



## CITY OF HAYWARD AGENDA REPORT

Meeting Date 5/24/07  
Agenda 2

**TO:** Planning Commission

**FROM:** Richard E. Patenaude, Principal Planner

**SUBJECT:** Site Plan Review No. PL-2005-0594 – Mission Paradise – Mohammad Shaiq (Applicant) / Mission Paradise LLC (Owner) – Mixed-Use Project with 21,017 Square Feet of Retail Area and 92 Residential Units

Property is Located at 28000 Mission Boulevard between Webster and Hancock Streets on a 1.9-Acre Site in a Neighborhood Commercial-Residential (CN-R/SD-6) District

### RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332, *In-Fill Development Projects*; and
2. Approve the site plan review application, subject to the attached findings and conditions.

### DISCUSSION:

This proposal was initially reviewed by the Planning Commission on February 8, 2007. Following the public hearing, the Commission acted to continue the matter to a later date to allow the applicant to address the concerns of the Commission and the owners of the adjacent property to the east (see Attachment D).

This proposal is the first within the South Hayward BART/Mission Boulevard Concept Design Plan area to come before the Planning Commission. The Design Plan designates this property as Mixed-Use with a residential density between 27 and 55 units per acre; the project is proposed at a density of 48.4 units per acre.

The site is currently vacant. The property is located along a section of Mission Boulevard that is characterized by a mixture of commercial uses and services. The adjacent property to the east contains an apartment project located on land 25 feet and higher above the subject property.

The applicant proposes a mixed-use, retail commercial and multi-family residential project, with 92 residential units (48 units per acre) within four four-story towers on a podium atop the retail space and parking garages (see plan sheets A2.3 thru A2.5). The towers would each contain 23 units, 6 on each of floors one thru three, and 5 on floor four. The applicant anticipates that the residential units would be available for ownership; the applicant would have to submit an application for a tract map for condominiums. The City's Inclusionary Housing Ordinance requires that 14 units be made affordable for moderate-income households (those earning no more than 110 percent of the area median income).

The project also entails 21,017 square feet of retail space that could be used for four or more retail shops along the Mission Boulevard frontage (see plan sheet A2.1). Parking for the retail shops would be provided in a ground-level garage directly to the rear of the shops; 70 spaces would be provided and 67 spaces are required. Vehicular access to the garage would be available from both Mission Boulevard and Hancock Street. The intersection of Mission Boulevard and Hancock Street is signalized.

A parking garage for the residential units would be located on the second level (Residential Parking Level) above the retail spaces and parking (see plan sheet A2.2). Vehicular access would be from Webster Street. Elevators would provide pedestrian access from both parking garages to the residential units above. The South Hayward BART/Mission Boulevard Concept Design Plan encourages the use of public transportation and a flexible approach to parking by limiting the number of parking spaces that may be provided, rather than requiring a minimum number of spaces. The Plan would limit this project to a maximum of 184 residential parking spaces (two per unit). The project would provide 162 spaces, 13 of which would be provided on the retail level, providing a ratio of 1.76 spaces per unit, generally consistent with the ratio of 1.5 encouraged for Downtown.

The residential use would require 21,615 square feet of open space. A total of 32,985 square feet of open space would be provided, with most as group open space (20,455 square feet) on the first residential level (podium). The group open space areas would contain a playground, picnic tables, chess tables, benches and raised planters (see plan sheet A2.3). Each unit also would have deck or balcony space of at least 100 square feet.

The project has been designed with a contemporary architectural style, using primarily concrete and stucco surfaces, with a mixture of smooth and rough textures (see detail on plan sheets A3.4a & b). The retail façade would be set back 10 feet from the property line along Mission Boulevard as required by the South Hayward BART/Mission Boulevard Concept Design Plan. A majority of the façade would consist of shop windows, which would wrap around to the side streets. The retail entries would be further recessed to allow for shop access without interrupting the flow of pedestrian traffic. The orientation of retail entries and pedestrian-level landscape features would accent both street intersections.

Overall, the building would be broken into many components, the faces of which are set at varying planes to avoid long, flat surfaces. The retail storefronts would be faced with stone and brick to soften the pedestrian level at the street. Flat metal awnings would cover the retail doors and windows. The perimeters of the retail and parking garage roofs, and

portions of the roof of the third residential level, would be lined with planters with both upright and hanging vegetation to further soften the building facades (see plan sheets L1, L2 and A3.4a & b). Residential windows are set three inches into the walls and protruding balconies are finished with a metal fascia, matching the retail awnings, and covered with wood trellises. The colors would be a combination of earth tones, with a darker base and lighter tones on the residential towers, to complement the stone and brick on the retail shops. The applicant proposes to use green-tinted glazing. Decorative paving would be required at the retail entries, the podium level, and where the emergency vehicle access directly abuts the rear property line.

The concerns raised by the Commissioners and the adjacent property owners at the January 2007 hearing are addressed, with responses following, by the categories below:

### **Architecture**

#### *Number of Stories*

Commissioners expressed concern that the project would exceed the height limit, in stories, adopted in the Concept Design Plan.

The Plan limits the height of buildings in the Mixed-Used Land Use Designation to five stories and, although the project contains six stories, the appearance of the project from Mission Boulevard would be that of a 5-story building as the retail façade screens the residential parking level (see plan sheet A3.1, Mission Boulevard Elevation). The project would have an overall height of 60 feet, exclusive of the mechanical penthouses, which is the maximum height allowed in the CN-R District. The Zoning Ordinance allows mechanical or architectural appurtenances to extend not more than 15 feet above the standard height allowance. Because of the hillside condition, residents of the adjacent apartment complex behind this project to the east would see only the four-story residential towers atop the podium over the parking levels (plan sheet A3.1, Rear Elevation).

No change is proposed to the number of stories or the general configuration of the project. The impact of the height from the street would be alleviated by setting the residential towers back approximately 5-15 feet from the retail face. The fourth residential level is set back even further by an additional 12 feet.

#### *Rear Elevation (Sheet A3.4b)*

The adjacent property owners expressed concern that the rear elevation facing their property is not well articulated.

Balconies are added to the end units, on the corners of the rear elevation of each tower, on all levels. The stairwell along the rear wall has been opened to provide relief to the surface, with a landscape planter at the roof level. At night, the stairwell and the base of the rear walls would be illuminated. The applicant would provide enhanced landscaping along the shared property line to soften the appearance of the project.

*Side Street Elevations (Sheet A3.1)*

Commissioners expressed interest in greater variation in the lower level walls.

Raised planters have been added along the sidewalks to provide a terraced effect.

*Views from Apartments (Sheets A2.4 & A2.5)*

The adjacent property owners expressed concern that the project would obstruct views of the residents of their apartment project.

The gaps between the towers have been increased from 12-20 feet to 22-30 feet at the 1<sup>st</sup> thru 3<sup>rd</sup> levels, and from 55-64 feet to 57-66 feet at the 4<sup>th</sup> level. The separation between the residential towers would break up the bulk of the project from the point of view of the apartment residents, and would provide continuation of some views between the towers. The architect reports that this has resulted in slightly smaller residences. Sixty-four of the units, containing two bedrooms and two baths, would be reduced from 1,160 to 1,139-1,150 square feet; twenty-four units, containing three bedrooms and two baths, would be reduced from 1,610 to 1,549 square feet; and the four units on the top floor, containing three bedrooms and two baths, would be slightly increased from 1,780 to 1,783 square feet.

**Decorative/Safety Lighting (Sheets A3.4b & A3.5)**

*Mission Boulevard Driveway*

Commissioners expressed concern regarding pedestrian safety at the vehicular entry to the parking garage.

Bollards would be installed along both sides of the driveway to mark the driveway location; they would be illuminated at night. Decorative bars would connect the bollards closest to the garage entry to further confine pedestrian crossings to the sidewalk. The street trees on either side of the driveway would be illuminated with uplights to further highlight the vehicular entry at night. The vehicular driveway would be constructed with a decorative pavement, further differentiating it from the pedestrian sidewalk.

*General*

Commissioners expressed a desire to see a plan for aesthetic and safety lighting.

Low voltage lighting would illuminate the underside of all trellises that are proposed over the balconies. Downlights in the storefront canopies would illuminate the front walkway. Uplights in the landscaping would illuminate the tower wall surfaces. Wall washes in building corners would emphasize the architecture.

Spotlights in the wall along the easterly property line would illuminate the base of the rear walls. Hidden vertical fluorescent fixtures would provide indirect lighting within the open stairwells. Recessed aisle lights in the raised planters would illuminate the surface of courtyards.

**Landscape/Hardscape between Street/Sidewalk** (Sheets A2.4 and A3.4a)

Commissioners expressed a concern for the safety of pedestrians with the additional rush-hour travel lane on Mission Boulevard.

A formal progression of trees and planting beds is proposed along the curb to provide a separation between vehicles and pedestrians. When the curb lane is used for parking, there are gaps between the trees and the planters to allow access to the sidewalk; the trees would be surrounded by walkable grates.

**Mission Boulevard Driveway**

Commissioners were concerned regarding the impact of the driveway during rush hour.

The Engineering & Transportation Division confirms that a single driveway in the entire block length would not create significant impacts. A secondary vehicular access from the retail parking level to Hancock Street also leads to a signalized intersection with Mission Boulevard.

**Miscellaneous** (Sheet A2.2)

A 320-square-foot meeting room has been provided over the residential lobby; this could accommodate HOA board meetings and other similar functions.

Forty-two bicycle spaces and three motorcycle spaces have been provided on the residential parking level.

**PUBLIC NOTICE:**

On May 14, 2007, a Notice of Public Hearing for the Planning Commission meeting was mailed. Notice was also provided to the South Hayward Neighborhood Group, Alta Vista Improvement Committee and the Mission-Garin Neighborhood Task Force. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

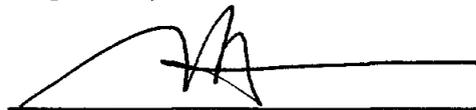
**ENVIRONMENTAL REVIEW:**

The proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15332, *In-Fill Development Projects*, in that 1) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and its regulations; 2) the proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and 5) the site can be adequately served by all required utilities and public services.

**CONCLUSION:**

This project is proposed on one of the last large vacant sites in this area. The architectural design and site planning for this project will set a precedent for any redevelopment effort in this area and could become the leading edge for the transit-oriented district keyed to the South Hayward BART Station. The applicant proposes a well-designed project that meets the intent and standards of both the South Hayward BART/Mission Boulevard Concept Design Plan and the Zoning Ordinance, and, therefore, staff supports approval of the project.

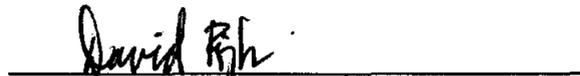
*Prepared by:*



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Richard E. Patenaude, AICP  
Principal Planner

*Recommended by:*



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David Rizk, AICP  
Planning Manager

**Attachments:**

- A. Area & Zoning Map
- B. Findings for Approval
- C. Conditions of Approval
- D. Minutes of Planning Commission Meeting – February 8, 2007  
Plans



# Area & Zoning Map

PL-2005-0594 SPR

Address: 28000 Mission Boulevard

Applicant: Mohammad Shaiq

Owner: Mission Paradise LLC

## Zoning Classifications

### RESIDENTIAL

- RH High Density Residential, min lot size 1250 sqft
- RS Single Family Residential, min lot size 5000 sqft
- MBR Mission Boulevard Residential

### COMMERCIAL

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



**CITY OF HAYWARD  
PLANNING DIVISION  
SITE PLAN REVIEW APPROVAL**

**January 25, 2007**

**Site Plan Review No. PL-2005-0594:** Mission Paradise – Mohammad Shaiq (Applicant) / Mission Paradise LLC (Owner) – Mixed-Use Project with 21,017 Square Feet of Retail Area and 92 Residential Units

Property is Located at 28000 Mission between Webster and Hancock Streets on a 1.9-Acre Parcel in a Neighborhood Commercial-Residential (CN-R) District

**FINDINGS OF APPROVAL:**

1. Approval of PL-2005-0594, as conditioned, will have no significant impact on the environment, cumulative or otherwise, as prescribed by the California Environmental Quality Act in that 1) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and its regulations; 2) the proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and 5) the site can be adequately served by all required utilities and public services, and the project reflects the City's independent judgment.
2. The development is compatible with the surrounding structures and uses in that it is immediately adjacent to and in the vicinity of another multi-family development and as designed creates a harmonious setting and is an attractive addition to the City.
3. The development takes into consideration physical and environmental constraints in that the buildings are situated to minimize the noise impacts by enclosing the group open space, and that the buildings and its access take advantage of the natural terrain and street configurations.
4. The development complies with the intent of City development policies and regulations in that it complies with the South Hayward BART/Mission Boulevard Concept Design Plan, the City's design guidelines, noise standards and the Inclusionary Housing Ordinance in which fifteen moderate-income housing units will be provided.
5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that as conditioned the property will be managed by a homeowner's association and Conditions, Covenants & Restrictions would be established to manage the property.

**CITY OF HAYWARD  
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SITE PLAN REVIEW APPROVAL**

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**CONDITIONS OF APPROVAL:**

1. Site Plan Review Application No. PL-2005-0594 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the site plan review 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 site plan review approval.
3. 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.
4. 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 Planning Director prior to implementation.
5. Prior to application for a Building Permit, the following changes shall be made to the plans:
  - a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
  - b. The plans shall show that pavement at the vehicular driveway entries, the pedestrian retail entries, the podium, and where the emergency vehicle access abuts the easterly property line will be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or

other approved materials. The location, design and materials shall be approved by the Planning Director.

- c. 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.
  - d. Grading and improvement plans shall be submitted for approval by the appropriate city staff.
  - e. The parking and circulation areas shall comply with City Off-Street Parking Regulations. Loading areas for handicap parking shall be located on the passenger side of the vehicle. The parking stall loading area and access shall conform to Title 24 regulations. The proposed driveways shall comply with City standard detail SD-110.
  - f. The security gate entries shall be designed to conform to the Security Gate Ordinance. Any variations to the ordinance will be addressed as part of the tentative map review.
  - g. Plans shall show that all utilities will be installed underground.
  - h. Each dwelling unit shall be provided a minimum of 90 cubic feet of dedicated storage area, accessible from the exterior of the unit.
6. Prior to acceptance of a building permit application, a tentative tract map shall be approved creating a condominium subdivision. Prior to issuance of a building permit, a final map that reflects the approved tentative map, shall be filed in the office of the Alameda County Recorder.
7. Prior to issuance of a Building Permit:
- a. Final colors and materials selection shall be presented to the Planning Director for review and approval.
  - b. Documentation including, but not limited to Covenants, Codes and Restrictions shall be recorded to establish the living units and the retail space(s) as condominiums. Before recordation, the CC&Rs shall be submitted to the City Attorney for review and approval.
  - c. Submit and obtain approval for a sign program for the identification of the retail tenants.
  - d. The developer shall submit a soils investigation report to the satisfaction of the City Engineer.
8. Grading and construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday thru Saturday. No work shall be done on Sundays or national holidays.
9. The applicant or homeowners/commercial association shall maintain in good repair all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage

facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.

10. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.
11. 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.
12. The residents shall not use the parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These spaces shall be monitored by the homeowners/commercial association. The homeowners/commercial association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.
13. 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.
14. 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.
15. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
16. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

**Landscaping:**

17. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
  - a. Provide tree key and legend or a note referring to specific landscape plan for landscape information on the architectural site plan A1.1 that which are the trees to be saved or removed.
  - b. Prepare plans for each floor separately. When preparing irrigation plan, show point of connections clearly.
  - c. Provide overlay of planter and tree locations in relation to structural column locations.

- d. Shrub spacing must be provided on Plant Legend when preparing Construction Documents. All screening shrubs shall be a minimum 5-gallon in size.
- e. Provide details of group open space amenities, such as benches, tables, fencing, play equipment and barbecues, when preparing Construction Documents.
- f. Redesign Street Level planter layout for better incorporation with store entries. Do not create narrow spaces between planters and building walls that will collect trash. Wrap the planters around building corners and create stronger entry features with widened planting.
- g. Street Tree and Street Level Planting plan: Simplify street tree planting. Do not mix two different types of trees in alternating way on Mission Boulevard. Consider using one tree type such as *Ginko biloba* and *Pyrus calleryana* and another contrasting type of tree with more open branching structure in the circular planters at each street corner rather than *Arbutus unedo* which as very dense canopy that will create rather shady and dark entrances. Locate street trees in relation to building module working specifically with entries and building walls/windows. Make certain to specify shrubs and perennials that will fill in well in two years and will stay looking well for long periods of time in narrow planters.
- h. Podium Level/Second Floor Planting Plan: *Rosemary* will become woody and shedding needle-like leaves year around. Substitute with another type of groundcover that trails; do not use more than one symbol and spacing per shrub; use more than a single shrub such as *Abelia* or *Phormium* as an accent plant in corners. Group *Canna* – do not plant *Canna* sparsely with *Pelargonium*; consider using another type of groundcover under and around *Canna*. Consider wind factor in choosing trees on the second floor; add accent shrubs under *Lagerstroemia* in 5'x8' planters where only groundcovers are specified under a single tree.
- i. Fourth Floor Planting Plan: Narrow planters will become maintenance problems. Also *Rosemary* is not a good choice for the size of the planter and the location due to shedding. Select another trailing type groundcover/shrub.
- j. All trees, including Second Floor plantings, shall be planted per City Standard SD-122. Add this note under Planting Notes.
- k. Revise Planting Notes to read that if any existing trees are damaged, including trees on the adjacent property, when building retaining walls, the mitigation shall be of the full value of the trees as if in perfect health for its size and shall be mitigated to the satisfaction of City Landscape Architect as prescribed in the City's Tree Preservation Ordinance.
- l. Add note to provide bark, pre-emergent, and groundcover in all planting beds.
- m. *Hypericum c.* is not allowed due to difficult-to-control rust problems.
- n. *Mahonia a.* is an extremely slowing growing shrub. Provide a minimum 30"-high continuous hedge screening to block headlights of cars pulling into the parking spaces at the adjacent property onto the units facing east.

- o. Landscape along easterly property line: Evergreen screening trees shall be provided at 20 feet on center. Do not consider existing trees on the adjacent property as meeting this requirement. Consider using *Arbutus u.* or *Eriobotrya d.* instead of *Pyrus k.* Provide fence detail showing the material and finishes; the use of *Ficus*, as proposed, will depend on compatibility with the fence.
  - p. Due to loss of rear-yard landscape area for the EVA areas, provide enhanced landscape screening on the adjacent property to the east side. Provide a letter of permission and agreement with the adjacent property owner that additional tree and vine planting and irrigation would be installed at the expense of the applicant and the applicant would maintain the landscape for the life of this project. Provide sections and elevations showing the proposed planting at retaining walls at the adjacent property with existing planting. Landscape improvements shall include improvements or replacement to fences or walls as determined necessary by the Planning Director.
18. Trees, including trees located in the adjacent property, shall be preserved in accordance with the *Tree Preservation Ordinance*. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
  19. One 24-inch box street tree is required for every 20-40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the most current City Standard Detail SD-122.
  20. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
  21. All landscape planters must have a minimum 5-foot clear interior width, measured from inside of curb to inside of curb, from wall to sidewalk, or any other combination of hardscape edges.
  22. Landscape areas adjoining drives shall be separated by a 6-inch-high class "B" Portland cement concrete curb.
  23. All above-ground utilities and mechanical equipment shall be screened from the street by shrubs.
  24. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

25. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
26. Park in-lieu fee is required for each of the unit in the development. Park in-lieu fee shall be applied at the rate in effect at the time a building permit is issued. The fee schedule is updated annually with new fees taking effect on July 1 of each year. The current fee for attached single family dwelling is \$11,395. The fee shall be paid to the City prior to the date of the final inspection or the date of the certificate of occupancy is issued, whichever occurs first

**Engineering:**

27. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants to the maximum extent practicable. It is highly recommended that a grassy swale be installed to intercept the surface runoff.
28. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the ACCWP NPDES permit (page 22). In addition, C.3 Stormwater Technical Guidance Document labeled "NEW!" The developer/builder's web page is at: <http://www.cleanwaterprogram.org/>
29. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete the Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
30. The owner shall prepare a Storm Water Treatment Measures Maintenance Agreement (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.
31. 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.
32. The Developer's Engineer shall provide hydraulic calculations sufficient to analyze downstream impact. The storm drain system shall be reviewed and approved by the ACFC&WCD.
33. 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, landscaping should be designed and operated to treat stormwater runoff.
34. Any broken sidewalk along the property frontage that creates a tripping hazard shall be removed and replaced.
35. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer prior to the start of site grading.
36. All overhead lines along the property frontages shall be underground.

37. Mission Boulevard shall be constructed per approved street improvement plans, file number E-1663.
38. The design, location, maintenance requirements, and maintenance schedule for any stormwater quality treatment structural controls shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.
39. A property owners association shall be created and shall be responsible for maintaining all private streets and private utilities and other privately owned common areas and facilities on the site including landscaping. These maintenance responsibilities shall include implementing and maintaining stormwater BMPs associated with improvements and landscaping. CC&Rs creating the association shall be reviewed and approved by the City Attorney prior to the recordation of the Final Map and recorded prior to the sale of the first residential unit. The CC&Rs shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association.

**Fire Department:**

40. Access

- a. Access requirements for this development shall be in compliance with the California Fire Code and Hayward Fire Department Standards;
- b. The proposed Emergency Vehicle Access lane (EVA) shall be installed in the area of the development as indicated on the approved plans (on the east side of the building interconnecting Webster and Hancock Streets);
- c. The proposed EVA for the new development shall be a dedicated fire lane. Red-painted curbing and fire lane signage shall be installed on the proposed EVA in locations as required by the Hayward Fire Department;
- d. The minimum fire lane (EVA) width allowed shall be 16 feet with two 26 foot wide cut-outs to accommodate the need for ladder truck operations;
- e. EVA design and engineering shall be approved to meet Hayward Fire Department Standards and shall be constructed with approved surface materials that will be designed and engineered to withstand 50,000 lbs. GVW;
- f. The proposed EVA is being designed with a security gate at each entrance (from Webster and Hancock Streets). The gate shall have the appropriate mechanisms installed to allow fire access (lock box, if manually operated and/or key switch, if automated).
- g. The EVA will require fire lane signage posted at each entrance to discourage any parking of vehicles or other potential uses. Fire lane signage shall be installed at every 100 (linear) feet apart or in other locations as required by the Hayward Fire Department.

41. Water Supply

- h. The development will require a total of six fire hydrants. Fire hydrants for this development will consist of both public and private fire hydrants. Fire hydrants shall be installed in locations required by the Hayward Fire Department and per

COH Standards. There are two existing fire hydrants available for the development. The four new fire hydrants are required at the following locations:

- New public fire hydrant on Mission Blvd. approximately 250 feet north of the existing fire hydrant in front of the property;
  - New public fire hydrant on Hancock Street at the EVA entrance;
  - New public fire hydrant on Webster Street at the EVA entrance;
  - New private fire hydrant along the EVA midway between Hancock and Webster Streets.
- i. A dedicated fire service lateral shall be installed for each of the proposed buildings and shall be a minimum 4-inches (or greater) in diameter. The fire service lateral shall be installed sub-grade and shall meet Hayward Fire Department Standards (SD-204);
  - j. The fire service lateral shall be equipped with a Fire Department Connection (FDC) and Post Indicator Valve (PIV). Locations of such equipment shall be approved by the Hayward Fire Department;
  - k. Fire flow requirements for this development shall meet a minimum of 6,000 gpm at 20 PSI. An allowance of up to 50% will be granted for fire sprinklers, which are required for each of the proposed buildings;
  - l. The four new fire hydrants shall be double steamer type with 2-4 ½" outlets and 1-2 ½" outlet;
  - m. The two existing fire hydrants located on Mission Blvd. (in front of the property) and at the intersection of Mission Blvd. and Webster Street shall also be double steamer fire hydrants;
  - n. Crash posts may be required for the fire hydrants if they are installed on the pavement without curb protection;
  - o. Blue reflective hydrant markers are required to be installed on the pavement at each fire hydrant location.

42. Building Construction

- a. Submit for proper building permits;
- b. All construction shall meet the California Building Code (CBC) and all applicable City of Hayward Building Department Ordinances (Ordinance #02-13) and amendments in use by the Hayward Building Department;
- c. The construction type for each building shall meet Type II-1 hour;
- d. Exiting design and implementation shall be in compliance with the CBC, which shall include exit stairways, corridors, door closers, exit signage, exit illumination and corridor illumination;
- e. Both stairwells within each residential building shall be pressurized with internal vestibules and shall be constructed with 2-hour rated materials;
- f. Elevators shall be installed in accordance with local and state requirements. In Hayward, any hydraulically operated elevator requires additional review if the hydraulic containment reservoir is greater than 60 gallon capacity. Special review by the Hayward Fire Marshal will be required for the installation of any aboveground containment vessel holding combustible liquids (hydraulic fluid) with a capacity greater than 60 gallons;

- g. Elevators within each building shall be designed to accommodate an ambulance gurney;
- h. Elevators shall be equipped with recall services that will be required to have interconnection to the fire alarm system within each building;
- i. Breakout window panels will be required on each residential building in locations as dictated in the CBC;
- j. Horizontal separations shall be constructed between the retail space and residential units as required by the CBC;
- k. An emergency generator system will be required to support the fire and life safety systems that have been required to be designed within each building. Additional review of the generator is required to determine how it is being powered. If the generator is diesel driven, the Fire Marshal will require special conditions for the diesel tank. Further review is required;
- l. An approved address plan for each building shall be reviewed and approved by the Hayward Building and Fire Departments;
- m. Address numbers are required to be installed on each building. Address numbers shall be a minimum of 8-inches in height. If an address monument sign is installed, the sign shall be equipped with 6-inch numbers and lighting for night time vision;
- n. Plan review of the proposed development is required, at which time additional requirements will be imposed (pending further review).

43. Fire Protection

- a. Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Department Ordinances (Ordinance #02-13) and amendments in use by the Hayward Fire Department;
- b. The proposed buildings will be required to have an automatic fire sprinkler system installed per NFPA 13 Standards. This requirement includes the installation of fire sprinklers within all areas of the building as required by NFPA 13 Standards;
- c. Each building shall have a dedicated underground fire service lateral installed to supply the fire sprinkler system. Installation of the underground fire service line shall be in conformance with NFPA 24 Standards and Hayward Fire Department Standards (SD-204);
- d. A fire pump may be required for each building. Fire pump installation shall conform to NFPA 20 Standards and shall be equipped with stand-by power from an emergency generator system (electrical or diesel fuel powered);
- e. Each building will require a Class 1 (combination) wet standpipe system to be installed within each stairwell landing. Design and installation of the Class 1 wet standpipe system shall be in conformance with NFPA 14 Standards. Hose outlets for the standpipe shall be installed in the stairwell landing as well as within interior corridors of the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors;
- f. Additional standpipe locations may be required for the exterior of the podium level, pending further review of the development;

- g. The Fire Department Connections (FDC) and Post Indicator Valves (PIV) that serve the fire sprinkler system(s) shall be installed in acceptable locations as approved by the Hayward Fire Department;
- h. Exterior local alarm bell(s) shall be installed on each fire sprinkler system riser for each building;
- i. Interior audible device(s) shall be installed within each living unit and within each of the proposed retail tenant spaces on the ground level. The interior audible devices shall be capable of activating upon any fire sprinkler system waterflow activity;
- j. A manual and automatic fire alarm (evacuation) system shall be required for each residential building. The design and installation of the fire alarm system shall be in conformance with NFPA 72 Standards. The system shall include common area smoke detectors, manual pull stations, and audible and visual devices. The fire alarm system shall also meet ADA compliance;
- k. Manual pull stations are required to be installed within each retail tenant space;
- l. Living units within each (residential) building that may be designated for handicap individuals will require additional life safety features, which shall include additional fire notification devices as part of the manual and automatic fire alarm (evacuation) system;
- m. Central station monitoring is required for all fire protection and life safety systems within each building;
- n. Interior (single-station) residential smoke detectors shall be installed within each residential living unit. Smoke detectors shall be installed per the California Building Code (CBC) and shall be hard-wired electric with battery back-up. Single-station smoke detectors shall not be interconnected to the buildings' main fire alarm system;
- o. Portable fire extinguishers having a minimum rating of 2A:10BC will be required in each building, including all common areas within the residential use and within each retail tenant space;
- p. As indicated in item #43.f., additional requirements will be imposed for elevator recall services. The Hayward Fire Department will need to determine how the elevator(s) are operated (hydraulically or electrically). Elevators and associated equipment are subject to further review and approval by the Fire Marshal;
- q. A Fire Department communication system may be required within each residential building pending further discussion with the architect and developer;
- r. Fire Department lock boxes will be required on each building in locations as required by the Hayward Fire Department.

44. Hazardous Materials

The site will need to undergo a Phase I and/or Phase II environmental assessment to determine if the land is contaminated from prior uses. A copy of the report(s) will need to be submitted to the Fire Department's Hazardous Materials Coordinator, Hugh Murphy, at (510) 583-4924.

### **Solid Waste & Recycling:**

45. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
46. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.

### **Utilities:**

47. A reduced pressure backflow prevention assembly shall be installed as per City of Hayward Standard Detail 202 on all commercial, domestic and irrigation water meters.
48. Installation of separate water meters is recommended to avoid sewer charges for irrigation consumption and to avoid commercial sewer rates for the residential units.
49. Show gallon per minute demand on plans to determine proper meter sizes for commercial, residential and irrigation water use.
50. Show on plans the location of proposed water meters. Water meters are to be located two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code.
51. Each residential condominium must have an individual water meter and sanitary sewer lateral.
52. Each retail space must have an individual water meter.
53. Water and sewer service is available subject to standard conditions and fees in effect at time of application.
54. Prior to discharge, additional sewer system capacity to accommodate the volume and waste strength of wastewater to be discharged from the site must be purchased at the rates in effect at the time of purchase.
55. The developer shall install a mechanical device to control fat, oil and grease discharge from any food service establishment, unless this requirement is expressly waived by the Director of Public Works or designee. The type, size, and location of the device shall be approved by the Director of Public Works.
56. Add following notes to plans:
  - (a) Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
  - (b) Only water distribution personnel shall perform operation of valves on the Hayward Water System.

### **General:**

57. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.



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**MEETING**

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair McKillop followed by the Pledge of Allegiance.

**ROLL CALL**

Present: COMMISSIONERS: Lavelle, Sacks, Peixoto, Thnay, Mendall, Zermefio  
CHAIRPERSON: McKillop  
Absent: COMMISSIONER: None

Staff Members Present: Conneely, Patenaude, Rizk, Lens

General Public Present: Approximately 15

**PUBLIC COMMENTS**

Public Comments:

Mr. Augusto Cano, Rex Road resident, inquired about the status of the Condo Conversion Ordinance. Planning Manager Rizk indicated that by Council's directive, staff is working on reviewing the item and it is scheduled to go to Council on February 20, 2007.

**PUBLIC HEARINGS**

Chair McKillop indicated that the item was continued from 1/25/07.

1. **PL-2005-0594 – Mission Paradise – Mohammad Shaiq (Applicant) / Mission Paradise LLC (Owner) – Mixed Use Project with 21,017 Square Feet of Retail Area and 92 Residential Units - The Project is Located at 28000 Mission between Webster and Hancock Streets**

Staff report submitted by Principal Planner Patenaude, dated February 8, 2007, was filed.

Chair McKillop indicated that the item was continued from January 25, 2007 per the applicant's request.

Principal Planner Patenaude presented the report indicating that the Felson family, owners of the Pinecrest Apartment on the east side of the proposed project, asked to meet with staff on January 18 to review plans for the project, and at a follow-up meeting the applicant requested a continuation of the Planning Commission meeting from January 25 to February 8. He added that on February 1, there was discussion of the project and on February 6, staff was in receipt of a letter from Anthony

Varni, the attorney representing the Felsons. The letter recommended that the northerly tower be eliminated and that the remaining towers be limited to five stories in order to increase the view in the corridors and reduce the massiveness of the buildings, and that the architecture of the rear elevations be enhanced. He indicated that by eliminating the tower, the density of the project would be reduced to 28.4 units per acre, which is at the low end of the allowable range for the mixed-use district and that the project would meet the provisions of the design plan and the zoning ordinance. Mr. Patenaude summarized staff's recommendation, indicating an amendment to Condition of Approval #37, which would read, "Mission Boulevard shall be constructed per approved street improvement plans, file number E-1663, as amended by the Route 238 Corridor Improvement Project."

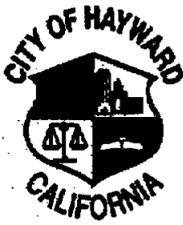
Commissioner Peixoto referring to public hearings on the South Hayward BART/Mission Boulevard Concept Design Plan, which he attended, conveyed that the 60-foot height limitation was discussed within the context of five stories. He referred to a June 8, 2006, work session meeting report where there was discussion about the five-story limitation and inquired about the difference in height limitation presented in the project.

Planning Manager Rizk indicated that preceding discussions and during work sessions, it was determined that there would be allowance in the height limits designs. In response to Commissioner Peixoto's question regarding the Station Area Residential Zoning District (SAR) and whether the same flexibility could be applied to 80-foot limitations and seven stories in the SAR, Planning Director Rizk indicated that each project would be looked at individually in terms of the appearance and the intent of the plan.

In response to Commissioner Sacks' inquiry for the maximum height of five-story buildings and 60-foot limitation reference, Planning Manager Rizk indicated that the foot limitation is identified and stated in the Zoning Ordinance. Upon Ms. Sacks' request, Principal Planner Patenaude clarified the 25-foot height elevation at the north end and the 10-foot setback from the property line.

In response to Commissioner Zermefio's inquiry for earthquake preparedness and construction for the project, Principal Planner Patenaude indicated that the construction would have to meet current standards and added that both the Building Division and Fire Department were involved in the planning for the project, and that the earthquake fault traces would affect the project. In reference to a study about entry and exit points and safety on Mission Boulevard, Mr. Patenaude indicated that the plan was reviewed by the Transportation Division of Public Works and was determined to be adequate. In reference to residential guest parking and retail commercial uses, Mr. Patenaude indicated that such spaces would be properly marked.

In response to Commissioner Lavelle's inquiry for a condition of approval related to Park In-Lieu Fee, Principal Planner Patenaude indicated that it is required for residential projects regardless of the required amount of open space provided. He added that credit for in-lieu-park fees is provided when a project is providing a significant amenity above the required open space. There was clarification about Condition of Approval #23 and the above-ground utilities. Ms. Lavelle referenced Condition of Approval #7 c), regarding signage approval, and inquired if billboards would be allowed. Mr. Patenaude indicated that billboards would be prohibited. Additionally, Ms. Lavelle inquired if the residential units would be apartments for lease or condominiums for sale. Mr. Patenaude responded that they would be condominiums for sale. Ms. Lavelle recommended



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including bicycle racks and inquired about the location of mail boxes. Mr. Patenaude indicated that mail boxes would be in the residential lobby and that bicycle racks were considered.

Commissioner Mendall inquired about the street level vegetation. Principal Planner Patenaude indicated that there were a number of landscaping conditions that require more vegetation than was depicted by the pictures. Mr. Mendall added that conditions also require that the pavement in front of the retail shops as well as garage entries be decorative. Additionally, he inquired about the next phase of the project. Mr. Patenaude indicated that the action of the Planning Commission on this project would be a final decision unless appealed or called up by a Council Member.

Commissioner Thnay asked for clarification about the amendment to Condition of Approval #37. Principal Planner Patenaude indicated that the plan is to move the curb back three feet from its current location in order to provide for a parking and travel lane so that during rush hours, the lane would be wide enough for travel and that during non-peak times, it would provide for street side parking. In reference to landscaping between Webster and Hancock streets, Mr. Patenaude indicated that the plan allows for landscaping in the area. In reference to the median improvement, Mr. Patenaude indicated that it would be done when the entire Mission Boulevard project is done. Mr. Thnay further inquired about Condition of Approval # 40, regarding access and suggested that key-operated gates should be moved in order to allow for quick entrance to the garage and avoid back-up onto Webster Street or overflow into Mission Boulevard. Mr. Patenaude indicated that the first parking spaces on the first level are set back from the entry to the garage in order to improve safety. Mr. Thnay favored a more embedded light in the wall fronting Mission Boulevard. Mr. Patenaude indicated that the applicant would be required to provide a lighting plan that would provide for security, especially on the ground level and along the Mission Boulevard frontage.

Chair McKillop expressed concern with the impact on the buildings behind the proposed project and inquired about the rear elevations. Principal Planner Patenaude indicated that the appearance of the proposed building from the apartments would be that of three or four-story buildings.

Commissioner Zermefio inquired about community meeting rooms for condominium complexes. Principal Planner Patenaude indicated that they have not been discussed but alternatives, such as retail spaces or nearby public facilities, had been mentioned. In response to Mr. Zermefio's inquiry for inclusionary housing as a condition for the project, Mr. Patenaude indicated that a plan has been provided. Additionally, Mr. Zermefio encouraged solar energy panels for energy conservation.

Commissioner Mendall expressed interest for potential solar or green energy on roofs of the proposed project.

In response to Commissioner Sacks' inquiry regarding plan sheet A3.3 and different building heights greater than 60 feet, Principal Planner Patenaude indicated that some portions of the building had an elevation relative to the lowest point on the site higher than 60 feet due to the existing slope, but that building heights be compliant with the zoning regulations, because they would be 60 feet as measured to ground elevation.

Chair McKillop opened the public hearing at 8:35 p.m.

Mr. Anthony Varni, attorney for the Felson family, referred to La Vista Senior and Stratford Village projects, indicating that more thought should be put into the effects of the massiveness of the back of the buildings and the close proximity to the Pinecrest residents. Mr. Varni added that this project was too dense because it was too massive for 1.7 acres. He disagreed that a six-floor building can be considered five floors from different angles. He added that massive buildings block the views of the first row of units that the Felsons own. He asked for more view corridors and for continuance in order to obtain a more detailed description.

Commissioner Peixoto asked Mr. Varni what he would like to see done procedurally. Mr. Varni indicated to have the item come back to Planning Commission for an additional review at a more precise level, that the Commissioners require a 2 to 1 parking ratio, and greater space between the towers so that there would be view corridors for the residents in the Pinecrest units. Principal Planner Patenaude indicated that from a procedural perspective, the project only requires a site plan review application, because it meets the requirements of the Zoning Ordinance. He added that a site plan review application can be reviewed and approved at staff level, but because this was the first project in the South Hayward BART/Mission Boulevard Concept Design Plan area, the Planning Director opted for it to come before the Planning Commission.

Mr. Joseph Felson indicated that the proposal is not consistent with the neighborhood. He spoke against building a massive building and asked for a compromise where the towers or one floor be removed. He mentioned that the project was under-parked and expressed to be against borrowing commercial space to make up for the residential shortage. Additionally, he expressed concern for Condition of Approval #17 p) regarding landscape screening on the adjacent property, because it would require the HOA to enter the adjacent property to maintain the landscaping. He kindly requested for continuation in order to further discuss the project and achieve a compromise.

In response to Commissioner Peixoto's question regarding views, Mr. Felson mentioned that his tenants see an unobstructed panorama and that the proposed buildings would obstruct their views. He added that the parking ratio at Pinecrest was 1.7 to 1 and favored removing one of the towers and reconfiguring the remaining three to enhance the corridors.

Principal Planner Patenaude clarified that the intention of the Condition of Approval #17 p) regarding landscaping was to require the applicant to investigate enhancing the landscaping adjacent to the Felson's property, which would upgrade the landscaping of the adjacent property to provide a better buffer and soften impacts.

Mr. Michael Stanton, architect for the project, responded to the concerns raised by Mr. Varni regarding the Pinecrest neighbors indicating improvements that the applicant had agreed to, including enhancing the rear views with trees, modulating the massiveness of the building, improving the colors to be more sensitive, and improving the treatment of the east façade. In reference to the removal of one of the four blocks of residential units, he indicated that removing one floor was not going to affect the height limit. He added that they had modeled the shadow effects of the proposed property on the Pinecrest property throughout the year, and they had increased view access across the site. In reference to comments made by the Commissioners



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related to the retail signage and landscaping, he was agreeable to adding a condition for concept review of treatment of the Mission Boulevard ground level façade. In reference to energy conservation, he favored "ground loop heat exchangers", which would need the soil to be tested, as opposed to having solar collectors, because of lack of sufficient roof room.

Chair McKillop proposed a recess at 9:22 p.m., in order to observe the models. The Commission reconvened at 9:33 p.m.

Having no public further comments, Chair McKillop closed the public hearing at 9:34 p.m.

Commissioner Sacks pointed out for the audience that the models presented did not include the improvements mentioned by architect Stanton.

Commissioner Mendall added that there was discussion during the recess about landscaping along the front sidewalk and the need for separation, which could be achieved with trees or landscaping between the area on the sidewalk and Mission Boulevard.

Commissioner Lavelle echoed comments by Commissioner Mendall and expressed concern for the issue of traffic safety going in and out of Webster Street and the parking garage at the retail level. Ms. Lavelle added that after looking at the model, the enhanced views and the difference of height due to the slope became evident. Ms. Lavelle inquired for further explanation about the South Hayward BART/Mission Boulevard Concept Design Plan regarding maximum number of stories and maximum height, versus what is permitted in the Municipal Code.

Principal Planner Patenaude indicated that the Concept Design Plan calls for a height of five stories within the mixed-use district and the corresponding amended code for the Neighborhood Commercial Residential Zoning District (CN-R) for this area is limited to 60 feet, with no mention to the number of stories.

Commissioner Thnay expressed an overall satisfaction of the proposal, especially the 60 percent improvement to the corridor. However, he expressed that the rear, as well as Webster and Hancock Street elevations could be recessed back for additional improvement. In addition, Mr. Thnay asked staff to review the speed and safety concern on Mission Boulevard, because of the liability involved, and especially when Mission Boulevard becomes six-lane traffic. He was in agreement with the landscape treatment, and especially along Mission Boulevard. He added that the plan is a promising project that needs some revisions.

Commissioner Zermefio indicated that he would like the proposed improvements related to landscaping, set back from street level, study of parking, and egress and ingress on Mission Boulevard further analyzed. Mr. Zermefio asked City Attorney Conneely if the Commission could make a motion to deny the application without prejudice and have it come back with modifications.

Assistant City Attorney Conneely recommended that as an alternative, the Commission continue the item and upon resolution of concerns raised, have staff bring the item back with findings.

Commissioner Zermefio suggested a Spanish Colonial theme for the architecture on this project.

Assistant City Attorney Conneely stated that if the Commission recommends denial without prejudice, findings for denial would need to be articulated.

Commissioner Zermefio made a motion to continue the item.

Commissioner Mendall seconded the motion.

Chair McKillop expressed agreement with the design of the plan; however, indicated the project to be too dense. Ms. McKillop was comfortable with the height compromises of 69-foot in some areas, but she expressed the back elevation to be too plain with need for more architecture detail. Ms. McKillop supported the motion.

Principal Planner Patenaude clarified that the landscaping treatment along the curb of Mission Boulevard might need to be considered and explored further after utility plans are developed and approved.

Commissioner Sacks supported the proposed project for being the first of the South Hayward BART/Mission Boulevard Concept Design Plan area, but was also concerned due to the responsibility involved. Ms. Sacks understood the density and parking of the project and sympathized with the residents. She asked that improvements be done to the rear of the building, and expressed mixed feelings about the ingress and egress on Mission Boulevard. She felt strongly about landscaping and asked that "hard-scape" be considered as an alternative to protect pedestrians from moving vehicles. Ms. Sacks supported the motion.

Commissioner Mendall concurred with some comments already made. He indicated that the plan was attractive, but did not approve a six-story building, indicating that during the discussion for the Concept Design Plan, there was no mention of six-story buildings. He supported widening the view corridor, improving the landscaping, and giving attention to "green-building" techniques. Mr. Mendall expressed concern with the driveway on Mission Boulevard and proposed to have the entrance for the lower level parking to be on Hancock Street, or explore other ways to improve the safety. He expressed agreement for consideration of selling some of the parking separately from the units and to auction the rest as a form of incentive to reduce automobile use. Lastly, he echoed comments about enhancing rear elevation.

Commissioner Lavelle supported the motion expressing that she would like to see the project come back with revisions to the satisfaction of the neighbors. Ms. Lavelle further commented regarding the attractive and appropriate design of the building; the 2-1 parking ratio, the encouragement to take BART as an alternative, and the proposal to have retail at the first level to accommodate the residents/patrons. She expressed mixed feelings about the five and six-story issue. She indicated if the height limit is in compliance with the Zoning Ordinance, if the view corridors are enhanced, if the number of units is within that allowed by the Municipal Code, then she would not be concerned that the underground level makes a six-story building. She favored artfully lighting the building



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not only for décor, but for safety. She encouraged bicycle racks, motorcycle parking, and motorized bicycles. She recommended more traffic study be done at various times of the day on Mission Boulevard in order to address the adequate entrance and exit concerns. She agreed with the landscape comments and asked that the applicant work cooperatively with the Felson family.

Commissioner Peixoto supported the project, indicating that this would set the tone for future developments in the corridor and the South Hayward BART/Mission Boulevard Concept Plan area. Mr. Peixoto also indicated that it would be good practice to take precautions when considering a first project for the corridor. He commented that he attended all the meetings regarding the Design Plan and there was no discussion of six-story buildings and did not support approving a six-story building as a first project. He concurred that egress and ingress safety issues should be addressed. He mentioned that it would be inappropriate to proceed with the project without addressing concerns raised and thus supported the motion.

Commissioner Thnay expressed appreciation for the project, indicating that Mission Boulevard needed to be enhanced. He kindly asked for more consideration.

Discussion ensued regarding the height limitation.

Commissioner Mendall offered a friendly amendment to limit the stories to five stories.

Commissioner Sacks indicated that the six-story building meets the Zoning Ordinance height limit and therefore, did not support the amendment to the motion. She indicated she was not too concerned with the egress and ingress issue on Mission Boulevard.

Commissioner Zermeno expressed hesitation for the friendly amendment and indicated concurrence with having revisions made related to landscaping, entry and exit issues, stepping back on Mission Boulevard, and rear elevation enhancements.

Commissioner Mendall indicated that he would not support the project as a six-story building. He also indicated a strong feeling for the green component to this project.

Assistant City Attorney Conneely clarified the motion and the friendly amendment and the Commissioners proceeded to vote.

Commissioner Zermeno moved, seconded by Commissioner Mendall, and approved to continue the project for the applicant to work with staff to address various concerns, with a friendly amendment that the project be limited to a five-story building, with the following vote.

AYES: COMMISSIONERS Peixoto, Mendall, Zermeno  
CHAIR McKillop  
NOES: COMMISSIONERS Lavelle, Sacks, Thnay  
ABSENT: COMMISSIONER None  
ABSTAIN: COMMISSIONER None

Commissioner Thnay supported the integrity of the project; however, he wanted to give more flexibility regarding the height limitation and therefore, did not support the friendly amendment.

Commissioner Sacks concurred with Commissioner Thnay and indicated that she will maintain an open mind about the revisions to the project. She inquired about the time-line for the process of the project.

Planning Manager Rizk indicated that the architect could address the question, since it would be up to the applicant as to when the project design would be resubmitted.

In response to Commissioner Zermeno, Planning Manager Rizk indicated that staff would work with the applicant to improve the project as per discussion by the commissioners and the applicant would decide what revisions could be made.

## **ADDITIONAL MATTERS**

### **2. Oral Report on Planning and Zoning Matters**

Planning Manager Rizk indicated a Joint City Council/Planning Commission Work Session scheduled for February 27, regarding the South of 92 Specific Plan Amendment Study.

### **3. Commissioners' Announcements, Referrals**

Chair McKillop inquired about protocol of parliamentary procedures. Assistant City Attorney Conneely indicated staff could agendaize a work session to address parliamentary procedures.

Commissioner Sacks announced the "Be Our Valentine" sponsored by the Literacy Program on February 9, at City Hall from 5:30-8:30 p.m.

Commissioner Mendall indicated that he signed a contract for solar panel installation at his home and learned that the contractor worked with the Cities of Pleasanton and Livermore, which had set up a package with solar installation companies for residents, so that they can get a reduced price for a quick approval. He suggested that staff contact Pleasanton and Livermore and inquire about possibilities of Hayward adopting a similar package for its residents.

## **APPROVAL OF MINUTES**

The minutes of October 5, 2006, and January 11, 2007, were approved.

## **ADJOURNMENT**

Chair McKillop adjourned the meeting at 10:35 p.m.



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**APPROVED:**

*Mary Lavelle*  
Mary Lavelle, Secretary  
Planning Commissioner

**ATTEST:**

*Miriam Lens*  
Miriam Lens  
Commission Secretary

**DUE TO THE LENGTH AND COLOR  
OF THE PLANS, THEY HAVE BEEN  
INCLUDED AS SEPARATE LINKS**