



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**CITY COUNCIL AGENDA**  
**MAY 29, 2012**

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**MAYOR MICHAEL SWEENEY**  
**MAYOR PRO TEMPORE BARBARA HALLIDAY**  
**COUNCIL MEMBER OLDEN HENSON**  
**COUNCIL MEMBER MARVIN PEIXOTO**  
**COUNCIL MEMBER BILL QUIRK**  
**COUNCIL MEMBER MARK SALINAS**  
**COUNCIL MEMBER FRANCISCO ZERMEÑO**

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**CITY COUNCIL MEETING FOR MAY 29, 2012**  
777 B STREET, HAYWARD CA 94541  
[WWW.HAYWARD-CA.GOV](http://WWW.HAYWARD-CA.GOV)

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**SPECIAL CITY COUNCIL MEETING**  
**Council Chambers - 7:00 PM**

**CALL TO ORDER Pledge of Allegiance** Council Member Salinas

**ROLL CALL**

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**PUBLIC COMMENTS:** *(The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, or Informational Staff Presentation items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.)*

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**NON-ACTION ITEMS:** *(Work Session and Informational Staff Presentation items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.)*

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**WORK SESSION**

1. FY 2013 & FY 2014 Recommended Biennial Budget Work Session #3 - Department Budget Presentations: City Clerk; City Manager; Mayor and City Council; Library and Community Services; Fire (Report from Finance Director Vesely and Department Directors)  
[Staff Report](#)
- 

**ACTION ITEMS:** *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk anytime before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

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## CONSENT

2. Approval of Minutes of the City Council Meeting on May 15, 2012  
[Draft Minutes](#)
  3. Termination of Amended and Restated Bond Regulatory Agreement for the Waterford Apartments and Approval of Related Documents  
[Staff Report](#)  
[Attachment I Resolution](#)
  4. Authorization for the City Manager to Execute the Revised Agreement to Implement the Alameda Countywide Clean Water Program  
[Staff Report](#)  
[Attachment I Resolution](#)
- 

*The following order of business applies to items considered as part of Public Hearings and Legislative Business:*

- *Disclosures*
  - *Staff Presentation*
  - *City Council Questions*
  - *Public Input*
  - *Council Discussion and Action*
- 

## PUBLIC HEARING

5. Council Member Call-Up of Planning Commission Approval of a Proposed 44-Unit Condominium Project Located at 22471-22491 Maple Court in the Central City Commercial (CC-C) Zoning Subdistrict - Conditional Use Permit Application PL-2011-0132/Tentative Tract Map Application PL-2011-0133 – KB Design and Consulting, Ben Wong (Applicant)/Maple Court Homes (Owner) (Report from Development Services Director Rizk)  
[Staff Report](#)  
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[Attachment VII April 24, 2012 CC Report](#)  
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[Attachment X March 8, 2012 PC Minutes](#)  
[Attachment XI Development Plans](#)  
[Attachment XII - Greg Jones e-mail](#)

MAY 29, 2012



## COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items

## ADJOURNMENT

**TUESDAY, JUNE 5, 2012, MEETING CANCELED**  
**\*\*\* ELECTION DAY \*\*\***

**NEXT SPECIAL MEETING – 7:00 PM, TUESDAY, JUNE 12, 2012**

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***PUBLIC COMMENT RULES:*** *The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name and their address before speaking and are expected to honor the allotted time. A Speaker Card must be completed by each speaker and is available from the City Clerk at the meeting.*

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***PLEASE TAKE NOTICE*** *that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.*  
***PLEASE TAKE FURTHER NOTICE*** *that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.*

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***\*\*\*Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4<sup>th</sup> Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. \*\*\****

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*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.*

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***Please visit us on:***



MAY 29, 2012





**DATE:** May 29, 2012  
**TO:** Mayor and City Council  
**FROM:** Director of Finance  
**SUBJECT:** FY 2013 & FY 2014 Recommended Biennial Budget Work Session

**RECOMMENDATION**

That Council reviews and comments on the FY 2013 & FY 2014 Recommended Biennial Budget.

**DISCUSSION**

The City Manager presented to City Council the FY 2013 & FY 2014 Recommended Biennial Operating Budget on May 8, 2012 – for Council consideration over the seven weeks prior to adopting the budget on June 26, 2012.

Tonight marks the third of four work sessions on the recommended two-year budget. Staff will present to Council key budget and program elements for each City department program area listed below.

Presentations scheduled for tonight include:

- City Clerk
- City Manager
- Mayor & City Council
- Library & Community Services
- Fire

The budget document is available to the public electronically at [FY 2013 & FY 2014 Recommended Operating Biennial Budget](#).

*Prepared and Recommended by:* Tracy Vesely, Director of Finance

*Approved by:*

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Fran David, City Manager



**MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, May 15, 2012, 7:00 p.m.**

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The City Council Meeting was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Sweeney.

**ROLL CALL**

Present: COUNCIL MEMBERS Zermeño, Quirk, Halliday, Peixoto, Salinas,  
Henson  
MAYOR Sweeney  
Absent: None

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson reported that Council met with legal counsel, pursuant to Government Code 54956.9, regarding Mitchell Engineering, etc. v. City of Hayward, Alameda County Superior Court No. HG09483573, and the Council unanimously approved settlement of the case with funds coming from the East Bay Municipal Utility District and the San Francisco Public Utilities Commission. Mr. Lawson added that Council met with legal counsel, pursuant to Government Code 54956.9, regarding one anticipated case; pending litigation regarding City of Hayward, et al. v. California State University Trustees, et al., Court of Appeal No. A132423; and pending litigation concerning Sipple, et al. v. City of Alameda, et al., Los Angeles County Superior Court No. BC 4662270. He reported there was no reportable action regarding the three items.

**PROCLAMATION**

**Certificate of Commendation**

Mayor Sweeney presented a Certificate of Commendation to Fire Chief Craig Bueno upon his retirement from the City of Hayward on May 12, 2012, in recognition of his dedication and commitment as Fire Chief for the City of Hayward. Chief Bueno began his service with the City as a firefighter in 1985 and moved through the ranks and was promoted to Fire Chief in March 2008. Chief Bueno was active in the Hayward community serving on the St. Rose Hospital Foundation Board of Directors and the Hayward Rotary Club. Mayor Sweeney expressed his appreciation for Chief Bueno's contribution to the Hayward community.

**PRESENTATION**

**Annual Recycling Poster and Essay Contest**

Mayor Sweeney noted this year marked the 29<sup>th</sup> Annual Clean-up Days Campaign and thanked the Keep Hayward Clean and Green Task Force for its efforts with clean up events. He mentioned there were 843 entries from 25 Hayward schools. He thanked the students for their participation, the teachers for encouraging the students, and the five judges for evaluating and selecting winners.

Council Member Henson noted the Annual Clean Up event was on May 19, 2012, at Weekes Park. He thanked various local businesses for their generous contributions. He announced the winners for essay and poster contests and presented them with awards and gift certificates. He also acknowledged and announced the teachers of essay and poster winners and presented them with gift cards. Mayor Sweeney drew names of students for this year's two bonus prizes of \$200 each. Autumn Rodriguez was the essay winner and Shaina Louise Sunga was the poster winner. Mr. Henson congratulated all winners, thanked the teachers, and invited all to enjoy refreshments.

## **PUBLIC COMMENTS**

Police Chief Urban announced May 15, 2012, was National Peace Officers' Memorial Day in honor of all who served and gave their lives in the line of duty. Chief Urban announced a memorial event on May 18, 2012, at Chabot College to honor Hayward Office Rodney Pierce, who passed away on May 7, 2012. Chief Urban thanked Captain McAllister for his assistance with the video presentation, and thanked the men and women of the Police Department.

Mr. Dwight Turner, Barnrock Drive resident, member of the Landscape and Lighting District (LLD) #3, suggested the City need to implement online procedures and guidelines to assist residents in generating an LLD budget in line with the City's approval and help eliminate confusion. Mayor Sweeney requested that staff address Mr. Turner's concerns.

City Clerk Lens announced information related to the 2012 Municipal Election on June 5, 2012.

Mr. Jim Drake, Franklin Avenue resident, voiced concerns about restaurant power-washing grease into storm drains and the Police Department's lack of sound meter equipment to enforce the Noise Ordinance. Mayor Sweeney asked staff to ensure that officers have the equipment needed to enforce the ordinance.

Mr. Charlie Peters, with Clean Air Performance Professionals (CAAP), mentioned the loss of revenue for California due to 1.43 million U-Haul vehicles with out-of-state plates operating in California and not complying with smog regulations or paying Department of Motor Vehicle (DMV) fees. Mr. Peters submitted a report to Council regarding changing the ethanol in gasoline requirement from mandatory to voluntary.

Mr. Doug Ligibel, Grand Terrace resident and member of Downtown Leadership Group, mentioned his family hero, Detective James Joseph Arnold with the East St. Louis Police Department, was killed while arresting a criminal. He encouraged the community to join the National Law Enforcement Officers Memorial Fund and thanked Alameda County law enforcement agencies for their dedication.

## **WORK SESSION**

1. FY 2013 & FY 2014 Recommended Biennial Budget Work Session #1 - Department Budget Presentations: Maintenance Services, Development Services, Public Works – Engineering and Transportation, Public Works – Utilities and Environmental Services



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Staff report submitted by Finance Director Vesely, dated May 15, 2012, was filed.

City Manager David announced the work session was the first work session consisting of individual department presentations and welcomed the Council's feedback.

Finance Director Vesely provided an overview of the total General Fund budget which consisted of \$343,623,000 for FY2013 and \$290,700,000 for FY2014, with the difference in FY2014 attributed to the Capital Improvement Program (CIP). Ms. Vesely gave a brief State budget update, which forecasted a revised deficit for FY2013 of \$15.78 billion on a \$91.48 billion budget and \$8.38 billion in proposed cuts. She added there were no direct impacts to the City, but there could be indirect impacts by reduced State funding for public safety and health programs.

In response to Council Member Quirk's question regarding further Redevelopment Agency fund takes by the State, Assistant City Manager Morariu said the State was questioning the General Fund loan.

Council Member Zermeño mentioned the proposed reduction in State funding for Chabot College and California State University East Bay (CSUEB) and asked if there was any impact to the City. City Manager David responded the City currently did not track the impact of school cuts to the City's economy.

### **Maintenance Services Department**

Maintenance Services Director McGrath provided a synopsis of the budget for his department which addressed staffing, accomplishments from FY2012, goals for FY2013 and FY2014, and significant changes.

Mayor Sweeney and Council Members commended the good work performed by the Department.

In response to Mayor Sweeney's inquiry about an illegal dumping ordinance, Director of Maintenance Services McGrath noted the item could be presented to the Council in early fall.

Council Member Salinas commented favorably on the city-wide cleaning movement and thanked Maintenance Services and the Keep Hayward Clean and Green Task Force for the great job.

Council Member Peixoto shared he received positive citizen feedback relating to graffiti abatement and commended the department for those efforts. Mr. Peixoto mentioned the bulky trash pick-up by neighborhood garnered more community participation and was more effective as a deterrent to the illegal dumping problem, than the newer system of pick-up by request.

Council Member Henson thanked the Maintenance Services Department for its accomplishments

and for being proactive about posting signs for street sweeping and inquired if Whitman Street should be posted for street sweeping. Mr. Henson commended the City for partnering with other agencies and noted he was in attendance when the Port of Oakland presented the City with the Airport Rescue Firefighting Apparatus.

Council Member Halliday commended the job done by the Maintenance Services Department in coordination with the Keep Hayward Clean and Green Task Force and volunteers in helping to keep the City clean, for effectively participating in the Public Tree Analysis Study, and for posting signs in neighborhoods that were in need of street sweeping.

Council Member Zermeño requested that Sleepy Hollow be posted for street sweeping. Council Member Zermeño requested that the City continue to plant trees to be in line with the Council's priorities and commended the City's participation in Arbor Day activities on May 23, 2012 at Ruus School. Mr. Zermeño suggested staff research the possibility of Hayward adopting a City tree.

### **Development Services Department**

Development Services Director Rizk provided a synopsis of the budget for his department which addressed staffing, accomplishments from FY2012, goals for FY2013 and 2014, and significant changes.

Council Member Henson commended the Development Services Department's successful efforts in dealing with Alameda County Airport Land Use issues. He emphasized the need to continue improving customer service efficiency, especially at the front counter and suggested having a staff member help applicants through the permit process. Development Services Director Rizk mentioned staff was in the process of researching having an applicant facilitator/ombudsmen help guide the permit process.

Council Member Halliday emphasized the need to improve customer service efficiency in order to avoid delays and provide clear information to the applicant. Development Services Director Rizk said he reviewed detailed reports monthly in order to improve efficiency and mentioned the continuing goal of improving methods of communication to the public such as handouts and online access.

Council Member Zermeño commended the Development Services Department on its goals of being friendlier to businesses, updating the sign ordinance, and updating the Downtown Plan, but was concerned that the City's deficit affected these projects. Development Services Director Rizk said staff was researching grant options for the Downtown Plan Update and for the non-funded projects staff was striving to accomplish them within fiscal constraints.

Mayor Sweeney encouraged staff to be aggressive in looking out for the City's interest regarding the State's mandates concerning the City's Housing Element. Mayor Sweeney mentioned that the proposed reorganization of moving the Rental Housing Inspection Program to the City Manager's Office under Community Preservation should be contingent on the City Council approving an overall plan.



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**Public Works – Utilities and Environmental Services:**

Director of Public Works – Utilities and Environmental Services Director Ameri provided a synopsis of the budget for his department which addressed staffing, accomplishments from FY 2012, goals for FY 2013 and 2014, and significant changes.

Council Member Peixoto inquired about the effectiveness and rate of resident participation with the current call-on demand bulk trash pick-up system. Director of Public Works Ameri explained the challenges that occurred with the previous pick-up system along with being cost prohibitive, and added that the current rate of participation was 30% to 40%. Mr. Ameri mentioned undergoing efforts to communicate the residents about the current system.

Council Member Henson commended the department for its efforts with the Single Use Bag Ordinance and the mandatory recycling program. In regards to the loss of Measure D funds, Mr. Henson encouraged to explore what the City would do to reach 75% diversion rate when mitigation fees cease.

Council Member Quirk commended staff for funding the Environmental Services Manager position which will oversee the continued implementation of energy conservation projects. Mr. Quirk expressed concern about complying with State mandates for unfunded projects. Mr. Quirk recommended staff research alternatives to target challenges with bulky pick-up for rental housing units.

**Public Works – Engineering and Transportation:**

Director of Public Works – Engineering and Transportation Fakhrai provided a synopsis of the budget for his department which addressed staffing, accomplishments from FY 2012, goals for FY 2013 and 2014, and significant changes.

Mayor Sweeney suggested adding to the Core Service Objectives/Goals for the department to improve street lighting through the City and improve synchronization of traffic signals to improve traffic flow efficiency.

Council Member Henson noted that a major accomplishment for the department was working on the Alameda Countywide Transportation Plan. Mr. Henson noted that the Metropolitan Transportation Commission had established the requirement that municipalities should have a Complete Streets Policies Ordinance by October 2012 with implementation in 2013, and asked staff to consider adding this to the department's goals and objectives. Mr. Henson commended the Open House at the Executive Airport, and encouraged staff to consider making the Noise Abatement Analyst position a full-time position.

Council Member Halliday commended the construction design for the new Airport administration building, which is expected to be completed by the end of FY 2013.

Council Member Zermeño recommended that Fire Station 7 be completed by 2014 and encouraged staff to continue their efforts of looking for funding sources. Mr. Zermeño recommended researching funding options to improve the lighting on A Street at the Golf Course Road and Clubhouse Drive.

Council Member Peixoto mentioned receiving positive e-mails regarding the roundabout at Fairway Park and also negative e-mails about the 238 Corridor construction and Foothill Boulevard projects. Mr. Peixoto recommended that issues regarding pavement transition and traffic flow and mitigation measures be addressed as one of the priorities for the department.

Council Member Salinas commended all departments for accomplishing goals with less staff and in line with the Council's priorities. Mr. Salinas noted that if Measure G does not pass, he suggested exploring a city-wide construction bond and the City partnering with the Hayward Unified School District to fund city and school projects. Mr. Salinas suggested improving lighting the downtown area.

## 2. FY13-FY22 Capital Improvement Program

Staff report submitted by Director of Public Works – Engineering and Transportation Fakhrai and Finance Director Vesely, dated May 15, 2012, was filed.

Director of Public Works – Engineering and Transportation Fakhrai gave a PowerPoint presentation and acknowledged the contributions of Administrative Analyst II Todd Strojny.

Director of Public Works Fakhrai noted for Council Member Peixoto that the Phase I solar energy improvements at the Water Pollution Control Facility (WPCF) were successful and staff will assess the size of Phase II and implement it in the next year. Director of Public Works Ameri noted staff was working on an agreement with the East Bay Dischargers Authority (EBDA) to renovate the ponds which would be used jointly by member agencies.

Director of Public Works Fakhrai confirmed for Council Member Henson that the Sidewalk Rehabilitation Program was the largest program to repair sidewalks damaged by City trees and mentioned a program passed in 2002 that required property owners to participate in the program. Mr. Henson mentioned that Bill AB 2231 (Fuentes) would disallow local jurisdictions from requiring homeowners' participation. In response to Mr. Salinas, Mr. Fakhrai noted the City anticipates receiving approximately \$600,000 per year from Vehicle Registration Fees (VRF) which goes into the gas tax fund and would be spent directly on local streets and roads.

In response to Council Member Salinas, City Manager David noted the City does not have capital funds for the construction of the new library, but staff was continuing to look for funding sources and alternatives.



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Council Member Halliday commended Director of Public Works Fakhrai for the report and for identifying the daunting amount of \$325 million in unfunded capital needs.

In response to Mr. Fakhrai's request for direction regarding Fund 410, City Manager David mentioned that Council had requested staff to come back with a General Plan process and Fund 410 would be addressed at a later time.

**CONSENT**

3. Adoption of a Resolution to Approve An Amendment to the Hayward Police Officers Association Memorandum of Understanding

Staff report submitted by Human Resources Director Robustelli, dated May 15, 2012, was filed.

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

Resolution 12-073, "Resolution Approving an Amendment to the Hayward Police Officers Association Memorandum of Understanding"

4. Adoption of a Resolution to Approve an Amendment to the International Federation of Professional and Technical Engineers, Local 21 Memorandum of Understanding

Staff report submitted by Human Resources Director Robustelli, dated May 15, 2012, was filed.

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

Resolution 12-074, "Resolution Approving an Amendment to the International Federation of Professional and Technical Engineers, Local 21 Memorandum of Understanding"

5. Approval of Resolution Authorizing the City Manager to Execute a Service Agreement with the Fairview Fire Protection District

Staff report submitted by Fire Chief Contreras, dated May 15, 2012, was filed.

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

Resolution 12-075, “Resolution Authorizing the City Manager to Negotiate and Execute a Service Agreement with the Fairview Fire Protection District”

### **COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Council Member Zermeño invited all to attend the Hayward Clean-Up event at Weekes Park on May 18, 2012. He also mentioned that information about summer events was posted on the City’s website.

Council Member Salinas announced that the “Third Thursday” restaurant deal begins on May 17, 2012, and noted there would be a 50% discount for selected food items at participating restaurants. Mr. Salinas added the “Let’s Do Lunch Hayward ... and Breakfast too,” committee was recruiting organizations that would like to organize a site and provide free breakfast and lunch to kids in Alameda County. He acknowledged that last year the Hayward Police Department Junior Giants program and Hayward Firefighters Local 1909 served as sites.

Council Member Halliday reported that, along with Council Member Henson, she supported the East Bay Bicycle Coalition and participated on Bike to Work Day on May 10, 2012.

### **ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 10:30 p.m., in memory of Hayward Police Officer Rodney Pierce, who passed away on Friday, May 18, 2012, from injuries sustained in a vehicle accident while on his way to work. Having served the Department for almost 10 years, he worked as a School Resource Officer and was instrumental in the Junior Giants Program. Before passing, he served as a senior member of the Special Response Unit (SWAT) team. Mayor Sweeney noted that the City’s thoughts and prayers were with his wife and four children. It was noted that the Hayward Police Officers’ Association and the community will miss Officer Pierce and honor his years of services. Mayor Sweeney asked staff to contact his family and find a suitable location to plant a tree in his memory.

### **APPROVED:**

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Michael Sweeney, Mayor, City of Hayward

### **ATTEST:**

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Miriam Lens, City Clerk, City of Hayward

**DATE:** May 29, 2012

**TO:** Mayor and City Council

**FROM:** Assistant City Manager

**SUBJECT:** Termination of Amended and Restated Bond Regulatory Agreement for the Waterford Apartments and Approval of Related Documents

### **RECOMMENDATION**

That the City Council adopts the attached resolution authorizing the execution and delivery of a Termination Agreement relating to the Amended and Restated Regulatory Agreement for the Waterford Apartments Project.

### **BACKGROUND**

On August 1, 1984, the City issued Tax-Exempt Multifamily Housing Revenue Bonds (the Bonds) to assist in the financing of the acquisition and development of Shorewood Apartments, which was later renamed Waterford Apartments (Waterford, the Property). Located at 25800 Industrial Boulevard in Hayward, Waterford is a 544-unit rental apartment complex.

To obtain the Bonds, San Francisco Bay Partners I, Ltd., a California limited partnership, the then owner of Waterford, was required to rent 20% (or 109) of the units at affordable rents to low-income families. Per the Regulatory Agreement between the City and San Francisco Bay Partners, these affordability restrictions would be in place for fifteen (15) years. However, in 2004 the Agreement was modified and an Amended and Restated Regulatory Agreement (the Agreement) was recorded against the Property. The Agreement established that the affordability restrictions would expire on the latest of several milestones, including the redemption of the bonds.

All the milestones described in the Agreement have been achieved and Avalon Bay (Avalon), the current owner, has paid off the bonds in order to sell the Property to Guardian/KW Hayward, LLC (GKW). This means that, pursuant to the provisions of the Agreement, the Property will no longer be required to offer 20% of the units at affordable rents to low income families.

### **DISCUSSION**

The Agreement requires that the transfer of the property from Avalon to GKW must be approved by the City, provided certain conditions are met. The City's bond counsel, Jones Hall, and the City Attorney have evaluated the terms of the transfer and concluded that, as proposed, the transfer

complies with the conditions of the Agreement. Accordingly, City staff has approved the transfer of the Property from Avalon to GKW. Even though the Bonds and the affordability restrictions will no longer be in place, the Agreement, by its terms, arguably remains in effect until the final stated maturity of the Bonds, which was August 15, 2014. Apparently, the main goal of this provision was to ensure that the Property continued to be kept as a rental property until 2014.

Staff believes the conversion of the Property from rental to condominiums will not happen in the short term for following reasons: a) it is not feasible because current condo prices would not support the financial investment in the property for conversion into condominiums; b) GKW is an owner/investor of rental properties and is therefore not purchasing the Property to convert it into an ownership investment; c) Fannie Mae, the lender that will own the loan used by GKW to purchase the property, will require GKW to keep the Property as rental; and d) the condo conversion is a relatively lengthy and complicated process. As a consequence, since there was no other incentive for the City to keep the Agreement in place other than to make sure the Property is not converted into condominiums by GKW, staff concluded that a Termination of the Agreement (the Termination) was a better option rather than keeping a purposeless agreement in place on the Property.

To ensure the owner maintained the tax-exempt status of the Bonds so as not to jeopardize the affordable units, the City monitored the Property for compliance with the affordability restrictions during the term of the Bonds up until the present. To this end, the City approved applications from households for the restricted units and reviewed the rent rolls and other certifications submitted by Avalon, among other things. In compensation for the administrative costs of this monitoring, the Property owners paid the City a \$41,375 annual administrative fee. Since this fee was tied to the monitoring of the affordability restrictions, upon the expiration of these restrictions, Avalon or GKW are no longer obligated to pay this administrative fee.

GKW is controlled by Kennedy Wilson, a real estate investment and services firm that owns and manages high end multifamily rental properties. Entities controlled by Kennedy Wilson own approximately 10,000 apartment units in California, Oregon and Washington with 4,500 units in the Bay Area. To bring the Property up to their portfolio standards, Kennedy Wilson plans to undertake repairs and upgrades on the Property totaling approximately \$3 million.

Kennedy Wilson manages its properties through FPI Management, Inc. (FPI), one of the largest property management firms in the country. In fact, FPI was ranked No. 11 among the top fifty largest U.S. property management companies by the National Multi Housing Council, and No. 9 among the top 100 U.S. affordable community property management firms by the National Association Housing Management Agents.

Despite being an owner of high end rental properties, Kennedy Wilson explored the possibility of keeping the 109 units currently restricted by the Agreement as affordable in order to benefit from property tax abatement. However, this option did not represent sufficient financial benefits for Kennedy Wilson in the long run. On the other hand, the City could have provided funding to Kennedy Wilson so the company could keep the rents of the 109 units at affordable levels, but this was not a consideration because: a) the differential between the affordable rents and the market-rate rents on this Property was not large enough; and b) the City does not have the funding to provide

this subsidy given the commitment to current projects of the remaining balances of the affordable housing moneys, the dissolution of Redevelopment, and the significant reduction of federal funding for affordable housing (i.e., HOME Investment Partnership Act funds). In consideration of all this, staff is recommending Council approve the Termination of the Agreement.

## **ECONOMIC IMPACT**

The three million dollar renovation GWK plans to do on the property will attract jobs and generate local economic activity during the renovation. Nevertheless, the loss of the affordability restrictions required by the Bonds represents a loss to the City's stock of affordable housing. It is important to keep in mind, however, that, as mentioned above, the rents of the restricted units were not set at deep affordable levels and that their loss does not prompt any replacement requirements as they were never counted as new units to meet Redevelopment production requirements.

## **FISCAL IMPACT**

Payment of property taxes from the Property will significantly increase as a result of a new assessment based on the purchase price calculated at \$86.5 million. Based on an approximate current assessment value of \$22 million, staff estimates that the transfer will represent an annual increase of at least \$90,000 to the City's General Fund revenues. This increase would have been lower if GWK had decided to extend the affordability restrictions up to or beyond 2014 as the Property could have obtained 20% tax abatement from the State of California for the affordable units.

As compensation for the City's costs to process the Assignment and the Termination, GWK has agreed to pay the City the \$41,375 administrative fee that would have been due this upcoming August 1<sup>st</sup> if the affordability restrictions had continued. These funds will be deposited in the City's Mortgage Revenue Bond Fund and, as required by this source of funding, will be used to monitor the affordability restrictions of properties financed with tax-exempt bond financing or other sources of funding, and to promote housing programs and projects that benefit low and moderate-income households. The City's bond counsel fees associated with this transaction will also be paid by GWK.

## **PUBLIC CONTACT**

GWK is currently exploring what its legal obligations are in connection with the affordability restrictions but it will provide the residents of the affordable apartments with notices required by the law, including a notice about the potential increases of their rents to provide them with adequate time to look for another home, in case they need to. Even though the Property is not regulated by the City's Residential Rent Stabilization Ordinance, as it was built after 1979, GWK will have to comply with State law requirements regarding rent increases and the provision of applicable written notices to tenants regarding those increases. Staff will later update Council via a memorandum about the legally-mandated notices GWK will provide to the residents.

Aside from the City approval of the transfer, the purchase and sale of the Property is a regular real estate transaction between two private parties. As such, other than the above-described outreach

effort, this private transaction or the expiration of the affordability restrictions require no other legal noticing or relocation from Avalon, GWK, or the City.

**NEXT STEPS**

Avalon’s legal counsel requested the parties add a step to the process and execute an Assignment so the Agreement is transferred from Avalon to GWK prior to the Termination. Since the Agreement allowed the City to administratively approve and execute the Assignment, this step has been completed. GWK has already assumed the Agreement with all its rights and obligations and can now execute the Termination, which they agreed and prefer to do.

Upon Council approval, the City Manager will execute the Termination prepared by bond counsel. No additional Council action will be required for the Termination to occur.

*Prepared by:* Omar Cortez, Housing Development Specialist

*Recommended by:* Kelly McAdoo Morariu, Assistant City Manager

Approved by:



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Fran David, City Manager

Attachment I    Resolution Authorizing the Termination of Amended and Restated Bond Regulatory Agreement

CITY COUNCIL OF THE CITY OF HAYWARD

RESOLUTION NO. 12 - \_\_\_\_\_

A RESOLUTION OF THE CITY OF HAYWARD AUTHORIZING THE EXECUTION AND DELIVERY OF A TERMINATION AGREEMENT RELATING TO THE AMENDED AND RESTATED REGULATORY AGREEMENT FOR THE WATERFORD APARTMENTS PROJECT AND APPROVING OTHER RELATED DOCUMENTS AND APPROVING OTHER RELATED ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Hayward Multifamily Housing Revenue Bond Law (the "Act") authorizes the City of Hayward (the "City"), to incur indebtedness for the purpose of providing multifamily residential housing for persons of low or moderate income;

WHEREAS, the City previously issued its \$35,000,000 initial principal amount of Variable Rate Demand Multifamily Housing Revenue Bonds (Shorewood Apartments Project), 1984 Series A (the "Bonds") to finance the multifamily rental project now known as Waterford Apartments (the "Project");

WHEREAS, in connection with the Bonds, the City, U.S. Bank National Association, as trustee (the "Trustee") and Bay Waterford, Inc. (the "Existing Borrower") entered into an Amended and Restated Regulatory Agreement dated as of February 1, 2004, as recorded in the official records of Alameda County on February 26, 2004 as instrument number 2004080946 (the "Regulatory Agreement");

WHEREAS, the Existing Borrower caused the redemption of all of the outstanding Bonds and, as a result, the Qualified Project Period, as defined in the Regulatory Agreement has expired;

WHEREAS, the Existing Borrower is in the process of selling the Project to Guardian/KW Hayward LLC (the "New Borrower"), and the sale is expected to close on or before May 31, 2012;

WHEREAS, the City has heretofore determined that it is in the best interest of the City to consent to the assumption of the Regulatory Agreement by the New Borrower and then to terminate the Regulatory Agreement, upon payment to the City by the New Borrower of an amount that will ensure that the City receive, in full, the final annual fee under the Regulatory Agreement in the amount of \$41,375 that otherwise would have been payable on August 1, 2012;

WHEREAS, there has been prepared a Termination Agreement relating to the Regulatory Agreement (the "Termination Agreement") by and among the City, the Trustee and the New Borrower;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows:

Section 1. The City hereby finds and declares that the above recitals are true and correct.

Section 2. The City hereby authorizes the execution and delivery of the Termination Agreement. The City Manager of the City, or a written designee of the City Manager, is, and each of them acting alone is, hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Termination Agreement, and the City Clerk (or a written designee of the City Clerk) is hereby authorized and directed, for and in the name and on behalf of the City, to attest the City Manager's (or a written designee of the City Manager) signature on the Termination Agreement, in substantially the form presented to this meeting, with such additions thereto or changes therein as are recommended or approved by the City Manager upon consultation with bond counsel to the City.

Section 3. This resolution shall take effect immediately upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2012

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

I, \_\_\_\_\_, City Clerk of the City of Hayward, do hereby certify that the foregoing is the original of Resolution No. \_\_\_\_\_ duly passed and adopted by the City Council of the City of Hayward on the 29th day of May, 2012.

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City Clerk

**DATE:** May 29, 2012

**TO:** Mayor and City Council

**FROM:** Director of Public Works-Utilities and Environmental Services

**SUBJECT:** Authorization for the City Manager to Execute the Revised Agreement to Implement the Alameda Countywide Clean Water Program

### **RECOMMENDATION**

That Council adopts the attached resolution authorizing the City Manager to execute a revised Agreement to Implement the Alameda Countywide Clean Water Program.

### **BACKGROUND**

Runoff from urban activities, such as washing down sidewalks and driveways, illegal disposal of materials into the stormwater system, and use of pesticides and herbicides, flows into creeks and storm drains, and ultimately to San Francisco Bay, without any treatment to remove pollutants. Since 1991, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) had required the development and implementation of specific measures to control the discharge of pollutants from urban runoff into the San Francisco Bay. Examples of these measures include:

- public education and outreach;
- monitoring of stormwater quality;
- development and monitoring of standards to minimize runoff during construction activities;
- investigation of illicit discharge complaints;
- inspections of industrial facilities to determine the potential for stormwater contamination; and
- ongoing reporting of stormwater pollution prevention activities.

While some of the activities, such as industrial inspections and illicit discharge investigation, are best carried out by individual cities, other activities can be more efficiently implemented in cooperation with other Alameda County entities. To this end, the Alameda County Urban Runoff Clean Water Program (later retitled the Alameda Countywide Clean Water Program and referred to in this report as the “Program”) was adopted in 1991 by all of the cities within the County of Alameda. The *Agreement to Implement the Alameda County Urban Runoff Clean Water Program (Agreement)* was initially adopted in 1991 by all of the cities within the county of Alameda, Alameda County, the

Alameda County Flood Control and Water Conservation District (District), and Zone 7 of the District (hereinafter referred to as Party or Parties).

The Agreement provided a means of allowing the Parties to apply for the required municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit and to work collaboratively in implementing a number of the permit requirements that could be done more cost-effectively as a group. The NPDES permit is issued by the Regional Water Board. In October 2009, the Regional Water Board reissued the permit covering the Alameda County jurisdictions, as well as 56 other stormwater dischargers throughout the San Francisco Bay Region. This permit is referred to as the Municipal Regional Permit or MRP.

The current Agreement was previously amended in 1997, 2001, and 2003, and included revisions to the cost sharing formula, changing the name of the Program to the Alameda Countywide Clean Water Program, extending the term through April 1, 2013, and allowing for entities other than the District to contract on behalf of the Program. The proposed revised Agreement, which is the subject of this report, must be approved by the governing bodies of Parties representing two-thirds or more of the votes as allocated under the current Agreement.

## **DISCUSSION**

A workgroup from the Program's Management Committee reviewed the current Agreement in light of the requirements in the Municipal Regional Permit. After considering the workgroup's findings, the Program's Management Committee is recommending that each Party to the Agreement approve a revised Agreement to accomplish the following objectives:

1. Improve equity by making changes in the allocation of Program costs and voting shares.

### *Program Costs*

The original cost sharing formula was essentially weighted evenly between the relative area of each municipality and the relative population of each municipality. However, the County's share was based only on its relative population due to its very large un-urbanized land area. The District and Zone 7 were not given an allocation. The Agreement was amended in 1997 to provide for a fairer method of allocating voting and cost shares among the parties, including incorporating an area factor for Alameda County that is equivalent to the urbanized portion of the unincorporated area, and assigning a minimum cost share of at least 1% to each Party except the District and Zone 7 of the District (Zone 7). The Agreement was further amended in 2003 to incorporate a 1% cost share for each.

The Workgroup reviewed the Program's budget and assessed how well the current allocation reflected Program costs under the MRP. The review suggested that there are baseline Program costs that are not affected by the area or population of the member agencies and that account for about 22% of the overall Program expenditures. The Workgroup recommended that these baseline costs be distributed equally among the Parties, which results in a minimum allocation for each Party equivalent to 1.3% of total Program costs. The Workgroup recommended that the remaining 78% of Program expenses be allocated based upon the

existing formula of 50% population and 50% area. The Management Committee approved these recommendations in September 2010.

The proposed allocation would result in an approximately eight percent decrease in Hayward's cost share, as shown below:

Hayward's Cost Allocation under Current Agreement:	11.05%
Hayward's Cost Allocation under Revised Agreement:	10.14%

To give City Council a sense of the impact of the proposed allocation methodology on Hayward, following is a brief analysis based on FY2012 Program costs. The total Program cost for this current year is \$1,747,000. Hayward's share of this cost, based on the current allocation methodology, was \$193,000. Under the proposed methodology, the cost would have been \$177,000, a reduction of \$16,000. Further discussion is included in the Economic and Fiscal Impact sections of this report.

### Program Voting Shares

The current Agreement requires a two-thirds affirmative vote of all allocated shares (Voting shares are equivalent to the cost allocation.) Under that system, the largest Parties have a great deal of influence and the smallest Parties have very little. However, many issues that the Program considers are not related to the expenditure of funds and smaller Parties may have equal or more significant concerns regarding some issues than the larger Parties.

To address this issue, the Management Committee is recommending that all decisions except adoption of annual budget and amendments to the Agreement require a simple majority vote of the Parties (50% +1) and adoption of the annual budget and amendments to the New Agreement would require both a majority vote of the Parties and a majority of votes based upon the cost allocation. Decisions requiring a simple majority would be programmatic in nature.

2. Increase flexibility of the Program's operations by allowing Parties other than the District to take on the role of program manager and fiscal agent should they choose.

District staff has provided management services to, and been the fiscal agent for, the Program since its inception, and it is anticipated that this arrangement will continue for the foreseeable future. However, considering the resource and staffing constraints currently faced by local governments, the Management Committee is recommending that the Agreement allow selection of another Party or outside contractor to act as Program Manager in the event the District is not able to continue providing program management services or if the Management Committee determines a change is necessary or desirable.

The Management Committee also recommends providing other options in the event that the District is unable to or does not wish to act as fiscal agent in the future or if the Management Committee determines a change is necessary or desirable. For example, if another Party takes on providing program management services, it may be more cost effective to have the same

Party act as the fiscal agent. This option would not extend to outside contractors as would management services responsibilities described above.

The current Agreement to Implement the Alameda County Urban Runoff Clean Water Program which governs the administration of the Program stipulates that pursuant to direction of the Management Committee, the District shall administer and coordinate the Program. This arrangement has worked well for the past two decades. However, if at some point in the future either the District decides to discontinue its services in this role, or for some reason the management Committee decides to choose another entity to take on the Program management and/or fiscal responsibilities, this modification would provide the means to do so. At this point neither side has contemplated or expressed a desire to do so.

3. Establish a new 15-year term starting July 1, 2012.
4. Improve clarity by adopting a new stand-alone agreement that incorporates the changes described above, as well as a number of minor additional changes to reflect current conditions.

The current Agreement is a combination of several previous Agreements. Each revision to the current Agreement refers back to these previous agreements, but does not update the current Agreement, resulting in a lack of clarity. A new stand-alone agreement that is current in its provisions would allow the Parties to look to one agreement and its appendices regarding all operations of the Program. This new Agreement would supersede all prior agreements.

The new Agreement includes additional changes, including the following:

- references the most recent Basin Plan and NPDES permits;
- eliminates reference to outdated funding commitments;
- clarifies Program invoicing and termination procedures;
- establishes a 15-year term for the new Agreement;
- clarifies and modifies procedures for a Party to terminate participation in the Agreement;
- updates duties of the Parties; and
- clarifies that Program reports submitted to the Regional Water Board on behalf of all Parties must be approved by the Management Committee.

## **ECONOMIC IMPACT**

Approval of the proposed Agreement will not, in and of itself, have an economic impact on the community beyond the financial obligations that the City already has related to the Countywide Program. As noted earlier Hayward's allocation of Program costs would actually be reduced percentage-wise from 11.04% to 10.14%. For example, Hayward's obligation for FY2012 Program costs under the proposed methodology would have been reduced by \$16,000, from \$193,000 to \$177,000. However, it should be noted that future year Program costs are expected to be higher due to increased requirements related to the regional permit. This increase is necessary in order to fund the required additional program compliance costs, primarily water quality monitoring, related to the new

MRP. Current estimates place the FY2013 cost to Hayward at \$203,000, considering the total Program cost for next year and based on the proposed methodology.

### **FISCAL IMPACT**

The City's share of Countywide Program costs are funded by the Storm water Fund. There are two main revenue sources in this fund: 1) storm water fees that are paid by all property owners based on the size and permeable area of their properties; and 2) street cleaning fees collected through garbage billings to recover costs associated with debris clean-up as a result of garbage collection. The Storm water fees, which provide the majority of funding, are characterized as taxes, and, as such, limited to current levels without explicit voter approval. Whatever additional costs the City may incur from either City-specific or Countywide Program activities, it is unlikely that storm water fee increases would be implemented, since a 2/3 majority of voters would need to approve such increases. Other revenue sources, such as an increase in street cleaning fees or transfers from the General Fund would need to be considered (Current forecasts are for the Fund to be solvent for the next ten years albeit with a small bump in street cleaning fees in 2017.)

### **PUBLIC CONTACT**

No public contact was undertaken related to approval of the revised Agreement, as there will be no material impact on the community.

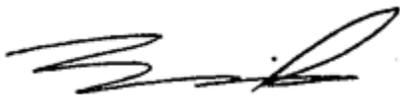
### **NEXT STEPS**

The Management Committee of the Alameda Countywide Clean Water Program has requested that the proposed amended Agreement be approved by each participating agency by June 30, 2012. If approved by the governing bodies of Parties representing two-thirds or more of the votes as allocated under the current Agreement, the revised Agreement will be effective on July 1, 2012. Hayward staff will continue to represent the City's interests on the Management Committee and bring forward to the City Council any issues or items that require Council consideration and action.

*Prepared by:* Debra Kunisawa, Water Pollution Control Administrator

*Recommended by:* Alex Ameri, Director of Public Works –Utilities and Environmental Services

Approved by:



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Fran David, City Manager

Attachments:

Attachment I - Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NEW INTER-AGENCY AGREEMENT TO IMPLEMENT THE ALAMEDA COUNTYWIDE CLEAN WATER PROGRAM

WHEREAS, the City of Hayward is a member agency of the Alameda Countywide Clean Water Program (“ACCWP”), and fully participates in the activities, benefits, duties and responsibilities of the ACCWP as reflected in the existing Agreement to Implement the Alameda Countywide Clean Water Program as approved in 1991 and amended in 1998, 2001, and 2003; and

WHEREAS, the City of Hayward is required to be permitted by a National Pollutant Discharge Elimination System (NPDES) permit as prescribed by the Federal Clean Water Act with respect to discharges of storm water from its storm water drainage and collection system, and is currently included as a permittee under California Regional Water Quality Control Board, San Francisco Bay Region, Order R2-2009-0074 (NPDES Permit No. CAS 612008); and

WHEREAS, On December 6, 2011, the Management Committee of the ACCWP adopted a motion approving a new Agreement for adoption by member agencies intended to 1) Improve equity by making changes in the allocation of Program costs and voting shares; 2) Increase flexibility of the Program’s operations by allowing Parties other than the District to take on the role of program manager and fiscal agent; 3) Establish a new 15-year term starting July 1, 2012; and 4) Improve clarity by adopting a new stand-alone agreement that incorporates the changes described above as well as a number of minor additional changes to reflect current conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute on behalf of the City of Hayward, a new Inter-Agency Agreement to the Alameda Countywide Clean Water Program, to incorporate the modifications outlined in the staff report dated June 19, 2012, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2012

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

**DATE:** May 29, 2012

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT:** Council Member Call-Up of Planning Commission Approval of a Proposed 44-Unit Condominium Project Located at 22471-22491 Maple Court in the Central City Commercial (CC-C) Zoning Subdistrict

Conditional Use Permit Application PL-2011-0132 / Tentative Tract Map Application PL-2011-0133 – KB Design and Consulting, Ben Wong (Applicant) / Maple Court Homes (Owner)

## **RECOMMENDATION**

That the City Council adopts the attached resolution (Attachment I) adopting the Negative Declaration (Attachment VIII) and approving the Conditional Use Permit and Tentative Tract Map applications to allow live-work units on the first floor and to construct forty-four residential condominium units, subject to the attached conditions of approval.

## **SUMMARY**

During the April 24, 2012 City Council public hearing, Council members identified two major concerns with the project: 1) no commercial space proposed on the ground floor and 2) concerns with ownership versus rental units. When the owner's representative was questioned as to whether he would agree to a condition in the covenants, conditions, and restrictions (CC&Rs) requiring the project to maintain at least seventy-five percent of the units as ownership units (at least thirty-three of the proposed forty-four units), the representative commented that the project's units would most likely be rented for the first few years until the economy improved. Concerned that the owner's intent was to provide rental versus ownership housing, Council chose to hold the item over to allow staff to consult with the project proponents regarding their intent, as the project had been promoted as an ownership opportunity.

Staff has since met with the project proponents, and has also discussed with a couple of local brokers the potential for retail or commercial uses on the ground floor. The project proponents are amenable to establishing four live-work units on the ground floor that will provide opportunity for small office or retail activity, and are also agreeable to a condition requiring at least 75 percent ownership units, subject to a hardship provision (see later discussion in staff report). The proponents have indicated they misunderstood the question asked at the April 24 hearing and that they fully intend to build ownership condominiums to ownership unit standards. However, if the

housing market is not conducive to condominiums when the units are ready for occupancy (estimated to be in approximately two years), then they will rent the units until the market will support ownership.

## **BACKGROUND**

*Planning Commission Action:* At its meeting of March 8, 2012, the Planning Commission<sup>1</sup> voted 4-0, with three absent, to approve the project (Attachment X – Planning Commission meeting minutes). The Commissioners found the building attractive in regard to scale, architectural treatment, landscaping, and lighting. They commented that they liked the fact that there are no multilevel units and that each unit has a private balcony or yard. They concurred that, because the location of the project is on a side street, coupled with the fact that there is an abundance of vacant retail spaces in the downtown, they were comfortable approving the use permit for ground-level residences at this particular location. They were pleased that the project complies with all zoning regulations and that the developer is not seeking any variances.

After concerns were expressed that noticing for the March 8, 2012 Planning Commission meeting did not give residents in the Prospect Hill neighborhood an opportunity to attend and speak at the public hearing, the Planning Commission's approval was called up to City Council by Councilmember Halliday on March 15, 2012.

*City Council Meeting* – At the April 24, 2012 City Council meeting<sup>2</sup>, some Councilmembers expressed concern that the applicant is proposing residential units on the ground floor (requiring a conditional use permit) instead of commercial uses (would not require a conditional use permit). It was noted that once the opportunity for a commercial use was lost at this site, it would not be able to be recovered. During the public hearing, citizens expressed similar concerns about the lack of ground level retail (see meeting minutes, Attachment VIII).

Staff, including the City's Economic Development Manager, responded to these concerns, identifying studies to support staff's position and stating that this site was not suitable for retail space as there is not enough activity on Maple Court to support retail use. Staff indicated that forcing ground-floor retail at this location could result in additional vacant spaces in the Downtown.

Council also expressed concern that the amount of parking provided, 1.5 parking spaces per unit, was inadequate to serve the project and that two parking spaces per unit should be provided. That would entail an additional twenty-two on-site parking spaces. This concern was also shared by some citizens. Staff pointed out that the parking provided meets the City's Off-Street Parking Regulations and that, if needed, there is street parking available on Maple Court and in the municipal parking lot located across Maple Court. Some Councilmembers agreed that residential uses in Downtown should have reduced parking requirements and were satisfied with the on-site parking provided. Parking requirements of the City's Downtown Parking District recognize the availability, and are supportive, of public transportation and walkability.

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<sup>1</sup> <http://www.hayward-ca.gov/citygov/meetings/pca/2012/PCA12PDF/pca030812full.pdf>

<sup>2</sup> <http://www.hayward-ca.gov/citygov/meetings/ccca/2012/CCA12PDF/ccca042412full.pdf> (item #11 on the agenda)

In addition, concerns were raised by the Council and the public over the possibility of unearthing human remains during the underground construction phase as, according to the local newspaper in 1959, human bones, attributed to Native Americans, were unearthed during the construction of Maple Court. In response, Council directed that text be added to the recommended conditions of approval that requires an archeologist or Native American representative be on site during excavation activity to ensure that proper procedures would be followed if any human remains were found (see revised condition #6 in Attachment VI).

The Mayor asked that the motion include a requirement for a condition of approval to be added that requires that the project remain at least seventy-five percent owner-occupied with provisions for relief under special circumstances and undue hardship. When asked if that was acceptable, the owner's representative responded that the project would most likely be rental units for the first few years until the economy improved. At that point, concerned that the owner's intent was now to provide a rental project versus ownership housing, Council chose to hold the item over to allow staff to consult with the project proponents regarding their intent.

## **DISCUSSION**

The applicant proposes a forty-four-unit residential condominium building with residential units, four of which would be live-work units located on the ground floor. All City development standards are met by the project. The Central City Commercial (CC-C) Zoning District allows high-density residential uses as a primary use without need for a use permit, when located above ground-floor commercial uses. The CC-C district allows residential units on the ground floor with an approved conditional use permit. It should be noted that the CC-C District does not outright prohibit ground floor residential uses. Except for the live-work ground-floor units, the revised project would be a primary use within the district, subject only to Site Plan Review. Maple Court is located outside the retail core of Downtown and is a side street that has not been attractive for retail businesses. The project should, however, create additional pedestrian traffic to support existing and future businesses on Foothill Boulevard and A Street, which are major retail corridors.

*Ground Floor Live-Work Units* - Regarding concerns expressed at the April 24 hearing by some Council members and the public with ground floor residential units, staff responded at the hearing by identifying best practices of the International Council of Shopping Centers for retail development, and had indicated that industry experts found this site by itself would not be suitable for ground floor retail.

Additional discussions since the April 24 hearing by staff with brokers confirm that this site is not suitable for retail shop spaces on the ground floor because there is not enough activity on Maple Court to support additional retail use. Having ground floor retail would require the retail spaces meet basic retail criteria. This location does not. Retail shops need to be on main thoroughfares, typically adjacent to or included with the development of a retail anchor tenant. Adding retail on this secondary street would increase the overabundance of non-anchored retail shop space available in Downtown, and industry standards indicate such space is likely to not ever get leased.

In order to make the site address basic criteria for successful retail, the entire six and half acres making up the block along Maple Court would have to be acquired/assembled and developed with an anchor retail tenant. This is highly unlikely to occur given the multiple owners of the involved

parcels, current uses, the immediate and longer-term markets, and the City's lack of a redevelopment program or funding.

However, one possible solution identified by real estate experts and staff to address the concerns expressed would be to provide live-work units on the ground floor within the owner-occupied condominium project. Live-work units typically entail commercial and residential uses that provide opportunities for business activity along a building frontage conducted by the resident(s) of the units. This would allow for a commercial storefront setting along the Maple Court frontage while maintaining residential units. As agreed to by the project proponent, the four ground floor units would be redesigned to accommodate a minimum 400 square-foot commercial area per unit along Maple Court and meet the requirements for accommodating persons of disabilities.

To accommodate these changes, the ground floor units would only have one bedroom, versus two. To ensure the live-work units are designed and built to encourage commercial activity, a new recommended condition of approval has been added that would require the ground floor street building elevation to have a storefront appearance, approved by the Planning Director; that the commercial aspect of the units be a minimum of 400 square feet and be open to the public at a minimum of 10:00 am to 5:00 pm, Monday through Friday as required in the Central City Plaza (CC-P) zoning subdistrict, which includes buildings located along the frontages of B Street between Watkins Street and Foothill Boulevard and along Main Street between A and C Streets.

In addition, per the City's parking regulations that require one parking space for every 315 square feet of non-residential area, six parking stalls (including one handicap stall) located in the garage closest to the ground floor units, would be restricted to commercial parking between the hours of 10:00 am to 5:00 pm Monday through Friday. Those hours are indicated as minimum hours for ground floor office space. Language has also been added to the Tentative Map conditions (Attachment VI) indicating the HOA through its CC&Rs, is required to ensure the live-work units exist and parking is reserved as indicated. In staff's opinion, such shared parking arrangement would maximize utilization of parking spaces and provide sufficient parking for residents and customers. (See Attachment V, new Condition of Approval #3).

Ownership versus Rental Issue - On May 2, 2012, staff met with the project applicant and the project owner's representative to discuss the ownership intent for the proposed project. The developer assured City staff that it has always been their intent to construct ownership housing. The conditional use permit is being processed concurrently with a tentative tract map to create condominium units that would allow for ownership housing.

The architect offers that the proposed units are designed as condominiums in that all units would have two bedrooms, except for the live-work units, as opposed to a mixture of one- and two-bedroom units typical in rental projects. In addition, the bedrooms are larger than typical rental unit bedrooms (12 feet by 13 feet versus 10 feet by 12 feet). The units are also designed with larger kitchens, nine-9-foot ceiling heights, additional insulation for sound suppression, and a higher quality of interior finishes including trims, flooring, hardware, and fixtures. As required by the City for condominium units, all the proposed units would have a separate water meter.

The developer admits that once the project is ready for marketing and occupancy, if all the units are not sold, some may have to be offered as temporary or short-term rentals until they can be sold,

which is not uncommon in condominium projects. The developer indicates that he expects the units to cost approximately \$320,000 per unit to construct, and that he would anticipate selling the units for approximately \$350,000 per unit. The applicant has agreed to Council's proposal to include in the CC&Rs a requirement that a minimum of seventy-five percent of the units be owner-occupied. The CC&Rs shall further provide that the leasing of the units as a regular practice for business, speculative investment, or other similar purpose is not permitted.

State law requires that if the CC&Rs include a restriction on rental units, the CC&R's must also contain an exception to the restriction to address unusual hardship or other practical difficulties. The industry practice for common interest developments, such as this condominium project, is to include in the CC&Rs authorization for the homeowners' association to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lease for a specific period.

Staff recommends that a hardship condition allow short-term leasing when the owner shows an inability to sell a unit because of a depressed real estate market. This provision would prevent a project that has sold seventy-five percent of the units to not have the remaining twenty-five percent of the units remain vacant until the economy has recovered. Obviously, a large number of vacant units would not benefit the project, the developer, or the City. Staff has added a condition of approval to reflect these requirements (refer to Attachment VI, Condition 48.1.)

## **FISCAL AND ECONOMIC IMPACTS**

As was indicated in the April 24 staff report, construction of forty-four residential condominium units would increase property values above and beyond the current uses and, in turn, property taxes that the City would receive. In terms of costs associated with public services, particularly public safety services, the applicant is required by the project conditions of approval to provide \$20,000 towards the costs associated with analysis and formation of a Community Facilities District (CFD). The CFD, when formed, would generate revenue to pay for any additional public safety services that might be needed as a result of the project.

## **PUBLIC CONTACT**

Staff has noticed the same group of interested parties for this hearing as was done for the April 24 hearing, including Prospect Hill residents. A notice of this hearing was published in *The Daily Review* newspaper on Saturday, May 19. The City Council received on May 22 an e-mail from Prospect Hill resident and Neighborhood Association President Greg Jones, who reiterates his recommendation that the ground floor of this project consist of commercial space to help encourage pedestrian activity (Attachment XII).

## **NEXT STEPS**

Should the City Council approve the project, the applicant could submit improvement plans and a final map for review and approval; the final map would come before City Council for approval. Once the final map has been approved, the applicant could obtain construction permits and commence construction of the development. If Council denies the project, staff would need to return to Council with findings for denial and the project, as proposed, would not be allowed to be

resubmitted within a year's time. The applicant could submit a revised project for consideration by the Planning Commission.

*Prepared by:* Tim Koonze, Associate Planner

*Recommended by:* David Rizk, Development Services Director

Approved by:



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Fran David, City Manager

Attachments:

- |                 |   |
|-----------------|---|
| Attachment I    | Resolution  |
| Attachment II   | Site Plan Map   |
| Attachment III  | Area Map  |
| Attachment IV   | Initial Study Checklist and Negative Declaration              |
| Attachment V    | Revised Conditions of Approval for the Conditional Use Permit |
| Attachment VI   | Revised Conditions of Approval for the Tentative Tract Map    |
| Attachment VII  | April 24, 2012 City Council Report (minus attachments)        |
| Attachment VIII | April 24, 2012 City Council Minutes                           |
| Attachment IX   | March 8, 2012 Planning Commission Report (minus attachments)  |
| Attachment X    | March 8, 2012 Planning Commission Meeting Minutes             |
| Attachment XI   | Development Plans   |
| Attachment XII  | Copy of E-mail from Greg Jones dates May 22, 2012             |

HAYWARD CITY COUNCIL

RESOLUTION NO. 12-

Introduced by Councilmember \_\_\_\_\_

RESOLUTION ADOPTING THE NEGATIVE DECLARATION AND APPROVING TENTATIVE TRACT MAP APPLICATION NUMBER PL-2011-0133 AND CONDITIONAL USE PERMIT APPLICATION NUMBER PL-2011-0132, ASSOCIATED WITH 44-UNIT RESIDENTIAL CONDOMINIUMS WITHIN A FIVE-STORY BUILDING ON MAPLE COURT

WHEREAS, on May 2, 2011, Ben Wong (Applicant) submitted Conditional Use Permit Application No. PL-2011-0132 and Tentative Tract Map Application No. PL-2011-0133, requesting to construct 44 condominium residential units (the “Project”); and

WHEREAS, a Negative Declaration has been prepared for the Project; and

WHEREAS, the Planning Commission approved the Project at a public hearing held on March 8, 2012, which was called up by a City Council member for decision by the City Council.

WHEREAS, notice of the hearing was published in the manner required by law and a hearing was duly held by the City Council on April 24, 2012, and such hearing was continued and held on May 29, 2012, with notice of that hearing also published in the manner required by law.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CONDITIONAL USE PERMIT

A. The project will not have a significant impact on the environment, cumulative or otherwise, the project reflects the City’s independent judgment, and, therefore, a revised Negative Declaration has been prepared.

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

The development is compatible with the surrounding structures and uses in that it is immediately adjacent to and in the vicinity of other developments of a similar scale and as designed creates a harmonious setting and is an attractive addition to the Downtown. Multi-family residential use is desirable for the downtown area as specified in the purpose of the Central City-Commercial District as defined in the Zoning Ordinance and the Downtown Design Guidelines.

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

The development takes into consideration physical and environmental constraints in that the proposed five-story building is of a similar size to another building on the same block and that the high density residential use is permitted within the zoning district. Also, buildings of various massing and heights add interest to a downtown area.

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

The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that, as conditioned, the property will be managed by a homeowner's association and conditions, covenants and restrictions would be established to manage the property.

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

The development complies with the intent of City development policies and regulations in that it complies with the Downtown Design Plan and the City's design guidelines. A condition of approval requires that the historic home is relocated pursuant to the Historic Preservation Ordinance. The proposed project conforms to the Downtown Design Plan with respect to the density specified for multi-family residential uses, setbacks, building heights and the purpose of the Central City district to promote multi-family housing. The project also conforms to the City's Design Guidelines in that the architectural design incorporates offsets to break up building mass, utilizing recessed balconies, continuous roof around the building and accented entry features.

In addition, the development meets the Land Use Strategies specified in the General Plan, by complying with the Downtown Design Plan relating to density, setback, building height and open space and parking requirements. The condominium development meets the strategy to encourage ownership housing. The development is also consistent with the strategy to seek density bonuses to develop new ownership housing for low income households. Pursuant to the City's Density Bonus Ordinance, by establishing 10 percent of the units to be low income units, the development is allowed to increase the density by 20 percent.

**TENTATIVE TRACT MAP**

A. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.

B. Upon the completion of remediation recommended by the project Geotechnical Engineer the site is physically suitable for the proposed type of development.

- C. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- D. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.
- E. Upon completion of the proposed improvements the streets and utilities would be adequate to serve the project.
- F. None of the findings set forth in Section 66474 of the Subdivision Map Act for denial of a tentative map have been made.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Negative Declaration and approves Conditional Use Permit Application No. PL-2011-0132 and Tentative Tract Map Application PL-2011-0133, subject to the attached conditions of approval (Exhibit "A").

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

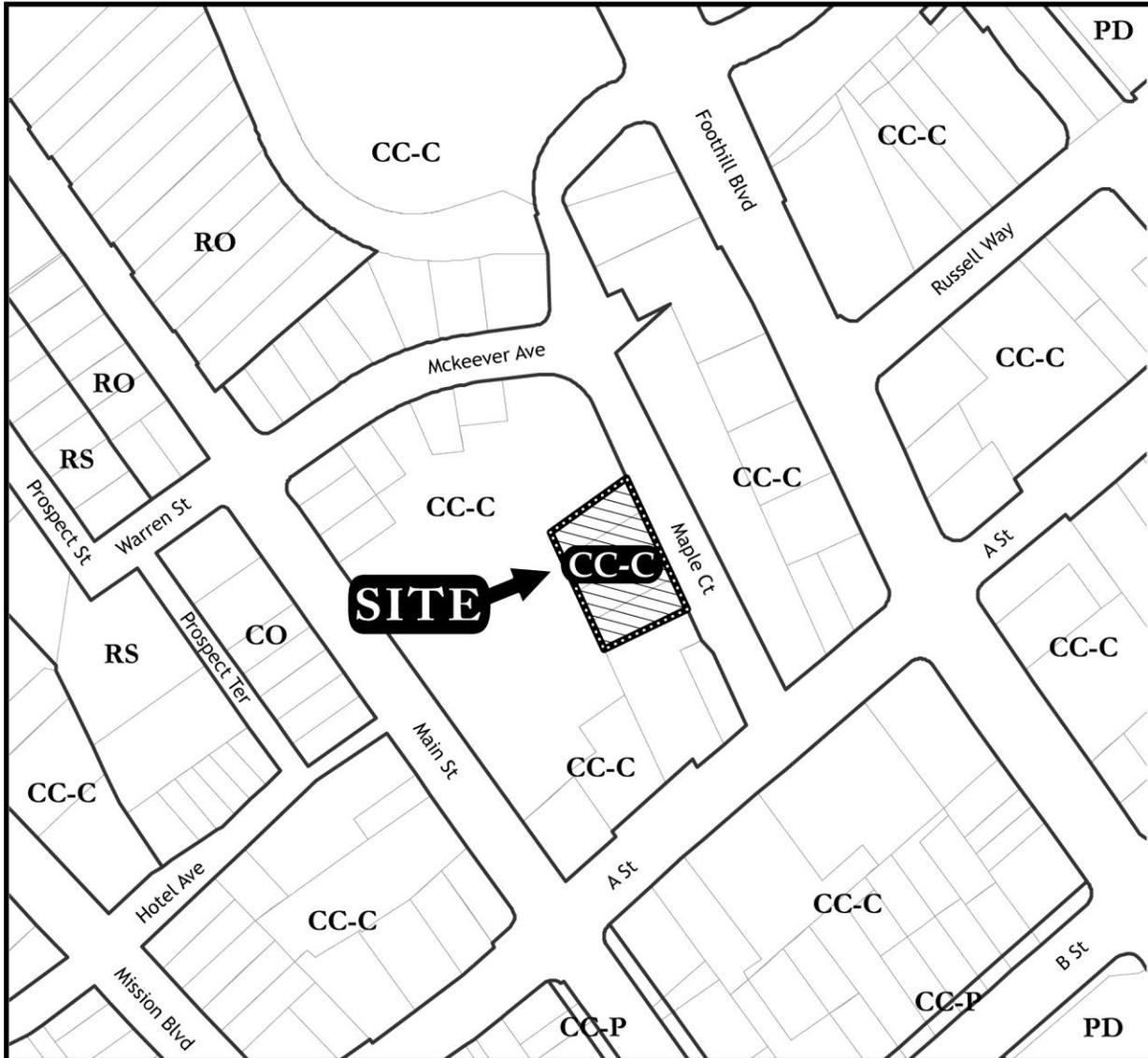
ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



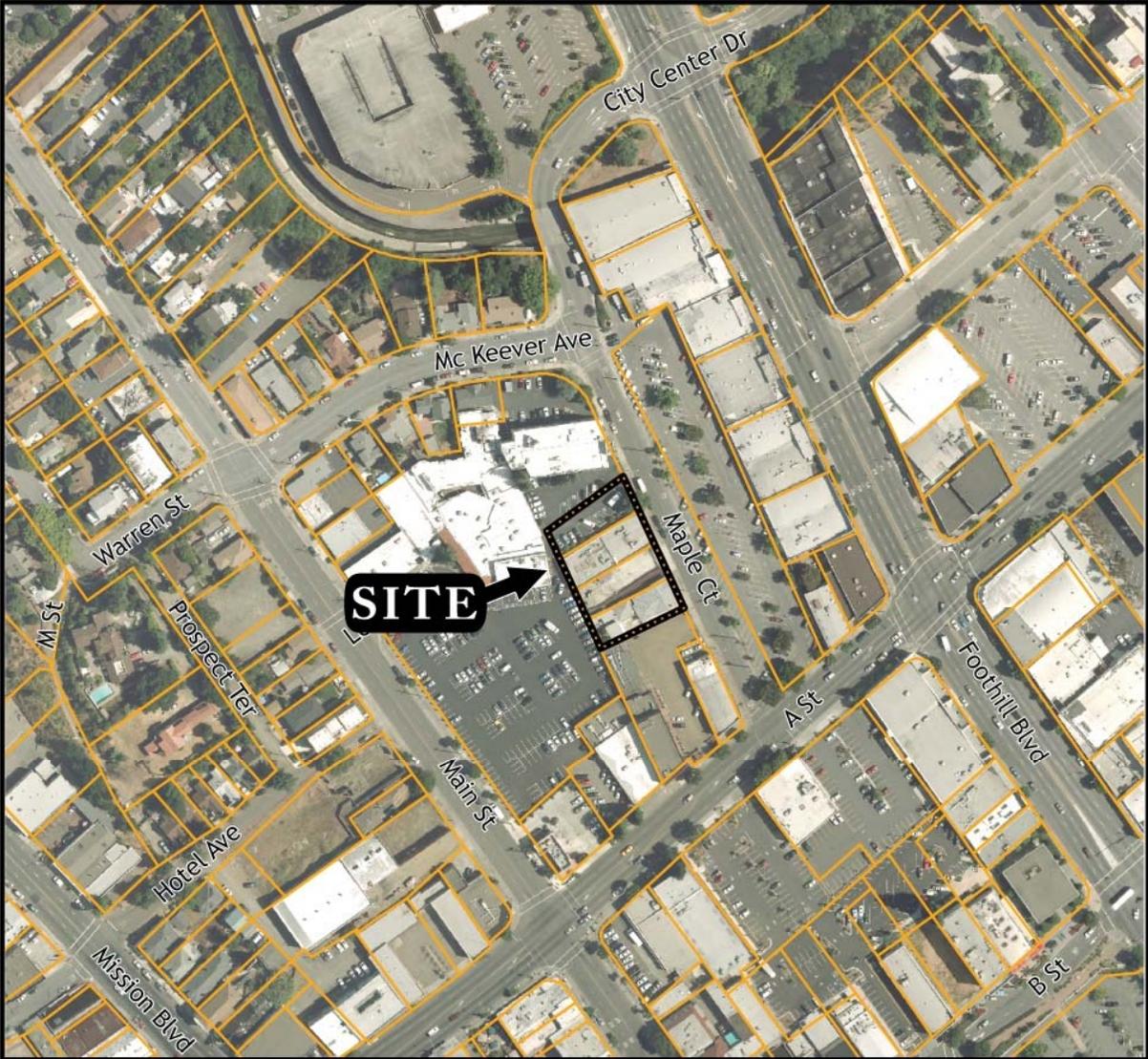
**Area & Zoning Map**

PL-2011-0133 TTM 8084  
 PL-2011-0132 CUP  
 Address: 22471-22491 Maple Court  
 Applicant: Kevin Wong  
 Owner: Maple Court Homes, LLC

**Zoning Classifications**

- RESIDENTIAL**
- RS Single Family Residential, min lot size 5000 sqft
- COMMERCIAL**
- CO Commercial Office
- RO Residential Office
- CENTRAL CITY**
- CC-C Central City - Commercial
- CC-P Central City - Plaza
- OTHER**
- PD Planned Development





**Area Map**

PL-2011-0133 TTM 8084  
PL-2011-0132 CUP  
Address: 22471-22491 Maple Court  
Applicant: Kevin Wong  
Owner: Maple Court Homes, LLC





**DEPARTMENT OF DEVELOPMENT SERVICES  
Planning Division**

**INITIAL STUDY CHECKLIST**

**Project Title:**

**Lead agency name and address:** City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

**Contact person:** Tim R. Koonze, Associate Planner  
(510) 583-4207 tim.koonze@hayward-ca.gov

**Project location:** Property is located at 22471-22491 Maple Court, west side between McKeever Avenue and A Street.

**Project sponsor's name and address:** KB Design and Consulting LLC  
260 5<sup>th</sup> Street  
San Francisco, CA 94103  
Attn: Kevin Wong

**General Plan:** Commercial High Density Residential (CHDR)

**Zoning:** Central City Commercial (CC-C)

**Description of project:** Request to construct 44 residential condominium units within a five story building. The proposal includes allowing residential development on the first floor.

**Surrounding land uses and setting:** The uses surrounding the subject site consist of commercial uses.

**Other public agencies Whose approval is required:** None

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils                     |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities / Service Systems        | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature <i>Tim Koonge</i>	Date <i>2/13/12</i>
Printed Name <i>Tim Koonge</i>	For

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

**ENVIRONMENTAL ISSUES:**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS -- Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista? <i><b>Comment:</b> The proposed improvements would not affect any scenic vista.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i><b>Comment:</b> No scenic resources exist in the area.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i><b>Comment:</b> The project consists of the construction of 44 residential condominium units within a five-story building with a downtown urban area. The project will promote pedestrian activity. The proposed building with the adjacent four story commercial building in size and has contemporary architecture that would enhance the aesthetics of the neighborhood. Therefore, there is no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i><b>Comment</b> The light generated from the project is considered less than significant given the surrounding developed area; no mitigation is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**II. AGRICULTURE AND FOREST**

**RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ***Comment:*** *The project site does not contain such farmland.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ***Comment:*** *The project is not located in an agricultural district nor in an area used for agricultural purposes, nor is it subject to the Williamson Act.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? ***Comment:*** *The project does not involve the rezoning of forest land or timberland; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use? <b>Comment</b> <i>The project does not involve the loss or conversion of forest land; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? <b>Comment</b> <i>The project does not involve changes to the environment that could result in conversion of farmland or forest land; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>III. <b>AIR QUALITY</b> -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan? <b>Comment</b> <i>The project consists of the construction of 44 residential condominium units within a five-story building and will not conflict with the goals of the air quality plan; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? <b>Comment</b> <i>The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation; thus the proposed project will not violate any air quality standard and there is no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

precursors)? **Comment** *The proposed project meets the screening criteria in Table 3-1 of the Air District's CEQA Guidelines; thus, it can be determined that the project would result in a less-than-significant cumulative impact to air quality from criteria air pollutants and precursor emissions.*

d) Expose sensitive receptors to substantial pollutant concentrations? **Comment** *The project consists of the construction of 44 residential condominium units within a five-story building that will not involve exposing sensitive receptors to substantial pollutant concentrations; thus no impact.*

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Create objectionable odors affecting a substantial number of people? **Comment** *The project consists of the construction of 44 residential condominium units within a five-story building of which would not create any objectionable odors; thus no impact.*

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**IV. BIOLOGICAL RESOURCES --** Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? **Comment:** *The project will have no impact on any wildlife species as the site is already developed with buildings and parking area and is located within an established developed neighborhood and is not known to contain any or contribute to any species identified as a candidate, sensitive, or special status species.*

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? **Comment:** *The project would have no impact on any riparian habitat as the property is developed and the site is located*

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*within an established developed area.*

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? **Comment** *The project site is a developed site that contains no wetlands; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? **Comment:** *The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor in that it is located within a developed area.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? **Comment** *The project site does not contain any significant stands of trees. Any significant trees located on-site and along the property frontages shall remain and be protected during construction, thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? **Comment:** *There are no habitat conservation plans affecting the property.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**V. CULTURAL RESOURCES** -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? **Comment:** *There is an existing home on the site that has been designated as having a high integrity historical value. A condition of approval requires the applicant to relocate the home to a site in Hayward that has homes of similar architecture prior to any construction. The site must be approved by the Planning*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Director. The saving of the home would result in a less-than-significant impact.</i>				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? <b>Comment:</b> <i>No known archaeological resources exist on the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? <b>Comment:</b> <i>No known paleontological resources exist on the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? <b>Comment:</b> <i>There are no records of any human remains located on the subject sites. There are no improvements proposed as part of this project that are not on properties that have previously been developed. If future construction reveals human remains a condition of approval would require the developer to contact the local coroner and, if determined necessary, the Native American Heritage Commission.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VI. GEOLOGY AND SOILS --</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. <b>Comment</b> <i>The affected parcels are located approximately 250 feet east of the Hayward Fault zone; however, any future buildings would be designed and constructed to comply with the California Building Code; thus the impact is considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking? <b>Comment</b> <i>The project site is located near the Hayward Fault which will most likely experience strong ground shaking in the event of an earthquake rupturing on the Hayward Fault; however, future buildings will be designed and constructed to withstand an earthquake; thus the impact is considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? <b>Comment</b> <i>The site lies within the large portion of Hayward that is mapped as being subject to seismic liquefaction. Prior to issuance of a building permit, engineering and building staff will review a soils investigation report to ensure that the building foundations are adequately designed for the soil type on-site, thus the impact is considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? <b>Comment</b> <i>The project site is a flat lot located in the downtown Hayward area and not located in an area impacted by landslides; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? <b>Comment</b> <i>The project site is a flat, fully developed lot whereby minimal grading will take place to accommodate future construction. The project will implement soil erosion measures during construction; thus the impact is considered no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <b>Comment</b> <i>The project is not proposed on soil that is unstable; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <b>Comment</b> <i>The project site does not contain any expansive soils; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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for the disposal of waste water? **Comment** *The project would connect to an existing sewer system with sufficient capacity and does not involve septic tanks or other alternative wastewater; thus, no impact.*

**VII. GREENHOUSE GAS EMISSIONS --**  
Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? **Comment** *Any commercial development that could occur on the parcels being rezoned from residential to commercial fall below the allowable screening criteria established by the Bay Area Air Quality Management District thus would not exceed the threshold of significance for Greenhouse gas emissions; thus no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? **Comment** *The project consists of the construction of 44 residential condominium units within a five-story building with a downtown urban area. The project will promote pedestrian activity. The project is consistent with applicable plans and policies for reducing greenhouse gas emissions; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**VIII. HAZARDS AND HAZARDOUS MATERIALS --** Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **Comment** *Pursuant to a Phase 1 study prepared by Eras Environmental, Inc. on December 22, 2011 no hazardous materials or evidence of hazardous materials was found at the site. However, a dry cleaner was located at the site from 1962 through 1971, therefore, the report recommends further ground and water testing. If any contaminants are found they will be dealt with in accordance with the City of Hayward's Hazardous Materials Division requirements thus the impact is considered less-than-significant.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <b>Comment</b> <i>See VIII a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <b>Comment</b> <i>There are no schools within one-quarter of a mile of the project sit, thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <b>Comment</b> <i>The project site is not on a list of hazardous materials sites; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <b>Comment</b> <i>The project is not located within an airport land use plan area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <b>Comment</b> <i>The project is not located within the vicinity of a private air strip; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <b>Comment</b> <i>The project site is midblock within a developed area fronting on Maple Court, a public street, and will not interfere with an adopted emergency response plans or evacuation plan; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

intermixed with wildlands? **Comment** *The project site is not located within the City's Wildland Interface Area; thus no impact.*

**IX. HYDROLOGY AND WATER QUALITY**

-- Would the project:

a) Violate any water quality standards or waste discharge requirements? **Comment** *The project will comply with all water quality and wastewater discharge requirements of the City; thus, no impact.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment** *The project will be connected to the existing water supply and will not involve the use of water wells and will not deplete groundwater supplies or interfere with groundwater recharge; thus, no impact.*

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? **Comment** *The project site is an infill site that currently has a parking lot, commercial building and single-family home. All drainage from the site and the proposed 44-unit condominium building is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? **Comment** *The project site is an infill site that currently has a commercial building, parking lot and single-family home. All drainage from the site is required to be treated before it enters the storm*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.</i>				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <b>Comment</b> <i>The project site is an infill site that drains to an existing storm water main that has sufficient capacity to handle any drainage from the property; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? <b>Comment</b> <i>All drainage from the site drains into an existing drainage system that has sufficient capacity to serve the site and all drainage is required to be treated before it enters the storm drain system; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <b>Comment</b> <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <b>Comment</b> <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <b>Comment</b> <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? <b>Comment</b> <i>The project site is not in a location that would allow these phenomena to affect the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>X. LAND USE AND PLANNING -- Would the project:</b>				
a) Physically divide an established community? <b>Comment</b> <i>The project site is an infill site that</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>currently has a parking lot, commercial building and single-family home. The proposed infill project consists of building a 44-unit condominium building and removing a commercial building, parking lot and single-family home. The property is within a General Plan designation of City Center Retail Office and Commercial which encourages mixed commercial and high density residential uses that promote pedestrian traffic. The project conforms to the intent of development for the area, therefore, the project would have less than significant impact to the established community.</p>				
<p>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? <b>Comment</b> The property is within a General Plan designation of City Center Retail Office and Commercial which encourages mixed commercial and high density residential uses that promote pedestrian traffic. The project is a high density residential building that would promote pedestrian activity through building design for easy interaction with any street activity. The intent of the zoning and General Plan would be met and thus be considered less-than-significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <b>Comment</b> The project site is not covered by any habitat conservation plan or natural community conservation plan; thus, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>XI. MINERAL RESOURCES -- Would the project:</p>				
<p>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? <b>Comment</b> There are no known mineral resources on the project site; thus no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? <b>Comment</b> <i>The project site is not identified as a site known to have mineral resources; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>XII. NOISE -- Would the project result in:</i>				
a) <i>Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</i> <b>Comment</b> <i>While the project would not result in a permanent increase in ambient noise levels in the project vicinity above levels existing without the project, the project would expose people to increased noise levels during construction.</i> <i>Construction of the homes may result in noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies if any, will be temporary in nature during the construction of the homes and associated improvements. All City noise standards are required to be met and maintained upon completion of construction. Grading and construction will be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday. No work will be done on weekends or national holidays. The construction noise would be considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</i> <b>Comment</b> <i>See XII a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</i> <b>Comment</b> <i>See XII a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</i> <b>Comment</b> <i>See XII a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>For a project located within an airport land use</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? <b>Comment</b> <i>The project is not located within an airport land use plan area; thus, no impact.</i>				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? <b>Comment</b> <i>The project is not located within near a private air strip; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIII. POPULATION AND HOUSING --**  
Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? <b>Comment.</b> <i>The property is within a General Plan designation of City Center Retail Office and Commercial which encourages mixed commercial and high density residential uses that promote pedestrian traffic. The project conforms to the intent of development for the area; therefore, the impacts to substantial population growth would have a less than significant impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <b>Comment.</b> <i>The project site is an infill site that currently has a parking lot, commercial building and single-family home. The project proposed to construct 44 residential units and to relocate the existing single-family home, thus there is no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? <b>Comment.</b> <i>See XIII b).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIV. PUBLIC SERVICES --**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities? <b>Comment</b> <i>The project is proposing a residential use within an urbanized area that is already served by police, fire, schools and parks. No mitigation is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XV. RECREATION --**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? <b>Comment</b> <i>The proposed residential project incorporates private and group open space that exceeds the City's requirements. In addition, there developer would be required to pay park dedication in-lieu fees to help fund improvements to parks in the area, thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? <b>Comment</b> <i>See XV a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVI. TRANSPORTATION/TRAFFIC --**

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
paths, and mass transit? <b>Comment</b> <i>The project fronts on a public street that can accommodate the vehicle trips generated by the proposed project. The project will not conflict with any plan regarding effective performance of the circulation system. The residential project fronts on a public street providing adequate access; thus, no impact.</i>				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? <b>Comment.</b> <i>No level of service will be impacted by the residential use on existing in-fill lots; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? <b>Comment</b> <i>The project involves no change to air traffic patterns; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? <b>Comment</b> <i>The project has been designed to meet all City requirements; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? <b>Comment</b> <i>The project is on an in-fill site completely accessible and will not result in inadequate emergency access; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? <b>Comment</b> <i>The project does not involve any conflicts or changes to policies, plans or programs related to public transit, bicycle or pedestrian facilities; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. UTILITIES AND SERVICE SYSTEMS</b>				
-- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? <b>Comment</b> <i>The project will not exceed wastewater treatment requirements; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <b>Comment</b> <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <b>Comment</b> <i>There is sufficient capacity in the existing storm drain system to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <b>Comment</b> <i>There is sufficient capacity in the water main to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project' s projected demand in addition to the provider' s existing commitments? <b>Comment</b> <i>There is sufficient capacity in the sanitary sewer main to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project' s solid waste disposal needs? <b>Comment</b> <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? <b>Comment</b> <i>There is sufficient capacity to accommodate the</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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*proposed project; thus, no impact.*

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment** *The project will not have any impacts on wildlife or fish habitat nor eliminate a plant or animal community; thus, no impact.*

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? **Comment** *As evidenced in the checklist above, it has been determined that the project will not have any significant impacts; thus no impact to cumulative impacts.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment** *The project will not have any environmental impacts thus will not cause substantial adverse effects on human beings; thus no impact.*



**DEPARTMENT OF  
DEVELOPMENT SERVICES  
Planning Division**

**NEGATIVE DECLARATION**

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

- I. *PROJECT DESCRIPTION:*** Conditional Use Permit Application PL-2011-0132 / Tentative Tract Map Application PL-2011-0133 – Request to construct 44 residential condominium units within a five story building. The proposal includes allowing residential development on the first floor where the zoning district requires residential units over first floor commercial.

**II. *FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:***

The proposed project could not have a significant effect on the environment.

**III. *FINDINGS SUPPORTING DECLARATION:***

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site contains no such habitat and it is surrounded by urban uses.
6. To accommodate the proposed project, a condition of approval requires that the existing single-family historic home be preserved by relocating it to a site within a neighborhood that supports other historically significant homes in Hayward. Preservation of historic homes is encouraged by the City's Historic Preservation Ordinance. With this condition, the project would have a less than significant impact to known cultural resources including historical

resources, archaeological resources, paleontological resources, unique topography, or disturb human remains.

7. The project site is not located within a "State of California Earthquake Fault Zone", however, may experience ground shaking due to the proximity to active faults in the region. Construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff for any future developments.
10. The project is consistent with the policies of the City General Policies Plan, the Downtown Design Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.
12. The project will not have a significant noise impact.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

**IV. PERSON WHO PREPARED INITIAL STUDY: Tim Koonze, Associate Planner**

Signature: Tim Koonze Dated: 2/3/12

**V. COPY OF INITIAL STUDY IS ATTACHED**

For additional information, please contact the City of Hayward Development Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4114

**CITY OF HAYWARD  
PLANNING DIVISION  
CONDITIONAL USE PERMIT**

**May 29, 2012**

**Conditional Use Permit Application PL-2011-0132 / Tentative Tract Map Application PL-2011-0133 – KB Design and Consulting, Ben Wong (Applicant) / Maple Court Homes (Owner)** – Request to construct 44 residential condominium units within a five-story building. The proposal includes allowing residential development on the first floor.

The project consists of four properties located at 22471-22491 Maple Court, west side between McKeever Avenue and A Street (Assessor's Parcel No's 428-61-10, 11, 12-2 and 15-2). The property is located within the Central City Commercial (CC-C) District

This permit becomes void three years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director. A request for an extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to May 29, 2015.

**CONDITIONS OF APPROVAL**

**As Modified By the City Council at the May 29, 2012 Public Hearing**

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. 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.
3. **The following shall be incorporated to accommodate four live-work units on the ground floor:**
  - a. **The ground floor building elevation along Maple Court shall be designed as a commercial store front, the architectural design of which is to be approved by the Planning Director;**
  - b. **Each unit shall contain a minimum of 400 square feet of commercial area along the front portion of the units and such areas shall be open to the public at a minimum of 10:00 am to 5:00 pm Monday through Friday.**
  - c. **A minimum of six parking spaces, including a handicap space, shall be provided behind the ground floor live-work units, and shall be signed, marked and regulated to commercial parking for customers of the live-work units from the hours of 10:00 am to 5:00 pm Monday through Friday.**
4. The building permit plans shall incorporate the following information:

- a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
  - b. The plans shall show that pavement at the vehicular driveway and the pedestrian entries, shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.
  - c. A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of the building.
  - d. The security gate entry shall be designed to conform to the Security Gate Ordinance.
  - e. Recommendations of the project geotechnical consultants, United Soil Engineering, Inc., shall be implemented, including those related to ground-motion parameters for use in structural design of buildings.
5. Prior to issuance of a building permit:
- a. Final colors and materials selection shall be presented to the Planning Director for review and approval.
  - b. Provide an architectural feature along the flat wall on the ground floor at the rear of the building to discourage graffiti such as a metal trellis that would support vines situated between decorative spaced columns. The design shall meet the approval of the Planning Director.
  - c. Documentation creating a homeowners association and Covenants, Codes and Restrictions (CC&R's) shall be recorded. Before recordation, the CC&Rs shall be submitted to the City Attorney for review and approval.
  - d. The developer shall submit a soils investigation report to the satisfaction of the City Engineer.
6. **An archaeologist or qualified professional, such as a local Native American tribal representative, shall be present on site to monitor all ground-disturbing activities.** In the event that human remains', archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. ~~A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities.~~ Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
7. Prior to any construction occurring on the site, the existing single-family home, which has a moderate level of historic integrity and historic significance, shall be relocated to a site within a neighborhood that supports other historically significant homes in Hayward. The site chosen for the relocation shall be approved by the Planning Director.
8. Prior to approval of the First Final Map, an Inclusionary Housing Agreement shall be submitted and approved by the Planning Director. The Inclusionary Housing Agreement

shall conform to the requirements of the Inclusionary Housing Ordinance. In addition, the IHA shall include a contingency plan which describes the specific manner in which Developer will produce "very low" income housing units.

9. The developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of \$20,000 with the City prior to or concurrent with the submittal of the final subdivision map and improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation, should the developer elect to annex into a special tax district.
10. The applicant or homeowners association shall maintain in good repair all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.
11. The residents shall not use the parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These spaces shall be monitored by the homeowners association. The homeowners association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.
12. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for reading must be provided to meters.
13. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.

**Landscaping:**

14. Prior to the approval of improvement plans, or issuance of a building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
  - a. Provide tree key and legend or a note referring to specific landscape plan for landscape information on trees to be removed. A separate tree removal permit shall be required from the City Landscape Architect for all trees that are to be removed prior to site demolition work.
  - b. Prepare landscape and irrigation plans for each level separately. Provide bark, pre-emergent, and groundcover in all planting beds. When preparing irrigation plan, show point of connections clearly.
  - c. Provide overlay of planter and tree locations in relation to structural column and light standard locations.

- d. Shrub spacing must be provided on Plant Legend when preparing Construction Documents. All screening shrubs shall be a minimum 5-gallon in size.
  - e. Provide details of group open space amenities, such as benches, tables, fencing, play equipment and barbecues.
  - f. All trees, including Second Floor plantings, shall be planted per City Standard SD-122.
  - g. Provide a detailed planting and irrigation plan including trees and shrubs for the 10 foot wide landscaped area along the northerly property line. Provide details of any amenities, such as benches, tables, fencing.
15. One 24-inch box street tree is required for every 20-40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the most current City Standard Detail SD-122.
  16. All trees shall be planted a minimum of 5 feet from any underground utilities, 15 feet from a light standard, and 30 feet from the face of a traffic signal, unless otherwise specified by the City. Root barriers shall be provided for all trees that are located within 7 feet of paved edges or structures.
  17. Amend the soil with compost. Refer to [www.stopwaste.org](http://www.stopwaste.org) and [www.bayfriendly.org](http://www.bayfriendly.org) for information. The courtyard landscape shall use green-roof concepts and shall be utilized for bio-filtration, bio-retention and bio-detention.
  18. Landscape areas adjoining the common driveway shall be separated by a 6-inch-high class "B" Portland cement concrete curb.
  19. Prior to issuance of a Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Final Acceptance. The final acceptance form must be submitted prior to requesting an inspection by the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements.
  20. Park in-lieu fee is required for each of the unit in the development. Park in-lieu fee shall be applied at the rate in effect at the time a building permit is issued. The fee schedule is updated annually with new fees taking effect on July 1 of each year. The current fee for a multi-family dwelling is \$9,653. This fee will apply to 44 units. No credit can be given for the existing single family home as it is required to be relocated. The fee shall be paid to the City prior to the date of the final inspection or the date of the certificate of occupancy is issued, whichever occurs first.

**Fire Department:**

21. Access
  - a. Access requirements for this development shall be in compliance with the California Fire Code and Hayward Fire Department Standards.
  - b. The driveway located in the south side of the building shall be shall be 26-feet-wide to accommodate the need for ladder truck operations. The driveway shall be identified as an Emergency Vehicle Access lane (EVA)including red-painted

curbing and the installation of fire lane signage as required by the Hayward Fire Department.

- c. The EVA shall maintain an unobstructed vertical clearance of 13.5 feet.
- d. The paved EVA shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight (GVW) of fire apparatus.
- e. The proposed automated security gate at the entrance shall have a key switch to allow fire access. The design shall be approved by the City Fire Department.

22. Building Construction

- a. This building is determined to be “high-rise structure” by definition of Hayward Fire Code Ordinance No. 10-14. All high-rise requirements will be applicable, including a Fire Command Center.
- b. Fire Department connection shall be located on Maple Court within 100 feet to a fire hydrant.
- c. Fire hydrants and fire lanes for the development shall be operational and in service prior to the start of any combustible construction and/or storage of combustible construction materials.
- d. Prior to issuance of a Certificate of Occupancy, final fire department/hazardous materials inspection is required to verify that requirements for fire protection facilities have been met, and actual construction of all fire protection equipment has been completed in accordance with the approved plan. Please contact the Fire Marshal’s Office at (510) 583-4910 at least 24 hours before the desired final inspection appointment.

23. Fire Protection

- a. The building shall have an automatic fire sprinkler system installed per NFPA 13 Standards.
- b. Design and installation of the Class 1 wet standpipe system shall be in conformance with NFPA 14 Standards.
- c. A manual fire alarm system with the occupant in notification is required and shall be install in accordance with NFPA 27.

**Solid Waste & Recycling:**

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

**Utilities:**

- 25. Each residential condominium must have an individual water meter and sanitary sewer lateral.
- 26. Show gallon per minute demand on plans to determine proper meter sizes for residential and irrigation water use. A reduced pressure backflow prevention assembly shall be installed as per City of Hayward Standard Detail 202 on all domestic and irrigation water meters.
- 27. The building permit and tract improvement plans shall show the location of proposed water meters. Water meters shall be located a minimum of six feet from sanitary sewer lateral as per State Health Code.

28. Water and sewer service is available subject to standard conditions and fees in effect at time of application.
29. Prior to discharge, additional sewer system capacity to accommodate the volume and waste strength of wastewater to be discharged from the site must be purchased at the rates in effect at the time of purchase.
30. Add following notes to the building permit plans:
  - (a) Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
  - (b) Only water distribution personnel shall perform operation of valves on the Hayward Water System.

**CITY OF HAYWARD  
PLANNING DIVISION  
TENTATIVE TRACT MAP 8084**

**May 29, 2012**

*As Modified By the Planning Commission at the March 8, 2012 Public Hearing  
As Modified By the City Council at the May 29, 2012 Public Hearing*

**Conditional Use Permit Application PL-2011-0132 / Tentative Tract Map Application PL-2011-0133 – KB Design and Consulting, Ben Wong (Applicant) / Maple Court Homes (Owner)** – Request to construct 44 residential condominium units within a five-story building. The proposal includes allowing residential development on the first floor.

The project consists of four properties located at 22471-22491 Maple Court, west side between McKeever Avenue and A Street (Assessor's Parcel No's 428-61-10, 11, 12-2 and 15-2). The property is located within the Central City Commercial (CC-C) District

Tentative Tract Map Application No. PL-2011-0133 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void three years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for an extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to March 8, 2015.

Any modification to the approved plans or conditions shall require review and approval by the Planning Director. If determined to be necessary for the public safety and general welfare, the City may impose additional conditions or restrictions on this permit.

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

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter. A copy of these approved conditions of approval shall be inscribed on full-sized sheets in the tract improvement plan sheets.

**CONDITIONS FOR APPROVAL**

1. All construction shall meet the California Building Code (CBC) and all applicable City of Hayward Building Department Ordinances (Ordinance #02-13) and amendments. Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Department Ordinances (Ordinance #02-13) and amendments in use by the Hayward Fire Department.
2. The developer/subdivider's Professional Engineers registered to practice in the State of California shall perform all design work unless otherwise indicated.

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

### **PRIOR TO APPROVAL OF THE TRACT IMPROVEMENT PLAN**

4. Tract Improvement Plans shall be approved prior to presenting to City Council for approval of Final Map. Submit the following proposed improvement plans with supporting documents, reports and studies:
  - a) Sixteen full size (22"x34") sets of Preliminary Tract Improvement Plans including Grading and Erosion and Sediment Control Plans prepared by Registered Civil Engineer, and Sixteen full-size (22"x34") sets of Landscaping and irrigation plans prepared by a State of California Licensed Landscape Architect. Two sets of plans shall have original signatures;
  - b) Five sets of Drainage Plan, Hydrology map with supporting calculations and reports;
  - c) Five sets of Cleanwater treatment plan with supporting calculations and reports;
  - d) Ten sets of Preliminary Final Map with supporting documents and calculations; and,
  - e) A complete Development Building Application Information Form consisting of: 1) Impervious Material Form and 2) Operation and Maintenance Information Form, which is available at Public Works Engineering and Transportation Division.

### **TRACT IMPROVEMENTS PLANS**

Tract Improvement Plans, Grading and Erosion Control Plans, Drainage plans and calculations shall be reviewed and approved by the City Engineer. Subject plans shall, in addition to the standard improvements, incorporate the following conditions and design requirements:

#### **Existing Public Streets: Maple Court:**

1. All existing utility poles and overhead utility lines along the project Maple Court frontage shall be removed and placed underground. Location of utility joint trench shall be reviewed and approved by the City Engineer.
2. One Standard LED Streetlight shall be installed along the project Maple Court frontage.
3. Half width of Maple Court pavement section shall be ground two inches and overlaid with new asphalt pavement. Tie-in pavement shall be seven inches of deep lift asphalt and a minimum of four feet wide.
4. Any broken sidewalk along the property frontage that creates a tripping hazard, as determined by the City Engineer, shall be removed and replaced.

#### **New Common Driveway**

5. Proposed common driveway improvements shall be designed, generally reflective of the alignment and width shown on the submitted vesting tentative tract map, and as approved by the City Engineer.
6. The driveway approach shall conform to City Standard Detail SD-110. All existing driveways shall be removed and replaced with standard Portland Cement Concrete curb, gutter and

sidewalk to match existing improvements.

7. The common driveway shall have a twenty-six-foot-wide, measured face of curb to face of curb, travel lane that shall be constructed to the same standards as a public street.
8. At least ten feet of decorative pavement section e.g. interlocking pavers or stamped colored concrete, or bands of decorative paving, etc. shall be installed at the driveway entrance from the front property line. One foot concrete band shall be provided around decorative materials. The Planning Director shall approve the material, color and design and the City Engineer shall approve the pavement section for the decorative paving. Decorative pavements shall be capable of supporting a 75,000 lb. GVW load.
9. No parking shall be allowed within the common driveway. "No Parking" signs shall be installed and the locations of signs shall be approved by the Fire Chief and City Engineer.
10. The on-site lighting shall have a decorative design approved by the Planning Director. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer. Such fixtures shall have shields to minimize "spill-over" lighting on adjacent properties that are not part of the tract.

### **Storm Drainage**

11. The on-site storm drain system shall be a private system owned and maintained by the homeowners' association.
12. On-site grading shall be done in such a way to prevent surface stormwater runoff discharging into the underground garage.
13. The proposed sump pump and energy dissipator structure shall be carefully designed with emergency release should the structure become blocked. Failure of a pump system could result in flooding damage to the development. The drainage pump system shall have two pumps, each individually capable of pumping the design flow rate, and have a standby power source. The City will require a hold harmless document, to be recorded, from the property owner for the drainage pump system proposed.
14. Minimum storm drain pipes in Maple Court shall be 12-inch in diameter RCP pipes and shall be located one foot from the face of curb for pipes up to twenty four inches in diameter. The minimum cover over the pipe shall be three feet.
15. The development shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project site. Mitigation measures will be required to mitigate augmented runoff with off-site and/or on-site improvements.
16. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the City Engineer, and in case of referral, the Alameda County Flood Control and Water Conservation District.
17. No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
18. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved

methods. The City does not advocate the use of a manufactured filtration system.

19. An erosion and sedimentation control plan to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook shall be approved by the City Engineer prior to implementing throughout project construction.

***Stormwater Quality Requirements:***

20. The owner shall provide pertinent information for the preparation of a Stormwater Treatment Measures Maintenance Agreement by Engineering and Transportation Division staff. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
21. The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The storm drain design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
22. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page 30). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5 – 12 has a section titled "BMP Design Criteria for Flow and Volume." Those materials are available on the internet at [www.cabmphandbooks.com](http://www.cabmphandbooks.com) for your reference.
23. The project should be designed to direct runoff to the landscaped yards and treatment facility, prior to entering into the underground pipe system. Unit pavers should also be considered for impervious areas such as the driveways, parking areas and fire truck turnarounds. Roof leaders shall discharge into a landscaped area or a grassy swale prior to stormwater runoff entering an underground pipe system.
24. The developer/subdivider is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
25. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, as determined by the City Engineer and Landscape Architect, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance."

**Utilities*****Sanitary Sewer***

26. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application for service. Sewer Connection fees are due and payable prior to final inspection.
27. The proposed on-site sanitary sewer main shall be a private building court main and shall be designed and constructed to the City Standards and Specifications, and approved by the City Engineer.
28. The private on-site sanitary building court sewer main shall have a six-inch diameter. A manhole shall be installed at the change of flow direction, and the beginning and the end of each sanitary sewer main. The sanitary sewer mains shall be located a minimum of 10 feet from the water main. Minimum horizontal separation between sanitary sewer main and storm drain pipe shall be four feet.
29. Sanitary sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.

***Water System***

30. Only City of Hayward Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
31. Provide water demand (gallons per minute) on the improvement plans so that proper water pipe and meter size may be determined. Calculations shall be based upon fixture units using current California Plumbing Code. Water meters serving each condominium residence shall be sized large enough to serve both domestic and fire sprinkler system.
32. Water service is available subject to standard conditions and fees in effect at the time of application for service.
33. Each residential unit shall have an individual radio read water meter.
34. All radio-read water meters shall be placed in Maple Court sidewalk area (per SD-213). Water meters can be group together in a single row, supplied by a manifold line, per City Standard Detail SD-219.
35. Water laterals shall be placed at a minimum of five feet from street trees. Fire services and irrigation services must be separate services from domestic services.
36. Water mains and services, including the meters, shall be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least six feet from and one-foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials.
37. Separate irrigation water meters shall be installed for landscaping purposes.
38. Dedicated private fire lines shall be installed per City Standard Details. The dedicated fire lines can be used for private fire hydrants and for the building sprinkler systems. Individual sprinkler for each unit shall be reviewed under building permit application.

39. The fire service line shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and 204.
40. A reduce pressure backflow preventer shall be installed behind the water meter per City Standard Detail SD-202.
41. Any existing water meters and service lines that cannot be reused shall be removed by the City of Hayward Water Distribution Personnel at the owner's/applicant's expense.
42. The 6-inch public water main within Maple Court may need to be upsized to meet fire flow demands depending on the type of building construction used. The ultimate building and water flow design shall meet the approval of the Hayward Fire Department and the City Engineer.

### ***Fire Protection***

#### 43. Water Supply

- a. The number fire hydrants needed to be installed will depend on the type of building construction. The current available fire flow would dictate that the building be a Type I construction, (primarily concrete construction). If the applicant opts for a Type VB, the water main between the project site and the water main within A Street would have to be upsized to meet a minimum 4,000 gallon per minute (GPM) water flow. A minimum four hydrants with a 400-foot hose lay distance to the building shall be required. The water flow design and the water main upgrade shall meet the approval of the Hayward Fire Department and the City Engineer respectively.
- b. New fire hydrants shall be placed 50 feet from the building to be protected, if it is not feasible to place them at that distance, they may have to be closer in proximity in approved locations, subject to the approval of the Hayward Fire Department. If fire hydrants are located so as to be subject to vehicle impacts as determined by the Hayward Fire Department, crash post shall be installed around the fire hydrant(s).
- c. The new fire hydrants shall be Double Steamer Hydrants, Clow Valve Company, Model 865 with one 2½-inch outlet and two 4½-inch outlets. Blue reflector pavement markers shall be installed in Maple Court at the fire hydrant locations.

#### 44. Hazardous Materials

- a. Prior to issuance of Building or Grading Permits a final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control and submitted to the Hayward Fire Department to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
- b. Prior to grading: Houses, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to

- ensure hazards posed to development construction workers, the environment, future residents and other persons are mitigated.
- c. All wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. These structures shall be documented and removed under permit when required.
  - d. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but shall not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
  - e. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

*Other Utilities (PG&E, cable, phone, etc...)*

45. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. All facilities necessary to provide service to the dwellings, including transformers and switchgear, shall also be undergrounded.
46. All utilities shall be designed in accordance with the requirements of the City and applicable public agency standards.

**Homeowners' Association and Conditions, Covenants and Restrictions**

47. A Homeowners' Association (HOA) shall be formed and Conditions, Covenants, and Restrictions (CC&R's) shall be created so that the HOA will be responsible for maintaining the common driveway, private lighting, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to Cleanwater treatment facilities, landscaping and decorative paving. For any necessary repairs performed by the City in locations under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the HOA established to maintain the common areas within the association boundary. The common area landscaping includes all areas except the private yards areas. The CC&R's will also contain a standard condition that if the homeowners' association fails to maintain the common areas; including private streets, lights and utilities, the City of Hayward will have the right to enter the subdivision and perform the necessary work to maintain these areas and lien the property for their proportionate share of the costs.
48. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include, but are not limited to, the following provisions:
  - a. Each unit owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
  - b. The association shall be managed and maintained by a professional property management company.

- c. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association.
- d. The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's association 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 fifteen days of notification. Plants in the common areas shall be replaced within two weeks 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 and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- e. A provision that if the homeowners' association fails to maintain the landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
- f. A requirement that the building exteriors and fences shall be maintained free of graffiti. A representative of the HOA shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of occurrence.
- g. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- h. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
- i. On-site lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.
- j. The private driveway shall be swept at least once a month.
- k. *Balconies may not be used for storage and personal items may not be draped over the railings.*
- l. *The HOA shall ensure that no less than 75 percent of the units shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.*
- m. *The HOA shall ensure through the CC&Rs that the four ground floor units are live-work units and that six parking spaces, including one handicap parking space, closest to the live-work units are available at least Monday through Friday from 10:00 am to 5:00 pm for customers of the live work units.*

### **Inclusionary Housing**

- 49. Prior to approval of the First Final Map, an Inclusionary Housing Agreement shall be submitted and approved by the Planning Director. The Inclusionary Housing Agreement

shall conform to the requirements of the Inclusionary Housing Ordinance. In addition, the IHA shall include a contingency plan which describes the specific manner in which Developer will produce "very low" income housing units.

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

50. Submit the following documents for review, approval or for project records:
  - a. Signed Stormwater Treatment Measures Maintenance Agreement.
  - b. Engineer's estimate of costs, including landscape improvements.
  - c. Signed Final Map.
  - d. Signed Subdivision Agreement.
  - e. Subdivision bonds.
  - f. Draft Conditions, Covenants, and Restrictions (CC&R's).
51. The final map shall be approved by the City Council. The City Council meeting will be scheduled approximately sixty days after the final map is deemed technically correct, and Improvement Plans with supporting documents, reports and agreements are approved by the City Engineer. The executed final map shall be returned to the City Public Works Department if Final Map has not been filed in the County Recorder's Office within ninety days from the date of City Council's approval.

#### **DEDICATIONS, EASEMENTS AND FINAL MAP**

52. The final map shall reflect all easements needed to accommodate the development. The common driveway shall be designated as a Public Utility Easement (PUE), Public Assess Easement (PAE), and Emergency Vehicle Access Easement (EVAE).
53. Prior to the approval of the final map, all documents that need to be recorded with the final map shall be approved by appropriate department managers, and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

#### **AGREEMENTS**

54. The developer/subdivider shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332 of the Municipal Code: Security for Installation of Improvements. Insurance shall be provided per the terms of the subdivision agreement.
55. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

#### **PRIOR TO GRADING OR SITE CONSTRUCTION**

56. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, detailed grading, erosion and sediment control measures and drainage plans with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved of the City Engineer.
57. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the developer/subdivider's Engineer shall submit a completed 1) Development and Building Application Information: Impervious Surface Form, 2) Operation and

Maintenance Information for Stormwater Treatment Measures Form, and 3) Information Request for Stormwater Treatment Measures Maintenance Agreement Form.

58. Prior to the issuance of a tree-removal permit, landscape plans including a tree mitigation summary shall be submitted to the City Landscape Architect for review and approval. The approved landscape plans and a summary of list of trees to be removed shall be attached to the tree removal permit.
59. Prior to issuance of Building or Grading Permits a final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control and submitted to the Hayward Fire Department to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
60. Prior to grading: Houses, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future residents and other persons are mitigated.
61. All wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. These structures shall be documented and removed under permit when required.
62. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but shall not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
63. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.
64. Prior to any construction the final map shall be approved by the City and filed in the County Recorder's Office.

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

65. Fire hydrants and fire lanes for the development shall be operational and in service prior to the start of any combustible construction and /or storage of combustible construction materials.
66. Required water system improvements shall be completed and operational prior to the start of combustible construction.

#### **DURING CONSTRUCTION**

67. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
  - a. Grading and site construction activities shall adhere to the specifications of the Noise Limitation portion of the Public Nuisances section of the Public Welfare, Morals and Conduct Ordinance unless revised hours and days are authorized by the City Engineer.
  - b. Grading and construction equipment shall be properly muffled.

- c. Unnecessary idling of grading and construction equipment is prohibited.
- d. Developer/subdivider shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
- e. The developer/subdivider shall participate in the City's recycling program during construction.
- f. Daily clean up of trash and debris shall occur along all peripheral streets and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- g. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions.
- h. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
- i. All unpaved access roads, parking areas and staging areas at construction sites shall be paved, have water applied three times daily, or non-toxic soil stabilizers applied. All paved access roads, parking areas and staging areas at construction sites shall be swept daily (with water sweepers).
- j. Inactive construction areas (previously graded areas inactive for 10-days or more) shall have non-toxic soil stabilizers applied, or shall be hydroseeded.
- k. Exposed stockpiles (dirt, sand, etc.) shall be enclosed, covered, watered twice daily or applied with non-toxic soil binders.
- l. Construction debris shall be gathered on a regular basis and placed in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, tarps on the ground are to be used to collect fallen debris or splatters that could contribute to storm water pollution.
- m. The sidewalks and public street pavement adjoining the project site shall be broom-swept on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
- n. All dirt, gravel, rubbish, refuse and green waste from the sidewalk, street, and storm drain system adjoining the project site shall be removed. During wet weather, driving vehicles off paved areas and other outdoor work areas shall be avoided.
- o. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- p. Filter materials (such as sandbags, filter fabric, etc.) shall be installed at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; 3) street washing activities; or 4) saw cutting asphalt or concrete activities, or in order to retain any debris or dirt flowing into the storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles shall be properly disposed in the trash.
- q. A contained and covered area shall be created on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
- r. Cleaning machinery, tools, brushes, etc., or rinsing containers, into a street, gutter, storm drain or stream is prohibited (see City's "*Building Maintenance/Remodeling*" flyer for more information).
- s. Concrete/gunite supply trucks or concrete/plasters finishing operations shall not discharge washwater into street gutters or drains.
- t. The developer/subdivider shall immediately report any soil or water contamination

noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

68. The developer/subdivider shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP).
69. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.
70. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The developer/subdivider shall require the soils engineer to submit daily all testing and sampling and reports to the City Engineer or his or her designee.
71. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

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

72. The developer/subdivider shall be obligated for the following fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Map was accepted as complete, unless otherwise indicated hereinafter:
  - a. Supplemental Building Construction and Improvement Tax.
  - b. Building Construction and Improvement Tax.
  - c. School Impact Fee.
  - d. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.
  - e. Park dedication in-lieu fees for new dwelling units.
73. Prior to the sale of any unit, or prior to the acceptance of site improvements, whichever first occurs, Conditions, Covenants and Restrictions (CC&R's) creating a property homeowners association shall be reviewed and approved by the Planning Director and City Attorney and recorded.
74. Any broken sidewalk along the property frontage that creates a tripping hazard, as determined by the City Engineer, shall be removed and replaced.
75. Prior to the City installing the water meters, the developer/subdivider shall provide the Public Works-Utilities with certified costs covering the installation of the public water mains and appurtenances.
76. All water service meters shall be installed by water distribution personnel at the developer/subdivider's expense. The application for water services shall be presented to the City Inspector.
77. Final Fire Department/Hazardous Materials inspection is required to verify that requirements for fire protection facilities have been met, and actual construction of all fire protection equipment has been completed in accordance with the approved plan. Please contact the Fire Marshal's Office at (510) 583-4910 at least 24 hours before the desired final inspection appointment.

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

78. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
79. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
80. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
81. The subdivider shall submit an Auto CAD file format (release 2010 or later) in a CD of approved final map and 'as-built' improvement plans showing lot and utility layouts that can be used to update the City's Base Maps.
82. The developer/subdivider shall submit an "as built" plans on mylars and in compact disc containing files in PDF format, or acceptable formats, containing the following:
  - a. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.
  - b. All the site improvements, except landscaping species, buildings and appurtenant structures.



**DATE:** April 24, 2012

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT:** Council Member Call-Up of Conditional Use Permit Application PL-2011-0132 / Tentative Tract Map Application PL-2011-0133 – KB Design and Consulting, Ben Wong (Applicant) / Maple Court Homes (Owner) – The project is located at 22471-22491 Maple Court, between McKeever Avenue and A Street, located in the Central City Commercial (CC-C) District

### **RECOMMENDATION**

That the City Council adopts the attached resolution (Attachment I) adopting the Negative Declaration (Attachment VIII) and approving the Conditional Use Permit and Tentative Tract Map to allow residential dwelling units on the first floor and to construct 44 residential condominium units, subject to the attached conditions of approval.

### **SUMMARY**

The applicant proposes a 44-unit residential condominium building with residential units on the ground floor. All City development standards are met by the project. The Central City Commercial (CC-C) District allows high-density residential uses as a primary use without need for a use permit, when located above ground-floor commercial uses. The zoning district allows residential units on the ground floor with an approved conditional use permit. Except for the ground-floor units, this project would be a primary use within the district, subject only to Site Plan Review. Maple Court is located outside the retail core of Downtown and is a side street that has not been attractive for retail businesses. The project should, however, create additional pedestrian traffic to support existing and future businesses that exist and will exist on Foothill Boulevard and A Street, which are major retail corridors.

On March 8, 2012, the Planning Commission approved the project commenting that they like the architecture and supported the residential units on the ground floor.

### **BACKGROUND**

The applicant proposes to construct 44-condominium units within a 55-foot high five-story building over an underground garage. The proposed project would occupy four contiguous parcels. Currently, there is a parking lot on one, a commercial building on another, a vacant paved parcel on the third, and a single-family home on the remaining parcel (see aerial, Attachment III). The home

has a high level of historical integrity due to its well-preserved early-century bungalow design, and is considered a significant historic resource. The site is relatively flat and located within a developed urban area. Adjacent to the rear of the property, a large parking lot serves the adjacent medical office building. Planning Commission Action: At its meeting of March 8, 2012, the Planning Commission voted 4-0, with three absent, to approve the project (Attachment IX – Planning Commission meeting minutes). The Commissioners found the building attractive in regard to scale, architectural treatment, landscaping, and lighting. They commented that they liked the fact that there are no multilevel units and that each unit has a private balcony or yard. They concurred that, because the location of the project is on a side street, coupled with the fact that there is an abundance of vacant retail spots in the downtown, they were comfortable approving the use permit for ground-level residences at this particular location. They were pleased that the project complies with all zoning regulations and that the developer is not seeking any variances.

After concerns were expressed that noticing for the March 8 Planning Commission meeting did not give residents in the Prospect Hill neighborhood an opportunity to attend and speak at the public hearing, the Planning Commission’s approval was called up to City Council by Council member Halliday on March 15, 2012.

## **DISCUSSION**

Project Description - Each unit has two bedrooms and two bathrooms, with the exception of one unit that is a one- bedroom unit with one bathroom. The units range in size from 804 to 1,198 square feet and each has either a private patio or a private balcony that meets the minimum private open space requirements (see further discussion below regarding open space). The proposed 26-foot-wide driveway serving the project provides adequate circulation and meets the Fire Department accessibility requirements.

The project conforms to the requirements of the Central City-Commercial (CC-C) zoning district, including the 55-foot height limit and all setback and open space requirements. By providing four low-income housing units, the project also conforms to density provisions of the City, as allowed by the Density Bonus Ordinance of the Municipal Code. The project also complies with the City’s Off-Street Parking regulations by utilizing City provisions that allow motorcycle and bicycle parking to achieve the required number of on-site parking spaces.

Density - The Hayward General Plan and Zoning Ordinance allow up to 65 residential units per acre on this site, which would allow for up to 37 units. Pursuant to Chapter 10, Article 19 of the City’s Municipal Code (the City’s Density Bonus Ordinance), by providing four of the units (10 percent) as units for low income households, the development as proposed is allowed and the City is required to grant an increase in density by 20 percent. The developer proposes to construct four low-income units per the City’s Density Bonus provisions to allow for a total of 44 units without asking for any concessions or variances. A condition of approval (Attachment V, No. 7) would require that an Inclusionary Housing Agreement would be submitted for approval by the Planning Director prior to approval of the final map. This would include a contingency plan that describes the specific manner in which the developer would produce the low-income housing units.

Parking –The City’s parking regulations require a minimum of 1.5 parking spaces per unit for this site (66 spaces), and allow two motorcycle spaces and four bicycle spaces to be substituted or

credited for each vehicle parking space. The project has two floors of covered parking located underneath the building, providing 63 vehicle parking spaces, six motorcycle parking spaces (equal to three vehicle parking spaces) and four marked bicycles spaces with locking devices for each bicycle (equal to one vehicle parking space) This proposal conforms to the City's Off-Street Parking Regulations. In addition, there are six parking spaces available along the project site's Maple Court frontage and additional parking is available in the public parking lot across the street to accommodate visitor parking.

Open Space – The Zoning Ordinance requires 100 square feet of open space per unit, of which 30 square feet per unit must be group open space. For this project, 1,320 square feet of group open space is required. The project provides 1,418 square feet of group open space with an outdoor space located on the second floor rooftop, plus three multi-purpose rooms located on the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> floors. When added together, such areas provide an additional 1,038 square feet, for a project total of 2,456 square feet of group open space. Amenities within the second floor open space area will be incorporated into the improvement plans and will include facilities that meet the needs of the families with children. The design of the group open space will require review and approval by the City's Landscape Architect. In addition, every unit has either a private balcony or yard. The combination of public and private open space meets the open space requirements of the Zoning Ordinance.

Historic Resource - The existing single-family home on the site has a high level of historical integrity/value due to its well-preserved early-century bungalow design. A condition of approval (Attachment V, No. 6) requires that, prior to any construction occurring on the site, the home be relocated to a site within a neighborhood that supports other historically significant homes in Hayward. The site chosen for the relocation would be subject to approval by the Planning Director. No construction work would be allowed to begin on the project until the home is relocated to the satisfaction of the Planning Director.

Architectural Design –The building has a contemporary design with large reliefs that vary from 5 to 12 feet in depth that create defined shadow lines, consistent with the City's Design Guidelines. The building has a stucco exterior and a tile roof. The windows are accented with heavy trim or balconies. The paint scheme includes a variety of colors that emphasize the building reliefs. The first-story unit entries along Maple Court include raised porches with arched entryways.

The rear of the building carries a similar design incorporating building offsets. The architect proposes to treat the lower wall adjacent to the rear property line with a metal trellis that would support vines situated between decorative spaced columns. The trellis and ivy not only improve aesthetics but also make it difficult to apply graffiti. A condition of approval (Attachment VI, No.48f) requires that representative of the homeowners association ensure that all graffiti be removed within 48 hours of its discovery.

The building complies with the density, setbacks and building height of the zoning district. The proposed building is 55 feet high, which is at the height limit in the Central City Commercial District. The four-story medical building on the adjacent property is 45 feet high with an architectural element on the front elevation that is 55 feet high (see plans, Attachment XI - Sheet A4.1).

Conditional Use Permit - The Central City Commercial (CC-C) District allows high-density residential use as a primary use above the first floor of commercial use. The CC-C zoning district allows residential units on the ground floor when associated with the approval of a conditional use permit. The purposes for requiring conditional use permit approval are to assure certain uses, as specified in the various districts, are permitted where there is a community need, and to assure said uses occur in maximum harmony with the area and in accordance with official City policies.

Staff supports first floor residential units at this site as there are no retail stores on Maple Court and there is little pedestrian traffic to support ground floor retail at this location. The residential project would create additional pedestrian traffic to support the shops along Foothill Boulevard and A Street.

In order for the Conditional Use Permit Application to be approved, the following findings must be made. Staff's responses to the findings are shown below and reflected in the attached resolution (Attachment I).

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

The development is compatible in size with an adjacent structure and with surrounding uses in that it is adjacent to and in the vicinity of another development of a similar scale; as designed, it creates a harmonious setting; and is an attractive addition to the Downtown. The project would provide additional ownership housing opportunities, including for low-income families in four units, in close proximity to Downtown and the BART station.

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

The development takes into consideration physical and environmental constraints in that the proposed five-story building is of a similar size to another building on the same block and that the high density residential use is permitted within the zoning district. Also, buildings of various massing and heights add interest to a downtown area. The project complies with the City's off-street parking regulations and additional parking is provided along Maple Court and in the adjacent public parking lot along Maple Court.

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

The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that, as conditioned, the property will be managed by a homeowner's association and conditions, covenants and restrictions would be established to manage the property. Also, a condition of approval requires that the historic home be relocated to the satisfaction of the Planning Director prior to start of construction.

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

The purpose of the Central City - Commercial (CC-C) sub-district is to "establish a mix of business and other activities which will enhance the economic vitality of the downtown

area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential uses.” The development complies with the stated purpose and intent of the applicable zoning district by providing multi-family housing that will help support the retail establishments in the Downtown, particularly along A Street and Foothill Boulevard. The proposed project conforms to the General Plan, Downtown Design Plan, and City’s Density Bonus Ordinance with respect to the residential density allowed for this site. The project also conforms to the City’s Design Guidelines in that the architectural design incorporates offsets to break up building mass, utilizing recessed balconies, continuous roof around the building and accented entry features.

In addition, the development is consistent with the following General Plan Land Use Chapter policies and strategies:

3. Maintain the Downtown as a focal point for the City so that it continues to express the City’s history, provides a venue for cultural vitality, and retains its role as a center for social, political, and other civic functions.
  1. Continue to implement the Downtown Design Plan and the Core Area Specific Plan.
  2. Emphasize making the downtown a focal point for the City within a pedestrian friendly environment.
  3. Recognize the importance of continuous retail frontage to pedestrian shopping areas by discouraging unwarranted intrusion of other uses that weaken the attractiveness of retail areas; encourage residential and office uses to locate above retail uses.
  4. Encourage both commercial and residential development in the area surrounding the Downtown BART Station.
  5. Encourage residential development in the downtown area to increase market support for business and to extend the hours of downtown activity.
2. Support higher-intensity and well-designed quality development in areas within ½ mile of transit stations and ¼ mile of major bus routes in order to encourage nonautomotive modes of travel.
  1. Encourage mixed-use zoning that supports integrated commercial and residential uses, including live-work spaces, in activity centers and along major transit corridors.
  2. Encourage high-density residential development along major arterials and near major activity or transit centers, and explore the establishment of minimum densities in these areas.

*Tentative Tract Map* -A tentative tract map is being processed with this proposal to create residential condominium units within the proposed structure. If the tentative map is approved, a final map will be processed and recorded, allowing each unit to be sold separately.

There are public utilities available to the site with adequate capacity to serve the proposed development. On-site sewer and storm drain systems will be owned and maintained by the Homeowners’ Association. A water meter for each unit would be installed along the Maple Court street frontage and would be flush with the sidewalk. An existing streetlight will be relocated and replaced with LED lights.

The formation of a Homeowners' Association (HOA) and the creation of conditions, covenants, and restrictions (CC&Rs) will be required so that the HOA will be responsible for maintaining the driveway, private lightings, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to, clean water treatment facilities, landscaping, and decorative and pervious paving.

*Findings for the Tentative Tract Map* - In order for a Tentative Tract Map to be approved, the following findings must be made, which staff and the Planning Commission determined could be made:

- A. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.
- B. Upon the completion of remediation recommended by the project Geotechnical Engineer the site is physically suitable for the proposed type of development.
- C. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and un?avoidably injure fish or wildlife or their habitat.
- D. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.
- E. Upon completion of the proposed improvements, the streets and utilities would be adequate to serve the project.
- F. None of the findings set forth in Section 66474 of the Subdivision Map Act for denial of a tentative map have been made.

## **ENVIRONMENTAL REVIEW**

An Initial Study and Negative Declaration have been prepared for the project pursuant to the California Environmental Quality Act (CEQA) (see Attachment IV). No significant environmental impacts are expected to result from the project. The review period for the environmental documents ended February 23, 2012.

Staff received correspondence from an A Street business owner expressing concern about traffic generated from the site potentially creating congestion during peak traffic hours. The City's Transportation Manager reviewed the proposed project and concluded that the 44-unit development would have no negative impact on either Maple Court or A Street. According to the Institute for Traffic Engineers Trip Generation handbook, the project would generate 15 additional trips during the morning peak hour (0.34 trips per residential unit) and 17 trips during the evening peak hour (0.38 trips per residential unit). Since all of the turns at Maple Court and A Street will be right turns as a result of the Route 238 Corridor Improvement Project, the impact on this intersection's operations will be negligible.

After the March 8 Planning Commission hearing, a Prospect Hill resident also produced a newspaper photograph, dated March 23, 1959, indicating that the City found the remains of a Native American during the construction of Maple Court. A condition of approval (Attachment V, No. 5) was approved by the Planning Commission requiring that in the event that human remains, archaeological resources, or prehistoric or historic artifacts are discovered during construction of excavation that “construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities.” Such condition is typical where there is no known evidence of such resources (see discussion below), but where excavation is involved.

In response to the photograph and correspondence received after the March 8 Planning Commission hearing, staff requested records research from the Northwest Information Center (NWIC) at Sonoma State University regarding any archeological records that exist within 500 feet of the proposed project. The NWIC is one of twelve information centers affiliated with the State of California Office of Historic Preservation that provides historical resources information. NWIC’s response indicates that, while there is a moderately high possibility of identifying Native American archaeological resources because of proximity to San Lorenzo Creek, the project area contains no recorded archaeological resources, and that there are no Native American resources in or adjacent to the proposed project area referenced in any ethnographic literature. NWIC recognizes that the project area has been highly developed and is presently covered with asphalt, buildings, or fill that obscures the visibility of original surface soils. In addition, by 1923, a row of houses had lined the westerly side of Maple Court. All but one of those houses was subsequently demolished. Maple Court itself was improved with a sewer line and other public improvements in the late 1950s. Typically, archaeologists would not consider areas that have been developed after the advent of a public sanitation system as archaeologically sensitive because of the extensive ground disturbance associated with these improvements. In summary, there were no City records found to support the article’s claim that Native American remains were discovered during the construction of the Maple Court improvements. Therefore, staff believes that the approved condition requiring work stoppage upon the discovery of potential resources remains sufficient.

Even though there is no evidence to indicate that archaeologically significant resources exist on the site, should the Council wish to take a more conservative approach, Condition of Approval #5 could be amended to require an archaeologist to be present on site to monitor all ground-disturbing activities. If artifacts or human remains were found, work in those areas of the find would be stopped or restricted until proper protocols are met as described by the applicable condition of approval.

## **ECONOMIC AND FISCAL IMPACT**

Construction of forty-four residential condominium units would increase property values above and beyond the current uses and, in turn, property taxes that the City would receive. In terms of costs associated with public services, particularly public safety services, the applicant is required by the project conditions of approval to provide \$20,000 towards the costs associated with analysis and formation of a Community Facilities District (CFD). If formed, the CFD would generate revenue to pay for any additional public safety services needed as a result of the project.

## **PUBLIC CONTACT**

On July 18, 2011, a Referral Notice, announcing that an application had been filed with the Planning Division proposing to construct forty-four condominium units within a five-story building, was mailed to the President of the Prospect Hill Neighborhood Association and to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records. Planning staff received no responses as a result of that notification.

On February 17, 2012, a notice of the Negative Declaration and the Planning Commission Public Hearing was published in *The Daily Review*. In addition, a Hearing Notice was mailed to the President of the Prospect Hill Neighborhood Association and to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records.

Staff received a comment prior to the March 8 Planning Commission meeting from a Prospect Avenue resident supporting the development of the site, but the resident felt that commercial spaces should occupy the first floor. Staff supports allowing residential units on the first floor at this site as the project is located off the retail core of the Downtown and because of the limited pedestrian traffic on Maple Court. The City's Economic Development Manager advises that retail space at this location would not be viable. Additional downtown residents at this location would support the existing commercial core.

Following the Planning Commission hearing, a Prospect Hill resident raised a concern that there would be inadequate parking provided for the project. The site provides 63 automobile parking spaces, six motorcycles parking spaces, and four bicycle spaces, complying with the City's Off-Street Parking Regulations. There are two on-site visitor parking spaces; in addition, six on-street parking spaces along the property street frontage, and the public parking lot located across Maple Court could provide additional visitor parking. The parking standards for the CC-C zoning sub-district recognize the availability of public transportation and walkability to retail services and entertainment.

The property manager of the adjacent four-story medical office building expressed support of the project but asked that the building height be reduced so that it doesn't have the potential to interrupt the signals from its three roof-top telecommunications antennas. The office building has a decorative fascia on the front of the building, facing Maple Court, which is 35 feet wide and 55 feet high. Apparently, this element does not interfere with the signals from the antennas. No information was provided to support the interference claim that the proposed building would create any interference to the existing antennas' signals.

On April 13, 2012, a notice of this public hearing was mailed to the President of the Prospect Hill Neighborhood Association and to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records, and a Notice of the City Council Public Hearing was published in *The Daily Review*. In addition, notices were mailed to the Prospect Hill resident who voiced his concerns after the March 8, 2012, Planning Commission meeting. No correspondence was received by the Planning Division related to these notices at the time this staff report was completed.

## **NEXT STEPS**

Should the City Council approve the project, the applicant could submit improvement plans and a final map for review and approval; the final map would come before City Council for approval. Once the final map has been approved, the applicant could obtain construction permits and commence construction of the development.

*Prepared by:* Tim Koonze, Associate Planner

*Recommended by:* David Rizk, AICP, Development Services Director

Approved by:

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Fran David, City Manager

Attachments:

Attachment I	Resolution
Attachment II	Area Map
Attachment III	Site Plan Aerial
Attachment IV	Initial Study Checklist and Negative Declaration
Attachment V	Conditions of Approval for the Conditional Use Permit
Attachment VI	Conditions of Approval for the Tentative Tract Map
Attachment VII	Section 10-11.150 of Hayward's Historic Preservation Ordinance
Attachment VIII	March 8, 2012 Planning Commission Report (minus attachments)
Attachment IX	March 8, 2012 Planning Commission Meeting Minutes
Attachment X	Development Plans



**MINUTES OF THE CITY COUNCIL MEETING OF  
THE CITY OF HAYWARD**

**City Council Chambers**

**777 B Street, Hayward, CA 94541**

**Tuesday, April 24, 2012, 7:00 p.m.**

The City Council Meeting was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Zermeño.

**ROLL CALL**

Present: COUNCIL MEMBERS Zermeño, Quirk, Halliday, Peixoto, Salinas,  
Henson  
MAYOR Sweeney  
Absent: None

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson reported that Council met with Labor Negotiators pursuant to Government Code 54957.6, regarding IFPTE Local 21 and HPOA. Mr. Lawson noted there was no reportable action.

**PROCLAMATION**

Mayor Sweeney proclaimed May 10, 2012, as Bike to Work Day in the City of Hayward. Mayor Sweeney read the proclamation and presented it to Ms. Aiyana Knowles from the East Bay Bicycle Coalition. Mr. Tom Ayres, President of the Board of East Bay Bicycle Coalition thanked Council for their support, and Ms. Sheila Donnelly, President of the Sustainability Council at Life Chiropractic College West, spoke about Bike to Work Day and asked members of the City Council to participate on May 10, 2012. Ms. Knowles accepted the proclamation on behalf of the Alameda County Safe Routes to School and East Bay Bicycle Coalition and thanked Council Member Henson and Midori Tabata for their support with the construction of bike lanes on Whitman Avenue, between Harder Road and Tennyson Road. She also mentioned that this year the Coalition organized Bike to School Day in conjunction with Bike to Work Day.

**PRESENTATIONS**

**Presentation from Alameda County Mosquito Abatement District**

Council Member Halliday introduced the Alameda County Mosquito Abatement District Manager, John Rusmisl. Mr. Rusmisl thanked the City for appointing Council Member Halliday to the Board of Trustees, and provided an update on mosquito activity in the City of Hayward. He also submitted a synopsis of the update and the 79<sup>th</sup> and 80<sup>th</sup> Report for the Alameda County Mosquito Abatement District – Fiscal Years 2009-2010 and 2010-2011. Mr. Rusmisl also noted that April 22 - 28, 2012, was Mosquito and Vector Control/West Nile Virus Awareness Week in California.

## **Annual Environmental Achievement Awards**

Mayor Sweeney announced the 2012 Environmental Achievement Awards and noted that the awards honored residents and property managers of multi-family dwellings for their participation in the City-sponsored residential recycling program, and the schools and businesses for implementation of waste reduction, reuse, recycling programs, and environmental education activities. Mayor Sweeney recognized the efforts by members of the community in recognition of Earth Day, which was observed on April 22, 2012. Mayor Sweeney congratulated all of the recipients and turned the proceedings over to Council Member Henson.

Council Member Henson acknowledged the environmental achievements of outstanding schools, residents, housing complexes, and businesses. Mr. Henson also acknowledged Kim Huggett from the Hayward Chamber of Commerce; Donna Placzek from California State University-Hayward; and Hugh Murphy, Vera Dahle-Lacaze, and Jamaica Thacker from City Hall. The following schools were recognized: East Avenue Elementary School, Lea's Christian School, Montessori Children's House of Hayward, and Moreau Catholic High School. He also acknowledged residents and property managers of multi-family complexes for their exemplary participation in the City's residential recycling program. Mr. Huggett spoke about the commercial recycling program and announced the following business award winners: Chef's Corner Foods, Church's Chicken, Fremont Bank, Manheim San Francisco Bay, Pot Pie Paradise and Deli, and Taqueria Senaida.

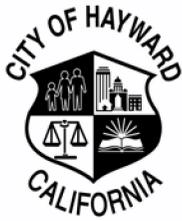
### **PUBLIC COMMENTS**

Mr. Ed Bogue, Poinciana Street resident, mentioned that the South Gate Area Homeowners Association would be hosting a Candidates Night Forum for Hayward City Council at Christ's Community Church on Wednesday, May 2, 2012, from 7:00 p.m. to 9:00 p.m.

Miss Nadia Faraj, Hayward Youth Commissioner, announced that the Hayward Youth Commission would be sponsoring a HaYouth! 2012 Youth Summit, on Saturday, April 28, 2012, at City Hall, and announced a video that was put together by the Hayward Youth Commission. Miss Faraj also mentioned the City of Hayward was currently recruiting members for the Commission.

Mr. Frank Goulart, with business address on Main Street, thanked the City Clerk's office for their assistance with a research project. Mr. Goulart asked that the crosswalk at Russell Way and Foothill Boulevard be put back because he needed it for his historical society walking tour. Mr. Goulart noted that the Visual Artists Rights Act of 1990 was intended to protect art and mentioned that a mural on Foothill Boulevard, which was painted by his son Benjamin Goulart, was in the process of being removed. He mentioned being amenable to continue discussion with staff about this issue.

Mr. Doug Ligibel, Grant Terrace resident and leader of the Downtown Watch Leadership Group, commended the Hayward Police Department, Alameda County Sheriff Department, California Highway Patrol, and BART Police for their successful resolution to a hostage situation at the Wells Fargo Bank on A Street. Mr. Ligibel expressed concern about the increased amount of foreclosed homes in Hayward, which could impact the City's property tax revenue, staffing, and the ability to provide essential public safety services, and he asked the City to address this issue.



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Mr. Jim Drake, Franklin Avenue resident, asked the public to support the ARCO Gas Station on Jackson Street whose owner believes in volume pricing and maintains low prices.

Ms. Beverly Reliford, Sleepy Hollow resident, expressed concern about the number of childcare providers who were going out of business and explained that childcare rates were going to be decreased by the State. She requested Mayor Sweeney and Council's support to help sustain childcare in Hayward.

Ms. Margaret Cunningham, SEIU 1021 Interim Field Representative, expressed gratitude that the City and SEIU Local 1021 Clerical and Confidential Unit were able to reach an agreement, commended the Human Resource Department for their professionalism, hoped the other unions would be able to reach agreements soon, and noted it was a pleasure working with the City of Hayward.

**CONSENT**

1. Larrabee Sidewalk Repair - Woodland Avenue to Garin Avenue: Approval of Contract Addendum and Award of Contract

Staff report submitted by Assistant City Engineer Owusu, dated April 24, 2012, was filed.

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

Resolution 12-052, "Resolution Awarding Contract to Rosas Brothers Construction for the Larrabee Sidewalk Repair – Woodland Avenue to Garin Avenue Project, Project No. 5182"

2. Pavement Reconstruction FY 2013 - Contessa, Sequoia, Capetown, Tilden, Martha, Wauchula, Edgemore, Gading, and Lindenwood: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Assistant City Engineer Owusu, dated April 24, 2012, was filed.

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

Resolution 12-053, "Resolution Approving Plans and Specifications for the Pavement Reconstruction FY13 – Contessa, Sequoia, Capetown, Tilden, Martha, Wauchula, Edgemore, Gading, and Lindenwood Project, Project No. 5172 & 5180, and Call for Bids"

3. Pavement Rehabilitation Gas Tax FY 2013 (Districts 4 & 5) – Approval of Plans and Specifications and Call for Bids

Staff report submitted by Assistant City Engineer Owusu, dated April 24, 2012, was filed.

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

Resolution 12-054, “Resolution Approving Plans and Specifications for Pavement Rehabilitation Gas Tax (Districts 4 & 5) Project, Project No. 5170, and Call for Bids”

4. Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 13 – Preliminarily Approve the Engineer’s Report and Levy Assessments for Fiscal Year 2013, and Set June 12, 2012, as the Public Hearing Date for Such Actions

Staff report submitted by Development Review Engineer Nguyen, dated April 24, 2012, was filed.

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

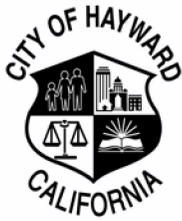
Resolution 12-055, “Resolution Preliminarily Approving Engineer’s Report, Declaring Intention to Levy Assessments for Fiscal Year 2013 for Zones 1-13, and Setting June 12, 2012, as the Public Hearing Date Concerning Consolidated Landscaping and Lighting District No. 96-1, Zones 1-13”

5. Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane - Preliminarily Approve the Engineer's Report and Levy Assessment for Fiscal Year 2013, Adopt a Resolution of Intention and Set June 12, 2012, as the Public Hearing Date for Such Actions

Staff report submitted by Development Review Engineer Nguyen, dated April 24, 2012, was filed.

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

Resolution 12-056, “Resolution Preliminarily Approving Engineer’s Report, Declaring Intention to Levy Assessments for Fiscal Year 2013, and Setting June 12, 2012, as the Public Hearing Date Concerning Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road, and



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Ruus Lane (MD-1)”

6. Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer - Preliminarily Approve the Engineer's Report and Levy Assessment for Fiscal Year 2013, Adopt a Resolution of Intention and Set June 12, 2012, as the Public Hearing Date for Such Actions

Staff report submitted by Development Review Engineer Nguyen, dated April 24, 2012, was filed.

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

Resolution 12-057, “Resolution Preliminarily Approving Engineer’s Report, Declaring Intention to Levy Assessments for Fiscal Year 2013, and Setting June 12, 2012, as the Public Hearing Date Concerning Maintenance District No. 2 – Eden Shores Storm Water Facilities and Water Buffer (MD – 2)”

7. Transportation Development Act Article 3 Funds FY 2013: Wheelchair Ramps – Authorization to File Application

Staff report submitted by Transportation Manager Frascinella, dated April 24, 2012, was filed.

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

Resolution 12-058, “Resolution to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2013 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding for Installation of Wheelchair Ramps”

8. Water Pollution Control Facility Grease Receiving and Processing Facility: Award of Contract

Staff report submitted by Senior Utility Engineer Clark, dated April 24, 2012, was filed.

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

Resolution 12-059, “Resolution Approving Addendum Nos. 1 and 2 Modifying the Plans and Specifications for the WPCF Grease

Receiving and Processing Facility, Project 7511; Awarding the Contract to JMB Construction, Inc.; and Appropriating Additional Funding of \$250,000 from the Sewer Capital Improvement Fund 613 to the WPCF Grease Receiving and Processing Facility, Project 7511”

9. Investment Portfolio Management Services – Authorization of Contract with PFM Asset Management LLC

Staff report submitted by Finance Director Vesely, dated April 24, 2012, was filed.

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

Resolution 12-060, “Resolution Authorizing the City Manager to Negotiate and Execute a Contract with PFM Asset Management LLC for Investment Portfolio Management Services”

10. Adoption of a Resolution to Approve an Amendment to the Service Employees International Union Local 1021 Memorandum of Understanding (Clerical and Confidential Unit)

Staff report submitted by Human Resources Director Robustelli, dated April 24, 2012, was filed.

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

Resolution 12-061, “Resolution Approving an Amendment to the Service Employees International Union Local 1021, Clerical and Confidential Unit Memorandum of Understanding”

## **PUBLIC HEARING**

11. Council Member Call-Up of Conditional Use Permit Application PL-2011-0132 / Tentative Tract Map Application PL-2011-0133 – KB Design and Consulting, Ben Wong (Applicant) / Maple Court Homes (Owner) – The project is located at 22471-22491 Maple Court, between McKeever Avenue and A Street, located in the Central City Commercial (CC-C) District

Staff report submitted by Associate Planner Koonze, dated April 24, 2012, was filed.

Development Services Director Rizk provided a synopsis of the report.

Council Member Peixoto raised questions about the rationale that led to the zoning of Central City-Commercial (CC-C) District that allows for residential uses when located above ground-floor



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commercial use, the legality of including owner-occupied language in the Covenants, Conditions and Restrictions (CC&Rs), and the parking formula used for the number of parking spaces for the proposed Maple Court development.

Council Member Henson preferred the inclusion of ground-floor retail as it would compliment Maple Court, and asked staff to address the correspondence submitted by Mr. Greg Jones. Mr. Rizk noted being in receipt of an e-mail correspondence from Mr. Greg Jones, President of Prospect Hill Neighborhood Association, which highlighted concerns about the proposed project. Mr. Rizk indicated that the project would require a variance or text amendment to the Zone Ordinance to increase the vertical height of the building to make the project viable and to accommodate ground floor space.

Council Member Halliday noted that she agreed to call-up this item at the request of neighbors, agreed that the historical house be relocated to a site within an area that supports historical homes in Hayward, was comfortable that the size of the balconies would provide adequate private open space, and with the Tentative Tract Map Condition No. 48(k), which prohibited balconies from being used as storage areas. Ms. Halliday expressed concern related to child safety for ground-floor units with increased traffic on Maples Court due to the 238 Corridor Improvement Project.

Council Member Salinas expressed concern with the proposed project regarding the loss of a prime location for retail use, building additional housing while the City was experiencing a high rate of foreclosures and whether there was proper notification to the neighborhood. Mr. Salinas cautioned that care should be taken if the site was found to have archaeological value.

Council Member Zermeño suggested staff consider a process of checks and balances to ensure that residents are notified of projects. Mr. Zermeño favored requiring that a qualified archaeologist be present on site to monitor all ground-disturbing activities. He agreed with staff about the need to fill existing vacant retail space on B Street, and commented that office space could have been considered for the proposed project. Mr. Zermeño suggested that in the future, developments will need to increase building height limits when available land becomes limited.

Mayor Sweeney opened the public hearing at 8:47 p.m.

Mr. Al Parso, Prospect Street resident, thanked the Council for allowing the public to comment on the proposed project. Mr. Parso did not favor the proposed residential condominiums project because it did not meet the vision of the downtown, did not provide a benefit to the surrounding community, did not have green space, and lacked adequate parking. Mr. Parso noted there were commercial businesses on Maple Street, and favored focusing on bringing major businesses to Hayward and the industries to support them.

Mr. Frank Goulart, with business address on Main Street, invited Council to his August 25, 2012, history walk about Native American burial grounds in downtown, which includes a site on Maple Court. Mr. Goulart added that if the project is approved, then Council should consider having an archaeologist on site to monitor all ground-disturbing activities. He did not think that a Negative Declaration was appropriate because of possible native remains. He added that high rents could be the reason for vacant buildings in downtown.

Mr. Blaine Ricketts, McKeever Avenue resident, agreed with previous speakers and commented that parking in the area was of concern and noted the project should have at least two spaces per unit. Mr. Ricketts expressed concern about traffic safety issues and especially the safety of children. Mr. Ricketts mentioned receiving three notices regarding the proposed project via U.S. mail.

Ms. Julie Machado, Main Street resident, clarified that the comment made by Mr. Jones regarding expanding vertically to get the necessary units to have ground floor commercial space, was not the opinion of the neighborhood, and noted that she did not support tall buildings. Ms. Machado noted the parking allotment of 1.5 spaces per unit was inadequate, and was concerned about giving up retail parking space in order to accommodate additional cars. She did not approve how frequently staff used negative declarations and she felt the City was ignoring plans for retail on the ground floor.

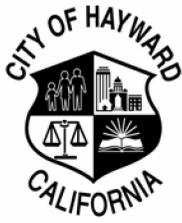
Mr. Ben Wong, project applicant and representing KB Design and Consulting, introduced Takuo Kanno, architect for the proposed project. Mr. Takuo Kanno noted the developer had conformed to all zoning code requirements, that there have been proper notification of the meetings with only one person attending the community study session, and no other response. He said the proposed plans were approved by the Planning Commission and felt the questions being raised about building design were unfair. He added that if there was evidence that the site was a burial ground, then the work would stop to follow proper protocols.

In response to Council Member Peixoto's question, Mr. Kanno confirmed that the developer was aware that the Central City Commercial District required a commercial component, but he was also aware that there were vacant storefronts and he could apply for a Conditional Use Permit. Mr. Kanno noted that if the City required commercial use on the ground-floor, then the landowner would comply by reconfiguring the above ground units.

Council Member Salinas was concerned about losing an opportunity to generate retail space and suggested delaying the decision in order to talk to the landowner.

Council Member Henson noted there was a distinction to attaching residential housing to retail space because the residents would patronize certain uses. Mr. Kanno noted the economic times do not support a retail space for the proposed project.

Mr. Lee Jiang, San Francisco resident representing the property owner and developer, said adding a retail component to the ground floor of the project and accommodating retail parking would not be financially viable. Mr. Jiang noted that as the economy improves, retail uses could be added to other areas in downtown.



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Council Member Quirk asked Economic Development Manager Brooks about the recommendation to remove the ground floor retail requirement for the proposed project. Mr. Brooks spoke about the studies that questioned if mixed-use had been overused and explained there was not enough activity in the Maple Court area to support retail. Mr. Brooks said forcing ground floor retail could result in empty retail spaces and blighted areas. City Manager David added that having smaller units, in order to accommodate retail space, would not warrant the quality of population in the downtown plus it would be economically prohibitive for the developer.

Mayor Sweeney closed the public hearing at 9:37 p.m.

Council Member Quirk thanked all the speakers. Mr. Quirk mentioned the City had a vision of greater density in the downtown with mixed-use and of keeping the amount of parking in downtown lower than in other places. Regarding parking, it was noted that visitor and/or overflow parking could utilize the parking lot across the project with restrictions, and if there was a parking problem, it could be addressed.

Council Member Quirk offered a motion per staff recommendation and included an amendment to Condition for Approval No. 5 that, “require an archaeologist or local Native American tribal representative to be present on site to monitor all ground-disturbing activities.” Council Member Halliday seconded the motion.

Council Member Halliday supported the motion and noted the proposed project conformed to the height of the medical building, the second floor open space was attractive, that the project could be an asset to the neighborhood, that current vacant retail spaces needed to fill up, that there was less potential for residential parking problems, and the project met the vision for the downtown and the mixed-use of residential with core retail in downtown.

Council Member Henson noted that after discussion it seemed that the retail component could not work at the proposed site and there was the need to create a pedestrian downtown and agreed with Council Member Quirk about the parking issue. He thought the addition of Condition for Approval No. 5 was positive in making sure the archaeological issues are addressed. Mr. Henson suggested to staff and Mr. Kanno to address child safety in the ground-floor units. Mr. Henson accepted the suggestion offered by Development Services Director Rizk of adding gates across entry ways to make them child-safe.

Council Members Quirk and Halliday accepted the suggestion of adding a Condition for Approval related to child-safety gates, and Mr. Kanno was amenable to the addition.

Council Member Salinas disagreed with the motion and reiterated his inclination for retaining retail space.

Council Member Peixoto pointed out that the goal of transit-oriented development and high density housing in the downtown did not have the expected results. Mr. Peixoto mentioned that housing was always more profitable than retail for developers and the City needed to place more effort on bringing retail development to the downtown area. Mr. Peixoto did not support the motion

Council Member Zermeño spoke about the importance of the retail element and the need to concentrate on filling the many retail vacancies throughout the City. Mr. Zermeño mentioned the purpose of the proposed project was to build density and create a pedestrian ‘critical mass’ to frequent the existing retail in downtown. Mr. Zermeño confirmed that the Planning Director would find a suitable place for the historical house.

Assistant City Attorney Conneely confirmed for Mayor Sweeney that there was language in the City’s condominium conversion language that could be adapted to the CC&Rs that stated that all units shall be owner-occupied and to address special circumstances and undue hardship, the CC&Rs could authorize consent. Mayor Sweeney offered that the units be 75% owner-occupied with the hardship language.

Council Members Quirk asked the developer’s representative to address the proposal. Mr. Jiang noted that due to market conditions the project would most likely be rental units for the first few years. Development Services Director Rizk noted staff was not aware that the project was proposed to be rental for the first few years.

Council Member Quirk withdrew his motion and Council Member Halliday withdrew her second.

Council Member Quirk offered another motion that the item be continued for four to six weeks and that staff consult with the project proponents and reanalyze the project in lieu of the fact that market conditions may not allow for owner-occupied condominiums. Council Member Salinas seconded the motion.

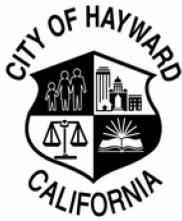
It was moved by Council Member Quirk, seconded by Council Member Salinas, and carried unanimously, to continue the item for four to six weeks and that staff consult with the project proponents and reanalyze the project in lieu of the fact that market conditions may not allow for owner-occupied condominiums.

## 12. FY 2013 Master Fee Schedule/Fine and Bail Update

Staff report submitted by Finance Director Vesely, dated April 24, 2012, was filed.

Finance Director Vesely and Development Services Director Rizk provided a synopsis of the staff report.

In response to Council Member Peixoto’s question about full cost recovery for items that are not related to Planning, Development Services Director Rizk explained the activities that were not fee based and thus not recoverable. Mr. Rizk noted there was a fee increase recommendation to recover



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costs associated with phone and counter support as there was considerable time spent in the pre-application stage.

Council Member Salinas asked if there was a way to reduce the daycare inspection fee or provide assistance adding that daycare workers were minimally paid. City Manager David noted that the inspections were vital for the protection of the children because many times the proper safety/evacuation precautions were not in place, and she said the Fire Department had worked to increase the value of the inspection by spending time with the providers to developing evacuation plans. Ms. David noted the City still did not recover inspection costs, but added value.

In response to Council Member Henson's question of the availability of an online permit process, City Building Official Martinez noted the Enterprise Resource Planning (ERP) system would allow for an online permit process.

Development Services Director Rizk responded to Council Member Quirk noting that development community outreach was not conducted and that staff felt the recommended fee increases were reasonable and in balance with the required General Fund subsidy. Mr. Quirk said he would have preferred development community feedback on the proposed fees.

Council Member Halliday was bothered that the City's permit and planning fees were on the high end. Ms. Halliday expressed interest for reviewing the progress report of how the permit center was doing in meeting established goals. Mr. Rizk noted the report would be added to the City's website on a quarterly basis. Ms. Halliday expressed concern that the fee increases would discourage development and concurred with Council Member Quirk that past outreach had resulted in reasonable comments. Regarding the childcare inspections, City Manager David said she agreed with the Fire Chief that the City needed to remain diligent with yearly inspections and added that staff was researching an improved process for smaller facilities.

There being no comments, Mayor Sweeney opened and closed the public hearing at 10:48 p.m.

Council Member Quirk offered a motion per the staff recommendation with the addition that next year there should be more notice and outreach to the development community regarding revisions to the fee schedule. Council Member Zermeño seconded the motion.

Council Member Henson concurred with Council Member Quirk about putting a development community outreach process in place, and that he looked forward to a more streamlined process with the use of technology to help resolve developer issues and keeping the fees in line with neighboring municipalities. Mr. Henson supported the motion.

In response to Mayor Sweeney, Development Services Director Rizk explained the City's fee structure was based on a study conducted in 2008 where new construction and additions fees were calculated on a square foot basis rather than a valuation basis that neighboring cities use. Mr. Rizk

said during the next fiscal year the consultant who would be conducting a fee study analysis could research these concerns.

Mayor Sweeney offered a friendly amendment for staff to analyze how to bring the General Plan Fee, related to residential addition of 597 sq. ft. habitable space, more in line with other jurisdictions.

Council Members Quirk and Zermeño accepted the friendly amendment.

Mayor Sweeney noted that the Council would expect to review updates to the General Plan in its entirety and have the opportunity to comment on the complete proposal including fees and timeframes.

It was moved by Council Member Quirk, seconded by Council Member Zermeño, and carried unanimously, to adopt the following with two friendly amendments: that staff conduct more outreach to the development community regarding revisions to the fee schedule for future years, and that staff analyze how to bring the General Plan Fee, related to residential additions of 597 sq. ft. habitable space, more in line with other jurisdictions.

Resolution 12-062, “Resolution Adopting a Revised Master Fee Schedule, Including a Revised Fine and Bail Schedule, Relating to Fees and Charges for Departments in the City of Hayward and Rescinding Resolutions No. 11-045 and All Amendments Thereto”

## **COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Council Member Zermeño announced two events scheduled for April 28, 2012: the Keep Hayward Clean and Green Task Force clean-up event for the Jackson Triangle Neighborhood, and the 2012 Hayward Youth Summit at City Hall.

Council Member Salinas noted that students in the Hayward Unified School District were taking the Standardized Testing and Reporting (STAR) exam and commended Burbank Elementary School for achieving a score close to 800. Mr. Salinas announced that the “Let’s Do Lunch Hayward and Breakfast Too” group was going to meet at City Hall on April 26, 2012.

## **ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 10:57 p.m.

## **APPROVED:**

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Michael Sweeney, Mayor, City of Hayward

## **ATTEST:**

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Miriam Lens, City Clerk, City of Hayward



**DATE:** March 8, 2012

**TO:** Planning Commission

**FROM:** Tim R. Koonze, Associate Planner

**SUBJECT:** **Conditional Use Permit Application PL-2011-0132 / Tentative Tract Map Application PL-2011-0133 – KB Design and Consulting, Ben Wong (Applicant) / Maple Court Homes (Owner) – Request to construct 44 residential condominium units within a five-story building.**

The project consists of four properties located at 22471-22491 Maple Court, west side between McKeever Avenue and A Street and is located in the Central City Commercial (CC-C) District.

## RECOMMENDATION

That the Planning Commission 1) adopt the Initial Study and Mitigated Negative Declaration, 2) approve the Conditional Use Permit to allow residential units on the first floor, and 3) approve the tentative tract map creating 44 condominium units, pursuant to the attached findings and the conditions of approval.

## SUMMARY

The applicant is requesting to construct 44 condominium units within a five-story building with underground parking. All units meet the minimum private space requirements and the project meets the open space requirements. The Zoning Ordinance allows ground-floor units in the Central City Commercial district with an approved conditional use permit. It would not be feasible to put commercial units on the first floor as this block is not part of the retail core of downtown and has a lack of pedestrian shopping traffic.

The parking for the project is located in an underground garage and a portion of the first floor. The parking complies with the City's Off-Street Parking Ordinance in numbers and design. The garage also houses the private storage space for each unit that is required by the Zoning Ordinance.

A condition of approval would require that the existing single-family home, which has a moderate historical significance, be relocated to a site within a neighborhood that supports other historically significant homes in Hayward. On the ground floor at the rear of the building there is a large wall with no openings that faces the parking lot of the adjacent property. A condition of approval would that this wall be designed to discourage graffiti such as providing trellis and vines.



## **BACKGROUND**

The proposed project would occupy four contiguous parcels. There is a parking lot on one, a commercial building on another, a vacant paved parcel on the third and a single-family home on the remaining parcel. The home has a high level of historical value due to its well-preserved early-century bungalow design.

The site is relatively flat and located within a developed urban area. Commercial uses surround the site and, adjacent to the rear of the property, a large parking lot serves the adjacent medical office building.

## **DISCUSSION**

*Project Description* - The applicant proposes to construct 44-condominium units within a five-story building over an underground garage. Each unit has two bedrooms and two bathrooms with the exception of one unit that is a one-bedroom unit with one bathroom. The units range in size from 804 to 1198 square feet and each has either a private patio or a private balcony that meets the minimum private open space requirements. The units that front along Maple Court all face toward the street and each has a raised porch. The proposed 26-foot-wide driveway serving the project provides adequate circulation and meets the Fire Department accessibility requirements.

*Architectural Design* –The building has a contemporary design with large reliefs that vary from 5 feet to 12 feet in depth that creates defined shadow lines. The building has a stucco exterior and a tile roof. The windows are accented with heavy trim or balconies. The paint scheme includes a variety of colors that emphasize the building reliefs. The first-story unit entries along Maple Court include raised porches with arched entryways.

The rear of the building carries a similar design incorporating building offsets. On the ground floor at the rear of the building there is a large wall with no openings that faces the parking lot of the adjacent property. The architect proposed to treat this wall with metal trellis that would support vines situated between decorative spaced columns. The trellis and ivy not only improve aesthetics but also make it difficult to access the flat wall discouraging graffiti. A condition of approval would require that all graffiti be removed within 72 hours of its discovery.

*Open Space* – The project meets the private and group open space requirements specified in the Zoning Ordinance. This was achieved by utilizing a combination of private yard areas, private balconies and providing a group open space of 1,418-square-feet on the second floor at the front of the building. The open space area would have amenities such as arbors and benches. A detailed amenity plan will be submitted as part of the improvement plans. The design must meet the approval of the City's Landscape Architect.

*Conditional Use Permit* - The Central City Commercial (CC-C) District allows high-density residential use, as a primary use, but only above the first floor of commercial use. There are no other retail stores on Maple Court and there is very little pedestrian traffic to warrant the construction of ground floor commercial units, therefore the applicant is proposing residential units on the ground floor. The zoning district allows residential units on the ground floor when

associated with the approval of a conditional use permit. Staff recognizes that property is located outside the retail core of downtown and pedestrian traffic is almost non-existent on Maple Court and, therefore, supports the ground floor residential units. The project should, however, create additional pedestrian traffic to support the shops along Foothill Boulevard and A Street.

Conditional Use Permit Findings - In order for the Conditional Use Permit Application to be approved, the following findings must be made:

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

The development is compatible with the surrounding structures and uses in that it is immediately adjacent to and in the vicinity of other developments of a similar scale and as designed creates a harmonious setting and is an attractive addition to the Downtown. Multi-family residential use is desirable for the downtown area as specified in the purpose of the Central City-Commercial District as defined in the Zoning Ordinance and the Downtown Design Guidelines.

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

The development takes into consideration physical and environmental constraints in that the five-story building is of a similar size to other buildings on the same block and that the high density residential use is permitted within the zoning district.

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

The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that as conditioned the property will be managed by a homeowner's association and Conditions, Covenants & Restrictions would be established to manage the property.

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

The development complies with the intent of City development policies and regulations in that it complies with the Downtown Design Plan and the City's design guidelines. In that a condition of approval requires that the historic home is relocated pursuant to the Historic Preservation Ordinance. The proposed project conforms to the Downtown Design Plan with respect to the density specified for multi-family residential uses, setbacks, building heights and the purpose of the Central City district to promote multi-family housing. The project also conforms to the City's Design Guidelines in that the architectural design incorporates offsets to break up building mass, utilizing recessed balconies, continuous roof around the building and accented entry features.

Tentative Tract Map -

A tentative tract map is being processed with this proposal to create residential condominium units within the proposed structure. If the tentative map is approved, a final map will be processed and recorded, allowing each unit to be sold separately.

The proposed subdivision creates forty four residential condominium units with underground parking in the Central City Commercial District. Access point is provided via a twenty-six foot wide driveway to Maple Court. Full frontage improvements such as Portland Cement Concrete curb, gutter and sidewalk had been installed along Maple Court.

The proposed subdivision is an in-fill development site and there are utilities available to the site with adequate capacity to serve the proposed development. On-site sewer and storm drain systems will be owned-and-maintained by the Homeowners' Association. A water meter for each unit would be installed along Maple Court street frontage and would be flush with the sidewalk. An existing streetlight will be relocated and replaced with LED lights.

The formation of a Homeowners' Association (HOA) and the creation of Conditions, Covenants, and Restrictions (CC&R's) will be required so that the HOA will be responsible for maintaining the driveway, private lightings, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to, clean water treatment facilities, landscaping, and decorative and pervious paving.

Findings for the Tentative Tract Map - In order for a Tentative Tract Map to be approved, the Planning Commission must make the following findings;

- A. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.
- B. Upon the completion of remediation recommended by the project Geotechnical Engineer the site is physically suitable for the proposed type of development.
- C. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- D. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.
- E. Upon completion of the proposed improvements the streets and utilities would be adequate to serve the project.
- F. None of the findings set forth in Section 66474 of the Subdivision Map Act for denial of a tentative map have been made.

Environmental Review - An Initial Study and Negative Declaration have been prepared for the project pursuant to the California Environmental Quality Act (CEQA) (see Attachment III). No significant environmental impacts are expected to result from the project. The review period for the environmental documents ended February 23, 2012.

Staff received a concern from an A Street business owner expressing concern about traffic generated from the site creating congestion during peak traffic hours. The City's Transportation Manager reviewed the proposed project and concluded that the 44 unit development would have virtually no impact on Maple Court or A Street.

According to the Institute for Traffic Engineers Trip Generation handbook, the project would generate 15 additional trips during the morning peak hour (0.34 trips per residential unit) and 17 trips during the evening peak hour (0.38 trips per residential unit). Since all of the turns at Maple Court and A Street will be right turns as a result of the Route 238 Corridor Improvement Project, the impact on this intersection's operations will be negligible.

## **PUBLIC CONTACT**

On July 18, 2011, a Referral Notice was mailed to the Prospect Hill Neighborhood Association and to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records. Planning staff received no responses as a result of that notification.

On February 17, 2012, a Notice of this Public Hearing was published in *The Daily Review*.

Staff received a comment from a Prospect Avenue resident supporting the development of the site but feels commercial spaces should occupy the first floor. Staff supports allowing residential units on the first floor as the project is not located within the retail core of the downtown and because of limited pedestrian traffic on Maple Court. The City's Economic Development Manager advised that retail space at this location would not be viable. There are a variety of uses within downtown. Additional downtown residents will support the existing commercial core.

The property manager of the adjacent four-story medical office building expressed support of the project but asked that the building height be reduced so that it doesn't have the potential to interrupt the signals from the three cell antennas that are located on top of the medical offices building. The proposed building and there is no evidence that there would be any interference to the existing antennas signals.

## **NEXT STEPS**

The Planning Commission decision begins a 10-day appeal period. If approved and there is no appeal within that time period, the applicant may proceed with the approved use. If denied, the decision could be appealed and the application would be scheduled for a public hearing before the City Council.

Prepared by: Tim R. Koonze, Associate Planner

Recommended by:

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Richard Patenaude, AICP  
Planning Manager

Approved by:

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David Rizk, AICP  
Development Services Director

Attachments:

Attachment I	Area Map
Attachment II	Site Plan Aerial
Attachment III	Initial Study Checklist and Negative Declaration
Attachment IV	Findings for Approval for the Conditional Use Permit
Attachment V	Conditions of Approval for the Conditional Use Permit
Attachment VI	Findings for Approval for the Tentative Tract Map
Attachment VII	Conditions of Approval for the Tentative Tract Map
Attachment VIII	Development Plans



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Council Chambers  
Thursday, March 8, 2012, 7:00 p.m.  
777 B Street, Hayward, CA94541**

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## MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:10 p.m. by Chair Márquez.

## ROLL CALL

Present:	COMMISSIONERS:	Lamnin, McDermott, Mendall
	CHAIRPERSON:	Márquez
Absent:	COMMISSIONER:	Faria, Lavelle, Loché

Commissioner Lamnin led in the Pledge of Allegiance.

Staff Members Present: Briggs, Conneely, Fakhrai, Koonze, Nguyen, Patenaude, Philis

General Public Present: 7

## PUBLIC COMMENTS

None

## PRESENTATION

### 1. Route 238 Corridor Improvement Project – Construction Update

Public Works Director over Engineering & Transportation Morad Fakhrai noted that the Route 238 Corridor Improvement was one of the largest public works projects in Hayward history, said that staff would be available to answer any questions after the presentation, and then introduced Senior Civil Engineer Kevin Briggs who provided the update.

Commissioner Mendall asked staff if the project was on budget and Director Fakhrai said it was slightly over in two areas: undergrounding of utilities, which was reimbursable from PG&E, AT&T and Comcast; and asphalt, due to more deterioration than expected and the cost of asphalt going up since the inception of the project. Director Fakhrai said the cost over budget was 2 to 3 percent above the original estimate.

Commissioner Mendall asked where those additional funds would be coming from and Director Fakhrai said from the Local Alternative Transportation Improvement Program (LATIP). He explained that the City had up to \$30 million that could be used, but said the City was saving those funds for Phases II and III of the Route 238 Project, which included improvements to Mission Boulevard north of A Street and south of Industrial Boulevard.

Commissioner Mendall asked when the new streetlights would be turned on. Director Fakhrai said the new streetlights were dimming state-of-the-art lights, and to realize a cost savings, would be part of a metered system, unlike the current lights being used that were on a fixed rate with PG&E. The metered system was part of the traffic signal system, he said, and because the signal controllers hadn't been delivered yet, the streetlights were not on. Director Fakhrai said stretches of streetlights would be coming on in the next couple of weeks. Commissioner Mendall asked about the intersections at Mission and Harder and Carlos Bee, and Director Fakhrai said unfortunately, those intersections would be delayed due to the amount of work PG&E

needed to complete followed by the final configuration of the area. Commissioner Mendall asked for an estimated time and Director Fakhrai said late fall.

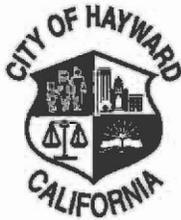
Commissioner Mendall asked about the adaptive traffic management system and whether it would be activated in sections or all at once. Director Fakhrai explained that for the system to work effectively, the entire corridor needed to be in place, but noted the system would definitely be an improvement. He said that the traffic management center would be based at City Hall and would control Route 238 plus other major corridors in the City including Hesperian, Tennyson, Winton and Clawiter. Commissioner Mendall said he wasn't aware of those other streets being included and asked Director Fakhrai to provide more information. Director Fakhrai explained that the other corridors were not a part of the Route 238 Corridor Improvement project and were funded through the Alameda County Transportation Commission with the goal of improving traffic signals on almost the entire length of these major corridors. Director Fakhrai said the first phase, which included Tennyson, Hesperian and Winton, should be completed within a month. Commissioner Mendall asked if Jackson was included and Director Fakhrai said no, noting that Clawiter was part of Phase II. Commissioner Mendall asked if Jackson Street would be included in another project and Director Fakhrai pointed out that Jackson was still a state route, but would be relinquished to the City upon completion of the Route 238 Project. At that time, Director Fakhrai said, the four intersections along Jackson would be brought into the adaptive traffic management system.

Regarding overhead utilities, Commissioner Mendall confirmed that per the report, several segments would come down in May and asked if southern portions along Mission would follow in the summer. Senior Civil Engineer Briggs said more likely the timing would be around fall. Commissioner Mendall said he looked forward to the improvements saying the corridor will look a lot nicer when the roads are done and the overhead utilities are gone. Commissioner Mendall said this project was an opportunity for the City to really change the way people feel about the corridor and he said he hoped the City would follow up with additional efforts to create as much emotional and visual impact as possible to really jolt people into seeing the area differently. He pointed out that the corridor had been struggling because of the construction and the loss of the car dealerships and said he hoped this would be the beginning of the next phase.

Commissioner Lamnin thanked staff for the report and asked if the right-hand turn from Carlos Bee onto Mission would remain a single lane and Director Fakhrai said yes, a single, dedicated right turn lane. She noted that there was always a back-up at this intersection and asked if the lane would be protected. Director Fakhrai agreed that traffic volumes were very high, and noted that besides at the green signal, right-hand turns could be completed after a full stop, but that the movement would not be protected. Commissioner Lamnin said she was thrilled about the improved traffic lights.

Commissioner Lamnin asked what improvements were scheduled for Second Street and Director Fakhrai said only one change was planned and that was converting B Street to two-way from Second westbound to Foothill and replacing the traffic signal to reflect that change. Commissioner Lamnin asked if there would be improvement to the timing of signal lights along Second and Director Fakhrai said no, but said he would check to make sure that wasn't part of a separate project.

Regarding the parking lot at the gateway circle (in between D and Jackson Street at Mission), Commissioner Lamnin said the circle looked lovely but she was concerned that people would park and walk across the street without using the crosswalk. She also asked if the lot would be dedicated. Director Fakhrai said the lot would be public with no fee, although he noted that the City was revisiting traffic code regulations particularly in the downtown. He said there would be a crosswalk at Mission and D, and noted a barrier down the middle of the road to block pedestrians from crossing wasn't possible because that stretch of Mission was slated to be one-way. He said there would be signage to tell people to use the crossing and he said he doubted pedestrians would cross mid-way because of the heavy traffic in the area. Commissioner Lamnin pointed out that "our feet follow our eyes" and said she sees Bret Harte students crossing Mission Boulevard all the time and suggested a visual barrier to deter pedestrians from crossing.



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Commissioner McDermott asked what the original completion target date was for the project and Senior Civil Engineer Briggs said December of 2012. Commissioner McDermott asked what caused the three month delay and Mr. Briggs explained that although rains had been light this winter, last winter heavy rains impacted joint trench work. He also noted that unforeseen conditions had also created a number of work change orders during the trenching and that affected the progress of the undergrounding.

Commissioner McDermott asked if target date projections include delays due to weather and Director Fakhrai said projects taking longer than one year do include some days for rain, but delays are difficult to anticipate, noting that delays can also be caused by muddy conditions after the rain has stopped. Unforeseen conditions, he said, like the very old Pacific Bell conduits encountered by the contractor had also added a lot of time and money to this project. The money will be reimbursed, Director Fakhrai said, but the time is lost. Commissioner McDermott confirmed the City did not have the information about the old conduits ahead of time and Director Fakhrai said no, when projecting the timeline the City relied on the information provided by PG&E. He explained that because of old conduits the City had to modify the design, get changes approved and then have the contractor implement them. Commissioner McDermott commented that it "blows her away" that PG&E didn't know the condition or age of the conduits and Director Fakhrai said the conduits and utility boxes had been there since before the turn of the previous century.

Chair Márquez expressed concern about safety issues during construction and asked if there had been an increase in accidents or pedestrians being injured. Director Fakhrai said there hadn't been an increase in the number of accidents, but "about a handful" had been related to construction due to drivers not following signs or losing control and going into trenches or ditches.

Regarding the gateway circle parking lot at D Street and Mission Boulevard, Chair Márquez said it was always full and that she had personally seen several people walk straight across Mission. She asked staff to encourage pedestrians to use the crosswalk and suggested a lighted crosswalk for Rotary Park at the corner. Director Fakhrai said staff could look at additional signage, but pointed out that blinking crosswalks were used for uncontrolled crossings and there was already a signal at D Street.

Regarding the mural project, Chair Márquez asked how artists were selected and for more information about the process. Director Fakhrai said mural selection was handled by the Community Preservation department and was a City-wide project unrelated to the Route 238 Improvement. He said he wasn't sure how the selection process worked, but confirmed for Chair Márquez that artists were paid for supplies and their work.

Chair Márquez asked if the PowerPoint presentation provided by staff would be uploaded to the City's website and Director Fakhrai said it would.

Commission Lamnin asked if PG&E was holding up construction and if there was an "issue," and Director Fakhrai said yes. Noting that it was a very large, very complex project, he explained that the City had been working with PG&E since 2006, when design on the project first started, and compared to past projects, PG&E had been a lot more responsive, but acknowledged they were causing some delays. Director Fakhrai said per the union contract between PG&E and workers, they had to use PG&E labor to pull wire and conductors, but for this project they had made an exception and hired an outside contractor to do the work. He said he was very happy about that because any emergency in the region would pull PG&E workers away from the project, whereas the contractor could stay and remain focused.

Commissioner Lammin asked why the asphalt was more expensive and Director Fakhrai explained that when the project was first advertised in 2009, the price of oil was much lower.

Commissioner Mendall asked if the piles of dirt near BART tracks at Industrial Boulevard was top soil for the project and Director Fakhrai said no, that was CalTran property and although the contractor was the same, the aggregate recycling product was not used exclusively for the Route 238 project. Commissioner Mendall asked what recourse was available for damage to vehicles due to construction. Director Fakhrai said although the contractor had to protect the City from any liability, the City had a form available in the City Clerk's Office to file a claim against the contractor.

## **PUBLIC HEARING**

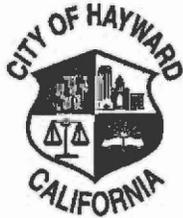
2. Conditional Use Permit Application PL-2011-0132 / Tentative Tract Map Application PL-2011-0133 – KB Design and Consulting, Ben Wong (Applicant) / Maple Court Homes (Owner) – Request to Construct 44 Residential Condominium Units Within a Five-Story Building. The Project Consists of Four Properties Located at 22471-22491 Maple Court, West Side Between McKeever Avenue and A Street and is Located Within the Central City Commercial (CC-C) District.

Associate Planner Tim Koonze gave a synopsis of the report noting staff received three expressed concerns during the noticing process. One concern was the lack of commercial space on the first floor. Mr. Koonze explained that due to the lack of foot traffic on Maple Court, staff supported the conditional use permit allowing for residential on the ground floor, noting that the additional residential would support existing local businesses on A Street and Foothill Boulevard. Another concern expressed by a business owner on A Street was potential traffic congestion. Mr. Koonze noted that the City's Transportation Planning Manager reported that any impact would not be significant, and in addition, planned circulation improvements in the area would further minimize impacts. The last concern came from the property manager of the 4-story medical building next door to the project location. He expressed concern that the proposed 5-story building would block the signal of cell towers located on the roof of the medical building. Mr. Koonze explained that the proposed building height was allowed and staff found no evidence to support the concern.

Commissioner McDermott asked if the project was an adult residence and Mr. Koonze said the units would be standard condominiums available to anyone for purchase. Commissioner McDermott pointed out that open space areas were not conducive to families because there was no safe place for children to play. Mr. Koonze explained that group open space met requirements, and noted the overall design wasn't complete and amenities hadn't been determined. Commissioner McDermott asked that her concern be considered during planning; noting the location of the development was in a busy area with no other place for children to safely play. Commissioner McDermott said she liked the design of the building and the height was similar to the façade of the medical building next door. Planning Manager Patenaude said staff would consider her comments when determining amenities for the open space.

Commissioner Mendall asked about bicycle storage and bike racks and Associate Planner Koonze said there would be some space available in the garage that could be adapted for bicycle storage. Commissioner Mendall said he didn't want residents to store bicycles on balconies to keep the building attractive and clutter-free. He asked staff what the bicycle capacity of the garage would be and when staff didn't know he asked that the applicant address the question. Planning Manager Patenaude said when staff reviews the CCRs they could add a provision limiting what could be stored on balconies. Commissioner Mendall said keeping balconies clutter free was essential.

Commissioner Mendall asked the total number of parking spaces and Associate Planner Koonze said 63 and confirmed that amounted to 1.5 spaces per unit. Commissioner Mendall asked if there was any guest parking and Mr. Koonze said there were two spots at the end of the driveway, street parking along Maple Court, and



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municipal parking lot number 5 located across the street. Commissioner Mendall asked how the parking spaces would be allocated, noting there were 44 units and 63 spots, and asked if residents would pay to secure a second spot. Mr. Koonze said he would let the applicant address that question. Commissioner Mendall asked about the low-income units mentioned earlier, and Associate Planner Koonze said he misspoke; the applicant was going to pay an in-lieu fee pursuant to the Inclusionary Housing Ordinance. Commissioner Mendall asked if there was sufficient garbage and recycling capacity for a multi-family residential development and Mr. Koonze confirmed the applicant worked with the City's Solid Waste Division to determine adequate capacity.

Commissioner Lamnin asked if any of the bus lines passed by, or if a bus stop was close by, and staff didn't know. She pointed out that walking to BART was a little far, about a mile, so any public transit interface would be helpful. Planning Manager Patenaude reported that four bus lines ran down B Street (a block away from the development) with routes taking passengers to and from BART and down Foothill Boulevard to Castro Valley.

Commissioner Lamnin asked if the Fire Department had expressed any concerns regarding the height of the building. Associate Planner Koonze said fire representatives worked with the applicant to develop solutions for all access and fire protection needs. Mr. Koonze pointed out that the conditions of approval included language that could require the applicant to enlarge the water main on Maple Court if necessary, and he mentioned that the design of the driveway had already been modified to provide adequate fire access.

Commissioner Lamnin asked if the applicant had been properly noticed that fees for earthquake safety, community safety districts, and/or groundwater contamination may be added to the project's cost. Associate Planner Koonze said the Phase I environmental study cleared all Haz-Mat concerns; earthquake protection design measures "came with the territory." but said the architect, structural engineer and City building staff would confirm compliance; and noted the safety district has not been formed yet, so potential fees were unknown, but acknowledged the City wanted a district in place to meet future safety needs.

Commissioner McDermott asked if the historic home that was going to be moved as part of the project was currently occupied; the process for moving the house; and if the developer would bear the relocation cost. Associate Planner Koonze said the house was occupied and deferred the question of the relocation process to the applicant. Mr. Koonze confirmed the applicant would pay all relocation costs.

Regarding the business that would be deconstructed as part of the project, Commissioner McDermott asked if it was active and Mr. Koonze said it appeared to be vacant. And finally, Commissioner McDermott asked if each unit would be required to have a fire sprinkler system and Mr. Koonze said yes, the entire building would have fire sprinklers including the individual units.

Chair Márquez asked if there would be on-site laundry facilities and Associate Planner Koonze deferred the question to the architect.

Regarding the benefit district mentioned in the report, Commissioner Mendall noted the applicant was required to set aside \$20,000 for a study of whether or not the project would increase security needs; he asked staff for more information saying he hadn't ever seen that requirement before. Assistant City Attorney Maureen Conneely explained that 5-7 years ago, City Council adopted a policy that required an analysis of the impact of a new development on public safety services, and language that required the developer to pay a "fair share" of the cost if it was determined additional safety services were needed. She noted that the cost

fluctuated based on the number of units being constructed. Ms. Conneely mentioned that the City was currently in the process of updating its regulations concerning community facility districts and an analysis, ready in the next 6-9 months, would more definitively ascertain what the costs to developers would be.

Commissioner Mendall asked if the applicant was requesting any variances besides having residential units on the ground floor and Associate Planner Koonze said that request for ground floor residential was part of the conditional use permit process, and no variances were being requested. Commissioner Mendall noted that it was common for the applicant to request a reduction in side yard setbacks or open space requirements, and Mr. Koonze agreed but noted that the applicant was going to meet all setback requirements, provide the required parking, storage areas, private space and group open space areas.

Commissioner Mendall asked what the maximum density was for the CC-C zone and Associate Planner Koonze said 45 units were allowed on a property of that size. Commissioner Mendall noted the project proposed 44 units and confirmed with Mr. Koonze that five-floors was the maximum building height allowed.

Chair Márquez opened the Public Hearing at 8:20 p.m.

Applicant Ben Wong, a Daly City resident, introduced himself. Commissioner Mendall asked about parking and Mr. Wong said each unit would have one space with additional spaces available for rent, although he noted final logistics hadn't been determined. Commissioner Mendall suggested "de-coupling" spaces from each unit, or providing one space and requiring a fee be paid for the second space to create financial incentive for residents to use public transportation, walk or bike. Regarding bike racks, Mr. Wong said architect Takuo Kanno could provide more information.

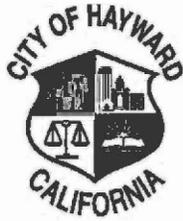
Commissioner Lamnin asked Mr. Wong if he had a ballpark cost per unit and Mr. Wong said \$350,000 to \$400,000 per unit.

Architect Takuo Kanno, introduced himself saying he was a Commissioner with the State of California's Architectural License Board, but noted his health had kept him from serving for the last two years. Mr. Kanno thanked staff for the presentation and said there would be room in the garage area to store about 10 bicycles depending on whether the storage system was wall or ground mounted. Motorcycle parking would also be available, he said. Looking at the site plan, Mr. Kanno noted there were lots of roomy undetermined spaces that could be utilized during final construction for various uses including the waste management area which had "far more" room than solid waste managers were requiring. He said he could provide more details after the Commission granted approval and they were able to move to the next stage of development and a more detailed design. He noted they welcomed working closely with City staff.

Regarding the sale of units and construction costs, Mr. Kanno said the two would be closely related, but that he had no idea what the actual cost of the building would be. Regarding earthquake preparedness, Mr. Kanno said they were very fortunate to be approached by a very large residential developer from Japan, with a mother company far bigger than Genentechs, which came up with ingenious earthquake resistance construction details that they have tried to incorporate into the building design. Rather than fighting the stress of the earthquake, he explained, the construction tries to absorb it. Mr. Kanno said to actually see the test is marvelous and that Mr. Koonze had asked him to give a presentation to City staff to demonstrate the approach.

Regarding laundry facilities, Mr. Kanno said each unit would have its own. Mr. Kanno also noted that a lot of details were still pending studies including security lighting.

Commissioner Mendall asked Mr. Kanno how large the proposed storage units were and Mr. Kanno said 4 x 5 feet and 11 feet tall compared to patios that are only 3 x 6 feet. Plenty big enough to store a bike, he said.



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Commissioner Mendall asked for clarification about laundry facilities and Mr. Kanno confirmed all units would have their own. Commissioner Mendall also confirmed that Mr. Kanno was referring to the area left of storage units as the unallocated area that could be used for anything and Mr. Kanno said yes.

Chair Márquez asked Mr. Kanno if he would consider a condition of approval that restricted clutter on the balcony and Mr. Kanno said they are developing the CCRs for the development and would include such language for the Commission's approval.

Commissioner Lamnin said she appreciated the green roof concepts in the common area and asked if there were other energy efficient measures planned. Mr. Kanno responded that if they could afford it, they would install solar panels and he noted that the Japanese company he mentioned before was also known for developing flat roofs into really beautiful courtyards. Mr. Kanno also mentioned that fully grown vines would be planted to cover the parking garage wall so coverage would be immediate.

Chair Márquez closed the Public Hearing at 8:33 p.m.

Commissioner Mendall asked staff if there was a condition of approval that required developers to comply with the City's green building ordinance and Associate Planner Koonze explained that adding a condition would be redundant because when a developer applied for a building permit they automatically had to comply with City ordinances including green building regulations and fire codes.

Commissioner Lamnin made a motion per staff recommendation to adopt the Initial Study and Negative Declaration; approve the Conditional Use Permit to allow residential units on the first floor; and approve the tentative tract map creating 44 condominium units. Commissioner Mendall seconded the motion.

Speaking to her motion, Commissioner Lamnin thanked the applicant, saying she was very excited to see a project with all one-story units. She said that made it a very attractive place to live, and the community needed the transit-oriented design. Commissioner Lamnin said she disagreed with staff that there wasn't retail in the area because there were shops located right across the street, but because of the number of retail vacancies, she said she was fine with residential on the ground floor. She asked that good communication be maintained during construction so if the medical facility had any issues with noise, they would know who to contact. Commissioner Lamnin said it was exciting that folks from Japan had these innovative ideas and that they wanted to bring them to Hayward. Regarding youth, and how families or individuals may use the group open space, she asked the applicant to consider Commissioner McDermott's statements. And finally, she asked staff if it was appropriate to add language in the CCRs to require participation in the Neighborhood Alert program. Assistant City Attorney Conneely asked Commissioner Lamnin if she would be comfortable with having staff explore that option instead of making it a condition of approval and Commissioner Lamnin said absolutely.

Commissioner Mendall said he wasn't sure about requiring someone to join a voluntary organization, but agreed the City could encourage it. He said he liked the project; the building was an attractive building with a courtyard on the second level, which he thought was very nice. Commissioner Mendall said he liked that every unit, or almost every unit, had a balcony, which made the building more attractive assuming the balcony is kept clutter-free. He insisted that the CUP include language that prohibits future owners from changing the balcony provision of the CCRs and he asked staff if it should be made a condition of approval. Planning Manager Patenaude said staff wouldn't be opposed to adding a condition. Commissioner Mendall asked Commissioner Lamnin if she would be amiable to adding condition 48K that read "Balconies and

yards may not be used for storage and must be maintained in an attractive and uncluttered manner.” Commissioner Lamnin asked the applicant if that was acceptable and Mr. Wong said it was. Commissioner Mendall said there was an attractive apartment complex near him with attractive balconies that were covered with clutter and it just ruined the entire complex. He said he was trying to prevent that from happening here, especially since it was a very tall, very visual, and attractive building.

Commissioner Mendall said normally he wouldn’t support getting rid of retail on the ground floor, but because the location of the project was on a side street, coupled with the fact that there was an abundance of vacant retail spots in the downtown, he said he was comfortable approving this one time exception. He said he wouldn’t approve such a request on Main Street.

Commissioner Mendall concluded saying the development was beautiful and that he looked forward to it being built and bringing more people to the downtown to help support the retail in the downtown area.

Chair Márquez said she would also be supporting the motion saying it was an impressive project and that she liked the scaling, color, landscaping and lighting. She thanked the applicant for working with staff, complying with building codes, and not asking for any variances.

The motion passed 4:0:3.

AYES: Commissioners Lamnin, McDermott, Mendall  
Chair Márquez  
NOES:  
ABSENT: Commissioners Faria, Lavelle, Loché  
ABSTAINED:

## COMMISSION REPORTS

### 3. Oral Report on Planning and Zoning Matters

Planning Manager Patenaude thanked the Commission for their participation in the Joint Work Session with Council on Tuesday and mentioned that undergraduate and graduate students continue to work on the Downtown Plan including design guidelines and a survey online. He encouraged the Commission to visit the website.

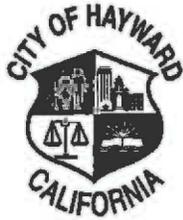
Chair Márquez asked Mr. Patenaude if he had an update on upcoming meetings and he said he would email the list.

### 4. Commissioners’ Announcements, Referrals

Reminded by the December meeting minutes, Commissioner Lamnin asked staff for an update about the communication tower at Stonebrae. Planning Manager Patenaude said at the direction of Council, staff had reviewed the information, and had received instruction to release the permit for the tower.

Commissioner McDermott, president of the Hayward Education Foundation, announced their annual fundraising event on Friday, March 23<sup>rd</sup> at Cal State East Bay. She personally thanked staff members and fellow Commissioners for their support.

Regarding the communications tower, Commissioner Mendall asked if the City had scheduled a Q&A at Stonebrae Elementary to answer questions and possibly alleviate the concerns expressed by some of the parents. Commissioner Mendall said the City should disseminate the information in a way that was convenient to them. Planning Manager Patenaude said staff has responded to the individuals who raised



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, March 8, 2012, 7:00 p.m.  
777 B Street, Hayward, CA94541**

---

questions, but said there hasn't been any discussion about a community meeting. Commissioner Mendall suggested the City should offer to send someone to answer questions.

Chair Márquez acknowledged that March 8<sup>th</sup> was International Women's Day and she offered congratulations to her fellow commissioners and staff and said she wanted to honor the day.

**APPROVAL OF MINUTES**

5. December 15, 2011 approved with Commissioner Faria, Lavelle, Loché absent.

**ADJOURNMENT**

Chair Márquez adjourned the meeting at 8:47 p.m.

**APPROVED:**

A handwritten signature in black ink, appearing to read "Sara Lamnin", written over a horizontal line.

Sara Lamnin, Secretary  
Planning Commissioner

**ATTEST:**

A handwritten signature in blue ink, appearing to read "Suzanne Philis", written over a horizontal line.

Suzanne Philis, Senior Secretary  
Office of the City Clerk

# MAPLE COURT CONDOMINIUM HAYWARD, CALIFORNIA



26O-5th Street  
San Francisco  
CA 94103

Office: 415.963.3343  
Fax 650.991.1840



MAPLE COURT  
CONDOMINIUM

Project Address: 22471, 22477, 22485, 22491  
MAPLE CT., HAYWARD CALIFORNIA



## LEGEND

	EXISTING EXTERIOR WALL
	EXISTING EXTERIOR WALL TO BE REMOVED
	EXISTING INTERIOR WALL
	EXISTING INTERIOR WALL TO BE REMOVED
	CONCRETE WALL
	CONCRETE WALL TO BE REMOVED
	NEW EXTERIOR WALL
	NEW EXTERIOR WALL - RATED
	NEW INTERIOR WALL
	NEW INTERIOR WALL - RATED

	SECTION KEY
	EXTERIOR ELEVATION KEY
	INTERIOR ELEVATION KEY
	DETAIL KEY
	NOTE KEY
	DOOR KEY
	WINDOW KEY
	REVISION
	REFERENCE KEY

## ABBREVIATIONS

& @ #	AND AT POUND OR NUMBER	DBL. DET. DN. DR.	DOUBLE DETAIL DOWN DOOR	INFO. INSUL. LT. LAM.	INFORMATION INSULATION LIGHT LAMINATE	S.A. SHT. SHTG. SPEC. S.S. SL. DR. SKYLT. S.D.	SUPPLY AIR SHEET SHEETING SPECIFICATION STAINLESS STEEL SLIDING DOOR SKYLIGHT SMOKE DETECTOR
A/C ACOUS. ADJ.	AIR CONDITIONING ACOUSTICAL ADJACENT ADJUSTABLE	EA. EL. ELEV. EQ. EQUIP. EXH. (E) EXP.	EACH ELEVATION EQUAL EQUIPMENT EXHAUST EXISTING EXPANSION EXPOSED EXTERIOR	MTD. MTL. MUL.	MOUNTED METAL MULLION	T. T.A. T.B. T.C. T.O. TV TYP.	TREAD TREE AREA TOWEL BAR TOP OF CONCRETE TOP OF TELEVISION TYPICAL
A.F.F. ALUM. APPROX. ARCH.	ABOVE FINISH FLOOR ALUMINUM APPROXIMATE ARCHITECTURAL	EXT.	FLOOR FLOOR DRAIN FOUNDATION FOOTING FURRING	(N) N.I.C. N.T.S.	NEW NOT IN CONTRACT NOT TO SCALE	U.N.O. U.O.N.	UNLESS NOTED OTHERWISE UNLESS OTHERWISE NOTED
BD. BLDG. BLK. BLKG. BLW. BM. BOT.	BOARD BUILDING BLOCK BLOCKING BELOW BEAM BOTTOM	FLR. F.D. FDN. FTG. FURR.	FLOOR FLOOR DRAIN FOUNDATION FOOTING FURRING	O.C. OPP.	ON CENTER OPPOSITE	V.C.T. VERT. V.I.F.	VINYL COMPOSITION TILE VERTICAL VERIFY IN FIELD
CAB. C.H. ¢ CL CLG. COL. CONC. CONST.	CABINET CEILING HEIGHT CENTER LINE CEILING COLUMN CONCRETE CONSTRUCTION	G.M. GYPM.	GASMETER GYPSUM	R.D. REF.	ROOF DRAIN REFERENCE REFRIGERATOR REINFORCED ROOM REDWOOD	W/ W.C. WD. W.P. WT.	WITH WATER CLOSET WOOD WATERPROOF WEATHERPROOF WEIGHT

SHEET TITLE  
COVER PAGE

Date: APRIL 28, 2011

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SHEET TITLE  
**GENERAL NOTE, SITE  
MAP AND LEGEND**

Date: APRIL 28, 2011  
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**PROJECT INFORMATION**

ADDRESS: 22471, 22477, 22485, 22491 MAPLE COURT  
A.P.N.: 428-0061-01000, 428-0061-01100, 428-0061-01202, 428-0061-01302  
ZONING: CC-C CITY CENTRAL COMMERCIAL  
TYPE OF CONSTRUCTION: TYPE V-B  
FIRE SPRINKLERS: YES  
TOTAL LOT SIZE: 25,711 SQ. FT. (0.5788 ACRES)  
PROPOSED BUILDING COVERAGE: 19,375 SQ. FT. (75.3% OF LAND COVERAGE)  
PROPOSED GROSS FLOOR AREA: 95,221 SQ. FT.  
PROPOSED GROSS RESIDENTIAL AREA: 54,427 SQ. FT. (44,976 SQ. FT. LIVING AREA)  
TOTAL PRIVATE OPEN SPACE: 5,886 SQ. FT. (MIN. REQUIREMENT 3,080 SQ. FT.)  
TOTAL GROUP OPEN SPACE: 1,418 SQ. FT. (MIN. REQUIREMENT 1,320 SQ. FT.)  
PROPOSED RESIDENTIAL UNITS: 44 UNITS  
PROPOSED PARKING SPACES: TOTAL 63 SPACES  
63 SPACES FOR RESIDENT (9 COMPACT, 2 HANDICAPPED)  
6 MOTORCYCLE PARKINGS  
4 BICYCLE PARKINGS

**PROJECT SYNOPSIS**

	Descriptions	Allowed/Required	Proposed	Comments
Density:	65 units / Ac 65x0.5788=37.62	37 units		
Density Bonus:	20% Bonus Density with 10% Low Income Units 37.62x1.2=45.14	45 units	<b>44 units</b>	Min. 7%Affordable units
Height Limit:	55'-0"		52'-0 Flat Roof Top	
Set Back Req'd	Front Side Rear	0' 0-10% Lot Width 15 for Residential	0' 10' 15'	
Parking Facilities Residential		1.5stalls/unit 44 units X 1.5 Total req'd=66		Standard size: 9'x19' Compact size: 8'x15' max. 30% Back-up space: 26' 2 Way Drive:20' and others
Parking Bonus Residential/Commercial	5% bonus with provision of 2 wheel vehicles spaces	66 X 0.05 = 3.3 Bonus = 3stalls Total required: 66-3 = 63	52 2 9 <b>63</b>	Standard Handicap Space for Residence Compact Space
Open Space	Private Open Space Group Open Space	70 sf / unit, 3,080 sf 30sf/unit, 1,250sf	Av. 75ft of Balcony (Total <b>5,766 sf</b> ) 2nd Floor (Total <b>1,517 sf</b> )	

**ENGINEER INFORMATION**

ARCHITECT:  
TAKUO KANNO  
KB DESIGN & CONSULTING, LLC  
TEL: (415) 963-3343

CIVIL:  
TUONG XUAN TRAN  
TRANVU, LLC  
TEL: (408) 425-4523

LAND SURVEYOR:  
LEA & BRAZE ENGINEERING, INC.  
TEL: (510) 887-4086

GEOTECHNICAL:  
UNITED SOIL ENGINEERING, INC.  
TEL: (408) 988-2990

**SCOPE OF WORK**

MERGE 4 LOTS (INCLUDING 1- ONE STORY RESIDENTIAL HOUSE, 1- ONE STORY COMMERCIAL BUILDING AND 2- VACANT PARKING LOTS) AND CONVERT IT TO FIVE STORIES CONDOMINIUM BUILDING WITH 44 UNITS.

**SITE PICTURE**



**VICINITY MAP**



**INDEX OF DRAWINGS**

- ARCHITECTURAL**  
A-0.1 COVER PAGE  
A-1.0 GENERAL NOTE, VICINITY MAP AND INDEX OF DRAWINGS  
A-2.1 PROPOSE SITE PLAN  
A-3.1 PROPOSE BASEMENT FLOOR PLAN  
A-3.2 PROPOSE FIRST FLOOR PLAN  
A-3.3 PROPOSE SECOND FLOOR PLAN  
A-3.4 PROPOSE 3RD FLOOR PLAN  
A-3.5 PROPOSE 4TH FLOOR PLAN  
A-3.6 PROPOSE 5TH FLOOR PLAN  
A-3.7 PROPOSE ROOF PLAN  
A-4.1 ELEVATIONS  
A-4.2 ELEVATIONS  
A-5.1 SECTIONS  
A-5.2 SECTIONS
- LANDSCAPE**  
L-1.1 FIRST FLOOR CONCEPTUAL LANDSCAPE PLAN  
L-1.2 OPEN SPACE CONCEPTUAL LANDSCAPE PLAN  
L-1.3 FIRST FLOOR CONCEPTUAL IRRIGATION PLAN  
L-1.4 OPEN SPACE CONCEPTUAL IRRIGATION PLAN

**APPLICABLE BUILDING CODE**

- 2010 CALIFORNIA BUILDING CODE
- 2010 CALIFORNIA MECHANICAL CODE
- 2010 CALIFORNIA PLUMBING CODE
- 2010 CALIFORNIA ELECTRICAL CODE
- 2010 CALIFORNIA ENERGY CODE
- 2010 CALIFORNIA FIRE CODE



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**PROPOSED SITE PLAN**

Date: APRIL 28, 2011  
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WATER PRESSURE RESULT

HYDRANT NUMBER	Location	PRESSURE -- PSI				DISCHARGE -- GPM	
		Static	Residual	Pilot	Orifice	Observed	20 psi calc.
4132-1	1048 McKeever Avenue	79	62		2.5	1,244.4	2,436.5
4231-6	22456 Maple Court			55	2.5		

29

(E) PARKING LOT

FIRE CONNECTION NOTICE

FIRE APPARATUS ACCESS:

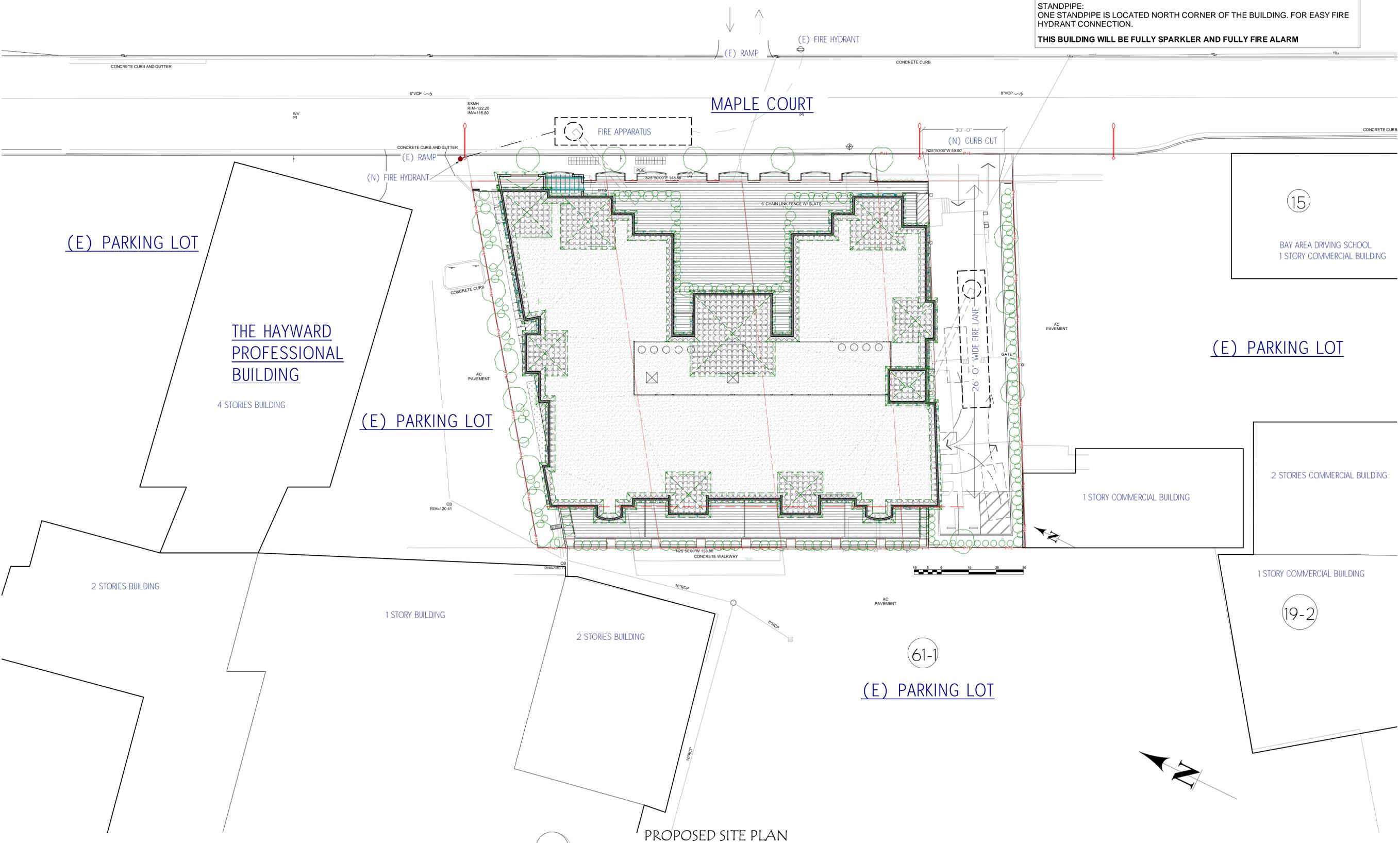
ACCESS #1  
MAPLE COURT - LOCATED EAST SIDE OF THE BUILDING

ACCESS #2  
26 FOOT WIDE FIRE LANE - LOCATED SOUTH SIDE OF THE BUILDING

FIRE HYDRANT:  
ONE NEW FIRE HYDRANT WILL BE INSTALLED AT NORTH SIDE OF THE BUILDING. ALSO ONE EXISTING FIRE HYDRANT LOCATE EAST SIDE OF THE BUILDING ACROSS MAPLE COURT.

STANDPIPE:  
ONE STANDPIPE IS LOCATED NORTH CORNER OF THE BUILDING. FOR EASY FIRE HYDRANT CONNECTION.

**THIS BUILDING WILL BE FULLY SPARKLER AND FULLY FIRE ALARM**



PROPOSED SITE PLAN

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



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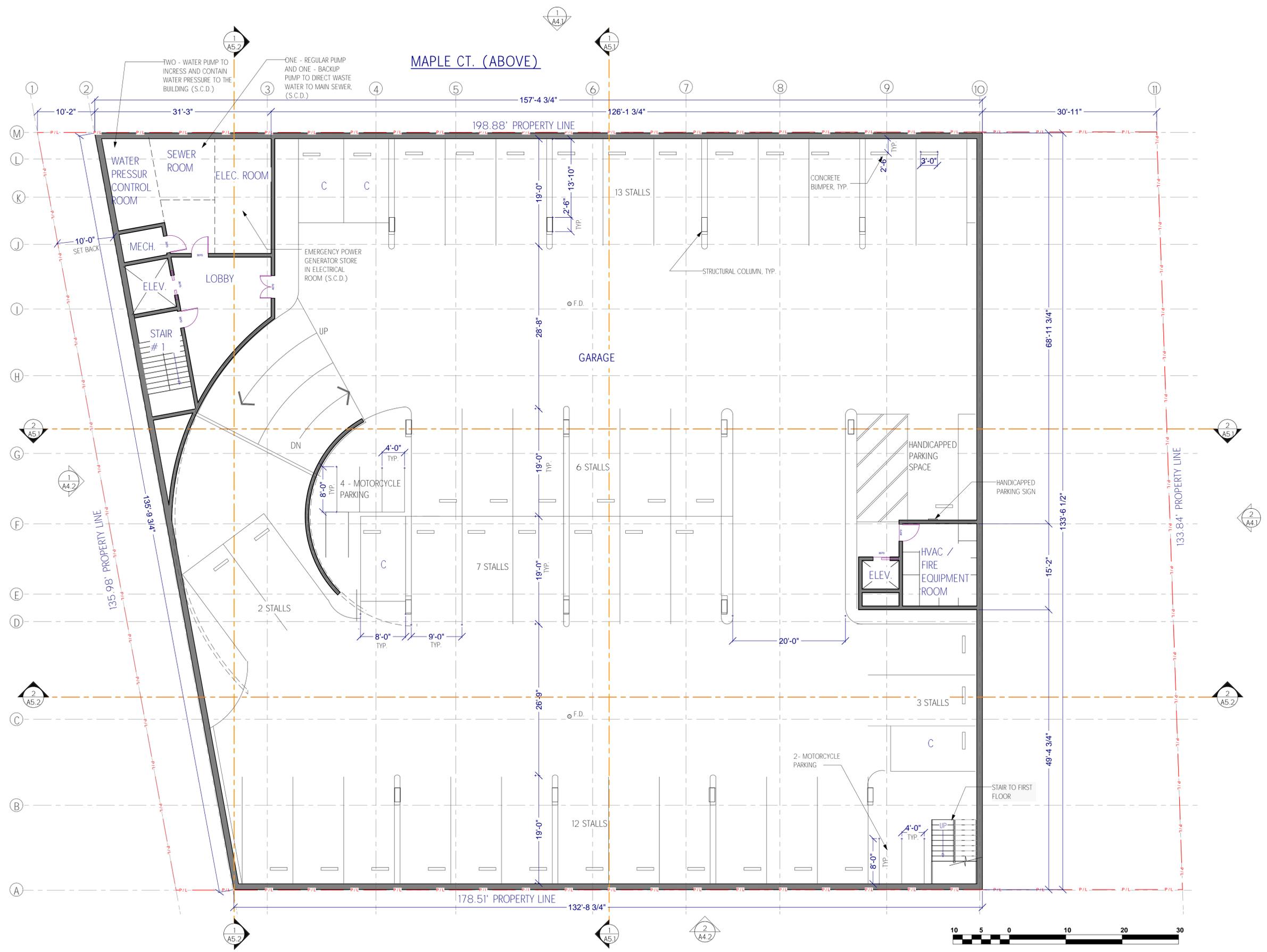
SHEET TITLE  
**PROPOSED BASEMENT  
FLOOR PLAN**

Date: APRIL 28, 2011  
Scale: As shown  
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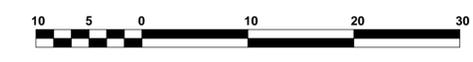


PARKING STALL DATA:

HANDICAPPED	1
STANDARD	37
COMPACT	6
<b>TOTAL</b>	<b>44</b>

TOTAL MOTORCYCLE : 6

**1** PROPOSED BASEMENT PLAN



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



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SHEET TITLE  
**PROPOSED FIRST FLOOR  
PLAN**

Date: APRIL 28, 2011  
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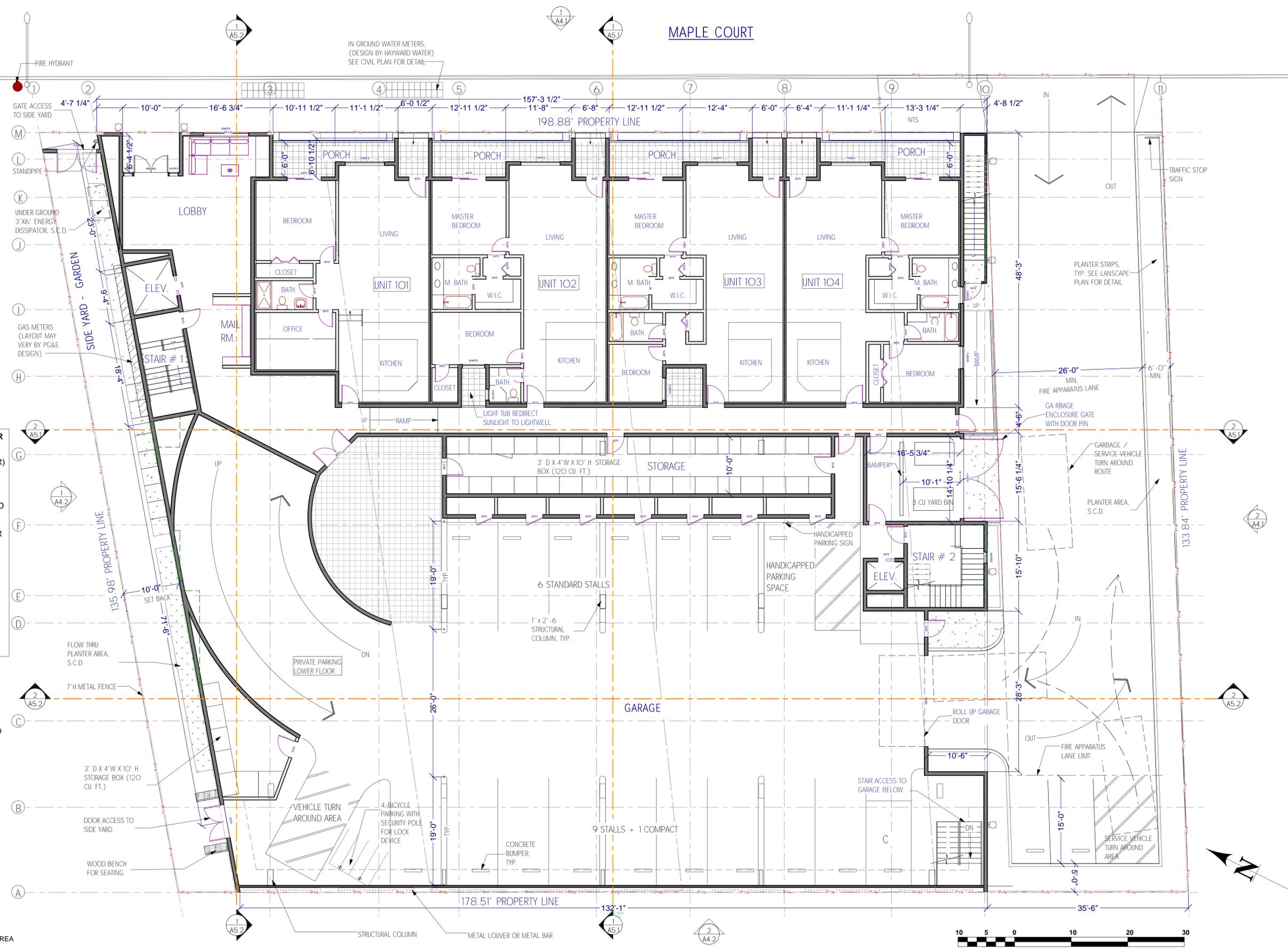
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**FORMULA OF GARBAGE CONTAINER CAPACITY:**  
44 UNITS X 1.2 (MOVE IN/OUT FACTOR) X 32 (GALLONS PER UNITS) / 200 = 8.448 CUBIC YARD PER WEEK  
PROVIDE (1) 3 CUBIC YARD BIN FOR TRASH (PICK UP TWICE A WEEK) AND (1) 3 CUBIC YARD BIN FOR RECYCLE (PICK UP ONCE A WEEK) TO CREATE TOTAL OF 9 CUBIC YARD CONTAINER CAPACITY PER WEEK.  
**GARBAGE COLLECTION METHOD:**  
RESIDENT OR OCCUPANTS FROM 2ND TO 5TH FLOOR WILL CARRY THEIR GARBAGE AND USE 2ND ELEVATOR (NEXT TO GARBAGE ENCLOSURE) TO TRAVEL FROM THE FLOOR TO THE GARBAGE ENCLOSURE, AND SEPARATE GARBAGE AND RECYCLE INTO GARBAGE COLLECT BIN.

**PARKING STALL DATA:**  
TOTAL PARKING STALL @ FIRST FLOOR: 19  
STANDARD 15  
COMPACT 3  
HANDICAP 1  
TOTAL 19  
TOTAL BICYCLE PARKING 4

**UNIT INFORMATION:**

NO.	FLOOR AREA	PRIVATE PORCH AREA
101	1115 SQ.FT.	100 SQ.FT.
102	1166 SQ.FT.	115 SQ.FT.
103	1165 SQ.FT.	115 SQ.FT.
104	1198 SQ.FT.	117 SQ.FT.



**1** PROPOSED FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



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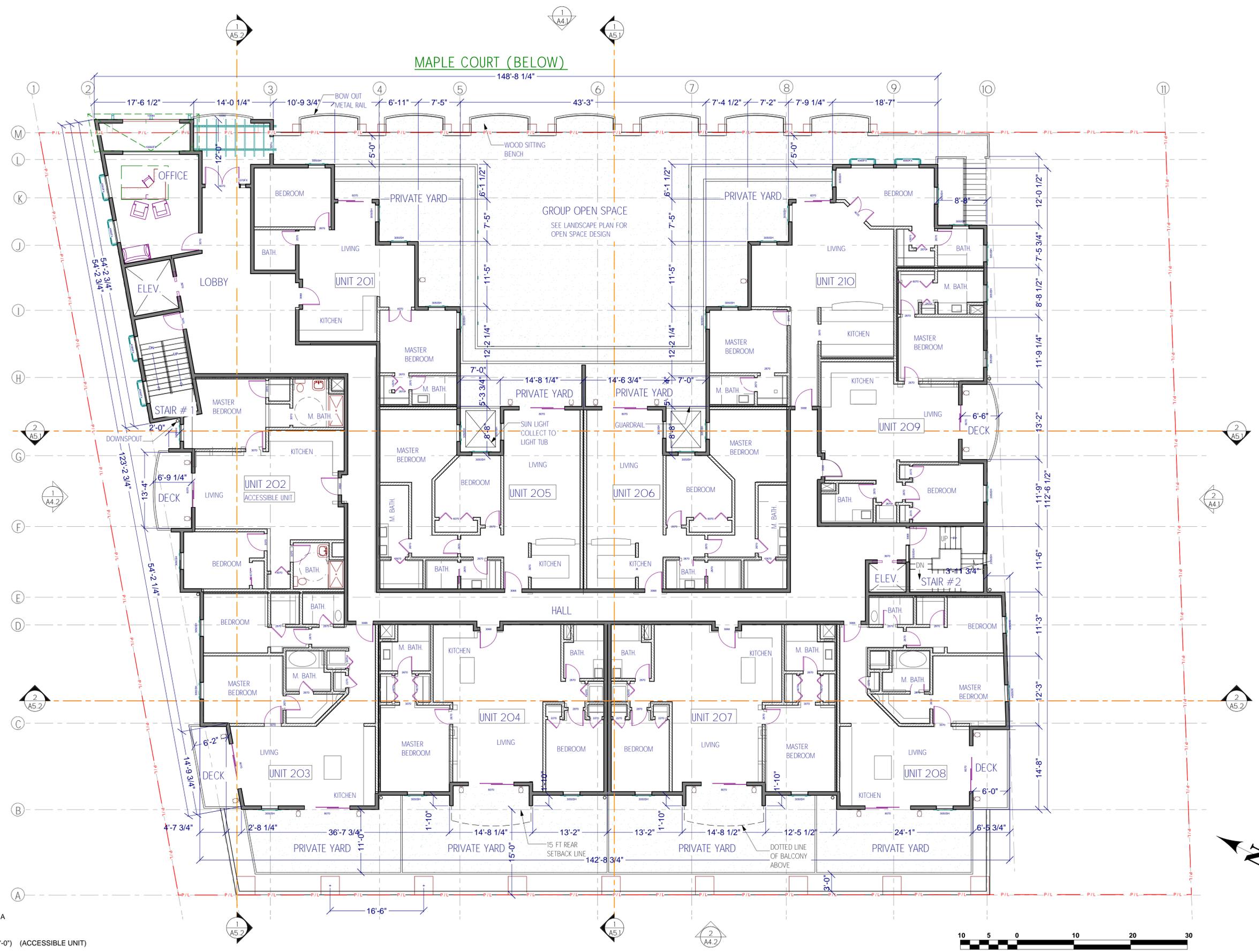
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SHEET TITLE  
**PROPOSED SECOND  
FLOOR PLAN**

Date: APRIL 28, 2011  
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UNIT INFORMATION:

NO.	FLOOR AREA	PRIVATE DECK AREA
201	804 SQ.FT.	258 SQ.FT.
202	957 SQ.FT.	81 SQ.FT. (6'-9" X 14'-0") (ACCESSIBLE UNIT)
203	1005 SQ.FT.	445 SQ.FT.
204	1090 SQ.FT.	541 SQ.FT.
205	1009 SQ.FT.	160 SQ.FT.
206	1015 SQ.FT.	160 SQ.FT.
207	1098 SQ.FT.	545 SQ.FT.
208	965 SQ.FT.	448 SQ.FT.
209	956 SQ.FT.	80 SQ.FT. (6'-6" X 14'-0")
210	1089 SQ.FT.	258 SQ.FT.

1  
**PROPOSED SECOND FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



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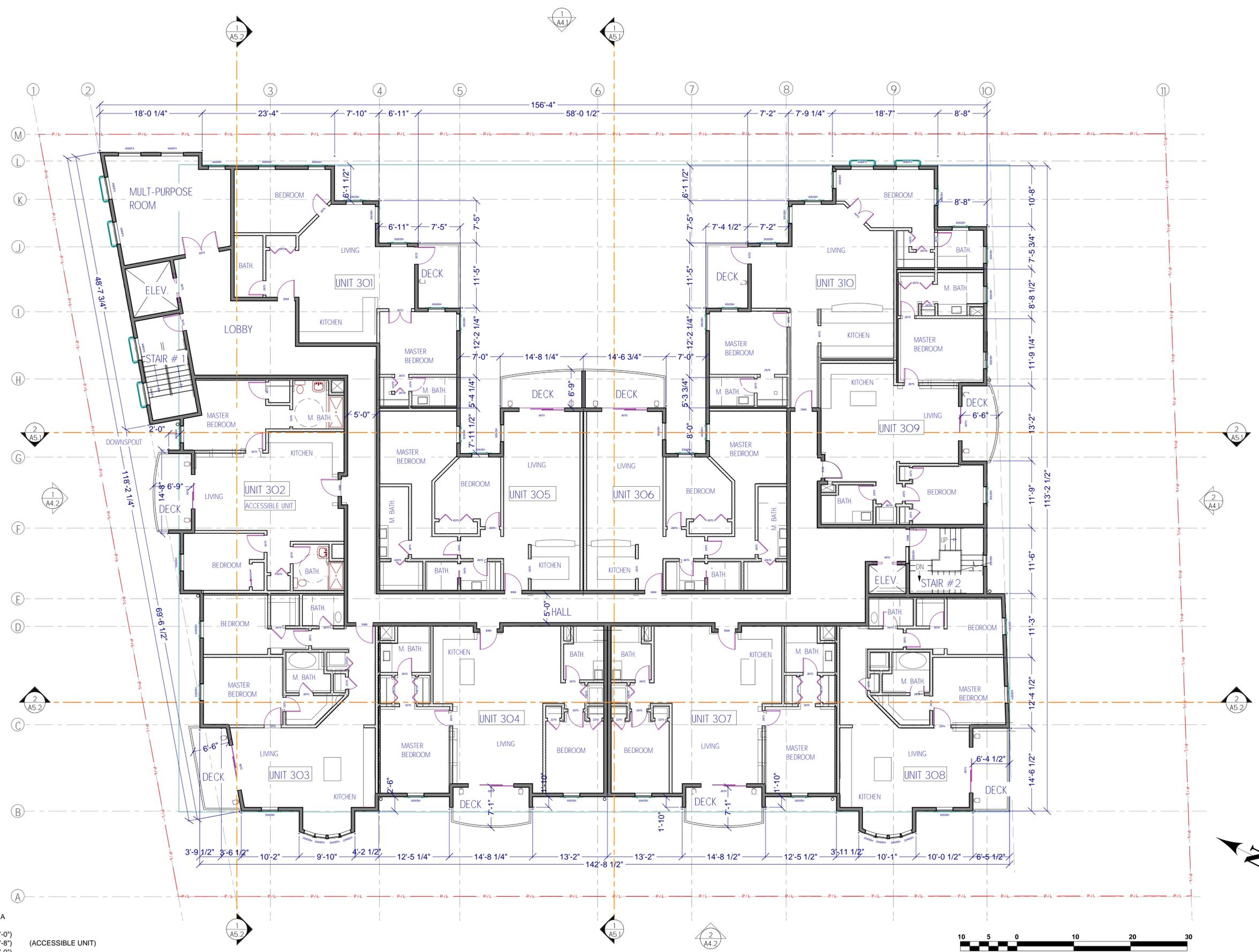
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SHEET TITLE  
**PROPOSED 3RD FLOOR  
PLAN**

Date: APRIL 28, 2011  
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UNIT INFORMATION:

NO.	FLOOR AREA	PRIVATE DECK AREA
301	925 SQ.FT.	77 SQ.FT. (7'-0" X 11'-0")
302	953 SQ.FT.	81 SQ.FT. (6'-8" X 13'-8")
303	1003 SQ.FT.	87 SQ.FT. (6'-6" X 14'-0")
304	1090 SQ.FT.	87 SQ.FT. (7'-1" X 13'-8")
305	1009 SQ.FT.	83 SQ.FT. (6'-9" X 14'-0")
306	1015 SQ.FT.	83 SQ.FT. (6'-9" X 14'-0")
307	1097 SQ.FT.	87 SQ.FT. (7'-1" X 13'-8")
308	965 SQ.FT.	83 SQ.FT. (6'-6" X 14'-0")
309	957 SQ.FT.	76 SQ.FT. (6'-6" X 13'-6")
310	1089 SQ.FT.	77 SQ.FT. (7'-0" X 11'-0")

(ACCESSIBLE UNIT)

1

**PROPOSED 3RD FLOOR PLAN**

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



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SHEET TITLE  
**PROPOSED 4TH FLOOR  
PLAN**

Date: APRIL 28, 2011

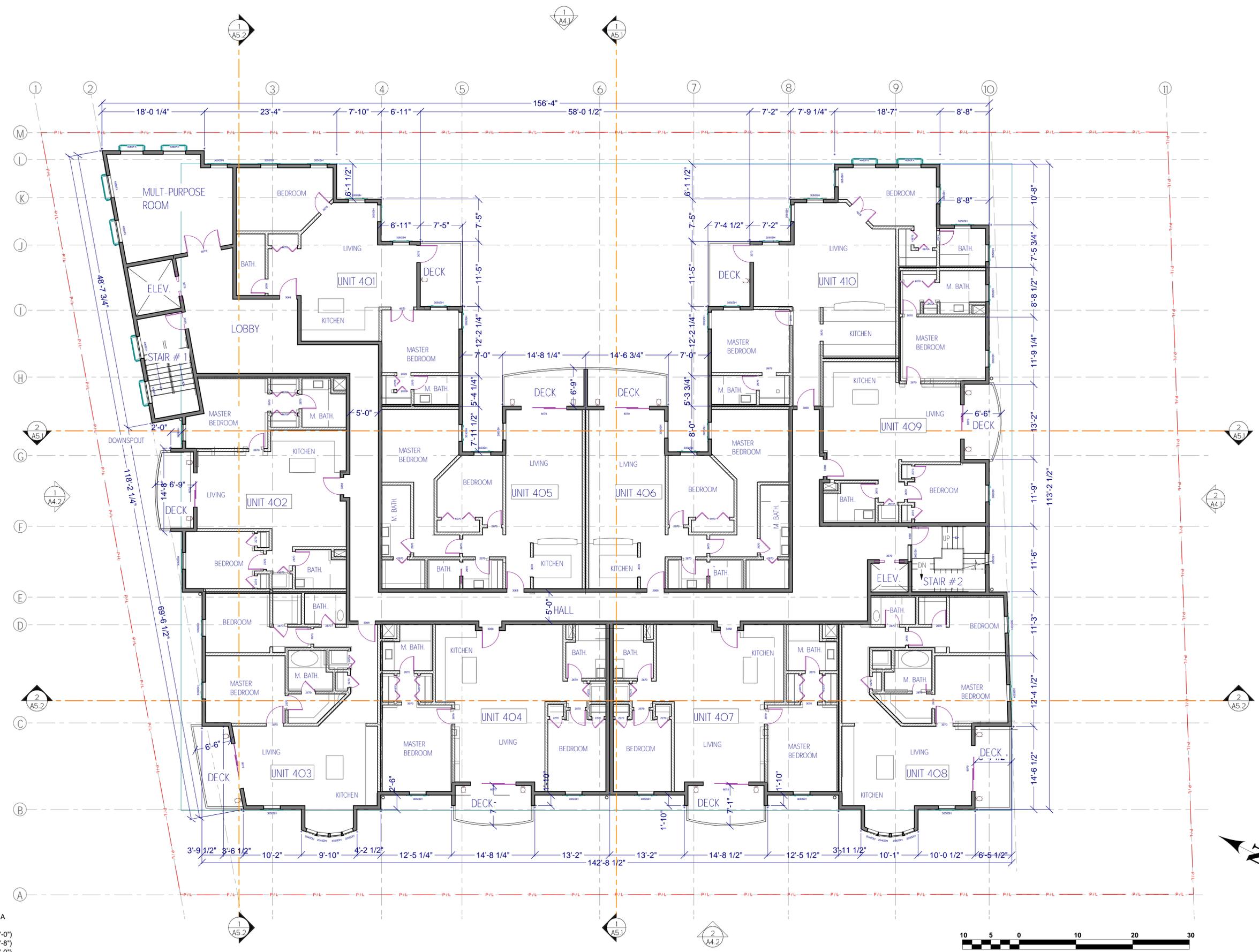
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UNIT INFORMATION:

NO.	FLOOR AREA	PRIVATE DECK AREA
401	925 SQ.FT.	77 SQ.FT. (7'-0" X 11'-0")
402	953 SQ.FT.	81 SQ.FT. (6'-8" X 13'-8")
403	1003 SQ.FT.	87 SQ.FT. (6'-6" X 14'-0")
404	1090 SQ.FT.	87 SQ.FT. (7'-1" X 13'-8")
405	1009 SQ.FT.	83 SQ.FT. (6'-9" X 14'-0")
406	1015 SQ.FT.	83 SQ.FT. (6'-9" X 14'-0")
407	1097 SQ.FT.	87 SQ.FT. (7'-1" X 13'-8")
408	965 SQ.FT.	83 SQ.FT. (6'-6" X 14'-0")
409	957 SQ.FT.	76 SQ.FT. (6'-6" X 13'-6")
410	1089 SQ.FT.	77 SQ.FT. (7'-0" X 11'-0")

**1** PROPOSED 4TH FLOOR PLAN

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





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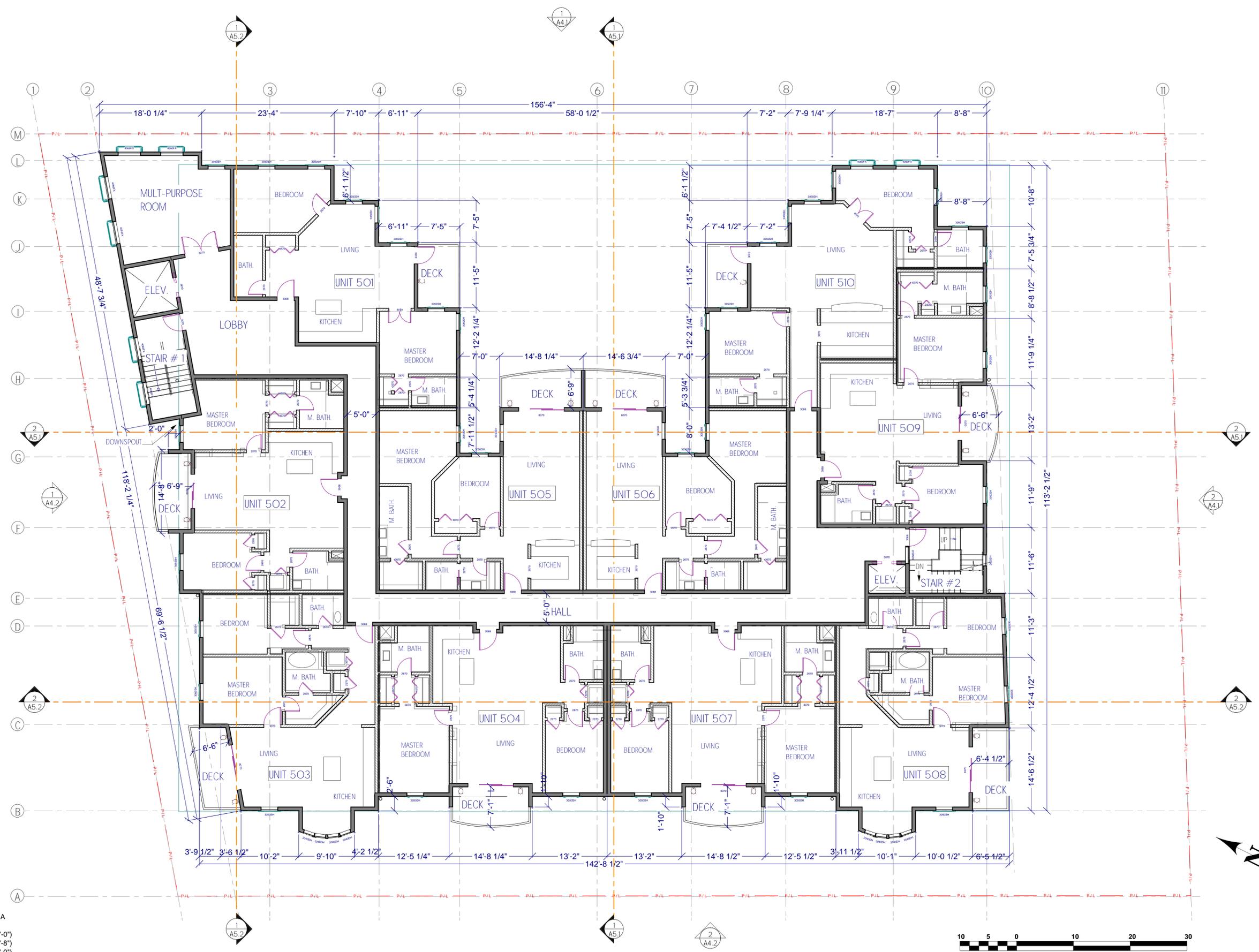
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SHEET TITLE  
**PROPOSED 5TH FLOOR  
PLAN**

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UNIT INFORMATION:

NO.	FLOOR AREA	PRIVATE DECK AREA
501	925 SQ.FT.	77 SQ.FT. (7'-0" X 11'-0")
502	953 SQ.FT.	81 SQ.FT. (6'-8" X 13'-8")
503	1003 SQ.FT.	87 SQ.FT. (6'-6" X 14'-0")
504	1090 SQ.FT.	87 SQ.FT. (7'-1" X 13'-8")
505	1009 SQ.FT.	83 SQ.FT. (6'-9" X 14'-0")
506	1015 SQ.FT.	83 SQ.FT. (6'-9" X 14'-0")
507	1097 SQ.FT.	87 SQ.FT. (7'-1" X 13'-8")
508	965 SQ.FT.	83 SQ.FT. (6'-6" X 14'-0")
509	957 SQ.FT.	76 SQ.FT. (6'-6" X 13'-6")
510	1089 SQ.FT.	77 SQ.FT. (7'-0" X 11'-0")

**PROPOSED 5 TH FLOOR PLAN**



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



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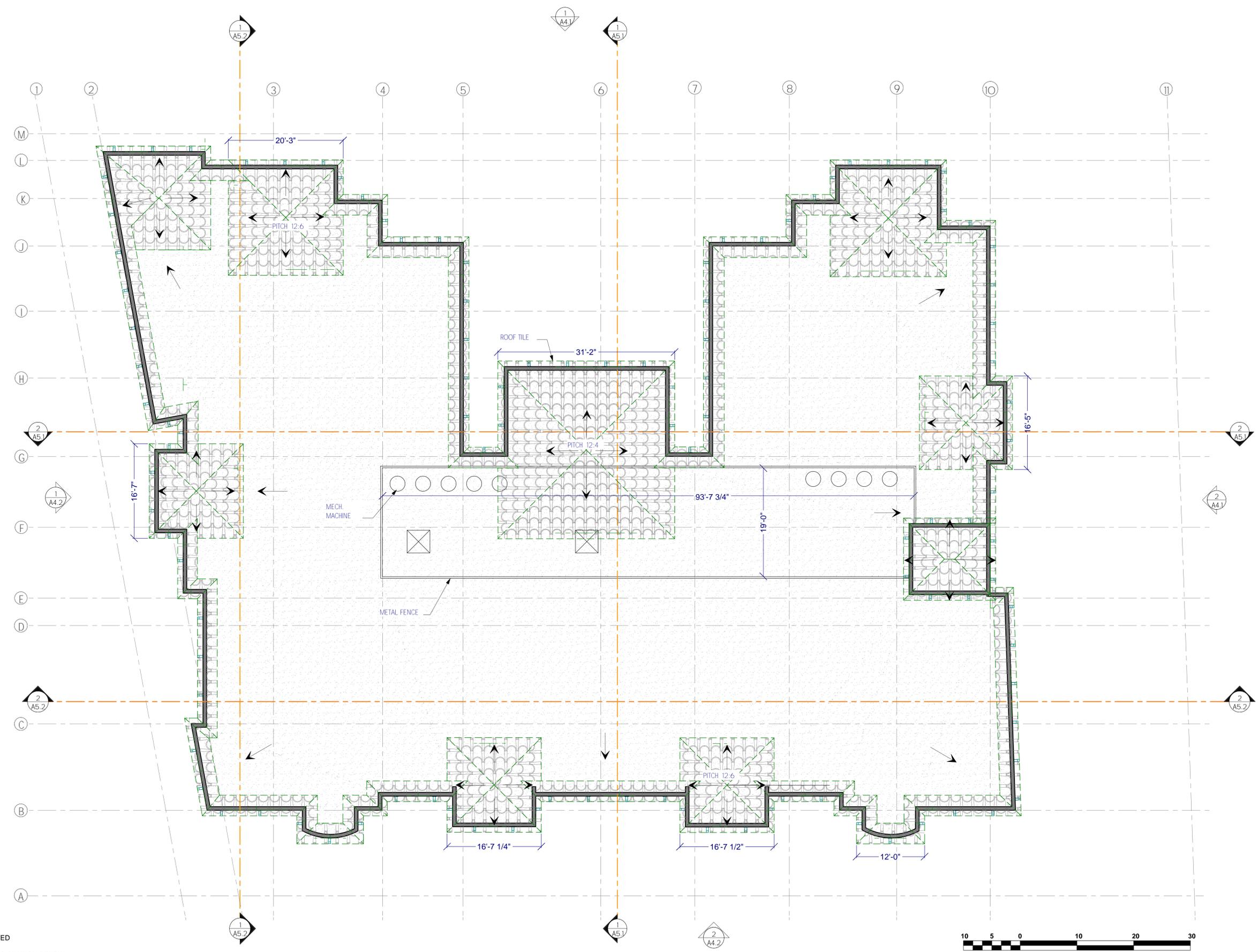
SHEET TITLE  
**PROPOSED ROOF PLAN**

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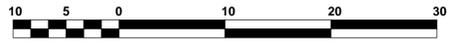
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- NOTES:
- USE OF SOLAR PANEL WILL BE EVALUATED
  - COLLECT ALL RAIN WATER TO FILTERING STATION BELOW (SEE CIVIL ENGINEER DRAWING)
  - COMPRESSOR PLACEMENT MAY VARY

1 PROPOSED ROOF PLAN

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





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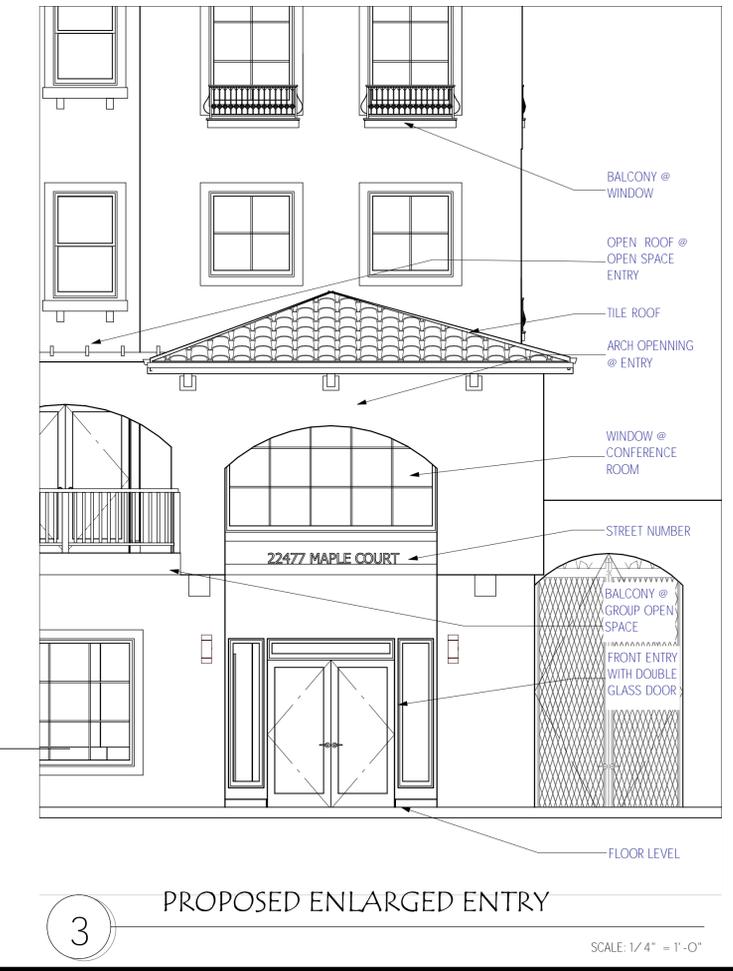


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SHEET TITLE  
**ELEVATIONS**

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SHEET TITLE  
**ELEVATIONS**

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FEB. 7, 2012  
MAR. 28, 2012

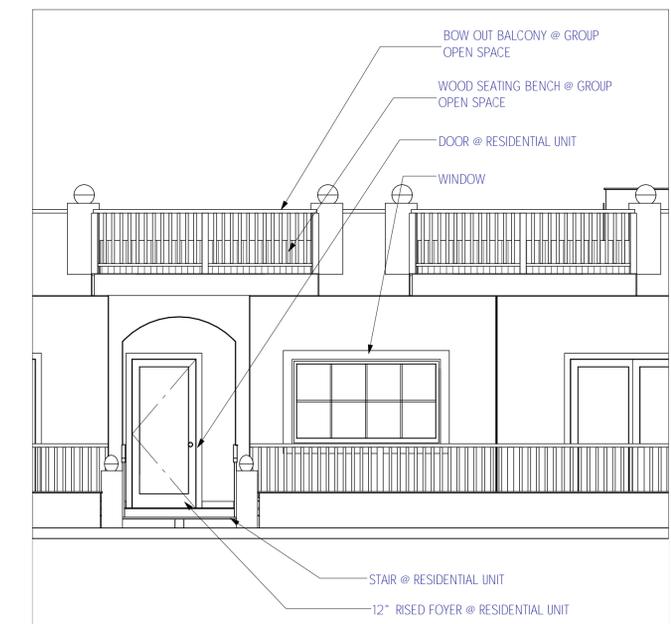
Sheet No.

**A4.2**  
12

NOTE SCHEDULE NUMBER	DESCRIPTION
1	STUCCO FINISH
2	ROOF TILE
3	RAIN WATER DOWNSPOUT
4	STAIR SHAFT
5	GUARDRAIL
6	DECORATIVE BRACES
7	DOTTED LINE OF 6'-0" H METAL FENCE
8	HORIZONTAL SIDING GATE @ UNIT
9	LANDSCAPE AREA
10	PLANTER BOX



1 PROPOSED SIDE ELEVATION (NORTH)  
SCALE: 1/8" = 1'-0"



3 PROPOSED ENLARGED RESIDENTIAL UNIT ENTRY  
SCALE: 1/4" = 1'-0"



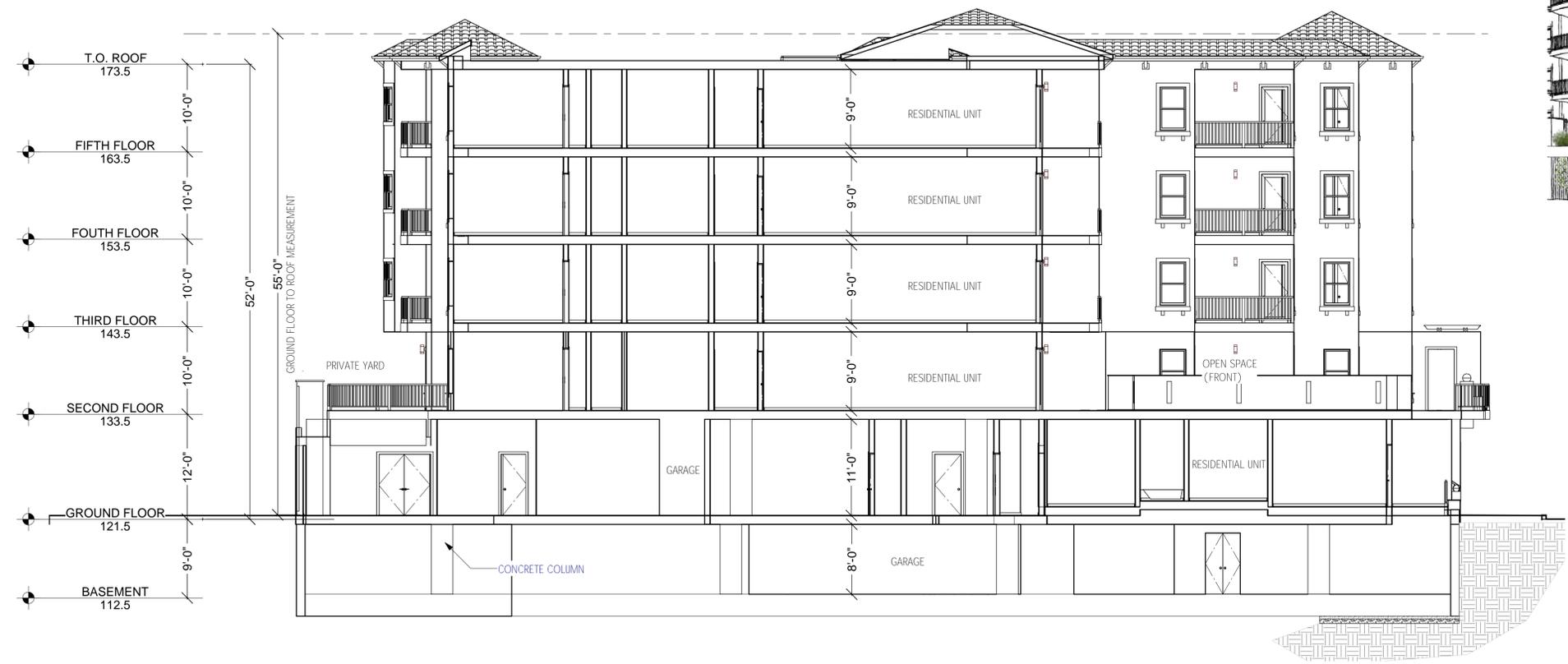
2 PROPOSED REAR ELEVATION (WEST)  
SCALE: 1/8" = 1'-0"



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**MAPLE COURT  
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Project Address: 22471, 22477, 22485, 22491  
MAPLE CT., HAYWARD CALIFORNIA



SECTION

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



REAR WALL RENDERING



FRONT ENTRY RENDERING



SECTION

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

SHEET TITLE  
**SECTIONS**

Date:	APRIL 28, 2011
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13



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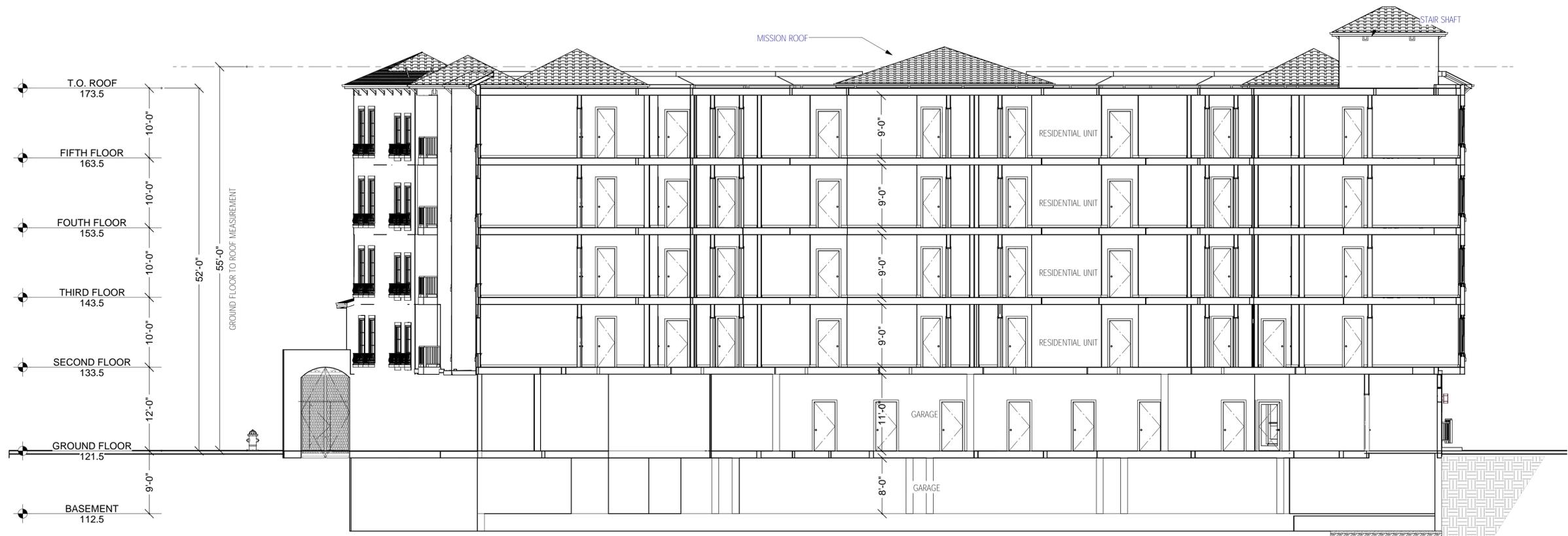
Project Address: 22471, 22477, 22485, 22491  
MAPLE CT., HAYWARD CALIFORNIA



1

SECTION

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



2

SECTION

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

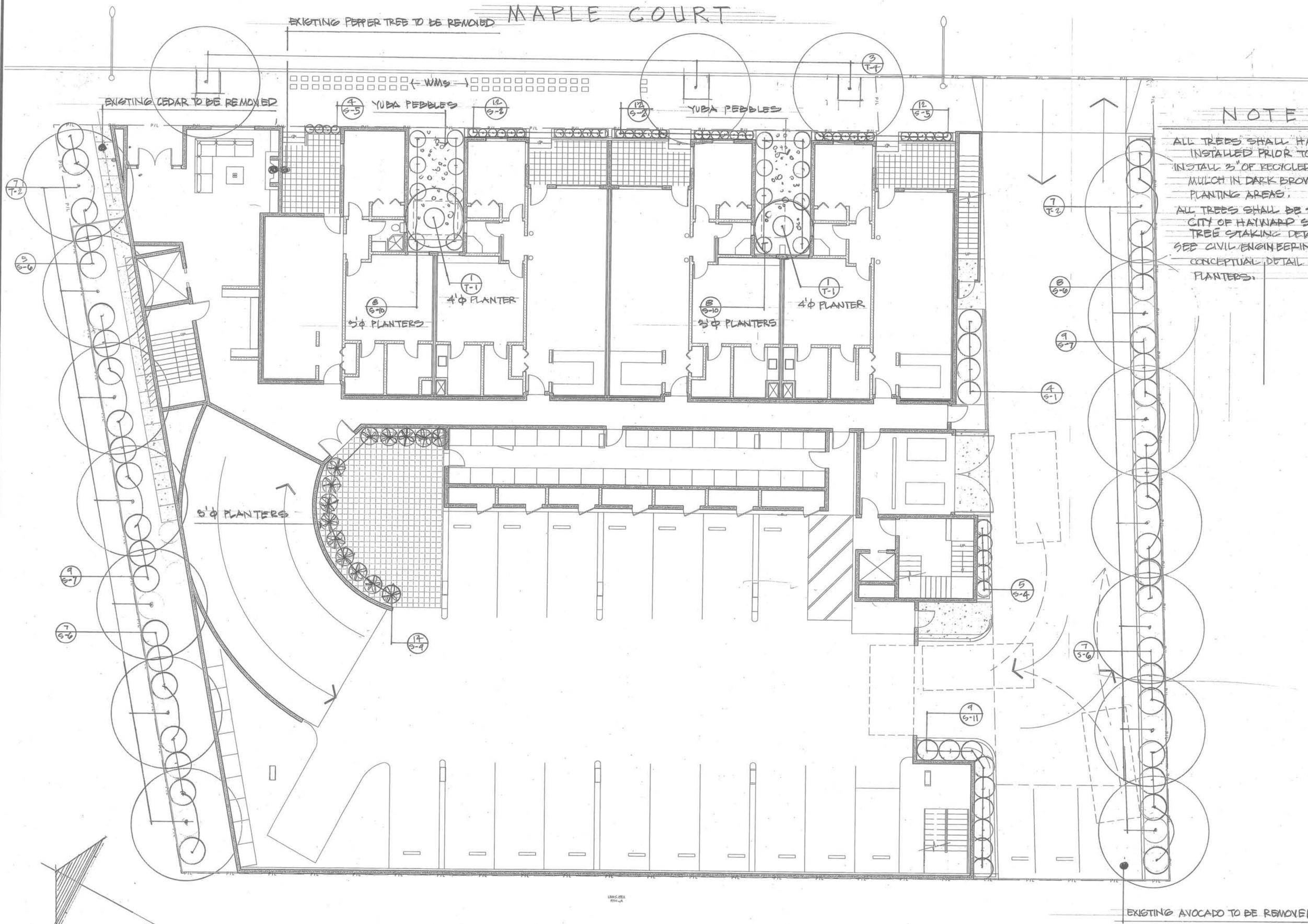
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SECTIONS

Date:	APRIL 28, 2011
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**A5.2**  
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MAPLE COURT



NOTES

ALL TREES SHALL HAVE ROOT BARRIERS INSTALLED PRIOR TO PLANTING.  
 INSTALL 3" OF RECYCLED CHIPPED WOOD MULCH IN DARK BROWN COLOR IN ALL PLANTING AREAS.  
 ALL TREES SHALL BE STAKED PER CITY OF HAYWARD STANDARD STREET TREE STAKING DETAIL SD-122.  
 SEE CIVIL ENGINEERING PLANS FOR CONCEPTUAL DETAIL OF BIO-INFILTRATION PLANTERS.

WESLEY T. SAKAMOTO  
 LANDSCAPE ARCHITECT  
 665 HOLLYHOCK DR.  
 SAN LEANDRO CALIFORNIA



MAPLE COURT CONDOMINIUM  
 Project Address: 22471, 22477, 22485, 22491 MAPLE CT., HAYWARD CALIFORNIA

SHEET TITLE  
 CONCEPTUAL LANDSCAPE PLAN

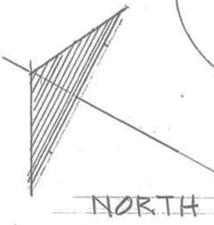
Date: JUNE 22, 2011

Scale: As shown

Revision:

Sheet No.

L115



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

# PLANT LIST

WESLEY T. SAKAMOTO  
 LANDSCAPE ARCHITECT  
 665 HOLLHOCK DR  
 SAN LEANDRO CALIFORNIA



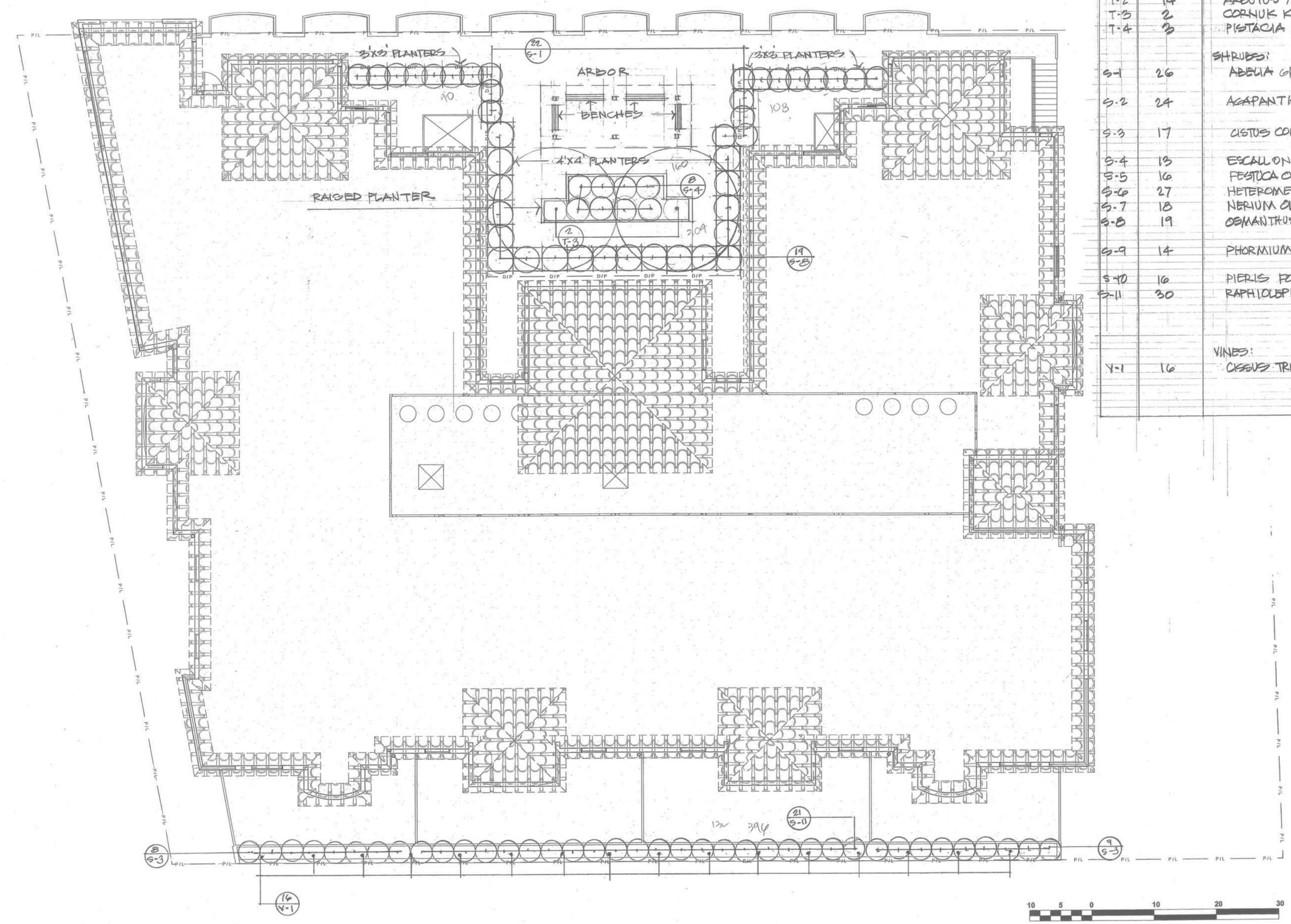
**MAPLE COURT CONDOMINIUM**  
 Project Address: 22471, 22477, 22485, 22491  
 MAPLE CT., HAYWARD CALIFORNIA

SHEET TITLE  
**CONCEPTUAL LANDSCAPE PLAN**

Date: JUNE 22, 2011  
 Scale: As shown  
 Revision:

Sheet No.  
**L1.2**  
 16

## MAPLE COURT



KEY	QUANTITY	BOTANICAL AND COMMON NAME	SIZE
<b>TREES:</b>			
T-1	2	ACER PALMATUM ATROPUREUM - RED JAPANESE MAPLE	156C
T-2	14	ARBUTUS 'MARINA' - MADRONE	156C
T-3	2	CORNUS KOUSA - KOUSA DOGWOOD	156C
T-4	3	PISTACIA CHINENSIS - CHINESE PISTACHE	24" BOX
<b>SHRUBS:</b>			
S-1	26	ABELIA GRANDIFLORA 'FRANCIS MASON' GLOSSY ABELIA	56C
S-2	24	AGAPANTHUS 'PETER PAN' - DWARF LILY OF THE NILE	16C
S-3	17	CISTUS COBARIENSIS 'DORIS HIBBERSON' ROCK ROSE	56C
S-4	13	ESCALLONIA NEWPORT DWARF - ESCALLONIA	56C
S-5	16	FESTUCA CHINA GLAUCA - BLUE FESCUE	16C
S-6	27	HETEROMELES ARBUTIFOLIA - TOYON	56C
S-7	18	NERIUM OLEANDER 'PETITE PINK' - OLEANDER	56C
S-8	19	OSMANTHUS HETEROPHYLLUS ROTUNDFOLIUS HOLYLEAF OSMANTHUS	56C
S-9	14	PHORMIUM TENAX 'BRONZE BABY' NEW ZEALAND FLAX	56C
S-10	16	PIERIS FORBESII - CHINESE PIERIS	56C
S-11	30	RAPHIOLEPIS 'BALLERINA' - PINK INDIA HAWTHORN	56C
<b>VINES:</b>			
V-1	16	CISSUS TRIFOLIATA - GRAPE IVY	16C



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

WESLEY T. SAKAMOTO  
LANDSCAPE ARCHITECT  
663 HOLLYHOCK DR  
SAN LEANDRO CALIFORNIA



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SHEET TITLE  
CONCEPTUAL IRRIGATION PLAN

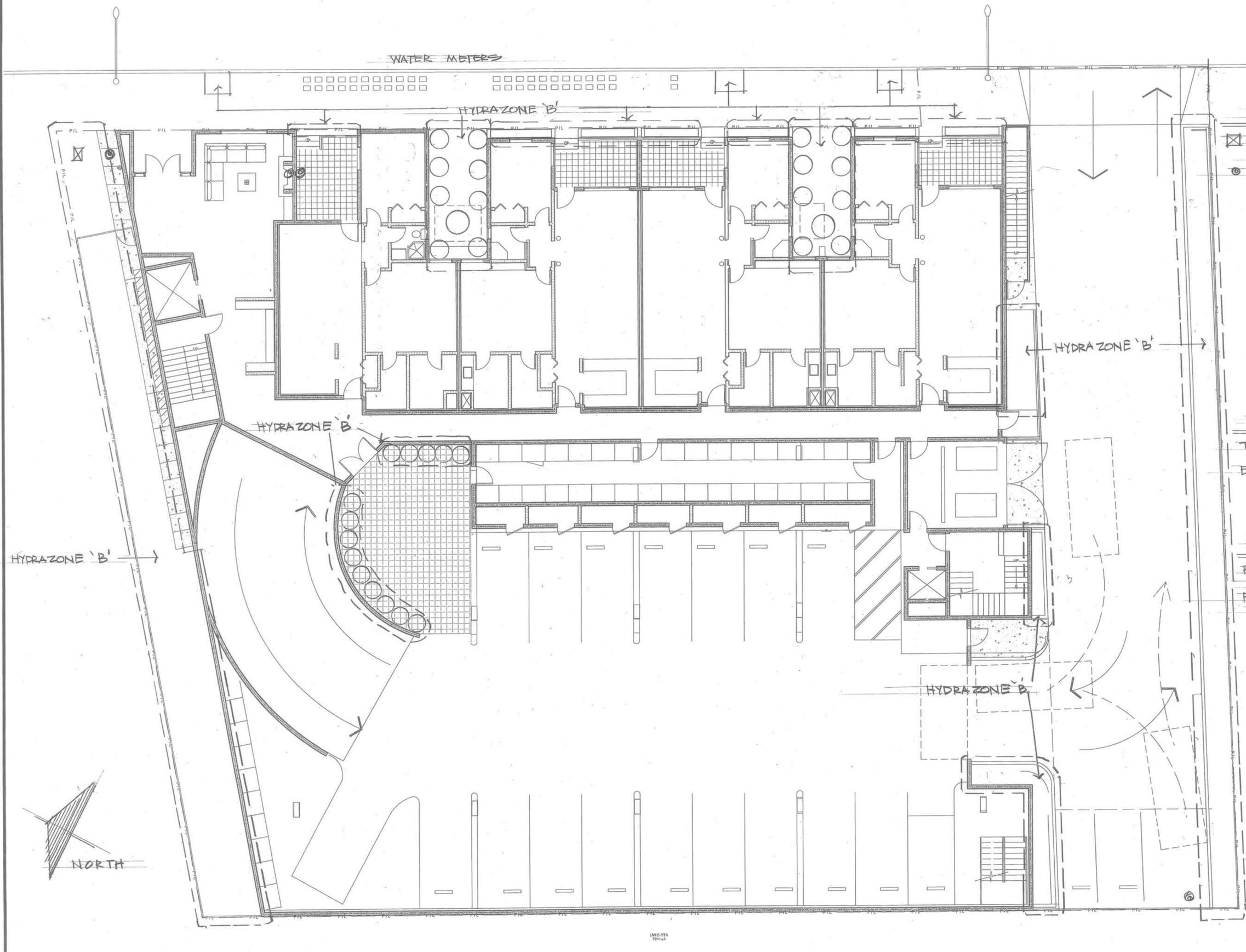
Date: JUNE 22, 2011

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Revision:

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17



LEGEND

- ☒ REDUCED PRESSURE BACKFLOW PREVENTER
- ⊙ EXISTING TREES TO BE REMOVED

WATER USE

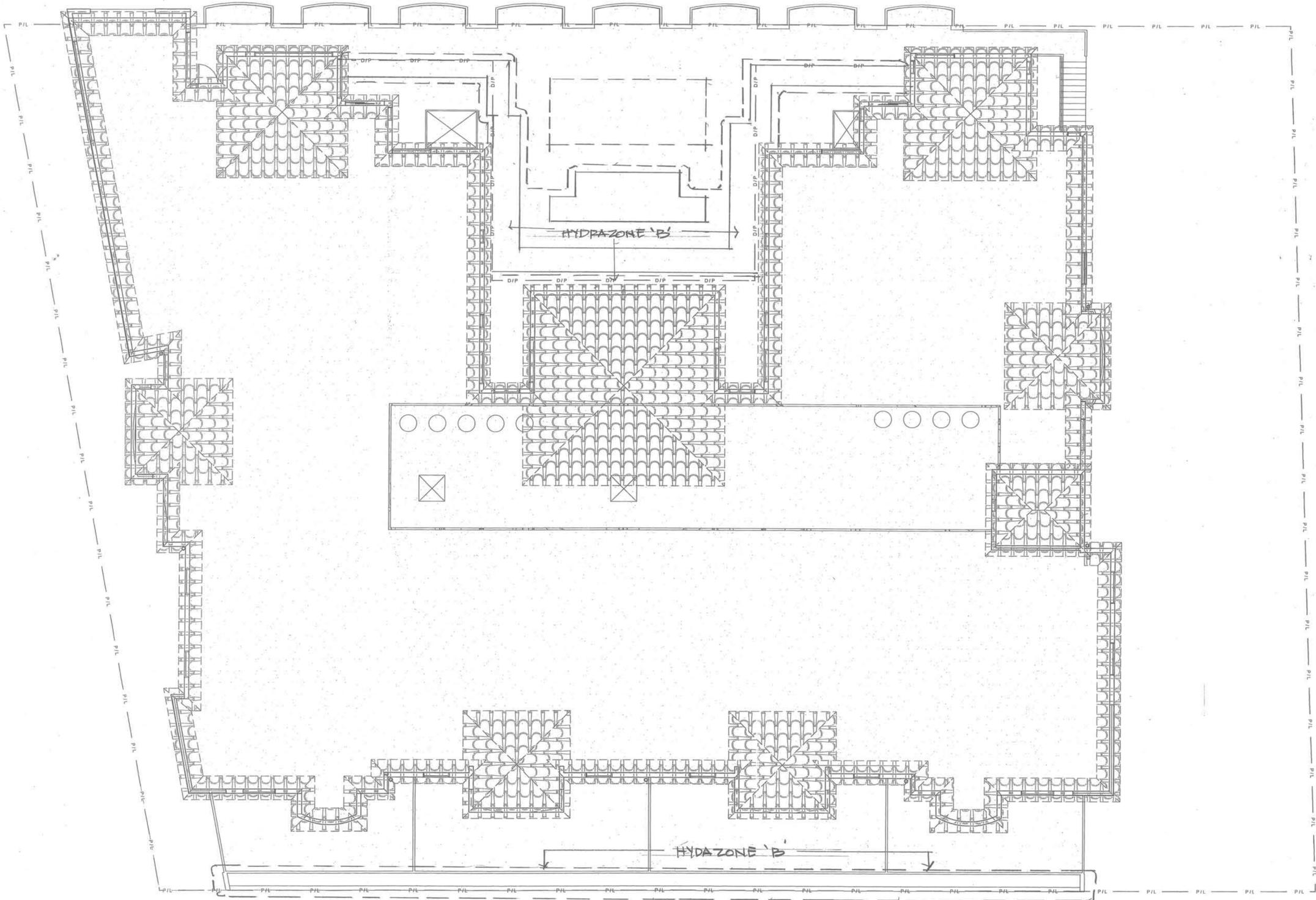
TOTAL LANDSCAPED AREA 3085 S.F.  
 $ETWU = (44.2 \times .62) (3085 \times .3) = 39,778 \text{ GAL}$   
 .85

PERFORMANCE

BUBBLERS FOR TREES WILL DELIVER  
 1 GPM  
 PEPCO BUBBLERS WILL DELIVER  
 25 GPH.

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

# MAPLE COURT



WESLEY T.  
SAKAMOTO  
LANDSCAPE  
ARCHITECT  
665 HOLLYHOCK DR  
SAN LEANDRO  
CALIFORNIA



**MAPLE COURT  
CONDOMINIUM**  
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SHEET TITLE  
**CONCEPTUAL  
IRRIGATION PLAN**

Date: **JUNE 22, 2011**  
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**L1.4**  
18



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



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**SHEET TITLE  
3D RENDERING - FRONT  
VIEW**

Date: APRIL 28, 2011

Scale: As shown

Revision:

	JULY 28, 2011
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	SEPT. 22, 2011
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3D RENDERING - FRONT VIEW



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**MAPLE COURT  
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**SHEET TITLE  
3D RENDERING - REAR  
VIEW**

Date: APRIL 28, 2011

Scale: As shown

Revision:

	JULY 28, 2011
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3D RENDERING - REAR VIEW



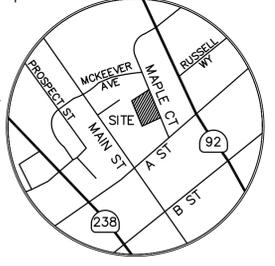
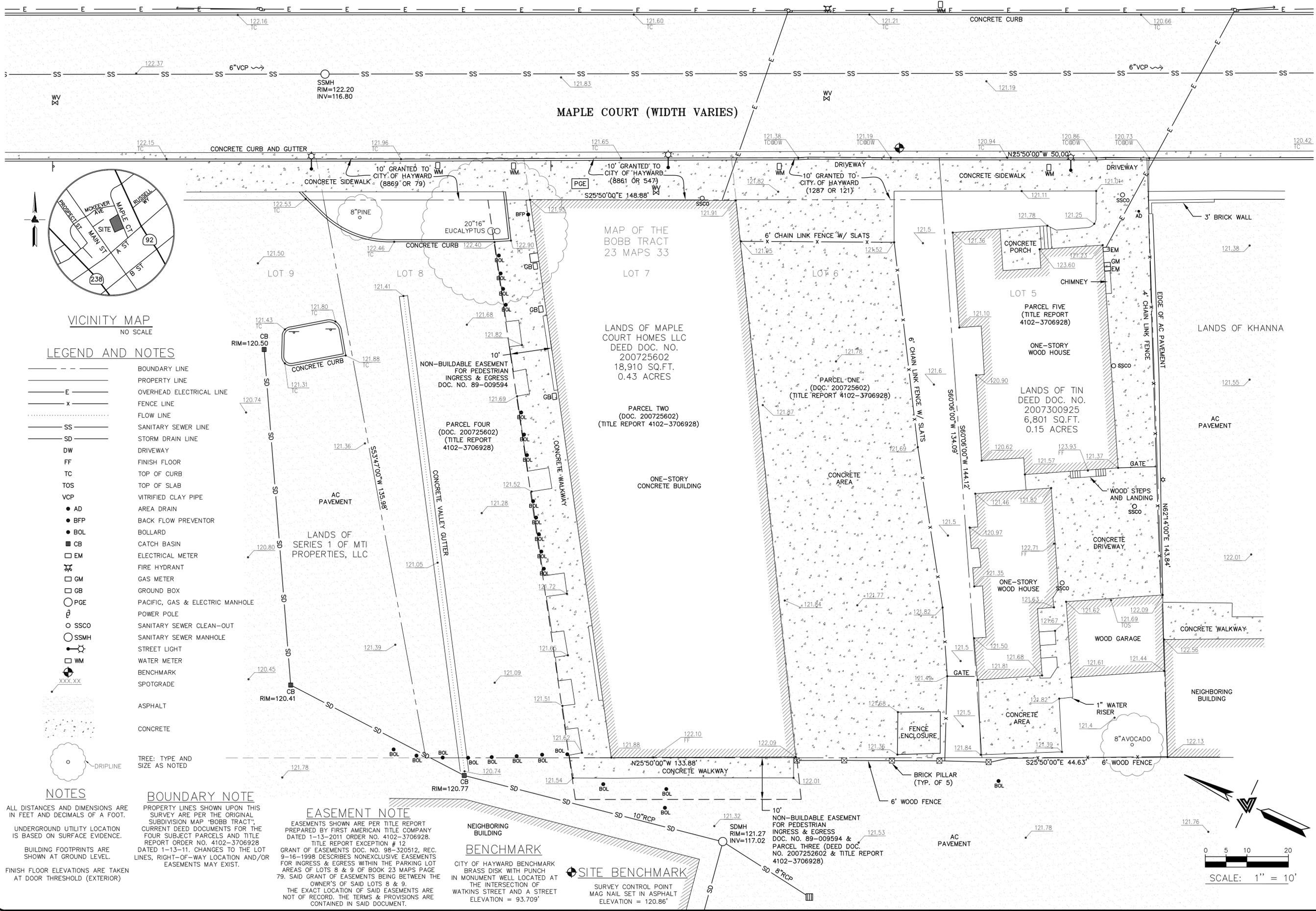


LEA & BRAZE ENGINEERING, INC.
LAND SURVEYORS
SACRAMENTO REGION
BAY AREA REGION
SACRAMENTO COUNTY, CALIFORNIA 95645
(916) 966-1338
(916) 967-7363
WWW.LEA-BRAZE.COM

22471, 22477, 22485, 22491
MAPLE COURT
HAYWARD, CALIFORNIA
ALAMEDA COUNTY

TOPOGRAPHIC SURVEY

Table with columns: CLIENT CHANGES, TITLE REPORT, REVISIONS, JOB NO., DATE, SCALE, DRAWN BY, SHEET NO. Includes entries for 09-15-11, 04-25-11, 2100381, 01-04-11, 1" = 10', JN, SU1, 01 OF 01 SHEETS.



VICINITY MAP NO SCALE

LEGEND AND NOTES

- BOUNDARY LINE
PROPERTY LINE
OVERHEAD ELECTRICAL LINE
FENCE LINE
FLOW LINE
SANITARY SEWER LINE
STORM DRAIN LINE
DRIVEWAY
FINISH FLOOR
TOP OF CURB
TOP OF SLAB
VITRIFIED CLAY PIPE
AREA DRAIN
BACK FLOW PREVENTOR
BOLLARD
CATCH BASIN
ELECTRICAL METER
FIRE HYDRANT
GAS METER
GROUND BOX
PACIFIC, GAS & ELECTRIC MANHOLE
POWER POLE
SANITARY SEWER CLEAN-OUT
SANITARY SEWER MANHOLE
STREET LIGHT
WATER METER
BENCHMARK
SPOTGRADE
ASPHALT
CONCRETE
TREE: TYPE AND SIZE AS NOTED

NOTES

ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS OF A FOOT.
UNDERGROUND UTILITY LOCATION IS BASED ON SURFACE EVIDENCE.
BUILDING FOOTPRINTS ARE SHOWN AT GROUND LEVEL.
FINISH FLOOR ELEVATIONS ARE TAKEN AT DOOR THRESHOLD (EXTERIOR)

BOUNDARY NOTE

PROPERTY LINES SHOWN UPON THIS SURVEY ARE PER THE ORIGINAL SUBDIVISION MAP "BOBB TRACT". CURRENT DEED DOCUMENTS FOR THE FOUR SUBJECT PARCELS AND TITLE REPORT ORDER NO. 4102-3706928 DATED 1-13-11, CHANGES TO THE LOT LINES, RIGHT-OF-WAY LOCATION AND/OR EASEMENTS MAY EXIST.

EASEMENT NOTE

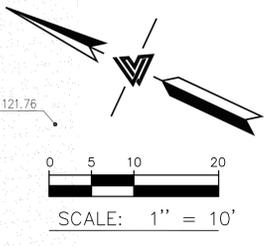
EASEMENTS SHOWN ARE PER TITLE REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY DATED 1-13-2011 ORDER NO. 4102-3706928. TITLE REPORT EXCEPTION # 12. GRANT OF EASEMENTS DOC. NO. 98-320512, REC. 9-16-1998 DESCRIBES NONEXCLUSIVE EASEMENTS FOR INGRESS & EGRESS WITHIN THE PARKING LOT AREAS OF LOTS 8 & 9 OF BOOK 23 MAPS PAGE 79. SAID GRANT OF EASEMENTS BEING BETWEEN THE OWNER'S OF SAID LOTS 8 & 9. THE EXACT LOCATION OF SAID EASEMENTS ARE NOT OF RECORD. THE TERMS & PROVISIONS ARE CONTAINED IN SAID DOCUMENT.

NEIGHBORING BUILDING BENCHMARK

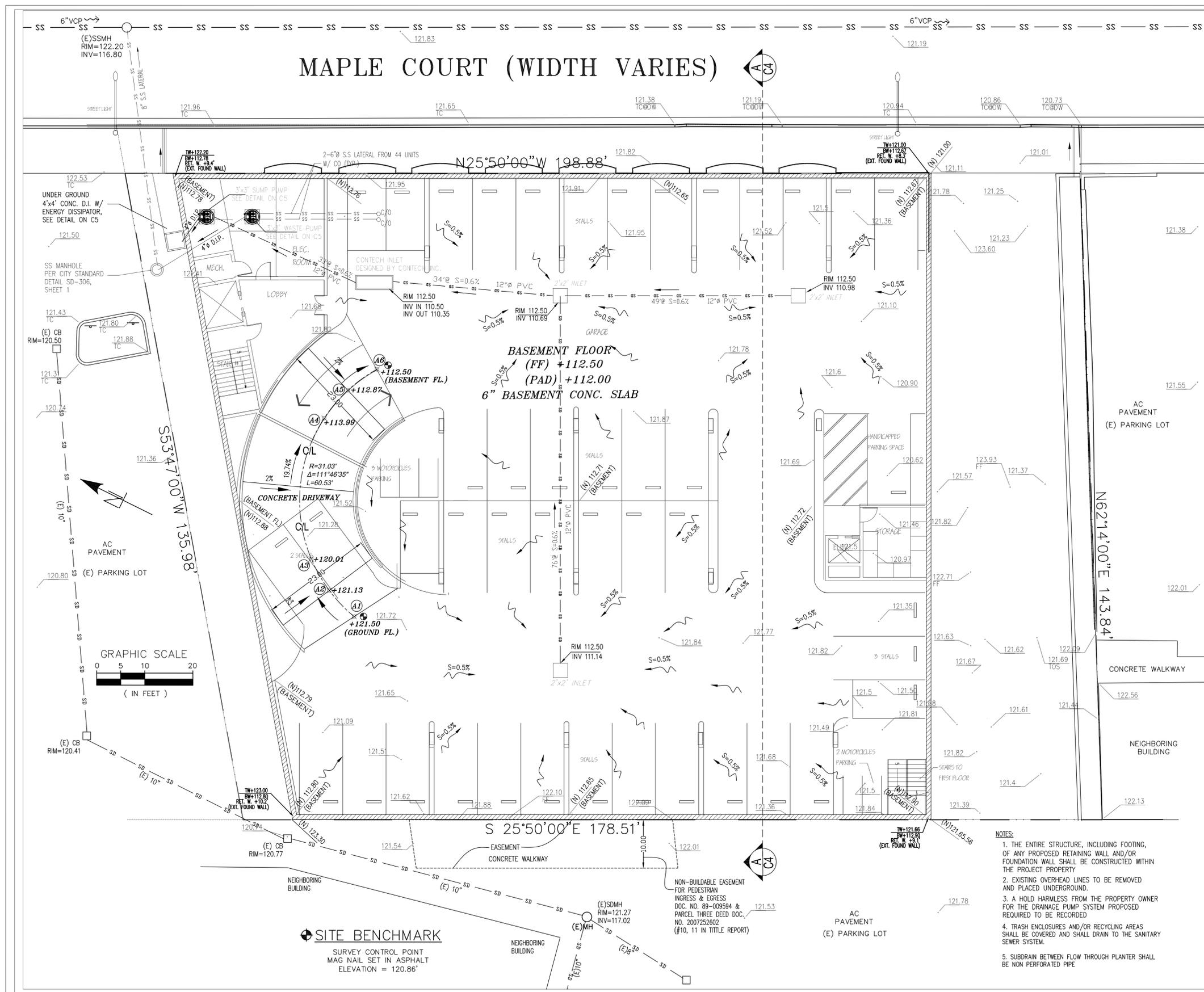
CITY OF HAYWARD BENCHMARK BRASS DISK WITH PUNCH IN MONUMENT WELL LOCATED AT THE INTERSECTION OF WATKINS STREET AND A STREET ELEVATION = 93.709'

SITE BENCHMARK

SURVEY CONTROL POINT MAG NAIL SET IN ASPHALT ELEVATION = 120.86'







# MAPLE COURT (WIDTH VARIES)

FIXTURE TYPE	Q.TY	DEMAND WEIGHT IN WSFU <sup>1</sup>				DRAINAGE <sup>1</sup>	
		COLD	HOT	TOTAL	DFU	TOTAL DEMAND	
WATER CLOSET, 1.6 GPF	2	2.5	0	2.5	220	0	264
LAVATORY	1	1	1	1.5	142	142	142
SHOWER	2	2	2	3	16	16	24
BATHTUB	1	4	4	6	320	320	160
CLOTHES WASHER	1	4	4	6	176	176	132
DISH WASHER	1	1.5	1.5	2	66	66	88
KITCHEN	44						88
<b>TOTAL FIXTURE UNITS</b>					<b>940</b>	<b>720</b>	<b>1289</b>
<b>REQUIRED MINIMUM PIPE SIZE (OVER 60 PSI)<sup>3</sup></b>					<b>2 1/2"</b>	<b>2 1/2"</b>	<b>3"</b>

**NOTE:**

1. FIXTURE UNITS ARE BASED ON 2010 CPC TABLE 6-5 FOR WATER AND TABLE 7-3 FOR DRAINAGE.
2. SEPARATE HOT AND COLD WATER FIXTURE UNITS ARE TAKEN AS THREE - QUARTER (3/4) OF TOTAL FIXTURE DEMAND, PER 2010 CPC TABLE 6-5, NOTE 3.
3. PIPE SIZES ARE BASED ON 2010 CPC TABLE 6-6 FOR WATER AND TABLE 7-5 FOR DRAINAGE.

**44 UNITS REQUIRES 1- 8" DIA. SANITARY SEWER (50.24 SQ. IN). PROVIDED 2-6" DIA. PIPE (56.52 SQ. IN)**

**LEGENDS**

- PROPERTY LINE
- SD SD STORM DRAIN
- SS SS SANITARY SEWER
- [Hatched Box] FLOW THROUGH PLANTER
- [Hatched Box] RETAINING WALL / EXTERNAL FOUND WALL
- DIRECTION OF RUNOFF
- 122.13 EXISTING ELEVATION
- (N)114.13 NEW ELEVATION
- DS DOWNSPOUT

- NOTES:**
1. THE ENTIRE STRUCTURE, INCLUDING FOOTING, OF ANY PROPOSED RETAINING WALL AND/OR FOUNDATION WALL SHALL BE CONSTRUCTED WITHIN THE PROJECT PROPERTY
  2. EXISTING OVERHEAD LINES TO BE REMOVED AND PLACED UNDERGROUND.
  3. A HOLD HARMLESS FROM THE PROPERTY OWNER FOR THE DRAINAGE PUMP SYSTEM PROPOSED REQUIRED TO BE RECORDED
  4. TRASH ENCLOSURES AND/OR RECYCLING AREAS SHALL BE COVERED AND SHALL DRAIN TO THE SANITARY SEWER SYSTEM.
  5. SUBDRAIN BETWEEN FLOW THROUGH PLANTER SHALL BE NON PERFORATED PIPE

**UNITED SOIL ENGINEERING, INC.**  
GRADING PLANS REVIEWED:

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
VIEN VO, P.E.  
PRINCIPAL GEOTECHNICAL ENGINEER

**EARTHWORK VOLUME:**  
ESTIMATED VOLUME OF CUT: 18,750 x (121.5-112.0)/27 = 6,597 CUBIC YARDS  
EXCAVATED MATERIAL WILL BE EXPORTED FROM THE SITE: 7,291 CUBIC YARDS

## GRADING & DRAINAGE PLAN

SCALE: 1" = 10'

TRANWU, LLC  
surveyors - engineers - architects  
536 Castro Ave., San Jose, CA 95123  
Tel: (408) 232-5425  
Fax: (408) 232-5425  
Email: info@tranwu.com

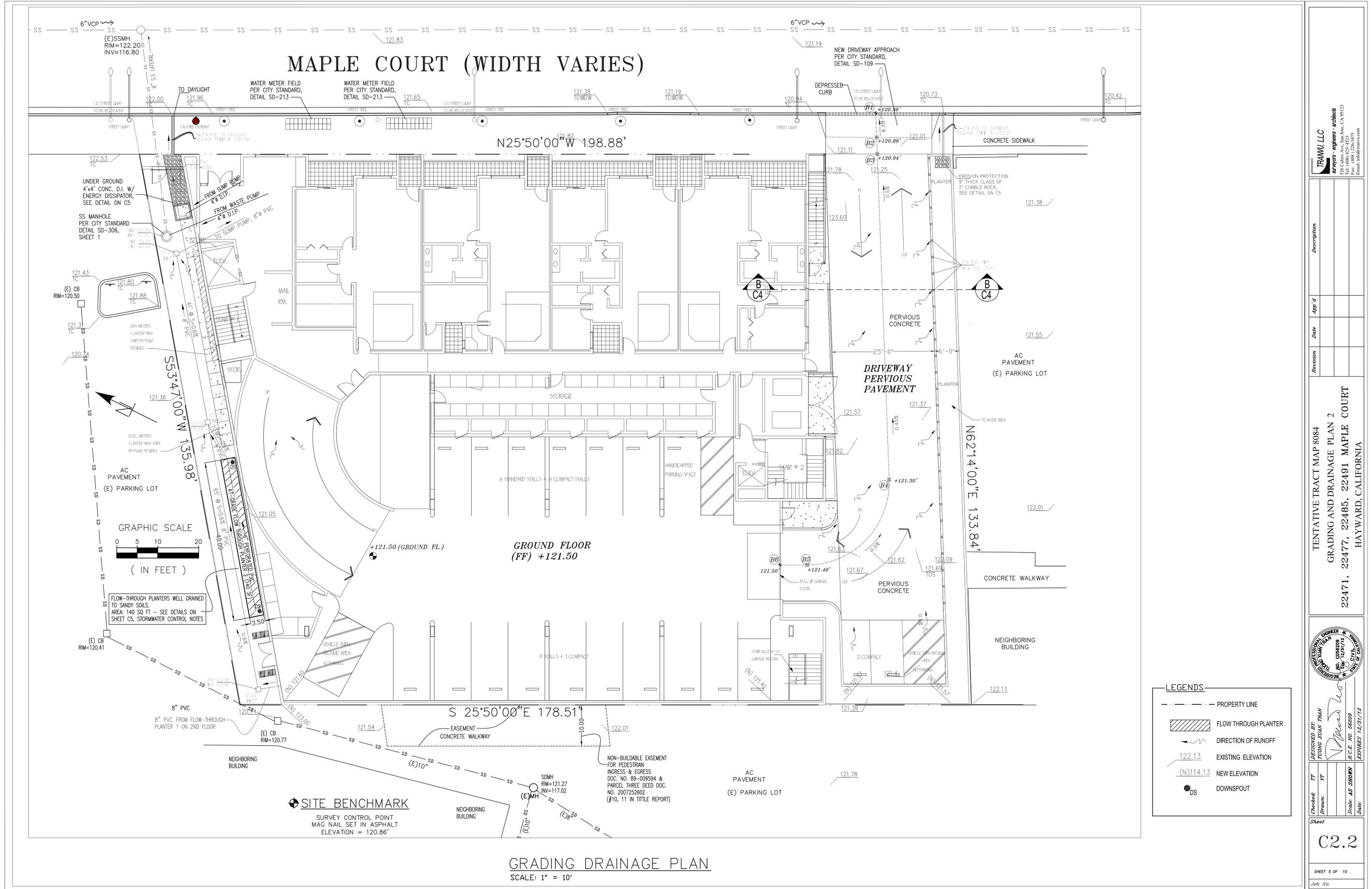
TENTATIVE TRACT MAP 8084  
GRADING AND DRAINAGE PLAN  
22471, 22477, 22485, 22491 MAPLE COURT  
HAYWARD, CALIFORNIA



DESIGNED BY:  
TUONG XUAN TRAN  
R.C.E. NO. 50209  
EXPIRES 12/31/12

Checked: TT  
Drawn: TT  
Scale: AS SHOWN  
Date:

Sheet  
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SHEET 4 OF 10  
Job No.



**TRANWU LLC**  
surveyors - engineers - architects  
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Email: info@tranwu.com

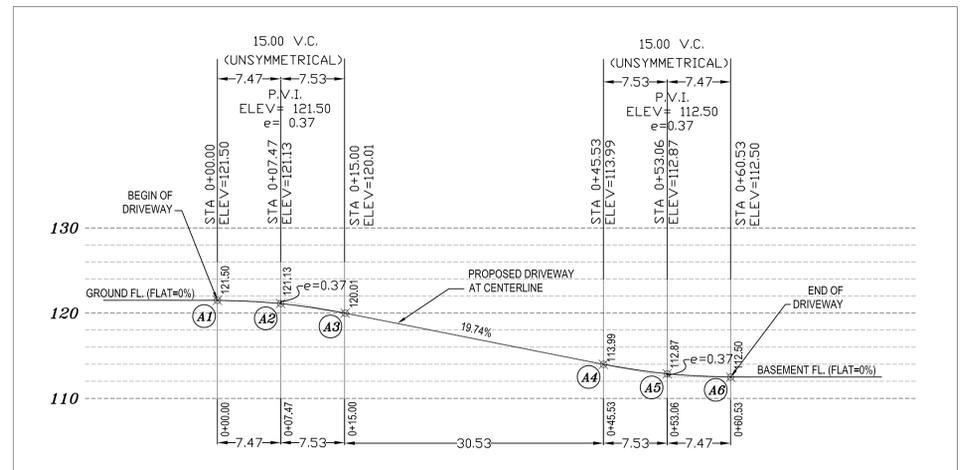
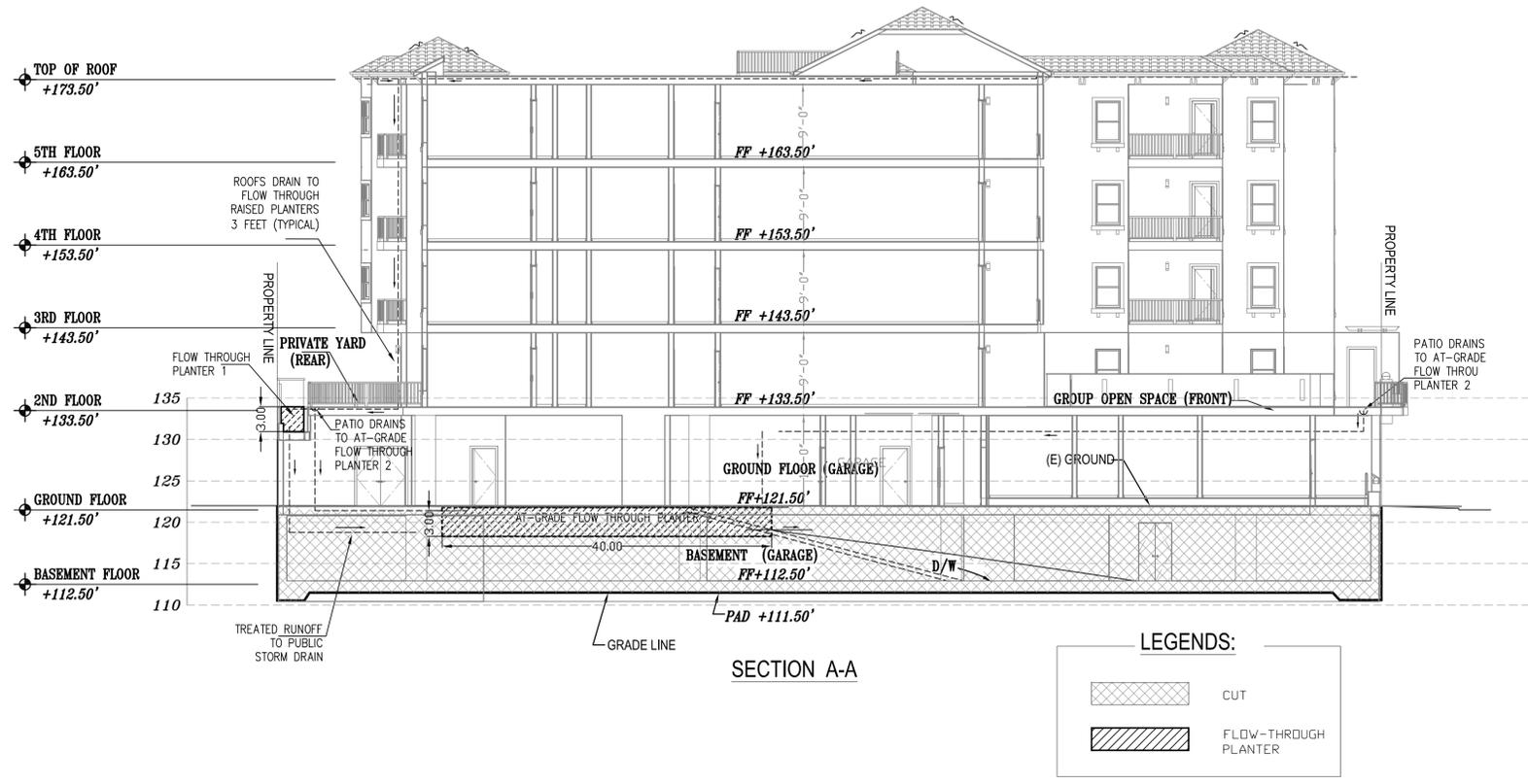
TENTATIVE TRACT MAP 8084  
GRADING AND DRAINAGE PLAN 2  
22471, 22477, 22485, 22491 MAPLE COURT  
HAYWARD, CALIFORNIA



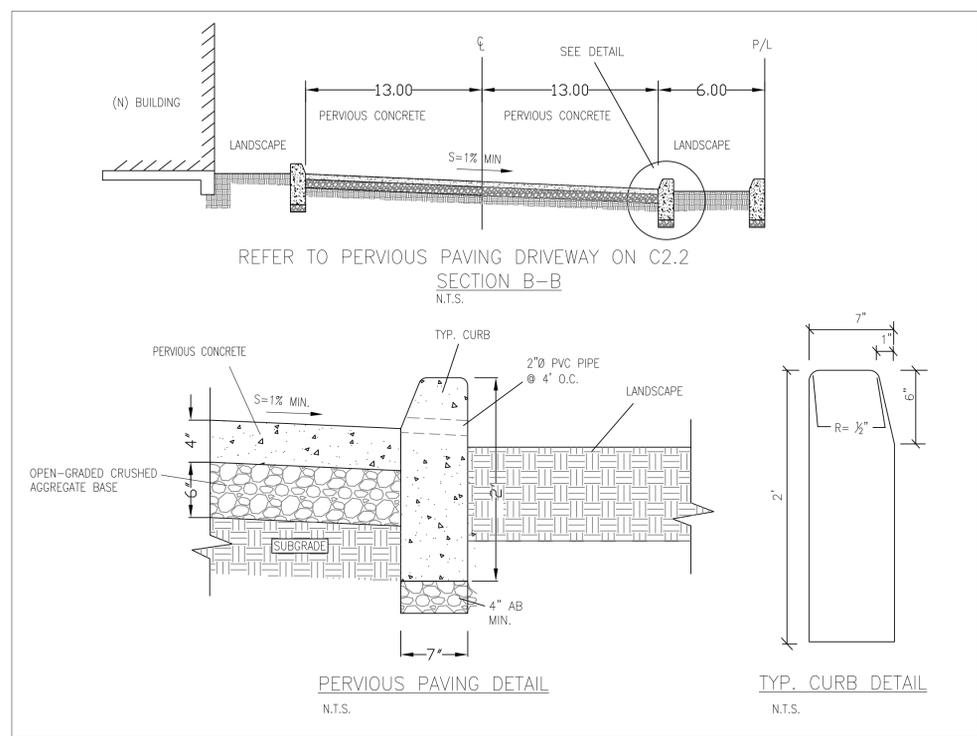
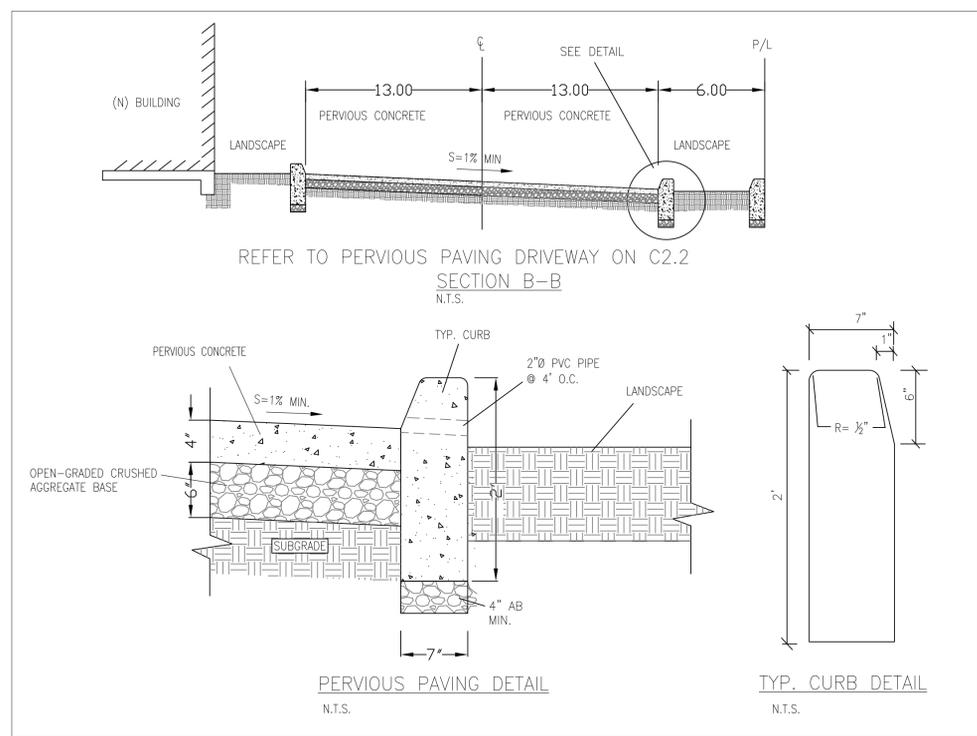
DESIGNED BY: TUDING XIAN TRAY  
DATE: 12/31/12  
CHECKED BY: [Signature]  
DATE: 12/31/12  
Scale: AS SHOWN

Sheet: **C2.2**  
SHEET 5 OF 10  
Job No.





**TYPICAL SECTION**  
 SCALE: 1" = 10'



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 surveyors - engineers - architects  
 536 Castro Ave, San Jose, CA 95123  
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 Fax: (408) 234-5425  
 Email: info@tranu.com

Description	App'd	Date	Revision

TENTATIVE TRACT MAP 8084  
 TYPICAL CROSS SECTION AND DRIVEWAY PROFILE  
 22471, 22477, 22485, 22491 MAPLE COURT  
 HAYWARD, CALIFORNIA



DESIGNED BY:  
 TUDING XIAN TIAN  
 R.C.E. NO. 56209  
 EXPIRES 12/31/12

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 Drawn: TT  
 Scale: AS SHOWN  
 Date:  

Sheet  
**C4**

SHEET 7 OF 10  
 Job No.

**Flow-Through Planter**



At-grade flow-through planters. Source: City of Emeryville

**Best uses**

- Treating roof runoff
- Next to buildings
- Dense urban areas

**Advantages**

- Can be adjacent to structures
- Multi-use
- Versatile
- May be any shape
- Low maintenance

**Limitations**

- Requires sufficient head
- Careful selection of plants
- Requires level installation
- Susceptible to clogging

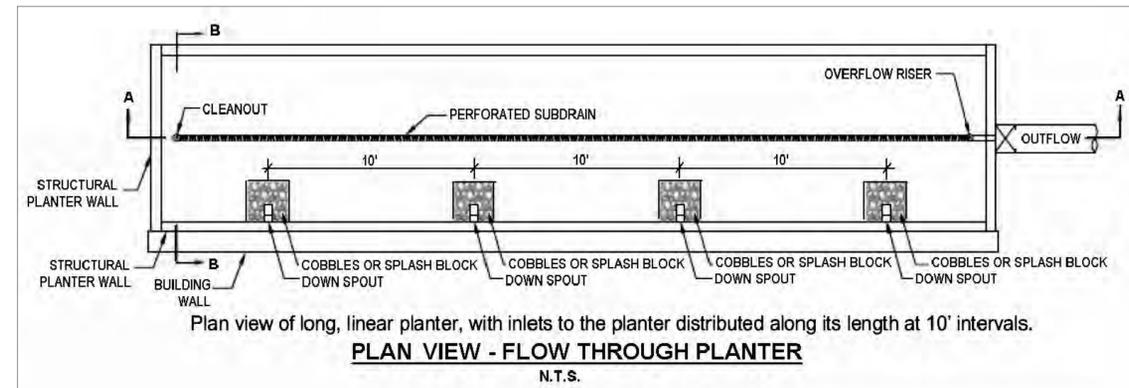


Figure 6-11: Half-buried, perforated flexible pipe serves as a flow spreader to distribute stormwater evenly throughout long, linear flow-through planter in Emeryville (Source: GreenGrid/Weston Solutions).



Figure 6-12: The same planter as shown in Figure 6-11, after vegetation has matured and partially conceals the half-buried pipe from view (Source: San Francisco Estuary Partnership).

**FLOW THROUGH PLANTER PERSPECTIVE PLANS**



**FLOW-THROUGH PLANTER NOTES:**

FLOW-THROUGH PLANTERS ARE DESIGNED TO TREAT AND DETAIN RUNOFF WITHOUT ALLOWING SEEPAGE INTO THE UNDERLYING SOIL. THEY CAN BE USED NEXT TO BUILDINGS AND OTHER LOCATIONS WHERE SOIL MOISTURE IS A POTENTIAL CONCERN. FLOW-THROUGH PLANTERS TYPICALLY RECEIVE RUNOFF VIA DOWNSPOUTS LEADING FROM THE ROOFS OF ADJACENT BUILDINGS. HOWEVER, FLOW-THROUGH PLANTERS CAN ALSO BE SET LEVEL WITH THE GROUND AND RECEIVE SHEET FLOW. POLLUTANTS ARE REMOVED AS THE RUNOFF PASSES THROUGH THE SOIL LAYER AND IS COLLECTED IN AN UNDERLYING LAYER OF GRAVEL OR DRAIN ROCK. A PERFORATED PIPE UNDERDRAIN MUST BE DIRECTED TO A STORM DRAIN OR OTHER DISCHARGE POINT. AN OVERFLOW INLET CONVEYS FLOWS THAT EXCEED THE CAPACITY OF THE PLANTER.

**VEGETATION**

- \* PLANTINGS SHOULD BE SELECTED FOR VIABILITY IN A WELL-DRAINED SOIL. SEE PLANTING GUIDANCE IN APPENDIX B OF "C.3 STORMWATER TECHNICAL GUIDANCE" (ALAMEDA COUNTYWIDE CLEAN WATER PROGRAM) AT LINK: [http://www.cleanwaterprogram.org/uploads/ACCWP\\_C.3\\_Tech\\_Guidance\\_v2.1\\_OCT19-small.pdf](http://www.cleanwaterprogram.org/uploads/ACCWP_C.3_Tech_Guidance_v2.1_OCT19-small.pdf)
- \* USE INTEGRATED PEST MANAGEMENT (IPM) PRINCIPLES IN THE LANDSCAPE DESIGN TO HELP AVOID OR MINIMIZE ANY USE OF SYNTHETIC PESTICIDES AND QUICK-RELEASE FERTILIZER. CHECK WITH THE LOCAL JURISDICTION FOR ANY LOCAL POLICIES REGARDING THE USE OF PESTICIDES AND FERTILIZERS.
- \* IRRIGATION SHALL BE PROVIDED, AS NEEDED, TO MAINTAIN PLANT LIFE.
- \* TREES AND VEGETATION DO NOT BLOCK INFLOW, CREATE TRAFFIC OR SAFETY ISSUES, OR OBSTRUCT UTILITIES.

**INLETS TO TREATMENT MEASURE**

- \* WHERE FLOWS ENTER THE BIOTREATMENT MEASURE, ALLOW A CHANGE IN ELEVATION OF 4 TO 6 INCHES BETWEEN THE PAVED SURFACE AND BIOTREATMENT SOIL ELEVATION, SO THAT VEGETATION OR MULCH BUILD-UP DOES NOT OBSTRUCT FLOW.
- \* SPLASH BLOCKS, COBBLES OR ROCKS SHALL BE INSTALLED TO DISSIPATE FLOW ENERGY WHERE RUNOFF ENTERS THE TREATMENT MEASURE.
- \* FOR LONG LINEAR PLANTERS, SPACE INLETS TO PLANTER AT 10-FOOT INTERVALS OR INSTALL FLOW SPREADER.

**SOIL CONSIDERATIONS SPECIFIC TO FLOW THROUGH PLANTERS**

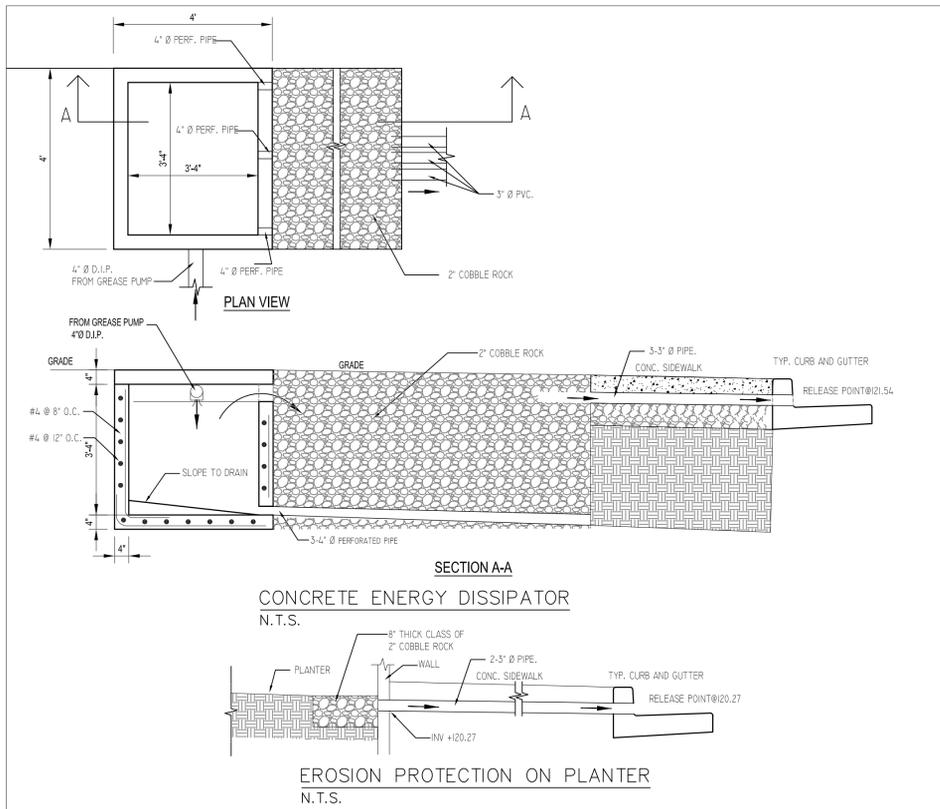
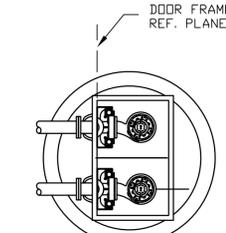
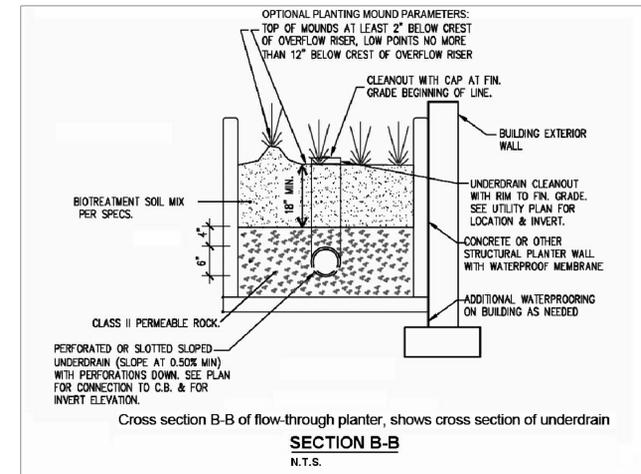
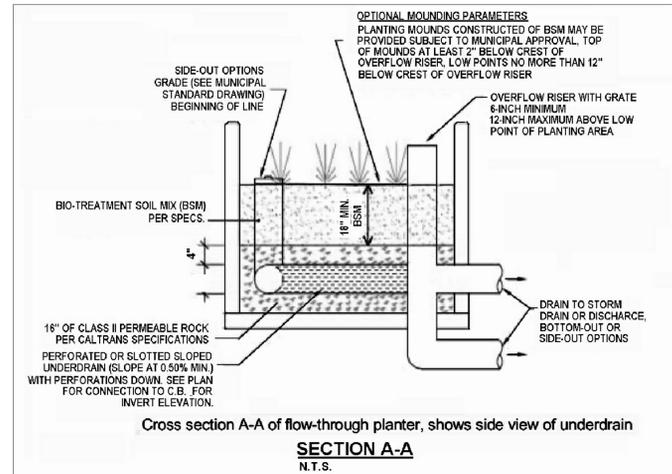
- \* WATERPROOFING SHALL BE INSTALLED AS REQUIRED TO PROTECT ADJACENT BUILDING FOUNDATIONS.
- \* IF SITE CONDITIONS PERMIT INFILTRATION TO UNDERLYING SOILS, WATERPROOFING IS NOT REQUIRED.
- \* AN UNDERDRAIN SYSTEM IS GENERALLY REQUIRED FOR FLOW THROUGH PLANTERS. DEPENDING ON THE INFILTRATION RATE OF IN SITU SOILS, THE LOCAL JURISDICTION MAY ALLOW INSTALLATION WITHOUT AN UNDERDRAIN ON A CASE-BY-CASE BASIS.
- \* UNDERDRAIN TRENCH SHALL INCLUDE A 12-INCH THICK LAYER OF CALTRANS STANDARD SECTION 68-1.025 PERMEABLE MATERIAL CLASS 2. MINIMUM 6-INCH DIAMETER PERFORATED PIPE SHALL BE PLACED WITHIN BACKFILL LAYER. TO HELP PREVENT CLOGGING, TWO ROWS OF PERFORATION MAY BE USED.
- \* PLANTING SOIL SHALL HAVE A MINIMUM PERCOLATION RATE OF 5 INCHES PER HOUR AND A MAXIMUM PERCOLATION RATE OF 10 INCHES/HOUR. SOIL SPECIFICATIONS ARE PROVIDED IN APPENDIX L OF "C.3 STORMWATER TECHNICAL GUIDANCE" (ALAMEDA COUNTYWIDE CLEAN WATER PROGRAM) AT LINK: [http://www.cleanwaterprogram.org/uploads/ACCWP\\_C.3\\_Tech\\_Guidance\\_v2.1\\_OCT19-small.pdf](http://www.cleanwaterprogram.org/uploads/ACCWP_C.3_Tech_Guidance_v2.1_OCT19-small.pdf)
- \* THE PLANTING SOIL SHALL BE AT LEAST 18 INCHES THICK.
- \* PROVIDE 3-INCH LAYER OF MULCH IN AREAS BETWEEN PLANTINGS.

**SOIL CONSIDERATIONS FOR ALL BIOTREATMENT SYSTEMS**

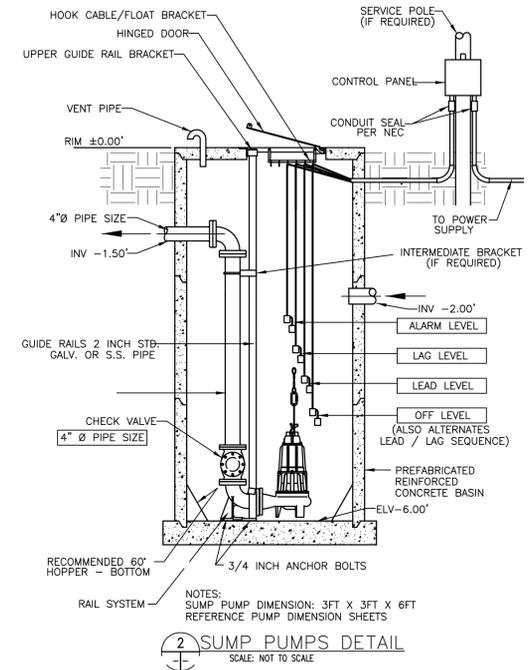
- \* BEGINNING DECEMBER 1, 2011, SOILS IN THE AREA OF INUNDATION WITHIN THE FACILITY SHALL MEET BIOTREATMENT SOIL SPECIFICATIONS APPROVED BY THE REGIONAL WATER BOARD (TO BE INCLUDED IN APPENDIX L). A MINIMUM PERCOLATION RATE OF 5 INCHES PER HOUR AND A MAXIMUM PERCOLATION RATE OF 10 INCHES/HOUR ARE REQUIRED (INITIAL INFILTRATION RATE MAY EXCEED THIS TO ALLOW FOR TENDENCY OF INFILTRATION RATE TO REDUCE OVER TIME).
- \* FILTER FABRIC SHALL NOT BE USED IN OR AROUND UNDERDRAIN TRENCH.
- \* THE UNDERDRAIN SHALL INCLUDE A PERFORATED PIPE WITH CLEANOUTS AND CONNECTION TO A STORM DRAIN OR DISCHARGE POINT. CLEAN-OUT SHALL CONSIST OF A VERTICAL, RIGID, NON-PERFORATED PVC PIPE, WITH A MINIMUM DIAMETER OF 6 INCHES AND A WATERTIGHT CAP FIT FLUSH WITH THE GROUND.
- \* THERE SHALL BE ADEQUATE FALL FROM THE UNDERDRAIN TO THE STORM DRAIN OR DISCHARGE POINT.

**MAINTENANCE CONSIDERATIONS FOR ALL TREATMENT MEASURES**

- \* A MAINTENANCE AGREEMENT SHALL BE PROVIDED.
- \* MAINTENANCE AGREEMENT SHALL STATE THE PARTIES' RESPONSIBILITY FOR MAINTENANCE AND UPKEEP.



**SUMP PUMPS PLAN**  
SCALE: NOT TO SCALE



SYMBOL	SERVICE	MINIMUM CAPACITY GPM OF EACH PUMP	TOTAL DYNAMIC HD FT WC	TYPE	MAXIMUM RPM	NO. OF PUMPS	PUMP MOTOR (EACH)			REMARKS	
							MIN HP	VOLTAGE	PHASE HERTZ		
SP-1 & 2	DRAINAGE	1000	15	SUBMERSIBLE NSC	1750	2	15	208	3	60	
SP-3 & 4	DRAINAGE	1000	15	SUBMERSIBLE NSC	1750	2	15	208	3	60	

**STORMWATER CONTROL NOTES**

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surveyors - engineers - architects  
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Email: info@tranwu.com

Description	App'd	Date	Revision

TENTATIVE TRACT MAP 8084  
STORMWATER CONTROL NOTES  
22471, 22477, 22485, 22491 MAPLE COURT  
HAYWARD, CALIFORNIA

DESIGNED BY: TUDONG XUAN TRAN  
DRAWN BY: AS SHOWN  
R.C.E. NO. 50209  
EXPIRES 12/31/19

PROFESSIONAL SEAL  
TUDONG XUAN TRAN  
REGISTERED PROFESSIONAL ENGINEER  
NO. 12717  
EXPIRES 12/31/19

Checked: TT  
Drawn: TT  
Scale: AS SHOWN  
Date:   
Sheet:   
**C5**  
SHEET 8 OF 10  
Job No.

**From:** Greg Jones [<mailto:gregjones@gregjonesrealestate.com>]  
**Sent:** Tuesday, May 22, 2012 12:54 PM  
**To:** Miriam Lens  
**Cc:** Tim Koonze; Frank Goulart; Anna May; Valerie Snart; Al Parso; Jim Morinville; Barbara Jervis  
**Subject:** Re: Maple Court Condo Project

Mayor and Council,

I am re-sending my previous email on the Maple Court project, which you will again be considering at your May 29, 2012 meeting.

It seems my concern about the project becoming a rental project was confirmed at the initial hearing. This sort of inconsistency in both staff's presentation and the owner's intentions is disturbing. I appreciate Council getting to the realities of the project.

I would like to further reinforce my comments regarding ground floor commercial space on Maple. Losing the pedestrian potential on Maple with ground floor residential is a bad choice and works counter to what the future of the downtown requires. Please do not let this project diminish our future available commercial space in the downtown, space that can serve the entire community when the downtown becomes a hub of commerce. If this sounds like a dream, it is. Having a vision of the future is how we create and accomplish things.

Regards,

Greg

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**From:** Greg Jones [<mailto:gregjones@gregjonesrealestate.com>]  
**Sent:** Tuesday, April 24, 2012 12:02 AM  
**To:** Tim Koonze  
**Cc:** Frank Goulart; Anna May; Miriam Lens; Valerie Snart; Al Parso; Jim Morinville; Barbara Jervis  
**Subject:** Maple Court Condo Project

Tim,

Here are two sets of comments regarding the Maple Court project. Please ensure these comments are included as part of the record on this item and are provided to the Council for their consideration.

The first comments are a summary of the recent Prospect Hill Neighborhood Association meeting. These comments do not necessarily reflect a consensus (nor my personal views) and are not necessarily exhaustive, but are a reflection of some of the concerns raised. Others from the neighborhood have previously raised additional concerns, while others may yet still bring additional matters up to the Council at the meeting tomorrow evening. In no particular order, here are a few of the issues raised that the neighborhood is concerned about and wish addressed in the project.

- Parking is inadequate within the project. Providing only 1 deeded space per unit is unrealistic both in terms of actual demand as well as the units' sale/resale values. The idea of charging rent for a second space when on-street and municipal lot parking is available nearby is unrealistic.
- The logic used by planning staff that there is no current retail activity along Maple Court is flawed. The businesses directly across from this project, with a parking lot in between, are viable and active. The argument that no pedestrian traffic now exists so therefore we don't need to maintain street level commercial is circular. The zoning designation now in place on the properties is designed to encourage such pedestrian-friendly street scapes. Staff argues that we don't have it now, so remove the street level commercial requirement with the CUP? This makes no sense.
- There are concerns that the residential units on the street level will be a "dead" space -- unattractive and unenticing to pedestrians.
- The number of vehicle trips in the initial study are unrealistic. It would appear they are based on the low number of vehicles anticipated because of the low parking requirement. Here again, staff is backing into their logic and compounding the errors in analysis.
- Archaeological remnants may in fact be on site. This possibility needs to be clearly addressed in any conditions of approval.
- The house currently on one of the parcels is to be relocated to an area of historical integrity. Who makes the decision as to where it is relocated?

This second list of issues are specific concerns I personally have with the project:

- As above, parking for a residential ownership project that provides only 1 space per unit is inadequate. Regardless of being close to transit, the reality is that in previously built projects in the downtown parking remains an ongoing problem, and those were built under more liberal parking requirements. The municipal lot that currently serves the businesses along Maple (even though they all have Foothill Blvd street addresses) will be negatively impacted by residential overflow, as will street parking extending down Maple and McKeever.
- Maple can certainly support additional commercial space. The argument used by some on the Planning Commission that because there is so much vacant space in the downtown they approved the CUP is short sighted. Commercial space with parking directly across from it would very desirable for small businesses. Neighborhood-serving retail space would be a benefit to the area.
- Residential use on the street level in the commercial core will kill the likelihood of activating the street scape. Look at other projects in the downtown. They become isolated enclaves, not active parts of a larger neighborhood. Street level commercial will activate the street and encourage pedestrian traffic. Despite the high vacancy rates currently being suffered along B Street, visit during lunchtime or on a Friday or Saturday evening, and the sidewalks are active places. Residential areas are isolating. Placing residential above commercial space, either as live/work space or standard residential will

provide the residential that is envisioned as necessary to increasing demand in the downtown while maintaining the activated street level spaces.

- What sort of assurances does the City have that the project won't become predominately a rental community? I would like to see the HOA require that no more than 50% of the units be allowed as rentals at anytime. One downtown neighborhood recently put such a restriction in place, but it would be much easier to do so during this stage of development with just one owner voting on the HOA requirement as a condition of approval.

It would be informative to revisit the original intent of the first floor requirement and really question why the City would make an exception in this case when we have projects such as the Cannery still not completed and filled. Do we really need more residential in the downtown so badly that we are willing to give up commercial space for at least the next 100 years? It should also be noted that the properties involved in this project have been assembled for this project, so we are not dealing with a property owner that wasn't aware of the zoning requirements as they started developing this project. If the developer needs to expand vertically to get the necessary units built for the project to be financially viable, I would prefer to see that than lose the ground floor commercial space.

I am excited about the potential investment in our downtown core, an area in much need of investment. However, we cannot let our downtown relinquish street level property to residential use. Downtown commercial space is a finite resource that while not currently in scarcity, will be in demand in the future if we do things right. If we don't believe that, then we should just roll up the sidewalks in the downtown now and ignore our current zoning, downtown plans (yes, plural) and send the message to the community that Hayward is NOT open for business by discouraging any new commercial space development in the future.

Please reverse the Planning Commission's decision and deny the CUP that eliminates the zone's street level commercial space requirements.

Regards,

Greg Jones

President, Prospect Hill Neighborhood Association

Downtown Hayward Resident