking spaces; therefore, staff considers the uncovered parking requirements as being met.

Community Facilities District - As a standard condition of approval and related to adopted City Council policy, the City requires developers to pay the cost of providing public safety services to the proposed project through the formation of, or annexation to, a Community Facilities District (CFD), should the project generate the need for additional public safety services. This will require the project developer to post an initial deposit of \$20,000 with the City prior to or concurrently with

the submittal of the final subdivision map and improvement plans, to offset the City's cost of analyzing the project's need for additional public safety services. If the analysis determines that the project creates a need for additional public safety services warranting the formation of, or annexation to, a Community Facilities District, the project developer shall be required to pay all costs of formation of, or annexation to, the district, which costs may be paid from the developer's deposit to the extent that funds remain after payment of the City's costs of analysis as described above.

Inclusionary Housing Requirements – Compliance with the City's inclusionary housing provisions will be required for the project. The applicants have requested payment of in-lieu fees for the townhome portion of the project. As for the multi-family part of the project, it is the intent of the developer to rent all of these units initially and to file a condo map; however, if market conditions change, these units may be converted to condominiums. Pursuant to the interim relief ordinance for inclusionary housing (Ordinance No. 13-01), no affordable units are required to be included in the development.

Market Analyses – According to analysis provided by the applicant's consultant, the Concord Group, this project seeks to meet the needs of a new Hayward renter who is interested in a downtown-proximate rental product with upscale features and amenities of a newly constructed community. Because of Hayward's central location, the applicant is confident the Project will attract young couples with dual commutes to different job centers. Larger units will appeal to young local families. The community amenities in the apartment home/condominium complex will include resort-style courtyard pool and spa/hot tub, a 24/7 fitness center, small business center with computers and free wi-fi, and a community playground. Unit features will include upgraded flooring, master bedrooms with walk-in closet and a washer/dryer will be included in units.

Most of Hayward's existing rental market is older. The consultant's research shows Hayward has not had new apartment rentals constructed since 2000. Most existing rentals fall into one of two categories. The first category includes complexes whose buildings have been renovated since 1985 (average year of construction 1987). In these relatively newer apartments, lease rates average \$1.61 per square foot, and have a 96% occupancy rate. The second category of apartment rentals tend to be older, with an average year of construction of 1972. These units rent for \$1.41 per square foot and have a 97% occupancy rate.

Findings for the Conditional Use Permit - In order for a Conditional Use Permit to be approved, the Planning Commission must make four findings, per Section 10-1.3225 of the Zoning Ordinance. The following text conveys staff's analysis of the Project under those findings and Attachment VIII provides input on the findings from the project proponent.

(1) The proposed use is desirable for the public convenience or welfare;

The Project, and specifically, a residential use on the first floor of the Project, is desirable for the public convenience and welfare because the Project will convert a large, vacant commercial building into a vibrant mixed-use community, create economic stimulus and housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled. The design and features of the Project will attract middle-income residents who are expected to spend their

incomes to support businesses in Hayward, particularly in the Downtown, and/or attract new businesses. The Project would provide higher end, aesthetically-pleasing ownership housing with on-site amenities within walking distance of a transit station. Providing ground-floor residential units would provide more active “eyes on the street” later in evenings, in line with “crime prevention through environmental design” (CPTED) principles, which would not be realized with commercial ground floor development.

(2) The proposed use will not impair the character and integrity of the zoning district and surrounding area;

The Project site is surrounded by residential uses and similarly-zoned properties, and is in the vicinity of multi-storied residential complexes, and as such, the Project will not impair the character and integrity of the surrounding area. As conditioned, traffic leaving the project on Hazel Avenue would not be able to turn westward and drive through the neighborhoods to the west, directing traffic generated by the project onto Foothill Boulevard, a major arterial. The project would entail high quality finishes and architecture, and entail the planting of new, irrigated landscaping, including the planting of 275 new trees. For the townhome units, the standard specification level will consist of tile entries, wood cabinets, pre-wiring, etc. There will be numerous optional upgrades typical of today's new homes, such as granite counter tops, hard wood flooring, upgraded fixtures, solar roof panels, etc. Pricing for the townhomes should range from the mid 400,000's to the mid 500,000's. For the apartment homes, residents will enjoy all of the amenities typical of a “Class A” apartment home community, such as a swimming pool, outdoor kitchen for residents to barbeque, gathering rooms, 24 hour security, on site leasing office, laundry in the units, etc. The units will feature tile entries and granite counter tops, private patios, etc. Rents are projected to be about \$2.15 to \$2.20 per square foot.

(3) The proposed use will not be detrimental to the public health, safety, or general welfare; and

The initial study/mitigated negative declaration prepared for the Project demonstrates that no substantial adverse environmental effects would occur after implementation of mitigation measures included therein, including no significant impacts on public services or hazards. Traffic impacts are not expected to be significant and would be less than peak-hour trips compared with the previously existing Mervyn's office building use. Therefore, the Project's proposed residential and retail uses will not have a negative effect on the public health, safety, or general welfare. Specifically, a conditional use permit allowing first-floor residential units has no effect on the public health, safety or general welfare. If analysis demonstrates that public services demands warrant it, the Project would be required to form or be annexed into an existing community facilities district, which through assessments, would pay for needed public safety services.

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

The current General Plan designation of the site is Downtown - City Center / Retail and Office Commercial (CC-ROC). On page C-4 of Appendix C of the General Plan, the

Downtown - City Center Area has the following text that explains the unique vision for this area:

“This area is a major activity center in the planning area. It contains major public facilities such as City Center and the Main Library, retail and office areas, and high-density residential areas. Mixed-use development is encouraged to promote the pedestrian orientation and to maintain the downtown area as an integrated living, working, shopping and recreational area. The boundary of this area is delineated in the Downtown Hayward Design Plan.”

Page C-3 of that General Plan appendix lays out the vision for areas with a Retail and Office Commercial land use designation:

“These areas include the regional shopping center (Southland Mall), community shopping centers, concentrations of offices and professional services, and portions of the downtown area and South Hayward BART Station area where mixed retail and office uses are encouraged. Not shown are neighborhood convenience centers that support and are compatible with residential areas.”

One additional section of the General Plan further supports the project as related to City policies:

“Recognize the importance of continuous retail frontage to pedestrian shopping areas by discouraging unwarranted intrusion of other uses that weaken the attractiveness of retail areas; encourage residential and office uses to locate above retail uses.”

These sections of the General Plan indicate the proposed project is consistent with the policies of the General Plan in that the project provides residential use with some commercial use in the Downtown in close proximity to the Downtown BART station. The current development, with the surface parking lot, unoccupied Mervyn’s office building and parking garage, does not create a continuous retail frontage interfacing with the more pedestrian-oriented part of Downtown. It should be noted that this section of Foothill Boulevard is quite different from other sections of Downtown Hayward. Specifically, this section of Foothill is a multi-lane arterial with high-speed, high-volume vehicular traffic that is not very pedestrian-friendly. B Street is considered an example of a more pedestrian-friendly environment with a continuous retail frontage and presence, with lower volumes of traffic traveling at lower speeds in just two lanes.

The zoning designation of the project site is Central City Commercial (CC-C). Allowable permitted uses not requiring a use permit include residential dwelling units above the first floor and a variety of retail commercial uses (as is proposed at the southeast corner of the project site). Approval of a conditional use permit (CUP) is required for ground-floor residential use. Note that ground-floor residential is not outright prohibited by the CC-C regulations.

The purpose of the Central City – Commercial (CC-C) is, “to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted

activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential.”

The project could be viewed as one that adds synergy to Downtown. Adding condominiums/apartments and townhomes along with commercial space would contribute to the goal of Downtown being an active and vibrant area as referenced in the General Plan and Zoning Ordinance. Recent economic studies done for Downtown and this specific project show that this type of project would add to Hayward’s revitalization of Downtown by providing housing to attract middle-income households that would spend disposable income in Downtown. The Project also fulfills the intent and purpose of the CC-C zone by replacing an underutilized site with a vibrant, pedestrian-friendly mixed use development, and as a result, revitalizing the Central City and creating economic stimulus.

Findings for the Vesting Tentative Tract Map - - In order for a vesting tentative map to be approved, seven findings are required to be made. The following text conveys staff’s analysis of the Project under those findings.

(1) That the proposed map is consistent with applicable general and specific plans as specified in Section 65451. [Subdivision Map Act §66474(a)]

The proposed subdivision is consistent with the Hayward General Plan and allows a development project that is consistent with allowed uses and densities designated by the “City Commercial – Residential Office Commercial (CC – ROC)” land use category of the General Plan. No Specific Plan applies to the Project.

(2) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans. [Subdivision Map Act §66474(b)]

The proposed subdivision is of a design consistent with the Hayward General Plan in that circulation design and roadways are provided to accommodate the anticipated traffic, and utilities, including water, sewer, and stormdrain facilities, will be provided to accommodate the proposed development. As demonstrated by the project initial study/mitigated negative declaration, the Project will have no significant impacts on aesthetics or land use.

(3) That the site is physically suitable for the type of development. [Subdivision Map Act §66474(c)]

The geotechnical investigation performed by Berlogar, Stevens & Associates (February 10, 2012), which is referenced in the project initial study/mitigated negative declaration, demonstrates that the proposed subdivision would occur on a site suitable for the proposed development.

(4) That the site is physically suitable for the proposed density of development. [Subdivision Map Act §66474(d)]

The geotechnical investigation performed by Berlogar, Stevens & Associates (February 10, 2012) demonstrates that the proposed subdivision would occur on a site suitable for the

proposed density, in compliance with the City's parking, open space, and traffic impact standards.

- (5) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. [Subdivision Map Act §66474(e)]**

The initial study/mitigated negative declaration prepared for the Project demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed subdivision, with incorporation of required mitigation measures. Moreover, the Project site has already been fully developed, and as a result, no fish or wildlife habitats exist on the Project site.

- (6) That the design of the subdivision or type of improvements is not likely to cause serious public health problems. [Subdivision Map Act §66474(f)]**

Adequate capacity exists to provide sanitary sewer service to the Project site, nor are air quality impacts to future residents considered significant, as analyzed in the initial study/mitigated negative declaration. The Project also adds housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled, which reduces impacts on air quality and greenhouses gases.

- (7) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. [Subdivision Map Act §66474(g)]**

There are no existing public easements within the boundary of the proposed subdivision, nor are any easements necessary. The Project site is fully developed and currently consists of a 336,000 square foot unused office building and parking facilities, and therefore, there is currently no public access through the property.

Environmental Review - Staff prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (Attachment II) that identifies potentially significant impacts under the environmental topics of: Aesthetics, Air Quality, Biological Resources, Cultural Resources and Noise. However, the IS/MND identifies mitigation measures, agreed to by the Project sponsor, that would reduce those impacts to a *less than significant level*. The analysis done associated with traffic concludes that traffic generated by the project would generate less peak-hour trips than that associated with the former Mervyn's office use, and therefore, the impacts associated with traffic are less than significant. The IS/MND was made available for public review from May 31, 2013 through June 19, 2013. No comments were received on the IS/MND as of the writing of this report.

The Mitigation Monitoring and Reporting Program that identifies responsibility for mitigation implementation and oversight are included as Attachment II. The Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were also posted at the Alameda County Clerk's Office on May 31, 2013, in compliance with the California Environmental Quality Act (CEQA) Guidelines.

Fiscal Impacts - According to the applicant's consultant, annual sales of spending by Project residents in Hayward is estimated to be up to \$8.5M annually (assumes an optimistic capture rate of 75% of total spending to occur in Hayward). The proposed commercial space in the project is expected to involve up to \$11.2M in sales annually. However, those retail sales are considered very optimistic by staff, since they assume annual sales of \$370 per square foot and that all the space is retail sales space (versus office or some other commercial use).

PUBLIC NOTICE & OUTREACH

A notice of this public hearing and availability of the draft Mitigated Negative Declaration for the project was sent to all property owners within a 300-foot radius of the Project site. Several residents submitted e-mails to the Planning Division addressing the project. Ms. Ann Seitz identified concerns with parking and traffic associated with the request. Ms. Valerie Snart expressed that she is against more "high density housing in Hayward especially at the Mervyn's location." A group of twelve residents from Rex and Roxford Roads are opposed to the project, based upon traffic concerns. Lastly, a letter was received from the Hayward Chamber of Commerce to "express full support for the proposed redevelopment of the former Mervyn's Headquarters . . ." This correspondence has been included as an attachment to the staff report (Attachment VI).

Planning staff also met with the Prospect Hill Neighborhood Association on Saturday June 15 to discuss the project. The Neighborhood Association recommendations include that all residential units be owner-occupied, that the ground floor level be 100 percent retail, and the parking standards be met with no exceptions granted.

NEXT STEPS

Should the project be appealed by an interested party or called up by a member of the City Council, a future hearing and decision by the City Council would then become the final action on this project. If the project is approved after any appeals/call-ups, the applicant will subsequently submit a final map and related subdivision improvement plans for processing. A vesting tentative tract map provides, 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 vesting tentative map application was deemed complete. Subsequent to filing of the final map, building and encroachment permit applications will be processed and issued, allowing for project construction.

Prepared by: Damon Golubics, Senior Planner
Reviewed by: Ned Thomas, AICP, Planning Manager

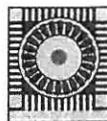
Approved by:



David Rizk, AICP
Development Services Director

Attachments:

Attachment I	Area and Zoning Map
Attachment II	Initial Study Checklist/Mitigated Negative Declaration/Mitigation Monitoring & Reporting Program
Attachment III	Recommended Findings for Approval
Attachment IV	Recommended Conditions of Approval
Attachment V	Project Plans
Attachment VI	Comments Received as of June 18, 2013
Attachment VII	General Plan Map for the Project Site & Surrounding Area
Attachment VIII	Proponent's responses to findings



CITY OF
HAYWARD
 HEART OF THE BAY

POSTED

May 31, 2013

MAY 31 2013

Alameda County Clerk
 1106 Madison Street, 1st Floor
 Oakland, CA 94607

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for Site Plan Review Application No. PL-2012-0068, Conditional Use Permit Application No. PL-2012-0069 and Vesting Tentative Tract Map Application No. PL-2013-0070 (VTM 8129) – Located on Two (2) Parcels Totaling 11.33 Acres and Located at 22301 Foothill Boulevard Between City Center Drive and Hazel Avenue in the Downtown Area, Hayward

Dear Mr. O'Connell,

Please post this letter with the attached Mitigated Negative Declaration and Initial Study for a period of 20 days to conform to CEQA Guideline Section 15072.

The Planning Commission of the City of Hayward has scheduled a public hearing on Thursday, June 27, 2013, at 7:00 p.m., Council Chambers, 2nd Floor, City Hall, 777 B Street, Hayward, to obtain citizen input on the proposed project and the Mitigated Negative Declaration and Initial Study. A copy of the staff report can be viewed on the City's website at www.hayward-ca.gov after June 21, 2013. Planning Commission action at the hearing will be the final decision in this matter unless appealed to the City Council or called up by a Councilmember.

If the Mitigated Negative Declaration is approved, a copy will be sent to the General Business Division of your office for recordation. If you have any questions, please contact me at (510) 583-4210 or e-mail me at damon.golubics@hayward-ca.gov.

Sincerely,

Damon Golubics
 Senior Planner

DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION

777 B STREET, HAYWARD, CA 94541-5007

TEL: 510/583-4200 • FAX: 510/583-3649 • TDD: 510/247-3340 • WEBSITE: www.hayward-ca.gov



CITY OF HAYWARD MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Project title: @ The Boulevard; Site Plan Review Application No PL-2012-0068, Conditional Use Permit Application No. PL-2012-0069 and Vesting Tentative Map Application No. PL-2013-0070 (Map No. 8129).

Description of project: The project calls for mixed-use development with 445 residential units and 30,000 square feet of retail on 11.33 acres of land. The 445 residential units will include both townhome and multi-family dwelling units. The project is an in-fill development, and the project site currently consists of paved surface parking lots, a parking garage, and a vacant commercial office building. The surface lots and the existing office building will be removed as part of the construction of the Project.

Project review involves consideration of a vesting tentative map, conditional use permit and site plan review.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project, with the mitigation measures identified in the attached initial study checklist, will not have a significant effect on the environment.

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources. A lighting plan will be required to ensure that light and glare do not affect area views. Also, compliance with the City's Design Guidelines will ensure visual impacts are minimized. Landscape plans will also be required to ensure that structures are appropriately screened.
3. The project will not have an adverse effect on agricultural land since the subject site is not used for such purposes, does not contain prime, unique or Statewide important farmland.
4. The project will not result in significant impacts related to changes in air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.

5. The project, proposed on properties surrounded by other residential development and within an urbanized area, will not result in significant impacts to biological resources. Any trees removed are required to be replaced as per the City's Tree Preservation ordinance.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project will not result in significant impacts to geology and soils. The project is located west of the Hayward fault, which poses potential risk to any development in the city of Hayward. Recommendations of the project geotechnical engineer will be required to be incorporated into project design and implemented throughout construction, to address such items as seismic shaking. Construction will also be required to comply with the California Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will be required to meet all water quality standards as part of the normal development review and construction process, to be addressed in a Stormwater Pollution Prevention Plan and Erosion Control Plan that utilize best management practices. Drainage improvements will be required to accommodate stormwater runoff, so as not to negatively impact the existing downstream drainage system of the Alameda County Flood Control and Water Conservation District.
10. The project proposes amendments to the Hayward zoning designation for the site, but is still consistent with the overall density supported by the Hayward General Plan. In addition, the project will be required to be consistent with the City of Hayward's Design Guidelines.
11. The project will not result in any long-term noise impacts. Construction noise will be mitigated through restriction on construction hours, mufflers, etc., to be approved as part of the future building permits for the homes.
12. The project will not result in significant impacts related to population and housing in that the amount of development proposed is within the range of development analyzed in the Hayward General Plan.
13. The project will not result in a significant impact to public services in that development is at least as intensive as that proposed was analyzed in the Hayward General Plan EIR and found to have less-than-significant impacts.

III. PERSON WHO PREPARED INITIAL STUDY:



Damon Golubics, Senior Planner

Dated: May 31, 2013

I. COPY OF ENVIRONMENTAL CHECKLIST IS ATTACHED

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4200

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Provide a copy to the Alameda County Clerk's Office.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



**DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division**

INITIAL STUDY CHECKLIST

Project Title: @ The Boulevard

Lead agency name/address: City of Hayward / 777 B Street, Hayward, CA 94641

Contact person: Damon Golubics, Senior Planner

Project location: 22301 Foothill Boulevard, Hayward, CA 94541

Project sponsors

Name and Address: Mark Butler, Integral Communities, 675 Hartz Avenue, Suite 202, Danville, CA 94526

Existing General Plan Designation: CC-ROC

Existing Zoning: Central City – Commercial (CC - C)

Project description: The project calls for mixed-use development with 445 residential units and 30,000 square feet of retail on 11.33 acres of land. The 445 residential units will include both townhome and multi-family dwelling units. The project is an in-fill development, and the project site currently consists of paved surface parking lots, a parking garage, and a vacant commercial office building. The surface lots and the existing office building will be removed as part of the construction of the Project.

Requested Local Approvals: The following actions by the Lead Agency are necessary to carry out the project:

- Conditional Use Permit: The Central City – Commercial zoning permits retail uses and residential dwelling units above first-floor commercial by right, and conditionally permits residential development, including multi-family units, on the first floor. Processing of a conditional use permit is required in order to allow for residential dwelling units on the first floor.
- Site Plan Review: The zoning regulations require that when a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. Since the current site development is that of an office use, the proposed mixed use development of 30,000 square feet of retail and 445 multifamily dwelling units and on 11.33 acres of land requires review of the proposed site plan
- Vesting Tentative Map: (Vesting Tentative Tract Map No. 8129) A condominium map for Lots 1 through 13 and Parcel A. The total number of residential condominium dwelling units shall be no

more than 124 units for lots 1 through 13 or 321 residential condominium dwelling units and 1 commercial unit for Parcel A.

- Building Permit: (Hayward Municipal Code 07-17) The City of Hayward Development Services Department would review the proposed construction activities.
- Encroachment Permit: [Hayward Municipal Code, Article 2 (Streets)] The City of Hayward Public Works Department would review proposed construction activities associated with the project's utility, driveway and traffic control improvements within Foothill Boulevard, Hazel Avenue and City Center Drive.

Surrounding land uses and setting: The project site is near other similarly-zoned properties, including residential, mixed use and commercial properties.

Other public agencies whose approval is required: Alameda County Flood Control and Water Conservation District.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Damon Golubics, Senior Planner



Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? Comment: <i>There are no designated scenic vistas in the vicinity of the project and the project is not located within or visible from a designated scenic vista; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Comment: <i>The project is not located within a state scenic highway. No scenic resources exist in the area, and the project site is located in an urbanized setting, and the surrounding area is entirely developed; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? Comment: <i>The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will create a different mazing of building that may be visiable from eixting neighborhoods surrounding the site. The project includes a proposed landscape plan that will result in more greenery than currently exists on the project site. The project site is located in an urbanized setting, and the surrounding area is entirely developed. The project will add a different visual character of the site and area but this aesthetic change is considered less than significant; no mitigation is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Comment: <i>The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building, and therefore, will not create any new sources of light or glare compared to the project site's existing condition. The project will comply with the City's Municipal Code and design requirements relating to aesthetics, light and glare. The project site is located in an urbanized setting, and the surrounding area is entirely developed. Therefore, no impact. The mixed use projects will add some additional light to this area, but the amount is considered less than significant given the surrounding developed area; no mitigation is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST

RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? **Comment** *The project site is in a substantially urbanized area, which includes residential and commercial land uses consistent with the Hayward General Plan and Zoning Map. The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project site is not zoned for agricultural uses, and there are no agricultural resources in the area. The project does not involve any Prime Farmland, Unique Farmland or Farmland of Statewide Importance; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? **Comment** *The project is not located in an agricultural zoning district nor is it subject to a Williamson Act contract. The project site is not zoned for agricultural uses nor under a Williamson Act contract; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? Comment: <i>The project site is in a substantially urbanized area, which includes residential and commercial land uses consistent with the Hayward General Plan and Zoning Map. The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project site is not zoned for agricultural uses, and there are no agricultural resources in the area. Therefore, no impact. The project does not involve the rezoning of forest land or timberland; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use? Comment: <i>There are no forest lands in this area, and the project does not involve the loss of forest land or involve conversion of forest land. Since the project does not involve the loss of forest land or involve conversion of forest land; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? Comment: <i>The project does not involve, nor is it located near, any commercially operated agricultural lands. The project is not located near any forest land. There is no impact to Farmland or forest land. The project does not involve changes to the environment that could result in conversion of Farmland or forest land; thus no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

<p>a) Conflict with or obstruct implementation of the applicable air quality plan? Comment: <i>The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of its CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed project screens below what would require additional</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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evaluation; therefore the proposed project will not violate any air quality standard; thus no impact.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? **Comment:** According to a May 15, 2013 air quality study performed by Urban Crossroads, construction of the project would exceed the BAAQMD threshold for NOx. In order to reduce construction impacts to below the BAAQMD's threshold for NOx, the May 15, 2013 air quality study recommended that during construction activity, all diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better. The project will implement this mitigation measure, and as a result, all impacts will be less than significant with mitigation. Operation of the project would not exceed any applicable threshold. The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed project screens below what would require additional evaluation; thus the proposed project will not violate any air quality standard and the impact is less than significant.

Mitigation Measure 1: All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? **Comment:** The proposed project complies with the BAAQMD's CEQA Guidelines (thresholds of significance; 1999 and 2011). The proposed project meets the screening criteria in Table 3-1 of the Air District's CEQA Guidelines; thus, it can be determined that the project would result in a less-than-significant cumulative impact to air quality from criteria air pollutants and precursor emissions.

d) Expose sensitive receptors to substantial pollutant concentrations? **Comment:** The proposed project complies with the BAAQMD's CEQA Guidelines (thresholds of significance; 1999 and 2011). The mixed-use project is located in an already developed area that will not involve exposing sensitive

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

receptors to substantial pollutant concentrations; thus the impact is less than significant.

e) Create objectionable odors affecting a substantial number of people? **Comment:** *The project is not considered a use that would create objectionable odors nor is it located in proximity to an existing source of objectionable odors. The mixed-use development will not create any objectionable odors; thus, no impact.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? **Comment:** *The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will not cause any additional land within or outside the project site to be paved or otherwise developed. The site is not adjacent to or in the vicinity of any significant biological resources as it is an infill site and the flood control channel is a concrete culvert. The project will therefore not affect any listed species. The project site is located in an area that is largely developed and does not contain plant or wildlife special-status species; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? **Comment:** *The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will not cause any additional land within or outside the project site to be paved or otherwise developed. The site is not adjacent to or in the vicinity of any significant biological resources as it is an in-fill site. The project will not affect any habitats. The project area is largely developed and the flood control channel is a concrete culvert which does not contain any riparian habitat or sensitive natural communities; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Comment: <i>The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will not cause any additional land within or outside the project site to be paved or otherwise developed. The site is not adjacent to or in the vicinity of any significant biological resources as it is an in-fill site. The project will not affect any wetlands since the project site is located in an urban setting, which contains no wetlands; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Comment: <i>The project site is not adjacent to or in the vicinity of any significant biological resources, as it is an in-fill site. The project site, located in an urban setting, will not interfere with the movement of any migratory fish or wildlife species; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Comment: <i>The project will comply with all local policies and ordinances, and considering the project site is a fully developed site, the project will not affect any biological resources; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? Comment: <i>The project is consistent with the City's Tree Preservation Ordinance. There are no habitat conservation plans affecting the property, specifically, the project site is not located in an area covered by an adopted Habitat Conservation Plan or Natural Community Conservation Plan; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? **Comment:** *There are no historical resources associated with the improvements on the site or the affected parcels. Moreover, the project site has already been fully developed, and the existing buildings are of relatively recent origin and are of no significant historical or cultural significance. Due to extensive prior disturbance, there is a very low likelihood of impacting archeological or paleontological resources or disturbing human remains. In addition, the surrounding properties have no historical significance. Should any disturbance occur below develop areas, a remote possibility exists that historical or cultural resources might be discovered. If that should occur, standard measures should be taken to stop all work adjacent to the find and contact the City of Hayward Development Services Department for ways to preserve, records the uncovered materials. If standard procedures are followed in the event cultural/historical resources are uncovered at the project site, the proposed impact is less than significant.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? **Comment:** *No known archaeological resources exist on the site, which has already been fully developed. Due to extensive prior disturbance, there is a very low likelihood of impacting archeological resources. Should any disturbance occur below develop areas, a remote possibility exists that historical or cultural resources might be discovered. If that should occur, standard measures should be taken to stop all work adjacent to the find and contact the City of Hayward Development Services Department for ways to preserve, records the uncovered materials. If standard procedures are followed in the event cultural/historical resources are uncovered at the project site, the proposed impact is less than significant.*

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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? **Comment:** *No known paleontological resources exist on the site, which has already been fully developed. Due to extensive prior disturbance, there is a very low likelihood of impacting paleontological resources. There are no unique geological features on or near the site; thus, no*

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impact.

d) Disturb any human remains, including those interred outside of formal cemeteries? **Comment:** *There are no records of any human remains located on the project site nor cemeteries nearby. In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act. Due to extensive prior disturbance, there is a very low likelihood of disturbing human remains. Standard procedures for grading operations would be followed during development, which require that if any such remains or resources are discovered, grading operations are halted and the resources/remains are evaluated by a qualified professional and, if necessary, mitigation plans are formulated and implemented. These standard measures would be conditions of approval should the project be approved; thus, no impact.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. **Comment:** *The State of California Fault Zone is located about 300 feet southwest of the nearest project site boundary. The Hayward fault is mapped approximately 800 feet southwest of the site. A geotechnical investigation performed by Berlogar, Stevens & Associates on February*

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>10, 2012 concluded that the project site shows no evidence of faulting and the likelihood of a surface fault rupture at the project site is low. Impact is expected to be less than significant. The project site is not within the State's Earthquake Fault Zone; thus, impacts related to fault rupture are not anticipated.</p>				
<p>ii) Strong seismic ground shaking? Comment: The project site is near, but not located in, both the California Fault Zone and the Hayward Fault. However, the proposed buildings will be designed and constructed to withstand ground shaking in the event of an earthquake; specifically, the project requires a building permit which would involve the mandatory implementation of design features to minimize seismic-related hazards. An earthquake of moderate to high magnitude could cause considerable ground shaking at the site; however, all structures will be designed using sound engineering judgment and adhere to the latest California Building Code (CBC) requirements, thus the impact is considered less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>iii) Seismic-related ground failure, including liquefaction? Comment: The site is located within a State of California liquefaction seismic hazard zone. The site is underlain by Older Alluvium as shown in on Plate 3, Geologic Map (geotechnical investigation performed by Berlogar, Stevens & Associates dated February 10, 2012). Borings indicate the site is underlain predominately by very stiff to hard clayish soil. A lens of gravelly and silty sand was encountered at a depth of 20 feet in boring (B1). There is a potential that lens of gravelly and silty sand at the site could liquefy during an earthquake. However, the amount of settlement caused by liquefaction of these lenses should be muted at the ground surface due to the cap of clayish soil. Lateral spreading is unlikely since the sandy material is not believed to be a continuous layer. A design level geotechnical evaluation shall be conducted and submitted for review and approval prior to issuance of building permits and if liquefaction is determined to</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>be probable, measures as recommended by the project geotechnical consultant shall be implemented. Such measures, such as special foundation construction, will reduce the significance of liquefaction-related impacts to a level of insignificance.</i></p> <p>Mitigation Measure 2: <i>Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.</i></p>				
<p>iv) Landslides? Comment: <i>The project site consists of flat lots not subject to landslides. Due to the relatively flat site topography, landslides are not likely; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Result in substantial soil erosion or the loss of topsoil? Comment: <i>Although the project would result in an increase in impervious surface, the project site is relatively flat and erosion control measures that are typically required for such projects, including but not limited to gravelling construction entrances and protecting drain inlets will address such impacts. Therefore, the potential for substantial erosion or loss of topsoil is considered insignificant.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Comment: <i>The site is relatively flat and such impacts are not anticipated.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Comment: <i>According to the Due-Diligence Geotechnical Investigation, the site is underlain with predominately very stiff to hard clayish soil. The assessment recommends that a design-level geotechnical investigation be performed and recommendations thereof be incorporated into the project design and construction. Provided the recommendations of a design-level geotechnical assessment are followed, the impacts of the expansive soils will be mitigated to a less than significant level.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Mitigation Measure 3: <i>All recommendations outlined in a design-level geotechnical investigation shall be incorporated in the final design in order to mitigate for the presence of expansive soils on the project site.</i>				

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? Comment: <i>The project will be connected to an existing sewer system with sufficient capacity and does not involve septic tanks or other alternative wastewater; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VII. GREENHOUSE GAS EMISSIONS --
Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Comment: <i>A May 15, 2013 study of the project performed by Urban Crossroads concluded that while the project would produce GHG emissions. This study used the California Emissions Estimator Model (CalEEMod) to evaluate the GHG impacts. The Bay Area Air Quality Management District (BAAQMD) recommends using the CalEEMod model in lieu of the Urban Land Use Emissions Model (URBEMIS) in calculating project greenhouse gas emission and evaluating air quality, as required by the BAAQMD. Therefore, this impact is less than significant. The BAAQMD has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in operational-related impacts to Greenhouse Gases. Base on the Urban Crossroads study, it has been determined that the project does not exceed the applicable threshold for operational greenhouse gas emissions using CalEEMod. Urban Crossroads used both the 1999 and 2011 BAAQMD thresholds of significance and the project will not exceed any of these thresholds. The operational threshold (impact) was below 4.6MT of CO₂e/SP/year, which is less than the allowable maximum daily thresholds; thus the impact is considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? Comment: <i>The May 15, 2013 Urban Crossroads study concluded that Project's GHG emissions will not exceed any applicable thresholds (1999 or 2011 thresholds) articulated by the BAAQMD. Moreover, the project</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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will be in compliance with the City of Hayward Green Building Ordinance. As discussed in VIIa above, the project will not exceed the threshold for operation greenhouse gases; thus no impact.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **Comment:** The project is an in-fill residential project that does not involve the transport or use of hazardous materials; thus, no impact.

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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? **Comment:** The site contains an underground fuel tank that will be removed during construction of the Project. The applicant's Phase I and II environmental reports confirm that there has been no fuel leakage on the project site. Therefore, no impact. Phase I and Phase II assessments were conducted on the subject property by Haley and Aldrich and although the property has an underground diesel storage tank used for powering a back-up generator for the previous office use and a former auto repair facility, no hydrocarbon-related compounds were detected in boring samples taken on-site. It is the opinion of Haley and Aldrich that the underground storage tank or the former auto repair facility has not impacted soil or groundwater quality at the site, therefore no further environmental assessment is warranted; thus no mitigation is required.

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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? **Comment:** The project will not emit hazardous materials or substances, thus no impact.

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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? **Comment:** The project site has been analyzed through Phase I and Phase II environmental reports, which conclude that no contamination or hazardous substances are present on the project site. The project site is not on any list

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compiled pursuant to Government Code section 65962.5; thus, no impact.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? **Comment:** *The project is not located within an airport land use plan area or within two miles of a public airport; therefore, no impact.*

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f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? **Comment:** *The site is not located within the vicinity of a private air strip and therefore, no such impacts would occur as a result of the project.*

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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? **Comment:** *The project would not interfere with an adopted emergency response plan or emergency evacuation plan. In fact, the project would result in an improved on-site water system, thereby improving fire-fighting capabilities. Therefore, no impact.*

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h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? **Comment:** *The project site is located within an urban setting, away from areas with wildland fire potential, and outside the City's Urban Wildlife Interface zone. Therefore, no such impacts related to wildland fires are anticipated.*

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IX. HYDROLOGY AND WATER QUALITY

-- Would the project:

a) Violate any water quality standards or waste discharge requirements? **Comment:** *The project will comply with all water quality and wastewater discharge requirements of the city; thus, no impact.*

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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</p> <p>Comment: <i>The project will be connected to the existing water supply and will not involve the use of water wells and will not deplete groundwater supplies or substantially interfere with groundwater recharge; thus, no impact.</i></p>				
<p>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Comment: <i>The project site is an infill site. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Comment: <i>The project site is an infill site. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? Comment: <i>The project site is a previously developed infill site. All drainage from the site is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property; thus, the impact is considered less than significant.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>f) Otherwise substantially degrade water quality? Comment: <i>The project site has been analyzed through Phase I and Phase II environmental reports, which did not identify any impacts to surface or groundwater quality. There will be an increase in open space that currently exists on the site as part of the project, including implementation of a Provision C.3 storm water treatment system, which will actually improve</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>groundwater quality. The project site is an infill. All drainage from the site is required to be treated before it enters the storm drain system; thus, no impact.</i>				
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Comment: <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Comment: <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Comment: <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? Comment: <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community? Comment: <i>The development is proposed in a developed urban setting and would not divide an established community; thus no impact</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Comment: <i>The project involves construction of 124 new townhome units, 321 multi-family (apartments/condominiums) residential homes and 30,000 square feet of retail space, which is consistent with the designated General Plan density. The Central City – Commercial zoning permits retail uses and residential dwelling units above first-floor commercial by right, and conditionally permits residential development, including multi-family units, on the first floor. Processing of a conditional use permit is currently underway allowing for residential dwelling units on the first floor. The proposed uses</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

are also consistent with surrounding adjacent abutting uses, which consists of mixed-use, commercial and residential uses; thus no impact.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? **Comment:** *The project site is not covered by any habitat conservation plan or natural community conservation plan; thus, no impact.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? **Comment:** *There are no known mineral resources on the project site; thus no impact.*

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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? **Comment:** *The project site is not identified as a site known to have mineral resources and there are no known mineral resources on the project site; thus no impact.*

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XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Comment: *Temporary construction noise will be controlled by the Hayward Noise Ordinance, and specifically, the project will comply with the construction hours specified in the City's Noise Ordinance; therefore, any impacts will be less than significant. Individual living units will need to be designed to standards called out in the Hayward General Plan for noise impacts. Future noise readings by a qualified consultant will need to be done and if such readings result in indoor or outdoor noise levels that exceed the standards contained in Appendices M and N of the City of Hayward General Plan, then design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or C of Os on units. Efforts to reduce noise level of all dwelling units to be in compliance*

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
levels? Comment: <i>The project is not located within an airport land use plan area or within two miles of a public airport; thus, no impact.</i>				

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? Comment: <i>The project is not located within the vicinity of a private air strip; thus, no impact</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIII. POPULATION AND HOUSING --

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Comment: <i>The project will not, either directly or indirectly, induce substantial population growth. The project involves the construction of 445 new residential units, however, the residential development is consistent with the density established by the City's General Plan; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Comment: <i>The project will not displace any existing housing, as the project site currently consists of only commercial uses; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? Comment: <i>The project will not displace any existing housing, as the project site does not currently consist of any residential uses; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIV. PUBLIC SERVICES --

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection? Comment: <i>No such facilities are required and therefore, no such</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>impacts are expected to occur.</i>				
Police protection? Comment: <i>No such facilities are required and therefore, no such impacts are expected to occur.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools? Comment: <i>The project site is within the Stobridge Elementary School, Bret Harte Middle School and Hayward High School attendance areas of the Hayward Unified School District. The developer will be required to pay school impact mitigation fees, which, per State law, is considered full mitigation. Such measures would reduce such impacts to levels of insignificance</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks? Comment: <i>The project proponent would be required to dedicate parkland and/or pay park dedication in-lieu fees. Such measures would reduce such impacts to levels of insignificance.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities? Comment: <i>The project's residents will not be numerous enough to have any material effect on the need for any other public facilities. Approval of the project may impact long-term maintenance of roads, streetlights and other public facilities; however, the project does not exceed density envisioned by the General Plan thus the impact is considered less than significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Comment: <i>The project includes amenities and private spaces for residents but no public park space has been proposed. The project proposes to include some amenities and common areas within the development for residents. The developer will be required to pay applicable park in-lieu fees; thus the impact is considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? Comment: <i>The project proposes to include some</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

amenities and common areas within the developments. The developer will be required to pay applicable park in-lieu fees; thus the impact is considered less-than-significant.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC --

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? **Comment:** *The project will not conflict with any plan regarding the circulation system. The applicant commissioned a traffic study analyzing the project, which was completed by TJKM Transportation Consultants on January 25, 2013. This study concluded that the project will generate approximately 6,026 daily weekday trips, including 304 a.m. peak hour trips and 497 p.m. peak hour trips; The conclusion of the traffic study was that the project will not cause a significant impact to any study intersection and thus should not disrupt the existing transportation system; thus the impact is considered less than significant.*

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b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? **Comment:** *The applicant commissioned traffic study analyzing the project completed by TJKM Transportation Consultants on January 25, 2013, concluded that the project will not cause any significant impacts on traffic because all intersections will continue operating at the same level of service ("LOS") after the project that these intersections currently operate under the existing conditions. The intersection of A Street and Mission Boulevard will operated at LOS F during the am and pm peak hours under "cumulative plus project" conditions, but this intersection already operated at this level of service under the cumulative conditions without the project. TJKM concluded that the LOS at the A Street/Mission Boulevard intersection should not be considered an impact. No level of service will be*

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impacted by the construction of the new residential units and new retail/commercial space on an existing in-fill lot. The Alameda County Transportation Commission does not have an adopted level of service standard for intersections. In absence of such a standard the City has defaulted to the level of service standard in the General Plan. Using that standard as a guide, this project has no impact on level of service standards; thus, no impact.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? **Comment:** *The project involves no change to air traffic patterns; thus, no impact.*

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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? **Comment:** *The project has been designed to meet all City requirements, including site distance and will not increase any hazards; thus no impact.*

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e) Result in inadequate emergency access? **Comment:** *The project is on an in-fill site completely accessible and will not result in inadequate emergency access; thus, no impact.*

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f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? **Comment:** *The project does not involve any conflicts or changes to policies, plans or programs related to public transit, bicycle or pedestrian facilities; thus, no impact.*

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVII. UTILITIES AND SERVICE SYSTEMS

-- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? **Comment:** *The project will not exceed wastewater treatment requirements; thus no impact.*

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **Comment:** *There is sufficient capacity to accommodate the proposed project; thus, no impact.*

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Require or result in the construction of new

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

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? Comment: <i>The project site has already been fully developed, and currently consists of paved parking lots, a parking garage, and a vacant office building. The project will not result in development of any currently undeveloped land. The project will have no impact on the environment, as this in-fill project</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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exclusively calls for the development of land that has already been developed; thus, the project will have no impact and specifically will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? **Comment:** *The proposed mixed-use development is consistent with the density of development identified in the City's General Plan. An evaluation was done of past projects, the effects of other nearby current projects, and the effects of probable future projects in the immediate vicinity of the subject properties in crafting this Initial Study and it was determined and there were no foreseeable cumulatively considerable impacts associated with the development request and other adjacent projects (past, present and future); thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? **Comment:** *The project will not have any environmental impacts therefore will not cause substantial adverse effects on human beings; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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@ The Boulevard

Mitigation Monitoring and Reporting Program

Site Plan Review Application No. PL-2012-0068;
 Conditional Use Permit Application No. PL-2012-0069
 Vesting Tentative Tract Map Application No. PL-2013-0070
 (VTM 8129);
 Integral Communities (Applicant/Project Sponsor)

May 31, 2013

Mitigation 1

Significant environmental Impact: *According to a May 15, 2013 air quality study performed by Urban Crossroads, construction of the Project would exceed the BAAQMD threshold for NOx. In order to reduce construction impacts to below the BAAQMD's threshold for NOx, the May 15, 2013 air quality study recommended that during construction activity, all diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better. The Project will implement this mitigation measure, and as a result, all impacts will be less than significant with mitigation. Operation of the Project would not exceed any applicable threshold. The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation; thus the proposed project will not violate any air quality standard and the impact is less than significant.*

Mitigation Measure: All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: During all phases of project construction

Mitigation 2

Significant environmental Impact: *The site is located within a State of California liquefaction seismic hazard zone. The site is underlain by Older Alluvium as shown in on Plate 3, Geologic Map (geotechnical investigation performed by Berlogar, Stevens & Associates dated February 10, 2012). Borings indicate the site is underlain predominately by very stiff to hard clayish soil. A lens of gravelly and silty sand was encountered at a depth of 20 feet in boring (B1). There is a*

potential that lense of gravelly and silty sand at the site could liquefy during an earthquake. However, the amount of settlement caused by liquefaction of these lenses should be muted at the ground surface due to the cap of clayish soil. Lateral spreading is unlikely since the sandy material is not believed to be a continuous layer. A design level geotechnical evaluation shall be conducted and submitted for review and approval prior to issuance of building permits and if liquefaction is determined to be probable, measures as recommended by the project geotechnical consultant shall be implemented. Such measures, such as special foundation construction, will reduce the significance of liquefaction-related impacts to a level of insignificance.

Mitigation Measure: Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to issuance of a Building Permit for the project

Mitigation 3

Significant environmental Impact: *According to the Due-Diligence Geotechnical Investigation, the site is underlain with predominately very stiff to hard clayey soil. The assessment recommends that a design-level geotechnical investigation is performed and recommendations thereof are incorporated into the project design and construction. Provided the recommendations of a design-level geotechnical assessment are followed, the impacts of the expansive soils will be mitigated to a less than significant level.*

Mitigation Measure: All recommendations outlined in a design-level geotechnical investigation shall be incorporated in the final design in order to mitigate for the presence of expansive soils on the project site.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior issuance of a Building Permit for the project

Mitigation 4

Significant environmental Impact: *Temporary construction noise will be controlled by the Hayward Noise Ordinance, and specifically, the project will comply with the construction hours specified in the City's Noise Ordinance; therefore, any impacts will be less than significant. Individual living units will need to be designed to standards called out in the Hayward General Plan for noise impacts. Future noise readings by a qualified consultant will need to be done and if such readings result in indoor or outdoor noise levels that exceed the standards contained in Appendices M and N of the City of Hayward General Plan, then design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or C of O's on units. Efforts to reduce noise level of all dwelling units to be in compliance with standards in the General Plan will reduce the significance of noise-related impacts to a level of insignificance.*

Mitigation Measure: Prior to issuance of a Building Permit, the applicant shall conduct acoustical analysis by a qualified consultant to ensure that indoor or outdoor noise levels of each new residential unit does not that exceed the standards contained in Appendices M and N of the City of Hayward General Plan. If those standards are exceeded, the design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or C of Os on units.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to issuance of a Building Permit for the project

FINDINGS FOR APPROVAL

Conditional Use Permit Application No. PL-2012-0069, and Tentative Tract Map Application No. PL-2013-0070

Findings for Approval – California Environmental Quality Act:

1. Pursuant to CEQA Guidelines Section 15220, an Initial Study (“IS”) was prepared for this project with the finding that a Mitigated Negative Declaration (“MND”) was appropriate because all potentially significant impacts could be reduced to a level of insignificance.
2. That the proposed MND was prepared by the City of Hayward as the Lead Agency and was circulated with a twenty (20) day public review period, beginning on May 31, 2013 and ending on June 20, 2013.
3. That the proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission; that such independent judgment is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); that the Planning Commission adopts the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
4. That the proposed MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that all of the applicable mitigation measures identified in the MND and Mitigation Monitoring and Reporting Program will be adopted and implemented. Based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the project will have a significant effect on the environment.
5. That the project complies with CEQA, and that the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior approving the project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward, located at 777 B Street, Hayward, CA 94544.
6. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring Program, which is adopted as conditions of approval for the project. Adoption of this program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the project sponsor, City of Hayward or other identified public agencies of responsibility.

*Findings for Approval – Conditional Use Permit:***1. The proposed use is desirable for the public convenience or welfare;**

The Project, and specifically, a residential use on the first floor of the Project, is desirable for the public convenience and welfare because the Project will convert a large, vacant commercial building into a vibrant mixed-use community, create economic stimulus and housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled. The design and features of the Project will attract middle-income residents who are expected to spend their incomes to support businesses in Hayward, particularly in the Downtown, and/or attract new businesses. The Project would provide higher end, aesthetically-pleasing ownership housing with on-site amenities within walking distance of a transit station. Providing ground-floor residential units would provide more active “eyes on the street” later in evenings, in line with “crime prevention through environmental design” (CPTED) principles, which would not be realized with commercial ground floor development.

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

The Project site is surrounded by residential uses and similarly-zoned properties, and is in the vicinity of multi-storied residential complexes, and as such, the Project will not impair the character and integrity of the surrounding area. As conditioned, traffic leaving the project on Hazel Avenue would not be able to turn westward and drive through the neighborhoods to the west, directing traffic generated by the project onto Foothill Boulevard, a major arterial. The project would entail high quality finishes and architecture, and entail the planting of new, irrigated landscaping, including the planting of 275 new trees. For the townhome units, the standard specification level will consist of tile entries, wood cabinets, pre-wiring, etc. There will be numerous optional upgrades typical of today's new homes, such as granite counter tops, hard wood flooring, upgraded fixtures, solar roof panels, etc. Pricing for the townhomes should range from the mid 400,000's to the mid 500,000's. For the apartment homes, residents will enjoy all of the amenities typical of a “Class A” apartment home community, such as a swimming pool, outdoor kitchen for residents to barbeque, gathering rooms, 24 hour security, on site leasing office, laundry in the units, etc. The units will feature tile entries and granite counter tops, private patios, etc. Rents are projected to be about \$2.15 to \$2.20 per square foot.

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

The initial study/mitigated negative declaration prepared for the Project demonstrates that no substantial adverse environmental effects would occur after implementation of mitigation measures included therein, including no significant impacts on public services or hazards. Traffic impacts are not expected to be significant and would be less than peak-hour trips compared with the previously existing Mervyn's office building use. Therefore, the Project's proposed residential and retail uses will not have a negative effect on the public health, safety, or general welfare. Specifically, a conditional use permit allowing first-floor residential units

has no effect on the public health, safety or general welfare. If analysis demonstrates that public services demands warrant it, the Project would be required to form or be annexed into an existing community facilities district, which through assessments, would pay for needed public safety services.

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

The current General Plan designation of the site is Downtown - City Center / Retail and Office Commercial (CC-ROC). On page C-4 of Appendix C of the General Plan, the Downtown - City Center Area has the following text that explains the unique vision for this area:

“This area is a major activity center in the planning area. It contains major public facilities such as City Center and the Main Library, retail and office areas, and high-density residential areas. Mixed-use development is encouraged to promote the pedestrian orientation and to maintain the downtown area as an integrated living, working, shopping and recreational area. The boundary of this area is delineated in the Downtown Hayward Design Plan.”

Page C-3 of that General Plan appendix lays out the vision for areas with a Retail and Office Commercial land use designation:

“These areas include the regional shopping center (Southland Mall), community shopping centers, concentrations of offices and professional services, and portions of the downtown area and South Hayward BART Station area where mixed retail and office uses are encouraged. Not shown are neighborhood convenience centers that support and are compatible with residential areas.”

One additional section of the General Plan further supports the project as related to City policies:

“Recognize the importance of continuous retail frontage to pedestrian shopping areas by discouraging unwarranted intrusion of other uses that weaken the attractiveness of retail areas; encourage residential and office uses to locate above retail uses.”

These sections of the General Plan indicate the proposed project is consistent with the policies of the General Plan in that the project provides residential use with some commercial use in the Downtown in close proximity to the Downtown BART station. The current development, with the surface parking lot, unoccupied Mervyn's office building and parking garage, does not create a continuous retail frontage interfacing with the more pedestrian-oriented part of Downtown. It should be noted that this section of Foothill Boulevard is quite different from other sections of Downtown Hayward. Specifically, this section of Foothill is a multi-lane

arterial with high-speed, high-volume vehicular traffic that is not very pedestrian-friendly. B Street is considered an example of a more pedestrian-friendly environment with a continuous retail frontage and presence, with lower volumes of traffic traveling at lower speeds in just two lanes.

The zoning designation of the project site is Central City Commercial (CC-C). Allowable permitted uses not requiring a use permit include residential dwelling units above the first floor and a variety of retail commercial uses (as is proposed at the southeast corner of the project site). Approval of a conditional use permit (CUP) is required for ground-floor residential use. Note that ground-floor residential is not outright prohibited by the CC-C regulations.

The purpose of the Central City – Commercial (CC-C) is, “to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential.”

The project could be viewed as one that adds synergy to Downtown. Adding condominiums/apartments and townhomes along with commercial space would contribute to the goal of Downtown being an active and vibrant area as referenced in the General Plan and Zoning Ordinance. Recent economic studies done for Downtown and this specific project show that this type of project would add to Hayward’s revitalization of Downtown by providing housing to attract middle-income households that would spend disposable income in Downtown. The Project also fulfills the intent and purpose of the CC-C zone by replacing an underutilized site with a vibrant, pedestrian-friendly mixed use development, and as a result, revitalizing the Central City and creating economic stimulus.

Findings for the Vesting Tentative Tract Map - - In order for a vesting tentative map to be approved, seven findings are required to be made. The following text conveys staff's analysis of the Project under those findings.

1. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451. [Subdivision Map Act §66474(a)]

The proposed subdivision is consistent with the Hayward General Plan and allows a development project that is consistent with allowed uses and densities designated by the "City Commercial – Residential Office Commercial (CC – ROC)" land use category of the General Plan. No Specific Plan applies to the Project.

2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans. [Subdivision Map Act §66474(b)]

The proposed subdivision is of a design consistent with the Hayward General Plan in that circulation design and roadways are provided to accommodate the anticipated traffic, and utilities, including water, sewer, and stormdrain facilities, will be provided to accommodate the proposed development. As demonstrated by the project initial study/mitigated negative declaration, the Project will have no significant impacts on aesthetics or land use.

3. That the site is physically suitable for the type of development. [Subdivision Map Act §66474(c)]

The geotechnical investigation performed by Berlogar, Stevens & Associates (February 10, 2012), which is referenced in the project initial study/mitigated negative declaration, demonstrates that the proposed subdivision would occur on a site suitable for the proposed development.

4. That the site is physically suitable for the proposed density of development. [Subdivision Map Act §66474(d)]

The geotechnical investigation performed by Berlogar, Stevens & Associates (February 10, 2012) demonstrates that the proposed subdivision would occur on a site suitable for the proposed density, in compliance with the City's parking, open space, and traffic impact standards.

5. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. [Subdivision Map Act §66474(e)]

The initial study/mitigated negative declaration prepared for the Project demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed subdivision, with incorporation of required mitigation measures. Moreover, the Project site has already been fully developed, and as a result, no

fish or wildlife habitats exist on the Project site.

6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems. [Subdivision Map Act §66474(f)]

Adequate capacity exists to provide sanitary sewer service to the Project site, nor are air quality impacts to future residents considered significant, as analyzed in the initial study/mitigated negative declaration. The Project also adds housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled, which reduces impacts on air quality and greenhouses gases.

7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. [Subdivision Map Act §66474(g)]

There are no existing public easements within the boundary of the proposed subdivision, nor are any easements necessary. The Project site is fully developed and currently consists of a 336,000 square foot unused office building and parking facilities, and therefore, there is currently no public access through the property.

CONDITIONS OF APPROVAL

Conditional Use Permit Application No. PL-2012-0069 and Tentative Tract Map Application No. PL-2013-0070

Integral Communities (Applicant/Subdivider)

GENERAL

1. In accordance with Zoning Ordinance §10-1.1520, subject to all conditions listed below, the approval is for the Conditional Use Permit and Vesting Tentative Tract Map Project as shown in the City's Project files as:
 - a. Exhibit A – Conditional Use Permit,” prepared by Integral Communities, dated May 6, 2013, Sheets T1, C1 to C7, A1.1.0, A2.1.1.1, A2.1.2, A2.1.3, A3.1.0.1, A3.0.0, A3.1.1, A3.1.2, A3.1.3, A3.1.4, A3.1.5, A3.1.6, A3.1.7, A3.1.1, A4.1.1, A5.1.1, A5.1.2, A6.0, A6.1, L1 to L6, and EXH, and labeled Conditional Use Permit (CUP) No. PL-2012-0069.
 - b. Exhibit B –Tentative Map Package, prepared by Carlson, Barbee and Gordon, Inc., dated May 6, 2013, Sheets TM-1 to TM-7, and labeled Zone Change Application No. PL-2013-0070 and Tentative Tract Map Application No. TTM 8169.
2. This approval is subject to the Mitigation Monitoring and Reporting Program included in the City's Project files as Exhibit C.
3. The developer/subdivider shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. 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.
5. 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 indicated otherwise herein.
6. All construction shall meet the California Building Code (CBC) and all applicable City of Hayward Building Codes and amendments.
7. Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Department Ordinances Ordinance No. 10-14 and amendments in use by the Hayward Fire Department.
8. A Registered Civil Engineer shall prepare all improvement plans, unless otherwise indicated herein.

Planning Division

1. If a building permit is issued for construction of improvements authorized by the Project approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the project approval.
2. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Development Services Director prior to implementation.
3. Plans for building permit applications shall incorporate the following:
 - a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b. A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of the building.
 - c. Plans shall show that all utilities will be installed underground.
 - d. Each apartment/condominium dwelling unit shall be provided a minimum of 90 cubic feet of dedicated storage area, accessible from the exterior of the unit.
4. Prior to issuance of a building permit:
 - a. Final colors and materials selection shall be presented to the Development Services Director for review and approval.
 - b. Documentation including, but not limited to, Covenants, Codes and Restrictions (CC&Rs) shall be recorded to establish the living units and the retail space(s) as condominiums. Before recordation, the CC&Rs shall be submitted to the City Attorney for review and approval.
 - c. The developer shall submit a soils investigation report to the satisfaction of the City Engineer.
5. Prior to issuance of a building permit, a final map that reflects the approved vesting tentative tract map, shall be filed in the office of the Alameda County Recorder.
6. The applicant or homeowners/commercial association shall maintain in good repair all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance

and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.

7. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.
8. Any satellite dishes for retail use shall be located as near as possible to the center of the roof to limit visibility from the ground.
9. The residents shall not use the parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These spaces shall be monitored by the homeowners/commercial association. The homeowners/commercial association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.
10. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
11. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for reading must be provided to meters.
12. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
13. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
14. Prior to submittal of building permit applications and plans, the developer/subdivider shall submit information showing that all proposed residential units will attract higher income households. Such information and documentation, shall include, but not be limited to, construction details and standard specifications that show that all residential units will employ high quality materials and finishes, including for the condominiums/apartments a variety of on-site amenities for all residents, and that each residential unit will incorporate the highest quality construction that caters to executive or higher income households. This information shall be submitted to the Development Services Department for review, consideration and approval.
15. Prior to issuance of a building permit for the project, the developer/subdivider shall submit expected sales price information for all residential components of the project. This information shall be reviewed and considered by the Development Services Department.
16. The 30,000 square feet of commercial/retail space shall be fully occupied (or will be assured to be leased to the satisfaction of the Development Services Director) prior to issuance of certificates of occupancy for more than 75% of the condominiums/apartment units.
17. At no time shall the 30,000 square foot retail/commercial space be divided into leasable space below 10,000 square feet in size. Should a full service restaurant or other use as approved by the Development Services Director and as encouraged by the City's Economic Development Strategic Plan be proposed to locate in the commercial/retail space, the minimum 10,000 square foot space requirement shall not apply to that use.

SUBDIVISION IMPROVEMENT PLANS

18. The developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of \$20,000 with the City prior to or concurrent with the submittal of the final subdivision map and improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation, should the developer elect to annex into a special tax district.
9. Prior to issuance of a building permit, the subdivider shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.
10. The subdivider shall also submit proposed subdivision improvement plans and Final Tract Map. Said plans and map shall meet all City standards and submittal requirements. The following information shall be submitted with or in conjunction with improvement plans and final map:
 - a. A detailed drainage plan, to be approved by the ACFC&WCD and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed drainage plan shall be approved by the City Engineer and if necessary, the ACFC&WCD prior to issuance of any construction or grading permit.
 - b. A detailed Stormwater Treatment Plan and supporting documents, following City ordinances and conforming to Regional Water Quality Control Board's "Staff recommendation for new and redevelopment controls for storm water programs."

Public Streets: (Foothill Blvd, Hazel Avenue and City Center Drive)

11. The design and locations of street approaches including pedestrian ramps shall be approved by the City Engineer. Pedestrian ramps shall be installed at all street intersections and as where required by the City.
12. The subdivider shall remove and replace any damaged and/or broken sidewalk associated with the construction, as determined by the City.
13. The subdivider shall install LED illuminated street lights along Foothill Boulevard, Hazel Avenue and City Center Drive, of a design and locations approved by the City Engineer.
14. The proposed project entrances shall conform to the City Standard SD-110A and be enhanced with at least ten feet of raised decorative paving (e.g., interlocking pavers or stamped colored

concrete, or bands of decorative paving, etc.). The Planning Director shall approve the material, color and design, and the City Engineer shall approve the pavement section for the decorative paving. Decorative pavements shall be capable of supporting a 75,000 lb. GVW load per Fire Department's requirement. Modifications to these requirements, however, may be made when documented by a geotechnical study providing alternative specifications which are necessary to construct and maintain the site in a safe and stable condition.

15. Foothill Boulevard is on moratorium and shall ground and overlaid with two inches of asphalt pavement from the intersections of Hazel Avenue to City Center Drive after the installation of the proposed water main, and fire and irrigation service lines.
16. Existing improvements along City Center Drive shall be removed and replaced with new five-foot wide Portland Cement Concrete sidewalk behind the planter strip and 4.5 feet wide planter strip behind the curb. Pavement tie-in shall be seven inches of deep lift asphalt and a minimum of four feet wide.
17. Existing Portland Cement Concrete improvements on Hazel Avenue along the project frontage shall be removed and replaced with a five-foot wide sidewalk adjacent to the property line and a minimum of 4.5 feet wide planter strip behind the curb.
18. Raised medians shall be installed on Hazel Avenue to prohibit left-turn movements from the project site onto Hazel Avenue southbound direction. The design and locations, or alternative design shall be approved by the City Engineer and Fire Chief.
19. Existing Hazel Avenue pavement section shall be ground two inches and overlaid with new asphalt pavement to the lane line. Pavement tie-in shall be seven inches of deep lift asphalt and a minimum of four feet wide.

Private Streets A, B and C, and Alleys

20. Proposed private streets and alleys shall be owned-and-maintained by the homeowners association.
21. Proposed private street and alley improvements shall be designed, generally reflective of the alignment and width shown on the Tentative Tract Map, and as approved by the Fire Chief and the City Engineer.
22. Proposed private street and alley improvements shall be designed to public street standards. The private street shall be designed with a TI of five and minimum AC thickness of four inches.
23. Except for designated open parking spaces, no curbside parking shall be allowed. "No Parking Fire Lane" (T29) signs shall be installed and curbs shall be painted red in locations approved by the Fire Chief and City Engineer.
24. The interior intersections shall be designed to meet Fire Department access and turning movements. Pedestrian ramps shall be installed to facilitate access and circulation throughout the development.

25. Additional L.E.D. luminaire lights shall be installed along private Street A and San Lorenzo Creek.
26. All proposed private streets shall be constructed in Phase I construction. Alternative construction phase shall be submitted for review and approval prior to commencing construction.

Storm Drainage

27. The proposed realignment of existing storm drain in Foothill Boulevard upstream of the subdivision shall not create adverse impacts to the existing upstream drainage system.
28. The on-site storm drain systems shall be privately owned-and-maintained by the homeowners association.
29. The storm drains in the street shall be located one (1) foot from the face of curb for pipes, twenty-four (24) inches in diameter and smaller, and two (2) feet from the face of curb for pipes twenty-seven (27) to forty-eight (48) inches in diameter. Alternative design may be approved by the City Engineer.
30. Storm drain pipes in the street shall be a minimum of twelve (12) inches in diameter with a minimum cover over the pipe of three (3) feet.
31. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary 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 submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site is not to augment runoff to the District's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities. If there is augmented project-generated runoff, off-site and/or on-site mitigation shall be provided.
32. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
33. 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.
34. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods. Refer to City Standard SD-401A.
35. An Encroachment Permit shall be obtained from the Flood Control District prior to commencement of any work within District right-of-way and for the construction, modification or connection to District-maintained San Lorenzo Creek facilities.

36. The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.
37. Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.
38. An encroachment permit from ACFC&WCD is required for any modification and/or alteration of the existing outfall structures or connections to San Lorenzo Creek. All workmanship, equipment, and materials shall conform to Alameda County Flood Control District standards and specifications.

Storm Water Quality Requirements

39. A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Engineering and Transportation Division staff for review and approval. Once approved, 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.
40. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
41. Before commencing any grading or construction activities at the project site, the developer shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
42. 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 design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
43. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff. Roof leaders and direct runoff shall discharge into a landscaped area or a grassy swale prior to stormwater runoff entering an underground pipe system.
44. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit.
45. 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."

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

Sanitary Sewer System

47. The proposed sewer services shall be approved by the Oro Loma Sanitary District (OLSD), the utility purveyor for the project development.

Water System

48. The proposed water services shall be approved by the East Bay Municipal Utility District (EBMUD), the utility purveyor for the project development.

Fire Protection

49. Design of the proposed private streets, courts and alleys shall meet City of Hayward Fire Department requirements. No parking shall be allowed along all alleys.
50. Fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of buildings. At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
51. A fire apparatus access road 20 feet to 26 feet wide shall be posted on both sides as a fire lanes; a fire apparatus access road 26 feet to 32 feet wide shall be posted on one side of the road as a fire lane. "No Parking" signs shall meet the City of Hayward Fire Department fire lane requirements.
52. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced so as to provide all-weather driving capability. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus accesses.
53. An extended fire access area shall be provided at turning area/corner of "A Street" so that Building TH-6 would be provided with a parallel fire apparatus access.
54. Dead-end fire apparatus access road in excess of 150 feet in length shall be provided with a turnaround that meets Hayward City Standard.
55. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the applicable California Fire Code at the time of building permit submittal. In general, the average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.

56. All new fire hydrants shall be double steamer type, equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. The capacity of each individual hydrant shall be 1,500 GPM. Vehicular protection may be required for the fire hydrants. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Blue reflective pavement markers shall be installed at fire hydrant locations.
57. The minimum fire flow of 4,000 GPM shall be provided to the project site in accordance with the Hayward Fire Code Ordinance and the applicable California Fire Code based on the construction type and building area.
58. If fire hydrants are located so as to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
59. Fire hydrants for the development shall be operational and in service prior to the start of any combustible construction and /or storage of combustible construction materials.
60. Pursuant to City of Hayward Fire Code Ordinance (Ordinance 10-14), the mixed-use building is determined to be a high-rise building. The mixed-use building consists of a garage on the lowest level (Level A), mixed-uses of storage areas, fitness center space and residential units on the lower level (Level 0), retail areas of approximately 30,000 square feet on ground floor (Level 1), and residential units above ground floors (Level 2 to Level 6). Retail areas are Type IA construction and residential units are Type IIIA construction. The lowest level (Level 0, Elevation of 97.0 feet.) is approximately 11 feet lower than Foothill Boulevard (Elevation of 118.25 feet.). The roof level (Residential Units, Elevation of 179.75 feet.) is approximately 62 feet. above the ground level. The highest portion of the building is 66 feet. above Foothill Boulevard. The building shall meet all provisions for high-rise buildings in accordance with the California Building Fire Code. Alternatively, the applicant may submit a comprehensive and detailed Fire Protection Plan demonstrating that the active and passive fire prevention systems for the multi-family building MF-1 are provided pursuant to the City of Hayward Ordinance 10-14 for review and approved by the Fire Chief prior to commencing construction for that building.
61. Two fire department connections are proposed for the mixed-use building: one for retail areas and another for residential areas. To facilitate fire operation and avoid confusion in fire ground, two fire department connections shall be located adjacent to each other, facing Foothill Boulevard, and properly labeled.
62. Fire alarm systems with occupant notification shall be provided for the mixed-use buildings per the California Fire Code, the City of Hayward Fire Code Ordinance, and NFPA 72 Standards.
63. All buildings shall be installed with automatic fire sprinkler system in according to the NFPA. Fire permits are required for sprinkler installation.
64. Extinguisher placement shall conform to the applicable California Fire Code.
65. Underground fire service lines shall be installed in accordance with NFPA 24.

66. Standpipe systems shall be provided in accordance with NFPA 14, the California Fire Code and all applicable provisions of the City of Hayward Fire Code Ordinance.
67. Fire sprinkler monitoring systems should be provided for multi-family residential townhouse buildings in accordance with the California Fire Code and NFPA 72. Each fire sprinkler system riser shall have exterior local alarm bell(s). Interior notification device(s) shall be installed within each residential unit.
68. Address and premise identification 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 buildings shall be approved by the Fire Department.

Hazardous Materials Requirements

69. Contact the Hazardous Materials office at (510) 583-4927 to obtain a Hazardous Materials permit for the removal of the underground fuel storage tank (UST).
70. Until such time as the existing UST is removed, it shall be properly maintained by the property owner. The owner shall obtain and keep current all conditions of a valid City of Hayward Fire Department Hazardous Materials Consolidated Permit and Underground Storage Tank Operating Permit, including the submittal of all required paperwork, testing results and fees to the City of Hayward Fire Department.
71. Removal of the UST will require the submittal of formal work plans to the City of Hayward Fire Dept., Hazardous Materials Division. These plans shall include scope of work, and a site plan showing the physical layout of the facility and locations of UST and existing equipment. In addition, State of California UST forms shall be completed and submitted (State forms A/B/C). The tank shall be properly removed prior to obtaining a grading permit from the City of Hayward Fire Department.
72. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department. The clearance certificate will ensure that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.
73. Prior to grading, 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 that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and hazardous waste must be properly managed and disposed of in accordance with state, federal and local regulations.
74. Any wells, septic tank systems and other subsurface structures - including hydraulic lifts for elevators - shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures

shall be documented and done under permit, as required by law.

75. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, or other vessels that contain or may have contained hazardous materials.
76. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.
77. Upon completion of construction, the Fire Department will complete a final walk-through inspection. An annual Consolidated Permit for hazardous materials storage may be required for hydraulic elevators, emergency generators, and the operation of general maintenance facilities.

During Construction:

78. In the event that human remains', archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
79. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.
80. 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 8:00 AM to 5:00 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.

Other Utilities

- 81. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. All facilities necessary to provide service to the dwellings, including transformers and switchgear, shall also be undergrounded.
- 82. All electric system, including transformers, shall be installed underground within the development. Design and installation shall be in accordance with Pacific Gas and Electric Company regulations.
- 83. The joint trench design and location shall meet the approval of the City Engineer.
- 84. All surface-mounted hardware (fire hydrants, electroliers, etc.) along the private streets and driveways shall be located outside of the sidewalk within the Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Hayward Fire Chief.
- 85. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
- 86. The developer/subdivider shall provide and install appropriate facilities such as conduit, junction boxes, individual stub-outs, etc., to allow for future installation of a City-owned and maintained fiber optic network within the subdivision.
- 87. Submit the following documents for review, approval or for project records:
 - a. Copy of the Notice of Intent filed with State Water Resources Control Board;
 - b. Engineer's estimate of costs, including landscape improvements;
 - c. Signed Final Map;
 - d. Signed Subdivision Agreement; and,
 - e. Subdivision bonds.

Final Tract Map

88. Prior to approval of the First Final Map, an Inclusionary Housing Agreement (IHA) shall be submitted and approved by the Planning Director. The Inclusionary Housing Agreement shall conform to the requirements of the Inclusionary Housing Ordinance.
89. Prior to recordation, a proposed Final Tract Map shall be submitted for review by the City. The Final Tract Map shall be forwarded to the City Council for review and action. The City Council meeting will be scheduled approximately sixty (60) days after the Final Map is deemed technically correct, and Subdivision Improvement Plans with supporting documents, reports and agreements are approved by the City. Executed Final Map shall be returned to the City Public Works Department if Final Map has not been filed in the County Recorder's Office within ninety (90) days from the date of City Council's approval.
90. Prior to the recordation of the Final Tract Map, all documents that need to be recorded with the final map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
91. A property homeowners association shall be created and shall be responsible for maintaining all private streets, alleys, private street lights, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to landscaping, preservation and replacement of trees, as well as decorative paving that extends into public streets. For any necessary repairs done by the City in locations under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners association established to maintain the common areas within the subdivision boundary.
92. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Condominium Plan, and Conditions, Covenants and Restrictions (CC&R's) creating a property homeowners association shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs 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 reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association.
 - c. The association shall be managed and maintained by a professional property management company.
 - d. The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's 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 fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species

- selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- e. A provision that if the homeowners' 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.
 - f. A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City.
 - g. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
 - h. The garage of each unit shall be maintained for off-street parking of two vehicles and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
 - i. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.
 - 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 within the right-of-way or public utility easement.
 - 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. Adequate provisions shall be made to ensure that all residents, regardless of physical ability, are able to easily dispose of their garbage and recyclables in the centralized collection containers provided by the City's franchisee.
 - n. 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.
 - o. Street sweeping of private streets and alleys shall be conducted at least once a month.
 - p. Balconies may not be used for storage and personal items may not be draped over the railings.
 - q. The HOA shall ensure that no less than 75 percent 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.

93. The final map shall reflect all easements needed to accommodate the project development. The private streets and alleys shall be designated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLS), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).
94. In accordance with Municipal Code §10-3.332, the developer shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the subdivision agreement.

PRIOR TO CONSTRUCTION WITH COMUSTIBLE MATERIALS

95. Required water system improvements shall be completed and operational prior to the start of combustible construction.
96. The developer/subdivider shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.
97. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.
98. 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.
99. Tree protection measures information shall be provided for the off-site trees that are proposed to remain in place, where the site improvements or home construction would occur within the drip lines of such trees.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY

100. All buildings shall be designed using the 2013 California Building Code or the latest building codes, alternative codes shall be subject to the determination and approval by the Building Official.
101. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of the Vesting Tentative Tract Map was accepted as complete. All Park dedication in-lieu fees shall be paid prior to issuance of a Certificate of Occupancy for a residential unit.

102. The Final Tract Map shall be filed in the County Recorder's Office prior to the issuance of a Certificate of Occupancy of any unit.
103. The developer/subdivider shall be obligated for the following fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Tract Map was accepted as complete, unless otherwise indicated hereinafter:
 - a. Supplemental Building Construction and Improvement Tax
 - b. School Impact Fee, and
 - c. Park dedication in-lieu fees for new dwelling units.
104. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4910 at least 24 hours before the desired final inspection appointment.
105. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
106. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
107. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
108. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair of all improvements shown on the approved plans.
109. 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.
110. 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.
111. The subdivider shall submit an "as built" plan indicating the following:
 - a. All underground facilities, sanitary sewer mains and laterals, water services (including

- meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.
- b. All the site improvements, except landscaping specie, buildings and appurtenant structures; and
 - c. Final Geotechnical Report.

@ THE BOULEVARD

CONDITIONAL USE PERMIT

22301 FOOTHILL BOULEVARD
HAYWARD, CALIFORNIA

PROJECT TEAM :

DEVELOPER

INTEGRAL COMMUNITIES
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CIVIL ENGINEER

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6111 BOLLINGER CANYON ROAD, SUITE 150
SAN RAMON, CA 94583
(925) 866-0322

ARCHITECT (MULTI-FAMILY AND RETAIL)

KTGY ARCHITECTURE + PLANNING
JILL WILLIAMS
580 SECOND STREET, SUITE 200
OAKLAND, CA 94607
(510) 272-2910

ARCHITECT (TOWNHOMES)

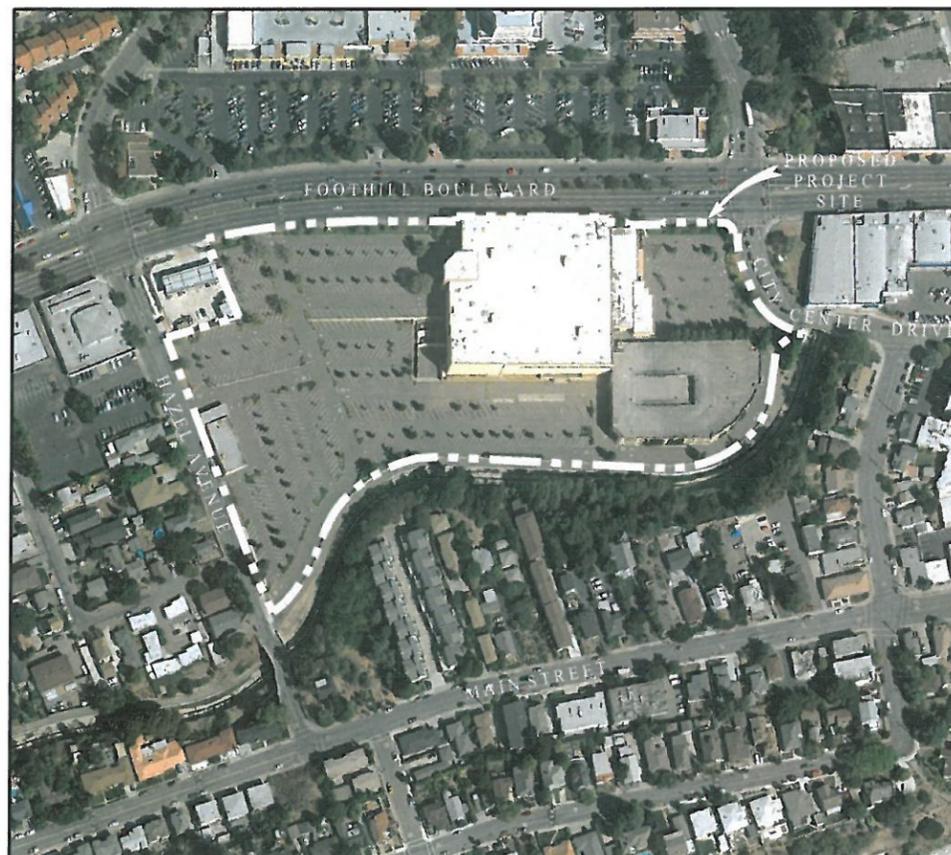
ANGELENO ASSOCIATES, INC.
CHRISTINE LY
147 CITY PLACE DRIVE
SANTA ANA, CA 92705
(714) 285-1888

LANDSCAPE ARCHITECT

URBAN ARENA
JORDAN LAIL
5230 CARROL CANYON ROAD, SUITE 226
SAN DIEGO, CA 92121
(858) 625-0112

JOINT TRENCH

GIACALONE DESIGN SERVICES, INC
PAUL GIACALONE
5820 STONERIDGE MALL ROAD, SUITE 345
PLEASANTON, CA 94588-3200
(925) 467-1740



VICINITY MAP
NOT TO SCALE

SHEET INDEX:

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- C2 TECHNICAL SITE PLAN
- C3 FIRE ACCESS AND SERVICE PLAN
- C4 PRELIMINARY GRADING PLAN
- C5 PRELIMINARY UTILITY PLAN
- C6 PRELIMINARY STORMWATER CONTROL PLAN
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- A2.1.1 MULTI-FAMILY BUILDING ELEVATION - FRONT
- A2.1.2 MULTI-FAMILY BUILDING ELEVATION - SIDES
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- A3.1.0.1 MULTI-FAMILY BUILDING PLAN - BASEMENT
- A3.1.0 MULTI-FAMILY BUILDING PLAN - LEVEL 0
- A3.1.1 MULTI-FAMILY BUILDING PLAN - LEVEL 1
- A3.1.2 MULTI-FAMILY BUILDING PLAN - LEVEL 2
- A3.1.3 MULTI-FAMILY BUILDING PLAN - LEVEL 3
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- A.TH.2 TOWNHOMES STREET ELEVATIONS
- A.TH.3 TOWNHOMES STREET ELEVATIONS
- A.TH.4 TOWNHOMES BUILDING "TH-1" SIDE & REAR ELEVATIONS
- A.TH.5 TOWNHOMES BUILDING "TH-8" SIDE & REAR ELEVATIONS
- A.TH.6 TOWNHOMES BUILDING "TH-1" PLANS
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LANDSCAPE PLANS:

- L1 PRELIMINARY LANDSCAPE PLAN
- L2 PRELIMINARY LANDSCAPE PLAN
- L3 PRELIMINARY LANDSCAPE PLAN
- L4 PRELIMINARY LIGHTING PLAN
- L5 PRELIMINARY IRRIGATION PLAN
- L6 TREE MITIGATION PLAN

JOINT TRENCH PLANS

- EXH CONCEPTUAL JOINT TRENCH ROUTE

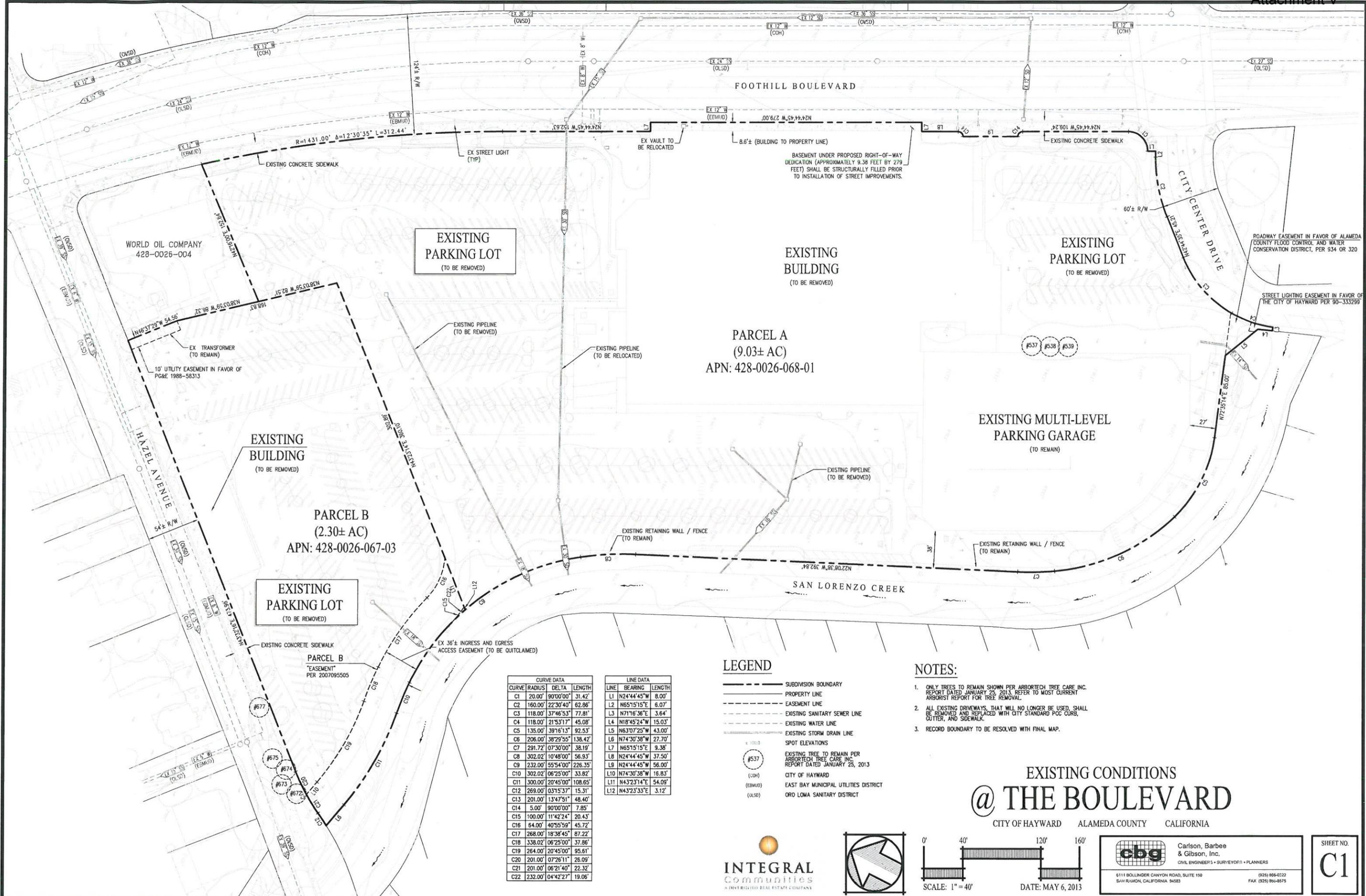
PROJECT INFORMATION :

SITE AREA:	11.33± AC
A.P.N. :	428-0026-067-03, 428-0029-068-01
EXISTING / PROPOSED ZONING:	CENTRAL CITY - COMMERCIAL (CC-C)
EXISTING ZONING:	VACANT OFFICE BUILDING
PROPOSED LAND USE:	321 RESIDENTIAL MULTI-FAMILY UNITS 124 RESIDENTIAL TOWNHOME UNITS 30,000 SF OF RETAIL



T1

MAY 6, 2013



CURVE DATA				LINE DATA		
CURVE	RADIUS	DELTA	LENGTH	LINE	BEARING	LENGTH
C1	20.00'	90°00'00"	31.42'	L1	N24°44'45"W	8.00'
C2	160.00'	22°30'40"	62.86'	L2	N65°15'15"E	6.07'
C3	118.00'	37°46'53"	77.81'	L3	N71°16'36"E	3.64'
C4	118.00'	21°53'17"	45.08'	L4	N18°45'24"W	15.03'
C5	135.00'	39°16'13"	92.53'	L5	N63°07'25"W	43.00'
C6	206.00'	38°29'55"	138.42'	L6	N74°30'38"W	27.70'
C7	291.72'	07°30'00"	38.19'	L7	N65°15'15"E	9.38'
C8	302.02'	10°48'00"	56.93'	L8	N24°44'45"W	37.50'
C9	232.00'	55°54'00"	226.35'	L9	N24°44'45"W	56.00'
C10	302.02'	06°25'00"	33.82'	L10	N74°30'38"W	16.83'
C11	300.00'	20°45'00"	108.65'	L11	N43°23'14"E	54.09'
C12	269.00'	03°15'37"	15.31'	L12	N43°23'33"E	3.12'
C13	201.00'	13°47'51"	48.40'			
C14	5.00'	90°00'00"	7.85'			
C15	100.00'	11°42'24"	20.43'			
C16	64.00'	40°55'59"	45.72'			
C17	268.00'	18°38'45"	87.22'			
C18	338.02'	06°25'00"	37.86'			
C19	264.00'	20°45'00"	95.61'			
C20	201.00'	07°26'11"	26.09'			
C21	201.00'	06°21'40"	22.32'			
C22	232.00'	04°42'27"	19.06'			

LEGEND

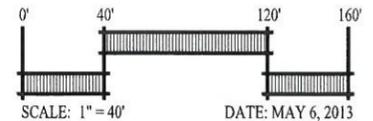
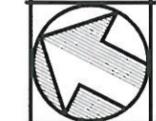
- SUBDIVISION BOUNDARY
- PROPERTY LINE
- EASEMENT LINE
- EXISTING SANITARY SEWER LINE
- EXISTING WATER LINE
- EXISTING STORM DRAIN LINE
- SPOT ELEVATIONS
- EXISTING TREE TO REMAIN PER ARBORTECH TREE CARE INC. REPORT DATED JANUARY 25, 2013
- (COH) CITY OF HAYWARD
- (EBMU/D) EAST BAY MUNICIPAL UTILITIES DISTRICT
- (OLSD) ORO LOMA SANITARY DISTRICT

NOTES:

1. ONLY TREES TO REMAIN SHOWN PER ARBORTECH TREE CARE INC. REPORT DATED JANUARY 25, 2013. REFER TO MOST CURRENT ARBORIST REPORT FOR TREE REMOVAL.
2. ALL EXISTING DRIVEWAYS THAT WILL NO LONGER BE USED, SHALL BE REMOVED AND REPLACED WITH CITY STANDARD PCO CURB, GUTTER, AND SIDEWALK.
3. RECORD BOUNDARY TO BE RESOLVED WITH FINAL MAP.

EXISTING CONDITIONS @ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



cbg Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 BOLLINGER CANYON ROAD, SUITE 150
SAN RAMON, CALIFORNIA 94583

(925) 866-0222
FAX (925) 866-8575

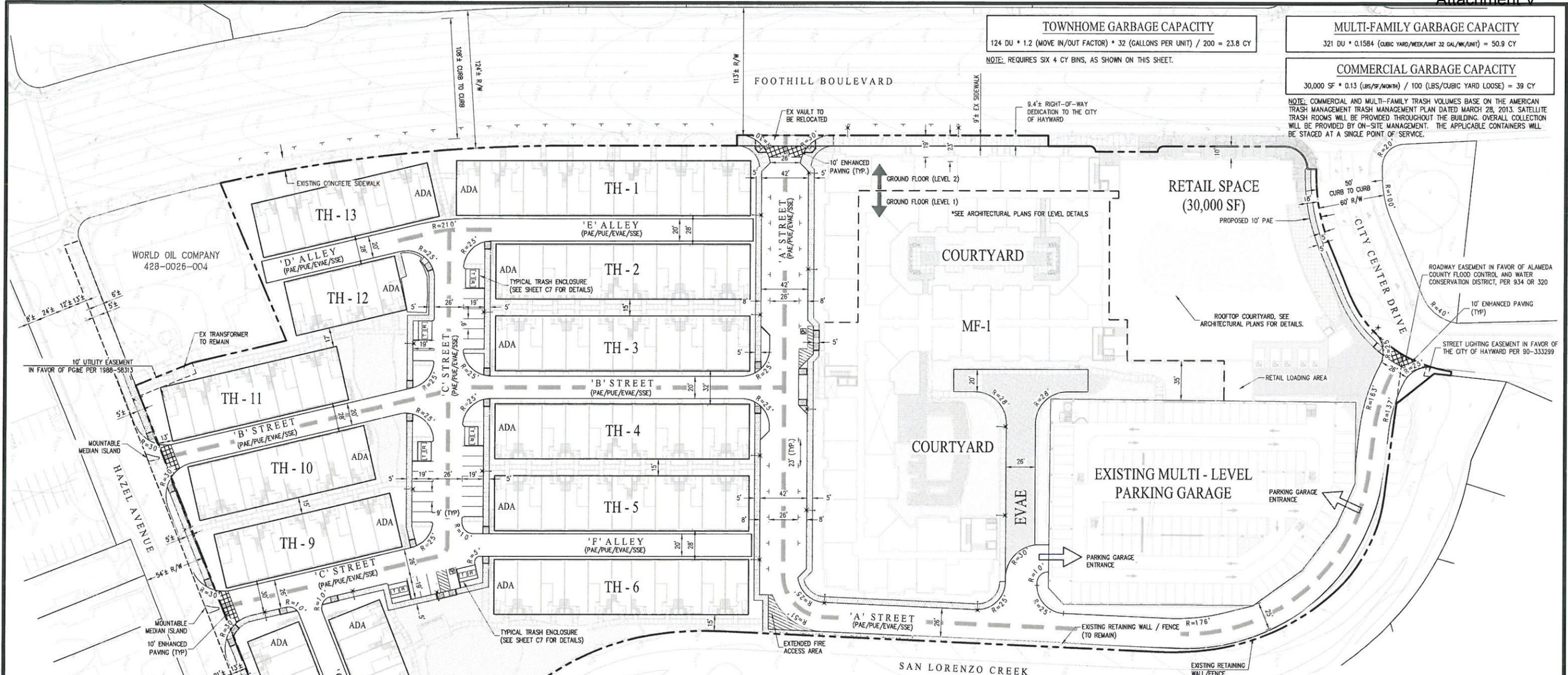
SHEET NO.
C1

TOWNHOME GARBAGE CAPACITY
 124 DU * 1.2 (MOVE IN/OUT FACTOR) * 32 (GALLONS PER UNIT) / 200 = 23.8 CY
 NOTE: REQUIRES SIX 4 CY BINS, AS SHOWN ON THIS SHEET.

MULTI-FAMILY GARBAGE CAPACITY
 321 DU * 0.1584 (CUBIC YARD/WEK/UNIT 32 GAL/WK/UNIT) = 50.9 CY

COMMERCIAL GARBAGE CAPACITY
 30,000 SF * 0.13 (LBS/SF/MONTH) / 100 (LBS/CUBIC YARD LOOSE) = 39 CY

NOTE: COMMERCIAL AND MULTI-FAMILY TRASH VOLUMES BASE ON THE AMERICAN TRASH MANAGEMENT PLAN DATED MARCH 28, 2013. SATELLITE TRASH ROOMS WILL BE PROVIDED THROUGHOUT THE BUILDING. OVERALL COLLECTION WILL BE PROVIDED BY ON-SITE MANAGEMENT. THE APPLICABLE CONTAINERS WILL BE STAGED AT A SINGLE POINT OF SERVICE.



LEGEND

- PROPERTY BOUNDARY
- - - TRASH COLLECTION ROUTE
- ADA ACCESSIBLE UNIT
- TH-1 BUILDING NUMBER (TOWNHOME)
- MF-1 MULTI-FAMILY BUILDING
- TRE TRASH/RECYCLING ENCLOSURE (SEE SHEET C7 FOR DETAILS)
- CONCRETE SIDEWALK
- PARKING SYMBOL
- ACCESSIBLE STALL
- PRELIMINARY STREET LIGHT LOCATION
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PAE PUBLIC ACCESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT

OPEN SPACE CALCULATION

MULTI-FAMILY	REQUIRED	UNITS	TOTAL REQUIRED	TOTAL PROVIDED
COMMON OPEN SPACE	150 SF / UNIT	321	48,150 SF	19,260 SF ⁽¹⁾
GROUP OPEN SPACE	100 SF / UNIT	321	32,000 SF	33,000 SF
TOWNHOMES				
COMMON OPEN SPACE	100 SF / UNIT	124	12,400 SF	28,060 SF
GROUP OPEN SPACE	30 SF / UNIT	124	3,270 SF	22,820 SF
TOTAL			96,370 SF	103,140 SF

(1) PRIVATE BALCONIES: 60 SF * 321 UNITS = 19,260 SF
 GROUP OPEN SPACE

BUILDING CONSTRUCTION TYPE

TOWNHOMES RESIDENTIAL: V-B
 MULTI-FAMILY RESIDENTIAL: TYPE III
 RETAIL: TYPE 1A

NOTES:

- THIS TECHNICAL SITE PLAN IS INTENDED TO SHOW BASIC PROJECT FEATURES, STREET SECTIONS AND CRITICAL DIMENSIONS. SEE SHEETS A1.1.0 AND A.1.TH.1 FOR THE ARCHITECTURAL SITE PLANS AND ADDITIONAL BUILDING INFORMATION.

TOWNHOME PARKING

REQUIRED PARKING			
LAND USE	UNITS	CITY REQUIREMENT	TOTAL
TOWNHOME (RESIDENTIAL)	124 UNITS	2 SPACES / DU	248 SPACES
TOTAL			248 SPACES
PROVIDED PARKING			
UNIT TYPE	UNIT QUANTITY	GARAGE STALLS	TOTAL
UNIT 1	20	2	40 SPACES
UNIT 2	39	3 ⁽¹⁾	117 SPACES
UNIT 3	39	2 ⁽¹⁾	78 SPACES
UNIT 4	26	2 ⁽¹⁾	52 SPACES
TOTAL	124		287 SPACES

- NOTES:**
- TOTAL PARKING COUNT DOES NOT INCLUDE ADDITIONAL 53 ON-SITE GUEST STALLS.
 - 60 OFF-SITE SPACES ARE AVAILABLE WITHIN ONE BLOCK OF THE PROJECT.
- (1) GARAGE INCLUDES EXTRA STORAGE SPACE

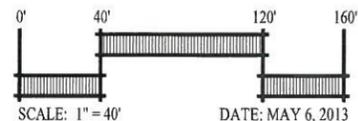
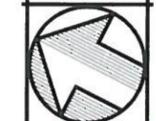
MULTI-FAMILY & RETAIL PARKING

REQUIRED PARKING			
LAND USE	SIZE/UNITS	CITY REQUIREMENT	TOTAL
RETAIL	30,000 SF	1 SPACE/315 SF	96 SPACES
MULTI-FAMILY (RESIDENTIAL)	321 UNITS	1.5 / DU ⁽¹⁾	482 SPACES
TOTAL			578 SPACES
PROVIDED PARKING			
EXISTING GARAGE STALLS			574 SPACES
STANDARD STALLS			12 SPACES
ACCESSIBLE STALLS (RETAIL) ⁽²⁾			5 SPACES
ACCESSIBLE STALLS (RESIDENTIAL) ⁽²⁾			12 SPACES
TOTAL			603 SPACES

- (1) INCLUDES GUEST PARKING
 (2) LEVEL A PARKING AREA, SEE SHEET A3.1.0.1

TECHNICAL SITE PLAN @ THE BOULEVARD

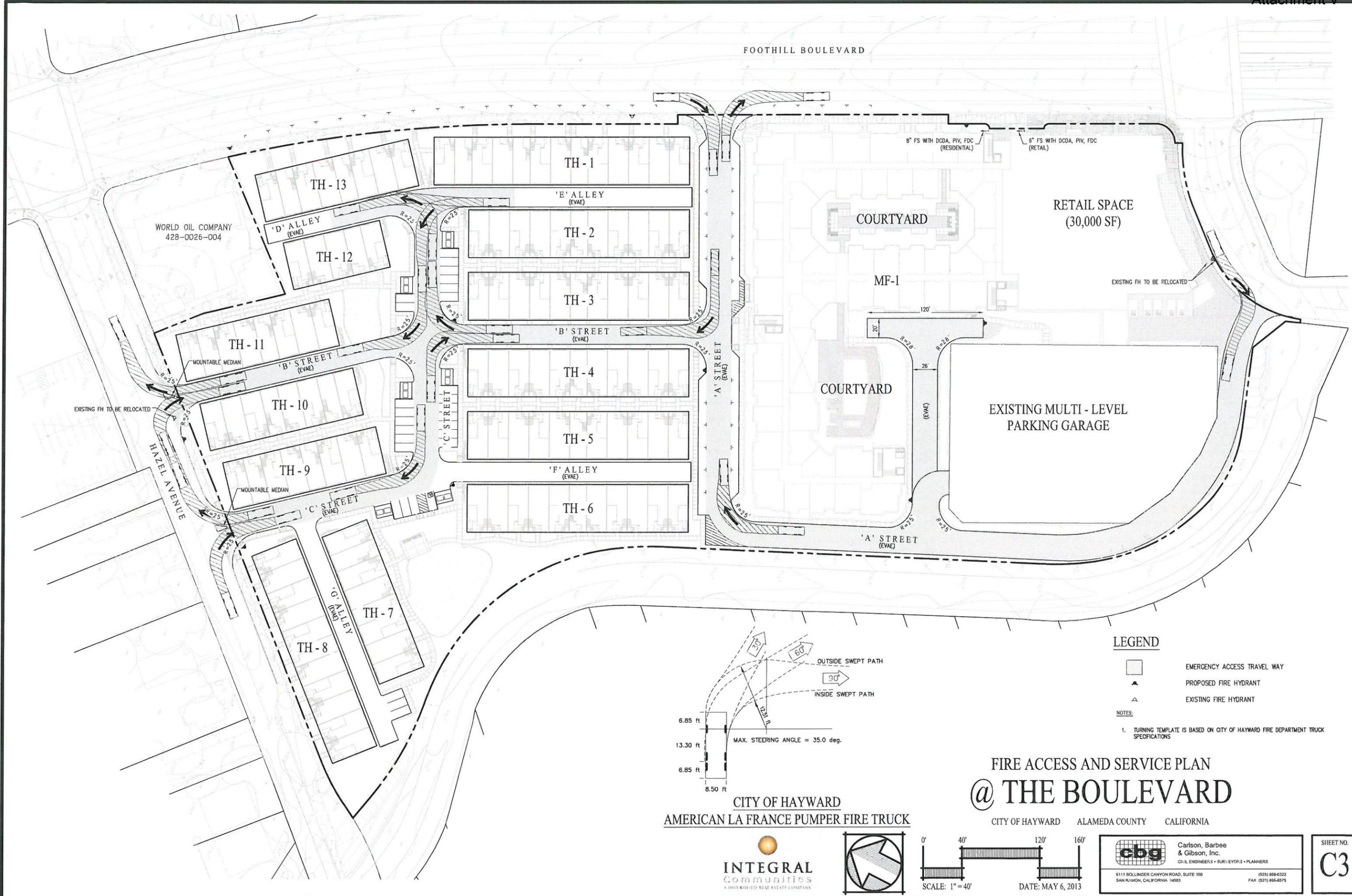
CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



DATE: MAY 6, 2013

cbg Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 8111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583 (975) 895-0312 FAX: (925) 895-8576

SHEET NO. **C2**



WORLD OIL COMPANY
428-0026-004

8" FS WITH DCOA, PIV, FDC (RESIDENTIAL)
6" FS WITH DCOA, PIV, FDC (RETAIL)

RETAIL SPACE
(30,000 SF)

EXISTING FH TO BE RELOCATED

EXISTING FH TO BE RELOCATED

HAZEL AVENUE

TH-8
'C' ALLEY (EVAE)

TH-9
'C' STREET (EVAE)

TH-10
'B' STREET (EVAE)

TH-11
'B' STREET (EVAE)

TH-12
'D' ALLEY (EVAE)

TH-13
'D' ALLEY (EVAE)

TH-6
'F' ALLEY (EVAE)

TH-5
'F' ALLEY (EVAE)

TH-4
'B' STREET (EVAE)

TH-3
'B' STREET (EVAE)

TH-2
'E' ALLEY (EVAE)

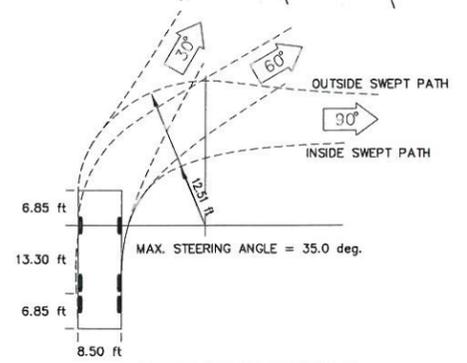
TH-1
'E' ALLEY (EVAE)

MF-1

COURTYARD

COURTYARD

EXISTING MULTI-LEVEL
PARKING GARAGE



CITY OF HAYWARD
AMERICAN LA FRANCE PUMPER FIRE TRUCK

LEGEND

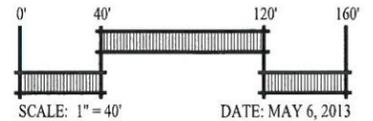
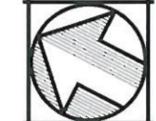
- EMERGENCY ACCESS TRAVEL WAY
- PROPOSED FIRE HYDRANT
- EXISTING FIRE HYDRANT

NOTES:

1. TURNING TEMPLATE IS BASED ON CITY OF HAYWARD FIRE DEPARTMENT TRUCK SPECIFICATIONS

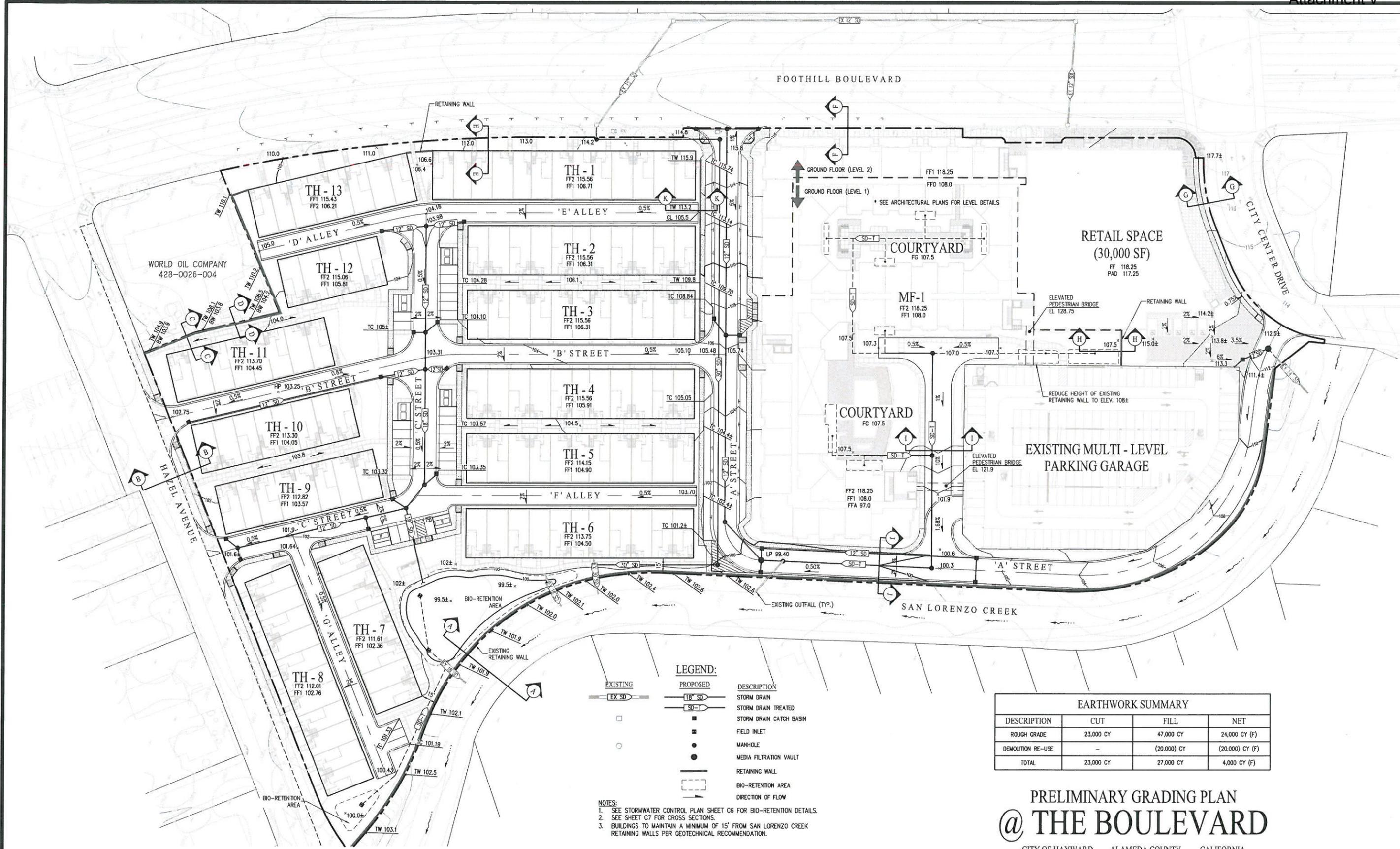
FIRE ACCESS AND SERVICE PLAN
@ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



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8111 BOLLINGER CANYON ROAD, SUITE 150
SAN RAMON, CALIFORNIA 94583
(925) 866-0322
FAX: (925) 866-8875

SHEET NO.
C3



LEGEND:

	EXISTING		PROPOSED	DESCRIPTION
				STORM DRAIN TREATED
				STORM DRAIN CATCH BASIN
				FIELD INLET
				MANHOLE
				MEDIA FILTRATION VAULT
				RETAINING WALL
				BIO-RETENTION AREA
				DIRECTION OF FLOW

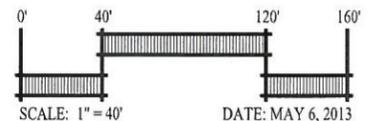
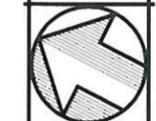
NOTES:

- SEE STORMWATER CONTROL PLAN SHEET C6 FOR BIO-RETENTION DETAILS.
- SEE SHEET C7 FOR CROSS SECTIONS.
- BUILDINGS TO MAINTAIN A MINIMUM OF 15' FROM SAN LORENZO CREEK RETAINING WALLS PER GEOTECHNICAL RECOMMENDATION.

EARTHWORK SUMMARY			
DESCRIPTION	CUT	FILL	NET
ROUGH GRADE	23,000 CY	47,000 CY	24,000 CY (F)
DEMOLITION RE-USE	-	(20,000) CY	(20,000) CY (F)
TOTAL	23,000 CY	27,000 CY	4,000 CY (F)

PRELIMINARY GRADING PLAN
@ THE BOULEVARD

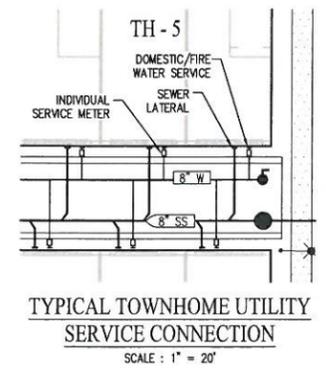
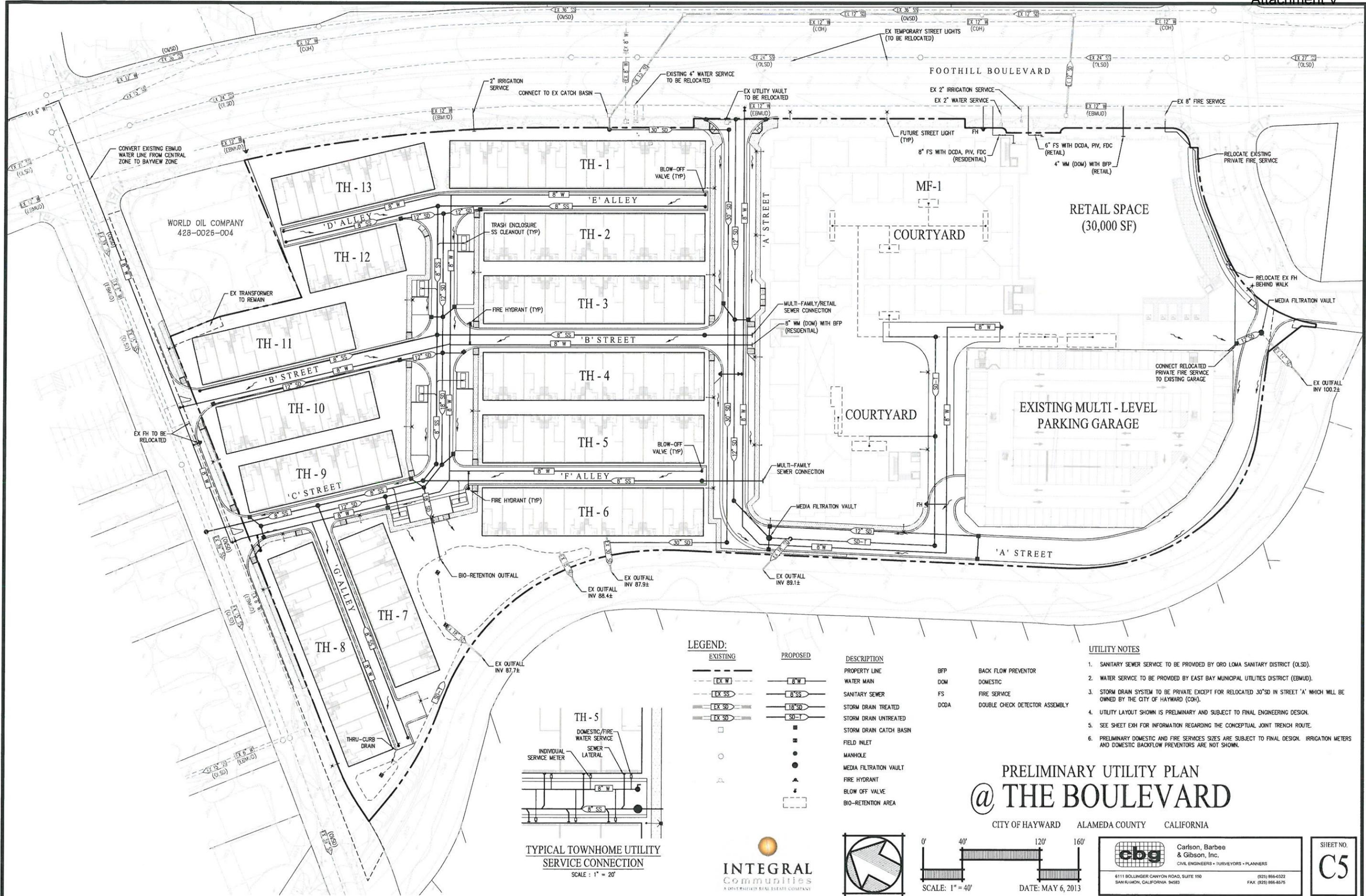
CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



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 CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 ACHINGER CANYON ROAD, SUITE 150 SAN RAFAEL, CALIFORNIA 94903 (925) 891-0322 (925) 891-8575

SHEET NO.
C4



LEGEND:

EXISTING	PROPOSED	DESCRIPTION
EX W	8" W	PROPERTY LINE
EX SS	8" SS	WATER MAIN
EX SD	18" SD	SANITARY SEWER
EX SD	30" SD-T	STORM DRAIN TREATED
		STORM DRAIN UNTREATED
		STORM DRAIN CATCH BASIN
		FIELD INLET
		MANHOLE
		MEDIA FILTRATION VAULT
		FIRE HYDRANT
		BLOW OFF VALVE
		BIO-RETENTION AREA

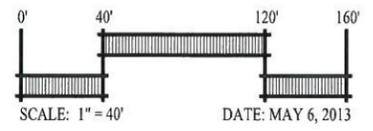
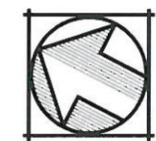
DESCRIPTION	ABBREVIATION
BACK FLOW PREVENTOR	BFP
DOMESTIC	DOM
FIRE SERVICE	FS
DOUBLE CHECK DETECTOR ASSEMBLY	DCDA

UTILITY NOTES

1. SANITARY SEWER SERVICE TO BE PROVIDED BY ORO LOMA SANITARY DISTRICT (OLS.D).
2. WATER SERVICE TO BE PROVIDED BY EAST BAY MUNICIPAL UTILITIES DISTRICT (EBMUD).
3. STORM DRAIN SYSTEM TO BE PRIVATE EXCEPT FOR RELOCATED 30" SD IN STREET 'A' WHICH WILL BE OWNED BY THE CITY OF HAYWARD (COH).
4. UTILITY LAYOUT SHOWN IS PRELIMINARY AND SUBJECT TO FINAL ENGINEERING DESIGN.
5. SEE SHEET EXH FOR INFORMATION REGARDING THE CONCEPTUAL JOINT TRENCH ROUTE.
6. PRELIMINARY DOMESTIC AND FIRE SERVICES SIZES ARE SUBJECT TO FINAL DESIGN. IRRIGATION METERS AND DOMESTIC BACKFLOW PREVENTORS ARE NOT SHOWN.

PRELIMINARY UTILITY PLAN @ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



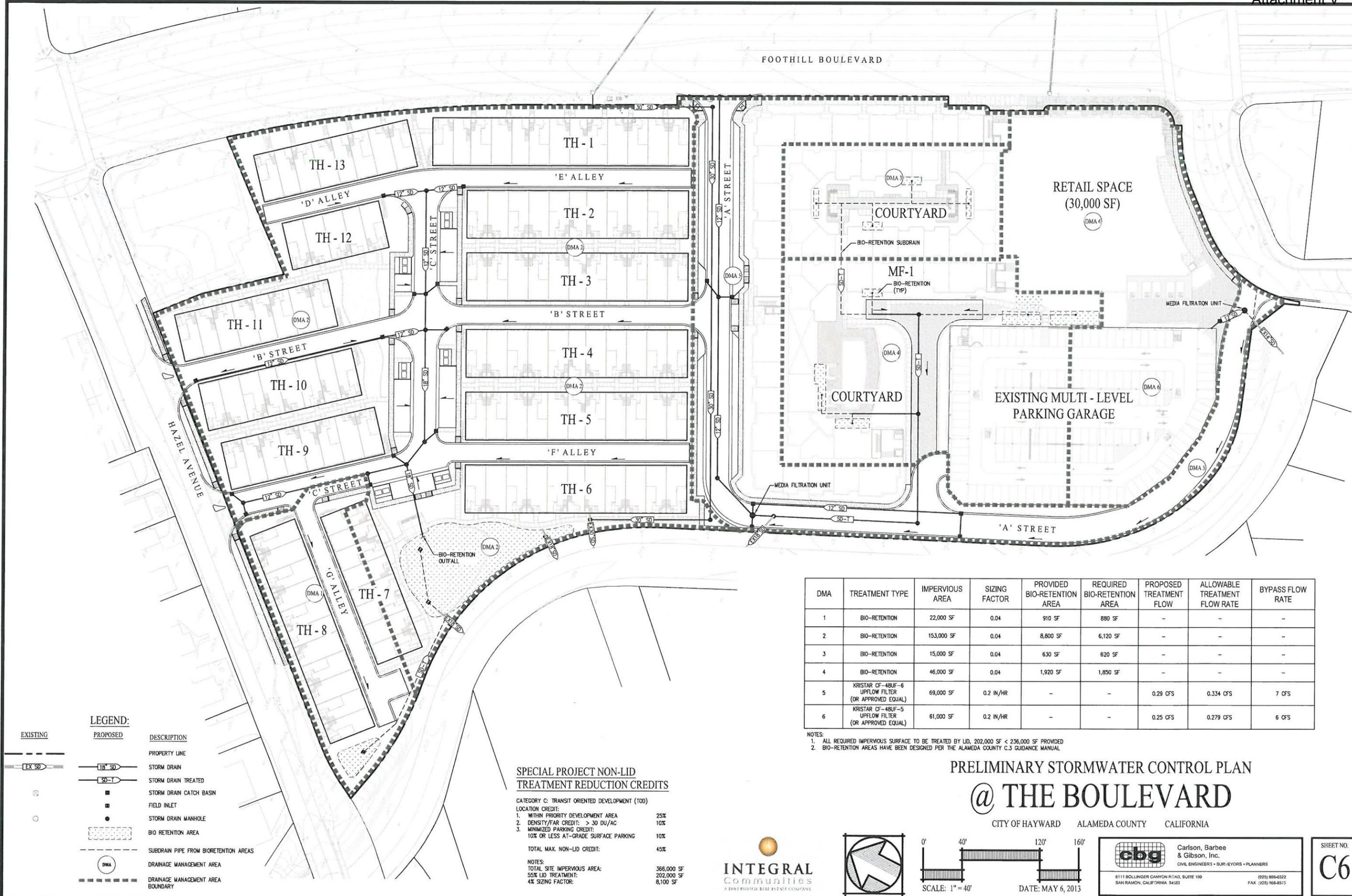
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8111 BOLLINGER CANYON ROAD, SUITE 150
SAN RAMON, CALIFORNIA 94583

(925) 866-0322
FAX (925) 866-8375

SHEET NO.
C5

FOOTHILL BOULEVARD



DMA	TREATMENT TYPE	IMPERVIOUS AREA	SIZING FACTOR	PROVIDED BIO-RETENTION AREA	REQUIRED BIO-RETENTION AREA	PROPOSED TREATMENT FLOW	ALLOWABLE TREATMENT FLOW RATE	BYPASS FLOW RATE
1	BIO-RETENTION	22,000 SF	0.04	910 SF	880 SF	-	-	-
2	BIO-RETENTION	153,000 SF	0.04	8,800 SF	6,120 SF	-	-	-
3	BIO-RETENTION	15,000 SF	0.04	630 SF	620 SF	-	-	-
4	BIO-RETENTION	46,000 SF	0.04	1,920 SF	1,850 SF	-	-	-
5	KRISTAR CF-48UF-6 UPFLOW FILTER (OR APPROVED EQUAL)	69,000 SF	0.2 IN/HR	-	-	0.29 CFS	0.334 CFS	7 CFS
6	KRISTAR CF-48UF-5 UPFLOW FILTER (OR APPROVED EQUAL)	61,000 SF	0.2 IN/HR	-	-	0.25 CFS	0.279 CFS	6 CFS

NOTES:
 1. ALL REQUIRED IMPERVIOUS SURFACE TO BE TREATED BY LID, 202,000 SF < 236,000 SF PROVIDED
 2. BIO-RETENTION AREAS HAVE BEEN DESIGNED PER THE ALAMEDA COUNTY C.3 GUIDANCE MANUAL

SPECIAL PROJECT NON-LID TREATMENT REDUCTION CREDITS

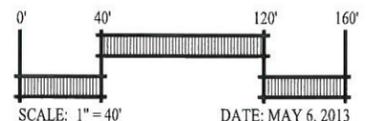
CATEGORY C: TRANSIT ORIENTED DEVELOPMENT (TOD)
 LOCATION CREDIT:
 1. WITHIN PRIORITY DEVELOPMENT AREA 25%
 2. DENSITY/FAR CREDIT: > 30 DU/AC 10%
 3. MINIMIZED PARKING CREDIT: 10% OR LESS AT-GRADE SURFACE PARKING 10%
 TOTAL MAX. NON-LID CREDIT: 45%
 NOTES:
 TOTAL SITE IMPERVIOUS AREA: 366,000 SF
 55% LID TREATMENT: 202,000 SF
 4% SIZING FACTOR: 8,100 SF

PRELIMINARY STORMWATER CONTROL PLAN @ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

LEGEND:

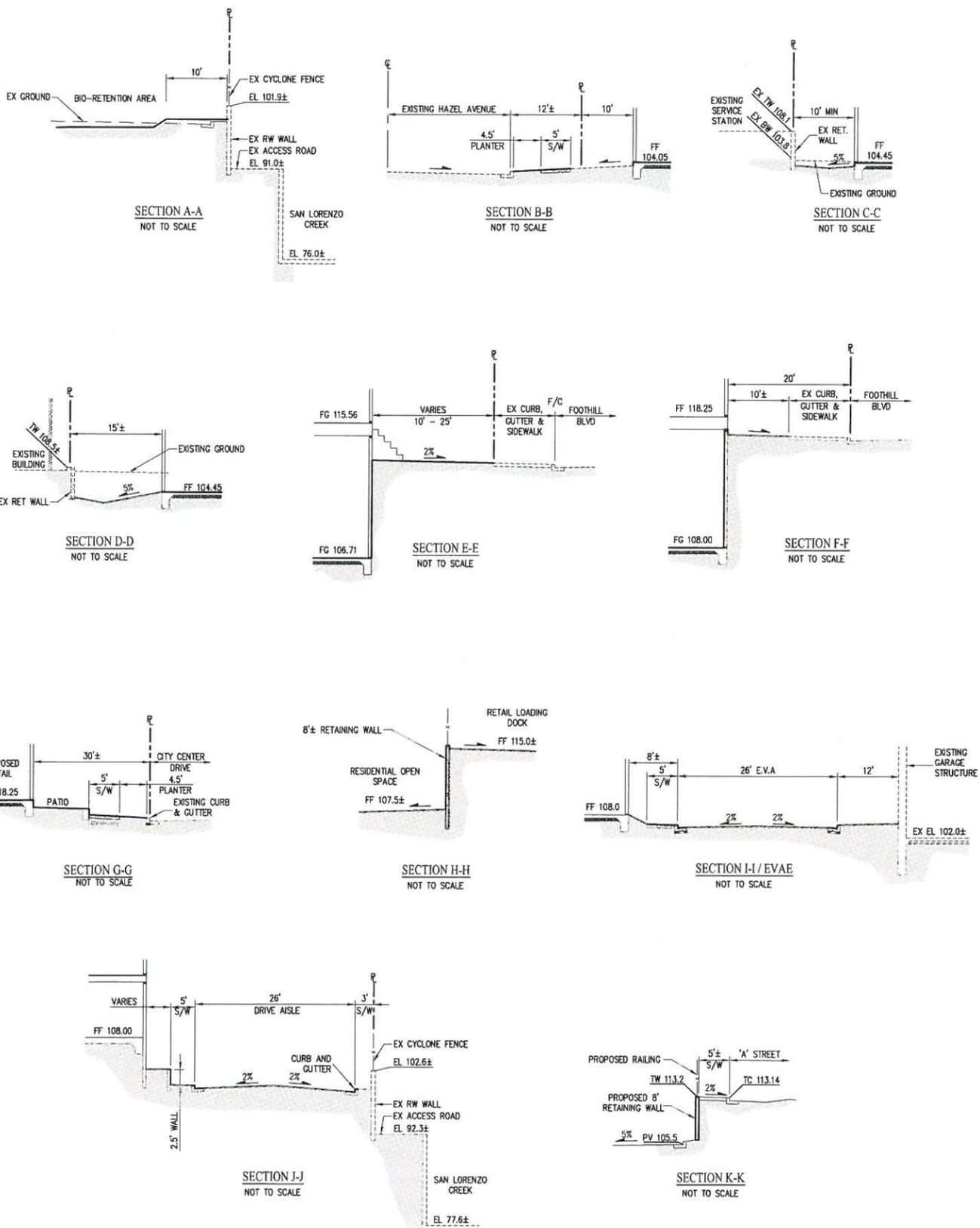
EXISTING	PROPOSED	DESCRIPTION
- - - - -	- - - - -	PROPERTY LINE
EX SD	18" SD	STORM DRAIN
	SD-T	STORM DRAIN TREATED
■	■	STORM DRAIN CATCH BASIN
○	○	FIELD INLET
○	○	STORM DRAIN MANHOLE
	■	BIO RETENTION AREA
- - - - -	- - - - -	SUBDRAIN PIPE FROM BIORETENTION AREAS
○	○	DRAINAGE MANAGEMENT AREA
- - - - -	- - - - -	DRAINAGE MANAGEMENT AREA BOUNDARY



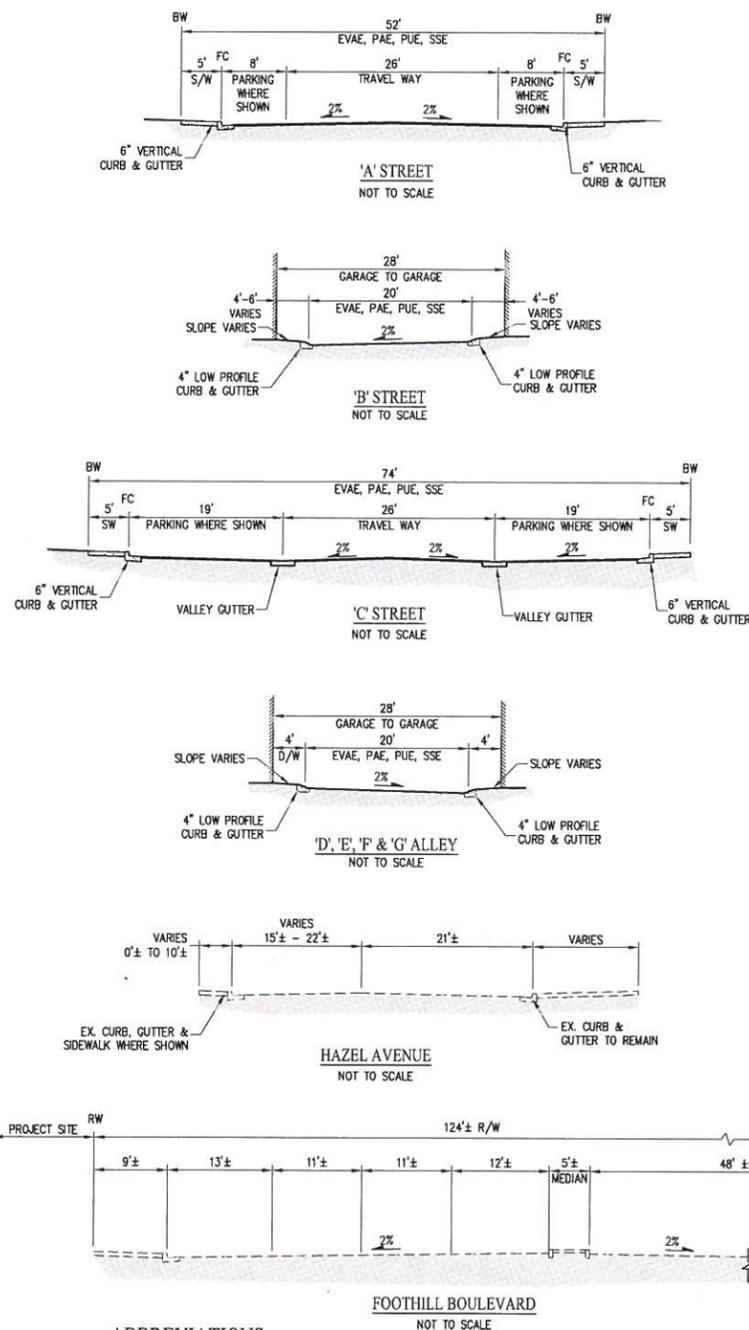
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 SAN RAMON, CALIFORNIA 94583
 (925) 896-0322
 FAX (925) 965-8515

SHEET NO. **C6**

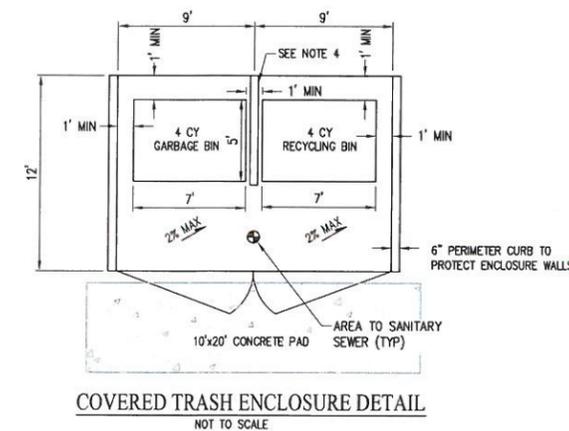
GRADING SECTIONS



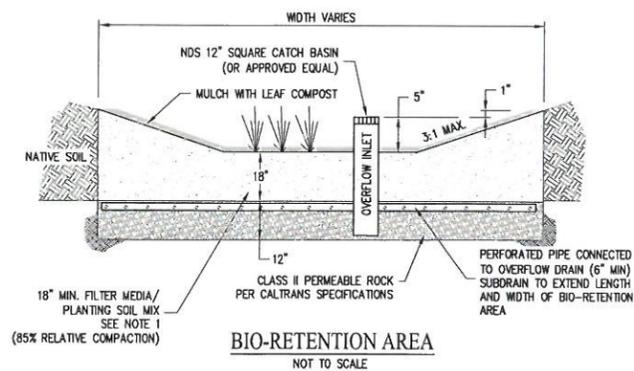
STREET SECTIONS



DETAILS



- NOTES:**
- FORMULA TO DETERMINE MINIMUM MULTI-FAMILY GARBAGE CAPACITY IN CUBIC YARDS:
124 DWELLING UNITS x 1.2 (MOVE IN/OUT FACTOR) x 32 (GALLONS PER UNIT) ÷ 200 = 23.6 CY/WEEK
 - THE SITE WILL INCLUDE SIX (6), FOUR CUBIC YARD BINS FOR BOTH TRASH AND RECYCLING. SEE SITE PLAN FOR LOCATIONS.
 - HALF THE ENCLOSURE TO BE SIGNED AS "RECYCLABLES ONLY", WHILE THE OTHER HALF IS TO BE SIGNED AS "GARBAGE ONLY" AT EYE LEVEL ON GATES.
 - 6" CURB SEPARATING GARBAGE AND RECYCLING CONTAINERS



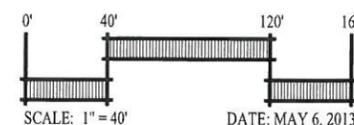
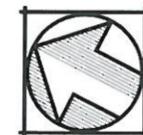
- STORMWATER CONTROL PLAN NOTES:**
- SOIL USED IN LANDSCAPE BASED TREATMENT MEASURES SHALL MEET THE SPECIFICATIONS INCLUDED IN THE MOST RECENT VERSION OF APPENDIX L OF THE IMPDES MUNICIPAL REGIONAL STORM WATER PERMIT PROVISION C.3.C.(1)(B)(V).
 - ANY ADDITIONAL IMPERVIOUS SURFACE SHALL BE COLLECTED AND CONVEYED TO ADJACENT TREATMENT AREA PER LANDSCAPE PLANS.
 - THE BIORETENTION AREAS SHOWN ARE PRELIMINARY AND REPRESENT THE APPROXIMATE SURFACE AREA NEEDED TO TREAT EACH DRAINAGE MANAGEMENT AREA. THESE AREAS ARE SUBJECT TO CHANGE BASED ON FINAL ARCHITECTURE, FINAL LOCATIONS OF BUILDING ROOF DRAINS AND REFINEMENT OF THE PROJECT GRADING PLANS.
 - BIO-RETENTION WITHIN THE 1:1 PROJECTION OF A BUILDINGS FOUNDATION MAY BE REQUIRED TO HAVE SUB-SURFACE RETAINING WALLS PER GEOTECHNICAL RECOMMENDATION.

ABBREVIATIONS

- BW BACK OF WALK
- EL ELEVATION
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- EX EXISTING
- FC FACE OF CURB
- FF FINISHED FLOOR
- PL PROPERTY LINE
- PUE PUBLIC UTILITY EASEMENT
- RW RIGHT OF WAY
- S/W SIDEWALK
- TC TOP OF CURB
- SSE SANITARY SEWER EASEMENT
- TW TOP OF WALL

DETAILS, GRADING AND STREET SECTIONS @ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

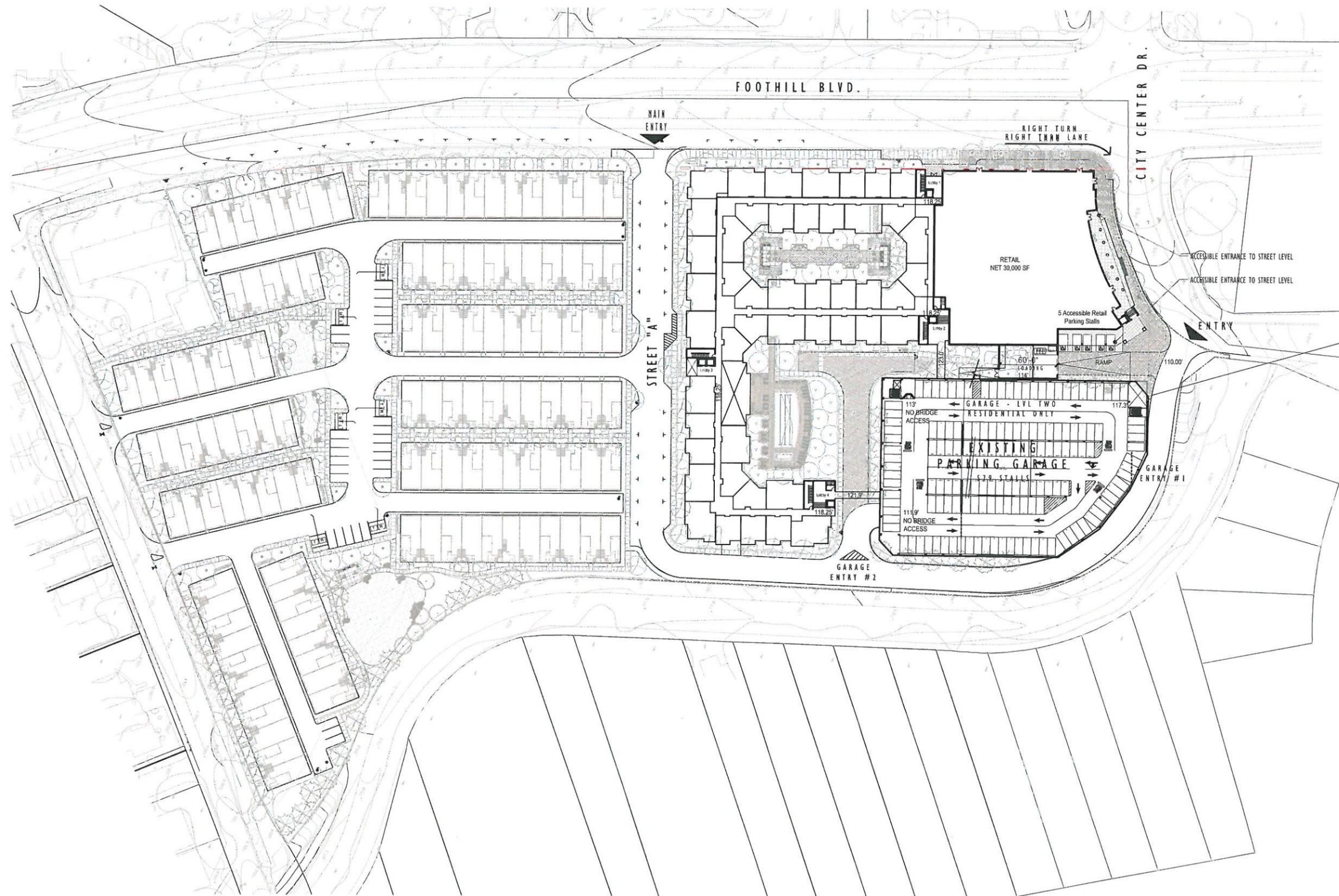


cbg Carlson, Barbee & Gibson, Inc.
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6111 BOLLINGER CANYON ROAD, SUITE 150
SAN RAMON, CALIFORNIA 94583

(925) 866-0322
FAX (925) 866-8575

SHEET NO.
C7

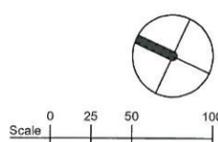


FOOTHILL: TYPE III Construction
Multifamily Building
Retail Net 30,000

Total Units	SF	Total	Net Rentable	%
Plan 1-1 (1 BR, 1 BA)	730	119	86,870	37%
Plan 1-2 (1 BR+DEN, 1 BA)	768	83	49,518	20%
Plan 2-1 (2 BR, 2 BA)	1,105	104	114,920	32%
Plan 2-2 (2 BR, 2 BA)	1,137	22	25,014	7%
Plan 2-3 (2 BR, 2 BA)	1,073	13	13,949	4%
		321	290,271	100%

Average Unit Size: 904

Parking	Parking Allocations
574 Existing Garage	96 Retail - 30,000 / 315
5 Acc at Retail	507 Residential
12 Acc at Units	507 / 321 = 1.58 cars/unit
12 Std at Units	
603 Total Cars	



@ THE BOULEVARD

ARCHITECTURAL SITE PLAN

AI.1.0

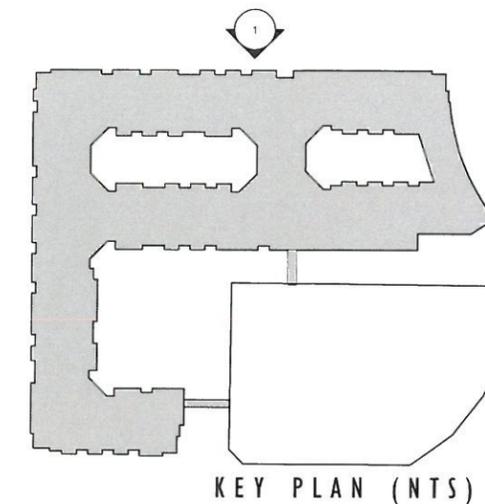


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I. FRONT ELEVATION (FOOTHILL BLVD)

@ THE BOULEVARD

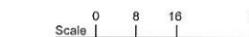


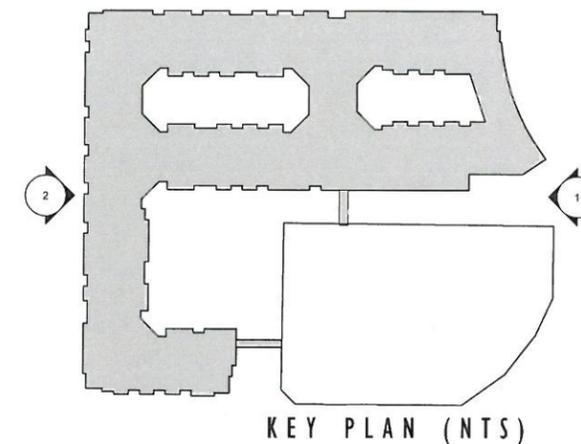
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M F BUILDING ELEVATION

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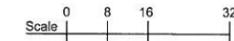




1. LEFT ELEVATION



2. RIGHT ELEVATION



@ THE BOULEVARD

MF BUILDING ELEVATION

A2.1.2

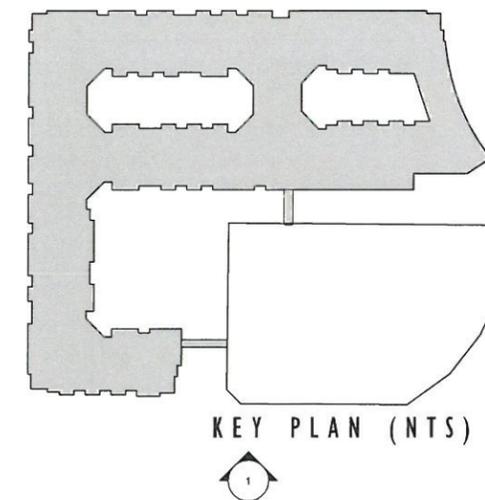


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I. REAR ELEVATION

@ THE BOULEVARD



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MF BUILDING ELEVATION

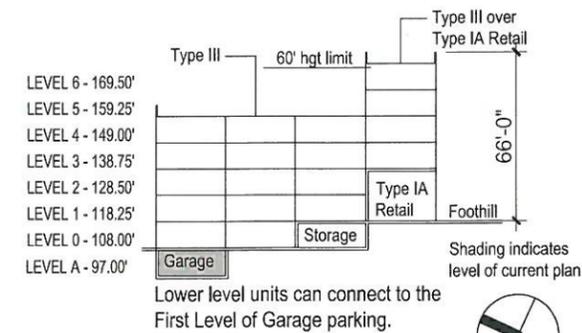
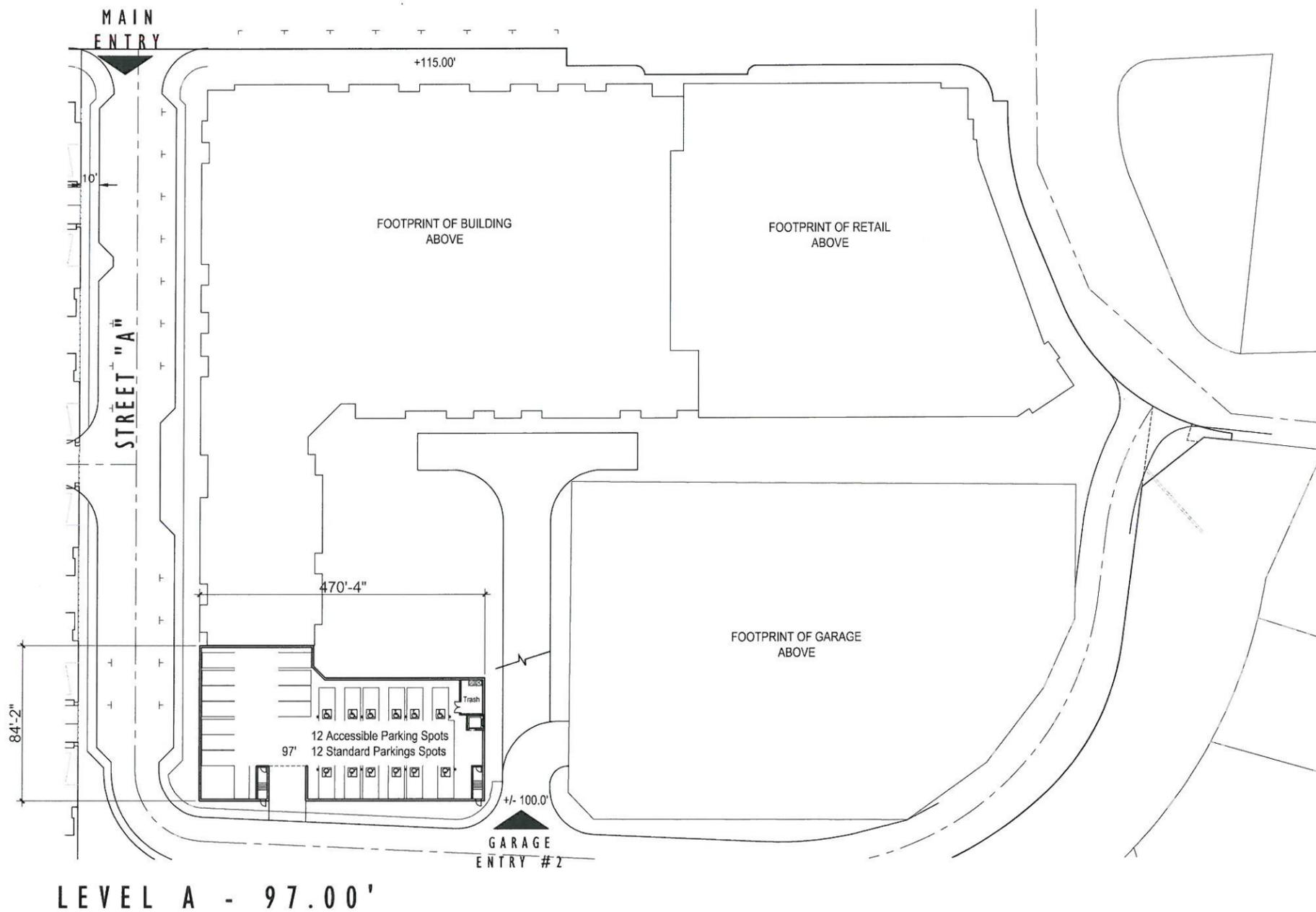
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A2.1.3

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MF BUILDING PLAN

A3.1.0.1

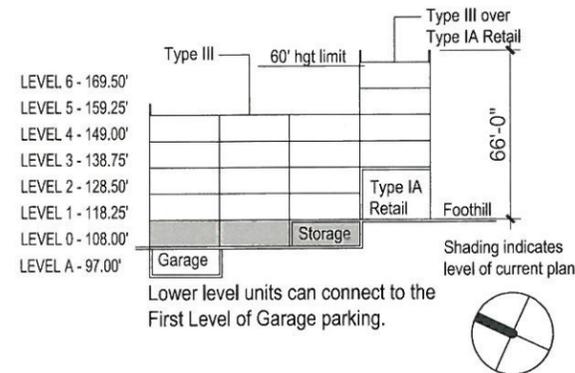
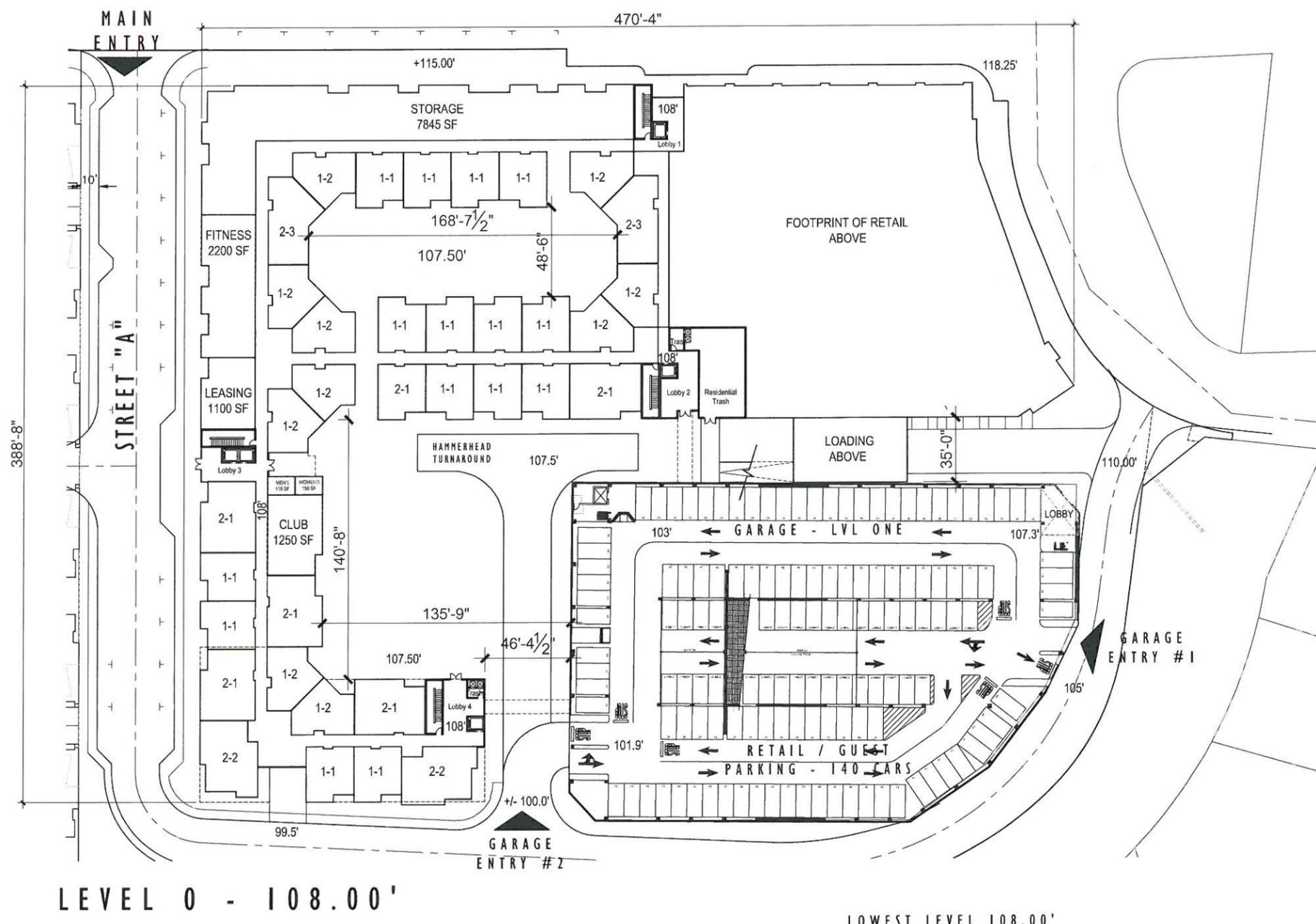


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LEVEL 0 - 108.00'

LOWEST LEVEL 108.00'

Scale 0 16 32 64

@ THE BOULEVARD

MF BUILDING PLAN

A3.1.0

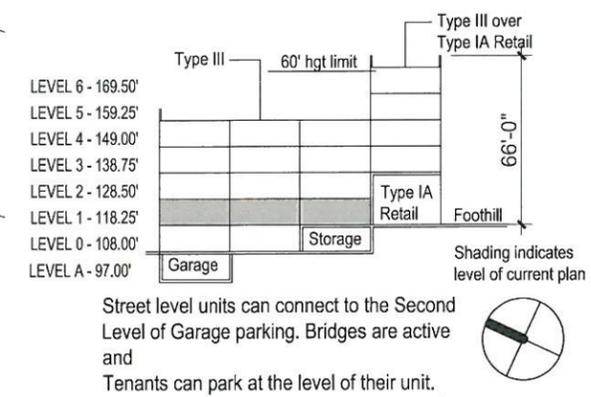
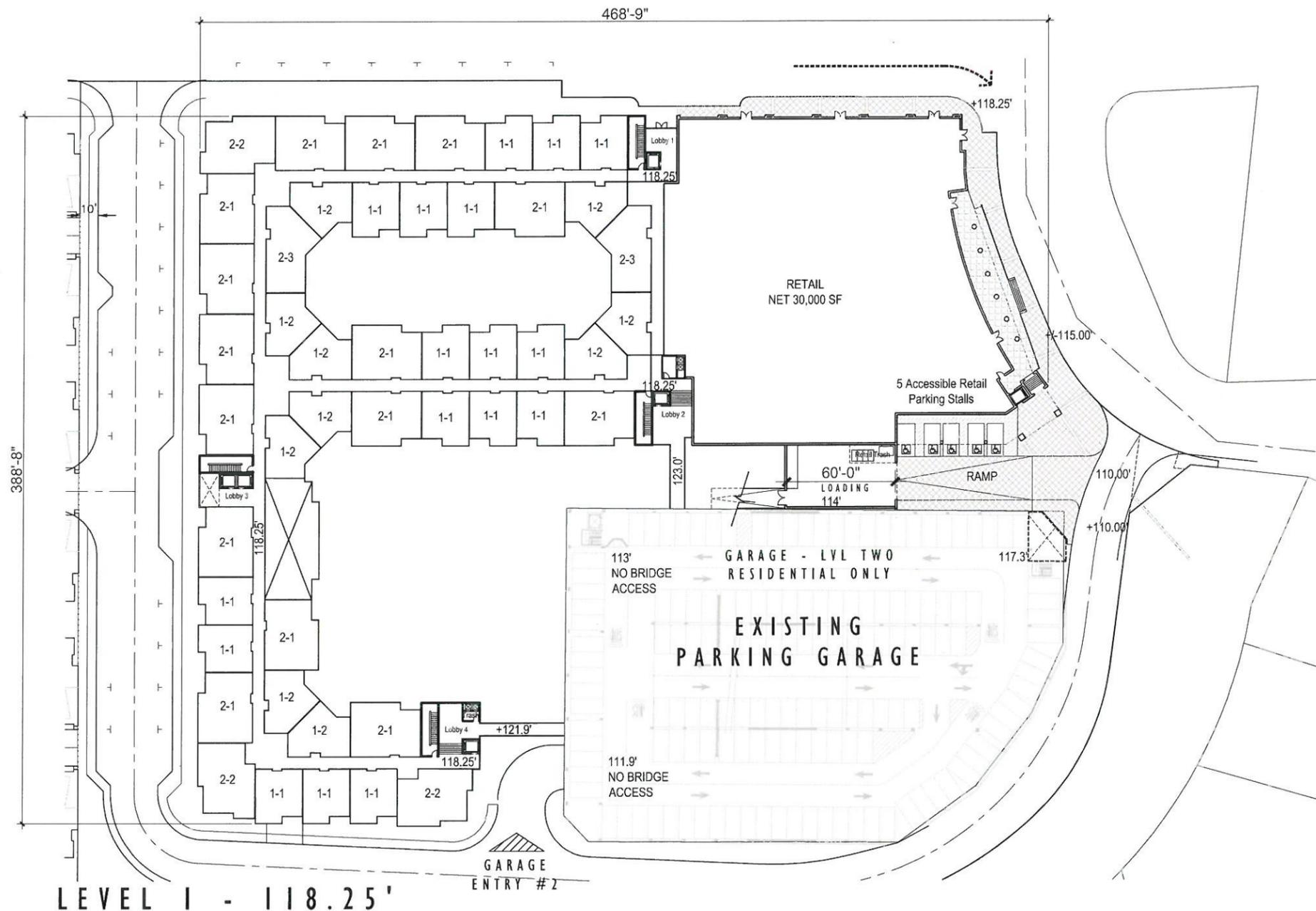


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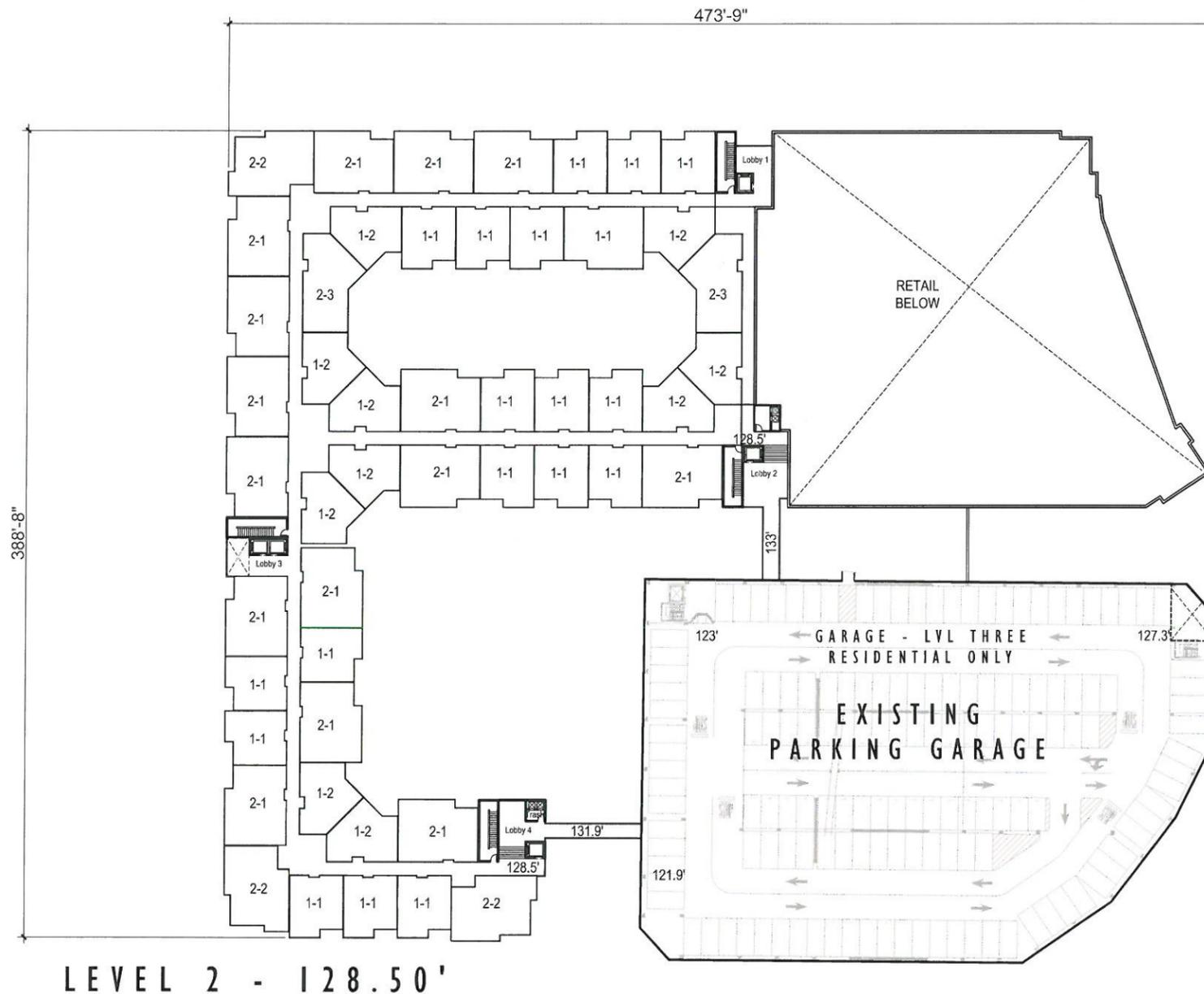
MF BUILDING PLAN

HAYWARD, CA
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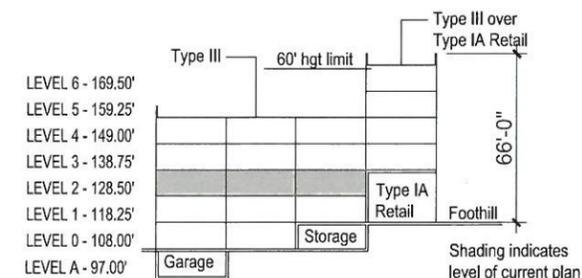
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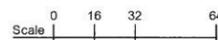
A3.1.1



LEVEL 2 - 128.50'



Second level units can connect to the Third Level of Garage parking. Bridges are active and Tenants can park at the level of their unit.



@ THE BOULEVARD

MF BUILDING PLAN

A3.1.2

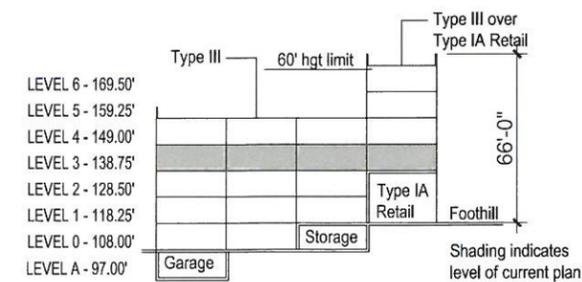
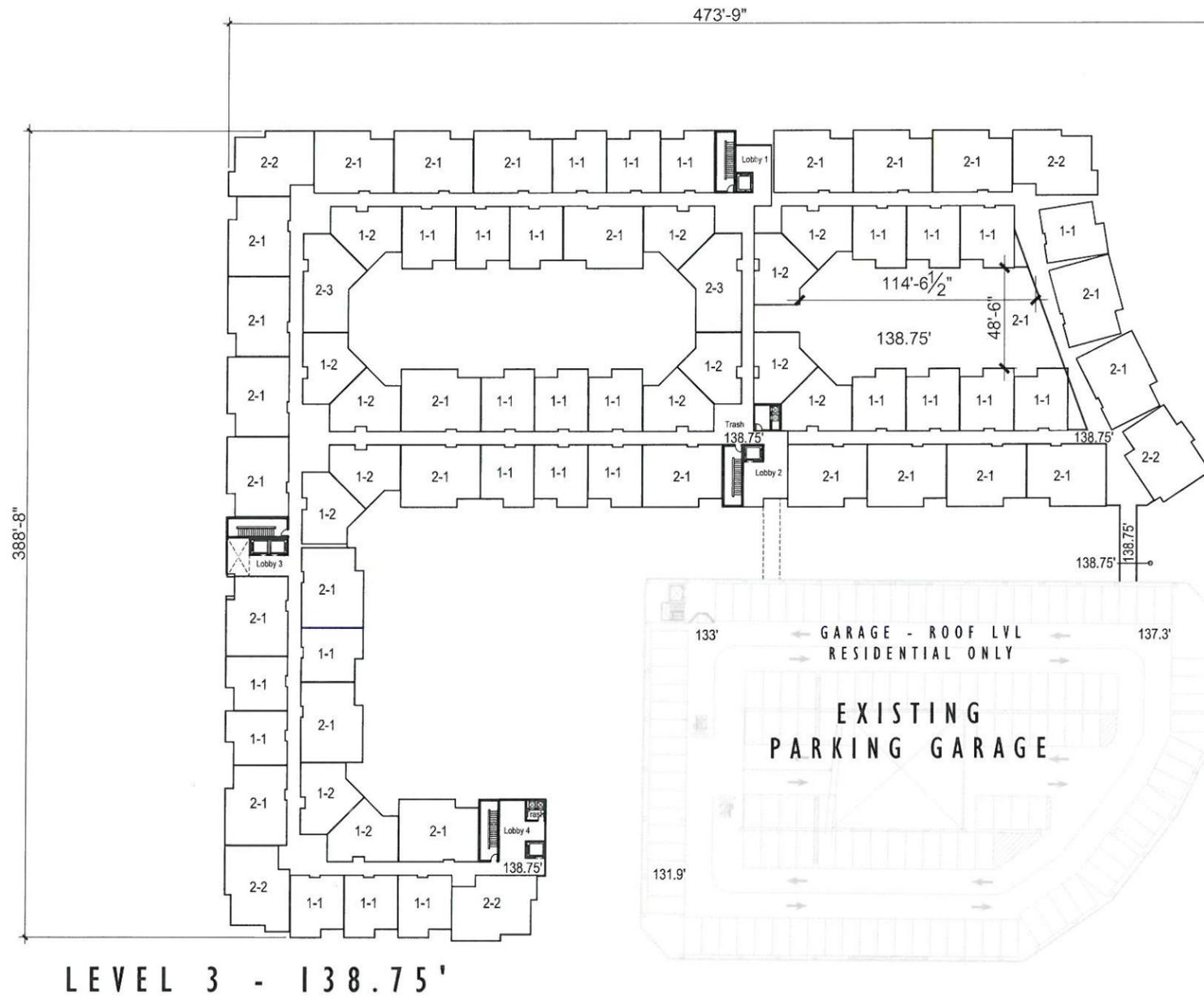


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Third level units can connect to the Garage
 Roof level parking. Bridges are active and
 Tenants can park at the level of their unit.



Scale 0 16 32 64

@ THE BOULEVARD

MF BUILDING PLAN

A3.1.3

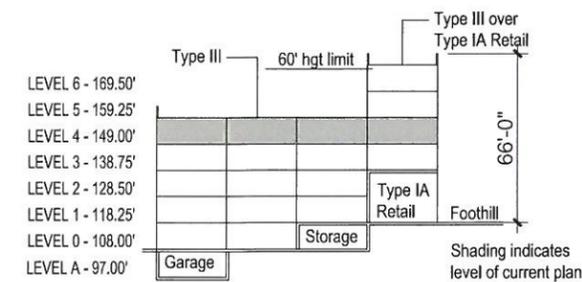


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Units are above the highest level of Garage parking. Tenants will use the elevators and / or stairs to reach the garage level of their car.



@ THE BOULEVARD

MF BUILDING PLAN

A3.1.4

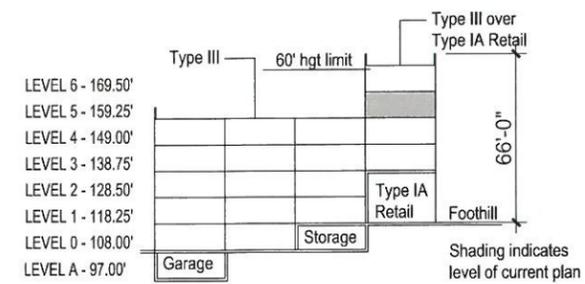
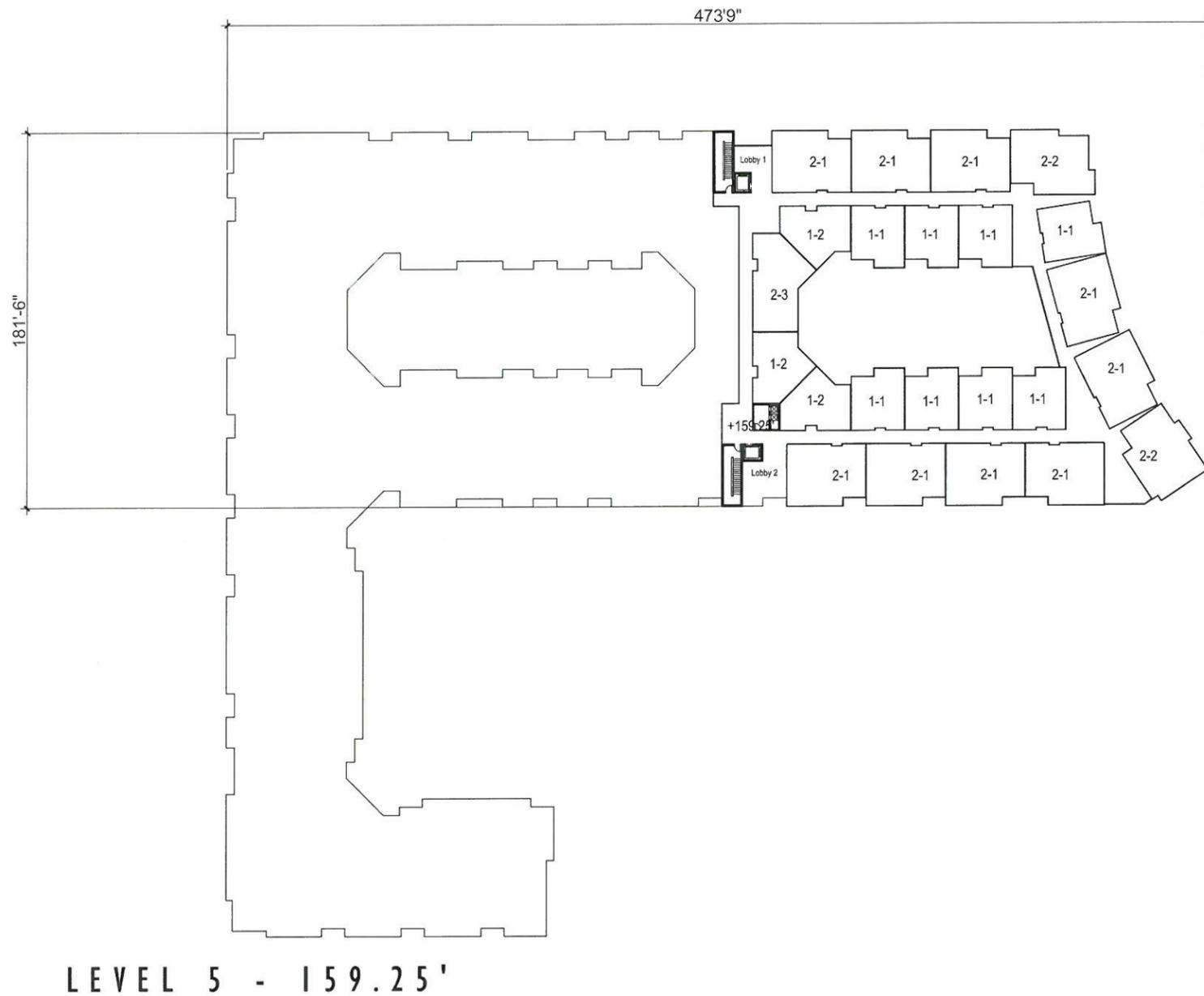


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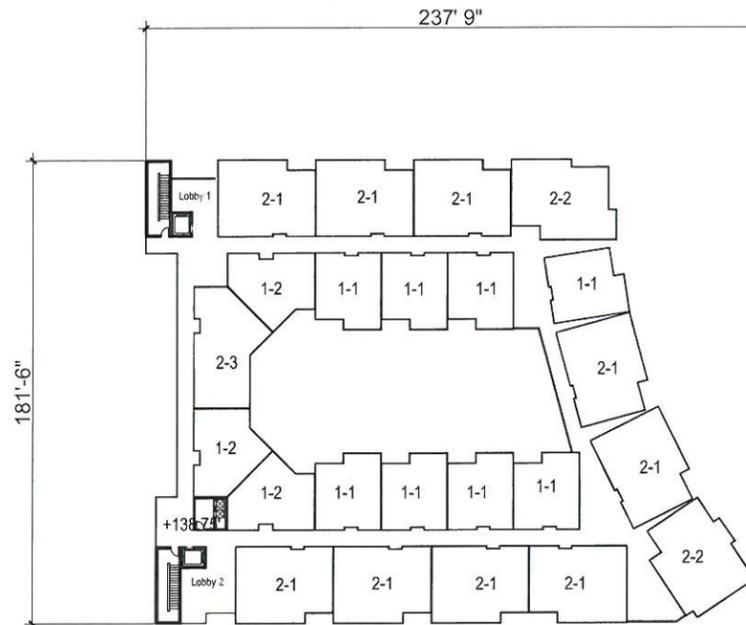
M F BUILDING PLAN

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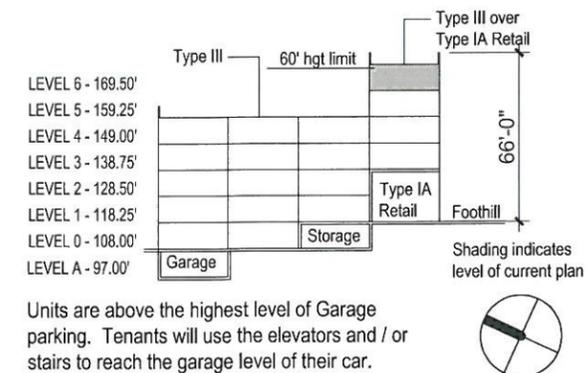
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A3.1.5



* LEVEL 6 - 169.50'



Units are above the highest level of Garage parking. Tenants will use the elevators and / or stairs to reach the garage level of their car.



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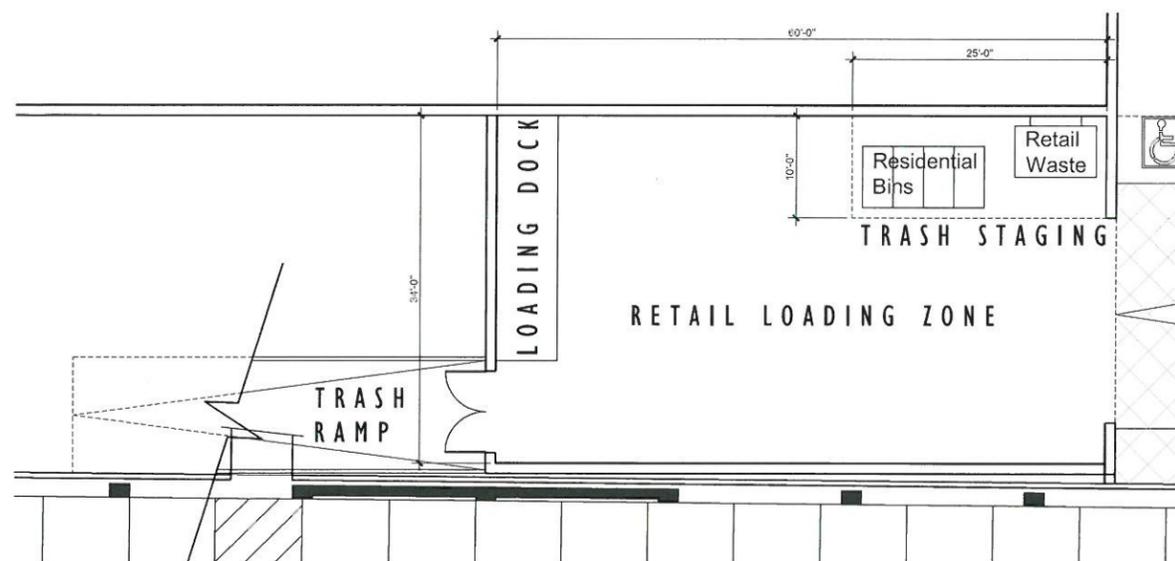
M F BUILDING PLAN

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A3.1.6

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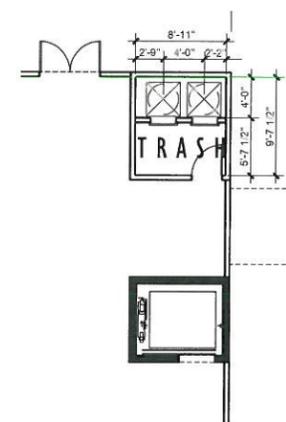


LEVEL I

RETAIL TRASH AREA

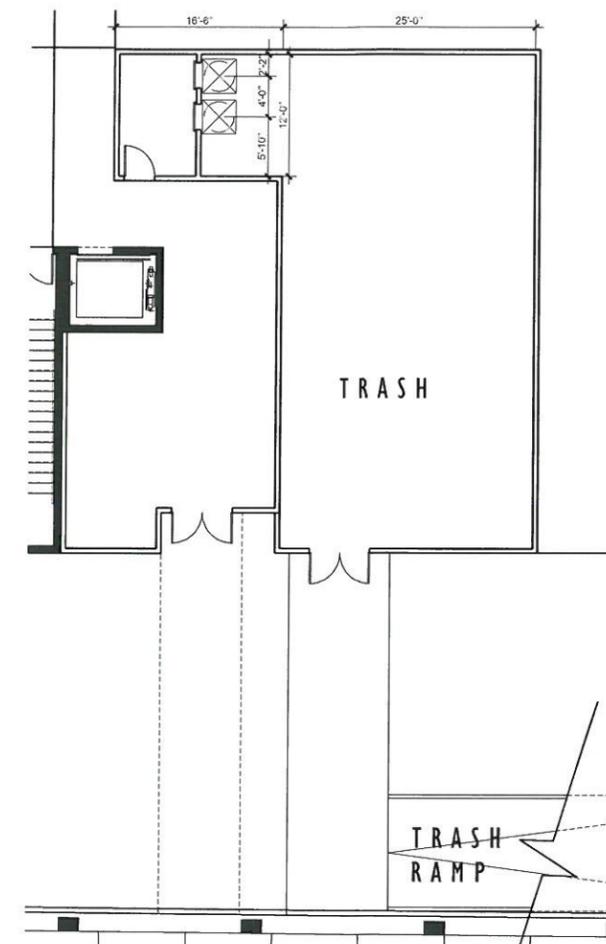


LEVEL 0



TYPICAL FLOOR

RESIDENT TRASH ROOM AT LOBBY 4



LEVEL I

TYPICAL FLOOR

RESIDENT TRASH ROOM AT LOBBY 2

@ THE BOULEVARD

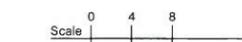


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TRASH ROOM EXHIBIT

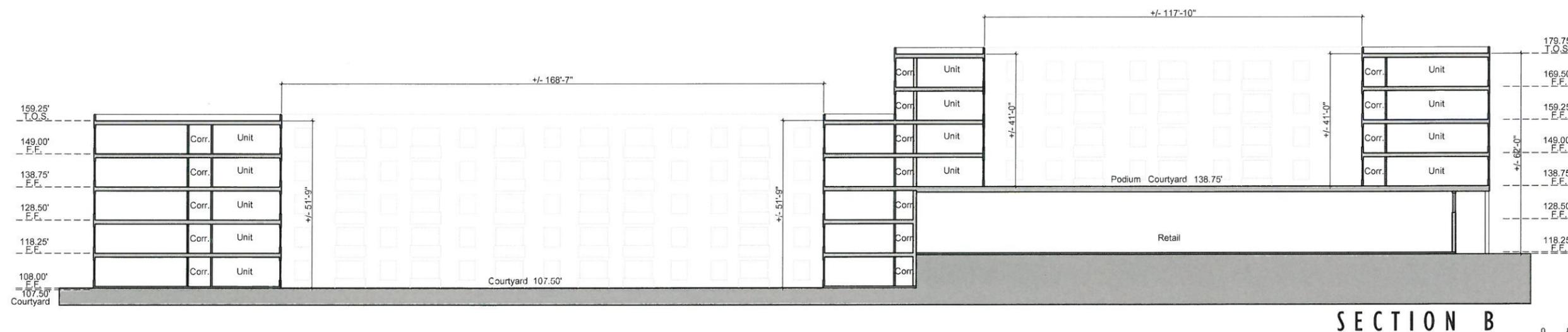
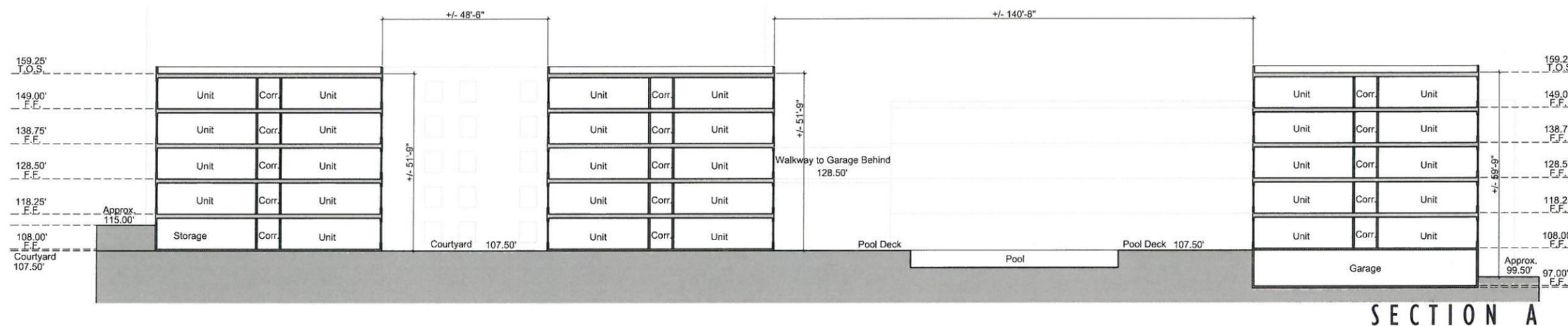
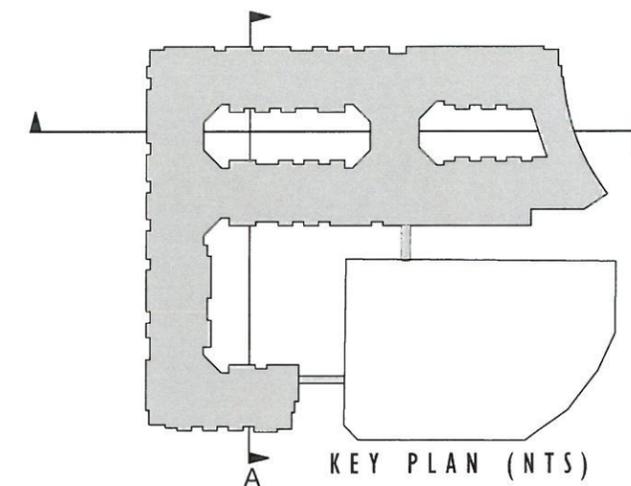
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A3.1.7





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MF BUILDING SECTIONS

A4.I.I

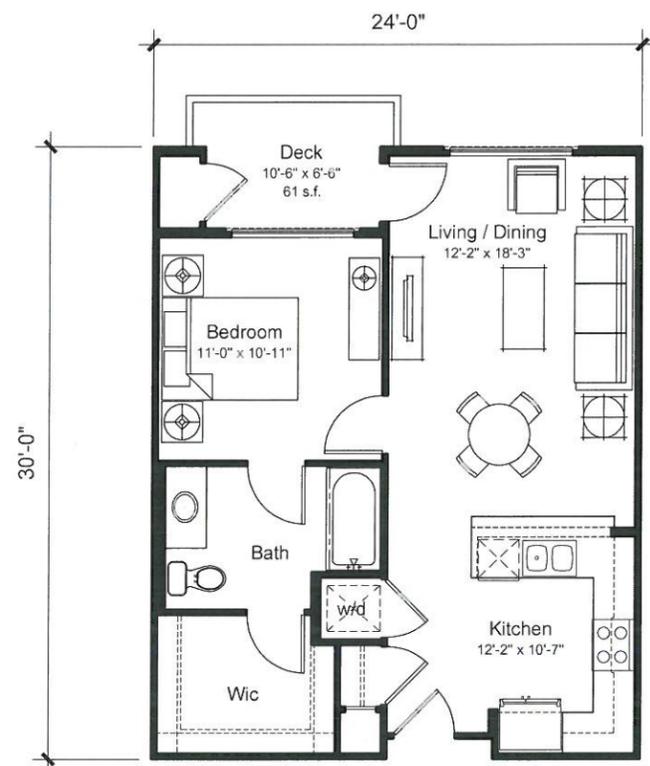


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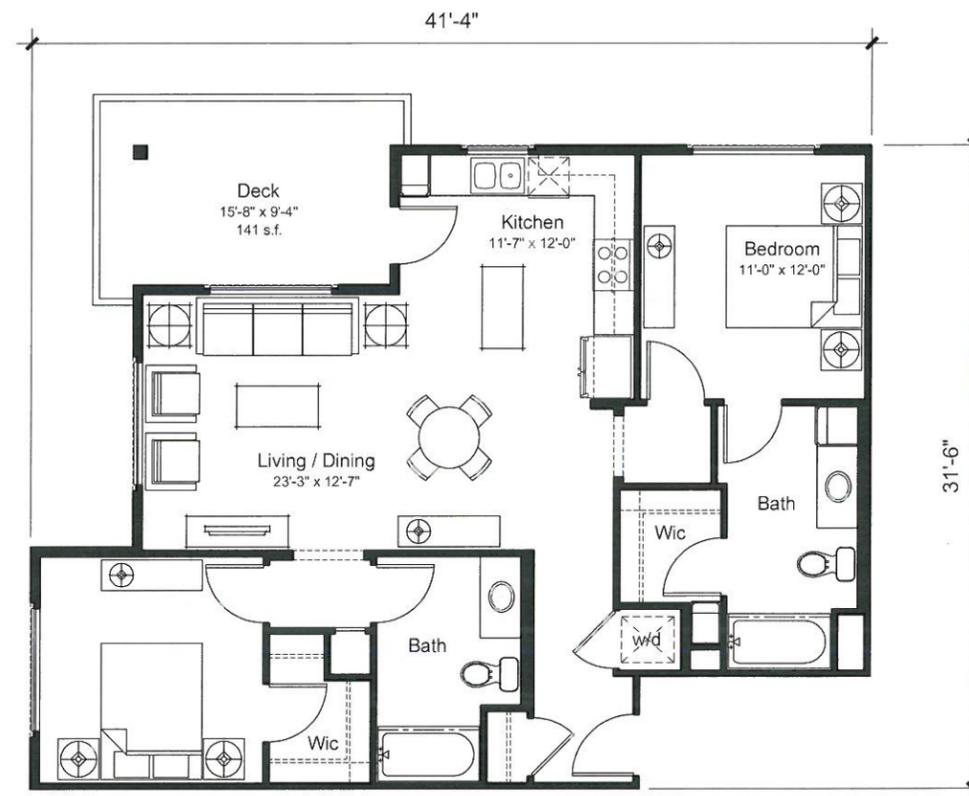
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PLAN A1-1
 1BD/1BA
 +/- 686 sf
 Balcony 61 sf



PLAN A2-1
 2BD/2BA
 +/- 1,059 sf
 Balcony 141 sf

TYPICAL UNIT PLANS
MF BUILDING

Scale 0 2 4 8

A5.1.1

@ THE BOULEVARD

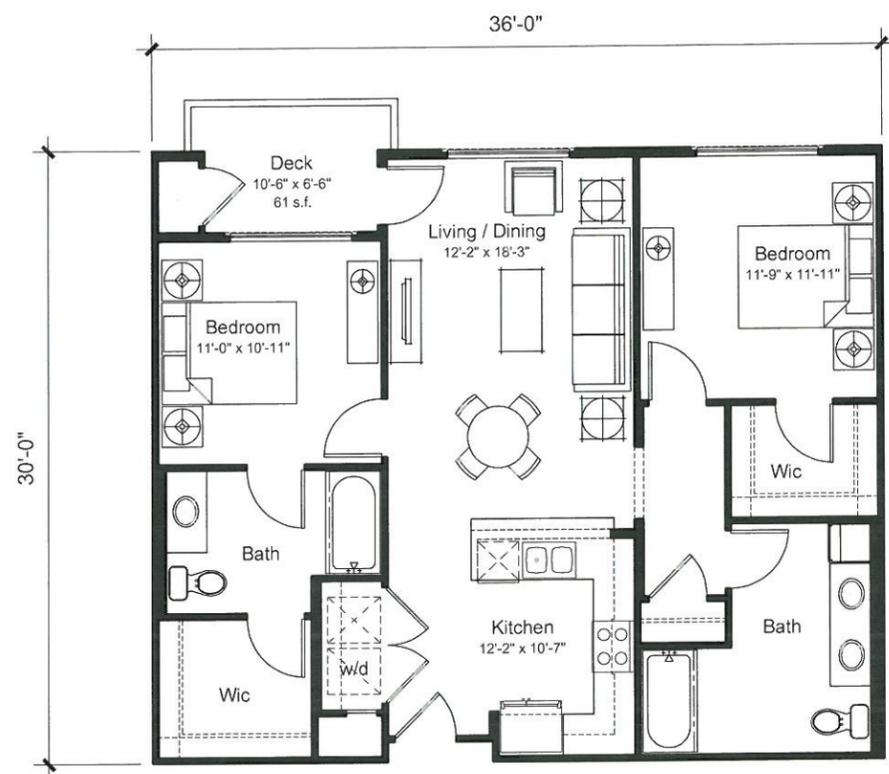


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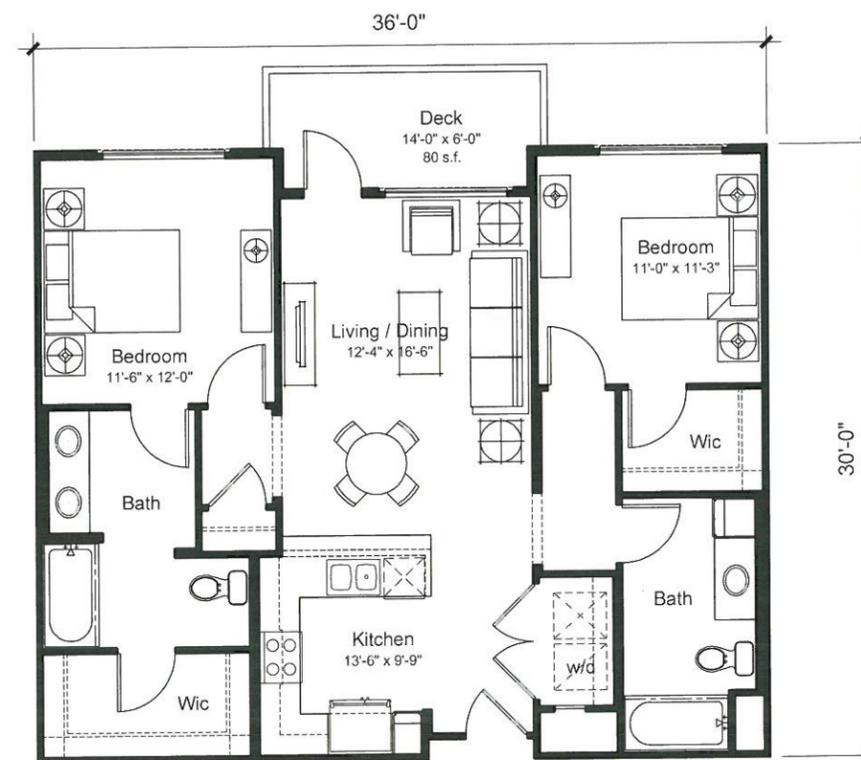
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PLAN A2-2
2BD/2BA
+/- 1,046 sf
Balcony 61 sf



PLAN A2-3
2BD/2BA
+/- 1,056 sf
Balcony 80 sf

TYPICAL UNIT PLANS
MF BUILDING

Scale 0 2 4 8

A5.1.2

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1. View of Retail Corner

@ THE BOULEVARD



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MF BUILDING PERSPECTIVE

A6.0

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1. View of Main Residential Entry

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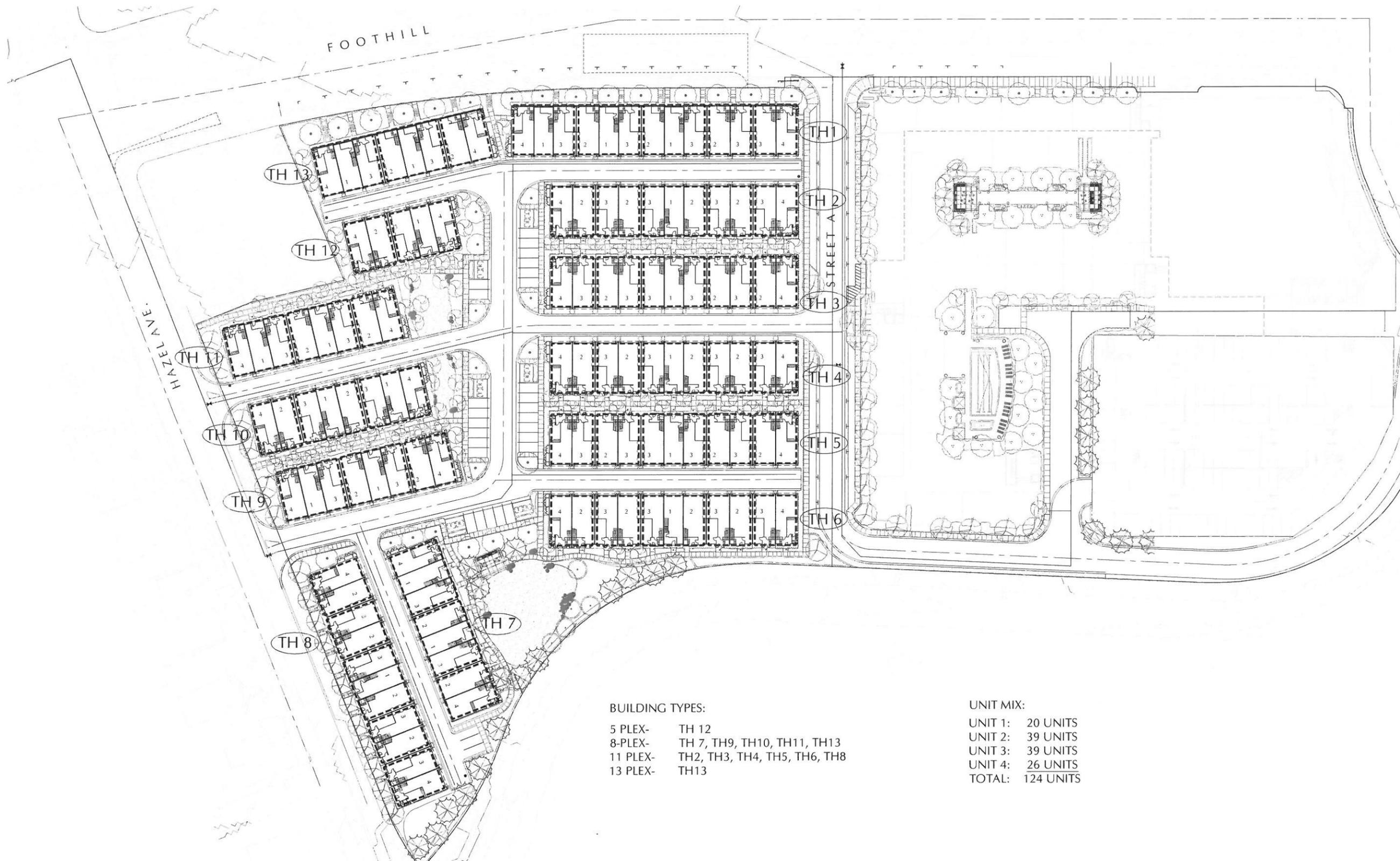
MF BUILDING PERSPECTIVE

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A6.1



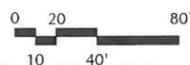
BUILDING TYPES:

- 5 PLEX- TH 12
- 8-PLEX- TH 7, TH9, TH10, TH11, TH13
- 11 PLEX- TH2, TH3, TH4, TH5, TH6, TH8
- 13 PLEX- TH13

UNIT MIX:

- UNIT 1: 20 UNITS
- UNIT 2: 39 UNITS
- UNIT 3: 39 UNITS
- UNIT 4: 26 UNITS
- TOTAL: 124 UNITS

TOWNHOMES - ARCHITECTURAL SITE PLAN



@ THE BOULEVARD
HAYWARD, CALIFORNIA

INTEGRAL COMMUNITIES

A.TH.1
05.06.13

Angeleno Associates, Inc.
147 City Place Drive, Santa Ana, Ca 92705
www.angelenoarchitects.com Tel: (714) 285-1888
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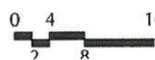




BUILDING TH8 - FRONT ELEVATION ALONG HAZEL



BUILDING TH1 - FRONT ELEVATION ALONG FOOTHILL BLVD.

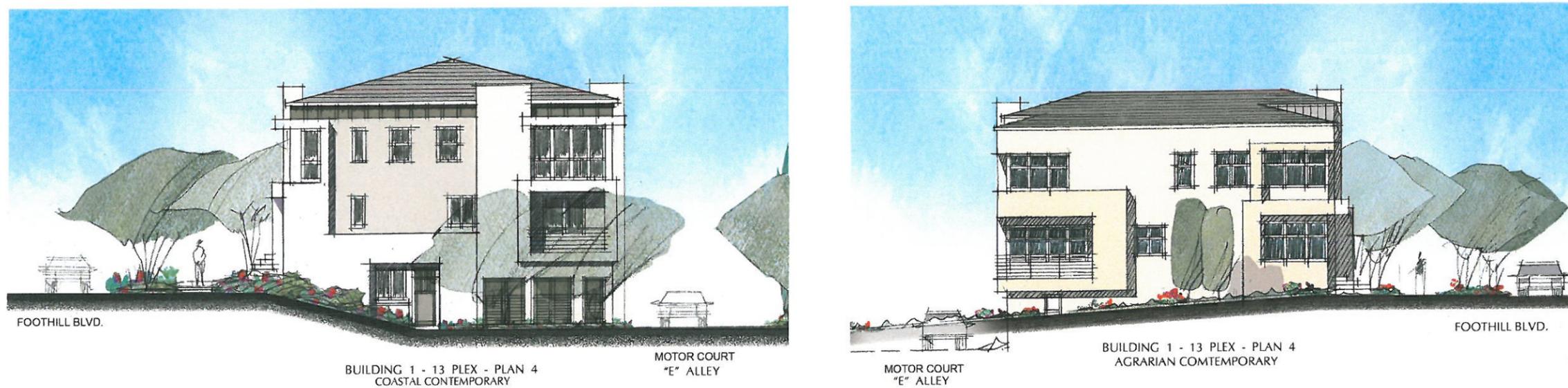


TOWNHOMES STREET ELEVATIONS
@ THE BOULEVARD
 HAYWARD, CALIFORNIA

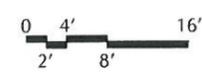




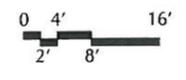
TOWNHOMES STREET ELEVATIONS
@ THE BOULEVARD
HAYWARD, CALIFORNIA



BUILDING TH1 - SIDE ELEVATION

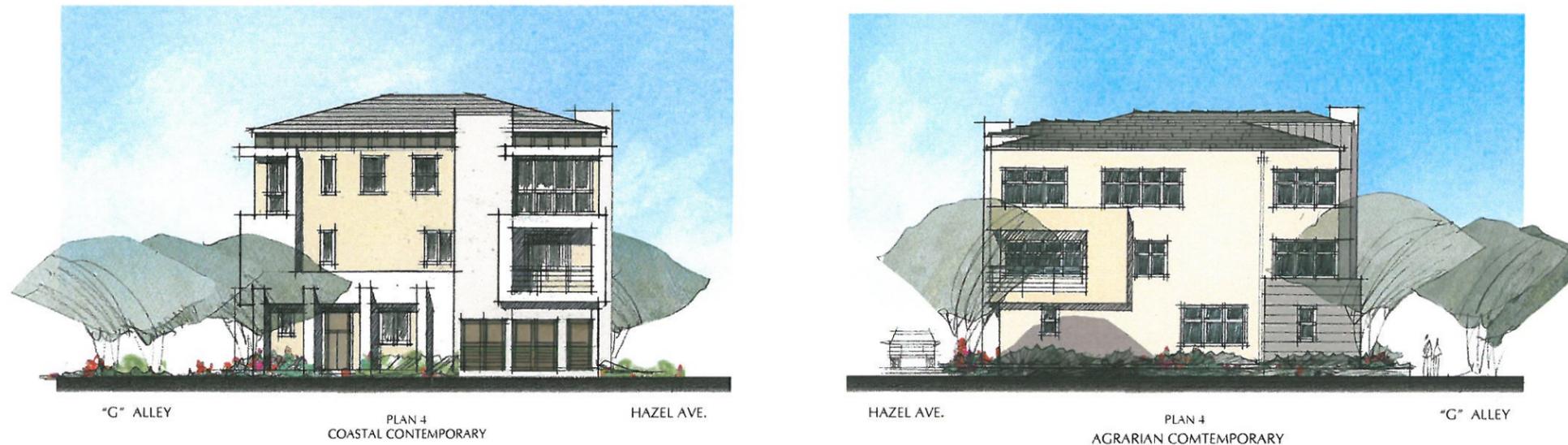


BUILDING TH1 - MOTOR COURT ELEVATION



TOWNHOMES BUILDING TH1 SIDE & REAR ELEVATIONS
 @ THE BOULEVARD
 HAYWARD, CALIFORNIA

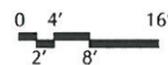




BUILDING TH8 - SIDE ELEVATIONS



BUILDING TH8 - MOTOR COURT ELEVATION



TOWNHOMES BUILDING 8 SIDE & REAR ELEVATIONS
@ THE BOULEVARD

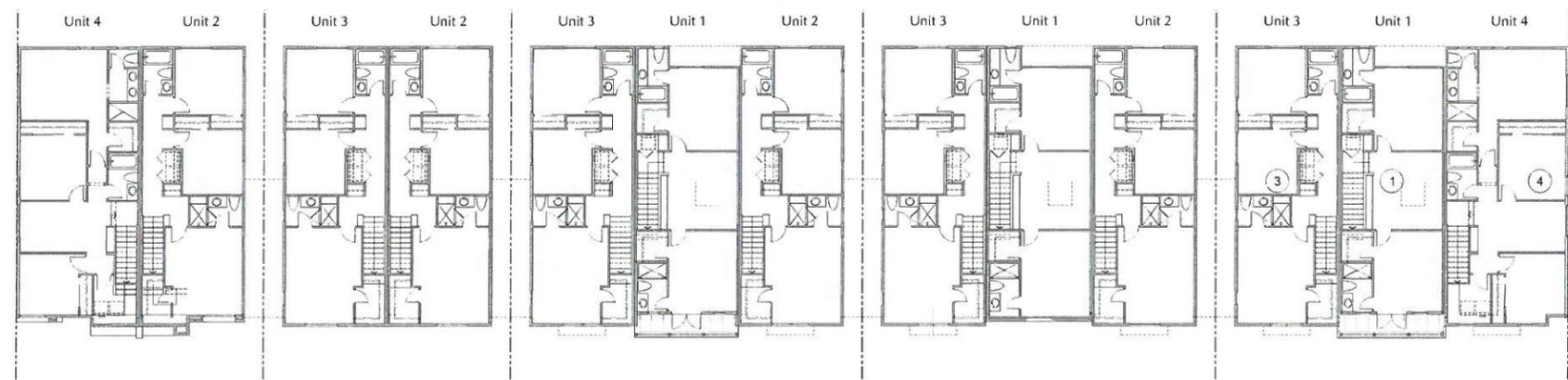
HAYWARD, CALIFORNIA



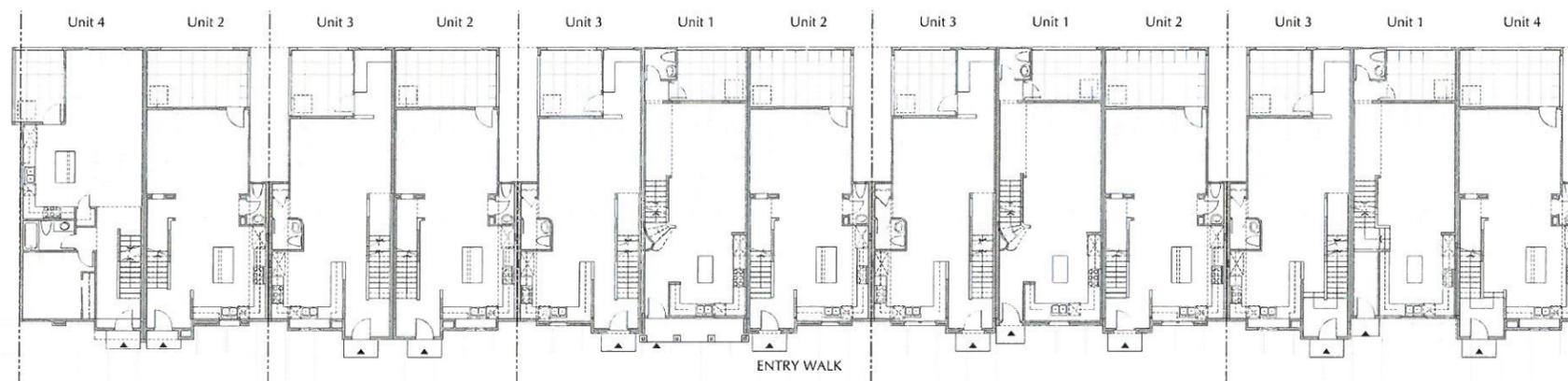
3 SAN JUAQUIN PLAZA, SUITE 100
NEWPORT BEACH, CA 92660
949.720.3612

Angeleno Associates, Inc. **A.TH.5**
147 City Place Drive, Santa Ana, Ca 92705
www.angelenoarchitects.com Tel: (714) 285-1888
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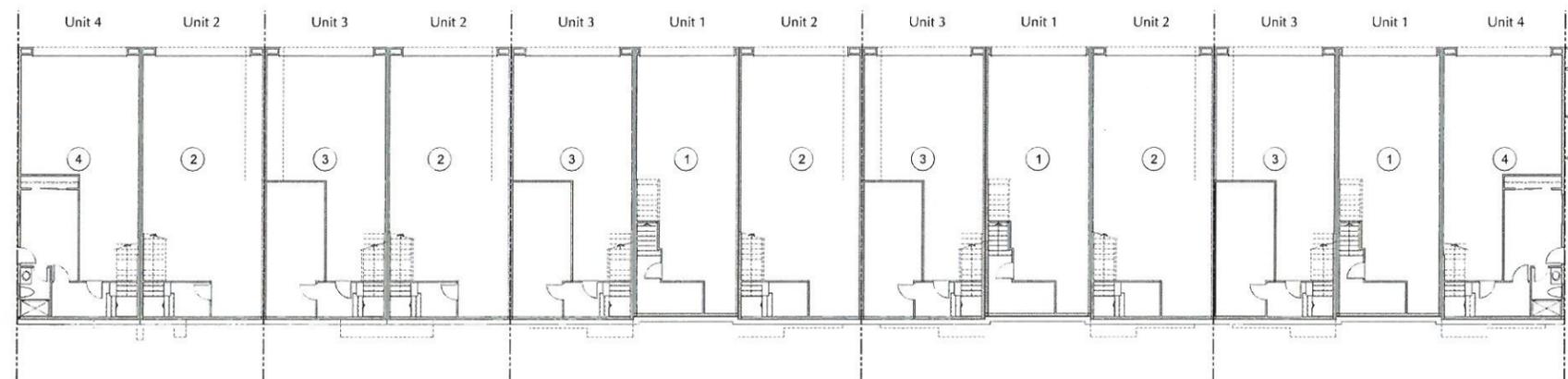




LEVEL 3



LEVEL 2



LEVEL 1

TOWNHOMES BUILDING "TH 1"
FLOOR PLANS



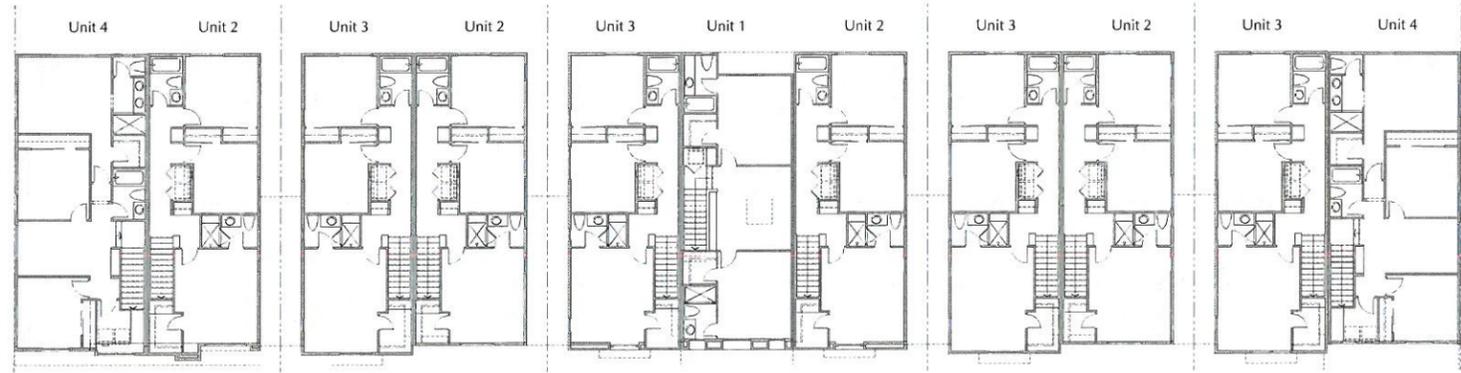
INTEGRAL COMMUNITIES

@ THE BOULEVARD
HAYWARD, CALIFORNIA

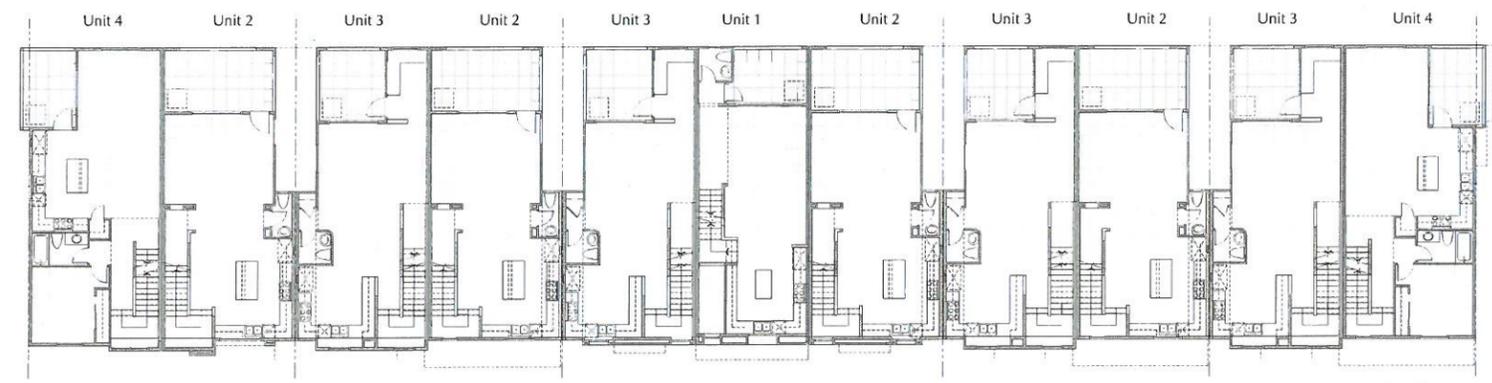
A.TH.6
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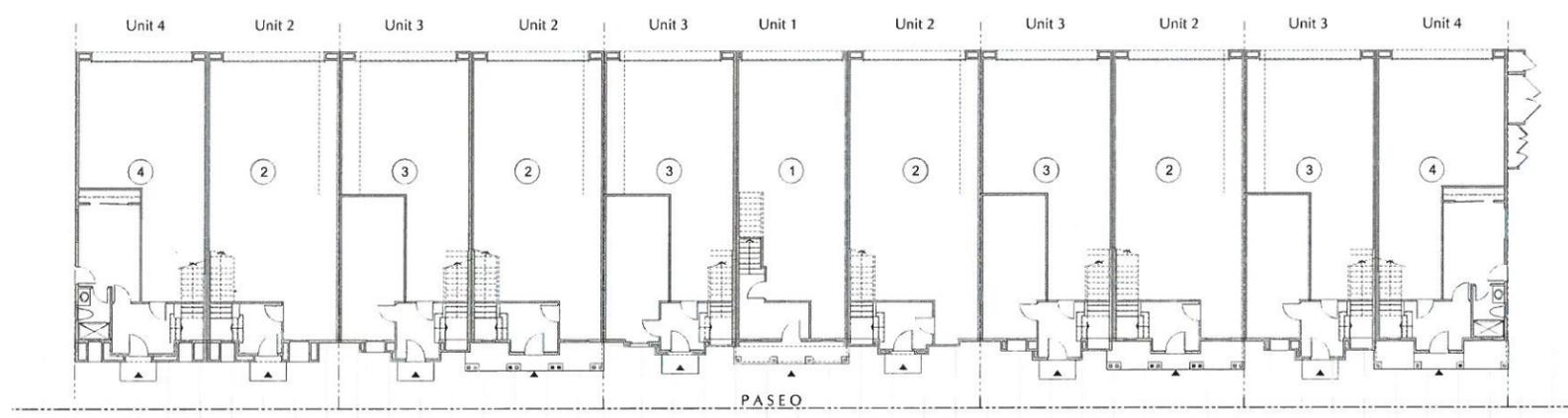




LEVEL 3



LEVEL 2



LEVEL 1

TOWNHOMES BUILDING "TH 8"
 FLOOR PLANS
 (BUILDINGS TH2, TH3, TH4, TH5, TH6 SIMILAR)



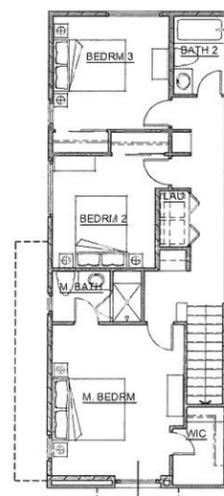
INTEGRAL COMMUNITIES

@ THE BOULEVARD
 HAYWARD, CALIFORNIA

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LEVEL 3



LEVEL 2

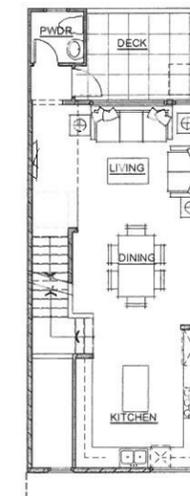


LEVEL 1

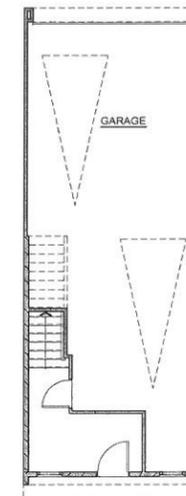
UNIT 3
3 BED, DEN, 2.5 BA, 1,850 SF



LEVEL 3

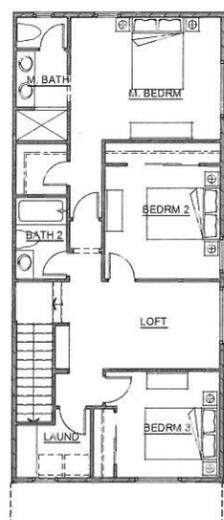


LEVEL 2

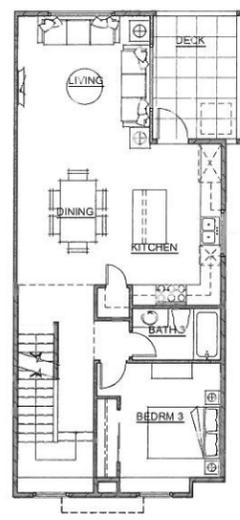


LEVEL 1

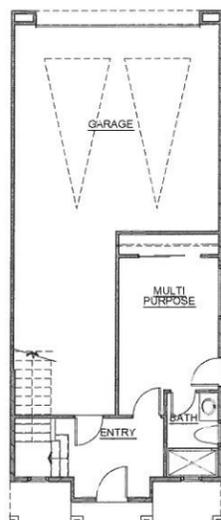
UNIT 1
2 BED, 2.5 BA, 1,485 SF



LEVEL 3



LEVEL 2

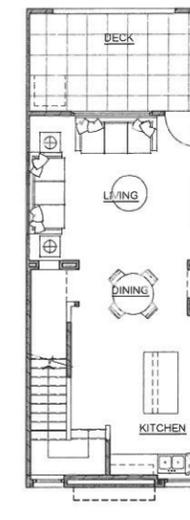


LEVEL 1

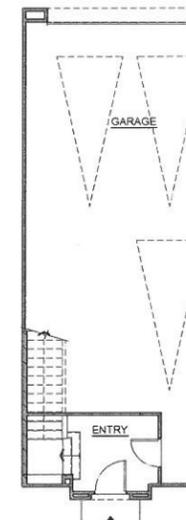
UNIT 4
4 BED, MULTI PURPOSE RM, 2,115 SF



LEVEL 3



LEVEL 2



LEVEL 1

UNIT 2
3 BED, 2.5 BA, 1,570 SF

TOWNHOMES - UNIT PLANS



INTEGRAL COMMUNITIES

@ THE BOULEVARD
HAYWARD, CALIFORNIA

A.TH.8
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PLANTING LEGEND

EXISTING TREE				
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	EXISTING TREE	SEE ARBORIST REPORT FOR SPECIFIC TREE LOCATIONS AND INFORMATION		
PROPOSED CULINARY TREES SUCH AS:				
	ARBUTUS UNEDO	STRAWBERRY TREE	36" BOX	L
	CITRUS EUREKA DWARF	DWARF EUREKA LEMON	36" BOX	M
	LAURUS NOBILIS	SWEET BAY	36" BOX	L
	PUNICA GRANATUM	POMEGRANATE	36" BOX	L
	OLEA EUROPAEA	OLIVE	36" BOX	L
PROPOSED STREET TREES SUCH AS:				
	CARPINUS BETULUS	EUROPEAN HORNBEAM	36" BOX	M
	PLATANUS ACERIFOLIA COLUMBIA	COLUMBIA LONDON PLANE TREE	36" BOX	M
	PODOCARPUS GRACILIOR	FERN PINE	36" BOX	M
PROPOSED ACCENT TREES SUCH AS:				
	ALNUS RHOMBIFOLIA	WHITE ALDER	36" BOX	M
	ARBUTUS MARINA	MCN	36" BOX	L
	CERCIS CANADENSIS FOREST PANSY	FOREST PANSY REDBUD	36" BOX	M
	LAGERSTROMIA MUSKOGEE	CRAPE MYRTLE	36" BOX	M
	MAGNOLIA GRANDIFLORA LITTLE GEM	LITTLE GEM MAGNOLIA	36" BOX	M
	PYRUS CALLERYANA REDSPIRE	REDSPIRE BRADFORD PEAR	36" BOX	M
PROPOSED SCREENING TREES SUCH AS:				
	PINUS CANARIENSIS	CANARY ISLAND PINE	36" BOX	L
	SEQUOIA SEMPERVIRENS	REDWOOD	36" BOX	M
PROPOSED COLUMNAR TREES SUCH AS:				
	PRUNUS CAROLINIANA BRIGHT N TIGHT	BRIGHT N TIGHT CAROLINA CHERRY	15 GAL.	M
	LIGUSTRUM JAPONICUM TEXANUM	WAX LEAF PRIVET	15 GAL.	M
	PODOCARPUS MACROPHYLLUS	YEW PINE	15 GAL.	M
PROPOSED CULINARY SHRUBS SUCH AS:				
	CAPPARIS SPINOSA	CAPER	5 GAL.	L
	FEJOA SELLOWIANA	PIÑAAPPLE GUAVA	5 GAL.	L
	ROSMARINUS O. HUNTINGTON CARPET	ROSEMARY	5 GAL.	L
	LAVANDULA ANGUSTIFOLIA	ENGLISH LAVENDER	5 GAL.	L

PROPOSED SHRUBS SUCH AS:				
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	AECIDIUM ARBOREUM ZWARTKOP	N.C.N.	5 GAL.	L
	HYPERICUM x MOERHRIANUM TRICOLOR	GOLD FLOWER	5 GAL.	M
	NASSELLA TENUISSIMA	MEXICAN FEATHER GRASS	1 GAL.	M
	PHORMIUM TOM THUMB	TOM THUMB NEW ZEALAND FLAX	5 GAL.	L
	ACANTHUS MOLLIS	BEARS BREECH	5 GAL.	M
	BUXUS MICROPHYLLA JAPONICUM	JAPANESE BOXWOOD	5 GAL.	M
	CALLISTEMON VIMINALIS LITTLE JOHN	N.C.N.	5 GAL.	L
	COLEONEMA PULCHRUM	PINK BREATH OF HEAVEN	5 GAL.	M
	CORYDINE FESTIVAL GRASS	N.C.N.	5 GAL.	L
	DIANELLA TASMANICA VARIEGATA	VARIEGATED FLAX LILY	5 GAL.	M
	DIETES GRANDIFLORA VARIEGATA	VARIEGATED FORTNIGHT LILY	5 GAL.	L
	GREVILLEA SPECIES	GREVILLEA	5 GAL.	L
	PENNISETUM SETACEUM RUBRUM	PURPLE FOUNTAIN GRASS	5 GAL.	L
	PHORMIUM SPECIES	FLAX	5 GAL.	M
	ROSA WHITE FLOWER CARPET	FLOWER CARPET WHITE ROSE	5 GAL.	M
	WESTRINGIA SPECIES	WESTRINGIA	5 GAL.	L
	AGAVE VILMORINIANA	OCTOPUS AGAVE	5 GAL.	L
	LIGUSTRUM JAPONICUM TEXANUM	WAX LEAF PRIVET	5 GAL.	M
	GREWIA OCCIDENTALIS	LAVENDER STARTFLOWER	5 GAL.	M
	HETEROMELES ARBUTIFOLIA	TOYON	5 GAL.	L
	VIBURNUM JAPONICUM	JAPANESE VIBURNUM	5 GAL.	M

PROPOSED WATER TREATMENT AREA SHRUBS AND GRASSES:				
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL.	M
	CHONDROPETALUM ELEPHANTIUM	CAPE RUSH	5 GAL.	M
	IRIS DOUGLASSIANA	DOUGLAS IRIS	1 GAL.	L
	JUNCUS PATENS	ELK BLUE CALIFORNIA RUSH	1 GAL.	M
	OPHIOPOGON JABURAN	GIANT LILY TURF	5 GAL.	M

TURF				
SYMBOL	TURF - FESCUE BLUEGRASS BLEND	BOLERO PLUS - DELTA BLUEGRASS CO.	SOD	H
	TURF - FESCUE BLUEGRASS BLEND	BOLERO PLUS - DELTA BLUEGRASS CO.	SOD	H

NOTES:

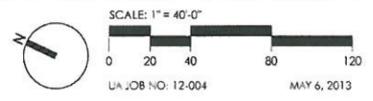
- ALL SHRUB AND GROUND COVER AREAS (WITH SLOPES LESS THAN 2:1) SHALL RECEIVE A 3" LAYER OF MULCH.
- ALL TREES PLANTED WITHIN 7' OF PAVEMENT, CURBS, WALLS, OR BUILDINGS SHALL BE INSTALLED WITH LINEAR ROOT BARRIERS. ROOT BARRIERS SHALL BE PLACED AT THE EDGE OF THE ADJACENT PAVEMENT, CURB, WALL OR BUILDING (DO NOT ENCIRCLE ROOTBALLS) AND SHALL EXTEND BY MINIMUM EACH SIDE OF THE CENTER OF THE TREE.
- SELECT TREES TO BE INSTALLED AT 48" BOX SIZE AS REQUIRED, SEE TREE MITIGATION PLAN.

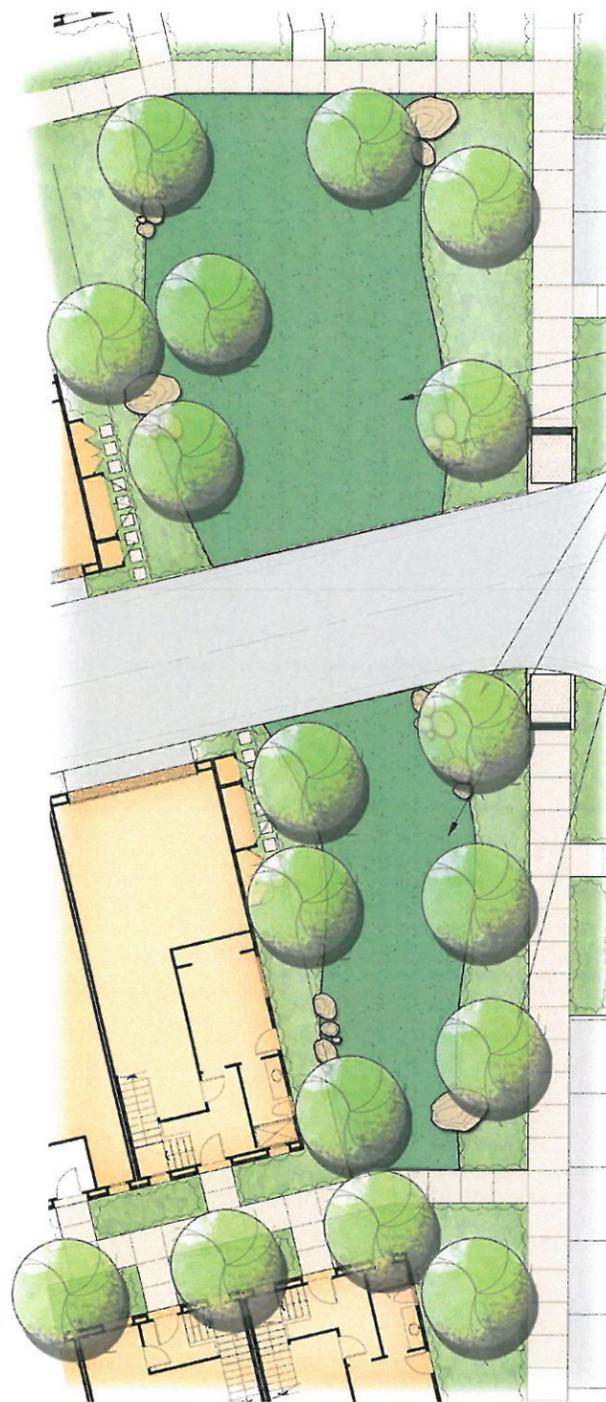


@ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

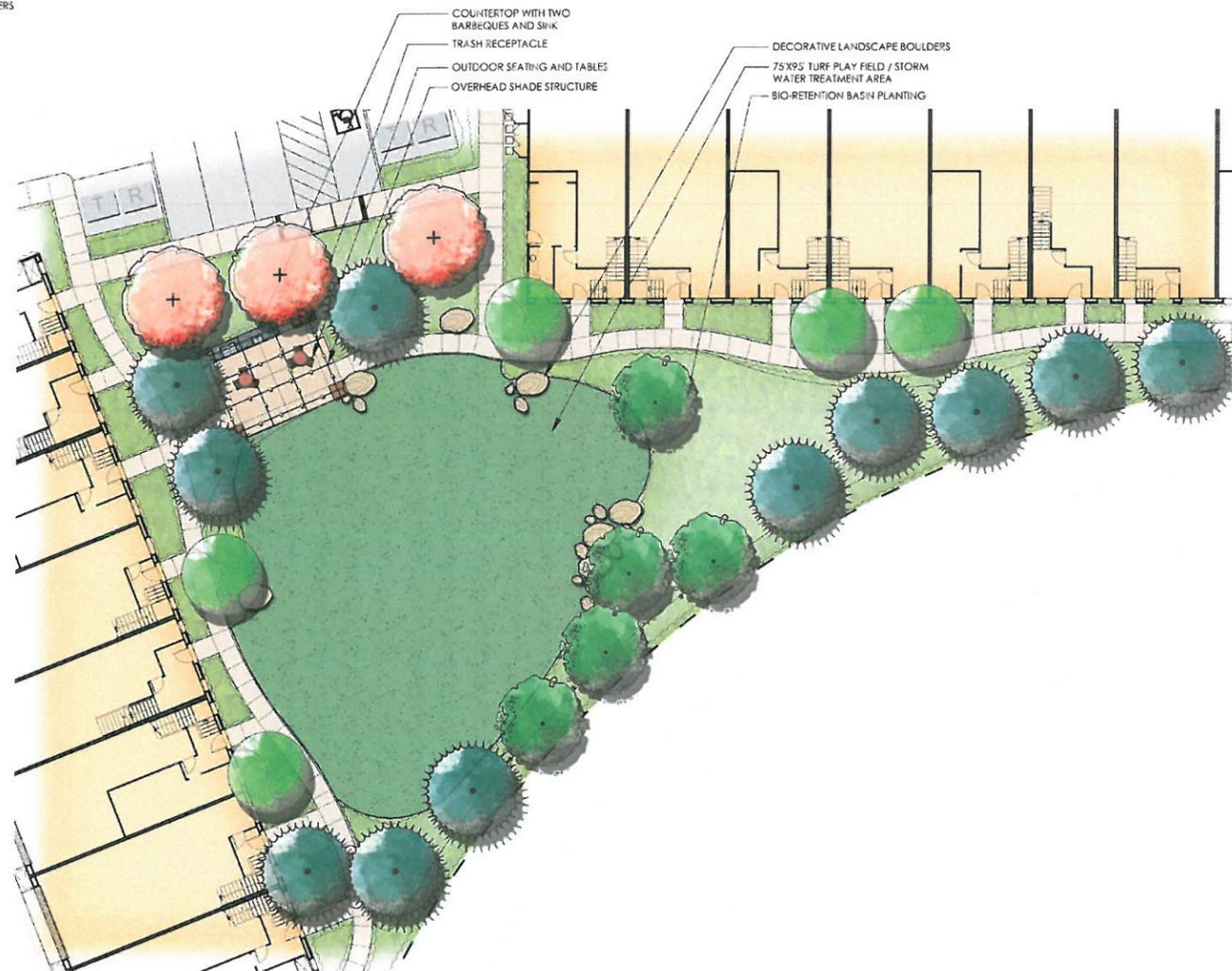
PRELIMINARY LANDSCAPE PLAN





WATER TREATMENT MEADOW

- 30'x55' TURF PLAY FIELD / STORM WATER TREATMENT AREA
- DECORATIVE LANDSCAPE BOULDERS
- BIO-RETENTION BASIN PLANTING
- 20'x60' TURF PLAY FIELD / STORM WATER TREATMENT AREA
- ACCENT TREE



THE HANGOUT

- COUNTERTOP WITH TWO BARBEQUES AND SINK
- TRASH RECEPTACLE
- OUTDOOR SEATING AND TABLES
- OVERHEAD SHADE STRUCTURE
- DECORATIVE LANDSCAPE BOULDERS
- 75'X95' TURF PLAY FIELD / STORM WATER TREATMENT AREA
- BIO-RETENTION BASIN PLANTING

LANDSCAPE STATEMENT:

THE BOULEVARD HAS MUCH TO OFFER. ACCESSIBILITY TO LOCAL NEIGHBORHOOD EATS, BOUTIQUES, AND ENTERTAINMENT ARE A SHORT WALK OR BIKE AWAY. COMFORTABLE LIVING OPTIONS THROUGH FOR RENT AND FOR SALE PRODUCTS TO ADDRESS THE CURRENT AND FUTURE NEEDS OF THE NEIGHBORHOOD.

SITE SPECIFIC SELECTION OF CLIMATE ADAPTED PLANT MATERIAL BASED ON ZONE, SOIL, AND SOLAR CONDITIONS WILL BE USED WHERE POSSIBLE TO OPTIMIZE WATER AND RESOURCE USE EFFICIENCY. THE LOCATION OF DECIDUOUS TREES TO COVER SOUTHERN EXPOSED BUILDINGS COOLS IN THE SUMMER AND ALLOWS THE SUN'S RAYS TO WARM IN THE WINTER. LANDSCAPE IRRIGATION WILL IMPLEMENT SMART CONTROLLER TECHNOLOGY, RAIN SHUT OFF SENSORS, AND USE EFFICIENT DISTRIBUTION METHODS SUCH AS DRIP TUBING AND ROTARY TYPE NOZZLES.

GREEN WASTE REDUCTION CAN BE ACHIEVED THROUGH PROPER PLANT SELECTION AND SPACING. TAKING INTO ACCOUNT THE MATURE SIZE OF PLANT MATERIAL WILL ALLOW PLANTS TO HAVE THE SPACE THEY NEED TO GROW, PRODUCING LOWER LEVELS OF PRUNING AND REMOVAL OF GREEN WASTE AS WELL AS MAINTAINING PROPER DISTANCE FROM HARDSCAPE. OTHER SUGGESTED GREEN MAINTENANCE PRACTICES TO BE IMPLEMENTED ARE: MULCHING MOWERS FOR TURF AREAS, MULCH COVER OF 3 INCH DEPTH IN PLANTED AREAS, SOIL PREPARATION UTILIZING ORGANIC PEST CONTROL PRACTICES, AND AMENDING PLANTED AREAS WITH ORGANIC COMPOST.

THE LANDSCAPE WILL COMPLEMENT THE CLEAN LINES, AND SOOTHING NEUTRAL COLOR SCHEME OF THE ARCHITECTURE. SELECTION OF DROUGHT TOLERANT AND NATIVE PLANTING FULL OF COLOR AND TEXTURE WILL STIMULATE AND SENSES AS WELL AS BENEFIT WILDLIFE. BUILDING ENTRANCES WILL BE PLANTED TO SOFTEN THE ARCHITECTURE AND FORM WELCOMING POINTS OF ENTRY. PEDESTRIAN NETWORKS INCLUDING TREE LINED PASEOS WILL CONNECT POINTS OF INTEREST WHILE KEEPING OPEN SIGHT LINES TO ENHANCE ONE'S EXPERIENCE AND GIVE ONE AN EASE OF TRANSIT AND SECURITY THROUGHOUT THE SITE.

PROPOSED LANDSCAPING WILL GREATLY IMPROVE THE CONDITION OF THIS CURRENTLY UNDERUSED SITE. THE IMPROVEMENTS WILL BENEFIT INTENDED RESIDENTS, AS WELL AS THE GREATER COMMUNITY. TREE LINED EDGE CONDITIONS WILL ENHANCE EVEN THE CASUAL PASSERBY'S EXPERIENCE. LANDSCAPE WILL BE UTILIZED TO ENHANCE AND FRAME VIEWS FROM WITHIN AND INTO THE SITE AS WELL AS TO SCREEN PARKING, SERVICE AREAS, AND SOLID BUILDING SURFACES, PARTICULAR ATTENTION IS GIVEN TO SCREEN THE EXISTING GAS STATION ON THE NORTH CORNER OF THE SITE. HARDSCAPE AREAS WILL USE PERMEABLE PAVING WHENEVER POSSIBLE TO INCREASE WATER INFILTRATION AND REDUCE WATER RUNOFF. RECYCLED MATERIALS WILL BE USED WHENEVER POSSIBLE OR APPROPRIATE. RECYCLING A MINIMUM OF 50% OF LANDSCAPE CONSTRUCTION WASTE IS STRONGLY ENCOURAGED WHENEVER POSSIBLE.

INTEGRATED STORM WATER TREATMENT ON SITE WILL SERVE A DOUBLE FUNCTION IN CLEANING RUNOFF THROUGH ATTRACTIVELY PLANTED VEGETATED SWALES OPENING TO TURF AREAS FOR PLAY AND SMALLER CONTEMPLATIVE SPACES TO RELAX. OUTDOOR SPACES ARE ALSO PROVIDED FOR BARBEQUING, OUTDOOR DINING, SWIMMING, AND LOUNGING.



@ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

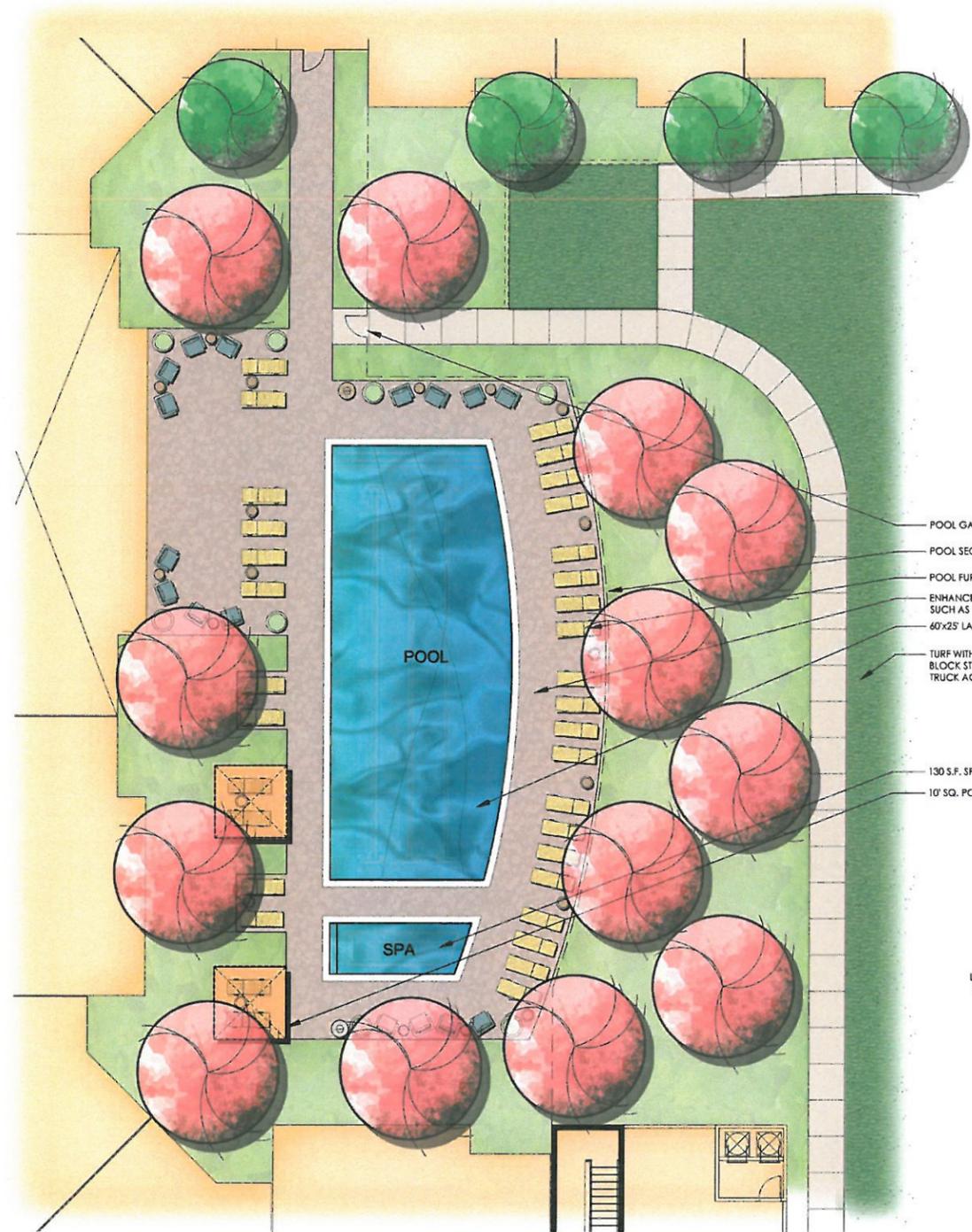


PRELIMINARY LANDSCAPE PLAN ENLARGEMENTS

SCALE: 1" = 10'-0"

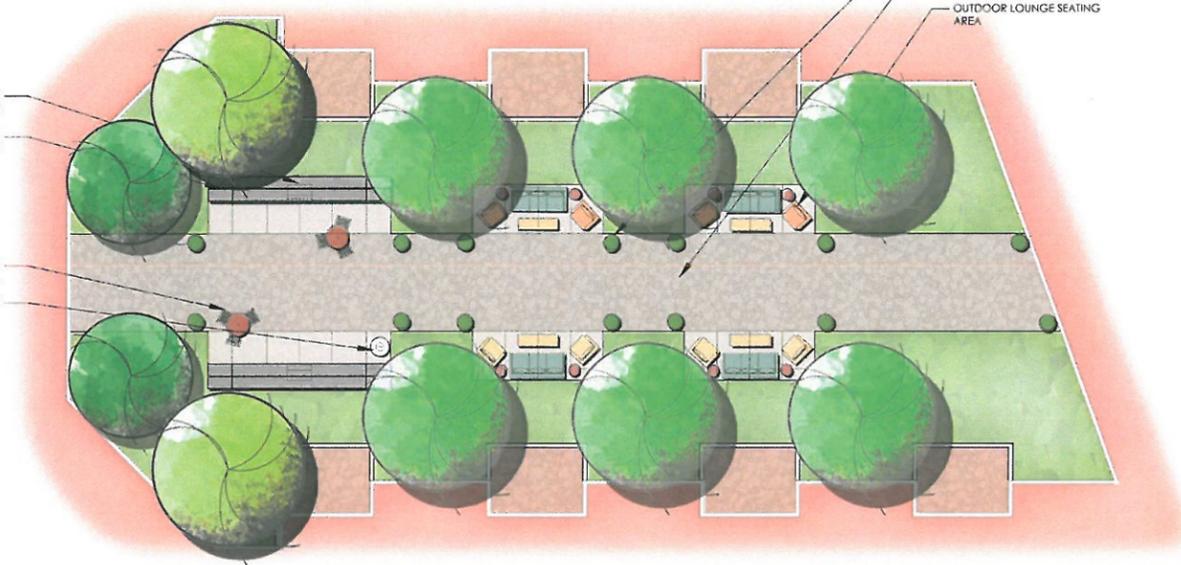
UA JOB NO: 12.004 MAY 6, 2013

L2



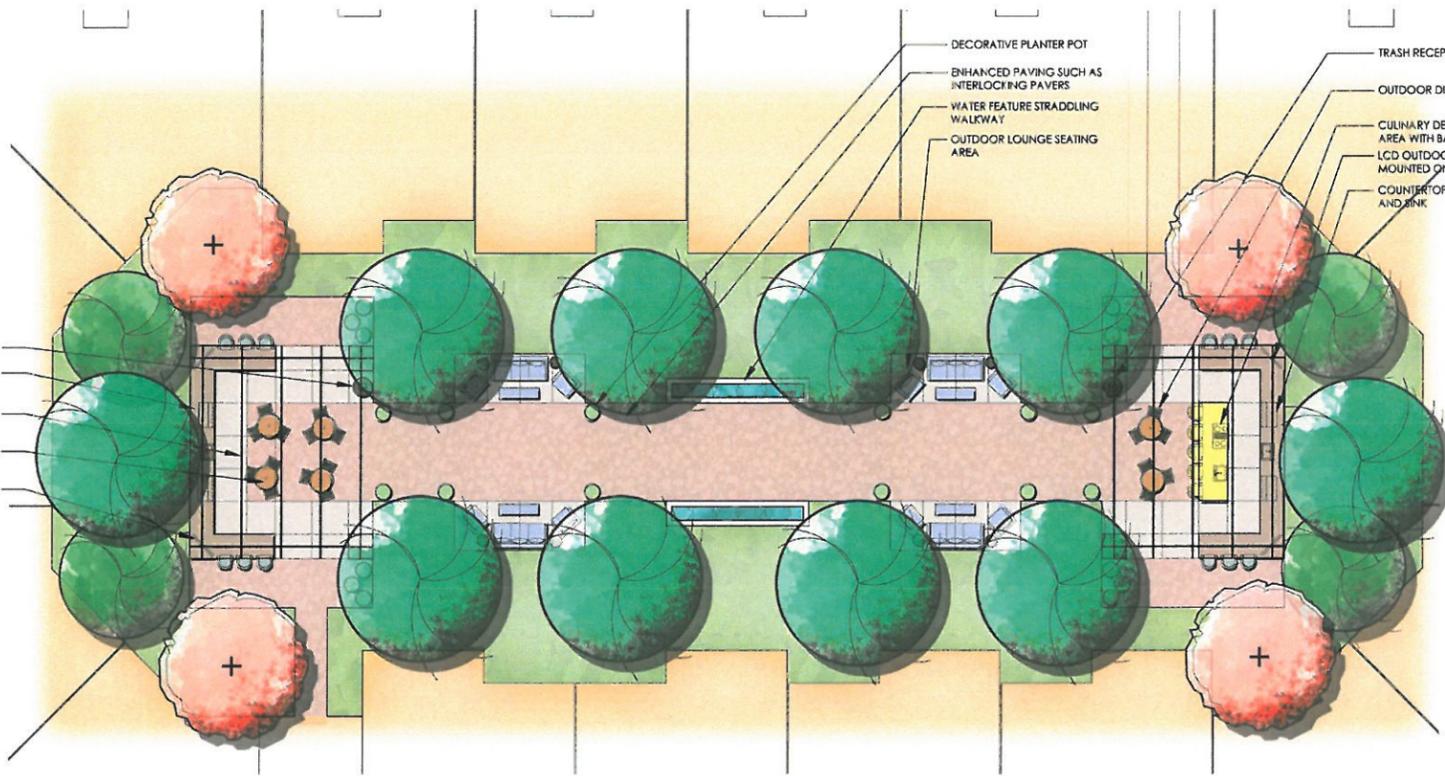
POOL COURTYARD

- COUNTERTOP WITH BARBEQUE
- OVERHEAD SHADE STRUCTURE
- OUTDOOR DINING AREA
- TRASH RECEPTACLE
- POOL GATE
- POOL SECURITY FENCE
- POOL FURNITURE (BY OTHERS)
- ENHANCED POOL DECK PAVING SUCH AS INTERLOCKING PAVERS
- 60'X25' LAP POOL
- TURF WITH UNDERLYING TURF BLOCK STRUCTURE FOR FIRE TRUCK ACCESS
- 130 S.F. SPA
- 10' SQ. POOL CABANA
- TRASH RECEPTACLE
- COUNTERTOP WITH 2 BARBECUES & SINK
- OVERHEAD SHADE STRUCTURE
- OUTDOOR DINING AREA
- LCD OUTDOOR TELEVISION MOUNTED ON OVERHEAD



UPPER DECK COURTYARD

- DECORATIVE PLANTER POT
- ENHANCED PAVING SUCH AS INTERLOCKING PAVERS
- OUTDOOR LOUNGE SEATING AREA



CULINARY COURTYARD

- DECORATIVE PLANTER POT
- ENHANCED PAVING SUCH AS INTERLOCKING PAVERS
- WATER FEATURE STRADDLING WALKWAY
- OUTDOOR LOUNGE SEATING AREA
- TRASH RECEPTACLE
- OUTDOOR DINING AREA
- CULINARY DEMONSTRATION AREA WITH BAR SEATING
- LCD OUTDOOR TELEVISION MOUNTED ON OVERHEAD
- COUNTERTOP WITH 2 BARBECUES AND SINK



@ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



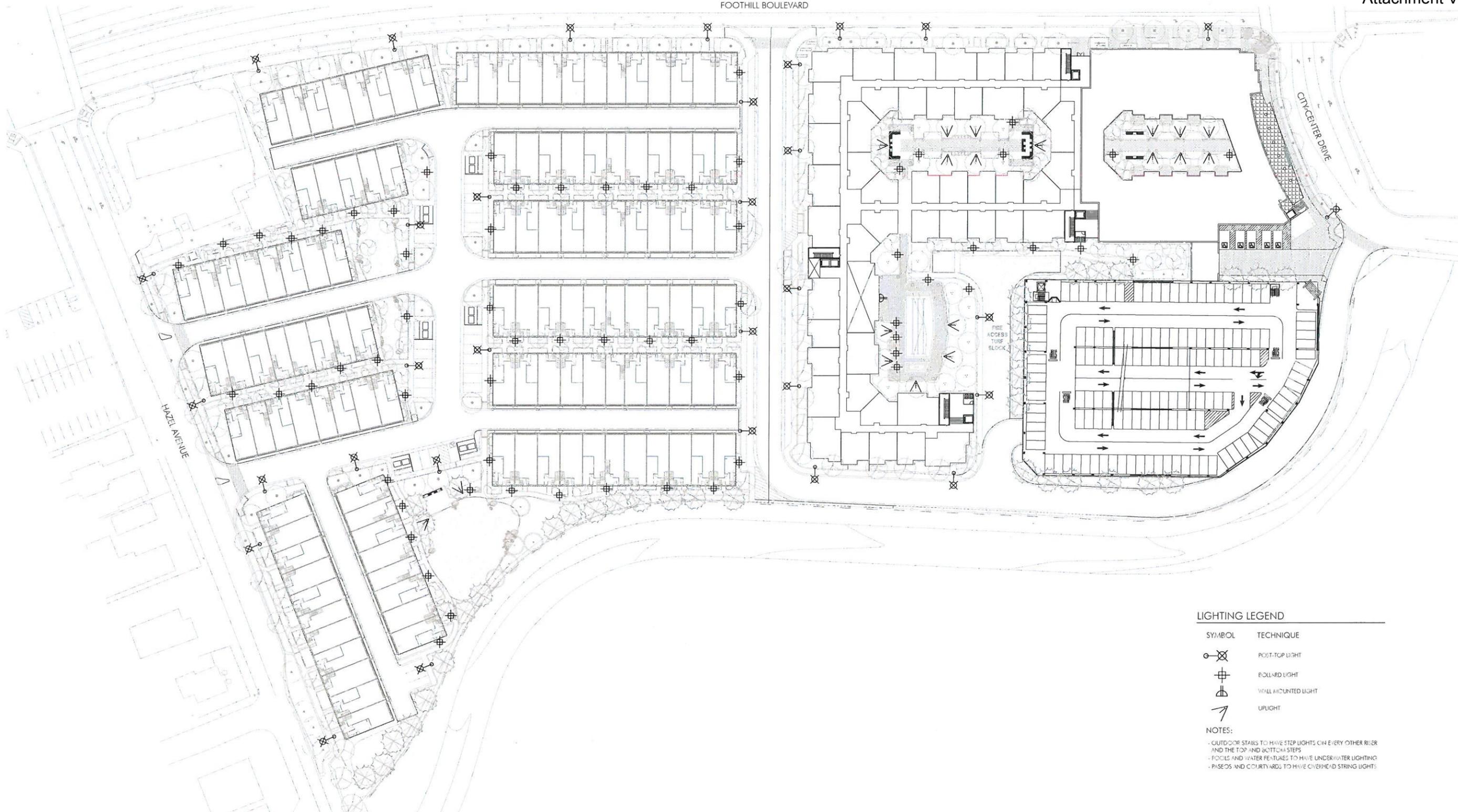
PRELIMINARY LANDSCAPE PLAN ENLARGEMENTS

SCALE: 1" = 10'-0"

0 5 10 20 30

UA JOB NO: 12-004 MAY 6, 2013

L3



LIGHTING LEGEND

SYMBOL	TECHNIQUE
	POST-TOP LIGHT
	POLLARD LIGHT
	WALL MOUNTED LIGHT
	UPLIGHT

NOTES:

- OUTDOOR STAIRS TO HAVE STEP LIGHTS ON EVERY OTHER RISE AND THE TOP AND BOTTOM STEPS
- POOLS AND WATER FEATURES TO HAVE UNDERWATER LIGHTING
- PASEOS AND COURTYARDS TO HAVE OVERHEAD STRING LIGHTS

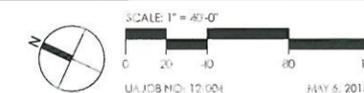


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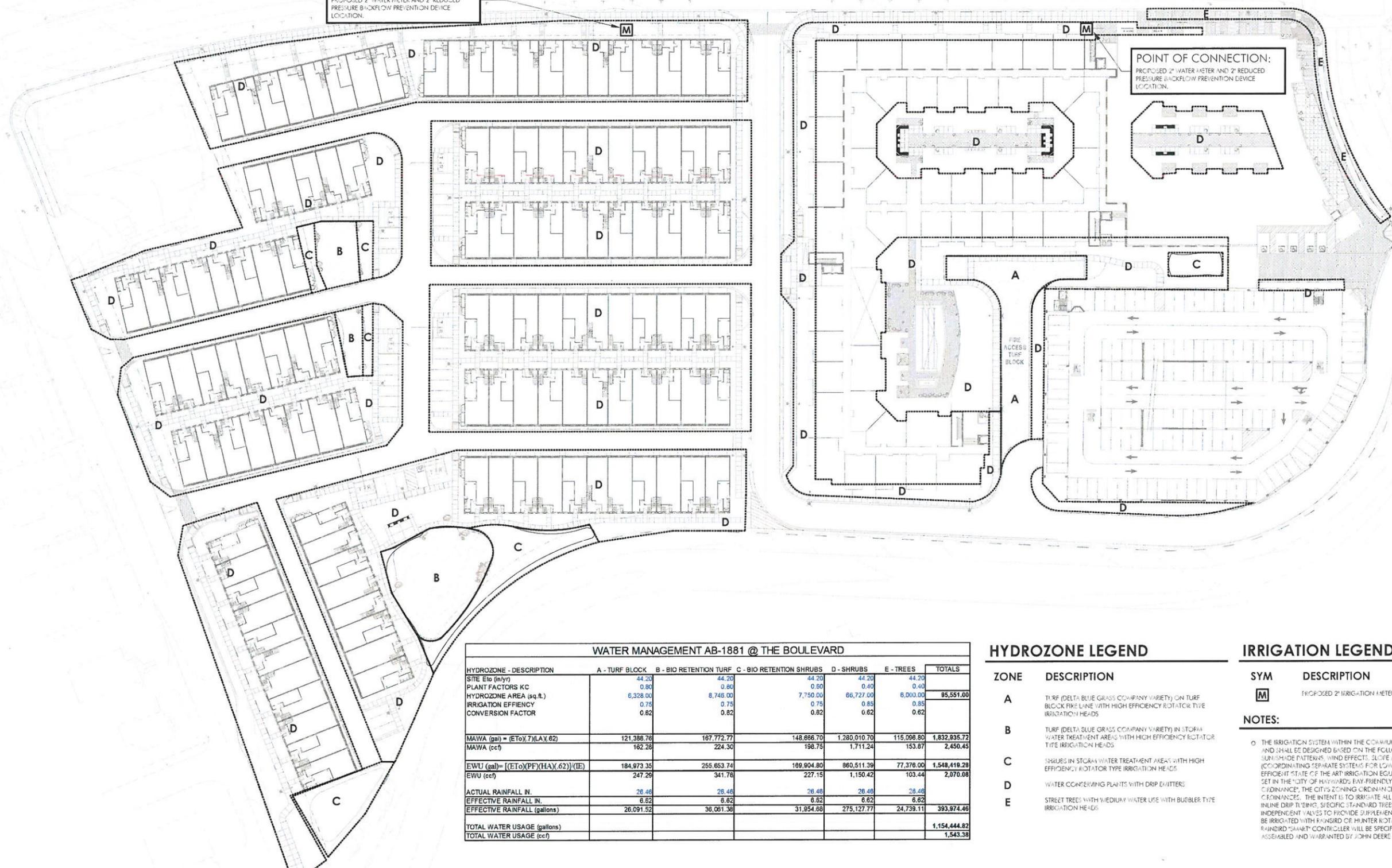
PRELIMINARY LIGHTING PLAN



L4

POINT OF CONNECTION:
PROPOSED 2" WATER METER AND 2" REDUCED
PRESSURE BACKFLOW PREVENTION DEVICE
LOCATION.

POINT OF CONNECTION:
PROPOSED 2" WATER METER AND 2" REDUCED
PRESSURE BACKFLOW PREVENTION DEVICE
LOCATION.



WATER MANAGEMENT AB-1881 @ THE BOULEVARD						
HYDROZONE - DESCRIPTION	A - TURF BLOCK	B - BIO RETENTION TURF	C - BIO RETENTION SHRUBS	D - SHRUBS	E - TREES	TOTALS
SITE Eto (in/yr)	44.20	44.20	44.20	44.20	44.20	44.20
PLANT FACTORS KC	0.80	0.80	0.80	0.80	0.40	0.40
HYDROZONE AREA (sq. ft.)	6,328.00	8,748.00	7,150.00	66,727.00	8,000.00	95,551.00
IRRIGATION EFFICIENCY	0.75	0.75	0.75	0.85	0.85	0.85
CONVERSION FACTOR	0.82	0.82	0.82	0.62	0.62	0.62
MAWA (gal) = (ETo)(LA)(Kc)	121,388.78	167,772.77	148,686.70	1,280,010.70	115,098.80	1,832,935.72
MAWA (ccf)	162.28	224.30	198.75	1,711.24	153.87	2,450.45
EWU (gal) = [(ETo)(PF)(HA)(Kc)](IE)	184,973.35	255,853.74	189,904.80	980,511.39	77,376.00	1,548,419.28
EWU (ccf)	247.29	341.78	227.15	1,150.42	103.44	2,070.08
ACTUAL RAINFALL IN.	26.48	26.48	26.48	26.48	26.48	26.48
EFFECTIVE RAINFALL IN.	6.62	6.62	6.62	6.62	6.62	6.62
EFFECTIVE RAINFALL (gallons)	26,091.52	36,061.38	31,954.88	275,127.77	24,739.11	393,974.46
TOTAL WATER USAGE (gallons)						1,154,444.82
TOTAL WATER USAGE (ccf)						1,543.38

HYDROZONE LEGEND

- ZONE A** TURF (DELTA BLUE GRASS COMPANY VARIETY) ON TURF BLOCK FIRE LINE WITH HIGH EFFICIENCY ROTATOR TYPE IRRIGATION HEADS
- ZONE B** TURF (DELTA BLUE GRASS COMPANY VARIETY) IN STORM WATER TREATMENT AREAS WITH HIGH EFFICIENCY ROTATOR TYPE IRRIGATION HEADS
- ZONE C** SHRUBS IN STORM WATER TREATMENT AREAS WITH HIGH EFFICIENCY ROTATOR TYPE IRRIGATION HEADS
- ZONE D** WATER CONSERVING PLANTS WITH DRIP EMITTERS
- ZONE E** STREET TREES WITH MEDIUM WATER USE WITH BUBBLER TYPE IRRIGATION HEADS

IRRIGATION LEGEND

- SYM** DESCRIPTION
- [M]** PROPOSED 2" IRRIGATION METER LOCATION AT EXISTING POINT OF CONNECTION

NOTES:

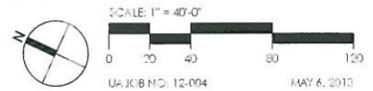
○ THE IRRIGATION SYSTEM WITHIN THE COMMUNITY WILL UTILIZE DOMESTIC (POT-ABLE) WATER AND SHALL BE DESIGNED BASED ON THE FOLLOWING CONSIDERATIONS: SOIL PERMEATION, SUNSHADE PATTERNS, WIND EFFECTS, SLOPE ASPECT, AND PLANT HYDRIC ZONES (COORDINATING SEPARATE SYSTEMS FOR LOW, MEDIUM AND HIGH WATER USE PLANTS). EFFICIENT STATE OF THE ART IRRIGATION EQUIPMENT WILL COMPLY WITH THE STANDARDS SET IN THE CITY OF HAYWARD'S ENVIRONMENTALLY FRIENDLY MODEL WATER EFFICIENT LANDSCAPE ORDINANCE, THE CITY'S ZONING ORDINANCE AND WATER EFFICIENT LANDSCAPE ORDINANCE. THE INTENT IS TO IRRIGATE ALL SHRUB AREAS WITH RAISED (OR E-QUIV) IN-LINE DRIP TUBING. SPECIFIC STANDARD TREES WILL BE IRRIGATED WITH STREAM BUBBLERS ON INDEPENDENT VALVES TO PROVIDE SUPPLEMENTAL WATER AS REQUIRED, AND TURF AREAS WILL BE IRRIGATED WITH RAISED OR HUNTER ROTARY AND SPR NOZZLES. A RAINMASTER OR RAINDIRD "SMART" CONTROLLER WILL BE SPECIFIED HOUSED IN A STURDY ENCLOSURE ASSEMBLED AND WARRANTED BY JOHN DEERE UNITED GREENTECH.



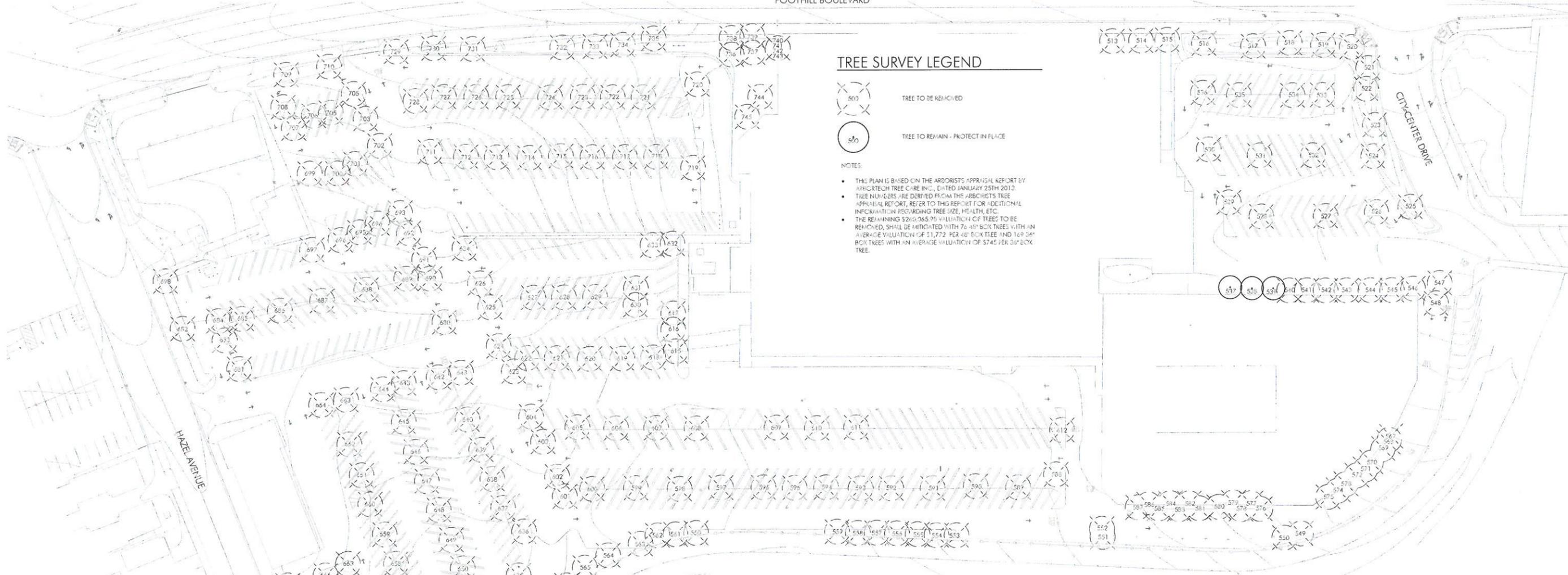
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CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

PRELIMINARY IRRIGATION PLAN



L5



TREE SURVEY LEGEND

-  TREE TO BE REMOVED
-  TREE TO REMAIN - PROTECT IN PLACE

NOTES:

- THIS PLAN IS BASED ON THE ARBORIST'S APPRAISAL REPORT BY ARKTECH TREE CARE INC., DATED JANUARY 25TH 2013.
- TREE NUMBERS ARE DERIVED FROM THE ARBORIST'S TREE APPRAISAL REPORT, REFER TO THIS REPORT FOR ADDITIONAL INFORMATION REGARDING TREE SIZE, HEALTH, ETC.
- THE REMAINING 5260 065 79 VALUATION OF TREES TO BE REMOVED, SHALL BE MITIGATED WITH 76 45" BOX TREES WITH AN AVERAGE VALUATION OF \$1,772 PER 45" BOX TREE AND 169 36" BOX TREES WITH AN AVERAGE VALUATION OF \$745 PER 36" BOX TREE.

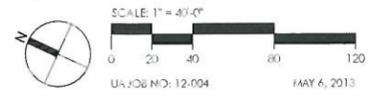
Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 if over \$5000; to \$10 if < \$5000)	Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 if over \$5000; to \$10 if < \$5000)	Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 if over \$5000; to \$10 if < \$5000)	Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 if over \$5000; to \$10 if < \$5000)	Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 if over \$5000; to \$10 if < \$5000)	Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 if over \$5000; to \$10 if < \$5000)	Tree #	Species Abbreviation	Appraised Value (Rounded to \$100 if over \$5000; to \$10 if < \$5000)
513	Pyrus k	\$1,149.00	343	Pinus c	\$2,520.00	576	Cupps s	\$745.00	609	Pyrus c	\$745.00	642	Ginkgo	\$745.00	675	Seq s	\$23,000.00	708	Plt c	\$745.00
514	Plt g	\$1,480.00	344	Pinus c	\$5,300.00	577	Cupps s	\$745.00	610	Pyrus c	\$745.00	643	Ginkgo	\$745.00	676	Pyrus c	\$745.00	709	Mag g	\$745.00
515	Pyrus k	\$1,110.00	345	Pinus c	\$4,710.00	578	Cupps s	\$745.00	611	Pyrus c	\$745.00	644	Ginkgo	\$745.00	677	Lag i	\$745.00	710	Mag g	\$600.00
516	Mag g	\$745.00	346	Pinus c	\$4,710.00	579	Cupps s	\$745.00	612	Plt c	\$745.00	645	Laur n	\$745.00	678	Rob p	\$745.00	711	Liq s	\$1,330.00
517	Rob p	\$745.00	347	Pinus c	\$7,800.00	580	Cupps s	\$745.00	613	Pod g	\$745.00	646	Laur n	\$745.00	679	Rob p	\$745.00	712	Pyrus c	\$745.00
518	Mag g	\$745.00	348	Pinus c	\$6,400.00	581	Cupps s	\$745.00	614	Pod g	\$745.00	647	Laur n	\$745.00	680	Ginkgo	\$745.00	713	Pyrus c	\$745.00
519	Mag g	\$970.00	349	Pinus c	\$2,520.00	582	Cupps s	\$745.00	615	Pyrus c	\$745.00	648	Laur n	\$745.00	681	Plt c	\$745.00	714	Pyrus c	\$745.00
520	Mag g	\$800.00	350	Pinus c	\$1,840.00	583	Cupps s	\$745.00	616	Pyrus c	\$745.00	649	Laur n	\$745.00	682	Rob p	\$745.00	715	Pyrus c	\$745.00
521	Rob p	\$745.00	351	Pinus c	\$745.00	584	Cupps s	\$745.00	617	Pyrus c	\$745.00	650	Laur n	\$745.00	683	Plt c	\$745.00	716	Pyrus c	\$745.00
522	Mag g	\$745.00	352	Pinus c	\$2,520.00	585	Cupps s	\$745.00	618	Pyrus c	\$745.00	651	Plt c	\$745.00	684	Plt c	\$745.00	717	Pyrus c	\$745.00
523	Mag g	\$745.00	353	Xyl c	\$745.00	586	Cupps s	\$745.00	619	Pyrus c	\$745.00	652	Plt c	\$745.00	685	Laur n	\$745.00	718	Pyrus c	\$745.00
524	Acer r	\$700.00	354	Xyl c	\$745.00	587	Cupps s	\$745.00	620	Pyrus c	\$745.00	653	Plt c	\$745.00	686	Laur n	\$745.00	719	Hal r	\$5,400.00
525	Plt r	\$3,500.00	355	Xyl c	\$745.00	588	Plt c	\$745.00	621	Pyrus c	\$745.00	654	Plt c	\$745.00	687	Laur n	\$745.00	720	Liq s	\$1,190.00
526	Pyrus c	\$745.00	356	Xyl c	\$745.00	589	Pyrus c	\$745.00	622	Pyrus c	\$745.00	655	Pyrus c	\$745.00	688	Laur n	\$745.00	721	Pyrus c	\$745.00
527	Quercus p	\$745.00	357	Xyl c	\$745.00	590	Pyrus c	\$745.00	623	Ginkgo	\$745.00	656	Pyrus c	\$745.00	689	Laur n	\$745.00	722	Pyrus c	\$745.00
528	Quercus p	\$745.00	358	Xyl c	\$745.00	591	Pyrus c	\$745.00	624	Ginkgo	\$745.00	657	Pyrus c	\$745.00	690	Ginkgo	\$745.00	723	Pyrus c	\$745.00
529	Pyrus c	\$745.00	359	Xyl c	\$745.00	592	Pyrus c	\$745.00	625	Ginkgo	\$745.00	658	Pyrus c	\$745.00	691	Ginkgo	\$745.00	724	Pyrus c	\$745.00
530	Pyrus c	\$745.00	360	Plt u	\$3,320.00	593	Pyrus c	\$745.00	626	Ginkgo	\$745.00	659	Pyrus c	\$745.00	692	Ginkgo	\$745.00	725	Pyrus c	\$745.00
531	Quercus p	\$745.00	361	Plt u	\$745.00	594	Pyrus c	\$745.00	627	Pyrus c	\$745.00	660	Pyrus c	\$745.00	693	Plt r	\$3,000.00	726	Pyrus c	\$745.00
532	Quercus p	\$745.00	362	Plt u	\$3,710.00	595	Pyrus c	\$745.00	628	Pyrus c	\$745.00	661	Pyrus c	\$745.00	694	Laur n	\$745.00	727	Pyrus c	\$745.00
533	Pinus c	\$2,800.00	363	Plt u	\$1,220.00	596	Plt u	\$745.00	629	Pyrus c	\$745.00	662	Pyrus c	\$745.00	695	Laur n	\$745.00	728	Plt r	\$1,500.00
534	Pyrus c	\$1,900.00	364	Quercus o	\$3,160.00	597	Pyrus c	\$745.00	630	Plt c	\$745.00	663	Ginkgo	\$745.00	696	Liq s	\$1,120.00	729	Wash r	\$745.00
535	Pinus c	\$2,560.00	365	Plt u	\$4,500.00	598	Pyrus k	\$745.00	631	Plt c	\$745.00	664	Ginkgo	\$745.00	697	Plt c	\$745.00	730	Rob p	\$745.00
536	Plt r	\$1,040.00	366	Quercus d	\$6,100.00	599	Pyrus k	\$745.00	632	Laur n	\$745.00	665	Plt c	\$745.00	698	Rob p	\$745.00	731	Rob p	\$745.00
537	Pinus c	\$5,300.00	367	Quercus d	\$745.00	600	Pyrus k	\$745.00	633	Laur n	\$745.00	666	Plt c	\$745.00	699	Plt r	\$950.00	732	Rob p	\$745.00
538	Pinus c	\$4,710.00	368	Cupps s	\$745.00	601	Ginkgo	\$745.00	634	Ginkgo	\$745.00	667	Pyrus c	\$745.00	700	Laur n	\$745.00	733	Rob p	\$745.00
539	Pinus c	\$4,010.00	369	Cupps s	\$745.00	602	Ginkgo	\$745.00	635	Plt c	\$745.00	668	Pyrus c	\$745.00	701	Laur n	\$745.00	734	Mag g	\$600.00
540	Pinus c	\$3,750.00	370	Cupps s	\$745.00	603	Ginkgo	\$745.00	636	Plt c	\$745.00	669	Pyrus c	\$745.00	702	Liq s	\$745.00	735	Rob p	\$745.00
541	Pinus c	\$5,800.00	371	Cupps s	\$745.00	604	Ginkgo	\$745.00	637	Laur n	\$745.00	670	Plt c	\$745.00	703	Ginkgo	\$745.00	736	Plt n t	\$745.00
542	Pinus c	\$4,710.00	372	Cupps s	\$745.00	605	Pyrus c	\$745.00	638	Laur n	\$745.00	671	Plt c	\$745.00	704	Plt r	\$2,510.00	737	Plt n t	\$745.00
			373	Cupps s	\$745.00	606	Pyrus c	\$745.00	639	Laur n	\$745.00	672	Lag i	\$745.00	705	Pyrus c	\$745.00	738	Plt n t	\$950.00
			374	Cupps s	\$745.00	607	Pyrus c	\$745.00	640	Laur n	\$745.00	673	Lag i	\$745.00	706	Pyrus c	\$745.00	739	Plt n t	\$745.00
			375	Cupps s	\$745.00	608	Pyrus c	\$745.00	641	Ginkgo	\$745.00	674	Lag i	\$745.00	707	Plt r	\$1,640.00	740	Pod g	\$745.00

APPRAISAL SUB-TOTAL \$300,056.22
 LESS TREES TO REMAIN 5 40,000.24
 TOTAL MITIGATION REQUIRED \$260,056.98

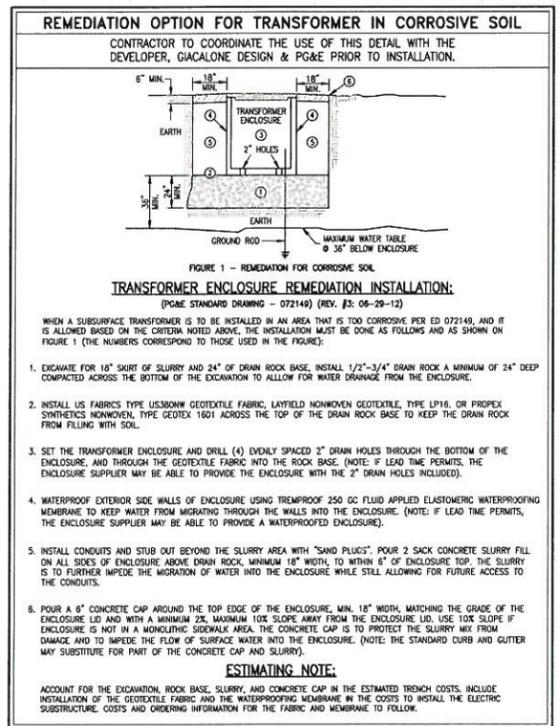
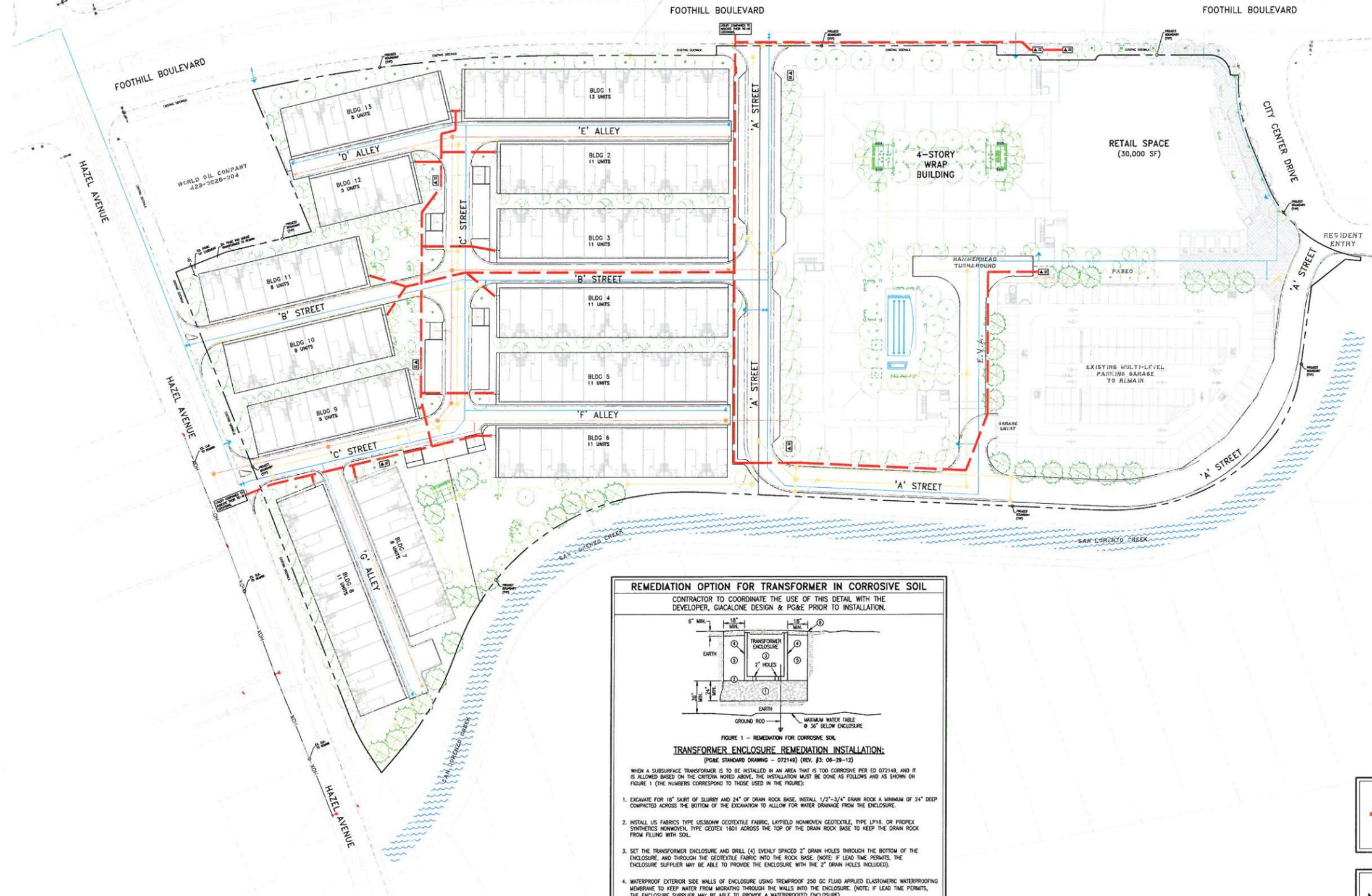
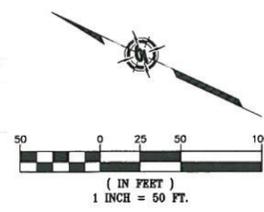


@ THE BOULEVARD
 CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

TREE MITIGATION PLAN



L6



LEGEND

--- PROPOSED JOINT TRENCH ROUTE

▣ PROPOSED 4'6"x6'6"x7'6" PG&E SUBSURFACE UCD TRANSFORMER

**PRELIMINARY PLANS
 NOT FOR CONSTRUCTION**

CALL BEFORE YOU DIG

TWO DAYS BEFORE YOU DIG
 CALL USA TOLL FREE
811

CALL BEFORE YOU DIG



SYMBOL	DATE	REVISIONS DESCRIPTION

GIACALONE
 UTILITY DESIGN + PLANNING

9620 STONERIDGE HALL, RD., SUITE 345
 PHOENIX (602) 487-1740 • FAX (602) 487-1741

CONCEPTUAL JOINT TRENCH ROUTE

INTEGRAL COMMUNITIES
 THE BOULEVARD
 22301 FOOTHILL BOULEVARD
 HAYWARD CALIFORNIA

PROJECT MANAGER:
 P. GIACALONE

DRAWN BY:
 CVN

CHECKED BY:
 PG

SCALE:
 1"=50'

JOB NUMBER:
 12-013

DATE LAST MODIFIED:
 01-25-13

SHEET
EXH

OF 1 SHEETS



VICINITY MAP
NOT TO SCALE

WE, 22301 FOOTHILL HAYWARD, LLC, AGREE TO THE FILING OF SAID MAP AND 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: _____ DATE: _____
AS IT APPLIES TO THE REAL PROPERTY IDENTIFIED AS A.P.N #428-0026-068-01

WE, MDS REALTY II, LLC, AGREE TO THE FILING OF SAID MAP AND 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: _____ DATE: _____
AS IT APPLIES TO THE REAL PROPERTY IDENTIFIED AS A.P.N #428-0026-067-03

I, RYAN HANSEN, CERTIFY THAT THIS TENTATIVE MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT COMPLIES WITH THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT.
BY: RYAN HANSEN, RCE #80557 DATE: _____

THIS TENTATIVE MAP SUBMITTAL HAS BEEN PREPARED IN ACCORDANCE WITH THE DUE DILIGENCE LEVEL REPORT DATED FEBRUARY 10, 2012 AND A SUPPLEMENTAL GEOTECHNICAL RECOMMENDATION DATED MARCH 13, 2013.
BY: WILLIAM R. STEVENS, RCE #2339 DATE: _____

VESTING TENTATIVE TRACT MAP 8129 FOR CONDOMINIUM PURPOSES @ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

FOR THE CONSTRUCTION OF 445 UNITS AND COMMERCIAL USE

CONTACTS:

- OWNER (PARCEL 1): 22301 FOOTHILL HAYWARD, LLC, C/O CHAVEZ MANAGEMENT GROUP, 1860 EL CAMINO REAL, STE 250, BURLINGAME, CA 94010, ATTN: DR. MARCO CHAVEZ
- OWNER (PARCEL 2): MDS REALTY II, LLC, C/O KLAFF REALTY, LP, 122 SOUTH MICHIGAN AVENUE, STE 1000, CHICAGO, IL 60603, ATTN: LESLIE MARSHAL
- APPLICANT: INTEGRAL COMMUNITIES, 675 HARTZ AVENUE, STE 202, DANVILLE, CA 94526, ATTN: PETER LEZAK
- CIVIL ENGINEER: CARLSON, BARBEE & GIBSON, INC., 2533 CAMINO RAMON, SUITE 350, SAN RAMON, CA 94583, ATTN: RYAN HANSEN, REGISTRATION #80557
- GEOTECHNICAL ENGINEER: BERLOGAR STEVENS AND ASSOCIATES, 587 SUNOL BLVD., PLEASANTON, CA 94566, ATTN: WILLIAM R. STEVENS, REGISTRATION #2339

GENERAL NOTES:

- BENCHMARK: CITY OF HAYWARD BENCHMARK - PLATE MONUMENT AT THE CENTERLINE INTERSECTION OF CITY CENTER DRIVE AND FOOTHILL BOULEVARD. EL: 118.45 (NGVD 29)
- BASIS OR BEARINGS: THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS IN FOOTHILL BOULEVARD AS SHOWN HEREON. THE BEARING BEING N24°44'45"W PER PARCEL MAP 9058 (292 MAPS 77).
- SITE ADDRESS: 22301 FOOTHILL BOULEVARD, HAYWARD, CA.
- A.P.N.: 428-0026-067-03 & 428-0026-068-01
- SITE AREA: GROSS: 11.33± AC (NET 11.27± AC)
- EXISTING/PROPOSED ZONING: CENTRAL CITY - COMMERCIAL CC
- EXISTING LAND USE: VACANT OFFICE BUILDING
- PROPOSED LAND USE: MULTI-FAMILY RESIDENTIAL & RETAIL
- RESIDENTIAL UNITS: MULTI-FAMILY: 321 UNITS (30,000 SF RETAIL) - PARCEL 1
TOWNHOMES: 124 UNITS
TOTAL: 445 UNITS
- DENSITY: MULTI-FAMILY: 61.3 DU/AC - PARCEL 1
TOWNHOMES: 20.6 DU/AC
- STREETS: PRIVATE STREETS ARE TO BE PRIVATELY MAINTAINED. THE MINIMUM LONGITUDINAL SLOPE OF ALL STREETS IS 0.50%.
- STREET TREES AND LIGHTS: STREET TREES AND LIGHTS ARE TO BE PRIVATELY MAINTAINED.
- SEWER: ORO LOMA SERVICES DISTRICT
- STORM DRAIN: CITY OF HAYWARD
- WATER: EAST BAY MUNICIPAL UTILITIES DISTRICT
- GAS & ELECTRIC: PACIFIC GAS & ELECTRIC
- TELEPHONE: TBD
- CABLE TV: TBD
- FLOOD ZONE: LOMA DETERMINATION - 5/5/12, CASE NO.12-09-1833A. THE SITE IS IN ZONE X. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN. COMMUNITY PANEL NO: 06001C 0287 G DATED AUGUST 3, 2009
- EXISTING STRUCTURES: ALL EXISTING BUILDINGS ON-SITE ARE TO BE REMOVED, EXCEPT FOR THE EXISTING PARKING GARAGE.
- CONTOURS: EXISTING CONTOUR INTERVAL: 2 FOOT
- GRADING: PROPOSED GRADING AS SHOWN IS PRELIMINARY. FINISHED GRADING IS SUBJECT TO FINAL DESIGN.
- HOA'S: A HOMEOWNER ASSOCIATION WILL BE FORMED TO OWN AND MAINTAIN PRIVATE STREETS, DRIVE AISLES, PRIVATE UTILITIES, STORM DRAINAGE FACILITIES AND LANDSCAPE WITHIN PARCELS A THROUGH I AND LOTS 1-13. A SEPARATE HOMEOWNERS ASSOCIATION WILL BE FORMED TO OWN AND MAINTAIN PRIVATE STREETS, DRIVE AISLES, PRIVATE UTILITIES, STORM DRAINAGE FACILITIES AND LANDSCAPE WITHIN PARCEL 1.
- WALLS: ALL WALLS ARE TO BE PRIVATELY MAINTAINED BY THE HOA.
- DIMENSIONS: DIMENSIONS AS SHOWN ARE PRELIMINARY AND SUBJECT TO THE FINAL MAP.
- FINAL MAP: THE DEVELOPER IS TO FILE TWO FINAL MAPS UPON APPROVAL OF THE VESTING TENTATIVE MAP.
- CONDOMINIUM MAP: A CONDOMINIUM MAP WILL BE RECORDED FOR LOTS 1 THROUGH 13 AND PARCEL 1. THE SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF RESIDENTIAL CONDOMINIUM DWELLING UNITS SHALL BE NO MORE THAN 124 UNITS FOR LOTS 1 THROUGH 13 AND 321 RESIDENTIAL CONDOMINIUM DWELLING UNITS AND 1 COMMERCIAL UNIT FOR PARCEL 1.

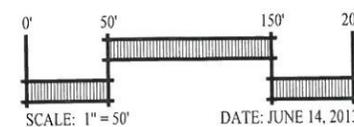
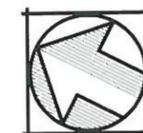
LINE DATA			LINE DATA			CURVE DATA			
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	RADIUS	DELTA	LENGTH
L1	N24°44'45"W	8.00'	L20	N22°08'38"W	78.71'	C1	20.00'	90°00'00"	31.42'
L2	N65°15'15"E	6.07'	L21	N22°12'58"W	58.01'	C2	160.00'	22°30'40"	62.86'
L3	N71°16'36"E	3.64'	L22	N38°43'44"W	24.80'	C3	118.00'	37°46'53"	77.81'
L4	N18°45'24"W	15.03'	L23	N60°31'29"W	53.22'	C4	118.00'	21°53'17"	45.08'
L5	N63°07'25"W	43.00'	L24	N77°04'11"W	50.65'	C5	135.00'	39°16'13"	92.53'
L6	N74°30'38"W	27.70'	L25	N89°44'41"E	41.28'	C6	206.00'	38°29'55"	138.42'
L7	N65°15'15"E	9.38'	L26	N65°38'27"E	16.96'	C7	291.72'	107°30'00"	38.19'
L8	N24°44'45"W	37.50'	L27	N72°07'55"E	37.16'	C8	302.02'	10°48'00"	56.93'
L9	N24°44'45"W	56.00'	L28	N65°16'07"E	139.85'	C9	232.00'	55°54'00"	226.35'
L10	N24°44'45"W	2.58'	L29	N24°44'45"W	19.08'	C10	302.02'	06°25'00"	33.82'
L11	N24°44'45"W	2.42'	L30	N65°15'15"E	20.00'	C11	300.00'	20°45'00"	108.65'
L12	N20°15'15"E	11.31'	L31	N24°44'45"W	120.00'	C12	269.00'	03°15'37"	15.31'
L13	N65°15'15"E	133.00'	L32	N24°44'45"W	18.92'	C13	201.00'	13°47'51"	48.40'
L14	N20°15'15"E	7.07'	L33	N65°15'15"E	108.50'	C14	5.00'	90°00'00"	7.85'
L15	N65°15'15"E	25.00'	L34	N24°44'45"W	8.41'	C15	25.00'	37°12'52"	16.24'
L16	N69°44'45"W	18.38'	L35	N65°41'39"E	24.24'	C16	25.00'	80°25'42"	35.09'
L17	N65°15'15"E	32.58'	L36	N22°12'58"W	78.10'	C17	176.00'	17°05'00"	52.48'
L18	N65°15'15"E	138.00'	L37	N22°12'58"W	94.55'	C18	163.00'	20°54'11"	59.47'
L19	N69°44'45"W	11.05'	L38	N22°08'38"W	26.03'	C19	25.00'	72°11'10"	31.50'
						C20	24.89'	96°02'54"	41.72'
						C21	28.00'	90°00'00"	43.98'
						C22	30.00'	07°30'38"	3.93'
						C23	10.00'	90°48'19"	15.85'
						C24	25.00'	87°28'13"	38.17'

LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	SUBDIVISION BOUNDARY
---	---	PROPERTY LINE
---	---	EMERGENCY VEHICLE ACCESS
---	---	PUBLIC ACCESS EASEMENT
---	---	PRIVATE INGRESS/EGRESS EASEMENT
---	---	PUBLIC UTILITY EASEMENT
---	---	STORM DRAIN EASEMENT
---	---	SANITARY SEWER EASEMENT
---	---	WATER LINE EASEMENT

SHEET INDEX

TM-1	VESTING TENTATIVE MAP
TM-2	EXISTING CONDITIONS
TM-3	PRELIMINARY SITE PLAN
TM-4	PRELIMINARY GRADING PLAN
TM-5	PRELIMINARY UTILITY PLAN
TM-6	GRADING AND STREET SECTIONS
TM-7	PRELIMINARY STORMWATER MANAGEMENT PLAN

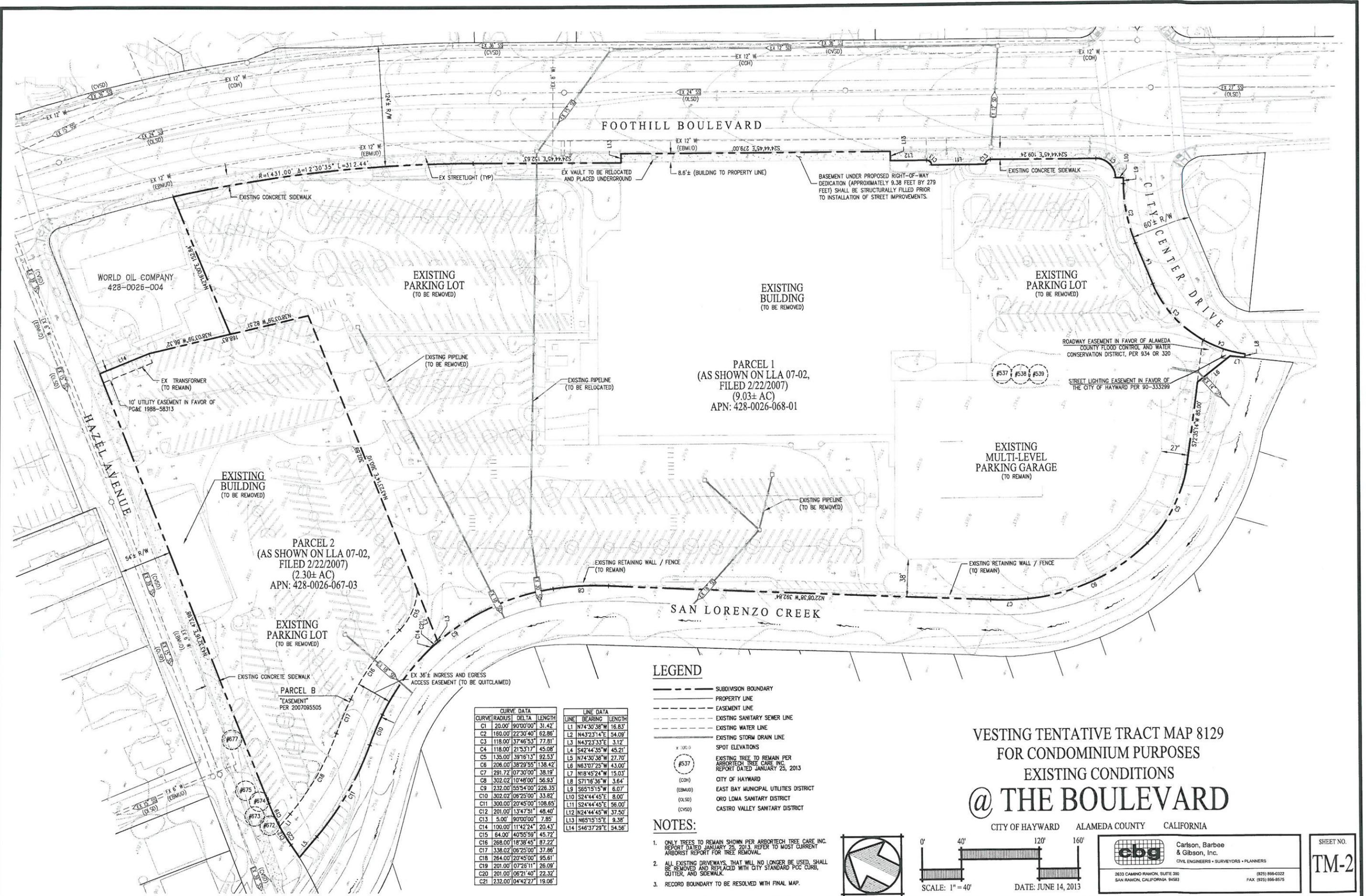


cbg Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS

2533 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583

(925) 886-0122
FAX (925) 886-8575

SHEET NO.
TM-1



FOOTHILL BOULEVARD

CITY CENTER DRIVE

SAN LORENZO CREEK

WORLD OIL COMPANY
428-0026-004

EXISTING
PARKING LOT
(TO BE REMOVED)

EXISTING
BUILDING
(TO BE REMOVED)

EXISTING
PARKING LOT
(TO BE REMOVED)

ROADWAY EASEMENT IN FAVOR OF ALAMEDA
COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT, PER 934 OR 320

STREET LIGHTING EASEMENT IN FAVOR OF
THE CITY OF HAYWARD PER 90-333299

PARCEL 1
(AS SHOWN ON LLA 07-02,
FILED 2/22/2007)
(9.03± AC)
APN: 428-0026-068-01

EXISTING
MULTI-LEVEL
PARKING GARAGE
(TO REMAIN)

PARCEL 2
(AS SHOWN ON LLA 07-02,
FILED 2/22/2007)
(2.30± AC)
APN: 428-0026-067-03

EXISTING
BUILDING
(TO BE REMOVED)

EXISTING
PARKING LOT
(TO BE REMOVED)

PARCEL B
"EASEMENT"
PER 2007095505

EXISTING CONCRETE SIDEWALK

EX 36"± INGRESS AND EGRESS
ACCESS EASEMENT (TO BE QUITCLAIMED)

LEGEND

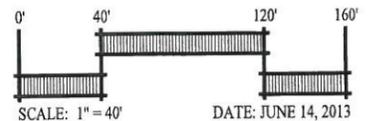
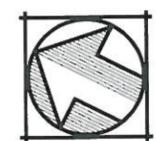
- SUBDIVISION BOUNDARY
- PROPERTY LINE
- EASEMENT LINE
- EXISTING SANITARY SEWER LINE
- EXISTING WATER LINE
- EXISTING STORM DRAIN LINE
- SPOT ELEVATIONS
- EXISTING TREE TO REMAIN PER ARBORTECH TREE CARE INC. REPORT DATED JANUARY 25, 2013
- (COH) CITY OF HAYWARD
- (EBMUD) EAST BAY MUNICIPAL UTILITIES DISTRICT
- (OLS) ORO LOMA SANITARY DISTRICT
- (CVSD) CASTRO VALLEY SANITARY DISTRICT

NOTES:

1. ONLY TREES TO REMAIN SHOWN PER ARBORTECH TREE CARE INC. REPORT DATED JANUARY 25, 2013. REFER TO MOST CURRENT ARBORIST REPORT FOR TREE REMOVAL.
2. ALL EXISTING DRIVEWAYS, THAT WILL NO LONGER BE USED, SHALL BE REMOVED AND REPLACED WITH CITY STANDARD POC CURB, GUTTER, AND SIDEWALK.
3. RECORD BOUNDARY TO BE RESOLVED WITH FINAL MAP.

CURVE DATA			LINE DATA			
CURVE	RADIUS	DELTA	LENGTH	LINE	BEARING	LENGTH
C1	20.00'	90°00'00"	31.42'	L1	N74°30'38"W	16.83'
C2	160.00'	22°30'40"	62.86'	L2	N43°23'14"E	54.09'
C3	118.00'	37°46'53"	77.81'	L3	N43°23'33"E	3.12'
C4	118.00'	21°53'17"	45.08'	L4	S42°44'35"W	45.21'
C5	135.00'	39°16'13"	92.53'	L5	N74°30'38"W	27.70'
C6	206.00'	38°29'55"	138.42'	L6	N63°07'25"W	43.00'
C7	291.72'	07°30'00"	38.19'	L7	N18°45'24"W	15.03'
C8	302.02'	10°48'00"	56.93'	L8	S71°16'36"W	3.64'
C9	232.02'	55°54'00"	226.35'	L9	S65°15'15"W	6.07'
C10	302.02'	08°25'00"	33.82'	L10	S24°44'45"E	8.00'
C11	300.00'	20°45'00"	108.65'	L11	S24°44'45"E	56.00'
C12	201.00'	13°47'51"	48.40'	L12	N24°44'45"W	37.50'
C13	5.00'	90°00'00"	7.85'	L13	N65°15'15"E	9.38'
C14	100.00'	11°42'24"	20.43'	L14	S46°37'29"E	54.56'
C15	64.00'	40°55'59"	45.72'			
C16	268.00'	18°38'45"	87.22'			
C17	338.02'	08°25'00"	37.86'			
C18	264.00'	20°45'00"	95.61'			
C19	201.00'	07°36'11"	26.09'			
C20	201.00'	06°21'40"	22.32'			
C21	232.00'	04°42'27"	19.06'			

VESTING TENTATIVE TRACT MAP 8129
FOR CONDOMINIUM PURPOSES
EXISTING CONDITIONS
@ THE BOULEVARD

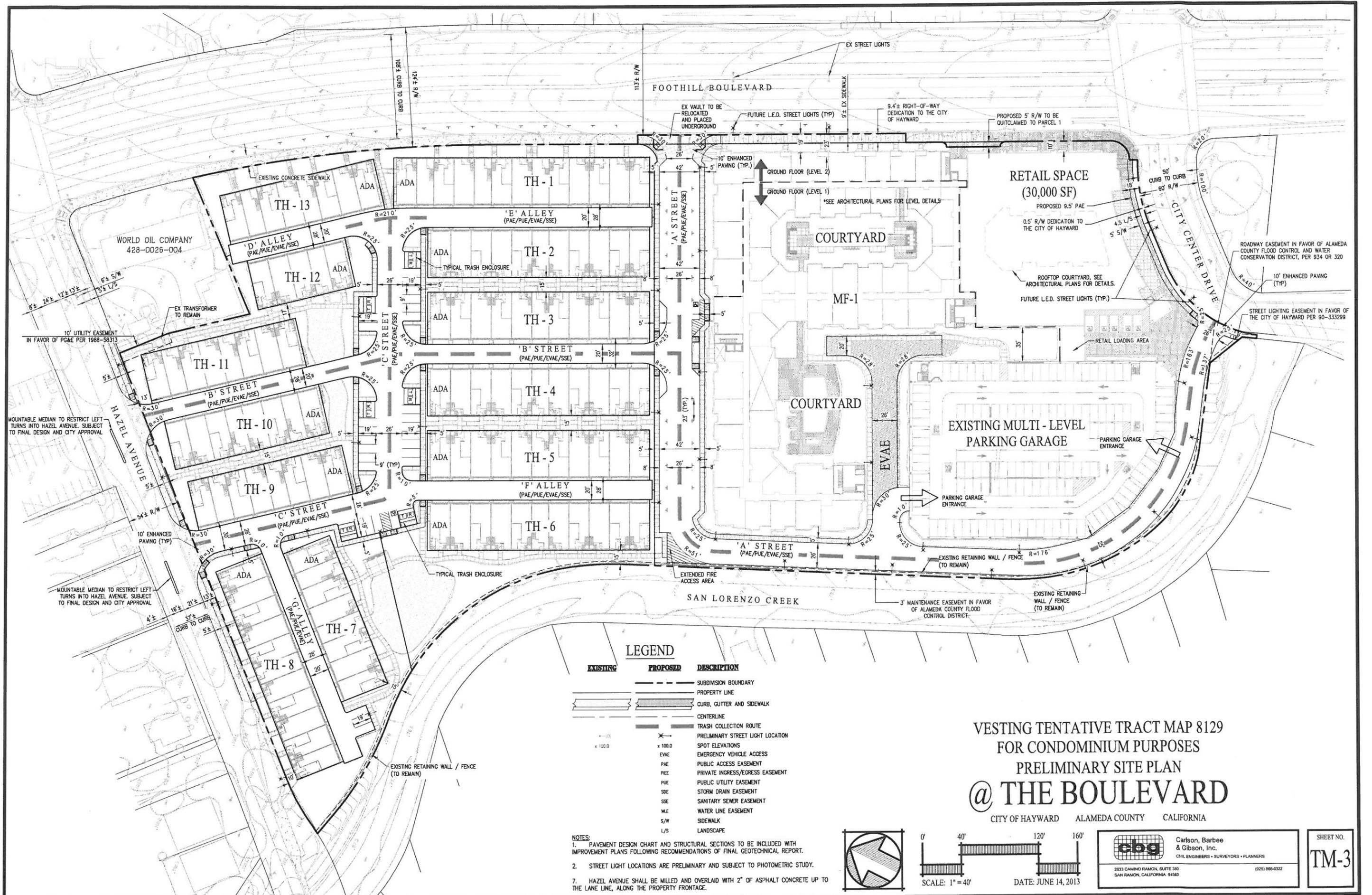


CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

cbg Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS

2633 CAMINO RANON, SUITE 330
SAN RAMON, CALIFORNIA 94583 (925) 856-0322
FAX (925) 856-8576

SHEET NO.
TM-2



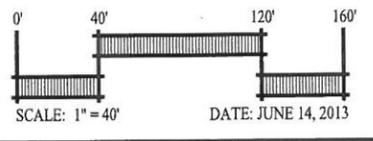
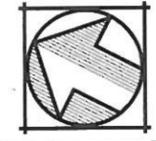
LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	SUBDIVISION BOUNDARY
---	---	PROPERTY LINE
---	---	CURB, GUTTER AND SIDEWALK
---	---	CENTERLINE
---	---	TRASH COLLECTION ROUTE
---	---	PRELIMINARY STREET LIGHT LOCATION
---	---	SPOT ELEVATIONS
---	---	EMERGENCY VEHICLE ACCESS
---	---	PUBLIC ACCESS EASEMENT
---	---	PRIVATE INGRESS/EGRESS EASEMENT
---	---	PUBLIC UTILITY EASEMENT
---	---	STORM DRAIN EASEMENT
---	---	SANITARY SEWER EASEMENT
---	---	WATER LINE EASEMENT
---	---	SIDEWALK
---	---	LANDSCAPE

- NOTES:**
1. PAVEMENT DESIGN CHART AND STRUCTURAL SECTIONS TO BE INCLUDED WITH IMPROVEMENT PLANS FOLLOWING RECOMMENDATIONS OF FINAL GEOTECHNICAL REPORT.
 2. STREET LIGHT LOCATIONS ARE PRELIMINARY AND SUBJECT TO PHOTOMETRIC STUDY.
 7. HAZEL AVENUE SHALL BE MILLED AND OVERLAID WITH 2" OF ASPHALT CONCRETE UP TO THE LANE LINE, ALONG THE PROPERTY FRONTAGE.

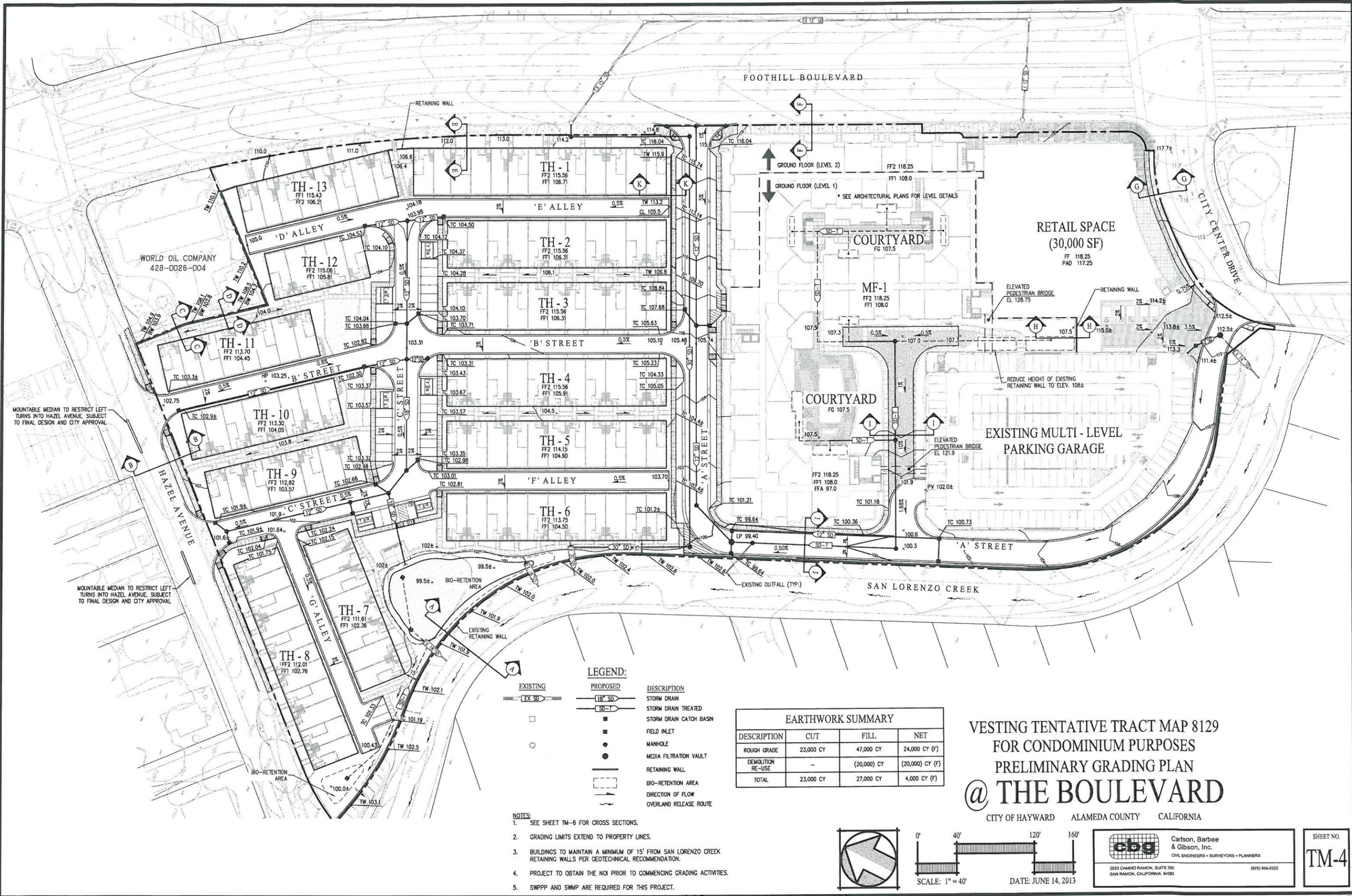
**VESTING TENTATIVE TRACT MAP 8129
FOR CONDOMINIUM PURPOSES
PRELIMINARY SITE PLAN
@ THE BOULEVARD**

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



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CIVIL ENGINEERS • SURVEYORS • PLANNERS
2933 CAMINO RAMON, SUITE 300
SAN RAMON, CALIFORNIA 94583 (925) 866-0322

SHEET NO.
TM-3



MOUNTABLE MEDIAN TO RESTRICT LEFT TURNS INTO HAZEL AVENUE. SUBJECT TO FINAL DESIGN AND CITY APPROVAL.

MOUNTABLE MEDIAN TO RESTRICT LEFT TURNS INTO HAZEL AVENUE. SUBJECT TO FINAL DESIGN AND CITY APPROVAL.

LEGEND:

EXISTING	PROPOSED	DESCRIPTION
EX SD	18" SD	STORM DRAIN
	SD-T	STORM DRAIN TREATED
	■	STORM DRAIN CATCH BASIN
	□	FIELD INLET
	○	MANHOLE
	●	MEDIA FILTRATION VAULT
	—	RETAINING WALL
	- - -	BIO-RETENTION AREA
	→	DIRECTION OF FLOW
	~	OVERLAND RELEASE ROUTE

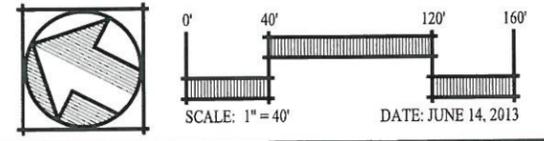
EARTHWORK SUMMARY

DESCRIPTION	CUT	FILL	NET
ROUGH GRADE	23,000 CY	47,000 CY	24,000 CY (F)
DEMOLITION RE-USE	-	(20,000) CY	(20,000) CY (F)
TOTAL	23,000 CY	27,000 CY	4,000 CY (F)

- NOTES:**
- SEE SHEET TM-6 FOR CROSS SECTIONS.
 - GRADING LIMITS EXTEND TO PROPERTY LINES.
 - BUILDINGS TO MAINTAIN A MINIMUM OF 15' FROM SAN LORENZO CREEK RETAINING WALLS PER GEOTECHNICAL RECOMMENDATION.
 - PROJECT TO OBTAIN THE NOI PRIOR TO COMMENCING GRADING ACTIVITIES.
 - SWPPP AND SWMP ARE REQUIRED FOR THIS PROJECT.

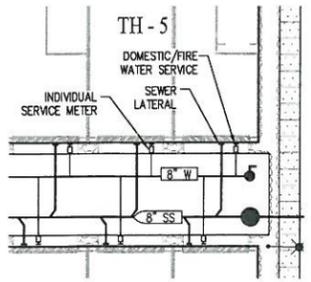
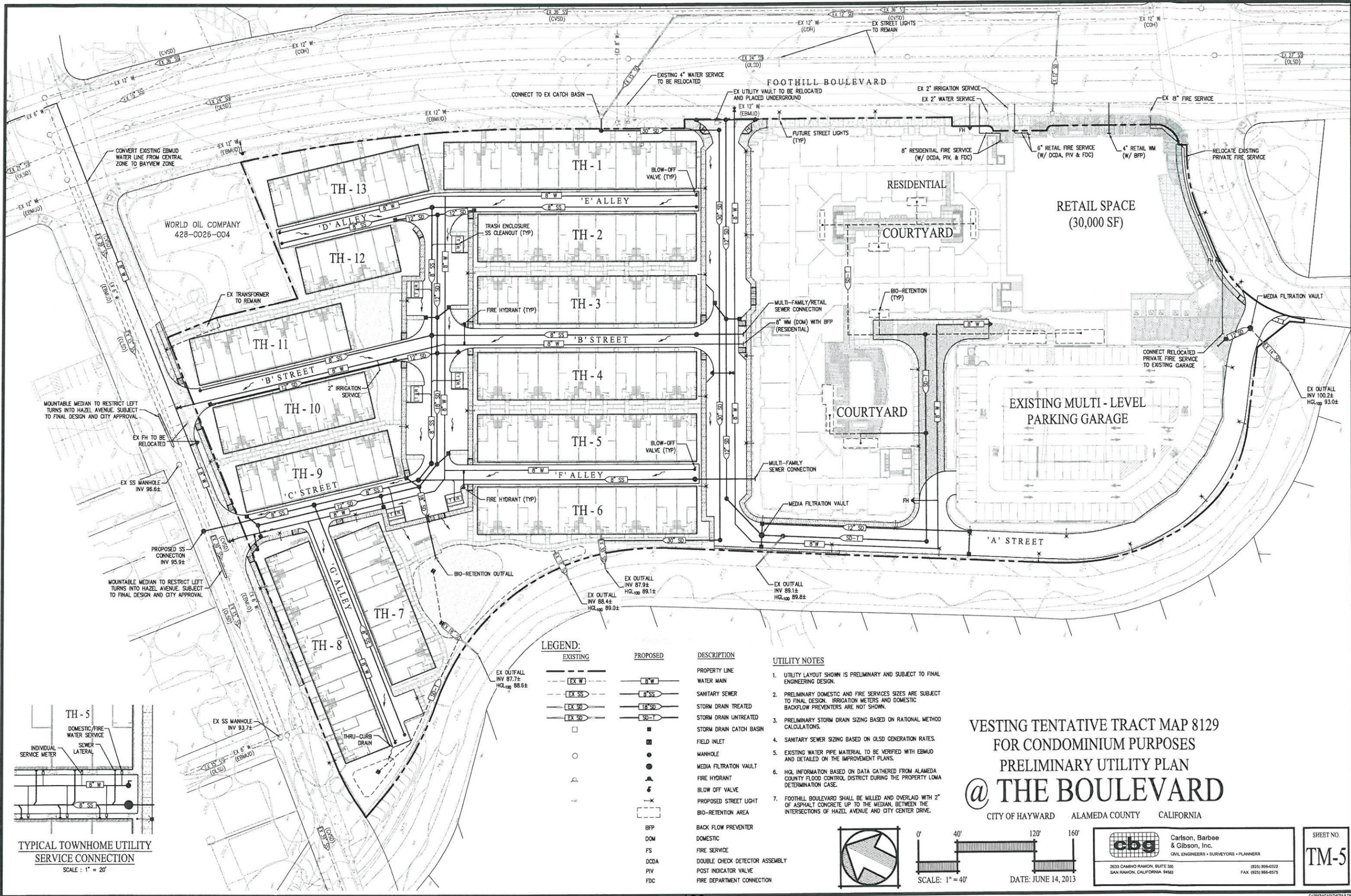
VESTING TENTATIVE TRACT MAP 8129
 FOR CONDOMINIUM PURPOSES
 PRELIMINARY GRADING PLAN
@ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



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 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 2533 CAMINO RAMON, SUITE 350
 SAN RAMON, CALIFORNIA 94583 (925) 866-0322

SHEET NO.
TM-4



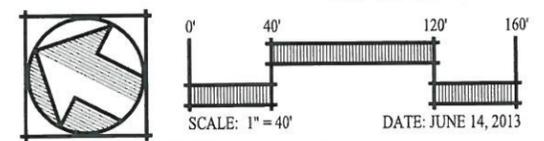
TYPICAL TOWNHOME UTILITY SERVICE CONNECTION
SCALE: 1" = 20'

LEGEND:

EXISTING	PROPOSED	DESCRIPTION
EX W	8" W	PROPERTY LINE WATER MAIN
EX SS	8" SS	SANITARY SEWER
EX SD	18" SD	STORM DRAIN TREATED
EX SD	30" SD	STORM DRAIN UNTREATED
□	■	STORM DRAIN CATCH BASIN
○	●	FIELD INLET
○	●	MANHOLE
○	●	MEDIA FILTRATION VAULT
○	●	FIRE HYDRANT
○	●	BLOW OFF VALVE
○	●	PROPOSED STREET LIGHT
○	●	BIO-RETENTION AREA
○	●	BACK FLOW PREVENTER
○	●	DOMESTIC
○	●	FIRE SERVICE
○	●	DOUBLE CHECK DETECTOR ASSEMBLY
○	●	POST INDICATOR VALVE
○	●	FIRE DEPARTMENT CONNECTION

- UTILITY NOTES**
- UTILITY LAYOUT SHOWN IS PRELIMINARY AND SUBJECT TO FINAL ENGINEERING DESIGN.
 - PRELIMINARY DOMESTIC AND FIRE SERVICES SIZES ARE SUBJECT TO FINAL DESIGN. IRRIGATION METERS AND DOMESTIC BACKFLOW PREVENTERS ARE NOT SHOWN.
 - PRELIMINARY STORM DRAIN SIZING BASED ON RATIONAL METHOD CALCULATIONS.
 - SANITARY SEWER SIZING BASED ON OLSD GENERATION RATES.
 - EXISTING WATER PIPE MATERIAL TO BE VERIFIED WITH EBMUD AND DETAILED ON THE IMPROVEMENT PLANS.
 - HGL INFORMATION BASED ON DATA GATHERED FROM ALAMEDA COUNTY FLOOD CONTROL DISTRICT DURING THE PROPERTY LOMA DETERMINATION CASE.
 - FOOTHILL BOULEVARD SHALL BE MILLED AND OVERLAID WITH 2" OF ASPHALT CONCRETE UP TO THE MEDIAN, BETWEEN THE INTERSECTIONS OF HAZEL AVENUE AND CITY CENTER DRIVE.

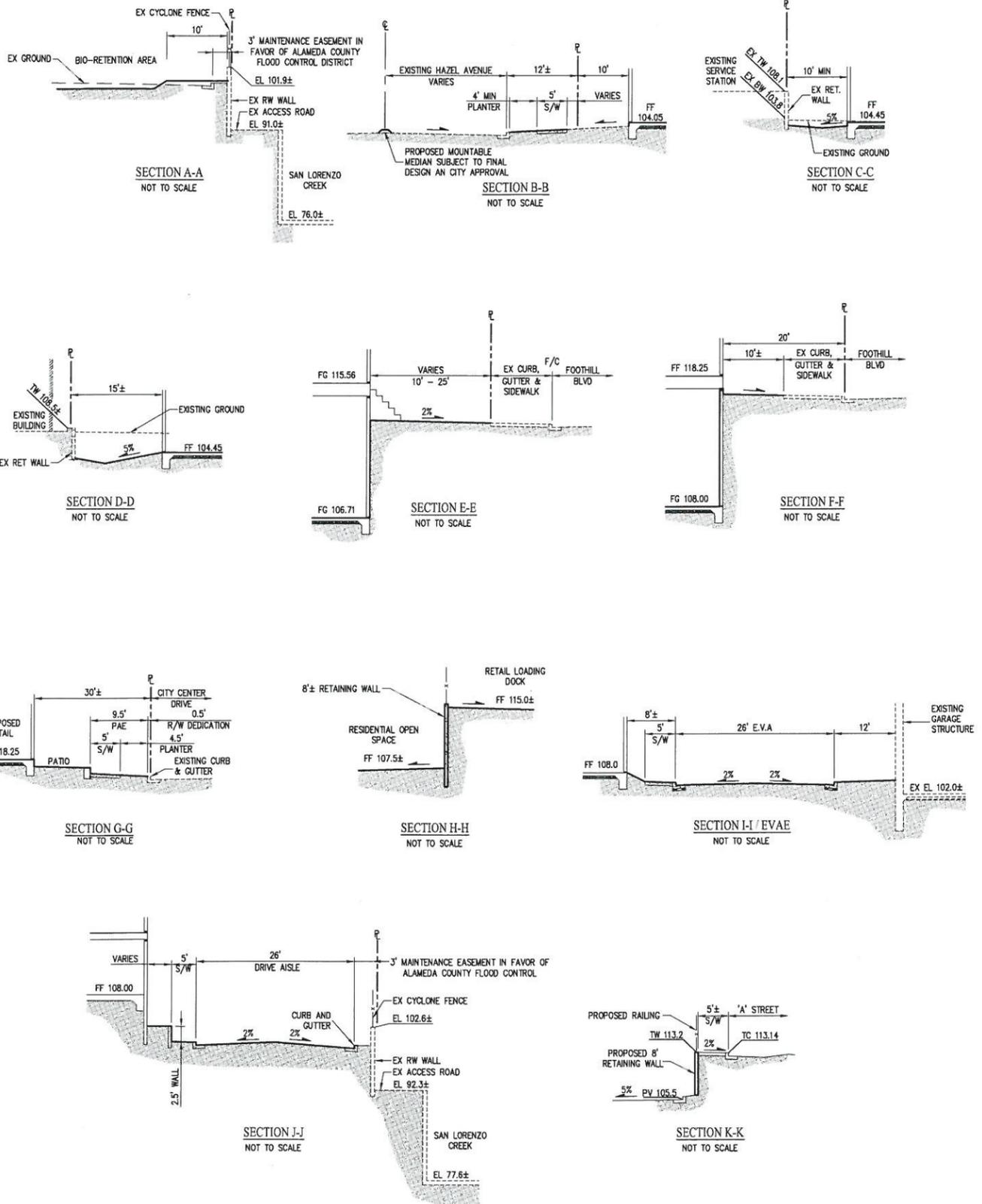
VESTING TENTATIVE TRACT MAP 8129
FOR CONDOMINIUM PURPOSES
PRELIMINARY UTILITY PLAN
@ THE BOULEVARD
CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA



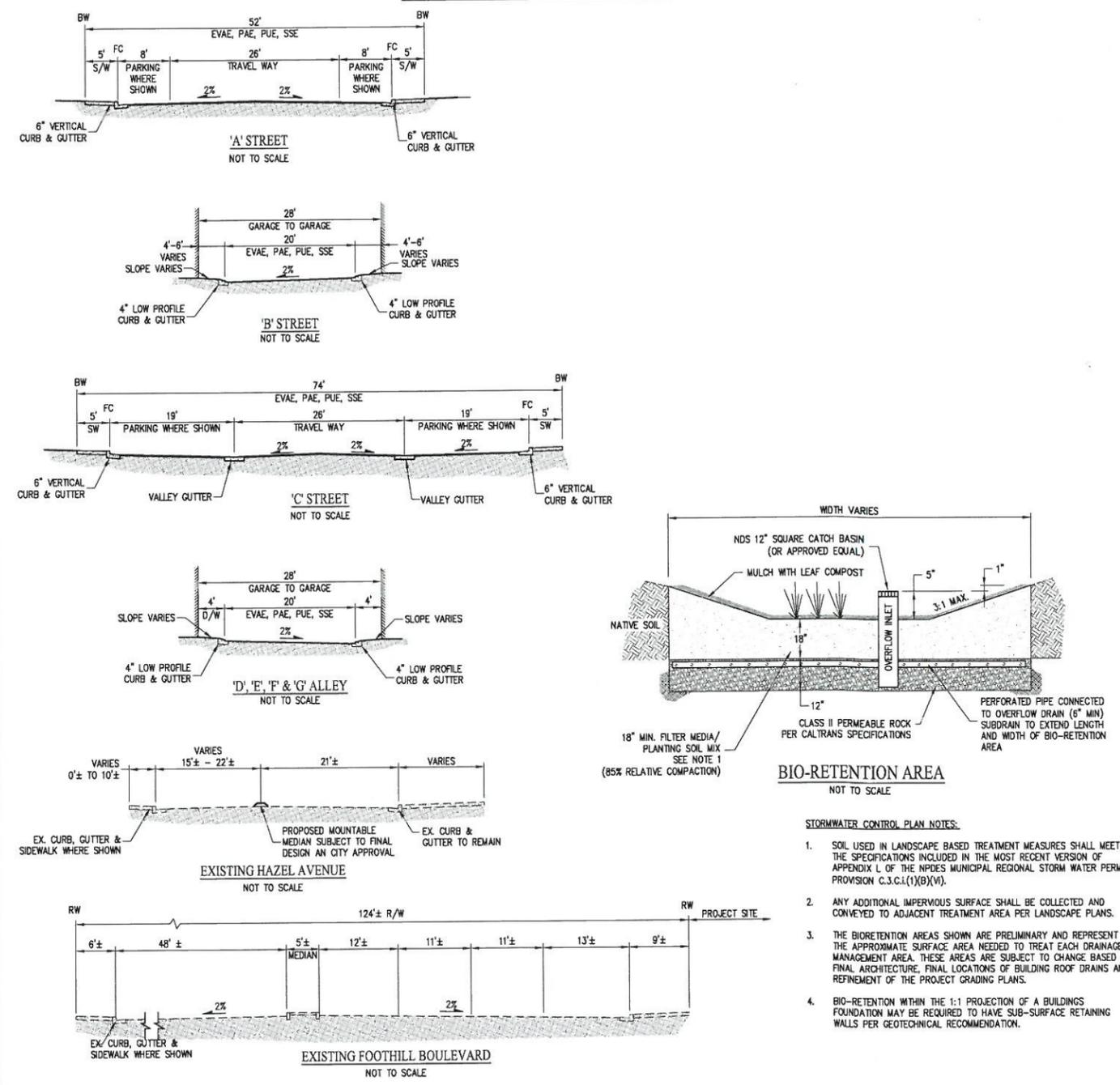
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SAN RAMON, CALIFORNIA 94583
(925) 956-0332
FAX (925) 866-8575

SHEET NO.
TM-5

GRADING SECTIONS



STREET SECTIONS

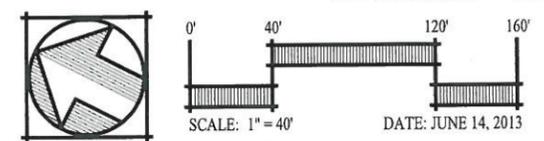


- STORMWATER CONTROL PLAN NOTES:**
- SOIL USED IN LANDSCAPE BASED TREATMENT MEASURES SHALL MEET THE SPECIFICATIONS INCLUDED IN THE MOST RECENT VERSION OF APPENDIX L OF THE NPDES MUNICIPAL REGIONAL STORM WATER PERMIT PROVISION C.3.C.1.(1)(B)(VI).
 - ANY ADDITIONAL IMPERVIOUS SURFACE SHALL BE COLLECTED AND CONVEYED TO ADJACENT TREATMENT AREA PER LANDSCAPE PLANS.
 - THE BIORETENTION AREAS SHOWN ARE PRELIMINARY AND REPRESENT THE APPROXIMATE SURFACE AREA NEEDED TO TREAT EACH DRAINAGE MANAGEMENT AREA. THESE AREAS ARE SUBJECT TO CHANGE BASED ON FINAL ARCHITECTURE, FINAL LOCATIONS OF BUILDING DRAIN AND REFINEMENT OF THE PROJECT GRADING PLANS.
 - BIO-RETENTION WITHIN THE 1:1 PROJECTION OF A BUILDINGS FOUNDATION MAY BE REQUIRED TO HAVE SUB-SURFACE RETAINING WALLS PER GEOTECHNICAL RECOMMENDATION.

ABBREVIATIONS

- BW BACK OF WALK
- EL ELEVATION
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- EX EXISTING
- FC FACE OF CURB
- FF FINISHED FLOOR
- PL PROPERTY LINE
- PUE PUBLIC UTILITY EASEMENT
- RW RIGHT OF WAY
- S/W SIDEWALK
- TC TOP OF CURB
- SSE SANITARY SEWER EASEMENT
- TW TOP OF WALL

VESTING TENTATIVE TRACT MAP 8129
FOR CONDOMINIUM PURPOSES
GRADING AND STREET SECTIONS
@ THE BOULEVARD

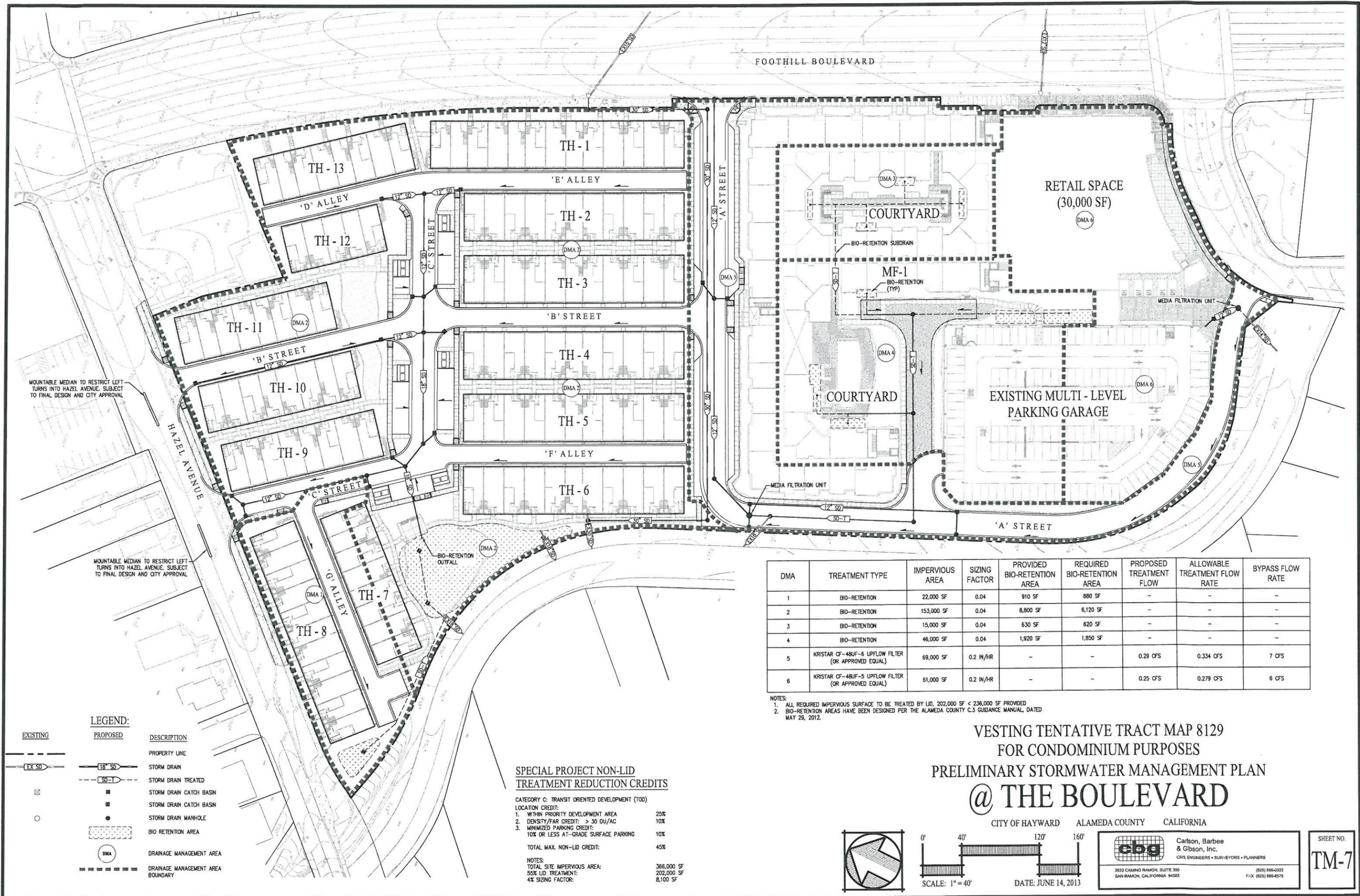


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SAN RAMON, CALIFORNIA 94583

(925) 966-0322
FAX (925) 966-8575

SHEET NO.
TM-6



MOUNTABLE MEDIAN TO RESTRICT LEFT TURNS INTO HAZEL AVENUE. SUBJECT TO FINAL DESIGN AND CITY APPROVAL

MOUNTABLE MEDIAN TO RESTRICT LEFT TURNS INTO HAZEL AVENUE. SUBJECT TO FINAL DESIGN AND CITY APPROVAL

LEGEND:

EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
---	---	STORM DRAIN
---	---	STORM DRAIN TREATED
□	□	STORM DRAIN CATCH BASIN
□	□	STORM DRAIN CATCH BASIN
○	○	STORM DRAIN MANHOLE
○	○	BIO RETENTION AREA
○	○	DRAINAGE MANAGEMENT AREA
---	---	DRAINAGE MANAGEMENT AREA BOUNDARY

SPECIAL PROJECT NON-LID TREATMENT REDUCTION CREDITS

CATEGORY C: TRANSIT ORIENTED DEVELOPMENT (TOD)
 LOCATION CREDIT:
 1. WITHIN PRIORITY DEVELOPMENT AREA 25%
 2. DENSITY/FAR CREDIT: > 30 DU/AC 10%
 3. MINIMIZED PARKING CREDIT: 10% OR LESS AT-GRADE SURFACE PARKING 10%
 TOTAL MAX. NON-LID CREDIT: 45%

NOTES:
 TOTAL SITE IMPERVIOUS AREA: 366,000 SF
 55% LID TREATMENT: 202,000 SF
 4% SIZING FACTOR: 8,100 SF

DMA	TREATMENT TYPE	IMPERVIOUS AREA	SIZING FACTOR	PROVIDED BIO-RETENTION AREA	REQUIRED BIO-RETENTION AREA	PROPOSED TREATMENT FLOW	ALLOWABLE TREATMENT FLOW RATE	BYPASS FLOW RATE
1	BIO-RETENTION	22,000 SF	0.04	910 SF	880 SF	-	-	-
2	BIO-RETENTION	153,000 SF	0.04	8,800 SF	8,120 SF	-	-	-
3	BIO-RETENTION	15,000 SF	0.04	630 SF	620 SF	-	-	-
4	BIO-RETENTION	46,000 SF	0.04	1,920 SF	1,850 SF	-	-	-
5	KRISTAR CF-48UF-6 UPFLOW FILTER (OR APPROVED EQUAL)	69,000 SF	0.2 IN/HR	-	-	0.29 CFS	0.334 CFS	7 CFS
6	KRISTAR CF-48UF-5 UPFLOW FILTER (OR APPROVED EQUAL)	61,000 SF	0.2 IN/HR	-	-	0.25 CFS	0.279 CFS	6 CFS

NOTES:
 1. ALL REQUIRED IMPERVIOUS SURFACE TO BE TREATED BY LID, 202,000 SF < 236,000 SF PROVIDED
 2. BIO-RETENTION AREAS HAVE BEEN DESIGNED PER THE ALAMEDA COUNTY C.3 GUIDANCE MANUAL, DATED MAY 29, 2012.

VESTING TENTATIVE TRACT MAP 8129
 FOR CONDOMINIUM PURPOSES
 PRELIMINARY STORMWATER MANAGEMENT PLAN
@ THE BOULEVARD

CITY OF HAYWARD ALAMEDA COUNTY CALIFORNIA

SCALE: 1" = 40' DATE: JUNE 14, 2013

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SHEET NO.
TM-7

Damon Golubics

From: Damon Golubics
Sent: Friday, June 07, 2013 1:30 PM
To: 'ann seitz'
Subject: RE: 22301 Foothill/Mervyns/Ref: PL-2012 0068 SPR & PL-2012 -0069 CUP & PL-2013-0070 VTM 8129

Dear Ms. Seitz:

You bring up some excellent points. The traffic patterns are different when you compare and contrast the existing and proposed projects. Your point about a signature project at a key location in the city is also something that I hope decision makers will weigh when reviewing this development request.

If I may make a suggestions; I would request that you put your thoughts in writing and submit them to The City of Hayward Development Services Department Planning Division to my attention so that your thoughts can be forwarded to the Planning Commission prior to their meeting on June 27th. That way your thoughts will be part of the official public record and may serve as a point of discussion during the Planning Commission meeting. Specifically as it related to the project Initial Study/Mitigated Negative Declaration/Mitigation Monitoring and Reporting Program (aesthetics and transportation sections), the official comment period is now open but ends on June 19th at 5:00 p.m. Comments collected during this time period will be evaluated and responded to pursuant to state law.

I hope this information helps. If not, please get a hold of me via my contact information listed below.

Thanks again for your interest in this important development project.

Best regards,

Damon

Damon Golubics
Senior Planner
City of Hayward - Development Services Department
Planning Division – Lobby Level
777 B Street
Hayward, CA 94541
Office: (510) 583-4200
Direct Line: (510) 583-4210
Fax: (510) 583-3649
E-mail: Damon.Golubics@hayward-ca.gov

From: ann seitz [mailto:ann.seitz@hayward-ca.gov]
Sent: Friday, June 07, 2013 11:33 AM
To: Damon Golubics
Subject: Re: 22301 Foothill/Mervyns/Ref: PL-2012 0068 SPR & PL-2012 -0069 CUP & PL-2013-0070 VTM 8129

Dear Mr. Golubics,
Traffic as people came to work at Mervyns, park for the day and leave at 5pm is one situation. The difference for

condos/apartments is traffic may leave for work out of Hayward during the day but then come home looking for parking. Despite what any study says how can this pattern be otherwise when people live there?

Since this site is one of the first things people see entering Hayward from the freeway I would much rather see it used for some kind of signature business, high tech, etc, not condo/apartments.

Ann Seitz

From: Damon Golubics <Damon.Golubics@hayward-ca.gov>

To: ann seitz <

Sent: Friday, June 7, 2013 11:25 AM

Subject: RE: 22301 Foothill/Mervyns/Ref: PL-2012 0068 SPR & PL-2012 -0069 CUP & PL-2013-0070 VTM 8129

Good morning Ms. Seitz:

The past Friday our offices discussed the same concerns you've raised regarding the potential for significant traffic impacts caused by the 22301 Foothill Boulevard (@ The Boulevard) project. After much discussion and analysis by Public Work's staff, it was determined that the existing conditions (the very large existing Mervyn's office building) and the new project (445 living units and 30,000 square feet of commercial space) would have less traffic impacts than the existing Mervyn's office building development.

The Alameda County Transportation Commission (CTC) staff also asked about the potential traffic impacts since their agency requires a Congestion Management Analysis (CMA) for projects requiring a general plan amendment (GPA) or other large scale project that meet a 100 p.m. peak-hour threshold. The trip generation of the @ The Boulevard development vs. the trips generated by the Mervyn's office building and old auto care center showed that the new development generates fewer pm peak hour trips than the previous uses on site and consequently does not meet the threshold to require a CMP analysis. The Alameda CTC was informed of the analysis and concurred with the City's assessment and determination.

The 4 ½ years that the Mervyn's building has been vacant with no employees working in the building has certainly brought about less traffic to the area during that time period. Should the latest project be approved, there will be an increase in traffic to the area but less than when the Mervyn's building was in operation.

I very much appreciate your concerns and interesting in this project. Please feel free to contact me with other questions and concerns should they arise or if you would like to continue the discussion about traffic generated by the @ The Boulevard development. My contact information is listed below.

I hope you have a nice weekend.

Best regards,

Damon

Damon Golubics

Senior Planner

City of Hayward - Development Services Department

Planning Division – Lobby Level

777 B Street

Hayward, CA 94541
Office: (510) 583-4200
Direct Line: (510) 583-4210
Fax: (510) 583-3649
E-mail: Damon.Golubics@hayward-ca.gov

From: ann seitz |]
Sent: Thursday, June 06, 2013 2:35 PM
To: Damon Golubics
Subject: Re: 22301 Foothill/Mervyns/Ref: PL-2012 0068 SPR & PL-2012 -0069 CUP & PL-2013-0070 VTM 8129

Dear Mr. Golubics,

Yes, I'm curious how the parking matter will be "formally" dismissed. I'd also like to point out when the excitement of the builder's project is over, they've made their money and are long gone that long-time homeowners in the area will live with the traffic mess they created for what is for most of them the rest of their lives.

Thank you.

Ann

From: Damon Golubics <Damon.Golubics@hayward-ca.gov>
To: ann seitz <annseitz@hayward-ca.gov>
Sent: Thursday, June 6, 2013 1:42 PM
Subject: RE: 22301 Foothill/Mervyns/Ref: PL-2012 0068 SPR & PL-2012 -0069 CUP & PL-2013-0070 VTM 8129

Dear Ms. Seitz:

Thank you for the comments pertaining to the @ The Boulevard project.

A quick question for you: Are these submitted comments addressing the Initial Study/Mitigated Negative Declaration/Mitigation Monitoring and Reporting Program for the project? Is it your desire to have a formal response to the issues you've raised below?

Thank you in advance for your interest in this important City development request.

Best regards.

Damon

Damon Golubics
Senior Planner
City of Hayward - Development Services Department
Planning Division – Lobby Level
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Hayward, CA 94541
Office: (510) 583-4200
Direct Line: (510) 583-4210
Fax: (510) 583-3649
E-mail: Damon.Golubics@hayward-ca.gov

From: ann seitz [

Sent: Thursday, June 06, 2013 1:29 PM

To: Damon Golubics

Subject: 22301 Foothill/Mervyns/Ref: PL-2012 0068 SPR & PL-2012 -0069 CUP & PL-2013-0070 VTM 8129

Dear Mr. Golubics,

Seriously; "the project will not have a significant negative impact on the environment..." when somewhere between 600-1,000 cars will be used by the residents of these units? It defies logic that the law requires a builder only provide garage space for 1 & 5/8's car? Those 5/8th cars are going to be parked on the street. Why did the city even spend on this study at all?

Ann Seitz

COMMERCIAL / RETAIL / ONLY / LIKE IT IS NOW!
YES!

STEVE WRIGHT / 1251 REX ROAD / NEIGHBOR

JOHN H. SISK / 1304 REX RD / Neighbor

Cynthia Kennedy / 1268 Rex Rd / Neighbor

Sean O'Brien / 21920 Rockford Rd / neighbor

Abraham Cruz 21950 Rockford Rd neighbor

ALLIE LEVY 22036 ROCKFORD ROAD HAYWARD, CA 94541

Elizabeth Juarez 22034 Rockford Rd Hayward, CA, 94541

Lucero Perez 22034 Rockford Rd. Hayward CA 94541

LEON JONES 22028 Rockford Hayward

Patricia Davila 1236 Rex Rd Hay Ca 94541

SARL Williams 1235 REX RD Hayward CA 94541

Armi da Aguilar 12 Rex Rd Hayward CA

RECEIVED

JUN 9 2013

PLANNING DIVISION

From: Damon Golubics
Sent: Tuesday, June 11, 2013 4:30 PM
To: 'Valerie Snart'
Subject: RE: Mervyn's

Dear Ms. Snart:

Thank you for taking the time to submit your thoughts and comments on this project. You bring up some good points. I will be forwarding your e-mail to the Planning Commission which will be reviewing the development request at their June 27th meeting. Should you have any additional thoughts and comment regarding this project please forward them to me and I will see to it that the Planning Commission receives those comments before or at their June 27th meeting.

Thanks again for taking an interest in this important development request.

Best regards,

Damon

Damon Golubics
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Office: (510) 583-4200
Direct Line: (510) 583-4210
Fax: (510) 583-3649
E-mail: Damon.Golubics@hayward-ca.gov

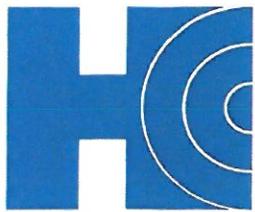
-----Original Message-----

From: Valerie Snart |
Sent: Tuesday, June 11, 2013 3:56 PM
To: Damon Golubics
Subject: Mervyn's

I am against any more high density housing in Hayward especially at the Mervyn's location. I live at 921 Warren St. and the curb at the front of my property is painted red - no parking! However, that means nothing as cars park there all the time for 10 minutes to a few hours. High density housing will bring even more vehicles to the Prospect Hill area. Rumors are that the Zaballos building on Main St. (off Hotel and A Sts.) will be a brew pub. Parking is limited at that location and will involve more vehicles on Prospect Hill.

Hayward does not need more housing, but does need businesses. Look at the many vacancies on B Street. I would suggest a hotel, medical clinic, office building or something of that ilk be placed in the Mervyn's building. There is high density housing being built on Winton. There are no schools in the Prospect area, which might require more cars than space allows at Mervyn's. Students will drive to high school.

Hayward will collect more property taxes with condos and perhaps that is why it is being considered.



HAYWARD
CHAMBER *of*
COMMERCE

June 17, 2013

Hayward Planning Commission
City of Hayward
777 B Street
Hayward, Calif, 94541

Commissioners,

On behalf of the Hayward Chamber of Commerce I would like to express full support for the proposed redevelopment of the former Mervyn's Headquarters at 22301 Foothill Blvd. by Integral Communities. Additional households from this new modern development will have a significant positive impact on downtown.

The chamber has worked closely with Integral Communities since early 2012. During that time Integral has hosted numerous informational meetings at their local office in downtown Hayward and I was personally responsible for the attendance of more than two dozen downtown business persons. We have yet to find a business owner that does not support the project, including those along B Street as well as on Foothill Boulevard.

I have been told by downtown bank branch managers, restaurant owners, managers of retail stores, our historical society, our theatre complex manager, and countless other business owners and executives of how this project will contribute to the rejuvenation of economic development downtown.

During their 18 months of planning, Integral Communities has made several important changes to the site plan that are good for Hayward and the downtown business community. The chamber's Government Relations Council and its full Board of Directors have reviewed the project and voted in support.

We urge the members of the Planning Commission to join us in supporting this positive development for the City of Hayward, its businesses, and residents.

Sincerely


Kim Huggett
President & CEO

RECEIVED

TRAFFIC

FROM: NEIGHBORS ^{Attachment VI}

①

(A) GOING (S) ON FOOTHILL (L) ON CIVIC CENTER

MON-FRI-4-6^PM 15-20 TRYING TO MAKE (L).

(SOME WAIT 2 TIMES OR MORE)

SAFEWAY PARKING LOT 4-6^PM TRY TO FIND A PARKING SPACE!

450 UNITS - HOW MANY WILL JOIN THAT PARTY? BAD TASTE TRAFFIC

(B) HAZEL (W) WITH GAS STATION 4-6^PM JOIN THE PARTY.

HAZEL (W) CUTTING THRU TRAFFIC / PROSPECT AREA. THIS IS A NO BRAVER EVENTUALLY WILL BE CLOSED TO RESIDENTS ONLY, WHY-?

(OVER)

TRAFFIC

SOLUTION - KEEP AS IS NOW. COMMERCIAL ATTACHMENT RETAIL

MERUYN'S WAS A GREAT PARTNER THEY

STAGGERED TIMES IN + OUT.

WENT AS FAR TO SAY WE WANT TO BE A
GOOD NEIGHBOR ~~AND~~ AND WORK WITH YOU.

THIS IS A PRIME PIECE OF COMMERCIAL
PROPERTY THAT DESERVES BETTER THAN TO
SUCCUMB TO TOWN HOUSES. (TO MANY UNITS)

ELIMINATE A PORTION OF TOWN HOMES / ADD IN
A WHOLE FOODS. OR ETC, ETC, - - - - -

HELPS TRAFFIC / GIVES HAYWARD A DRAWING CARD
TO BRING PEOPLE WITH MONEY TO SEE OR SHOP DOWNTOWN.

PLEASES ALL RESIDENTS

URNS INTO BRAGGING RITES FOR ALL.

BUT WOULD NOT BE A MONEY MAKER (TO MANY UNITS).

NEIGHBORS NOTE APPEAL

CURRENT PROPOSAL FAVORS DOWNTOWN. NO CONCERN

FOR ALL OTHERS / APPEARANCE / TRAFFIC / CONGESTION

A BAD TASTE FOR HAYWARD

FROM : OLD + NEW

SOLUTION - KEEP AS IS NOW. COMMERCIAL RETAIL Attachment VI

MERUYN'S WAS A GREAT PARTNER THEN

STAGGERED TIMES IN + OUT.

WENT AS FAR TO SAY WE WANT TO BE A GOOD NEIGHBOR AND WORK WITH YOU.

THIS IS A PRIME PIECE OF COMMERCIAL PROPERTIES THAT DESERVES BETTER THAN TO SUCCUMB TO TOWN HOMES. (TO MANY UNITS)

ELIMINATE A PORTION OF TOWN HOMES / NOT IN A WHOLE FOODS. OR ETC, ETC, - - - - -

HELPS TRAFFIC / GIVES HAYWARD A DRAWING CARD TO BRING PEOPLE WITH MONEY TO SEE OR SHOP DOWNTOWN.

PLEASES ALL RESIDENTS

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BUT WOULD NOT BE A MONEY MAKER (TO MANY UNITS).

NEIGHBORS VOTE APPEAL

CURRENT PROPOSAL FAVORS DOWNTOWN. NO CONCERN

OR ALL OTHERS / APPEARANCE / TRAFFIC / CONGESTION

A BAD TASTE FOR HAYWARD

FROM OLD + NEW



**PROPONENT'S RESPONSES TO
FINDINGS FOR APPROVAL**

Findings for Approval – California Environmental Quality Act:

1. Pursuant to CEQA Guidelines Section 15220, an Initial Study (“IS”) was prepared for this project with the finding that a Mitigated Negative Declaration (“MND”) was appropriate because all potentially significant impacts could be reduced to a level of insignificance.
2. That the proposed MND was prepared by the City of Hayward as the Lead Agency and was circulated with a twenty (20) day public review period, beginning on May 31, 2013 and ending on June 20, 2013.
3. That the proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission; that such independent judgment is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); that the Planning Commission adopts the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
4. That the proposed MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that all of the applicable mitigation measures identified in the MND and Mitigation Monitoring and Reporting Program will be adopted and implemented. Based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the project will have a significant effect on the environment.
5. That the project complies with CEQA, and that the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior approving the project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward, located at 777 B Street, Hayward, CA 94544.
6. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring Program, which is adopted as conditions of approval for the project. Adoption of this program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the project sponsor, City of Hayward or other identified public agencies of responsibility.

Findings for Approval – Conditional Use Permit:

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

As demonstrated by the analysis in the Planning Commission's staff report, the Project, and specifically, a residential use on the first floor of the Project, is desirable for the public convenience and welfare because the Project will convert a large, vacant commercial building into a vibrant mixed-use community, create economic stimulus, and housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled.

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

The Project site is surrounded by residential uses and similarly-zoned properties, and as such, the Project will not impair the character and integrity of the surrounding area. The Project also incorporates a retail element, which is consistent with the mixed-use projects permitted in the Central City – Commercial ("CC-C") Zone. The IS/MND prepared for the Project also demonstrates that the Project is consistent with the CC-C zoning district and the City's General Plan, and that no substantial adverse effects would occur on the surrounding area after implementation of the mitigation measures included therein. The Project has been designed to be aesthetically pleasing.

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

The IS/MND prepared for the Project demonstrates that no substantial adverse effects would occur after implementation of mitigation measures included therein, including no significant impacts on public services or hazards. Therefore, the Project's proposed residential and retail uses will not have a negative effect on the public health, safety, or general welfare. Specifically, a conditional use permit allowing first-floor residential units has no effect on the public health, safety or general welfare. The Project also adds housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled and will be aesthetically pleasing.

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

As demonstrated by the analysis in Planning Commission's staff report and the IS/MND, the Project is in harmony with the intent and purpose of the CC-C zoning district area and conforms to all applicable City policies, such as the Hayward General Plan and the Design Review Guidelines. The Project also fulfills the intent and purpose of the CC-C zone by replacing an underutilized site with a vibrant, pedestrian-friendly mixed use development, and as a result, revitalizing the Central City and creating economic stimulus.

Findings for Approval – Vesting Tentative Tract Map

1. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451.

The proposed subdivision is, as demonstrated by the Planning Commission staff report and the IS/MND, consistent with the Hayward General Plan. The Project site is designated by the General Plan as “City Commercial – Residential Office Commercial (CC – ROC),” which allows the Project’s proposed uses. No Specific Plan applies to the Project.

2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The proposed subdivision, as demonstrated by the Planning Commission staff report, is of a design consistent with the Hayward General Plan. As demonstrated by the IS/MND, the Project will have no significant impacts on aesthetics or land use. The Project is aesthetically pleasing.

3. That the site is physically suitable for the type of development.

The geotechnical investigation performed by Berlogar, Stevens & Associates (February 10, 2012), which is referenced in the IS/MND, demonstrates that the proposed subdivision would occur on a site suitable for the proposed development. The Project site has already been fully developed, which is strong evidence that the site is suitable for this type of development.

4. That the site is physically suitable for the proposed density of development.

The geotechnical investigation performed by Berlogar, Stevens & Associates (February 10, 2012) demonstrates that the proposed subdivision would occur on a site suitable for the proposed development. Density is not a factor that makes the site suitable or less suitable for development. The Project site has already been fully developed, which is strong evidence that the site is suitable for this type of development.

5. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The IS/MND prepared for the Project demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed subdivision. Moreover, the Project site has already been fully developed, and as a result, no fish, wildlife or habitats exist on the Project site.

6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

Adequate capacity exists to provide sanitary sewer service to the Project site, as analyzed

in the IS/MND. There are no other aspects of the Project with the potential to cause serious public health problems. The Project also adds housing inventory near adjacent employment and retail centers to reduce vehicle miles traveled, which reduces impacts on air quality and greenhouse gases.

7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

There are no existing public easements within the boundary of the proposed subdivision, nor are any easements necessary. The Project site is fully developed and currently consists of a 336,000 square foot office building and parking facilities, and therefore, there is currently no public access through the property.

Findings for Approval – Site Plan

1. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City.

The Project site is surrounded by similarly-zoned properties that incorporate residential and retail uses, and as such, the Project is compatible with the surrounding structures and uses. The Project will demolish the all structures that currently exists on-site except for a parking garage. The parking garage will be used to support both the Project's residential and retail uses. The Project would add housing in a desirable location in the center of the City, including convenient access to job centers and shopping, replace an underutilized site with a vibrant, pedestrian-friendly mixed use development, and is aesthetically pleasing. Indeed, the IS/MND prepared for the Project found that the Project has no significant impacts on aesthetics.

2. The development takes into consideration physical and environmental constraints.

As demonstrated by the analysis in Planning Commission's staff report and the IS/MND prepared for the Project, no substantial adverse effects on the environment will occur after implementation of mitigation measures included therein. The Project only develops an area that has been previously developed, and utilizes appropriate setbacks and reservation of open space areas.

3. The development complies with the intent of City development policies and regulation.

As demonstrated by the analysis in Planning Commission's staff report and the IS/MND, the Project complies with the intent and purpose of the CC-C zone and conforms to all applicable City development policies, such as the Hayward General Plan and the Design Review Guidelines. The Project also replaces an underutilized site with a vibrant, pedestrian-friendly mixed use development, and as a result, revitalizing the Central City, fulfilling the intent and purpose of the CC-C zone, creates economic stimulus, and is aesthetically pleasing.

4. The development will be operated in a manner determined to be acceptable and

compatible with surrounding development.

The Project site is surrounded by residential uses and similarly-zoned properties, and as such, will be operated in a manner compatible with surrounding development. The Project also incorporates a retail element, which is consistent with the mixed-use projects permitted in the CC-C Zone. The Project would add housing in a desirable location in the center of the City, including convenient access to shopping. The IS/MND prepared for the Project demonstrates that no substantial adverse effects would occur to surrounding development after implementation of mitigation measures included therein. The Project's addition of housing inventory near adjacent employment and retail centers and replacement of an underutilized site with a vibrant, pedestrian-friendly mixed use development will benefit the surrounding development.



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CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 25, 2013, 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 Faria.

ROLL CALL

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

Commissioner Lavelle participated via telephone conference call from 3057 Poipu Road, Koloa, HI. Notice was posted at the remote location and the teleconference location was accessible to the public.

Commissioner Loché led in the Pledge of Allegiance

Staff Members Present: Camire, Conneely, Philis, Rizk, Thomas

General Public Present: 158

PUBLIC COMMENTS

Graham Flint, Cole Place resident, noted his housing tract was one of the first built south of Tennyson Road, which was a dirt road at the time, and that he had lived at his current address for 60 years. He said one developer had tried to build a high-rise and a bridge across BART years ago, but residents stopped the project. He said he never had any problem with the mobile home park and he wanted to keep it as it was. Mr. Flint asked if a stop sign could be installed at the intersection of Pacific Street and Tennyson Road.

Greg Olberg, with business address on Foothill Boulevard, commented that the construction of the downtown mini-loop was almost done but businesses were still trying to survive and he asked for the City's help. He noted that during construction of the mini-loop A-frame signs were allowed along Foothill Boulevard but when construction ends the signs would have to go. Mr. Olberg said that during construction a lot of businesses went under and the remaining businesses needed the signs to continue to be allowed while business recovered. Mr. Olberg commented that A-frame signs were legal on B and Main Streets, but not on Foothill, and that was preferential treatment. He said all businesses that pay into the Downtown Association should be able to do the same thing and the rules should be changed. Mr. Olberg noted it was an inexpensive way the City could help the businesses impacted by construction.

Commissioner Loché asked Mr. Olberg if he had been told when the signs would have to come down. Mr. Olberg said Project Manager Kevin Briggs had said when the project finished in June.

PUBLIC HEARING

1. Text Amendment No. PL-2013-0093 – Amendment of Hayward Municipal Code (Zoning Ordinance) Section 10-1.700 Mobile Home Park District Prohibiting the Conversion of Senior-Only Parks to Non-Age-Restricted Status.

Director of Development Services David Rizk introduced the City's new Planning Manager Ned Thomas and then introduced Associate Planner Arlyne Camire. Ms. Camire provided a synopsis of the report noting that copies of letters received from mobile home park residents had been distributed to the Commissioners.

Commissioner Lamnin asked if the senior parks currently complied with the three requirements noted in the report and Associate Planner Camire said yes. Commissioner Lamnin asked what was meant by a phrase included in the proposed amendment that "at least one person who is fifty-five (55) years of age or older, or in which one hundred (100%) percent of the spaces are occupied, or intended for occupancy by, persons sixty-two (62) years of age or older." Assistant City Attorney Maureen Conneely explained that mobile home parks were free to adopt their own rules about senior occupancy; some could require 100% occupancy of seniors 62 years of age and older, and she noted the 80% threshold was the minimum threshold for senior park eligibility.

Commissioner Lamnin asked if "Section 10-1.740 Site Plan Review Required" of the proposed amendment to the Hayward Zoning Ordinance referred only to fences. Associate Planner Camire explained that section was already in the code and staff could require a site plan review for any structure including fences. Commissioner Lamnin asked if other structures should be listed and Ms. Camire said the section was standard language contained in each of the zoning districts.

Commissioner McDermott asked if a grandmother, 55 or older, who was caring for a young child would be able to live in a senior-only mobile home park. Assistant City Attorney Conneely said no one under the age of 18 was allowed to live in the park.

If the ordinance was approved by City Council, Commissioner McDermott asked if current renters would have to move and audience members responded that units were owner-occupied. Chair Faria asked audience members to hold comments until the Public Comments portion of the hearing.

Assistant City Attorney Conneely noted that HUD (Department of Housing and Urban Development) set the minimum standards, but each parks was free to adopt its own Rules and Regulations as long as they met the minimum standards. She added that each park was different and the City didn't monitor any parks' Rules and Regulations.

Commissioner McDermott asked of the nine mobile home parks in Hayward, five of which were senior only, how many spaces were available at the senior-only parks compared to other four all-ages parks. Associate Planner Camire said there were around 1200 spaces in the senior parks. Commissioner McDermott commented that the report said there were 5000 spaces total making it a very small number that were senior-only. Assistant City Attorney Conneely noted that according to the HMOA (Hayward Mobilehome Owners Association), there were 1230 spaces in the senior-only parks.

Development Service Director Rizk clarified that the total number of mobile home spaces in the city was 2500, with 5000 residents, and 1230 of those 2500 spaces were senior-only, or about half.



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Commissioner Márquez asked who would be responsible for conducting the survey every two years as mentioned in the report and Associate Planner Camire said the park owner. Commissioner Márquez asked who the results would be given to and Assistant City Attorney Conneely said the results would be given to the City upon request. Ms. Conneely also confirmed that the survey results would determine if the park was complying with HUD regulations.

Commissioner Loché asked if the survey was currently being conducted and Ms. Conneely said not by the City but it was possible the parks themselves were doing it. Commissioner Loché asked what would happen if the survey determined that the percentage had dropped below 80% and Ms. Conneely said the City would review the enforcement remedies available, but those would not include the eviction of any residents.

Commissioner Loché asked if the remaining 20% of the park population could be any age and Assistant City Attorney Conneely said residents had to be over the age of 18. Commissioner Loché commented that the parks were not really senior-only, but senior-majority, and Ms. Conneely said that was correct.

Commissioner Trivedi asked if the park fell below the 80% threshold would it lose its exemption from federal Fair Housing Act (FHA) and Assistant City Attorney Conneely said that was correct. Commissioner Trivedi wondered if that was monitored and Ms. Conneely pointed out that dropping below 80% would expose the park to a legal discrimination claim. Ms. Conneely explained that the FHA prohibits discrimination on several protected basis one of which was familial status so if a mobile home park was not eligible for the senior exemption and had discriminated against residents with children under 18, then the park would be exposed to liability. Commissioner Trivedi said that seemed like a strong incentive to stay above the 80% threshold.

Commissioner Trivedi asked if the other four mobile home parks were ever age-restricted. Associate Planner Camire said the president of the HMOA, Kathy Morris, would speak later, and noted the City had received a letter from a resident who had moved to one of the four parks when it was senior-only but it later converted.

Commissioner Trivedi said he still didn't understand why the text amendment read 80% at 55 or over, or 100% at 62, if a park with a stricter standard would still be compliant. He said it seemed a little redundant. Assistant City Attorney Conneely responded that there may be some benefit to parks that were 100% at 62, so she was hesitant to delete the language even if she agreed it seemed redundant. She also noted that Hayward's proposed ordinance was modeled after language that had already withstood scrutiny at the appellate level. Commissioner Trivedi asked if there was a policy benefit for the City to have parks with 100% at 62 and could the City consider changing policy, and Ms. Conneely said it was something to consider.

Commissioner Márquez disclosed that when she was a California State University East Bay student working on her masters she worked with the Mobile Home Association on a class project. She stated that she still felt she could make an impartial decision.

Commissioner Lavelle asked if the proposed ordinance would become effective immediately or in 30 days after being adopted by City Council and Assistant City Attorney Conneely said the ordinance

would be introduced to Council on May 7th, and adopted at a subsequent meeting (she thought May 21st), and would be effective immediately.

Chair Faria opened the Public Hearing at 7:28 p.m.

Jack Shallow, Rockport Way in New England Village, said he lived in Spanish Ranch I when it converted to all ages and it turned into an “absolute nightmare.” He said he came home one day and there were 27 police cars in the park conducting a drug raid. Mr. Shallow said he also lived next door to two young (screaming) children and after they moved out, two teenagers moved in who were so unruly he was scared to leave the house. Mr. Shallow said he now lives in New England Village and “it’s quiet, it’s peaceful, it’s heaven.” Mr. Shallow said he supports the Commission and the City of Hayward in adopting and protecting what seniors already had as a right. He mentioned that 18,000 people a day turned 65 or older so the City needed senior housing. Mr. Shallow thanked the City for the rent protection afforded to mobile home owners and said he didn’t mind a fair increase each year.

Mr. Shallow said in his experience, converting a senior mobile home park to all ages didn’t work because there was no place for the children to play, no sidewalks, no parks, there was no parking available, and the atmosphere of the park totally changed. He said as a law abiding adult, he wanted to protect his choice to live in a 55 and older complex and if someone didn’t want to make that choice they could live in an apartment where young children and teenagers were allowed. Mr. Shallow applauded the City for enacting the ordinance and said it would be much appreciated.

Audrey Read, Harpoon Way in New England Village, said she moved from Arizona last year where they also lived in a senior community. She said it was pristine and clean and that was why they wanted to continue living in a senior community. Ms. Read said thinking about it from a younger person with children’s point of view the senior communities had no sidewalks, no parking, no provisions for children and were therefore dangerous. She noted children would have to play in the street and seniors weren’t the best drivers. Ms. Read also noted that residents chose a senior community because they had already lived through having children and grandchildren. “There’s a place for them, but there’s a place for us, too,” she said, and they would like to keep it that way.

Robert Orcutt, Aztec Road in Spanish Ranch II, said he was vehemently opposed to the amendment because he was a senior and he agreed with previous comments, which he described as gracious. He said when he and his wife moved in the mobile home park it was with the understanding that it was an adult park with no children and the amenities were just for adults. Mr. Orcutt noted that if it turned into a children’s park it would be a nightmare for any senior who had the same frame of mind that he did.

Commissioner Trivedi clarified for Mr. Orcutt that the intent of the amendment was to make sure senior parks stayed senior parks. Commissioner Trivedi pointed out that Mr. Orcutt said he was opposed to the amendment, but his comments were supportive. Mr. Orcutt said that was his intent.

Jay Henderick, with address in Eden Gardens on West Winton, said he had lived there for 13 years and it was wonderful. He said subjecting children to that environment was unthinkable because all nine mobile home parks in Hayward were built as senior parks although some had converted over time. Mr. Henderick noted there was no place for kids to play, limited sidewalks, unsecure pools with no lifeguards, and very little guest parking. He said the parks were not designed for children; they were designed for a small population, and the quality of life would go down not just because there were kids living next door, but because the homes were built in the 60s and the walls were very thin. “You can hear everything that’s going on next door,” he said. Mr. Henderick said even if the kids were good, they



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could still possibly keep you awake all night and he concluded he would really appreciate it if the City passed the ordinance.

Kathryn Morris, Pueblo Serena resident and President of the Hayward Mobilehome Owners Association, requested the Commission's consideration and support of the proposed text amendment to the Zoning Ordinance for the City's five remaining senior-only mobile home parks. Ms. Morris noted that when the parks were constructed in the 1960s and 70s, they were designed and constructed as older adult communities and not for families. Pueblo Springs, the park where she lives, converted to an all-age park about 19 years ago. As older residents moved on and were replaced by families, she said, the population increased and the small swimming pool, spa and club house became totally inadequate to accommodate the current population. Also, she noted the sewer system, water lines, electrical system and gas lines were not intended for an all-age community. Due to space constraints within the park, Ms. Morris said there was no safe place for children to play and street play had resulted in several very close calls. Just as importantly as the physical limitations of the park, she said, was the loss of the sense of living in a very close and cohesive older adult community where they supported each other as friends and neighbors and participated in many enriching activities and social functions. On behalf of the mobile home community she asked the Commission to please consider staff's recommendation and support the ordinance as it would not only safeguard the five remaining senior mobile home communities, but would make a significant difference to the quality of life of many seniors living in the community.

Chair Faria closed the Public Hearing at 7:40 p.m.

Commissioner Márquez made a motion per staff recommendation and Commissioner McDermott seconded the motion.

Commissioner Trivedi thanked the full capacity crowd for coming and said he looked forward to them coming to the next meeting noting the Commission meetings were free entertainment every other Thursday. He thanked the speakers noting they spoke articulately, gracefully and with a lot of passion and he said the Commissioners heard loud and clear that their communities were safe and peaceful and that they valued the sense of community. Commissioner Trivedi acknowledged that residents moved there with that expectation of community and noted that parks that converted had deteriorated significantly and that seemed like an unfair bait and switch for a group of long-time residents. He agreed that these communities were not designed nor intended for young children. Commissioner Trivedi said he would be supporting the amendment.

Commissioner McDermott commented that whoever said senior citizens were couch potatoes were absolutely, positively wrong and should be there to see all the residents who felt so passionately about their communities. Commissioner McDermott said she would be supporting the motion and was proud that the City of Hayward was protecting affordable housing for its senior citizens. She noted how important that was and commented that she would like to move in if they had any open spaces saying she met all the requirements.

Commissioner Loché said he agreed with comments and noted it would not be a good idea for seniors or for the next generation to adjust the parks. He said the needs and lifestyles of seniors were different and he gave audience members kudos for coming out and making their voices heard. Commissioner Loché

asked staff if it would make sense to revisit the issue every 10 or 15 years just to make sure it was working for the City and the seniors and when audience members started shouting out no, he noted the City might need more senior housing. Development Services Director Rizk said staff was willing to bring back any item or topic for the Commission with Council support. Commissioner Loché said he would be supporting the motion.

Commissioner Lamnin thanked audience members for coming, for their enthusiasm and commitment, and commented that she was glad to hear things were going so well at the parks. She noted that staff worked on this issue for three years and she thanked them too. Commissioner Lamnin disclosed that Kathy Morris contacted her and had asked some questions about the proposed ordinance. Commissioner Lamnin said she was supporting the motion because the facilities were not equipped for children and therefore were not safe. She also noted residents didn't want this change and it was the Commission's job to represent them well. Commissioner Lamnin said she toured Pueblo Springs and saw some of the problems there and toured other parks and saw what was working.

Responding to Commissioner Loché, she pointed out that when the Housing Element was reviewed the availability of affordable senior housing would be evaluated. She commented that most affordable housing was for seniors but noted there were other groups that were being overlooked and as the City reviewed the Housing Element she hoped other resources could be added. Commissioner Lamnin pointed out that awareness was needed by everyone that there were folks 62 or 80 who were raising infants. If a park was not a safe place to raise children, she said, then some reasonable accommodation should be given to that person to find a better housing situation.

Commissioner Márquez said she moved to approve the text amendment because it was important to hear the voice of the community and she said she was glad residents had come to the meeting, written letters and been involved in the process. She acknowledged the challenges to staff as they waited for court decisions in other cities. Commissioner Márquez said in her professional view, and she noted she had worked closely with seniors for the last 13 years, she knew housing and medical care were the two most important elements in their lives. She said it was positive that the City was progressive enough to put the amendment forward and she acknowledged staff and the City for doing that. Commissioner Márquez said she would be supporting the motion because the City needed to maintain the quality of life, the peace of mind, and to have residents feel safe and engaged in their communities.

Commissioner Lavelle said she supported all of the comments and was very supportive of the text amendment in order to protect the existing mobile home parks for seniors in Hayward. She said she wished there was more emphasis to build more senior housing as the number of seniors, as mentioned, would only be increasing. Commissioner Lavelle thanked staff for bringing the issue forward as soon as last court case was decided and for not waiting. She said she hoped and trusted that the City Council would support and adopt the amendment so the City could be as protective as possible.

Chair Faria said she originally heard about the court case on the radio about a month ago and was so excited to hear that seniors would have a place of their own that was safe. She said she had been to both types of parks and she understood the comments made about space, the streets, the kids, and about safety. She said she would be supporting the motion.

The motion to recommend to City Council approval of the negative declaration in accordance with the California Environmental Quality Act (CEQA) guidelines, and approve the text amendment to Hayward Municipal Code Section 10-1.700 subject to the findings, was approved 7:0:0.



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

2. Site Plan Review Application No. PL-2013-0123, Associated with a Proposed 9-11 Memorial Along the East Side of Mission Boulevard, North of D Street.

Applicant: Michael L. Emerson (Hayward 911 Memorial); Property Owner: City of Hayward

Development Services Director Rizk gave the report noting it was his honor to introduce the item and U.S. Marine Corps veteran and designer of the monument and manager of the project, Mr. Michael Emerson. Mr. Rizk mentioned that Mr. Emerson had completed a Flight 93 Memorial in Union City and more recently, a Veterans Memorial in Castro Valley. Mr. Rizk also noted that City had received letters of support for the memorial from political representatives at the local, state and federal level.

Michael Emerson, Christopher Court resident, said he was a proud resident of Hayward and noted he also had a letter of support from U. S. Senator Diane Feinstein. Mr. Emerson gave some personal background adding he had also helped build the national Flight 93 Memorial at the actual site in Shanksville, a Cold War Memorial in Las Vegas, and a Disabled American Veterans Memorial in Washington D.C. Mr. Emerson explained that he was active in the community, was an alumni of CSU East Bay, and in the course of various activities had been asked to build something in Hayward. The location of the proposed memorial was excellent, he said, because the land was not well used, would enhance the downtown area, and would be a great economic pull. Mr. Emerson pointed out that people were coming from all over the country to see the memorial in Union City. Mr. Emerson explained that the City of Hayward would donate the land and private funding would build the memorial, although he would welcome funding from the City. Once he has enough money and everything in place, he said, the memorial would be completed in just a few months.

Commenting on slides from a PowerPoint presentation, Mr. Emerson noted that the wording on the memorial was written by City staff along with representatives from Hayward Police and Fire. He said the wording honored the 9-11 heroes including the first responders and military veterans of Hayward. The monument would have the logos of the different safety groups and names of the fallen. Mr. Emerson said the name or logo of any donating organization would be on one side of the six benches that would be part of the memorial, but the group must be associated with either safety groups or veterans; logos from McDonald's or WalMart would not be allowed. He said he welcomed donations from these businesses, but only appropriate content would be used for the design.

Regarding the four monoliths in the memorial, Mr. Emerson explained that they symbolized the four planes used in the attack and the front surfaces would be laser-etched granite with the logos and information about different flights and the number of people who died. The other sides of the monoliths would be a collage of images from the each of the different attack locations.

Commissioner Márquez explained that because her family owned a business in close proximity to the proposed memorial site she was going to recuse herself from the discussion. Commissioner Márquez left the Council Chambers.

Commissioner McDermott thanked Mr. Emerson for the proposal and asked the approximate cost of creating and executing the project. Mr. Emerson said all memorials were built via donation and his only payment was the satisfaction of creating them and honoring the heroes. He said that 95% of the volunteers (contractors, engineers, etc.) associated with the Castro Valley Veterans Memorial had already volunteered by building the Hayward Memorial. Mr. Emerson suggested the Commissioners visit the Flight 93 Memorial behind Union City Landing because \$50,000 worth of the same beautiful red granite had already been donated for the proposed memorial in Hayward. Mr. Emerson explained that everything, from the landscaping by the Pacheco Brothers, to the engineering drawings by Jeff Moore, to the mason and brick and installation, the safety fencing, the billboards, and the website, was donated.

Once the proposal was approved by City Council, Mr. Emerson explained, the website would go up and donations would start being accepted. Mr. Emerson said it was his firm belief that there were so many people interested in building the memorial in Hayward that the actual amount of money needed would be less than other memorials. He noted that not one penny was needed for the memorial in Union City; everything was donated. The surplus money that was collected was given to the City in a trust fund to help maintain the memorial, he said. In response to Commissioner McDermott's question, Mr. Emerson said the cost would be \$100,000, and he said he probably wouldn't need that much. He said he was already being asked by interested parties for the design of the memorial and once approved he would contact the same groups that previously donated or volunteered.

Commissioner McDermott commented that one of the biggest costs was labor and it appeared he had that shored up and because of his past experience potential donators had the opportunity to see what he had already done. Commissioner McDermott commented that once the money was collected the process of building the memorial was relatively quick. Mr. Emerson said he liked to get everything done in advance, like permits and the Memorandum of Understanding (MOU) with the City, so once the project was approved he could finish in a couple of months and not inconvenience the residents and City. Mr. Emerson said his goal was to dedicate the memorial on September 11, 2014.

Commissioner McDermott agreed the location was excellent with parking in close proximity to accommodate visitors.

Commissioner Loché said he visited the other two memorials and they were breathtaking. He asked Mr. Emerson if the dedication date would be included on the memorial. Mr. Emerson said the dedication date would be below the main text on the center stone and that could be added later, after the memorial was already in place. Commissioner Loché asked for confirmation that text or emblems could be added after the fact and Mr. Emerson said some stones would be engraved before they were placed, but others would be engraved on site. He noted that Bras and Mattos was his preferred organization, noting they were located in Hayward, had been around for 130 years, and had done the engraving in Castro Valley.

Mr. Emerson noted that if individual bricks were sold, Bras and Mattos could engrave them in place. The center stone veneer would be added later, he said, as would any names of fallen officers. Mr. Emerson provided a sample of the smaller brick for the Commissioners and said there would be approximately 1500 small bricks and 1100 large bricks used in the memorial and the price would vary by size and the money received could be used toward a maintenance fund.



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Commissioner Loché asked if the fence between the back of the memorial and the park would be removed and Development Services Director Rizk said no, it would stay. Mr. Emerson reiterated that memorial would only impact the grassy area in front of the park and no trees would be removed.

Commissioner Trivedi said he appreciated Mr. Emerson's effort to build a memorial in his hometown and commented that the Flight 93 Memorial was very tasteful and well done. Commissioner Trivedi said he was big supporter of public art and monuments and believed it was good use of public space. He asked Mr. Emerson for more background information on the memorial including the selection of materials and the shape of the monoliths.

Mr. Emerson explained that he served in the first Gulf War and as a Marine Corps veteran he was devastated by 9-11 and immediately contacted local families. He noted that Flight 93's original destination was San Francisco so a lot of the passengers were from the Bay Area including the pilot who was from San Jose and had attended San Jose State University. On July 4th of the following year Mr. Emerson said he went to ground zero to show his solidarity and that he wasn't afraid of any rumored attacks, and he noticed that no one was talking about Flight 93. When he got back home he said he contacted the families and told them he wanted to build something in the area for Flight 93 and the family organization thought it was a fantastic idea. Mr. Emerson said he approached the City of Hayward and was turned down by Mayor Roberta Cooper, but Union City was 100% supportive.

Regarding materials, Mr. Emerson said when he builds something he builds it to last 300 years. He said he tries to make it simple for the City to maintain with basic lighting, no materials that could be stolen, no eternal flames and no fountains. He said his philosophy was creating something elegant and simple where people could sit down and reflect on what happened that day. Mr. Emerson said his original plan was to memorialize 9-11, but City staff suggested including the first responders and Hayward veterans. He said he chose a simple design and the biggest impact would be the monoliths, which he wanted tall and soaring. He said he wanted to create something people would contemplate and noted at the Flight 93 Memorial the back and the sides of each of the 40 stones were unfinished to symbolize unfinished life, and the stainless steel mirrors on the front were there so visitors could look and reflect on how they might have responded. At the Castro Valley Memorial, Mr. Emerson said each of the benches had stops to prevent skateboarding, but the POW bench had one missing to signify a missing man. Mr. Emerson said the images for the proposed Hayward memorial would make people think and remember and create a connection with history, the community, and the nation.

Commissioner Trivedi said he appreciated the inclusion of local first responders and the connection to Hayward. Commissioner Trivedi said he appreciated when minor details had significance and he asked if there was any significance to the shape of the monoliths or their height. Mr. Emerson said the very top of the monoliths was ten feet, the lower side six feet and the benches were all 19 inches high per City code, and the flagpole was 25 feet tall with a gold, aluminum eagle at the top. Commissioner Trivedi said he liked the curve of the top of the monoliths. Commissioner Trivedi asked for confirmation that the memorial would have adequate lighting and the flag appropriately lit. Mr. Emerson said the area was already well lit because of the new street lights. Mr. Emerson said the Flight 93 Memorial was more attractive at night and he wanted the same low voltage, low cost, timed lighting for the Hayward

Memorial. Mr. Emerson noted his experience would benefit the City because he'd already hit all the bumps and he knew how to get it done and do it right and he had so much community support.

Commissioner Lamnin said she remembered meeting Mr. Emerson when he was raising funds for the Flight 93 Memorial and it was clear the process had evolved. She said she appreciated his efforts and thought it was fantastic that he was a Hayward resident using Hayward businesses. Commissioner Lamnin commented that being well lit was important because the memorial might create good hiding places. She asked if the flag would be flying 24/7 and Mr. Emerson said yes. Commissioner Lamnin asked who would maintain the flag and the memorial and Mr. Emerson said it was City property but he was a hands-on kind of guy, proud of what he does, and he said it was a family tradition to visit the memorials and clean up trash. Mr. Emerson told the story of a recent visit to the Flight 93 Memorial with his 14-year-old son who told his father, "Papa, when you die, I'll take care of this for you." Mr. Emerson said there would always be someone to take care of the memorial whether it was his family, the community that supported him, or local veterans.

Mr. Emerson said he preferred the type of lighting found at airports where the lights were completely contained and the bulbs lasted for a very long time. He said a maintenance fund would be great, but said his goal was to create something that was maintenance light. He pointed out there would be less grass to mow, less water used, and the only main extra cost would be lighting.

Mr. Emerson noted on Memorial Day a ceremony was scheduled for 9:00 a.m. at the Castro Valley Memorial to change out the flag, 11:00 a.m. at the Lone Tree Cemetery, and at 3:00 p.m. at the Flight 93 Memorial in Union City the flag would be replaced and the old flag folded and presented to one of the family members. Mr. Emerson noted that flags were still in great condition even after a year because they were high quality and local weather was mild.

Commissioner Lamnin asked staff if there were any concerns about maintenance. Development Services Director Rizk said no, and noted all potential issues would be considered in the MOU that would be presented to Council. Commissioner Lamnin asked why the right side of the plaza, and not the left, was selected when there was already a park on that side. Mr. Emerson said the availability of parking and ADA access, that people could see the memorial while stopped at the traffic light, and because the left side of the plaza wasn't offered as an option by the City. Mr. Emerson said his first choice was in front of the five flags, but that wasn't an option, and now he really liked the proposed location and thought it was better than the left side. Commissioner Lamnin respectfully disagreed noting the memorial was not a playground and shouldn't be located so close to one when the left side of the plaza could use improvement and also had plenty of parking. She said she would still support the project but asked staff if the other side of the plaza could be evaluated.

Commissioner Lamnin commented that a community member brought it to her attention that the Hayward fault ran under the proposed memorial site and she asked staff if there were any safety concerns. Development Services Director Rizk said no explaining that there would be structural plans that engineered the memorial to withstand an earthquake. Mr. Rizk said having the memorial closer to D Street would make it more visible than from C Street and noted a habitable building could not be built on an earthquake fault trace and therefore, the land wouldn't be available in the future for another type of use. He commented that the library site on C Street could be reused, potentially as a community meeting place. Commissioner Lamnin said that was the question from the community member: if it was not safe for a building why was it OK for a park? Development Services Director Rizk said there was a difference between a habitable building and some structures.



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Commissioner Lavelle thanked Mr. Emerson for his perseverance in building the memorial in Hayward and urged him to include the year 2001 on the center monument. She pointed out that if the memorial did last 300 years, future generations may remember the day, but not remember the year. Commissioner Lavelle said the curved design of the monument tops was beautiful, but she asked Mr. Emerson to make sure birds won't sit on the monuments.

Commissioner Lavelle asked that when the memorial was completed and ceremonies were scheduled to honor the veterans and victims of 9-11 that outreach be conducted to reach many different organizations including veterans' groups, senior groups, the Chamber of Commerce, and the Rotary Club, which built the park located next to the proposed site.

Regarding the MOU, Commissioner Lavelle asked staff what bodies it would be between, if it would include the maintenance mentioned by Mr. Emerson, and who would be responsible for the costs associated with that maintenance. Development Services Director Rizk said the MOU hadn't been developed yet, but the proposal would have the memorial dedicated to the City with the responsibility of maintenance falling to the City, but he noted support might come from various groups to help with that.

Mr. Emerson said he was fine with including the year on the memorial, noting City staff wrote the text, but he asked how many people didn't remember that Pearl Harbor happened in 1941. He said 9-11 was as significant as Pearl Harbor and believed children and adults would remember the year, but if that was what the City wanted he had no problem with it.

Regarding birds, Mr. Emerson said there wasn't a lot that could be done and said he didn't want spikes or electrical wires on the tops of the monuments. He pointed out that every memorial, every monument and statue dealt with that issue. Mr. Emerson mentioned that the company Cleaner One made a donation by power washing the other memorials for free.

Chair Faria asked if mineral deposits in the water would discolor the granite over time. She commented that the granite was beautiful now, but over time the sprinkler water for the grass surrounding the monument might create deposits. Mr. Emerson said the images of the monument in the PowerPoint were darker than the actual stone and granite. He also noted that the stones would sit on pedestals and the pedestals were raised and slightly curved so the water would move away. Mr. Emerson said mineral deposits had not been a problem at the other memorials and any low points would impact the bricks and not the stones. He also mentioned that the polishing process almost sealed the monuments and sprinklers would be aimed the other way.

Chair Faria thanked him for continuing to pursue the memorial in Hayward and Mr. Emerson said he was a proud Hayward resident and would love to have the memorial in town.

Commissioner Trivedi asked if the MOU would be between Mr. Emerson or a non-profit group and Development Services Director Rizk confirmed a non-profit entity called Hayward 9-11 Memorial. Mr. Emerson indicated that he already had an EIN (Employer ID Number) and was currently working on becoming a 501c19, which would help with the donation portion of the project, but confirmed that he would be signing the agreement. Mr. Emerson named a few of the prominent individuals in the community who had volunteered to be part of the group.

Commissioner Trivedi asked if the City had considered putting the memorial on the corner of Mission and D Street and Development Services Director Rizk said no, because the City wanted some separation from the busy intersection. Mr. Emerson noted that when building a memorial, “the more it costs, the longer it takes,” and he explained that having to tear out concrete and move trees would only add to the cost. He said the proposed location would be least expensive to build because it was flat and ready and would take the least amount of time.

Chair Faria opened the Public Hearing at 8:46 p.m.

Larry Lepore, of Deer Park Court and resident of Hayward for 53 years, explained that he was speaking as a citizen and not a Hayward Area Recreation and Park District (HARD) representative although he noted that he brought some expertise to the project based on that experience. Mr. Lepore said he first met Mr. Emerson while working with him on the Castro Valley Memorial which was located in a HARD park. He said there were challenges related to that project and having been through that process he knew what to expect in Hayward. Mr. Lepore said he thought it was a fantastic design and he looked forward to assisting in any way necessary. He encouraged the Planning Commission to support the project and said he was sure the City Council would too.

Jim Castle, Providence Way resident, noted that the PowerPoint picture was pre-loop and commented the location was excellent because it gave people time to see the memorial as they travelled south on Mission Boulevard. Development Services Director Rizk confirmed Mr. Castle was correct and noted the photograph was now “historical.”

Chair Faria closed the Public Hearing at 8:51 p.m.

Commissioner Trivedi made a motion per staff recommendation

Commissioner Lamnin seconded the motion and commented that she hoped it was the start of other monuments tying local groups with Hayward history. She wished Mr. Emerson success in working with the City and said she hoped he would consider other opportunities for recognition. Commissioner Lamnin said she also hoped the memorial could be tied in with the library across the street and the Hayward Historical Society and agreed with Commissioner Lavelle that the year should be included on the monument.

Commissioner Loché said it was a great project and was sorry it took this long for the City to welcome the project. He said he trusted that staff, elected officials and residents would welcome the project. Commissioner Loché applauded staff for including Hayward first responders and said he preferred leaving it as the Hayward 9-11 Memorial.

Commissioner McDermott said the event was tragic and had a profound effect on everyone and changed the world. She said she looked forward to having a place to go to share her sadness about this event and the change it prompted and how we live now. Commissioner McDermott said she would be supporting the motion.

Chair Faria said she would also be supporting the motion and commented that she was surprised to see first responders included as part of the project and was very touched because she was working with Robert Greed the night he was killed and his name was included on the memorial.



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The motion to find the project Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15303, New Construction or Conversion of Small Structures, and recommend approval to the City Council of the Site Plan Review application for the proposed memorial, subject to the findings and conditions of approval, was approved 6:0:1.

AYES: Commissioners Loché, Trivedi, McDermott, Lamnin, Lavelle
Chair Faria

NOES:

ABSENT:

ABSTAINED: Commissioner Márquez

COMMISSION REPORTS

3. Oral Report on Planning and Zoning Matters

There were no reports on Planning or Zoning matters.

4. Commissioners' Announcements, Referrals

Commissioner Lamnin followed up on the Public Comment regarding the installation of a new stop sign at Pacific and Tennyson and Assistant City Attorney Conneely said staff would relay the request to Public Works. Commissioner Lamnin also asked staff to follow up on the request to allow A-frame signs along Foothill Boulevard.

APPROVAL OF MINUTES

5. The minutes from April 11, 2013, were unanimously approved.

ADJOURNMENT

Chair Faria adjourned the meeting at 8:57 p.m.

APPROVED:

Dianne McDermott, Secretary
Planning Commission

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk

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MEETING

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

ROLL CALL

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

Commissioner McDermott led in the Pledge of Allegiance

Commissioner Trivedi entered the Council Chambers at 7:01 p.m.

Staff Members Present: Ajello, Camire, Conneely, Fakhrai, Nguyen, Philis, Rizk

General Public Present: 28

PUBLIC COMMENTS

None

PUBLIC HEARING

1. Recommended Capital Improvement Program FY 2014

Director of Public Works - Engineering and Transportation Morad Fakhrai noted the City was in the second year of a two-year Capital Improvement Program (CIP) and then introduced Administrative Analyst II Todd Strojny who provided a synopsis of the report. Mr. Strojny noted this was the first year the City presented the CIP in electronic format and that the FY13 CIP was honored with an Excellence in Capital Budgeting award by the California Society of Municipal Finance Officers.

Commissioner Loché asked if having a nine year projection for the CIP instead of ten would have any implication on grant requirements and Mr. Strojny said no. Commissioner Loché asked for more information about Technology Services' largest project of replacing the Legacy Financial System with the Enterprise Resource Planning System. Mr. Strojny explained that the project entailed a complete overhaul of the City's financial system. He said the existing system was 25 years old and did not meet the requirements of the City. Mr. Strojny said the new system would create efficiencies and improve work flow.

Commissioner Lamnin asked if the Highland Reservoir project involved the same reservoir that had already been redone a couple of times in the last few years. Director of Public Works-Engineering and Transportation Fakhrai explained minor upgrades had been completed under past projects, but the cost for continuous repair was too expensive and it made more economic sense to completely rebuild.

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Commissioner Lamnin said she thought it had already been completely rebuilt and Mr. Fakhrai said she was thinking about the reservoir on La Mesa, which was completely reconstructed two years ago.

Commissioner Lamnin asked if the \$52 million set aside for a new library was included last year or new to the CIP Update. Director of Public Works-Engineering and Transportation Fakhrai said the project was added to the Identified Capital Needs section. Two years ago the City conducted a cost estimate for replacing the main library, he said, but the project was never included in the CIP; this year it was.

Commissioner Lamnin asked if the speed monitoring devices were tied into the Smart Light system and asked for more information. Director of Public Works-Engineering and Transportation Fakhrai explained that in areas of high speed, the devices used radar to show drivers how fast they were traveling. Due to limited funds, Mr. Fakhrai said only two devices were added each year.

Regarding Item 14 of the staff report attachment, Commissioner Lamnin asked if the “facility charges against operating budgets” was simply moving money from one department to another and she asked if it had any impact on funding for staffing. Director of Public Works-Engineering and Transportation Fakhrai said the item had no impact on staffing, it just identified where the money was being spent by providing better accounting.

Commissioner Márquez asked if because this was the second year of the CIP, streets had already been identified that needed improvement and Director of Public Works-Engineering and Transportation Fakhrai said yes. He explained that the projects shown in the CIP were the same as last year, but noted that if there was any money available after the listed projects were completed, other projects could be added. Commissioner Márquez noted that the report said only critical projects would be added and she asked if community members should contact the Public Works-Engineering and Transportation Department. Mr. Fakhrai said residents were encouraged to contact the City if there were issues that needed to be corrected and he noted safety concerns were dealt with right away.

Commissioner Lavelle commented that two-thirds of the \$511 million of unmet needs all related to street maintenance and she asked how Public Works-Engineering and Transportation determined what streets needed improvement. She also noted that staff had identified a Pavement Condition Index (PCI) of 80 and she said that was pretty high, noting the average in Alameda County was in the 60s. She said she would love it if all the streets in Hayward were in great condition and she asked for more information on the selection process.

Director of Public Works-Engineering and Transportation Fakhrai noted that more than half of the \$300 million set aside for roadway projects were for highway improvements. Noting the improvements were very expensive, he listed several outdated, inefficient interchanges in Hayward and noted CalTrans and the Alameda County Transportation Commission identified the locations. Mr. Fakhrai said the remaining \$116 million went toward improvements throughout the City. He noted the City did have a pavement management program that assigned a pavement condition index number to streets, but the City made its final selections based on what projects gave the City the “biggest bang for the limited funding available.”

Director of Public Works-Engineering and Transportation Fakhrai said the City received approximately \$4 million from Measure B funds, Gas Taxes, and other sources, but said the City’s real needs were between \$10-11 million every year, leaving a gap of about \$7 million. Even with the gap, Mr. Fakhrai noted the City had been fairly successful in maintaining a PCI of 70, which was very good, especially compared to surrounding cities. Mr. Fakhrai said the City set the goal of 80 PCI, but whether or not that goal was reached was dependent on funding, and he noted that goal hadn’t been discussed with Council



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and was just added to the CIP. He said staff will be providing Council with scenarios that outlined the level of funding needed to maintain various PCIs.

Clearly, he said, there were many streets that were in dire need of improvement and needed full reconstruction rather than just rehabilitation. He concluded by acknowledging that staff relied primarily on the computer system, with arterials and collector streets getting higher priority than residential streets, but noted residential streets were identified and improved as much as possible.

Commissioner Trivedi congratulated staff on the award and asked if there was an additional way for residents to let staff know about any street concerns. Director of Public Works-Engineering and Transportation Fakhrai said the City wanted and already received comments from residents and maintained a log. Commissioner Trivedi confirmed residents could use the Access Hayward system to make suggestions and Mr. Fakhrai said yes.

Regarding the proposed Fire Station No. 7, Commissioner Trivedi noted the existing station had just been constructed in 1998, and he asked for more context about the need for that project. Director of Public Works-Engineering and Transportation Fakhrai explained that the current station was a trailer that was constructed as temporary housing while Fire Station One was being built on Main Street. After the project was completed, he said, the City determined there was a need for fire protection in that part of town and due to limited funding, continued to use the trailer. Mr. Fakhrai said the building was never meant to last that long, but 13 years later it was still being used and was not in very good shape.

Chair Faria noted staff indicated that no public comments were generated from a notice placed in the Daily Review newspaper and she asked if any other medium was used to reach out to the public. Director of Public Works-Engineering and Transportation Fakhrai said the notice was posted on the City's website and at both libraries.

Chair Faria opened and closed the Public Hearing at 7:23 p.m.

Commissioner Loché made a motion per staff recommendation and Commissioner Márquez seconded the motion.

Commissioner Lamnin urged City staff to look at the library project and noted her concern as a Hayward resident that the cost kept going up about \$10 million every time she heard about it. She said the project started at \$30 million and had now almost doubled and she asked if that was realistic and if it had to be that much money. Director of Public Works-Engineering and Transportation Fakhrai said three or four years ago the City conducted an extensive cost programming and the amount needed for the project was \$52 million and had not changed since then. Mr. Fakhrai explained that it was a large project and something that the City needed. He noted that Hayward had the smallest library per square foot, per capita, in California. Commissioner Lamnin said she was not in any way arguing against the need for a library, just the cost.

In response to Commissioner Lamnin's comments, Commissioner McDermott pointed out that the Calpine Energy Center originally committed more funding, but based on the downturn of business the amount was significantly reduced. She said that contributed to the project not moving forward as fast as

everyone would have liked.

Commissioner Trivedi asked if a 1% construction inflation assumption over nine years was too conservative and Administrative Analyst II Strojny said the percentage would be adjusted accordingly every year.

The motion to find that the Recommended Capital Improvement Program FY 2014 Update was consistent with the City's General Plan, was approved 7:0:0.

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

NOES:

ABSENT:

ABSTAINED:

2. Zone Change Application No. PL-2010-0380 and Vesting Tentative Tract Map Application No. PL-2010-0381 - Gordon Wong (Applicant); Yue T. Hing, Ltd (Owner) - Request for Zone Change from Single-Family Residential (with B6 Combining District) to Planned Development, and Vesting Tentative Tract Map to Create Eight (8) Residential Condominiums with a Single Remaining Parcel Owned in Common on a Vacant Site Located at 26736 Hayward Boulevard

Chair Faria read the title of the report and Commissioner Lamnin explained that she had a conflict of interest because she lived close to this address and would have to recuse herself from discussing the item.

Chair Faria asked if Commissioners would be agreeable to moving Item 2 to the end of the meeting so Commissioner Lamnin could participate in discussions for the remaining items. Commissioners agreed to move Item 2 to the end of the meeting.

At 10:09 p.m. Commissioner Lamnin left the Council Chambers.

Development Services Director David Rizk introduced Associate Planner Linda Ajello who gave a synopsis of the report and noted the project architect was present to answer any questions.

Commissioner Lavelle welcomed Associate Planner Ajello and indicated she had some questions about the contemporary style and design of the units but said she would ask the architect.

Regarding the light and glare criteria in the initial study, Commissioner Lavelle said the image provided for the project appeared to show the units at dusk and the lighting was incredibly bright. Reading from the staff report, Commissioner Lavelle noted an addition to criteria language that said pole-mounted lighting would be broadcast onto adjacent properties. She said that was disturbing and if she was a neighbor to this property she would not want to have lights broadcast toward her home. She read that the project applicant would have to submit a plan to deal with the lighting and she asked staff what ideas the applicant had for controlling light.

Associate Planner Ajello said as part of the City's security and lighting standards each project was required to provide a certain amount of light for the safety of residents. In addition to that, she said, the City considered the type of proposed light standards to ensure the lights didn't glare into the street or



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onto neighboring properties. Another concern that had come up and was now evaluated, she said, was the light pollution emitted into sky. Associate Planner Ajello said the staff review would evaluate each of the fixtures to ensure that they were designed not to cause unnecessary glare. Commissioner Lavelle asked if nearby residents would have the opportunity to comment on the lighting and Development Director Rizk said the City always welcomed input from neighbors. From the report Mr. Rizk read the recommended condition noting the proposed exterior lighting plan would be submitted by a qualified illumination engineer and all lighting fixtures should complement the building architecture and be shielded and deflected away from neighboring properties and windows. Mr. Rizk said that when the precise plan was submitted, staff would make sure the lighting was compliant.

Commissioner Lavelle asked if her understanding was correct that the thirteen trees on the parcel would all be removed if the project was built. Associate Planner Ajello said that was correct, but noted that condition of approval for the project required that the landscaping on site would have to be installed in accordance with City's landscaping requirements. Ms. Ajello commented that the City's landscape architect had already reviewed the preliminary development plan included in the report and would also review the precise plan which would require a certain number of trees based on the development site.

Rooftop gardens were also included in the project proposal and Commissioner Lavelle commented that was relatively new for Hayward and asked if the greenery on the roof would be used as a replacement for the trees and the rural look of the parcel. Associate Planner Ajello said the rooftop garden was in addition to the required overall site landscaping.

Following up on Commissioner Lavelle's comments, Commissioner Loché referred to a sentence in the report that read "replacement plantings and/or payment for offset landscaping," and he asked was that something to be considered or would it just happen. Associate Planner Ajello said it would absolutely be in accordance to landscape requirements, was not optional, and would be reviewed by staff. Commissioner Loché asked for confirmation that what the actual mitigation was going to be would be determined later and Ms. Ajello said it would be determined in the precise plan.

Commissioner Loché noted that only two guest parking spots were required and he asked staff if they had any concerns that residents would use the parking lot across the street in the plaza for additional parking. Associate Planner Ajello said no, and she explained that minimum parking standards had been met and each unit had designated spaces within their garage and there was one assigned uncovered spot. Parking was not allowed on the drive aisles, she said, but guests could park in the garages or on the turnouts leading to the garages if the Covenants, Codes and Restrictions allowed it.

Commissioner Loché asked for confirmation that there was only one phase of construction and Associate Planner Ajello said that was correct. Commissioner Loché asked if that was a suggestion or a required and Associate Planner Ajello said typically it was not required, but staff would want to know at this stage in the process so a construction time could be calculated. Commissioner asked if construction would take over a year and Ms. Ajello deferred the question to the architect.

Commissioner Trivedi said the turning lane going uphill and left into the complex made sense, but he had a real concern about vehicles exiting the complex onto Hayward Boulevard and the high rate of

speed of oncoming cars going downhill on a curve. To make it less of a blind curve, Commissioner Trivedi suggested installing a sensor to let residents exiting the complex know a car was coming.

Commissioner Márquez asked staff if the rooflines of the units were at different heights and if the railings would stop someone from walking across and Associate Planner Ajello said that was correct. She added that each rooftop was private and although the railings wouldn't stop neighbors from seeing each other there would be some screening with the landscaping and the enclosures for the venting with the solar panels on top. Associate Planner Ajello said that unless someone was climbing over railings to get to their neighbor, there was no connection.

Commissioner Márquez asked if the City had any policy about preserving the existing trees. Development Director Risk explained that the City did have a tree preservation ordinance and the most desirable scenario was preserving the existing trees, but if they were removed the ordinance stated that they be replaced with landscaping and trees that were equal in value. He said to expect even the largest new tree to match the value of some of the older trees was not realistic, but it would cost prohibitive to transplant trees and he noted that Coast Live Oak trees were particularly sensitive to being transplanted and even if done well, a lot of money could be lost trying to move them.

Commissioner Márquez noted parking in the unit garages was at street level and she asked if it was tandem. Associate Planner Ajello said garages were either single car or side by side.

Chair Faria opened the Public Hearing at 10:34 p.m.

Mr. Gordon Wong, resident of Saratoga and recently AIA licensed architect with LEED green building certification, said he had been working with Planning Department for two and half years on the project and was available to answer any questions.

Commissioner Loché asked why the project started with ten units and then dropped to eight. Mr. Wong explained that after going through all the vehicular studies and the proper usage of the land, eight units was more sustainable and feasible for the land. He said he did his best to cluster the units, mitigate impacts to neighbors, and keep it as green as possible.

Commissioner Loché noted that per the staff report, 8,000 cubic yards of soil would need to be removed from the site and he asked if the impact to neighboring structures had been considered. Mr. Wong said a study was conducted of the trucking and grading of the land, which was very steep, and it was determined with the help of a civil engineer that 1,000 cubic yards per unit was feasible. He said he figured out truck routes and worked with the City's Associated Planner Tim Koonze to determine where the dirt would go and the mitigation measures to lessen the impact on neighbors as the dirt was removed. Mr. Wong confirmed that construction would be kept to one phase to reduce the impact on neighbors and the land.

Commissioner Loché asked once construction started, what was the longest amount of time the project would take to complete. Mr. Wong said roads would be completed first, then the homes. Mr. Wong said he would try to complete construction as fast as possible, but he didn't know exactly how long it would take.

Commissioner Lavelle noted that the staff report called the design of the units "a contemporary style" and she asked Mr. Wong to explain some of the design elements. Mr. Wong said the front feature to the units was a triangular awning that was oriented to maximize the winter sun to heat the building and providing natural lighting and deflect the summer sun. He noted that the trellises were angled at 40



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degrees to provide the maximum amount of shading while still getting the maximum amount of sun exposure for the solar panels on the roof.

Commissioner Lavelle asked about a slanted element on the roof and Mr. Wong explained that it was another shading device so residents could add seating to the rooftop, avoid direct sunlight while seated, and still maximum the exposure to solar panels.

Commissioner Lavelle said one part of the report mentioned siding would be used on the buildings and another part said grey stucco, she asked Mr. Wong to explain the exterior features of the buildings. Mr. Wong said the preferred siding would be a Hardie board panel or something of comparable performance and he explained for Commissioner Lavelle that it would look like a cementitious board and would come in urban colors and the grey cement-looking material would be below the siding. He said they wanted to tie the color of the buildings in with the landscape.

Commissioner Lavelle asked about the design of the community open space on the north side of the second building. Mr. Wong explained that the community open space was at the center of the project and was 800 square feet of flat, green space, protected from street, and covered by a trellis. He said he was working with the landscape architect to make it as green as possible so residents could enjoy a picnic in the space. Commissioner Lavelle asked how many people could gather there and Mr. Wong said he had calculated for the population of the entire complex.

Commissioner Lavelle asked if two guest parking spots was the maximum number possible for the facility and Mr. Wong said there might have been an error because there was actually room for three guest parking spots.

Commissioner Lavelle confirmed that the drive leading to the top of the complex was adequate for fire and safety vehicles and Mr. Wong said that was one of the most challenging problems he'd ever faced, but he confirmed that both fire and garbage trucks could get up there without any problems. Commissioner Lavelle asked where the facilities for garbage were located and Mr. Wong directed her attention to two areas at the end of the private roads. Commissioner Lavelle noted that residents would have to bring their trash to the two containers and Mr. Wong pointed out that residents could also exit out the back of their units so they had direct access to the bin area. He also noted that the amount of recycling, garbage and greens bins had been calculated.

Commissioner Trivedi asked if the complex was gated and Mr. Wong said no. Regarding the dirt that was being removed, Commissioner Trivedi said his only concern was the integrity of the hillside for any neighbor living above the complex and he asked for confirmation that there was sufficient geo-engineering conducted. Mr. Wong said he did a lot of research about how to retain the hillside without it collapsing and construction included the use of two types of retaining walls including a steel soldier and a wood lag-type and a concrete retaining wall that would run along the driveway. Mr. Wong said he worked with retaining wall engineers and had calculated the retaining wall layouts many times to abide by the City's Hillside Guidelines. He noted that walls were staggered to avoid creating an eyesore, and to respond to the surrounded neighborhood.

Commissioner Trivedi confirmed that due to the location of the complex to the Hayward fault line there were seismic projections built into the design and Mr. Wong said yes.

Commissioner Trivedi complimented Mr. Wong on the thought and care that seemed to have gone into the design and said they were very appealing and that he appreciated the sustainable features. He commented that although they were condos located near the university, they looked way too nice for students and he wasn't sure who was being targeted, but he looked forward to seeing them.

Regarding the proposed traffic lane, Chair Faria asked Mr. Wong if he felt that would reduce any potential problems. Mr. Wong said he worked with traffic engineers and speed humps would be installed within the complex to slow people coming down the hill as well as an island with a thin wall in the middle so people don't make inappropriate turns and to control traffic flow at the hub of the project.

Chair Faria asked for confirmation that the first level of each unit was the garage and the second level the living entrance, and Mr. Wong said yes. Chair Faria asked if all the bedrooms would be on the second floor and Mr. Wong said either the second or third floor. He noted that the bottom level was strictly for cars, laundry, and a half bath. Chair Faria asked if the bedroom would be on the same level as the kitchen and living space and Mr. Wong said yes.

Chair Faria asked Mr. Wong if he had any other comments and he said he hoped to make a change to the green community in the City of Hayward.

Regarding the target market, Commissioner McDermott asked what the price range would be for the complex. Mr. Wong said the complex had a wide range of unit types ranging between one and three bedrooms. He noted they were much larger than the looked because they were tucked into the ground. He said his client had urged him to keep the two-bedroom units in the \$400,000 range and target them to folks like him, and the upper units with three-bedrooms geared more toward new or working families. Mr. Wong said the pricing would be flexible.

Commissioner McDermott said she liked the design and the utilization of the topography and the way the units were tiered. She said from some of the units there would be a nice view especially from the rooftop garden. Commissioner McDermott also appreciated that green features had been incorporated. She said the design was green friendly, energy efficient, contemporary and different, but nice.

Chair Faria closed the Public Hearing at 10:52 p.m.

Assistant City Attorney Conneely asked Chair Faria to confirm that there wasn't anyone else who would like to speak.

Shirley Davis, Chronicle Lane resident above the proposed site, said she was concerned about the removal of the trees because they were within her view. She also commented that sewer systems were jeopardized because of the hillside and she was concerned that more dwellings patching into the system would impact the hillside. She said most people on the hill where she lived had sump pumps that went up to the City sewer, but one neighbor had neither a sump pump nor a septic tank; his waste went into a leech pond in the hillside. Ms. Davis said being at the top of the hill these reasons, along with the construction of the units, made her concerned about the preservation of the hillside. Ms. Davis also expressed concern about more traffic and she pointed out that local roads had a lot of potholes and were in distress.



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Chair Faria asked Mr. Wong if he would like to address the sewer situation and he said they were going to connect to the City's sewage line. Chair Faria asked staff if they had any concerns with sewage in that area and Development Review Engineer John Nguyen said the complex would connect to existing water and sewer lines along Hayward Boulevard. Development Services Director Rizk said he wasn't sure about sump pumps in the area and he assumed sewage would be gravity-feed down the hill and Mr. Wong said that was correct.

Commissioner Márquez had a question about making the motion and Assistant City Attorney Conneely suggested she make a motion per the staff recommendation. Commissioner Márquez made a motion per the staff recommendation and Commissioner Trivedi seconded the motion.

Pointing out this was unusual for her; Commissioner Lavelle said she did not want to support the motion. As much as she appreciated the tremendous amount work by Mr. Wong, Commissioner Lavelle said there may be a better place in the Bay area where this design could fit. She said she believed the residential single family zoning already in place for the parcel was correct and would be more in line with the surrounding neighborhood, which was characterized by big, single family homes. Commissioner Lavelle said the stark, contemporary design of the units were out of character for the rest of the neighborhood and seemed more appropriate for downtown Los Angeles or New York City or even on the CSU East Bay campus.

Commissioner Lavelle said the landscape plan, although adequate for what may be built there, didn't seem helpful to the neighborhood to remove the thirteen trees and put in an urban city structure. She said she would be voting no.

Commissioner Trivedi said he liked the design, noted it set a new standard, and said he would like to see more buildings in Hayward look like this. He said he would be happily supporting the motion and commented that he wasn't so concerned about the trees because of the tree ordinance.

Commissioner Loché commended the architect saying the design of the project was very, very attractive and creative and he welcomed the green features. He said he was concerned about removing thirteen trees and wanted to see replacement plantings per the tree ordinance. Commissioner Loché said he supported the motion, would welcome the project and concluded that the project was a well put together, well thought out plan.

Commissioner Márquez said the project was extremely innovative and she commended Mr. Wong. She acknowledged it was a risk because it was different, but she said she did welcome it. Commissioner Márquez said she was happy there was a voice from the community and she asked Mr. Wong to continue to work with the City on any problems, and she reminded the applicant that there were limits on noise during construction. Commissioner Márquez said she really liked the solar panels and the layout and said the design was unique and would be something positive for the City of Hayward. She said she would be supporting the motion.

Chair Faria said she also liked the design, it was different and well thought out, and she liked the way the pieces were put together to address energy efficiency while still protecting residents. She said she would be supporting the motion.

The motion to recommend that the City Council adopt the Negative Declaration and Mitigation Monitoring and Reporting Program, approve the requested zone change and vesting tentative map subject to the findings and conditions of approval, was approved 5:1:1.

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

3. Proposed Overrule Action Regarding Section 2.7.5.7 of the Hayward Executive Airport Land Use Compatibility Plan

Associate Planner Arlyne Camire gave the report.

Commissioner Trivedi noted that because the Planning Commission had heard and discussed the topic during a Work Session review of the Airport Land Use Compatibility Plan a few weeks ago, he didn't have any questions on the substance of the issues. Commissioner Trivedi said the overrule was appropriate and future issues regarding noise, safety, airspace protection, and over-flight compatibility could be adequately handled by City staff, the City Council and the Planning Commission.

Commissioner Trivedi asked for more detail on the timing of the overrule, specifically how it relates to the General Plan update and the two projects currently being processed for the Marie Calender site outside of the Southland Mall and a proposed fitness center. Associate Planner Camire said although the fitness center was considered an incomplete project, staff had asked that the project be reviewed by County staff and the Alameda County Airport Land Use Commission (ALUC). She said the City was waiting for the project to be modified to meet the requirements for review.

Commissioner Trivedi asked if the City Council was able to quickly approve the overrule, would the two projects still be subject to review by ALUC. Associate Planner Camire said the projects would be exempt for review if the overrule was in place, but she noted the next Council meeting was scheduled for May 28th, and the ALUC would still have to review the City's finding and decision and respond with comments back to the City. She said staff was hoping to complete the overrule process by the end of July. Commissioner Trivedi asked for confirmation that regardless of what the ALUC decides regarding the two projects, the City could still move forward on them once the overrule was in place. Development Services Director Rizk said yes and noted that the project at the Marie Calender site would not be subject to ALUC review because it was a another restaurant being built within the existing footprint with no expansion of the building.

Development Services Director Rizk reiterated that Council hoped to have the overrule action in place mid to late July and the impact to the other project depended on how quickly it moved through the City's development process. He said City staff hoped that the overrule was in place before staff had to make a decision on the other project and if that didn't happen, then the City would have to respond to comments from the ALUC review.

Commissioner Trivedi asked how the overrule related to incorporating the sections from the Hayward Executive Airport Land Use Compatibility Plan (ALUCP) into the General Plan. Associate Planner Camire explained that when Council considered the General Plan next summer (2014) it would include



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the sections from the County Plan. Development Services Director Rizk added that assuming the overrule action was taken by Council, until the General Plan was approved in 2014, projects without “Special Conditions” would still need to be referred to the ALUC. Commissioner Trivedi asked if it was staff’s opinion that only projects with “Special Conditions” were critical and Mr. Rizk said yes, with the key word being “critical.” Mr. Rizk said there might still be a need to refer some projects to the ALUC, and that might affect City processing, but ultimately the goal was to amend the General Plan so it was consistent with the ALUCP. Development Services Director Rizk concluded that it was just the one provision that dealt with infill and non-conforming uses, particularly those that impact future development at Southland Mall, was the most critical.

Commissioner Trivedi asked if referring projects to the ALUC wasn’t as big of a concern as the impact of the provision on future development and Development Services Director Rizk said that was correct because the most restrictive safety zones were near the airport and therefore at Southland Mall. Mr. Rizk noted that the zones became less restrictive moving away from the airport and Commissioner Trivedi added that that meant there would be a lot more compatibles uses.

Commissioner Márquez asked if the Planning Commission would have to address the overrule issue again if they recommended approval to the City Council. She also asked how often the ALUCP was reviewed. Assistant City Attorney Conneely said the last Compatibility Plan was adopted in 1983 so it appeared to be a 20 year cycle, but noted that once the City acted and the overrule was in effect, it would remain so for the life of the ALUCP.

Commissioner Márquez said she supported staff’s recommendation and encouraged the City Council to approve the overrule.

Commissioner McDermott said she was very comfortable with the recommendation and it appeared the City would have to abide by ALUC rules until the overrule was in place and the General Plan amended. Commissioner McDermott said a two-thirds vote by Council provided some recourse for applicants but that would cause a delay in the process and that would put the City at a competitive disadvantage against the other cities where prospective businesses were considering locating. Commissioner McDermott said the City needed to take action as soon as possible and go forward with the overrule action as recommended by City staff.

Commissioner Loché noted that the staff report mentioned a safety provision that was omitted from the ALUCP and he asked if the provision was removed in response to the City’s concerns about economic development. Associate Planner Camire said the omission took place when the ALUC was holding meetings to discuss the draft plan and was in response to staff requesting to amend the “Special Conditions” section to allow a less restrictive use if the two safety zone boundaries crossed the property instead of passing over the building.

Chair Faria opened and closed the Public Hearing at 8:02 p.m.

Commissioner Trivedi made a motion per staff recommendation and Commissioner McDermott seconded the motion.

Commissioner Loché said he was in agreement with the motion because he didn't want to force potential businesses coming to the Southland Mall area to jump through hoops. He said it was important that the City be able to go to the ALUC for input, but he didn't want the businesses to have to do it. Commissioner Loché confirmed with staff that the City had representation on committee and concluded that with that representation, the City should absolutely be overruling the action.

Chair Faria said she also supported the motion, saying the City wanted to improve economic development and create livable neighborhoods. She said the City didn't need vacancies and obstacles in moving the development of the City forward because of this issue.

The motion to recommend to the City Council to conduct a public hearing on the proposed overrule action regarding Section 2.7.5.7, "Special Conditions," of the Hayward Executive Airport Land Use Compatibility Plan and provide the proposed decision and findings to the Alameda County Airport Land Use Commission, was approved 7:0:0.

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

NOES:

ABSENT:

ABSTAINED:

4. Amendment of City's Card Club Regulations (PL-2011-0213 TA) to Allow Transfer of Ownership and Potential Relocation of the Palace Card Club, Fee Increases, and Additional Regulatory Oversight, Among Other Modifications; and Conditional Use Permit Modification Application (PL-2011-0303 CUP) to Increase the Number of Gaming Tables From 11 to 13 and Approve a Two-Story Addition to the Palace Card Club. The Palace Poker Casino, LLC (Applicant); Catherine Aganon and Pamela Roberts (Owners/Trustees). The Project is Located at 22821 Mission Boulevard, in a Central City Commercial (CC-C) Zoning District.

Development Services Director Rizk gave the report and noted staff had been working with Lieutenant Jason Martinez and Sergeant Ryan Cantrell of the Hayward Police Department who were present and available to answer questions, as were owners Cathy Aganon and Pam Roberts and their consultant Dyana Anderly.

Commissioner Lamnin disclosed that she had been invited to and had visited the card club the week before.

Commissioner Lamnin asked why a new conditional use permit (CUP) would be needed if the card club was to relocate, but had no substantial changes to operations. Development Services Director Rizk explained that a CUP was site specific and the characteristics of every site were different including proximity to residential uses. Commissioner Lamnin confirmed that any businesses that required a CUP would have to get a new one if it moved and Mr. Rizk said yes.

Commissioner Lamnin asked Sgt. Cantrell to comment on a letter received that mentioned a potential increase in crime due specifically to gambling. She asked if the police department (PD) had noticed a direct connection between the two and Sgt. Cantrell said no, PD had noticed no correlation.



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Regarding the revised language for the Hayward Municipal Code, Commissioner Lamnin said she understood the background investigation of an applicant could take longer than 30 days, but asked if the Chief of Police could extend the process indefinitely. Development Services Director Rizk said the investigation could take longer than 30 days depending on the number of people being investigated, and the complexity of the financial investments of the entity. Commissioner Lamnin said she appreciated that the City had been working to make the permitting process as smooth as possible.

Commissioner Lamnin asked if a shareholder would have to file a separate permit and Assistant City Attorney Conneely said the shareholder would need to identify themselves on the application.

Commissioner Márquez asked for confirmation that in 2009 the Planning Commission approved the recommendation to increase the number of tables from 8 to 11 and Development Director Rizk said yes. Commissioner Márquez asked how many tables were in use and when Mr. Rizk said they had permission to have 11 tables, she asked if it was lack of space that stopped them from using all 11. Mr. Rizk explained that there was physical space for 11 tables, but if the owners wanted to provide an eating area they would have to use some of the tables for that purpose.

Commissioner Márquez disclosed that she also visited the location and met with owner Cathy Aganon.

Commissioner Márquez noted that staff was recommending approval because of the revenue generated from the business license fee and she asked how often the license had to be renewed. Development Director Rizk explained that the business license tax was annual and could only be increased with voter approval. He added that the other fees mentioned in his report were strictly cost recovery for police services and background checks.

Commissioner Márquez asked Sgt. Cantrell if PD had received any calls or had any issues related to the shuttle service or the municipal parking garage. Sergeant Cantrell said no and noted the shuttle was a good tool for crime prevention because patrons were escorted directly to the location.

Commissioner Márquez confirmed with Sgt. Cantrell that the establishment did not sell alcohol and he said that was correct.

Regarding the possible sale of all or some of the ownership of the business, Commissioner Márquez noted that according to the report, a background check of potential owners would have to be conducted by the Department of Justice (DOJ) and she asked if the City of Hayward also had a process. She also asked how the business would be kept accountable if there were several owners. Development Director Rizk confirmed that the City would require a criminal and financial investigation of all potential new owners and that would require a deposit for the cost of a consultant the City would hire for that type of investigation. He emphasized that new ownership would be subject to Council approval. Assistant City Attorney Conneely added that the business would have an obligation to advise the City any time there was a proposed change to ownership so the City could conduct the appropriate background checks and receive Council approval.

Commissioner Márquez asked if the Gaming Commission had anything to do with the process or just the City Council and Sgt. Cantrell explained that because it was a gambling establishment, an

application with the Gaming Commission would have to be submitted before the City could even be approached.

Regarding selling ownership of the business, Commissioner Loché asked what was allowable right now. Assistant City Attorney Conneely explained that a text amendment would have to be brought forward because the current ordinance did not allow the transfer of ownership; the only authorized owners were the two sisters. Commissioner Loché confirmed that included partial ownership and Ms. Conneely said that was correct.

Commissioner Loché asked staff if concerns expressed by a neighboring business regarding Card Palace patrons using their parking lot or walking through their business had been discussed since the issue first came up. Development Director Rizk said staff had not conducted any surveys or had any discussions, but he said he did speak to the author of the letter (the daughter of the owner of the neighboring business), but noted she had no specific information about the complaint. Mr. Rizk mentioned that Club proponents acknowledged The Ranch restaurant also had a parking lot that Club patrons might be using, but the City had received no complaints about that.

Commissioner Trivedi noted he was new to the Commission and had never been to the club, and it seemed to him that there were a lot of issues regarding the item. He said it appeared the aim of the proposal was to give the owners more flexibility regarding selling or moving or renovating and he asked staff for the context of the proposal. Development Director Rizk said the request by club owners to transfer ownership was the primary reason for the item, but that there was also a desire to increase the number of tables, have more flexibility in the types of games allowed under State regulations, and to improve the facility. Commissioner Trivedi asked if the additional use permit conditions of approval came from staff in response to the requests and Mr. Rizk said yes, as well as updates and revisions from staff to the card club regulations. Development Director Rizk mentioned that the City had hired a consultant to help with the text amendment and also had the Department of Justice Gaming Commission review the draft language, for which they had indicated support.

Commissioner Lavelle asked how many card clubs were located in the Bay Area or in East Bay. Development Director Rizk said he didn't have an exact number, but there were a handful. Commissioner Lavelle said she knew of one in Emeryville, a new one in San Jose, another in San Bruno, and then further away, Indian gaming casinos. Commissioner Lavelle pointed out that the Palace Card Club was a relatively unique business in Hayward and had been here for more than her lifetime. She said she was impressed that the business had lasted through the tremendous growth of the City.

Commissioner Lavelle asked Sergeant Cantrell to confirm statements made by staff in the report regarding calls for service by police. She said she was shocked to read that since November of 2011, there had only been eight calls for service and most were initiated by club security for minor issues. Sergeant Cantrell confirmed that was correct. Commissioner Lavelle pointed out that that information rebuts the comments made by the neighboring business owner's daughter and noted security personnel at the club must be doing a good job and clearly not having alcohol was useful in keeping crime down. Reading from the report, Commissioner Lavelle noted that City staff had indicated that the relatively few calls for service and the cooperative attitude of club security personnel reflected the responsible management of the Palace Card Club, the current owners and their family. Commissioner Lavelle commented that whether or not the Club moved to a new location or there were different owners, responsible management was something that Hayward residents would want to be maintained. She added that with reductions to the City budget and safety service personnel over the last few years, the low number of calls for service should be noted when considering the application.



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Looking at the proposed regulations, Commissioner Lavelle noted that some of the language was left over from the 1960s and 1980s and that she objected to a sentence that read card clubs may have a deleterious effect on the “safety, welfare and morals” of City residents. She asked that “morals” be removed or the phrase replaced with “health, safety and welfare” of City residents. Commissioner Lavelle said the City government had no business regulating or talking about people’s morals.

Commissioner Lavelle asked if the proposed restaurant portion and dining area of the club would be located in what was presently an outdoor parking alley between the card club and the neighboring business. Development Director Rizk said the area was being used as a temporary location for employees to eat, not for parking, but confirmed it was the same area. Commissioner Lavelle asked if the idea was to turn the area into a lunch counter or dining area, would it be open to the public including those not interested in gambling and Mr. Rizk said he would assumed no, but suggested Commissioner Lavelle ask the owners.

Commissioner Lavelle asked staff if any comments had been received from residents who lived behind the business on Francisco Street and Development Director Rizk said no.

Regarding parking, Commissioner Lavelle noted that there had been a lot of discussion in 2009 about the shuttle between the business and the municipal parking lot, and since then the City had undergone a tremendous transformation, the loop had been initiated, and there was a new parking lot directly across from the card club. She asked how many parking spots were in that new lot. Director of Public Works, Engineering and Transportation Morad Fakhrai replied that there were 30 spots. Commissioner Lavelle made the point that while considering the application, the Commissioners should keep in mind there were 30 additional parking spots in that area and she considered that a tremendous bonus to the card club as well as the other businesses.

Commissioner Lavelle disclosed that she had visited the card club in 2009 and didn’t feel the need to go back for this discussion.

Commissioner McDermott asked if the parking lot across the street from the card club had a two hour limit. Development Director Rizk confirmed that parking would be limited in the future to one to two hours. Commissioner McDermott said she assumed that most people who go to a card club stayed longer than an hour or two and Mr. Rizk said that was a safe assumption.

Commissioner McDermott noted that part of the recommendation was an expansion of tables from eleven to thirteen and she asked how the business could expand if they already had to use some of the tables for dining, and she commented that expanding at the current location was restricted unless the owners built upward. Development Director Rizk said he didn’t know if all eleven tables were being used all the time, but acknowledged that adding two more tables without expanding would be difficult.

Commissioner Márquez asked if the City had received any complaints about patrons jaywalking across Mission Boulevard from the new parking lot and Mr. Rizk said that Director of Public Works Fakhrai had received some complaints. Commissioner Márquez asked if there had been any accidents or major issues and staff said no.

If the Commission supported the increase in the number of tables, Commissioner Márquez asked if the card club would have to work with police to increase security to accommodate increased patronage. Sergeant Cantrell said that would all be part of the internal control standards.

Commissioner Lamnin asked if she understood correctly that the table fee would go up from \$1,500 to \$8,700 and staff said no. Development Director Rizk explained that there were other associated fees that all together would total \$8,700, but added all were related to cost recovery. Commissioner Lamnin asked what the current total was for all fees and Mr. Rizk said he didn't know, but estimated several thousand dollars.

Chair Faria asked Development Director Rizk if he had spoken to the daughter of the neighboring business recently because the email was dated July of 2011, and Mr. Rizk said that he had. He pointed out the email was old, but the City had received the attached letter just last week. Chair Faria noted that there had been only eight calls for service since November of 2011 and she asked if that was due to some action that was taken as a result of the daughter's complaint. Mr. Rizk said he didn't know if that was the case and he noted the number of calls for service had always been minimal. He concluded that the two were not related.

Chair Faria asked if the alleyway between the card club and the neighboring business would be absorbed into the proposed expansion and Development Director Rizk said yes.

Chair Faria opened the Public Hearing at 8:46 p.m.

Cathy Aganon, resident of Livermore and one of the two owners of the Palace Card Club, stated that for over two years, she, her sister and their representatives had worked hard with City staff and the Gaming Commission to craft a revised card club ordinance. As a result of their work, she said, the proposed ordinance promoted the welfare of City, provided an opportunity to maintain an appealing entertainment venue, and supported a viable business.

Ms. Aganon pointed out that the current ordinance dated back to the 1960s. Times change, she said, businesses needed to remain competitive, and poker was no different. She noted that the card club was the largest downtown employer with 150 employees, was one of the longest running businesses in the City, and had an upstanding reputation in the community. She noted that the staff report stated that the business had 130 employees, but she said they had hired 20 more employees in the last two years. Ms. Aganon said between 300 and 350 patrons visited the establishment every day, some from out of state, with many choosing to dine or shop in Hayward.

She said those Commissioners who had visited the club would have a better idea of why relocation or expansion was so vital; they were busting at the seams. Ms. Aganon explained that they didn't have adequate office space, an employee break room, a dining area for the patrons, and parking was very limited. She said it was their greatest desire to make the Palace a beautiful venue not only for customers and employees, but for the City as well.

Ms. Aganon said a key factor to the continued success of their business was the amendment that would allow them to sell all or any portion of their interest in the business. She said the current stipulation caused extreme circumstances and burdens. She noted that she and her sister could not travel together because if anything happened to them the business would be no more.

Ms. Aganon said it was not her and her sister's intention to relinquish all of their interest in the business, but they would like the opportunity to enjoy their golden years. Due to the current ordinance, their



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mother had continued to work in poor health, from her bed, until she passed away at the age of 83. Ms. Aganon said she and her sister should not have to work until they died.

Ms. Aganon said the Palace was a landmark that she and her sister wanted to continue to build with their children, if they so desired. If they were allowed to sell all or part of the business, she said, they could renovate the building or consider moving to a suitable location. If they could not sell then moving or expanding was no longer a viable option. She said they had given it tremendous thought and together with their financial advisors had determined that spending over a million dollars on a building expansion would not be financially wise if they could not eventually sell the business.

Ms. Aganon concluded that she hoped the Commission could see how dedicated they were to the future success of the business as well as to the City of Hayward.

Commissioner Loché confirmed with Ms. Aganon that she was only interested in selling part of the business. When she said yes, Commissioner Loché asked Ms. Aganon if it would be acceptable to her if the ordinance stipulated that. Ms. Aganon said she wanted to maintain a portion of her interest in the business to pass to children, but she didn't want them to have to work there in order for the business to stay alive. Ms. Aganon said she also wanted the ability to retire and she noted that she and her sister had been there for 30 years and not being able to travel together was just sad.

Commissioner Lamnin asked if an elevator was included in the proposed expansion and Ms. Aganon said yes. Commissioner Lamnin asked Ms. Aganon what the approximate cost per table was in fees paid to the City and Ms. Aganon said \$1,500 per table, per year. Commissioner Lamnin noted that staff had mentioned there were additional fees and she asked Ms. Aganon what that totaled. Ms. Aganon said between badging, fees and taxes she paid between \$40,000 and \$50,000.

Pam Roberts, Ms. Aganon's sister and the other owner, said the majority of the time people ask her two questions: how do you make your money and how did the City made its money. Ms. Roberts noted that Development Director Rizk had explained the fees the City collected and for those who visited the club, they were shown the business' entire process from the gaming table, to how the boxes were pulled, the money counted, and how everything was logged.

Ms. Roberts thanked her father for starting the business over 60 years ago and noted when it passed to mother upon his death the palace had only 20 employees and the same number of customers. In 2000 there was a downturn in the industry and business was so bad their mom came to them and said she could only stay open for one more month. Ms. Roberts said she and her sister took her out to lunch and asked her for the chance to save the business and turn it around, which they did in three years, working 24/7 and restructuring the entire business. Ms. Roberts continued saying that many card rooms struggled to stay open, but business exploded when ESPN started showing the World Poker Series and made the industry legitimate. "Suddenly everyone wanted to learn Texas Hold 'em," she said.

Ms. Roberts said her payroll was approximately \$3 million annually with an additional \$500,000 for security and the 24-hour shuttle. She noted her customers patronize local businesses.

Speaking of neighboring businesses, Ms. Roberts said she thought they had a good relationship with their neighbor, ate there all the time, and had told her to come to them if there were any problems. Ms. Roberts said the complaints expressed in the letter were news to her.

Regarding Commissioner Lavelle question about the number of casinos in the area, Ms. Roberts said the club in Emeryville was the closest. She said all casinos had been playing Three Card Poker and Baccarat for over two years and the Palace was the only casino that did not. She said the proposed ordinance would allow them to play the games, approved by the State Gaming Commission, and that would make them more competitive. Ms. Roberts said the Hayward location was nothing less than ideal, and they had the potential to be the industry leader and greatly contribute to the expansion of downtown.

Ms. Roberts said she would never sell her entire share because she wanted to have something to pass down to her family, and by retaining some shares she would have the choice of staying active in the business. She reiterated than any new owners would have to be licensed and go through the same background checks.

Ms. Roberts pointed out that if the ordinance was not changed, death or retirement by her and her sister would close the business, end some good paying jobs, and stop 300 customers per day from coming to Hayward.

Ms. Roberts said if the card club was now considered an entertainment venue, then they should relocate in the downtown area. She said that even if they absorbed the alley behind their current location during the renovation, there still wouldn't be enough room to accommodate what they wanted to do. The whole idea of having a restaurant was so customers would eat there, but they also wanted to attract people who might eat, but not gamble. Ms. Roberts said because they were open 24 hours, movie goers or club patrons might want to eat there before they went home.

Ms. Roberts said City staff had worked hard to create an ordinance that worked well for the Hayward community and their business endeavors and she asked the Commission for their support.

Commissioner Márquez asked Ms. Roberts if the ordinance was approved, would more employees be hired and security increased. Ms. Roberts said if they decided to relocate hopefully they wouldn't have to increase their shuttle service, but if they were allowed to expand they would definitely increase the number of employees. She said with more tables and new games, the number of employees could easily jump to 300 to 400 employees.

Based on a flyer provided by the card club, Commissioner Lavelle asked Ms. Roberts to describe the demographics of their customers. Ms. Roberts said it had changed over the years. She said it used to be a lot of Asians, but now included every kind of background, lots of women, and was a very eclectic mix. Commissioner Lavelle asked if IDs were checked and Ms. Roberts said yes, that was why they had security at the front and she noted that they also checked backpacks and large bags.

Commissioner Trivedi commended Ms. Roberts' family's reputation for having such a well-run establishment for so long. He said he appreciated that her business had been operating under fairly strict constraints, especially in regards to ownership, and he asked her if they were looking for a partner so they could reinvest in the business. Ms. Roberts said not necessarily, it was just an option they wanted to secure as they get older. She said just because they had the option didn't mean they would exercise it right away. Commissioner Trivedi asked if she wanted to remain involved to some extent, and Ms. Roberts said speaking for herself, yes.



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Commissioner Trivedi asked her what her preference was between relocation and renovating in place and Ms. Roberts said relocation mainly because the business needed at least 200 parking spaces. Ms. Aganon added that she was not only thinking about the businesses' needs, but also accommodating the Department of Justice requirements including a requirement for a separate counting room and that was very challenging in their current space.

Commissioner Trivedi asked Ms. Roberts how the majority of patrons got to the club and where they parked. Ms. Roberts listed BART, public transportation, driving their car, and being dropped off. She noted the shuttle ran a loop every 15 minutes, 24 hours a day. Commissioner Trivedi asked if most took the shuttle and Ms. Roberts said the shuttle was partly for ensuring employee safety to and from work.

Commissioner Trivedi asked Ms. Roberts to explain the scope of the proposed dining area. He asked if meals would be served, snacks, or fast food. Ms. Roberts said they wanted to build a full-sized restaurant. She explained that they had a kitchen now, but they were only able to serve their customers and there was no place for people to eat. Commissioner Trivedi asked what type of food would be served and Ms. Roberts said their customer base was so eclectic they would try to have something for everyone.

Commissioner McDermott thanked the sisters for coming and commented that if this was an application for a new business, she wouldn't be supportive, but because their business had such good reputation and things had worked so well for 60 years, they had an excellent record, had been a good business partner for the community, and it was so sad that sisters could not travel anywhere together, she said she was supportive of the business. Commissioner McDermott asked if the club dealers were contract employees, and Ms. Roberts said no, they were full and part time employees except for the Third Party. Commissioner McDermott asked who that was and Ms. Roberts explained the Third Party was the banking branch of the business, did not work for them, and had to be contracted. She also noted that the security company was also contracted.

Commissioner McDermott asked if there were peak hours and Ms. Roberts said no. She explained that tournaments, held at 9:00 in the morning, were very popular, but she noted that they were busy all day through the swing shift starting at midnight. Ms. Roberts added that graveyard could also be very busy.

Commissioner Loché asked Ms. Roberts if she'd ever had a discussion about parking with her neighbor and Ms. Roberts said all the time. Ms. Roberts said she was in the restaurant when the owner mentioned that some of her customers walked through to get to the card club. Ms. Roberts told her she would put a stop to it immediately and spoke with her security. She said it never happened again. Ms. Roberts said she had also spoken to the neighboring business owner about parking, but noted she couldn't do anything if she didn't know there was a problem. Commissioner Loché asked Ms. Roberts when their last discussion was and Ms. Roberts said they had the conversation about customers walking through the restaurant just last year.

Dyana Anderly, with address in Cameron Park, said she represented the Palace Poker Casino and noted that providing sufficient parking was not required for expansion. She pointed out that the design of downtown was based on straight facades with big lots located separately. Ms. Anderly said when the card club was located across from City Hall, they had some parking, but when they were relocated to

their current location, no parking was provided and now the City was further reducing parking by eliminating street parking. She noted that when theater came in the downtown, the City built a parking structure, but the club had to create a shuttle. In all fairness, Ms. Anderly said that parking should not be an issue associated with this application. She also mentioned that if the business expanded in place, it would be to add a restaurant and accommodate required rooms, which probably wouldn't add to the number of patrons.

Ms. Anderly said other complaints about the card club included its location close to the library and the tot lot, but she pointed out the library was already there when Council moved the card club to its current location and Council knew the card club was there when they approved the tot lot. She said most people didn't know the card club was even there. Because the building was so understated, Ms. Anderly said its location shouldn't be an issue and the establishment had outdoor and inside cameras that provided extra security.

Regarding other safeguards, Ms. Anderly said the family was a pleasure to work with and noted Ms. Roberts' daughter had recently graduated from culinary school and was working in the kitchen and learning the administration of the business, and Ms. Aganon's son was learning to be a manager. Regarding concerns of what would happen if someone else had ownership in the business, Ms. Anderly explained that the new ordinance had safeguards written into it. She noted that the Planning Commission would have the authority to revoke the use permit (as could Council), and the Chief of Police, City Manager and City Council could abates uses, as could the State Gaming Commission. She also noted the club had recently made a \$112,000 donation to the police department to help defray the cost for any calls for service.

Ms. Anderly noted that the new ordinance would change the culture associated with the club by separating it from massage parlors and adult movie theaters, which were now being replaced by spas and home videos, and would instead recognize the club as a viable, respectable business. She also spoke to the concern that the club promoted unhealthy habits and its demise would benefit the community. Ms. Anderly noted that people said the same thing about smoking, gay marriage, and carbonated beverages and good government needed to balance the need to protect the community with an individual's right to choose. Commissioners should not allow personal bias to influence their decision, she said. She also noted that the City's General Plan set the values of the City and the State already sanctioned card rooms, bingo, the lottery and Indian gaming.

She concluded that it should not be assumed that the card club had or would do anything wrong and noted the establishment was voluntarily contributing to the police department and also to the City itself through the business tax.

Commissioner Trivedi asked if the Palace was currently funding the extra officer and Ms. Anderly said no. She pointed out that every employee, including the dish washer, had to have a background check. She said the State was responsible for monitoring for cheating, but the owners would pay for cost of the vice officer. Commissioner Trivedi asked if that was a separate proposal and Ms. Anderly said no, the proposed table fee would include the cost for the extra officer.

John Cammack, attorney for owners, said in the interest of time, the applicant was ready to cut it short by not having so many speakers and move to a discussion as a group. He said one point that a speaker was going to make was that the security at the club created a presence and kept that area of downtown very safe.



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Chair Faria said people who submitted speaker cards should be given the opportunity to speak.

Gloria Martinez, Pleasanton resident and a 30 year employee, said when she started she thought it was a unique business, but now poker was very popular and was played everywhere. She said the only difference between the Palace and other casinos was the other establishments had so much more to offer. Ms. Martinez said customers wanted more parking, more games and a bigger location. She said without a doubt the card club should have the same opportunity as other businesses in Hayward to succeed and she wished the Commissioners could see what a great attraction it was. Ms. Martinez noted that many of her co-workers were long-time employees who worked well together and got along with customers. She said she loved her job and at this time of her life, did not want to be looking for another job. Ms. Martinez said she wanted to continue working at the Palace and see it and the City of Hayward thrive.

Charles Skidmore, Valley View Drive resident, shift manager, and a key employee by the State, said he had worked in gaming for 37 years. He said the Palace was the biggest attraction in downtown and pulled in people from all over and stimulating the local economy. All they were asking, he said, was to be competitive and he pointed out that the card games they were asking to play were already sanctioned by the State. Mr. Skidmore commented that Hayward had improved a lot and was a very nice city.

Anthony Cilibrasi, Amador Village Circle resident, said he was also a key employee and was in charge of running the tournaments. Mr. Cilibrasi said he had been with the Palace for eight years. He noted that besides the money contributed to the City, the Palace also participated in charities and had raised hundreds of thousands of dollars for charities, on their own time, and the owners, Cathy and Pam, had provided all the supplies. Regarding parking, Mr. Cilibrasi said they work closely with neighboring businesses and if they get a call that someone had parked in their lot, they immediately tried to find the owner of the car. Mr. Cilibrasi asked for the Commissioners' support stating the Palace wanted to stay competitive and stay in business.

In the interest of time, Steve Numoto, a San Ramon resident, chose not to speak.

Doug Knudson, resident of San Ramon and property and business owner in Hayward, said he was a customer of the club. He said he previously lived in Hayward and had just bought a condo for his daughter who attended what he still called CSU Hayward. He said he was big on supporting local businesses and noted he and his mother had been playing at the casino for almost 30 years. He said the casino was a great place with a safe, fun environment and a family atmosphere that fit well in the community. Mr. Knudson said that with a card club right here in Hayward, he shouldn't have to leave his hometown to go to Livermore or San Jose to play all the games.

Mr. Knudson said he owned the IHOP restaurant on Foothill Boulevard and noted it was given to him by his parents who had since passed. He said he and his brothers and sisters had worked there and now their children worked there and were thankful for the family business. If they wanted to sell the business they could, he said, or if the kids wanted to take it over, they could because those options were available to them. Mr. Knudson reiterated that the Palace was safe and fun and he encouraged the Commission to give them what they needed in order to survive.

Ed Avelar, Castro Valley resident and owner of the Computer Center of Hayward located on Mission Boulevard, said he was an independent contractor who installed the state-of-the-art camera system at the Palace. He said the system provided a high level of security and the equipment was verified several times a week and that he worked with security staff to verify it was functioning 24 hours a day. Mr. Avelar said the surveillance system had been inspected by the Department of Justice and had met all requirements. Mr. Avelar said he had dealt with the club for 29 years, providing support for computers and cameras, and noted they were a very reputable firm to deal with.

Commissioner Lamnin asked Mr. Avelar if, due to his close location to the card club, he had ever had any concerns about the customers at the Palace. Mr. Avelar said no because they had very good video security and if anything did happen they could always play back the recording. He also noted that the cameras at the club had captured car accidents on Mission and the recent robbery at the pizza parlor next door. Commissioner Lamnin asked him if there had been any negative impacts to his business because of the card club and he said no.

Chris Ray, Lodi resident, also in the interest of time declined to speak.

Mr. Cammack, attorney for the applicant and Stockton resident, said he worked with City staff, the Chief of Police, and City Manager to work through the proposal before them. He noted that one question that kept coming up was the question of change of ownership.

Commissioner McDermott asked Mr. Cammack how ownership was currently held. Mr. Cammack said the business was an LLC (Limited Liability Company) with the two principle owners (the sisters). He noted that both Ms. Aganon and Ms. Roberts must apply and receive a license with the State Gaming Commission each year, as did the LLC, and that included an extensive background check in a heavily regulated industry. Mr. Cammack said the new language would allow the Chief of Police to have a lot of powers as well.

Commissioner McDermott asked if there were any restrictions on ownership by the DOJ and Mr. Cammack said yes, and he explained that nobody could share in the profit of the business unless they had a license with the Gaming Commission. Commissioner McDermott asked if the business could incorporate and he said yes, but then the corporation would have to apply and receive a license as well as all of the shareholders right down to a minority interest. Mr. Cammack emphasized the Gaming Commission was very, very restrictive. Commissioner McDermott asked for confirmation that there was a way for the business to be held in another ownership type so that the sisters could travel together. Mr. Cammack said no and explained that the sunset language in the Hayward ordinance, drafted in 1971 as a result of Chief Plummer's directive to clean up the industry, stated that the business ended with the death of the owner. Later that language was amended to allow the children of Katherine Bousson (mother of Ms. Aganon and Ms. Roberts) to keep the business open until their death. Mr. Cammack commented that one child had already passed away and now the two remaining sisters were saying they would like to retire and wanted to know what was going to happen with the business. That was the genesis of the proposal, he said.

Mr. Cammack asked how the City could allow a business in the core area of downtown, with 150 employees, a payroll of three million dollars, security for the downtown, and 300 customers a day, to go away. He said that didn't make any sense and that was the appeal of the owners when they approached the City.

Commissioner Márquez asked how business decisions would be made if the two sisters decided to sell shares of the business. Commissioner Márquez said the City didn't know what was going to happen in



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the future and whether the sisters sold half or a part of their ownership. Mr. Cammack pointed out that eventually they would both be gone, like the rest of us, and the next person would have to follow the rules and regulations of both the Chief of Police and the Gaming Commission. He said in the short term, Pam Roberts said she would continue to be involved as a manager. He noted that the LLC would designate who the manager was and that person would make the decisions. Commissioner Márquez asked if those things would be worked out in the agreement and Mr. Cammack said not only worked out, but approved by the Chief and the Gaming Commission.

Commissioner Trivedi asked if the City Council would have final say on not only background checks, but who ownership got extended to. Assistant City Attorney Conneely said that was correct. Commissioner Trivedi said the current language was an attempt to freeze out businesses like the club and seemed outdated.

Kim Huggett, with business address on Main Street and president of Chamber of Commerce, said he was there representing the Palace club as a Chamber member and one of downtown's biggest employers outside of City Hall. Mr. Huggett pointed out that the Palace was one of the safest areas in downtown and didn't experience the vagrancy and panhandling problems like other areas of downtown because of their security. He noted the business hired and served a diverse population. He also noted that the Palace club paid Downtown Business Improvement fees, which went toward the downtown's appearance and various events.

Chair Faria closed the Public Hearing at 9:51 p.m. and called for a five minute intermission.

Commissioner McDermott made a motion per staff recommendation and Commissioner Lavelle seconded the motion.

Commissioner Lamnin said she was supportive of the motion, but wanted to bring back the subject of morality and asked if the Commission could have the word "morals" removed from the language of the proposed ordinance. Development Director Rizk said that they could and Commissioner McDermott said she had no opposition to an amendment to the motion.

Commissioner Lamnin said she was concerned about the jump in cost per table from \$1,500 to \$8,700 and she acknowledged that they were ballpark numbers. Commissioner Lamnin said she understood the need for cost recovery and totally appreciated the applicant's willingness to help fund the vice officer, but was concerned that the jump to double the fees was too high. She said she didn't know what to do because language was already included in the proposal. She also said that she would like to see emphasis on relocation rather than expansion. She commented that the proposed expansion looked nice and fulfilled good business practices, but said she'd heard too many reasons why the current location wasn't ideal. Acknowledging that the City pushed the card club to its current location, Commissioner Lamnin asked the City to help find another location downtown that worked for everybody and she mentioned several available locations.

Commissioner Trivedi pointed out that according to Ms. Aganon, the total cost per year was \$50,000 and divided by eight that was approximately \$6,000 that they already paid and he made the point to Commissioner Lamnin that the cost was not doubling. Commissioner Lamnin said she used \$44,000

divided by eleven, or the maximum number of tables currently allowed.

Commissioner Trivedi said he was sympathetic to their case and noted they had been operating under onerous regulations that were outdated and made sense to revise. Although not a card player himself, Commissioner Trivedi said he had no objections about card playing, but favored a new facility in a more appropriate location with plenty of parking and room for all the amenities they wanted to offer. He said his second choice was renovating in place although he said he had serious reservations that the current footprint could accommodate the additional uses, and his final choice was to maintain operations as they were. Commissioner Trivedi said he understood that with the restrictions as they were, there was no incentive to renovate. Commissioner Trivedi said he was in favor of the motion, and supported finding a better spot.

Commissioner Márquez said she would be supporting the motion and mentioned that she had visited in 2009 and when she recently went back, liked the improvements that had been made. She said she saw that they were running out of room and the owners were doing an excellent job of running a well-managed business under those conditions. Commissioner Márquez said it spoke highly of the family that they were the biggest employer and had been in business in Hayward for so long. Commissioner Márquez thanked the owners for sharing their story and said it was a Catch 22 to have such a successful legacy and so many restrictions and she commented that the decision of whether or not to sell was both a personal and professional matter. Regarding relocating or remodeling, Commissioner Márquez said that was also a business decision that they would make based on the City's decision. Commissioner Márquez said she would be supporting the motion, but commented that if the business were allowed to expand, that they increase security, hire more people, and possibly increase the shuttle service. She commended them for a doing a great job and wished them lots of luck.

Commissioner Loché said he visited the club earlier in the week and was extremely impressed by the security system and saw how it could also be beneficial to the City. He commented that the Commission had seen applications for lots of different businesses and as stated in the past, he was less concerned by the nature of business as he as by the quality of management. He said regardless if there was alcohol or dancing, if it was a well-run business, that was what the City wanted. Commissioner Loché said an establishment that had been in business for 60 years was obviously a well-run business and a benefit to the City.

Commissioner Loché expressed some concern with the possibility of transfer of ownership, but all the regulations and the amount of control the City and the Gaming Commission still had, made him relax a bit. He said he would support the motion and applauded City staff for some of their suggestions. Commissioner Loché said having the business move to a new location in downtown that had more parking would be a great thing and not having the shuttle would be beneficial to the business. He said the owners continued with the shuttle because they needed to have it.

Chair Faria remembered in the early 1970s when there were multiple card clubs down Mission Boulevard and she commented that the atmosphere hadn't been good and contributed to the language of the current ordinance. Chair Faria said the community had evolved, it was 40 years later, things were much different, and the survival of the business and the improvement that have been were made were enough that she would be supporting the motion.

The motion to recommend to City Council to find the project categorically exempt from the California Environmental Quality Act and approve the proposed text amendment to Chapter 4, Article 3 of the Hayward Municipal Code and the proposed conditional use permit modification application, subject to



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the findings and recommended conditions of approval, and an amendment to remove the word “morals” from the ordinance language, was approved 7:0:0.

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

NOES:

ABSENT:

ABSTAINED:

COMMISSION REPORTS

5. Oral Report on Planning and Zoning Matters

Director of Development Service provided information about upcoming meeting topics.

6. Commissioners’ Announcements, Referrals

Commissioner Trivedi announced that he would be absent from the next meeting, but would submit comments to staff. Mr. Rizk noted the item would come back in late June for a Public Hearing. Commissioner Márquez also noted she would be unable to attend the May 23rd meeting.

Commissioner Lavelle thanked staff for accommodating her at the last meeting by allowing her to comment and vote while she was in Hawaii. Chair Faria thanked her for taking time out of her vacation to participate.

Commissioner Lavelle also commended City staff for the 238 Corridor Improvement Project noting the timing of lights when driving south on Mission Boulevard in the early morning was absolutely fantastic. She noted the improved timing had shaved five to ten minutes off her commute and the route was more visually attractive.

Concerned about having a quorum for the next meeting, Mr. Rizk asked the other commissioners to let him know if they would be absent.

APPROVAL OF MINUTES

7. None

ADJOURNMENT

Chair Faria adjourned the meeting at 11:06 p.m.

APPROVED:

Dianne McDermott, Secretary
Planning Commission

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk



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MEETING

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

ROLL CALL

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

Commissioner Lamnin led in the Pledge of Allegiance

Staff Members Present: Conneely, Philis, Rizk, Thomas

General Public Present: 7

PUBLIC COMMENTS

None

PUBLIC HEARING

1. Revised Draft Mission Boulevard Corridor Specific Plan and Draft Environmental Impact Report

Development Services Director David Rizk introduced the City's new Planning Manager Ned Thomas and provided a synopsis of the report. At the end of his report, Mr. Rizk pointed out the City's Draft Environmental Impact Report Consultant, Kevin Collin with Lamphier-Gregory, and Director of Public Works-Engineering and Transportation Morad Fakhrai, were there to answer any questions.

Regarding the T5 designation south of Jackson Street and east of Mission Boulevard, Commissioner Loché said this was one of only disagreements he had with the report. He said he didn't see people walking across Jackson from their homes to get to the Hayward BART station and he instead suggested a T4-1 zoning.

Regarding the Council Economic Development Committee's recommendation that the commercial overlay zone for the former Ford site restrict any ground floor residential, Commissioner Loché said the recommendation surprised him because a mix of uses would make more economic sense for that site. He said he would support residential on the ground floor starting 250 feet back from Mission Boulevard.

Regarding the proposed slip lanes, Commissioner Loché said they would make the proposed locations more pedestrian friendly and he didn't want to see them taken out of the Plan. He suggested offering "carrots" to business owners who supported and implemented the slip lanes and he commented the lanes would increase safety and be a benefit to the City.

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Commissioner Lavelle asked how the height of a “story” was going to be interpreted in the height overlay to protect views of the Prospect Hill Neighborhood. Development Services Director Rizk said the Form-based Code limited the height of a building in both stories and in feet. Commissioner Lavelle asked for confirmation that a ground level business could be 20 feet high, but the residential above would be limited to whatever the maximum was for the height of the building and Mr. Rizk said that was correct. He noted the ground floor was allowed a taller height because a retailer or commercial use would usually want a taller plate height, and the taller ground floor would provide a visual anchor for the building.

Commissioner Lavelle asked if the proposed 2-4 story height overlay was acceptable to the Prospect Hill Neighborhood Association. Development Services Director said there was a split of opinions between a willingness to allow the additional story because of the topography of the neighborhood and wanting to keep building heights as low as possible. He said staff went with the more conservative approach and the preferred plan was to keep all buildings limited to three stories. Commissioner Lavelle asked if the 2-4 story option was a different alternative and he said it was Alternative A and would include the area south of Simon Street. Commissioner Lavelle said it seemed reasonable to allow 2-4 stories even if it wasn’t staff’s preferred alternative. She noted that projects would have to come before staff or the Commission and wouldn’t necessarily have to build to four stories, could be limited to two or three, and that would match the southerly portion.

Regarding the slip lanes, Commissioner Lavelle said the proposed locations of the slip lanes were appropriate and would add benefit to Mission Boulevard. She asked who was required to build the slip lanes. Development Services Director Rizk explained that the Code envisioned the future developer building the slip lanes as part of a project. Commissioner Lavelle asked for confirmation that the property owner of the former Ford dealership site was requesting an exemption from the slip lane and she asked what would happen if the property was sold and developed as a mixed use instead of a commercial use. She asked if the City could require the future owner to build the slip lane. Mr. Rizk said not the owner, but the new development, and he noted the City wanted the slip lane installed with the initial development or redevelopment. Mr. Rizk said City staff had seen a conceptual development plan that the owner knew about that showed retail development on the back portion of the property and commercial along the front that included the slip lane. He added the only exception to the City wanting the slip lane would be if a major tenant came in and wanted to construct a large building that, in the opinion of the Planning Director, precluded the need for a new thoroughfare to be installed. He noted that was why the word “optional” was in the description in the Form-based Code.

Commissioner McDermott “confessed” she read the entire report and she noted there was an awful lot of technical information. She asked if in-lieu park dedication fees could be used to improve existing park facilities and Development Services Director Rizk said yes, that was the typically use. Commissioner McDermott said she was specifically thinking of the Hayward Plunge, which had been categorized as a historical building. Mr. Rizk pointed out that fees could also be used to acquire and develop new park land and he mentioned the purchase of land for the expansion of Mt. Eden’s Greenwood Park.

Commissioner McDermott asked staff what was the better action: to collect in-lieu fees or require park land dedication. Development Services Director Rizk noted California’s 1975 Quimby Act precluded cities from requiring park dedication for projects with less than 50 units. For projects with more than 50 units, he said the City could require park dedication on the site, payment of in-lieu fees, or a combination of the two. Mr. Rizk said for larger developments with the potential for significant park lands, it made sense to have some form of park land dedication, but not for projects of 50 units or less.



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Commissioner McDermott confirmed there were three slip lanes proposed and that two of the slip lanes were in close proximity. Development Services Director Rizk said the two slip lanes were adjacent to each other. Commissioner McDermott asked if the property owner of the former Ford dealership didn't want a slip lane because it wasn't conducive to his type of business and the incentives were more applicable to a residential development. Mr. Rizk said the owner of the former Ford site wasn't opposed to the slip lane, it was Mr. Moussa (per his letter attached to the staff report), who owned the property just north of the former Ford site and wanted to open a used auto dealership. Mr. Rizk explained that the owner of the former Ford site opposed the proposed commercial overlay that would preclude any residential on the ground floor of the property.

Commissioner McDermott said she was a proponent for the revitalization of Hayward. She said she grew up here and there was no way she ever would have thought that she would see portions of Mission Boulevard so blighted. Commissioner McDermott said she wanted that area used to its best potential and wanted to encourage businesses without placing too many restrictions. She commented that the Toyota and Honda dealerships had both made some very attractive remodels to their facilities and she said she appreciated that. She asked staff if the zoning of the former Ford site had been changed from T4 to T4-2 and Development Services Director Rizk said yes.

Based on Mr. Moussa's letter, Commissioner Lavelle asked if staff and Council would keep a major portion of Mission Boulevard as an auto row. Development Services Director Rizk said that was a difficult question to answer and he pointed out that there were still used dealerships along Mission and there had been investment by existing dealerships. He said he didn't know if any of the dealerships that left would come back, and most new dealerships were locating near freeways to have higher visibility, but he noted that the Form-based code allowed car dealerships as a primary retail use. Commissioner Lavelle said the key would be for staff to work with potential new businesses to make the properties attractive and that future economic development plans might want to focus on locations near freeways for dealerships. She also said that it was important that the Form-based code be applied so any use along Mission would be attractive and allow for improvement to the City.

Commissioner Lavelle noted that a fiscal analysis conducted in January of 2011 said that the Specific Plan would result in "a net positive fiscal impact to the City" and she asked if staff thought the analysis was still applicable and even strengthened based on the improvement to the economy. Development Services Director Rizk said in certain areas yes, the assumed value of new homes would be greater, but he noted the biggest difference since 2011 was the dissolution of the Redevelopment Agency and Area. He said the analysis assumed the Area still existed and tax increment funds were coming and that was no longer the case. Mr. Rizk said the City would receive additional property tax revenue, and in his opinion, the impact to the General Fund would be slightly better than indicated, but the overall impact may not be so rosy because of the missing tax increment revenue.

Development Services Director Rizk said another component to the analysis was the Community Facilities or Services District, which required any new residential development that might impact City safety services to annex into a Facilities District. He explained that any assessments collected from District properties would go to the General Fund and would add to the net positive analysis. Commissioner Lavelle said some tax increment would still come back to the City and Mr. Rizk said no, just property tax revenue. Commissioner Lavelle pointed out that an Auto Row would generate more

sales tax revenue than a restaurant and Mr. Rizk said it was a balance between fiscal impact and the whole community perspective, but he reiterated that the Form-based code would allow auto sales.

Commissioner Lavelle asked if implemented, would the Plan allow the City the flexibility to deny a church from going in a commercial space along Mission Boulevard. Development Services Director Rizk explained that depending on the location, an “assembly-use” was either an Administrative Use or a primary use. He said the City had to be careful not show bias toward churches versus other uses like residential and he noted staff would consult Table 9 of the Plan from either a use or design standpoint. After consulting Table 9, Mr. Rizk said a church would require either an Administrative Use or Conditional Use Permit. Commissioner Lavelle suggested that any churches along Mission try to be established in addition to a commercial use while remaining unbiased. Mr. Rizk said there was also federal law that protected those types of facilities.

Chair Faria asked if the 2010 Market Analysis and Economic Development Strategy attached to the report that projected 650-800 additional housing units over the next 20 years was still valid and Development Services Director Rizk said yes.

Chair Faria said a parklet was proposed for the area north of A Street on Mission Boulevard, but she didn’t see it on the Corridor Specific Plan. Mr. Rizk explained that level of detail was not included in the plan, but a parklet could still be included, it just hadn’t been discussed. He explained that a parklet would have to be balanced with the elimination of parking and the appropriate location. He pointed out that a parklet was movable and depending on the use or the storefront, the City, or a potential user, could get an encroachment permit that would allow the parklet to be extended out from the sidewalk. He also noted it would be difficult to show a parklet in the Code because the function and use could change over time, but staff could try to generate some language. Mr. Rizk noted that even if a parklet wasn’t addressed in the Code, it could still be included.

Chair Faria asked if Options A and B, related to the wideness of traffic lanes and sidewalks, should be part of the same discussion and asked which option was preferable if parklets were being considered. Development Services Director Rizk said the preferred alternative showed a seven foot-wide parking lane and that would be sufficient especially when combined with a 10 foot-wide sidewalk, but he said he didn’t think there was a difference between the alternatives. Chair Faria pointed out that if the sidewalk was narrower in one of the alternatives so the parklet would be narrower in the one option. Mr. Rizk said she was right if considering the combination of the sidewalk and parklet. He commented that if the sidewalk was widened then the median landscaping would probably go away because four feet was the minimum for any type of median landscaping. He said the preferred plan was a balance to allow median landscaping, which would control traffic speeds and make the street more attractive, and still leave the sidewalk a sufficient width for outdoor eating. Adding a parklet to that option, he said, would total 17 feet, which would be sufficient for not only the outdoor seating area but for pedestrians to move up and down the street.

Chair Faria asked if rooftop gardens were still being considered for the area north of A Street where neighbors looked down at building tops and Development Services Director Rizk said yes, the Open Space sections of the Code allowed for that potential.

Regarding the commercial overlay at the former Ford site that would prohibit residential on the ground floor, Chair Faria said she agreed with Commissioner Loché that it would be a benefit to allow residential. She said residential on the first floor, especially in the back of the property would be a reasonable alternative.



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Regarding slip lanes, Chair Faria said they would create a situation where people were more likely to walk, encourage people to use alternative transportation, and make it safer along the Corridor.

Commissioner Lammin asked if the green space associated with the Eden Greenway near Orchard Avenue was included in the preferred plan and Development Services Director Rizk said yes.

Commissioner McDermott remembered reading in the report about a project that would not be served by the East Bay Municipal Utility District and she asked who would provide water service. Mr. Rizk said most likely the City of Hayward.

Chair Faria opened the Public Hearing at 8:07 p.m.

Bob Berndt, with address in Orinda and representing AutoNation, said AutoNation owned Hayward Toyota and the former Ford store. Mr. Berndt said most of his job was finding sites for retailers like Sprouts Grocery Store, JC Penny, Michael's, Barnes & Nobles, and others. In this case, he said, he was selling sites at Mission/Harder and the former Ford store. Mr. Berndt said AutoNation was concerned about the proposed commercial overlay at the former Ford site. He pointed out that in this case, commercial meant retail because there wasn't a market for office or industrial R&D. He said the problem with the former Ford site was the only way to access it was southbound, because traveling northbound there was no median break; drivers would have to pass the site and make a U-turn, and in his experience, there was no major retailer who could go into the site with that kind of configuration. The Mission/Harder site was much different, he said, with plenty of access from several sides and he noted he was working with retailers at the site. Mr. Berndt said he didn't see how it was remotely possible to but commercial in the back of the former Ford site. He commented that he had been marketing the site for the last five years and hadn't had any interest from industrial, R&D, office or retail. He said there had been some interest in residential and he said AutoNation thought it could do some smaller scale pedestrian-oriented retail on the front side and they did think the slip lane would make it more convenient for pedestrian use. Mr. Berndt said AutoNation would be willing to compromise to allow the 250 feet for the retail overlay on the bottom floor and believed that if the City didn't allow for grown floor residential the site would sit undeveloped. Mr. Berndt pointed out that AutoNation has made a huge investment in the remodel of the Toyota dealership, wants to be part of the street revitalization, but if the commercial overlay covers the entire Ford property it will hurt business at the Toyota dealership, they will sell less cars, and bring in less tax revenue.

Jesus Armas, with business address on Main Street, welcomed Mr. Thomas to Hayward and reiterated that the former Ford site was a difficult location and although Mission Boulevard had been improved and looked substantially better, access to the site was still a problem. Quoting from the economic study commissioned by the City, Mr. Armas read "in general, the former auto row is unlikely to attract major interest from large format retail stores" because of its location away from Highway 880. With the expanding CSU East Bay population and higher income residents nearby, he said the former Ford site could support locally-oriented services and retail stores. He said neighborhood retail made sense for Mission Boulevard frontage and incorporating a slip lane would reduce speeds on Mission, would make it safer and more convenient for retail operators to attract customers, and by having residential in the back, would create a nice mixed-use.

Mr. Armas displayed slides that showed the two options before the Commission and reiterated the one option would require those traveling northbound to drive past the site and make a u-turn. The option favored by AutoNation, he said, would allow for residential on the ground floor 250 feet back from Mission and he pointed out that mirrored the development pattern along Mission already. Mr. Armas noted the economic study called the former Ford site a “catalyst site,” but if the overlay was imposed on the site, he said it would be anything but a catalyst site. He urged the Commission to consider the alternative that would provide for housing on the back portion of the site.

Bob Perry, Pelham Place resident, said he was concerned about the north section of Mission Boulevard and he noted this was the fifth time in the last 45 years there had been a revision. He wanted to know what would happen to Pierce Street, which was the first cottage subdivision built in the 1900s and was now considered historically significant. He said the houses were old and deteriorating, with only two original families, his wife’s and the Stanton’s. Mr. Perry asked if the City had considered making Pierce Street one way traveling from north to south (southbound). He said Pierce was a narrow street, with a lot of speeding traffic, especially near the commercial developments towards the east. The west side was all single family residential, he said, with small cottage lots except for two double lots. He explained that he and his wife had deep roots on the street and was quite concerned about it.

Chair Faria asked staff if Mr. Perry’s request could be considered and Development Services Director Rizk said yes.

Commissioner Lavelle asked if staff could bring up a map that showed Pierce Street. Mr. Rizk projected a slide and from the audience Mr. Perry pointed out the location of Pierce and an unidentified woman noted parking was only available on one side of the street.

Chair Faria closed the Public Hearing at 8:20 p.m.

Commissioner Lavelle asked staff if any action was required of the Commission and Mr. Rizk said only input on the proposals.

Commissioner Lavelle disclosed that she met with Mr. Armas and she commented that AutoNation’s request was valid and she supported the overlay that would limit commercial mixed use to the first 250 feet. She said 20 years ago she would have found it odd if condos were developed between Mission and the BART tracks, but now residential development near transit made sense and clearly people didn’t mind living near the sound of trains going by. Commissioner Lavelle noted that residents could walk to any new retail that was developed on Mission Boulevard.

Regarding the height overlay on Mission Boulevard north of A Street, Commissioner Lavelle said she supported 2-4 stories as a possibility. She reiterated that just because four stories were allowed, not every new building would have to be four stories.

Commissioner Lanes said she preferred the 10-foot wide sidewalks because they made the thoroughfare more attractive for walking, and narrower traffic lanes would slow people down.

Commissioner Lavelle also supported slip lanes and said they were a great idea in front of commercial or retail space. She encouraged staff to continue to work with Mr. Moussa and she said she hoped he could get his entitlements and start his auto business before the plan was adopted.



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Commissioner Loché asked where emergency homeless shelters would be allowed to locate under the Mission Boulevard Corridor Specific Plan. Looking at Table 9 of the report, Development Services Director Rizk said emergency shelters would be allowed in the general commercial T4-1 and T4-2 zones, but not T5. Mr. Rizk pointed out there was very little T5 zoning and that Commissioner Loché had wanted a proposed T5 zone replaced with T4-1. Mr. Rizk said state law required that emergency shelters be allowed in a zoning district and City staff had selected the T4 zone because of the close proximity of support services.

Regarding special needs housing and emergency shelters, Commissioner Loché asked what a “good neighbor agreement acceptable to the Hayward Police Department” was and Development Services Director Rizk said it an agreement to ensure that any negative impacts (such as noise, activities, etc.) to surrounding properties would not occur. Commissioner Loché asked if it was an agreement that was signed before the new tenant went in and was an encouragement to work together and Mr. Rizk said yes.

Commissioner Loché reiterated his support for the commercial overlay at the former Ford site that would allow residential in the back of the property. He commented that it looked like neighborhood-serving retail would be the best way to go.

Commissioner Loché confirmed with staff that four feet was the minimum width for median landscaping and Development Services Director Rizk said any narrower than that would only allow for groundcover and staff wanted to see something a little more substantial. Commissioner Loché agreed with Commissioner Lavelle that sidewalks should be 10 feet wide.

Development Services Director Rizk asked for confirmation from the Commission that they had no objection to the proposed elimination of parking on Sunset and he noted only a few spaces would be lost, parking would be available on the other side of the street, and by eliminating parking the intersection would maintain an acceptable level of service. Commissioner Loché said he had no issue with the proposal indicating it was not a substantial amount of parking that would be lost.

Commissioner McDermott found the letter she had referred to earlier, noted it had been written to Senior Planner to Erik Pearson in 2010, and read that a majority of the specific plan was located outside of EBMUD’s service boundary. Mr. Rizk said the City of Hayward would be the water service provider.

Development Services Director Rizk noted rooftop gardens were mentioned in the Specific Plan and “assembly uses” listed on Table 9 would include churches.

Commissioner McDermott disclosed she also had a brief conversation with Mr. Armas regarding the former Ford property and was in agreement with the other commissioners that the request for residential in the back was a reasonable. She said she also supported 10 foot-side sidewalks because it encouraged people to walk. And noting transportation and parking were big issues, Commissioner McDermott said the City should do anything it could to mitigate traffic and was in favor of eliminating the parking places on Sunset.

Commissioner Lammin said she was also contacted by Mr. Armas.

Commissioner Lamnin said the homeless shelters tied into the light industrial need and she was really glad to see light industrial in the plan and wanted to incentivize it as much as possible. She noted that if people had meaningful engagement in their lives, and that meant jobs, people who wanted to be part of the solution would be and would contribute to their community. She said the good neighbor agreement was a good idea. She pointed out that the Green Shutter Hotel in downtown Hayward has a security guard but the hotel was still a major problem. She said most homeless shelters didn't have a security guard and didn't need one if they were run well. She suggested staff evaluate that requirement.

Commissioner Lamnin said she was discouraged to hear there had been no takers in light industrial and said she would love to see industries like food manufacturing come to Hayward. She asked if there were ways to incentivize industry with partnerships with CSU East Bay and the creation of beginner businesses or beginner research facilities and bring together resources in Hayward to create opportunities.

Commissioner Lamnin said she was concerned about a comment in the plan that indicated there would be no impact to population growth and traffic between the "no project" and Project alternatives. She encouraged Director of Public Works-Engineering and Transportation Morad Fakhrai to keep looking because she was sure there were more traffic concerns. She agreed with Commissioner Loché's comments about the T5 zone especially by the five-flag intersection. She said that made her nervous, as did residential on Mission Boulevard, but she said she was supportive of Mr. Berndt's request for the commercial overlay, but would like to incentivize commercial growth.

Commissioner Lamnin said she was usually in favor of tall buildings, but she'd heard a lot of concerns expressed from the Prospect Hill area and favored a three-story maximum and green roofs. She agreed with the preferred plan proposing four foot medians and wider sidewalks and she commented that the north Hayward area needed a culture change, especially just past the City boundaries where there was a high rate of crime. Commissioner Lamnin explained that making north Hayward really attractive could help change the culture of the area in a positive way. She requested that staff confirm that the proposed zoning allowed for sidewalk sales and eating.

Commissioner Lamnin said she liked the idea of slip lanes but noted it became a challenge when a business was ready to open and this requirement became cumbersome. She said she would be in favor of not having the slip lane at this location at this time.

Regarding the parking on Sunset, Commissioner Lamnin said she was concerned that the faith communities in the area would not have enough parking and she asked in there could be a no parking exception on Sunday. Development Services Director Rizk reiterated that not a lot of parking spaces would be eliminated and the City was looking at the cumulative impact over years.

Commissioner Lamnin suggested a community meeting be held to address Mr. Perry's concerns about Pierce Street.

Chair Faria said she had also spoken with Mr. Armas about the AutoNation property and was supportive of his request for an exemption to the overlay. She said she was in support of Alternative A, which would limit buildings to 2-4 stories north of A Street on Mission, and of the proposed 10-foot wide sidewalks. Chair Faria indicated that the elimination of parking on Sunset would have a minimum impact and that she was very supportive of slip lanes on Mission for safety reasons and to encourage pedestrian traffic. She encouraged staff to consider Mr. Perry's suggestion.



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COMMISSION REPORTS

2. Oral Report on Planning and Zoning Matters

Planning Manager Thomas gave an update of future meeting topics including a mixed use project at the former Mervyns site.

3. Commissioners' Announcements, Referrals

Commissioner Lamnin asked about a request made at a prior meeting for a stop sign at Tennyson and Pacific and Development Services Director Rizk said staff was accessing if a stop sign would be feasible at that location. Director of Public Works-Engineering and Transportation Fakhrai said he believed it was Pacific and Industrial and said staff was redoing traffic counts to see if traffic patterns had changed and a stop sign was now warranted. He said he would report back in the next couple of weeks.

Commissioner Lamnin also asked about a previous request for an extension to allow A-frame signs along Foothill and Mr. Rizk noted the 238 Corridor project was almost finished and the City didn't want to allow the signs too far off into the future, but he said the City was flexible and wanted to work with local businesses. Commissioner Lamnin said she had heard from some businesses that the City's sign ordinance was problematic.

Commissioner Lamnin asked if staff could provide a list of upcoming agenda items. Planning Manager Thomas said yes and noted that staff generally knew of projects one to two months out. Commissioner Lamnin said draft form was fine and she also requested a list of pending items.

Development Services Director Rizk asked if Commissioners were receiving project notices and Commissioners said no. Mr. Rizk said he would follow up on that first and add a list of future meeting topics to the Planning Commission packet.

APPROVAL OF MINUTES

4. None

ADJOURNMENT

Chair Faria adjourned the meeting at 8:46 p.m.

APPROVED:

Dianne McDermott, Secretary
Planning Commission

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk