



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 04/26/05
AGENDA ITEM 5
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Community and Economic Development
SUBJECT: Appeal of Site Plan Review No. PL-2004-0381 – Alejo Pascual (Applicant/Owner) – Bob & Brenda Jones (Appellants) - The Project Location Is Between 30088 and 30100 Mission Boulevard, near Arrowhead Way, in a General Commercial (CG) Zoning District

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution denying the appeal and upholding the Planning Commission's approval of the site plan review.

DISCUSSION:

On February 24, 2005 the Planning Commission approved a site plan review application for the construction of a 5,000-square-foot mixed-use building with 3,382 square feet of commercial space on the ground floor and a 1,273-square-foot apartment on the second floor. Surrounding land uses include a one-story office building to the south, a two-story commercial retail/office center to the north, medium-density residential buildings (duplexes and triplexes) to the east on Vanderbilt Street, and Mission Hills Golf Course is across Mission Boulevard to the west. The proposed parking lot would share a driveway with the commercial retail/office center immediately to the north.

The General Plan designation for the property is Commercial/High Density Residential, where mixed commercial and residential uses are encouraged when compatible with surrounding land uses. The property is located in a General Commercial (CG) Zoning District, which allows a variety of retail and service related commercial uses and residential dwelling units when located above a first floor commercial use.

The project included a 91-square-foot balcony on the north side of the building. Although there is no ordinance requirement, staff recommended that the project be approved with additional outdoor space on the roof level because there is no ground level outdoor space for the residents. Consequently, the Planning Commission approved the project with a 216-square-foot roof deck so that future residents have a place for outdoor dining and recreation. The Planning Commission required the deck to be located 10 feet from the south edge of the building in response to concerns of the adjacent property owner.

The appeal letter from the Joneses (see Exhibit C) was received on March 7, 2005. The letter claims several problems with the Planning Commission's approval of the project including the distance between the existing Peachtree Plaza office building and the proposed building, the height of the proposed building, potential impacts to the large Cedar tree in the front yard of the Peachtree building, the existence of a roof deck and the appearance of the south-facing wall of the proposed building.

On April 5, 2005, the applicant and his architect meet with the appellant and agreed on a modified design. The appellants withdrew their appeal (see letter attached). The changes made to the plans include the following:

- The proposed building would be 2 feet from the property line rather than on the property line. The applicant has maintained the leasable square footage of the building by reducing the size of the covered entry area at the northwest corner of the building. This setback allows windows to be added on the south wall. The windows will match the shape and style used on the Peachtree building.
- A roof matching the pitch of Peachtree building roof has been added to the south side of the proposed building. This reduces the apparent height of the building in relation to the Peachtree building.
- The area between the two buildings will be heavily landscaped to help reduce the perceived height of the building. The appellants have agreed to have the fence currently on the property line removed so that one landscaped area can be maintained between the two buildings.

Two neighbors, one from Fairway Park and one from Twin Bridges submitted favorable comments on the project (see attachment E). Brenda Jones, owner of Peachtree Plaza, was the only person who spoke at the Planning Commission meeting other than the applicant.

In staff's opinion, the proposed project, as modified by the applicant is an attractive building that is consistent with the City's Design Guidelines, Zoning Ordinance and the Fairway Park Neighborhood Plan.

Prepared by:



Erik J. Pearson, AICP
Associate Planner

Recommended by:

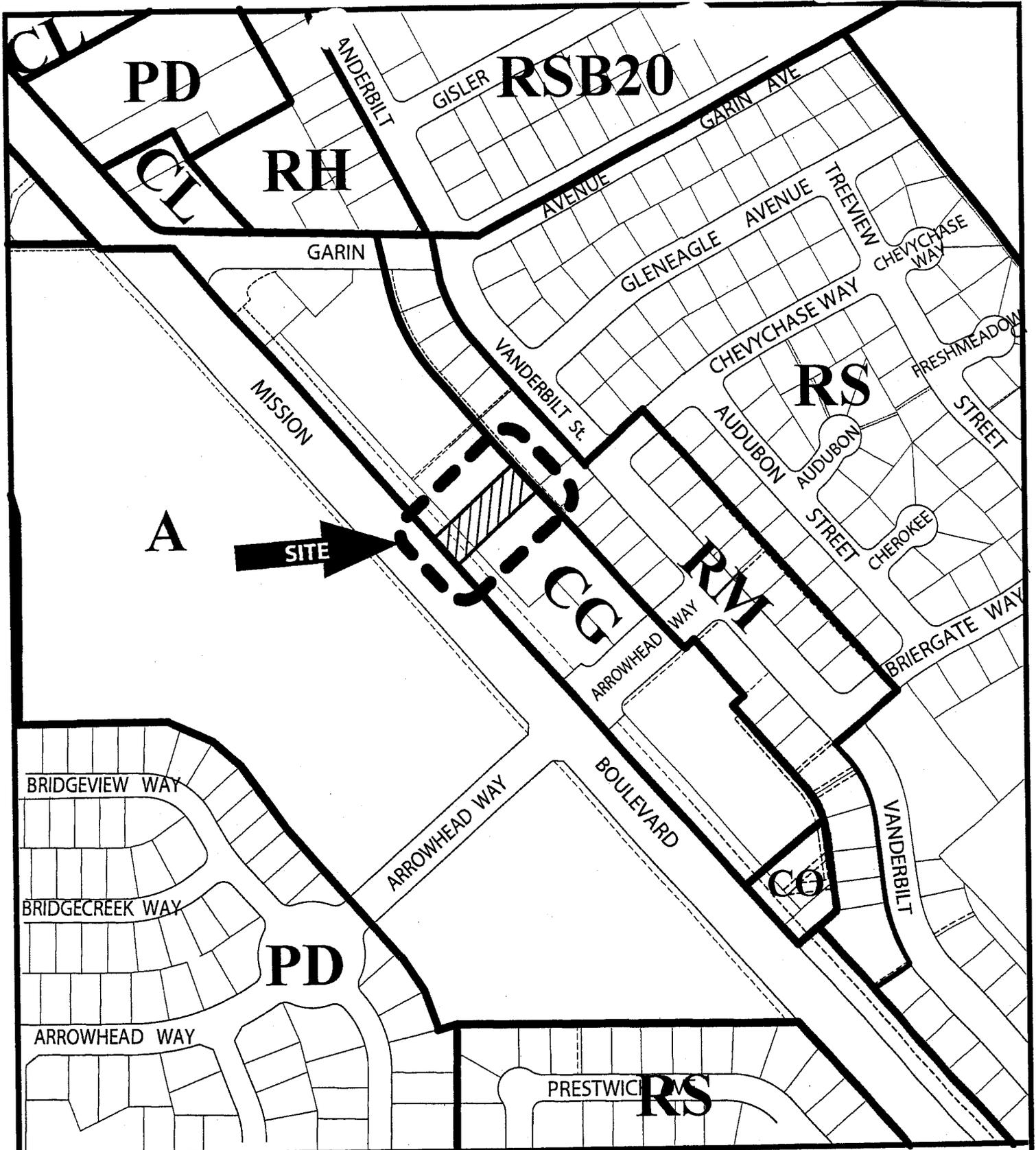

Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:


Jesús Armas, City Manager

Attachments: Exhibit A. Area and Zoning Map
Exhibit B. Letter withdrawing Appeal
Exhibit C. Appeal letter, dated March 7, 2005
Exhibit D. Conditions of Approval revised by Planning Commission
Exhibit E. E-mails from neighbors
Exhibit F. Planning Commission Meeting Minutes, dated February 24, 2005
Exhibit G. Planning Commission Staff Report, dated February 24, 2005
Plans
Draft Resolution

4/21/05



Area & Zoning Map

PL-2004-0381 SPR

Address: 30082 Mission Blvd.

Applicant: Alejo Pascual

Owner: Alejo Pascual

A-Agricultural-ABSA,AB10A,AB100A,AB160A

CG-General Commercial

CL-Limited Access Commercial

CO-Commercial Office

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential,RSB4,RSB6



RECEIVED

APR 05 2005

PLANNING DIVISION



30100 MISSION BLVD., HAYWARD, CA 94544, (510)487-3383
Bob and Brenda Jones, Owners

April 5, 2005

Planning Commission
City of Hayward
City Hall
777 B Street
Hayward, CA 94541-5007

Attn: Erik Pearson and Dyana Anderly

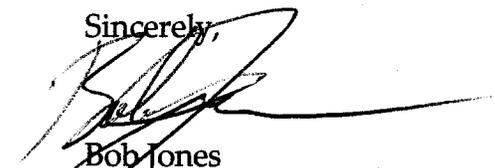
Re: Site Plan Review No. PL-2004-0381

Dear Erik and Dyana:

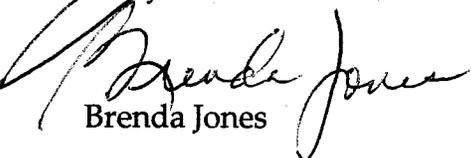
We met today with the applicant team regarding the development of the subject lot and reviewed elevations which contained some slight modifications which addressed our concerns.

Please be advised that we are removing our objections to this development and will grant the applicant an easement between our lots. Therefore, please cancel our appeal hearing with the City Council.

Sincerely,



Bob Jones



Brenda Jones

**RECEIVED**

MAR 07 2005

PLANNING DIVISION

30100 MISSION BLVD., HAYWARD, CA 94544, (510)487-3383
Bob and Brenda Jones, Owners

March 7, 2005 (Hand-delivered)

City Council
City of Hayward
City Hall
777 B Street
Hayward, CA 94541-5007

Re: Site Plan Review No. PL-2004-0381

Dear City Council Members:

Please consider this letter as our "appeal letter" regarding the Planning Commission's approval of the above-referenced Site Plan at its February 24, 2005, meeting.

We are appealing the Commission's approval because of some misrepresented facts. Some of those facts are:

- The area between our building and the north property line is *5 feet*, not 15 feet as stated by the Commission Staff. The Staff admittedly (in a phone call last week) never measured the area or even looked at it and considered only measurements provided by the applicant. The applicant did not include the 9' overhang surrounding our building, which limits a substantial amount of vertical view (see enclosed pictures #1 & #2 which show the overhang from across the room and at the window, the current 5 foot fence at the property line and the building which is adjacent to the subject lot). The proposed 16' wall rising 21' above our building is planned to be installed where the current 5 foot fence is, *5 feet away* from our overhang and patio areas. When Commissioner Thnay made an analogy between a two-story house next to a one-story house as to light, Staff did not mention that this is not the case here.
- The large Cedar tree will have to be removed (it was "drawn" on the Commission Staff's rendering as if it were staying) and it was noted in the Staff's report as if it would be staying. It would be impossible to keep this tree with the current plan. When

Commissioner Zermeno stated at the hearing "thank you for keeping the tree", Staff did not correct him. There is no way to save this tree with the proposed construction. There was no opportunity after our time at the microphone to dispute anything that was said.

- The Staff's requirement that the applicant put the roof deck back in the plan after the applicant agreed to take it out was not what he agreed to in our meeting of August 3, 2004. There should not be outdoor dining and/or a playground next to our tenant's offices. Staff's analogy of noise from Mission Boulevard and the houses to the east of us was not a fair comparison to the noise from a roof deck 6 to 8 feet away rising above professional offices. There is NO noise from the houses to the east of us because they are 35 feet away from our building. We cannot even hear the residents when they are in their back yards. Further, they are not within a view corridor from our east offices because of the very high retaining wall. Staff did not correct Commissioner Sacks' assumption that the two areas were comparable as to height, light, distance and noise.
- Although there is no requirement for a set-back from the property line, there is the issue of our newly-constructed \$7,000.00 wood-slat chain-link fence on that line which has not been addressed. How will we be compensated?
- Staff's recommendation to allow construction of the south wall on the property line was based upon the applicant's desire to not have to build a driveway. The building could be narrowed, built closer to the street and adjacent to the NORTH property, which is on the same grade and is a two-story building. A driveway should be built on the SOUTH property line between our building and applicant's. Staff chose to recommend that a two-story building be constructed five feet away from a one-story building while leaving 25 feet between the proposed building and the existing two-story building to the north so that the applicant is not required to install a driveway.
- Existing buildings along Mission Boulevard all have a substantial setback from adjacent buildings, including those which have no facing windows. Somehow, this applicant, new to Hayward, has submitted a plan to completely cover the entire lot with his building at the expense of our tenants and our property value. We spent this weekend looking for buildings along Mission Boulevard that are as close together as the proposed south wall will be to our building. There are *none*.
- Staff's written and verbal report that it would be unlikely to access our roof and/or view our interior courtyard from the proposed roof deck is false. It would be easy to jump on our overhang and climb up on the roof, and our courtyard would definitely be visible from the roof deck.
- What does "faux windows" mean? Staff did not explain. We want to make sure the Commissioners know that the WALL (referred to in the Staff report and verbally at the meeting) is not a WALL with a light source (i.e., faux windows); it is the side of the building.

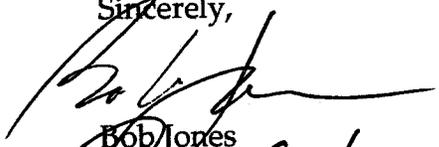
- We have had innumerable episodes of homeless people camping in our north-side patio area. The 21' wall will make this situation much worse, as it would provide a wind-resistant, protected "home" to the homeless. The graffiti on the wall will be impossible to maintain and the debris and bio-hazard in the area will be unmanageable. Staff's comment that the two property owners will hopefully figure something out is not an answer to the maintenance issue. Staff should look at the area between our property and the bakery south of us, which is BELOW a high retaining wall and is occupied nightly by people who use the area as a dumping ground when they leave in the mornings.
- At our meeting of August 3, 2004, we were told by the Commission Staff that the apartment would be occupied by the business owner, which we found acceptable; however, this requirement was not in the conditions of approval.
- Ms. Anderly stated that a plan to construct on the subject lot was submitted when the lot to the north of it was constructed and that the current applicant's plan is "better". However, we were never notified of any prior request to build on that lot or shown any plans.
- Even though there is no height limit or side yard setback requirement in a commercial construction for this area, both need to be considered in light of the fact that our building is only 5 feet away from the side yard and is a one-story building sitting 5' below the grade of the subject lot. Also, since there's going to be an apartment on top, shouldn't a residential setback requirement be applied in this area?
- Why wouldn't the applicant be required to grade the lot to the height of our lot instead of being allowed to hover over it so that a better height transition between all buildings can be achieved?

30100 Mission Boulevard is one of the most beautiful buildings in Hayward and deserves consideration for its 30+ years of well-maintained presence on Mission Boulevard. It is not fair to force an existing, vital business to lose rental and resale value as well as substantial visual value to the community in order to accommodate an applicant's desire to use his **entire lot** for a building without having to construct a driveway. This will likely force us to owe more on the building's mortgage than the building is worth, just so the applicant doesn't have to build a driveway. Why are we being forced to lose what we consider to be a substantial portion of our retirement so the newcomer applicant can gain? Where is the fairness to long-term, loyal Hayward taxpayers? We employ 35 local people in our building and have 4 long-term tenants who will most likely expect a rent reduction or move out because their beautiful offices are going to be ruined by this monolith structure.

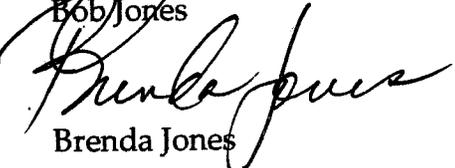
We are shocked that the Commission Staff has done such a poor job of investigating the impact of this proposed construction. According to a Staff representative, no one on the Staff even looked at that side of the building or measured it. They recommended approval to the Commissioners based upon incorrect information provided by the applicant. As community development consultants, we have been involved with many developers throughout Alameda County and the City of Hayward. Our experience has always been that the new applicant is given conditions that require proving beyond a shadow of a doubt that any new structures will have minimal impact upon existing neighbors. In this case, the exact opposite has happened. We are amazed that, even after meeting twice with Staff to work out the concerns we had, all of them were ignored.

Please consider us in this issue, not just the applicant. We have been good, tax-paying citizens of Hayward for 25 years in both our home and business and have maintained both beautifully throughout the years. We have continued to improve the Peachtree Plaza building over the many years we have owned it, not only for ourselves and our long-term tenants and employees but for the enjoyment of the neighborhood. We even remove the graffiti from the bakery to the south of our property because the owners don't care and we don't want the area to be ugly. We get many visitors from the golf course because they notice the building while they're playing golf and want to see inside. Homeowners from Twin Bridges have stopped by also, as well as many passers-by over the years, fascinated with the Frank Lloyd-Wright style design. *Please* don't allow one of the best architectural designs on Mission Boulevard to become another blighted Hayward area. Think of how you would react if a 21' structure were being constructed by a newcomer 5 feet away from your long-term Hayward business or home. Please appreciate our loyalty to Hayward and help us save our building and maintain its value.

Sincerely,



Bob Jones



Brenda Jones

cc: Planning Commission

DUE TO THE LENGTH OR COLOR OF
THE REFERENCED EXHIBITS, THEY
HAVE BEEN ATTACHED AS SEPARATE
LINKS.

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

Revised by Planning Commission on February 24, 2005

Site Plan Review No. PL-2004-0381: Request to Construct a Mixed-Use Building with Ground-Floor Commercial and One Second-Floor Apartment – Alejo Pascual (Applicant/Owner)

The property is located between 30082 and 30100 Mission Boulevard, in a General Commercial (CG) Zoning District

CONDITIONS OF APPROVAL:

1. Site Plan Review Application No. PL-2004-0381 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the site plan review and variance approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review and variance approvals.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
5. Prior to application for a Building Permit, the following changes shall be made to the plans:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.

- b) There shall be access from the apartment to a roof deck. *There shall be a wall separating the roof deck from the rest of the roof area and from the south property line.*
 - c) The plans shall show that pavement at the driveway entry will be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.
 - d) 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.
 - e) Plans shall show locations of all utilities including electrical transformers, water meters, cable boxes, telephone and lighting boxes, etc. All utilities shall be installed underground. Whenever possible, utility boxes shall be located within sidewalks or driveways – not in landscaping.
 - f) One-foot wide curbs shall be provided at any location where landscaping abuts the side of a parking space.
 - g) The accessible parking and loading space shall be redesigned to the satisfaction of the City Building Official.
 - h) The scale and dimensions of the compact parking stalls and the 4-foot-wide walkway shall be corrected.
 - i) Details of a covered trash enclosure shall be provided.
6. Prior to issuance of a Building Permit:
- (a) Copies of the encroachment permit from Caltrans shall be provided to the City Engineer and the Planning Director.
 - (b) A revised color and materials board shall be approved by the Planning Director.
7. Prior to the issuance of any Sign Permits, the developer shall submit and obtain approval for a sign program for the identification of the retail tenants.
8. Grading and construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work shall be done on Sundays or national holidays.

9. The applicant or property owner(s) shall maintain in good repair all fencing, walls, parking and street surfaces, landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. Any graffiti painted on the property shall be painted out or removed within 3 days of occurrence.
10. Any satellite dishes shall be located as near as possible to the center of the roof to limit visibility from the ground.
11. The garage shall be maintained for parking and shall not be converted to living or storage space. An automatic garage door opening mechanism shall be provided for the garage door.
12. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
13. 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.
14. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

Landscaping:

15. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.
16. The landscaping plans shall include:
 - a) One 24" 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.
 - b) Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
 - c) All above ground utilities and mechanical equipment shall be screened from the street with five gallon shrubs.
 - d) Add 6-inch curbs at the back landscape areas against the building.
 - e) Provide one 15 gallon tree, shrubs and groundcover in each of the landscape endcaps. The minimum interior width of all planter areas is 5 feet.

- f) Plant self climbing vines such as Boston Ivy on the trash enclosure and the masonry wall.
 - g) The parking must be screened from the street with a solid evergreen hedge of plants that have a maximum mature height of 36" planted on close enough spacing to completely screen the parking within two years.
 - h) Add accent/color shrubs at the base of the sign.
 - i) A tree must be provided in each endcap.
 - j) Extend the groundcover under all of the shrubs throughout the site.
17. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
18. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

Engineering:

19. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. The grassy swale shown on the grading plan is in an area that is too steep.
20. The owner shall prepare a Storm Treatment Measures Maintenance Agreement (available at Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
21. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay", or equivalent, using methods approved by the City.
22. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
23. The owner shall execute a Joint Maintenance Agreement for the common driveway.
24. The developer shall construct curb, gutter and sidewalk and tie-in pavement along Mission Boulevard property frontage.

25. The south side of the driveway shall be designed in conformance with City of Hayward Standard Detail SD-110 (sheet 2 of 2). However, if Caltrans has a preferred design, then Caltrans standards shall apply.

Fire Department:

26. The existing 24' wide driveway, which also serves the adjacent property, shall be a dedicated fire lane. No parking signage and red-curbing shall be installed on all new landscape curbs abutting the driveway surface.
27. A new public fire hydrant shall be installed on Mission Boulevard in front of the property because the distance to the nearest public fire hydrant is in excess of 150 feet.
28. The building shall have an automatic fire sprinkler system installed throughout conforming to NFPA 13 Standards.
29. A dedicated underground fire service line shall be installed to supply the buildings' fire sprinkler system. The underground fire service line shall be installed per NFPA 24 Standards and shall meet City of Hayward Fire Department Standards (SD-204).
30. The building shall be monitored for fire sprinkler flow through an approved central station monitoring company.
31. The building shall be equipped with local alarm signaling devices interconnected to the buildings' fire sprinkler system and the alarms shall be capable of activating upon any waterflow activity.
32. Manual pull stations and audible devices shall also be installed within the commercial (retail) space(s).
33. Portable fire extinguishers shall be installed in the commercial space. Fire extinguishers shall have a minimum rating of 2A:10BC.
34. The 2nd floor residential use shall have interior smoke detectors installed per the California Building Code (CBC). Smoke detectors shall be electrically powered with battery back-up.
35. Exiting shall meet the California Building Code (CBC), Chapter 10.
36. The building shall have a minimum Class A roof covering.
37. Exterior siding materials shall be of the non-combustible type having a minimum 1-hour rating.
38. Building addressing shall meet Fire Department Standards.

Solid Waste & Recycling:

39. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.

40. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.
41. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 7/19/04.

Utilities:

42. The apartment must have an individual water meter.
43. Each business must have an individual water meter.
44. Show on plans the location of proposed water meters. Water meters are to be located two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code.
45. The apartment must have an individual sanitary sewer lateral.
46. A separate irrigation water meter for landscaping purposes shall be installed.
47. A Reduced Pressure Backflow Prevention Assembly shall be installed as per City of Hayward Standard Detail 202 on all commercial, domestic and irrigation water meters.
48. Water & Sewer service is available subject to standard conditions and fees in effect at time of application.
49. Additional Sewer System Capacity to accommodate the volume and waste strength of wastewater to be discharged from the property must be purchased, at the rates in effect at the time of purchase, prior to discharge.
50. The developer shall install a mechanical device to control fat, oil and grease discharge from any food service establishment, unless this requirement is expressly waived by the Director of Public Works or designee. The type, size, and location of the device shall be approved by the Director of Public Works.
51. Show Gallon Per Minute Demand on plans to determine proper meter sizes for commercial, residential and irrigation water use.
52. Add following notes to plans:
 - (a) Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
 - (b) **Only Water Distribution Personnel** shall perform operation of valves on the Hayward Water System.

General:

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

Erik Pearson

From: Erik Pearson
Sent: Thursday, February 17, 2005 4:58 PM
To: 'CMBauer97@aol.com'
Cc: BMaxedon@aol.com; Gleneagl@yahoo.com; HRogers4@aol.com; evcormier@sbcglobal.net
Subject: RE: (SPR) PL-2004-0381

Mimi,

The architecture has been changed to better fit with the surrounding buildings. The landscaping will include shrubs to screen the parking from views from Mission Blvd.

Thank you for responding to the notice.

Erik

-----Original Message-----

From: CMBauer97@aol.com [mailto:CMBauer97@aol.com]
Sent: Thursday, February 17, 2005 2:09 PM
To: Erik Pearson
Cc: BMaxedon@aol.com; Gleneagl@yahoo.com; HRogers4@aol.com; evcormier@sbcglobal.net
Subject: (SPR) PL-2004-0381

Regarding the referenced project for a mixed use building with ground-floor commercial and one second-floor apartment, I believe this has been sent out before. Our earlier comments were that is seemed appropriate. There might have been a question regarding adequate landscaping to block the view of the parking.

What was the change that made it necessary to resubmit?

Health and happiness,
Mimi

Erik Pearson

From: Carl Emura
Sent: Thursday, February 24, 2005 1:53 PM
To: Erik Pearson
Subject: FW: Tonight's PC meeting Item #2

Carl T. Emura
Associate Planner
(510) 583-4209
carl.emura@hayward-ca.gov

-----Original Message-----

From: Paigeforce@aol.com [mailto:Paigeforce@aol.com]
Sent: Thursday, February 24, 2005 1:30 PM
To: Dyana Anderly; Carl Emura
Subject: Tonight's PC meeting Item #2

Would you be good enough to include my comments in tonight's hearing? I am unable to attend due to a prior commitment but I feel as a resident of Twin Bridges that my comments should be included with the staff report.

I have lived in Twin Bridges since 1999. During that time I have enjoyed use of many of the surrounding commercial properties. I have driven past the lot in question many times and most recently to attend classes in the Curves in the building just north of the lot mentioned in PL-2004-0381. I belonged to this Curves for approximately 6 months until I had the displeasure of witnessing what appeared to me to be a drug exchange in the back parking lot of the property. As a working professional I often attended Curves after dark in the early evening hours. On more than one occasion I was bothered by individuals "hanging around" in the parking lot. As I am not a person prone to worry and I feel capable of taking care of myself in most instances I did not let this worry bother me to any degree that I would discontinue my workouts. After witnessing the drug deal (or what appeared to me to have been a drug deal) I decided to move my workouts to the Fairway Park Shopping Center where there is better lighting and a security guard present in the evening hours to discourage any type of illegal activity.

As a resident of Twin Bridges I would feel better knowing that someone occupied the apartment above the commercial space. Having the apartment above the commercial space would most certainly lend to the occupants policing the areas around them and help keep people with less than good intentions from hiding behind the current commercial space and conducting less than appropriate business there.

I do not feel that the apartment space would jeopardize business in the south commercial property as this property should in all essence be occupied during normal business hours only. I do feel that the apartment property would serve more good in helping to police the local area after regular business hours. Our area has seen an increase in gang activity and "tagging" in the last 6 months. I would feel more comfortable than not having a resident in the upper level of the commercial property knowing they are more likely to police the surrounding area as this is their home as well as my own. I fully support the passing of PL-2004-0381.

Thank you

Paige Bennett
313 Bridgecreek Way
510-471-1201

is that of a nice sculpture which would beautify the area. He introduced David Dill from the Toyota dealership who was available to answer any questions.

Discussion ensued regarding the height and location of the monument sign. It was the consensus among the Commissioners that Toyota should adhere to the special requirements as set forth in the sign ordinance as it would set a precedent to other dealerships in the area.

Chair Sacks closed the public hearing at 7:59 p.m.

Commissioner Bogue moved, seconded by Commissioners Thnay and Lavelle, per staff recommendation to deny the variance without prejudice.

Commissioner Thnay said he would support the motion as Toyota is still the best selling car in the United States and would still be if they had a 12 foot sign. He noted that Volkswagen and Honda dealerships had managed to comply with the ordinance, that those signs were appealing, and that Toyota should do the same.

Planning Manager Anderly noted that the dealerships are typically reluctant to comply because it involves custom work and it costs them more. She added that if the company comes back with a design that is in compliance, the sign would be approved administratively and would not need to come back to the Planning Commission.

Commissioner Lavelle stated that she agreed with the comments from the other Commissioners. She added that a unique or peculiar situation would be necessary in order to find special circumstances for approval of the variance, and none had been offered.

Commissioner Peixoto commented favorably on the Honda and Volkswagen signs.

Chair Sacks agreed with Commissioner Lavelle regarding the lack of findings to support granting a variance and noted the improvement of the appearance of Mission Boulevard because of the ordinances that are currently in place.

Commissioner Bogue moved, seconded by Commissioners Thnay and Lavelle, and unanimously approved, to accept that the proposed project is Statutorily Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270 (a), *Projects Which are Disapproved*; and deny the variance application, without prejudice, subject to the attached findings.

2. Site Plan Review No. PL-2004-0381 – Alejo Pascual (Applicant/Owner) – Planning Director's Referral of a Request to Construct a Mixed-Use Building With Ground-Floor Commercial and One Second-Floor Apartment – The Property is Located Between 30088 and 30100 Mission Boulevard, near Arrowhead Way

Staff report submitted by Associate Planner Pearson, dated February 24, 2005, was filed.

Associate Planner Pearson presented the staff report. He reported receiving a positive response from the Fairway Park Homeowners Association and an e-mail today from someone who indicated



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, February 24, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

that having a resident on the property would be good for security. He responded to questions from commissioners.

Commissioner Bogue expressed concern regarding the impact of sunlight on the neighboring building. In addition, he questioned the maintenance to the exterior wall with no access except from the neighbor's side. Associate Planner Pearson stated that he hoped that the neighbors would come to an agreement regarding access to the wall for maintenance.

Chair Sacks opened the public hearing at 8:25 p.m.

Vince Wong, project architect and partner with owner/applicant Alejo Pascual, asked about the requirement for the fire hydrant, as one currently exists on the property near the common driveway. Associate Planner Pearson noted that the existing fire hydrant is on private property and the Fire Department requires a hydrant to be located on public property. Mr. Wong further asked for consideration of reducing the size of the balconies on the residence portion as the roof deck space had been enlarged.

In response to Chair Sacks' question if this decision is within the purview of the Commission's responsibility, Planning Manager Anderly suggested that the Commission approve or support the project and recommend that the details be addressed by staff.

Brenda Jones, owner of property south of the proposed development site, stated that she was adamantly opposed to the project as it would negatively impact her building. She described her building, noting that the majority of the exterior was glass and that the proposed wall between the properties would be massive, unattractive, and would reduce the amount of light to that side of her building. She disagreed that a resident would benefit security and she spoke of the lack of consideration given to her tenants. She stated that she was concerned that if the property were to become vacant that the property would become just an apartment building. She added that the proposed residence is an issue as she is worried about the proximity to her building and the lack of privacy for her tenants.

Chair Sacks closed the public hearing at 8:43 p.m.

Planning Manager Anderly noted the history of the site and stated the types of retail businesses that could be considered are numerous and include other service and commercial businesses.

Chair Sacks noted that there is no height limit in this district and the proposed building is only two stories. In addition, there are no setback requirements either, but there appears to be about 15 feet between the buildings.

Commissioner Thnay stated that he is concerned that there be sufficient light for tenants of the adjacent building and with the 15 feet distance, there should be adequate light.

Commissioner Zermefio expressed concern about cleaning up graffiti on the wall and asked if the business were to fail, could the retail area be converted to living space. Associate Planner Pearson stated that a conversion to living space would not be permitted on the ground floor.

Commissioner McKillop stated she understood Mrs. Jones' concerns, that the site is unique and commended her for her attractive building; however, she felt that the proposed building was a good compromise for the location. Commissioner McKillop then moved, seconded by Commissioner Zermefio, to approve the project.

Commissioner Thnay stated he would support the motion.

Commissioner Bogue stated he had spoken to Mrs. Jones earlier and he felt the size of the wall might be a maintenance issue if it is not kept up. He asked for a friendly amendment to the motion that Condition #9 be changed to remove any graffiti within 7 days, as opposed to the standard 10-day requirement. Commissioners McKillop and Zermefio agreed to the amendment.

Commissioner Bogue asked for another friendly amendment to not allow the balconies to be reduced in size as requested by the architect.

Commissioner McKillop stated that she would rather leave the design details to the architect and staff to work out and she did not accept this friendly amendment.

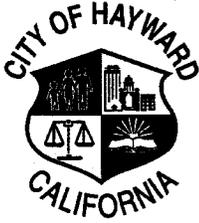
Commissioner McKillop moved, seconded by Commissioner Zermefio, and unanimously approved, to accept the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Sections 15332, *In-Fill Development Projects*; and approve the site plan review application, subject to the findings and conditions.

Chair Sacks announced the 10-day appeal period.

3. Site Plan Review No. PL-2004-0589 – Alejo Pascual (Applicant/Owner) – Request to Construct a Triplex – The Project is Located at 25134 Muir Street

Staff report submitted by Associate Planner Camire, dated February 24, 2005, was filed.

Associate Planner Camire presented the staff report. She stated that she had received comments from Bonnie Dotson, member of the Jackson Triangle Neighborhood Task Force, who expressed concern regarding the landscaping and sufficient parking, and the possibility of conversion of the apartments for sale at a later date. She noted that the landscaping issues will be addressed by the landscape plan which is required to be prepared by a licensed landscape architect. Parking was observed during the nighttime and found to be sufficient. A survey will be required to properly establish property boundaries and the fences will have to be moved, and the owners of the affected properties have been notified. The applicant has proposed to replace existing fences with a six-foot fence around the perimeter, with 4-feet in the front, with appropriate setbacks. She responded to questions from Commissioners.



CITY OF HAYWARD AGENDA REPORT

Meeting Date 02/24/05
Agenda Item 2

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: Site Plan Review No. PL-2004-0381 – Alejo Pascual (Applicant/Owner) - Planning Director's Referral of a Request to Construct a Mixed-Use Building with Ground-Floor Commercial and One Second-Floor Apartment

The property is located between 30088 and 30100 Mission Boulevard, near Arrowhead Way, in a General Commercial (CG) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission:

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

DISCUSSION

The proposal is for an approximately 5,000-square-foot mixed-use building on a vacant 15,400-square-foot lot. The ground floor would contain 3,382 square feet of commercial space. One apartment on the second floor would have 1,273 square feet of living area. The apartment would also have a garage and private entry on the first floor. Surrounding land uses include a one-story office building to the south, a two-story commercial retail/office center to the north, medium-density residential buildings (duplexes and triplexes) to the east on Vanderbilt Street, and across Mission Boulevard to the west is the Mission Hills Golf Course. The proposed parking lot would share an existing driveway with the commercial retail/office center immediately to the north.

The General Plan designation for the property is Commercial/High Density Residential, where mixed commercial and residential uses are encouraged when compatible with surrounding land uses. The property is located in a General Commercial (CG) Zoning District, which allows a variety of retail and service related commercial uses and residential dwelling units when located above a first floor commercial use. The Planning Director has referred this application to the Planning Commission for two reasons. First, the owners of the property immediately to the south have objected to the project and secondly, the project, although not significant in terms of size,

may be of interest to the Twin Bridges and Fairway Park neighborhoods. As the proposed land uses are primary uses of the CG Zoning District, the issue at hand is the design of the project.

The building is designed in a contemporary architectural style in an effort to be compatible with both the retail and office buildings to the north and the ranch-style office building to the south. The building has a tower element to accentuate the main entrance to the building. In an effort to make the window-less south wall of the building more interesting, the wall has been designed with metal reveals, faux windows, and a parapet with a decorative cornice. The existing landscaping along the property line and the large cedar tree on the adjacent property to the south will help to soften the visual impact of this wall. The colors proposed for the building are a pale brown with an off-white trim. While these colors are compatible with the office/retail building to the north, staff recommends that the developer add another color to the palette.

The ground level commercial space is designed to be used by either one or two tenants. There would be two public entrances and both spaces could have access to the rear door and utility areas. The west elevation of the building (facing Mission Boulevard) has space for wall signs to identify each tenant. Plans also include a monument sign located near the entrance driveway. The monument sign may be as tall as 12 feet and must be setback 12 feet from the front property line. The setback may be reduced by 1 foot for every foot the sign is lowered down to a 2-foot minimum.

The second-floor apartment would have two bedrooms, two full bathrooms and a one-car garage. The apartment would have a private entry on the rear side of the building. A 91-square-foot balcony is proposed for the north side of the building over-looking the parking lot. The applicant originally proposed a roof deck on the south side of the apartment for use by the residents. The applicant removed the access to the roof deck after the owners of the office building to the south objected, citing security and noise concerns. Although the balcony on the north side does provide some outdoor space, there is no ground level outdoor space for residents. Therefore, staff recommends that the roof deck be included as it would provide an additional 630 square feet of open space of the enjoyment of the residents. Regarding the issue of security, it should be noted that the two buildings would be 15 feet apart, making it difficult for a person to jump from roof to roof. Regarding possible noise impacts, the office building already has residential neighbors to the east and any noise from people living adjacent to the office building would be somewhat dulled by the ambient traffic noise from Mission Boulevard.

Parking & Transportation

The commercial space requires 1 parking space per 200 square feet of gross floor area. The required 17 parking spaces are shown on the site plan. The apartment will have one reserved parking space inside the garage. It is anticipated that any guests or additional resident vehicles can share the proposed parking lot with the commercial tenants.

AC Transit bus route number 99 serves the property seven days a week. The bus line connects the Hayward and Fremont BART stations and those in between. The nearest stop is at the corner of Arrowhead Way and Mission Boulevard, about 200 feet from the project site. The site is also approximately one mile from the South Hayward BART station.

ENVIRONMENTAL REVIEW

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Sections 15332, *In-Fill Development Projects*.

PUBLIC NOTICE

On July 23, 2004, an Official Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Twin Bridges Homeowners Association, Fairway Park Neighborhood Association, Fairway Park Neighborhood Task Force.

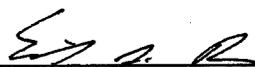
One letter dated July 26, 2004 (see Attachment D) was received from the owners of the property directly to the south, raising concerns about the proposed project regarding the building height, the residential component and security. The letter states that the owners would oppose a two-story building on the site. There is no building height limit in the CG zoning district, however, the wall proposed to be on the property line is 16 feet high, or 21 feet above the ground level of the office building to the south. Also, the second-floor apartment is setback 18 feet from the south wall of the proposed building. The letter states objection to anyone living in the building, but the CG regulations allow residential dwelling units as a primary use when located above a first floor commercial use. Staff met with the owners on August 3, 2004 where they affirmed their opposition to the apartment and added that noise from children playing could be a problem for people working in their building. As noted earlier, staff does not expect security or noise to be a problem given the separation between the buildings and the surrounding land uses. Staff sent the owners a copy of revised plans on October 19, 2004 and has received no comments on the plans.

On February 14, 2005, a Notice of Public Hearing for the Planning Commission meeting was mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

CONCLUSION

The proposed project is consistent with the City's Design Guidelines, Zoning Ordinance and the Fairway Park Neighborhood Plan. The proposal would create an attractive, mixed-use project that could provide neighborhood-serving businesses. The second-floor apartment would provide for someone to watch over the property when there are otherwise very few people around. The apartment is also supported by the General Plan policy of encouraging a variety of housing types.

Prepared by:



Erik J. Pearson, AICP
Associate Planner

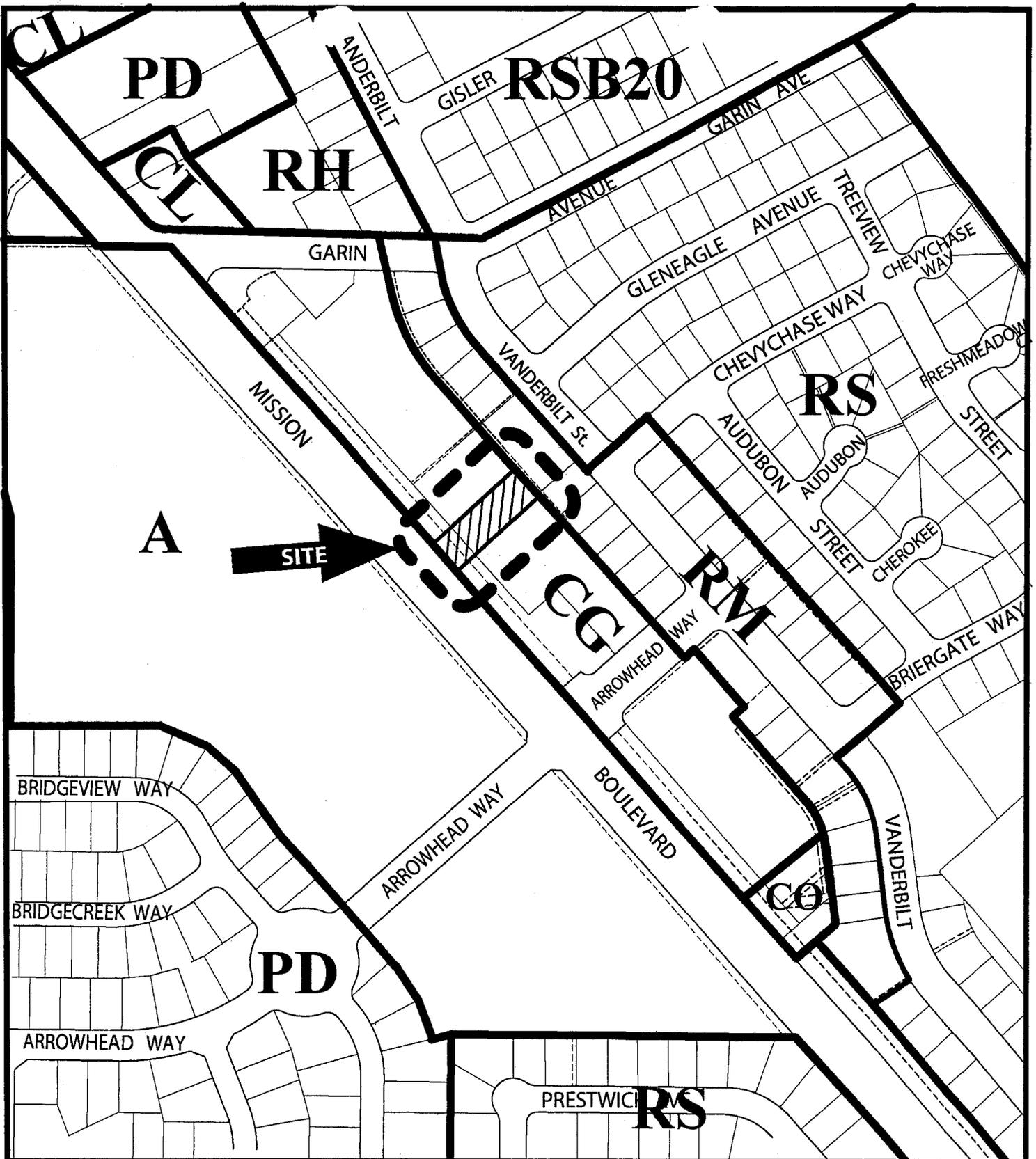
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Approval
- C. Conditions of Approval
- D. Letter from Neighbors
- E. Photosimulation
Plans



Area & Zoning Map

PL-2004-0381 SPR

Address: 30082 Mission Blvd.

Applicant: Alejo Pascual

Owner: Alejo Pascual

A-Agricultural-ABSA,AB10A,AB100A,AB160A

CG-General Commercial

CL-Limited Access Commercial

CO-Commercial Office

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential,RSB4,RSB6



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

February 24, 2005

Site Plan Review No. PL-2004-0381: Request to Construct a Mixed-Use Building with Ground-Floor Commercial and One Second-Floor Apartment – Alejo Pascual (Applicant/Owner)

The property is located between 30082 and 30100 Mission Boulevard, in a General Commercial (CG) Zoning District

Findings for Approval:

- A. That approval of Site Plan Review Application No. PL-2004-0381, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the CEQA Guidelines (In-Fill Development Projects).
- B. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the proposal provides a compatible transition between the modern buildings to the north and the ranch style building to the south.
- C. The development takes into consideration physical and environmental constraints in that the building is well designed to fit the size and topography of the site.
- D. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines and the Fairway Park Neighborhood Plan.
- E. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that retail and residential use of the property is expected to have few if any external impacts.

ATTACHMENT B

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

February 24, 2005

Site Plan Review No. PL-2004-0381: Request to Construct a Mixed-Use Building with Ground-Floor Commercial and One Second-Floor Apartment – Alejo Pascual (Applicant/Owner)

The property is located between 30082 and 30100 Mission Boulevard, in a General Commercial (CG) Zoning District

CONDITIONS OF APPROVAL:

1. Site Plan Review Application No. PL-2004-0381 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the site plan review and variance approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review and variance approvals.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
5. Prior to application for a Building Permit, the following changes shall be made to the plans:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b) There shall be access from the apartment to a roof deck.
 - c) The plans shall show that pavement at the driveway entry will be enhanced by the use of decorative pavement materials such as colored, stamped concrete

(bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.

- d) 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.
 - e) Plans shall show locations of all utilities including electrical transformers, water meters, cable boxes, telephone and lighting boxes, etc. All utilities shall be installed underground. Whenever possible, utility boxes shall be located within sidewalks or driveways – not in landscaping.
 - f) One-foot wide curbs shall be provided at any location where landscaping abuts the side of a parking space.
 - g) The accessible parking and loading space shall be redesigned to the satisfaction of the City Building Official.
 - h) The scale and dimensions of the compact parking stalls and the 4-foot-wide walkway shall be corrected.
 - i) Details of a covered trash enclosure shall be provided.
6. Prior to issuance of a Building Permit:
- (a) Copies of the encroachment permit from Caltrans shall be provided to the City Engineer and the Planning Director.
 - (b) A revised color and materials board shall be approved by the Planning Director.
7. Prior to the issuance of any Sign Permits, the developer shall submit and obtain approval for a sign program for the identification of the retail tenants.
8. Grading and construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work shall be done on Sundays or national holidays.
9. The applicant or property owner(s) shall maintain in good repair all fencing, walls, parking and street surfaces, landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. Any graffiti painted on the property shall be painted out or removed within 10 days of occurrence.
10. Any satellite dishes shall be located as near as possible to the center of the roof to limit visibility from the ground.
11. The garage shall be maintained for parking and shall not be converted to living or storage space. An automatic garage door opening mechanism shall be provided for the garage door.

12. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
13. 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.
14. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

Landscaping:

15. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.
16. The landscaping plans shall include:
 - a) One 24" 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.
 - b) Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
 - c) All above ground utilities and mechanical equipment shall be screened from the street with five gallon shrubs.
 - d) Add 6-inch curbs at the back landscape areas against the building.
 - e) Provide one 15 gallon tree, shrubs and groundcover in each of the landscape endcaps. The minimum interior width of all planter areas is 5 feet.
 - f) Plant self climbing vines such as Boston Ivy on the trash enclosure and the masonry wall.
 - g) The parking must be screened from the street with a solid evergreen hedge of plants that have a maximum mature height of 36" planted on close enough spacing to completely screen the parking within two years.
 - h) Add accent/color shrubs at the base of the sign.
 - i) A tree must be provided in each endcap.
 - j) Extend the groundcover under all of the shrubs throughout the site.
17. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or

dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

18. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

Engineering:

19. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. The grassy swale shown on the grading plan is in an area that is too steep.
20. The owner shall prepare a Storm Treatment Measures Maintenance Agreement (available at Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
21. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay", or equivalent, using methods approved by the City.
22. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
23. The owner shall execute a Joint Maintenance Agreement for the common driveway.
24. The developer shall construct curb, gutter and sidewalk and tie-in pavement along Mission Boulevard property frontage.
25. The south side of the driveway shall be designed in conformance with City of Hayward Standard Detail SD-110 (sheet 2 of 2). However, if Caltrans has a preferred design, then Caltrans standards shall apply.

Fire Department:

26. The existing 24' wide driveway, which also serves the adjacent property, shall be a dedicated fire lane. No parking signage and red-curbings shall be installed on all new landscape curbs abutting the driveway surface.
27. A new public fire hydrant shall be installed on Mission Boulevard in front of the property because the distance to the nearest public fire hydrant is in excess of 150 feet.
28. The building shall have an automatic fire sprinkler system installed throughout conforming to NFPA 13 Standards.

29. A dedicated underground fire service line shall be installed to supply the buildings' fire sprinkler system. The underground fire service line shall be installed per NFPA 24 Standards and shall meet City of Hayward Fire Department Standards (SD-204).
30. The building shall be monitored for fire sprinkler flow through an approved central station monitoring company.
31. The building shall be equipped with local alarm signaling devices interconnected to the buildings' fire sprinkler system and the alarms shall be capable of activating upon any waterflow activity.
32. Manual pull stations and audible devices shall also be installed within the commercial (retail) space(s).
33. Portable fire extinguishers shall be installed in the commercial space. Fire extinguishers shall have a minimum rating of 2A:10BC.
34. The 2nd floor residential use shall have interior smoke detectors installed per the California Building Code (CBC). Smoke detectors shall be electrically powered with battery back-up.
35. Exiting shall meet the California Building Code (CBC), Chapter 10.
36. The building shall have a minimum Class A roof covering.
37. Exterior siding materials shall be of the non-combustible type having a minimum 1-hour rating.
38. Building addressing shall meet Fire Department Standards.

Solid Waste & Recycling:

39. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
40. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.
41. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 7/19/04.

Utilities:

42. The apartment must have an individual water meter.
43. Each business must have an individual water meter.
44. Show on plans the location of proposed water meters. Water meters are to be located two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code.
45. The apartment must have an individual sanitary sewer lateral.
46. A separate irrigation water meter for landscaping purposes shall be installed.

47. A Reduced Pressure Backflow Prevention Assembly shall be installed as per City of Hayward Standard Detail 202 on all commercial, domestic and irrigation water meters.
48. Water & Sewer service is available subject to standard conditions and fees in effect at time of application.
49. Additional Sewer System Capacity to accommodate the volume and waste strength of wastewater to be discharged from the property must be purchased, at the rates in effect at the time of purchase, prior to discharge.
50. The developer shall install a mechanical device to control fat, oil and grease discharge from any food service establishment, unless this requirement is expressly waived by the Director of Public Works or designee. The type, size, and location of the device shall be approved by the Director of Public Works.
51. Show Gallon Per Minute Demand on plans to determine proper meter sizes for commercial, residential and irrigation water use.
52. Add following notes to plans:
 - (a) Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
 - (b) **Only Water Distribution Personnel** shall perform operation of valves on the Hayward Water System.

General:

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

RECEIVED

JUL 28 2004

PLANNING DIVISION

Bob & Brenda Jones
3713 Star Ridge Road
Hayward, CA 94542
(510)886-8913

July 26, 2004

City of Hayward
Planning Division
777 B Street
Hayward, CA 94541

Subject: Request for construction of lot between 30082 & 30100 Mission Boulevard

To Whom It May Concern:

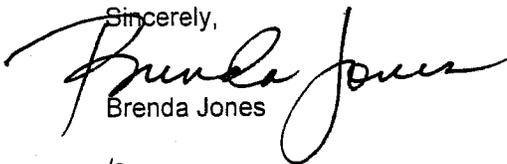
This is to advise you that we *absolutely* and fervently oppose construction of this lot as you have described it in your enclosed notice.

We are the owner of the commercial building, Peachtree Plaza, located at 30100 Mission Boulevard, adjacent to the referenced lot. Although we are very pleased that the lot will finally be improved, the residential apartment on the second floor and the parking garage (we assume for the resident of the apartment) could create an extreme problem for us.

This is a commercial area and there is NO residential housing along Mission Boulevard from Alquire Parkway past Chapel of the Chimes cemetery. We would oppose any decision to allow construction of a 2-story building next to our lot, particularly allowing someone to reside in it. Our building is a large, open square. A second-story commercial or residential construction would allow a clear view and relatively easy access to the interior courtyard of our building.

We respectfully request that a City of Hayward Planning Commission representative visit our building before entertaining this project. Please give me a call at your convenience to arrange a visit. I can be reached at (510)487-3383, ext. 20.

Sincerely,



Brenda Jones

/s
encl

HAYWARD CITY COUNCIL

RESOLUTION NO. 05-

Introduced by Council Member _____

mlh

4/18/05

RESOLUTION DENYING THE APPEAL AND UPHOLDING
THE PLANNING COMMISSION'S APPROVAL OF SITE
PLAN REVIEW NO. PL-2004-0381

WHEREAS, on February 24, 2005 the Planning Commission approved Site Plan Review No. PL-2004-0381, submitted by Alejo Pascual (Applicant), for the construction of a 5,000-square-foot mixed-use building with 3,382 square feet of commercial space on the ground floor and a 1,273-square-foot apartment on the second floor located between 30088 and 30100 Mission Boulevard, near Arrowhead Way in a General Commercial (CG) Zoning District; and

WHEREAS, on March 7, 2005, Bob and Brenda Jones (Appellants) appealed the Planning Commission's approval of the project, citing several issues, including the distance between the existing Peachtree Plaza office building and the proposed building, the height of the proposed building, potential impacts to the large Cedar tree in the front yard of the Peachtree building, the existence of a roof deck and the appearance of the south-facing wall of the proposed building; and

WHEREAS, on April 5, 2005, the Applicant met with the Appellants and agreed on a modified design and the Appellants withdrew their appeal; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines:

1. That approval of Site Plan Review Application No. PL-2004-0381, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the CEQA Guidelines (In-Fill Development Projects).
2. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the proposal provides a compatible transition between the modern buildings to the north and the ranch style building to the south.
3. The development takes into consideration physical and environmental constraints in that the building is well designed to fit the size and topography of the site.
4. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines

and the Fairway Park Neighborhood Plan.

5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that retail and residential use of the property is expected to have few if any external impacts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the appeal of the Planning Commission's approval of Site Plan Review No. PL-2004-0381, is denied, and the Planning Commission's approval of the project, as revised pursuant to the agreement of the Applicant and the Appellants, is hereby upheld, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

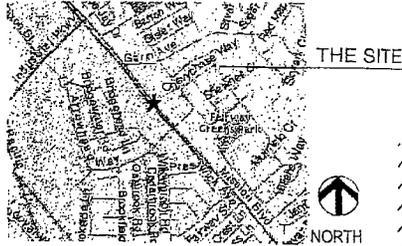
ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

MISSION COMMERCIAL

30082 MISSION BOULEVARD, HAYWARD CALIFORNIA



THE SITE



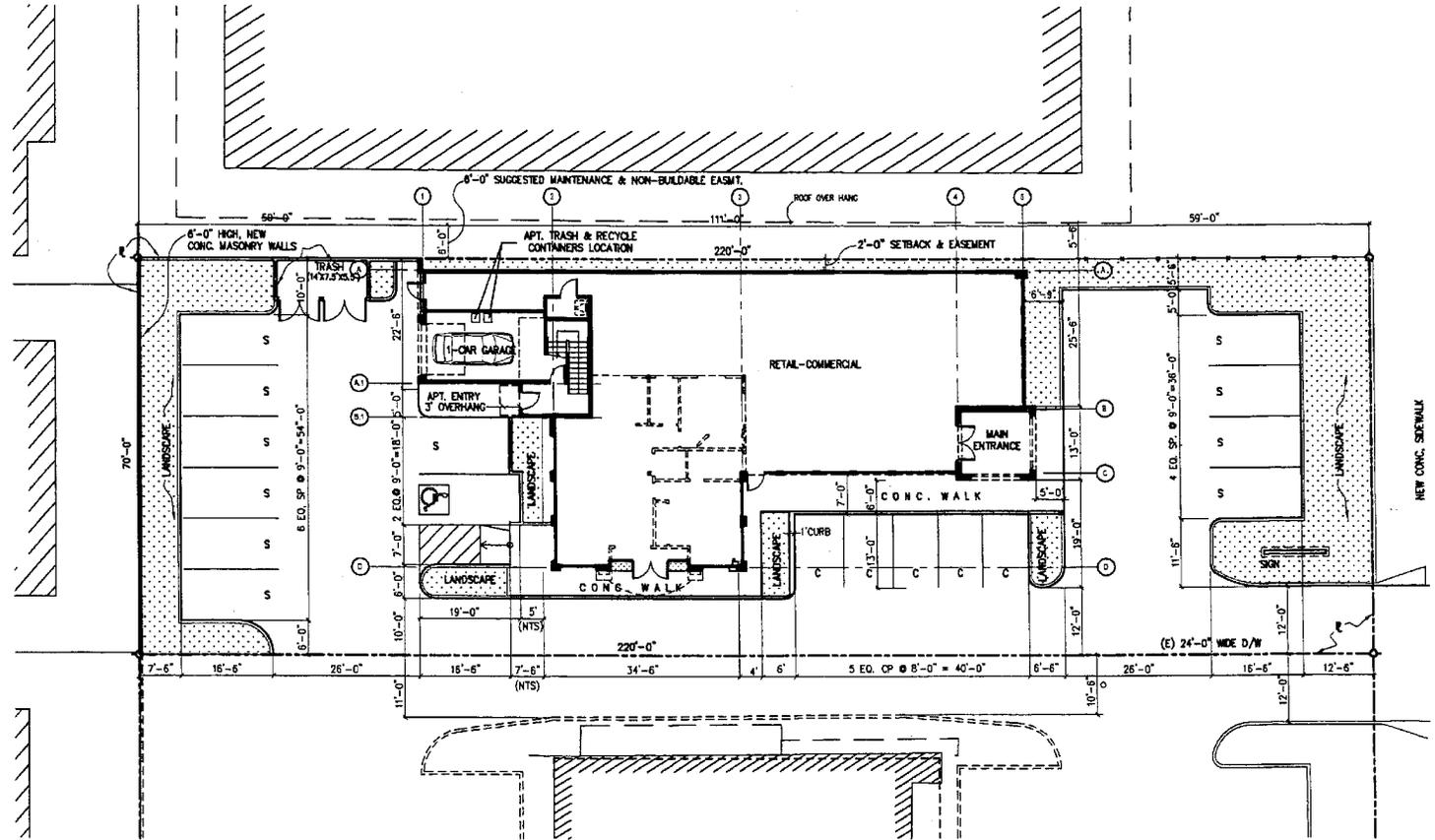
NORTH

LOCATION PLAN

LOT AREA = 15,400 S.F.
PARKING = 17
HC = 1
S = 11
C = 5
RETAIL-COMMERCIAL = 3,382.00 S.F.
APARTMENT = 1,272.80 S.F.

TRASH ENCL. SIZE CALCULATIONS:

TOTAL RETAIL COMMERCIAL AREA = 3,382 S.F.
INSIDE CIRCULATION AREA = 25% X 3,382 = 845.50 S.F.
NET OCCUPIED AREA = 75% X 3,382 = 2,536.50 S.F.
TOTAL EMPLOYEE = 1/1000 X 2,536.50 = 25 MAX.
RETAIL TRADE-RESTAURANTS (SIC CODE 58) = 96 # /EMPLOYEE/WEEK
TOTAL TRASH GENERATED PER WEEK = 25 X 96 = 2,400 # PER WEEK
TOTAL TRASH = 2400 / 150 = 16 C.Y. /WEEK
PER CITY'S TABLE THE SIZE OF DUMPSTER IS:
 14 FEET LENGTH X 7.5' HIGH WIDTH X 3.5 FEET HIGH = 20 C.Y. CAPACITY.



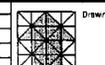
1 SITE PLAN
SCALE: 1" = 10'-0"



MFA Inc.
 architecture
 landscape & site planning
 planning
 interior design

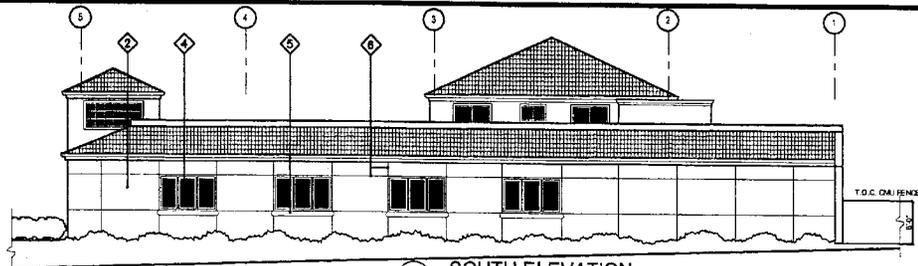
MISSION COMMERCIAL
 30082 MISSION BOULEVARD
 HAYWARD, CALIFORNIA

REVISIONS			
No.	Date	Description	By

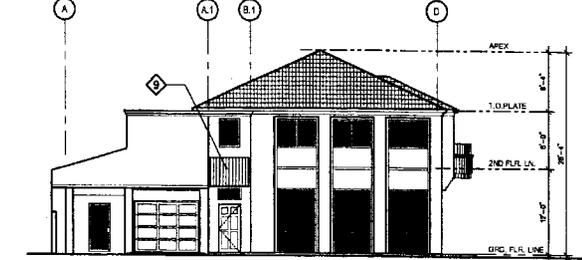


SITE PLAN

Job No.	40400	Sheet No.	
Date	4.14.05		
Drawn	PVC DM		
Checked	APV VV		



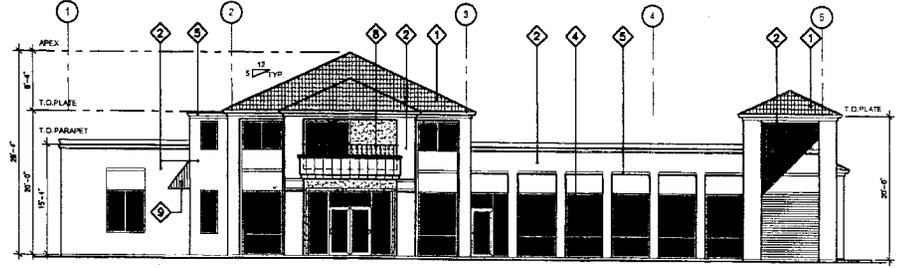
6 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



5 EAST ELEVATION
SCALE: 1/8" = 1'-0"



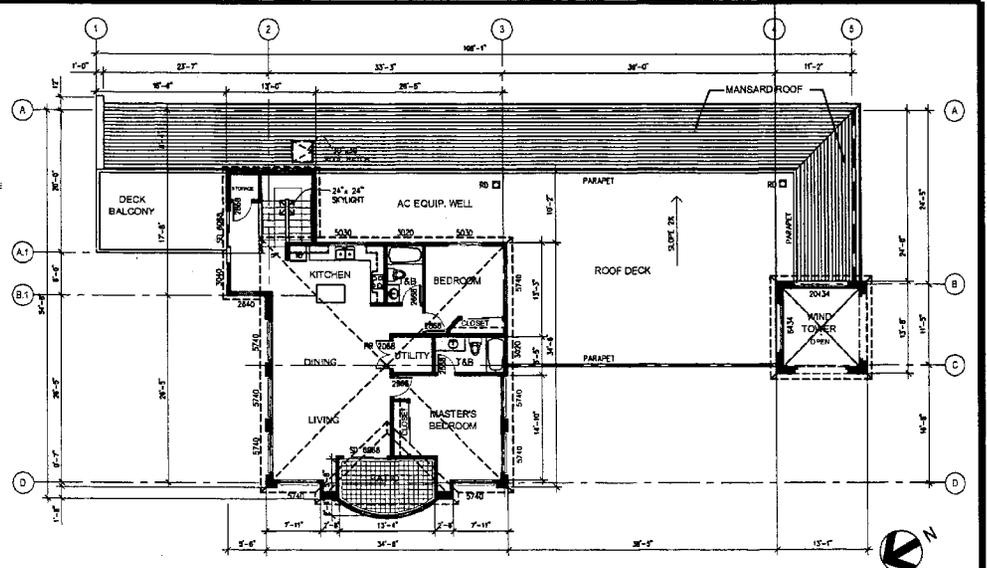
4 WEST ELEVATION
SCALE: 1/8" = 1'-0"



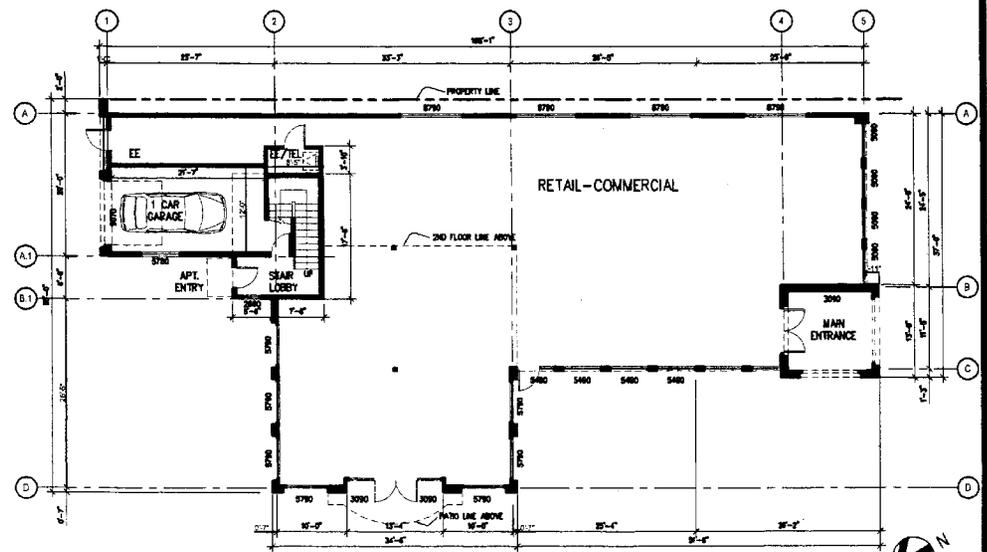
3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

LEGENDS & SYMBOLS

- 1 CONCRETE ROOF TILE
- 2 3-COATS STUCCO WALL
- 3 4 HR. FIREWALL @ PROPERTY LINE
- 4 DOUBLE GLAZED LOW-E INSULATED TINTED GLASS SET IN POWDER COATED ANODIZED ALUM. FRAME COLOR:
- 5 PRE-FORMED & PRE-COATED STYROFOAM MOLDING
- 6 3/4"x3/4" METAL REVEAL
- 7 FAUX WINDOWS
- 8 W. I. RAILING
- 9 CANVAS CANOPY
- 10 CMU HORIZONTAL SCORE LINES



2 SECOND FLOOR PLAN (APT. UNIT)
SCALE: 1/8" = 1'-0"



1 GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"



MFA Inc.
architecture
landscape architecture
planning
interior design

MISSION COMMERCIAL
30082 MISSION BOULEVARD
LIVERMORE, CALIFORNIA

REVISIONS			
No.	Date	Description	By

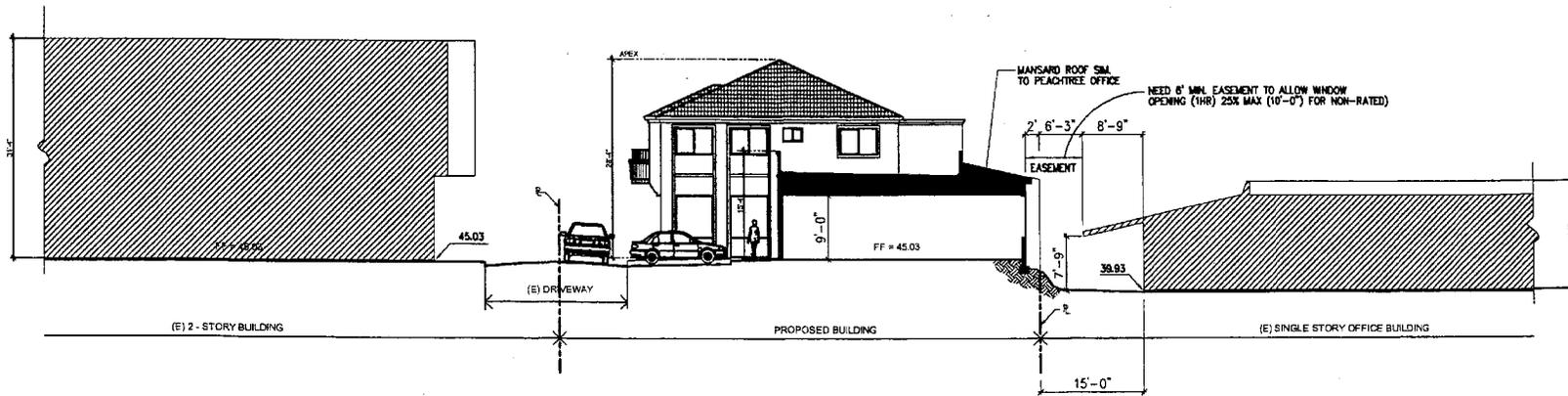


Drawn

FLOOR PLANS
& ELEVATIONS

Job No. 43400
Date 4.14.05
Drawn FC, AM
Checked MF, VW

Sheet No.
A-2



1 SITE PROFILE SECTION FACING STREET
SCALE: 1/8" = 1'-0"



MFA Inc.
architecture
landscape architecture
planning
interior design

MISSION COMMERCIAL
30082 MISSION BOULEVARD

REVISIONS	No.	Date	Description	By
▲				
▲				
▲				



Drawn:

SITE PROFILE SECTION

Job No.	4047C
Date	4.14.05
Drawn	AAM/FC
Checked	MF/VW

Sheet No.

A-3

