CITY OF

HAYWARD

HEART OF THE BAY

Planning Commission

JULY 11, 2013

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

AGENDA
HAYWARD PLANNING COMMISSION
THURSDAY, JULY 11, 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 and agenda item No. 2, 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. Conditional Use Permit No. PL-2013-0133 – The proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Facilities - Tony Ancheta for Revere Tattoo (Applicant) / Kwok Low (Owner) - Request to operate a Tattoo Studio at 214 Harder Road, Unit D, in the Neighborhood Commercial (CN) Zoning District.
   Staff Report
   Attachment I - Area & Zoning Map
   Attachment II - Plans

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

Attachment III- Proposed Window Sign
Attachment IV - Findings
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Attachment VI-Tattoo Studios Map
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2. Site Plan Review Application PL-2013-0168 - The proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development. Meta Housing Corporation, Aaron Mandel (Applicant) / Sean Sullivan (Owner) – Request to build 60 units of Senior Housing and approximately 6,000 square feet of ground floor retail and office space on a vacant property. The project site includes four parcels at 808 A Street, located on the north side of the street midblock between Mission Boulevard and Montgomery Street and is located in the Central City Commercial (CC-C) Zoning District

   Agenda Report
   Attachment I - Area and Zoning Map
   Attachment II - Development Plans
   Attachment III - Traffic Study
   Attachment IV - Project Comments - (For the Project)
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COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters

4. Commissioners' Announcements, Referrals

APPROVAL OF MINUTES

5. **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.

CITY OF HAYWARD
HEART OF THE BAY

DATE: July 11, 2013

TO: Planning Commission

FROM: Arlynne J. Camire, AICP, Associate Planner

SUBJECT: Conditional Use Permit No. PL-2013-0133 – The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Facilities - Tony Ancheta for Revere Tattoo (Applicant) / Kwok Low (Owner) - Request to Operate a Tattoo Studio at 214 Harder Road, Unit D, in the Neighborhood Commercial (CN) Zoning District.

RECOMMENDATION

That the Planning Commission finds that the proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) guidelines, Section 15301, Existing Facilities, and approves the conditional use permit subject to the attached findings and conditions of approval.

SUMMARY

The applicant requests approval of a Conditional Use Permit for a tattoo studio in one of four tenant spaces of a four-unit commercial building located on Harder Road between Franklin and Donald Avenues (see Attachment I). The studio will employ five tattoo artists, including the applicant, who has nine years of experience as a tattoo artist specializing in Polynesian and tribal tattoos. He has also worked as a guest tattoo artist at various tattoo studios, conventions and events, and has worked at Inkies in the City of Fremont for four years (Attachment II). The Hayward Police Department staff is recommending approval of this application stating that Mr. Ancheta is licensed with the Alameda County Department of Environmental Health Services and possesses a valid Alameda County Body Art Practitioner's Permit (Attachment VII).

BACKGROUND

The site is a 16,342-square-foot property with one 4,270-square-foot building divided into four tenant spaces. The three existing tenants are MX Donuts, United Palerteria Y Neveria (Ice Cream Parlor), and Fiesta Auto Insurance. Approval of this Conditional Use Permit would allow the applicant to operate a tattoo establishment in a vacant 1,100-square-foot space.

To the west, across Franklin Avenue and along Harder Road, are Taqueria El Mezcal, dental offices, a 7-Eleven, and Grand Gasoline Station and Food Mart (located at Harder and Soto Road

intersection). To the south across Harder Road is Huntwood Manor Shopping Center that contains Mi Pueblo Supermarket, Mac D Liquors, Jackson Hewitt Income Tax Preparation, Fred Loya Insurance, Frannie's Restaurant, Crown Coin Laundry, Ofelia's Beauty Salon, Cut & Save Barber Shop, Boost Mobile, Rountable Pizza and Optimum Health. To the east on Harder Road are single-family homes and Kaulana Na Pua 'O Hawaii Dance Studio in the Commercial Office Zoning District, and Harder Elementary School at the corner of Harder and Whitman Avenues. To the north are multiple-family and single-family homes in the Medium Density Residential Zoning District on Franklin and Donald Avenues (see Attachment I).

Staff met with the landlord, who indicated that the commercial space where the proposed tattoo studio would be located has been empty for one and a half years, and that she hopes that the proposed tattoo parlor will be allowed to occupy the space. She has stated that after meeting the applicant and reviewing his business plan, she is supportive of the tattoo studio and sees it as a good fit for her center. Letters from the property owner and the landlord state that the applicant has promised to take care of the property and will prohibit loitering. In addition, the other tenants agree with the opening of the tattoo studio (see Attachment VIII).

DISCUSSION AND STAFF ANALYSIS

Project Description - The applicant, Tony Ancheta, is a former mechanical engineer who worked in the high-tech industry for over fifteen years. In 2009, he decided to follow his artistic passion and become a full-time tattoo artist specializing in Polynesian and tribal tattoos. He has worked as a guest artist at tattoo studios throughout the Bay Area, at tattoo conventions, and is as an established tattoo artist working for the past four years at Inkies Tattoo Studio in Fremont. According to Terry Wong, Associate Planner for the City of Fremont, Inkies Tattoo Studio can be described as high-end since one completed tattoo can range from $300 to over $1000. Also, according to City of Fremont Police Department Community Engagement Specialist Karen Blount, a premise history search of Inkies did not reveal any significant police reports, calls for service, or complaints about the establishment.

In 2010, at the San Francisco Asian Art Museum, Mr. Ancheta was one of two tattoo artists who created Filipino tribal tattoos as part of the Filipino American History Month Celebration. With his many years of experience, Mr. Ancheta decided to become a small business owner and open his own tattoo studio employing four artists. The proposed hours of operation are 9:00 am to 9:00 pm daily. Up to four customers can be accommodated at a time, and according to Mr. Ancheta, 80 percent of the work will be completed on an appointment-only basis. His rates will be $120 an hour. The average tattoo will take four hours for each of the three sessions resulting in a total cost of $1,200 for one tattoo. Mr. Ancheta indicates that many of his clients are Hayward residents and the four artists who will be working with Mr. Ancheta have family and friends who are Hayward residents. The applicant has stated that he and the other artists do not condone illegal tattooing of minors and racist or gang related tattoos, and a recommended condition of approval prohibits customers who are minors and providing racist or gang-related tattoos (Attachment V).

According to the applicant, the proposed tattoo studio will have a spa–like atmosphere characterized by high-quality furnishings, high-quality wood finishes, colors and art commonly

associated with Pacific Islander culture (see Attachment II). The applicant has suggested that his focus on excellent customer service and quality amenities is to ensure that customers have a memorable experience. The proposed facility will include a customer waiting area and an adjacent reception area located behind a partition. The four artist stations would be located behind two partitions to the rear of the customer waiting area. To the rear of the tenant space is a sterilization room, a unisex restroom, and a storage area (Attachment II). Staff recommends a condition of approval that requires each tattoo station be equipped with a locker that could be used by customers to store their personal property. In addition, staff recommends a condition of approval that requires the business manager to actively monitor the front of the business to prevent loitering and installation of security cameras to monitor the interior and entrances to the building.

The applicant intends to install a sign on the façade above the entrance and a window sign reading "Revere Tattoo, Hayward, CA" (see conceptual window sign design, Attachment III). The window sign will be limited to cover not more than 25 percent of the window area. The signs are required to meet Sign Ordinance regulations and be submitted for approval by the Planning Director prior to installation.

To comply with State requirements, verification that all customers are at least 18 years of age shall be required by way of valid identification and signature of a standard release form. In addition, California Code Section 653 shall be posted stating that no persons under the age of 18 years are permitted on the premises (Attachment V).

According to the applicant, each artist would have an average of two customers a day, four customers could be accommodated at a time, and the average visit would take from four to five hours. This time period includes preparation and the application of the tattoo.

A shared customer parking lot parking is accessible from Harder Road and Franklin Avenue. There are 25 parking spaces, including one handicap parking space, available to the four tenants of the building, which meet the City's Off-Street Parking Regulations and tenants' needs.

County Requirements - In order to operate a tattoo studio in Alameda County, a Body Art Establishment Permit is required from the Alameda County Department of Environmental Health. As part of the permit process, the applicant is required to designate a medical waste disposal company to dispose of the needles used for the procedures. In addition, all tattoo artists employed by the proposed establishment must provide evidence of immunity of Hepatitis B or provide a certificate of proof of vaccination as part of the Body Art Practitioner registration process. As part of the registration process, all applicants must also demonstrate, by examination, knowledge of basic tattooing techniques, health and safety precautions, and sanitation and sterilization techniques designed to prevent cross contamination. Furthermore, completion of a Local Enforcement Agency approved health and safety class is also required. The applicant has been a licensed practitioner in Alameda County for nine years. The applicant has received tentative approval for a Body Art Establishment Permit, pending approval of a Conditional Use Permit from the City of Hayward.

Other Establishments in Hayward - In addition to the proposed tattoo studio, there are currently four other approved and licensed tattoo establishments in Hayward: Anchor Bay Tattoo and Piercing at 22622 Mission Boulevard; Peter's Skin Art Tattooing at 381 Jackson Street; Blazing Horse Tattoo at 155 Jackson Street; and Twisted Illusions at 555 West Tennyson Road (see map, Attachment VI). Each of these tattoo studios offers a different skill set and specialized type of artistry to their customers. According to the applicant, each tattoo is original art, which is a collaboration between the customer and the tattoo artist, and that each tattoo artist has his own unique style and specialty. Therefore, the proposed tattoo studio would offer a unique set of artists to Hayward area residents and customers.

Police Department Comments (Attachment VII) - The Hayward Police Department staff is recommending approval of this Conditional Use Permit, stating that the applicant is licensed with the Alameda County Department of Environmental Health Services and possesses a valid Alameda County Body Art Practitioner's Permit. Since tattoo studios are highly regulated by the Alameda County Department of Environmental Health, the proposed business will not greatly impact Police Department resources. The Police Department recommends that security cameras be installed on the front and the east side of the building to monitor the entrances. In addition, they recommend posting a "No Loitering" sign on the front and east side of the building to deter milling around the property. Such recommendations are incorporated as conditions of approval in Attachment VII.

According to Lt. Jason Martinez, the Hayward Police Department does not receive many calls for service to the currently operating tattoo studios and there is no evidence that tattoo studios attract gang members. Lt. Martinez is of the opinion that there is public misconception that there is a nexus between gang members and tattoo studios. "Many gang members get their tattoos in prison, during "tattoo parties" at an associate gang member's house who may also be an unlicensed tattoo "artist", etc." He continues, "Tattoos are so accepted and mainstream these days that the masses have them and it is a lucrative business for those artists who are talented."

Conditional Use Permit Findings – In order for the Conditional Use Permit to be approved, the following findings must be made. Staff's responses to the findings are below and in Attachment IV.

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

The tattoo establishment is desirable for the public convenience in that residents and customers will have more and varied choice from a larger pool of tattoo artists located in Hayward. In addition, current customers of the applicant who are residents of Hayward will no longer need to travel to Fremont. Furthermore, the tattoo studio will provide a unique spa-like experience offering personalized customer service and collaboration with each artist to design a unique tattoo based on the customer's design ideas.

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

The proposed tattoo studio will not impair the character and integrity of the adjacent commercial businesses and residential zoning district. Tattoo stations will not be visible

from the public right-of-way, nor from the front window of the establishment, since the tattoo stations will be located behind partitions. As a condition of approval, "No Loitering" signs will be posted on the front and the east side of the building and the business manager is required to enforce the prohibition of loitering. At least eighty percent of all customers will be by appointment only. Each artist would have an average of two customers a day and only four customers can be accommodated at a time. The average visit would range from four to five hours. This time period includes preparation and the application of the tattoo. Therefore, the traffic generated will be minimal and the number of customers will be limited due to the time it takes to do the work and the number of tattoo artists that would be working at one time. The parking provided for the center meets the City's Off-Street Parking Regulations. Therefore, customers will not need to park in the adjacent residential neighborhood. Furthermore, the tattoo studio will not be open beyond 9:00 pm, which will help minimize impacts to adjacent residents.

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

The applicant is required to obtain a Body Art Establishment permit from Alameda County Department of Environmental Health (ACDEH). In addition, each tattoo artists is required to be licensed as a Body Art Practitioner. The applicant is a licensed Body Art Practitioner, and the proposed tattoo studio will comply with all Alameda County Environmental Health Department health and safety standards, including proper handling and disposal of medical waste.

The Hayward Police Department has stated that tattoo studios typically have a low rate of service calls and, contrary to public perception, do not attract gangs, require very little regulation since such uses are highly regulated by the Alameda County Environmental Health Department.

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

A tattoo parlor is listed as a personal service and is permitted as a conditional use in the *Neighborhood Commercial* Zoning District. Conditional approval is required to assure that this use is permitted where there is a community need, and to assure that the use is in harmony with the area and with City policies. The *Neighborhood Commercial* Zoning District is to include products and services primarily represented by convenience goods and services purchased frequently. At least eighty percent of the proposed establishment's business will be by appointment – similar to a beauty shop or other similar business that provides personal services on a regular basis. Tattoos are a socially acceptable form of adornment and the applicant has established a good reputation. Therefore, it is likely that new and repeat customers will return to receive additional tattooing from the same artist.

Environmental Review - It has been determined that the conditional use permit application is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) guidelines, Section 15301, Existing Facilities.

PUBLIC OUTREACH

On April 30, 2013, an Official Notice of Receipt of Application was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Staff received one call from a resident who stated she lives near the project. The resident stated opposition because of the "type of people that it would attract." Furthermore, she felt that children should not walk by the shop and it would be a negative influence on children.

Staff has received twelve letters in support of the proposed business from clients, a relative, Hayward residents, and associates of the applicant. The letters state that Mr. Ancheta is professional and ethical, consistently gives excellent customer service, takes pride in his work, has integrity, is responsible and is a family man who successfully balances family and career. All are of the opinion that this business will be an asset to Hayward (Attachment VIII).

Staff also received three emails in opposition with concerns expressed regarding the influence on local children, who apparently walk by the retail center on their way to and from Harder Elementary School, the safety of the neighborhood, and the possibility of loitering (Attachment IX). As a condition of approval, "No Loitering" signs will be posted and the office manager is required to actively enforce the no loitering requirement (Attachment V). In addition, the act of applying the tattoo will not be seen from the storefront windows, since the tattoo stations will be located behind partitions; only the waiting area would be visible from the windows.

On June 28, an Official Notice of this public hearing was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Staff met with a resident of Franklin Avenue who supports approval of the tattoo studio since there will be surveillance cameras in the parking lot and "No Loitering" signs will be posted. He expressed a concern with noise, but didn't feel that it would be a problem with a 9:00 pm closing time. The hours of operation of MX Donuts are 4:00 am to 4:00 pm daily. The hours of operation of the Ice Cream Parlor are 10:00 am to 10:00 pm daily.

SCHEDULE

The Planning Commission decision begins a 10-day appeal period of the Commission's action to the City Council (or call-up to Council by a Council member), which would expire at 5:00 p.m. on July 22, 2013. If approved and there is no appeal filed within that time period, the applicant may proceed with efforts to open the business. If denied and no appeal is filed, the decision of the Planning Commission would be final.

Prepared by: Arlynne J. Camire, AICP

Recommended by:

Ned Thomas, AICP
Planning Manager

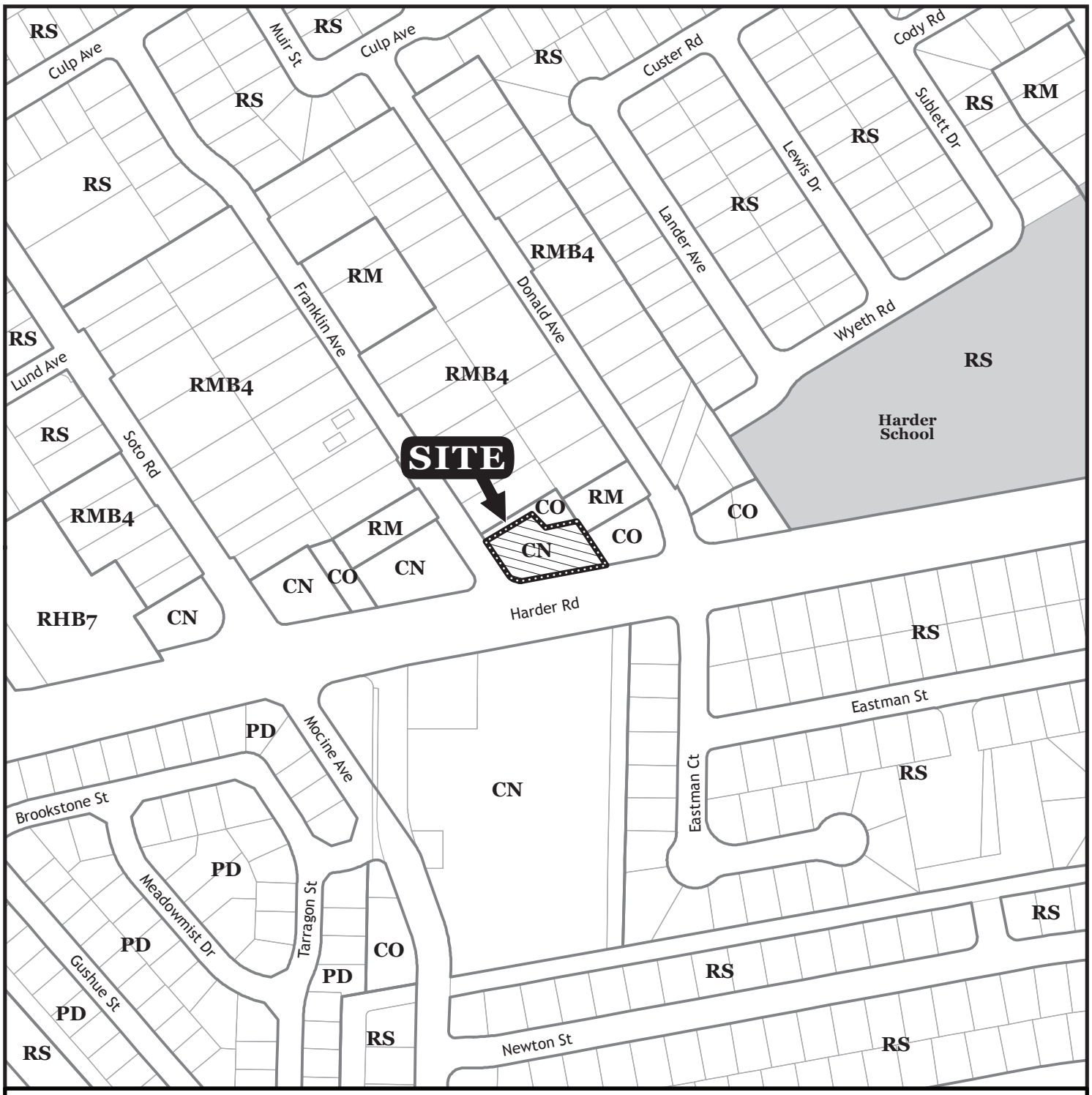
Approved by:

David Rizk, AICP
Development Services Director

Attachments:

Attachment I	Area and Zoning Map
Attachment II	Plans, Photographs and Project Description
Attachment III	Proposed Window Sign
Attachment IV	Findings for Approval
Attachment V	Conditions of Approval
Attachment VI	Map of Hayward Tattoo Studios
Attachment VII	Hayward Police Department Memo and Email
Attachment VIII	Emails and Letters in Support
Attachment IX	Emails and Letter in Opposition

Area & Zoning Map



PL-2013-0133 CUP

Address:
214 Harder Road

Applicant:
Tony Ancheta

Owner:
Kwok Low

0 100 200 300 Feet

Zoning Classifications

RESIDENTIAL

RHB7	High Density Residential, min lot size 750 sqft
RM	Medium Density Residential, min lot size 2500 sqft
RMB4	Medium Density Residential, min lot size 4000 sqft
RS	Single Family Residential, min lot size 5000 sqft

COMMERCIAL

CN	Neighborhood Commercial
CO	Commercial Office

OTHER

PD	Planned Development

To:

The City of Hayward Planning Department

Subject:

Request for a Conditional Permit for a Tattoo Facility

From:

Tony Ancheta

Revere Tattoos

214 Harder Road, Unit D
Hayward, California 94544

Cell Phone: 408.829.0085

Email: unitedskinartists@yahoo.com

Introduction

My name is Tony Ancheta and I am a professional full time tattoo artist currently working at Inkies Tattoo Studio in the City of Fremont. Prior to working at Inkies, I was a Mechanical Engineer working in the high-tech world for over 15 years while also guest-spotting at different tattoo shops and working the tattoo conventions on the weekends. In early 2009, I decided to hang-up the corporate shirt and tie to pursue my love for the body art and converted to a full time tattoo artist. In the many years of tattooing plus working at Inkies, I have attained best practices and established a wide variety of clients from all around the bay. Without a doubt, the next step for me is to open my own tattoo shop. I have been searching for spaces and places everywhere and I knew that when I spotted the "For Lease" sign on 214 Harder Road, Unit D, this is the place for me. Many of my established clients, are from Hayward, Tri-city areas, and from across the bay which makes this location ideal with the easy access from major bridge and freeways (880, 580, 92).

Tattoos have definitely evolved and become more mainstream and popular among Americans. Any stigma surrounding the ancient body art has long ago faded. Business people, parents pushing strollers and college students are as likely to sport "tats" these days versus the traditional stereotype-clientele of military personnel or bikers. I specialize in Polynesian tattoos. The legacy of Polynesian tattoo began over 2000 years ago and is as diverse as the people who wear them. Some of my current established clients are business owners, Silicon Valley executives, police officers, teachers, professional athletes, fireman, doctors, college students, parents, grandparents. A typical custom-designed tattoo piece can take anywhere from an hour to a full day session and can cost anywhere from $80-$1200.

Mission

Revere Tattoo wants to elevate the tattoo experience in the city of Hayward by providing quality custom tattoos in an upscale, high-end style environment. Professional, talented and established artists will provide custom original artwork in a bright, safe, and clean working atmosphere.

Keys to Success:

1. Providing the highest quality of tattoos and customer satisfaction will be the main focus to maintain repeat customers and attract new ones.
2. Making the health and care of customers and tattoos a top priority to ensure the safety of the customers, artists, and business.
3. Working with talented artists and encouraging their expression and freedom

The Proposal

I would like to open Revere Tattoos at 214 Harder Road, Unit D, Hayward, California. Although there are a handful of established tattoo shops in Hayward already, I want to open the first ever high-end tattoo studio in this city where people can come get art work in a very nice, clean and upscale "spa-like" environment. On Friday, April 5th, Arthur Surdilla from the Alameda County Health Department visited the location and has provided the additional requirements needed which I included in the plan layout. Arthur has been very valuable in giving guidance even more so that he is familiar with the current tattoo shop where I work and it's very high standards. I am attaching along with this proposal a copy of the plan. It shows all stations, sinks, trash cans, biohazard trash cans, sharps containers, and more. The Health Department will issue an approval after they come and do their final inspection as soon as the City permit is issued.

Expecting how many Artist working: 5

Hours of Operation: 9AM – 9PM

Hourly Rate: $120/hour

Attached is a professionally drawn plan layout required by the Hayward planning department.

Also attached are pictures of Inkies Tattoo Studio in Fremont where I currently work. My plan is to create a similar environment and even better space for Revere Tattoos.

Revere Tattoos will not condone nor participate in any kind of illegal tattooing of minors or racial and gang affiliated tattoos.

Please feel free to contact me if there are any additional questions or concerns. I am looking forward to providing high-end quality tattoos in the Heart of the Bay and being part of this great community.

SITE PLAN
SCALE: 1/16" =1'-0"

GENERAL NOTES

THESE PLANS ARE INTENDED FOR USE ONLY ON THE LOT FOR WHICH THEY WERE DESIGNED. THESE DRAWINGS ARE NOT INTENDED TO BE COMPREHENSIVE AND IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE OWNER OF ANY NECESSARY CLARIFICATIONS OR MODIFICATIONS.

ALL WORK CONNECTED WITH THE PROJECT SHALL BE DONE IN A PROFESSIONAL MANNER IN ACCORDANCE WITH THE TRADITIONALLY AND LEGALLY DEFINED 'BEST ACCEPTABLE PRACTICE' WITH THE TRADE INVOLVED. ADDITIONALLY ALL WORKS SHALL BE IN COMPLIANCE WITH ACCEPTABLE CODES AND TRADE STANDARDS WHICH GOVERN EACH PHASE OF WORK, INCLUDING BUT NOT LIMITED TO THE UNIFORM BUILDING CODE (UBC) UNIFORM MECHANICAL CODE (UMC) UNIFORM FIRE CODE (UFC) THE NATIONAL ELECTRICAL CODE (NEC) AMERICAN CONCRETE INSTITUTE (NCI) NATIONAL PLUMBING CODE (NPC) CALIFORNIA STATE BUILDING CODE AND ALL APPLICABLE LOCAL CODES AND LEGISLATION.

THE OWNER SHALL BE RESPONSIBLE TO NOTIFY THE DESIGNER OF ANY UNUSUAL UNFORSEEN STRUCTURAL CONDITIONS DISCREPANCIES OR CHANGES FROM THE PLANS BEFORE PROCEEDING WITH THE COMPLETION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING FIELD MEASUREMENTS BEFORE ORDERING MATERIALS AND FABRICATING ITEMS.

ADEQUATE SUPERVISION AND PERIODIC INSPECTIONS DURING THE CONSTRUCTING PHASE IS RECOMMENDED. THE OWNER SHALL BE RESPONSIBLE TO ENSURE THAT INSPECTION AND / OR SUPERVISION IS PROVIDED BY QUALIFIED PERSONS.

THESE PLANS ARE NOT CONSIDERED COMPLETE AND READY FOR CONSTRUCTION IS RECOMMENDED. THE OWNER SHALL BE RESPONSIBLE TO ENSURE THAT INSPECTION AND / OR SUPERVISION IS PROVIDED BY QUALIFIED PERSONS.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS INDICATED ON THESE DRAWINGS AND MAKE KNOWN ANY DISCREPANCIES PRIOR TO COMMENCING WORK.

PROJECT DATA

OWNER: LISA LO
214 HARDER ROAD
HAYWARD, CALIFORNIA
(650) 430-1863

SITE INFORMATION:

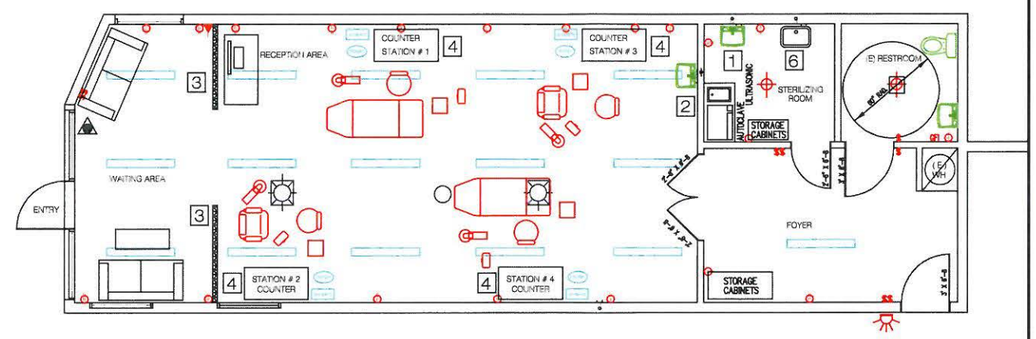
214 HARDER ROAD
HAYWARD, CALIFORNIA
EXISTING USE: BARBER SHOP
PROPOSED USE: TATTOO PARLOR
CONSTRUCTION TYPE: V-B?
OCCUPANCY: M
NO. OF FLOORS: 1
NO. OF EXITS: 2
FIRE SPRINKLER: NO
LOT AREA: ± 19,800 SQ FT
TOTAL BLDG. AREA: ± 1020 SQ FT

SCOPE OF WORK:

INSTALL NEW MOVEABLE PARTITIONS
INSTALL NEW SINKS AND VANITIES.
INSTALL NEW WALL LIGHTS

LEGEND

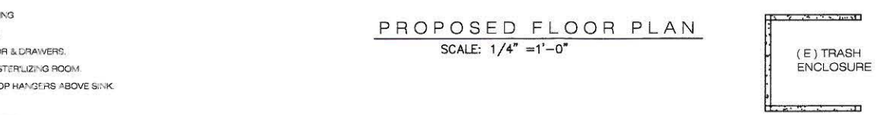
- EXISTING WALLS
- NEW PARTITION
- DUPLEX RECEPTACLE
- GFI DUPLEX GROUND FAULT INTER.
- $ SINGLE POLE SWITCH
- $ 3-WAY 3-WAY SWITCH
- TELEPHONE WALL JACK
- TELEVISION WALL JACK
- CEILING LIGHT
- RECESSED LIGHTING
- S.D. SMOKE DETECTOR
- MECHANICAL VENT
- FLUORESCENT LIGHT
- SEWER PIPE AND WATER VALVES
- FIRE EXTINGUISHER

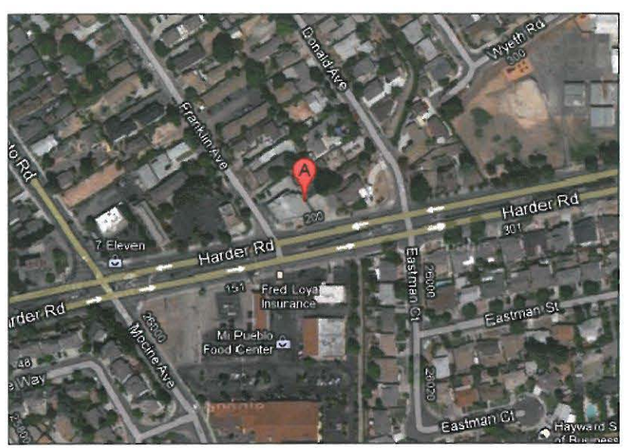


PROPOSED FLOOR PLAN
SCALE: 1/4" =1'-0"

PLAN NOTES

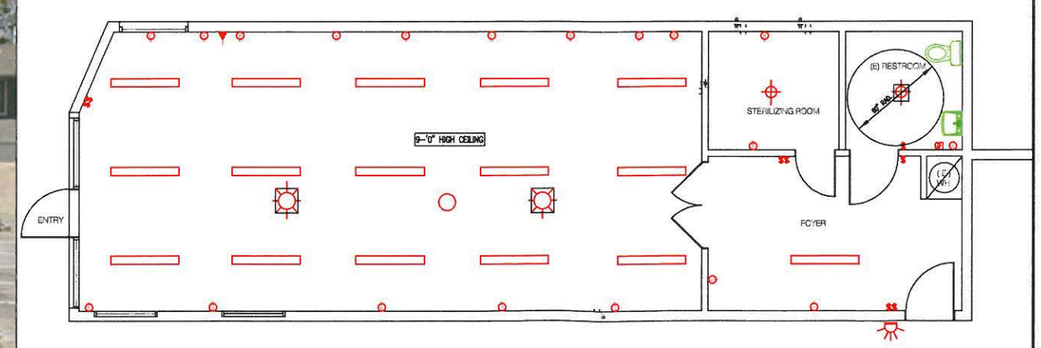
1. INSTALL NEW SINK AND VANITY
2. RE-INSTALL SINK AT (E) PLUMBING
3. INSTALL NEW 4' HIGH PARTITION
4. INSTALL NEW CABINETS W/ DOOR & DRAWERS.
5. INSTALL NEW WALL LIGHTS @ STERILIZING ROOM
6. INSTALL NEW MOP SINK AND MOP HANGERS ABOVE SINK.





VICINITY MAP
NOT TO SCALE

ELEVATION VIEW
NOT TO SCALE



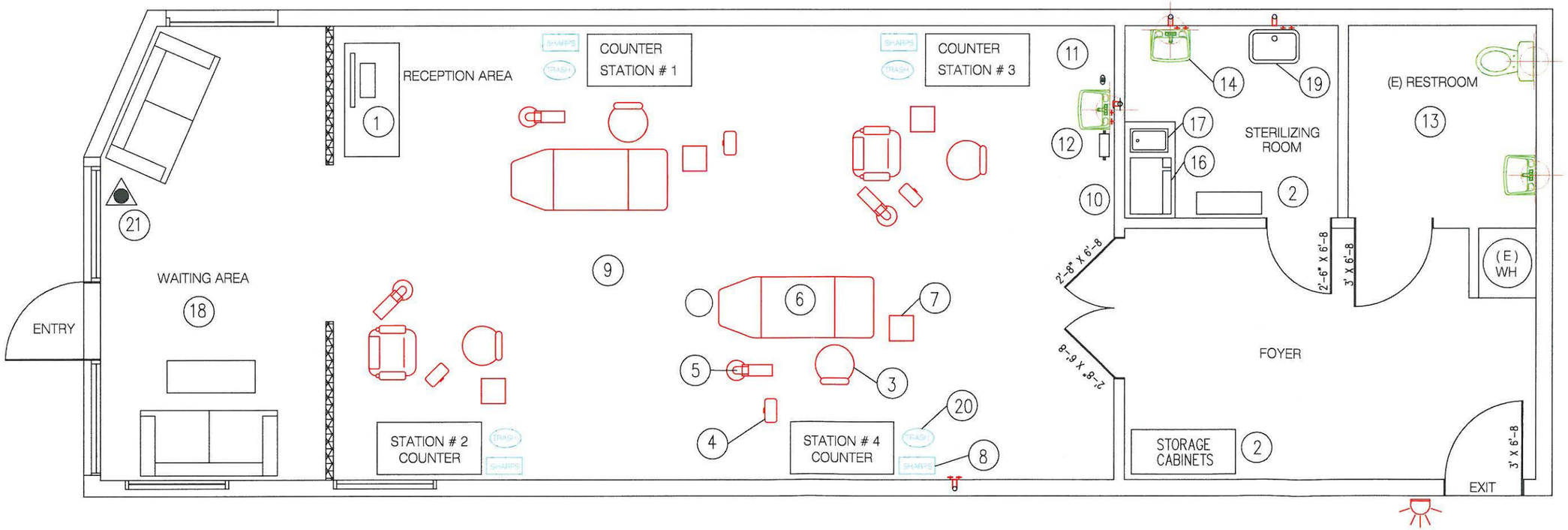
EXISTING FLOOR PLAN
SCALE: 1/4" =1'-0"

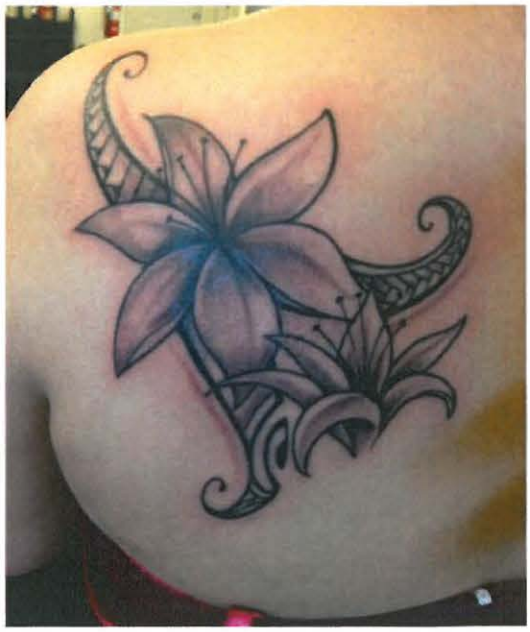
REVERE TATTOO STUDIO	DRN. by: A.A.
214 HARDER ROAD HAYWARD, CALIFORNIA	DATE: 3-20-13
FLOOR PLANS, SITE PLAN, PROJECT DATA GENERAL NOTES AND LEGEND	SCALE: AS NOTED
TONY ANCHETA - PROPIETOR	DWG. NO. 1 OF 1

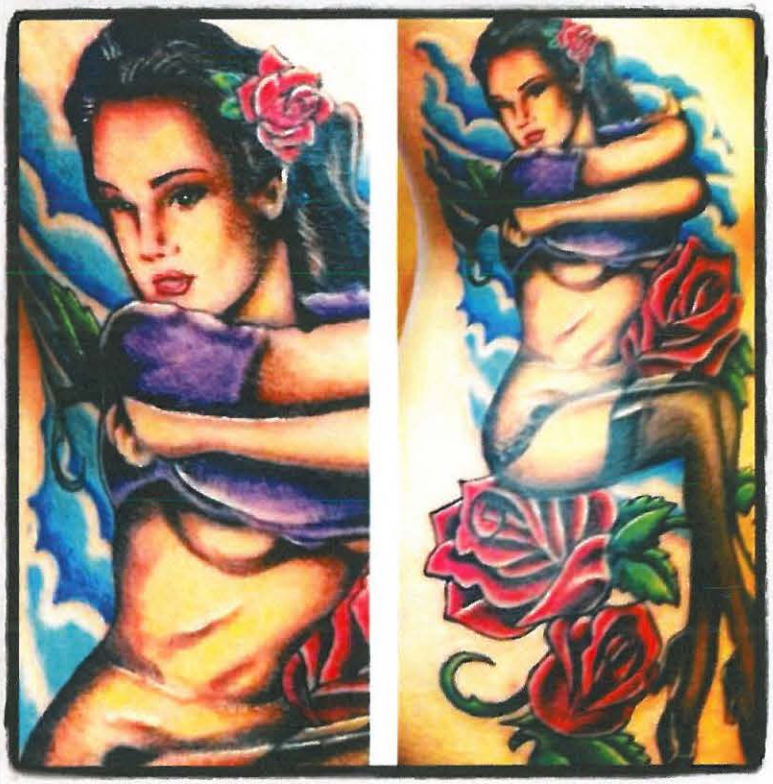
REVERE TATTOO

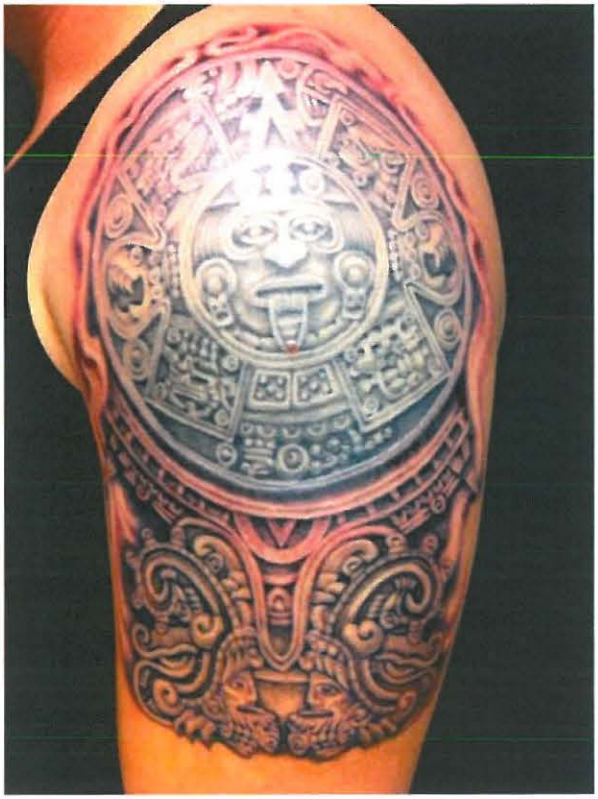
SITE PLAN

1	RECEPTION DESK
2	STORAGE CABINETS
3	ARTIST CHAIR
4	ARMREST
5	LAMP
6	COUNTER
7	CUSTOMER BED/CHAIR
8	SHARPS CONTAINER
9	WORK STATION TRAY
10	HANDWASH SINK
11	LIQUID SOAP
12	PAPER TOWEL DISPENSER
13	RESTROOM
14	BIO SINK
15	STERILIZATION ROOM
16	AUTOCLAVE
17	ULTRA SONIC MACHINE
18	WAITING ROOM
19	MOP SINK
20	TRASH CAN
21	FIRE EXTINGUISHER









Isaiah

Tattoo and Piercing Release Form

In compliance with California State Laws on Tattooing and Body Piercings, only persons 18 years of age or older may obtain a tattoo, regardless of parental consent. A minor is allowed to receive a body piercing if a parent or legal guardian is present. Proper identification must be shown. All lines must be filled in legibly.

- I am requesting that a tattoo or piercing be performed on me by a staff member of Inkies Tattoo Studio. I understand that wherever possible, materials used in the procedure are single-use only and properly discarded after use. I am aware that any items that are re-usable are sterilized in an autoclave before each use. Initials_____
- I acknowledge that I will be given a written set of aftercare instructions. By signing this agreement I agree that I have been given every opportunity to ask questions about the procedure, aftercare, or any other concerns I may have. Getting an infection is always a possibility as a result of getting a piercing or tattoo, particularly in the event that I do not take proper care of it. I agree to carefully follow the instructions that I have been given while it is healing. Initials_____
- I have advised the artist or piercer of any and all allergies I may have; especially to latex, soaps, or medications. It is not possible for the staff of Inkies Tattoo Studio to determine if I might have an allergic reaction to the pigments or processes used during the tattooing or piercing procedure. I agree to accept the risk that such a reaction is possible. Initials_____
- I do not have a heart condition, epilepsy, diabetes, hemophilia, or anemia. I do not have any diseases that may be transmitted by blood such as HIV, hepatitis, or any other condition. Initials_____
- I am not pregnant or nursing, and do not suffer from medical conditions such as, but not limited to: keloid or hyper tropic, scarring, psoriasis, wounds, lesions, moles, or birth marks at the site to be pierced or tattooed. Initials_____
- To my knowledge, I do not have any physical, mental, or medical impairment or disability which might affect my wellbeing as a direct result of my decision to be pierced or tattooed. Initials_____
- I am not under the influence of any drugs or alcohol and that obtaining this piercing or tattoo is my choice alone, and will result in a permanent change in my appearance. I am aware that tattoos are permanent. Initials_____

I authorize a staff member of Inkies Tattoo Studio to perform a piercing or tattoo on me and in consideration of doing so, I hereby release and hold harmless Inkies Tattoo Studio, it's owner, and any staff from any and all liabilities, claims, demands, or legal actions, in law or in equity, which I or my heirs have or might have now or hereinafter arising from or connected in any way with my body piercing or tattoo.

By signing this document, I certify under penalty of perjury that I am 18 years of age, and acknowledge that I have read and understand all portions of this document and that I agree to be legally bound by it.

Tattoo/Piercing: _____

Name: _____ **Age Today:** _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

Phone Number: _____ **DOB:** _____ **Today Date:** _____

Client Signature: _____ **ID#:** _____

If Minor, Signature of Parent/Legal Guardian: _____ **ID#:** _____

Deposit Amount: _____ **Total Cost:** _____ **Artist/Piercer:** _____

Email: _____

Notes: _____

Rev.2_1/09

ASIAN

TATTOO DEMONSTRATION

South Court

12 noon–3 pm

Watch master tattoo artists, led by Aleks Figueroa of Dream Jungle Tattoo, with Tony Ancheta of Inkies Tattoo Studio, in action creating tribal tattoos for the contemporary Filipino Diaspora.

Joël Barraquiel Tan and Alleluia Panis will discuss the symbolism in this art form from 1 pm–2 pm.

ARTslanT

Print

Asian Art Museum

Event | Map | Reviews | Comments

ExhibitionDetail

Group Show
Filipino American History Month Celebration at the Asian Art Museum

Asian Art Museum
200 Larkin St.
San Francisco, CA 94102

Christian Cabuay, *Someday My Love Will Come*
© Courtesy of the Artist and Asian Art Museum

October 3rd, 2010 11:00 AM - 4:00 PM

> ARTISTS

Eli Africa
Florante Aguilar
Christian Cabuay
Christopher de Leon
Aleks Figueroa
Arvin Flores
James Garcia
Jason Magabo Perez
Miguel "Bounce" Perez
Ron Quesada
Aimee Suzara

#

> QUICK FACTS

EVENT TYPE: Other

WEBSITE: http://www.asianart.org/

NEIGHBORHOOD: Union Square/Civic Center

EMAIL: members@asianart.org

PHONE: 415.581.3500

OPEN HOURS: Tue-Wed, Fri-Sun 10-5; Thu (Jan-Oct) 10-9; Thu (Nov-Dec) 10-5; closed Mon

TAGS: performance, filipino, tattoos, film, music, painting

COST: FREE admission courtesy of Target*

> DESCRIPTION

Filipino American History Month
Filipino Journeys through American History and Art
Target Sunday*, October 3
11:00 am–4:00 pm
Museum-wide
FREE admission courtesy of Target*

This year's celebration explores Filipino journeys through American history and art. There will be a focus on early sea trade connections between the Philippines and California, how they formed our Filipino American communities, and how they shaped artistic production in Asia and the Americas. Highlights include music, artist displays and demonstrations, films, talks by visiting scholars, and fun activities for all ages!

Read the bios of participating Artists and Presenters.

See photos of past celebrations.

*Target First Free Sundays—free general admission on the first Sunday of every month and the family programs offered on that day—is made possible by Target. Free admission is granted on a first-come, first-served basis. Due to capacity restrictions, admission is not guaranteed.

Sponsored by the Bank of American Foundation

program Schedule

Explore and Participate

Taste the flavors of Filipino food-truck, Señor Sisig, with items like sisig (pork) tacos and rice plates for purchase, and check out a Jeepney, a creatively re-purposed military vehicle and popular form of transport in the Philippines.	Front Curb of Museum 11 am-3 pm
Watch master tattoo artists, led by Aleks Figueroa of Dream Jungle Tattoo, with Tony Ancheta of Inkies Tattoo Studio, in action creating tribal tattoos for the contemporary Filipino Diaspora. Joël Barraquiel Tan and Alleluia Panis will discuss the symbolism in this art form from 1 pm-2 pm.	South Court 12 noon–3 pm (Talk @ 1 pm)
Meet Artist Arvin Flores, view his abstract paintings, and discuss his creative process.	North Court 12 noon–4 pm
Meet Artist Christian Cabuay, view his artwork influenced by the ancient Philippine Baybayin, and create your own pin to take home with his designs.	North Court 12 noon–2 pm
See Kulayan Painters, Christopher de Leon, James (gaNyan) Garcia, and Miguel "Bounce" Perez in action, creating new work before your eyes.	North Court 1 pm–4 pm
Hop on a FREE bus to Thacher Gallery at University of San Francisco to view the special exhibition, *Galleons and Globalization: California Missions and the Pacific Rim,* with tours by scholars Corazon Alvina, Rene Javellana, and Gallery Director, Thomas Lucas, SJ.	Front Curb of Museum. First bus leaves museum at 3:30 pm and last bus returns from USF to Civic Center at 5:00 pm.

Listen and Discover

Watch short films by local Filipino artists.	Resource Room
Hear opening remarks for this exciting day from Consul General of the Philippines Marciano Paynor, Jr., Asian Art Museum Director Jay Xu, Asian Art Museum Commissioner Carmen Colet and others.	Samsung Hall 11 am-11:30 am
Groove to the sounds of Filipino electronic music artist Ron Quesada and Kulintronica.	Samsung Hall 11:30 am-12 noon
Enjoy Jason Magabo Perez performing excerpts from *The Passion of El Hulk Hogancito.*	Samsung Hall 12:30 pm-1 pm
Listen to contemporary writers, Barbara Jane Reyes and Prof. Daniel Gonzales, read their own work and the writings of Filipino writers: Al Robles, Helen Toribio, and Carlos Bulosan.	Education Studios 1 pm-2 pm
Listen to contemporary poets, Karen Llagas and Aimee Suzara, read their own work and the writings of Filipino writers: Al Robles, Helen Toribio, and Carlos Bulosan.	Education Studios 2 pm-3 pm
Listen to scholars Corazon Alvina and Rene Javellana. Alvina will discuss the intersections of food and art while Javellana's topic is "Art Challenges the Status Quo: Philippine Art and Social Change."	Samsung Hall 1:30 pm-2:30 pm
Enjoy the beautiful music of The Florante Aguilar Music Ensemble as they perform excerpts from *Lalawigan—A Contemporary Tagalog Song Cycle.*	Samsung Hall 3 pm-3:30 pm

Step into the Galleries

View special displays from local Filipino community organizations.	Loggia
Focus on the Philippines Gallery Tours	Meet at the Info Desk 12 noon & 2 pm
Storytelling: Filipino Stories	Meet at the Info Desk 1 pm

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TATTOO
Hayward, Ca

FINDINGS FOR APPROVAL

Conditional Use Permit Application No. PL-2013-0133
Tony Ancheta for Revere Tattoo (Applicant)
Kwok Low (Owner)
214 Harder Road

Request to operate a tattoo studio

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, *Existing Facilities.*

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

The tattoo establishment is desirable for the public convenience in that residents and customers will have more and varied choice from a larger pool of tattoo artists located in Hayward. In addition, current customers of the applicant who are residents of Hayward will no longer need to travel to Fremont. Furthermore, the tattoo studio will provide a unique spa-like experience offering personalized customer service and collaboration with each artist to design a unique tattoo based on the customer's design ideas.

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

The proposed tattoo studio will not impair the character and integrity of the adjacent commercial businesses and residential zoning district. Tattoo stations will not be visible from the public right-of-way, nor from the front window of the establishment, since the tattoo stations will be located behind partitions. As a condition of approval, "No Loitering" signs will be posted on the front and the east side of the building and the business manager is required to enforce the prohibition of loitering. At least eighty percent of all customers will be by appointment only. Each artist would have an average of two customers a day and only four customers can be accommodated at a time. The average visit would range from four to five hours. This time period includes preparation and the application of the tattoo. Therefore, the traffic generated will be minimal and the number of customers will be limited due to the time it takes to do the work and the number of tattoo artists that would be working at one time. The parking provided for the center meets the City's Off-Street Parking Regulations. Therefore, customers will not need to park in the adjacent residential neighborhood. Furthermore, the tattoo studio will not be open beyond 9:00 pm, which will help minimize impacts to adjacent residents.

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

The applicant is required to obtain a Body Art Establishment permit from Alameda County Department of Environmental Health (ACDEH). In addition, each tattoo artists

is required to be licensed as a Body Art Practitioner. The applicant is a licensed Body Art Practitioner, and the proposed tattoo studio will comply with all Alameda County Environmental Health Department health and safety standards, including proper handling and disposal of medical waste.

The Hayward Police Department has stated that tattoo studios typically have a low rate of service calls and, contrary to public perception, do not attract gangs, require very little regulation since such uses are highly regulated by the Alameda County Environmental Health Department.

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

A tattoo parlor is listed as a personal service and is permitted as a conditional use in the *Neighborhood Commercial* Zoning District. Conditional approval is required to assure that this use is permitted where there is a community need, and to assure that the use is in harmony with the area and with City policies. The *Neighborhood Commercial* Zoning District is to include products and services primarily represented by convenience goods and services purchased frequently. At least eighty percent of the proposed establishment's business will be by appointment – similar to a beauty shop or other similar business that provides personal services on a regular basis. Tattoos are a socially acceptable form of adornment and the applicant has established a good reputation. Therefore, it is likely that new and repeat customers will return to receive additional tattooing from the same artist.

CONDITIONS OF APPROVAL

Conditional Use Permit Application No. PL-2013-0133
Tony Ancheta for Revere Tattoo (Applicant)
Kwok Low (Owner)
214 Harder Road

Request to operate a tattoo studio

Use Permit Application No. PL-2013-0133 is approved subject to the conditions listed below. This permit becomes void three years after the effective date of approval, unless the business has been established in accordance with these conditions of approval, or a time extension of this application is approved. All conditions shall we met prior occupancy of the building and prior to the issuance of a business license. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division 15 days prior to July 22, 2014.

If a building permit is issued for construction of improvements authorized by the use permit 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 use permit approval.

General

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

2. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public.

3. The tattoo studio and each tattoo artist shall meet all of the requirements, health and safety standards, and proper handling and disposal of medical waste as required by the Alameda County Department of Environmental Health as specified in the "General Provisions for Body Art (Tattooing), Body Piercing and Permanent Cosmetics." The business owner shall obtain an annual Body Art Establishment permit. Each tattoo artist shall register annually as a tattoo practitioner. The permits shall be presented to the Planning Director prior to the onset of business in the City of Hayward.

4. The applicant shall maintain a valid City of Hayward Business License.

5. The applicants shall post a sign at the entrance that states, "No Persons Under Age of 18 Years Permitted."

6. The applicants shall post California Penal Code 653 which reads “Every person who tattoos or offers to tattoo a person under the age of 18 years is guilty of a misdemeanor. As used in this section, to "tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. This section is not intended to apply to any act of a licensed practitioner of the healing arts performed in the course of his practice” in unobstructed view to customers.

7. The applicants shall post the City of Hayward business license, Alameda County Department of Environmental Health permits, and the California Department of Health Certificate in clear unobstructed view to the public.

8. To the satisfaction of the Police Department, post the appropriate health warning within the customer areas of business.

9. To the satisfaction of the Hayward Police Department, “No Loitering” signs shall be posted on the front and the east side of the building on the exterior walls of the tattoo studio.

10. The business manager shall actively monitor the front of the business to prevent loitering.

11. To the satisfaction of the Hayward Police Department, provide security cameras installed along the front and east side of the building to monitor the entrance and adjacent parking lot.

12. A sign permit shall be approved prior to installation of any wall sign. Window signs do not require a sign permit. However, not more than 25 percent of the window area shall be covered. The final design and size of any outdoor wall sign shall be to the satisfaction and be approved by the Planning Director.

13. The property owner and applicant shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, driveway and parking area. The premises shall be kept clean and free of weeds, and prior to occupancy any weeds located in the landscape area and the area around the trash enclosure shall be removed. Any graffiti painted on the property shall be painted out or removed within 48 hours of occurrence.

14. Outdoor storage of recyclables and other items shall not be allowed. All trash and recyclables shall be stored in proper receptacles.

15. The existing trash enclosure shall be repaired to the satisfaction of the Planning Director.

16. The business hours shall be 9:00 am to 9:00 pm daily. If the applicant wishes to extend business hours, the Planning Director shall review and act on any changes.

17. The business is limited to only 20 percent walk-in customers who will receive a tattoo during the same visit.

18. Racist and gang related tattoos are prohibited to be applied to anyone.

19. Lockable storage cupboard or locker shall be provided in each booth for customers to secure their personal belongings while using the services of the business.

20. If interior tenant improvements are to be made, plans shall be submitted to the City of Hayward Building Division for building permit review and approvals prior to operation of business.

21. Portable fire extinguishers shall be installed within the tenant space. Minimum size and type of fire extinguisher shall be 5 lb., dry-chemical, with a rating of 2A:10BC. Fire extinguishers shall be installed in accessible locations as approved by the Fire Department.

22. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.

Hayward Tattoo Studios
PL-2013-0133 CUP
214 Harder Road

Hayward Police Department
Criminal Investigations Bureau
Vice/Intelligence Unit

BUSINESS/EVENT APPLICATION REVIEW

Business/Event Name:	Tattoo Facility – Request for Conditional Use Permit
Business Address:	214 Harder Road, Unit D
Applicant(s) Name(s):	Anthony (Tony) Ancheta
City Planner:	Arlynne J. Camire, AICP
Project Number:	PL-2013-0133 CUP

Project/Event Summary: The Hayward Police Department's VICE/Intelligence Unit has learned of a pending application for a tattoo studio located at 214 Harder Road, Suite D.

Applicant Background: Mr. Anthony (Tony) Ancheta is the listed applicant for this business. He currently is an "Ink Master" tattoo artist at Inkies Tattoo Studio in Fremont, CA and has been employed there for four (4) years. Mr. Ancheta is a reputable tattoo artist who has received positive comments from clients on review sites (i.e. YELP) and other local business directory services on the Internet.

Mr. Ancheta is licensed with the Alameda County Department of Environmental Health Services and possesses a valid Alameda County Body Art Practitioner's Permit (PR0510456).

Safety Concerns: The Alameda County Department of Environmental Health highly regulates tattoo establishments. They are responsible for issuing permits and conducting inspections to ensure that tattoo establishments and practitioner(s) are operating in compliance with the law. Therefore, this would not put a tremendous strain on police resources to effectively regulate this type of establishment.

The Hayward Police Department recommends this premise to have security cameras installed along the front and east side of the building to monitor the entrance and adjacent parking lot area.

Signs prohibiting "loitering" is recommended to be posted along the front and east side of the building to deter people from milling around the property and adjacent parking lot area.

Licensing/Documentation Requirements: The following licensing requirements shall be maintained by the applicant/owner:

1.) The applicant shall maintain a valid City of Hayward Business License.
2.) The applicant shall maintain a valid establishment and individual practitioner(s) permits with the Alameda County Department of Environmental Health. Post the business license and California Department of Health Certificate in clear unobstructed view to the public.

Recommendations: After review of this application, the Hayward Police Department recommends that this business be approved to operate within the City of Hayward. The Hayward Police Department request that the following conditions be placed on the conditional use permit issued to the applicant for the tattoo studio:

- Post a sign at each entrance that states, "No Persons under Age of 18 Years Permitted."
- Post California Penal Code 653 which reads "Every person who tattoos or offers to tattoo a person under the age of 18 years is guilty of a misdemeanor. As used in this section, to "tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. This section is not intended to apply to any act of a licensed practitioner of the healing arts performed in the course of his practice in unobstructed view to customers."
- Post the appropriate health warning within the customer areas of the business.

SUBMITTED BY: Detective Angela Irizarry, Vice/Intelligence Unit

DATED: May 8, 2013

Arlynne Camire

From: Jason Martinez
Sent: Monday, July 01, 2013 6:12 PM
To: Arlynne Camire
Cc: Angela Irizarry; Mark Koller; Bob Palermini
Subject: Re: Tattoo Studios

I am definitely okay with putting in the the fact that we do not have problems with the existing locations. If it is common for staff reports to have someone's opinion based upon experience, I am also okay with and stand by my opinion related to the fact that they do not necessarily attract gang members.

Regards,

Jason

Sent from my iPad

On Jul 1, 2013, at 2:44 PM, "Arlynne Camire" <Arlynne.Camire@hayward-ca.gov> wrote:

> From the email that was sent I included the following in the staff report. I want to confirm that Lt. Martinez is ok with this being included in the staff report that will be sent to the Planning Commission this Friday. I know that he is out of the office until Tuesday, July 9.
> Thank you.
> Arlynne
>
> **According to Lt. Jason Martinez, the Hayward Police Department does not receive many calls for service to the currently operating tattoo studios and there is no evidence that tattoo studios attract gang members. Lt. Martinez is of the opinion that there is public misconception that there is a nexus between gang members and tattoo studios. "Many gang members get their tattoos in prison, during "tattoo parties" at an associate gang member's house who may also be an unlicensed tattoo "artist", etc." He continues, "Tattoos are so accepted and mainstream these days that the masses have them and it is a lucrative business for those artists who are talented."**
>
> ---
>
> **From:** Jason Martinez
> **Sent:** Friday, June 14, 2013 6:03 PM
> **To:** Arlynne Camire
> **Cc:** Angela Irizarry; Mark Koller; Bob Palermini
> **Subject:** Re: Tattoo Studios
>
> Arlynne,
>
> We do not receive many calls for service to the current operating tattoo studios and there is no evidence that tattoo studios attract gang members. There is some public misconception that there is a nexus between gang members and tattoo studios. Many gang members get their tattoos in prison, during "tattoo parties" at an associate gang member's house who may also be an unlicensed tattoo "artist", etc. Yes, gang members do and can go to studios to pay for a tattoo; however just like purchasing any product they also can go to the 7-11 to buy beer, shop at any Hayward store, etc. Tattoos are so accepted and mainstream these days that the masses have them and it is a lucrative business for those artists that are talented. The more important question is, how many tattoo studios do

we want to have in Hayward? I don't know what limits there are or even if a city can limit the number of them. Like massage establishments, they come with a mixed public image, whether real or not. I hope this helps. If you have any other questions please ask!

Regards,

Lt. Jason Martinez

Sent from my iPad
Please excuse typos

On Jun 14, 2013, at 5:02 PM, "Arlynne Camire" <Arlynne.Camire@hayward-ca.gov> wrote:

> Do you receive many calls for service to the tattoo studios in Hayward? Does the Police Department feel that the tattoo studios in Hayward attract gangs?
> Thank you.
>
> Arlynne J. Camire, AICP
> Associate Planner
> City of Hayward
> 777 B Street
> Hayward, CA 94541-5007
> Direct 510.583.4206
> Fax 510.583.3649
> www.hayward-ca.gov

Dear Ms. Arlynne J. Camire,

How are you?

I owned the property 214 Harder Road, Hayward, Ca. 94544.

This letter is concerning of my tenant Mr. Tony Ancheta applying for permit to operate a Tattoo Parlors in my commercial property.

My commercial property has 4 units. The unit D Tony plans to open a Tattoo Parlor had been vacant for almost one and a half year. It had been very difficult to lease the space out due to the fact that a lot of retail business have been hard hit by the on-line purchase. I am delighted when Tony wanted to lease this space from me.

While we were signing the lease contract, Tony promised that he will take care of the property and will not let any of his clients loitering in the parking place. As a landlord, I will make sure he will keep his promise. Also, the tenants of the other units in the plaza are all agree the opening of the tattoo parlor in Unit D.

Tony is a talented, experience and successful tattoo artist. He specialized in Polynesian and traditional Asian art.I believe the opening of a tattoo parlor will benefit the other stores in the plaza.

I sincerely hope that planning division of City of Hayward will help me and grant him the permit to operate his tattoo business.

Please feel free to call me if you have any concern or questions.

Thank you.

Sincerely yours
Kwok C. Low

438 Grant Ave.
San Francisco, Ca. 94108
650-430-1863

M&S COLLISION *Since 1983*

May 25, 2013

To Whom It May Concern:

I am writing this letter of recommendation on behalf of Mr. Tony Ancheta. I've known Mr. Ancheta for over five years and I've only seen him illustrate the highest level of integrity and family values.

As a friend and client, I am highly confident that Mr. Ancheta will be a great asset to your community and he will be successful in all of his future endeavors.

Thank you and I appreciate your prompt attention to this matter and please feel free to contact me with any questions you may have.

Sincerely,

Chaiyos Siripoke
Owner
M&S Collision

(408)757-4185 Cell

May 26, 2012

Arlynne J Camire, AICP
Associate Planner
Development Services Department

To Ms. Camire,

This is a letter in reference to, Tony Ancheta, the owner of the proposed Hayward business, Revere Tattoo Studio. I have known Tony for a number of years. About five years ago, I had work done by him and have remained friends since. In meeting Tony as a tattoo artist, professionalism was first and foremost, as was his ability to make his client comfortable and reassured. Tony's professionalism as a tattoo artist was excellent. Tony ensured safety was a priority, and the tattoo was done in a sanitary, sterile environment. Since that time, Tony has gone out of his way to ensure there were no problems after the work was complete. Clearly, Tony takes pride in his art and I have recommended him as a tattoo artist for family, friends, and colleagues.

When I first learned that Tony was planning to open his own tattoo studio in the city of Hayward, I was pleased. A tattoo studio owned and operated by Tony would be a great benefit to the city of Hayward. As one who grew up in Hayward, went to school from elementary through college in Hayward, whose children were born and schooled in Hayward, and whose wife is a teacher for the Hayward Unified School District, I have seen changes in the city through the years, and have witnessed the recent push for redevelopment and improvement. I can assure you that the proposed Revere Tattoo Studio, owned and operated by Tony Ancheta, will certainly be a positive gain for the city and in line with the redevelopment and improvement of the city .

Sincerely,

Michael Jayme

Shaunte Jacinto, RN, BSN, MSNc
315 Drummond Drive
Hayward, CA 94542
(510) 599-5970

RECEIVED
MAY 29 2013
PLANNING DIVISION

May 28, 2013

Arlynne J. Camire, AICP
Development Services Department
777 B Street
Hayward, CA 94541

Dear Ms. Camire:

I am writing in regards to Tony Ancheta and his business Revere Tattoo Studio. As a close relative of Tony, I know that he is a family man, first and foremost. The importance of family in his life translates through his work and his art. He takes much pride in his dealings with customers and clients. He treats them like family and many return as repeat customers and or refer Tony to others. Having been a client myself, and having referred many of my friends and colleagues to Tony, I have confidence in his tattoo skills and business ethic. As a well-established artist, I feel that Tony's Revere Tattoo Studio will be a great addition to the new businesses in the city of Hayward. I have no doubt that Tony will keep up a respectable, inviting, and unique addition to the small businesses of our city.

Thank you for your time and consideration.

Sincerely,

Shaunte Jacinto

May 31, 2013

Arlynne J. Camire
Associate Planner
City of Hayward
777 B Street
Hayward, CA 94541-5007

Dear Ms. Camire:

I am pleased to write a letter of recommendation for Mr. Tony Ancheta. It is my understanding that Tony has applied to open Revere Tattoo Studio within the city of Hayward.

I have had the pleasure of knowing Tony for the past twenty plus years. Tony has always displayed a high degree of integrity, honesty, responsibility, ambition and willingness to give a helping hand. Tony is a great businessman, husband, father and role model. Along with the daily stresses of life, he still finds time to balance his career and family, which I believe you would agree is no easy task for any family now days. He also still finds time to coach his son's football and baseball teams.

Knowing that my mother and sister live in Hayward, Tony came to me wanting our input and discussed his idea of opening up a tattoo studio within the city of Hayward. I believe Tony's good judgment and mature outlook ensure a logical and practical approach to this endeavor. His sense of family, honesty, drive and determination will create a successful and positive company which will give the families in Hayward, along with the surrounding cities, a great place to get a fabulous piece of art.

It is my humble opinion that Tony Ancheta and his Revere Tattoo Studio would be a tremendous asset to any city, and I am happy to give him my wholehearted endorsement.

Sincerely,

Werner Seele

Arlynne Camire

From: jonathan andrada
Sent: Monday, June 10, 2013 2:46 AM
To: Arlynne Camire
Subject: Recommendation for Tony Ancheta

Jonathan Andrada

Hayward, CA 94541-5007

A

June 10, 2013

Arlynne J. Camire

Associate Planner

City of Hayward

777 B Street

Hayward, CA 94541-5007

Dear Ms. Camire:

I am writing to recommend Mr. Tony Ancheta and his application to open Revere Tattoo Studio within the city of Hayward.
I have had the pleasure of knowing Tony for the past two years and have become one of his regular customers. He is very talented within his trade and has always provided the highest quality of service each visit.

As a resident of Hayward, I feel that Tony and his business endeavor would be an asset to our city, allowing individuals the ability to receive quality body art. If you have any questions, please do not hesitate to contact me.

Respectfully Yours,

Jonathan Andrada

Arlynne Camire

From: Ryan Baluyot
Sent: Wednesday, June 19, 2013 1:13 PM
To: Arlynne Camire
Subject: For Tony Ancheta

Hi,
First and foremost I would like to introduce myself. My name is Ryan Baluyot, I am a client of Tony Ancheta. I have been getting tattooed from Tony for about 6-7 years now. I know there are tons of artist out the but Tony is who I feel most comfortable with. His personality is expressed through his ink and I couldn't be any more happier. Tattoos in the past have been frowned upon and stereotyped. But with his skills and knowledge I am able to express his art work on my body as well as my heritage and culture. His perfeshinalism and his cleanliness is what keeps me coming back. Everywhere I go people ask me "hey where did you get your ink from?" And I tell them with pride "I got it from Tony Ancheta." And a couple weeks later I see those people with new "ink". They always thank me for recommending him to them. He's a great businessman with the upmost care and respect for his clients. Tattoos aren't cheap and they'll last a lifetime but with his skills, its well worth it. Many tattoo artist can do the same work but no one can compare to the type of person Tony is. He treats all his clients as if they were his own family members. I plan on coming back for more ink till he decides to retire or If I have an room left. Hes of of the best artist out there and his name will keep getting bigger and bigger. He will forever have my business and the business of others. I would like to thank you for giving me this oppurtunity to express how much Tony's work is appreciated in the bay area community. If you have any questions you would love to ask me, you can always email or give me a call.

Thank you,
Ryan Baluyot

Arlynne Camire

From: Huong Nguyen
Sent: Friday, June 21, 2013 8:34 PM
To: Arlynne Camire
Subject: Reference letter for Tony Ancheta

Dear Ms. Arlynne Camire

I would like to submit the following letter in support of Tony Ancheta. I had a large piece done from Tony a year and a half ago and had a positive experience. Tony's art work speaks for themselves. He is an amazing artist with tremendous talent. What sets him apart though is who he is, which is reflected in the way he works. He took the time out to work with me prior to getting inked to ensure that I would be happy with my tattoo. He was thoughtful in the way he would ask questions about what I wanted to get done and was mindful when making suggestions. There was a lot of work put into the piece even before my first session. As a result, the session itself was positive and relatively comfortable. He checked in throughout the session to make sure I was doing ok or if he wanted to make a change to the piece. I definitely trusted Tony to do my first large piece. During my session I had a chance to get to know him more. A big part of providing any sort of service is the ability to connect to your consumers and Tony is able to do that. He genuinely wants to know about his customers and he is open to share his life with you. I know Tony to be grounded in his work as an artist, in his community, and as a family man.

As I mentioned earlier, Tony's artwork speaks for themselves. It is his work ethics and character that sets him apart. His proposed shop will be a valuable and positive asset to Hayward.

If you have any questions, please don't hesitate to contact me at 408-799-0267.

Sincerely

Huong Nguyen

May 31, 2013

Arlynne J. Camire
Associate Planner
City of Hayward
777 B Street
Hayward, CA 94541-5007

Dear Ms. Camire:

I am pleased to write a letter of recommendation for Mr. Tony Ancheta. It is my understanding that Tony has applied to open Revere Tattoo Studio within the city of Hayward.

I have had the pleasure of knowing Tony for the past twenty plus years. Tony has always displayed a high degree of integrity, honesty, responsibility, ambition and willingness to give a helping hand. Tony is a great businessman, husband, father and role model. Along with the daily stresses of life, he still finds time to balance his career and family, which I believe you would agree is no easy task for any family now days. He also still finds time to coach his son's football and baseball teams.

Knowing that my mother and sister live in Hayward, Tony came to me wanting our input and discussed his idea of opening up a tattoo studio within the city of Hayward. I believe Tony's good judgment and mature outlook ensure a logical and practical approach to this endeavor. His sense of family, honesty, drive and determination will create a successful and positive company which will give the families in Hayward, along with the surrounding cities, a great place to get a fabulous piece of art.

It is my humble opinion that Tony Ancheta and his Revere Tattoo Studio would be a tremendous asset to any city, and I am happy to give him my wholehearted endorsement.

Sincerely,

Werner Seele

Arlynne Camire

From: Aaron Umstead <
Sent: Sunday, June 30, 2013 7:07 PM
To: Arlynne Camire
Subject: Tony Ancheta Reference Letter

Dear Arlynne,
I am writing in regard to Tony Ancheta who would like to open his own tattoo business.
I have known Tony for two years and I am one of his clients. In the time that I have spent with Tony I have grown to known him very well, and I believe he would be a great asset to your community as a business owner.
Tony is dedicated and cares about putting out quality work at all times. He is also incredibly efficient, using all his time at work wisely and in the name of completing a project.
On a personal level, Tony has been kind and generous, and well-liked by everyone at his place of business. As one of Tony clients he was a pleasure to work with and I will continue to recommend him to friends and family. He made my experience memorable and is a great artist.
I fully recommend Tony for any business opportunity and hope to see him succeed.
Thank you,
Aaron Umstead

Arlynne Camire

From: [redacted]
Sent: Tuesday, July 02, 2013 10:12 AM
To: Arlynne Camire
Subject: Tony Ancheta

Hi Arlynne, my name is Christine Peterson and I am writing on behalf of my experience as well as Rod Baluyot's with Tony Ancheta. I have had 3 of my tattoos done by him, and he is by far the best artist I have been with. He always makes sure your comfortable and knows how to make a conversation and his work place is always very sterile and spotless. He taught me how to take care of my tattoos after he was done and even gave me some special lotion to put on it afterwards. He has also contacted me even after I had my pieces done to see if I needed any touch up work or anything else done. I hope this was enough information for you, feel free to contact me if you need anything else!

Christine Peterson

Sent from my iPhone

Arlynne Camire

From: Samurai
Sent: Tuesday, July 02, 2013 10:13 PM
To: Arlynne Camire
Cc: Paulo Coach Luis; reveretattoo@gmail.com
Subject: Revere Tattoo Location Proposal

Hello Arlynne,

My name is Don. Paulo informed me that he and a few other individuals were planning on opening their own tattoo shop in a Hayward location and contacted me to provide my individual insight as to why their venture should be supported by the city and the community.

First, my background with Paulo is that of he is my sole tattoo artist. All the ink on my body is done by him and no one else. My relationship with him has spanned many years as I believe in quality. That is, quality setting, quality art and work, quality personality and finally, quality for price. When it comes to ink, if any of those components are missing, I will not have a tattoo placed on my body as it is permanent (for me at least). The single most important part of a tattoo for me is, the relationship. I need trust, I need for us to be "partners" in what is about to be inked onto my body. Through the years Paulo and I have grown to know each other's kids, which are about the same age. A person not of the tattoo mindset and with the stereotype that people with tattoos are cold, gangster, biker, street people would be shocked to learn that Paulo and I talk about our kids, diapers, formula and how crawling is dumb when you can learn to walk quickly!

Second, although Paulo is my artist, it goes without saying that I need an environment where I am not going to feel like I need to be watching my back every minute. As mentioned above, the days of gangsters and bikers only getting tattoos are a thing of the past as tattooing has become a major mainstream acceptance - sports, retail (think Apple stores), advertising, reality shows, etc. Paulo has spent quite a bit of time on my tattoos, totaling about 10 trips to see him. EVERY time I saw him, the environment was laid back, relaxed, nobody acting violent or doing drugs or drinking. A wide variety of good music was playing, people coming in for quotes treated professionally, tattoo areas set up professionally, appointments kept and money handled precisely. There was never a time where it was crowded because of people waiting around. There were rules for those people and they had to be followed. Most people getting tattooed, were either listening to their own music, trying to sleep or watching a movie. Nothing like what non-tattooed people might imagine. Virgin people might enter a tattoo shop and feel really intimidated, only to find out just how silly that feeling was.

Even though I don't tattoo, I consider myself pretty knowledgeable about tattoos and the culture. Tattoos are tattoos and they don't make the person. The person makes the tattoos. A prison con gangster with tattoos are obvious they have gangster tattoos because their tattoos all focus on the gang life. Non gangster people with tattoos are obvious they are not gangsters because they revolve around tribal, memorials & tributes, tramp stamps and other designs. I am confident if you put two pictures side by side of only tattoos without faces, it would be obvious who is the gangster. Will true gangsters and thugs get tattoos done in places like this? Probably not because gangsters get them done by other gangsters as a badge of pride and allegiance to their brotherhood or "set".

If the city of Hayward looks at the solid revenue this will provide to them, they will see that having seasoned artists like Paulo, are almost recession proof. Obviously tattoos are not a life necessity, but with the explosion in tattooing, combined with QUALITY tattoo artists, these artists don't depend upon walk in traffic. Much like a person who understands the concept of a clientele in Neiman Marcus, their work has been their advertising and therefore, quality tattoo artists are booked for months. When the original artists reach a point of turning away too much walk in traffic or are booking too far in advance, expansion brings in even more revenue.

In closing, neighboring businesses and individuals might be intimidated by the concept of a tattoo studio being opened in their neighborhood or have the mindset of "their goes the neighborhood". My suggestion would be - have a community event of some kind to get everyone together and learn about each other. It could be a community BBQ with tattoo artists doing a little face painting, it could be an organized tour of the shop, it could be a whole lot of things. Learn about each other instead of retaining old outdated knowledge of what tattoos once were.

I plan on being at the hearing Paulo told me about. I am happy to meet with you or any other individual that might be of interest. Trust me, as an IT professional at Stanford University, no one has any idea I have the tattoos I do and as the saying goes, no one has judged this book by his cover. Instead, they treat me with respect for what I bring to the table, the intelligence I put into my work and the personality I share with them. If Stanford can do that, I think others can too :)

Respectfully,

Don Le-Sparks
408.799.7489

RECEIVED
MAY 07 2013
PLANNING DIVISION

May 6, 2013

City of Hayward
Planning Division
777 B Street
Hayward, CA 94541-5007

To Whom It May Concern,

This letter is in response to the Official Notice from the City of Hayward regarding a request to operate a tattoo studio at 214 Harder Road at Franklin Avenue.

I wish to protest any approval to allow a tattoo business at that location. It is in a location that dozens of school children (K -6) walk by every school day with their mothers and younger siblings in strollers. It is next to a Donut shop that retired people use as a gathering place to sip a cup of coffee and talk amongst themselves as school children and other local residents come in and out for donuts. It is across the street from a liquor store that I have stopped frequenting because the crowd there often borders between those eking out a living and those trying to get something out the front door without paying or before they get into a fight.

This neighborhood has withstood the comings and goings of many generations and the ups and downs of the economic wellbeing of its residents, but bringing a tattoo studio right into the heart of it, could tip things for the worse. Without pushing the respect for being PC in this world, I do not think it is going too far to say that a certain element would be invited to come and loiter amongst the residents and businesses on Harder Road, already doing their best to keep our little piece of Hayward a safe place to live and shop.

Thank you,

Linda Fleming

Current Occupant
222 Eastman Street
Hayward, CA 94544

Arlynne Camire

From: Jim Smith <
Sent: Wednesday, May 29, 2013 11:17 AM
To: Arlynne Camire
Subject: Harder Road Tattoo Notice

Arlynne J. Camire
Planning Division
510-583-4206

May 29, 2013

Arlynne,

I just got off the phone with you regarding the application of the proposed Tattoo Parlor at 214 Harder Road.
As I mentioned to you, I live a few doors down on Harder Road and own the Dance Studio next to Harder Elementary School.
Every day we have many young school children that pass by these building on their way to and from school.
They particularly frequent the Donut Shop which is in the same complex as the proposed Parlor.

These children are very influenced by the structures around them.
Raising 3 sons that all went to Harder Elementary school I can attest to their curiosity.
I have nothing against tattoos, my 3 sons that are now grown, graduated from college, all have tattoos.
I've discussed this issue with them and they all agreed, this would not be the best location for a tattoo parlor-I was surprised.

One factor that I was unaware of is that usually multiple people go with the person who is getting his/her tattoo.
Some of these tattoos take many hours to create at which time the friends or associates just hang out around the area.
I realize that the associates are supposed to stay within the shop, however we have a liquor store right across the street and
other retail establishments in the area which could lead to roaming.

We are also aware that both Donald Ave and Franklin Ave have issues.
Not more than a few months ago we had a shooting on Franklin, not that this was the first or the last but just to say it's not the best area of Hayward.

In concluding, I've own these properties for the past 40 years and I'm very vested in Hayward. I am a past Chairman for the Jackson Street Triangle and have work with the City of Hayward to improve our area.

I don't believe that a Tattoo Parlor this close to Harder Elementary School would benefit the children.

Thus, I think a better location can be found.

Regards,

Jim Smith
336 Harder Road
Hayward, Ca 94544
510-881-5526

PS: Arlynne, can you e-mail me back that you received this? Thank you !

Arlynne Camire

From: Marcelo R. Da Silva
Sent: Wednesday, June 19, 2013 6:40 PM
To: Arlynne Camire

to whom it may concern , Im a resident to the area where they intend to open a tattoo shop , 214 Harder Road ,Franklin Avenue .
I would like to add my name to the list against this business to be opened . This will bring too much bad influence to our community as to our kids and the future of our generation . We wanna a safe pace to live , and this would disturb our neighborhood .
Thank you very much !
Marcelo Rodrigues Da Silva

Arlynne Camire

From:
Sent: Wednesday, June 19, 2013 6:59 PM
To: Arlynne Camire
Subject: Tattoo SHOP

o whom may concern:

HI I would like to add my name to your list against the Tattoo shop to be opened, located at 214 Harder Road at Franklin avenue, in the Neighborhood Commercial Zoning District. I am a concern citizen in this community, our neighborhood already suffer a lot crime and violence, we are are working hard to clean and keep our community safe, please DO NOT let this type of business to be opened in our community. we are trying to create a better environment for our children.a shop like this will only bring more violence and more crime to our community.

CITY OF
HAYWARD
HEART OF THE BAY

DATE: July 11, 2013

TO: Planning Commission

FROM: Damon Golubics, Senior Planner

SUBJECT: **Site Plan Review Application PL-2013-0168 - The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development. Meta Housing Corporation, Aaron Mandel (Applicant) / Sean Sullivan (Owner)** – Request to build 60 units of Senior Housing and approximately 6,000 square feet of ground floor retail and office space on a vacant property.

The project site includes four parcels at 808 A Street, located on the north side of the street midblock between Mission Boulevard and Montgomery Street and is located in the Central City Commercial (CC-C) Zoning District.

RECOMMENDATION

That the Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act and approves the Site Plan Review application for 60 units of Senior Housing and approximately 6,000 square feet of ground floor retail/office space on a vacant, 0.97-acre property, pursuant to the attached findings and the conditions of approval.

SUMMARY

The proposed senior housing project will be an attractive addition to the Downtown area with well-designed amenities to serve the needs of residents and add significantly to the image and vitality of the surrounding neighborhood. All units meet the minimum yard, height, and performance standards, including adequate private space and group open space requirements. Staff supports the proposed project because it is well-designed and provides much needed senior housing in the Downtown area. The project is also well situated in close proximity to City Hall the Hayward BART station, a full-service supermarket with banking and other services, and a variety of retail establishments in downtown Hayward. Analysis conducted by staff and others, including a detailed traffic study, suggests that the impacts associated with the project will be insignificant.

BACKGROUND

The proposed four-story project would occupy four contiguous parcels, which will be merged to create one lot. The existing parcels are vacant except for two billboards located in the southern

portion of the site along the A Street frontage. The site has a few scattered paved areas but no structures.

The site is flat and located within a fully developed urban area. Commercial, office and residential uses surround the site. Some existing buildings adjacent to the project site are one to three stories in height. Specifically, there is a three story commercial building west of the project site, one- and two-story apartment buildings adjacent to the project site along the north and west property boundaries, and along the eastern property boundary are one story commercial buildings and a gas station.

DISCUSSION

Project Description - The applicant proposes to construct 60 senior apartment units at a density of 60 units per acre within a proposed four-story structure. Pursuant to the City's Inclusionary Housing Interim Relief Ordinance now in effect, the applicant is not required to provide affordable rental units or pay in-lieu fees for such units, since this is a rental unit project. However, the applicant has indicated to planning staff that most Meta Housing projects incorporate some affordable housing units but the number and level of affordability has yet to be determined by the applicant. No density bonus was sought by the applicant for this project.

The ground floor will include approximately 6,000 square feet of retail space and management offices to serve the senior apartments. Most living units will have one bedroom and one bathroom, but some will have two bedrooms and one bathroom. The size of the units will range from 561 to 900 square feet. There will be both indoor and outdoor open space within the proposed structure, consistent with the City's minimum private open space requirements. Primary access to the development will be provided from A Street, with a secondary access from Smalley Avenue and a 26-foot-wide driveway through the project site for adequate circulation and accessibility in compliance with Fire Department requirements. Parking for the proposed project will be located beneath the new building (15spaces) and within a surface parking lot (34 spaces) located behind the proposed building. The total number of spaces (49 total) provided is consistent with the City's Off-Street Parking regulations.

The applicant will be required to meet provisions contained in the City's Green Building Requirements for Private Development. Following these code provisions, the applicant will be required to incorporate green building aspects into the project. Conditions of approval will require additional green/sustainable feature, including bicycle parking, designated electric vehicle/clean air/vanpool parking and wiring/stub out for a future electric vehicle charging station. It is expected that additional Green Building Ordinance strategies will be incorporated into the interior building design that will enhance the well-being of the occupants and support a health community and natural environment.

The Central City Commercial (CC-C) Zoning District allows high-density residential use (up to 65 units per acre) as a primary use, but the first floor of any new development must generally be commercial (retail, personal services, etc.) or office uses. The proposed 6,000 square feet of ground floor retail space, along with the administrative offices for the senior housing units, will provide an adequate mix of retail, office and housing along this segment of A Street, which is situated between

the Hayward BART Station and the main downtown core. The project is expected to create additional pedestrian traffic to support the shops along Mission Boulevard and A Street and within the Lucky's shopping center.

The two existing billboards currently located on the proposed development site will be removed as part of the overall project. These signs will not be reinstalled anywhere on the site or on the new building. As shown in Attachment VII, staff has included a recommended condition of approval to require removal of the existing billboards.

Pursuant to state law, the applicant will be required to have an on-site resident manager. A recommended condition of approval is included to reinforce this requirement (see Attachment VII). In addition, since thiswill be a senior housing project where the age of the residents is restricted to those that are 55 years of age or older, a condition of approval will require the recordation of a deed restriction by the property owner to ensure that all residents meet this age requirement.

Architectural Design –Renderings of the proposed building s show a contemporary architectural design with large composite panels of contrasting colors providing depth and shadow lines to the structure. The proposed building will have a stucco exterior and windows accented with heavy trim. The paint scheme includes a variety of colors that emphasize the building's relief features. First-story entrances along A Street include a traditional storefront design with large glass windows and wide doors.

Primary access from A Street will be through a two-way traffic tunnel that provides access to the rear portion of the site. An arched wall feature with vines growing on the exterior surfaces will be installed along A Street and over the main vehicular entry to the project. The vine covered wall is intended to discourage graffiti. A condition of approval will require that all graffiti be removed within 72 hours of discovery.

The rear façade of the building will also incorporate building offsets and contrasting building colors to create visual interest. Similar architectural features will be used on the east and west building elevations.

Open Space –The minimum total open space required for the proposed project is 6,000 square feet, and the site plan provides a total of 8,062 square feet of space. This total was achieved through a combination of outdoor and indoor areas. There is an outdoor group open space of 4,470-square-feet on the second floor at the front of the building overlooking A Street. There are also areas on the ground floor (522 sq. ft.), second floor (2,272 sq. ft.) and forth floor (798 sq. ft.) totaling 3,592 square feet of interior private open area to be used as group open space, per the Ordinance. A detailed amenity plan for the second floor outdoor open space area will be submitted as part of the construction plans for the project. The design must meet the approval of the City's Landscape Architect.

Site Plan Review Findings - In order for the Site Plan Review Application to be approved, the following findings must be made:

A. The development is compatible with on-site and surrounding structures and uses and is

an attractive addition to the City.

That the proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the new structure is designed to be compatible with the surrounding neighborhood, including adjacent office, retail, commercial and residential uses surrounding the site. The development is also compatible surrounding structures in terms of mass and bulk. Some surrounding structures are large and monolithic, while others are smaller volumes. The project design bridges this gap by operating a singular volume that is broken down into smaller elements. Uses are similarly bridged; the ground floor blends into the busier retail and commercial aspects of A Street, while the housing component ties to the nearby residential zoning. The structure is carefully designed and detailed to be an attractive addition to the city. Lastly, the design contains elements of existing adjacent buildings and, as conditioned, will meet current landscape, development and Hayward Design Guidelines standards. The project design responds to neighboring environments by optimizing available access, views and solar orientation. As previously mentioned, the project has been deemed exempt pursuant to CEQA since the project meets all the criteria for an in-fill project.

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

The approval of Site Plan Review Application No. PL-2013-0168, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 In-Fill Development Projects (Class 32) since (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (e) the site can be adequately served by all required utilities and public services

C. The development complies with the intent of City development policies and regulations.

The proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail complies with the intent of City development policies and regulation in that Hayward Municipal Code Section 10-1.1521(a) allows for a variety of ground floor retail commercial uses to be located within a mixed use development that also includes residential dwelling units above the first floor. In addition, the proposed project, as conditioned, will meet all development standards and minimum design and performance requirements of the Off-Street Parking Regulations. Furthermore, the project will comply with the intent of City development policies and regulations through compatibility with the contextual constraints of the site, the surrounding neighborhood, existing traffic patterns, and the Downtown area. This project will "promote housing along with supportive services for households with special needs, ***including seniors***,

persons with disabilities, single-parents, and the homeless." (Hayward General Plan Policy 5.2 - Housing Element)

D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

That the proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail will operate in a manner determined to be acceptable and compatible with surrounding development in that the mixed use project will be compatible with the purpose of the CC-C Subdistrict. Specifically, the project will increase overall economic activity in the downtown area and enhance the vitality of adjacent neighborhoods by establishing a mix of new commercial and residential activities on a parcel that is currently vacant. The project is compatible in scale and design with existing buildings in the surrounding neighborhood. The project is also similar to surrounding uses in terms of function, occupancy, circulation, and hours of operation.

Environmental Review – It has been determined that this project is exempt from the provisions of the California Environmental Quality Act (CEQA). Pursuant to Section 15332 of the CEQA Guidelines (In-Fill Development Projects - Class 32), the following criteria must be met in order to apply this CEQA exemption to the project:

(a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

(b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;

(c) the project site has no value as habitat for endangered, rare or threatened species;

(d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

(e) the site can be adequately served by all required utilities and public services.

The bulk of the concerns received associated with the project had to do with the traffic. Two specific areas of concern are discussed below.

Additional traffic caused by the project. According to the traffic study that STANTEC prepared (see Attachment III), the 808 A Street project will add 112 trips in the PM peak hour. This traffic increase equates to a less than two trips per minute, yielding a small net traffic increase. The findings of the traffic study concluded that there will be 1.4 seconds of additional delay in the AM and one half second of additional delay in the PM peak at the A Street and Lucky's driveway traffic signal. Also, raw numbers or data don't take into account the captured trips (i.e. those who live in the residential area that will walk to the retail). The number of new trips generated by the development will likely be lower than estimated and shown here.

Impact on Smalley Avenue. The impact on Smalley should be quite insignificant given the low amount of trip generation. Some additional targeted analysis was done by the project traffic engineer to evaluate the project traffic impacts on Smalley Avenue. For outgoing trips from the project, less than 10% of the total number of total trips (5 trips) would come from the Smalley Avenue access point. In bound trips would not exceed more than 5 trips per hour. Overall, adding a total of ten trips per hour is typical and not noticeable.

Generally speaking, traffic engineers suggest that most people utilize signalized traffic intersections, versus non-signalized traffic intersections, and both the project traffic engineer and the City's Transportation Manager conclude that most vehicle trips to and from the site will occur along A Street**.**

No significant environmental impacts are expected to result from the project. Staff is recommending that a Notice of Exemption be filed for the project.

Project comments received - Staff received correspondence from an A Street building owner expressing concern about traffic generated from the site creating congestion during peak traffic hours. The City's Transportation Manager reviewed the proposed project and concluded that the mixed use development would have virtually no impact on A Street or Smalley Avenue.

The proposed project is expected to generate 1,300 daily trips with 42 trips during the a.m. peak hour and 112 trips during the p.m. peak hour. The intersection geometry for the intersection of "A" Street and Watkins Street will need to be changed to add an eastbound left turn lane to access the project site. With the recommended improvements and the addition of the project trips, the intersection of "A" Street/Watkins Street is expected to operate at an acceptable service level during both the a.m. and the p.m. peak hours.

The following are concerns expressed by the business owner and staff's responses to those concerns:

- Pedestrian crossings at the Lucky's driveway and A Street; the need for more time at the crossing. Evaluation of adding more pedestrian crossing time when the traffic signal is modified should be part of the project.

  Additional pedestrian crossing time will be addressed at the time signal improvements are made for the project. This is a recommended condition of approval.

- Additional traffic on Montgomery Street and into the neighborhoods. "Local Traffic Only Sign" have been installed on Montgomery Street at A Street.

  "Local Traffic Only Sign" were installed at the request of residents living on Montgomery Street. No complaints have been received since the signs have been installed.

- Speeding on A Street and cars screeching out of the traffic signal.

These types of issues are normally dealt with by the Hayward Police Department. Such concern or complaints should be voiced to that City Department.

- The Loop has caused an increase in traffic on A Street. Existing businesses west of Mission Boulevard have may have seem an increase in traffic due to The Loop, specifically A Street.

  Currently, the City doesn't have any recent data or traffic counts to effectively evaluate this claim. Public Works has not observed an increase in traffic volumes and plans to conduct traffic counts in the near future once The Loop project is complete.

PUBLIC CONTACT

On May 31, 2013, a Referral Notice was mailed to the Prospect Hill Neighborhood Association and to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records. Planning staff received several responses as a result of that notification. Some of those received the Referral Notice complained that 14 day was not long enough to comment on the project.

The Development Services Director considered the concerns of property owners and occupants within 300 feet of the subject site and decided to do two things:

- Send another referral notice to all interested parties that another comment period for the project would run from June 14th to June 28th; and

- Given the importance of this project, the Development Services Director decided to have the Planning Commission review the merits of this project instead of having an administrative decision made regarding this Site Plan Review request.

On June 19, 2013, a Notice of this Public Hearing was published in *The Daily Review*.

The property owner of the adjacent three-story commercial office building west of the project site expressed opposition to the project based upon traffic concerns. A Mission Boulevard business owner echoed similar concerns about the project (see Attachment V).

Staff received a comment requesting a locked gate or fence and emergency vehicle access only be employed at the Smalley Avenue access to the project site. The letter stated that Smalley Avenue is too narrow to handle extra traffic flow or loss of street parking. Another comment letter was submitted by a resident of Smalley Avenue voicing concerns over traffic with the project (see Attachment V).

Two letters of support were submitted and received from the Hayward Chamber of Commerce (see Attachment IV).

NEXT STEPS

The Planning Commission decision begins a 10-day appeal period. If there is no appeal or Council member call-up within that time period, the applicant may proceed with the approved project or, if the Commission denies the project, may file an appeal to the City Council.

Prepared by: Damon Golubics, Senior Planner

Recommended by:

_____

Ned Thomas, AICP
Planning Manager

Approved by:

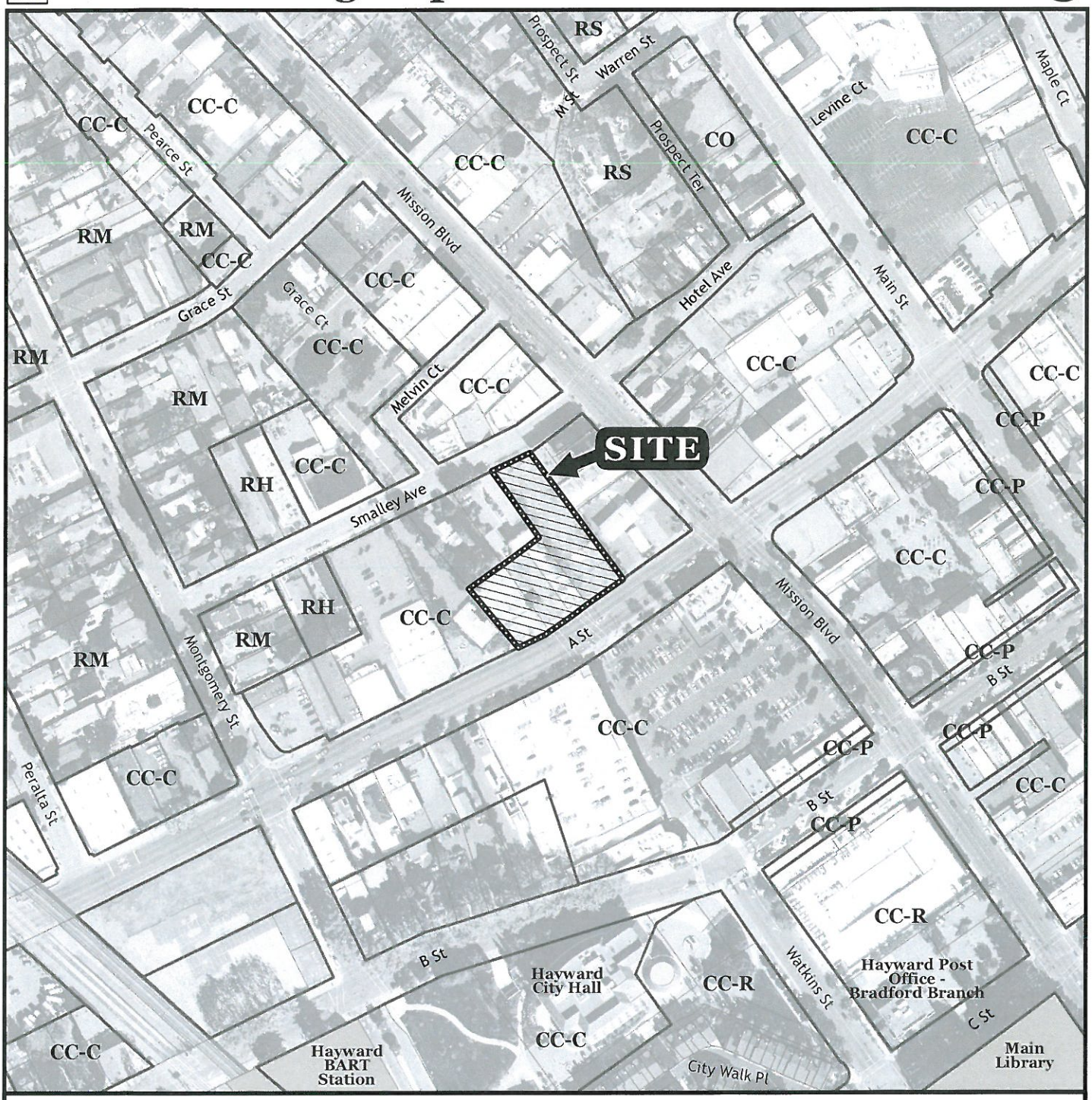
_____

David Rizk, AICP
Development Services Director

Attachments:

Attachment I	Area & Zoning Map
Attachment II	Development Plans
Attachment III	Traffic Study
Attachment IV	Project Comments and Correspondence (For The Project)
Attachment V	Project Comments and Correspondence (Against The Project)
Attachment VI	Findings for Approval
Attachment VII	Conditions of Approval

Area & Zoning Map



PL-2013-0168 SPR

Address:
808 A Street

Applicant:
Aaron Mandel

Owner:
Sean Sullivan

Zoning Classifications

RESIDENTIAL

RH	High Density Residential, min lot size 1250 sqft
RM	Medium Density Residential, min lot size 2500 sqft
RS	Single Family Residential, min lot size 5000 sqft

COMMERCIAL

CO	Commercial Office

CENTRAL CITY

CC-C	Central City - Commercial
CC-P	Central City - Plaza
CC-R	Central City - Residential

July, 2013

808 A ST. HAYWARD SENIOR HOUSING

PROJECT DESCRIPTION:
PROPOSED 60 UNITS OF SENIOR HOUSING AT 808 A STREET, HAYWARD, CA

CONSTRUCTION TYPE: TYPE V WITH STEEL BEAMS AND STEEL COLUMNS

	Project Data	
	Allowed	Proposed
General Plan	Commercial / High Density Residential	
Zoning	CC-C Central City Commercial	
Lot Size	42,050 s.f=0.97 Acres	
Max Density	65 Maximum Units per Acre	60 units
Gross Commercial s.f.		5,936 S.F
Gross Residential s.f.		47,373 S.F.
Front Setback	0 Required	0-6' Proposed
Side Setback	5 Required	5'-14' Proposed
Rear Yard Setback	0 Required	29' Proposed
Max Building Height	55' Allowed	52'-6" Proposed
Driving Aisle Width	20' two way 12' one way	
Back up Width	20' width at compact spaces ; 26' at standard spaces	
Fire Lane Width	20' width at the ground floor and 13'6" clear above	
Parking Space	9'x19' standard; 8'x15' compact	

INDOOR	Units (residential)		Commercial	Circulation s.f.	Total
	No.	habitable s.f.	s.f.	Elev. / Stair / Utiltiy / Lobby	
L 1			5,936	5,880	11,816
L 2	18	11,181		2,594	13,775
L 3	21	13,786		2,734	16,520
L 4	21	13,786		2,734	16,520
Total	60	38,753		13,942	52,695

PARKING SPACE ANALYSIS

# OF RESIDENTIAL PARKING	30 SPACES (0.5 RATIO)
# OF COMMERCIAL PARKING	19 SPACES (5,936 S.F./ 315)
TOTALS	49 SPACES

OPEN SPACE ANALYSIS

USABLE OPEN SPACE REQUIRED : 100 S.F. / UNITS 6,000 S.F.

USABLE OPEN SPACE PROVIDED :

	INDOOR	OUTDOOR
GROUND LEVEL	522 S.F.	
2ND FLOOR	2,272 S.F.	4,470 S.F.
3RD FLOOR		
4TH FLOOR	798 S.F.	
TOTAL		8,062 S.F.

PROJECT TEAM DIRECTORY

OWNER / CLIENT
Meta Housing
1640 S. Sepulveda Bl., Suite 425
LA, CA 90025
Aaron D. Mandel
TEL: 310-575-3543
amandel@metahousing.com

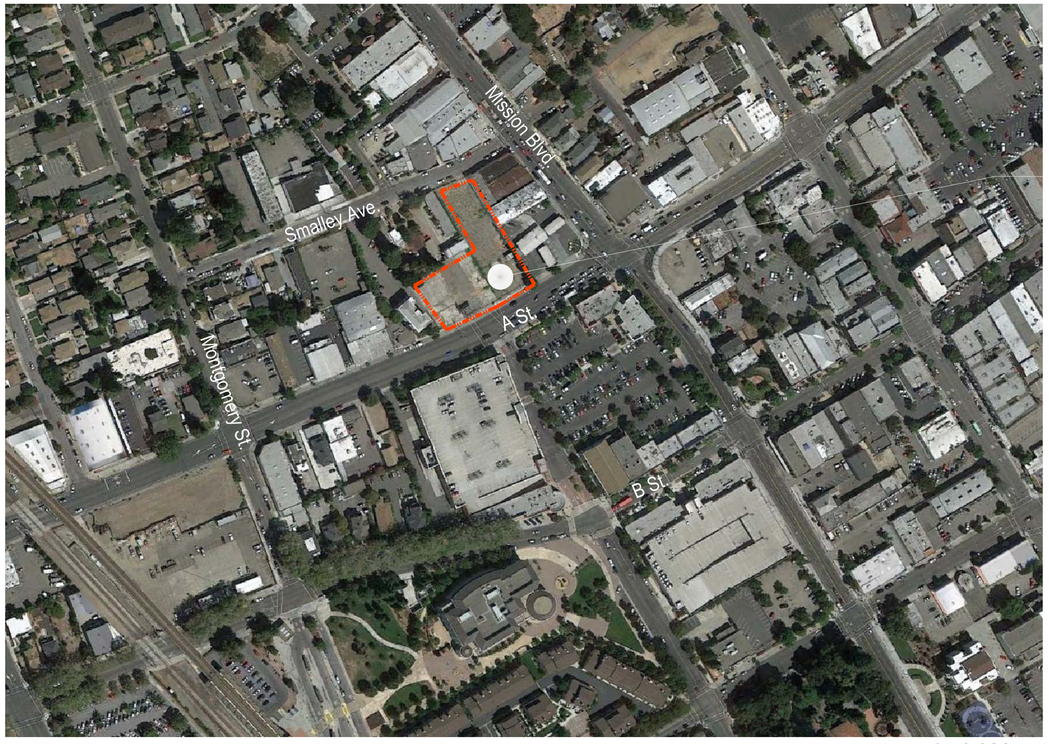
ARCHITECT
Philip Banta & Associates Architecture
6050 Hollis St. Emeryville, CA. 94608
Philip Banta
TEL: 510.654.3255 x212
pbanta@bantadesign.com

LANDSCAPE
MJSDesign Group
Mark Schattinger
949-675-9964
mark@mjsdesigngroup.com

CIVIL
Pacific Engineering & Construction, Inc.
Mark Waldman
415-974-1853
amwaldman@sbcglobal.net

SHEET LIST

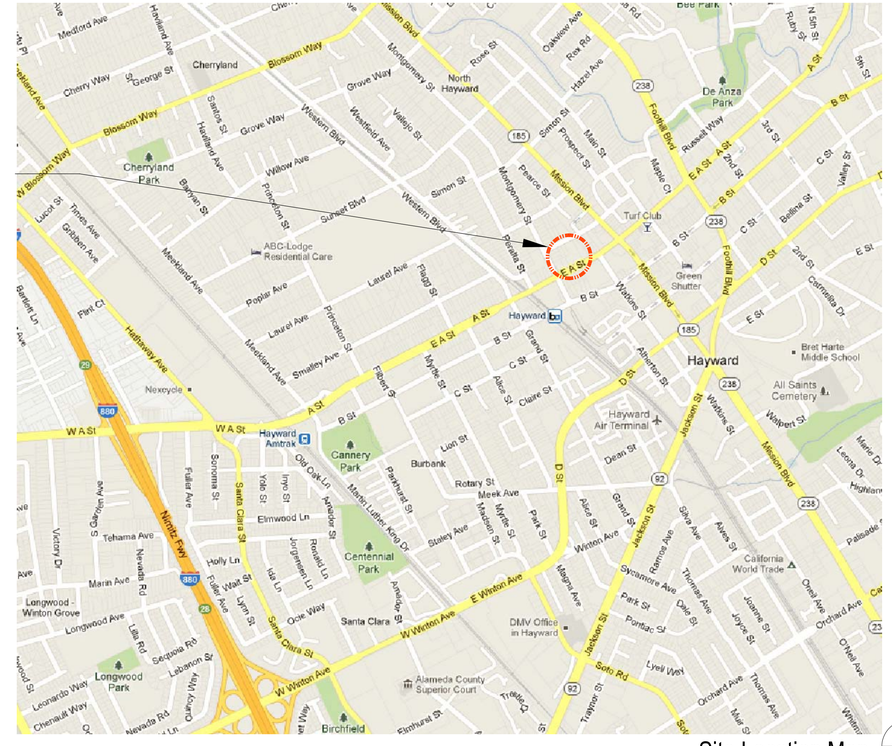
01: COVER SHEET
02: VICINITY MAP AND PHOTOS
03: SITE SURVEY
04A: SITE PLAN
04B: ROOF PLAN
05: GROUND FLOOR PLAN
06: 2ND FLOOR PLAN
07: 3RD FLOOR PLAN
08: 4TH FLOOR PLAN
09: ENLARGED UNIT PLANS 1
10: ENLARGED UNIT PLANS 2
11: ENLARGED UNIT PLANS 3
12: ENLARGED UNIT PLANS 4
13: ELEVATIONS NORTH & SOUTH
14: ELEVATIONS EAST & WEST
15: SECTIONS AA & BB
16: PERSPECTIVE 1
17: PERSPECTIVE 2
18: PERSPECTIVE 3
L1: LANDSCAPE PLAN
L2: IRRIGATION PLAN
C1: VESTING TESTING TRACT MAP
C2: HORIZONTAL CONTROL PLAN
C3: GRADING UTILITY PLAN
C4: STORMWATER CONTROL PLAN
C5: REFERENCE TOPO



PROPOSED SITE

N

Aerial Map



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Site Location Map

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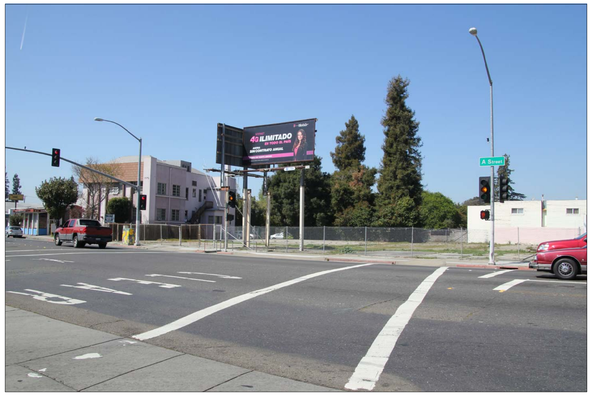
808 A Street
Senior Housing

COVER SHEET, NOTES
May 03rd, 2013

01



View @ A St. looking North– West

View of adjacent Apartment Building along Smalley Ave.

View of site from Smalley Ave. looking South

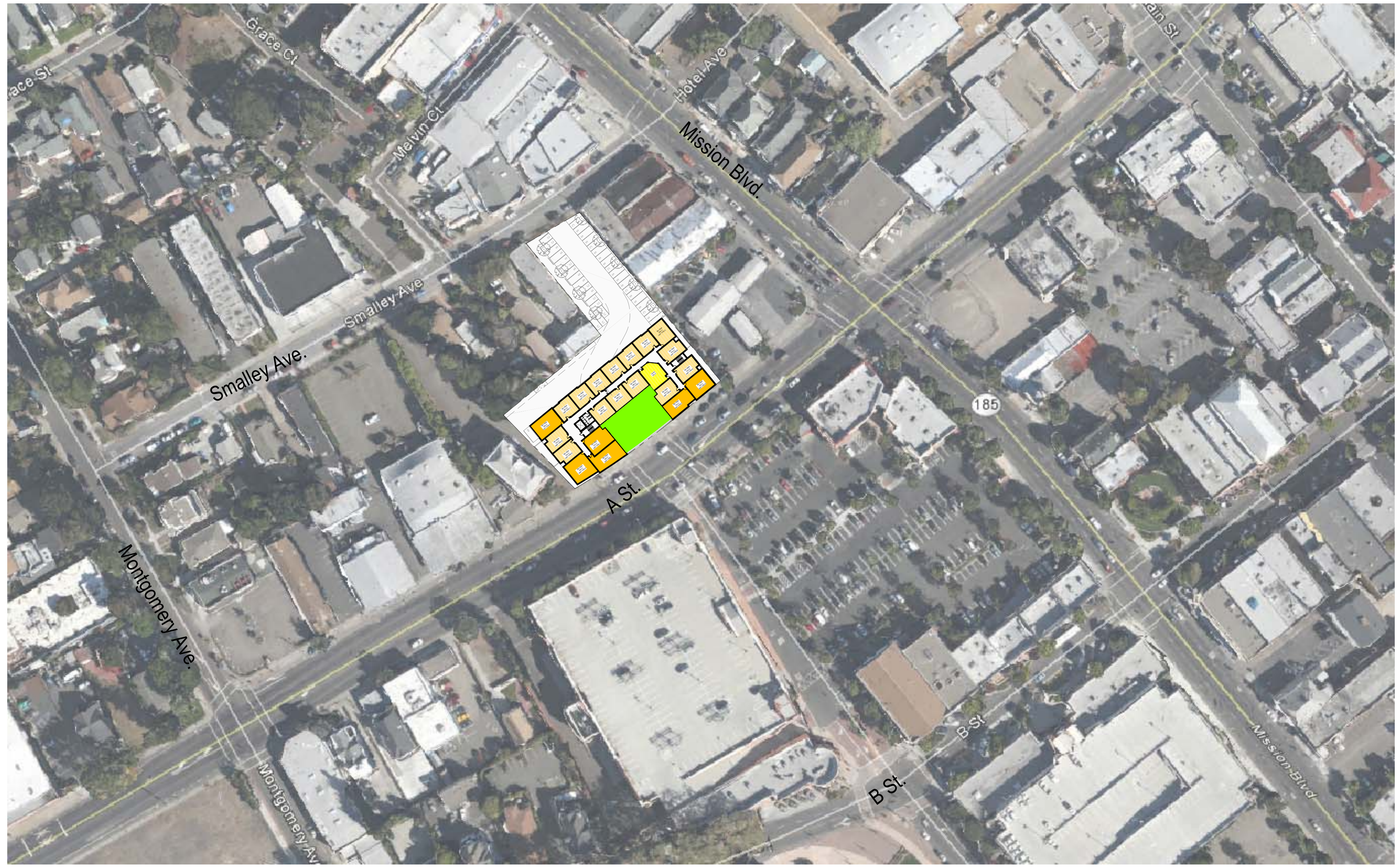
View along Smalley Ave. looking West

View @ A St. looking North

View @ A St. looking North–East

2 VICINITY PHOTOS

SCALE N.T.S.



1 VICINITY MAP

SCALE N.T.S.

N

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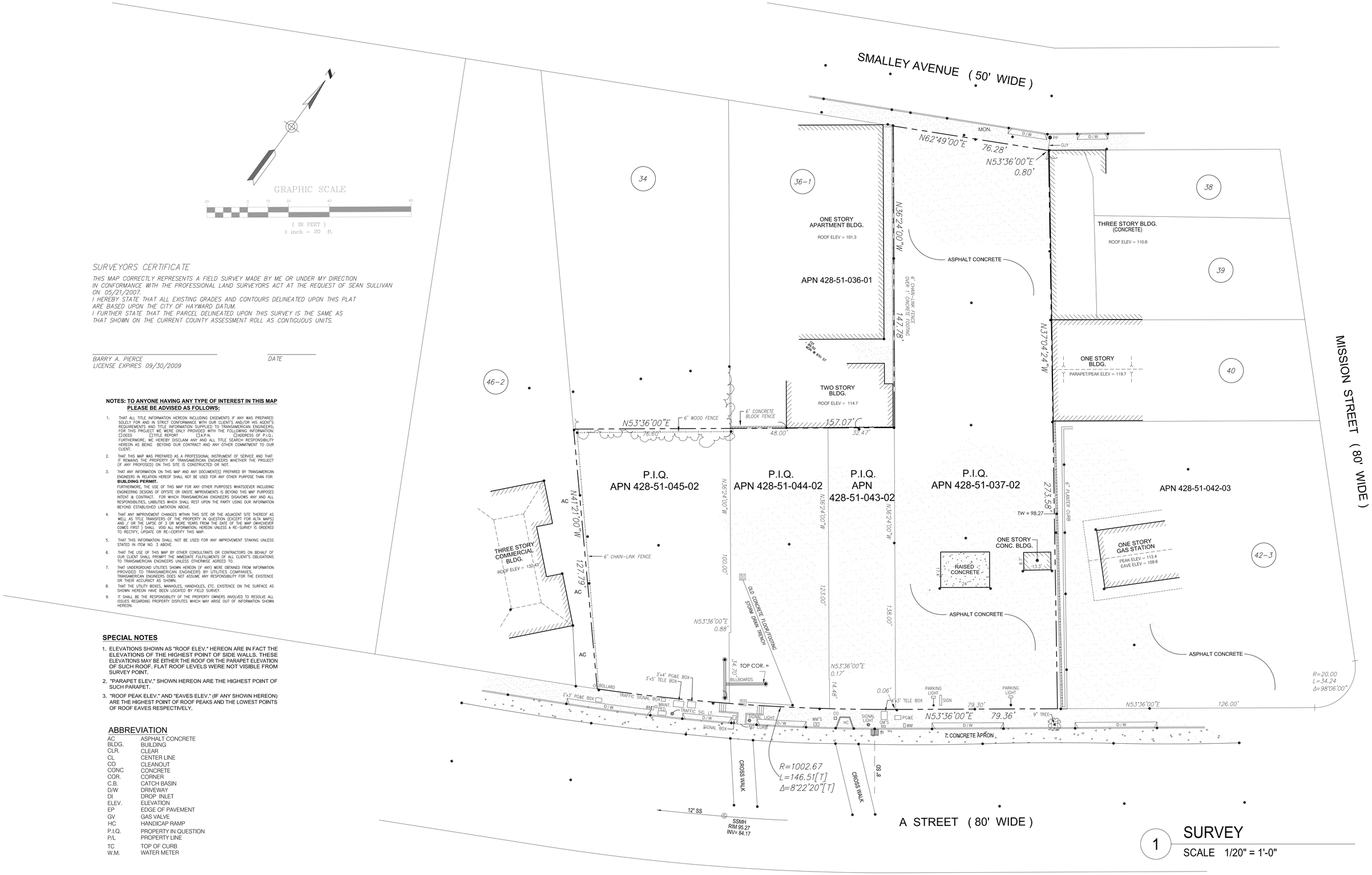
808 A Street Senior Housing

VICINITY MAP AND PHOTOS

May 03rd, 2013

02



SURVEYORS CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A FIELD SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT AT THE REQUEST OF SEAN SULLIVAN ON 05/21/2007.
I HEREBY STATE THAT ALL EXISTING GRADES AND CONTOURS DELINEATED UPON THIS PLAT ARE BASED UPON THE CITY OF HAYWARD DATUM.
I FURTHER STATE THAT THE PARCEL DELINEATED UPON THIS SURVEY IS THE SAME AS THAT SHOWN ON THE CURRENT COUNTY ASSESSMENT ROLL AS CONTIGUOUS UNITS.

BARRY A. PIERCE — DATE
LICENSE EXPIRES 09/30/2009

NOTES: TO ANYONE HAVING ANY TYPE OF INTEREST IN THIS MAP PLEASE BE ADVISED AS FOLLOWS:

1. THAT ALL TITLE INFORMATION HEREON INCLUDING EASEMENTS IF ANY WAS PREPARED SOLELY FOR AND IN STRICT CONFORMANCE WITH OUR CLIENT'S AND/OR HIS AGENT'S REQUIREMENTS AND TITLE INFORMATION SUPPLIED TO TRANSAMERICAN ENGINEERS; FOR THIS PROJECT WE WERE ONLY PROVIDED WITH THE FOLLOWING INFORMATION: ☐DEED ☐TITLE REPORT ☐A.P.N. ☐ADDRESS OF P.I.Q.; FURTHERMORE, WE HEREBY DISCLAIM ANY AND ALL TITLE SEARCH RESPONSIBILITY HEREON AS BEING BEYOND OUR CONTRACT AND ANY OTHER COMMITMENT TO OUR CLIENT.
2. THAT THIS MAP WAS PREPARED AS A PROFESSIONAL INSTRUMENT OF SERVICE AND THAT IT REMAINS THE PROPERTY OF TRANSAMERICAN ENGINEERS WHETHER THE PROJECT (IF ANY PROPOSED) ON THIS SITE IS CONSTRUCTED OR NOT.
3. THAT ANY INFORMATION ON THIS MAP AND ANY DOCUMENT(S) PREPARED BY TRANSAMERICAN ENGINEERS IN RELATION HEREOF SHALL NOT BE USED FOR ANY OTHER PURPOSE THAN FOR: **BUILDING PERMIT.**
   FURTHERMORE, THE USE OF THIS MAP FOR ANY OTHER PURPOSES WHATSOEVER INCLUDING ENGINEERING DESIGNS OF OFFSITE OR ONSITE IMPROVEMENTS IS BEYOND THIS MAP PURPOSES INTENT & CONTRACT. FOR WHICH TRANSAMERICAN ENGINEERS DISAVOWS ANY AND ALL RESPONSIBILITIES, LIABILITIES WHICH SHALL REST UPON THE PARTY USING OUR INFORMATION BEYOND ESTABLISHED LIMITATION ABOVE.
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5. THAT THIS INFORMATION SHALL NOT BE USED FOR ANY IMPROVEMENT STAKING UNLESS STATED IN ITEM NO. 3 ABOVE.
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8. THAT THE UTILITY BOXES, MANHOLES, HANDHOLES, ETC. EXISTENCE ON THE SURFACE AS SHOWN HEREON HAVE BEEN LOCATED BY FIELD SURVEY.
9. IT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ALL ISSUES REGARDING PROPERTY DISPUTES WHICH MAY ARISE OUT OF INFORMATION SHOWN HEREON.

SPECIAL NOTES

1. ELEVATIONS SHOWN AS "ROOF ELEV." HEREON ARE IN FACT THE ELEVATIONS OF THE HIGHEST POINT OF SIDE WALLS. THESE ELEVATIONS MAY BE EITHER THE ROOF OR THE PARAPET ELEVATION OF SUCH ROOF. FLAT ROOF LEVELS WERE NOT VISIBLE FROM SURVEY POINT.
2. "PARAPET ELEV." SHOWN HEREON ARE THE HIGHEST POINT OF SUCH PARAPET.
3. "ROOF PEAK ELEV." AND "EAVES ELEV." (IF ANY SHOWN HEREON) ARE THE HIGHEST POINT OF ROOF PEAKS AND THE LOWEST POINTS OF ROOF EAVES RESPECTIVELY.

ABBREVIATION

AC	ASPHALT CONCRETE
BLDG.	BUILDING
CLR.	CLEAR
CL	CENTER LINE
CO	CLEANOUT
CONC	CONCRETE
COR.	CORNER
C.B.	CATCH BASIN
D/W	DRIVEWAY
DI	DROP INLET
ELEV.	ELEVATION
EP	EDGE OF PAVEMENT
GV	GAS VALVE
HC	HANDICAP RAMP
P.I.Q.	PROPERTY IN QUESTION
P/L	PROPERTY LINE
TC	TOP OF CURB
W.M.	WATER METER

1 SURVEY
SCALE 1/20" = 1'-0"

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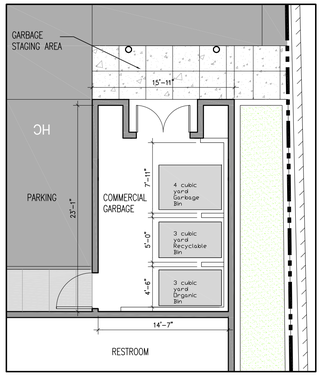
808 A Street Senior Housing

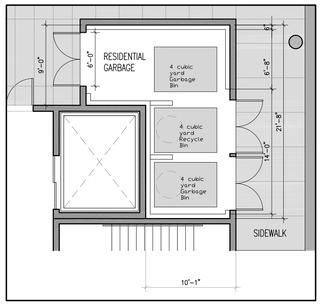
SURVEY 03
May 03rd, 2013



3 ENLARGED COMM. GARBAGE PLAN

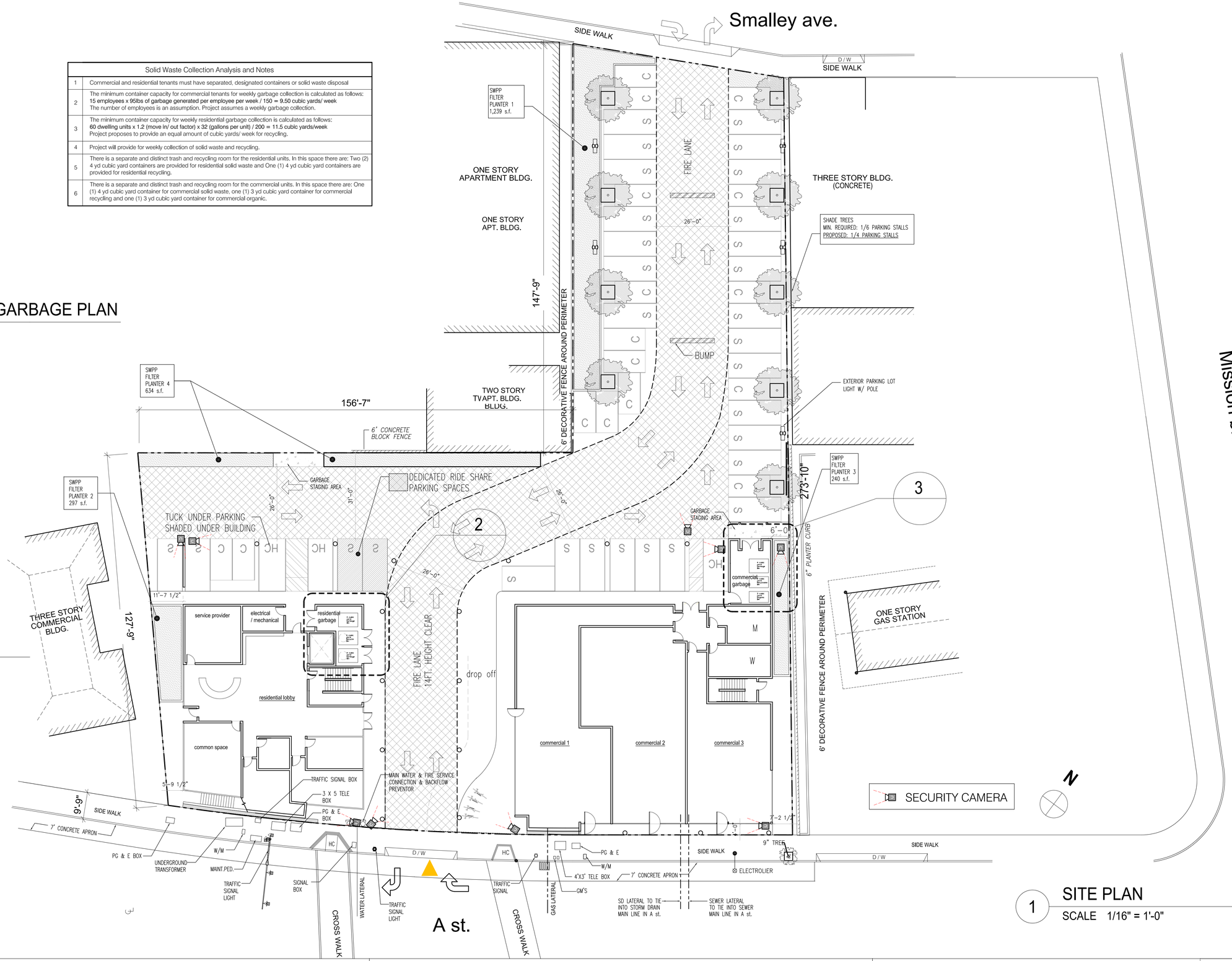
SCALE 1/8" = 1'-0"

Solid Waste Collection Analysis and Notes	
1	Commercial and residential tenants must have separated, designated containers or solid waste disposal
2	The minimum container capacity for commercial tenants for weekly garbage collection is calculated as follows: 15 employees x 95lbs of garbage generated per employee per week / 150 = 9.50 cubic yards/ week The number of employees is an assumption. Project assumes a weekly garbage collection.
3	The minimum container capacity for weekly residential garbage collection is calculated as follows: 60 dwelling units x 1.2 (move in/ out factor) x 32 (gallons per unit) / 200 = 11.5 cubic yards/week Project proposes to provide an equal amount of cubic yards/ week for recycling.
4	Project will provide for weekly collection of solid waste and recycling.
5	There is a separate and distinct trash and recycling room for the residential units. In this space there are: Two (2) 4 yd cubic yard containers are provided for residential solid waste and One (1) 4 yd cubic yard containers are provided for residential recycling.
6	There is a separate and distinct trash and recycling room for the commercial units. In this space there are: One (1) 4 yd cubic yard container for commercial solid waste, one (1) 3 yd cubic yard container for commercial recycling and one (1) 3 yd cubic yard container for commercial organic.



2 ENLARGED RESID. GARBAGE PLAN

SCALE 1/8" = 1'-0"



1 SITE PLAN

SCALE 1/16" = 1'-0"

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808 A Street
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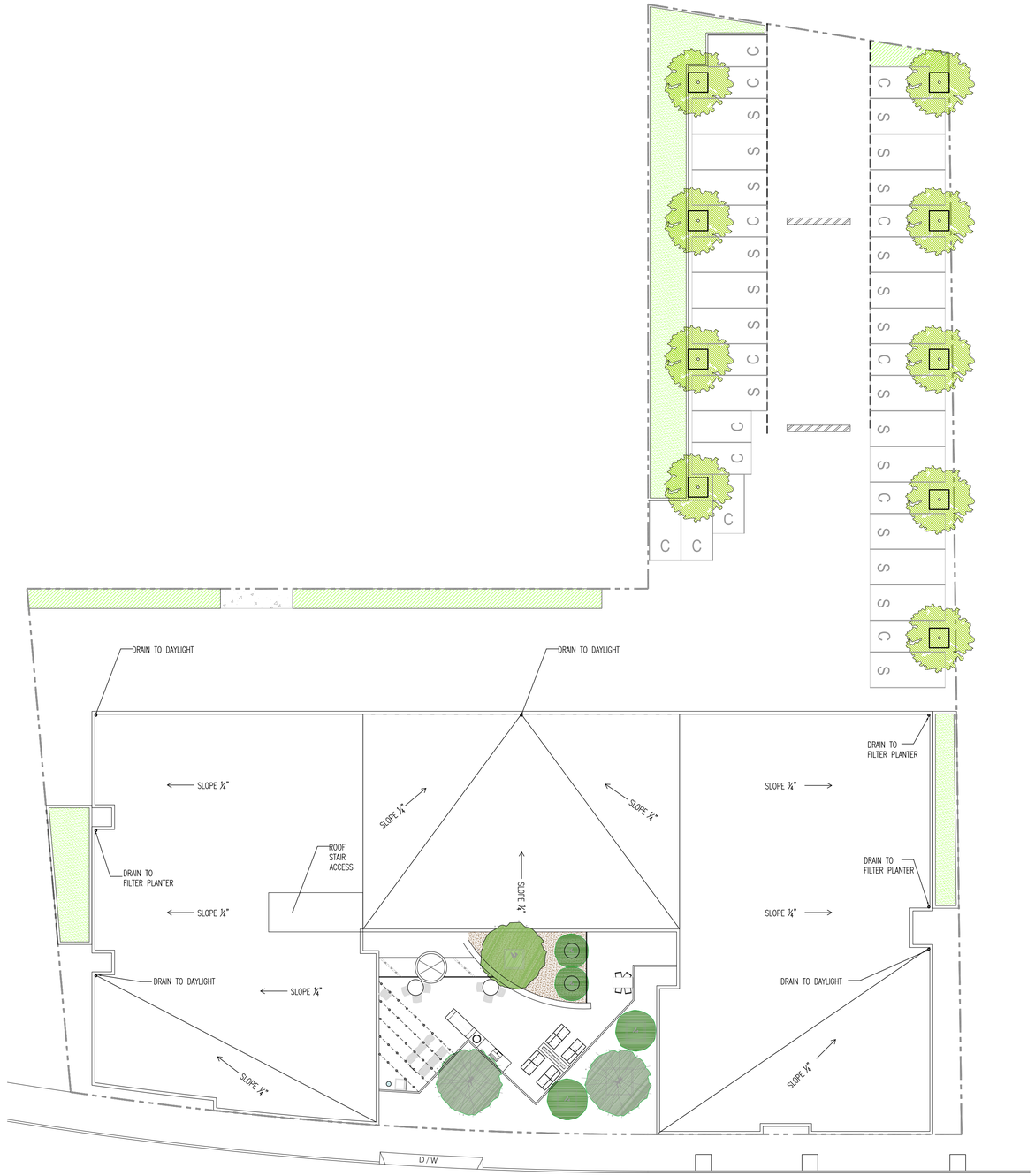
SITE PLAN
May 03rd, 2013
4A



1 ROOF PLAN

SCALE 1/16" = 1'-0"

N

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808 A Street Senior Housing

ROOF PLAN
May 03rd, 2013

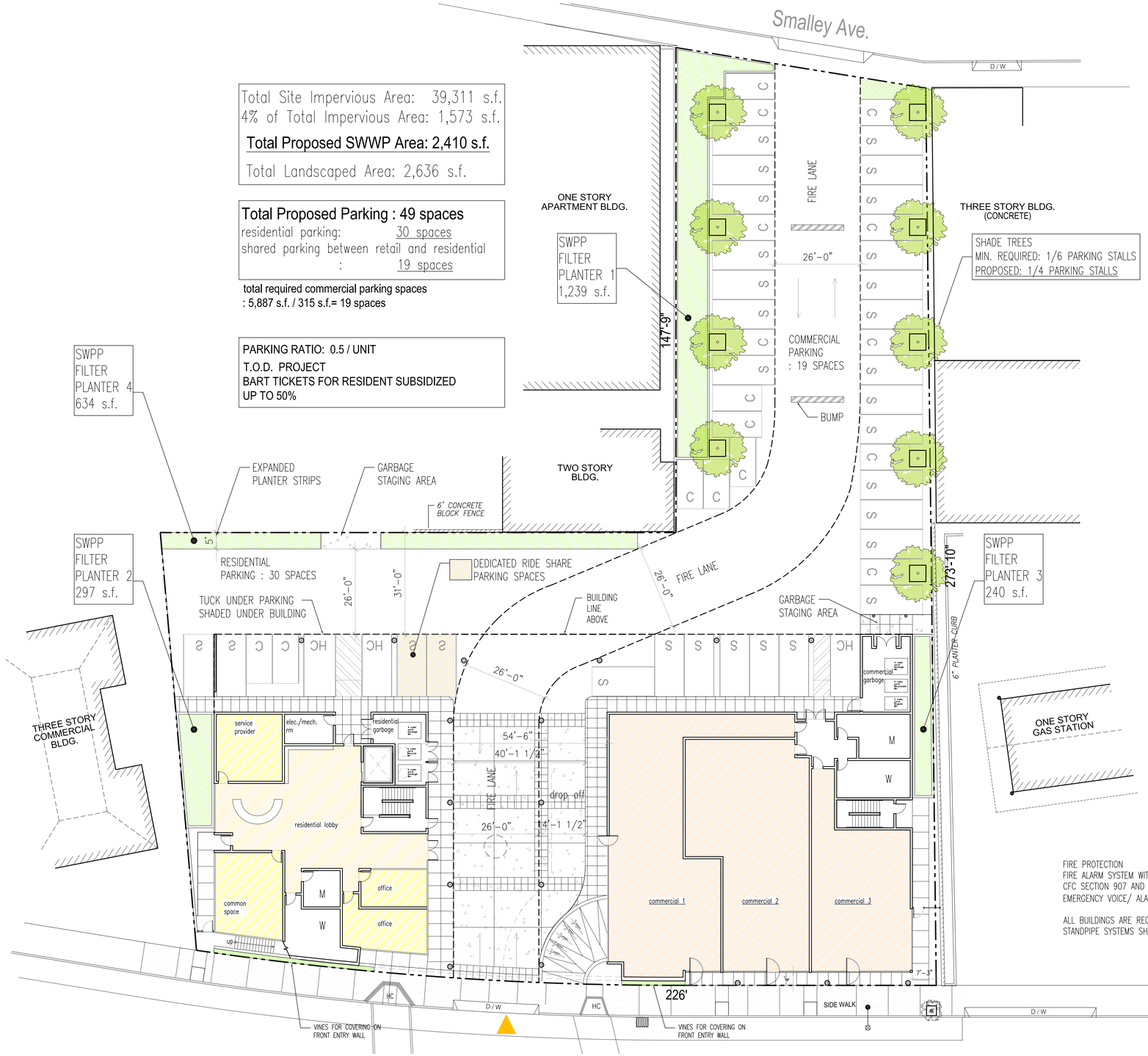
4B

Total Site Impervious Area: 39,311 s.f.
4% of Total Impervious Area: 1,573 s.f.
Total Proposed SWWP Area: 2,410 s.f.
Total Landscaped Area: 2,636 s.f.

Total Proposed Parking : 49 spaces
residential parking: 30 spaces
shared parking between retail and residential : 19 spaces

total required commercial parking spaces
: 5,887 s.f. / 315 s.f.= 19 spaces

PARKING RATIO: 0.5 / UNIT
T.O.D. PROJECT
BART TICKETS FOR RESIDENT SUBSIDIZED
UP TO 50%



FIRE PROTECTION
FIRE ALARM SYSTEM WITH OCCUPANT NOTIFICATION SHALL BE PROVIDED IN ACCORDANCE WITH 2010 CFC SECTION 907 AND NFPA 72 STANDARDS FOR ALL BUILDINGS.
EMERGENCY VOICE/ ALARM COMMUNICATION SYSTEM IS A REQUIREMENT FOR HIGH-RISE BUILDINGS

ALL BUILDINGS ARE REQUIRED TO INSTALL FIRE SPRINKLER SYSTEM IN ACCORDANCE WITH NFPA 13
STANDPIPE SYSTEMS SHALL BE PROVIDED IN ACCORDANCE WITH NFPA 14

1 COMMERCIAL GROUND FLOOR PLAN
SCALE 1/16" = 1'-0"

N

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808 A Street Senior Housing

GROUND LEVEL
May 03rd, 2013
05

18 UNITS / FLOOR
(3 TWO BED + 15 ONE BED)

INDOOR COMMON SPACE: 1,474 S.F.
INDOOR GYM : 798 S.F.
OUTDOOR DECK : 4,470 S.F.

1 2ND FLOOR PLAN
SCALE 1/16" = 1'-0"

N

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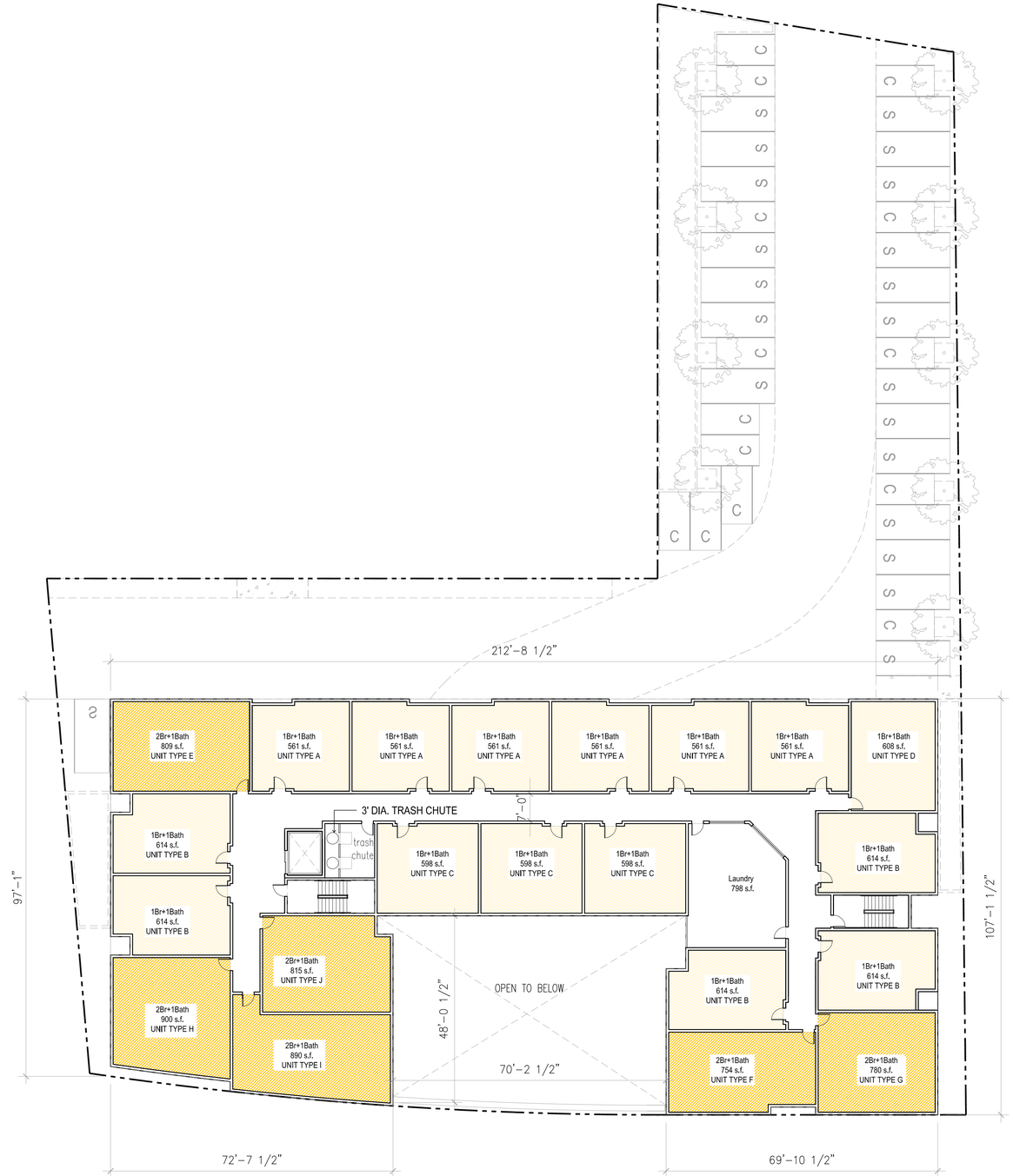
808 A Street
Senior Housing

2ND FLOOR PLAN
May 03rd, 2013

06



21 UNITS / FLOOR
(6 TWO BED + 15 ONE BED)

INDOOR COMMON SPACE: N/A
LAUNDRY : 798 S.F.
OUTDOOR DECK : N/A

1 3RD FLOOR PLAN
SCALE 1/16" = 1'-0"

N

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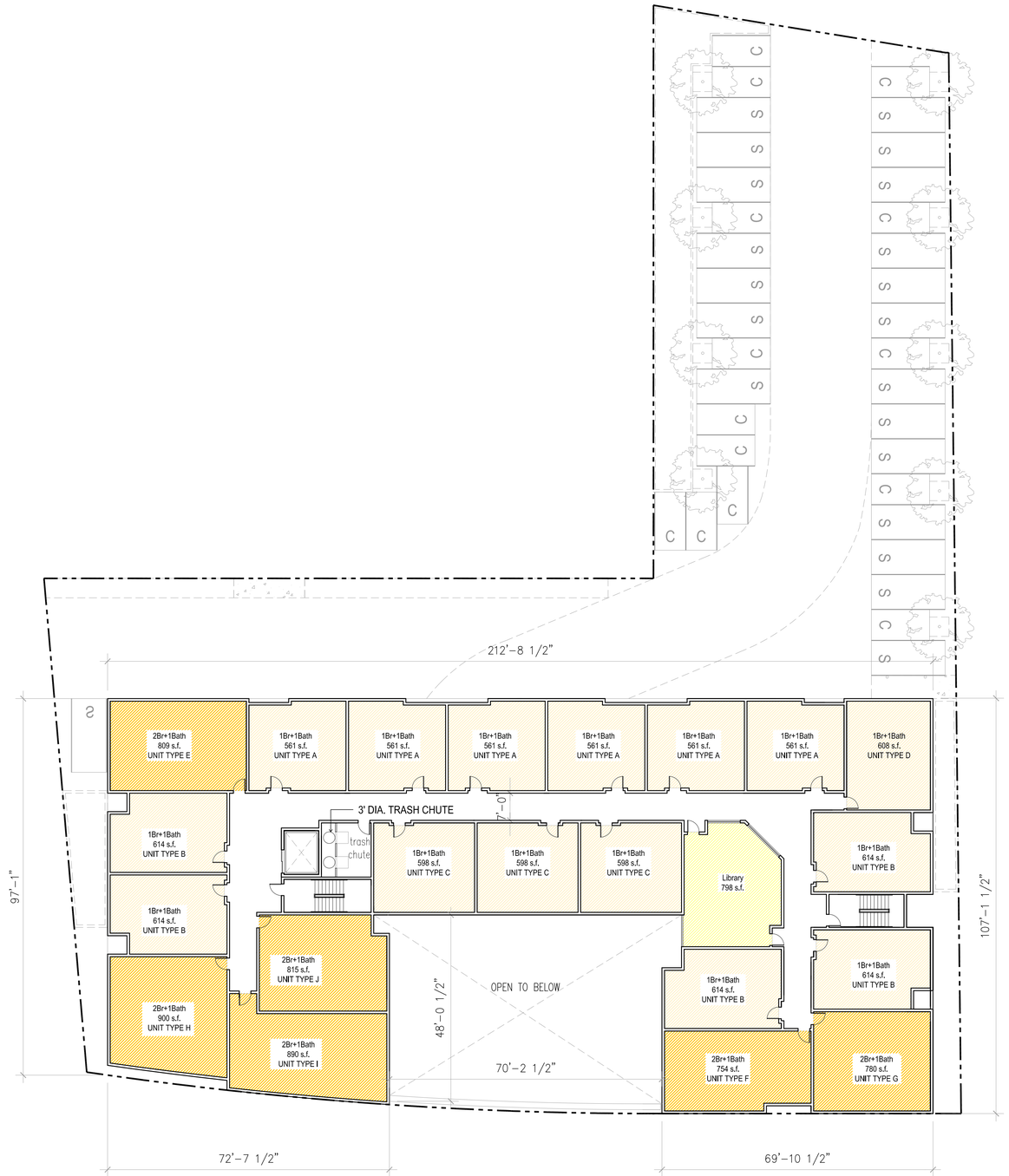
808 A Street Senior Housing

3RD FLOOR PLAN
May 03rd, 2013

07



1 4TH FLOOR PLAN

SCALE 1/16" = 1'-0"

N

21 UNITS / FLOOR
(6 TWO BED + 15 ONE BED)

INDOOR COMMON SPACE: 798 S.F.

OUTDOOR DECK : N/A

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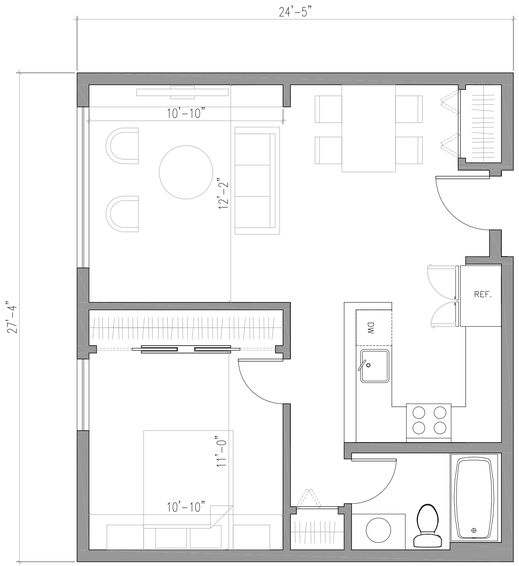
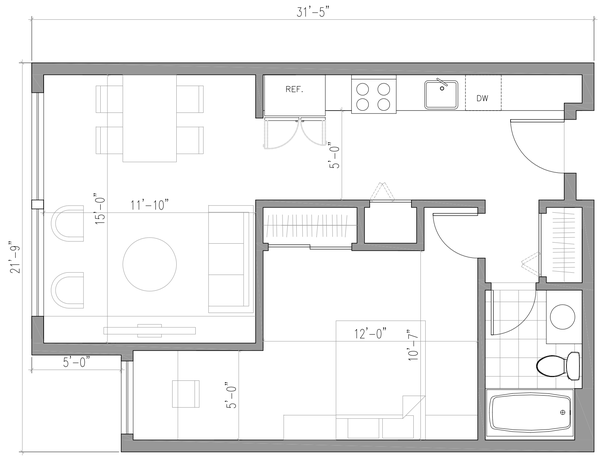
808 A Street Senior Housing

4TH FLOOR PLAN
May 03rd, 2013

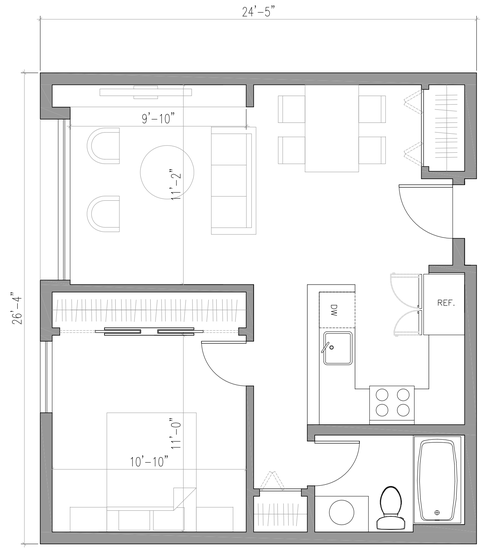
08



UNIT TYPE C
1BR + 1BATH
599 s.f.



UNIT TYPE B
1BR + 1BATH
614 s.f.



UNIT TYPE A
1BR + 1BATH
561 s.f.

1 UNIT PLANS
SCALE 1/4" = 1'-0"

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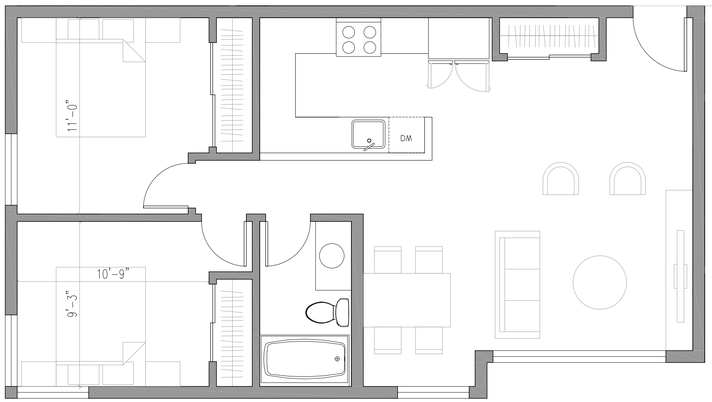

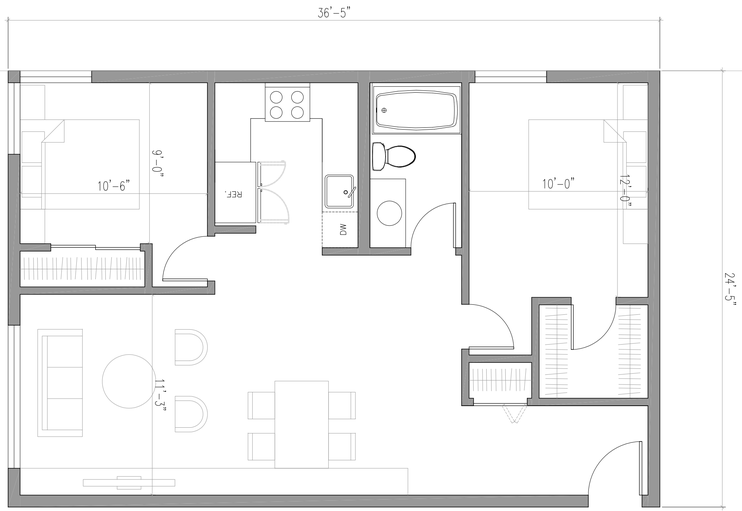

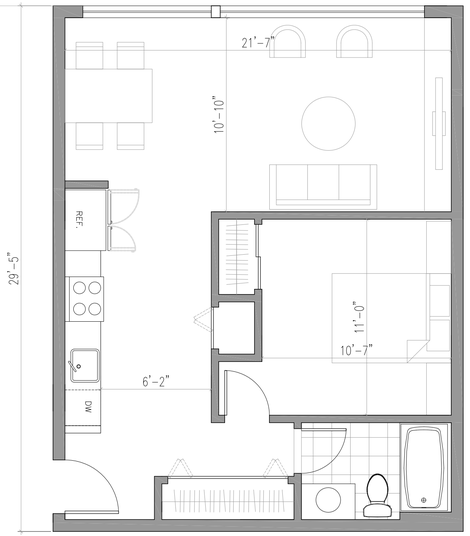

UNIT TYPE F
2BR + 1BATH
754 s.f.

UNIT TYPE E
2BR + 1BATH
809 s.f.

UNIT TYPE D
1BR + 1BATH
608 s.f.

1 UNIT PLANS
SCALE 1/4" = 1'-0"

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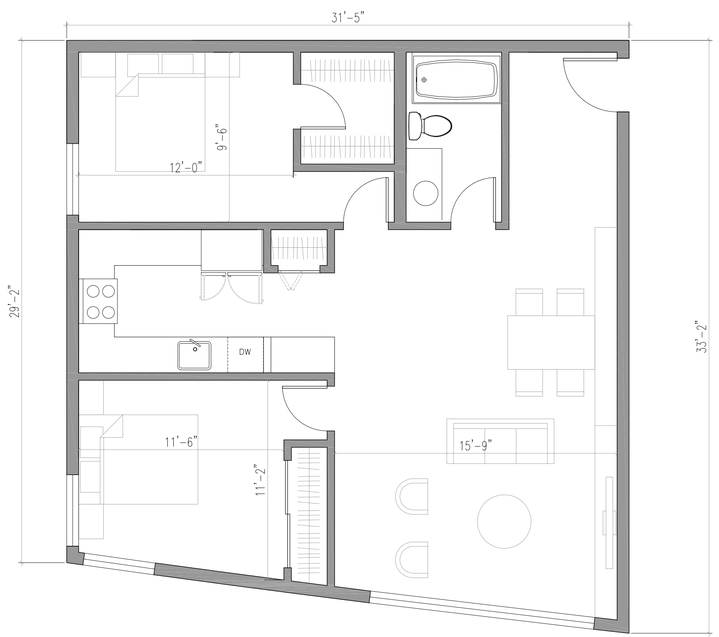
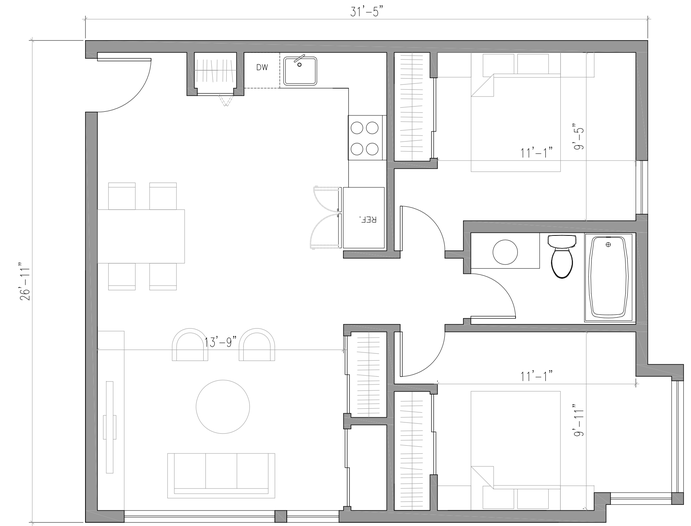


UNIT TYPE H
2BR + 1BATH
900 s.f.



UNIT TYPE G
2BR + 1BATH
780 s.f.

1 UNIT PLANS
SCALE 1/4" = 1'-0"

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808 A Street
Senior Housing

UNIT PLANS
May 03rd, 2013

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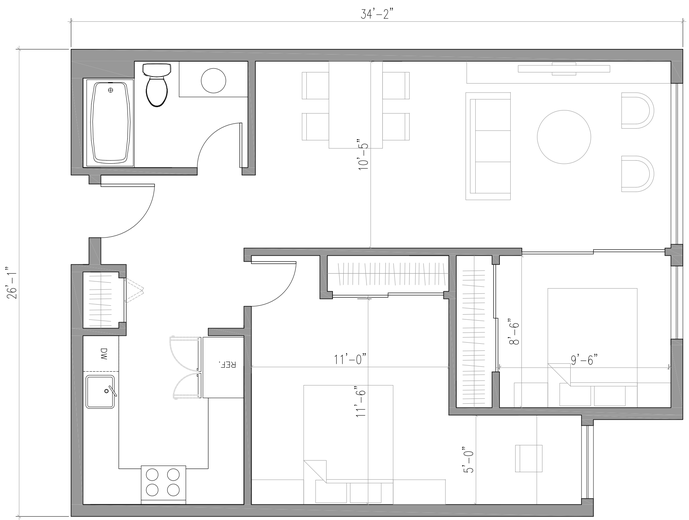
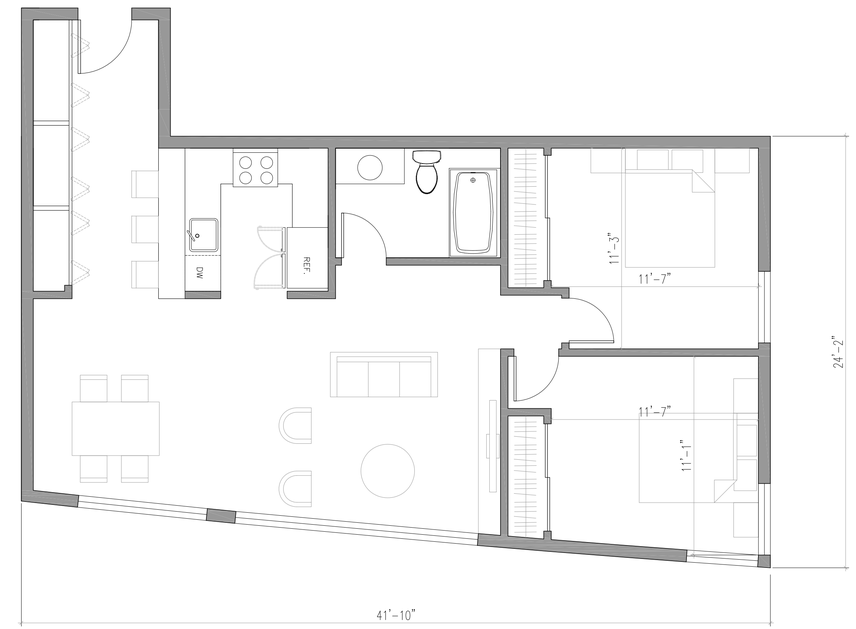


UNIT TYPE J
2BR + 1BATH
815 s.f.



UNIT TYPE I
2BR + 1BATH
890 s.f.

1 UNIT PLANS
SCALE 1/4" = 1'-0"

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808 A Street
Senior Housing

UNIT PLANS
May 03rd, 2013

12

2 NORTH ELEVATION

SCALE 1/8" = 1'-0"

1 SOUTH ELEVATION

SCALE 1/8" = 1'-0"

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808 A Street Senior Housing

NORTH & SOUTH ELEVATIONS

May 03rd, 2013

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2 WEST ELEVATION

SCALE 1/8" = 1'-0"

1 EAST ELEVATION

SCALE 1/8" = 1'-0"

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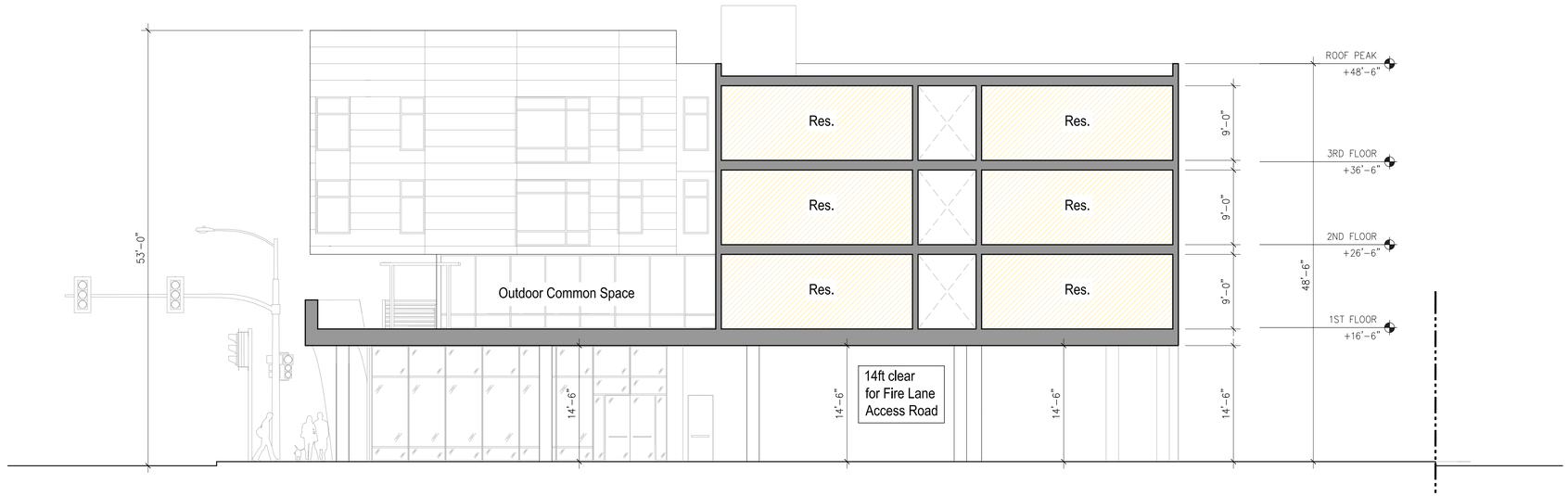
808 A Street Senior Housing

EAST & WEST ELEVATIONS

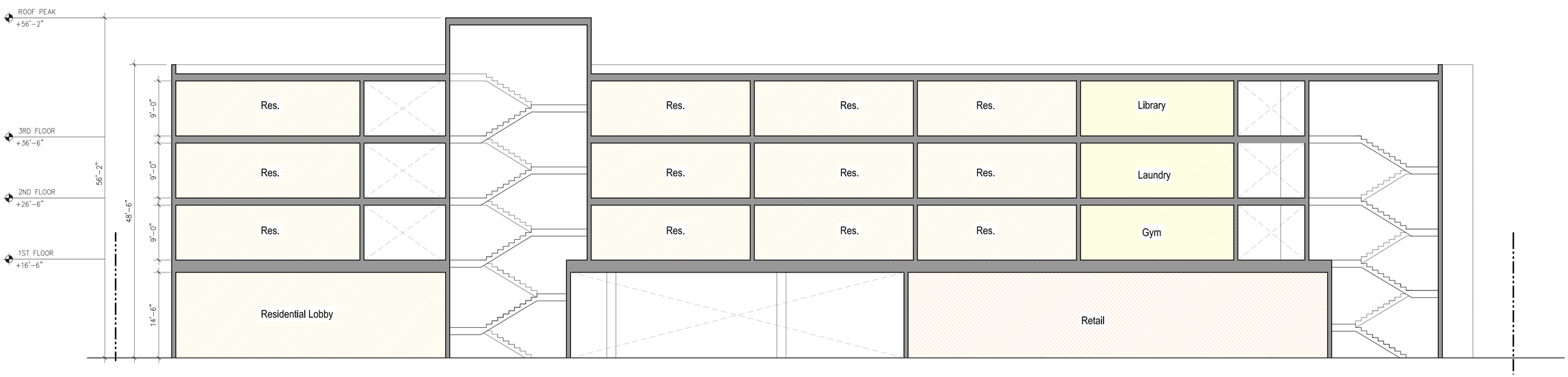
May 03rd, 2013

14



2 SECTION BB

SCALE 1/8" = 1'-0"



1 SECTION AA

SCALE 1/8" = 1'-0"

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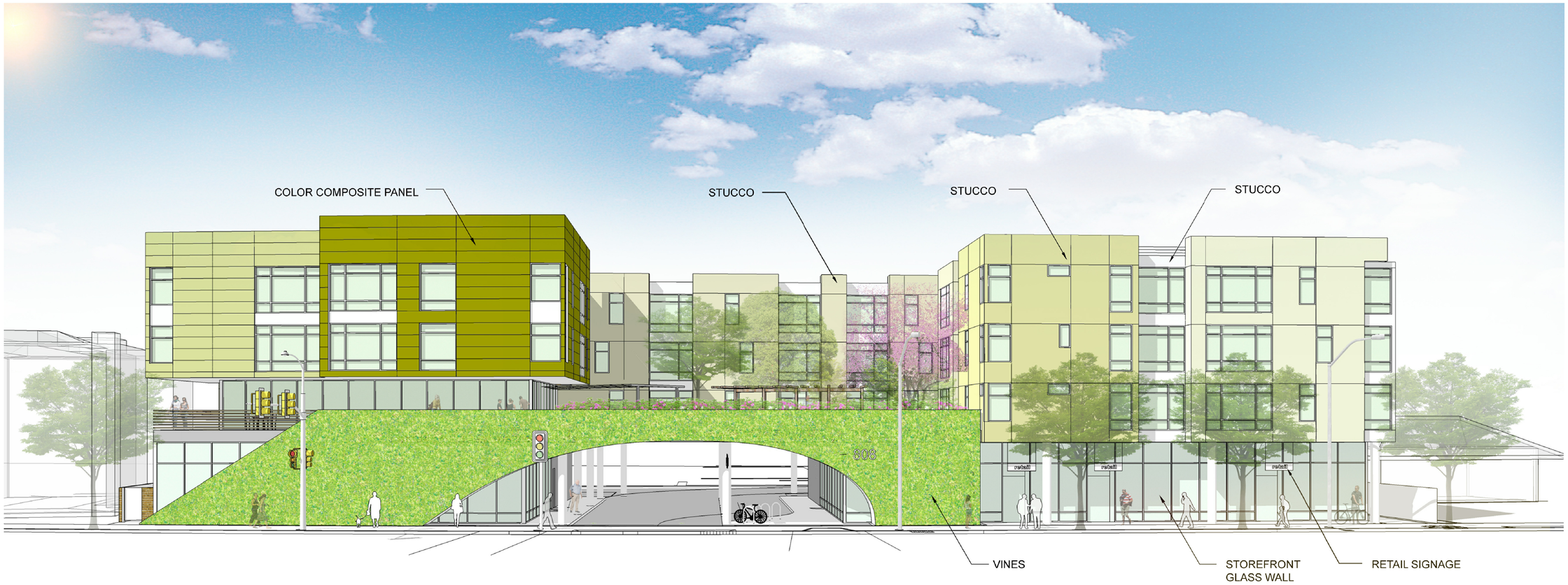
808 A Street Senior Housing

SECTIONS
May 03rd, 2013

15



View @ A St. Looking North

1 PERSPECTIVE
SCALE N.T.S.

RETAIL SIGN NOTES:

1. For all establishments, the maximum number of signs permitted per frontage is 2. The maximum number of signs permitted per establishment is 4.
2. Foothill Boulevard and "A" Street within the CC–C and CC–P Zoning Districts. The maximum sign area is 2 square feet per linear foot of primary frontage, and 30 percent of the allowable sign area of the primary frontage is allowed as the sign area for the secondary frontage.
3. Horizontal hanging signs, suspended from a canopy, awning, or marquee, may be placed above an entry. A hanging sign shall not exceed 8 square feet in size (4 square feet per side). Hanging signs erected before July 22, 1986, shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent.

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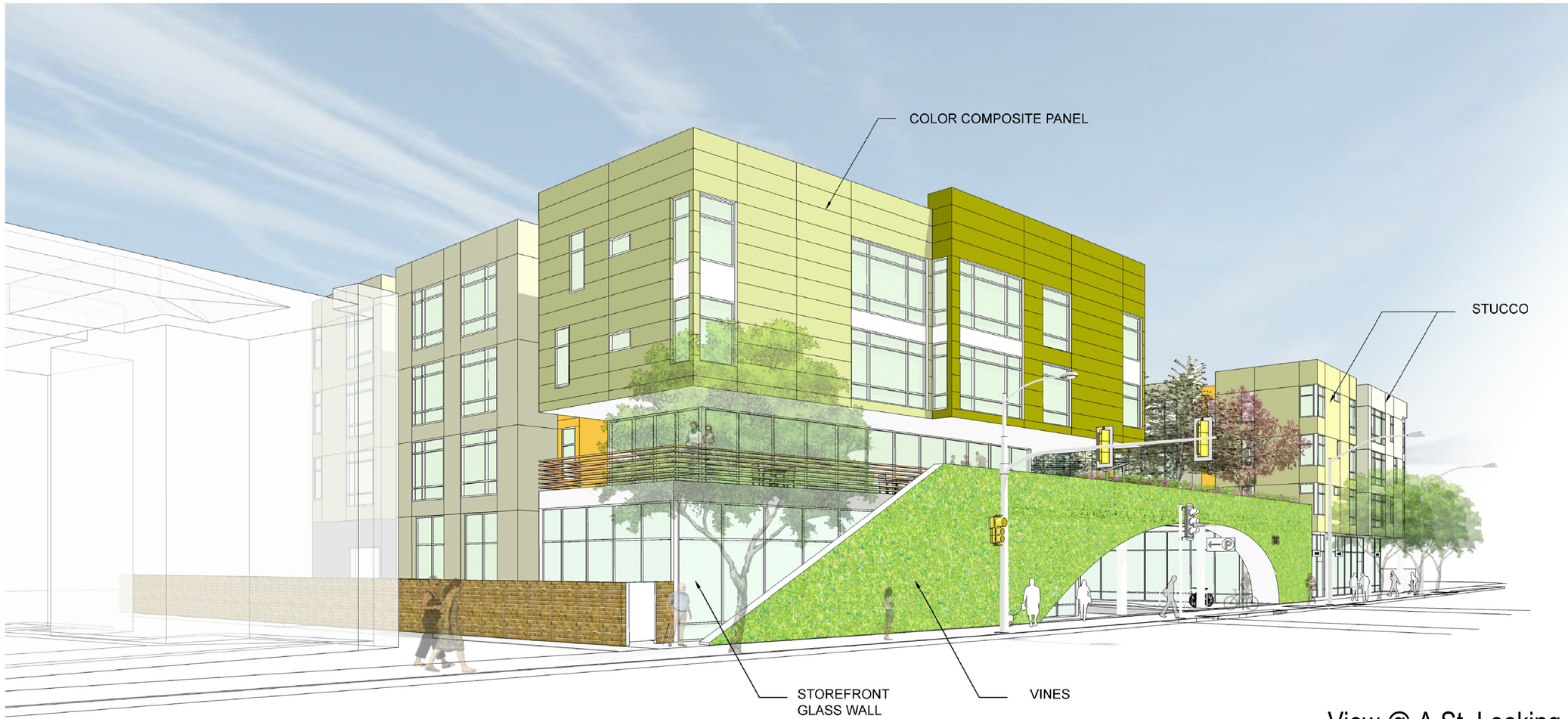
808 A Street Senior Housing

PERSPECTIVE 1
May 03rd, 2013

16



View @ A St. Looking East

1 PERSPECTIVE
SCALE N.T.S.

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View @ A St. Looking West

1 PERSPECTIVE
SCALE N.T.S.

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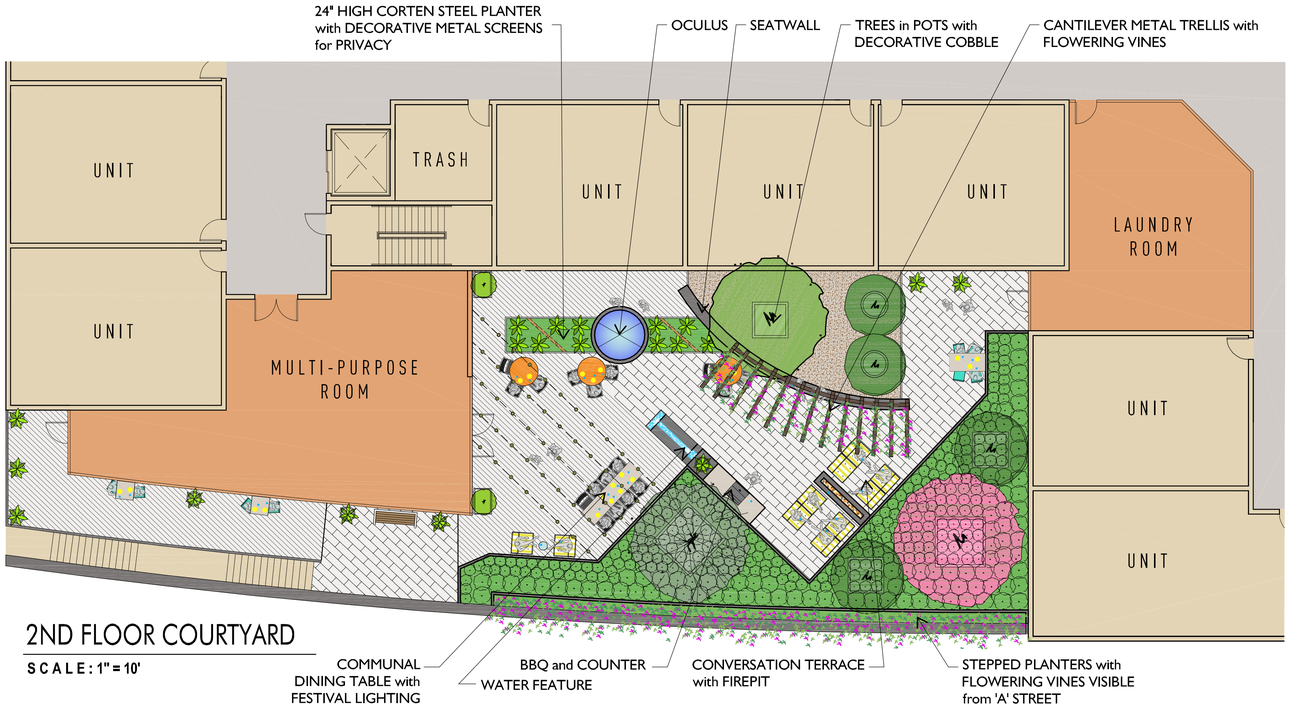
808 A Street
Senior Housing

PERSPECTIVE 3
May 03rd, 2013



2ND FLOOR COURTYARD

SCALE: 1" = 10'

PLANTING CONCEPT STATEMENT:

THE 'A' STREETSCAPE with ASSOCIATED RETAIL STOREFRONTS, PROJECT ENTRY 'TUNNEL' and RESIDENT COURTYARD ARE RECOGNIZED AS ESSENTIAL PLACE-MAKING LANDSCAPE OPPORTUNITIES. TO ACHIEVE THE QUALITY OF "PLACE" EACH OF THESE AREAS ARE GIVEN DIFFERENTIATED UNIQUE CHARACTER and IMAGE WHICH COLLECTIVELY STRENGTHENS THE IDENTITY OF THE MIXED-USE COMMUNITY.

EASE OF ACCESSIBILITY and INTERCONNECTED LINKAGES ENCOURAGES PEDESTRIAN ACTIVITIES and FACILITATES DAILY RESIDENTIAL and COMMERCIAL INTERACTION.

PLANTING DESIGN PRINCIPLES INCLUDE:

- USE OF LANDSCAPE DESIGN TO PROVIDE A DISTINCT IDENTITY.
- PROVIDE A PLANTING SCHEME EMPHASIZING FORM, LEAF TEXTURE and FOLIAGE COLOR IN A CONTEMPORARY ARRANGEMENT OF LARGE BROAD MASSINGS.
- PROVIDE PLANT SPECIES with UNIQUE CHARACTERISTICS USED SINGULARLY CREATING FOCAL POINTS and POINTS OF INTEREST.
- SELECT PLANT MATERIAL THAT CREATES LONG TERM SUSTAINABILITY.
- APPLY SUSTAINABLE LANDSCAPING STRATEGIES TO THE GREATEST EXTENT POSSIBLE.
- SELECT PLANT MATERIAL FOR THEIR WATER CONSERVATION QUALITIES, LOW MAINTENANCE and ADAPTED TO THE LOCAL CLIMATE.
- SELECT PLANT MATERIAL BASED ON HYDROZONES - SUN AND SHADE. FURTHER DETAILED PLANTING PLANS will be REFINED and EXPANDED BASED ON NUANCES in the BUILDING DESIGN and EXPOSURES.

PRELIMINARY PLANT PALETTE

SYMBOL	BOTANICAL NAME/ COMMON NAME	SIZE	WATER USE
	'A' STREET STREETSCAPE		
	MAGNOLIA GRANDIFLORA SOUTHERN MAGNOLIA - STANDARD (PER EXISTING CONDITION)	24" BOX	MED
	PARKING LOT TREE		
	KOELREUTERIA BIPINNATA CHINESE FLAME TREE - STANDARD	24" BOX	MED
	TREE at PROPERTY LINE		
	PLATANUS ACERIFOLIA 'YARWOOD' LONDON PLANE TREE v. YARWOOD	24" BOX	MED
	TREE at PROPERTY LINE		
	ARBUTUS x 'MARINA' HYBRID STRAWBERRY TREE - MULTI	24" BOX	MED
	OLEA EUROPEA 'SWAN HILL' FRUITLESS OLIVE	36" BOX	MED
	TABEBUIA IPE PINK TRUMPET TREE	36" BOX	MED
	VERTICAL, EVERGREEN at PROPERTY LINE		
	BAMBUSA OLDHAMIII GIANT TIMBER BAMBOO	15 GAL.	MED
	PITTOSPORUM EUGENIOIDES N.C.N.	15 GAL.	MED
	WATER QUALITY PLANTERS		
	CAREX DIVULSA (SUN EXPOSURE) DENSE SEDGE	1 GAL.	MED
	CHONDROPETALUM TECTORUM (SHADE) SMALL CAPE RUSH	1 GAL.	MED

SHRUBS

LARGE SHRUBS (5 GAL. MIN. SIZE at 3' o.c.)		
DIETES VEGETA	FORTNIGHT' LILY	MED
ESCALONIA 'FRADESI'	ESCALLONIA	MED
PHOTINA FRASERI	RED-TIPPED PHOTINIA	MED
PODOCARPUS MAKI	SHRUBBY YEW	MED
PITTOSPORUM SPECIES	TOBIRA	MED
MEDIUM SHRUBS (5 GAL. MIN. SIZE at 3' o.c.)		
CALLISTEMON 'LITTLE JOHN'	DWARF BOTTLEBRUSH	LOW
GREVILLEA 'CANBERRA'	GREVELLEA	LOW
LEUCOPHYLLUM FRUTESCENS	TEXAS RANGER	LOW
PHORMIUM HYBRIDS	NEW ZEALAND FLAX	LOW
RAPHIOLEPIS SPECIES	INDIA HAWTHORN	MED
RAPHIOLEPIS U. 'MINOR'	DWARF HAWTHORN	MED
VIBURNUM 'SPRING BOUQ.'	VIBURNUM	MED
SMALL SHRUBS (1 GAL. MIN. SIZE at 24" o.c.)		
AGAVE SPECIES	AGAVE	LOW
ALOE SPECIES	ALOE	LOW
COPROSMA KIRKII	CREEPING COPROSMA	MED
RAPHIOLEPIS CLARA	DWARF HAWTHORN	MED
ROSMARINUS PROSTRATUS	DWARF ROSEMARY	LOW

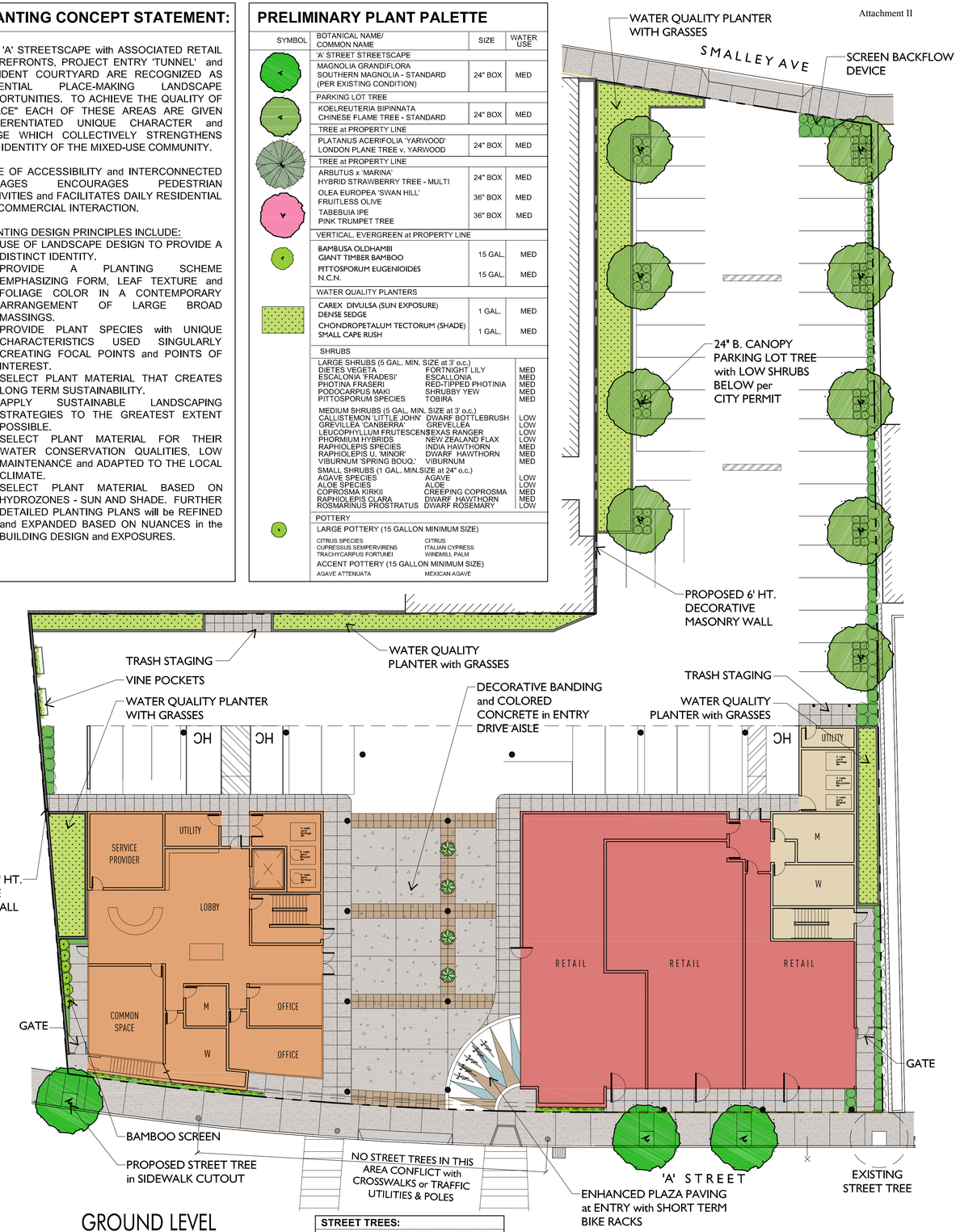
POTTERY

LARGE POTTERY (15 GALLON MINIMUM SIZE)

CITRUS SPECIES	CITRUS
CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS
TRACHYCARPUS FORTUNEI	WINDMILL PALM

ACCENT POTTERY (15 GALLON MINIMUM SIZE)

AGAVE ATTENUATA	MEXICAN AGAVE



GROUND LEVEL

SCALE: 1/16" = 1' - 0"

STREET TREES:

226 L.F. FRONTAGE MINUS 98 L.F. for CONFLICTS with STREET UTILITIES.
128 L.F. at 40' O.C. MAX = 3 TREES.
4 TREES PROVIDED.

CITY OF HAYWARD STANDARD LANDSCAPE NOTES:

1. PROVIDE ONE 24" BOX STREET TREE PER 20 to 40 LINEAL FEET IN THE STREET FRONTING LANDSCAPE SETBACK AREAS. ALL TREES PLANTED A MIN. OF 5 FT. AWAY FROM ANY UNDERGROUND UTILITIES, A MIN. OF 15 FT. FROM A LIGHT POLE, AND A MIN. 30 FT. FROM THE FACE OF A TRAFFIC SIGNAL, OR AS OTHERWISE SPECIFIED BY THE CITY. TREES BE PLANTED ACCORDING TO THE CITY STANDARD DETAIL SD-122 AND THE DETAIL SHALL BE INCLUDED IN THE LANDSCAPE PLANS.
2. ROOT BARRIERS INSTALLED LINEARLY AGAINST THE PAVING EDGE IN ALL INSTANCES WHERE A TREE IS PLANTED WITHIN 7 FT. OF PAVEMENT OR BUILDINGS, AND AS DIRECTED BY THE LANDSCAPE ARCHITECT.
3. MASONRY WALLS, SOLID BUILDING WALLS, TRASH ENCLOSURES OR FENCES FACING A STREET OR DRIVEWAY CONTINUOUSLY BUFFERED WITH SHRUBS AND VINES. TRASH ENCLOSURES HAVE A MIN. 5' INTERIOR PLANTING WIDTH ON 3 SIDES AND SCREENED WITH A MIN. 5-GALLON SHRUBS AND VINES.
4. ALL ABOVE GROUND UTILITIES AND MECHANICAL EQUIPMENT SCREENED FROM THE STREET WITH MIN. 5-GALLON SIZE SHRUBS IN A CONTINUOUS MANNER.
5. THE LANDSCAPE IN THE PARKING LOT CONFORMS TO ZONING ORDINANCE CHAPTER 10, ARTICLE 2 OFF-STREET PARKING REGULATION: SECTION 10-2.650 LANDSCAPING: A 6-FOOT WIDE LANDSCAPE END CAP THAT IS MEASURED FROM FACE OF CURB TO FACE OF CURB IS PROVIDED AT THE END OF EACH ROW WITH SHADE TREES, SHRUBS, AND LIVE GROUNDCOVERS. IN ADDITION, A MEDIUM TO LARGE SHADE TREE IS PROVIDED AT EVERY 6 SPACES IN EACH ROW IN AN ISLAND OR A TREE WELL. -TREE WELL DIMENSION OF 5FT X 5FT MEASURED FROM BACK OF CURB TO BACK OF CURB. WHEN TREE WELL CURB SERVES AS A WHEEL STOP, ADDITIONAL PLANTING AREAS PROVIDED THAT EQUAL THE VEHICULAR OVERHANG. THE CURB IS CLASS B PORTLAND CEMENT CONCRETE CONSTRUCTED TO A H. OF 6 IN. ABOVE FINISHED PAVEMENT.

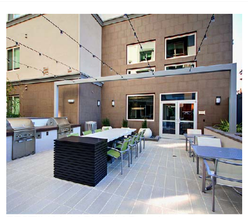
EXISTING TREE SURVEY:

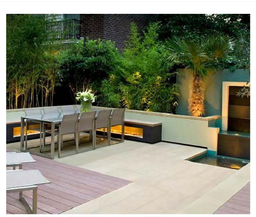
NO EXISTING TREES ON-SITE. SITE PREVIOUSLY DEMOLISHED. NO ARBORIST REPORT REQUIRED.

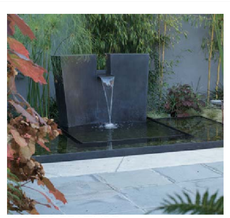
COMPLIANCE NOTE:

CONCEPTUAL LANDSCAPE PLAN IS IN COMPLIANCE WITH THE CITY OF HAYWARD ENVIRONMENTALLY FRIENDLY LANDSCAPE GUIDELINES AND CHECKLIST FOR NEW MULTI-FAMILY REDSIDENTIAL PROJECTS.

CONVERSATION TERRACE with FIREPIT


FESTIVAL LIGHTING with COMMUNAL DINING TERRACE


CORTEN STEEL PLANTER


WATER FEATURE

CORTEN STEEL PLANTER

WATER QUALITY PLANTER with GRASSES

BAMBOO SCREEN

BARBEQUE COUNTER

DECORATIVE METAL PRIVACY SCREEN

PARKING LOT TREE

DOWNTOWN HAYWARD MIXED USE DEVELOPMENT

HAYWARD, CA.

META HOUSING CORPORATION

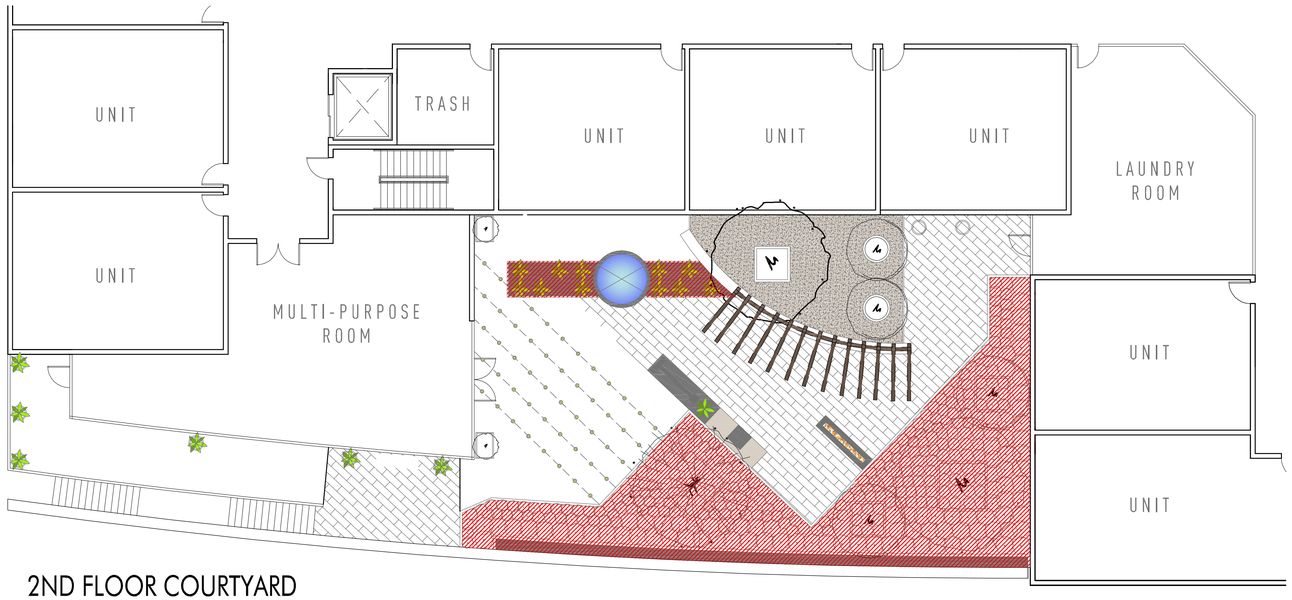
CONCEPTUAL LANDSCAPE PLAN

PREPARED BY LICENSED LANDSCAPE ARCHITECT
MARK SCHATTINGER - ASLA - RLA 3235

0 8' 16' 24' 32' 48'

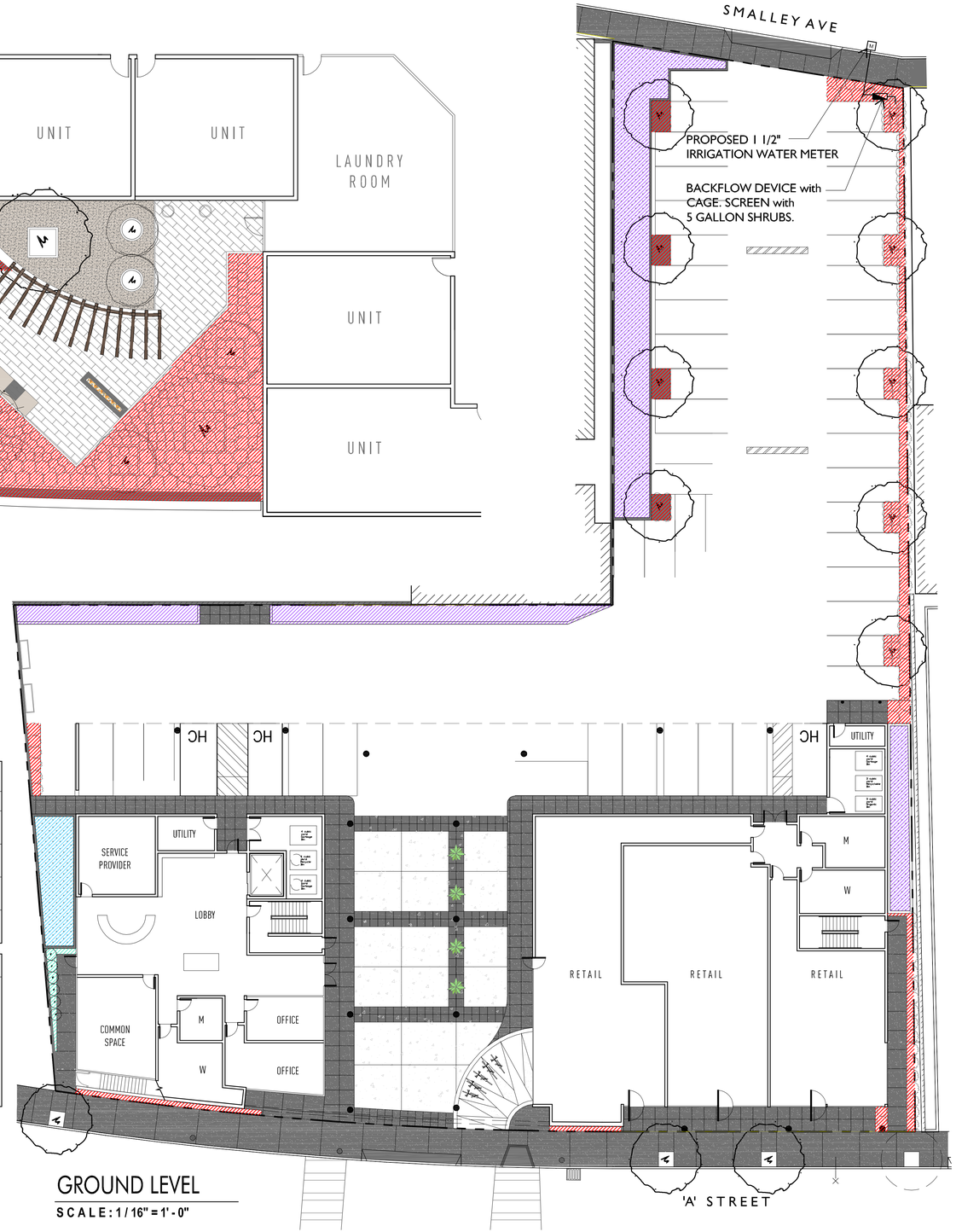
MAY 1, 2013

MJS Design Group



2ND FLOOR COURTYARD

SCALE: 1" = 10'



GROUND LEVEL

SCALE: 1 / 16" = 1' - 0"

IRRIGATION CONCEPT NOTE:

THE FOLLOWING IS A SUMMARY OF THE PROPOSED IRRIGATION CONCEPT FOR THE LANDSCAPED AREAS:

PURPOSE: TO PROVIDE THE LANDSCAPE MAINTENANCE COMPANY A MECHANICAL DEVICE TO DISTRIBUTE WATER AND ENSURE PLANT SURVIVAL IN THE MOST EFFICIENT MANNER AND WITHIN A TIME FRAME THAT LEAST INTERFERES WITH THE ACTIVITIES OF THE RESIDENTS.

CONCEPT: THE SYSTEM WILL DERIVE ITS WATER FROM THE CITY OF HAYWARD WATER PURVEYOR / PUBLIC WORKS DEPARTMENT. ALL POINTS OF CONNECTIONS WILL BE PROTECTED BY A BACKFLOW PREVENTION UNIT IN ACCORDANCE WITH CITY OF PUBLIC WORKS STANDARDS. THE SYSTEM WILL UTILIZE VARIOUS TYPES OF IRRIGATION HEADS COMPATIBLE WITH THE AREA BEING WATERED AND INFILTRATION RATES OF THE SOIL WITH MATCHED PRECIPITATION RATES. THE SYSTEM WILL BE CONTROLLED BY MOISTURE SENSING EQUIPMENT. VALVES PROGRAMMED FROM AUTOMATIC CONTROLLERS WILL MAXIMIZE EFFICIENT WATER APPLICATION.

TO AVOID WASTED WATER, THE CONTROLS WILL BE OVERSEEN BY A FLOW MONITOR THAT WILL DETECT ANY BROKEN SPRINKLER HEADS TO STOP THAT STATION'S OPERATION, ADVANCING TO THE NEXT WORKABLE STATION. IN THE EVENT OF PRESSURE SUPPLY LINE BREAKAGE, IT WILL COMPLETELY STOP THE OPERATION OF THE SYSTEM. ALL MATERIAL WILL BE NONFERROUS, WITH THE EXCEPTION OF THE BRASS PIPING INTO AND OUT OF THE BACKFLOW UNITS. ALL WORK WILL BE IN THE BEST ACCEPTABLE MANNER IN ACCORDANCE WITH APPLICABLE CODES AND STANDARDS PREVAILING IN THE INDUSTRY. WATERING WILL CONFORM WITH CITY OF HAYWARD WATER CONSERVATION REQUIREMENTS.

THE PRELIMINARY LANDSCAPE PLANS INDICATE TWO HYDROZONES BASED ON EXPOSURES: SUN AND SHADE. FURTHER DETAILED PLANTING PLANS WILL BE REFINED AND EXPANDED BASED ON NUANCES IN THE BUILDING DESIGN AND EXPOSURES.

IRRIGATION HYDROZONE KEY

SYMBOL	ZONE	SIZE
	SHADE EXPOSURE	55 SF.
	SUN EXPOSURE	2,350 SF.
	RAISED WATER QUALITY PLANTER SHADE	300 SF.
	RAISED WATER QUALITY PLANTER SUN	2,140 SF.

IRRIGATION WATER CONSERVATION FEATURES:

THE FOLLOWING MEASURES WILL BE INCORPORATED INTO THE PROJECT TO CONSERVE WATER:

1. Installation of automatic 'smart' irrigation controller with rain-sensor and weather track.
2. The use of subsurface drip tubing (Netafin or equal).
3. The use of low water consuming plants.
4. Soil amendment to achieve good soil moisture retention.
5. Mulching to reduce evapotransporation from the root zone.

DOWNTOWN HAYWARD MIXED USE DEVELOPMENT

HAYWARD, CA.

META HOUSING CORPORATION

CONCEPTUAL IRRIGATION PLAN

PREPARED BY LICENSED LANDSCAPE ARCHITECT
MARK SCHATTINGER - ASLA - RLA 3235

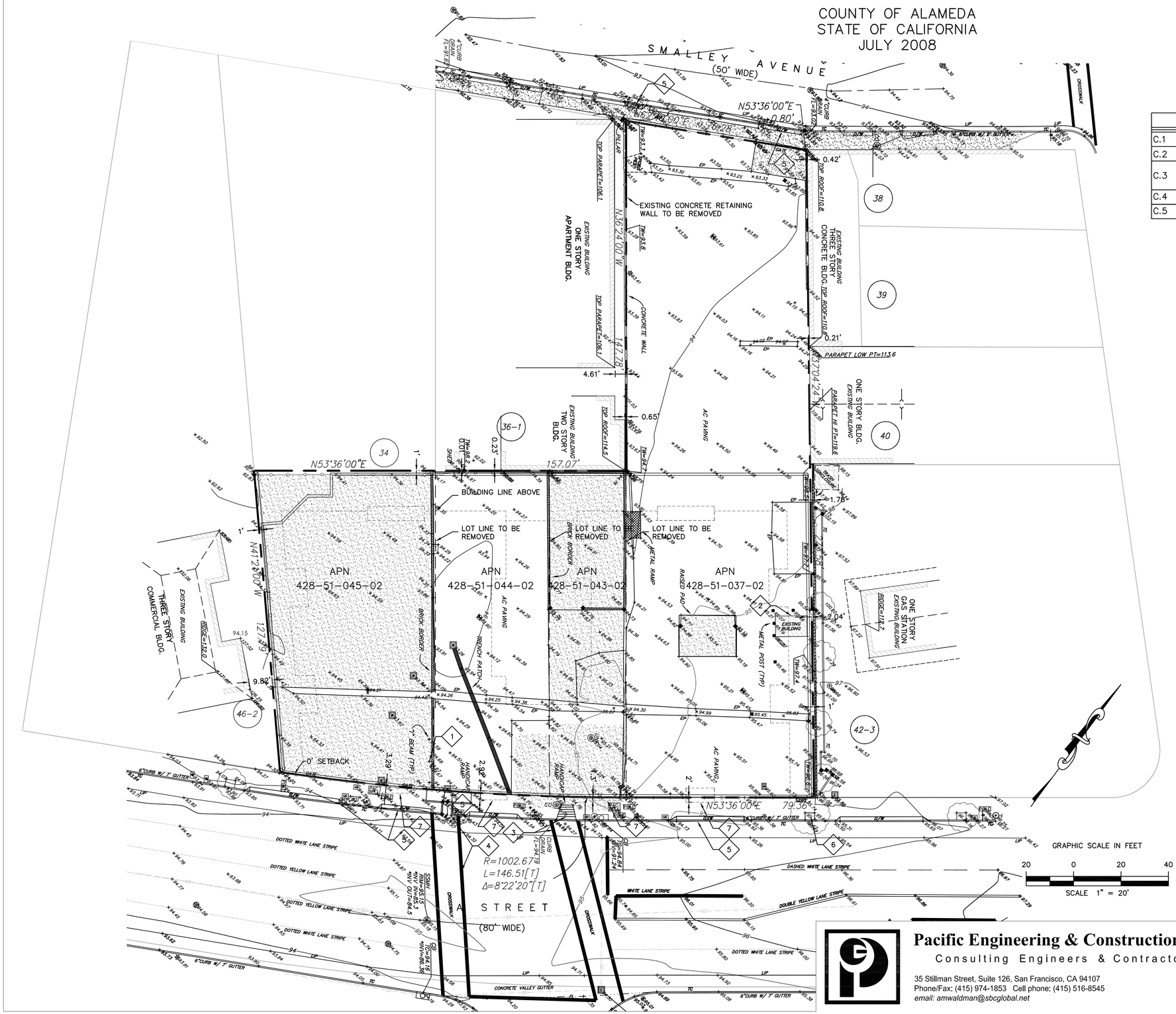
0 8' 16' 24' 32' 48'

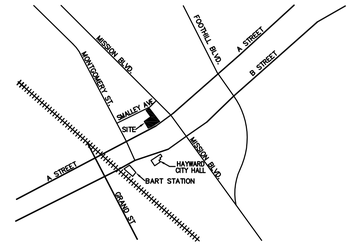
MAY 1, 2013

MJS Design Group

VESTING TENTATIVE TRACT MAP 7988
FOR CONDOMINIUM PURPOSES: 64 RESIDENTIAL AND 2 COMMERCIAL UNITS

COUNTY OF ALAMEDA
STATE OF CALIFORNIA
JULY 2008





VICINITY MAP

NTS

SHEET INDEX

C.1	VESTING TENTATIVE TRACT MAP
C.2	HORIZONTAL CONTROL PLAN
C.3	PRELIMINARY GRADING, DRAINAGE, AND UTILITY PLAN
C.4	STORMWATER CONTROL PLAN
C.5	TOPOGRAPHIC MAP

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF HAYWARD, COUNTY OF ALAMEDA, STATE OF CALIFORNIA IS DESCRIBED IN THE FIRST AMERICAN TITLE COMPANY, PRELIMINARY TITLE REPORT, ORDER NUMBER: 0192-3036672, PAGES 9-12.

APN NUMBERS:

428-51-045-02 – (9,288 SQ. FT., 0.21 ACRES)
428-51-044-02 – (6,576 SQ. FT., 0.15 ACRES)
428-51-043-02 – (4,473 SQ. FT., 0.10 ACRES)
428-51-037-02 – (21,714 SQ. FT., 0.50 ACRES)

TOTAL AREA AFTER MERGER:

42051± SQ. FT./ 0.96± ACRES

ZONING:

EXISTING/PROPOSED – CENTRAL CITY COMMERCIAL SUBDISTRICT (CC-C)

GENERAL MAP NOTES:

1. PARKING ANALYSIS PROVIDED ON ARCHITECTURAL SHEET, 1. UNDERGROUND PARKING CONFIGURATION AND CIRCULATION IS SHOWN ON ARCHITECTURAL SHEETS. UNDERGROUND PARKING IS EXCLUSIVELY FOR RESIDENTS ONLY.
2. COMMON AREAS SHOWN ON ARCHITECTURAL SHEETS IS FOR RESIDENTIAL USE ONLY.
3. 64 RESIDENTIAL UNITS PROPOSED, INCLUDING 2 COMMERCIAL SPACES ON GROUND FLOOR. SEE ARCHITECTURAL DRAWINGS FOR INDIVIDUAL UNIT SIZES AND CONFIGURATION.
4. ALL EXISTING ASPHALT AND CONCRETE TO BE RECYCLED.
5. BOUNDARY INFORMATION BASED OF RECORD INFORMATION PROVIDED BY OTHERS.

TENTATIVE MAP NOTES:

1. REMOVE EXISTING OUTDOOR ADVERTISING BULLITON BOARDS.
2. REMOVE EXISTING BUILDING.
3. REMOVE EXISTING ADA RAMP AND CROSSWALK STRIPING.
4. RELOCATE EXISTING ADA RAMP AND CROSSWALK STRIPING.
5. REMOVE EXISTING DRIVEWAYS AND REPLACE WITH NEW DRIVEWAYS.
6. EXISTING STREET TREE TO BE REMOVED AND REPLACED. SEE LANDSCAPE PLANS FOR PLANTING PLAN.
7. RESIDENTIAL BALCONY ABOVE, OVERHANGING PROPERTY LINE AS SHOWN. SEE ARCHITECTURAL PLANS FOR ADDITIONAL DETAILS.

SUBDIVIDER / OWNER:

EAST BAY CAPITAL HOLDINGS, LLC
1699 VALENCIA STREET
SAN FRANCISCO, CA 94110
PH: (415) 206-1578

ENGINEER (PREPARED BY):

PACIFIC ENGINEERING & CONSTRUCTION, INC
35 STILLMAN STREET, SUITE 126
SAN FRANCISCO, CA 94107
PH/FAX: (415) 974-1853

SIGNED:

_____

GEOTECHNICAL ENGINEER:

FRANK LEE & ASSOCIATES
10 KOOTENAI COURT
FREMONT, CA 94536
PH: (510) 657-7792

SURVEYOR:

MICHAEL FORD LAND SURVEYING, INC.
8910 SONOMA HWY, SUITE 12B
PO BOX 1243
KENWOOD, CA 95452
PH: 707-883-6468
FAX: 707-883-5744

ARCHITECT:

PHILIP BANTA ASSOCIATES ARCHITECTURE
6250 HOLLIS STREET
EMERYVILLE, CA 95608
PH: 510-654-3255

OWNER'S CERTIFICATION:

I EAST BAY CAPITAL HOLDINGS, LLC. AGREE TO THE FILING OF SAID MAP AND AGREE TO COMPLY WITH THE PROVISION OF THE CITY OF HAYWARD SUDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO PROCESSING AND APPROVAL OF SAID MAP.

SIGNED: _____

UTILITY INFORMATION

ABOVE GROUND EVIDENCE OF UTILITIES WAS FIELD LOCATED AND IS SHOWN ON THIS SHEET. SUB-SURFACE UTILITY INFORMATION WAS PROVIDED BY THE FOLLOWING SOURCES AND ADDITIONAL VERIFICATION OF THIS INFORMATION SHOULD BE CONSIDERED MANDATORY IF TO BE USED FOR DESIGN PURPOSES:

SANITARY SEWER	HAYWARD SANITARY
STORM DRAIN	CITY OF HAYWARD
WATER	CITY OF HAYWARD
NATURAL GAS	PACIFIC GAS AND ELECTRIC
ELECTRICITY	PACIFIC GAS AND ELECTRIC
TELEPHONE	ATT&T

Pacific Engineering & Construction, Inc.
Consulting Engineers & Contractors
35 Stillman Street, Suite 126, San Francisco, CA 94107
Phone/Fax: (415) 974-1853 Cell phone: (415) 516-8545
email: amwaldman@sbcglobal.net

VESTING TENTATIVE TRACT MAP

SHEET # **C.1**

DRAWN	JOB NUMBER	APPROVED	DATE	REVISED DATE
MW	NA		7/31/08	N/A

LEGEND

	DRAIN INLET
	DRAIN INLET, NO GRATE, FILLED IN
	CATCH BASIN (CURB INLET)
SD	STORM DRAIN MANHOLE
SS	SANITARY SEWER MANHOLE
T	TELEPHONE POLE
CO	CLEANOUT
	FIRE HYDRANT
	WATER VALVE
	WATER METER
	ELECTRIC OUTLET
S	TRAFFIC SIGNAL BOX, VAULT, OR PEDESTAL
TS	TRAFFIC SIGNAL
T	TELEPHONE POLE
J	JOINT UTILITY POLE
G	GUY POLE
E	ELECTRIC BOX
	BOLLARD
	SIGN
	STREET LIGHT/SITE LIGHT
	SOILS TESTING HOLE
UNK	UNKNOWN UTILITY
PAC BELL	PACIFIC BELL BOX
PG&E	PG&E BOX
	CHAIN LINK FENCE
	CONCRETE
	CONCRETE BLOCK RETAINING WALL
×100.00	SPOT ELEVATION
SD,SS	UNDERGROUND STORM DRAIN, SANITARY SEWER
	TREE SYMBOL & DRIP LINE
MAG	MAGNOLIA
CRP MTRL	CRAPE MYRTLE
TC	TOP OF CURB
FL	FLOWLINE
TW	TOP OF WALL
NG	NATURAL GROUND
LIP	LIP OF GUTTER
EP	EDGE PAVING
D/W	DRIVEWAY

***NOTE:**
INFORMATION TAKEN FROM CITY OF HAYWARD BASE MAPS.
SANITARY SEWER DATED, JANUARY 2006
STORM DRAIN INFORMATION DATED, MARCH 1999

BENCHMARK:
CAS B-HAYWARD-1953 **EL 100.542** (MEAN SEA LEVEL)
CROSS IN 3/8" DIA HEXAGONAL BRASS BOLT SET IN THE CONCRETE MONUMENT UNDER A STANDARD CASTING 1 1/2 BLOCKS NORTHEWEST OF THE HAYWARD CITY HALL AT THE INTERSECTION OF CASTRO STREET (STATE ROUTE 105) AND "B" STREET.

michael ford land surveying inc.
8910 sonoma hwy suite 12b
po box 1243, kenwood, ca 95452
p 707.833.6468 - f 707.833.5744
www.michaelfordinc.com

boundary surveys
topographic mapping
aerial topography
subdivision mapping
construction staking
g.i.s. base maps

SURVEYOR'S STATEMENT
THIS MAP IS BASED ON A FIELD SURVEY MADE BY ME OR UNDER MY DIRECTION ON 5-7-08 AND REPRESENTS THE VISUAL SURFACE CONDITIONS AS OF THE DATE OF SURVEY.

LAND SURVEYOR ★ MICHAEL E. FORD ★ PROFESSIONAL LAND SURVEYOR ★ EXP 12/31/09 NO. 7237 ★ STATE OF CALIFORNIA

808 A STEET
HAYWARD, CA

TOPOGRAPHIC MAP

REVISIONS:

DATE:	5/21/08
DRAWN BY:	JR
CHECKED BY:	MEF
SCALE:	1" = 20'
JOB NUMBER	081708
DWG. FILE	1708-TP.DWG
SHEET	C.5

Stantec Consulting Services Inc.
901 Market Street
San Francisco CA 94103
Tel: (415) 992-9500
Fax: (415) 882-9523

May 2, 2013

Attention: Aaron Mandel
Vice President
Meta Housing Corp.
1640 Sepulveda Blvd., Suite 425
Los Angeles, CA 90025

Dear Mr. Mandel,

Reference: Traffic Study for the 808 "A" Street Development in the City of Hayward

In response to your request, this letter report presents Stantec's traffic impact analysis for the proposed mixed-use development in the City of Hayward. The proposed project is located at 808 "A" Street located at the intersection of "A" Street and Watkins Street. The project sponsor proposes to build a mixed-use development consisting of 60 senior housing units and 5,887 square feet of retail space. Project access to and from the site would be through two driveways located on the north side and the south side of the project. One driveway would form the fourth leg for the intersection of "A" Street and Watkins Street. The other driveway would provide access to the project site from Smalley Avenue. Figure 1 shows the proposed site plan for the project.

This study addresses the traffic impacts of this mixed-use development at the intersection of Watkins Street and "A" Street and identifies the modifications needed at this intersection to add the access driveway as the north leg of the intersection. Existing roadway and the intersection operations (without the project) are compared with expected future conditions (with the project).

Analysis and Methodology

The intersection of "A" Street and Watkins Street was selected for the a.m. and the p.m. peak level of service (LOS) analysis after consultation with City of Hayward staff. This intersection was analyzed for the following two scenarios:

- Existing Conditions - Current (Year 2013) traffic volumes and roadway conditions
- Existing Plus Project Conditions - Identical to Existing Conditions, but with traffic added from the proposed project and modified intersection geometry

LOS analysis was conducted for both of these scenarios. A LOS rating is a qualitative description of intersection operations and is reported using an A through F letter rating system to describe travel delay and congestion. LOS A indicates free flow conditions with little or no delay, and LOS F

indicates jammed conditions with excessive delays and long back-ups. The study intersection was analyzed using the 2010 Highway Capacity Manual (HCM) methodology.

Figure1: Project Site Plan

Impact Criteria

The City's service level standard is LOS D for signalized intersections using the 1994 Highway Capacity Manual methodology. Intersections that exceed this service level threshold are considered

impacted and should be considered for mitigation. Since the purpose of this impact analysis is to determine the improvements needed at this intersection to add the project driveway, HCM 2010 methodology was used to provide a better estimate of queue length expected at the intersection with the trips added from the proposed project.

Existing Conditions – LOS Analysis

The existing a.m. and p.m. peak hour turning movement volumes were collected at the study intersections on a typical weekday in April 2013. Appendix A includes the peak hour turning movement volumes at the study intersection.

Table I summarizes the results of the intersection LOS analysis for existing conditions. The detailed LOS calculations are included in Appendix B. The study intersection operates at acceptable service levels of LOS A during the a.m. peak hour and LOS B during the p.m. peak hour.

TABLE 1: Peak Hour Intersection Levels of Service – Existing Conditions

ID	Intersection	Control	Existing Conditions			
			A.M. Peak		P.M. Peak	
			Delay	LOS	Delay	LOS
I	"A" Street / Watkins Avenue	Signal	8.7	A	11.0	B

Notes: Delay = Average control delay in seconds per vehicle, LOS = Level of Service

Project Trip Generation

Trip generation of the proposed project was estimated based on rates provided in the Trip Generation, 8th Edition published by the Institute of Transportation Engineers (ITE). The proposed senior housing and retail use are expected to generate 1,300 daily trips with 42 trips (22 inbound and 20 outbound) during the a.m. peak hour and 112 trips (57 inbound and 55 outbound) during the p.m. peak hour. Table 2 summarizes the expected trip generation for the proposed project.

TABLE 2: Project Trip Generation

Land Use (ITE Code)	Size		Daily	A.M. Peak					P.M. Peak				
			Trips	In %	Out %	In	Out	Total	In %	Out %	In	Out	Total
Senior Housing Detached (220)	60	du	223	35	65	4	9	13	61	39	10	6	16
Retail (820)	5.9	ksf	1,077	61	39	18	11	29	49	51	47	49	95
Total Trips			**1,300**			**22**	**20**	**42**			**57**	**55**	**112**

Source: ITE Trip Generation, 7th Edition and SANDAG Traffic Generation Rates
Note: DU ☐ Dwelling Units
ksf ☐ 1,000 square feet

Although a portion of the trips will access from the driveway on Smalley Street, however, for a conservative analysis, it was assumed that all trips will use the driveway at "A" Street and Watkins Street. The project trips were distributed on the existing street network based on existing travel patterns and knowledge of the study area. These trips were added to the existing turning movement counts to generate the intersection volumes for the Existing plus Project conditions.

Intersection Improvements

The following improvements are recommended for the intersection of "A" Street and Watkins Street to accommodate the proposed project driveway:

- Add an eastbound left turn lane as shown in Figure 2. This would require salvaging the existing signal mast arm on the southeast corner and replacing it with a longer mast arm with additional signal heads.
- Restripe the northbound to include one left turn lane and one through-right shared lane as shown in Figure 2.
- The project driveway should include one left turn lane and a through-right shared lane as shown in Figure 2.
- Install video detection for the project driveway to accommodate SCATS operations at the intersection.
- Install and modify signal equipment in the field as needed and will be identified as part of the final intersection modification drawings.
- Adjust the crosswalks based on the proposed driveway location

Figure 2 illustrates the geometric improvements needed to accommodate the proposed project.

Figure2: Geometric Improvements at "A" Street and Watkins Street

Existing Plus Project Conditions – LOS and Queuing Analysis

Geometric improvements at the intersection of "A" Street and Watkins Street as shown in figure 2 was included as part of Existing plus Project Conditions analysis. Table 3 summarizes the results of the intersection LOS analysis. The detailed LOS calculations are included in Appendix B.

Under Existing plus Project Conditions, the intersection of "A" Street and Watkins Street is expected to continue to operate at an acceptable service level of LOS B during both the a.m. and the p.m. peak hours. With the addition of project trips, the delay at the existing intersection is expected to increase by 1.4 seconds/vehicle during the a.m. peak hour and by 0.5 seconds/vehicle during the p.m. peak hour.

TABLE 3: Intersection Levels of Service – Existing plus Project Conditions

ID	Intersection	Control	Existing Conditions				Existing + Project Conditions			
			A.M. Peak		P.M. Peak		A.M. Peak		P.M. Peak	
			Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1	"A" Street / Watkins Avenue	Signal	8.7	A	11.0	B	10.1	B	11.5	B

Notes: Delay = Average control delay in seconds per vehicle, LOS = Level of Service

Queueing analysis was conducted for Existing plus Project Conditions to determine the required length for the eastbound left turn lane. As shown in Table 3, the eastbound left turn queue length is expected to be less than 26 feet for 95 percent of time during the a.m. and the p.m. peak hours. Therefore, it is recommended that a 50-foot left turn lane is provided for the eastbound left turn movement. This would match with the length of the left turn lane provided for the westbound direction.

TABLE 3: Intersection Queue Analysis – Existing plus Project Conditions

ID	Intersection	Control	Existing+Project Conditions			
			A.M. Peak		P.M. Peak	
			Direction	95-Percentile Queue (ft.)	Direction	95-Percentile Queue (ft.)
1	"A" Street / Watkins Avenue	Signal	Eastbound Left	24	Eastbound Left	26

Cost Estimate for proposed Improvements

A preliminary cost estimate was prepared for the intersection upgrade needed to accommodate a protected left turn lane for the eastbound direction. The signal upgrade is expected to cost approximately $68,300 for the construction materials and its installation. This cost estimate does not include other cost needed to cover the design cost, and other administrative costs. This cost also does not include any contingency.

Conclusions

The proposed project is expected to generate 1,300 daily trips with 42 trips during the a.m. peak hour and 112 trips during the p.m. peak hour. The intersection geometry for the intersection of "A" Street and Watkins Street will need to be changed to add an eastbound left turn lane to access the project site. With the recommended improvements and the addition of the project trips, the intersection of "A" Street/Watkins Street is expected to operate at an acceptable service level during

both the a.m. and the p.m. peak hours. The signal upgrade cost (not including curb and gutter design and other associated costs) is expected to be approximately, $68,300.

Thank you for the opportunity to provide this analysis. Please call me with your comments and/or questions.

Best regards,

Stantec Consulting Services Inc.

Joy Bhattacharya, PE, PTOE
Senior Project Manager
Tel: (415) 281-5507
Fax: (415) 882-9523
Joy.bhattacharya@stantec.com

Appendix A: Turning Movement Counts

Appendix B: LOS Calculations – Existing and Existing plus Project Conditions

Appendix C: Preliminary Cost Estimate

Stantec Consulting Services Inc.
901 Market Street
San Francisco CA 94103
Tel: (415) 992-9500
Fax: (415) 882-9523

Appendix A: Turning Movement Counts

All Traffic Data

(916) 771-8700
orders@atdtraffic.com

City of Hayward

File Name : 13-7254-001PM Watkins-A Street
Site Code : 00000000
Start Date : 4/24/2013
Page No : 1

Groups Printed- Unshifted

	Southbound				A Street Westbound				Watkins Street Northbound				A Street Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
16:00	0	0	0	0	6	135	0	141	19	0	41	60	0	121	34	155	356
16:15	0	0	0	0	6	160	0	166	28	0	35	63	0	106	25	131	360
16:30	0	0	0	0	11	147	0	158	25	0	31	56	0	126	18	144	358
16:45	0	0	0	0	13	129	0	142	22	0	48	70	0	115	22	137	349
Total	0	0	0	0	36	571	0	607	94	0	155	249	0	468	99	567	1423
17:00	0	0	0	0	8	161	0	169	25	0	50	75	0	113	34	147	391
17:15	0	0	0	0	8	146	0	154	26	0	37	63	0	146	29	175	392
17:30	0	0	0	0	11	144	0	155	18	0	48	66	0	133	36	169	390
17:45	0	0	0	0	10	124	0	134	29	0	51	80	0	136	37	173	387
Total	0	0	0	0	37	575	0	612	98	0	186	284	0	528	136	664	1560
Grand Total	0	0	0	0	73	1146	0	1219	192	0	341	533	0	996	235	1231	2983
Apprch %	0	0	0		6	94	0		36	0	64		0	80.9	19.1		
Total %	0	0	0	0	2.4	38.4	0	40.9	6.4	0	11.4	17.9	0	33.4	7.9	41.3	

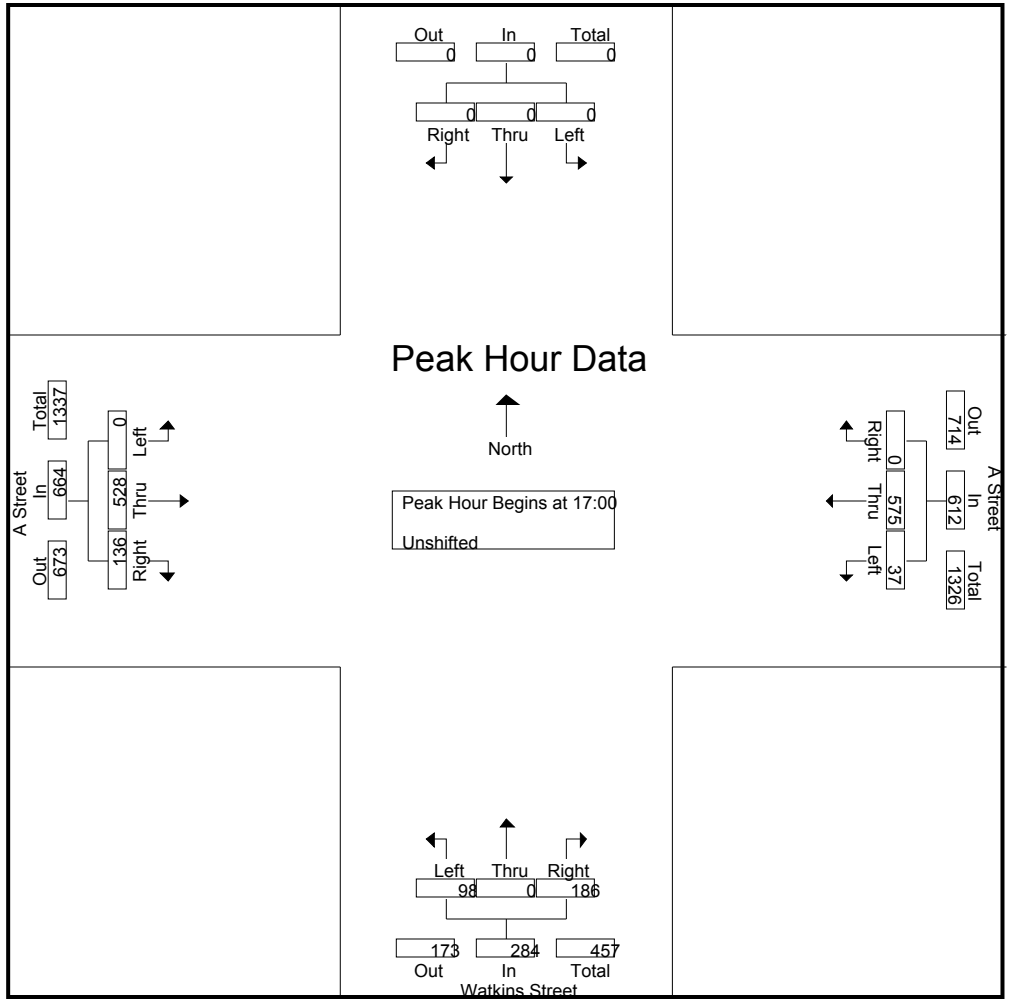
	Southbound				A Street Westbound				Watkins Street Northbound				A Street Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 17:00																	
17:00	0	0	0	0	8	**161**	0	**169**	25	0	50	75	0	113	34	147	391
17:15	0	0	0	0	8	146	0	154	26	0	37	63	0	**146**	29	**175**	**392**
17:30	0	0	0	0	**11**	144	0	155	18	0	48	66	0	133	36	169	390
17:45	0	0	0	0	10	124	0	134	**29**	0	**51**	**80**	0	136	**37**	173	387
Total Volume	0	0	0	0	37	575	0	612	98	0	186	284	0	528	136	664	1560
% App. Total	0	0	0		6	94	0		34.5	0	65.5		0	79.5	20.5		
PHF	.000	.000	.000	.000	.841	.893	.000	.905	.845	.000	.912	.888	.000	.904	.919	.949	.995

All Traffic Data

(916) 771-8700
orders@atdtraffic.com

City of Hayward

File Name : 13-7254-001PM Watkins-A Street
Site Code : 00000000
Start Date : 4/24/2013
Page No : 2



All Traffic Data

(916) 771-8700
orders@atdtraffic.com

City of Hayward

File Name : 13-7254-001AM Watkins-A Street
Site Code : 00000000
Start Date : 4/25/2013
Page No : 1

Groups Printed- Unshifted

	Southbound				A Street Westbound				Watkins Street Northbound				A Street Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
07:00	0	0	0	0	5	143	0	148	7	0	12	19	0	58	17	75	242
07:15	0	0	0	0	7	167	0	174	10	0	17	27	0	53	12	65	266
07:30	0	0	0	0	23	198	0	221	6	0	15	21	0	64	26	90	332
07:45	0	0	0	0	27	195	0	222	12	0	23	35	0	78	20	98	355
Total	0	0	0	0	62	703	0	765	35	0	67	102	0	253	75	328	1195
08:00	0	0	0	0	28	175	0	203	18	0	19	37	0	65	25	90	330
08:15	0	0	0	0	18	196	0	214	17	0	24	41	0	59	23	82	337
08:30	0	0	0	0	13	183	0	196	16	0	25	41	0	79	21	100	337
08:45	0	0	0	0	16	143	0	159	30	0	22	52	0	73	22	95	306
Total	0	0	0	0	75	697	0	772	81	0	90	171	0	276	91	367	1310
Grand Total	0	0	0	0	137	1400	0	1537	116	0	157	273	0	529	166	695	2505
Apprch %	0	0	0		8.9	91.1	0		42.5	0	57.5		0	76.1	23.9		
Total %	0	0	0	0	5.5	55.9	0	61.4	4.6	0	6.3	10.9	0	21.1	6.6	27.7	

	Southbound				A Street Westbound				Watkins Street Northbound				A Street Eastbound				
Start Time	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Left	Thru	Right	App. Total	Int. Total
Peak Hour Analysis From 07:00 to 08:45 - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 07:45																	
07:45	0	0	0	0	27	195	0	**222**	12	0	23	35	0	78	20	98	**355**
08:00	0	0	0	0	**28**	175	0	203	**18**	0	19	37	0	65	**25**	90	330
08:15	0	0	0	0	18	**196**	0	214	17	0	24	**41**	0	59	23	82	337
08:30	0	0	0	0	13	183	0	196	16	0	**25**	41	0	**79**	21	**100**	337
Total Volume	0	0	0	0	86	749	0	835	63	0	91	154	0	281	89	370	1359
% App. Total	0	0	0		10.3	89.7	0		40.9	0	59.1		0	75.9	24.1		
PHF	.000	.000	.000	.000	.768	.955	.000	.940	.875	.000	.910	.939	.000	.889	.890	.925	.957

All Traffic Data

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City of Hayward

File Name : 13-7254-001AM Watkins-A Street
Site Code : 00000000
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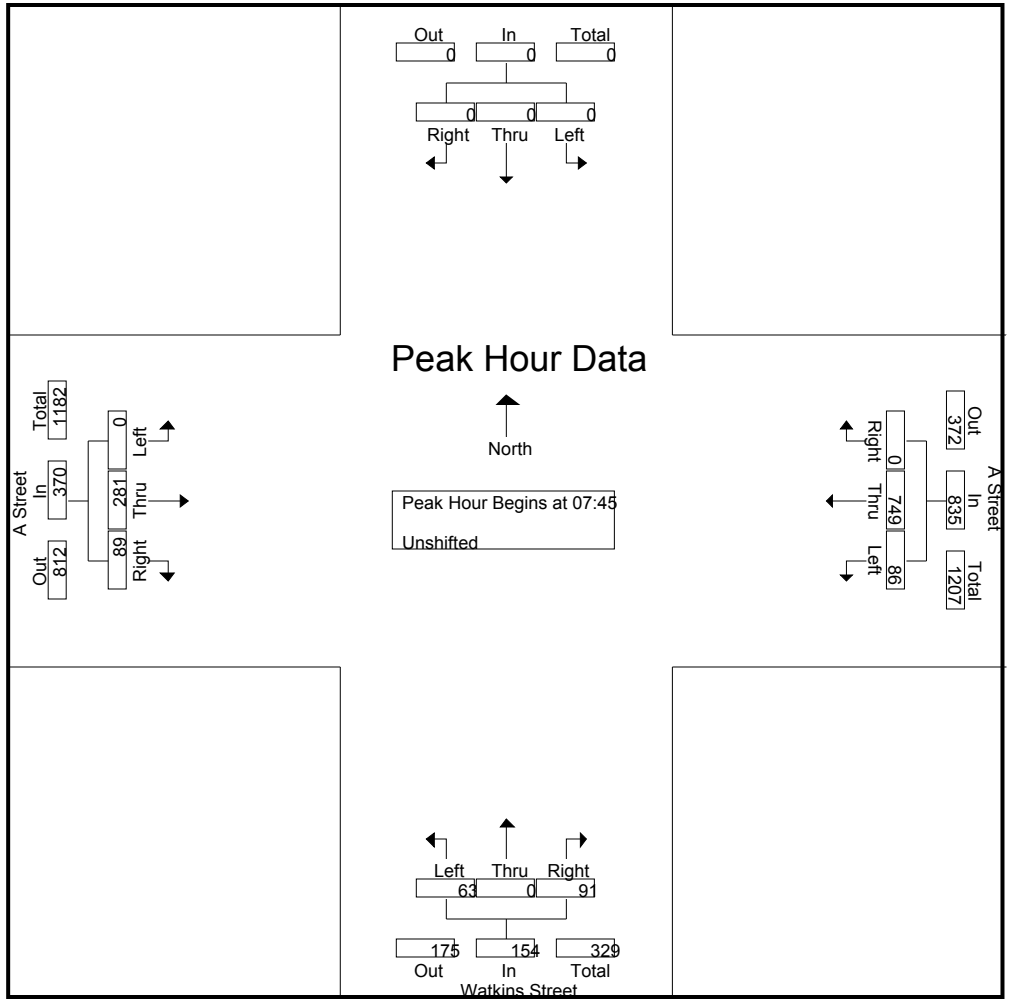

Stantec Consulting Services Inc.
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San Francisco CA 94103
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Fax: (415) 882-9523

Appendix B: LOS Calculations – Existing and Existing plus Project Conditions

HCM 2010 Signalized Intersection Summary
1:

5/2/2013

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Volume (vph)	281	89	86	749	63	91
Number	6	16	5	2	7	14
Initial Queue, veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)		1.00	1.00		1.00	1.00
Parking, Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow Rate	1863	1863	1863	1863	1863	1863
Lanes	2	0	1	2	1	1
Capacity, veh/h	1809	562	120	2798	160	142
Arriving On Green	0.66	0.66	0.07	0.79	0.09	0.09
Sat Flow, veh/h	2753.7	847.8	1774.0	3632.4	1774.0	1583.3
Grp Volume(v), veh/h	206.7	195.5	91.5	796.8	67.0	96.8
Grp Sat Flow(s),veh/h/ln	1862.7	1713.1	1774.0	1769.6	1774.0	1583.3
Q Serve(g_s), s	2.8	2.9	3.4	4.1	2.4	4.0
Cycle Q Clear(g_c), s	2.8	2.9	3.4	4.1	2.4	4.0
Proportion In Lane		0.495	1.000		1.000	1.000
Lane Grp Cap(c), veh/h	1235.4	1136.2	120.2	2798.4	159.6	142.5
V/C Ratio(X)	0.167	0.172	0.761	0.285	0.420	0.680
Avail Cap(c_a), veh/h	1235.4	1136.2	502.9	2798.4	502.9	448.8
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.000	1.000	1.000	1.000	1.000	1.000
Uniform Delay (d), s/veh	4.3	4.3	30.7	1.9	28.8	29.6
Incr Delay (d2), s/veh	0.1	0.1	9.5	0.3	1.8	5.6
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
Lane Group Delay (d), s/veh	4.3	4.4	40.2	2.2	30.6	35.1
Lane Group LOS	A	A	D	A	C	D
Approach Volume, veh/h	402			888	164	
Approach Delay, s/veh	4.4			6.1	33.3	
Approach LOS	A			A	C	

Timer				
Assigned Phase	6		5	2
Phase Duration (G+Y+Rc), s	48.46		8.54	57.00
Change Period (Y+Rc), s	4.00		4.00	4.00
Max Green Setting (Gmax), s	30.00		19.00	53.00
Max Q Clear Time (g_c+I1), s	4.91		5.40	6.08
Green Extension Time (p_c)	9.08		0.16	10.72

Intersection Summary	
HCM 2010 Control Delay	8.7
HCM 2010 Level of Service	A

HCM 2010 Signalized Intersection Summary
1:

5/2/2013

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Volume (vph)	528	136	37	575	98	186
Number	6	16	5	2	7	14
Initial Queue, veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)		1.00	1.00		1.00	1.00
Parking, Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow Rate	1863	1863	1863	1863	1863	1863
Lanes	2	0	1	2	1	1
Capacity, veh/h	1813	465	56	2554	293	262
Arriving On Green	0.63	0.63	0.03	0.72	0.17	0.17
Sat Flow, veh/h	2888.3	734.4	1774.0	3632.4	1774.0	1583.3
Grp Volume(v), veh/h	361.1	337.8	41.1	638.9	110.1	209.0
Grp Sat Flow(s),veh/h/ln	1862.7	1733.1	1774.0	1769.6	1774.0	1583.3
Q Serve(g_s), s	6.2	6.3	1.6	4.3	3.9	9.0
Cycle Q Clear(g_c), s	6.2	6.3	1.6	4.3	3.9	9.0
Proportion In Lane		0.424	1.000		1.000	1.000
Lane Grp Cap(c), veh/h	1180.2	1098.1	55.6	2553.5	293.3	261.8
V/C Ratio(X)	0.306	0.308	0.739	0.250	0.375	0.798
Avail Cap(c_a), veh/h	1180.2	1098.1	251.0	2553.5	527.0	470.4
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.000	1.000	1.000	1.000	1.000	1.000
Uniform Delay (d), s/veh	5.9	5.9	33.9	3.3	26.3	28.4
Incr Delay (d2), s/veh	0.1	0.2	17.3	0.2	0.8	5.5
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
Lane Group Delay (d), s/veh	6.0	6.1	51.2	3.6	27.0	33.9
Lane Group LOS	A	A	D	A	C	C
Approach Volume, veh/h	699			680	319	
Approach Delay, s/veh	6.0			6.5	31.5	
Approach LOS	A			A	C	

Timer				
Assigned Phase	6		5	2
Phase Duration (G+Y+Rc), s	48.78		6.22	55.00
Change Period (Y+Rc), s	4.00		4.00	4.00
Max Green Setting (Gmax), s	37.00		10.00	51.00
Max Q Clear Time (g_c+I1), s	8.27		3.62	6.34
Green Extension Time (p_c)	10.66		0.03	12.06

Intersection Summary	
HCM 2010 Control Delay	11.0
HCM 2010 Level of Service	B

HCM 2010 Signalized Intersection Summary
1:

5/2/2013

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	13	281	89	86	749	7	63	2	91	6	2	12
Number	1	6	16	5	2	12	7	4	14	3	8	18
Initial Queue, veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking, Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow Rate	1863	1863	1863	1863	1863	1863	1863	1863	1863	1863	1863	1863
Lanes	1	2	0	1	2	0	1	1	0	1	1	0
Capacity, veh/h	25	1762	548	120	2577	25	236	3	149	161	22	133
Arriving On Green	0.01	0.65	0.65	0.07	0.70	0.70	0.10	0.10	0.10	0.10	0.10	0.10
Sat Flow, veh/h	1774.0	2728.1	847.8	1774.0	3684.1	35.2	1392.5	34.9	1553.7	1290.8	231.1	1386.9
Grp Volume(v), veh/h	14.1	206.7	195.5	91.5	402.9	401.6	67.0	0.0	99.0	6.5	0.0	15.2
Grp Sat Flow(s),veh/h/ln	1774.0	1862.7	1713.1	1774.0	1862.7	1856.5	1392.5	0.0	1588.6	1290.8	0.0	1618.0
Q Serve(g_s), s	0.5	2.8	2.9	3.2	5.2	5.2	2.9	0.0	3.8	0.3	0.0	0.5
Cycle Q Clear(g_c), s	0.5	2.8	2.9	3.2	5.2	5.2	3.4	0.0	3.8	4.1	0.0	0.5
Proportion In Lane	1.000		0.495	1.000		0.019	1.000		0.978	1.000		0.857
Lane Grp Cap(c), veh/h	24.7	1203.2	1106.5	119.8	1303.0	1298.7	235.9	0.0	152.2	160.5	0.0	155.0
V/C Ratio(X)	0.573	0.172	0.177	0.764	0.309	0.309	0.284	0.000	0.651	0.041	0.000	0.098
Avail Cap(c_a), veh/h	197.4	1203.2	1106.5	451.3	1303.0	1298.7	478.9	0.0	429.3	385.8	0.0	437.3
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.000	1.000	1.000	0.000	1.000
Uniform Delay (d), s/veh	30.8	4.4	4.5	28.8	3.6	3.6	27.5	0.0	27.4	29.4	0.0	26.0
Incr Delay (d2), s/veh	19.2	0.1	0.1	9.6	0.6	0.6	0.7	0.0	4.6	0.1	0.0	0.3
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Lane Group Delay (d), s/veh	50.0	4.5	4.5	38.5	4.2	4.2	28.2	0.0	32.0	29.5	0.0	26.2
Lane Group LOS	D	A	A	D	A	A	C		C	C		C
Approach Volume, veh/h		416			896			166			22	
Approach Delay, s/veh		6.1			7.7			30.5			27.2	
Approach LOS		A			A			C			C	

Timer												
Assigned Phase	1	6		5	2			4			8	
Phase Duration (G+Y+Rc), s	4.88	44.63		8.25	48.00			10.02			10.02	
Change Period (Y+Rc), s	4.00	4.00		4.00	4.00			4.00			4.00	
Max Green Setting (Gmax), s	7.00	35.00		16.00	44.00			17.00			17.00	
Max Q Clear Time (g_c+I1), s	2.50	4.87		5.19	7.22			5.78			6.09	
Green Extension Time (p_c)	0.00	9.00		0.13	9.45			0.60			0.59	

Intersection Summary	
HCM 2010 Control Delay	10.1
HCM 2010 Level of Service	B

HCM 2010 Signalized Intersection Summary
1:

5/2/2013

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	36	528	136	37	575	19	98	2	186	18	2	35
Number	1	6	16	5	2	12	7	4	14	3	8	18
Initial Queue, veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking, Bus Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow Rate	1863	1863	1863	1863	1863	1863	1863	1863	1863	1863	1863	1863
Lanes	1	2	0	1	2	0	1	1	0	1	1	0
Capacity, veh/h	582	1780	457	56	2550	82	313	3	276	160	15	266
Arriving On Green	0.62	0.62	0.62	0.03	0.71	0.71	0.18	0.18	0.18	0.18	0.18	0.18
Sat Flow, veh/h	771.6	2861.5	734.4	1774.0	3589.1	115.9	1361.4	16.3	1569.5	1165.7	86.3	1510.0
Grp Volume(v), veh/h	39.1	361.1	337.8	41.1	331.4	328.1	110.1	0.0	211.2	19.6	0.0	40.2
Grp Sat Flow(s),veh/h/ln	771.6	1862.7	1733.1	1774.0	1862.7	1842.3	1361.4	0.0	1585.8	1165.7	0.0	1596.3
Q Serve(g_s), s	1.4	6.4	6.4	1.6	4.4	4.4	5.2	0.0	8.9	1.1	0.0	1.5
Cycle Q Clear(g_c), s	1.4	6.4	6.4	1.6	4.4	4.4	6.7	0.0	8.9	10.1	0.0	1.5
Proportion In Lane	1.000		0.424	1.000		0.063	1.000		0.990	1.000		0.946
Lane Grp Cap(c), veh/h	582.4	1159.0	1078.4	55.7	1323.3	1308.8	312.8	0.0	279.0	159.8	0.0	280.8
V/C Ratio(X)	0.067	0.312	0.313	0.738	0.250	0.251	0.352	0.000	0.757	0.122	0.000	0.143
Avail Cap(c_a), veh/h	582.4	1159.0	1078.4	252.1	1323.3	1308.8	498.9	0.0	495.7	319.1	0.0	499.0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.000	1.000	1.000	1.000	1.000	1.000	1.000	0.000	1.000	1.000	0.000	1.000
Uniform Delay (d), s/veh	5.3	6.2	6.2	33.8	3.6	3.6	27.4	0.0	27.6	32.3	0.0	24.5
Incr Delay (d2), s/veh	0.0	0.2	0.2	17.2	0.5	0.5	0.7	0.0	4.2	0.3	0.0	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Lane Group Delay (d), s/veh	5.3	6.4	6.4	51.0	4.0	4.0	28.0	0.0	31.8	32.7	0.0	24.7
Lane Group LOS	A	A	A	D	A	A	C		C	C		C
Approach Volume, veh/h		738			701			321			60	
Approach Delay, s/veh		6.3			6.8			30.5			27.3	
Approach LOS		A			A			C			C	

Timer												
Assigned Phase		6		5	2			4			8	
Phase Duration (G+Y+Rc), s		47.79		6.21	54.00			16.38			16.38	
Change Period (Y+Rc), s		4.00		4.00	4.00			4.00			4.00	
Max Green Setting (Gmax), s		36.00		10.00	50.00			22.00			22.00	
Max Q Clear Time (g_c+I1), s		8.44		3.62	6.42			10.91			12.05	
Green Extension Time (p_c)		10.49		0.03	11.98			1.49			1.41	

Intersection Summary	
HCM 2010 Control Delay	11.5
HCM 2010 Level of Service	B

Stantec Consulting Services Inc.
901 Market Street
San Francisco CA 94103
Tel: (415) 992-9500
Fax: (415) 882-9523

Appendix C: Preliminary Cost Estimate

Preliminary Concept Level Engineer's Estimate

For Traffic Signal Items Only (not including Civil Work required at the intersection)

Agency	**City of Hayward**			**Date:**	5/3/2013
Project Descriptio	**Signal Modification**				
Project Location	**"A" STREET AND WATKINS STREET INTERSECTION**				
Prepared by	**STANTEC**				
Item No.	**Item Description**	**Quantity**	**Units**	**Unit Cost**	**Total**
1	MOBILIZATION	1	LS	$4,000.00	$4,000
2	TRAFFIC CONTROL	1	EA	$8,000.00	$8,000
3	29-5-100 POLE WITH MAST ARM	1	EA	$12,000.00	$12,000
4	29-5-100 FOUNDATION	1	EA	$1,500.00	$1,500
5	LUMINAIRES	1	EA	$500.00	$500
6	INSTALL VIDEO DETECTION FOR THE DRIVEWAY	1	EA	$5,000.00	$5,000
7	TRAFFIC SIGNAL POLE WITHOUT MAST ARM	3	EA	$1,500.00	$4,500
8	12"x3 TRAFFIC SIGNAL HEAD	6	EA	$800.00	$4,800
9	PEDESTRIAN SIGNAL HEAD	2	EA	$500.00	$1,000
10	PEDESTRIAN PUSH BUTTON	2	EA	$500.00	$1,000
11	REMOVE SIGN FROM EXISTING POLE AND INSTALL ON NEW POLES	4	EA	$500.00	$2,000
12	REMOVE & SALVAGE EXISTING MA POLE & FOUNDATION	1	EA	$5,000.00	$5,000
13	RELOCATE EMERGENCY VEHICLE PREEMPTION DETECTOR	1	EA	$500.00	$500
14	INSTALL EMERGENCY VEHICLE PREEMPTION DETECTOR	1	EA	$1,000.00	$1,000
15	MODIFY SCATS SETTINGS AT THE INTERSECTION	1	EA	$2,000.00	$2,000
16	INSTALL BATTERY BACKUP SYSTEM	1	EA	$8,000.00	$8,000
17	SIGNING AND STRIPING MODIFICATION	1	LS	$3,500.00	$3,500
18	CONDUCTOR INSTALLATION AND SPLICING	1	LS	$4,000.00	$4,000
				TOTAL :	$68,300

HAYWARD
CHAMBER *of*
COMMERCE

June 11, 2013

RECEIVED
JUN 14 2013
PLANNING DIVISION

Damon Golubics
City of Hayward, Planning Division
777 B Street
Hayward, Calif. 94541

Mr. Golubics,

Thank you for the opportunity to comment on the Meta Housing project for 808 A St., calling for 60 units of senior housing and 6,000 square feet of retail space on vacant property.

The proposal is an outstanding concept that brings together smart, attractive design in a package that meets our city's need for senior housing while removing blighted property. Many business owners have expressed to me their support for this project as part of a process to rejuvenate our downtown area with new residents who will be shopping, banking, and dining.

My office is just a block away from the project and my staff and I are eager to have these new neighbors. Feel free to contact me with any questions.

Regards,

Kim Huggett
President & CEO

cc: Meta Housing

HAYWARD
CHAMBER *of*
COMMERCE

RECEIVED
MAY 17 2013
PLANNING DIVISION

May 15, 2013

Damon Golubics
Planning Division
City of Hayward
777 B Street
Hayward, CA 94541

Mr. Golubics,

Thank you for the opportunity to comment on the proposed senior housing project by Meta Housing at 808 A Street in downtown Hayward. As spokesman for the 600 businesses and organizations of the Hayward Chamber of Commerce, I see this project playing two critical roles for our city: providing needed senior housing in a neighborhood close to essential services; and contributing to the rejuvenation of downtown Hayward by providing clients for retail, banking, dining, and other services.

I am pleased that this project will fill a vacant, blighted zone of our city with the distinctive and striking design of Philip Bonta & Associates. I am impressed with the earth-toned colors on the stucco and composite panels, the landscaping with trees and vines by MJS Design Group, and the dramatic entry arch. The project addresses blight with greenery and intelligent design, will revive local property values, will add shoppers for downtown businesses, and will bring additional life to a downtown that offers residents street parties, concerts, and other special events open to seniors.

I have received only positive reaction from downtown business owners about this project and urge you to give it a favorable review. Contact me for any additional information you may require.

Sincerely,

Kim Huggett
President & CEO

22561 Main Street, Hayward, CA 94541 Tel (510)537-2424 Fax (510)537-2730 www.hayward.org

Attachment V

Law Offices of
RAYMOND N. BAKER
770 A STREET, SUIT 304
Hayward, CA 94541
(510) 537-2100

RECEIVED
JUN 28 2013
PLANNING DIVISION

June 28, 2013

City of Hayward, Planning Division
ATTN: Damon Golubics
777 B Street, 2nd Floor
Hayward, CA 94541

RE: 808 A Street, Hayward, CA

To Whom It May Concern:

The application filed by Aaron Mandel for a sixty unit senior occupancy at 808 A Street should be denied because the access to this development is too hazardous to both pedestrians and vehicles. The planned access on A Street is hazardous to pedestrians and vehicles alike because of the congested traffic conditions on A Street.

The Hayward Police Department has for a long time failed to enforce the traffic laws on A Street. At a public meeting on June 27, 2013 the Hayward Police Department representative stated it has no plans to enforce traffic laws on A Street.

The proposed access onto Smalley Avenue will increase the hazardous driving conditions now existing on Smalley Avenue especially at the intersections of Smalley Avenue at Mission Boulevard and Smalley Avenue at Montgomery Avenue. Both of these intersections are considered blind due to parking of vehicles on Montgomery Avenue and on Mission Boulevard.

I also object to the loss of four parking spaces on Smalley Avenue which will have a substantial effect to my business. Further, there is a precedent for denial of access from the 808 A Street development because the City denied access to the owner of the property of Larry's Tire Express, 750 A Street and Aaron's, 730 A Street. I urge the City make available the City's traffic study concerning the traffic conditions on Smalley Avenue. If the City cannot make such information available to the public, then an environmental study of the 808 A Street development should be undertaken by the City.

Very truly yours,

Raymond N. Baker

RAYMOND N. BAKER

RNB/rf

DOWNTOWN MUFFLER SERVICE
22419 MISSION BLVD.
HAYWARD, CA 94541
(510) 582-6996

RECEIVED
JUN 28 2013
PLANNING DIVISION

City of Hayward, Planning Division
777 B Street, 2nd Floor
Hayward, CA 94541

The undersigned is an owner (X) resident ( ) at corner Smalley Ave., Hayward, CA 94541.

The undersigned strongly objects to the proposed development at 808 A Street on the grounds that any increase in traffic from the development onto Smalley Ave. will increase the hazardous driving conditions on Smalley Ave., especially at the intersections of Smalley Ave. at Mission Blvd. and Smalley Ave. at Montgomery Ave. I also object to the loss of four parking spaces on Smalley Ave. which will have a substantial effect to my business and/or residential use of Smalley Ave. Further, there is a precedent for denial of access from the 808 A Street development because the city denied access to the owner of the property of Larry's Tire Express, 750 A Street and Aaron's, 730 A Street. I urge the City make available the City's traffic study concerning the traffic conditions on Smalley Ave. If the City cannot make such information available to the public, then an environmental study of the 808 A Street development should be undertaken by the City.

Dated June 27, 2013

Signature

Derek Wu
820 Smalley Ave
Hayward, CA 94541

RECEIVED
JUN 27 2013
PLANNING DIVISION

June 26, 2013

Mr. Damon Golubics
City of Hayward, Planning Division
777 B Street
Hayward, CA 94541

Subject: Re Project located at 808 A Street, Application No. 2013-0168

Dear Mr. Golubics:
We all knows we needs good plan to improve downtown Hayward, I know is very hard;
What is the downtown Hayward going to be? I don't have ideal, this is beyond my knowledge.

The Project on the "808 A Street", one of the entrance/exit at Smalley Avenue on the current plan,
I am **request for fence and locked gate** at Smalley Avenue, only for emergence uses.
The reason is:

1. The entrance/exit is just on my front door of my building is cause of danger to anyone entering to or exit from my business.
2. The Smalley Avenue is too narrow to handle the extra traffic and/or loss parking space for customer parking
3. The extra traffic will be negative impact to residential neighborhood on" Smalley Ave"
4. With Fence and locked gate will prevent drug active in the parking lot.

Please taking considering my request.

Sincerely

Derek Wu

To: Damon Golubies
Planning Div.
cc: Bill Quirk

RECEIVED
JUN 19 2013
PLANNING DIVISION

Sir;

In typical Hayward City fashion you invite comments on a planning decision and then make it impossible to do so.

I e-mailed my comments to the address provided before the deadline only to receive notice that the e-mail failed because the address was invalid.

I phoned the number given and kept getting dis-connected by robo-phone. What a blatant manouver to squelch dissent.

Has anyone in the planning Division ever been on Smalley Ave? If you had, you would see how difficult and disruptive the project would be for the residents of our street. There are houses and apartment buildings ~~one~~ on the small block. Residents include the elderly and small children. Hayward has already severely degraded our living situation with the "Loop". Our street has become a thoroughfare with motorists trying to get around town. This street is narrow, has

parking on one side only. There are four car repair businesses, and one auto parts store. The repair shops park their customers cars in all the available spots. There are trucks double parking on a regular basis. The proposed site would be adding traffic the street can't support.

Then there is the issue of noise and dirt pollution. The noise level day and night is terrible. Machinery, tools, the roar of the vent from the car painting shop. Tow trucks drop loads in the middle of the night. Salvagers are rooting around in dumpsters at three o'clock in the morning. The trash pickup is twice a week, one for residential, one for commercial, banging around at six o'clock in the morning.

To all of this you want to add trucks, backhoes, jackhammers and construction workers. The lot is cement. We'll have to suffer through the breaking up and removal of all that cement. It creates potentially toxic dust which will cover our apartments. This will be a health hazard for residents especially for me as an asthmatic.

Most of the residents of this area are low income which is why we're here. It's what we can afford, and we don't have the luxury of moving somewhere else. We are discounted in the scheme of things.

My last point, the stupidity of building a retail site in a city that has a huge vacancy rate for retail. The units, if there is parking will block air and sun and make people's back doors and windows vulnerable to break-ins. The odd shaped lot is simply not conducive to development.

Alice Roepke
803 Smalley Ave
Hayward, Ca. 94541

Damon Golubics

From: margie@(

Sent: Thursday, June 13, 2013 1:38 AM

To: Damon Golubics

Subject: 808 A Street, Hayward, CA 94541

I was recently informed that a 60-unit complex is going to be built next door to our offices. I was not notified until late yesterday, and found out second hand. I am concerned about the traffic patterns as they currently exist around ECHO's offices. A Street is fast becoming a raceway. Egress into Smalley is dangerous, likewise egress onto Montgomery and Mission from Smalley. Those are blind streets. The Senior Complex won't help matters. It will add to the traffic, and more of a concern to me, is the seniors' potential for accidents when driving onto the streets surrounding the complex. I myself have escaped being hit several times when coming out onto Smalley, Montgomery, and Mission. Perhaps the city planners can redesign the surrounding streets so they are safer for the new residents. I certainly hope so. It would be a shame if someone got hurt because of poor planning.
Sincerely,

Marjorie A. Rocha, Executive Director
ECHO Housing
770 A Street
Hayward, CA 94541
Tel: 510-581-9380 ext. 17
Fax: 510-537-4793

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person(s) or entity(ies) to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Damon Golubics

From: Luwana DeYoung <
Sent: Thursday, June 13, 2013 2:26 PM
To: Damon Golubics
Subject: Building Plans 808 A st ref PL-2013-0168 SPR

Hello Mr. Golubics,

We own the property at 803 Smalley Ave. Because of personal medical problems, we have been unable to respond to your notification about this project.

We were in contract with the owners/investors last year, and they breached the contract, so it was cancelled. We don't trust them at their word. Perhaps these are new owners.

Would you please e-mail us a copy of the plans and any comments so far. Only 1 out of 10 tenants at the apt got notification, and they are asking me what is happening. They all have concerns about building noise, dust pollution, traffic, etc. We are all concerned about any decisions made without any public meeting.

Thank You,

LuWana DeYoung,Property Owner
803 Smalley Ave.
Hayward,Ca.

CITY OF HAYWARD
PLANNING COMMISSION
SITE PLAN REVIEW

July 11, 2013

SITE PLAN REVIEW NO. PL-2013-0168 – Meta Housing Corporation (Applicant) / Sean Sullivan (Owner) – A Request to build 60 Senior Housing units and approximately 6,000 square feet of ground floor retail on a vacant property.

The project is located at 808 A Street in the Central City Commercial (CC-C) Zoning District (APNs 428-0051-045-02, 428-0051-044-02, 428-0051-043-02, 428-0051-037-02).

FINDINGS FOR APPROVAL

A. The project is categorically exempt from environmental impact analysis through the California Environmental Quality Act, per Section 15332 (Infill Development) of the CEQA Guidelines.

B. That the proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the new structure is designed to be compatible with the surrounding neighborhood, including adjacent office, retail, commercial and residential uses surrounding the site. The development is also compatible surrounding structures in terms of mass and bulk. Some surrounding structures are large and monolithic, while others are smaller volumes. The project design bridges this gap by operating a singular volume that is broken down into smaller elements. Uses are similarly bridged; the ground floor blends into the busier retail and commercial aspects of A Street, while the housing component ties to the nearby residential zoning. The structure is carefully designed and detailed to be an attractive addition to the city. Lastly, the design contains elements of existing adjacent buildings and, as conditioned, will meet current landscape, development and Hayward Design Guideline standards. The project design responds to neighboring environments by optimizing available access, views and solar orientation. As previously mentioned, the project has been deemed exempt pursuant to CEQA since the project meets all the criteria for an in-fill project..

C. The approval of Site Plan Review Application No. PL-2013-0168, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 In-Fill Development Projects (Class 32) since (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, (b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, (c) the project site has no value as habitat for endangered, rare or threatened species, (d) approval of the project would not result in any

significant effects relating to traffic, noise, air quality, or water quality, and (e) the site can be adequately served by all required utilities and public services

D. The proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail complies with the intent of City development policies and regulation in that Municipal Code, Section 10-1.1521 (a) Central City – Commercial Subdistrict, Uses Permitted, Primary Uses allows for a variety of retail commercial uses that may eventually located in the and approximately 6,000 square feet of ground floor retail area and residential dwelling units are allowed above first floor commercial uses. In addition, as conditioned, all the development standards and minimum design and performance standards of the Off-Street Parking Regulations will be met. Furthermore, the project will comply with the intent of City development policies and regulations through compatibility with the context and conformity to contextual constraints of the site, surrounding uses and existing traffic patterns. This project will "promote housing along with supportive services for households with special needs, *including seniors*, persons with disabilities, single-parents, and the homeless." (Hayward General Plan Policy 5.2 - Housing Element)

E. That the proposed 60 units of senior housing and approximately 6,000 square feet of ground floor retail will operate in a manner determined to be acceptable and compatible with surrounding development in that the mixed use project will be compatible with the purpose of the CC-C Subdistrict. Specifically, the project establishes a mix of business and residential activities that will enhance the economic vitality of the downtown area. The project as designed and the uses as proposed will enrich the downtown and the adjacent urban environment immediately adjacent to the site. A more dense and active project could have been proposed under the existing development regulations but this particular project will truly be compatible in scale and design with the surrounding neighborhood. Lastly, the project will be similar to surrounding uses and will follow similar operational patterns in terms of function, occupancy, circulation, and hours of use.

CONDITIONS OF APPROVAL

Site Plan Review Application No. PL-2013-0168

Meta Housing Corporation (Applicant)

SITE PLAN REVIEW

General

1. In accordance with Zoning Ordinance §10-1.1520, subject to all conditions listed below, the approval is for the Site Plan Review Map Project as shown in the City's Project files as:

    a. Exhibit A – 808 A St. Hayward Senior Housing," prepared by Phillip Banta & Associates Architecture, dated May 3, 2013, Sheets 01 to 18, Conceptual Landscape Plan and Conceptual Irrigation Plan, and labeled Project Number PL-2013-0168 and stamped received May 3, 2013 by the Planning Division.

2. The developer 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.

3. 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.

4. 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.

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

6. 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 and amendments in use by the Hayward Fire Department.

7. A Registered Civil Engineer shall prepare all improvement plans, unless otherwise indicated herein. Also, A Licensed Architect shall prepare all architectural plans, unless otherwise indicated herein.

Planning Division

8. 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 as determined by the City Building Official, Planning Manager and/or the Development Services Director in reliance upon the project approval.

9. 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.

10. 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 new utilities will be installed underground.

11. 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. The developer shall submit a soils investigation report to the satisfaction of the City Engineer.

12. This project is approved as a mixed use development with elderly/senior housing. The minimum age for all occupants shall be 55 years. Information regarding this requirement shall be contained in a recorded restriction or covenant, language to be approved by the City, and said restriction shall not be removed without written permission of the City. The restriction shall be recorded prior to occupancy of any unit.

13. This project shall be defined as a “Covered Project” pursuant to the City of Hayward’s Green Building Requirements for Private Developments. Prior to obtaining a Certificate of Occupancy, the applicant shall submit documentation demonstrating the building(s) has been GreenPoint Rated, or similar level per another green building rating system as approved by the City Building Official, as well as all required documentation to demonstrate full compliance with the California Building Energy Efficiency Standard (Title 24, part 6) at the time of permitting. The Certificate of Occupancy shall state that the project complies with the City’s Private Development Green Building standards.

14. The applicant shall provide five (5) dedicated, covered and secure bicycle storage/parking for the senior residents. On-site bicycle parking shall comply with the 2010 California Green Building Standards Code (short-term and long-term bicycle parking requirements), or standards in effect at the time of building permit application submittal.

15. The applicant shall supply two (2) dedicated bicycle parking rack for non-residential tenant employees and visitors. On-site bicycle parking shall comply with the 2010 California Green Building Standards Code (short-term and long-term bicycle parking requirements) or standards in effect at the time of building permit application submittal.

16. The applicant shall provide electrical stub outs/wiring for a future electric vehicle charging stations for use by the residents and tenants of the commercial/retail/office space. An electrical charging station shall be installed within 5 years of this approval.

17. The applicant shall provide three (3) marked parking stalls for "Clean Air/Vanpool/EV" vehicles. Standards for this type of parking are pursuant to the 2010 California Green Building Standards Code, or standards in effect at the time of building permit application submittal.

18. The applicant and all future property owners of the senior housing and commercial/retail/office project site shall secure and retain a property management firm responsible for all building maintenance and upkeep of the property grounds. The applicant shall provide evidence to the City of Hayward that a suitable property management firm has been retained for upkeep and maintenance of the property, buildings and grounds, which shall be reviewed by the City prior to this firm being retained by the applicant or owner of the property. Approval authority shall rest with the Development Services Director.

19. The property management firm responsible for maintenance of the buildings and grounds shall maintain all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. in good repair. If necessary, the property management firm shall complete all routine building maintenance in a reasonable time period. The premises shall be kept clean at all times.

20. The two existing on-site billboards shall be removed from the project site prior to the commencement of any improvements occurring at the site. At no time shall replacement billboards be allowed on the project site.

21. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.

22. 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.

23. The applicant/property owner/permittee shall ensure that an on-site resident manager resides at the senior housing complex pursuant to the provisions in State law.

24. 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 applicant and property management firm. The applicant or property management firm shall remove vehicles parked contrary to this provision. The developer shall include in the lease agreement of all tenants the authority to tow illegally-parked vehicles.

25. 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.

26. 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.

27. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.

28. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Development Services Director or his/her designee.

29. (Applicant requested removal of this provision)

30. Prior to issuance of a building permit for the project, the developer/subdivider shall submit expected rents for all senior living units.

31. 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.

32. The applicant shall provide improvement plans that meet all City standards and submittal requirements and include the following information:

    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.”

<u>Architecture, Site Amenities and Details</u>

33. The visual terminus for the arched vehicular entrance is proposed for a bio-treatment planter with low grass planting. This bio-treatment area shall be relocated elsewhere on site, and this area shall be enhanced to create an innovative and attractive terminus from A Street. The design shall not exclude vertical green wall, water elements, difference material and texture treatments, 3-dimensional enhancements, movements, and etc.

34. Eliminate trash staging area between two planters that will be visible from pedestrians on A Street. Trash staging should be provided on the same side as the trash enclosure is located and near it to prevent litters and debris.

35. The applicant shall investigate reversing the water quality planters with the secondary exit corridors on the east and west end of property. The proposed exits to A Street create narrow passage, though gated, could be areas where trash gets collected and could attract undesirable activities. At best it will look vacant at all times. Water quality planters could have more than grass planting to provide greener street edge. Maximize the planter length by relocating the exit door on the residential building ground floor and the interior door to Service Provider room.

36. Do not specify Magnolia grandiflora even if the same tree species exists on A Street as street trees. Magnolia planted in the sidewalk in tree wells causes heaving to the sidewalk and often damages road pavement. The existing street tree at the eastern edge could be replaced to be consistent with the new street trees. Propose tree species that will enhance the project frontage.

37. Design and construction of the arched wall along A Street shall contribute to the safety of residents and provide interesting space division. Acceptable materials may include metal frames with perforated sheet metal infill panels, with decorative motif cuts, or sheet metal with perforation, or expandable mesh. Steel/metal frames and infill panels should have diverse paint finishes. The Development Services Director or his or her designee shall review and approve the final architectural design and detail of the building feature.

38. The exterior stairs to the second floor roof garden shall have landing depth equals to stair width at every five (5) vertical feet

Landscaping

39. As part of the improvement plan approval process, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's *Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes*.

40. A mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be 22" x 34" without an exception. A 4" wide x 4" high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward, Landscape Architect/Planner and City Engineer. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.

41. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.

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

43. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within 7 feet of pavement or buildings, and as directed by the landscape architect.

44. When bio-retention areas are located adjacent to pavement including curbs, sidewalks, walkways and structure, additional 12 inches wide leveled landscape area shall be provided before the side slopes in the treatment areas.

45. The applicant shall investigate whether all masonry walls, solid building walls, trash enclosures or fences facing a street or driveway can be continuously buffered with shrubs and vines. Trash enclosure shall have a minimum 5' interior planting width on 3 sides and shall be screened with a minimum 5-gallon shrubs and vines.

46. All above ground utilities and mechanical equipment shall be screened from the street with minimum 5-gallon size shrubs in a continuous manner.

47. The landscape in the parking lot must conform to Zoning Ordinance Chapter 10, Article 2 Off-Street Parking Regulation: Section 10-2.650 LANDSCAPING: A 6-foot wide landscape endcap that is measure from face of curb to face of curb shall be provided at the end of each row with shade trees, shrubs and live groundcovers. In addition, a medium to large shade tree shall be provided at every 6 spaces in each row in an island or a tree well. A minimum tree well dimension shall be 5 feet x 5 feet measured from back of curb to back of curb. When tree well curb serves as a wheel stop, additional planting areas shall be provided that equal the vehicular overhang. The curb shall be Class B Portland Cement Concrete constructed to a height of 6 inches above the finished pavement.

48. Parking and aisles shall be no closer than 5 feet to a building and shall be no closer than 5 feet to a property line in residential zones or where abutting residential zoning districts, 7 feet to a building or property line if a 2-foot vehicular overhang is allowed, or 71/2 feet to a building or property line if a 2-1/2-foot vehicular overhang is allowed.

Engineering & Transportation

49. The following forms shall be completed and submitted with improvements and/or grading plans:

    a) Hydromodification Management Worksheet
    b) Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet
    c) Development and Building Application Information Impervious Surface Form
    d) Project Applicant Checklist of Stormwater Requirements for Development Projects
    e) C.3 and C.6 Data Collection Form
    f) Table 3.1: Standard Tracking and Reporting Form for Potential Special Projects

g) Numeric Sizing Criteria used for stormwater treatment (Calculations).

50. Any damaged and/or broken curb, gutter and sidewalks along the property frontages shall be removed and replaced as determined by the City Inspector.

51. The applicant shall install one standard L.E.D. street light on Smalley Avenue.

52. The applicant shall remove and replace the existing curb, gutter and sidewalk on Smalley Avenue and construct new 7.5' sidewalk adjacent to the curb & gutter. All existing driveways on A Street frontage shall be removed and replaced with standard curb, gutter and sidewalk.

53. Along the Smalley Avenue frontage, the pavement shall be milled and overlaid with a minimum 2" Asphalt Concrete directly in front of the project site.

54. All storm drain inlets must be labeled "No Dumping – Drains to Bay" using City approved methods. The applicant shall be responsible for this work.

55. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate the entire areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.

56. The owner/developer shall execute a "Storm Treatment Measures Maintenance Agreement" (as prepared by the City of Hayward and is available in the Engineering and Transportation Division); 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.

57. A copy of the Notice of Intent (NOI) from the State Water Resources Control Board shall be provided to the City prior to the start of grading.

58. Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer. All reports such as Soil Report, SWPPP, and SWMP are to be submitted in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the project engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report. Documents that are clipped or stapled will not be accepted.

59. The proposed BMPs for the project 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 (page 30). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5-12 has a section titled "BMP Design Criteria for Flow and Volume". These materials are available on the internet at www.cabmphandbooks.com.

60. The proposed fire lane shall be dedicated as Public Utility Easement (PUE), Private Access Easement (PAE), Sanitary Sewer Easement (SSE), Water Line Easement (WLE) and Emergency Vehicle Access Easement (EVAE).

61. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved by the Alameda County Flood Control and Water Conservation District and the City Engineer.

62. The developer shall implement the traffic signal modifications and striping improvements identified in the traffic study. The traffic signal modifications shall include adding an eastbound left turn (EBLT) phase to the existing traffic signal and restriping A Street to provide the EBLT pocket. The modifications shall include adding video detection and accommodating the City's adaptive traffic signal system (SCATS). Modifications may also include an evaluation for more time needed for pedestrians crossing A Street. If it is determined that additional time is required for pedestrians to safely cross A Street, the developer shall work with City staff to ensure additional pedestrian crossing time have been programmed into all signal programing for the A Street/ Lucky's driveway signal.

63. The crosswalk across A Street from Lucky's shopping center to the property frontage shall be perpendicular to the curb and not at an angle. Curb ramps shall be installed consistent with City standards.

64. The developer shall be responsible for working with Lucky's shopping center owner(s) to obtain the necessary permits for restriping the northbound on A Street at the Lucky's traffic signal.

65. Developer shall install LED streetlights along the A Street property frontage consistent with what the City has installed as part of the Route 238 Corridor Improvement Project and the poles shall be painted green to match the others in the corridor.

66. After installation of the sanitary sewer manhole, sewer laterals, and storm drain on A Street, repair work shall be ground 2 inches and overlaid with asphalt pavement from curb to curb and for the entire property frontage.

67. The designed bio-retention treatment area shall use a Bio-retention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 29, 2012. Plan details of the bio-retention system shall be submitted on future sets of development plans. Also, the entire site shall drain to the proposed bio-retention areas.

68. New curb & gutter on A Street shall identical to the existing.

69. The propose storm drain on A Street shall be 12".

<u>Fire Department</u>

70. Clarify building construction type and determine fire flow.

71. Determine required fire flow. A fire flow shall be provided in accordance with the 2010 California Fire Code Table B105.1 based on the construction type and building area. A fire flow reduction of up to 50 percents is allowed when the building is provided with automatic

sprinkler system in accordance with NFPA 13, or 75 percent-reduction plus sprinkler water flow, whichever is larger. The resulting fire flow shall not be less than 1,500gpms.

72. To provide water/fire flow test data information on the plan, including static pressure, residual pressure, pitot pressure, test flow, calculated available water flow at 20psi and test date. This information may be available from Hayward Public Work Department. The water data shall be less than 5 years old. A new water test would be required if update data is not available.

73. Indicate on the site plan the location of existing and new firehydrants. The minimum number of hydrants should be provided in accordance with the 2010 California Fire Code Table C105.1. The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Additional hydrant is required if the above requirement is not met. New fire hydrants shall be placed at least 50 feet from the building to be protected. Where it is not feasible to place them at that distance, they may be in closer proximity in approved locations.

74. The driveway at the back (north) of the building should be constructed to be fire access road.

75. The building is determined to be a high-rise building per Fire Code Ordinance. The building design should meet high-rise requirements in accordance with California Building Code. If some high-rise building requirements are not met, a fire/life safety report is required from a licensed fire protection engineer to demonstrate the design would provide equivalent level of life/fire safety. If some high-rise requirements are not met, a fire/life safety report is required from a licensed fire protection engineer to demonstrate the design would provide equivalent level of life/fire safety.

76. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced so as to provide all-weather driving capability.

77. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane, 26 feet to 32 feet shall be posted on one side of the road as a fire lane. “No Parking” sign shall meet the City of Hayward Fire Department fire lane requirements.

78. The building is required to install fire sprinkler system in accordance with NFPA 13.

79. Standpipe systems shall be provided in accordance with NFPA 14.

80. Underground fire service line shall be installed in accordance with NFPA 24.

81. Fire alarm system with occupant notification shall be provided in accordance with 2010 CFC Section 907 and NFPA 72 Standards for all buildings. Emergency voice/alarm communication system is a requirement for high-rise buildings.

82. Building exiting requirements shall meet the 2010 CBC.

83. Extinguisher placement shall conform to 2010 CFC Section 906.

84. All new fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants.

85. Address and premise identification approved numbers shall be placed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property. Dimensions of address numbers or letters on the front of the buildings shall be approved by the fire department.

86. Prior to issuance of Building or Grading Permits a final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control and submitted to the Hayward Fire Department to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.

87. 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 hazards posed to development construction workers, the environment, future residents and other persons are mitigated.

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

89. 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 may have contained hazardous materials.

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

91. If hazardous materials storage and/or use are to be a part of the facility's permanent operations then a Chemical Inventory Packet shall be prepared and submittal with building plans to the City of Hayward Fire Department at the time of application for construction permits.

<u>Solid Waste & Recycling</u>

92. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.

93. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.

94. Trash enclosures and/or recycling area(s) shall be covered

Storm Drainage

95. 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.

96. 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.

97. 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.

98. 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.

99. 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.

100. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods. Refer to City Standard SD-401A.

101. 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.

102. 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.

103. 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.

104. 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

105. 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.

106. 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.

107. 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.

108. 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).

109. 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.

110. 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.

111. 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."

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

Requirements During Construction

113. 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.

114. Compliance with the City of Hayward's Construction and Demolition Debris Ordinance is required. To obtain a building permit, the attached Construction and Demolition Debris Recycling Statement must be completed with signature approval by the City's Solid Waste Manager.

115. 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.

116. 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 A Street and Smalley Avenue 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.

<u>Other Utilities</u>

117. 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.

118. 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.

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

120. 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.

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

122. The developer 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.

123. 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.

Prior to the Construction with Combustible Materials

124. Required water system improvements shall be completed and operational prior to the start of combustible construction.

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

126. 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.

127. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The developer shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

128. 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 or Final Report

129. 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.

130. Park Dedication In-Lieu Fees are required for all new dwelling units. All Park dedication in-lieu fees shall be paid prior to issuance of a Certificate of Occupancy for a residential unit.

131. 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.

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

133. All 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.

134. 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.

135. 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.

136. The applicant 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.

137. The applicant 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.

MINUTES OF THE REGULAR MEETING OF THE 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 Arlynne 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.

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 appellant 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 subsequence 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

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.

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.

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.

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.

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

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 9, 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 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.

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

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

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

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.

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 Lamnin
ABSTAINED:	

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

Associate Planner Arlynne 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

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.

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.

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 Fahkrai 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

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.

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 a 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.

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 1971as 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

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

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

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 23, 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, 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.

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.

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 increments 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.

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 Lamnin 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.

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 Lamnin 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.

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