



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 02/22/05

AGENDA ITEM 2

WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Community and Economic Development
SUBJECT: Appeal of Revocation of Use Permit No. PL-2003-0373 – Christian Vigilance Church at 28767 Ruus Road

RECOMMENDATION:

It is recommended that the City Council approve the time frame for completion of improvements included herein.

DISCUSSION:

Christian Vigilance Church moved to its Ruus Road location in 2000. To the immediate south of the church property is a small, single-family subdivision (Collins Court) where over half of the property owners have lived for 25 years and longer. Single-family dwellings are also located directly across Ruus Road from the church. Since September 2002, neighbors of the church complained about noise and disturbances originating from the church, especially during late evening and early morning hours. For almost two years, from November 2002 to October 2004, staff brought these concerns to the church and asked the church to consider their neighbors when conducting services and outdoor activities. Nonetheless, complaints continued to be received, with the neighbors alleging that the church members would neither communicate with nor cooperate with them.

Having been unsuccessful in arriving at a mutually satisfactory arrangement between the neighbors and the church, staff sought to modify the church's use permit established under Alameda County in 1960. The recommended modification of the use permit included standard conditions of approval intended to recognize the church's desires regarding conducting their services and activities while addressing quality of life issues of the neighbors. With respect to noise attenuation, conditions required both physical changes to the property as well as performance standards, such as limitations on hours of operation and reducing noise levels. The modification of the use permit, including these conditions, was approved by the Planning Commission on November 6, 2003, and a timeline was established by which the various conditions of approval had to be met. During the Planning Commission hearing, the church representatives indicated they understood the conditions and indicated a willingness to comply with them.

Following the Planning Commission hearing, the church complied with some of the conditions, namely installation of double-pane windows and air conditioning, but did not succeed in completing others, including disregarding hours of operation and playing loud music with doors

and windows open. During this time, the neighbors resumed complaining about early-morning and late-evening noise. Staff continued to ask the church verbally and in writing to abide by the conditions of approval.

With the continued disharmony between the neighboring residents and the church regarding noise and the failure on the part of the church to meet conditions of approval, a Planning Commission hearing was held on October 21, 2004, to consider revocation of the church's use permit. At the hearing neighbors indicated that the church continued to allow children to play late in the evening near their properties and that visitors to the church honked their horns at 5:30 a.m. to gain access to the church property. The Planning Commission revoked the use permit for the church for their failure to meet the conditions of approval. Some Planning Commissioners expressed their disappointment that the church had conducted their operation in a way that showed indifference to the concerns of neighboring residents and sympathized with those who had to tolerate unnecessary disturbances for so long a period of time.

The City Council considered an appeal of the revocation from the church on December 14, 2004. At this hearing, Council members expressed interest in working out a solution with the church as an alternative to a revocation of the use permit. Many members of the Christian Vigilance Church explained to the Council how the church is a positive influence on their lives and that they should be allowed to continue to operate. Four neighbors in support of the revocation attended the meeting.

Upon the suggestion of the church's attorney, Mark Cohen, and Bishop Macklin and Pastor Randy Smith, the Council agreed to continue the revocation hearing for 60 days to allow time for the local clergy to work with the church and staff in formulating a plan that meet the needs of both the neighbors and the church and that prioritizes physical improvements.

The Christian Vigilance Church held a neighborhood meeting on January 10, 2005 in an attempt to establish better communication and to resolve differences with the neighbors. Only a few neighbors attended the meeting, and those who were there spoke in support of the church. Although neither Bishop Macklin nor Pastor Smith attended the meeting, representatives for Bishop Macklin did attend. Staff was not advised of the meeting until afterward.

The church's attorney sent an e-mail (see Exhibit C) to the Council on January 14, 2005, advising Council members of the church's progress. On February 1, 2005, staff met with Mark Cohen, Bishop Macklin and Pastor Smith. The clergy and the attorney objected to using a modification of a use permit to add what they described as expensive and burdensome conditions as an obligation of the practice of religion and that there should be no restriction of hours of operation or noise levels. They were concerned that this method could set a precedent for applying similar burdens on other churches in the area. At that meeting, the attorney and the clergy indicated that

- the church parking lot would be resealed
- the identification sign would be removed and replaced with a sign that meets the City's Sign Regulations
- that Bishop Macklin would arrange to work with a local landscape contractor to design a landscape plan that would be implemented by church volunteers,
- that no sound wall would be necessary

They stressed that these improvements should be made in accordance with a voluntary agreement, not the use permit process, and that the timing of the improvements and the extent of the

improvements would depend on available finances. An estimate of from two to five years was given.

Within the past two months, staff visited the church on four occasions, including evenings during the week and on a Sunday during church services. Staff also visited neighboring property owners and made telephone calls to neighboring property owners, all of whom indicated that they were no longer disturbed by noises coming from the church. One neighbor indicated that he likes the music that is played by the church. It is apparent that the church has made a concerted effort to acknowledge their neighbors' protests by reducing the noise levels of their music, by keeping children away from the fences separating the church from the neighbors, by using the south-facing exit, and by parking cars away from fence. These actions are in addition to the installation of double-paned windows and a sound-muffling screen, work which received final approval by City building inspectors on December 28, 2004. When staff spoke with members of the congregation, it was evident that they are aware of the past discontent and are willing to "be good neighbors."

The Zoning Ordinance clearly gives the Planning Commission and City Council the authority to impose conditions on the use permit for the Christian Vigilance Church. Section 10-1.3260 of the Zoning Ordinance states that the Planning Commission may modify or add conditions of approval to insure the use remains compatible with the surrounding land uses. In fact, the original use permit issued by Alameda County requires a paved parking lot, extensive landscaping (including 3 to 5 feet of landscaping adjacent to the fence), curbs separating the planted area from the parking lot area, and curb, gutter and sidewalk along Ruus Road. It is apparent that the same concerns being addressed at this time were taken into consideration when a church was originally established at the site. All these improvements are required in conjunction with the operation of the church and are required to be maintained as long as a church occupies the premises. Any deviation from the Alameda-County imposed conditions requires a modification to their use permit; therefore, to not use the use permit process in this instance would not be appropriate, particularly since the church is seeking relief from these conditions with regard to timing and perhaps quantity.

The major conditions added by the modification of the use permit, in addition to performance standards, include an 8-foot-high masonry wall along the southerly property line and double-pane windows (to attenuate noise), a lighting plan (parking lot lighting is insufficient and cars are parked during hours of darkness), and enhanced landscaping to meet current City standards (there are primarily weeds on the property). A copy of the conditions of approval is attached to the Planning Commission report dated October 21, 2004. Conditions that have not been met to date include:

- Installation of landscaping in accordance with City standards
- Installation of curbing to separate landscaped areas from parking and travel lanes and the southerly property line
- Paving of travel ways and parking areas (parking continues where not fully paved)
- Installation of masonry wall along 300 feet of the southerly property line
- Removal of accessory structures within required side yard
- Installation of lighting to illuminate parking area
- Removal of the identification sign that does not meet City Sign Regulations
- Installation of curb, gutter and sidewalk along Ruus Road frontage
- Installation of turn-around area for Fire Department apparatus

Since the previous City Council hearing, church members have relocated their parking area away from the common fence between the church property and the single-family subdivision to the south. The change in the parking area significantly reduces the need for a masonry wall along that common property line. With the requirement for 5 feet of landscaping along the southerly property line coupled with the relocation of parking, staff believes that the requirement for a masonry wall can be eliminated, which will significantly reduce costs associated with meeting conditions of approval (estimated to be between \$80,000 and \$100,000).

Another significant cost-saving measure for the church involves the responsibility for the installation of curb, gutter and sidewalk along the church's Ruus Road frontage. This saving can be achieved because the City is installing curbs, gutters and sidewalks along portions of Ruus Road, including the church's frontage, as part of a capital improvement project. This effort on the part of the City would save the church approximately \$12,000 to \$15,000.

The conditions required of the original use permit and those added by the Planning Commission when the use permit was modified are commensurate with City standards and have been applied to other churches in Hayward, including Crossway Church on Foothill, Templo De La Cruz on Thomas and Sycamore, Victory Outreach on Huntwood, Palma Ceia Baptist Church on Ruus, Jehovah's Witnesses on Ruus, and the Calvary Baptist Church on Ruus Road. With the exception of the Jehovah's Witnesses, all the above use permits were for additions to existing facilities which required modifications to earlier planning approvals. In staff's opinion, with the exception of the masonry wall and the frontage improvements (for the reasons cited above), the conditions are appropriate and any latitude given should be in relation to the timing of the improvements rather than the improvements themselves. Therefore, staff is proposing the following time line for completion of conditions of approval:

1. March 1, 2005 – Remove identification of sign that does not meet City's Sign Regulations.
2. March 22, 2005 – Remove accessory buildings.
3. October 1, 2005 – Install parking lot lighting to adequately illuminate parking areas. This time frame takes into consideration diminished amount of daylight hours at this time.
4. October 15, 2005 – Complete repaving all parking areas and provide enough paved parking area (including to the west of the church building) to accommodate parking relocated from southerly property line and Fire Department turnaround. Include installation of concrete curbs delineating future landscape areas. This time frame assumes that these parking areas will be repaved before the next rainy season.
5. February 22, 2006 – Complete installation of landscaping.

A letter from the church's attorney dated February 10, 2005, (Exhibit D) affirms the position presented by Bishop Macklin and Pastor Smith at the February 1, 2005, meeting requesting that the City abandon the use permit process for the Christian Vigilance Church. The attorney supports this approach, noting that the noise problems seem to no longer be an issue. He suggested that the church make voluntary improvements to the parking lot and landscaping, and that the timing and extent of improvements be made in accordance with financial resources.

Because the church is seeking exceptions to the requirements of the original use permit by requesting delays in meeting the original conditions, staff does not support abandoning the use

permit process. Also, with the conditions added by the City's modification of the use permit, there is a greater confidence that the church will continue to operate as a good neighbor and in concert with City standards. In staff's opinion, the time frames suggested for completion of conditions of approval are reasonable in terms of providing for the safety and security of those using the property. The delayed timing on the installation of landscaping is a significant special consideration and represents an endeavor to consider both the ability of the church to assume this obligation while meeting codified values of the City that views landscaping as an important asset to both the property and its place within the community.

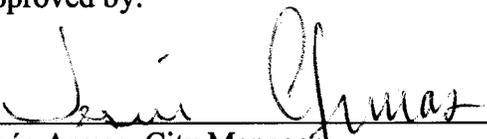
Prepared by:


Dyana Anderly, AICP
Planning Manager

Recommended by:


Sylvia Ehrenthal
Director of Community and Economic Development

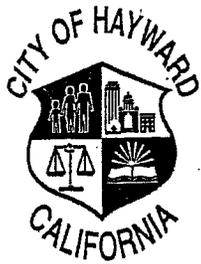
Approved by:


Jesús Armas, City Manager

- Attachment A. Agenda Report dated December 14, 2004 (with all exhibits)
- Attachment B. City Council Meeting Minutes, dated December 14, 2004
- Attachment C. E-mail from Mark Cohen, dated January 14, 2005
- Attachment D. E-mail from Mark Cohen, dated February 10, 2005

2/17/05

ATTACHMENT A



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 12/14/04AGENDA ITEM 3

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Appeal of Revocation of Use Permit No. PL-2003-0373 – Christian Vigilance Church (Appellant/Owner) - The Project Location Is 28767 Ruus Road, in a Single-Family Residential (RS) Zoning District

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution denying the appeal and upholding the Planning Commission's revocation of the use permit.

DISCUSSION:

A use permit for the construction and operation of a church was issued by the County in 1960 for the approximately 1.4-acre property. Various other churches have used the property over the years and the City has no record of any violations or complaints. The Christian Vigilance Church began using the property in 2000 and complaints from neighbors began in September 2002. The complaints included members arriving at 5 a.m. and staying until 10:45 p.m., cars driving recklessly and honking horns, loud music played inside the church building with doors and windows open, children playing in the yard and making noise late at night, dust from the parking lot and lights shining onto residential properties.

The Zoning Ordinance allows the Planning Commission to modify or add to the conditions of approval to an existing use permit in order to ensure the use continues to occur in maximum harmony with the area and in accordance with City policies. Records show that a church was granted a use permit (BZA #173) when under the jurisdiction of Alameda County. No record exists to indicate that the use permit expired or was revoked. As provided for in the City's Zoning Ordinance, staff elected to seek modification of the County use permit to address the neighbors' complaints and zoning violations. The Planning Commission determined that the use, in light of the proximity to the neighboring single family residences was not in harmony with its surroundings.

In response to the complaints received from neighbors, the use permit was modified by the Planning Commission on November 6, 2003. The modified use permit was approved with 33 conditions of approval intended to assure that the church would operate in harmony with the homes in the area. At the Planning Commission hearing, the representative of the church did not object to the conditions imposed. However, the church failed to meet any of the conditions. While the church has made progress on some of the conditions such as replacing windows and adding air conditioning, this work was not completed within the timeframes specified in the conditions and the church has not requested the required inspections for the work. Neighbors continued to

complain about the negative impacts of the church's operations and, after several verbal and written warnings, the Planning Director initiated revocation of the use permit.

Of the 33 conditions of approval, 14 required some physical improvement to the property. None of these were completed by the required deadline. The conditions included deadlines for the different improvements, and the church did not raise any objection with the schedule before it was approved by the Planning Commission. The conditions also included four conditions relating to the operation of the church – all of which have been violated.

Conditions Relating to the Building and the Property

- Condition number 4 required that a building permit application for a soundwall to be constructed along the south property line be submitted by January 17, 2004. Plans were not submitted by the deadline. On September 7, 2004 the pastor said that the church could not afford to build the wall.
- Condition number 5 required a sign permit application for a new monument sign to be submitted by May 17, 2004. A sign permit application was not submitted.
- Condition number 6 required the accessory structures to be removed from the side yard by December 17, 2003. As of October 14, 2004, the structures are still in the side yard setback area.
- Condition number 7 required that a lighting plan be submitted by January 17, 2004 to ensure that exterior lights are of the proper intensity and that they do not shine on neighboring properties. The lighting plan was not submitted.
- Condition number 8 required the installation of double-pane windows, air conditioning and sound insulation on the church building wall behind the altar by January 17, 2004. On September 7, 2004, the church submitted a new application for new windows and sound insulation only. The permit was issued on the same day and an inspection was conducted for this work on September 30, 2004 and a final inspection will be conducted when the work is completed. A final inspection has not been requested.
- Conditions 25 and 26 required the paving of the driveway and parking lot and installation of street frontage improvements such as curb, gutter and sidewalk by August 17, 2004. The condition allows the applicant to file a Deferred Street Improvement Agreement to delay the installation of the curb, gutter and sidewalk for 5 years. The work was not completed and no Agreement has been filed.
- Conditions 15 through 21 address landscaping. The landscaping was required to be installed within 60 days of the completion of the parking lot. Because the parking lot has not been completed, neither has the landscaping.

Conditions Relating to Church Operations

- Condition number 9 required the church to cease immediately the playing of drums or amplified music when doors or windows are open and prohibited the playing of music outdoors. According to the neighbors, the church has continued to play amplified music with the doors and windows open.
- Condition number 10 required the church to keep doors and windows closed during meetings and services. As stated above, neighbors state that church has continued to operate with the doors and windows open.

- Condition number 12 limits the hours of the church's operation to no earlier than 7 a.m. and no later than 10 p.m. daily. Meetings are required to end by 9:30 p.m. and all cars (with the exception of custodial or administrative staff) shall exit the premises and the gate closed and locked across the driveway by 10 p.m. nightly. As observed by both planning staff and the neighbors, the church has met outside the prescribed hours on a regular basis.
- Condition number 13 requires church management to take necessary steps to assure the orderly conduct of members and visitors on the premises. As observed by both planning staff and the neighbors, the church has allowed children to play outside, creating noise late at night. In addition, the neighbors have observed church members honking car horns and speeding out of the parking lot.

Violations of the conditions of approval were presented by neighbors to staff both in writing and over the phone. Complaints were also made by neighbors to the Police Department. A log of those calls made to the Police Department is included as attachment F of the agenda report dated October 21, 2004 (see Exhibit E). Staff also made evening visits to the property to verify the complaints. Furthermore, two church representatives at the revocation hearing admitted they were in violation of the operational conditions, including members arriving at 5 a.m. and honking their horns to gain entry to the property and not being able to control the children in the yard.

At its meeting of October 21, 2004, the Planning Commission voted (4:2) to revoke the use permit for the Christian Vigilance Church. Commissioners who voted against the revocation wanted to give the church more time to complete the improvements and thought that the church could correct the operational problems. Commissioners who voted for the revocation pointed that even if the church were to complete the physical improvements if given more time, past history cast doubt upon any assurance that church members would abide by the operational conditions, which would provide relief to the neighbors. Commissioners pointed out that compliance with operational conditions would not have cost any money and that it would be unfair to the neighbors to grant an extension of time and subject them to more discord. Two neighbors speaking at the Planning Commission hearing noted that they had been complaining for the last two to three years and that, even if all the physical work were completed, they do not trust the church to operate in a neighborly manner. The neighbors also told the Commission about their unsuccessful attempts to talk to the church members and reiterated the noise and other problems they experienced.

Representatives of the church explained to the Planning Commission that it had taken them longer than they had expected to have plans prepared for the physical improvements. They did submit a building permit application for the parking lot and associated lighting, landscaping and drainage on October 20, 2004, the day before the revocation hearing and five months past the date required by the conditions. The windows on the church building were replaced eight months after the required deadline. The church indicated that, given enough time, they could complete the improvements required by the conditions of approval. However, past experience shows that the church would not comply with the operational conditions for an extended period of time even after advised of these requirements. Temporary improvements have been made only after warnings from staff and actions by the Planning Commission after the initial approval of the use permit.

The church appealed the Commission's revocation on November 1, 2004 (letter attached). Its attorney claims that insufficient evidence was presented to support the findings, that the City violated the constitutional rights of the church members, and that the City did not have the authority to impose the conditions added to the use permit when the permit was modified in November, 2003. The church's attorney expanded on the grounds for the appeal in the attached follow-up letter dated November 18, 2004 (see Exhibit C), in an "Executive Summary of Plan and

Position of Christian Vigilance Church" (see Exhibit D) and in a "Cost of Conditions" report (see Exhibit E). The cost report was prepared by the church's attorney and has not been evaluated for accuracy by staff. In the summary, the attorney asks the City Council to either refer the matter back to the Planning Commission because of new evidence or uphold the appeal.

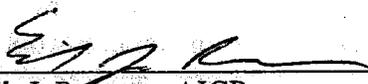
When compared to the other institutional uses in the area, the Christian Vigilance Church has an under-developed site in terms of the size of the building and the unpaved parking lot but a higher than average exposure to neighboring homes, such as the homes on Collins Court. The church has also conducted activities that impact the surrounding residential area which are not associated with most churches, such as meetings beginning at 5 a.m. and children playing outside late at night. The other institutional facilities in the area have not had the same level of police activity.

All conditions of approval are intended to ensure that the church can operate in harmony with the surrounding residents. These conditions are standard requirements that are imposed on all similar uses, both religious and secular. They are designed to protect the health, safety and welfare of the community, in addition to ensuring that the use is not operated in a manner that causes a nuisance to its neighbors. As such, they also respond to the complaints received regarding the operation of the church and the violations found by staff, and they are commensurate with requirements placed on other institutions throughout the City. When imposed by the Planning Commission, the church members indicated they understood the operational requirements, such as hours of operation, and that they would be able to fulfill the conditions related to physical improvements.

In a meeting with staff on December 7, 2004, the attorney representing the church stated that the church intends to construct the sound wall in the very near future and proposed an informal conciliation between the neighbors and the church to address the neighbors' concerns with the negative impacts of the church operation. He also requested that Council consider modifying the conditions of approval to eliminate the requirements for paving, frontage improvements, landscaping and lighting. The church's attorney relayed a concern from a lighting engineer who noted that if the property is illuminated according to City standards, the neighbors may experience more glare than they do currently. The attorney also stated that the air conditioning, insulated windows and sound insulation in the wall behind the altar have all been installed.

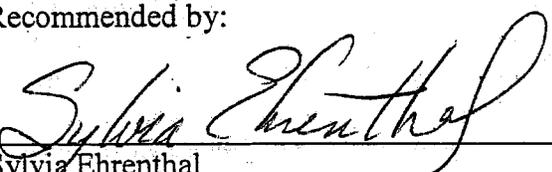
In conclusion, the church has shown a blatant disregard for the neighbors and the conditions set forth in their use permit. Church members have shown little desire to comply with the conditions of approval. In consideration of the neighbors of the church and based on past lack of performance, staff does not support the granting of additional time to complete the improvements and recommends denial of the appeal.

Prepared by:



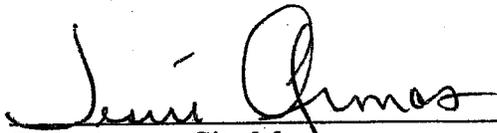
Erik J. Pearson, AICP
Associate Planner

Recommended by:



Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:

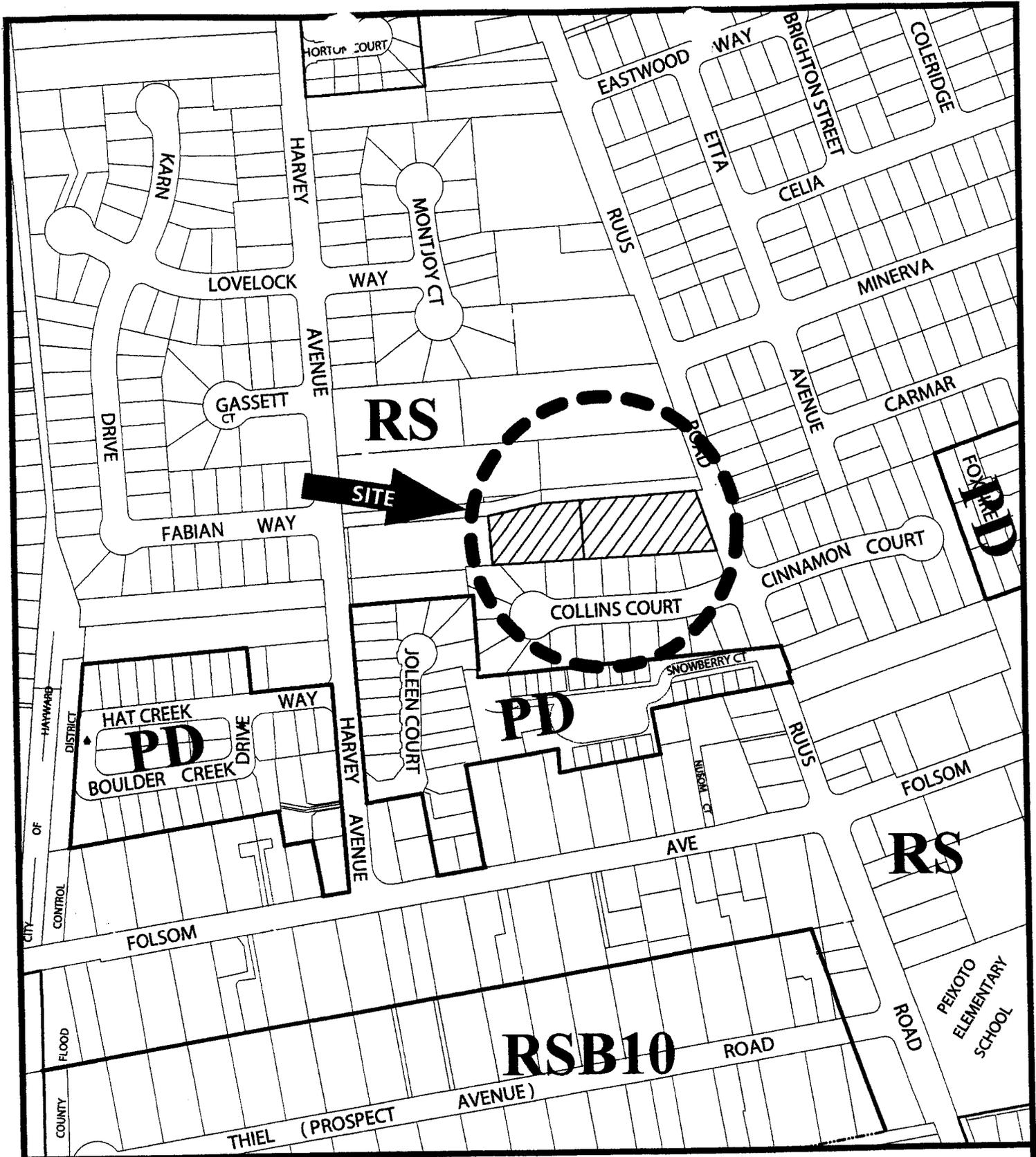


Jesús Armas, City Manager

- Attachments:
- Exhibit A. Area and Zoning Map
 - Exhibit B. Appeal letter, dated November 1, 2004
 - Exhibit C. Letter from Mark Cohen, dated November 18, 2004
 - Exhibit D. Executive Summary of Plan and Position of Christian Vigilance Church
 - Exhibit E. Cost of Conditions Report (prepared by church's attorney)
 - Exhibit F. Planning Commission Meeting Minutes, dated October 21, 2004
 - Exhibit G. Planning Commission Staff Report, dated October 21, 2004 (with attachments including Planning Commission Staff Report, dated November 6, 2003)
Draft Resolution

12/9/04

EXHIBIT A



Area & Zoning Map

PL-2003-0373 AUP

Address: 28767 Ruus Road

Applicant: Juan Ramon Coruejo

Owner: Christian Vigilance Church

PD-Planned Development
 RS-Single-Family Residential,RSB4,RSB6



EXHIBIT B

Mark Cohen

Law Office

U.S. Bank Building
39510 Paseo Padre Parkway, Suite 190
Fremont, California 94538

Phone (510)792-4008

FAX (510)796-1624

RECEIVED

NOV 01 2004

PLANNING DIVISION

HAND DELIVERED

November 1, 2004

Erik J. Pearson
Associate Planner
City Of Hayward Planning Division
777 B Street
Hayward, CA 94541-5007

**RE: My Client: Christian Vigilance Church,
28767 Ruus Road, Hayward**

**Notice of Appeal of Planning Commission Action to Revoke
Administrative Use Permit PL-2003-0373: Ruus Road, Hayward**

Dear Mr. Pearson:

As I advised you during our telephone conversation of October 28, 2004, my office has been retained to represent the Christian Vigilance Church with regard to appealing the City of Hayward Planning Commission action of October 21, 2004, to revoke their Administrative Use Permit.

**PLEASE REGARD THIS LETTER AS NOTICE OF APPEAL OF SAID
ACTIONS OF THE PLANNING COMMISSION TO REVOKE THE
CHRISTIAN VIGILANCE CHURCH'S USE PERMIT.**

The grounds for this appeal are as follows:

1. The evidence presented and the record of the hearing does not support the findings to revoke the use permit;
2. The evidence presented was not competent to support the findings to revoke the use permit;
3. The actions of the Planning Commission violates the constitutional rights of the members of the Christian Vigilance Church under the first amendment of the United States Constitution and the California Constitution and Article 1, Section 4 of the California Constitution;

4. The City of Hayward was without legal and constitutional authority in the first place, to impose additional conditions to the Christian Vigilance Church's original use permit issued by the County of Alameda. Any actions to revoke the use permit based on improperly imposed conditions in the first place is itself, without legal authority;
5. The action to revoke the Christian Vigilance Church's use permit by the Planning Commission interferes with a vested right and is not supported by the evidence and the record of the hearing;
6. The Christian Vigilance Church reserves the right to state additional grounds for this appeal as the investigation of the evidence and record will reveal;

The Christian Vigilance Church is asking that the action by the Planning Commission to revoke the use permit be set aside and the original permit be re-instated and provide what other and further relief may be appropriate and justified.

Notwithstanding this form notice of appeal I look forward to demonstrating to the Planning Department and the City Council, that the Christian Vigilance Church can comply with all reasonable and legal conditions and be a good neighbor.

Sincerely,



MARK COHEN
Attorney at Law

EXHIBIT C

Mark Cohen

Law Office

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39510 Paseo Padre Parkway, Suite 190
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Phone (510)792-4008

FAX (510)796-1624

VIA EMAIL (erik.pearson@hayward-ca.gov) ONLY

November 18, 2004

Erik J. Pearson
Associate Planner
City Of Hayward Planning Division
777 B Street
Hayward, CA 94541-5007

**RE: My Client: Christian Vigilance Church,
28767 Ruus Road, Hayward
Administrative Use Permit PL-2003-0373: Ruus Road, Hayward**

Dear Mr. Pearson:

As you are aware, my office has been retained to represent the Christian Vigilance Church with regard its appeal of the City of Hayward Planning Commission's action of October 21, 2004, to revoke their Administrative Use Permit. I understand that the appeal is scheduled to be heard before the Hayward City Council on December 14, 2004.

The purpose of this letter is to briefly outline the Church's position regarding their appeal and to provide basic information about the church itself. I hope to supplement this letter prior to the scheduling hearing with a more detailed brief and proposal.

THE ENVIRONMENT AND LOCATION OF THE CHRISTIAN VIGILANCE CHURCH

The Christian Vigilance Church is located at 28767 Ruus Road in the city of Hayward. While this area is zoned RS, within one half mile to the north and south of the church on Ruus Road, there are no less than seven churches, schools, a boys and girls club, and a hospital clinic. The Christian Vigilance Church appears to be the least intensive religious and community institution among the seven other uses just mentioned. Yet, conditions have been imposed upon the church that appears to be disproportionate to its activities relative to its neighbors and their more intensive uses.

A BRIEF HISTORY OF THE CHRISTIAN VIGILANCE CHURCH

The Christian Vigilance Church of Hayward was founded 1991 by Juan and Maria Cornejo. During the 1990's the church's membership increased slowly but surely to about 60 to 80 families and individuals. During this period of time the Church would meet at various rented locations for its activities and services.

In 2000, the church's present location was purchased through funds saved over the years and other assistance.

At the time of the purchase, Mr. Cornejo went to the city of Hayward to inquire as to whether an administrative use permit was required. Mr. Cornejo was advised that the use of the property as a church was "grandfathered" in and that as long as the property continued to be used as a church no additional permits were necessary.

The church continued to grow and presently has about 150 hard working families and individuals as members. None the less, the church is rather small by most standards and is supported by members who are quite modest in means.

A substantial portion of the membership are young families and individuals under the age of 25. The Christian Vigilance Church has provided a warm, safe and spiritually stimulating environment for its youthful members and hard working families. There are activities and services six days a week. The church has become a place to go for young people that is a distinctly more wholesome and safer than many other options that unfortunately face our youth. It is indeed ironic that the very success of the church in attracting people who have made the right choice and direction in their lives appears to be the source of some of the complaints which have been generated.

**A BRIEF HISTORY OF WHAT BROUGHT
ABOUT THE USE PERMIT APPLICATION
AND SUBSEQUENT ACTIONS ON THE PART
OF THE CITY OF HAYWARD**

From my review of the record in this matter it appears that the county of Alameda issued a use permit to the original owners of the property for use as a church in 1961. Notwithstanding a letter in 1962 alleging violations of some of the conditions of the use permit, the record fails to show any official administrative action or otherwise which resulted in a revocation of the original use permit prior to the city of Hayward's recent actions.

It also appears from a letter of November 7, 2002, authored by Ms. Mary Brown, Community Preservation Inspector for the city of Hayward, that the Christian Vigilance Church was directed to apply for an administrative use permit because the Church allegedly expanded their parking area and constructed a detached accessory building. In this same letter the church was warned that continued violations could result in substantial fines. No mention was made in this letter, and for that matter, any time thereafter, that if the violations were abated there would not be a need to apply for an administrative use permit.

The requirement that the City of Hayward imposed upon the Church to apply for an administrative use permit served to open up the door for the city to impose terms and conditions that went far beyond what Ms. Brown's letter initially complained of. In fact, the city of Hayward ended up imposing no less than 32 conditions relating to additional building and property improvements and methods of operation by time the city of Hayward and the Planning Commission were finished with the church. These conditions of course, are all contained in the conditions of approval following the Planning Commission's actions of November 6, 2003. I am in the process of obtaining a more specific figure but I estimate at present that the conditions imposed by the City of Hayward will cost in excess of \$200,000.00 for the church to comply. Thus, the church went from being cited by the City of Hayward for illegally expanding their parking lot and creating an

accessory structure to having to make improvements that exceed \$200,000.00 in cost. By any stretch of the imagination, the land use conditions and regulations imposed upon the church amounted to the imposition of a substantial burden on the church in carrying out their religious activities.

Notwithstanding the substantial burden that the city of Hayward imposed upon the church, the church none the less, made a substantial and good faith effort to comply. Efforts on the part of the church to comply with the unduly burdensome conditions imposed upon them did in fact, result in improvement to the church structure and substantial compliance with the conditions. While your report to the Planning Commission hearing of October 21, 2004, lists several conditions that were not complied with, the fact remains that most of the conditions were either complied with or in the process of compliance.

I must say, however, that in reviewing your correspondences to the Church, to your credit, it appears that you personally did attempt to advise the Church of the various obligations the conditions of approval imposed upon them and the problems the city of Hayward was having with what the Church was or was not doing. The compliance schedule that you created however, though well intentioned, imposed an additional substantial burden on the church and was unrealistic in light of the church's size and financial resources. Notwithstanding the substantial burden that the compliance schedule imposed, the church members made great efforts to comply.

Given the limited resources the church had and lack of experience in the area of construction and improvements to real property, it was not realistic to expect nor was it possible for the church to complete all the work that the city of Hayward was requiring. Additionally, it appears that unsubstantiated complaints by neighbors regarding noise put further pressure on the city of Hayward to take some action. As a result, pressure was put on the Church to more rapidly comply with the terms and conditions. Consequently, an action was taken to revoke the church's use permit when the city of Hayward believed the full compliance to the terms and conditions of the use permit was not achieved. The Planning Commission decided to revoke the use permit and the Church now appeals. In its appeal all the Church is asking for is fairness in the process and an opportunity to comply with validly imposed conditions on a realistic basis.

THE CHURCH'S PROPOSAL AND RESPONSE TO THE REVOCATION OF ITS USE PERMIT

It is the Church's position that the city of Hayward's actions in imposing the various land use regulations contained in the use permit and especially in the enforcement of the same have resulted in the imposition of a substantial burden on the church and its members in their efforts to exercise their religious rights and freedoms. This assertion is completely borne out by the fact that not only did this matter go from a mere parking lot and out structure violation to the imposition of 32 conditions of approval, but the conditions of approval have a price tag in excess of \$200,000.00. Furthermore, the timetable imposed upon the church has made it practically impossible to comply given the small size and limited resources that the Church members have available to them.

The Religious Land Use and Institutionalized Persons Act contained in 42 USC 2000cc prohibits the very burdensome conditions that the city of Hayward has imposed on the Christian Vigilance Church. This act provides as follows:

"§ 2000cc. Protection of land use as religious exercise

(a) Substantial burdens.

(1) General rule. **No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution**, unless the government demonstrates that imposition of the burden on that person, assembly, or institution--

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) Scope of application. This subsection applies in any case in which--

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) **the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes**, even if the burden results from a rule of general applicability; or

(C) **the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.**

(b) **Discrimination and exclusion.**

(1) **Equal terms. No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.**

(2) Nondiscrimination. No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) Exclusions and limits. **No government shall impose or implement a land use regulation that--**

(A) totally excludes religious assemblies from a jurisdiction; or

(B) **unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.**"(All particularly relevant portions italicized and hi-lighted)

In my follow up to this memorandum I will be providing you with more detailed legal analysis of the Church's position. Suffice it to say for now however, given the undisputed fact that the city of Hayward has imposed conditions on the Church which require expenditures of at least \$200,000.00 and given the way that the city of Hayward has attempted to enforce those conditions in terms of a rather unrealistic timetable in the face of the Church's limited resources, a prima facie case has been made that that the rights afforded the church under 42 USC 2000cc has been violated.

Having just cited a legal reason why the city of Hayward's actions in this matter are not proper I must now immediately say that it is the desire of the church to continue to work with the city. All the church is asking for is fairness and an opportunity to continue to comply with validly imposed conditions in accordance with a reasonable timetable. Thus, notwithstanding the substantial burden that has been imposed upon this small church, in the next two weeks the church will present to the city of Hayward a realistic plan of compliance with all validly imposed conditions. It is expected that this plan will assure the city of Hayward that the church can and will make all necessary and validly imposed improvements and operate in harmony with its neighbors.

November 19 2004

Page 25

Furthermore, with the proper legal counsel and guidance that the church now has, it is respectfully submitted that the Church is in a more superior position to respond and comply with all validly imposed conditions. Your consideration is most appreciated.

Sincerely,

MARK COHEN
Attorney at Law

EXHIBIT D

Mark Cohen

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December 3, 2004

EXECUTIVE SUMMARY OF PLAN AND POSITION OF CHRISTIAN VIGILANCE CHURCH

Introduction

This brief shall present a Summary the Christian Vigilance Church's (hereinafter "the Church") plan and position regarding their appeal to of the Planning Commission's October 21, 2004, decision to revoke their use permit. A more detailed report may follow if necessary, with additional arguments and supporting documents for distribution to City of Hayward officials and Council members. All references to sections of the City of Hayward Zoning Ordinance will be preceded by "HZO".

1. STANDARD OF REVIEW BY CITY COUNCIL

The City Council hears the Church's appeal "de novo". That is, the Council hears this appeal without being bound by the Planning Commission's findings or that of the Planning Director. (HZO Sec 10-1.120(a))

2. COUNCIL MAY SEND BACK MATTER TO PLANNING COMMISSION FOR CHANGES IN LIGHT OF NEW EVIDENCE OR SIMPLY UPHOLD APPEAL IN CHURCH'S FAVOR.

a. With Legal counsel now available to advise the Church, the Church proposes to sit down with all concerned parties including neighbors and City officials, and work out a reasonable and legally enforceable plan.

The City Council may simply uphold the Church's appeal, modify conditions of approval, or "in the event of significant new evidence, which may include substantial changes in the proposal, is presented in conjunction with the appeal, that matter shall be returned to the Planning Commission for further consideration and adoption." (HZO Sec 10-13145)

At the hearing before the City Council and by this submittal the Church will present significant new evidence establishing the illegality of the Planning Commission's actions. But more importantly to all concerned, the Church will and does by this Summary, present a more realistic plan to satisfy all reasonable conditions and all legally permissible conditions as well as a realistic time table for implementation. The Church will also demonstrate compliance and an ability to comply with essential conditions imposed that will resolve most problems.

3. SIGNIFICANT CHANGES AND SIGNIFICANT NEW EVIDENCE JUSTIFIES UPHOLDING APPEAL OR MODIFYING TERMS AND CONDITIONS.

- a. The Church is prepared to immediately begin construction of the sound wall which will address complaints by neighbors. Please see a signed contract attached as exhibit "1" to Cost of Conditions report provided herein. Double pain windows and a sound wall behind the altar to decrease sounds emanating from the building have already been installed. Pursuant to the Church's plan the congregation has been and will continue to counsel its members to be particularly mindful and respectful of their neighbors when entering and exiting the Church grounds. A child care area has been constructed to contain the children. Only those conditions that present a substantial burden on the Church have not been satisfied. Please Cost of Conditions report and especially attached exhibits for evidence of substantial compliance with conditions.
- b. The Church proposes a three to four year plan to implement all conditions that the City of Hayward can legally impose under the circumstances of their status as a pre-existing, non conforming structure and use pursuant to HZO Secs 10-1.2910 and 10-1.2915 and pursuant to the Religious Land Use and Institutionalized Persons Act (42 USC 2000cc)
- c. The original conditions imposed by the Planning Commission are unenforceable because they violate the Religious Land Use and Institutionalized Persons Act (42 USC 2000cc) in that they impose a "**substantial burden on the religious exercise** " of the members of the Church and they are not "**in furtherance of a compelling governmental interest;**" and they are not "**the least restrictive means of furthering [any] compelling governmental interest.**"(see number 9 below for further discussion and explanation) The Church proposes to work out a set of conditions and a three to four year time table for implementation that is realistic and legally permissible given Religious Land Use and Institutionalized Persons Act and what the City of Hayward is permitted to do under its own ordinances.
- d. Based on professional sound engineer conducted studies done with a maximum complement of musical instruments to create "worse case" scenario the sound emanating from the Church building is in compliance with the City of Hayward's noise ordinance (HZO Sec 4-1.03) and is consistent with the City of Hayward's General Plan(pages 7-16 to 7-20 and especially Appendices M and N). In fact, traffic and overhead plane noise appears to be louder than Church music.

4. THE CHURCH IS AN ESSENTIAL SOCIAL AND RELIGIOUS INSTITUTION IN THE COMMUNITY

The Church currently has about 150 hard working families and individuals as members of modest means, most of which are Hayward residents. A substantial portion of the membership are young families and individuals under the age of 25. The Christian Vigilance Church has provided a warm, safe and spiritually stimulating environment for its youthful members and hard working families. There are activities and services six days a week. The church has become a place to go for young people that is a distinctly more wholesome and safer than many other options that unfortunately face our youth. It is indeed ironic that the very success of the church in attracting people who have made the right choice and direction in their lives appears to be the source of some of the complaints which have been generated.

5. THE EXPECTATIONS OF HOMEOWNERS AND THE CITY MUST BE IN LINE WITH THE ENVIRONMENT IN WHICH THE CHURCH IS LOCATED.

While the Church is located in an RS district, there are no less than seven social and religious institutions within less than a half mile north and south of the Church on Ruus road that are bigger and more intensive. These uses include Churches, a Boys and Girls Club, a school, and a medical clinic. It is respectfully submitted that the expectations of quite enjoyment on the part of the City of Hayward and local residents must be adjusted to the context of the mixed use neighborhood that residents have chosen to live in.

6. ALL THE CHURCH WANTS IS FAIRNESS:

THE CITY OF HAYWARD AND THE PLANNING COMMISSION DID NOT FOLLOW PROPER PROCEDURE OR ACT UNDER PROPER AUTHORITY:

THE CHURCH WAS ORIGINALLY MISDIRECTED WHEN IT WAS TOLD IT MUST APPLY FOR A MODIFICATION OF THEIR PRE-EXISTING USE PERMIT.

In a November, 7, 2002 letter, the Church was originally directed in 2002 by Community Preservation Inspector Ms. Mary Brown, that they must apply for a modification of their grandfathered in use permit due to their increase in parking lot space usage and an accessory structure. If the Church were in violation as alleged, the Church should have been told by the City of Hayward that they just needed to abate the violation. Instead, the Church was directed to apply for a modification of a use permit and threatened with fines if the did not. As a consequence of this misdirection the door was then opened for the city of Hayward to impose conditions of improvement that will cost the Church in excess of \$281,113.11.

7. ALL THE CHURCH WANTS IS FAIRNESS:

THE CHURCH FOLLOWED THE DICTATES OF CITY OFFICIALS. THE PLANNING COMMISSION ACTED UNDER THE WRONG AUTHORITY IN IMPOSING 32 UNDULY BURDENSOME CONDITIONS AT THEIR NOVEMBER 6, 2003 HEARING.

At the November 6, 2003 Planning Commission hearing, at the advice of staff, the Commission treated the Church's application as one for a *conditional use permit* pursuant to HZO Sec 10-1.3260 This was clearly in error. The Church is located in an RS district. Under Section 10-1.220 of the City of Hayward's zoning ordinance a church is a permitted use subject to approval of by the Planning Director by means of an *administrative use permit*, not a *conditional use permit*. (see staff report to November 6, 2003 Planning Commission Hearing) Consequently, after the close of the public hearing, the Planning Commission granted the Church a use permit modification but attached 32 conditions to its approval pursuant to Section 10-1.3260. The problem with the Planning Commission's actions was that Section 10.1.3260 pertains to the authority of the Planning Commission to revoke or modify a *conditional use permit*, not an *administrative use permit*.

As the staff report of November 6, 2003, and October 21, 2004, indicated, the Church had a use permit that pre-dated the city of Hayward's annexation of Ruus Road. Thus, the Church's use permit was "grandfathered" in as it dates back to 1961 and is considered to be a legal but non-conforming use. (HZO

Secs 10-1.2910 and 10-1.2915) Under such circumstances, the city of Hayward cannot legally impose more stringent standards or requirements to a use permit or impose greater restrictions than what the present day Hayward zoning district ordinance provides. That is, the city of Hayward, cannot require the Church to apply for a *conditional use permit* and act under such procedure and authority when what was at the most required was an *administrative use permit*. Therefore, by acting under authority that treats the Church's application as a conditional use permit the city of Hayward acted improperly.

8. ALL THE CHURCH WANTS IS FAIRNESS:

THE PLANNING COMMISSION ACTED WITHOUT PROPER LEGAL AUTHORITY WHEN IT REVOKED THE CHURCH'S PERMIT:

TO REVOKE AN ADMINISTRATIVE USE PERMIT THE PLANNING DIRECTOR MUST FIRST DO SO ONLY AFTER MAKING SPECIFIC FINDINGS. THE PLANNING COMMISSION CANNOT ACT OTHERWISE ON AN ADMINISTRATIVE USE PERMIT. THE PLANNING DIRECTOR NEVER MADE THE REQUIRED FINDINGS

As discussed above, all the Church would require in the first place to operate as a church is an *administrative use permit*. (See HZO Sec 10-1.220) The Agenda Report to the Planning Commission as well as the findings in support of revocation of the Church's permit do not make reference to any City of Hayward Zoning Ordinance authority in which it claims revocation is based. Therefore, the record is void of any legal authority in which the Planning Commission based its actions on. This is problematic in several respects.

However, because the actions taken to grant a modification of the Church's use permit was under the wrong authority in the first place (Section 10-1.3260 which pertains to *conditional use permits*) there is a question as to whether the Planning Commission's actions to revoke a use permit granted under the wrong authority can subsequently be revoked under the administrative use permit modification authority (Section 10-1.3160) or conditional use permit modification authority. (Section 10-1.3260) In other words, when the city of Hayward did not act under the correct authority when it required and granted a permit in the first place, there is a serious question as to whether the City by way of the Planning Commission or the City Council, can now continue to act under conditional use zoning authority (Section 10-1.3260) or instead must act under administrative use permit authority (Section 10-1.3160) to revoke what was apparently granted under conditional use authority.

None the less, if the matter now before the City Council is pursuant to administrative authority to revoke a use permit (Section 10-1.3160) it cannot act until the *Planning Director* first makes the proper findings. As will be seen, according to Section 10-1.3160 only *after* the Planning Director first makes certain findings can the revocation of an administrative use permit be acted upon by the Planning Commission or City Council. This procedure was not followed prior to the Planning Commission's action to revoke the Church's permit. Furthermore, there appears to be no authority in the Hayward Zoning Ordinance for the Planning Commission or city Council for that matter, to revoke an *administrative use permit* without it first being acted upon in a like manner by the Planning Director.

Section 10-1.3160 of the City of Hayward Zoning Ordinance provides as follows:

“ SEC. 10-1.3160 REVOCATIONS AND MODIFICATIONS.

a. In accord with the notice and hearing provisions detailed in Sections 10-1.2820 and 10-1.2825, the ***Planning Director may revoke an administrative use permit, or modify, or add to the conditions of approval, or refer the matter to the Planning Commission,*** with or without a recommendation in order to insure the use is consistent with the findings made pursuant to Section 10-1.3125.

b, ***An administrative use permit may be revoked when the Planning Director finds*** that:

- (1) The use or the manner in which it is conducted, managed, or operated impairs the character and integrity of the zoning district and surrounding area; or
- (2) The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan or the use is not operated in accordance with the exhibit approved as part of the use permit and modification of the conditions or plan would not be in the public interest, or would be detrimental to the public health, safety, or welfare.”(Emphasis and italics added to hi-light relevant portions)

With regard to who has the authority to revoke an *administrative use permit* it is plainly seen from the language of Section 10-1.3160 that it is the ***“Planning Director[who] may revoke an administrative use permit”*** and it is only the Planning Director that is granted the authority to *initially* revoke an administrative use permit, for the Section 10-1.3160 specifically states that ***“An administrative use permit may be revoked when the Planning Director finds... .”*** Section 10-1.3160 does **not** say that the Planning Commission or the City Council may revoke an administrative use permit. Rather, said section only says that it is the Planning Director who may revoke an administrative use permit.

It is true that Section 10-1.3160 provides that the ***“Planning Director may revoke an administrative use permit or modify, or add to the conditions of approval, or refer the matter to the Planning Commission.”*** However, in making such a statement Section 10-1.3160 does not state that the Planning Commission or City Council for that matter, has the authority to act to revoke an administrative use permit without the Planning Director **first** making the findings stated in Section 10-1.3160 (b) and taking such action to revoke. As paragraph (b) of Section 10-1.3160 specifically states ***“An administrative use permit may be revoked when the Planning Director finds... .”***

In sum, a plain reading of Section 10-1.3160 would require the Planning Director to make findings stated in subparagraphs (1) or (2) first before the Planning Director then refers that matter to the Planning Commission pursuant to paragraph (a), for that Section specifically provides only one way to revoke an administrative use permit and that is when the Planning Director makes specific findings.

If it were intent of Section 10-1.3160 to provide the Planning Commission with concurrent authority to revoke administrative use permit without the Planning Director first being required to make certain findings then the ordinance would so provide by reading as follows: ***“An administrative use permit may be revoked when the Planning Director or Planning Commission finds... .”*** But Section 10-1.3160 does not so state. Rather, it only provides the Planning Director with the authority to revoke an administrative use permit by first making certain findings.

What further supports the Church's contention that the Planning Commission lacked the authority to revoke the Church's use permit without the Planning Director first making appropriate findings and so acting is Section 10-1.120(c) which provides in relevant part that "... *The Planning Director has final approval authority for and enforcement of Administrative Use Permits, Sit Plan Review, and Administrative Variances, all of which may be appealed to the Planning Commission.*" Clearly, Section 10-1.120(c) contemplates a procedure where the Planning Director must first decide on an Administrative Use Permit. Once decided, and only after the Planning Director makes a decision may an appeal be taken to the Planning Commission regarding an Administrative Use Permit. Such procedure was not followed by the City of Hayward with regard to the revocation of the Church's use permit.

There is yet even more support for the Church's position that the Planning Commission lacked the authority to revoke the Church's use permit without the Planning Director first making appropriate findings and so acting. Section 10-1.3150 of the City of Hayward Zoning Ordinance discusses the authority of the Planning Director to refer Administrative Use Permits to the Planning Commission. In so doing, this section limits such authority to applications. Conspicuously absent from the Referral authority section is the authority to refer revocation actions to the Planning Commission. Rather, revocation authority is specifically dealt with in Section 10.13160 as discussed above. As Section 10.13150 states in relevant part:

- "a. the Planning Director may refer an administrative use permit to the Planning Commission at any time, with or without a recommendation... .
- b. The Planning Commission may refer an administrative use permit application to the City Council at any time....
- c. On referral, the Planning Commission or the Council, as the case may be, may approve or conditionally approve the application based on the findings in section 10-1.3125. The Planning Commission must disapprove the application if it is unable to make any of the required findings."

It is fair to say that when a section dealing with the Planning Directors referral authority regarding an Administrative Use permit applications fails to include language granting such authority in the circumstance of revocations then the Planning Director has no such authority to do so directly without first acting in the manner that Section 10-1.3160 provides.

9. ALL THE CHURCH WANTS IS FAIRNESS:

THE CITY OF HAYWARD'S ACTIONS IN DIRECTING THE CHURCH TO APPLY FOR A MODIFICATION OF THEIR USE PERMIT AND THE IMPOSITION OF 32 CONDITIONS WHICH WILL COST THE CHURCH AT LEAST \$281,113.11 SIMPLY BECAUSE THEY MAY HAVE PARKED BEYOND THE PARKING LOT BOUNDARY AND HAD AN EASILY REMOVABLE ACCESSORY STRUCTURE IS IN CLEAR VIOLATION OF THE FEDERAL RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (42 USC 2000cc)

It is the Church's position that the city of Hayward's actions in imposing the various land use regulations contained in the use permit and especially in the enforcement of the same have resulted in the imposition of a substantial burden on the Church and its members in their efforts to exercise their religious rights and freedoms. This assertion is completely borne out by the fact that not only did this matter go from a mere parking lot and out structure violation to the imposition of 32 conditions of approval, but the conditions of approval have a price tag in excess of \$281,113.11. Please see Cost of Conditions report and Exhibits for

proof of costs. Furthermore, the timetable imposed upon the Church has made it practically impossible to comply given the small size and limited resources that the Church members have available to them.

The Religious Land Use and Institutionalized Persons Act contained in 42 USC 2000cc prohibits the very burdensome conditions that the city of Hayward has imposed on the Christian Vigilance Church. This act provides as follows:

"§ 2000cc. Protection of land use as religious exercise

(a) Substantial burdens.

(1) General rule. **No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution**, unless the government demonstrates that imposition of the burden on that person, assembly, or institution--

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) Scope of application. This subsection applies in any case in which--

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) **the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States**, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) **the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.**

(b) **Discrimination and exclusion.**

(1) **Equal terms. No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.**

(2) Nondiscrimination. No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) Exclusions and limits. **No government shall impose or implement a land use regulation that--**

(A) totally excludes religious assemblies from a jurisdiction; or

(B) **unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.**"(All particularly relevant portions italicized and hi-lighted)

The point is worthy of repeating: not only has the Church's matter gone from a mere parking lot and accessory structure violation to the imposition of 32 conditions of approval, but the conditions of approval have a price tag in excess of \$281,113.11 with a completely unrealistic implementation schedule. The Church hereby represents to the City of Hayward that its members are of extremely modest means. The Church cannot afford to complete all the conditions of approval in a short period of time and if forced to do, the City of Hayward would be forcing them to close. They simply do not have the money.

The Church members merely wish to assemble and worship with a minimum amount of intrusion to its neighbors and in that regard, sound studies have shown that they are in compliance with all local

ordinances. If ever there was a glaring example of a violation of 42 USC 2000cc it is with what the City of Hayward has imposed on the Christian Vigilance Church. The burden created by the conditions imposed make it impossible for the Church to continue unless there is some relaxation and modification of the conditions and corresponding time table implementation.

The Church recognizes that they will have to work at raising funds so that they are in a position to implement improvements and hopes in the future to modernize the existing structure. However, for the present they are simply trying to survive and provided a much needed safe and spiritually nourishing environment for its hard working families who are of quite humble and modest means.

10. ALL THE CHURCH WANTS IS FAIRNESS:

CONCLUSION: THE CHURCH IS FULLY PREPARED TO WORK OUTA SET OF FAIR CONDITIONS

As I have been endeavoring to point out, all the Church wants is to be treated fairly. As has also been pointed out, the history of the Church's matter is replete with misdirection and questionable legal authority on the part of the City of Hayward. Having so stated, the Church is not interested in making a major legal case out of this matter. While the enforcement of the rights afforded the Church under the Religious Land Use and Institutionalized Persons Act is of significant interest to many major religious organizations that are looking for test cases, the Church is not interested in enlisting themselves in such a cause and battle. Rather, the Church officials are interested in working out a realistic plan that they can afford to implement which, at the same time, serves to enhance their neighborhood and address the concerns of its neighbors.

However, while the Church recognizes that it is in their best interests and it is the right thing to do to come to an arrangement which will require them to improve their property on some level and address the concerns of their neighbors and is prepared to do so, given the substantial burden that the present conditions impose on the Church and the apparent violation of the Religious Land Use and Institutionalized Persons Act, the city of Hayward must also "come to the table" understanding that under 42 USC 2000cc, when land use conditions do impose a substantial burden as is the present case, thereby making it impossible for the Church to continue as a religious institution, any conditions the City of Hayward wishes to impose must be "in furtherance of a compelling governmental interest; and is the least restrictive means of furthering that compelling governmental interest."(42 USC 2000cc(a)(1)(A) and (B)).

Your consideration is most appreciated.

Respectfully Submitted,



MARK COHEN
Attorney for the Christian
Vigilance Church

EXHIBIT E

RECEIVED

DEC 06 2004

PLANNING DIVISION

COST OF CONDITIONS REPORT

REQUIRED CONSTRUCTION AND EXPENDITURE BY CITY OF HAYWARD	MODIFIED PERMIT CONDITION NUMBER	COST TO CHURCH
8 Foot Masonry Sound wall(300 Feet in Length) Initial Structural Calculations For Sound Wall (EXHIBIT "1")	4	\$ 97,800.00 \$ 500.00
Lighting Plan Lighting Plan Implementation (EXHIBIT "2")	7	\$ 2,000.00 \$ 42,000.00
Double Pain Windows, , Air Conditioning, Sound Wall Installation For Alter Wall(south wall) (EXHIBIT "3")	8	\$ 2,266.08 \$ 3,900.00 \$ 1,761.86
Landscaping Plan Installation of Landscaping (EXHIBIT "4")	15-22	\$1,900.00 (cost for plan creation) Minimum \$25,000.00

<p><i>Parking Lot, Driveway, and Curb Plan, Radius Including Installation</i></p> <p><i>(EXHIBIT "5")</i></p>	<p>23-32</p>	<p>\$101,408.00</p>
<p><i>Creation of Fenced in Play area for Children away from Residences</i></p> <p><i>(EXHIBIT "6")</i></p>	<p>13</p>	<p>\$ 908.92</p>
<p><i>Building Permit Costs And Planning Department Application Costs</i></p> <p><i>(Exhibit "7")</i></p>	<p>1-32</p>	<p>\$ 1,668.25</p>
<p><u>PRESENT TOTAL</u> <u>(Low Estimate)</u></p>		<p><u>\$281,113.11</u></p>



4375 Sedge St. Fremont, CA. 94555 Work: 510.471.2490 Fax: 510.471.1907
[w] <http://www.microresorts.com> [e] elderjerez@microresorts.com

MASONRY WALL CONSTRUCTION REVISED PROPOSAL-CONTRACT

PROJECT: CONSTRUCTION OF MASONRY WALL AS PER MICRO RESORTS PLANS.

CHRISTIAN VIGILANCE CHURCH

28767 Ruus Road, Hayward Ca. 94544



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November 3, 2004

Mr. Juan Cornejo
CHRISTIAN VIGILANCE CHURCH
28767 Ruus Road,
Hayward Ca. 94544
Ph: 784-2310

Dear Mr. Cornejo:

We are presenting you, our REVISED CONSTRUCTION PROPOSAL-
CONTRACT installation of: MASONRY SOUND WALL AS PER MICRO
RESORTS PLANS AS FOLLOWS:

SCOPE OF WORK:

- A.- WALL FOOTING EXCAVATION
- B.- WALL FOOTING FORMING
- C.- WALL FOOTING REINFORCING
- D.- WALL FOOTING CONCRETE POURING
- E.- WALL VERTICAL STRUCTURE INSTALLATION
- F.- WALL PILASTERS CONSTRUCTION
- G.- WALL CAP INSALLATION
- H.- PILASTER CAPS INTALLATION
- I.- STUCCO APPLICATION ONE SIDE ONLY

WALL LENGHTS:

4'	HEIGHT WALL	24 LF.
6'	HEIGHT WALL	12 LF.
8'-6"	HEIGHT WALL	264 LF.

WALL REVISION NOTES:

- 1) WALL AND PILARS CAPS WILL BE:
PREFABRICATED ARCHITECTURE FORMS. CUSTOM FOAM SHAPE, 4
OZ. FIBERGLASS ALKALINE RESISTANT REINFORCING MESH,
CEMENTOUS BASECOAT, FINISH STUCCO COAT TO MATCH WALL.
- 2) PILASTERS:
STANDARD CONCRETE PILLAR BLOCK 12"x12"x 8" TALL.
PILLARS WILL RECEIVE STUCCO FINISH TO MATCH WALL
AND CAPS.
- 3) THIS CONSTRUCTION PROPOSAL INCLUDES, PLANNING FEES
FOR WALL FOOTING RE-DESIGN AND TWO SITE INSPECTIONS
BY THE MICRO RESORTS CIVIL ENGINEER, TO COMPLY WITH
CITY REQUIREMENTS FOR INSTALLATION OF THE WALL.
- 4) STUCCO FINISH ON FRONT SIDE ONLY.

TOTAL COST OF WALL INSTALLATION.....	\$ 95,000.00
TOTAL COST OF WALL PLANNING/ ENGINEERING AND TWO (2) SITE INSPECTIONS BY THE CIVIL ENGINEER SITE VISIT (QTY 2)	\$ 2,800.00
TOTAL	\$ 97,800.00

(NINETY SEVEN THOUSAND EIGHT HUNDRED DOLLARS AND
00/100)

METHOD OF PAYMENT:

\$ 15,000.00 ON CONTRACT SIGNATURE
15,000.00 ON WALL FOOTING EXCAVATION AND FORMING
15,000.00 ON WALL FOOTING POORING
15,000.00 ON WALL CONSTRUCTION 50% PROGRESS
15,000.00 ON WALL CONSTRUCTION 100% PROGRESS
15,000.00 ON WALL CAP INSTALLATION
7,800.00 ON JOB COMPLETION

ESTIMATED TIME OF COMPLETION:

FIVE (5) WEEKS AS WEATER PERMIT

CONSTRUCTION NOTES:

- 1.- THIS PROPOSAL CONTRACT TOTAL IS VALID FOR SEVEN DAYS ONLY)
- 2.- CITY'S CONSTRUCTION PERMITS FEES BY OWNER.
- 3.- THE PROJECT'S OWNER IS RESPONSIBLE FOR INFORMING MICRO RESORTS OF ANY CHANGES IN THE PLANS AND/OR CITY OF HAYWARD CONSTRUCTION DEPARTMENT COMMENTS AND PERMITS, PRIOR TO WORK START. *Wall stucco work required by the City, by Micro Resorts. EJ. JC*
- 4.- MICRO RESORTS WILL NEED TO WORK 7:00 AM. TO 5:00 PM. MONDAY TO SATURDAY WEATHER PERMIT, TO COMPLET WORK IN THE ESTIMATED TIME OF COMPLETION.

Contract Notes:

- ._a: Extra work order:
The Contractor will require Homeowner's signature of approval for any extra work order. The method of payment for extra order is 50% on Signature and 50% on extra work completion.
- ._b: The Contractors is not responsible for any broken sidewalks, curbs or other property when delivery is requested on Premises.
- ._c: Attorney's fees: If any suit, arbitration, mediation or other proceeding is brought to enforce or interpret any part of this agreement, the prevailing party shall be entitled to recover, as an element of his costs of suit and not as damages, all costs incurred by the prevailing party. The "prevailing party" shall be the party who is entitled to recover his costs of suit, whether or not the suit proceeds to final judgment.
- ._d Progress Payments: . Invoices are due and payable upon receive. 1 ½% financial charge if need. Owners shall pay actual attorney's fees and costs incurred in collecting amount due.
- ._e: Owner rebate: \$ 600.00 as per Landscape Design Contract dated 8/30/04 . Rebate discount to the Owner, will be effective on the last payment of this Contract.
- ._f: Approximated Time of completion of this project: (4) weeks , weather permit
- ._g: City's construction permit fee by Owners.

Contract Agreement Signatures:

Juan Cornejo
Mr. Juan Cornejo


Elder Jerez, ASLA.

Date: 11-04-04

Payments record:

1.- Date: _____ Check: _____ \$ _____

2.- Date: _____ Check: _____ \$ _____

3.- Date: _____ Check: _____ \$ _____

4.- Date: _____ Check: _____ \$ _____

5.- Date: _____ Check: _____ \$ _____

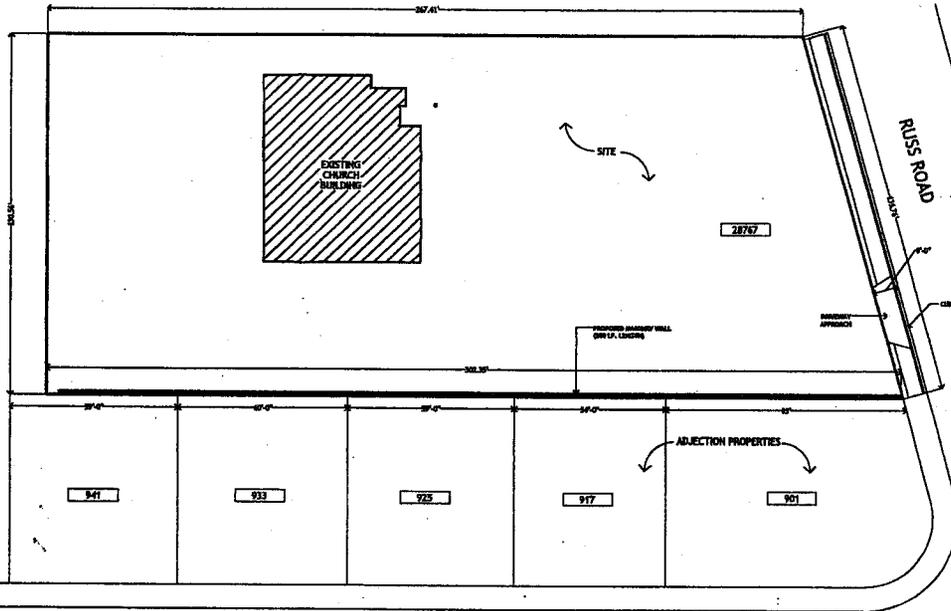
6.- Date: _____ Check: _____ \$ _____

7.- Date: _____ Check: _____ \$ _____

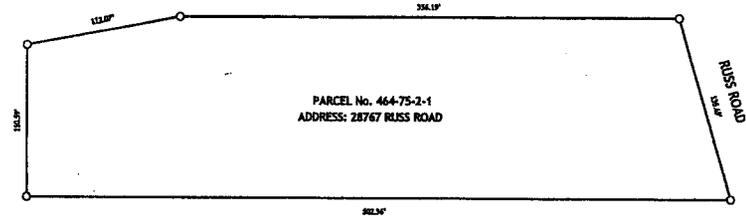
Thanks for your business !!!

CHRISTIAN VIGILANCE CHURCH

28767 RUUS ROAD, HAYWARD, CA



PLOT PLAN
SCALE: 1" = 20'-0"



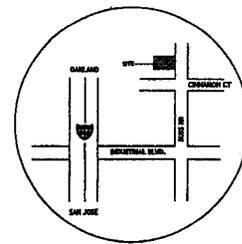
PARCEL MAP
SCALE: 1" = 40'-0"

LEGEND

- PROPERTY LINE
- PROPOSED MASONRY WALL
- PROPERTY ADDRESS

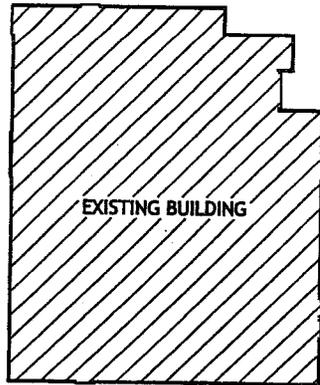
INDEX

- C-1 PLOT PLAN
- C-2 WALL PLAN AND ELEVATION
- C-3 WALL DETAILS
- C-4 STRUCTURAL SECTIONS AND DETAILS
- C-5 NOTES



LOCATION MAP

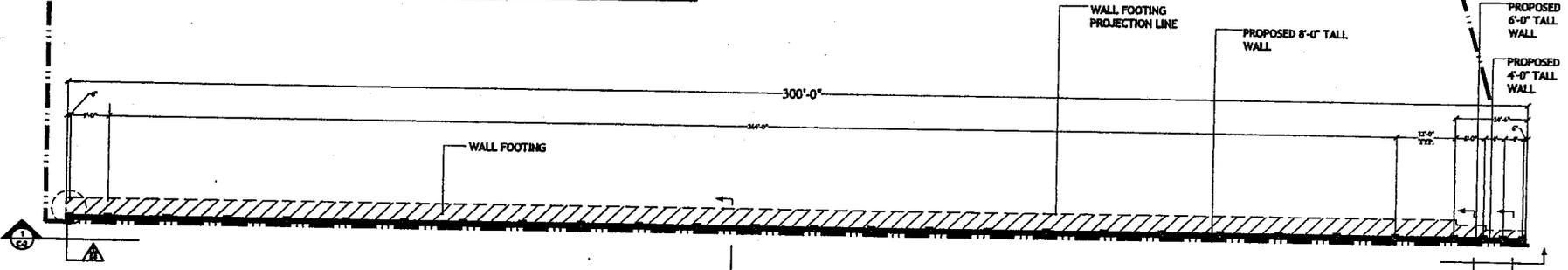
<p>RP ASSOCIATES, INC. CONSULTING ENGINEERS 200-120 STREET, SUITE 200, SAN FRANCISCO, CA 94102 TEL: (415) 763-0807 FAX: (415) 763-2007 WWW: www.rpassoc.com</p> <p><small>Copyright 2006. These documents are prepared by the company, R.P. Associates, Inc. and may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from R.P. Associates, Inc.</small></p>	<p>DESIGNER</p>	<p>PREPARED FOR</p> <p>CHRISTIAN VIGILANCE CHURCH 28767 RUUS ROAD, HAYWARD, CA</p>	<p>PROJECT TITLE</p> <p>MASONRY SOUND WALL</p>	<p>SHEET CONTENT</p> <p>PLOT PLAN</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>DATE</th> <th>ISSUED FOR</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>11-24-04</td> <td>PERMIT</td> <td>RP</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	ISSUED FOR	BY	11-24-04	PERMIT	RP										<p>SEAL</p>	<p>SCALE</p> <p>AS NOTED</p> <p>DRAWN BY: PALA, T. LUMANUG</p> <p>CHECKED BY: RAMAN PATEL</p> <p>PROJECT NO. 04-41</p>	<p>SHEET NO.</p> <p>C-1</p>
	DATE	ISSUED FOR	BY																				
11-24-04	PERMIT	RP																					



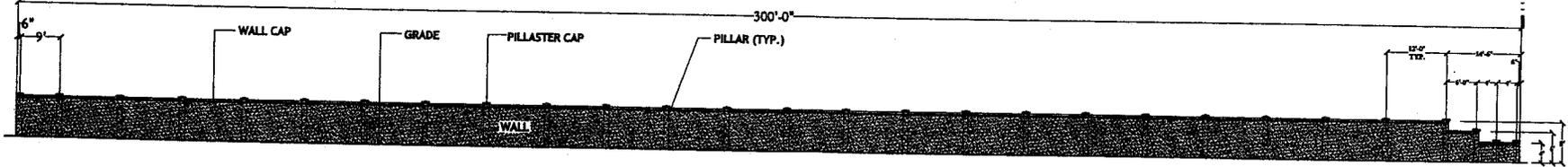
WALL MATERIALS DESCRIPTION

1. **WALL:**
Standard concrete block 8"x8"x16" long
2. **PILLASTERS:**
Pillaster concrete block 12"x12"x8" tall
3. **FINISH:**
Wall and pillasters will receive stucco finish
Stucco color:
4. **WALLS STRUCTURE:**
See engineer construction details, SHT. C-4 & C-5.
5. **WALL SET BACK:**
Entire wall including reinforced conc. footing to stay within property line.
6. **WALL HEIGHT:**
First 2 bays close to street are 4'-0" high.
Third bay is 6'-0" high.
Remaining wall length is 8'-0" high.
7. **WALL AND PILLASTERS CAP:**
Pre-fabricated architecture form.
Custom foam shape, 4 oz. fiberglass alkaline resistant reinforcing mesh, cementitious basecoat, finish stucco coat to match wall.

RUSS ROAD



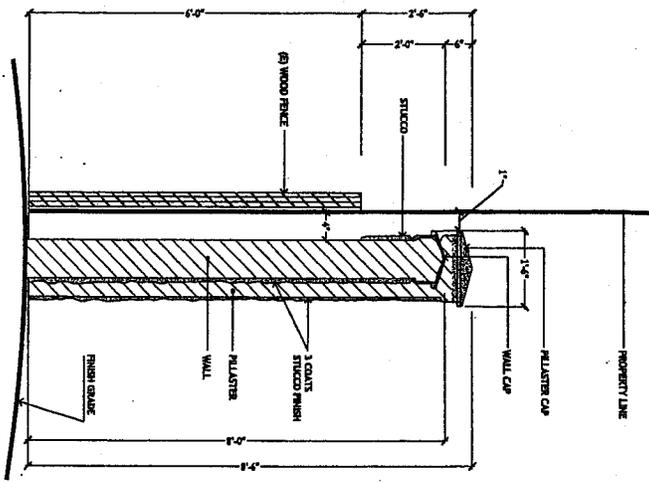
SITE PLAN
SCALE: 1/8" = 1'-0"



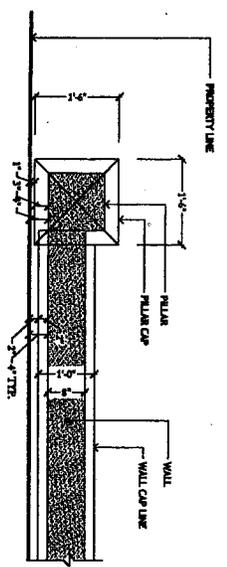
WALL ELEVATION ①
SCALE: 1/8" = 1'-0"



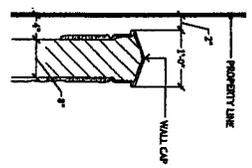
DESIGNER RP ASSOCIATES, INC. CONSULTING ENGINEERS <small>385-12th STREET, SUITE 200B, SAN FRANCISCO, CA 94133 TEL: (415) 398-8877 FAX: (415) 398-7547</small>	PREPARED FOR CHRISTIAN VIGILANCE CHURCH 28767 RUSS ROAD, HAYWARD, CA	PROJECT TITLE MASONRY SOUND WALL	SHEET CONTENT WALL PLAN AND ELEVATION	REVISIONS			SEAL 	SCALE AS NOTED DRAWN BY PAUL T. LUMAHIG CHECKED BY RAMAN PATEL PROJECT NO. 04-41	SHEET NO. C-2
				DATE 11-24-04	ISSUED FOR PERMIT	BY RP			



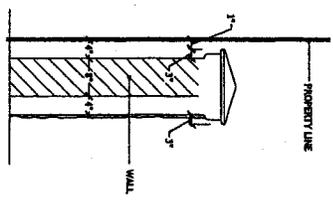
WALL-PILLAR SIDE ELEVATION
SCALE 1" = 1'-0"



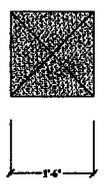
WALL-PILLAR PLAN VIEW
SCALE 1" = 1'-0"



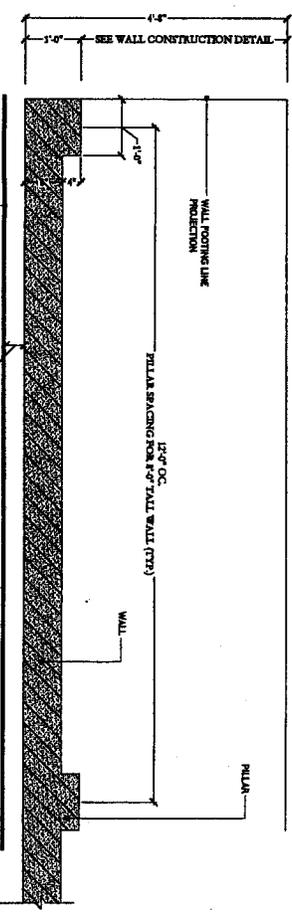
WALL SETBACK DETAIL
SCALE 1" = 1'-0"



PILLAR SETBACK DETAIL
SCALE 1" = 1'-0"



PILLAR CAP
SCALE 1" = 1'-0"



WALL PLAN DETAIL 1
SCALE 1" = 1'-0"

 RP ASSOCIATES, INC. CONSULTING ENGINEERS <small>1000 17th Street, Suite 1000, San Francisco, CA 94103 Tel: (415) 774-2000 Fax: (415) 774-2001 1775 Broadway, Suite 1000, San Francisco, CA 94103 Tel: (415) 774-2000 Fax: (415) 774-2001</small>	DESIGNED	PREPARED FOR	PROJECT TITLE	SHEET CONTENT	DATE	REVISIONS	SCALE	AS NOTED	SHEET NO.
	CHRISTIAN VIGILANCE CHURCH 28747 RUIDS ROAD, HAYWARD, CA	MASONRY SOUND WALL	WALL DETAILS	11-28-04 NONE	ISSUED FOR BY CHECKED BY PROJECT NO.	PAUL T. LAMARE RAYAN PATEL 04-11	C-3		

GENERAL

- ALL WORK SHALL CONFORM TO THE PROJECT CONSTRUCTION DOCUMENTS AND THE 2021 EDITION OF THE CALIFORNIA BUILDING CODE (CBC), AND THE APPLICABLE FEDERAL, STATE AND LOCAL CODES, REGULATIONS, LAWS AND CITY ORDINANCES.
- THE MEAN OF THESE DRAWINGS IS TO DEMONSTRATE ALL WORK, INCLUDING GENERAL AND TYPICAL DETAILS OF CONSTRUCTION, THAT ARE NECESSARY TO COMPLETE THE PROJECT. TYPICAL DETAILS AND NOTES SHALL APPLY TO SIMILAR CONDITIONS, UNLESS SPECIFICALLY NOTED OTHERWISE.
- FOR CONDITIONS NOT SPECIFICALLY INDICATED ON THE DRAWINGS, DETAILS OF SIMILAR CHARACTER AND CONSTRUCTION WITH THE TYPE SHOWN FOR SIMILAR CONDITIONS SHALL BE USED. SUCH DETAILS SHALL BE SUBJECT TO REVIEW BY THE STRUCTURAL ENGINEER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE WORK OF ALL TRADES AND SHALL VERIFY ALL EXISTING JOB CONDITIONS AND CHECK ALL DIMENSIONS. ANY DISCREPANCIES SHALL BE CALLED TO THE ATTENTION OF THE ARCHITECT AND THE STRUCTURAL ENGINEER, AND SHALL BE RESOLVED BEFORE PROCEEDING WITH THE WORK.
- COORDINATE STRUCTURAL DRAWINGS WITH ARCHITECTURAL, MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS, ESPECIALLY FOR THE SIZE AND LOCATION OF OPENINGS.
- OBTAIN STRUCTURAL ENGINEER'S APPROVAL BEFORE PROCEEDING WITH THE WORK FOR OPENINGS THAT PERMIT STRUCTURAL MEMBERS, AND ARE NOT SHOWN AND OR DETAIL ON STRUCTURAL DRAWINGS.
- FRAME OPENINGS AND SUPPORT MECHANICAL EQUIPMENT AS DETAILED ON THE DRAWINGS. WINDING AND DECKING ARE PROVIDED. OBTAIN STRUCTURAL ENGINEER'S APPROVAL BEFORE PROCEEDING WITH THE WORK.
- PROVIDE LATERAL BRACING FOR ALL SUSPENDED EQUIPMENT AND SUSPENDED CEILING IN ACCORDANCE WITH THE UNIFORM BUILDING CODE.
- THROUGH THE CONSTRUCTION PERIOD, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF THE BUILDING, AND FOR THE FABRICATION, ERECTION, AND SAFETY, AND SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL SAFETY REGULATIONS. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF SHORING, BRACING, FORM WORK, ETC., REQUIRED FOR THE PROTECTION AND SAFETY OF LIFE AND PROPERTY DURING THE CONSTRUCTION PERIOD.
- THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE CONDUCT OF WORK, INCLUDING ALL CONSTRUCTION METHODS AND PROCEDURES, THE SAFETY, AND METHODS OF DESIGN AND MATERIALS FOR PROVIDING TEMPORARY VERTICAL AND LATERAL SUPPORT DURING AND AFTER CONSTRUCTION. ENGINEER'S OBSERVATION VISIT SHALL NOT BE INTERPRETED AS A REVIEW OF CONTRACTOR'S SAFETY MEASURES.
- CONCRETE CONTRACTORS SHALL INSPECT IN ACCORDANCE WITH IBC SECTION 510 FOR CEILING AND CONCRETE FLOOR SLAB IN FOUNDATION FLOOR.
- IF ANY CONSTRUCTION IS NOT IN CONFORMANCE WITH THE CONTRACT DOCUMENTS, THE INSPECTOR SHALL NOTIFY THE STRUCTURAL ENGINEER. THE NOTIFICATION SHALL BE BY TELEPHONE INCLUDING A MESSAGE TO THE STRUCTURAL ENGINEER'S OFFICE, EXPLAINING THE NATURE OF NON-COMFORMANCE, FOLLOWED BY CONFIRMATION IN WRITING. THE CONTRACTOR SHALL BE ADVISED IMMEDIATELY OF ANY CONSTRUCTION WHICH IN THE INSPECTOR'S OPINION IS NOT IN CONFORMANCE WITH THE CONTRACT DOCUMENTS.

2. FOUNDATIONS

- THE BOTTOM OF THE FOUNDATION SHALL BE AT UNDISTURBED NATIVE SOIL OR ENGINEERED FILL.

3. CONCRETE

- CONCRETE SHALL CONFORM TO THE CURRENT EDITION OF THE AMERICAN CONCRETE INSTITUTE (ACI) SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS.
 - CONCRETE SHALL BE READY-MIXED TYPE CONFORMING TO IBC STANDARD 24-13.4.
 - CONCRETE SHALL HAVE A FINISH NOT LESS THAN 80 BAGS OF CEMENT PER CUBIC YARD OF CONCRETE AT THIRTY SEVEN (37) DAYS. CONCRETE SHALL DEVELOP COMPRESSIVE STRENGTH (F_{CD}) OF 3,000 PSI. THE SLUMP SHALL NOT EXCEED 4 INCHES WHEN PLACED. THE MAXIMUM SIZE OF AGGREGATE SHALL NOT EXCEED 3/4 INCH FOR SLAB-ON-GRADE, WALLS AND CEILING, AND 1 1/2 INCHES FOR FOOTINGS, PILES AND GRADE BEAMS.
- CONCRETE SHALL BE REGULAR WEIGHT, WITH MAXIMUM TYPE AGGREGATE (150 LBS/CY) AGGREGATE SHALL CONFORM TO AMERICAN SOCIETY FOR MATERIALS AND TESTING (ASTM) C-895. CEMENT SHALL CONFORM TO ASTM C-150, TYPE 2.
- CONCRETE SHALL BE MACHINE MIXED AND DELIVERED TO THE SITE IN ACCORDANCE WITH ASTM C-94.
- CONCRETE PLACEMENT SHALL BE IN ACCORDANCE WITH AMERICAN CONCRETE INSTITUTE (ACI) 301.
- PROVIDE MINIMUM CLEAR COVER OF CONCRETE OVER REINFORCEMENT AS INDICATED BELOW:
 - AGAINST BARRI FORM: _____ INCHES
 - EXPOSED TO WEAR BUT FORMED AGAINST: _____ INCHES
 - FORM WORK & BOTTOM OF SLAB ON GRADE: _____ INCHES
 - ALL OTHER CONCRETE: _____ 1 1/2 INCHES
- EXCEPT 4 INCH OR LESS THICK SLAB-ON-GRADE, ALL FILL CONCRETE SHALL BE MECHANICALLY VIBRATED TO REMOVE VOIDS AND COMPLETELY FILL THE FORMS WITHOUT CAUSING GRADE SEPARATION.
 - WELLS SHALL MATCH MAIN REINFORCEMENT IN SIZE AND SPACING. PROVIDE MINIMUM 4 DIAMETER LAP, UNLESS OTHERWISE NOTED.

- SLAB-ON-GRADE AT LIVING AREAS, FLOORS AS ON 2 INCHES OF COMPACTED CLEAN SAND OVER 4 IN. VAPOR BARRIER OVER 4 INCHES OF CLEAN FILL. REINFORCING CHAIRS ROCKERS PRIOR TO CONCRETE PLACEMENT. DAMPEN AND SURFACE FINISH.
 - CURBING WITHIN SEVEN DAYS OF PLACEMENT. CONCRETE SURFACES EXPOSED TO THE ATMOSPHERE SHALL BE PROTECTED AND CURED BY DAMPENING WITH WATER AS NECESSARY, UNTIL THE SPECIFIED DESIGN STRENGTH IS ACHIEVED.
 - REINFORCING BARS SHALL HAVE SIZES, TOWELS FINISH, EXISTING SLABS SHALL HAVE LIGHT ROOM FINISH.
 - SPECIAL INSPECTION PER IBC SECTION 510 IS NOT REQUIRED.
- 4. CONCRETE REINFORCEMENT AND ACCESSORIES**
- REINFORCING STEEL SHALL BE OBTAINED FROM A SOURCE CONFORMING TO ASTM A615, GRADE 40 FOR NO. 3 AND SMALLER DIAMETER BARS AND GRADE 60 FOR LARGER THAN NO. 3 BARS. BAR DEFORMATION SHALL BE IN ACCORDANCE WITH ASTM A615. WELDED WIRE FABRIC (WWF) SHALL CONFORM TO ASTM A185. PROVIDE A MINIMUM 4 INCHES LAP AT JOINTS. DO NOT WELD REINFORCEMENT.
 - REINFORCING BARS SHALL BE LAPPED AS INDICATED. PROVIDE MINIMUM LAP EQUAL TO 40 TIMES THE DIAMETER OF REINFORCING BARS AT SPICES, AND STAGGERED SPICES.
 - ALL HOOKS SHALL BE STANDARD HOOKS UNLESS NOTED OTHERWISE. ALL COLLARS, BEAM AND PLASTER TIES SHALL HAVE A 135° MINIMUM TURN PLUS 4 INCH EXTENSION TO THE FREE END.
 - PROVIDE REINFORCING BARS AT MID HEIGHT IN SLAB-ON-GRADE AND AS SHOWN ON THE DRAWINGS.
 - ANCHOR BOLTS SHALL BE MACHINE BOLTS A 307 WITH AMERICAN STANDARD REGULAR, 3/4" FINISHED, SQUARE OR HEXAGON BOLTS. NUTS SHALL BE AMERICAN STANDARD HEAVY 3/4" FINISHED, HEXAGON-WASHER, UNC TREATED, CLASS B. UNLESS OTHERWISE NOTED ON SHOP WALL SCHEDULE. ALL FLARE BOLTS SHALL BE 3/8" INCH DIAMETER BY 10 INCHES LONG WITH A 3/8" INCH LOCK AND SPACED 4 FEET ON CENTER. PROVIDE 1/2" INCHES AT A DISTANCE OF 4 INCHES FROM EACH END OF THE BEAM WALL. COVER AND PRICE PROVIDE A MINIMUM OF 3 BOLTS PER 8" FLARE.
 - CONCRETE ACCESSORIES AND WIRE ANCHORS (W/A), ADHESIVE ANCHORS, EXPANSION BOLTS AND HEAVY DUTY EXPANSION ANCHORS, AND POLYMER-BONDING ADHESIVES SHALL BE AS MANUFACTURED BY HEBL, INC., TULSA, OK, OR APPROVED EQUIVALENT. THESE SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S WRITTEN INSTRUCTIONS.

5. CONCRETE UNIT MASONRY

- CONCRETE MASONRY UNITS (CMU) SHALL BE HOLLOW CLOSED, SINGLE OR DOUBLE OPEN END TYPE. ALL CMU SHALL CONFORM TO ASTM C-90, GRADE N, TYPE 1, AND HAVE AN ULTIMATE COMPRESSIVE STRENGTH (F_{CD}) OF 1,500 PSI. WHEN PLACED, THE CMU SHALL HAVE CURED FOR NOT LESS THAN 28 DAYS. DO NOT USE CHIPPED OR CRACKED CMU. REMOVE ANY CHIPPED OR CRACKED CMU IF DISCOVERED IN A FINISHED WALL, AND REPLACE WITH NEW CMU TO THE SATISFACTION OF THE STRUCTURAL ENGINEER.
- CMU SHALL BE Laid IN RUNNING BOND. PROVIDE FULL INTERSECTING BOND AT CORNERS AND AT WALL INTERSECTIONS. PROVIDE SPECIAL PLASTER UNITS AT PLASTER OR REND PLASTER USING FACE SHELLS ONLY; BRACE AS NECESSARY DURING GROUT PLACEMENT.
- MORTAR SHALL BE LAD TYPE 1, THAT WILL DEVELOP A MINIMUM COMPRESSIVE STRENGTH OF 1,800 PSI AT 28 DAYS.
- GROUT SHALL BE #54 GRAVEL MIX, 8 INCHES TO 10 INCHES SLUMP, AND DEVELOP A MINIMUM COMPRESSIVE STRENGTH OF 2,000 PSI AT 28 DAYS. IF TRANSFER GROUT IS NOT PLACED IN THE FINAL POSITION WITHIN 1 1/2 HOURS AFTER WATER IS FIRST ADDED TO THE MIXTURE, IT SHALL BE REJECTED. GROUT SOLID ALL CELLS.
- CEMENT SHALL BE PORTLAND CEMENT CONFORMING TO ASTM C-150, TYPE 1 OR TYPE 2 AND SHALL BE BLEND OF ONE MANUFACTURER.
- WALLS USED FOR GROUT AND MORTAR SHALL BE CLEAN AND FREE FROM DEBRIS AND ANCHORS OF ACES, NAILS, ALUMINUM AND ORGANIC MATERIAL.
- SAND FOR MORTAR SHALL CONFORM TO ASTM C-144, TABLE 1, COARSE AGGREGATE.
- QUICKSET SHALL CONFORM TO ASTM C-91.
- WHERE GROUT FOUR EXCEEDS 4 FEET IN HEIGHT, CLEANOUT OPENINGS SHALL BE PROVIDED AT THE BOTTOM OF ALL CELLS CONTAINING VERTICAL REINFORCEMENT.
- ALL HORIZONTAL REINFORCING SHALL BE BOND BEAM UNITS AND AGAINST VERTICAL BARS.
- VERTICAL BARS SHALL BE ACCURATELY AND POSITIVELY HELD IN PLACE BEFORE SETTING BLOCKS. BARS MAY BE CORBELLED AT THE TOP OF FOOTING ONLY, UNLESS OTHERWISE NOTED.
- VERTICAL BARS AT CORNERS AND JAMBS AT OPENINGS, ETC. SHALL BE ONE CONTINUOUS LENGTH WITHOUT SPICES. PROVIDE VERTICAL ALIGNMENT OF REINFORCING STEEL, AND CMU BLOCKS MUST BE HANDLINED AT ALL TIMES, UNLESS OTHERWISE NOTED.
- REINFORCING SHALL BE FULLY ENCASED IN THE GROUT. VERTICAL REINFORCING STEEL BARS SHALL IN PLACE PRIOR TO LAYING THE CMU WALL.
- WHEN GROUTING IS TO BE STOPPED FOR A PERIOD OF ONE (1) HOUR OR LONGER, CREATE A HORIZONTAL CONSTRUCTION JOINT BY STOPPING THE GROUT FOUR ONE AND A HALF (1 1/2) INCHES BELOW THE UPPERMOST CMU COURSE.
- ALL MASONRY SHALL BE LAD TO MAINTAIN AN UNINTERRUPTED VERTICAL CONTINUITY OF THE CELLS TO BE FILLED WITH GROUT. THE VERTICAL ALIGNMENT SHALL MAINTAIN A CLEAR, UNINTERRUPTED VERTICAL LINE MEASURING NOT LESS THAN 8 INCHES BY 3 INCHES.
- EXCEPT AS SHOWN ON THE DRAWINGS, NO PLUMBING PIPE OR CHASE SHALL BE INTRODUCED IN CMU WALLS OR PARTITIONS.
- CMU SHALL BE CURED BY DAMPING FOR FIVE (5) DAYS.
- CMU REINFORCING LAPS SHALL BE AS INDICATED IN THE TABLE BELOW:

BAR SIZE	CORNER & END WALLS	OTHER PLACES
NO. 4	25 INCHES	18 INCHES
NO. 5	30 INCHES	27 INCHES
NO. 6	42 INCHES	33 INCHES
NO. 7	50 INCHES	38 INCHES
NO. 8	60 INCHES	43 INCHES

 RP ASSOCIATES, INC. CONSULTING ENGINEERS <small>100-100 STREET, SUITE 200, THE REDWOOD, CA 94513 TEL: 925-938-4807 FAX: 925-938-4807 2025 RELEASE UNDER E.O. 14176</small>	DESIGNER PREPARED FOR CHRISTIAN VIGILANCE CHURCH 28767 RUISS ROAD, HAYWARD, CA	PROJECT TITLE MASONRY SOUND WALL	SHEET CONTENT NOTES	REVISIONS <table border="1"> <thead> <tr> <th>DATE</th> <th>ISSUED FOR</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>11-24-04</td> <td>PERMIT</td> <td>RP</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	ISSUED FOR	BY	11-24-04	PERMIT	RP										SEAL 	SHEET NO. SCALE AS NOTED DRAWN BY PAUL T. LUMANUG CHECKED BY RAMAN PATEL PROJECT NO. 04-41
	DATE	ISSUED FOR	BY																		
11-24-04	PERMIT	RP																			
					C-5																

A & E DESIGN SERVICES
2157 FOURTH STREET
LIVERMORE, CA 94550

INVOICE

Invoice #: 2004035A

Date: 3/26/04

ADDRESS CORRECTION REQUESTED

BILL TO:

CHRISTIAN VIGILANCE CHURCH
28767 RUUS ROAD
HAYWARD, CA 94544

JOB LOCATION:

CHRISTIAN VIGILANCE CHURCH
28767 RUUS ROAD
HAYWARD

**REFERENCE
DATE**

DESCRIPTION

AMOUNT

REFERENCE DATE	DESCRIPTION	AMOUNT
3/26/04	STRUCTURAL CALCULATIONS FOR SOUND WALL	\$500.00

Paid 3/26/04
[Signature]

We appreciate your business.

If you have any questions please call 925-449-3883

Total Amount: \$500.00
Amount Applied: \$0.00
Balance Due: \$500.00

ELECTRICAL



Alliance
Engineering
Consultants, Inc.

4701 Patrick Henry Drive, Building 10, Santa Clara, CA 95054
PHONE: (408) 970-9888 FAX: (408) 970-9316

Iglesia Vigilancia Christian Church
28767 Ruus Road
Hayward, CA 94544

Attn: Mr. Dan Leary

Invoice No. 1637

Invoice Date 6/10/04

AEC Project No. 909-04-01

Client Reference

Contract Amount \$2,000 FF

Billing No. 1

Electrical engineering and lighting calculations performed during March through May 2004 for the parking lot and site lighting system at Iglesia Vigilancia Christian Church.

	<u>Fee</u>	<u>% Complete</u>	<u>Amount Earned</u>	<u>Prior Paid</u>	<u>Current Invoice</u>
Elec. Engr. Services	\$2,000	10	2,000	1,500	\$500
Total This Invoice					<u>\$500</u>

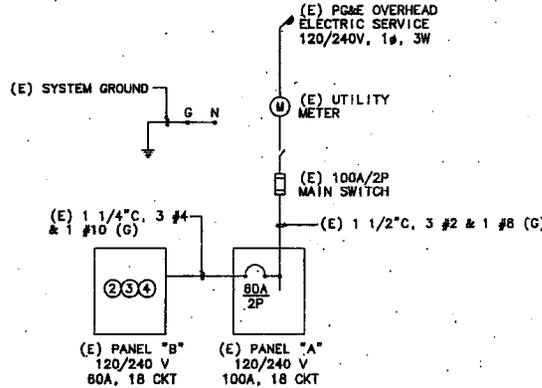
Billing Summary:

<u>Current</u>	<u>Prior</u>	<u>Total</u>	<u>Paid</u>	<u>Due</u>
\$500	1,500	2,000	1,500	\$500

Invoices are payable within 30 days.

GENERAL NOTES

- ALL ELECTRICAL WORK SHALL CONFORM TO CITY OF HAYWARD, STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, STANDARD SPECIFICATIONS AND STANDARD PLANS, LATEST EDITION AND THE SPECIAL PROVISIONS.
- CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL ELECTRICAL EQUIPMENT TO THE OWNER FOR APPROVAL.
- THE ELECTRICAL PLANS ARE ACCURATE FOR ELECTRICAL WORK ONLY.
- ALL EXISTING EQUIPMENT SHALL REMAIN IN PLACE UNLESS OTHERWISE NOTED.
- LOCATION OF ELECTROLIERS, STANDARDS, CONDUITS, PULL BOXES AND OTHER EQUIPMENT SHOWN ON THE PLANS ARE APPROXIMATE. CONTRACTOR SHALL CONFIRM EXACT LOCATION OF ELECTROLIERS AND OTHER ELECTRICAL EQUIPMENT WITH THE OWNER REPRESENTATIVE.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION OF ALL EXISTING UTILITIES BEFORE EXCAVATION BEGINS. CALL UNDERGROUND SERVICE ALERT AT 800-642-2444. CONTRACTOR SHALL VERIFY OVERHEAD CLEARANCE WITH PG&E AND SBC PRIOR TO START OF WORK. CONTRACTOR SHALL ALSO CONTACT THE LOCAL AGENCIES TO LOCATE EXISTING WATER, SANITARY SEWER, AND STORM DRAIN LINES.
- INSTALL WATERPROOF FUSED SPLICE CONNECTOR WITH 5A FUSES IN PULLBOX BESIDE EACH ELECTROLIER.
- ALL CONDUCTORS SHALL BE STRANDED COPPER WITH TYPE THW OR XHHW INSULATION.
- ALL CONDUIT SHALL BE PVC SCHEDULE 40, U.O.N.
- UPON COMPLETION OF WORK THE CONTRACTOR SHALL PERFORM FIELD AND FUNCTIONAL TESTING TO DEMONSTRATE TO THE OWNER THAT THE ELECTRICAL SYSTEM IS FUNCTIONING AS INTENDED. TESTING SHALL CONFORM TO THE PROVISIONS OF SECTION 86-2.14. SIGNALS, LIGHTING AND ELECTRICAL SYSTEMS OF THE CALTRANS STANDARD SPECIFICATIONS. ANY DEFECTS IN MATERIALS OR WORK SHALL BE CORRECTED IMMEDIATELY BY AND AT THE CONTRACTORS EXPENSE.



1 SINGLE LINE DIAGRAM
NOT TO SCALE

LIGHT FIXTURE SCHEDULE

MARK	MANUFACTURERS MODEL NO.	LAMPS		TOTAL WATTS	VOLTS	MOUNTING	DESCRIPTION AND REMARKS
		QTY.	TYPE				
(A)	LUMINARIES GARDCO CAT No. CA17-1-FM-100 HPS -120-BLA OR APPROVED EQUAL POLE GARDCO CAT No. RA4.5-18-D1-BLA OR APPROVED EQUAL	1	100 W HPS	130	240	18'-0" x 4 1/2" DIA STRAIGHT ROUND ALUMINUM POLE SEE (E)	PARKING ELECTROLIER CYLINDRICAL SHARP CUTOFF LUMINAIRE FLAT GLASS LENS LAMPS SHALL BE TCLP COMPLIANT NON-CYCLING, 2100°K AND 30 CRI MINIMUM. BLACK, ANODIZED FINISH.
(A1)		1	100 W HPS	130	240	SAME AS TYPE (A) EXCEPT WITH 2'-6" RAISED FOUNDATION	SAME AS TYPE (A) EXCEPT FOR MOUNTING

DRAWING INDEX

E-1	ELECTRICAL GENERAL
E-2	LIGHTING PLAN
E-3	ELECTRICAL DETAILS
E-4	LIGHTING CALCULATIONS

SYMBOLS AND ABBREVIATIONS

SEE CALTRANS STANDARD ES-1A AND ES-1B FOR OTHER SYMBOLS AND ABBREVIATIONS

NEW OR RELOCATED

②	PROJECT NOTE REFERENCE. SEE SHEET E-2
(A)	LIGHT FIXTURE OR ELECTROLIER TYPE. SEE LIGHT FIXTURE SCHEDULE ON THIS SHEET.
○	LIGHT FIXTURE WITH 100 W HPS LUMINAIRE.
□	ELECTRICAL PULLBOX, STATE #3 1/2 U.O.N.
---	UNDERGROUND ELECTRICAL CONDUIT RUN.

CKT	CIRCUIT
(E)	EXISTING
(G) OR G	GROUND
HPS	HIGH PRESSURE SODIUM
LTG	LIGHTING
MT	EMPTY CONDUIT WITH PULLROPE
N	NEUTRAL
(N)	NEW
PEU	PHOTOELECTRIC UNIT
PG&E	PACIFIC GAS AND ELECTRIC
P/L	PROPERTY LINE
RCPT	RECEPTACLE
R/W	RIGHT OF WAY
SBC	SOUTHERN BELL COMMUNICATIONS
U.O.N.	UNLESS OTHERWISE NOTED
W	WATT

IGLESIA VIGILANCIA CRISTIANA
 CHURCH
 PARKING LOT LIGHTING
 GENERAL ELECTRICAL

DATE	10/19/04
BY	WJ
CHECKED	WJ
SCALE	NONE
PROJECT NO.	808-04-01



Waldemer BUILDING SUPPLY & CONST., CO.

Custom Made Aluminum Screens and Doors
Replacement Windows and Doors
Glass Mirror and Wardrobe Specialty
General Contractor
LIC B & C17 #800517

INVOICE NO.

22370 Meekland Ave.
Hayward, CA 94541-4930

Phone: (510) 886-3011
Fax: (510) 886-8354

Date 09-21-04

SOLD TO FIDEL

SHIPPED TO _____

Purchase of windows

Attn: _____

Phone: _____

PURCHASE ORDER NO.	PHONE	ALUM.	FIBER	FRAME	<u>MILGARD STYLELINE</u>
--------------------	-------	-------	-------	-------	--------------------------

QTY	WIDTH	HEIGHT	DESCRIPTION	PRICE	AMOUNT
<u>5</u>	<u>6/0</u>	<u>4/0</u>	<u>white vinyl mail on w/ low e glass TEMPERED sliders XO</u>	<u>416.75</u>	<u>2083.75</u>
<p><u>Paid in full</u> <u>\$ 2266.08</u></p> <p><u>2291.66</u></p>					

SALES AGREEMENT: This order is not subject to cancellation since it calls for made-to-measure goods. All agreements are subject to strikes and other causes of delay or inability to perform which are beyond seller's control. Title of goods furnished hereunder shall remain in seller's possession until fully paid for, notwithstanding they may have been installed in any building or other structure. Merchandise being returned must be authorized in writing by seller before credit is issued. Invoices not paid within 30 days are subject to a service charge of 1-1/2% per month (18% per annum) on past due balances.

SUB TOTAL	<u>2083.75</u>
TAX	<u>182.33</u>
TOTAL	<u>2266.08</u>
DEPOSIT	<u>1</u>
BALANCE DUE	

MERCHANDISE INSPECTED AND ACCEPTED

Juan Conzalez
CUSTOMER COPY

New Windows

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWAY
UNION CITY, CA 94587 (510)489-9400

SALE 0635 00059 38774 10/17/04
14 SCOT59 12:53 PM



049081137502 FITTING	
2 @ 0.18	0.36
049081140649 FITTING	
2 @ 0.25	0.50
038753318653 CEMENT	2.67
024599050710 PVC PIPE	
2 @ 1.39	2.78
082474405017 PPEXFLULWHGA	19.97

ONLY
19.97+
TAX

SUBTOTAL	26.28
SALES TAX	2.30
TOTAL	\$28.58
CASH	50.00
CHANGE DUE	21.42



YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

\$28.58

Customer

WOT: _____ WOD: _____ WOI: _____
 Name: JUAN CORNEJO
 Address: 28767 RUVS RD
HAXWATE CA 94544
 Home Tel: 570-7842310 Work Tel: _____

Existing

	Temperature		Gauge Reading		Unit
	Plenum	Supply	High	Low	
Before					
After					

New Unit

A/C: Seer _____ Tonnage _____ Make _____
 Furnace: BTU _____ AFUE _____ Make _____
 All new installations are to existing electric, copper and slab, unless additional charges are listed.

Warranty

All warranted work / parts must appear on this invoice.
 • 30 days duct cleaning • 10 year warranty filter • 90 days sanitizer • 90 days parts/labor (unless specified by manufacturer)
SEE REVERSE FOR ADDITIONAL WARRANTIES AND IMPORTANT NOTICES TO CALIFORNIA OWNERS.
 Labor is warranted for ninety (90) days from time of repair, but warranty applies only to specific work stated.
 Parts are in warranty for a period of ninety (90) days from time of replacement.
 Heavy duty parts are used when obtainable.
 The 30 day warranty for duct cleaning will not apply if the technician discovers a leak within the duct or vent system, informs the purchaser of the leak, and the purchaser declines to have it repaired.
 Any work performed outside of contract will void all company warranties.
 Side work voids company warranty.

Payment

All Services COD (Otherwise company's express warranty is null)
 United Air Comfort reserves the right to remove material for non-payment.

Check # _____ Drivers License # _____
 Cash Visa MC AmEx Discover
 CC # _____ Exp. _____
 Name _____
 Cardholder acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth in the cardholder's agreement with the issuer
 Authorization # _____ Merchant #: 421008729889
 Signed _____
MAKE CHECKS PAYABLE TO UNITED AIR COMFORT ONLY

Site Safety Inspection

Technicians are required to perform a site survey prior to performing any work. List all hazards and corrections, if any:

Hazard	Correction
1. <u>ARTEMIO MARTIN</u>	
2. <u>(650) 248-4575</u>	
3. _____	
4. _____	
5. _____	
6. _____	

1. Notice: Workman are required to inspect all vents. Inspection requires removal of the vent covers which creates an opening in the floor or ceiling. Do not walk or stand near any vent until the technician advises it is safe to walk or stand.

Owner or tenant has the right to require the contractor to have a performance and payment bond. Customer will have the right to terminate contract with no penalty should the contractor fail to commence work within 20 days. Commence of work shall consist of any of the following: Delivery to the job site, Technician begins a part of the installation as specified in the contract. I have been shown the current condition of my HV AC system with the technician's recommendations, and agree to allow the technician to perform the above services. *Company is not liable for damage to customers electrical outlet or circuit breakers caused by Company Cleaning Equipment. Other damages to real or personal property must be itemized in the Technician Comment box on the front of invoice prior to technicians departure, otherwise company will not be responsible.
 All service including warranty is performed during regular company business hours, Monday thru Saturday 9:00 am to 6:00 pm.
 Service technicians are required to walk you through the house and confirm the unit is working and all work is satisfactory. By signing below you are acknowledging that the above was performed. Service calls will be charged at \$65.00 per hour unless under warranty. Company is not responsible for any damage caused to vent or vent covers, ceiling, plaster, wallpaper or paint while removing and installing vents for the purpose of cleaning or repairing vents and air ducts. United is not responsible for customer's flooring. There is no guarantee for clearing of clogged drains. Company is not responsible for any kind of food loss. I am aware that United is not a licensed asbestos removal company and hereby waive, release and hold harmless against all liability, damages or other expenses I may incur as a result of any asbestos related occurrences. The amount of dishonored / returned checks will be electronically debited from your account and will include a processing fee.
 *Company will keep as liquidated damages all collected moneys on deposit allowable by law. 1. CAUTION: Workman are required to inspect all vents. Inspection requires the removal of the vent cover and may create an opening in the floor/ceiling. Do not walk or stand near this opening until the vent cover has been reinstalled and the technician advises it is safe to enter.

Technician Check List

	Checked	Serviced	Quantity	Cost	Initial
Duct					
Covers & Ducts	<input type="checkbox"/>	<input type="checkbox"/>	<u>8/14/04</u>		
Sanitization	<input type="checkbox"/>	<input type="checkbox"/>	<u>INSTALL</u>		
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
Air Handler					
Condenser	<input type="checkbox"/>	<input type="checkbox"/>	<u>CONDENSER</u>		
Blower	<input type="checkbox"/>	<input type="checkbox"/>	<u>10 SEER</u>		
Coil	<input type="checkbox"/>	<input type="checkbox"/>	<u>5 TON</u>		
Drain pan/line	<input type="checkbox"/>	<input type="checkbox"/>			
Oil Motor	<input type="checkbox"/>	<input type="checkbox"/>	<u>COIL</u>		
	<input type="checkbox"/>	<input type="checkbox"/>	<u>5 TON</u>		
	<input type="checkbox"/>	<input type="checkbox"/>	<u>20 SEER</u>		
Furnace					
Burner Heat Exchange	<input type="checkbox"/>	<input type="checkbox"/>	<u>SLAP</u>		
Relay-Flue	<input type="checkbox"/>	<input type="checkbox"/>	<u>240 VOLT</u>		
Heat Strip	<input type="checkbox"/>	<input type="checkbox"/>	<u>ELECTRICAL</u>		
	<input type="checkbox"/>	<input type="checkbox"/>	<u>BRAKER 60</u>		
	<input type="checkbox"/>	<input type="checkbox"/>	<u>DISCONNECT FUS</u>		
Electrical					
Contactors	<input type="checkbox"/>	<input type="checkbox"/>	<u>60 AMP</u>		
Relays	<input type="checkbox"/>	<input type="checkbox"/>	<u>210 AMP</u>		
Service Warranty	<input type="checkbox"/>	<input type="checkbox"/>	<u>76</u>		
Other Services	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<u>DUCT</u>		

Filters (No Returns / Refunds On Custom Orders)
 (Delivered within 10-15 business days)

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>WARRANTY</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>1 YEAR LABOR</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>10 YEAR A/C</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CONDENSER</u>

TOTAL PARTS	<u>3800⁰⁰</u>
TOTAL LABOR	
SUB-TOTAL	<u>3900⁰⁰</u>
SALES TAX	

Signature _____ Date _____

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

SALE 0635 00002 55422 10/02/04
61 ZR0181 01:57 PM



039645120088 80# QUIKWALL
9 @ 8.78

SUBTOTAL 79.02
SALES TAX 79.02
TOTAL \$85.93
CASH 86.00
CHANGE DUE 0.07



0635 02 55422 10/02/2004 1740

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

Sound wall receipts

THE HOME DEPOT 0635

30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

SALE 0635 00002 56487 10/02/04
61 LLL536 06:41 PM



039645120088 80# QUIKWALL

8.78
SALES TAX 0.77
TOTAL \$9.55
CASH 10.00
CHANGE DUE 0.45



0635 02 56487 10/02/2004 1740

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

Expenses of the wall in the altar.

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

SALE 0635 00003 77176 09/30/04
61 PS676V 07:37 PM



081099000362 5/8 DRYWALL 8 @ 8.34 66.72
039645120088 80# QUIKWALL 8 @ 8.78 70.24
035965057417 12 SCARIFIER 6.75
764666531178 1 5/8" COARSE 22.89
SUBTOTAL 166.60
SALES TAX 14.58
TOTAL \$181.18
CASH 181.20
CHANGE DUE 0.02



0635 03 77176 09/30/2004 1256

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

\$1,117.98

Sound board wall.

THE HOME DEPOT 0635

30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

SALE 0635 00006 96195 09/11/04
11 RXA376 12:04 PM



737164169150 2X4-10 #1PT 6.59
061099000362 5/8 DRYWALL 10 @ 7.76 77.60
035845300015 COPPER GREEN 12.47
081999104634 3/8 RTD SHTG 4 @ 14.39 57.56
764666531178 1 5/8" COARSE 22.89
046788006346 SOUND BOARD 10 @ 7.77 77.70

SUBTOTAL 254.81
SALES TAX 22.30
TOTAL \$277.11
CASH 300.00
CHANGE DUE 22.89



0635 06 96195 09/11/2004 6765

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

SALE 0635 C3058 30979 10/14/04
14 SCOT58 07:22 PM



503079 6IN KNIFE 0.98
098951302953 KNOCKDOWN 20
2 @ 10.97 21.94
SUBTOTAL 22.92
SALES TAX 2.01
TOTAL \$24.93
CASH 25.00
CHANGE DUE 0.07



YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

SALE 0635:00002 91344 09/09/04
61 MSC152 08:14 PM



073291324100 2X4 10 GDF 23.70
5 @ 4.74
750298708002 2X4-96 STUD 63.60
20 @ 3.18
031979112975 R13/15INBATT 153.60
4 @ 38.40
070052002048 10X100 6 MIL 27.97
SUBTOTAL 268.87
SALES TAX 23.53
TOTAL \$292.40
CASH 300.00
CHANGE DUE 7.60



YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

SALE 0635 00002 96442 09/11/04
61 MSC152 01:27 PM



081099203602 5GAL JT COMP 8.85
079055500384 STAPLES 3.17
166065 3/8 RTD SHTG 43.17
3 @ 14.39
SUBTOTAL 55.19
SALES TAX 4.83
TOTAL \$60.02
CASH 100.02
CHANGE DUE 40.00



YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

SALE 0635 00056 98261 09/22/04
14 SCOT56 08:29 PM



051652200010 KILZIIGAL 23.90
2 @ 11.95
SUBTOTAL 23.90
SALES TAX 2.09
TOTAL \$25.99
CASH 40.00
CHANGE DUE 14.01



YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

0635 00057 33811 10/14/04
SALE 14 SCOT57 08:00 PM



010186008172	STUCCO	12.97
051652200010	KILZIIGAL	11.95
082474350010	PSTL SEMI GA	21.97
077089113129	PAINTROLLR	2.97
	SUBTOTAL	49.86
	SALES TAX	1.36
	TOTAL	\$54.22
	CASH	60.00
	CHANGE DUE	5.78



0635 57 33811 10/14/2004 2069

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

0635 00002 70009 10/07/04
SALE 61 NB50A8 04:34 PM



081099204555	USG LTWT PLS	6.96
776019600158	CORNERBEAD	
	10 @ 2.07	20.70
	SUBTOTAL	27.66
	SALES TAX	2.42
	TOTAL	\$30.08
	CASH	31.00
	CHANGE DUE	0.92



0635 02 70009 10/07/2004 0497

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 1017

21787 HESPERIAN BLVD
HAYWARD, CA 94541 (510)887-8544

1017 00002 60794 09/28/04
SALE 61 RU886V 05:49 PM



081099000362	5/8 DRYWALL	62.03
	8 @ 7.76	
	SALES TAX	5.43
	TOTAL	\$67.51
	CASH	70.00
	CHANGE DUE	2.49



1017 02 60794 09/28/2004 3885

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 1017
21787 HESPERIAN BLVD
HAYWARD, CA 94541 (510)887-8544

1017 00002 88076 10/07/04
SALE 61 PJ94JI 08:34 PM



081099000362	5/8 DRYWALL	8.34
	SALES TAX	0.73
	TOTAL	\$9.07
	CASH	100.07
	CHANGE DUE	91.00



1017 02 88076 10/07/2004 5096

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

0635 00026 67558 09/11/04
22 SXE185 07:38 PM
RETURN

*** REFUND ***

* ORIG REC: 0635 002 96483 09/11/04 TA *

166065 3/8 RTD SHTG
2.0 @ -14.39
SALES TAX -28.78
-2.52

* ORIG REC: 0635 002 96442 09/11/04 TA *

166065 3/8 RTD SHTG
2.0 @ -14.39
SALES TAX -28.78
-2.52
SUBTOTAL -57.56
SALES TAX -5.04
TOTAL -\$62.60
CASH -62.60

*** REFUND ***

CUSTOMER COPY

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

0635 00003 01721 10/16/04
61 JMO72R 11:09 AM
SALE



010186008172 STUCCO 12.97
081099000294 EZ SAND 20 6.98
044294046924 VIN BLIND
6 @ 25.96
SUBTOTAL 155.76
SALES TAX 175.71
TOTAL \$191.08
CASH 200.00
CHANGE DUE 8.92

Scan U
Time, he only
have 5 items.



0635 03 01721 10/16/2004 6774

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

0635 00058 77501 09/11/04
14 SCOT58 09:56 AM
SALE



051131870147 3M DUCT TAPE 15.94
2 @ 7.97
028877338248 RECIP BLADES 2.97
028877365039 RECIP BLADE 2.46
SUBTOTAL 21.37
SALES TAX 1.87
TOTAL \$23.24
CASH 28.00
CHANGE DUE 4.76



0635 58 77501 09/11/2004 7135

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

stucco for the
Wall.
THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWY
UNION CITY, CA 94587 (510)489-9400

0635 00026 42411 10/16/04
22 RXN603 11:17 AM
URN

*** REFUND ***

* ORIG REC: 0635 003 01721 10/16/04 TA *

04429 024 LI 1
SALES TAX
TOTAL
CASH

*** REFUND ***

CUSTOMER COPY

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

30055 INDUSTRIAL PKWY
UNION CITY, CA 94587 (510)489-9400

0635 00059 72724 09/13/04
SALE 14 SC0159 08:34 PM



099713155350 12INTAPEKNIFE 7.47
081099221644 250 JI TPE 1.59
081099204555 USG LITW PLS 6.96
SUBTOTAL 16.42
SALES TAX 1.44
TOTAL \$17.86
CASH 100.00
CHANGE DUE 82.14



0635 59 72724 09/13/2004 7227

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PKWY
UNION CITY, CA 94587 (510)489-9400

0635 00002 97051 09/11/04
SALE 61 RCW780 03:43 PM



750298708002 2X4-96 STUD 25.44
8 @ 3.18 25.44
SUBTOTAL 25.44
SALES TAX 2.23
TOTAL \$27.67
CASH 100.00
CHANGE DUE 72.33



0635 02 96483 09/11/2004 2245

COMPLETE A SURVEY
ON WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PKWY
UNION CITY, CA 94587 (510)489-9400

0635 00059 74373 09/14/04
SALE 14 SC0159 06:45 PM



077089405019 ORANGE TRAY 2.47
077089144123 ROLLER COVER 2.98
082474405017 PPEXFLUWHGA 19.97
SUBTOTAL 25.42
SALES TAX 2.22
TOTAL \$27.64
CASH 30.00
CHANGE DUE 2.36



0635 59 74373 09/14/2004 1659

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PKWY
UNION CITY, CA 94587 (510)489-9400

0635 00002 96483 09/11/04
SALE 61 MSC152 01:34 PM



166065 3/8 RTD SHTG 28.78
2 @ 14.39 2.52
SALES TAX 2.52
TOTAL \$31.30
CASH 40.00
CHANGE DUE 8.70



0635 02 96483 09/11/2004 2245

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 1017
21787 HESPERIAN BLVD
HAYWARD, CA 94541 (510)887-8544

SALE 1017 00059 70868 10/30/04
14 SCOT59 09:48 AM



009066700657 60# PAKMIX 20.80
10 @ 2.08
SALES TAX 1.82
TOTAL \$22.62
CASH 25.00
CHANGE DUE 2.38



1017 59 70868 10/30/2004 6908

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
3005 INDUSTRIAL PRKWAY
UNION CITY, CA 94587 (510)489-9400

SALE 0635 00057 20664 09/12/04
11 20157 09:20 AM



010186008172 STUCCO 12.97
SALES TAX 1.13
TOTAL \$14.10
CASH 20.00
CHANGE DUE 5.90



0635 57 20664 09/12/2004 2064

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWAY
UNION CITY, CA 94587 (510)489-9400

SALE 0635 00016 07506 10/21/04
11 AJL346 08:31 PM



081725201705 201 HENRY 5 71.85
3 @ 23.95
079423047077 41/2RDSTJKNF 3.49
SUBTOTAL 75.34
SALES TAX 6.59
TOTAL \$81.93
CASH 81.93



0635 16 07506 10/21/2004 0781

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 1017
21787 HESPERIAN BLVD
HAYWARD, CA 94541 (510)887-8544

SALE 1017 00002 44301 10/30/04
61 BVT856 07:45 AM



009066700657 60# PAKMIX 24.96
12 @ 2.08
SALES TAX 2.18
TOTAL \$27.14
CASH 30.00
CHANGE DUE 2.86



1017 02 44301 10/30/2004 3890

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

ROOF BLACK JACK

LOWE'S

UNION CITY, CA

(510)476-0600

-SALE-

SALES #: S1132TH1 662971 10-26-04

197390 5GAL BLACKJACK EN 59.49

3 @ 19.83

74690 15 OZ YELLOW MARK 4.48

SUBTOTAL: 63.97

TAX 32579 : 5.60

INVOICE 01477 TOTAL: 69.57

BALANCE DUE: 69.57

168.22

CASH : 100.00

CHANGE : 30.43

1132 TERMINAL: 01 10/26/04 19:45:08

LANDSCAPE / IRRIGATION

**Micro
Resorts**

By: ELDER JEREZ ASSOCIATES INC.



4375 Sedge St. Fremont, CA. 94555
Work: 510.471.2490 Fax: 510.471.1907
[w] <http://www.microresorts.com>
[e] info@microresorts.com

October 22, 2004

RECEIPT FOR PLANNING WORK:

PROJECT:
CHRISTIAN VIGILANCE CHURCH
28767 Ruus Road,
Hayward Ca. 94544

A) PAYMENT FOR IRRIGATION/LANDSCAPE PLANNING	
FINAL PAYMENT.....	\$ 600.00
B) DRAINAGE PLAN.....	1,300.00

RECEIPT TOTAL AMOUNT:

\$ 1,900.00



Elder Jerez, ASLA.
Micro Resorts

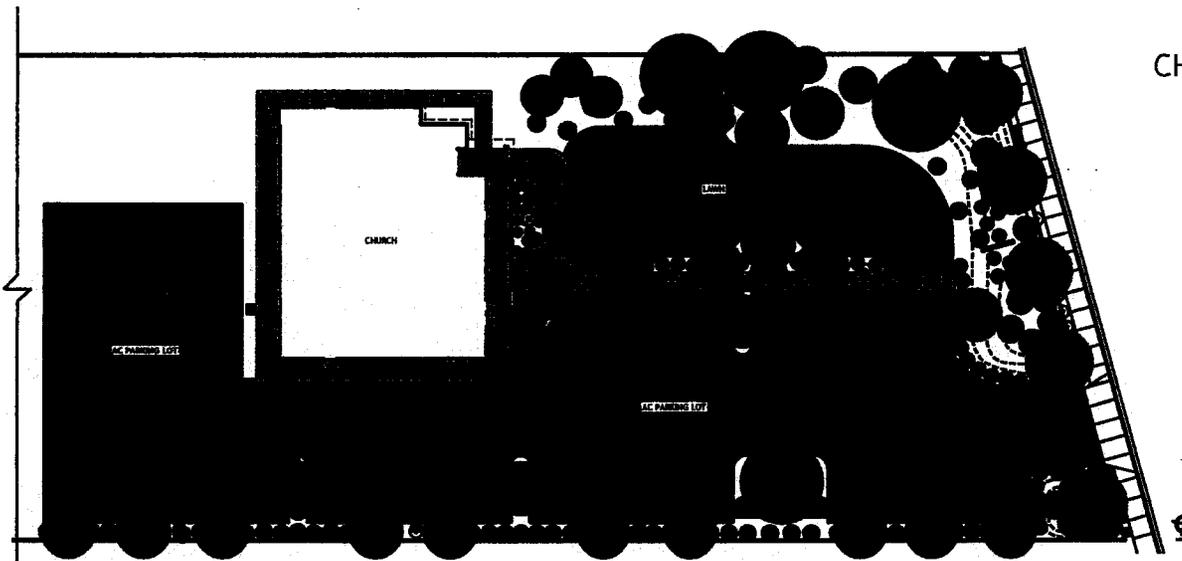
Thanks for your business!!!

Micro Resorts



By: ELDER JEREZ ASSOCIATES INC.

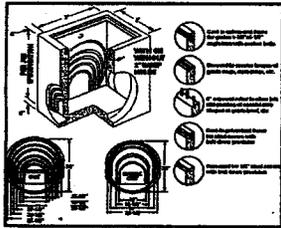
4375 Sedge St. Fremont Ca. 94555 || PH: 510.471.2490 Fax: 510.471.1907
www.microresorts.com || elderjerez@microresorts.com



CHRISTIAN VIGILANCE CHURCH
28767 RUUS ROAD
HAYWARD, CA

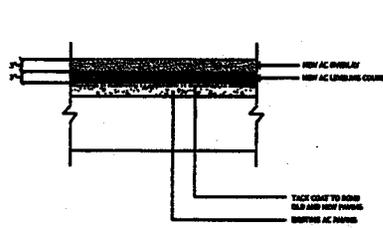
INDEX

C-1	PAVING & DRAINAGE PLAN
L-1	HARDSCAPE PLAN
L-2	PLANTING PLAN
L-3	IRRIGATION PLAN
L-4	IRRIGATION DETAILS

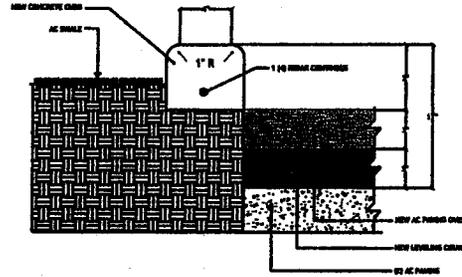


CHRISTY INLET DETAIL
NOT TO SCALE

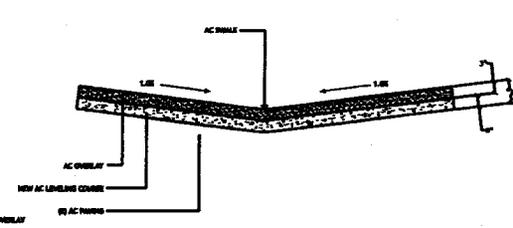
NOTE - SMALL CHRISTY INLET
IS TO BE USED FOR
WALL THICKNESS OF
MINIMUM 4" OF
WITH GALVANIZED METAL BRACE
FOR TRAFFIC USE



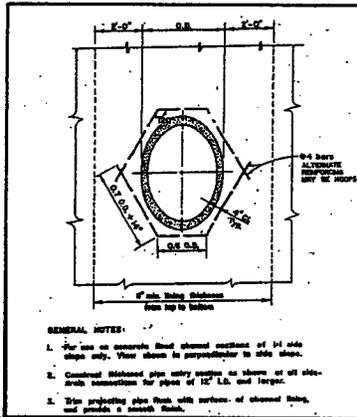
AC DETAIL
NOT TO SCALE



CONCRETE CURB DETAIL
NOT TO SCALE



AC SWALE DETAIL
NOT TO SCALE

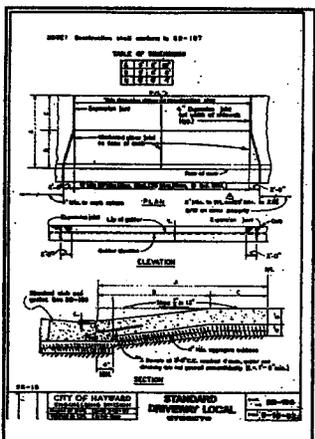


PIPE ENTRY DETAIL
NOT TO SCALE

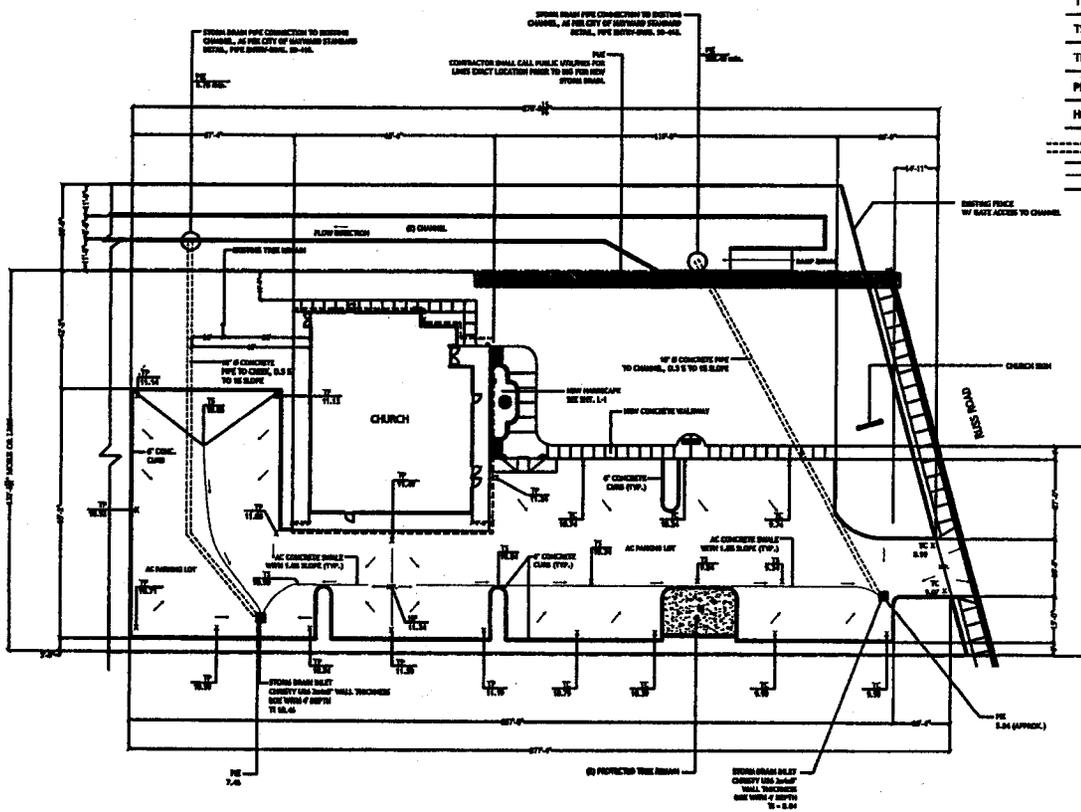
NOTE - SEE CITY OF HAYWARD

- GENERAL NOTES:**
1. See also on example sheet standard section of 24 inch slope only. View shown is perpendicular to slope.
 2. Channel finished per entry method as shown or all other work connections for pipe of 12" LB. and larger.
 3. Slope projecting plan that with surface of channel slope, and provide a smooth finish.

LEGEND	
KEY	DESCRIPTION
TP	TOP OF AC PAVING ELEVATION
TS	TOP OF SWALE ELEVATION
TI	TOP OF INLET BOX ELEVATION
PIE	PIPE INVERT ELEVATION
HP	HIGH POINT
---	18" Ø CONC. PIPE TO CHANNEL 0.5% TO 1% SLOPE TO CHANNEL WALL
→	DIRECTION OF FLOW



CONCRETE DRIVEWAY APPROACH
NOT TO SCALE



PAVING AND DRAINAGE PLAN
SCALE: 1/32" = 1'-0"

PAVING AND DRAINAGE PLAN

Micro Resorts
 375 S. ELDER STREET ASSOCIATES INC.
 4375 Sage St. Fremont, CA 94538 | Tel: 510.471.2490 | Fax: 510.471.1977
 www.microresorts.com | info@microresorts.com

CHRISTIAN VIGILANCE CHURCH
 26787 BLUE ROAD
 HAYWARD, CA

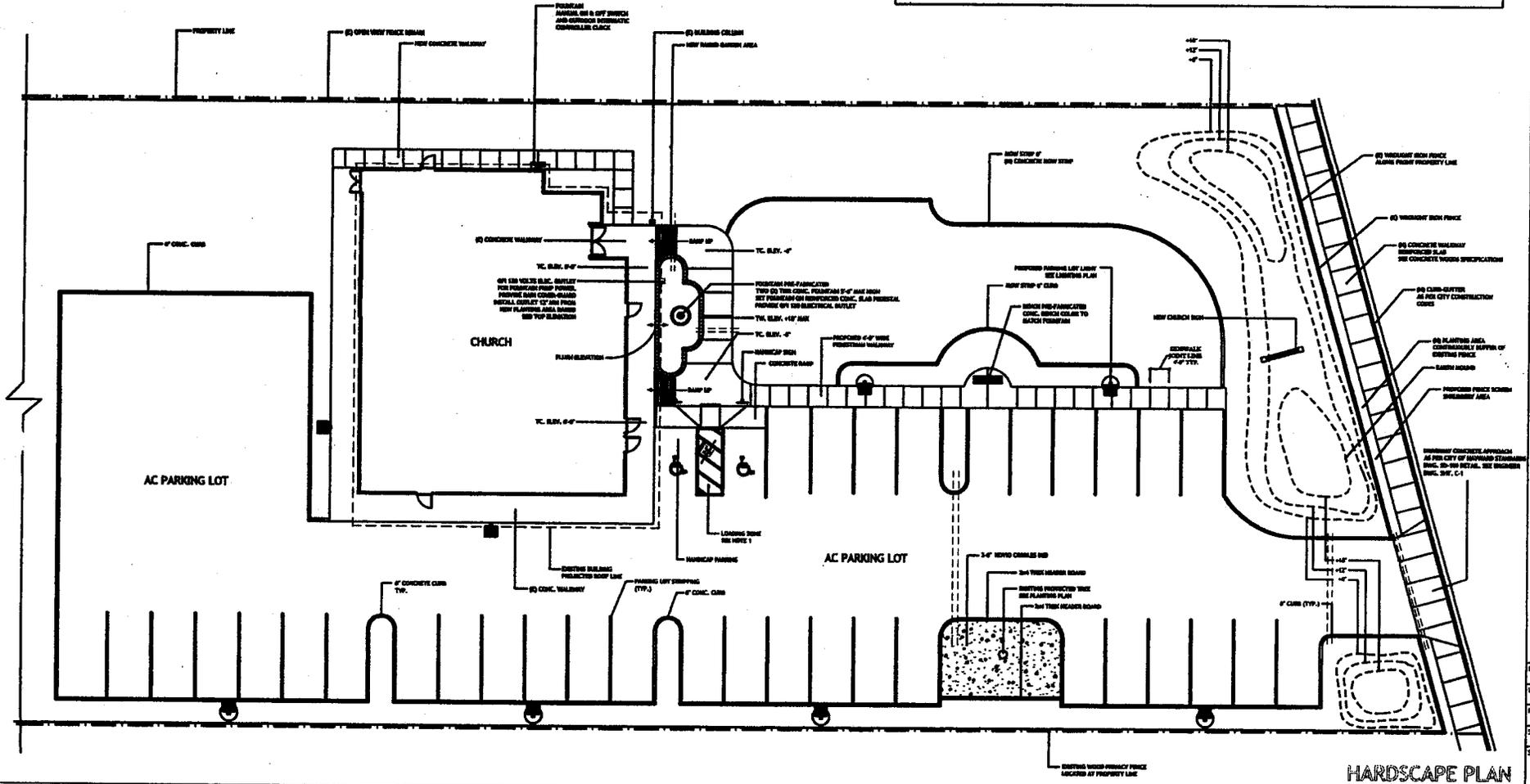
Date Issued: 10-5-04
 Drawn by: F.T.
 Project no.: 100-03
 Scale: 1/32"
 Sheet: C-1

CONCRETE CURB
 6-INCH-HIGH CLASS "B" PORTLAND CEMENT CONCRETE CURB
 SEE CONSTRUCTION DETAIL ON CIVIL ENGINEER PLAN

CONCRETE WALKWAY AND RAMPS
 CONCRETE WORK SPECIFICATIONS AS FOLLOWS:
 SUB-PAGE: 4" THICK COMPACTED SUB-BASE WITH 3/4" ROAD BASE
 SLABS: 4" CONCRETE SLAB, REINFORCED WITH NO. 3 DISTRIBUTED @ 18" OC. IN BOTH DIRECTIONS. USE 2"x2" CONCRETE DOBBIES FOR REBAR CLEAR FROM COMPACTED SUB-BASE

DRIVEWAY CONCRETE APPROACH, ASPHALT AND DRAINAGE PLAN, SEE ENGINEER PLAN

KEY DESCRIPTION
 (N) = NEW
 (E) = EXISTING
 TW = TOP OF WALL ELEVATION
 TC = TOP OF CONCRETE ELEVATION
 ----- 3" SOLID PVC PIPE SLEEVE UNDER NEW PAVING



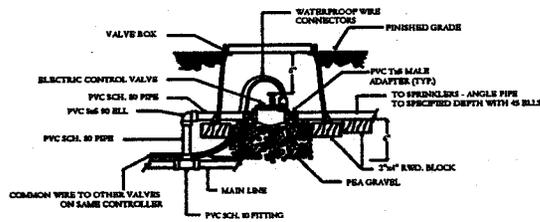
REVISIONS	

Micro Resorts
 P.O. BOX 113333, SAN JOSE, CA 95133
 TEL: 415.436.1234 FAX: 415.436.1235
 WWW.MICRORESORTS.COM | INFO@MICRORESORTS.COM

CHRISTIAN VIGILANCE CHURCH
 3077 BUSBY ROAD
 HAYWARD, CA

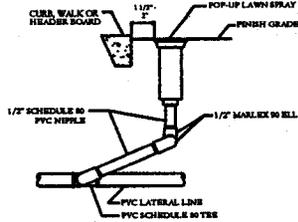
Date Issued: 10-5-04
 Drawn By: VINCE B.
 Project no.: 000023
 Scale: 1/16"
 Sheet: L-1

HARDSCAPE PLAN



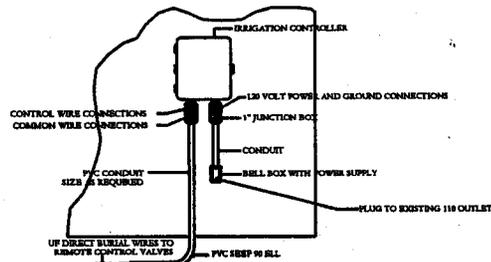
ELECTRIC CONTROL VALVE

NOT TO SCALE



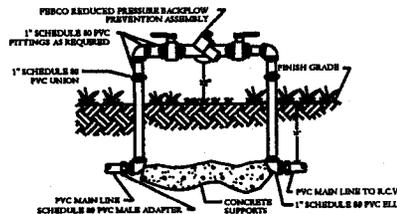
POP-UP SPRAY HEAD

NOT TO SCALE



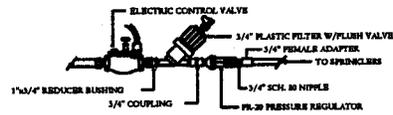
WALL MOUNT AUTOMATIC CONTROLLER

NOT TO SCALE



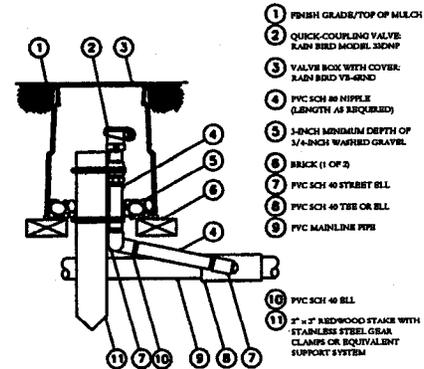
REDUCED PRESSURE BACKFLOW PREVENTION ASSEMBLY

NOT TO SCALE



DRIP VALVE ASSEMBLY

NOT TO SCALE

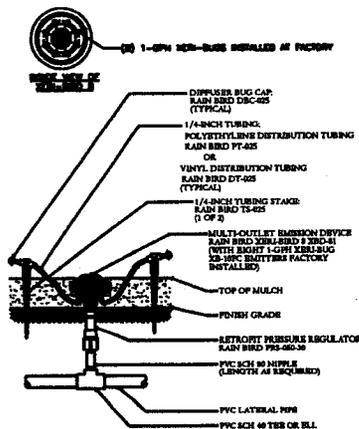


NOTE:

FURNISH FITTINGS AND PIPING NOMINALLY SIZED IDENTICAL TO NOMINAL QUICK COUPLING VALVE INLET SIZE.

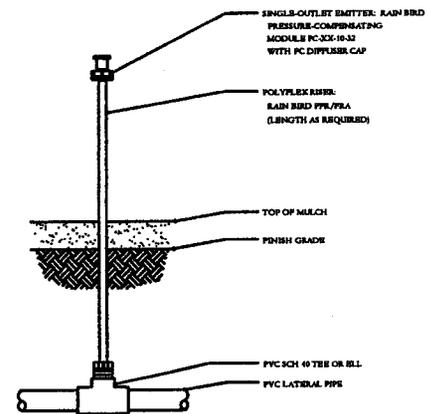
QUICK VALVE

NOT TO SCALE



DRIP MULTI EMMITTER

NOT TO SCALE



TREE BUBBLER

NOT TO SCALE

REVISION	

Micro Resorts
 BY: EULDER JEREZ ASSOCIATES INC.
 4375 Seagrass Dr., Torrance, CA 90503 | TEL: 310.477.2400 | FAX: 310.477.4197
 www.microresorts.com | eulder@microresorts.com

CHRISTIAN VIGILANCE CHURCH
 2897 BUNG ROAD
 HAYWARD, CA

Date Issued: 10-7-04
 Drawn By: VIKKE B.
 Project No.: 000-123
 Scale: AS INDICATED
 Sheet:

PARKING & ASPHALT @ COST TO BUILT THEM.

27601 Industrial Blvd.
 P. O. Box 3367
 Hayward, CA 94540
 License No. 439591



Tel: 510-723-0280
 Toll Free: 800-541-5559
 Fax: 510-723-0292

American Asphalt
 Repair & Resurfacing Co., Inc.
Proposal & Contract

Proposal #: 1-10766

Date: 10/20/2004

Estimator: Alfonso Villanueva

Client: Iglesia Vigilancia Cristiana
 Juan Cornejo
 28767 Ruus Road
 Hayward, CA 94541
 (510)784-2310 (510)783-8464

Project: Iglesia Vigilancia Cristiana
 28767 Ruus Road
 Hayward, CA

Sq. Ft.	Scope of Work	Unit	Total
	Based on the plans and specifications provided by the above Owner, American Asphalt will furnish and install non-prevailing wage labor, materials, equipment and services as required to complete our portion of the project as follows:		
630	Form curb, set reinforcing steel #4. Install expansion joints at 20" spacing. Pour, strip and finish 4 inches wide by 12 inches deep concrete curb.	L/S	12,076.00
420	Form and pour 420' sf of new sidewalk 4 inches thick with deep score joints and a light broom finish.	L/S	7,892.00
	Install 2 Precast concrete boxes, with galvanized steel grate. Install 220 LF of 18 inch concrete pipe to canal.	L/S	20,180.00
18,200 6000	Apply asphalt leveling course as necessary to alleviate low and sunken areas or to create positive drainage.	L/S	30,900.00 \$12,000
18,200	Clean designated area, apply liquid asphalt tack oil and a minimum of 3 inches of Asphalt Concrete.	L/S	30,900.00
	110 LF of sidewalk \$8,300 al one approach (ramp) \$9,000 al		
	↓		
	\$100,403.00 al	Total Bid	\$101,948.00 \$83,048

PAYMENT TO BE MADE AS FOLLOWS: NET UPON COMPLETION

As a California Contractor, work is warranted against failure due to poor workmanship or faulty material, for a period of 1 year. However, we will offer a **THREE-YEAR WARRANTY** provided payment is made per terms. Non-payment per terms voids the extended warranty.

ACCEPTANCE OF PROPOSAL All the terms and conditions set forth on the reverse side of this Proposal and Contract are incorporated herein by reference and have been read and understood by the undersigned. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Prices quoted are valid for 30 days.

Juan Cornejo 10-23-04
 Authorized Customer Signature Date

Alfonso Villanueva
 American Asphalt Signature Date

THE HOME DEPOT 0635
 30055 INDUSTRIAL PRKWY
 UNION CITY, CA 94587 (510)489-9400

0635 00059 67831 10/31/04
 SALE 14 SCOT59 12:08 PM



048856870026 2 3/8 TENS 7.80
 10 @ 0.78
 048856870019 FENCING
 3 @ 0.55 1.65
 048856870309 5/16X1 1/4 2.99
 048856760365 6 FT TENSN
 2 @ 2.79 5.58
 SUBTOTAL 18.02
 SALES TAX 1.58
 TOTAL \$19.60
 CASH 20.00
 CHANGE DUE 0.40



YOUR OPINION COUNTS! COMPLETE A SURVEY
 AT WWW.HOMEDEPOTOPINION.COM AND ENTER
 TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 1017
 21787 HESPERIAN BLVD
 HAYWARD, CA 94541 (510)887-8544

1017 00002 47817 10/31/04
 SALE 61 BVT856 01:49 PM



000251055705 GALV WIRE 21.20
 2 @ 10.60
 048856870101 23/8PLNDMCP 4.95
 5 @ 0.99
 048856870002 1-5/8 TN BN 5.31
 9 @ 0.59
 048856870088 15/8PLNDMCP 13.50
 18 @ 0.75
 SUBTOTAL 44.96
 SALES TAX 3.93
 TOTAL \$48.89
 CASH 100.00
 CHANGE DUE 51.11



YOUR OPINION COUNTS! COMPLETE A SURVEY
 AT WWW.HOMEDEPOTOPINION.COM AND ENTER
 TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
 30055 INDUSTRIAL PRKWY
 UNION CITY, CA 94587 (510)489-9400

0635 00058 94019 11/02/04
 SALE 14 SCOT58 07:11 PM



048856870453 FENCING 2.79
 048856870446 POST HINGE 7.92
 4 @ 1.98
 048856870439 FENCING 2.90
 2 @ 1.45
 SUBTOTAL 13.61
 SALES TAX 1.19
 TOTAL \$14.80
 CASH 20.80
 CHANGE DUE 6.00



YOUR OPINION COUNTS! COMPLETE A SURVEY
 AT WWW.HOMEDEPOTOPINION.COM AND ENTER
 TO WIN A \$5,000 HOME DEPOT GIFT CARD!

LOWE'S

UNION CITY, CA
 (510)476-0600

-SALE-

SALES #: S1132R55 13 11-02-04

92175 TENSION BAR 6 FT 4.96
 2 @ 2.48
 245 6'X50'CHNLINK FAB 85.90

SUBTOTAL: 90.86
 TAX 32579 : 7.95
 INVOICE 12419 TOTAL: 98.81

BALANCE DUE: 98.81

CASH : 98.81

1132 TERMINAL: 12 11/02/04 17:22:43



THANK YOU FOR SHOPPING LOWE'S

Chain links/Gate
to keep the kids
THE HOME DEPOT
 21787 HESPERIAN BLVD
 HAYWARD, CA 94541 (510)887-8544

1017 00001 98564 10/24/04
 61 AS3707 03:01 PM
 SALE



00025105705	GALV WIRE	10.60
659099386047	HOG RINGS	2:39
048856870361	TIE WIRE	5.98
2 @ 2.99		
048856760365	6 FT TENS	5.58
2 @ 2.79		
048856237980	42X6X11.5G	35.98
048856554872	CL	257.70
3 @ 85.90		
091111382468	TERM POST	25.44
2 @ 12.72		
091111377242	LINE POST	130.35
15 @ 8.69		
048856870439	FENCING	2.90
2 @ 1.45		
048856870453	FENCING	2:79
048856870385	13/8X5/8FRHG	2.38
2 @ 1.19		

XXXXXX2575
 CARD BALANCE

SUBTOTAL	482.09
SALES TAX	42.17
TOTAL	\$524.27
STORE CREDIT	109.81
CASH	0.00
CASH	50.00
CASH	50.00
CASH	100.00
CASH	200.00
CASH	15.00
CHANGE DUE	0.04



1017 01 98564 10/24/2004 0864

YOUR OPINION COUNTS! COMPLETE A SURVEY
 AT WWW.HOMEDEPOTOPINION.COM AND ENTER
 TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 1017
 21787 HESPERIAN BLVD
 HAYWARD, CA 94541 (510)887-8544

1017 00002 45688 10/30/04
 61 BVT856 01:41 PM
 SALE



091111377242 LINE POST
 SALES TAX 8.69
 TOTAL 0.76
 CASH \$9.45
 CHANGE DUE 10.00
 0.55



1017 02 45688 10/30/2004 3890

YOUR OPINION COUNTS! COMPLETE A SURVEY
 AT WWW.HOMEDEPOTOPINION.COM AND ENTER
 TO WIN A \$5,000 HOME DEPOT GIFT CARD!

Sound Board 2-82
WAL

DEPOT 0635
 INDUSTRIAL PKWY
 300 (510)483-9400
 UNION CITY, CA 94587
 09/25/04
 0635 00024 60509 10:09 AM
 22 RXN603

RETURN
 *** REFUND ***

0915 REC: 0635 002 01344 09/09/04 TA
 09157510975 813/15/04
 2 @ 38.40 SALES TAX -76.80
 TOTAL -83.52
 CASH -83.52

*** REFUND ***

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWAY
UNION CITY, CA 94587 (510)489-9400

SALE 0635 00057 52266 10/21/04
14 SCOT57 07:06 PM



193.10

076670039800 COATER 4.97
042224000930 BRSH & RLR 2.97
027426223509 SIAIN
2 @ 2.97 5.94
081725201705 201 HENRY 5
5 @ 23.95 119.75
SUBTOTAL 133.63
SALES TAX 11.69
TOTAL \$145.32
CASH 146.00
CHANGE DUE 0.68



0635 57 52266 10/21/2004 1790

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWAY
UNION CITY, CA 94587 (510)489-9400

SALE 0635 00058 04489 09/23/04
14 SCOT58 08:37 PM



082474305010 INT 1 GAL 21.97
SALES TAX 1.92
TOTAL \$23.89
CASH 23.89



0635 58 4489 09/23/2004 5419

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

THE HOME DEPOT 0635
30055 INDUSTRIAL PRKWAY
UNION CITY, CA 94587 (510)489-9400

SALE 0635 00059 36240 10/16/04
14 SCOT59 01:03 PM



082474305010 INT 1 GAL 21.97
SALES TAX 1.92
TOTAL \$23.89
CASH 40.00
CHANGE DUE 16.11



0635 59 36240 10/16/2004 7647

YOUR OPINION COUNTS! COMPLETE A SURVEY
AT WWW.HOMEDEPOTOPINION.COM AND ENTER
TO WIN A \$5,000 HOME DEPOT GIFT CARD!

F HAYWARD
ING DIVISION
A DEVELOPMENT PERMIT
 HAYWARD, CA 94541-5007
 (0) 247-3340 ♦ FAX (510) 583-3649

APPLICATION PL-2003-0373
 NUMBER E.K.P.
 TAKEN BY _____
 DATE 6/25/03

City of Hayward
 777 B Street
 Hayward CA 94541
 (510) 583-4000

INITIAL FEE \$ 125
 ADDITIONAL
 TIME & MATERIAL CHARGES
 NOT TO EXCEED 1600

Christ Church
 FIRST NAME
Christian Vigilance Church

 Reg# #/Rcpt#: 001-00024342 [GW]
 Accounting Date: Wed, Jun 25, 2003
 Date/Time: Wed, Jun 25, 2003 1:37 PM

0901/Development/Planning Permit
 REF#:03-0373
 FEE AMOUNT:\$125.00

CITY CA ZIP CODE 94544 PHONE NO. (510) 784-2310
 MAIL _____
 0901/Development/Planning Permit
 CELL PHONE 001-00024342/03-0373

Receipt Total = \$125.00

 Payment Data:

OWNER LESSEE OPTIONEE OTHER _____

Pmt# :1
 Payer: NO NAME
 Method: CK
 Amount = \$125.00

Christian Vigilance Church
 FIRST NAME
 CITY Hayward STATE CA ZIP CODE 94544

Receipt Summary

MAIL _____ CELL PHONE _____

 Total Tendered = \$125.00
 Receipt Total = \$125.00

GENERAL PLAN AMEND. PARCEL MAP TRACT MAP VARIANCE

Change Due = \$0.00

ONE CHANGE FROM _____ TO _____ OTHER _____

THANK YOU!!

767 Ruus Rd.

ASSESSOR'S MAP NO. 464-0075-001 + 002 ZONING DISTRICT(S) RS

PROJECT DESCRIPTION (attach additional sheets if necessary) To operate a church (existing)
See attached for how it operates.

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.

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.

OWNER Guar Conje
 SIGNATURE X Christian Vigilance Church

APPLICANT Guar Conje
 SIGNATURE X Christian Vigilance Church

STAFF REMARKS
 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.

THIS IS YOUR RECEIPT WHEN MACHINE VALIDATED

 City of Hayward
 777 B Street
 Hayward CA 94541
 (510) 583-4000

 Reg # / Rcpt #: 001-00054960 [CD]
 Accounting Date: Thu, May 13, 2004
 Date/Time: Thu, May 13, 2004 9:15 AM

 0302P/BLDG-Plan Check Fee 2711
 REF#:Permit #: 04-2265

FEE AMOUNT: \$25.19
 0302P/BLDG-Plan Check Fee 2711
 REF#:Permit #: 04-2264

FEE AMOUNT: \$554.94
 Receipt Total = \$580.13

Payment Data:
 Pmt# : 1
 Payer: NO NAME
 Method: CASH
 Amount = \$580.13

 Receipt Summary
 Total Tendered = \$580.13
 Receipt Total = \$580.13
 Change Due = \$0.00

 THANK YOU!!

 HINE VALIDATE
 05-13-2004/09:15 AM
 USER:CD/AMOUNT:\$25.19
 0054960/BLDG-Plan Check Fee 2711
 0054960/Permit #: 04-2265

Correspondence/telephone calls from our office will be directed to the person listed as agent on the application from. We request that you refrain from contacting us prior to the target date above, and that each applicant keep other interested individuals well informed during the plan review process. This will allow our staff to concentrate their efforts on plan review and result in a shorter turnaround time. We appreciate your cooperation in our effort to provide you a more efficient service.

aa

City Staff

Juan Conroy
 Applicant's Signature

JOB AD
 BUILDING
 TAKEN
 VALUATION
 PLAN REVIEW
 (ACCOUNTING)
 APPLICANT

 City of Hayward
 777 B Street
 Hayward CA 94541
 (510) 583-4000

 Reg # / Rcpt #: 001-00069988 [CD]
 Accounting Date: Wed, Oct 20, 2004
 Date/Time: Wed, Oct 20, 2004 10:26 AM

 0302P/BLDG-Plan Check Fee 2711
 REF#:Permit #: 04-5285

FEE AMOUNT: \$689.76
 Receipt Total = \$689.76

Payment Data:
 Pmt# : 1
 Payer: NO NAME
 Method: CK
 Amount = \$689.76

 Receipt Summary
 Total Tendered = \$689.76
 Receipt Total = \$689.76
 Change Due = \$0.00

New Office Hours Effective 8/6/04
 Monday - Thursday 9:00 AM - 5:00 PM
 Friday 8:00 AM - 12:00 Noon
 THANK YOU!!

4
 ATED

Correspondence/telephone calls from our office will be directed to the person listed as agent on the application from. We request that you refrain from contacting us prior to the target date above, and that each applicant keep other interested individuals well informed during the plan review process. This will allow our staff to concentrate their efforts on plan review and result in a shorter turnaround time. We appreciate your cooperation in our effort to provide you a more efficient service.

aa

City Staff

Juan Conroy
 Applicant's Signature

CITY OF HAYWARD

17
CITY OF HAYWARD, CA 94541 • (510) 583-4140
HEARING IMPAIRED - TDD (510) 247-3340

PERMIT

TYPE: Tenant Improvement Over Counter

DATE: 9/7/2004

City of Hayward
777 B Street
Hayward CA 94541
(510) 583-4000

Reg# #/Rcpt#: 001-00065986 [CD]
Accounting Date: Tue, Sep 7, 2004
Date/Time: Tue, Sep 7, 2004 9:30 AM

DE CHURCH CONTRACTOR:

0301P/BLDG-BUILDING PERMIT FEE
REF#:Permit #: 04-4531

1544-5722

FEE AMOUNT:\$122.45
0301I/BLDG-PERMIT ISSUANCE FEE
REF#:Permit #: 04-4531

ST LICENSE NO:
BUS LICENSE NO:

FEE AMOUNT:\$50.00
0302P/BLDG-PLAN CHECK FEE 2711
REF#:Permit #: 04-4531

OCCUPANCY:

FEE AMOUNT:\$97.96
1306/BLDG-SMIP NON-RESIDENTIAL
REF#:Permit #: 04-4531

CONSTRUCTION:

VALUATION: 5,000

FEE AMOUNT:\$0.50
303/BLDG-MICROFILM FEE
REF#:Permit #: 04-4531

FEES:

FEES:	AMOUNT	PAID
Building Permit Fee Acct: 100-2711-4421	122.45	0.00
Permit Issuance Fee Acct: 100-2711	50.00	0.00
SMIP Non-Residential Acct: 851-0000-2298	0.50	0.00
Microfilm Acct: 100-2711-4813	2.45	0.00
Plan Check Fee Acct: 100-2711-4840	97.96	0.00

FEE AMOUNT:\$2.45
Receipt Total = \$273.36

TOTAL FEES: 273.36
AMOUNT RECEIVED: 0.00

Payment Data:
t# :1
Payer: NO NAME
Method: CASH
Amount = \$275.00

BALANCE: 273.36

Receipt Summary

Total Tendered = \$275.00
Receipt Total = \$273.36

WORK TO BE DONE:

Window replacement of 6 windows with ne double pane windows.
Installation of sound wall

Amount Due = \$1.64

New Office Hours Effective 8/6/04
Monday - Thursday 9:00 AM - 5:00 PM
Friday 8:00 AM - 12:00 Noon
THANK YOU!!

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13706

COMPENSATION, DAMAGES AS PROVIDED FOR IN THE
OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

I hereby affirm under penalty of perjury that there is a construction
lending agency for the performance of the work for which this permit is
issued (Sec. 3097, Civil Code).

Lender's Name _____
Lender's Address _____

I certify that I have read this application and state that the above infor-
mation is correct, I agree to comply with all city and county ordinances
and state laws relating to building construction, and hereby authorize rep-
resentatives of this city to enter upon the above-mentioned property for
inspection purposes.

APPLICATION APPROVAL

THIS PERMIT DOES NOT BECOME VALID UNTIL SIGNED
BY THE BUILDING OFFICIAL, OR HIS DEPUTY, FEES ARE
PAID, AND RECEIPT IS ACKNOWLEDGED IN THE SPACE
PROVIDED.

SIGNATURE _____
OF DEPUTY _____

THIS IS YOUR RECEIPT
WHEN MACHINE VALIDATED

Juan Camacho 9-7-04
Signature of Applicant or Agent Date

09-07-2004/09:30 AM
USER: CD/AMOUNT: \$2.45
0303/BLDG-MICROFILM FEE
001-00065986/Permit #: 04-4531

EXHIBIT F

The motion carried by the following vote:

AYES: COMMISSIONERS McKillop, Thnay, Peixoto, Zermefio
CHAIRPERSON Sacks
NOES: None
ABSENT: None (One Vacancy)
ABSTAIN: Bogue

3. **Planning Director's Referral of Modification of Use Permit No. PL-2003-0373 – Christian Vigilance Church (Owner) - For an Existing Church – The Project is Located at 28767 Ruus Road**

Staff report submitted by Associate Planner Pearson, dated October 7, 2004, was filed.

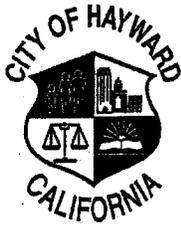
Associate Planner Pearson presented the staff report. He responded to questions from Commissioners. He noted that the City received numerous complaints in 2002 and 2003 and the matter was presented to the Planning Commission a year ago to add conditions regarding the operation of church including physical improvements to the property. Initially, the complaints subsided, but only for a short time, and none of the improvements have been completed. The parking lot plans which were required by May were submitted yesterday. There are structures in the side yard that need to be removed. The church was to operate with the windows and doors closed, and air conditioning was to be added. Some work has been done, including installation of the double-paned windows. The condition regarding hours of operation has continued to be violated, and the church has continued to leave the doors and windows open. Of the 33 conditions, 18 have been violated. Staff is recommending that the Planning Commission revoke the use permit and that the church stop operation.

Chair Sacks opened the public hearing at 8:29 p.m.

Maria Cornejo spoke on behalf of the church. She stated that they had previously agreed to comply with all of the conditions, but then found it difficult to do. She stated that they did not have enough time and money to do all of the things that were required. She noted that they had submitted the parking lot plans as previously reported, and everything else will be submitted on next week. She said that they have spoken to the members and were trying to keep the children under control.

Commissioner McKillop stated she found it difficult to understand how the church had not minimally complied with the items that did not require time or money. She noted that it was unfair to the neighbors to continue to ask them to wait an additional amount of time for the church to try to operate within the hours given and restrain the children.

Commissioner Peixoto said he was sympathetic with the issues the church had to deal with, but there were other conditions that were not complied with that would not cost anything.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 21, 2004, 7:30 p.m.
777 B Street, Hayward, CA 94541**

Commissioner Zermefio asked Ms. Cornejo if she understood why the neighbors were mad. He asked her if they were willing to develop some kind of plan for child care during services.

Ms. Cornejo said they do understand and have been working on keeping the hours of operation to the conditioned time, and that she was willing to work on the child care issue.

Andrew LaFleur stated that he has been in contact with Mr. Pearson during the last 2 to 3 years, and there have been no changes or efforts to comply with the conditions of operation. He has tried to meet with the church staff and they have been defiant in response. He discussed maintenance issues, children playing at all hours, loud music, and peculiar activities in the church, when they turn off all the lights and send the children outside unsupervised.

Commissioner Zermefio asked Mr. LeFleur if the church was able to meet all of the conditions and construct the stucco fence, would it resolve the majority of the problems. Mr. LeFleur responded that normally, yes, but that he did not feel that the church members understood how to comply.

Mrs. Helen Madrid stated she lives in the house situated to the right of the church. She has tried to deal with the church members and they have been very rude. When they were reminded about the conditions of closing doors and windows and no speakers and drums, the church members told her to close her windows. She stated that the church might also be operating a day care center as during the summer children were present all day.

Javier Garcia, church member, stated that they no longer go to the church at 5 a.m., and they are working on the problems.

Chair Sacks closed the public hearing at 8:47 p.m.

Commissioner Bogue said that there were things that did not cost any money that should have been taken care, i.e., leaving on time, no drums, cleaning up. However, there has been a total disregard for the conditions and the neighbors, and therefore he could not find a reason to extend the time limit, and he found no hope in this situation. He moved, seconded by Commissioner McKillop, that the Planning Commission finds the project categorically exempt from CEQA review and revokes the Use Permit.

Commissioner Zermefio stated that he was sympathetic with the church and believed they should get more time. He noted that they have submitted plans for the parking area, were working on the windows, and are making efforts to follow through. He said he would not support the motion.

Commissioner Thnay agreed with the most of the Commissioners' sentiments, and stated he was very disappointed that the items that did not cost anything to do had not been complied with. However, he felt that there was a lot required and 12 months is not enough time to accomplish everything. He suggested that the church members make an effort to get along with the neighbors

and that the time to fulfill the other conditions be extended a few more months. He added that he would not support the motion.

Commissioner Peixoto said that it appeared that it was not economic issues holding the church back from fulfilling the conditions. A sound wall is not going to resolve the problems. It is a behavior issue, out and out non-compliance. He had personally visited the neighborhood and noted that the neighbors obviously took pride in their homes; their properties are well taken care of, and he understood their frustration. He said that nothing the applicant had said assured that the changes would be made as there was not one iota of effort on the part of the applicant. He, therefore, would support the motion.

Commissioner McKillop stated that the church members have been disrespectful of their neighbors and that the applicant has not presented any assurance that the situation would improve. She stated she would support the motion.

Chair Sacks pointed out the police reports that were attached and the repetitive complaints. She referred to the minutes of the previous hearing and said it was made clear last time that if the conditions were not complied with that their permit would be revoked. She added she was appalled and disappointed with the lack of effort to comply with the conditions. She stated she would support the motion.

Commissioner Zermefio stated that he did hear assurance from the applicant as Ms. Cornejo agreed to come up with a child care program and that they are no longer going to open at 5 a.m.

Commissioner Thnay added that the drawings took a while because the applicant did not understand the process. However, they have been submitted.

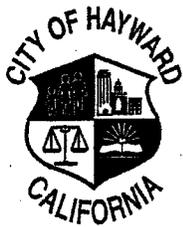
Planning Manager Anderly stated that there have been a few situations where a business has been given additional time to clean up. This would be a first as revocation is rare and only recommended after much effort has been made to get the applicant to comply.

Commissioner Zermefio cited the dog kennel case where the Commission extended the time for 3 months. He asked that the applicant be given at least one month to show they could be good neighbors.

Commissioner Bogue said that the applicant had plenty of time to show an effort and there has been none. The conditions were laid out, there has been continuous monitoring, and nothing has been done in the past 2 years.

Commissioner McKillop said that the neighbor has been patient, waiting for years, and she was not willing to have them wait several more months.

Commissioner Bogue moved, seconded by Commissioner McKillop, and carried, that the Planning Commission finds the project categorically exempt from CEQA review and revokes the Use Permit.



MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 21, 2004, 7:30 p.m.
777 B Street, Hayward, CA 94541

The motion **carried** by the following vote:

AYES: COMMISSIONERS McKillop, Bogue, Peixoto
CHAIRPERSON Sacks
NOES: Thnay, Zermefio
ABSENT: None (One Vacancy)
ABSTAIN: None

Chair Sacks announced that there was a 10 day appeal period.

4. **Use Permit No. PL-2004-0240 – Steve Tangney (Applicant) / Shurgard Storage Centers (Owner) – Request to Demolish Two Single-Story Self-Storage Buildings and a Manager's Office and Replace Them With a New Three-Story Building and a Two-Story Manager's Office with Decorative Tower - The Project is Located at 2525 Whipple Road at Interstate 880**

Staff report submitted by Assistant Planner Koonze, dated October 21, 2004, was filed.

Assistant Planner Koonze presented the staff report. He responded to questions from Commissioners. He noted that there is a portion of the property that is owned by Union City and their approval is necessary for anything done on that property. Because of that, staff also requested that the commission modify condition number 6 to state, "The applicant shall obtain the consent of Union City prior to landscaping the parcel owned by Union City."

Chair Sacks opened the public hearing at 9:16 p.m.

Steve Tangney, the applicant highlighted the project and noted that the new buildings will be state of the art. They have worked with Union City and were given a list of requests and have completed them. He responded to questions from Commissioners and clarified the locations of elevators to access the upper stories, the design for weight distribution loads, and the process and costs for relocation of existing tenants.

Chair Sacks closed the public hearing at 9:22 p.m.

Commissioner Thnay asked that consideration be given to rounding out the driveway to slow traffic. Commissioner Thnay moved, seconded by Commissioner Zermefio, and unanimously carried, that the Planning Commission finds that the proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) guidelines Section 15332, *Infill Development Project*, and approves the use permit application subject to the attached finding and conditions of approval. The applicant shall obtain the consent of Union City prior to landscaping the parcel owned by Union City.

EXHIBIT G



CITY OF HAYWARD AGENDA REPORT

Meeting Date 10/21/04
Agenda Item 3

TO: Planning Commission
FROM: Erik J. Pearson, AICP, Associate Planner
SUBJECT: Revocation of Use Permit No. PL-2003-0373 – Initiated by the Planning Director
– Christian Vigilance Church (Owner)

The Project Location Is 28767 Ruus Road, in a Single-Family Residential (RS)
Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission find the project categorically exempt from CEQA review and revoke the Use Permit.

DISCUSSION

In November 2003 the Planning Commission approved modifications to a use permit for the Christian Vigilance Church. The church has been operating at this location since 2000 and various other churches have used the site dating back to 1960 when the County issued a use permit for the construction of the church building. The City annexed the area in 1962. The church is surrounded by other churches to the north and west and by single-family homes to the east and south. Due to a large number of complaints from neighbors regarding the church's operation (noise, hours of operation and dust in the air and mud on Ruus Road from the unpaved parking lot), staff referred the use permit to the Planning Commission for the addition of conditions of approval that would ensure that the church would operate in harmony with the surrounding homes.

When the Planning Commission approved the modification to the use permit, several conditions of approval were included (see Attachment C). Most use permits require all conditions to be completed prior to occupancy or commencement of operations. Because the church was already operating and due to the church's limited financial resources, a schedule was approved for completion of the physical improvements required by the conditions of approval.

Conditions Relating to the Building and the Property

- Condition number 4 required that a building permit application for a soundwall to be constructed along the south property line be submitted by January 17, 2004. It was not until March 31, 2004 that a preliminary plan for the soundwall was submitted for review by planning staff. The church proposed a stucco finish on the wall, but had no way to stucco the side of the wall facing the homes on Collins Court. The church said that they could not

get permission to remove the rear fences of the Collins Court properties. Staff assisted the church by mailing letters to the affected property owners and obtained permission from four of the five owners to have the church remove their wooden fences. A building permit application that included the soundwall was submitted on May 13, 2004. Staff issued correction comments on June 8, 2004 and the church has not made the necessary corrections to their plans. On September 7, 2004 the pastor said that the church could not afford to build the wall.

- Condition number 5 required a sign permit application for a new monument sign to be submitted by May 17, 2004. A sign permit application was not submitted. There is no sign permit for the existing nonconforming freestanding sign.
- Condition number 6 required the accessory structures to be removed from the side yard by December 17, 2003. As of October 14, 2004, the structures are still in the side yard setback area.
- Condition number 7 required that a lighting plan be submitted by January 17, 2004 to ensure that exterior lights are of the proper intensity and that they do not shine on neighboring properties. The lighting plan was not submitted.
- Condition number 8 required the installation of double-pane windows, air conditioning and sound insulation on the church building wall behind the altar by January 17, 2004. It was not until May 13, 2004 that a building permit application and plans for the windows, air conditioning, sound insulation, monument sign, parking lot and the addition of accessible restrooms and a new lobby was submitted. Staff issued correction comments on June 8, 2004 and the church has not made the necessary corrections. The planned addition of accessible restrooms and a new lobby were not required by the conditions of approval, but was a voluntary proposal. On September 7, 2004, the church submitted a new application for new windows and sound insulation only. The permit was issued on the same day and an inspection was conducted for this work on September 30, 2004 and a final inspection will be conducted when the work is completed. At the time this report was written, the church was still working on the installation of the windows and sound insulation.
- Conditions 25 and 26 required the paving of the driveway and parking lot and installation of street frontage improvements such as curb, gutter and sidewalk by August 17, 2004. The condition allows the applicant to file a Deferred Street Improvement Agreement to delay the installation of the curb, gutter and sidewalk for 5 years. The intent of this condition was to complete the parking lot prior to the 2004/2005 rainy season. On September 7, 2004, the church's engineer said that the revised plans for the parking lot would be submitted on September 8, 2004. The plans were not submitted and on September 13, 2004, a new engineer retained by the church said that he would be preparing the drainage plan for the parking lot. The church attempted to submit the revised parking lot plans on October 6, 2004, but the plans were incomplete and the City did not accept the building permit application.
- Conditions 15 through 21 address landscaping. The landscaping was required to be installed within 60 days of the completion of the parking lot. Because the parking lot has not been completed, neither has the landscaping.

On November 19, 2003 staff provided the church with a compliance schedule with deadline dates for the applicable conditions of approval (see Attachment D). Staff spoke with the pastor several times asking for plans to be submitted. Staff tried to accommodate the church by accepting late plans with the hope that the improvements would eventually be completed so that the church could operate in harmony with the surrounding residences. Staff assisted the church by contacting the neighbors on Collins Court regarding the replacement of their rear fences with a soundwall.

Conditions Relating to Church Operations

- Condition number 9 required the church to cease immediately the playing of drums or amplified music when doors or windows are open and prohibited the playing of music outdoors. According to the neighbors, the church has continued to play amplified music with the doors and windows open.
- Condition number 10 required the church to keep doors and windows closed during meetings and services. As stated above, neighbors state that church has continued to operate with the doors and windows open.
- Condition number 12 limits the hours of the church's operation to no earlier than 7 a.m. and no later than 10 p.m. daily. Meetings are required to end by 9:30 p.m. and all cars (with the exception of custodial or administrative staff) shall exit the premises and the gate closed and locked across the driveway by 10 p.m. nightly. As observed by both planning staff and the neighbors, the church has met outside the prescribed hours on a regular basis.
- Condition number 13 requires church management to take necessary steps to assure the orderly conduct of members and visitors on the premises. As observed by both planning staff and the neighbors, the church has allowed children to play outside, creating noise late at night. In addition, the neighbors have observed church members honking car horns and speeding out of the parking lot.

The following is a list of complaints that were received after the Commission approved the modification to the use permit in November 2003.

Summary of Complaints

Date Received	Complaints from Neighbors
December 9, 2003	People in parking lot until 10:30 pm on 12/5 and 12/6, front gate has been opened at 5 am everyday recently
December 11, 2003	People in parking lot until 10:20 pm on 12/10 (Could hear trumpet has been added to the band), Gate opened at 4:55 am on 12/11
February 19, 2004	Received letter from neighbor listing violations ranging from December 31, 2003 to February 2, 2004. (see Attachment F)
March 1, 2004	Meetings continuing after 9:30 pm, doors and windows left

	open, loud music on a regular basis
March 9, 2004	Over 100 people at church on 3/7. People played music with windows and doors open from 7:30 am to 9 pm. People have recently been honking car horns to get in front gate at 5 am.
June 22, 2004	Neighbor on Collins Court said that kids on the church property were poking sticks at his dog through the fence on 6/20 and 6/21.
August 5, 2004	People were at church until 10:45 pm and kids were screaming at 10:30 pm on 8/4. People have been arriving at 5 am everyday. Things have gotten worse during last 6 weeks.
September 15, 2004	People are still arriving at 5 am. There were 16 cars in the parking lot at 10 pm on 9/14 (they left with their headlights off). On Friday nights they are usually there until 11 to 11:30 pm.
October 1, 2004	People were pounding on the stucco walls until 11 pm on 9/30. Cars peeled out when leaving. Dust from parking lot has been a big problem on weekends. Exterior lights were adjusted soon after Planning Commission hearing last year, but now bright light is shining on front door across street from church.

Planning staff has tried working with the church to obtain compliance with the conditions of approval. Following is a timeline of observation and enforcement efforts by City staff.

Responses to Complaints and Enforcement Actions

Date	Staff Action
December 11, 2003	Staff contacted the pastor and relayed the complaints. The pastor was reminded of the hours of operation limits in the conditions of approval and warned that future complaints may result in a possible revocation of the use permit.
February 27, 2004	Staff contacted the pastor to encourage submittal of plans to satisfy conditions.
March 1, 2004	Staff contacted the pastor and he denied accusations made by neighbor. The pastor was informed that staff would start making night-time visits.
March 3, 2004	Staff requested the Police Department to assist by checking on the church during evening hours. Patrols visited the property twice during the month of March and found the parking lot clear of cars by 9:30 pm.
April 14, 2004	Staff drove by the church at 9:30 pm and observed a parking lot full of cars and could see and hear kids playing outside. There was no indication that people were getting ready to leave.
April 23, 2004	Staff drove by the church at 10:30 pm and found the property empty of cars.
April 29, 2004	Staff called neighbor and noted most recent observation and the Police Department's observations. The neighbor agreed that things had been better recently and that he would contact staff again if problems reappeared.

August 6, 2004	Staff sent the church a letter setting a deadline of September 7, 2004 to submit plans for the soundwall, sign, lighting, windows, air conditioning and sound insulation. The letter also stated that future violations of the hours of operation or observance of disorderly conduct will be grounds for proceeding with a revocation hearing.
September 30, 2004	Staff sent the church a letter informing them that a revocation hearing had been scheduled.

While the church has made some progress on the physical improvements that are required (such as beginning the window replacement and preparing plans for the parking lot), none have been completed by the deadlines set forth by the Planning Commission. Furthermore, neighbors indicate the church has shown no regard for them or the rules that were put in place to protect them. Even if the church were to eventually complete the soundwall and parking lot improvements, continued practices would indicate that the church would not meet the conditions regarding the hours of operation or limiting late night and early morning noise.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15321, Enforcement Actions by Regulatory Agencies.

PUBLIC NOTICE

On October 8, 2004, a Notice of Public Hearing for the public hearing was mailed. Staff notified the pastor of the church, Juan Cornejo, in writing on September 30, 2004.

CONCLUSION

The church has failed to complete 14 conditions that required some physical improvement to the property and has regularly violated 4 conditions relating to the operational requirements of the church. Five neighbors opposed the approval of the use permit for the church last year based on prior experiences with the church. Staff and the Commission were hopeful that the addition of various conditions would ensure that the church would operate in harmony with the neighborhood. The church has failed to meet the City's expectations and has continued to operate in the same manner that generated the complaints prior to the modification of the use permit. Staff tried working with the church to obtain compliance with the conditions, but the church has not met any deadlines set for improvements and has continued to generate complaints from neighbors. Staff believes that the situation cannot be corrected with the addition of new conditions or extended deadlines. Therefore, staff recommends the use permit be revoked and the church cease all operations immediately.

Prepared by:



Erik J. Pearson, AICP
Associate Planner

Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Revocation
- C. Conditions of Approval approved by Planning Commission
- D. Compliance Schedule for Conditions
- E. Planning Commission Minutes and Staff Report dated November 6, 2003
- F. Police Reports Letter from neighbor dated February 18, 2004
- G. Letter to church dated August 6, 2004
- H. Letter from church dated August 30, 2004
- I. Letter to church dated September 30, 2004

USE PERMIT MODIFICATION PL-2003-0373

Christian Vigilance Church (Owner)

28767 Ruus Road

October 21, 2004

FINDINGS FOR REVOCATION

- A. The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15321, Enforcement Actions by Regulatory Agencies.
- B. The use or the manner in which it is conducted, managed or operated impairs the character and integrity of the zoning district and surrounding area in that the church has repeatedly conducting meetings and played loud music early in the morning and late at night, had children playing outside late at night, failed to construct a soundwall and has failed to pave the parking lot, subjecting neighbors to unnecessary noise and dust.
- C. The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan and modification of the conditions in that conditions 4, 5, 6, 7, 8, 15, 16, 17, 18, 19, 20, 21, 25 and 26 have not been completed and conditions 9, 10, 12 and 13 have been violated on a regular basis. Continuation of the church's use of the property would be detrimental to the public health, safety, or general welfare.

**CITY OF HAYWARD
PLANNING DIVISION
USE PERMIT MODIFICATION**
(Revised by Planning Commission on 11/6/03)

November 6, 2003

MODIFICATION OF USE PERMIT NO. PL-2003-0373: Christian Vigilance Church
(Owner)

The Project Location Is 28767 Ruus Road, in a Residential Single-Family (RS) Zoning District

CONDITIONS OF APPROVAL:

1. Any and all conditions of approval of the use permit issued by the County of Alameda shall remain in full force and effect.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
4. An 8-foot high masonry sound wall shall be erected along the south property line where the church and the parking area abuts the property line. The wall shall be decorative (including pilasters and caps) and shall be compatible with the surrounding buildings. A building permit application for the wall shall be submitted within 60 days of the effective date of this approval and the sound wall shall be installed within 30 days after the issuance of the building permit. In the meantime, the church members shall keep noise to a minimum.
5. Plans and a sign permit application for a new monument sign shall be submitted for review and approval by the Planning Director within 6 months of the effective date of this approval.
6. The accessory structure constructed in the side yard shall be removed within 30 days of the effective date of this approval.
7. A lighting plan prepared by a qualified consultant showing that the parking and pedestrian areas will have a minimum one foot candle of light during hours of darkness as required by the Security Ordinance shall be submitted within 60 days of the effective date of this approval. The lighting plan shall include details of decorative fixtures to be installed. Fixtures shall be controlled by photocells. Light shall not illuminate or create glare for neighboring properties.

Effective immediately, existing lights must be removed, shielded or redirected so that light is not cast onto neighboring properties.

8. Double pane windows, air conditioning and sound insulation on the wall behind the altar shall be installed within 60 days of the effective date of this approval. All necessary permits shall be obtained from the Building Division.
9. Effective immediately, no drums or amplified music may be used when doors or windows are open. No music may be played outdoors.
10. The doors and windows shall remain closed during meetings/services.
11. The project shall comply with the provisions of the Security Ordinance that pertain to address numbers, and all newly-installed doors, windows and locks.
12. The hours of operation shall be no earlier than 7 a.m. and no later than 10 p.m. daily. Services/meetings shall end by 9:30 p.m. and all cars (with the exception of custodial or administrative staff) shall exit the premises and the gate closed and locked across the driveway by 10 p.m. nightly.
13. Church management shall take necessary steps to assure the orderly conduct of members and visitors on the premises. Church management shall also ensure that all litter is removed from the premises on a daily basis.
14. Any graffiti shall be painted over within 7 calendar days of occurrence.

Landscaping:

15. All landscaping shall be installed within 60 days of the completion of the parking lot.
16. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes. A separate tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
17. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch- high class "B" Portland Cement concrete curb. Separate turf areas from shrub areas with a permanent header such as a 6-inch concrete mow strip. Turf areas should not exceed more than 50 percent of the total landscape area.
18. One 24-inch box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
19. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
20. The parking lot shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. In addition, parking rows shall be capped with a landscaped island. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and

spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.

21. A landscape buffer including shrubs and one 15-gallon tree for every 20 lineal feet of property line shall be planted along property lines adjacent to residential uses.
22. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

Engineering:

23. The project shall identify Best Management Practices (BMPs) appropriate to the new parking and driveway areas in order to limit the entry of pollutants into the storm water runoff to the maximum extent practicable.
24. If work is done during the rainy season (Oct. 15 to April 15), an Erosion and Sedimentation Control Plan shall be in place.
25. Improvement plans prepared by a registered Civil Engineer shall be submitted to the City and shall include:
 - a) Details showing that the parking area and the driveway will be paved with asphalt concrete (AC) or Portland concrete (PCC) and the parking stalls will be striped.
 - b) Details showing that the Ruus Road frontage will be improved with new curb, gutter, sidewalk and tie-in pavement. An Encroachment Permit shall be required for these improvements.
 - c) The existing and proposed on-site drainage system within the new parking and driveway areas. Use of a grassy swale along the south property line should be incorporated.
26. The driveway shall be completed within 9 months of the effective date of this approval. If the applicant wishes to defer the installation of the curb, gutter and sidewalk for the remainder of the frontage, then a Deferred Street Improvement Agreement shall be filed and recorded. The Agreement shall state that the remainder of the street frontage improvements will be completed within 5 years of the effective date of this approval.
27. Effective immediately, no parking or driving shall be permitted off the gravel surface of the driveway and parking area.

Fire Department:

28. The plans shall be modified to provide an adequate turning radius for fire apparatus to enter the site. Access to within 150' of the rear-most portion of the existing building is required.

29. Due to the setback of the existing building from the street (greater than 150' to the rear-most portion), a fire truck turnaround shall be designed for the parking lot. The preferred location is on the west side of the building. Standards for the design may be obtained from the Fire Department.
30. Red-curbing and fire lane signage shall be installed in the parking lot in all areas where vehicle parking is not dedicated.
31. An address shall be installed at the driveway entrance with minimum 6" high numbers on a contrasting background. In addition, a minimum 6" building address shall be installed on the building so as to be visible from the street. Address numbers shall be decorative and shall be approved by the Planning Director.
32. The Fire Department will conduct an inspection of the site and the church building. Additional requirements may be imposed at that time.

General:

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

**Compliance Schedule for Christian Vigilance Church
28767 Ruus Road
Use Permit Modification PL-2003-0373**

Date	Days	Requirement	Date Completed
11/6/03		Approved by Planning Commission	
11/17/03	10	Effective Date	
12/17/03	30	Shed must be removed (COA # 6)	
1/17/04	60	Windows, air conditioning and sound insulation must be installed (COA # 8)	
1/17/04	60	Fire Department shall conduct inspection (COA # 32)	
1/17/04	60	Lighting plan shall be submitted (COA # 7)	
	30 days after lighting plan is approved	Lighting shall be installed or modified	
1/17/04	60	Building permit for sound wall must be submitted (COA # 4)	
	30 days after building permit is issued	Wall must be installed (COA # 4)	
5/17/04	180 (6 months)	Plans and application for a new monument sign must be submitted (COA # 5)	
5/17/04	180 (6 months)	Improvement plans shall be submitted (COA # 25)	
5/17/04	180 (6 months)	If curb, gutter and sidewalk will be deferred, agreement shall be filed (COA # 26)	
8/17/04	270 (9 months)	Driveway and parking lot shall be paved (COA # 26)	
	60 days after completion of parking lot	All landscaping must be installed (COA # 15)	
11/17/08	5 years	Curb, gutter & sidewalk must be installed (COA # 26)	



Chairperson Zermeño commented that this has been worth the time taken to consider such an impressive and unique project.

Commissioner Halliday, noting that her motion failed, considered the overriding reasons and would be supporting the original motion due to the excellence of the project other than the parking. She stated for the record that she hoped the City Council would further consider a compromise, as she did not believe that the marketability would be destroyed if 325 spaces were dedicated.

The original motion passed unanimously with Commissioner McKillop absent.

Chairperson Zermeño, Commissioner Bogue, and Commissioner Halliday noted for the record that they talked to the developer to further review the structural changes and project plans.

Chairperson Zermeño thanked the Commission for its excellent discussion and thanked all involved. He apologized to those yet to be heard on this agenda. He called for a recess at 9:50 p.m.

2. Variance No. PL-2003-0477 - Rudolph Thomas (Applicant/Owner) - Request to Allow a Carport With a 1-Foot Side Yard Setback Where 5-Feet is Required and a 3-Foot Setback From the Building Where 6-Feet is Required and for Exceptions to the B Street Special Design Streetcar District Requiring Parking to the Rear of the Front Building and an Architectural Design that Reflects the Early Character of B Street - The Project is Located at 412 B Street

Planning Manager Anderly reported that the applicant withdrew this application and it would not be discussed.

3. Planning Director's Referral of Modification of Use Permit No. PL-2003-0373 - Christian Vigilance Church (Applicant/Owner) - For an Existing Church - The Project is Located at 28767 Ruus Road

Associate Planner Pearson noted the revised set of conditions, which would include inspection by Fire Department. He gave further background and information on the Church permits. He noted that approximately a year ago, complaints began coming in from neighbors of the Church regarding noise and parking problems. As a result, the Planning Director has proposed conditions of approval to help solve these problems and make the Church more compatible with the neighborhood. Staff recommended modification of the use permit. He noted that the applicant has agreed to the conditions but would like more time in which to make changes.

Commissioner Sacks asked about the new conditions presented to the Planning Commissioners at this meeting.

Chairperson Zermeño asked why there was no graffiti language. He asked for a 3-day removal condition rather than 7 days. He confirmed whether the applicant had agreed to all of the conditions.

Associate Planner Pearson suggested asking the applicant to confirm his agreement.

Commissioner Sacks expressed concern on the noise situation and when that would be addressed, before or after the masonry wall.

Associate Planner Pearson suggested that staff would ask the church to limit the noise until the wall could be erected.

Chairperson Zermeño suggested that by shortening the church service, they should be helping to limit the noise within the neighborhood.

Chairperson Zermeño opened the public hearing at 9:54 p.m.

Pastor Juan Cornejo said they purchased the building in 2000. They would like to fix up the building but are presently facing a shortage of funds. They are willing to abide by the requirements. The church is there to help the community, especially the Hispanic community. He said he is willing to cooperate with the neighborhood and apologizes to the neighborhood for any disruption they might have created. He commented that someone had translated the conditions for him.

Commissioner Fraas asked what had been done in the past to accommodate the noise complaints.

Pastor Cornejo said it is a very active church. However, they have lowered the sound from the music and have asked the children to be quiet. He said they are willing to cooperate.

Commissioner Halliday expressed her concern about drumming from 7:30 a.m. on into the late evening. She asked about noise starting at 5 a.m.

Pastor Cornejo responded that about 8 people pray every morning but there is no clapping, singing or loud music. Special occasions are not programmed that early in the morning.

Commissioner Thnay asked when could they comply to bring peace to the neighborhood, for example, installing the double paned windows.

Pastor Cornejo asked what does the community want first.

Commissioner Thnay suggested a phasing in of the project. He said he could see this would be a financial burden for a small church. He then asked about the request to end services at 9:30 p.m. instead of 10 p.m.

Pastor Cornejo agreed that services will end at 9:30, but cleanup folks stay until 10 p.m.

MINUTES



REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD
Council Chambers
Thursday, November 6, 2003, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

Commissioner Thnay suggested it might be unrealistic to think everything would be done by 10 p.m., but more reasonable to leave premises by 10:30 p.m.

Commissioner Fraas asked if the church had talked to the neighbors about it.

Pastor Cornejo suggested that several times he has encountered neighbors who do not seem willing to cooperate and talk with him. He said he was willing to pay for half of the construction of the wall but neighbor was unwilling. In response to questions, he commented that the police had been to the church at least 8 times. He added that there are people in the parking lot supervising the children. He added that he wants to have peace with everyone.

Chairperson Zermeño asked whether he understood the frustration of the neighbors and asked what type of music is played.

Pastor Cornejo stated the music is a small band with an amplifier. He understands that frustration and wants to get a solution to the problem.

Chairperson Zermeño suggested that since the building is small, they should try playing the music without the amplifier.

Commissioner Sacks asked whether he had sat down with the people of the church and talked with everyone about how serious this issue is. And talked with those who are creating the problem.

Pastor Cornejo said he has talked to the members.

Andrew LeFleur stated that he is a neighbor and has lived in his home for more than 47 years. He described the noise, music, and clapping. He said each morning they are awakened by the clanging of the metal fence. The noise of children and the amplified music and drums are extended. He also complained about the litter from the church. He discussed a previous church and the cooperation they had. He also noted that they have no permit to use the building.

Associate Planner Pearson said they received a permit in 1960 from the County. This is acceptable zoning with the land

Horacio T. Madrid stated that he lives closest to the church and is about 40 feet to the wall. He commented that their home gets most of the noise, which are mostly drums and the amplifier. His home is back to back with the church. He noted that they are on the premises until 11 p.m. and later. He asked about the double paned windows and whether there would be air conditioning since they would otherwise open the windows. He then submitted a statement with about 12 - 20 signatures from other neighbors on this regard.

Chairperson Zermeño asked about his reaction to the direction the Commission was taking.

Chairperson Zermeño commenting that Ruus Road is the religious shopping center of Hayward closed the public hearing at 10:19 p.m.

Commissioner Halliday commented that a mediator is really needed in this regard. The City of Hayward cannot monitor the situation. A change in attitude about people's rights to enjoy their property is what is necessary. The Church will have to compromise in its operation. She moved, seconded by Commissioner Bogue, to approve the use permit with the conditions. She suggested that they might want to add conditions regarding the use of drums and amplification. She asked about requiring a litter-free property on a daily basis. She added the graffiti language.

Commissioner Fraas said she would be in support in order to force them to get along with their neighbors. She said she did not approve of extended time allowance.

Commissioner Thnay emphasized that being a good neighbor is paramount. The site area should look the best. He thanked staff for the conditions to enhance the neighborhood.

Commissioner Sacks said the noise issue is one of the most important points under discussion. She suggested mediation since this has gone on for several years. She emphasized the need to respect other people's space and sensitivities. She added that she was pleased with staff's conditions of approval. She noted one condition is that doors and windows be closed during the services. She emphasized that we can set up the conditions, but the people involved need to work it out.

Commissioner Bogue suggested that air conditioning is in the staff report, but not in conditions.

Associate Planner Pearson said that was an oversight but staff would include the requirement in the conditions.

Commissioner Bogue suggested they need numbers of days for graffiti removal, he suggested seven days. Commissioner Halliday agreed and added this to motion.

Chairperson Zermeño suggested discussing the problems with some of the churches along Ruus Road. He described this area as a shopping center of churches. He then asked maker and second to consider extending the time for compliance. He suggested a bit of openness for the time-line.

Commissioner Bogue thought it should not be put on staff, but the Planning Commission should make the time line.

Planning Manager Anderly said staff would support their assistance. She explained that the conditions ensure land use compatibility and that paving the area is a safety issue.

Commissioner Fraas said she was not inclined to extend time since the church had two years to fix some of these problems before they came to the Planning Commission.



Commissioner Bogue asked about the amount of time to complete the plan check, etc., he commented that it totals 4 months to complete the wall.

Commissioner Halliday asked about the driveway noting that there needs to be some progress. Perhaps they might focus on the noise aspect, and give them additional time for driveway.

Commissioner Bogue emphasized that they need to park on the gravel area, which should keep down dust on driveway.

Commissioner Halliday made an addition to Condition 22, adding the language of parking restricted to graveled area and parking lot to be completed in 6 months.

The motion passed unanimously with Commission McKillop absent.

ADDITIONAL MATTERS

4. Oral Report on Planning and Zoning Matters

Planning Manager Anderly noted that the next Planning Commission Meeting is scheduled for November 20. If needed, there could be a meeting on December 4th, but one is scheduled for the December 11th.

Commissioner Sacks commented positively on the Hotel and Main project as well as the Tiburcio Clinic. She asked what was going on with the property at Grace and Mission.

Commissioner Halliday thanked Planning Manager Anderly for the report on 1842 Highland. Planning Manager Anderly commented that the owner came to the meeting to discuss her letter, but arrived late for Public Comments of this meeting.

Commissioner Thnay asked if there would be an improvement to the empty land in front of Holiday House any time in the near future.

Planning Manager Anderly responded that she is working to schedule group meetings with staff about the South Hayward BART station and other surrounding areas and that the parcel on the corner will be addressed at that time. Staff is conducting a project area study for that area.

Chairperson Zermeño there is a tree on 478 B Street crying for help; it has ivy all over it.

APPROVAL OF MINUTES

- October 09, 2003 – Approved with correction



CITY OF HAYWARD AGENDA REPORT

Meeting Date 11/06/03
Agenda Item 3

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: Planning Director's Referral of Modification of Use Permit No. PL-2003-0373 – for an Existing Church – Christian Vigilance Church (Owner)

The Project Location Is 28767 Ruus Road, in a Residential Single-Family (RS) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, pursuant to Section 15301 *Existing Facilities*; and
2. Modify the Use Permit with the addition of the attached conditions.

DISCUSSION

The church building was constructed in 1960 prior to annexation to the City of Hayward. The Alameda County building permit records refer to a use permit (BZA # 173) issued for the construction of the church; however, the records transferred to the City from the County did not include the conditions of approval of the use permit nor do the County records address the conditions under which the use permit was granted. The property was annexed into the City in 1962.

The property is surrounded by churches to the north and west and homes to the south and east across Ruus Road. The church building is located about 130 feet back from Ruus Road and 55 feet from the nearest dwellings, and the parking area is 15 feet from the nearest dwellings. The street frontage is not improved and the gravel covers the driveway and parking area. There is minimal landscaping on the property. The church recently erected a white metal fence along the front of the property with a gate across the driveway. The property is located in a Residential Single-Family (RS) zoning district, which allows religious uses subject to approval of an Administrative Use Permit. The church has 1,927 square feet of assembly area. The City's Off-Street Parking Regulations require one parking space for each 100 square feet of assembly area. Twenty parking spaces would be required and forty-two are proposed.

The Christian Vigilance Church has occupied the property since May 2000. The City began receiving complaints about parking and noise from the church property in September 2002.

Some neighbors have spoken with representatives of the church about noise problems and City staff have spoken with the church about the complaints received regarding the church activities, but the complaints have continued. Section 10-1.3260 of the Zoning Ordinance authorizes the Planning Commission to revoke, modify or add to the conditions of approval to a use permit in order to ensure the use remains compatible with the surrounding neighborhood. Accordingly, the Planning Director is referring this matter to the Planning Commission in order to impose new conditions of the use permit intended to render the church operation compatible with the surrounding neighborhood.

The original complaint filed was of cars parking off the designated driveway, resulting in mud being tracked into the street by cars driving through puddles at the edge of Ruus Road. One neighbor has also complained of an exterior light shining from the building toward his house. According to letters received from neighbors, the church plays amplified music until 10 to 11 p.m. every night of the week. Neighbors also indicate that church members talk and children play in the parking lot on their way to their cars, which create a disturbance. One letter states that car stereos can be heard and cars honk horns on their way out of the parking lot.

In order to assure that the church functions in maximum harmony with the area, staff is recommending the following:

1. Require the church to pave the parking area and create a designated driveway entrance from Ruus Road no later than 6 months after the effective date of this approval. This condition is intended to prevent mud and dust from being tracked onto the public right-of-way as mud and dust on the street can create a traffic hazard. The church has agreed to this condition.
2. Require that landscaping be installed in and around the parking lot within 60 days of the completion of the parking lot.
3. Require that, no later than 60 days after the effective date of this approval, the church install lights in accordance with a lighting plan to be submitted by the church to the Planning Director that shows that the site will be well-lit without creating glare for neighboring properties. Existing lights would either be removed, replaced or redirected to alleviate impacts on neighbors. In the interim, existing lights must be removed, shielded or redirected so that light is not cast onto neighboring properties.
4. In an effort to lessen the noise impact on the neighbors, the church has agreed to install double pane windows and air conditioning so that windows and doors can be kept closed even on warm days. Staff is recommending that a condition of approval require these improvements no later than 60 days after the effective date of this approval.
5. Most of the music is performed from the altar, the rear wall of which is directly opposite the homes on Collins Court. Sound insulation on the wall behind the altar has been agreed to by the church and has been made a condition of approval
6. In order to minimize outdoor noise emanating from the church and from people talking and automobiles, staff is recommending the construction of an 8-foot tall masonry sound wall

to be erected along the south property line where the church and parking area abut the residential area. Staff recommends that a building permit application for the wall be submitted within 60 days and the sound wall be installed within 30 days after the issuance of the building permit. In the meantime the church members are asked to keep noise to a minimum.

7. Upon a site inspection by a Community Preservation Inspector, an unattractive accessory building that does not meet the City of Hayward Design Guidelines was found built within the side yard setback without permits. A condition of approval has been included requiring removal of the shed within 30 days.
8. The church's meeting schedule (Attachment D) includes evening meetings until 10 p.m. Monday through Friday. In order to help alleviate the noise problems experienced by neighbors, staff is recommending that meetings end by 9:30 p.m. and that the cars exit the property by 10 p.m.

ENVIRONMENTAL REVIEW

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

PUBLIC NOTICE

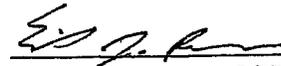
On July 9, 2003, a Referral Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Tennyson-Alquire Homeowners Association, the Warren Curtis Homeowners Association, the Eastwood Homeowners Association, the South Hayward Neighborhood Group, the South Hayward Parish and interested parties. Five neighboring households contacted staff and registered complaints based on past experiences with the church.

On October 27, 2003, a Notice of Public Hearing for the Planning Commission meeting was mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

CONCLUSION

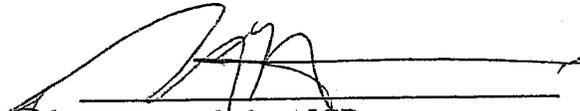
The new conditions are intended to assure that the church operates in maximum harmony with the neighborhood. The conditions are expected to reduce impacts to the neighbors and improve the appearance of the property. Staff recommends that the Planning Commission modify the use permit by approving the attached conditions.

Prepared by:



Erik J. Pearson, AICP
Associate Planner

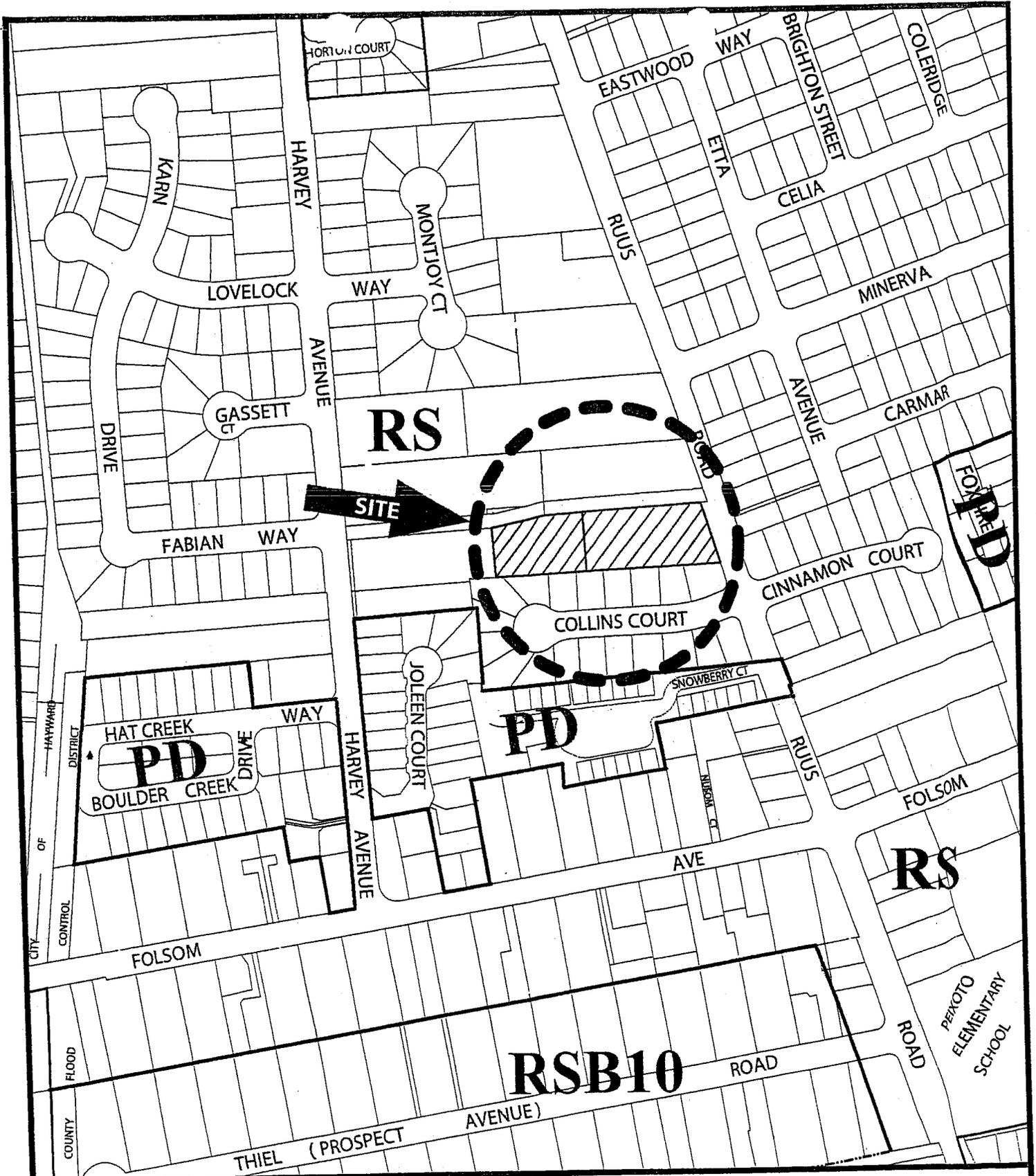
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Approval
- C. Conditions of Approval
- D. Proposed Church Meeting Schedule
- E. Letters from Neighbors
Plans



Area & Zoning Map

PL-2003-0373 AUP

Address: 28767 Ruus Road

Applicant: Juan Ramon Coruejo

Owner: Christian Vigilance Church

PD-Planned Development

RS-Single-Family Residential,RSB4,RSB6



North

CITY OF HAYWARD
PLANNING DIVISION
USE PERMIT MODIFICATION

November 6, 2003

**MODIFICATION OF USE PERMIT NO. PL-2003-0373: Christian Vigilance Church
(Owner)**

The Project Location Is 28767 Ruus Road, in a Residential Single-Family (RS) Zoning District

FINDINGS FOR APPROVAL:

1. The modification of the Use Permit as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities).
2. That the church is desirable for the public convenience or welfare in that the additional conditions provide a means of assuring that the church operation is desirable for the public convenience or welfare.
3. That the church, with the additional conditions of approval, will not impair the character and integrity of the Residential Single-Family District or surrounding area in that the proposal includes improvements both physical and operational that should limit noise impacts on the neighborhood and will improve the appearance of the site.
4. That the church, with the additional conditions of approval, will not be detrimental to the public health, safety or general welfare in that, as conditioned, the use will not cause any significant negative impacts (including noise) to the public.
5. The use, with the additional conditions of approval, will be in harmony with applicable City policies and the intent and purpose of the Residential Single-Family District. The use is consistent with the City Zoning Ordinance, the Design Guidelines and the Tennyson Alquire Neighborhood Plan.

ATTACHMENT B

CITY OF HAYWARD
PLANNING DIVISION
USE PERMIT MODIFICATION

November 6, 2003

MODIFICATION OF USE PERMIT NO. PL-2003-0373: Christian Vigilance Church
(Owner)

The Project Location Is 28767 Ruus Road, in a Residential Single-Family (RS) Zoning District

CONDITIONS OF APPROVAL:

1. Any and all conditions of approval of the use permit issued by the County of Alameda shall remain in full force and effect.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
4. An 8-foot high masonry sound wall shall be erected along the south property line where the church and the parking area abuts the property line. The wall shall be decorative (including pilasters and caps) and shall be compatible with the surrounding buildings. A building permit application for the wall shall be submitted within 60 days of the effective date of this approval and the sound wall shall be installed within 30 days after the issuance of the building permit. In the meantime the church members shall keep noise to a minimum.
5. Plans and a sign permit application for a new monument sign shall be submitted for review and approval by the Planning Director within 6 months of the effective date of this approval.
6. The accessory structure constructed in the side yard shall be removed within 30 days of the effective date of this approval.
7. A lighting plan prepared by a qualified consultant showing that the parking and pedestrian areas will have a minimum one foot candle of light during hours of darkness as required by the Security Ordinance shall be submitted within 60 days of the effective date of this approval. The lighting plan shall include details of decorative fixtures to be installed. Fixtures shall be controlled by photocells. Light shall not illuminate or create glare for neighboring properties.
8. The project shall comply with the provisions of the Security Ordinance that pertain to address numbers, and all newly-installed doors, windows and locks.

ATTACHMENT C

9. The doors and windows shall remain closed during meetings/services.
10. The hours of operation shall be no earlier than 7 a.m. and no later than 10 p.m. daily. Services/meetings shall end by 9:30 p.m. and all cars (with the exception of custodial or administrative staff) shall exit the premises and the gate closed and locked across the driveway by 10 p.m. nightly.
11. Church management shall take necessary steps to assure the orderly conduct of members and visitors on the premises.

Landscaping:

12. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes. A separate tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
13. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch-high class "B" Portland Cement concrete curb. Separate turf areas from shrub areas with a permanent header such as a 6-inch concrete mow strip. Turf areas should not exceed more than 50 percent of the total landscape area.
14. One 24-inch box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
15. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
16. Parking lots shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. In addition, parking rows shall be capped with a landscaped island. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.
17. A landscape buffer including shrubs and one 15-gallon tree for every 20 lineal feet of property line shall be planted along property lines adjacent to residential uses.
18. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size

determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

Engineering:

19. The project shall identify Best Management Practices (BMPs) appropriate to the new parking and driveway areas in order to limit the entry of pollutants into the storm water runoff to the maximum extent practicable.
20. If work is done during the rainy season (Oct. 15 to April 15), an Erosion and Sedimentation Control Plan shall be in place.
21. Improvement plans prepared by a registered Civil Engineer shall be submitted to the City and shall include:
 - a) Details showing that the parking area and the driveway will be paved with asphalt concrete (AC) or Portland concrete (PCC) and the parking stalls will be striped.
 - b) Details showing that the Ruus Road frontage will be improved with new curb, gutter, sidewalk and tie-in pavement. An Encroachment Permit shall be required for these improvements.
 - c) The existing and proposed on-site drainage system within the new parking and driveway areas. Use of a grassy swale along the south property line should be incorporated.
22. The driveway shall be completed within 6 months of the effective date of this approval. If the applicant wishes to defer the installation of the curb, gutter and sidewalk for the remainder of the frontage, then a Deferred Street Improvement Agreement shall be filed and recorded. The Agreement shall state that the remainder of the street frontage improvements will be completed within 5 years of the effective date of this approval.

Fire Department:

23. The plans shall be modified to provide an adequate turning radius for fire apparatus to enter the site. Access to within 150' of the rear-most portion of the existing building is required.
24. Due to the setback of the existing building from the street (greater than 150' to the rear-most portion), a fire truck turnaround shall be designed for the parking lot. The preferred location is on the west side of the building. Standards for the design may be obtained from the Fire Department.
25. Red-curbing and fire lane signage shall be installed in the parking lot in all areas where vehicle parking is not dedicated.
26. An address shall be installed at the driveway entrance with minimum 6" high numbers on a contrasting background. In addition, a minimum 6" building address shall be installed on the building so as to be visible from the street. Address numbers shall be decorative and shall be approved by the Planning Director.

General:

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

SERVICES.

				People Attending.
Monday	Workshop	From	6:00 PM - 10:00 PM	(80-100)
Tuesday	Evangelism	From	7:00 PM - 10:00 PM	(20-30)
Wednesday	Workshop	From	6:00 PM - 10:00 PM	(80-110)
Thursday	Evangelism	From	7:00 PM - 10:00 PM	(20-30)
Friday	Workshop	From	6:00 PM - 10:00 PM	(80-110)
Saturday	Evangelism	From	8:00 AM - 3:00 PM	(25-30)
Sunday	Workshop	From	9:00 AM - 11:00 AM 1:00 PM - 3:00 PM 5:00 PM - 7:00 PM	(80-120)

Project #
PL-2003-0373 AUP

RECEIVED

JUN 25 2003

PLANNING DIVISION

RECEIVED

JUL 21 2003

PLANNING DIVISION

MR ERICK J PEARSON
ASSOCIATE PLANNER
PLANNING DIVISION
777 "B" ST HAYWARD CA 94541

7-19-03

In response to your notice concerning the application for a church permit on Ruvs Rd.

We oppose the operating of the CHRISTIAN VIGILANCE CHURCH under JUAN RAMON CORNEJO at 28767 Ruvs Rd HAYWARD CA 94544, due to the excessive and loud noise they make from the early morning hours to the late hours of the night, practically every day of the week.

We are church goers and have acceptance and understanding of church practices, but this situation is something else, this is a loud disturbance to the peace and quietness that we should have in a neighborhood.

This practice should be enclosed within ~~acced~~ sound proof walls.

SINCERELY

PEDRO & MARIA COLUSSI

28798 Ruvs Rd HAYWARD CA 94544

Pedro Colussi
Maria Colussi

ATTACHMENT E

RECEIVED

JUL 21 2003

PLANNING DIVISION

Mr. Erick J Pearson
Associate Planner
Planning Division
777 B St., Hayward, Ca 94541

In response to your notice concerning the application for a church permit on Ruus Rd;

I would like to make you aware that the schedule they keep is not a normal church conduct that most of us are accustomed to. They start at 5:00 a.m. and continue until 10:00 to 11:00 p.m. seven days a week.

Two or three days a week, they have a group rehearse loud drum beating for two to three hours and on Sunday they begin a loud drum beating along with 50 to 75 people clapping and singing from 7:30 or 8:00 a.m. to late afternoon.

This group should apply for a play ground permit as they have children running around their lot screaming, often until 10:30 to 11:00 p.m.

The adults come out of the building about 10 p.m. or later and gather outside talking loudly and honking car horns as they leave.

I still can't understand how this group has been allowed to operate for such a long period of time without a permit nor any restrictions, which allows them to do what they want, when they want and don't have to answer to anyone. I have always thought you qualify for a permit and then open up for business.

Suggestions:

If they wish to beat on drums, sing and clap the building should be sound proof and doors and windows kept closed like other churches in the area do.

Rather than have people talking loudly past 10 p.m. and cars leaving and honking at each other, make it mandatory that the lot has to clear by 10 p.m.

Sat. March 22, 2003. Kids screaming and running around lot while adults gather outside building until 10:30 p.m.

Sat. March 29, 2003. Loud drumming from 2 p.m. to 8:30 p.m.

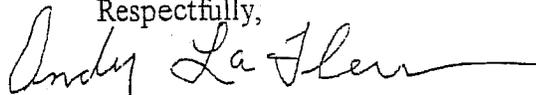
Mon March 31, 2003 Loud drumming and clapping until 10:25 p.m.

Mon April 7, 2003. Kids screaming and running on lot until 10:30 p.m.

Wed April 30, 2003. 10:30 p.m. people standing around outside building talking loudly, cars leaving lot honking. Last vehicle left 11 p.m.

The list goes on and on with a pattern. Adults standing around talking very loud and kids running around well past 10 p.m. almost every night.

Respectfully,



Andy LaFleur

July 20, 2003

Mr. Erick J. Pearson
Associate Planner
Planning Division
777 B. Street
Hayward, CA 94541

Dear Mr. Erick Pearson,

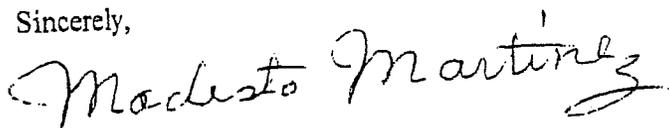
This letter is in response to your notice regarding the application by the Christian Vigilance Church for a church permit at 28767 Ruus Rd. Hayward, California. We are against this church permit being approved and issued for the following reasons.

Their services are excessively loud and held during hours when many of the neighborhood residents are trying to relax and/or sleep. Loud services are held Monday – Friday until approximately 10:00 – 11:00 pm, and on Saturdays and Sundays from as early as 7:30 am until 10:00 – 11:00 pm. While we are not opposed to religious services, this group is very loud, with amplified music and loud drums that consistently disturbs the peace in our neighborhood. This noise is particularly disturbing to those of us who live in homes in the surrounding area as the church group does not close its doors allowing their loud music and singing to be clearly heard throughout the surrounding neighborhood.

In addition to the loud services and music, the 30 minutes following the services are equally as disruptive. The adults are loud as they exit the building and enter their cars, often playing their car radios loudly and honking their horns as they exit the parking lot. They appear to have no regard for how loud and disruptive they are to the neighborhood residents. Often times there are children running around and playing loudly in the parking lot with no adult supervision until 10:00-11:00 pm when the services have finished.

We have lived in our home for over 20 years and have witnessed many uses by many groups of the building at 28767 Ruus Rd. in Hayward. The most common use has consistently been for religious services. However, this group appears to stand out as being exceptionally loud during early morning and late evening hours. We appreciate your attention to this important matter and hope that you will recognize our rights for peace and quiet in our homes within this neighborhood.

Sincerely,



Modesto Martinez

Date: July 18, 2003

Mr. Erik J. Pearson:

We are against a permit for the Christian Vigilance Church under Juan Ramon Cornejo at 28767 - Ruus Rd., Hayward, CA 94544.

Hayward Police have been called many times about this problem with their loud amplifiers and disrespect towards all of us. They have Services Monday thru Friday 5 DAYS a week form 7:00 p.m. to 10:00 p.m. or **LATER** and Saturday and Sunday for 8:00 a.m. until ? (7 days total). During their services they play very loud music which includes very loud and noisy drums and other loud instruments. They also disturb us by blowing car horns, playing car radios and visiting in the parking lot before leaving .until 10:30 p.m. or **LATER**.

We cannot enjoy any peace in quiet in our homes because of this. In addition one of our family members works graveyard and is trying to sleep at these hours and it is impossible with all of this loud disturbing noise.

We would appreciate it very much if we could have a meeting about this matter and also appreciate if you didn't allow them to have a permit to have these services in our residential area. We have lived in our home since 1967 and do not think that this is fair to us and our neighbors. There should be some other areas available where they could have their services without disturbing residents. Thank you for your understanding and help in regards to this great continuous problem.

Sincerley,

Tom and Helen Madrid
925 Collins Ct.
Hayward, CA 94544
Phone: (510) 784-9823

Erik Pearson

From: ruthagain@juno.com
Sent: Thursday, July 17, 2003 11:30 PM
To: Erik Pearson
Subject: Ref PL-2003-0373 AUP

Dear Mr. Pearson,

My husband and I have owned and lived in our home on Collins Court, around the corner from 28767 Ruus Road, for over 27 years. The property in question has been used as a church for as long as we can remember, and we see no need to change that. We are in favor of granting a permit for the Christian Vigilance Church to operate at that address. We hope, however, that the congregation will take steps to tend to landscaping of the property to enhance the appearance of the neighborhood.

Sincerely,

Ruth Gaines
973 Collins Court
Hayward, CA 94544-5705
(510) 785-6470

The best thing to hit the internet in years - Juno SpeedBand!
Surf the web up to FIVE TIMES FASTER!
Only \$14.95/ month - visit www.juno.com to sign up today!

JURISDICTION :

28767 RUUS

09/27/04 PAGE 0001

ADCH -- Police

SEARCH PARAMETERS

FROM : 09/01/03 00:00
TO : 12/31/03 23:59
REC TYPE : Police
LOCATION : 28767 RUUS*

**** INCIDENT HISTORY -- DETAILED ****

INCIDENT NUMBER : P03113149

ENTERED: 09/15/03 22:18:13 BY DSP4/MJ9847
DISPATCHED: 09/15/03 22:22:55 BY DSP1/GT2801
ENROUTE: 09/15/03 22:26:31
ONSCENE: 09/15/03 22:26:31
CLOSED: 09/15/03 22:28:28

INITIAL TYPE: 415
FINAL TYPE: 415 (DISTURBANCE IN PROGRESS)
Police BLK: HRS010 Fire BLK: 4705
MAP PAGE: N9 GROUP: P3 BEAT: H
LOCATION: 28767 RUUS RD
NAME: ANDY LAFLOR

PRIORITY: 3P DISPOSITION: GOA

ADDRESS:

PHONE: 783-9502

/2218 (MJ9847) ENTRY AT THE CHURCH / LARGE GROUP OF KIDS ARE OUTSIDE SCREAMING & YELLING / CONSTANT PROB /
/2219 (GT2801) HOLD
/2222 DISP 3F07 #OR9690 ORTIZ, RONALD
/2226 (OR9690) ONSCNE 3F07
/2226 ONSCNE 3F07
/2228 CLEAR 3F07 D/GOA ,SPOKE WITH PASTOR CORNEJO, HE WILL SPEAK WITH HIS MEMBERS
/2228 CLOSE 3F07

ATTACHMENT F

JURISDICTION :

DADCH -- Police

INCIDENT NUMBER : P03114014

ENTERED: 09/17/03 21:47:48 BY DSP6/CD3996
DISPATCHED: 09/17/03 22:29:28 BY DSP7/MJ9847
ENROUTE: 09/17/03 22:33:34
ONSCENE: 09/17/03 22:33:34
CLOSED: 09/17/03 23:06:20

INITIAL TYPE: 415
FINAL TYPE: 415 (DISTURBANCE IN PROGRESS)
Police BLK: HRS010 Fire BLK: 4705
MAP PAGE: N9 GROUP: P3 BEAT: H
LOCATION: 28767 RUUS RD
NAME: MR LAFLEUR

PRIORITY: 3P DISPOSITION: 8

ADDRESS: 28720 RUUS RD

PHONE: 785-9402

/2147 (CD3996) ENTRY LOUD GROUP OF KIDS OUT IN FRONT ..MAKING LOTS OF NOISE.. RP WANTS CONTACT ITS AN ONGOING PROBLEM
/2156 (GT2801) HOLD
/2229 (MJ9847) DISP 3F07 #OR9690 ORTIZ, RONALD
/2233 (OR9690) ONSCNE 3F07
/2233 ONSCNE 3F07
/2306 CLEAR 3F07 D/8 , INC NUMBER PROVIDED TO RP.HE WILL TAKE UP THIS ISSUE WITH THE CITY COUNCIL
/2306 CLOSE 3F07

CADCH -- Police

JURISDICTION :

09/27/04 PAGE 0003

INCIDENT NUMBER : P03126073

ENTERED: 10/13/03 21:42:38 BY DSP4/NV8985
DISPATCHED: 10/13/03 21:50:56 BY DSP1/LJ9896
ENROUTE: 10/13/03 21:51:09
ONSCENE: 10/13/03 21:52:36
CLOSED: 10/13/03 22:05:49

INITIAL TYPE: 415J
FINAL TYPE: 415J (DISTURBANCE - JUVENILES)
Police BLK: HRS010 Fire BLK: 4705
MAP PAGE: N9 GROUP: P3 BEAT: H
LOCATION: 28767 RUUS RD
NAME: ANON MALE

PRIORITY: 3P DISPOSITION: ADJ

ADDRESS:

PHONE:

/2142 (NV8985) ENTRY SAYS THERE IS A CHURCH GROUP LETTING OUT,,KIDS MAKING TOO MUCH NOISE,,OCC URS EVERYNIGHT
/2144 (LJ9896) HOLD
/2150 DISP 3F69 #NA2689 NGUYEN, ANTWAN
/2151 (NA2689) ENROUT 3F69
/2152 ONSCNE 3F69
/2205 CLEAR 3F69 D/ADJ ,NOISE STOP
/2205 CLOSE 3F69

LADCH -- Police

JURISDICTION :

09/27/04 PAGE 0004

INCIDENT NUMBER : P03130495

ENTERED: 10/22/03 21:42:00 BY DSP4/WR4296
 DISPATCHED: 10/22/03 21:58:31 BY DSP1/GK0358
 ENROUTE: 10/22/03 21:59:07
 ONSCENE: 10/22/03 22:01:59
 CLOSED: 10/22/03 22:03:52

INITIAL TYPE: 415J
 FINAL TYPE: 415J (DISTURBANCE - JUVENILES)
 Police BLK: HRS010 Fire BLK: 4705
 MAP PAGE: N9 GROUP: P3 BEAT: H
 LOCATION: 28767 RUUS RD
 NAME: LAFLORE

PRIORITY: 3P DISPOSITION: UNF

ADDRESS:

PHONE: 7859402

/2142 (WR4296) ENTRY IFO...5 MALES, UNK RACE...MAKING TOO MUCH NOISE IFO...EACH WEDNESDAY NIG HT, AT THIS BLDG, THERE IS SOME
 TYPE OF GATHERING AND THE KIDS COME OUTSIDE AN D MAKE TOO MUCH NOISE
 /2144 (GK0358) HOLD
 /2158 DISP 3G86 #HK6120 HACKL, KEVIN
 /2159 (HK6120) ENROUT 3G86
 /2159 (GK0358) ASST 3H51 [28767 RUUS RD] #FR8997 FARRO, ROBERT
 /2159 CLEAR 3H51
 /2159 ASST 3E57 [28767 RUUS RD] #MJ9840 MILLS, JON
 /2159 (MJ9840) ENROUT 3E57
 /2201 (GK0358) ONSCNE 3G86
 /2202 CLEAR 3E57
 /2203 (HK6120) CLEAR 3G86 D/UNF ,CHURCH SERVICES ENDING
 /2203 CLOSE 3G86

INCIDENT NUMBER : P03149992

ENTERED: 12/06/03 22:22:02 BY DSP4/VS0482
 DISPATCHED: 12/06/03 23:15:13 BY DSP1/MJ9847
 ENROUTE: 12/06/03 23:15:13
 ONSCENE: 12/06/03 23:15:13
 CLOSED: 12/06/03 23:15:47

INITIAL TYPE: 415
 FINAL TYPE: 415 (DISTURBANCE IN PROGRESS)
 Police BLK: HRS010 Fire BLK: 4705
 MAP PAGE: N9 GROUP: P3 BEAT: H
 LOCATION: 28767 RUUS RD
 NAME: LEFLORE

PRIORITY: 3P DISPOSITION: GOA

ADDRESS:

PHONE: 785-9402

/2222 (VS0482) ENTRY GROUP OF TEENS MAKING ALOT OF NOISE AND SEVERAL CARS IN THE PARKING LOT.. THE BUILDING IS SUPPOSE TO BE
 CLOSED AT 2200 , , , RECENTLY MET WITH THE CITY PLANNING COMMISSION REGARDING THIS CHURCH
 /2222 SUPP TXT: INF STATES THEY ARE YELLING AND RUNNING AROUND THE BUILDING AND SPEEDING IN AND OUT OF THE PARKING L
 OT
 /2224 (LJ9896) HOLD , THEY LEFT WE CAN CANCEL
 /2313 (VS0482) CANCEL
 /2313 CLOSE
 /2315 (MJ9847) REOPEN , NO MORE INFORMATION
 /2315 DISPOS 3F07 #OR9690 ORTIZ, RONALD
 /2315 (OR9690) CLEAR 3F07 D/GOA
 /2315 CLOSE 3F07

CADCH -- Police

JURISDICTION :

09/27/04 PAGE 0001

SEARCH PARAMETERS

FROM : 01/01/04 00:00
TO : 08/31/04 23:59
REC TYPE : Police
LOCATION : 28767 RUUS*

**** INCIDENT HISTORY -- DETAILED ****

INCIDENT NUMBER : P04016617

ENTERED: 02/09/04 12:29:00 BY DSP3/TV7452
CLOSED: 02/09/04 12:43:50

INITIAL TYPE: 1033
FINAL TYPE: 1033 (ALARM SOUNDING)
Police BLK: HR5270 Fire BLK: 4705
MAP PAGE: N9 GROUP: P3 BEAT: H
LOCATION: 28767 RUUS RD
NAME: BRINKS #106

PRIORITY: 3P DISPOSITION: CAN

ADDRESS:

PHONE: 8008740881

/1229 (TV7452) ENTRY AUDIBLE//HALLWAY DOOR//REFERENCE #040-12601//1022C
/1229 (NM9099) MISC ,BOLF
/1229 HOLD
/1243 (TV7452) CANCEL , PER ALARM CO
/1243 CLOSE

CADCH -- Police

JURISDICTION :

INCIDENT NUMBER : P04094862

ENTERED: 08/08/04 18:40:56 BY DSP4/LJ9896
DISPATCHED: 08/08/04 19:42:56 BY DSP1/GK0358
ENROUTE: 08/08/04 19:42:56
ONSCENE: 08/08/04 19:44:54
CLOSED: 08/08/04 19:49:51

INITIAL TYPE: 415M
FINAL TYPE: 415M (DISTURBANCE - MUSIC) PRIORITY: 3 DISPOSITION: ADJ
Police BLK: HR5270 Fire BLK: 4705
MAP PAGE: N9 GROUP: P3 BEAT: H
LOCATION: 28767 RUUS RD
NAME: ANDREW LATHOR ADDRESS: 28720 RUUS PHONE:

CONTACT RP AT 28720 RUUS,,RE LOUD MUSIC ACROSS THE STREET AT 28767
/1840 (LJ9896) ENTRY
/1913 (TV7452) HOLD
/1942 (GK0358) DISPER 2G31 #RD1913 RAMSEY, DERREL
/1942 ASSTER 2E38 #HZ4215 HOYER, ZACHARY
/1944 ONSCNE 2E38
/1944 ONSCNE 2G31
/1945 MISC 2G31 ,SEEMS LIKE CHURCH FUNCTION
/1949 CLEAR 2G31 D/ADJ
/1949 CLEAR 2E38
/1949 CLOSE 2E38

RECEIVED

FEB 19 2004

2-18-04

MR. PEARSON:

PLANNING DIVISION

- 12-31-03 Loud RACKET INCLUDING AMPLIFIED MUSIC + SINGING
Kids YELLING + SCREAMING. LOTS OF CARS COMING + GOING UNTIL
12:30 PM.
- Fri- 1-2-04- AGAIN KIDS RUNNING AROUND BUILDING BEING CHASED
BY ADULTS FOR AN HOUR OR SO. FINALLY STOPPED AT 10:15 PM.
LAST CARS LEAVING LOT AT 10:35 PM.
- SUN 1-4-04 LAST CARS LEFT LOT AT 10:15 PM.
- MON 1-12-04 BLARING Loud MUSIC (AMPLIFIED) FROM 7:30 PM
OFF + ON UNTIL 10:15 PM.
- SAT- 1-17-04 6:30 PM Loud AMPLIFIED MUSIC - I CALLED
THEM (CORNEJO) + ASKED IF THEY WOULD CUT DOWN THE
NOISE OR SHOULD I CALL POLICE TO HAVE THEM
STOP THE RACKET? THEY DECIDED TO STOP + did.
- wed- 1-21-04 AT 10:15 PM. KIDS SCREAMING + RUNNING
AROUND THEIR PARKING AREA + CARS HONKING + ENGINES
RACING + BROKE UP AT 10:20 PM.
- wed- 1-28-04- Loud AMPLIFIED MUSIC BEGIN AT 7:30 WITH
CLAPPING + SINGING AS ALWAYS DOORS WIDE OPEN TO
PROVE TO US ANYTHING GOES. THIS WENT ON UNTIL
10:25 PM.
- FRI- 1-30-04- Loud AMPLIFIED MUSIC WITH DOOR WIDE OPEN + NOW
AN ADDED FEATURE (A TRUMPET) -!! AND AGAIN OFF + ON
Loud NOISE FINALLY BROKE UP AT 10:10 PM + CARS
LEAVING WITH EACH ONE ATTEMPTING TO BE LOUDER
THAN THE ONE THAT LEFT BEFORE THEM.

SUN. 2-1-04 - LOUD AMPLIFIED MUSIC - SINGING & CHAPPING
AT 4:45 P.M. ON GOING FOR AN HOUR WITH DOORS WIDE
OPEN AS USUAL.

MON 2-2-04 - HORN HONKING AT 5:07-AM AT LOCKED GATE
WITH SOME ONE SHOUTING AT PEOPLE INSIDE BUILDING
TO OPEN GATE FOR THEM TO GET IN LOT.!!

AS YOU CAN SEE BY MY NOTES THE PATTERN
IS PRETTY CLEAR.

1. 5:00 AM NOISE EVERY MORNING WITH TOTAL
DISREGARD TO NEIGHBORS -

2. MON, WED. & FRI - NIGHTS IS STAY
AS LATE AS YOU WISH & ALLOW KIDS TO MAKE
ALL THE RACKET THEY WANT TO.

3. EVERY SUN IS A THREE SESSION AFFAIR
WITH CARS PULLING IN & OUT ALL DAY LONG, LOUD
MUSIC & CHAPPING WITH DOORS WIDE OPEN TO
MAKE SURE WE DON'T MISS ANY OF IT.

RESPECTFULLY

Andy Lutten



CITY OF
HAYWARD
HEART OF THE BAY

August 6, 2004

Juan Ramon Cornejo
Christian Vigilance Church
28767 Ruus Road
Hayward, CA 94544

Subject: Use Permit Modification – PL-2003-0373; 28767 Ruus Road, HAYWARD

Dear Mr. Cornejo,

As you know, the conditions of approval for your Use Permit require several improvements on the church property to be completed by specific deadlines. I understand that you are pursuing a building permit for an addition to the church building, but the fact that you have submitted plans for the addition does not relieve you of the requirement to complete the improvements to the building and parking lot.

Furthermore, I have received numerous complaints about the church operating too early in the morning and too late at night. I have documentation of early morning and late night operation happening regularly during December, 2003 through February of this year. After we talked in March, things seemed to have quieted down. I have noted only two days in March and April when the operating hours were violated. In June, a neighbor on Collins Court complained that children were poking sticks at his dog through the fence. Finally, yesterday I was informed by a neighbor that the operating hours have been violated on a regular basis for the past few weeks.

Currently, the church is in violation of conditions of approval 4 (soundwall), 5 (sign), 7 (lighting plan), 8 (windows, air conditioning and sound insulation), 12 (hours of operation) and possibly 10 (keeping doors and windows closed) and 13 (orderly conduct). The driveway and parking lot is required to be paved by August 17, 2004. Condition 33 states that violation of the conditions may result in a revocation hearing before the Planning Commission.

If conditions 4, 5, 7 and 8 are not completed and improvement plans for the parking lot not submitted by September 7, 2004, then we will proceed with scheduling a revocation hearing with the Planning Commission. Also, any future violation of the hours of operation or observance of disorderly conduct will be grounds for proceeding with a revocation hearing. If the Planning Commission revokes the Use Permit, then the church will be required to stop all operations.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

777 B STREET, HAYWARD, CA 94541-5007
TEL: 510/583-4200 • FAX: 510/583-3649 • TDD: 510/247-3340

ATTACHMENT G

SEP 08 2004

PLANNING DIVISION

August 30, 2004

Mr.
Erik J. Pearson, AICP
Associate Planner
Planning Department
City of Hayward
777 B Street, Hayward Ca. 94541

Subject: Use permit modification –PL-2003-0373; 28767 Ruus Road, Hayward

Dear Mr. Pearson,

We are responding you, in reference to your letter dated: August 6, 2004 as follows:

A.- THE DRIVEWAY AND PARKING LOT:

Unfortunately for many reasons, we could not comply with the dew date of: August 17, 2004 for the installation of asphalt work as you requested in your letter. We are having our Civil Engineer, Mr. Franquintin T. Talania, of Talania & Associates, Consulting Engineers, to make final revisions to the drainage plan, including catch Basins, underground drain system and appropriate connection to the existing creek located at the north property line of this site. We expect plans to be ready at the end of this week, and after proper plan check/approval by the City, we will install new Asphalt work, site improvement required by the City's conditions of approval for Use Permit.

B.- CONDITIONS 4,5 and 8:

We are having our Building Architect, Civil Engineer, and Irrigation-Landscape Consultants professionals, to complete all needed planning, to be ready for submittal to City's Planning Department, by September 7, 2004 to avoid scheduling a revocation hearing with the Planning Commission.

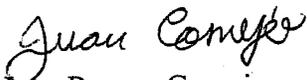
C.- CONSTRUCTION SCHEDULE:

As we mentioned before, we are securing our License Contractor for the Implementation of underground installations, Drainage system, Electrical Conduit, Irrigation sleeves under new asphalt areas, concrete work etc. to start work as soon as plans are authorized by the City's Planning, Public Works and Construction Departments.

D.- HOURS OF CHURCH OPERATION:

We are implementing a new church operation program, that allow us to comply with The City's 12 hours of operation condition. As per condition of approval No.12, The hours of operation shall be no earlier than 7 a.m. and no later than ^{10:00} p.m. daily. Services/meetings shall end by 9:30 p.m. and all cars (with the exception of custodial or administrative staff) shall exit the premises and the gate closed and locked across the driveway by 10 p.m. nightly.

Sincerely yours,



Juan Ramon Cornejo
Christian Vigilance Church
28767 Ruus Road,
Hayward Ca. 94544



CITY OF
HAYWARD
HEART OF THE BAY

September 30, 2004

Juan Ramon Cornejo
Christian Vigilance Church
28767 Ruus Road
Hayward, CA 94544

Subject: Use Permit – PL-2003-0373; 28767 Ruus Road, HAYWARD

Dear Mr. Cornejo,

As stated in my letter of August 6, 2004, you had until September 7, 2004 to complete the work required by several conditions of approval and to submit plans for the parking lot. The work has not been completed and the plans have not been submitted. Furthermore, we have received additional complaints about the hours of the church's operation.

You are hereby informed that the Planning Commission will conduct a public hearing on October 21, 2004 to consider revoking the church's use permit. If the Commission revoke's the use permit, the church will be required to cease all operations.

You will receive a copy of my report to the Commission approximately 5 days prior to the hearing. If you have any questions, please contact me at (510) 583-4210 or e-mail me at erik.pearson@hayward-ca.gov.

Sincerely,

Erik J. Pearson, AICP
Associate Planner

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

777 B STREET, HAYWARD, CA 94541-5007
TEL: 510/583-4200 • FAX: 510/583-3649 • TDD: 510/247-3340

ATTACHMENT I

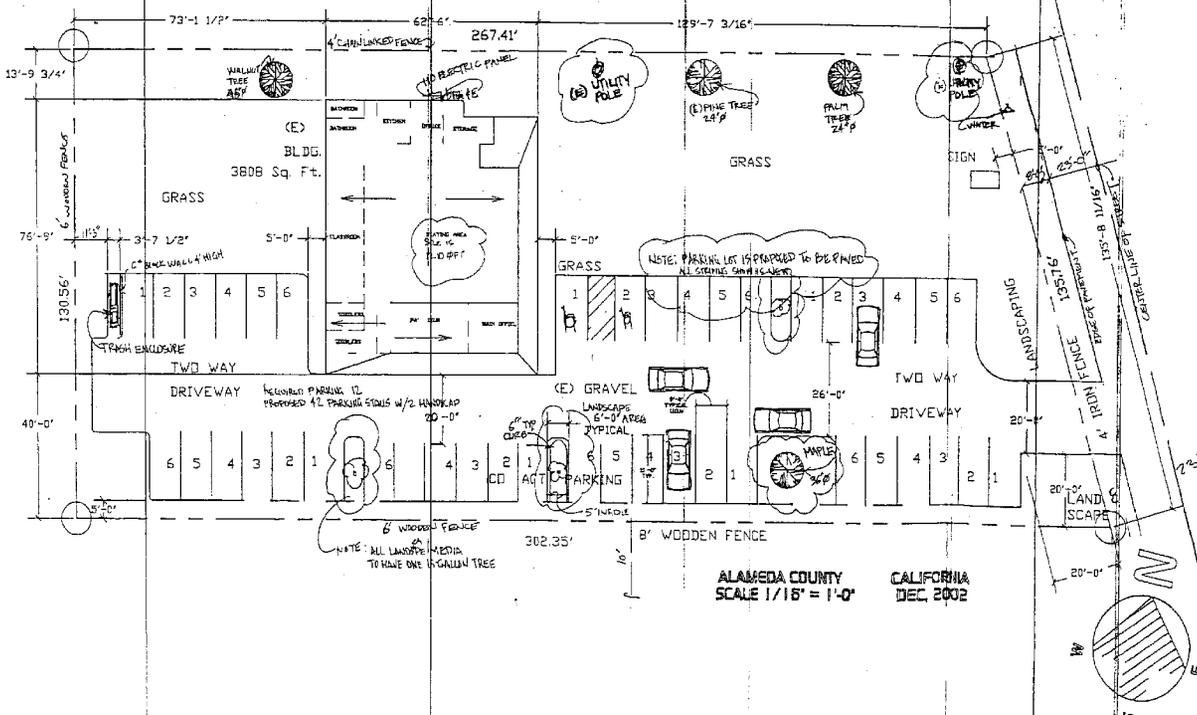


37,250 TOTAL LOT SQ. FT.
 3,808 EXISTING SQ. FT.
 10 PERCENTAGE %
 APN: 464-0075-002

VICINITY

GENERAL NOTES

1. ALL WORK IS TO COMPLY W/ THE U.B.C., N.E.C., U.A.C., U.P.C., & THE CALIFORNIA ADMINISTRATIVE CODE VERBLY ADOPTED W/ THE OFFICE OF THE CHIEF BUILDING OFFICIAL.
2. ALL CLOSETS ARE TO HAVE ROD @ 5'-0" & 2 FIX. SHELVES ABOVE, U.N.D.
3. PROVIDE BACKING/ BLOCKING FOR ALL SURFACE MOUNTED OBJECTS.
4. CHAIRRAILS ARE TO COMPLY W/ U.B.C. 509 & TABLE 16-B, CAT.9
5. HANDRAILS ARE TO COMPLY W/ U.B.C. 1006.9 & TABLE 16-B, CAT.9
6. UNDER FLOOR VENTRATION IS TO COMPLY W/ U.B.C.02317.7
- UNDER FLOOR ACCESS IS TO COMPLY W/ U.B.C. 1505.3
7. ATTIC VENTILATION IS TO COMPLY W/ U.B.C 1505.1
- ATTIC ACCESS IS TO COMPLY W/ U.B.C 1505.1
8. PROVIDE FIRE AND DRAFT STOP PER U.B.C. 106.2 & 708.3
10. PROVIDE SMOKE DETECTORS PER U.B.C.310.9
11. PROTECT ALL LANDSCAPING TO REMAIN, CONFER WITH OWNER TO ESTABLISHED NECESSARY STACKING & STORAGE AREAS.
12. SLOPE GRADE 1/4"12 MIN. FOR A DISTANCE OF 24" MIN. FROM ALL NEW EXTERIOR WALLS. PROVIDE TEMP. BALANCING VALVE @ ALL TUBS SHOWERS PER U.B.C. 410.7
13. ALL DIMS SHOWN ARE TO F.O. STRUCTURE. TYP. THE CONTRACTOR SHALL ADJUST DIMS AS NECESSARY TO ENSURE ALIGNMENT OF SIM. CONTIGUOUS FINISHES SUBJECT TO DRAFTERS APPROVAL.
14. ANY ITEMS INTENDED TO REMAIN OR BE RE-USED THAT ARE DAMAGE OR LOST SHALL BE REPAIRED OR REPLACED TO MATCH. SM. COND.



PLOT PLAN

SCALE 1/8" = 1'-0"

OWNER: GROUP: RELIGIOUS
 TYPE OF CONSTRUCTION: V-N
 STORES: L

ALAMEDA COUNTY CALIFORNIA
 SCALE 1/16" = 1'-0" DEC. 2002

JOB: CHRISTIAN VIGILANCE CHURCH	REVISIONS:	SCALE: 1/16" = 1'-0"
LOCATION: 28767 RUSL RE, HAYWARD CA 94544-9722	DRAWN BY: CAMPOS	CHECKED BY:
ARCHITECT: ARMANDO CAMPOS	DATE: 11/23/02	
2702 8TH AVE (OAKLAND, CA 94612) (510) 910-3662 - FAX: (510) 534-8763		

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

me
12/9/04

**RESOLUTION FINDING THE PROJECT CATEGORICALLY
EXEMPT FROM REVIEW UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) AND
REVOKING USE PERMIT NO. PL-2003-0373**

WHEREAS, on November 6, 2003, the Planning Commission unanimously approved modifications to a use permit for the Christian Vigilance Church, located 28676 Ruus Road, to address complaints from neighboring property owners about the negative impacts the Church's operations were causing; and

WHEREAS, the Planning Commission's modified conditions of approval included both operational and physical improvements to the Church directed at making the religious use more compatible with the adjacent residential uses, such as hours of operation and sound controls, improvements to the parking area, the removal of illegal structures on the property and installation of landscaping, among other conditions; and

WHEREAS, City staff continued to receive complaints from adjacent property owner about excessive noise and violations of the hours of operation and other failures to comply with the conditions of approval; and

WHEREAS, on October 21, 2004, the Planning Commission revoked the use permit for the Church based on the failure to comply with the conditions of approval, which action was appealed by the Church in accordance with the provisions of the City's Zoning Ordinance; and

WHEREAS, the City Council hereby finds and determines:

1. The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15321, Enforcement Actions by Regulatory Agencies;
2. The use and manner in which the Church's operations are conducted, managed and operated impairs the character and integrity of the Single Family Residential Zoning District in which it is located. The Church has repeatedly conducted meetings and played loud music in early in the morning and late at night; had children playing outside late at night; failed to construct a sound wall or pave the parking lot subjecting the neighboring residential property owners to unnecessary noise and dust and creating a nuisance, all in violation of the

conditions of approval imposed as part of the use permit. As authorized by the Zoning Ordinance, the use permit was modified in November 2003 to address the negating impacts that the Church's operations had on the neighboring single family residences and ensure that the use was operated in harmony with the adjacent properties, as envisioned by the single family residential zoning of the area. Despite numerous attempts by staff to gain the Church's compliance, the Church continued to operate in violation of its conditions of approval for the next 12 months.

3. The operational conditions, including those limiting the hours of operation and the playing of amplified music with the doors and windows open, which have no monetary cost to the Church, have been repeatedly ignored. The sound wall has not been constructed and the driveway and parking area have not been paved, nor has the landscaping and lighting been installed. These conditions of approval are requirements of neutral application imposed on all similar uses, whether religious or secular, that are designed to ensure that the use is operated in a manner that protects the health, safety and welfare of the community, as well as to ensure that the use does not constitute a nuisance to its neighbors, by reducing excessive noise, dust, mud and glare emanating from the Church's property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the appellant has not met all of the conditions of approval to the satisfaction of staff and therefore Planning Commission's decision to revoke Use Permit No. PL 2003-0373 is upheld.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____

City Clerk of the City of Hayward

ATTACHMENT B



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, December 14, 2004, 8:00 p.m.

MEETING

The Special Joint City Council/Redevelopment Agency Meeting was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Ward.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Quirk Halliday, Ward, Dowling,
Henson
MAYOR/CHAIR Cooper
Absent: COUNCIL/RA MEMBERS None

PRESENTATION – Pride in Hayward Award

The December Pride in Hayward Award recipients were from the Southgate Neighborhood. They were: Timothy and Jennifer Schluchter, Joan Bloom, Robert and Patricia Michels, Manuel Ramos and Aristeo and Mildred Macaranas.

PUBLIC COMMENTS

Jason Moreno commented on his new website.

Barbara Heringer-Swarr spoke on community involvement.

CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of December 7, 2004

It was moved by Council/RA Member Ward, seconded by Council/RA Member Henson, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Meeting of December 7, 2004.

2. Resignation of Committee Member Jaquith from the Economic Development Committee

Staff report submitted by City Clerk Reyes, dated December 14, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 04-173, "Resolution Accepting Written Resignation of Joyce Jaquith as a Member of the Economic Development Committee"

3. Appeal of Revocation of Use Permit PL-2003-0373 – Christian Vigilance Church (Appellant/Owner) – The Property is Located at 28767 Ruus Road

Staff report submitted by Associate Planner Pearson, dated December 14, 2004, was filed.

Associate Planner Pearson made the staff presentation and responded to Council questions.

Mayor Cooper opened the public hearing at 8:33 p.m. reiterating the time limits for speakers.

Pastor Cornejo, Christian Vigilance Church Pastor, enumerated the modifications to his church operations to comply with City requirements and in respect to the neighbors. He apologized to the community for any disturbances caused by his church. In response to Council Member Ward's question, he indicated that he had no experience in construction and was not aware of the costs. He thought the church would need two to three years to comply with the conditions.

Council Member Ward commented that the conditions are appropriate and it appears that the church is complying. He recommended that better communication take place and suggested an intermediary.

Council Member Halliday stated that she was on the Planning Commission when this was previously discussed and noted that the church promised to make its best efforts to comply. She was disappointed that the church could not comply with operational procedures that were not financial constrains. She asked why those conditions were not met.

Pastor Cornejo said that he misunderstood the Planning Commission's direction. He apologized on the disturbances caused by the cars to the neighbors. He indicated that he made some mistakes and is willing to correct them and meet with the neighbors.

Mayor Cooper urged that when he visits his neighbors door to door that he utilizes a person who is fluent in English.

Council Member Henson referred to the letter that was submitted by Bishop Macklin that offers to assist the church within the next sixty days. He asked Pastor Cornjeo if he could comply in a lesser time. Pastor Cornejo felt that he could.

Council Member Jimenez asked the members of the congregation to stand and they outnumbered the number of individuals that were against the continuance of the church.

Maria Cornejo, wife of Pastor Cornejo, stated that initially she did not understand what was being



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required. She noted that the church now has a private fenced area and their desire is to have a peaceful neighborhood.

Bishop J. W. Macklin presented a letter that offered and provided a solution. He talked of change and indicated that this is not the same neighborhood and stressed the importance of resolution. There is a cultural and communication shift that has resulted into this current situation. He reported that several other pastors have joined with him including Reverend Randal Smith of First United Methodist Church, and Reverend Richard Tanon of Templo De La Cruz. He asked for sixty days to resolve the issues. He also questioned the requirements for the hours of operation for churches.

It was noted that conditions for approval may include limited hours of operations for churches when there are neighbors similar to businesses.

Council Member Ward stated that he thought the operational issues could be resolved almost immediately. He asked whether the physical improvements could be completed within a reasonable time limit. He thanked the faith based community for its commitment and asked if there would be fiscal assistance. He asked whether the sound wall is required now that sound attenuation has been installed within the church altar area.

Planning Manager Anderly responded that minimum standards call for a masonry wall as the parking and the driveway are adjacent to homes. If the parking area and children's play area were moved to the north side, a masonry wall will not be necessary. She used an aerial photo to display the property. She thought that an alternative site plan with more landscaping could meet the required conditions.

Bishop Macklin suggested a community meeting and recommended that Council meet with clergy of this City to discuss mutual concerns. Council Members concurred. It was noted that the meeting would need to be noticed if four or more members attended.

Council Member Jimenez praised Bishop Macklin for his efforts to making this a better community and was confident that there would be resolution.

Council Member Dowling thanked Bishop Macklin for his efforts and reemphasized that no one is discriminating against the church or how it worships. He reviewed other churches with paved parking areas and landscaping, which is required. He noted that the Christian Vigilance Church parking area is dark and not safe and felt that the Church must meet some minimum requirements. In response to his question whether Spanish speaking resources were provided, staff stated that the effort to supply one was offered.

Reverend Randy Smith felt that mediation and reconciliation could be accomplished and worked out within the sixty-day period. He felt that the Christian community congregations should hold each other accountable. He offered the First United Methodist Church to be of assistance and

supported Bishop Macklin's proposal.

Yvette Diaz spoke in support of her rights to worship and was willing to cooperate to hold fast respect, responsibility and harmony with peace. She was willing to work with her neighbors and to assist with the children in order to be cooperative.

Juliana Mora stated that she attends the church and is willing to cooperate such as assisting with childcare. She explained childcare procedures to resolve some neighborhood concerns.

Leonel Mora explained that the church has installed an inner fence to maintain the children and commented that there are now adult supervisors to monitor during the service. He commented on that the double-paned windows and some additional constructional soundproofing.

Mayor Cooper noted that the improvements need to be inspected by City staff to conclude the compliance.

Carlos Garcia expressed his concerns for the future of his children and offered his assistance to his Pastor Cornejo.

The following members spoke in support of their church:

Lupita Salazar
Rodrigo Lugo, Jr.
Juan Navarro
Alfredo Lopez

Mayor Cooper emphasized that this was not an issue of religion.

Andrew La Fleur, a neighbor, reiterated the original Planning Commission conditions of approval related to operational procedures. He strongly opposed noise from the church.

Angel Lopez spoke on the efforts made by the musicians to lower the noise from musical instruments.

Jaime Lopez spoke on the church's focus to keep the noise level low.

Leo Espinoza from Tracy is a member of this church and restated the church efforts. He participated in the construction of the fence and its installation for the protection of the children.

Jason Moreno commented on granting extensions.

Mark Cohen, attorney representing Christian Vigilance Church, reported that his involvement is recent and his best argument on behalf of this church is that it is not fair to impose a substantial financial burden on a working community that supports its young and provides opportunities to do something worthwhile. He noted that this church is an asset to the immigrant community. He pointed out that this came to the City because of alleged parking lot violations. The church should have been told that it only needed to abate the illegal structure. Yet it was issued requirements to modify its use permit. He cited federal legal law related to substantial burden and the \$300,000 to



**MINUTES OF SPECIAL JOINT MEETING OF THE
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\$350,000 is a substantial financial burden. He indicated that under federal law, religious institutions must be treated differently. He agreed that a faith-based community mediator be utilized to resolve the issues with the neighbors. He proposed that this matter be continued and referred back to staff to work in a realistic manner to allow church compliance. He stated that there was insufficient evidence that the complaints are systematic. The conditions will take a little longer time to fulfill. Attorney Cohen said the church is prepared to comply. Lastly, he referred to documents he submitted prior to his speaking and asked that they be a part of the record, specifically the sound study.

Council Member Halliday asked whether this church was incorporated and whether there are financial resources to comply with the most compelling and safety related issues now.

Attorney Cohen reported that current resources are reserved for the sound wall construction. He was agreeable to meeting with staff to utilize the church's immediate resources for the best possible solution.

Mayor Cooper closed the public hearing at 9:48 p.m.

Mayor Cooper did not see a reason why the City cannot wait 60 days. She based her decision on the strength of Bishop Macklin's and Reverend Randy Smith's proposal that the faith-based community assist in resolving the issues.

Bishop Macklin was assured by Council that he could meet with staff prior to the public hearing. Mayor Cooper recommended that the Planning Division proceed through the City's guidelines. She emphasized that at the end of the 60 days, there needs to be a workable plan and a list of physical priorities according to the church's resources and what the other faith-based members are willing to do. She was disappointed that members could not offer more than was offered at the public hearing. She heard few commitments from members. Mayor Cooper was somewhat concerned about the well-being of the children and cautioned that if there is childcare provided other than during church services, the church must abide by the State guidelines for childcare. She admonished parents to take responsibility for the behavior of their children including when they are not in the presence and urged parents to be more responsible.

Council Member Ward agreed with Mayor Cooper and appreciated the offer of an extension. He strongly expressed his concerns to the church administration that they assume the responsibility to notify new members of the importance of being good neighbors. Council Member Ward also agreed that the church make arrangements to meet with the neighbors and find workable solutions relative to the noise situation, which he felt must be dealt with immediately. He urged the church to implement policies immediately, such as moving the cars.

Council Member Jimenez reiterated his confidence in Bishop Macklin. Council Member Jimenez moved, seconded by Council Member Henson, to provide a sixty day extension to allow Pastor

Cornejo to meet with the neighbors, the Planning staff and the faith-based community, led by Bishop J.W. Macklin, to resolve outstanding issues and implement policy steps immediately.

Council Member Henson stated that it was never the intent of this congregation to cause a problem for the neighbors and felt that the church did not fully understand the measures for compliance, nor the financial impacts to comply. He stressed open dialogue with neighbors to mitigate the issues. He emphasized the need to resolve the noise issue. Now that it has legal representation, it is important that members understand the implications of this very serious matter. He fully expects something tangible to result in sixty days and anticipates reviewing the list of priorities and urged the inspection by City inspectors of the current improvements that address the noise issues. He would be supporting the efforts to bring the church into compliance.

Council Member Dowling concurred with the compromise and appreciated Bishop Macklin and other religious leaders, who pledged to help the church. He commented that churches are different than businesses, but when there is a facility, the standard business practice is to comply as any business would. He reported that he drove by on Sunday evening and noted that the parking lot was very dark and in need of lighting for safety. He thought that the monument sign and the fence could be of wood construction. He agreed with Council Member Ward's excellent suggestion to revise the site plan to move the parking area from the resident side closer to the front of the parcel. This could lessen the need for a masonry wall and a wood fence would not be as costly. Council Member Dowling thanked the Planning Commission, staff and the neighbors for coming forward. He noted that there is a lot of good work in this community and the neighbors must be agreeable when there are changes. He noted that if this was a brand new facility there would be similar requirements. He did not want to see the church closed and hoped that operational implementations could resolve the noise issues immediately.

Council Member Halliday spoke in support of the Mayor's recommendation. She agreed with Mayor Cooper's suggestion to see a list of priorities in sixty days. She stressed the need to address safety issues, the neighbor issues, and then the final priority would be beautification issues. She appreciated the legal issues and noted that new facilities must have a use permit prior to occupancy. As this church was grandfathered in from the County, such was not required. She thought that there may be other properties and facilities in similar situations. She stated that the City may have some history in terms of timing and giving some flexibility for non-profit organizations. She personally appreciated the work done by churches of this community.

Bishop Macklin asked that staff provide him the specifics of the conditions and background information that staff is requesting to facilitate the resolution.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and carried unanimously, to provide a sixty day extension to allow Pastor Cornejo of the Christian Vigilance Church to meet with the neighbors, the Planning staff and the faith-based community, led by Bishop J.W. Macklin, to resolve outstanding issues and implement policy steps immediately.

Mayor Cooper called for a recess at 10:01 p.m. and reconvened the Council Meeting at 10:12 p.m.

ATTACHMENT C

Erik Pearson

From: Mark Cohen [mark@markcohenlaw.com]
Sent: Friday, January 14, 2005 2:23 PM
To: Erik Pearson
Subject: Christian Vigilance Church

Law Offices Of
Mark Cohen

U.S. Bank Building
39510 Paseo Padre Parkway, Suite 190
Fremont, California 94538
www.markcohenlaw.com

Phone (510) 792-4008

Fax: (510) 796-1624

TO: Mayor Roberta Cooper, City Council members Barbara Halliday, Olden Henson, Kevin Dowling, Bill Quirk, William Ward, and Matt Jimenez, Planner Erik Pearson

From: Mark Cohen, Attorney for Christian Vigilance Church

RE: Progress and Interim Report on the Christian Vigilance Church

DATED: January 14, 2005

TRANSMITTED BY EMAIL

The purpose of this letter is to advise you of the results of the community meeting held on January 10, 2005, at the Christian Vigilance Church as well as other relevant information.

On January 10, 2004 at 7:30 p.m. the Christian Vigilance Church invited its neighbors and the community at lodge to a meeting. The purpose of the meeting was to formally introduce the church to its neighbors and the community, to provide a history of the church, to outline the issues that the church faces with its neighbors and the city of Hayward, and to receive comments and critical input from the community.

On two separate days prior to the meeting date members of the church circulated a notice of the meeting to residents in the immediate neighborhood of the Church.

Twenty-three people attended the meeting. Pastor Juan Cornejo of the Christian Vigilance Church presented a history of the church. Following Pastor Cornejo's presentation I presented a procedural accounting of how the Church went from a "grandfathered" use permit to a modification of its permit. I also outlined the issues and problems that brought about the city of Hayward's efforts to revoke the church's use permit. I specifically let the audience know that I was interested in receiving comments

on how the Church can improve their relationship with its neighbors and went out of my way to let people know that critical comments are welcome. I also informed the audience that the results of this meeting will be forwarded to the appropriate city officials including all city council members.

I asked for show of hands as to how many people in attendance live in the neighborhood of the church. About four or five people raised their hands.

All comments expressed were in support of the church. No person voiced any complaints whatsoever. It appeared that quite a few people were from neighboring churches. There was quite a bit of criticism expressed toward the city of Hayward for limiting the hours of operation that the Christian Vigilance Church was permitted by the city of Hayward. Such limitations were viewed as an infringement of the Church members' rights to pray and practice their religion. Notwithstanding the fact that I am the attorney for the Church I explained that the city of Hayward does have a right to impose reasonable hours of operation in the interests of protecting the residents who live near the Church.

A discussion was also had as to the noise complaints that were lodged by members of the immediate neighborhood. Again, I explained to the audience that the city of Hayward does have a right to impose reasonable conditions that serve to address the noise complaints. However, I emphasized that the conditions must be reasonable. I also summarized what the Church had already done to address the noise concerns. In particular, I pointed out that the church has installed double pane windows, installed a sound wall behind the altar, has directed members to enter in the rear so that music does not project out to the front or side doors, and has a play area for children that is away from the parking lot and to the rear of the property.

In the context of explaining what the city of Hayward can and cannot impose as conditions of operation and physical improvement I discussed the Religious Land Use and Institutionalized Persons Act(42 USC 2000cc) also known as "RLUIPA". I explained that it is against the law for a city to impose land use regulations that place a substantial burden on a religious group such as a church, in their efforts to assemble and exercise their religious freedom rights unless those conditions are justified by a compelling state interest. Quite frankly, I expressed the opinion that the physical improvement conditions imposed upon the Church by the city of Hayward may not be enforceable because they impose a substantial burden upon the Church and are not justified by a compelling state interest. That is, the church cannot afford to pay \$350,000.00 or more to do what the city of Hayward is contending they must do and a parking lot, landscaping, and a sound wall are not justified by compelling state interests. None the less, I advised that my counsel to the Church was to do everything possible to work out a solution to the problem on an informal basis rather than resort to litigation.

There was much support expressed by the members in attendance to band together and help the Church in any way possible. Indeed, in a previous meeting with pastors of several Hayward area Churches a similar level of support was expressed. The issues that the Christian Vigilance Church faces are being viewed by Hayward's religious and lay leaders as ones that go beyond just the Christian Vigilance Church. Rather, these

issues are being viewed as ones that go to the heart of what a city can and cannot require of religious institutions. There is great concern expressed what may befall other churches in the area. In the face of this great concern and a willingness to stand up for the Christian Vigilance Church it has been and continues to be my counsel to do everything possible to work out a satisfactory resolution to the issues that the Christian Vigilance Church faces without the need to resort to confrontational litigation. I see no reason why such an informal resolution where both the needs of the city of Hayward and the Church cannot be met. I say this especially in light of the fact that noise issues have been abated.

Having not had any input of a critical nature at the meeting I made affirmative efforts to contact Mr. Andy La Fleur, who lives just across the street from the Church, and Mr. Tom Madrid, who lives on Collins Court and whose backyard faces the Church property. Both Mr. La Fleur and Mr. Madrid have been critical of the Church in the past. I therefore, thought it was important to go out of my way to speak with them and hear what they had to say.

To my pleasant surprise but Mr. La Fleur and Mr. Madrid advised me that they have no noise complaints. In fact, City Planner Erik Pearson also advised me that Mr. La Fleur had made a similar statement to him. Both Mr. La Fleur and Mr. Madrid were quite friendly to me and I expressed my appreciation for their candid and supportive comments. I advised both of these gentlemen that I would be reporting my conversation to the city council members and other city officials.

I asked both Mr. La Fleur and Mr. Madrid if they had an opinion as to whether a sound wall or paved parking lot should be constructed first. Mr. La Fleur expressed a desire to see the issue of dust that emanates from the parking lot addressed. Mr. Madrid wanted a broken post fixed. From Mr. Madrid's overall comments I gathered that his preference would be to have a sound wall built.

It appears now that substantial progress has been made in addressing noise issues to the point where it is no longer an issue.

There appears to be support among many of the other Churches in Hayward to stand by the Christian Vigilance Church and do what it takes to address the issues that attend.

Additional meetings are planned with religious leaders as a follow up to the January 10, 2005, community meeting so that a specific plan can be developed. More details will follow.

As indicated above, this is an interim report. I thought that it was important to keep the city council and city staff members informed as to what the Church had done since the last city council meeting of December 14, 2004, when a 60 day continence was granted. Please feel free to contact me if you have any

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ATTACHMENT D

Mark Cohen

— Law Office —

U.S. Bank Building
39510 Paseo Padre Parkway, Suite 190
Fremont, California 94538

Phone (510)792-4008
FAX (510)796-1624

VIA EMAIL(DYANA.ANDERLY@HAYWARD-CA.GOV) AND U.S. MAIL

February 10, 2005

Ms. Dyana Anderly
Planning Manager
City Of Hayward Planning Division
777 B Street
Hayward, CA 94541-5007

RE: My Client: Christian Vigilance Church,
28767 Ruus Road, Hayward
Administrative Use Permit PL-2003-0373: Ruus Road, Hayward

Dear Ms. Anderly:

The purpose of this letter is to confirm my understanding of the direction we are headed in dealing with the issues surrounding the Christian Vigilance Church's use permit. It doing so, it is best that I review some of the discussions that have taken place over the last 10 days.

A meeting was held at the city of Hayward's offices on February 1, 2005, at which time you were present along with myself, Associate Planner Erik Pearson, Bishop Macklin and Pastor Randy Smith. At this February 1, 2005, meeting Bishop Macklin made a proposal that would serve resolve the issues surrounding the city of Hayward's actions to revoke the Christian Vigilance Church's use permit. I thought I made it clear at the time that the proposal Bishop Macklin had made was on behalf of the Christian Vigilance Church. By our conversations of February 9, 2005, and February 10, 2005, I did confirm that in fact, what was discussed and proposed at the February 1, 2005, meeting was the position of the Christian Vigilance Church. This letter affirms the prior representations.

It is important to put the proposals made at the February 1, 2005, meeting and presently being considered by the city of Hayward, in proper context. Bishop Macklin was rightfully concerned about the actions taken against the Christian Vigilance Church and the implications such actions have for the other religious institutions located in the city of Hayward.

There was particular concern about the attachment of conditions on the Christian Vigilance Church's use permit that posed a substantial financial burden on this religious institution. There was also general and sincere concern for the precedent that was being set by the city of Hayward's actions toward the Christian Vigilance Church and the implications such precedent may have on other religious institutions in the city of Hayward.

There was also particular concern for the language contained in the Christian Vigilance Church's use permit that pertain to hours of usage and the manner of conducting religious services. See in particular, condition numbers 9,10, and 12.

In light of all the concerns expressed, Bishop Macklin made a rather practical proposal that allows everyone as the expression goes, "to go back to square one." That is, The Christian Vigilance Church would operate under the permit conditions that existed prior to the permit's modification by the city of Hayward which took place on November 9, 2003. The justification offered to this approach, in addition to the concerns expressed, was that the major complaints that have brought the Church and the City of Hayward to the point that we now face have been addressed. That is, the issues surrounding noise and related disturbances have been abated. There have been no complaints by neighbors for about three months now since the Church has taken several steps to address noise issues. In particular, the Church has installed a sound wall behind the altar, installed double pain windows, installed an air conditioning system, has created a child play area and has continually instructed its members to enter in the rear of the structure and do so quietly.

Notwithstanding the revision back to the prior permit conditions it was proposed that the Christian Vigilance Church voluntarily engage in a re-paving

of the parking lot and undergo a landscaping improvement program. In light of the abatement of noise problems it was thought that the limited funds available to the Church for improvements can best be spent on landscaping and parking lot changes rather than a sound wall.

You had not committed the city of Hayward to the approach suggested by Bishop Macklin. Rather, you quite appropriately wanted to discuss this matter with other city officials. You were then going get back to me and Bishop Macklin. None the less, I thought that the meeting ended with a feeling that we were all headed in the right direction and on our way to a resolution of some sort.

Because you needed to discuss this matter with other city officials and because I as well as Bishop Macklin needed to know whether we could continue to pursue the approach suggested it was not possible to present a specific landscaping or parking lot plan. Once we had the approval or indication from the city of Hayward that the discussed approach was acceptable the Christian Vigilance Church, with the assistance of Bishop Macklin and perhaps other volunteers, would then come back to the city of Hayward with more formal and specific plans. In that regard, we also talked about moving the parking lot to the front of the Church building and away from the rear yards of the adjacent residences and moving the driveway entrance to the north end of the lot frontage. Such changes of course, will require a cost estimate before it can be determined if it is financially feasible to immediately implement. Again, once we have the approval of the city of Hayward to take the suggested approach the Christian Vigilance Church would obtain estimates and draw up specific plans. If immediate commencement of work on all such improvements were not possible due to a lack of funds to complete everything at once it would still be possible to commence some work now and raise funds for additional work over a reasonable period of time. A reasonable period of time may be anywhere from two to five years.

Because it appeared that our discussion were quite positive and because the Christian Vigilance Church needs to first know whether the city of Hayward would agree to the suggested approach, it was apparent that specific plans

would not be ready for presentation by the planned February 22, 2005 City Council meeting. It is for this reason that I even suggested to you that if the city is in agreement with the suggested approach or we are clearly headed in the right direction, we should continue the hearing scheduled for February 22, 2005.

When we spoke on February 10, 2005, over the telephone, you informed me that the city manager wants to go forward with the hearing on February 22, 2005. I suggested to you however, that unless the City Council decides to revoke the Christian Vigilance Church's permit on February 22, 2005, it is obvious that we will have to come back at a later date for additional discussions or approvals. Never the less, as I think about it now, the directive of the City Council was to come back with a plan. I believe that what we are now proposing is a plan that is sufficiently detailed to present to the City Council and is consistent with their directive. With staff support of the proposed approach we can proceed after the February 22, 2005, meeting with further development of the plan.

When we ended our telephone conversation of February 10, 2005, I asked you what your next steps will be and what you expect from me. You advised me that you would get back to me by next week with Staff's position. I will await your word on the subject so that I may properly advise my client on how to proceed.

I do feel quite positive about all our recent discussions and believe that we are clearly headed in a direction that will lead to a fair resolution for the Christian Vigilance Church as well as the City of Hayward. A recommendation by staff that supports Bishop Macklin's approach in my view, will ultimately end up with a much improved Church site, one that the Church can afford to create, and one that both the Church and the City of Hayward can be proud of.

Sincerely,

MARK COHEN

February 10, 2005
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Attorney at Law

C.c. Bishop Macklin(via email)
Pastor Randy Smith(via email)

DRAFT



HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION ADOPTING TIME FRAMES FOR
COMPLETION OF CONDITIONS OF APPROVAL FOR USE
PERMIT NO. PL-2003-0373

BE IT RESOLVED, by the City Council of the City of Hayward that the time
frames for completion of the conditions of approval contained in Use Permit No. PL-2003-0373
are hereby adopted and approved by the City Council.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT A

TIME FRAMES FOR COMPLETION OF CONDITIONS OF APPROVAL CONTAINED IN USE PERMIT NO. PL 2003-0373

1. March 1, 2005 - Remove identification of sign that does not meet City's Sign Regulations.
2. March 22, 2005 - Remove accessory buildings.
3. October 1, 2005 - Install parking lot lighting to adequately illuminate parking areas. This time frame takes into consideration diminished amount of daylight hours at this time.
4. October 15, 2005 - Complete re-paving all parking areas and provide enough paved parking area (including to the west of ht church building) to accommodate parking relocated from southerly property line and Fire Department turnaround. Include installation of concrete curbs delineating future landscape areas. This time frame assumes that these parking areas will be re-paved before the next rainy season.
5. February 22, 2006 - Complete installation of landscaping.