



CITY OF
HAYWARD
HEART OF THE BAY

2

DATE: November 15, 2007

TO: Planning Commission

FROM: Tim R. Koonze, Assistant Planner

SUBJECT: Site Plan Review No. PL-2007-0176 / Tentative Tract Map 7873 No. PL-2007-0179 – BKBC Architects (Applicant) / Manohar S. Dhanju (Owner) – Request for a Subdivision to Construct Seven Residential Townhomes

The property is located at 475 Berry Avenue in a Medium Density Residential (RM) Zoning District

RECOMMENDATION

That the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), Section 15332, of the CEQA Guidelines Class 32: In-Fill Development; and
2. Approve the Site Plan Review and Tentative Tract Map applications, subject to the attached findings and conditions of approval

SUMMARY

The applicant proposes to develop a one-half acre property with seven townhomes. The density conforms to the General Plan and Zoning Ordinance. There is a 12-foot rear setback where normally 20 feet is required; however, the Planning Director can reduce the requirement when the property abuts various public rights-of-way such as the PG&E right-of-way, known as the Eden Greenway, an open space and park area developed under a major electrical transmission line, which abuts the easterly and southerly sides of the property. The park provides recreational amenities such as a tot-lot and basketball court. To the north and west of the property is a mixture of single-story single-family homes and two and three-story multi-family complexes.

A 20-foot-wide private roadway would serve the townhomes. There are 15 parking spaces proposed, including the one required visitor parking space, which conforms to the 2.1 minimum number of parking spaces per unit required by the City's Off-Street Parking Regulations.

The in-fill project is consistent with the General Plan density, and existing uses and architectural design of the neighborhood. The project has a unique design that incorporates the adjacent open space. The project also conforms to the requirements of the development standards of the Zoning Ordinance with a deviation to the group open space and required rear yard standards, in the opinion of staff, these deviations are acceptable due to the ability to make the required findings. The reasons for such a determination are addressed under the "Discussions" portion of this report. For these reasons, staff recommends approval of the project.

While the Site Plan Review application could be processed administratively, the City's Subdivision Ordinance requires that the Tentative Map application be acted on by the Planning Commission. The Zoning Ordinance requires Site Plan Review applications that accompany subdivisions to be processed to the Planning Commission as well. The Planning Commission decision is final unless appealed to the City Council.

BACKGROUND

The property is a one-half-acre rectangular parcel that is relatively flat. The existing single-family homes and detached garage are proposed to be removed. The buildings are not associated with significant events of California's history or of person's important in our past. The structures do not embody distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic value, nor are the structures likely to yield information about prehistory or history. For these reasons, the buildings have been determined to have no historical significance. There is an existing 36-inch tree in the center of the property that is dead and would be removed as part of this development.

Project Description

The developer proposes to construct seven townhouse units within four two-story buildings, comprised of three duplexes and one stand-alone townhouse unit. All units have entries with covered porches facing the Eden Greenway to take advantage of the open space amenity, with the exception of the front unit which has a porch facing Berry Avenue to promote the residential character in that neighborhood. Each unit is proposed to have three bedrooms, 2½-baths, and a standard two-car garage. The buildings are of a contemporary design utilizing a combination of stucco, horizontal siding and stone veneer finishes with concrete tile gable and half-hip roofs consistent with the surrounding neighborhood. The windows and doors are accented with raised stucco surrounds. The building face is punctuated with the use of bay windows and recessed balconies. Wood corbels are used as accents under some of the windows and beneath building overhangs.

Tentative Tract Map

The developer is processing an eight lot subdivision creating seven townhouse parcels and one common area parcel, which would allow the townhouse units to be sold individually and the common areas to be maintained equally by the townhouse owners. The townhouse lots range in size from 1,951 to 3,173 square-feet. Therefore, a tentative tract map is being processed

concurrently with a site plan review application. If the tentative map is approved, the developer would be required to submit improvement plans and a final map which, once approved by the City Engineer, would be submitted to City Council for final approval and subsequent recordation.

DISCUSSION

The development proposes a density of 14.9 units per acre which complies with the Medium-Density Residential designation of the General Plan (8.7-17.4 units per acre). It also conforms to General Plan policies that promote infill projects that are compatible with the character of the surrounding neighborhood.

The Zoning Ordinance requires multi-family development within the RM zoning district to provide 350 square feet of usable open space per unit, of which a minimum of 100 square feet per unit would be dedicated to group open space. This means the project would be required to provide a total of 2,450 square-feet of open space, 700 square feet of which is required to be group open space. The developer is proposing to provide private open space for each unit, ranging in size from 120 to 958 square feet, resulting in a total of 3,500 square feet of private open space for the project. No group open space is proposed. The Zoning Ordinance allows for a reduction or elimination of the group open space requirement when the property is near a "... park or recreational facilities, and when the intent of the open space requirements is not compromised." It is staff's opinion that with two sides of the project abutting Eden Greenway, which includes a tot-lot and a basketball court, the elimination of group open space is justified.

The southerly end of the property would be considered the rear yard, typically requiring a 20-foot setback for any building. The applicant proposes a 12-foot setback. The Planning Director can waive the requirement for a 20-foot-setback when the "... Planning Director determines that the property abutting the proposed use or construction is used for State or Federal highway right-of-way, flood control channel, railroad right-of-way or similar uses provided said waiver will not compromise the purpose of the district and no detrimental impact will result." It is staff's opinion that the determination can be made because the abutting PG&E right-of-way in which the park is located provides a non-buildable open space at the rear of the buildings. Rear setbacks are intended to provide a separation between buildings to allow for air and light between units and provide an aesthetic separation avoiding a crowded appearance. Structures would not be allowed to be constructed on the abutting park, ensuring air, light and a sense of openness; therefore, the 12 foot setback is appropriate.

The applicant has uniquely designed the project to integrate it into the surrounding park. This integration will create a healthy interaction between the project residents and the park. The residents would be able to oversee the park and the park itself would be a visual expansion of the front yards of the residences. Such a design feature is encouraged in Crime Prevention Through Environmental Design (CPTED) principles, which encourage visibility of such spaces. The existing chain-link fence would be replaced by an open six-foot tall decorative metal fence along the park perimeter.

The proposed development is consistent with the density and design of developments within the neighborhood, takes full advantage of an adjacent open space amenity, and includes a design that promotes the residential character along Berry Avenue. Also, the project design is consistent with the design criteria promoted by the Jackson Triangle Neighborhood Plan in that it includes contemporary architecture that is consistent with surrounding projects and is sensitive to adjoining neighbors by orienting living area windows and balconies toward the park. Landscaping would be designed to invite a visual interaction with the park.

PUBLIC NOTICE

On October 9, 2007, a Notice of Public Hearing for the Planning Commission meeting was mailed to the properties within a 300-foot radius and to interested parties for the November 1, 2007, Planning Commission meeting; however, that hearing was cancelled. Another notice was mailed to the same property owners and interested parties on October 26, 2007, for the November 15, 2007, Planning Commission meeting. To date no comments have been received. Copies of the report were sent to the applicant and the owner.

ENVIRONMENTAL REVIEW

The project is exempt from environmental review as indicated by the California Environmental Quality Act (CEQA), Guidelines Section 15332: In-Fill Development. The project is less than five acres in size and is consistent with the General Plan Land Use designation, General Plan policies and the Medium Density Residential Zoning District. The site is surrounded by urban uses and has no value as a habitat for endangered, rare or threatened species. The project would also not result in any significant effects relating to traffic, noise, air quality or water quality. The site can be adequately served by all required utilities and public services.

NEXT STEPS

If approved, the applicant would submit a final map and improvement plans, enter into a subdivision agreement, and provide surety for faithful performance and labor and materials for required site improvements. Upon final map approval and recordation, building permits would be issued for the proposed structures.

Prepared by:

Tim R. Koonze

Tim R. Koonze
Assistant Planner

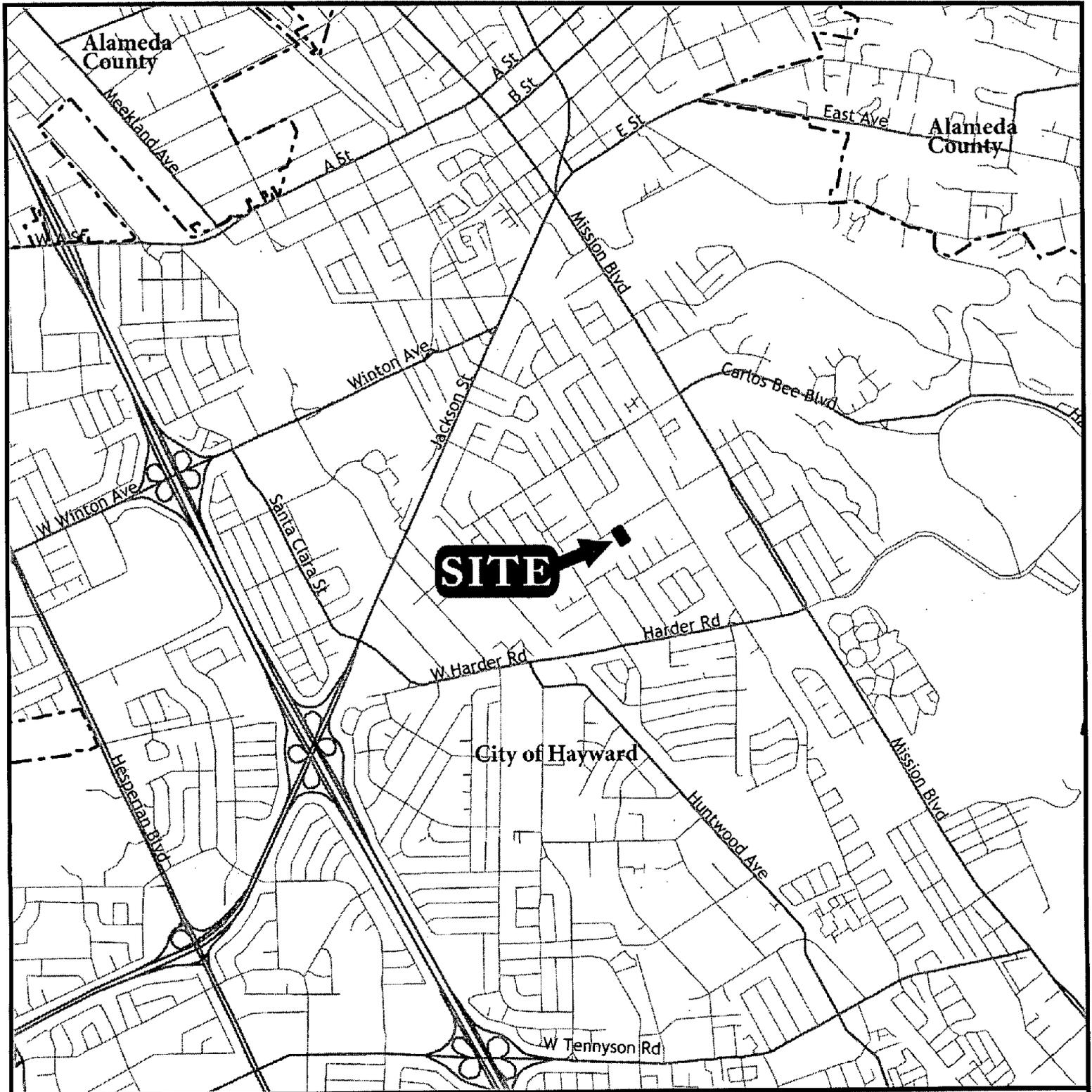
Recommended by:

David Rizk

David Rizk, AICP
Planning Manager

Attachments:

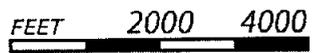
- A. Vicinity Map
- B. Area Map and Zoning
- C. Findings for Approval – Site Plan Review PL-2007-0176
- D. Conditions of Approval – Site Plan Review PL-2007-0176
- E. Findings for Approval – Tentative Tract Map 7873 PL-2007-0179
- F. Conditions of Approval – Tentative Tract Map 7873 PL-2007-0179
Project Plans and Tentative Map



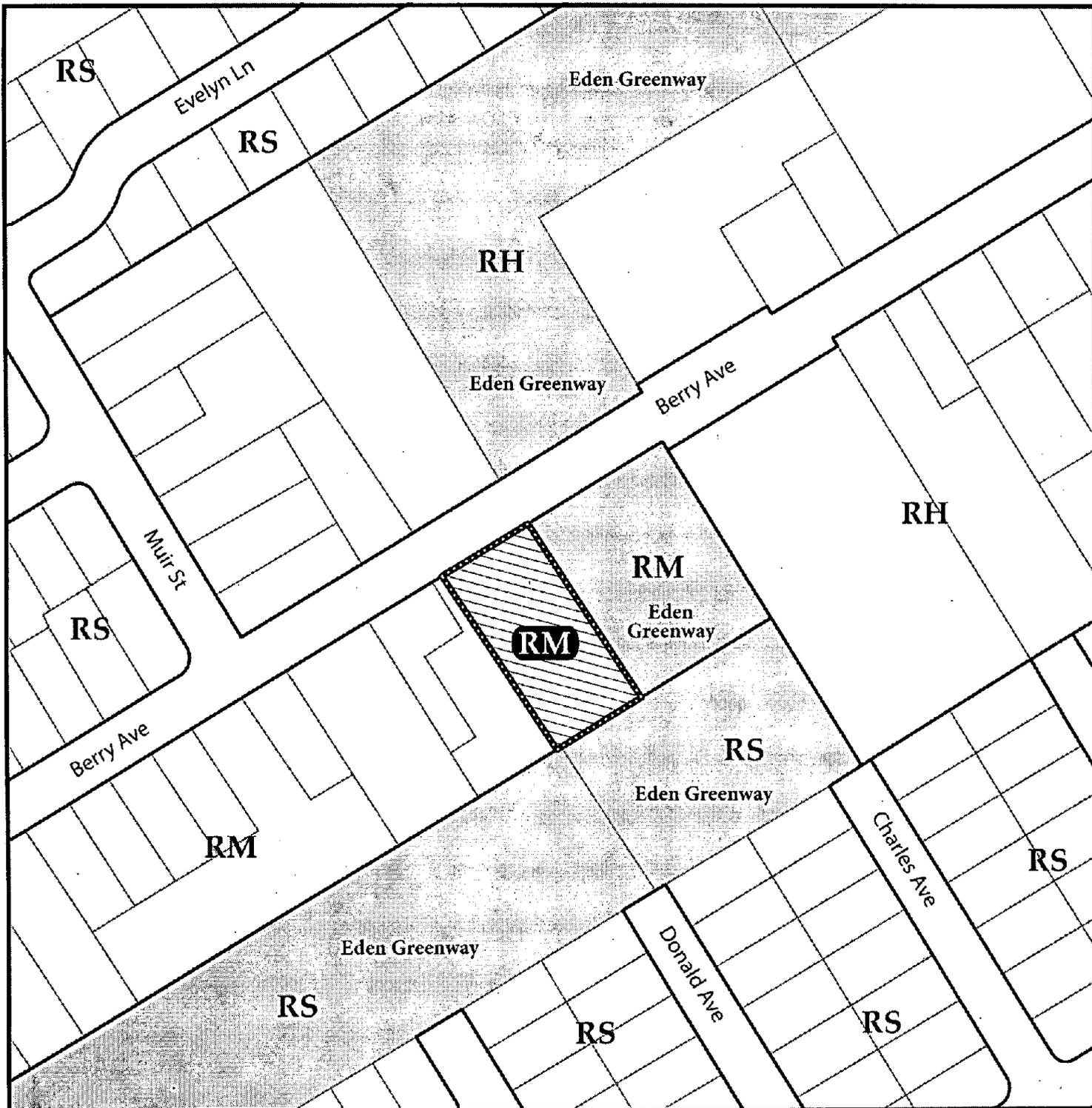
Vicinity Map

PL-2007-0177 VAR, PL-2007-0176 SPR

475 Berry Avenue



ATTACHMENT A



Area & Zoning Map

PL-2007-0177/0176 VAR/SPR

PL-2007-0179 TR 7873

Address: 475 Berry Avenue

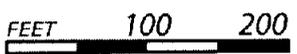
Applicant: Fernando Ivan

Owner: Manohar Dhanju

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



ATTACHMENT B

**CITY OF HAYWARD
PLANNING DIVISION**

**SITE PLAN REVIEW
FINDINGS FOR APPROVAL**

November 15, 2007

Site Plan Review No. PL-2007-0176 / Tentative Tract Map 7873 No. PL-2007-0179 – BKBC Architects (Applicant) / Manohar S. Dhanju (Owner) – Request to Construct 7 Residential Townhouse Units

The Project Is Located at 475 Berry Avenue in a Medium Density Residential (RM) District

- A. The project is exempt from environmental review as indicated by the California Environmental Quality Act (CEQA), Guidelines Section 15332: In-Fill Development. The project is less than five acres in size and is consistent with the General Plan Land Use Designation, General Plan Policies and the Medium Density Residential Zoning District. The site is surrounded by urban uses and has no value as a habitat for endangered, rare or threatened species. The project would also not result in any significant effects relating to traffic, noise, air quality or water quality. The site can be adequately served by all required utilities and public services.
- B. The in-fill project is compatible with the density, use and architectural design of the neighborhood and would be an attractive addition to the City in that it would be consistent with the developmental pattern in the neighborhood, which includes a mixture of multi-family developments and single-family developments.
- C. The reduction of the rear yard from 20 feet to 12 feet complies with the Zoning Ordinance as the property abuts a non-buildable PG&E right-of-way and public park, which fulfills the purpose of the rear yard by providing the air, light and sense of openness that the 20-foot rear setback would normally provide; therefore, no detrimental impacts would result.
- D. The elimination of the group open space requirement conforms to the Zoning Ordinance in that the property is located adjacent to a park with an usable open space and recreational facilities, which would meet the intent of the on-site group open space requirement.
- E. The parcel is a flat rectangular parcel that contains no physical or environmental constraints. The proposed development complies with the General Plan Land Use Designation, the Zoning Ordinance and is consistent with the surrounding development.
- F. The development complies with the intent of City development policies and regulations including, but not limited to, the Zoning Ordinance, the General Plan and the Jackson Triangle Neighborhood Plan, in that the proposal is an infill development with a density that conforms to the General Plan.
- G. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that the use of the property for multiple-family dwellings is consistent with the use of surrounding properties.

**CITY OF HAYWARD
PLANNING DIVISION**

**SITE PLAN REVIEW
CONDITIONS OF APPROVAL**

November 15, 2007

Site Plan Review No. PL-2007-0176 / Tentative Tract Map 7873 No. PL-2007-0179 – BKBC Architects (Applicant) / Manohar S. Dhanju (Owner) – Request to Construct 7 Residential Townhouse Units

The Project Is Located at 475 Berry Avenue in a Medium Density Residential (RM) District

Site Plan Review Application No. PL-2007-0176 is approved subject to the plans labeled Exhibit "A" in the project file and the conditions listed below:

1. The approval become void one year after its effective date, 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 the approval is granted by the Planning Director. 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 the site plan review approval.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning ordinance standard, must be approved by the Planning Director prior to implementation.
5. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the building permit plan set.
6. 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.
7. The City encourages the project proponent to incorporate green building measures.

ATTACHMENT D

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

Architecture, Site Amenities and Details

9. Prior to issuance of a building permit, exterior colors and materials shall be approved by the Planning Director.
10. Prior to the issuance of a building permit, details of address numbers shall be provided. Address number shall be a minimum four inches high, decorative and shall be placed at the front entries and where they would be visible from the private roadway and for Unit 1, from Berry Avenue.
11. An exterior hose bib shall be provided for each private yard and porch area.
12. Each dwelling unit shall have and maintain a minimum of 90 cubic feet of dedicated storage area, excluding standard closets and bedroom wardrobes. Any area of a garage in excess of the 20 feet wide by 19 feet deep parking area required for each unit can be counted toward the minimum storage area requirement.
13. The private roadway entry shall be enhanced by the use of decorative pavers.. A one-foot concrete band shall be provided around the decorative paving. The design and materials shall be approved by the Planning Director.
14. The existing cyclone fence shall be removed and a six-foot high decorative metal fence shall be constructed along the side and rear property lines that are adjacent to the Eden Greenway. The design shall meet the approval of the Planning Director and the Hayward Area Recreation and Park District staff.
15. A six-foot-high, solid board decorative wood, "good-neighbor" fence shall be erected along the south property line and all interior property lines (except within 20 feet of the Berry Avenue right-of-way line).
16. If mailboxes are grouped, they shall be enclosed by a structure compatible with the architecture of the buildings. Location and design of group mail boxes shall be approved by the Planning Director.
17. Prior to the approval of a building permit, a lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained to meet the requirements of the City's Security Ordinance. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring residential properties and from windows of houses within the project.
18. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, to the satisfaction of the City's Landscape Architect, allowing sufficient access for reading of gauges.
19. Any transformer shall be located underground or screened from view, including from the adjacent Eden Greenway, by landscaping to the satisfaction of the City's Landscape Architect and shall be located outside any front or side street yard.

20. The open parking space shall be marked and signed for visitor use only.

Landscaping

21. Prior to issuance of a 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*.
22. 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 run-off. Landscaping shall also comply with the City's "water efficient landscape ordinance" or equivalent.
23. The project is encouraged to implement "Bay Friendly Landscaping" principles promoted as part of green building.
24. Park Dedication In-Lieu Fees are required for five net new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.
25. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb unless an alternative is needed for drainage purposes and the design is approved by the City Landscape Architect and the City Engineer .
26. All above ground utilities and mechanical equipment shall be screened from view with shrubs, to the satisfaction of the City's Landscape Architect.
27. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed and maintained within all landscaped areas. This system shall include a reduced pressure backflow device and shall include an individual adjustable-flow bubbler to each tree.
28. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of improvements.
29. 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.

Conditions Covenants and Restrictions

30. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever occurs first, a homeowners association shall be created, which shall be responsible for maintaining the private roadway, landscaping, fencing, private roadway lighting, private utilities and other privately owned common areas and facilities on the site. These maintenance responsibilities shall include implementing and maintaining stormwater best management practices (BMPs) associated with improvements and landscaping. CC&R's 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&R's shall describe how the stormwater BMPs

associated with privately owned improvements and landscaping shall be maintained by the association; and shall include the following provisions:

- a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
- b. A reserve fund shall be maintained to cover the costs for the replacement and/or repair of the private roadway, parking bays, private storm drain, common area landscaping and common fencing.
- c. The private roadway, parking bays, private storm drain, common area landscaping, and common fencing shall be maintained in good repair, and free of debris at all times.
- d. All common improvements shall be maintained free of graffiti. Any graffiti shall be removed within 72 hours of inspection or within 72 hours.
- e. The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days of notification to the homeowner. Notification shall occur on the same day as the inspection.
- f. Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association, per Section 10-3.385 of the Subdivision Ordinance.
- g. A tree removal permit from the City is required prior to the removal of any tree with a diameter of eight inches or larger.
- h. Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size approved by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.
- i. A provision that if the homeowners' association fails to maintain the private roadway and parking bay, private storm drain, common area landscaping, and common fencing so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the private street, parking bays, and common landscape areas, after reasonable notice, and lien the properties for their proportionate share of the costs.
- j. Each resident shall participate in the City's recycling program.
- k. The homeowners association shall be responsible for maintaining all fencing.

Solid Waste & Recycling

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

**CITY OF HAYWARD
PLANNING DIVISION**

**TENTATIVE TRACT MAP 7873
FINDINGS FOR APPROVAL**

November 15, 2007

Site Plan Review No. PL-2007-0176 / Tentative Tract Map 7873 No. PL-2007-0179 – BKBC Architects (Applicant) / Manohar S. Dhanju (Owner) – Request to Construct 7 Residential Townhouse Units

The Project Is Located at 475 Berry Avenue in a Medium Density Residential (RM) District

1. The approval of Tentative Map Tract 7873, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, Section 15332, Class 32, In-fill Development.
2. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.
6. Existing streets and utilities are adequate to serve the project.
7. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made.

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

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CITY OF HAYWARD
PLANNING DIVISION**

**TENTATIVE TRACT MAP 7873
CONDITIONS OF APPROVAL**

November 15, 2007

Site Plan Review No. PL-2007-0176 / Tentative Tract Map 7873 No. PL-2007-0179 – BKBC Architects (Applicant) / Manohar S. Dhanju (Owner) – Request to Construct 7 Residential Townhouse Units

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

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

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

IMPROVEMENTS

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

Berry Avenue

1. Install curb, gutter, and a 5.5-foot-wide sidewalk abutting the back of curb across the property frontage. The design shall meet the approval of the City Engineer.
2. The Berry Avenue frontage shall be improved with a standard City electrolier. The design and location shall be approved by the City Engineer.
3. A photometric plan shall be submitted that meets the approval of the City Engineer.
4. The private roadway shall conform to City Standard Detail SD-110 (6-foot flares).
5. An Encroachment Permit must be obtained prior to the start of any construction within the public right-of-way.

Interior Private Roadway

6. The interior private roadway shall have a minimum curb to curb width of 20 feet and shall provide a minimum 26-foot-wide back-up area where parking is located perpendicular to the driveway.
7. The private roadway shall be designated as a fire lane, with no parking allowed along the length of the private roadway except in designated parking areas. Wherever parking is not allowed, curbs shall be painted red and/or fire lane signage shall be installed.
8. Decorative streetlights and pedestrian lighting shall be installed along the private roadway. The street lights shall be owned and maintained by the homeowners association. The light design and location shall be approved by the Planning Director and the City Engineer.

Landscaping and Irrigation

9. Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*. The landscape design shall incorporate the following items:
 - a. One 24-inch box street tree shall be installed for every 20 lineal feet of property frontage. Trees shall be planted in accordance to City Standard Detail SD-122; and
 - b. All above ground utilities and mechanical equipment shall be screened from the street and roadway with shrubs.
10. Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private yard.

Storm Drainage

11. The storm drain systems on individual lots shall be privately owned and maintained by the property owners, and those portions within the common area shall be owned and maintained by the homeowners association.
12. 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.
13. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.
14. The owner shall prepare a Storm Treatment Measure Maintenance Agreement (available at 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.

15. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area prior to storm runoff entering a pipe system.
16. The developer shall prepare a Maintenance Agreement for storm water BMP's constructed as part of this project. The Maintenance Agreement shall be reviewed and approved by the City prior to recordation with the Alameda County Recorder's Office. The agreement shall be recorded to ensure that the responsibility for maintenance is bound to the property in perpetuity.
17. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the developer's engineer shall complete a Development Building Application Form Information including an Impervious Material Form and Operation and Maintenance Information Form.
18. The project plans shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
19. The applicant/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.
20. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
21. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.

Sanitary Sewer System

22. The developer will be subject to the City of Hayward sanitary sewer service connection fees in effect at the time of application to connect to the sewer system. Each unit must have a separate sewer lateral.
23. The sanitary sewer main shall be public and shall be installed with a straight grade between manholes. The sanitary sewer main shall be located on the centerline of the proposed private street with manholes at the beginning and end of the line. The sanitary sewer main shall be an 8-inch main.

Water System

24. Calculations shall be provided to show proposed water mains are adequate to supply required fire flows. The plans shall indicate the gallon-per-minute water demand to determine the proper meter size.
25. Prior to occupancy, water services shall be installed for each residential unit by City crews at the developer's expense. The application for water services shall be presented to the inspector.
26. Each residential unit shall be individually metered utilizing radio read meters.
27. City of Hayward water service is available subject to standard conditions and fees in effect at the time of service application.
28. The water service design shall be approved by the Deputy Director of Public Works.
29. Minimum 1-inch water meters shall be required for these units to support the domestic water fixtures as well as the fire sprinkler system.
30. A fire hydrant shall be installed near the entrance of the private roadway. The location and hydrant details shall meet the approval of the Fire Chief. The fire hydrant location shall be identified with blue reflective pavement markers installed in the street adjacent to the fire hydrant. Crash post protection may be required for the fire hydrant if it is installed in a location subjected to any vehicular damage.
31. The fire hydrant shall be a double steamer type which shall be installed per City standards. Fire flow requirements for this development shall be 1,500 gallons per minute at 20 psi. An allowance of up to 50 percent may be granted for fire sprinklers systems installed within each building.
32. Only City Water Distribution Personnel shall perform operation of valves on the Hayward water system.

Utilities

33. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC and SBC Broadband Company regulations. Transformers, and switch gear cabinets, shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
34. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
35. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Fire Protection

36. The private driveway shall be a dedicated fire lane with a pavement designed and engineered to withstand 50,000 lbs. gross vehicle weight (GVW). The fire lane signage and red-painted curbing shall be installed along the private roadway per Hayward Fire Department Standards.
37. Addressing for each unit shall be assigned and approved by the Fire Department. Numbers shall be a minimum of 4 inches in height (self-illuminated) or a 6 inch letter on a contrasting background, and be visible from the street or private roadway and entries shall have similar numbers visible from Eden Greenway.
38. Units 5, 6 and 7. Each unit shall have an automatic fire sprinkler system designed and installed per NFPA 13-D (Modified) Standards which shall consist of fire sprinkler protection within all living areas, garage and attic space.
39. Pedestrian gates shall be installed for the private yard fencing of Unit #7 so firefighter access can be achieved from both sides of the yard.
40. Smoke detectors shall be installed within each townhouse unit as per the California Building Code.
41. Construction separation requirements between each townhouse unit shall have a minimum 1-hour fire rating.
42. An exterior alarm bell shall be installed on each fire sprinkler system riser for each townhouse unit that has automatic fire sprinklers installed.
43. Interior alarm signaling device shall be installed within each townhouse unit (with fire sprinklers) and interconnected to the fire sprinkler system water flow equipment.
44. Fire permits are required for each fire sprinkler system installation.

Dedications, Easements and Deed Restrictions

45. The final map shall reflect:
 - a. The private roadway shall be dedicated as a water, sanitary sewer and public and utility easement main easement.
 - b. Public utility easements (PUE) along both sides of the private roadway as approved by the City Engineer.
 - c. Public utility easement (PUE) along the Berry Avenue property frontage as approved by the City Engineer.

Subdivision Agreement

46. A subdivision agreement shall be executed and surety posted with the City to secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

Homeowners Association and Covenants, Conditions and Restrictions

47. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever occurs first, a homeowners owners association shall be created and shall be responsible for maintaining all private streets, private street lights, private utilities, landscaping and other privately owned common areas and facilities on the site. These maintenance responsibilities shall include implementing and maintaining stormwater BMPs associated with improvements and landscaping. CC&R's 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&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

48. Required water system improvements shall be completed and operational prior to the start of combustible construction to the satisfaction of the Fire Chief.
49. A minimum 20-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

DURING CONSTRUCTION

50. 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 tract related construction activities shall be limited to the hours 7:00 AM to 7:00 PM on weekdays; there shall be no grading or construction activities on weekends or holidays;
 - 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 200 feet of the project boundary) with this information.

- f. The developer shall participate in the City's recycling program during construction;
- g. Daily clean-up of trash and debris shall occur on Berry Avenue and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j. 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;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- n. 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;
- o. 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;
- p. 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;
- q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- r. 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;

- s. 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;
 - t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See the City's "*Building Maintenance/Remodeling*" flyer for more information available in the Engineering and Transportation Division;
 - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - v. The applicant/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.
51. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
52. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
53. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per condition of approval No. 12 above.
54. Construction Administration services shall be provided by the project landscape architect. Services to include:
- a. Observation of irrigation system before burying pipes;
 - b. Observation of plant material upon delivery to the site;
 - c. Observation of layout and placement of plant material upon delivery to the site;
 - d. Observation for maintenance period commencement; and
 - e. Observation for final acceptance.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

55. The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits;

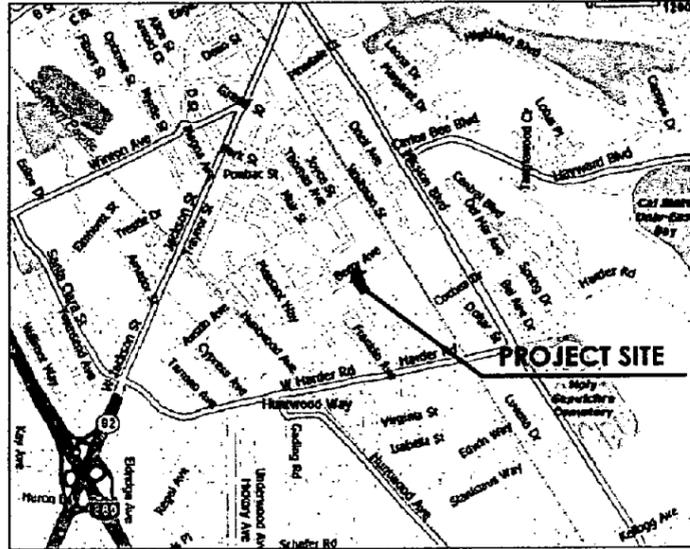
- a. Supplemental Building Construction and Improvement Tax;
 - b. School Tax; and
 - c. Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.
 - d. Park In-lieu fees for the five net units at the rate in effect when the building permit for each unit is issued.
56. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

57. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
58. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
59. The improvements associated with the Pacific Gas and Electric Company, PacBell and Comcast shall be installed to the satisfaction of the respective companies.
60. The subdivider shall submit an "as built" plan indicating the following:
- a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, Pac Bell and Comcast, etc; and
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures.

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VICINITY MAP



AERIAL MAP



PARK VIEW HOMES

SEVEN TOWN HOMES INDIVIDUAL LOT SUBDIVISION

475 BERRY AVENUE
HAYWARD, CALIFORNIA

DESIGN SET

PROJECT DATA

APN 444-0066-015-02
LOT AREA 21,540 SF (0.49 ACRE)
ZONING RM (MEDIUM DENSITY RESIDENTIAL DISTRICT)
USE: RESIDENTIAL TOWNHOMES (3 BEDROOMS, 2 1/2 BATHS)
MAXIMUM HEIGHT 30'-6" (2-STORIES TOTAL)
DWELLING UNITS/DENSITY 7 UNITS (8 UNITS ALLOWED)
LOT RATIO: 1:2
 LOT FRONTAGE: 104.60'
 LOT DEPTH: 216.50'
 MINIMUM LOT AREA/DWELLING UNIT 2,500 SF/UNIT
BUILDING FOOTPRINT 8,300 SF (8,616 ALLOWED)
LOT COVERAGE 38.5% (40% ALLOWED)
CONSTRUCTION TYPE TYPE V N
OCCUPANCY GROUP R-3 & U-1 (PRIVATE GARAGE)
FIRE SPRINKLER UNITS 5, 6, & 7

BUILDING AREA
 FIRST FLOOR AREA 720 SF
 SECOND FLOOR AREA 1,080 SF
 TOTAL LIVING SPACE AREA 1,800 SF
 GARAGE AREA 430 SF
 TOTAL BUILDING AREA 2,230 SF
PARKING
 COVERED 14 SPACES
 UNCOVERED 1 SPACE
 TOTAL PROVIDED 15 SPACES (15 REQUIRED)

USABLE OPEN SPACES (6' OR MORE)

UNIT	PRIVATE YARD	BALCONY
1	-	60 SF
2	240 SF	60 SF
3	170 SF	60 SF
4	-	60 SF
5	283 SF	60 SF
6	220 SF	60 SF
7	419 SF	60 SF

Project #
PL-2007-0176 SPR
& TTM 7873

ARCHITECTS

BKBC ARCHITECTS INC.

1371 OAKLAND BLVD., SUITE 101
WALNUT CREEK, CA 94596

TEL. 925.930.9700 FAX 925.930.9989

DEVELOPER/OWNER

**MANOHAR S. DHANJU
INDERJIT SINGH**

473 BERRY AVE.
HAYWARD, CA 94544

TEL. 510.828.4541

PROJECT

PARK VIEW HOMES

475 BERRY AVE. HAYWARD, CA 94544

DRAWING TITLE

COVER SHEET

DATE:

8/7/07

SCALE:

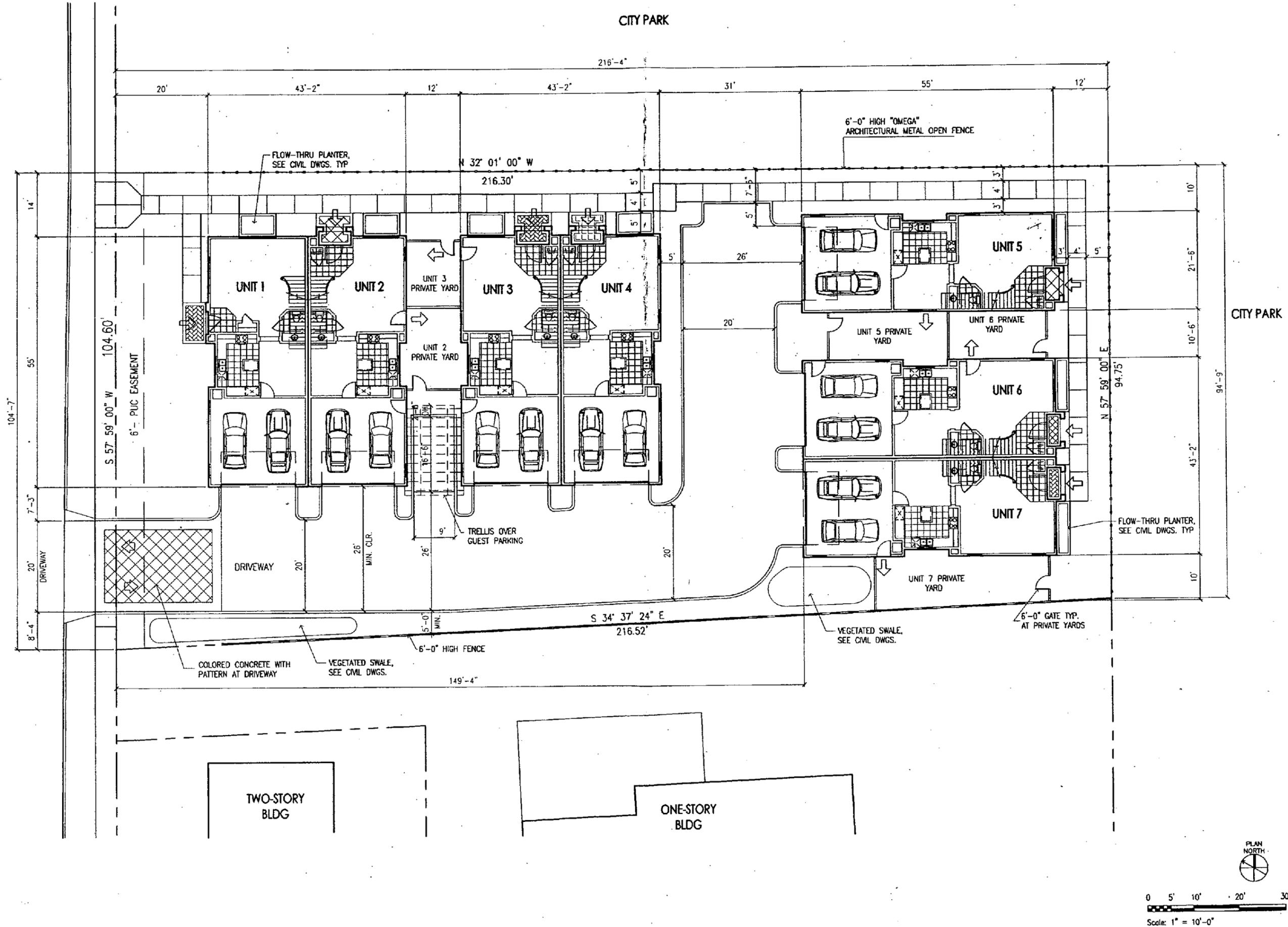
NTS

DRAWING NO:

Ha-16a

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BERRY AVENUE



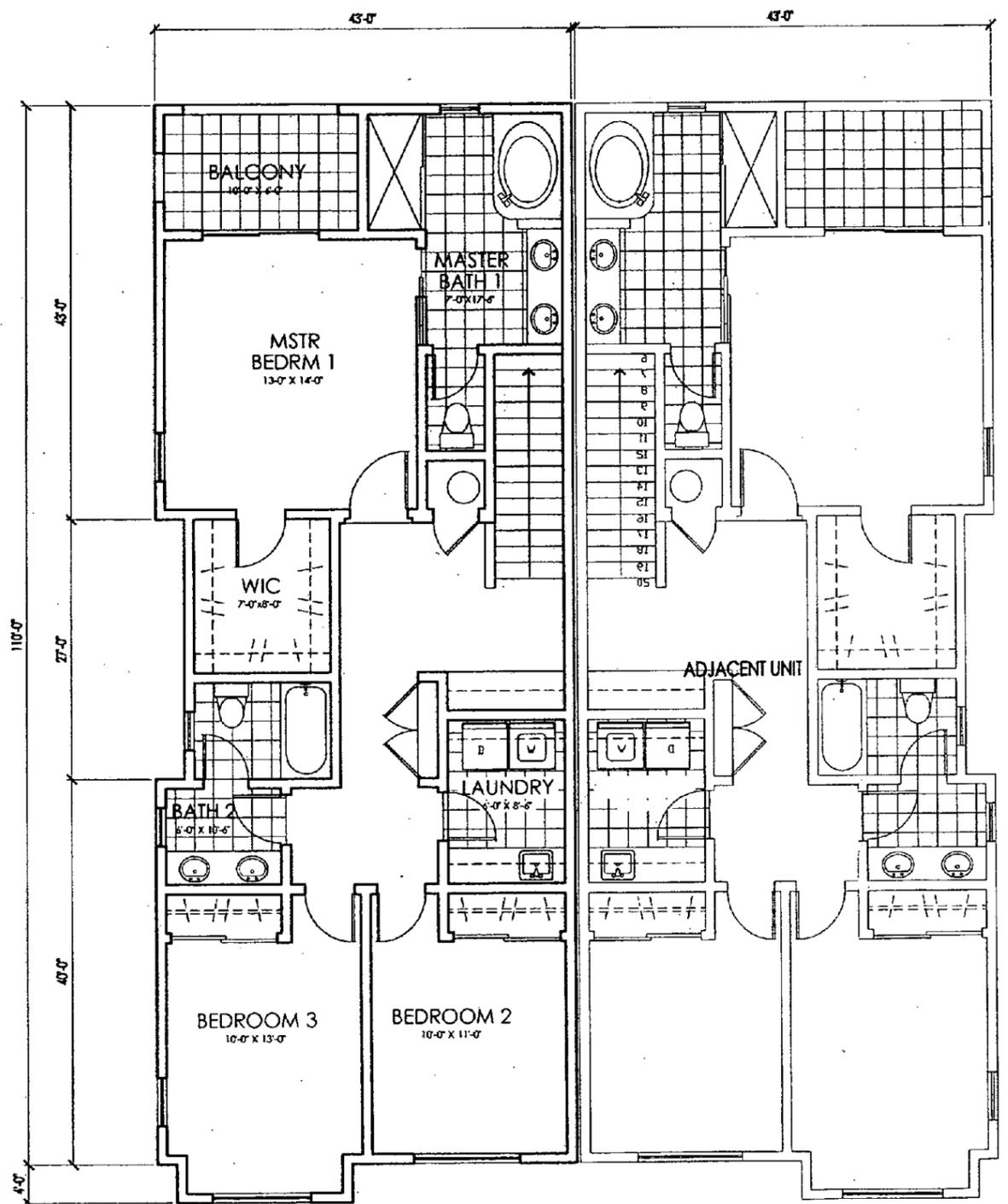
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DEVELOPER/OWNER
**MANOHAR S. DHANJU
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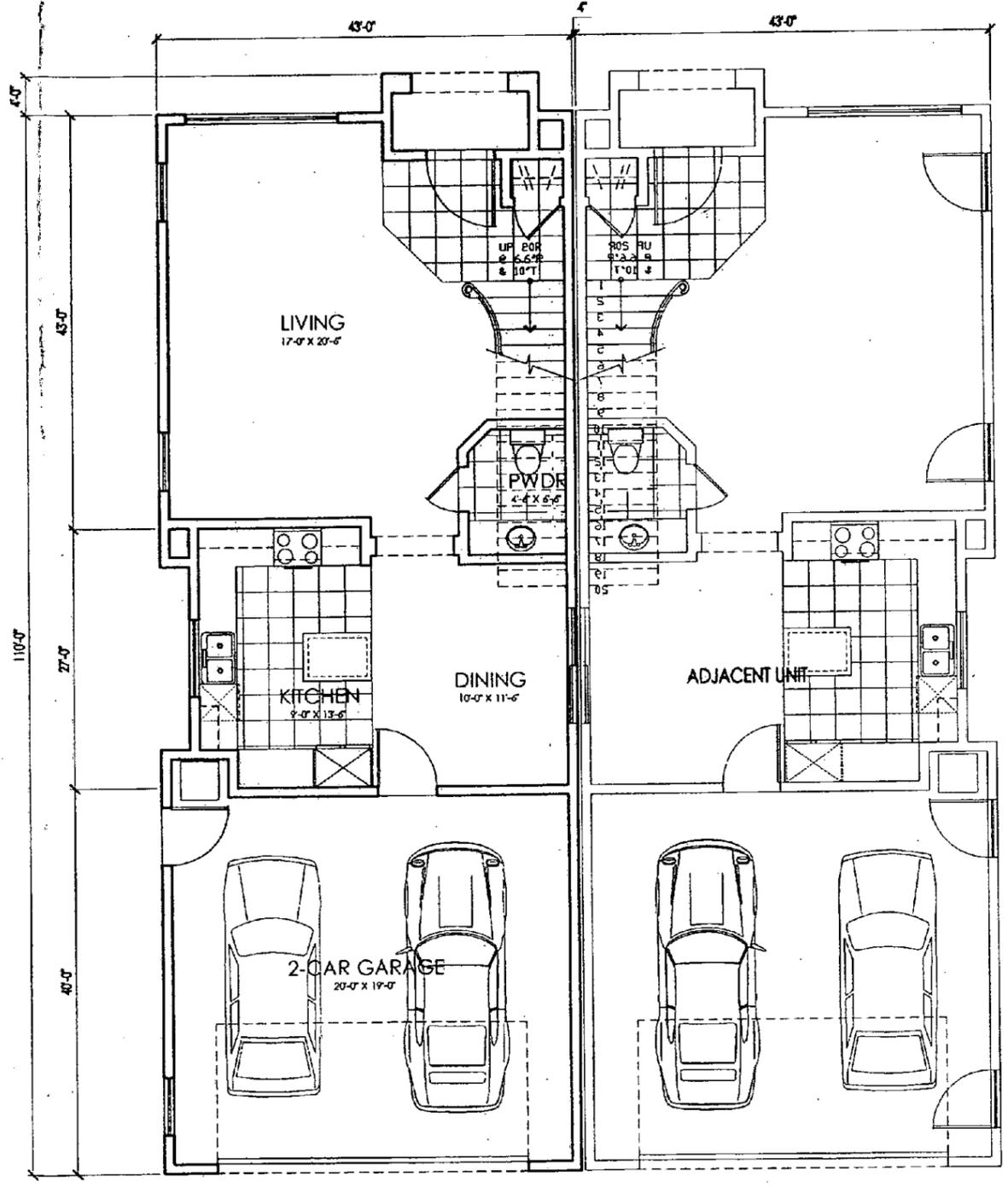
PROJECT
PARK VIEW HOMES
 475 BERRY AVE. HAYWARD, CA 94544

DRAWING TITLE
SITE PLAN
 DATE: 8/7/07
 SCALE: AS SHOWN
 DRAWING NO:
Ha-16b

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SECOND FLOOR PLAN 2



FIRST FLOOR PLAN 1

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PROJECT
PARK VIEW HOMES

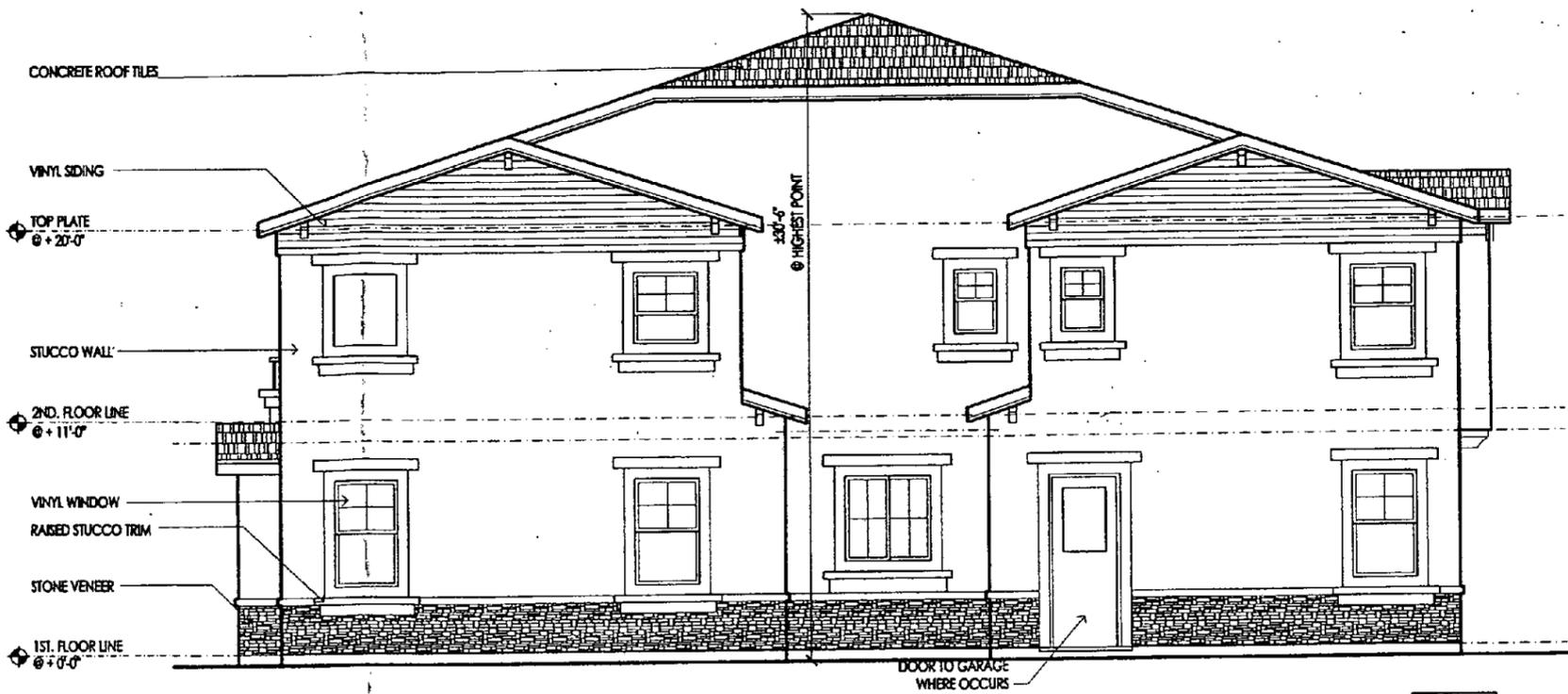
DRAWING TITLE
FLOOR PLANS

DATE:
 8/7/07

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

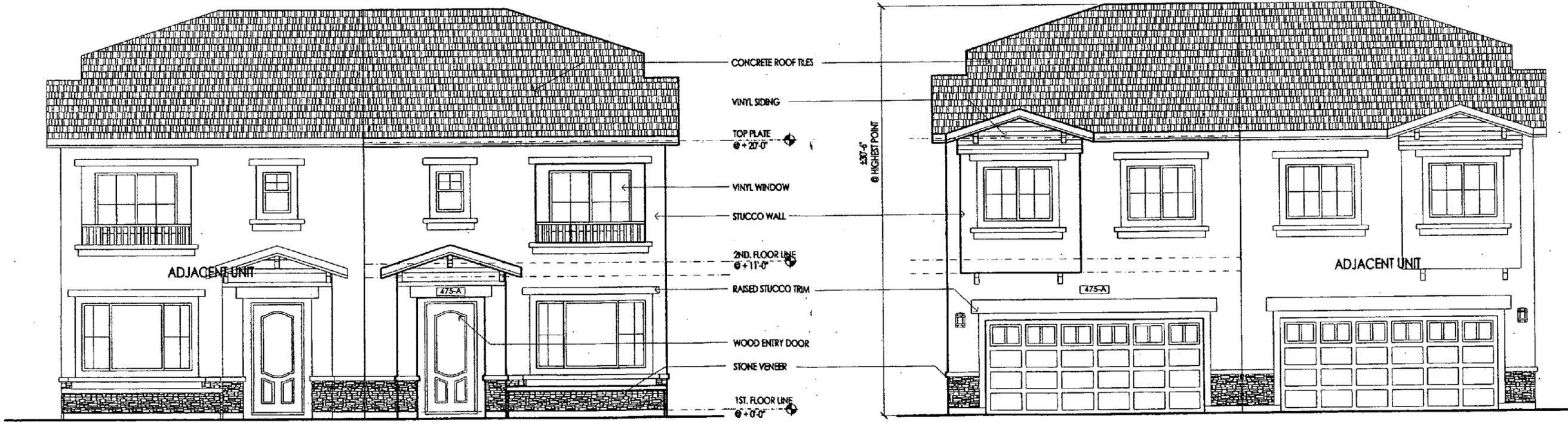
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SIDE ELEVATION

3



ELEVATION @ ENTRY

2

ELEVATION @ DRIVEWAY

1

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PROJECT
PARK VIEW HOMES
 475 BERRY AVE. HAYWARD, CA 94544

DRAWING TITLE
ELEVATIONS

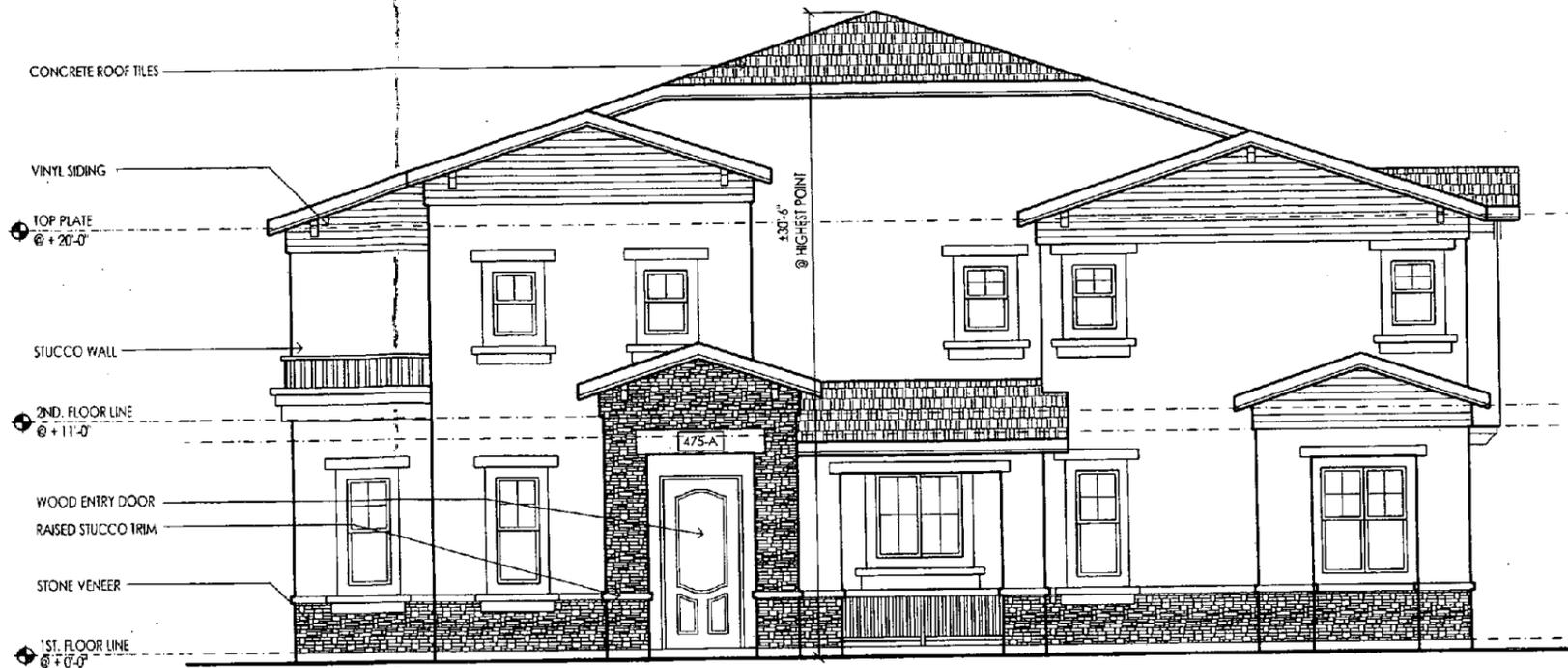
DATE:
 8/7/07

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

DRAWING NO:

Ha-16d

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STREET ELEVATION - UNIT 1

2



NORTH ELEVATION - UNIT 1

1

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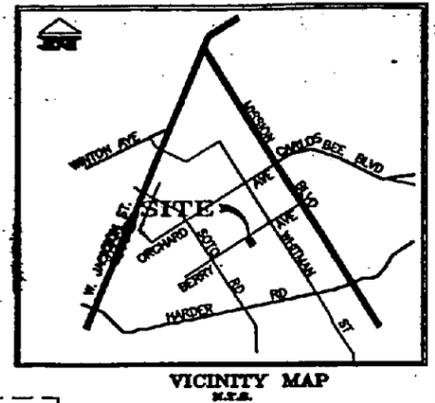
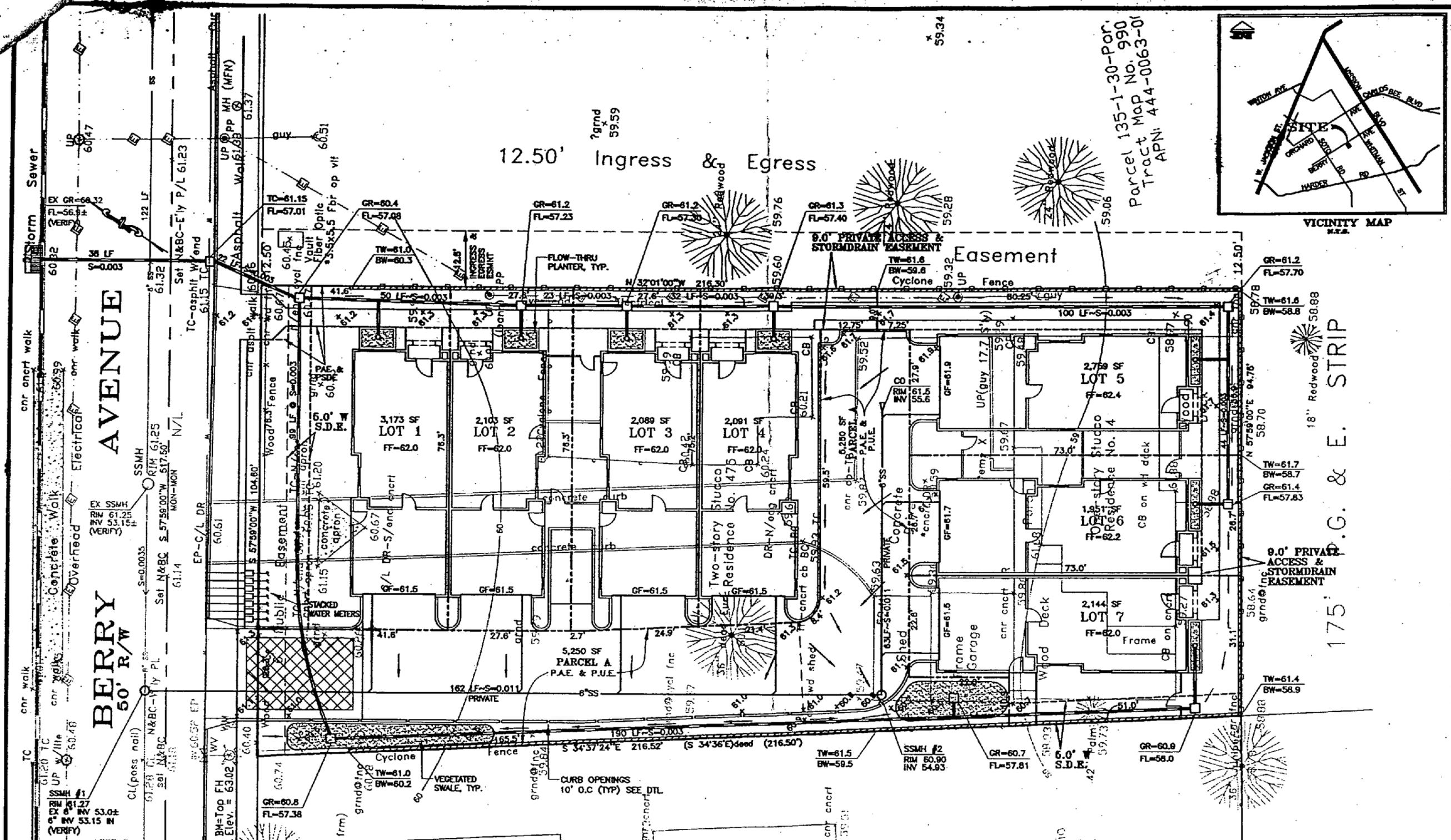
DEVELOPER/OWNER
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PROJECT
PARK VIEW HOMES
 475 BERRY AVE. HAYWARD, CA 94544

DRAWING TITLE
**ELEVATIONS
 UNIT 1**

DATE:
 8/7/07
 SCALE:
 1/4"=1'-0"
 DRAWING NO:

Ha-16e



Parcel 135-1-30-PO-990
 Tract Map No. 990
 APN: 444-0063-01

BERRY AVENUE
 50' R/W

175' P.C.G. & E. STRIP

- FOUND STANDARD STREET MARK
- WATER METER
- ELECTRIC BOX
- TELEPHONE BOX
- JOINT POLE
- WATER VALVE
- FIRE HYDRANT
- SANITARY SUMP MANHOLE
- SANITARY SEWER
- DRAINAGE INLET
- EXISTING GRADE

BENCHMARK:
 TOP OF FIRE HYDRANT NEAR
 NW CORNER OF SURVEY.
 ELEVATION = 63.02' CITY OF
 HAYWARD DATUM.

BOUNDARY & TOPOGRAPHIC SURVEY PERPARED BY:
 RAYMOND B. THINGGAARD,
 PLS-3820, EXP. 8-30-08
 THINGGAARD LAND CONSULTING
 3524 BREAKWATER AVENUE, SUITE B
 HAYWARD, CALIFORNIA 94545
 (510) 732-6808

NOTES:

APN: 444-0066-015-02
 ADDRESS: 475 BERRY AVENUE, HAYWARD, CA
 EXISTING ZONING: RM
 PROPOSED ZONING: RM

ACREAGE: TOTAL GROSS: 21,560 SF = 0.49 AC
 NUMBER OF LOTS: 7
 PROPOSED: 7 TOWNHOMES
 AVG LOT SQUARE FOOTAGE: 2,330 SF
 PARCEL A (PAE & PUE): 5,250 SF
 NO. OF PARKING: 14 COVERED PARKING
 1 GUEST PARKING

DEVELOPER:
 MANOHAR SINGH DHANJU
 475 BERRY AVENUE
 HAYWARD, CA 94544

OWNER:
 MANOHAR SINGH DHANJU
 475 BERRY AVENUE
 HAYWARD, CA 94544

CIVIL ENGINEER:
 HUMANN COMPANY INC.
 1021 BROWN AVE.
 LAFAYETTE, CA 94549
 PH. (925) 283-5000

UTILITIES:

WATER: CITY OF HAYWARD
 SANITARY SEWER: CITY OF HAYWARD
 STORM SEWER: CITY OF HAYWARD
 FIRE PROTECTION: CITY OF HAYWARD FIRE DEPT.
 GAS & ELECTRIC: PC&E CORP.



VESTING TENTATIVE MAP TRACT NO. 7873
 PARK VIEW HOMES - A TOWN HOME SUBDIVISION
 475 BERRY AVENUE
 HAYWARD CALIFORNIA

SCALE: 1"=10'
 DATE: 06/19/07
 ENGINEER: GCP
 JOB NO.: 07006

HUMANN COMPANY INC.
 1021 BROWN AVE., LAFAYETTE, CA 94549
 PH. (925) 283-5000 FAX (925) 283-5078

REVISION 1
 OF 1 SHEETS

JOB NO. 07006

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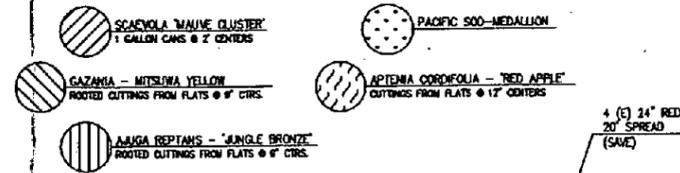
ABBR.	BOTANICAL NAME	COMMON NAME	QTY.*	SIZE
AGA PP	AGAPANTHUS 'PETER PAN'	DWARF LILY OF THE MILK	0	1gal
AGA SC	AGAPANTHUS 'STORM CLOUD'	'STORM CLOUD' LILY OF THE MILK	0	1gal
AZA FOR	AZALEA INDICA 'FORMOSA'	PURPLE SUN AZALEA	0	5gal
AZA OT	AZALEA INDICA 'GEORGE TABOR'	LARGE SINGLE PINK AZALEA	0	5gal
CAM JAP	CAMELLIA JAPONICA	CAMELLIA	0	5gal
ESC FRA	ESCALONIA 'FRADESI'	FRADESI ESCALLONIA	0	5gal
EUR VTS	EURYOPS PECTINATUS 'TREE STD.'	GOLDEN EURYOPS	0	5gal
HEM SD	HEMEROCALLIS 'STELLA O' GRD'	EMERGREEN DAY LILY	0	1gal
MOR BC	MORAEA BICOLOR	FORTNIGHT LILY	0	5gal
NAN DOM	NANDINA DOMESTICA	HEAVENLY BAMBOO	0	5gal
PND TEN	PHORUM TENAX 'CREAM DELIGHT'	CREAM DELIGHT NEW ZEALAND FLAX	0	5gal
PIT TV	PITTOSPORUM TOBIIRA 'VARIEGATA'	VARIATED MOCK ORANGE	0	5gal
POD HEN	PODOCARPUS YENKELI	LONG-LEAFED YELLOW-WOOD	0	5gal
STR REG	STRELITZIA REGINAE	BIRD OF PARADISE	0	5gal
VB SB	VERBENUM TINUS 'SPRING BOUQUET'	SPRING BOUQUET VERBENUM	0	5gal
XYL CON	XYLOSMA CONGESTUM	SHINY XYLOSMA	0	5gal
MYR CC	MYRTUS COMBENS 'COMPACTA'	DWARF MYRTLE	0	5gal
NAN GS	NANDINA GLENN STREAM	GLENN STREAM BAMBOO	0	5gal
OLI MEN	OLIVA MENA	OLIVA	0	5gal
ASP CAP	ASPIDIUM CAPENSE	LEATHER LEAF FERN	0	5gal
GRE CAF	GREMA CAFFRA	LAVENDER STARFLOWER	0	5gal

*PLANT QUANTITIES ARE APPROXIMATE. SEE PLAN FOR ACTUAL COUNTS

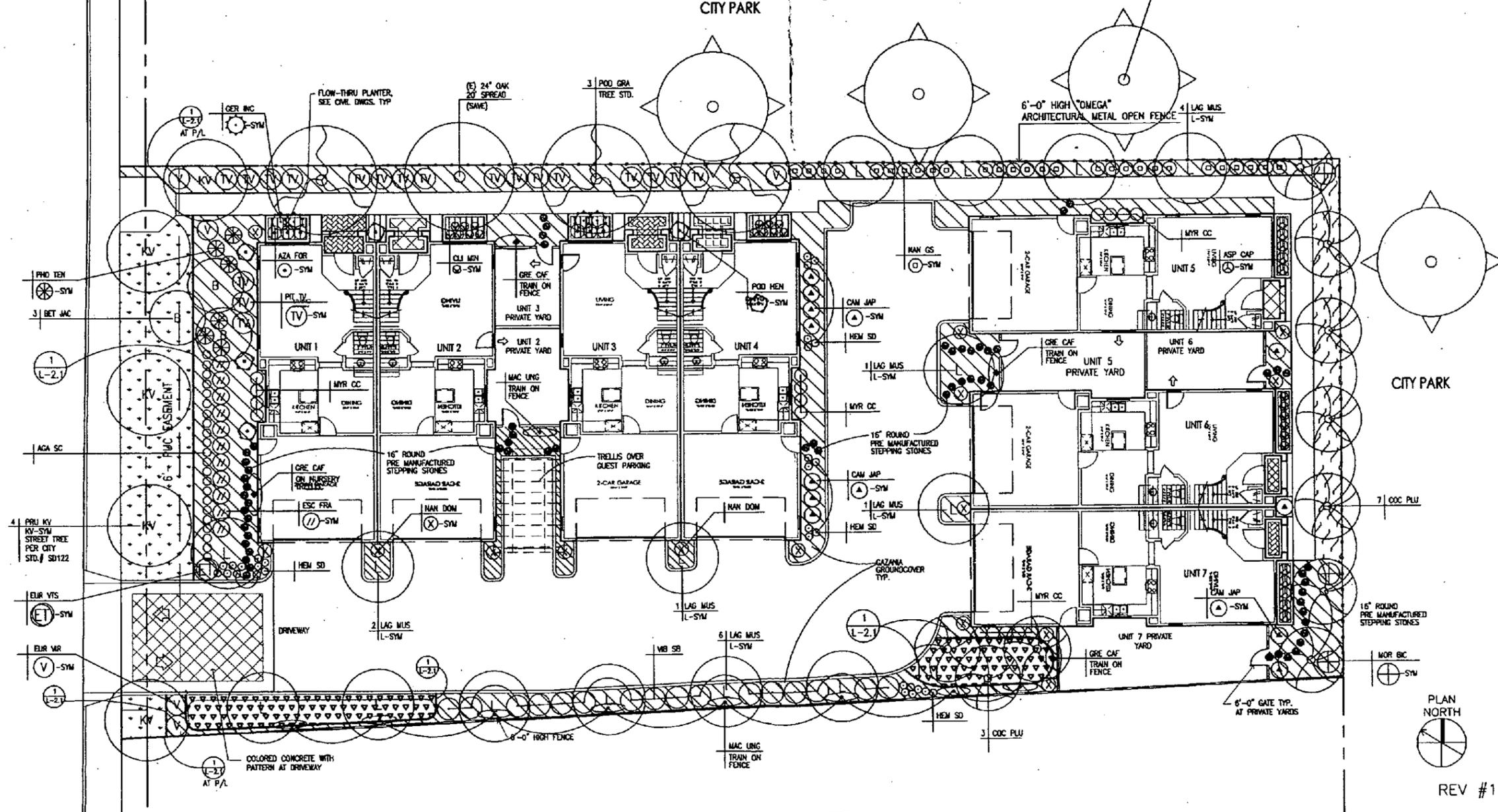
ABBR.	BOTANICAL NAME	COMMON NAME	QTY.*	SIZE
BET JAC	BETULA JACOBSONII	BIRCH	3	24" box
COC PLU	COCOS PLUMOSA	QUEEN PALM (6' TALL TRUNK)	10	8" TRUNK
POD GRA	PODOCARPUS GRANDIS 'TREE STD.'	FERN PALM TREE STD.	3	24" box
PLU KV	PRUNUS CERASIFERA 'KRAUTER VESUNIAS'	PURPLE LEAFED PLUM	4	24" box
LAG MUS	LAGERSTROEMIA INDICA 'MAISKOKE'	PURPLE ORAEMMYRTLE	15	15gal
PLU KV	PRUNUS CERASIFERA 'KRAUTER VESUNIAS'	PURPLE LEAFED PLUM	1	24" box

*PLANT QUANTITIES ARE APPROXIMATE. SEE PLAN FOR ACTUAL COUNTS

ABBR.	BOTANICAL NAME	COMMON NAME	QTY.	SIZE
MAC UNC	MACADAMIA TENSIS-CATI	YELLOW CATS CLAW	8	5gal
		(TRAIN ON FENCE)		



BERRY AVENUE



REV #1 7-19-07

ARCHITECTS
BKBC ARCHITECTS INC.
1371 OAKLAND BLVD. SUITE 101
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PROJECT
PARK VIEW HOMES
SEAL

ISSUES:

PROJECT NUMBER: I-06-37
DRAWN: BB CHECKED: KM
DATE: 3/9/07
SCALE: 1"=10'-0"
TITLE: PRELIMINARY PLANTING
DRAWING NO: L-1