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**DATE:** March 12, 2009  
**TO:** Planning Commission  
**FROM:** Tim R. Koonze, Associate Planner  
**SUBJECT:** Site Plan Review Application PL-2006-0446, Vesting Tentative Tract Map 7847  
Application PL-2006-0445 - Bernard De Bacca (Applicant/Owner) - Request to  
Construct 18 Townhouse Units

Property is Located at the Northwest corner of South Garden and Marin  
Avenues in a Medium Density Residential District (RMB3.5);  
22469 – 22541 South Garden Avenue, and 715 - 727, and 737 Marin Avenue  
APNs 432-0044-024-02 and 432-0044-025-02

## **RECOMMENDATION**

Staff recommends that the Planning Commission find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332, Class 32, In-Fill Development, of the guidelines and approve the proposed project, subject to the attached findings and conditions of approval.

## **SUMMARY**

The developer proposes to construct 18 residential units within nine duplex structures served by an interior private street. The accompanying subdivision would create townhouse parcels which would allow each unit to be sold separately. The project is located within the Medium Density Residential (RMB3.5) zoning district and the Medium Density Residential General Plan Land Use designation. The proposed density of 12.3 units per acre conforms to both the Zoning and General Plan designations. The project meets minimum parking and open space requirements.

## **BACKGROUND**

### Setting and Project Description -

The relatively flat 1.46-acre project site consists of two parcels that contain a mixture of single-family and multi-family residences. There are seven residential buildings, two being duplexes and the others single-family homes, and two accessory buildings. The existing structures were constructed between 1946 and 1950. They are adequately maintained but have no historic value. All existing structures would be removed to accommodate the proposed development.

The project is located within an established neighborhood. Multi-family units are located to the north and a church is located to the east. A supermarket and mixed residential types are located to the south. A single-family subdivision is located to the west.

The developer is proposing to construct 18 townhouse units within nine duplex buildings. The buildings would have a contemporary design constructed in a townhouse fashion. Each unit would have its living area on the ground floor and three bedrooms on the second floor. The units would range in size from 1,513 to 1,661 square feet. Four units would have two full baths; the remaining units would have 1½ baths. Each unit would have ground-level private yards ranging in size from 215 to 1,025 square feet and a 4,400 group open space is centrally located within the development. The private and group open space exceeds the requirements of the Zoning Ordinance.

The units located along South Garden and Marin Avenues would face the streets. This allows the development to integrate with the surrounding neighborhood. In addition, the living area is located toward the front of the units; such a design allows the residents to keep an eye on the streets and is a feature encouraged by Crime Prevention through Environmental Design (CPTED) principles.

The developer would be required to install landscaping along the street frontages and within all common areas of the project that are not paved. All common landscape areas would be maintained by the homeowners association. The landscaping would be designed to meet the City's Water Efficient Landscape Ordinance. The landscape plan would include common facilities such as benches, picnic tables, barbecues.

There are 16 trees on the site; 13 trees are proposed to be removed to accommodate the proposed development. The trees vary in size from 8 inches to 40 inches in diameter. The tree types include citrus, Acacia, magnolia, poplar, and cedar. Prior to approval of the landscape and irrigation plan, an arborist report will be required to identify the value of the trees to be removed and replacement trees would be required in accordance with the City's Tree Preservation Ordinance.

A private street, with a width varying from 24 to 28 feet wide, would serve the project along with a single-family home located at the northwest corner of the site on a separate parcel, which is not a part of this project. The owner of the adjacent parcel would be required to enter into an agreement with the homeowners association to pay for the proportionate share of street maintenance.

Conditions of approval would require decorative paving to be placed at the two private street entrances. The private street and common group areas would be illuminated with decorative lighting. There are 40 parking spaces proposed including four visitor spaces. Ten units would have two-car garages, the remaining eight units would have a one-car garage and an open space located next to the unit. The parking for the units would have access from the interior private street. Marin and South Garden Avenues support 14 street parking spaces along the property frontage.

#### Vesting Tentative Tract Map -

The developer is processing a vesting tentative tract map creating 19 parcels which includes 18 townhouse lots; one for each unit; and a common area lot that includes the proposed private street.

The subdivision allows each unit to be sold separately. The townhouse lots range in size from 1,354 to 3,156 square feet, which would match the footprint of the building and a private yard area.

A townhouse subdivision allows future owners to own their buildings, the land beneath the buildings and their private yard areas. The improvements within the common area parcel would be maintained by a homeowners association which is required to be established by the conditions of approval.

The facilities within the adjacent streets are adequate to serve the proposed project. Water would be provided by East Bay Municipal Utility District (EBMUD) and the sanitary sewer will be provided by Ora Loma Sanitary District. The tentative map, and the conditions of approval accompanying the map, would ensure that the streets and utilities would meet the requirements of the city and the utility provider.

## **DISCUSSION AND STAFF ANALYSIS**

The project is located within the Medium Density Residential (RMB3.5) zoning district and the Medium Density Residential General Plan designation. The proposed density of 12.3 units per acre conforms to both the Zoning Land use and General Plan designation.

All the required findings can be made for this site plan review application, as detailed in the following paragraphs. Most relevant are City policies that support enhancing properties to better serve the surrounding neighborhood while not significantly impacting the on-street parking and traffic on the surrounding streets.

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

The proposed development would be harmonious with the surrounding area in that the project density is similar to surrounding multi-family residential units and it is well designed. The contemporary design is consistent with the neighborhood. The porches and living areas would be oriented towards the abutting public streets offering social opportunities and neighborhood security. The project would be an attractive addition to the City.

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

The property is relatively flat. The project has been designed to collect all drainage from the site and direct the collected drainage through a bio-filter system as required by the California Regional Water Quality Control Board.

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

The proposed development conforms to the following General Plan Land Use Policy:

Infill Development

*Policy 8: Promote Infill Development that is compatible with the overall character of the surrounding neighborhood.*

The proposed development is consistent with the density, architecture and character of the neighborhood which includes a mixture of single-family and multi-family developments.

The proposed development conforms to the following General Plan Housing Policies:

Expand the Housing Supply

*Policy 1: Encourage the provisions of an adequate supply of housing units in a variety of housing types which accommodate the diverse housing needs of those who live or wish to live in the city.*

The proposed townhome development creates a type of housing that offers ownership opportunity for entry level buyers within a multi-family development.

The proposed development conforms to the following purposes of the Zoning Ordinance:

GENERAL PROVISIONS SECTION 10-1.110 PURPOSE

- b. Allow for the infill and reuse areas at their prevailing scale and character.*
- c. Accommodate expansion of development into vacant and underutilized lands within environmental and infrastructure constraints.*

The proposed development conforms to the purpose of the Zoning Ordinance in that the 1.46 acre property is currently underdeveloped. There are seven residential buildings located along the two street frontages. Approximately half of the property, the interior portion, is vacant. The proposed development would allow the property to be developed to its potential with a multi-family project that is consistent with the scale and character of the surrounding neighborhood.

There are adequate facilities within South Garden and Marin Avenues to serve the project. There are 16 trees on site 13 of which are slated for removal to accommodate the proposed development. The trees that are to be removed would be replaced pursuant to the City's Tree Preservation Ordinance.

The proposed development conforms to the Longwood-Winton Grove Neighborhood Plan:

### LAND USE POLICIES

*Policy 1: Preserve the single-family character of the neighborhood while recognizing existing multi-family development.*

*b. Change the General Policies Plan Map designations and/ or zoning for the West Happyland Area to reflect existing multi-family development but preclude further multi-family development*

*2). Recognize existing medium density development from just north of Tehama Avenue to Longwood Avenue.*

The proposed multi-family development would be in keeping with Land Use Polices in that it conforms to the Zoning Ordinance and is replacing the multi-family improvements that exist on the site.

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

The proposed multi-family development is consistent with the adjacent uses. The project would be required to have a homeowners association and covenants, conditions and restrictions (CC&R's). The homeowners association would be required to maintain the private street, buildings, landscaping, fencing and common facilities.

### **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 habitat for endangered, rare or threatened species. The project also would not result in any significant negative effects to traffic, noise, air quality or water quality. The site can adequately be served by available utilities and public services.

### **PUBLIC OUTREACH**

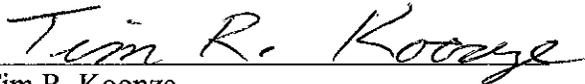
On September 21, 2006, a notice stating that a developer intended to construct a multi-family project was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. One response was received that expressed concern for adequate visitor parking, school capacity, and with the floor plan layout. There is adequate onsite parking in addition to on-street parking on the two abutting public streets. According to Hayward Unified School District's calculations, the project would generate three students which could easily be absorbed into the surrounding schools.

On March 2, 2009, a Notice of Public Hearing was published in *The Daily Review*, and property owners and occupants within 300 feet of the project boundaries were notified, as were interested parties and appropriate public agencies. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

## SCHEDULE

The Planning Commission is acting as the decision-making body and any action taken would be final unless appealed. If approved, the developer would prepare a final map and improvement plans. When completed to the satisfaction of the City Engineer, the final map and a subdivision agreement would be scheduled for City Council consideration.

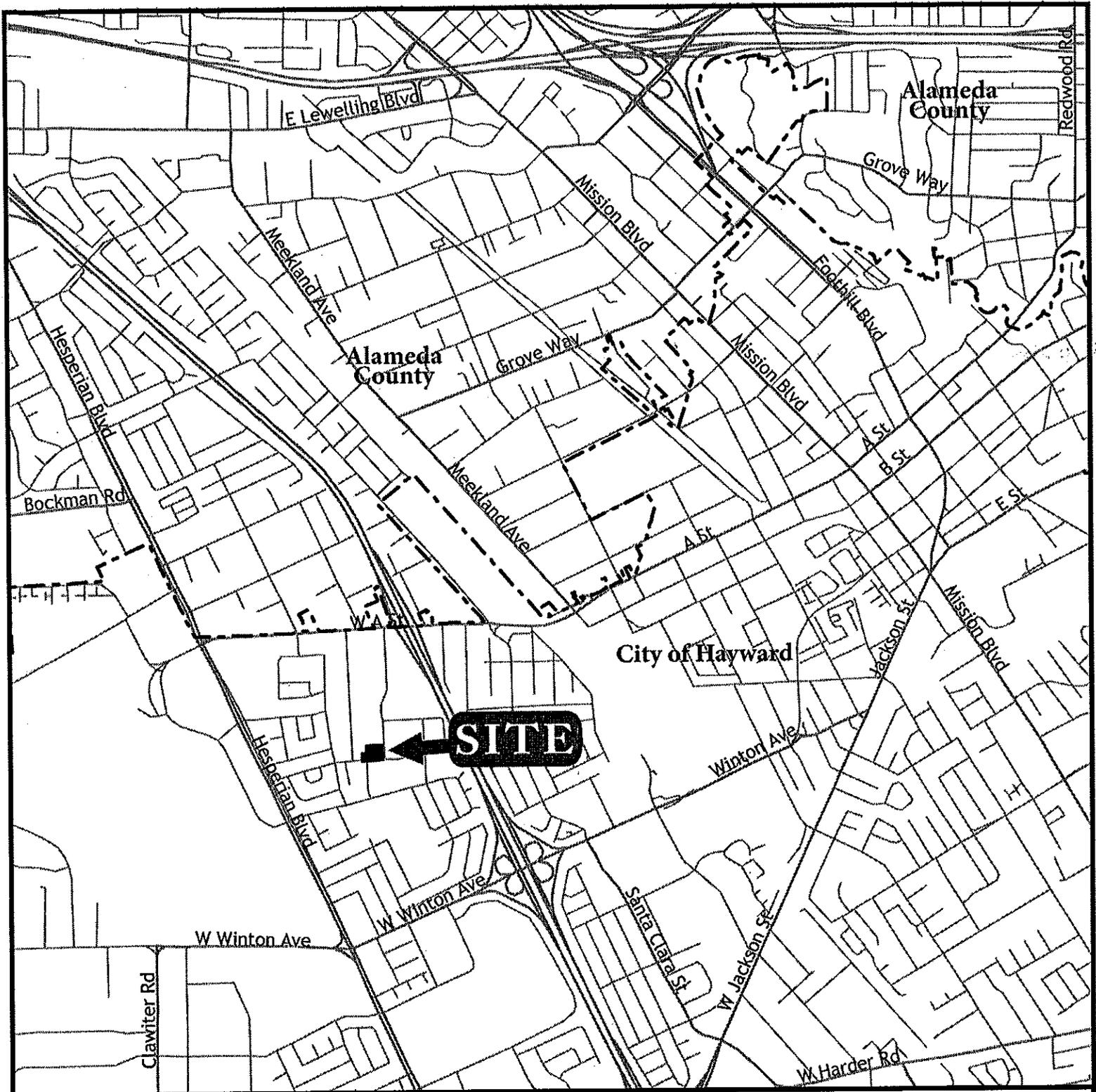
Prepared by:

  
Tim R. Koonze  
Associate Planner

Recommended by:

  
Richard Patenaude, AICP  
Planning Manager

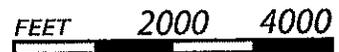
<b>Attachment A:</b>	Vicinity Map
<b>Attachment B:</b>	Area and Zoning Map
<b>Attachment C:</b>	Site Plan Review Findings for Approval
<b>Attachment D:</b>	Site Plan Review Conditions of Approval
<b>Attachment E:</b>	Tentative Tract Map Findings for Approval
<b>Attachment F:</b>	Tentative Tract Map Conditions of Approval
<b>Attachment G:</b>	Application Form Plans Tentative Tract Map

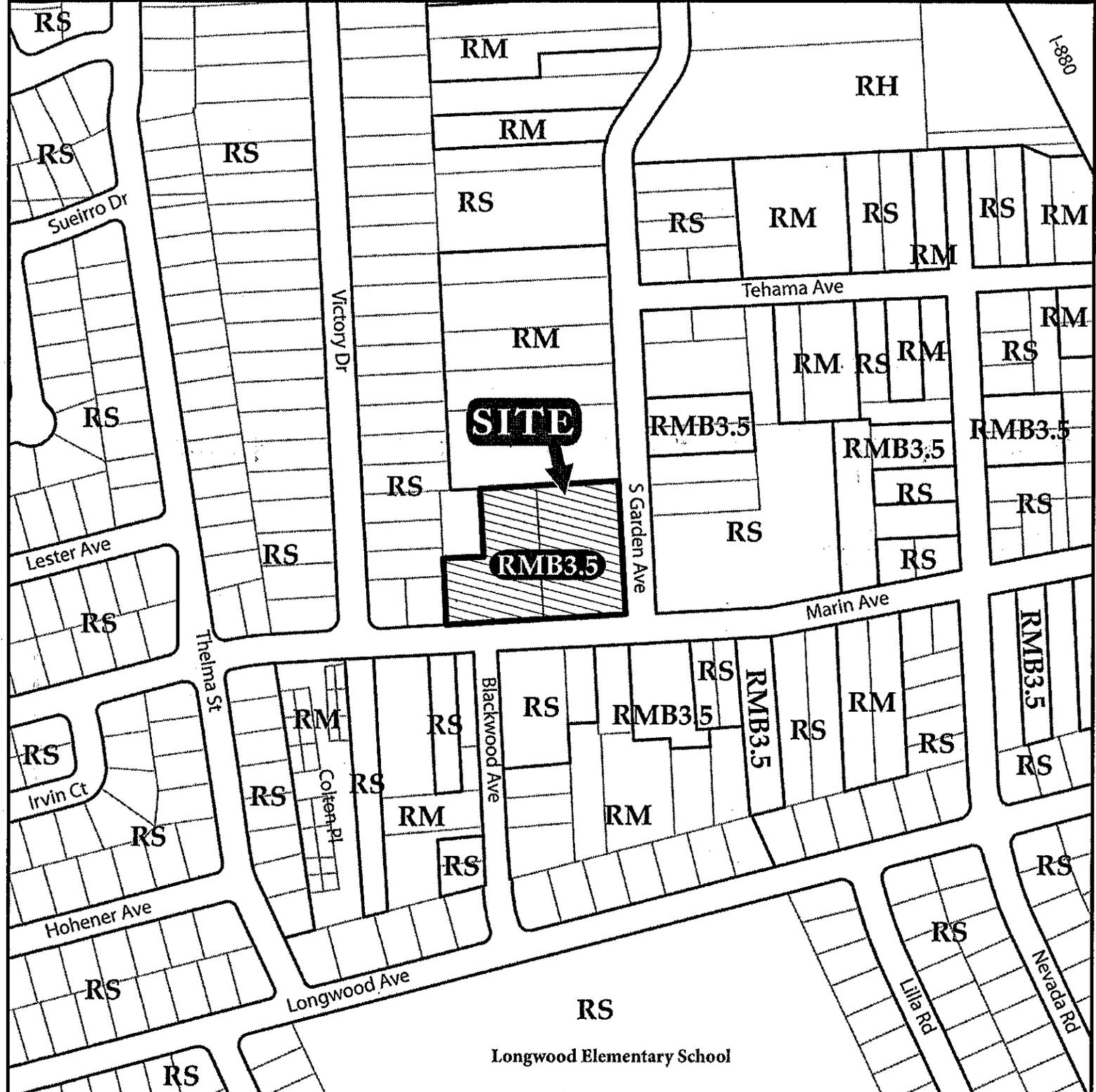


# Vicinity Map

PL-2006-0446 SPR

22469-22541 S Garden & 715-737 Marin Ave





## Area & Zoning Map

PL-2006-0446 SPR

Address: 22469-22541 S Garden,  
715-737 Marin Avenue

Applicant: A. Mark Waldman

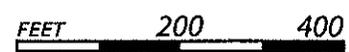
Owner: Bernard De Baca

### Zoning Classifications

#### RESIDENTIAL

- RH High Density Residential, min. lot size 1250 sqft
- RM Medium Density Residential, min. lot size 2500 sqft
- RMB3.5 Medium Density Residential, min. lot size 3500 sqft
- RS Single Family Residential, min. lot size 5000 sqft

ATTACHMENT B



## FINDINGS FOR APPROVAL

March 12, 2009

### Site Plan Review Application PL-2006-0446

**Request to construct 18 townhouse units - Bernard De Bacca (Applicant/Owner)  
Property is located at the northwest corner of South Garden and Marin Avenues  
in a Medium Density Residential District (RMB3.5);**

**22469 – 22541 South Garden Avenue and 715 - 727, and 737 Marin Avenue  
APNs 432-0044-024-02 and 432-0044-025-02**

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

The proposed development would be harmonious with the surrounding area in that the project density is similar to surrounding multi-family residential units and it is well designed. The contemporary design is consistent with the neighborhood. The porches and living areas would be oriented towards the abutting public streets offering social opportunities and neighborhood security. The project would be an attractive addition to the City.

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

The property is relatively flat. The project has been designed to collect all drainage from the site and direct the collected drainage through a bio-filter system as required by the California Regional Water Quality Control Board.

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

The proposed development conforms to the following General Plan Land Use Policy:

#### Infill Development

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The proposed development is consistent with the density, architecture and character of the neighborhood which includes a mixture of single-family and multi-family developments.

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The proposed development conforms to the following purposes of the Zoning Ordinance:

#### GENERAL PROVISIONS SECTION 10-1.110 PURPOSE

- a. Allow for the infill and reuse areas at their prevailing scale and character.*
- b. Accommodate expansion of development into vacant and underutilized lands within environmental and infrastructure constraints.*

The proposed development conforms to the purpose of the Zoning Ordinance in that the 1.46 acre property is currently underdeveloped. There are seven residential buildings located along the two street frontages. Approximately half of the property, the interior portion, is vacant. The proposed development would allow the property to be developed to its potential with a multi-family project that is consistent with the scale and character of the surrounding neighborhood.

There are adequate facilities within South Garden and Marin Avenues to serve the project. There are 16 trees on site 13 of which are slated for removal to accommodate the proposed development. The trees that are to be removed would be replaced pursuant to the City's Tree Preservation Ordinance.

The proposed development conforms to the Longwood-Winton Grove Neighborhood Plan:

#### LAND USE POLICIES

*Policy 1: Preserve the single-family character of the neighborhood while recognizing existing multi-family development.*

- a. Change the General Policies Plan Map designations and/ or zoning for the West Happyland Area to reflect existing multi-family development but preclude further multi-family development*
  - 1) Recognize existing medium density development from just north of Tehama Avenue to Longwood Avenue.*

The proposed multi-family development would be in keeping with Land Use Policies in that it conforms to the Zoning Ordinance and is replacing the multi-family improvements that exist on the site.

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

The proposed multi-family development is consistent with the adjacent uses. The project would be required to have a homeowners association and covenants, conditions and restrictions (CC&R's). The homeowners association would be required to maintain the private street, buildings, landscaping, fencing and common facilities.

## **CONDITIONS FOR APPROVAL**

**March 12, 2009**

### **Site Plan Review Application PL-2006-0446**

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Site Plan Review Application No. PL-2006-0446 is approved subject to the plans labeled Exhibit "A" in the project file and the conditions listed below. The length of the site plan review approval will coincide with the associated subdivision Tentative Tract Map 7847 pursuant to applicable government codes. At least 15 days prior to the expiration of the applications a request for an extension, approval of which is not guaranteed, must be submitted to the Planning Division unless prior to that time, a final map has been submitted and accepted for processing by the Planning Director.

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.

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of the site plan review approval.
2. 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.
3. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the building permit plan set.
4. 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.

5. The City encourages the project proponent to incorporate green building measures. However, if an application for a building permit is received after August 1, 2009, then the project shall then conform to the City's Green Building Requirements for Private Development.
6. 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

7. Prior to issuance of a building permit, exterior colors and materials shall be approved by the Planning Director.
8. Prior to the issuance of a building permit, details of address numbers shall be provided. Self-illuminating building address numbers, a minimum four inches high, shall be placed at the front entries and where they would be visible from the private roadway. For the units facing South Garden and Marin Avenues, the numbers shall face those public streets.
9. An exterior hose bib shall be provided for each private yard and porch area.
10. 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 for a two-car garage and 11 feet wide by 19 feet deep for a single-car garage can be counted toward the minimum storage area requirement.
11. A six-foot-high, solid-board decorative wood, "good-neighbor" fence shall be erected along the south and west property lines (except within 20 feet of the South Garden and Marin Avenues right-of-way lines). The same fence design shall also enclose the private patio areas. The design and location shall be approved by the Planning Director.
12. If mailboxes are grouped, they shall be located within a structure compatible in design with the architecture of the buildings. Location and design of group mail boxes shall be approved by the Planning Director.
13. 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. Decorative exterior lighting fixtures shall be erected and maintained by the homeowners association to meet the requirements of the City's Security Ordinance. The design shall reflect the architectural style of the building(s). The Planning Director shall approve the design and location of lighting fixtures. Exterior lighting shall be shielded and deflected away from neighboring residential properties and from windows of houses within the project.
14. 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.
15. Any transformer shall be located underground or screened from view by landscaping to the satisfaction of the City's Landscape Architect and shall be located outside any front or side street yard.

16. The four open parking spaces within the parking Bay abutting the central common area shall be marked and signed for visitor use only.

### Landscaping

17. 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. The developer shall landscape all common areas including fronts and side-street yards that are facing streets. No more than 50% of the landscape area within the front yard setback may be turf. All other landscape areas must have a live herbaceous type groundcover that will provide 100 percent coverage within two years in addition to appropriate trees and shrubs. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. Prior to issuance of building permits, landscape and irrigation improvement plans shall be approved.
18. Landscape and irrigation plans shall indicate water meters, water and sewer laterals, area drains and drain laterals, light poles, fire hydrants, cable, telephone and PG&E boxes, irrigation valves and backflow preventers, and any other underground utilities that will have any effects on landscape.
19. Provide a comprehensive arborists report on all existing trees on Site including health, species, caliper, approximate height, canopy diameter, and value. The report shall include a tree survey map accurately tree locations, species, caliper and tree canopy based on an accurately surveyed map. The value of tree shall be determined using the latest edition of "Guide for Plant Appraisal" by the International Society of Arboriculture. An individual ISA worksheet shall be submitted for each tree that is proposed for removal. The project shall conform to the City's *Tree Preservation Ordinance*. A summary of proposed tree mitigation shall be included on the landscape plan.
20. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved on the site that are within 50 feet of any grading or construction. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees. Any trees within the construction area or directly adjacent shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period.
21. Mylars of the approved landscape plans shall be submitted to the Engineering Department after all corrections have been made. Upon completion of installation, as-built mylars shall be submitted to the Engineering Department by the developer.
22. A minimum of 24" box street trees shall be planted at every 20 – 40 feet in the parkway strip depending on tree species along South Garden and Marin Avenues at every 50-foot or fraction thereof of frontage. On a corner lot or lots with any property line adjacent to a street, there should also be one 24-inch box tree per 40-foot or fraction thereof along the side yard setback. Trees shall be planted a minimum of 20-feet from the corner, 5-feet from any utility lines, 15-feet from a light pole, and a minimum of 30-feet from the face of a traffic signal, or as otherwise specified by the City. Trees shall be planted according to the City Standard Detail SD-122.

23. Construct Class B Portland Cement concrete curbs to a height of 6-inches above the finished pavement anywhere landscaped areas adjoin roadway and parking areas.
24. Construction Administration services shall be provided by the project landscape architect. Services to include:
  - Observation of irrigation system before burying pipes;
  - Observation of soil preparation and soil amendments;
  - Observation of plant material upon delivery to the site;
  - Observation of layout and placement of plants material upon delivery to the site;
  - Observation of final acceptance; and
  - Observation of maintenance period commencement.
25. Front yard landscaping and street trees shall be installed according to approved plans prior to occupancy of each lot. Prior to the issuance of Certificate of Occupancy, the City Landscape Architect shall inspect and approve the landscape for compliance to the approved plans and specifications.
26. Prior to requesting a landscape inspection by the City Landscape Architect, a Certificate of Substantial Completion form shall be completed by the project landscape architect upon the final acceptance based on site inspection(s) of all landscape and irrigation installation (a copy attached). An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements.
27. 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.
28. The project is encouraged to implement "Bay Friendly Landscaping" principles promoted as part of green building principles.
29. Park Dedication In-Lieu Fees are required for nine net new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.
30. 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.

#### Conditions Covenants and Restrictions

31. 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 48 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.

Fire Department

32. Class C or better roofing materials shall be installed.
33. Smoke Detectors shall be installed per the California Building Code.

Solid Waste & Recycling

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

## FINDINGS FOR APPROVAL

March 12, 2009

### Vesting Tentative Tract Map 7847 PL-2006-0445

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1. The approval of Vesting Tentative Map Tract 7478, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Negative Declaration was prepared per the guidelines of the California Environmental Quality Act (CEQA) for the development of this site.
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. Upon the completion of remediation recommended by the project Geotechnical Engineer 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. Upon completion of the proposed improvements the streets and utilities would be adequate to serve the project.
7. None of the findings set forth in Section 66474 of the Subdivision Map Act<sup>1</sup> have been made.

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

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

**CONDITIONS FOR APPROVAL**

**March 12, 2009**

**Vesting Tentative Tract Map 7847 PL-2006-0445**

**Request to create 19 parcels to accommodate 18 townhouse units and a common lot. - Bernard De Bacca (Applicant/Owner) - Property is located at the northwest corner of South Garden and Marin Avenues in a Medium Density Residential District (RMB3.5);**

**22469 – 22541 South Garden Avenue and 715 - 727, and 737 Marin Avenue  
APNs 432-0044-024-02 and 432-0044-025-02**

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.

All construction shall meet the California Building Code (CBC) and all applicable City of Hayward Building Department Ordinances (Ordinance #02-13) and amendments.

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.

The applicant/developer's Professional Engineers, registered to practice in the State of California, shall perform all design work unless otherwise indicated.

Unless otherwise stated, all documents, agreements, required improvement bonds or securities, completely signed improvement plans, and signed final map shall be submitted to the City for approval prior to presenting to the City Council for approval.

A copy of these approved conditions of approval shall be inscribed on full-sized sheet and attached to the approved tentative tract map sheets.

## **PRIOR TO FILING OF FINAL MAP**

### **ALAMEDA COUNTY ASSESSMENT DISTRICTS 1989-1R-WEST HAPPYLAND**

The project site is located in the Alameda County Assessment District 1989-1R-West Happyland, established in 1989 by the Alameda County Board of Supervisors for the purposes of local public improvements. Subsequently, bonds were issued to finance the local public improvements like storm drains, street lights, sidewalks, curb cuts, roads, right of way, etc. in the District. The costs of the improvements were assessed and apportioned within the District in proportion to the benefits received by the parcels respectively from the improvements. Bonds were sold to pay for the improvements against tentative assessments on properties. Assessment liens were recorded on these properties and parcels. Bonds are serviced from annual assessments levied and collected as a part of the property tax from the benefited properties in the West Happyland Districts. During the process of an application to subdivide any parcels of land within the Alameda County Assessment District, the property owners must contact Jenifer Storsteen of Willdan Financial Services at (951) 587-3534 or 1(800) 755-6864, or via email [jestorsteen@willdan.com](mailto:jestorsteen@willdan.com), and submit a signed application along with all related fees to apportion the assessment to the new parcels. For additional information, the property owner/developer may contact Maria Teresa "Tess" Anilao, Alameda County Community Development Agency, 224 W. Winton Ave., Room 110, Hayward, CA 94544, Phone: (510) 670-6507, or via email [teresa.anilao@acgov.org](mailto:teresa.anilao@acgov.org).

1. Prior to submitting preliminary tract improvement plans for review and approval, the property owner/developer shall submit written evidence that a signed application along with all related fees has been submitted to and accepted for processing by the Assessment Districts 1989-1R-West Happyland Administrator.
2. Prior to the approval of the Final Map and Tract improvement plans, the property owner/developer shall submit written evidence that the reassessment and apportionment process has been completed and accepted by the Assessment Districts 1989-1R-West Happyland Administrator.

### **TRACT IMPROVEMENTS**

Improvement plans, Grading and Erosion control plans, and Landscaping 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:

#### **South Garden and Marin Avenues**

3. New standard streetlights shall be installed along South Garden and Marin Avenues property frontages. Property owner/developer shall provide streetlight design plan for review and approval.
4. Any damaged and/or broken sidewalk along the property frontages as determined by the City Inspector shall be removed and replaced.

5. Grinding and overlaying of 2-inch minimum asphalt concrete (AC) for the whole width of South Garden and Marin Avenues along the entire property frontages shall be required by the City Engineer as mitigation for utility trench cuts in these streets.

### **Private Street**

6. The improvement plans shall be reviewed by the Fire and Public Works Departments to ensure that the private street and driveway layouts are adequate to provide access for emergency, service and utility vehicles, and other commercial trucks. Changes may be necessary including increasing corner radii, driveway widths, longitudinal and/or cross slopes for private street, or intersection alignments.
7. Proposed private street improvements shall be designed, generally reflective of the alignment and width shown on the submitted vesting tentative tract map set, and as approved by the City Engineer. Pavement section shall be designed to public street standards.
8. The minimum private street width shall be at least 25 feet with a 24-foot wide travel way. Wider street sections, i.e. minimum 26 feet wide travel lane, are necessary to accommodate parking stalls or adjacent parking bays. The street design shall be approved by the City Engineer.
9. On-street parking shall only be allowed within the proposed parking bay location. Where no parking is allowed, the curbs shall be painted red and "No Parking" signs shall be installed along the sides of the private street. The locations of signs and red curbs shall be approved by the Fire Chief and City Engineer.
10. Decorative pavement e.g. interlocking pavers or stamped colored concrete, or bands of decorative paving, etc. shall be installed at the project entrance, at least 10 feet back from the front property line, and at all interior private street intersections within the subdivision. One foot concrete band shall be provided around decorative materials. The Planning Director shall approve the material, color and design and the City Engineer shall approve the pavement section for the decorative paving.
11. Upon any necessary repairs to the public facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners' association.
12. The on-site street lights shall be installed along the private street and parking areas, and shall have a decorative design approved by the Planning Director. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer. Such fixtures shall have shields to minimize "spill-over" lighting on adjacent properties that are not part of the tract. Street lights and pedestrian lights shall be owned and maintained by the homeowners association.
13. The proposed driveways shall conform to the City Standard Detail SD-108A.

14. An agreement for access and maintenance responsibility for the private street shall be executed between the property owner of 735 Marin Avenue, bearing the County's Assessor designation APN 432-0044-024-01, and the homeowners' association, and that document shall be provided to the City prior to the issuance of a Certificate of Occupancy.

### **Storm Drain**

#### *Stormwater Quality Requirements*

15. The storm drain facilities shall be designed to comply with the Alameda Countywide Clean Water Program including the established provision C.3. Any natural or mechanical storm drain filtration systems shall be designed as part of the private storm drain systems.
16. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the State for review and approval. These documents shall also be submitted along with the improvement plans for review and approval by the City. The certification page of the SWPPP shall be signed by the owner/developer and the person who prepared the report.
17. The improvement plans shall incorporate Best Management Practices (BMP's) designed in accordance with applicable provisions of the Alameda County Clean Water Program (ACCWP) NPDES permit Section C.3, including the hydraulic sizing criteria, which will ensure that storm water runoff is treated prior to discharging from the site and that runoff rates are such that downstream impacts are reduced to the maximum extent practicable. In accordance with regulations of the Alameda County NPDES Permit requirements, the development's improvement plans will be required to incorporate BMP's. The proposed BMP's shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program NPDES permit (page 22). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5 – 12 has a section titled "BMP Design Criteria for Flow and Volume." Those referred materials are available on the internet at [www.cabmphandbooks.com](http://www.cabmphandbooks.com).
18. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMP's will result in the issuance of correction notices, citations or a project stop work order.

#### *Stormwater Drain Design*

19. The on-site storm drain system shall be a private system owned-and-maintained by the homeowners' association.

20. Minimum longitudinal storm drain pipe shall be 10-inch in diameter for on-site storm pipes and 12-inch in diameter RCP for storm pipes in the public right-of-way.
21. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved by the City Engineer.
22. Development of this site is not to augment runoff to the District's downstream flood control facilities. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design, and any augmented runoff will need to be mitigated on-site.
23. An erosion and sedimentation control plan to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook shall be approved by the City Engineer prior to implementing throughout project construction.
24. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all of area tributary to the project site. The developer is required to mitigate augmented runoffs with on-site improvements.
25. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using the City approved methods.

#### **Sanitary Sewer System**

26. Sewer service will be served by the Oro Loma Sanitary Sewer District. The design shall meet the Sanitary Sewer District's requirements and approval.
27. The sanitary sewer mains and service laterals shall be designed and constructed in accordance with the District's Standard Details and Specifications for the Construction of Sanitary Sewer Mains and Appurtenances, and shall also meet the approval of the City Engineer.
28. Separation between water mains and supply (water service) pipes, pipes containing sewage (sewer mains, service laterals, etc.), and storm drain pipes shall be provided in conformance with the California Code of Regulations.

#### **Water System**

29. Water service will be provided by East Bay Municipal Utility District (EBMUD). The design shall meet the District's requirements and approval.

30. The water mains and service laterals shall be designed and constructed in accordance with the District's Standard Details and Specifications for the Construction of Water Mains and Appurtenances, and shall also meet the approval of the City Engineer.
31. Each dwelling unit shall have an individual domestic water meter.
32. Separate irrigation water meters shall be installed for landscaping purposes.
33. New fire hydrants shall be installed along the private street within the development. The type of fire hydrant shall be a modified steamer with outlet capable of flowing 1500 GPM at 20 PSI for two-hour duration. The design and layout of the hydrants shall meet the approval of the Fire Department prior to construction.
34. Crash post may be required around fire hydrants if they are installed in a location that may be susceptible to vehicular impact. Blue reflective markers shall be installed on the street pavement adjacent to the fire hydrant location. The Fire Chief will determine where crash post is needed.

#### **Utilities**

35. Existing overhead facilities shall be placed underground. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, Comcast and AT&T 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.
36. The developer shall underground all new utility lines and transformers. All utility services shall be "underground services", and shall comply with the requirements and standards of the utility provider.
37. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

#### **DEDICATIONS, EASEMENTS AND DEED RESTRICTIONS**

38. The final map shall reflect:
  - a. Six-foot-wide public utility easements (PUE) along the edge of the street frontages as determined by the City Engineer.
  - b. The private street shall be designated as Public Utility Easement (P.U.E.), Sanitary Sewer Easement (S.S.E.), Water Main Easement (W.M.E.) and Emergency Vehicle Access Easement (E.V.A.E.).
  - c. Property lines shall be placed, generally reflective of the fencing alignments in conformance with the Zoning requirement, and as approved by the Planning Director.

## **AGREEMENTS**

55. Execute a subdivision agreement and post bonds with the City to secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Hayward Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.
56. The owner/developer shall execute a Storm Treatment Measures Maintenance Agreement prepared by the City of Hayward (a standard form is available in the Engineering 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.

## **PRIOR TO ISSUANCE OF GRADING PERMITS**

57. Prior to the issuance of a grading permit and/or the beginning of any on-site construction activity, the Developer's Engineer shall submit a completed Development Building Application Form Information comprising of: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
58. A copy of the Notice of Intent (NOI) receipt from the State Water Resource Control Board shall be provided to the City.
59. A Construction Noise Management Plan shall be prepared and implemented. Such plan must be approved by the City Engineer prior to issuance of grading permits and shall contain, at minimum, a listing of hours of construction operations (which shall be in accordance with the City's construction hours), use of mufflers on construction equipment, limitation of on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor specifications.
60. Prior to the start of any construction or grading activity, including hauling of material from the project site, a mitigation plan approved by the Bay Area Air Quality Management District (BAAQMD) shall be implemented throughout the duration of construction or grading activity. The dust mitigation plan must specify dust mitigation practices which are sufficient to ensure that no equipment or operation emits dust that is visible crossing the property line, and must include one or more provisions addressing each of the following topics:
  - a. Track-out prevention and control measures.
  - b. Control for traffic traveling on project site unpaved roads, parking lots, and staging areas.
  - c. Control for earth moving activities.
  - d. Post construction stabilization of disturbed areas.
    - i) Frequency of reporting.

61. The project geotechnical consultant shall review the final improvement and building plans to ensure that site grading, foundation designs, subdrainage, etc. are in accordance with the project consultant's recommendations, and provide a plan review letter to the City.

### **PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS**

62. Prior to start of construction involving combustible materials, either required water system improvements shall be completed and operational, or provide alternative improved water system acceptable to the Fire Chief and City Engineer, and a minimum 24-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

### **DURING CONSTRUCTION**

63. Grading activities shall incorporate standard dust control measures, to include, but not be limited to frequent watering of the site, use of soil stabilizers, hydroseeding of graded areas and other measures that comply with Bay Area Air Quality Management District recommendations for dust control. Project construction grading plans shall state such measures on the plans, to be approved by the City Engineer.
64. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director and City Engineer:
  - a. Grading and construction activities shall be limited to the hours 8:00 AM to 6:00 PM on weekdays; there shall be no grading or construction activities on Saturday, Sundays or National 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 300 feet of the project boundary with this information;
  - f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction;
  - g. The developer shall participate in the City's recycling program during construction;
  - h. Daily clean-up of trash and debris shall occur on South Garden and Marin Avenues and other neighborhood streets utilized by construction equipment or vehicles making deliveries;

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

- y. 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.
65. A representative of the geotechnical 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 geotechnical engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
66. 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.
67. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per conditions of approval No. 16 above.

**PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

68. The final map shall be approved by the City and filed in the County Records Office prior to the issuance of a Certificate of Occupancy of any unit.
69. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.
70. The developer shall pay all required fees, including those indicated below, with the amount of such fees to be in accordance with the fee schedule in effect at the time of issuance of the building permits;
- a. Supplemental Building Construction and Improvement Tax;
  - b. Building Construction and Improvement Tax; and
  - c. School Impact Fee; and
  - d. Park dedication in-lieu fees for new nine net dwelling units.

**PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED**

71. 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.

72. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs. All individual lot landscaping shall be installed prior to occupancy of each unit and prior to the final acceptance of tract improvements.
73. Landscape improvements and street trees shall be installed according to the approved plans. A Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy for each unit.
74. The subdivider shall submit an "as built" plan on mylars and in compact disc containing files in PDF format, or acceptable formats, containing the following:
  - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, EBMUD, Oro Loma Sanitary Sewer District, AT&T and Comcast, etc.;
  - b. All the site improvements, except landscaping species, buildings and appurtenant structures.



CITY OF HAYWARD

PLANNING DIVISION

APPLICATION FOR A DEVELOPMENT PERMIT

777 B STREET, HAYWARD, CA 94541-5007

(510) 583-4200 ♦ TDD (510) 247-3340 ♦ FAX (510) 583-3649

8313-PD  
Zone Change

APPLICATION NUMBER	PL-2006-0946
TYPE	ZC
TAKEN BY	RK
DATE	9/15/06

APPLICANT(S) WALDMAN A. MARK  
LAST NAME FIRST NAME

COMPANY NAME (IF APPLICABLE) PACIFIC ENGINEERING & CONST.

STREET 35 STILLMAN STREET #126

CITY SAN FRANCISCO STATE CA ZIP CODE 94107 PHONE NO. 415-974-1853

FAX NO. 415-974-1853 E-MAIL amwaldman@sbcglobal.net CELL PHONE 415-516-8545

APPLICANT'S INTEREST IN PROPERTY:  OWNER  LESSEE  OPTIONEE  OTHER ENGINEER

INVOICES TO BE DIRECTED TO:  OWNER  APPLICANT  OTHER  
(Please provide address if other, see note 2)

INITIAL FEE	_____
ADDITIONAL TIME & MATERIAL CHARGES NOT TO EXCEED	_____

PROPERTY OWNER(S) DE BACA BERNARD PHONE NO. (510) 785-6532  
LAST NAME FIRST NAME

STREET 22541 S. GARDEN AVE CITY HAYWARD STATE CA ZIP CODE 94541

FAX NO. (510) 783-6067 E-MAIL BDEBACA@AOL.COM CELL PHONE (510) 209-6941

TYPE OF PERMIT(S):  SITE PLAN REVIEW  GENERAL PLAN AMEND.  PARCEL MAP  TRACT MAP  VARIANCE  
 USE PERMIT  ADMIN. USE PERMIT  ZONE CHANGE FROM RM<sup>3.5</sup> TO PD  OTHER

PROJECT ADDRESS/LOCATION 22469-22541 SOUTH GARDEN / 715-737 MARIN AVE.

ASSESSOR'S MAP NO. 432-0044-024-02/025-02 ZONING DISTRICT(S) RMB.5

PROJECT DESCRIPTION (attach additional sheets if necessary) DEMOLITION OF EXISTING STRUCTURES, REZONE AND CONSTRUCTION OF 13 SINGLE FAMILY HOMES AND 3 DUPLEX SINGLE FAMILY HOMES

I HEREBY CERTIFY THAT I AM THE OWNER OF RECORD OF THE PROPERTY DESCRIBED ABOVE AND, FURTHER THAT I APPROVE OF THE PROPOSED USE CONTAINED HEREIN. SEE NOTE 2.

OWNER SIGNATURE [Signature]

I HEREBY STATE THAT THE FOREGOING STATEMENTS AND ANSWERS AND ALL DATA, INFORMATION AND EVIDENCE SUBMITTED HERewith ARE IN ALL RESPECTS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE AND CORRECT.

APPLICANT SIGNATURE [Signature]

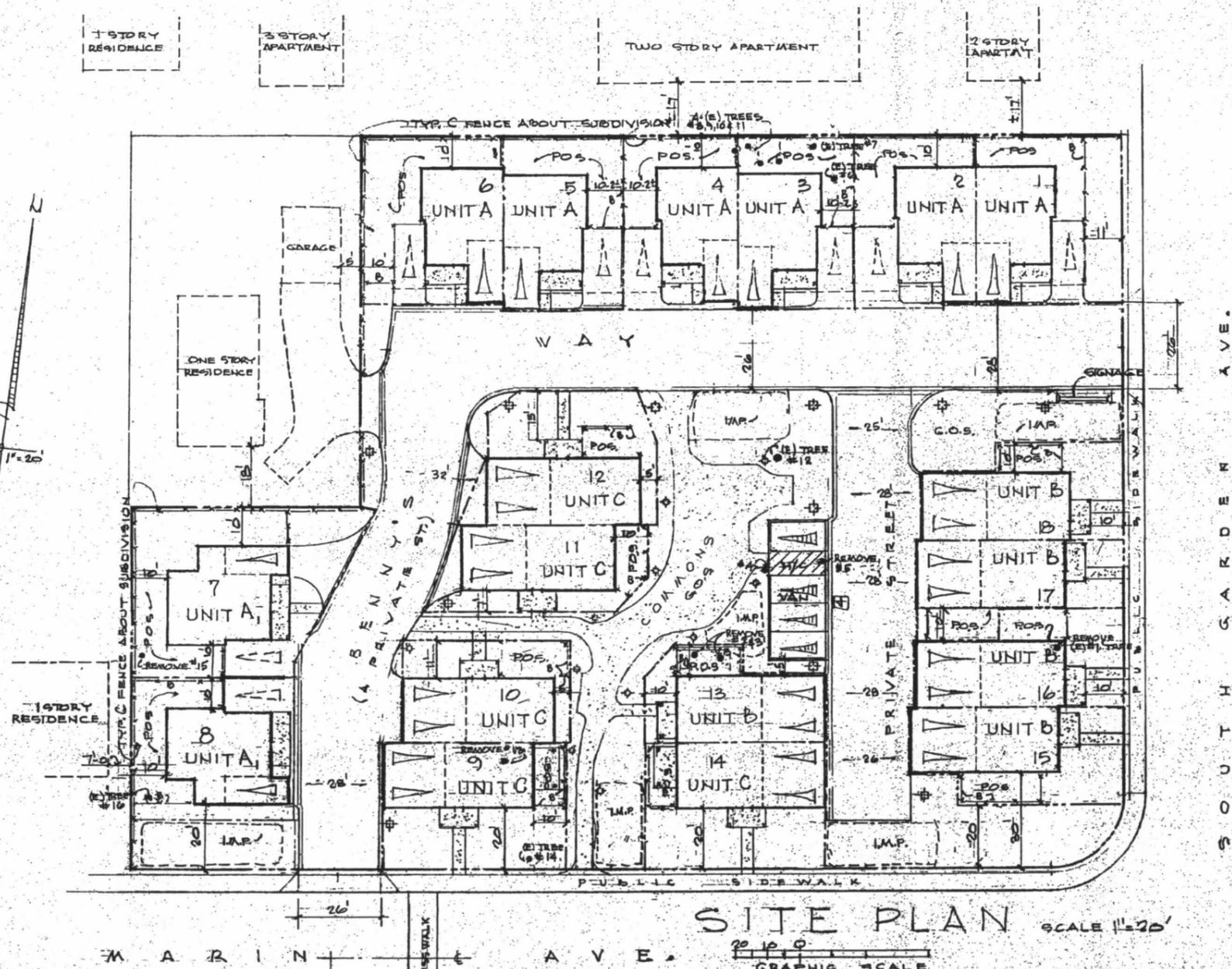
STAFF REMARKS

THIS IS YOUR RECEIPT WHEN MACHINE VALIDATED

ATTACHMENT G

NOTE 1: FEES ARE NOT REFUNDABLE AND PAYMENT IN NO WAY GUARANTEES APPROVAL OF APPLICATION.  
NOTE 2: THE OWNER IS RESPONSIBLE FOR PAYING ALL TIME AND MATERIAL CHARGES.

# PINEDA PARK



**DATA & CALC'S** AS PER DATA TAKEN FROM THIS SHEET

TRACT AREA: ± 63,717.6 SQ. FT. (1.46 ACRES)  
 TRACT DENSITY: 3540 SQ. FT. / LOT (GROSS)

PRIVATE OPEN SPACE:  
 REQUIRED: 100 SQ. FT. / UNIT x 18 UNITS = 1,800 SQ. FT. (NO DIMENSION < 10' - EXCLUDING SIDEWALK, PRIVATE STREETS AND INFILTRATION AREAS)  
 PROVIDED: 6,802 SQ. FT. x 2 (ALLOWED) = 13,804 SQ. FT.

GROUP OPEN SPACE:  
 REQUIRED: 20' x 20' = 400 SQ. FT. (MINIMUM DIMENSION - 20')  
 PROVIDED: = 6,099 SQ. FT.

USABLE OPEN SPACE:  
 REQUIRED: 350 SQ. FT. / UNIT x 18 UNITS = 6,300 SQ. FT.  
 PROVIDED: = 19,903 SQ. FT. (EXCLUDING PRIVATE STREET AREAS)

PRIVATE STREET AREAS: = 15,650 SQ. FT.

**LEGEND & SYMBOLS**

A OR B A - WROUGHT IRON UP 4'-0"  
 B - GOOD NEIGHBOR WOOD UP 6'-0"  
 C - SUBDIVISION PERIMETER WOOD FENCE UP 6'-0"

PRIVATE STREET LIGHT

PATH LIGHT 3'-0" HIGH

TRACT PROPERTY LINE

LOT PROPERTY LINE

G.O.S. GROUP OPEN SPACE

P.O.S. PRIVATE OPEN SPACE (NO DIMENSION < 10')

NOTE: PRIVATE TRASH / GARBAGE CONTAINER IN GARAGES

**PARKING (CARS)**

GARAGE 28 CARS

CARPORT 8 CARS

OPEN (FOR GUESTS) 4 CARS

**INFILTRATION PLANTING & DRAINAGE**

I.M.P. INFILTRATION & INTEGRATED MANAGEMENT PRACTICE AREAS - SEE CIVIL DRAWINGS & LANDSCAPE SHEET L-1.

**LANDSCAPING NOTE**

SEE SHEET L-1 FOR LANDSCAPING; ● LOCATION OF EXISTING OR REMOVED TREES THIS SHEET ARE SHOWN AND IDENTIFIED ON LANDSCAPE SHEET L-1

**COLOR PALETTE**

COLORS TO BE SUBMITTED FOR STAFF APPROVAL BEFORE PERMIT

**SITE PLAN** SCALE 1"=20'  
 GRAPHIC SCALE

Project # **PL-2006-0446/0445**  
 SPR/TTM 7847

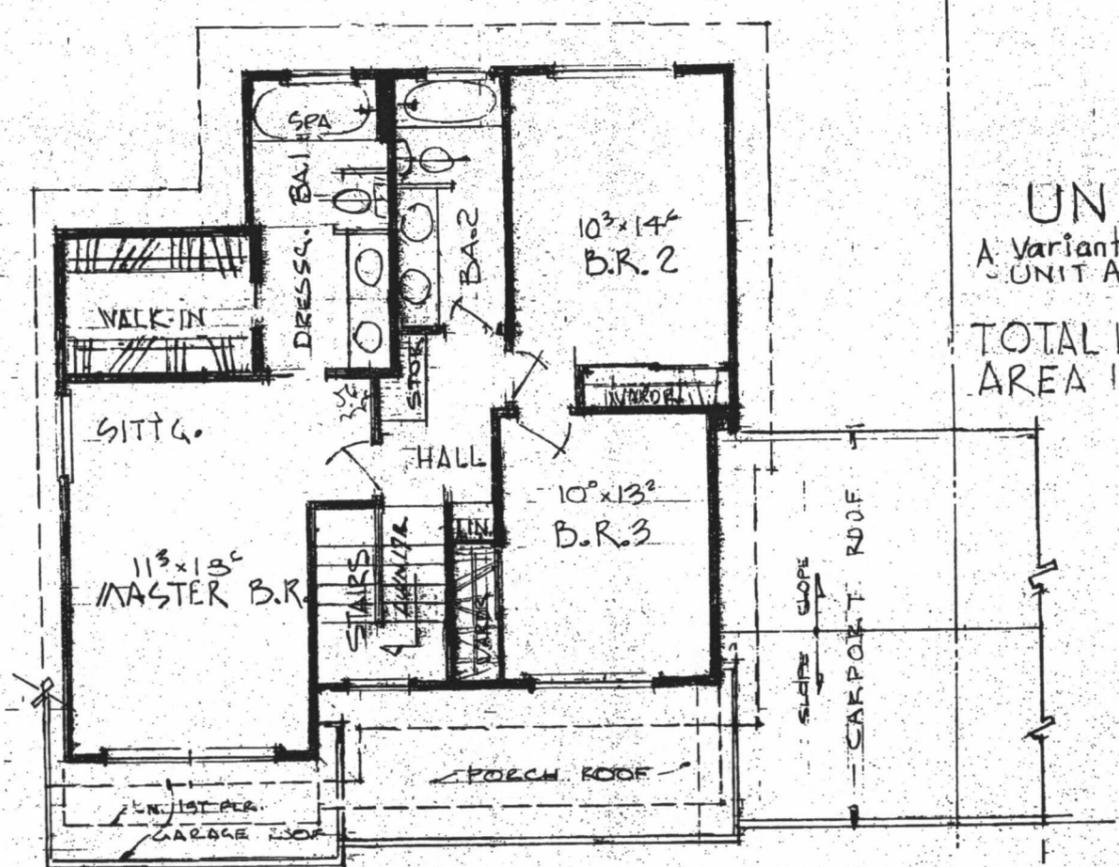
MAR 05 2009  
 PLANNING DIVISION

<p>OWNER:  <b>BERNARD S. DE BACA</b>                  22841 S. GARDEN AVENUE                  HAYWARD CALIF. 94541                  1-510-785-6532</p>	<p>ARCHITECT  <b>MULLEN MORRIS ALEXANDER INC.</b>                  ARCHITECTS PLANNERS                  1600 BOSTON WAY                  HAYWARD CA, 94541 1-510-526-7166</p>	<p>PROJECT AND LOCATION  <b>PINEDA PARK</b>                  AN 18 UNIT TOWNHOUSE SUBDIVISION                  AT SOUTH GARDEN &amp; MARIN AVENUES HAYWARD CA, 94541</p>	<p>JOB NO.  <b>4711</b></p>	<p>DATE  <b>DEC 2 2008</b></p>	<p>SHEET  <b>1</b>                  OF 6 SHEETS</p>
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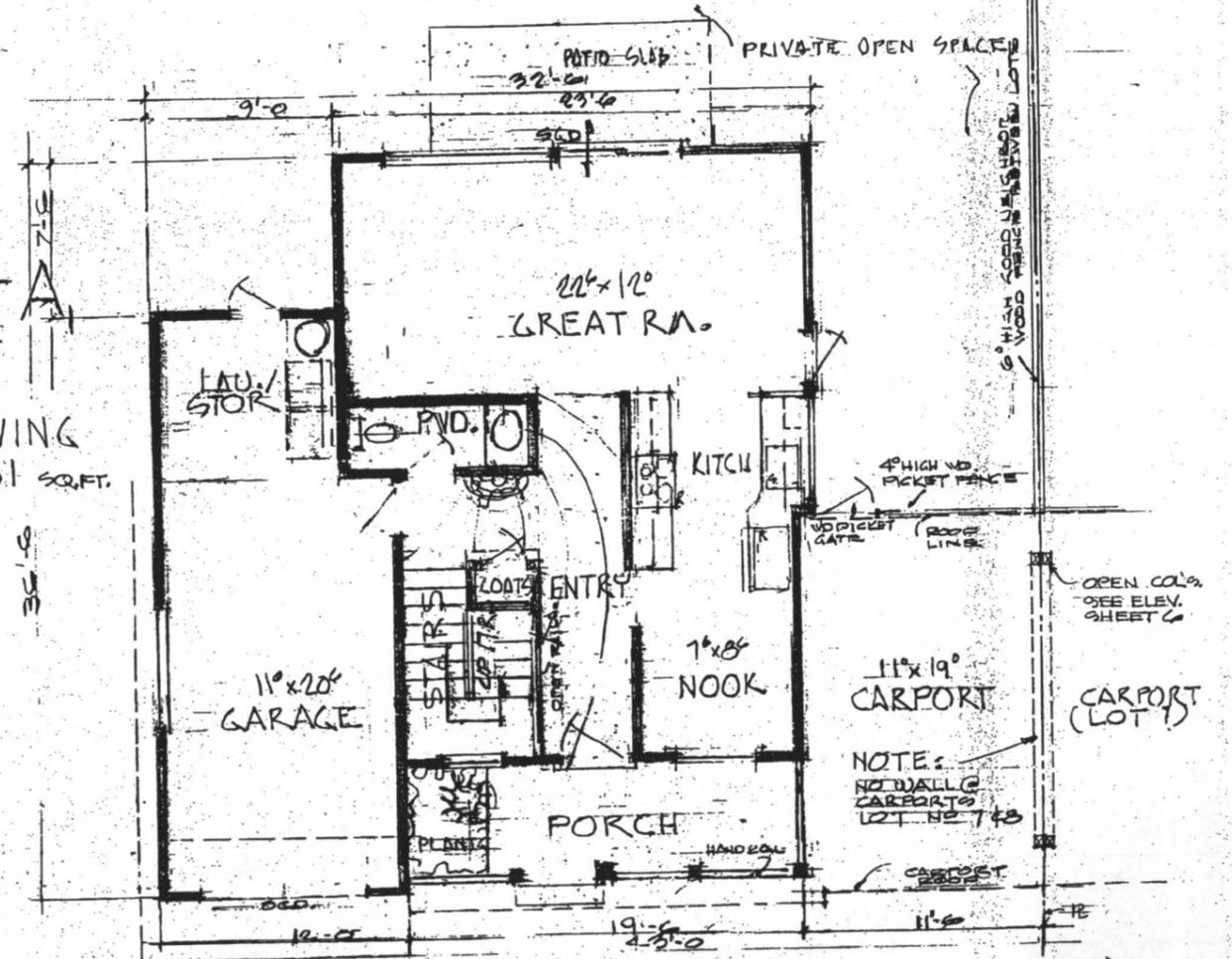


# PINEDA PARK



2ND. FLR. PLAN - LOT 8 (LOT 7 REVERSED)

**UNIT A**  
 A Variant of  
 UNIT A  
 TOTAL LIVING  
 AREA 1661 SQ. FT.



FIRST FLOOR PLAN - LOT 8 (LOT 7 REVERSED)

FLOOR PLANS - UNIT A

OWNER:  
**BERNARD S. DE BACA**  
 22541 S. GARDEN AVENUE  
 HAYWARD, CALIF. 94541  
 1-510-785-6532

APPLICANT ARCHITECT:  
**AULLEN MORRIS ALEXANDER**  
 ARCHITECTS PLANNERS INC.  
 1600 15TH HAYWARD CA 94541 1-510-538-7766  
 FX 357-1211 WWW.ARCHITECTS@SAC.GLOBAL.NET

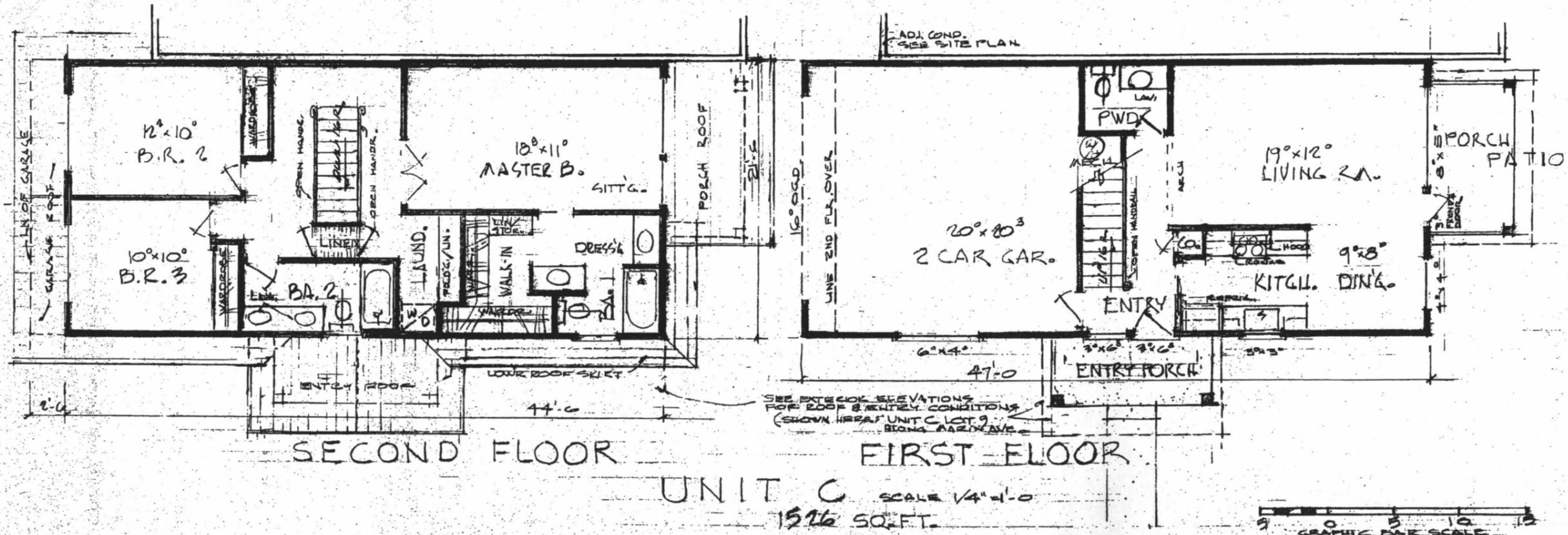
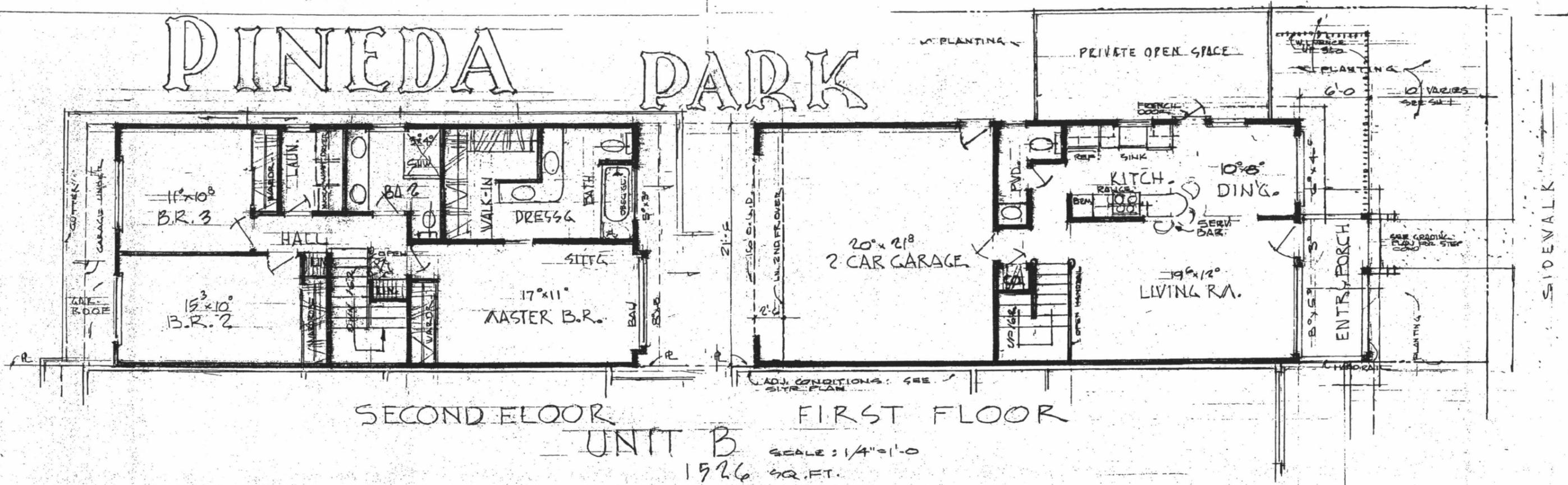
CONTACT:  
 CHAIRMAN  
 AULLEN MORRIS ALEXANDER ARCHITECTS

PROJECT LOCATION:  
**PINEDA PARK**  
 AN 18 UNIT TOWNHOUSE SUBDIVISION  
 AT SOUTH GARDEN & KARIN AVENUES, HAYWARD CALIF. 94541

JOB NO.	DATE	SHEET
471E	DEC. 5, 2008	3

DE. G. SILVA

# PINEDA PARK



OWNER:  
BERNARD S. DEBACA  
2201 S. GARDEN AVENUE  
HAYWARD, CALIF. 94541  
1-510-785-6932

APPLICABLE ARCHITECTURE:  
AULLEN-MORRIS-ALEXANDER  
ARCHITECTS PLANNERS INC.  
1600 15TH. HAYWARD CA. 94541 1-510-538-7766  
PO BOX 1211 HAYWARD CA 94541

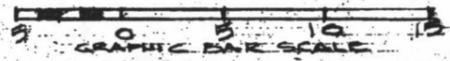
CONTACT:  
CHARLES AULLEN  
PROJECT ARCHITECT

PROJECT LOCATION:  
PINEDA PARK  
AN 18 UNIT TOWNHOUSE SUBDIVISION  
AT SOUTH GARDEN & MARIN AVENUES, HAYWARD CALIF. 94541

JOB NO.  
47E1

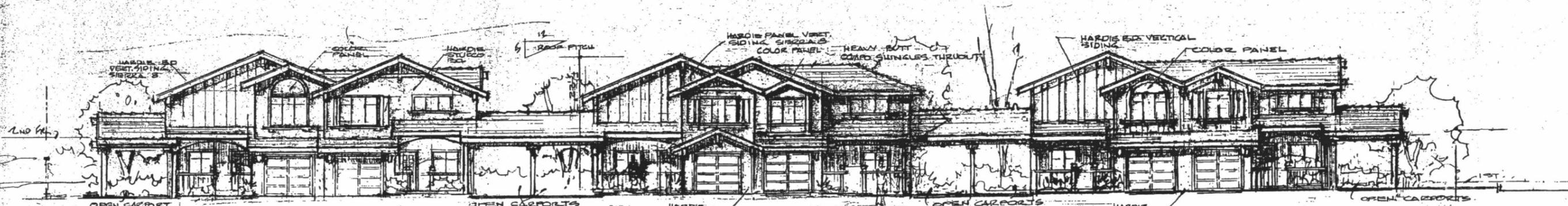
DATE:  
DEC. 5  
2003

SHEET  
4  
OF 6 SHEETS

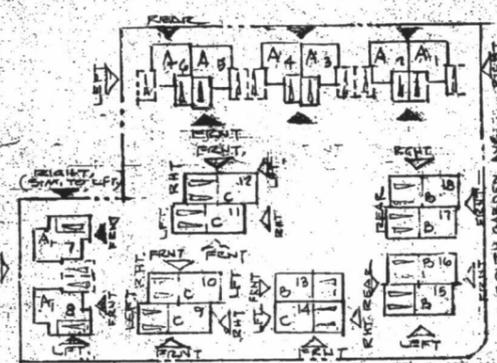




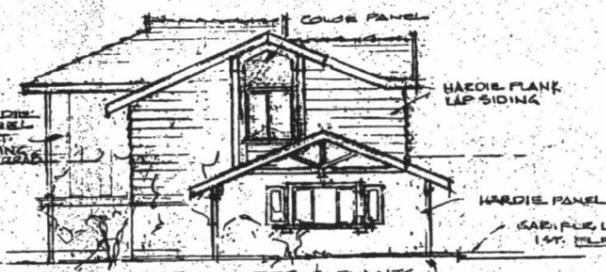
# PINEDA PARK



UNIT A'S FRONT ELEVATIONS ALONG BENNY'S WAY LOOKING NORTH LOTS 1 THRU 6  
"A STREET SCAPE"



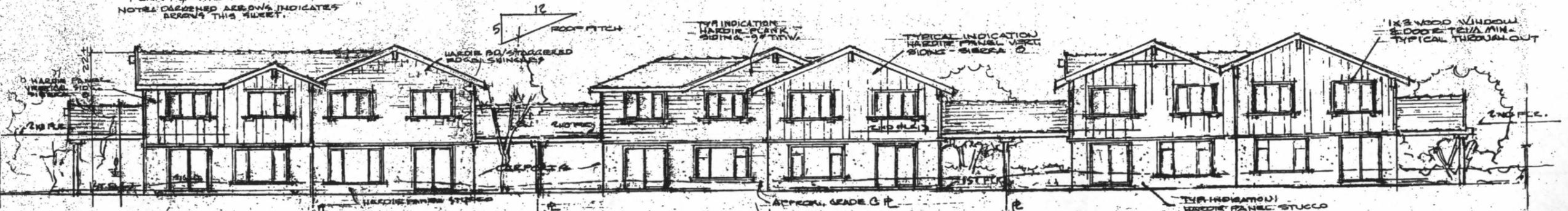
ELEVATION LOCATOR KEY  
SHEET 6 ELEVATIONS TO APPROPRIATE PLAN & SITE LOCATIONS  
NOTE: DESIGNATED ARROWS INDICATES BEYOND THIS SHEET.



UNIT A, SIDE ELEVATION LOOKING NORTH FROM MARIN

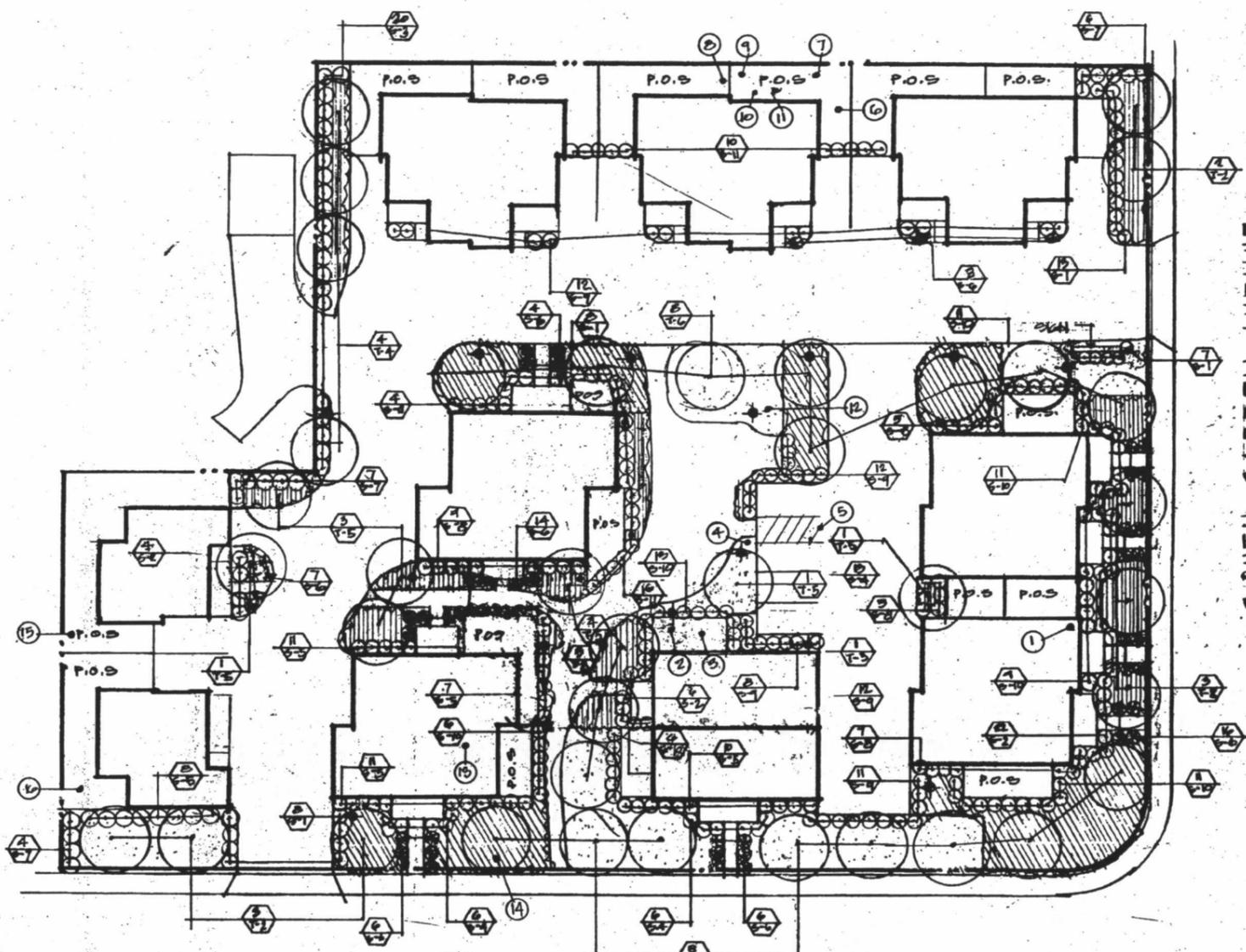


LOT 3 UNIT A, FRONT ELEVATIONS ALONG BENNY'S WAY LOOKING WEST TOWARD LOT 8 & LOT 7



REAR ELEVATION "A" UNITS ALONG NORTH PROPERTY LINE - LOOKING SOUTH

<p>OWNED BY <b>BERNARD S. DEBACA</b> 22541 S. GARDEN AVE. HAYWARD, CALIF. 94541 1-510-785-6632</p>	<p>APPLICANT ARCHITECT FOR OWNER</p>	<p>DESIGNER <b>MULLEN-MORRIS-ALEXANDER</b> ARCHITECTS PLANNERS 1600 B ST. HAYWARD, CA 94541 1-510-236-7766 FX: 255-1611</p>	<p>CONTACT FOR SELLER CHARLES MULLEN PROJECT ARCHITECT</p>	<p>PROJECT AND LOCATION <b>PINEDA PARK</b> AN 18 UNIT TOWNHOUSE SUBDIVISION AT SOUTH GARDEN &amp; MARIN AVES HAYWARD CALIF. 94541</p>	<p>JOB NO. <b>4711</b></p>	<p>DATE <b>DEC. 5 2008</b></p>	<p>SHEET <b>6</b> OF 6 SHEETS</p>
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MARIN AVENUE

LEGEND

- NO MOW ESCAPE-INFILTRATION AREAS
- OZANIA AREAS 12\"/>

SOUTH GARDEN AVENUE

PLANT LIST

KEY	QUANTITY	BOTANICAL AND COMMON NAME	SIZE
<b>TREES:</b>			
T-1	7	LAGERSTROEMIA 'MURKOOE' - CRAPS MYRTLE	8\"/>

**PLANTING NOTES:**  
 ALL PLANTING AREAS SHALL BE TREATED WITH A PRE-EMERGENT HERBICIDE.  
 INSTALL THREE INCHES OF RECYCLED CHIPPED WOOD MULCH DARK BROWN IN COLOR.  
 ALL PLANTING AREAS SHALL HAVE 3\"/>

**IRRIGATION NOTES:**  
 IRRIGATE ALL TREES WITH TWO BUBBLERS.  
 INSTALL SUB SURFACE IRRIGATION FOR PLANTING INCLUDING TURF AREA WITHIN 24\"/>

EXISTING TREE STATUS

NO.	BOTANICAL AND COMMON NAME	DIAMETER	REMARKS
1	MAGNOLIA GRANDIFLORA - SOUTHERN MAGNOLIA	18"	REMOVE
2	ORANGE	8"	"
3	ORANGE	8"	"
4	CERCIS OCCIDENTALIS - WESTERN RED BUD	11"	RETAIN
5	POPULUS - POPLAR	22"	REMOVE
6	ACACIA MELANOXYLON - BLACKWOOD ACACIA	24"	"
7	"	22"	"
8	"	28"	"
9	"	18"	"
10	"	17"	"
11	"	22"	"
12	PINUS RADIATA - MONTEREY PINE	28"	RETAIN
13	CEDRUS - CEDAR	40"	REMOVE
14	LEMON	24"	"
15	LEMON	21"	"
16	MAGNOLIA SOULANGIANA - SAUCER MAGNOLIA	17"	RETAIN

REVISIONS	BY
PLANTING REVISED 02/08	WTF
PLANTING REVISED 10/20/08	WTF
PLANTING REVISED 10/20/08	WTF
DATE: DEC. 5, 2008	

LANDSCAPE PLAN  
 PINEDA PARK  
 MARIN AND SOUTH GARDEN AVENUES  
 HAYWARD, CALIFORNIA

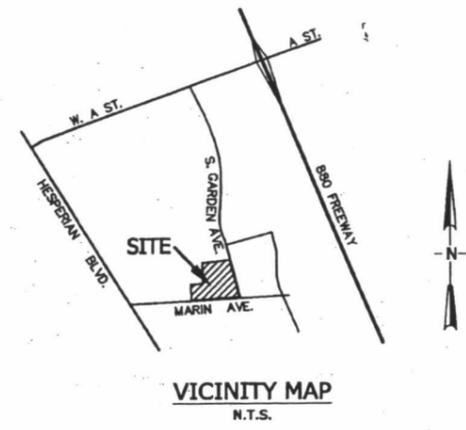
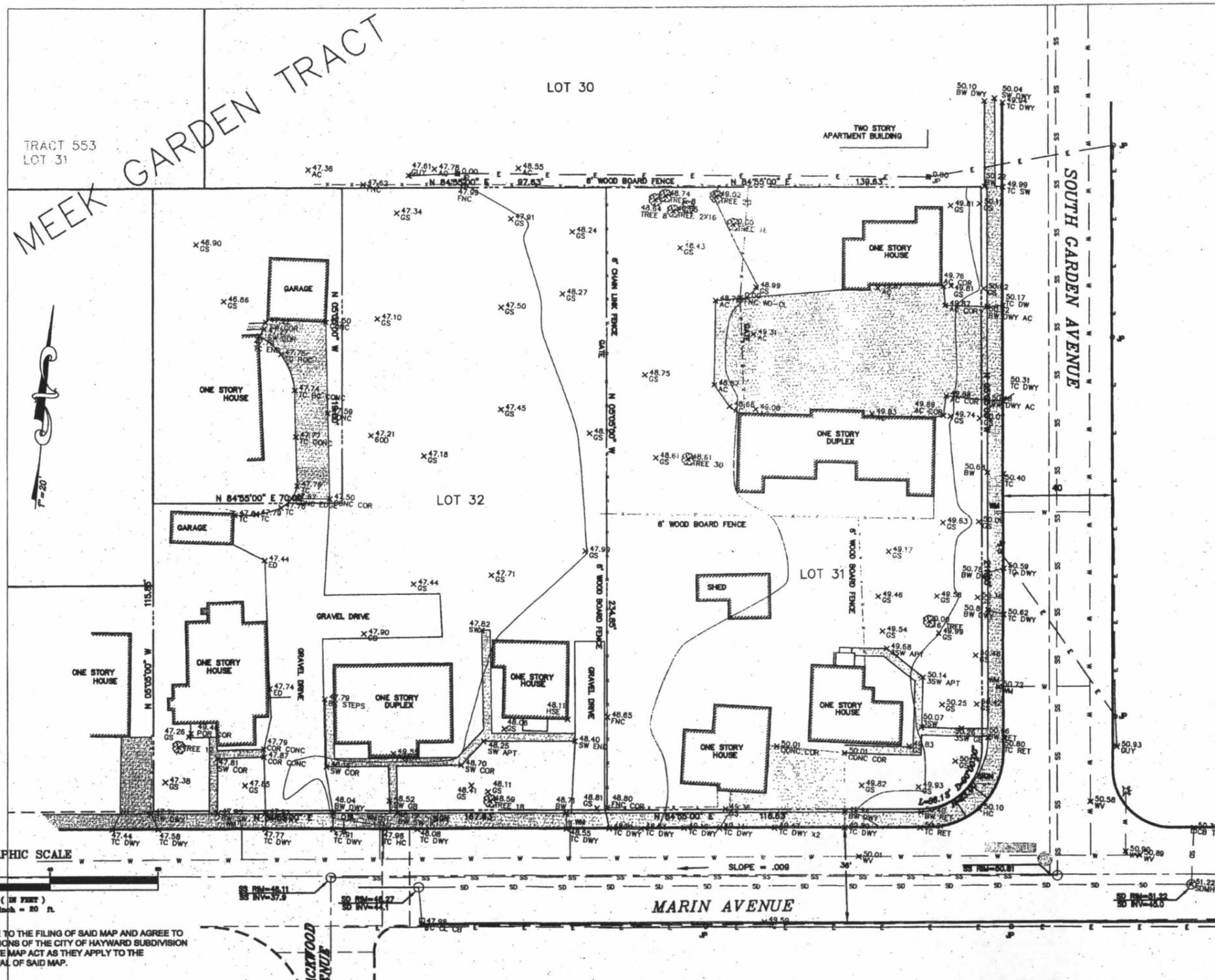


WESLEY T. SAKAMOTO  
 LANDSCAPE ARCHITECT #1070  
 603 HOLLYHOCK DRIVE  
 SAN LEANDRO, CA 94578



DATE 7/31/08
SCALE 1"=20'
SHEET NO. 5

# VESTING TENTATIVE TRACT MAP NO. 7847



### TENTATIVE MAP NOTES:

- OWNER:** MR. BERNARD DEBACA  
22541 S. GARDEN AVE.  
HAYWARD, CA 94541  
(510) 785-8532
- ENGINEER:** DEBOLT CIVIL ENGINEERING  
811 SAN RAMON VALLEY BLVD.  
DANVILLE, CA 94526  
(925) 837-3780
- ASSESSOR'S PARCEL NUMBER:** 432-044-024-02  
432-044-025-02
- AREA:** 1.46± ACRES 63,716 SQ.FT.
- GENERAL PLAN:** MDR (PER HAYWARD HIGHLAND NEIGHBORHOOD PLAN 1998)
- CURRENT ZONING:** RMB 3.5
- PROPOSED ZONING:** SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT
- UTILITIES:** GAS & ELECTRIC - P.G.&E.  
TELEPHONE - S.B.C.  
SEWER - ORO LOMA SANITARY DISTRICT  
WATER - CITY OF HAYWARD  
STORM - CITY OF HAYWARD
- UTILITY LOCATIONS SHOWN ARE BASED ON UTILITY COMPANY RECORDS AND ARE APPROXIMATE ONLY.**
- TOPOGRAPHY:** TOPOGRAPHIC INFORMATION PROVIDED BY OWNER.
- BASIS OF ELEVATION:** BENCHMARK INFORMATION CITY OF HAYWARD FIELD BOOK 1-01 MONUMENT PIN AT INTERSECTION OF SOUTH GARDEN AND MARIN. ELEVATION: 50.65
- BOUNDARY NOTE:** APPROXIMATE BOUNDARY INFORMATION SHOWN WAS COMPILED FROM AVAILABLE RECORD DATA AND DOES NOT REPRESENT AN ACTUAL FIELD BOUNDARY SURVEY.
- LEGAL DESCRIPTION:** LOT 31 AND A PORTION OF LOT 32 OF THE MEEK GARDEN TRACT BOOK 6 MAPS PAGE 45 ALAMEDA COUNTY RECORDS.
- EXISTING STRUCTURES:** ALL EXISTING STRUCTURES ON THE SITE ARE TO BE REMOVED.

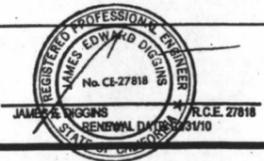
I, BERNARD DEBACA, AGREE TO THE FILING OF SAID MAP AND AGREE TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

BERNARD DEBACA DATED

## TOPOGRAPHIC SURVEY

## PINEDA PARK TOWNHOUSE SUBDIVISION

HAYWARD ALAMEDA COUNTY CALIFORNIA



#	REVISIONS	DATE

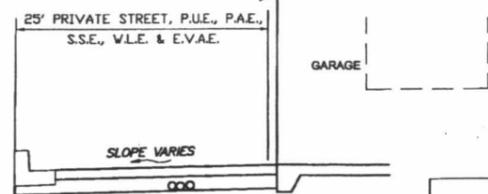


**DeBolt Civil Engineering**  
811 San Ramon Valley Boulevard  
Danville, California 94526  
Tel: 925/837-3780  
Fax: 925/837-4378

Date: 12/04/08  
Scale: 1" = 20'  
By: TSD/mt  
Job No.: 07140

# TM-1

# VESTING TENTATIVE TRACT MAP NO. 7847

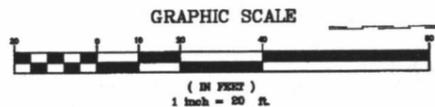
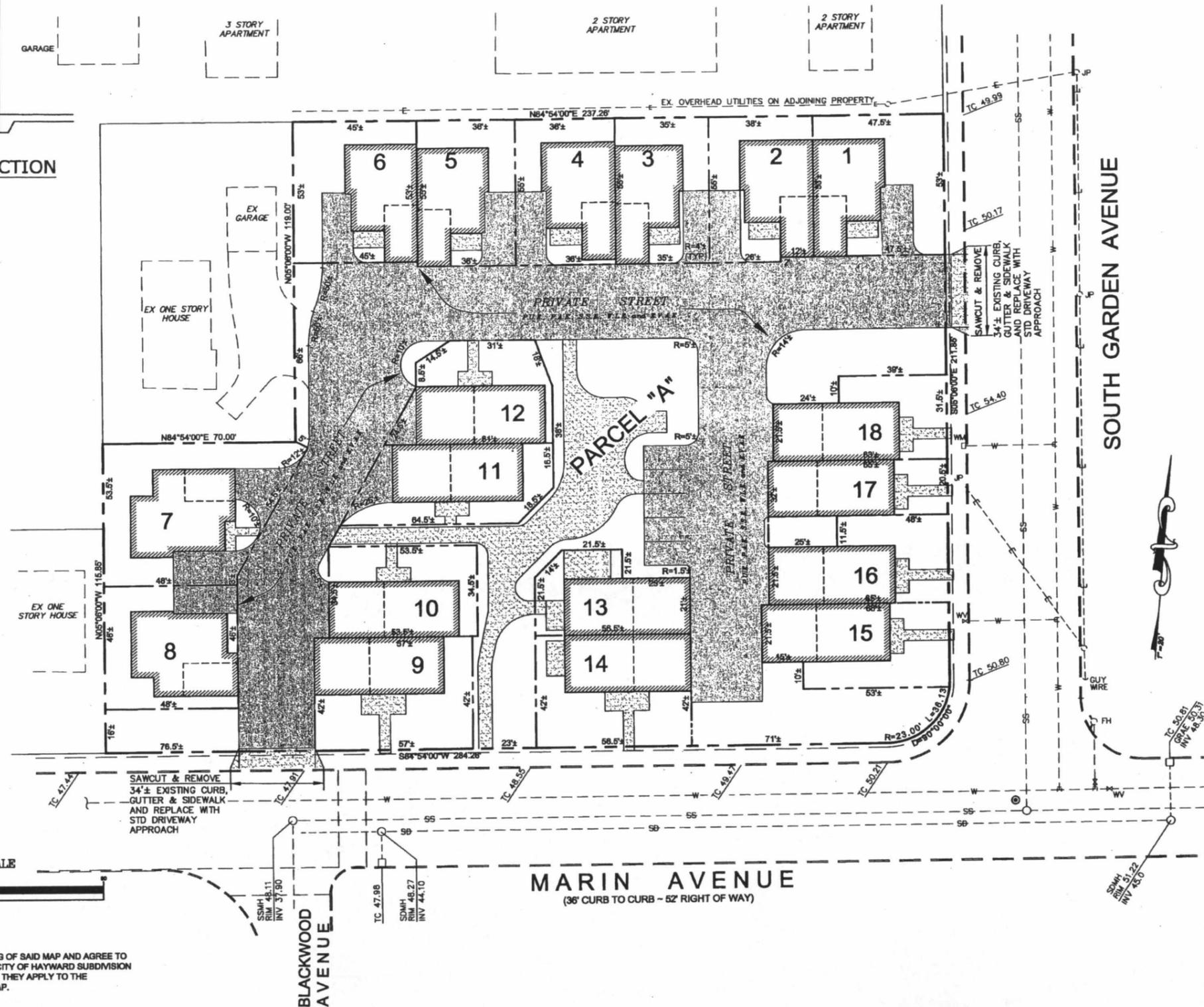


TYPICAL CROSS SECTION  
N.T.S.



VICINITY MAP  
N.T.S.

AREA SUMMARY	
LOT	AREA
1	2,490± SQ.FT.
2	2,052± SQ.FT.
3	1,980± SQ.FT.
4	1,980± SQ.FT.
5	1,980± SQ.FT.
6	2,385± SQ.FT.
7	3,280± SQ.FT.
8	2,208± SQ.FT.
9	2,394± SQ.FT.
10	1,845± SQ.FT.
11	2,000± SQ.FT.
12	1,836± SQ.FT.
13	1,500± SQ.FT.
14	2,373± SQ.FT.
15	2,009± SQ.FT.
16	1,890± SQ.FT.
17	1,655± SQ.FT.
18	1,670± SQ.FT.



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BERNARD DEBACA DATED

- TENTATIVE MAP NOTES:**
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HAYWARD, CA 94541  
(510) 785-8532
  - ENGINEER:** DEBOLT CIVIL ENGINEERING  
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  - UTILITIES:** GAS & ELECTRIC - P.G.&E.  
TELEPHONE - S.B.C.  
SEWER - ORO LOMA SANITARY DISTRICT  
WATER - CITY OF HAYWARD  
STORM - CITY OF HAYWARD
  - UTILITY LOCATIONS SHOWN ARE BASED ON UTILITY COMPANY RECORDS AND ARE APPROXIMATE ONLY.**
  - TOPOGRAPHY:** TOPOGRAPHIC INFORMATION PROVIDED BY OWNER.
  - BASIS OF ELEVATION:** BENCHMARK INFORMATION CITY OF HAYWARD FIELD BOOK 1-01 MONUMENT PIN AT INTERSECTION OF SOUTH GARDEN AND MARIN. ELEVATION: 60.85
  - BOUNDARY NOTE:** APPROXIMATE BOUNDARY INFORMATION SHOWN WAS COMPILED FROM AVAILABLE RECORD DATA AND DOES NOT REPRESENT AN ACTUAL FIELD BOUNDARY SURVEY.
  - LEGAL DESCRIPTION:** LOT 31 AND A PORTION OF LOT 32 OF THE MEEK GARDEN TRACT BOOK 6 MAPS PAGE 45 ALAMEDA COUNTY RECORDS.
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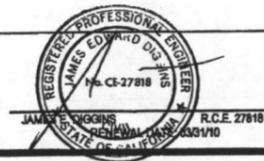
**LEGEND**

	NEW BUILDING
	ASPHALT PAVEMENT
	CONCRETE
	LANDSCAPE

**TM-2**

VESTING  
TENTATIVE MAP

PINEDA PARK  
TOWNHOUSE SUBDIVISION  
HAYWARD ALAMEDA COUNTY CALIFORNIA

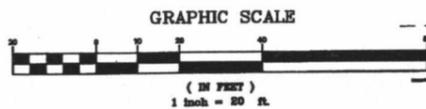
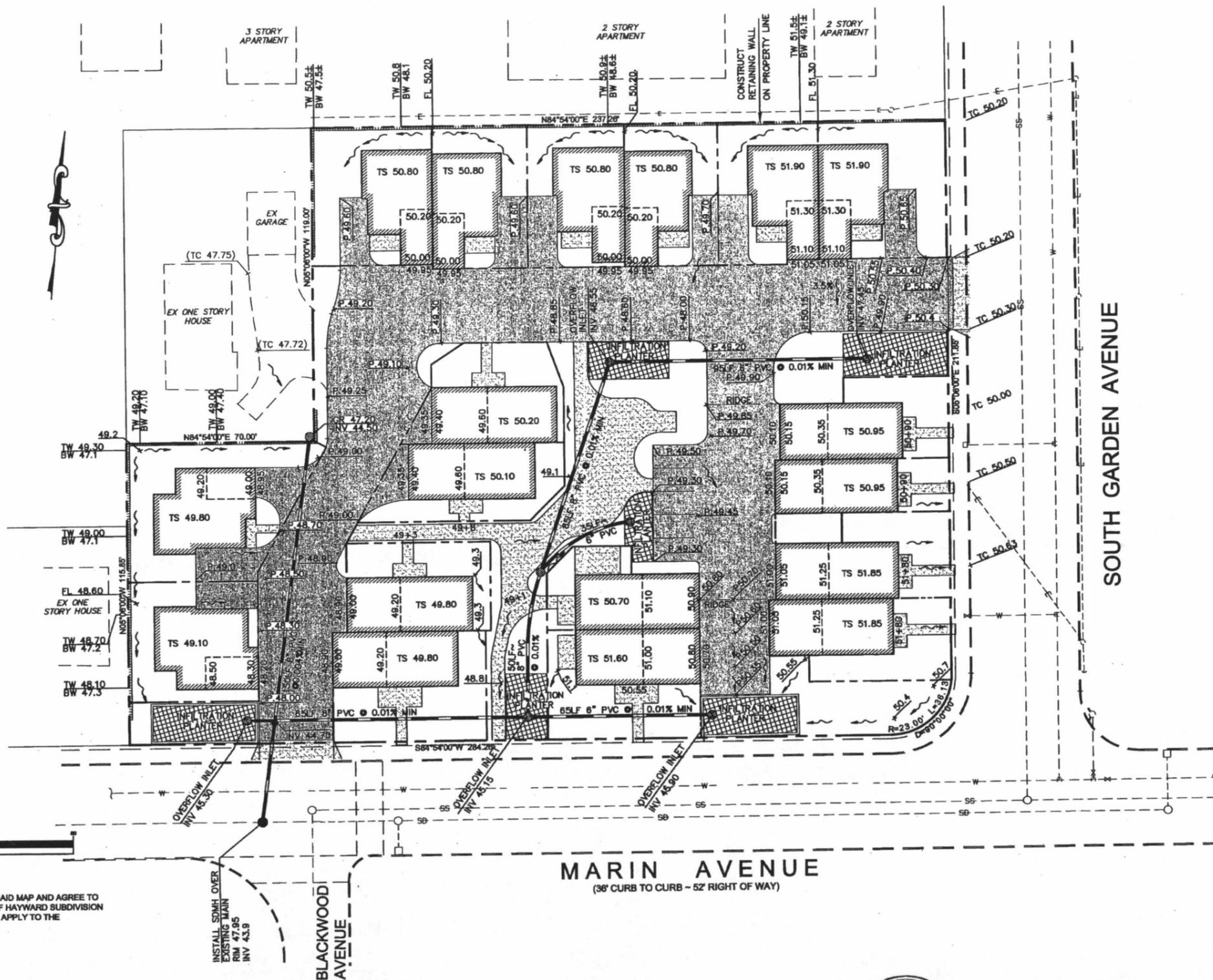


#	REVISIONS	DATE

**DeBolt Civil Engineering**  
811 San Ramon Valley Boulevard  
Danville, California 94526  
Tel: 925/837-3780  
Fax: 925/837-4378

Date: 12/04/08  
Scale: 1"=20'  
By: JED/mj/MS  
Job No.: 07140

# VESTING TENTATIVE TRACT MAP NO. 7847



I BERNARD DEBACA AGREE TO THE FILING OF SAID MAP AND AGREE TO COMPLY WITH THE PROVISIONS OF THE CITY OF HAYWARD SUBDIVISION ORDINANCE AND THE STATE MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF SAID MAP.

BERNARD DEBACA DATED

MARIN AVENUE  
(36' CURB TO CURB - 52' RIGHT OF WAY)

BLACKWOOD AVENUE

SOUTH GARDEN AVENUE

TM-3

## GRADING and DRAINAGE PLAN

### PINEDA PARK TOWNHOUSE SUBDIVISION

HAYWARD

ALAMEDA COUNTY

CALIFORNIA



#	REVISIONS	DATE



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