



CITY OF  
**HAYWARD**  
HEART OF THE BAY

7

**DATE:** September 11, 2007

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Zone Change No. PL-2007-0340 and Vesting Tentative Tract Map 7852 – Moe Janda (Applicant/Owner) – Request to Change the Zoning from a Single-Family Residential (RSB4) District to a Planned Development (PD) District and Subdivide a 0.77-Acre Parcel into Five Lots to Build Five Homes – The Property is Located at 24909 Mohr Drive, between West Street and Laguna Drive

#### **RECOMMENDATION**

That the City Council adopts the attached resolution and introduces the attached ordinance approving the Negative Declaration, Zone Change, Preliminary and Precise Development Plans, and Vesting Tentative Tract Map, subject to the attached conditions of approval.

#### **SUMMARY**

The current zoning for the affected parcel of 0.77 acres located at 24909 Mohr Drive is Single-Family Residential (RSB4). This application will require a change in that zoning designation to Planned Development (PD) District to allow for deviation from the lot dimension standards of the current zoning.

Current designated lot size for the parcel is a minimum of 4,000 square feet with a minimum of 50-foot widths. The applicant is requesting subdivision into five (5) lots, all of which exceed the minimum 4,000 square feet; however, three of the five lots are proposed to be less than the required 50-foot minimum width.

The parcel currently has one single-family residence. The applicant is proposing five (5) two-story homes, which is compliant with the Limited Medium Density Residential (LMDR) General Plan designation of 8.7 to 12.0 dwelling units per net acre.

The applicant's proposal includes the extension of Gerald Way to Mohr Drive. This extension is not necessarily supported by the surrounding neighbors, who enjoy living on streets that are not through streets. The extension of Gerald Way and connection to Mohr Drive is consistent with previous approved development decisions and would improve pedestrian and vehicular circulation in the neighborhood.

The Planning Commission supported this application (5:1:1) subject to several conditions of approval. It is Staff's recommendation that the Council approve the Preliminary and Precise Development Plan. The Final Map and Subdivision Agreement will be presented to the Council before the Map is filed with the County Recorder.

## **BACKGROUND**

The property is 0.77 acres and is located along Mohr Drive, westerly of the intersection with Rock Spring Drive. The site is in the Mount Eden neighborhood and is located in the Single-Family Residential (RSB4) Zoning District, which requires a minimum 4,000-square-foot lot size, each with a minimum 50-foot width. The parcel currently has one single-family residence.

The proposal is a five-lot subdivision, which requires a PD District approval to allow deviation from the lot dimension standards (50-foot width) that the applicant is requesting. All PD Districts require City Council approval as they are a zone change. Most of the surrounding properties are in a PD zone and have comparable density and lot characteristics.

The Planning Commission considered the proposed development on July 26, 2007 and voted (5:1:1) to recommend that the City Council approve the project subject to several conditions including one suggested by the Planning Commission requiring that garages be maintained to accommodate two parked cars. The two primary issues associated with the proposal are (1) whether five (5) lots are an acceptable density, and if so, is it acceptable to have three of the lots less than 50 feet wide; and (2) is it desirable to extend Gerald Way eastward to connect with Mohr Drive.

## **DISCUSSION**

### *Density and Lot Width*

The applicant is requesting to subdivide the property into five lots ranging in size from 4,098 to 5,049 square feet, which would exceed the minimum size required by the zoning ordinance. The density of the project would be 10 dwelling units per net acre, which is compliant with the Limited Medium Density Residential (LMDR) General Plan designation that specifies 8.7 to 12.0 dwelling units per net acre.

The site is surrounded by single-family properties. The homes located to the west, on Gerald Way, and to the east, across Mohr Drive, are located in PD Zoning Districts. The property to the south is zoned RSB4 and the property to the north is unincorporated land and is prezoned RSB4.

The applicant has requested the PD zoning to allow three of the lots to be less than 50 feet wide. The proposed lots would have a depth of 93 feet. If all of the lots were designed to meet the 50-foot minimum lot width required of the existing RSB4 zoning district, the applicant would only be able to create four lots. The four lots would result in a net density of 8 units per acre, which is below the range of 8.7 to 12.0 units per net acre specified for the LMDR General Plan designation. Staff supports the use of the PD zoning to allow Lots 1 through 3 to have widths of 44 to 45 feet so that the project would have a density of 10 units per net acre to conform to the LMDR density range. The adjacent residential project to the west, which includes Gerald Way and Sinclair Street, has a General Plan designation of LMDR and has a density of 11 units per net acre. It has a PD zoning

designation and has 24 lots, 20 of which are 38 to 42 feet wide. The three lots located immediately west of the project site are 38 feet wide. The density and lot width of the project would be consistent with the surrounding neighborhood.

One of the findings that must be made to approve a PD District is that “any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards”. Although three of the lots would be less than the standard 50-foot lot width, the lots would exceed the minimum depth of 80 feet by approximately 13 feet. Furthermore, each house is designed to have rear yard setbacks of 26 to 28 feet, while 20 feet is required. As a result, four of the lots would have rear yards of 1,117 to 1,339 square feet. A rear yard of 1,000 square feet of usable open space is typical of a standard single-family residential lot. Given the depth of the proposed lots and the sizes of the rear yards, it is staff’s opinion that this finding can be made.

#### Extension of Mohr Drive

When the PD to the west (Gerald Way) was approved in 1988, it was stated in the staff report to the Planning Commission that “the streets of the subdivision were designed to eventually integrate with the adjacent local street system.” The applicant’s proposal includes the extension of Gerald Way to Mohr Drive.

Neighbors living on Gerald Way and Sinclair Street have expressed opposition to having Gerald Way extended. They enjoy living on streets that are not through streets. Staff considered other lot configurations that would have maintained a separation between Gerald Way and Mohr Drive; however, those alternatives would have required an emergency vehicle turnaround or a cul-de-sac that would take up a large portion of the site. In addition, as stated previously, Gerald Way was originally intended to eventually connect with Mohr Drive. This connection would improve both pedestrian and vehicular circulation in the neighborhood. Two policies in the City’s Circulation Element of the General Plan support the street connection: 1) Create Improved and Safer Circulation Facilities for Pedestrians and 2) Provide the Opportunity for Safe, Convenient and Pleasant Bicycle Travel Throughout All Areas of Hayward.

#### Project Characteristics

The five two-story homes proposed for the tract range in size from 2,950 to 3,282 square feet and all are designed in an attractive contemporary architectural style. The house designs incorporate the use of stone wainscoting, horizontal wood siding, shutters and front porches. Three of the homes would have three bedrooms each and two would have five bedrooms each. The proposed homes would be compatible with the existing homes on Gerald Way in that both would have horizontal wood siding. Lots 4 and 5 would have concrete tile roofing to match the roofing on the newer homes on Mohr Drive. Approval of the Preliminary and Precise Plans would serve as approval of the architecture and no other design review would be necessary. Staff would review more detailed plans during the review of building permit applications.

Lots 1 through 3 have been designed with tandem garages to prevent the garages from comprising more than 50 percent of the front elevations. One Planning Commissioner opposed the use of tandem garages and indicated a preference for 50-foot-wide lots that can accommodate side-by-side garages while still meeting the City’s Design Guidelines. The City’s parking regulations allow the

use of tandem garages for single family homes without approval of a discretionary permit. Parking is not expected to be a problem as each lot would have a full length driveway and parking would be permitted on both sides of Gerald Way and on Mohr Drive. Furthermore, at the request of the Planning Commission, staff has added a recommended condition of approval for the PD (#13), requiring that the garages be maintained in a manner that allows the parking of two cars.

Normally, with the approval of a Planned Development District, the City Council approves a Preliminary Development Plan. The applicant then submits a Precise Plan application, which staff reviews and approves for compliance with the conditions of approval. In this case, because the scale of the project is relatively small, and the plans provide the detail required of a Precise Plan, it is staff's recommendation that the Council approve both the Preliminary Development and Precise Plans.

### **FISCAL IMPACT**

There are no known significant fiscal impacts of this recommendation.

### **NOTICING/CEQA**

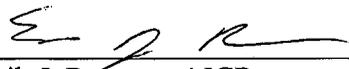
On August 31, 2007, a notice advertising the date of the City Council public hearing was mailed to every property owner and occupant within 300 feet of the subject site. A notice was also published in the Daily Review on September 1, 2007. In addition, a public notice sign was placed at the site prior to the Public Hearing to help notify neighbors and interested parties residing outside the 300-foot radius.

An Initial Study and Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) guidelines. No significant environmental impacts are expected to result from the project.

### **NEXT STEPS**

The developer will need to address all conditions of approval, including the preparation of improvement plans, construction plans, and a Final Map before the homes can be built. The Final Map, along with a subdivision agreement, will be presented to the Council before the Map is filed with the County Recorder.

Prepared by:

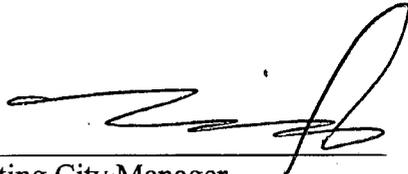
  
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Erik J. Pearson, AICP  
Senior Planner

Recommended by:



Susan J. Daluddung, Ph.D.  
Director of Community and Economic Development

Approved by:



Fran David, Acting City Manager

Attachments: Exhibit A. Area and Zoning Map  
Exhibit B. Conditions of Approval – Zone Change, Preliminary Development  
Plan and Precise Plan  
Exhibit C. Conditions of Approval – Vesting Tentative Tract Map  
Exhibit D. Draft Minutes of July 26, 2007 Planning Commission Meeting  
Exhibit E. July 26, 2007 Planning Commission Agenda Report (with  
attachments including Initial Study and Negative Declaration)  
Draft Ordinance  
Draft Resolution  
Plans

8/28/07

**DUE TO THE COLOR OF THE  
REFERENCED ATTACHMENT, IT  
HAS BEEN ATTACHED AS A  
SEPARATE LINK**

**CONDITIONS OF APPROVAL**  
**(Revised For 9/11/07 Council Meeting)**

**Zone Change No. PL-2007-0340**

**Moe Janda (Applicant/Owner)**

Zone Change No. PL-2007-0340 and the associated Preliminary and Precise Plans are approved subject to the plans labeled Exhibit "A" and the conditions listed below:

1. This permit becomes void two 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 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 zone change, 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 zone change 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. The approval of this zone change is tied to the approval of Vesting Tentative Map No. 7852 and the associated conditions of approval. No building permit shall be issued for any structure within this application until the City Council has approved the final map and said map is recorded.
5. Prior to application for a Building Permit or a Grading Permit, the plans shall be revised to include the following:
  - a) A copy of these conditions of approval and the tract conditions shall be included on a full-sized sheet(s) in both the architectural and civil plans.
  - b) Detailed landscaping and irrigation plans (see conditions # 15 through 35).
  - c) A lighting plan, prepared by a qualified illumination engineer meeting the requirements of the City's Building Security Ordinance. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.

The fixtures shall be decorative and designed to keep the light from spilling onto adjacent properties. The lighting and its related photometric plan shall be reviewed and approved by the Planning Director. Lighting standards shall be placed so as to not conflict with the location of trees or where they would shine directly into windows.

- d) A geotechnical report ensuring that the building foundations are adequately designed for the soil type on-site shall be reviewed and approved by the engineering and building staff.
  - e) Details of address numbers shall be provided. Address number shall be decorative.
  - f) Details of retaining walls shall be included. All retaining walls shall be constructed of reinforced concrete or CMU (concrete masonry unit) with a decorative treatment on exposed faces, approved by the Planning Director and the City Engineer. No retaining walls shall exceed 6 feet in height. The 18-inch header board shown on the north property line on the Vesting Tentative Tract Map shall be a concrete retaining wall.
  - g) Details for fencing of private yards.
  - h) Pedestrian walkways shall be enhanced with decorative materials such as inset brick, exposed aggregate, bomanite stamped concrete, colored concrete or other approved material.
  - i) Details showing the location and design of mailboxes. Grouped mailboxes, if not decorative, shall be enclosed by a structure compatible with the architecture of the houses.
  - j) Samples of colors and materials for all exterior building finishes
6. In the event that archaeological resources, prehistoric or historic artifacts are discovered during construction of 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. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2). Construction equipment is required to have sound reduction devices to reduce noise impacts on surrounding properties. The name and telephone number of an individual responsible for responding to complaints regarding noise, and who is hired by the developer, shall be posted at the site during construction.
  8. Grading and construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday. No work shall be done on weekends or national holidays
  9. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning standard, must be approved by the Planning Director prior to implementation.
  10. Any future modification to the approved site plan shall require review and approval by the Planning Commission.
  11. Any weed abatement conducted prior to grading shall be done by mowing only. No tilling of the soil is permitted without a grading permit.

12. The owners shall maintain in good repair all fencing, parking and driveway surfaces, landscaping, lighting, exterior elevations, drainage facilities, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.
13. The garage of each unit shall be maintained for off-street parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
14. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
15. ~~Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.~~

**Landscaping:**

16. 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. Clearly show trees to be removed. Place a chart on the plans showing the value of this trees and trees that are being proposed in addition to any required trees that can be used as mitigation for the tree proposed for removal.
17. Park in-lieu fees are required for four of the homes in the development. (A credit is given for the one existing single-family home.) Park in-lieu fees 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 detached single family dwelling is \$11,953. 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.
18. A revised arborist report shall be submitted with additional information supporting the calculations of the tree values. Once the tree mitigation value is established, a tree mitigation summary must be included on the landscape plan. Mitigation can be achieved through providing additional trees beyond required trees or up-sizing required trees or combination of both options. Revise the landscape plan to include mitigation measures accordingly.
19. A separate tree removal permit is required prior to the removal of any trees that is available through the City Landscape Architect. A copy of approved landscape plan and a summary of list of trees to be removed shall be attached to the tree removal permit.
20. A minimum one 15-gallon evergreen tree shall be planted at 20 feet on-center for screening on the interior (north and west) property lines.
21. Do not plant trees on a property lines. The responsibility for maintaining tree should be clearly defined unless a homeowners association will be established for maintaining all front yard landscaping.
22. No Palm tree shall be planted within front yard setback where visible to the street.

23. Trees must be shown a minimum of five feet from sewer lines and other utility lines and drains.
24. Final tree locations shall be approved by the City Landscape Architect.
25. Landscape plans shall show grassy swales in the side yards for filtration of stormwater.
26. Trees planted in turf areas are the only ones to have plastic trunk guards.
27. Revise the planting plan for Lot 5 to show less than 50% turf in the front yard landscaping area. The front yard setback at a corner lot is calculated as the front building face is extended to the side street, Mohr Drive.
28. Provide 5-gallon shrubs to screen all utilities including hose bibs, gas and water meters. If the exact location has not yet been determined, a note may be added to the plans specifying this requirement. Above grade irrigation valves should be placed behind the fence or screened with shrubs.
29. Show splash guards under downspouts from the roof.
30. The design of the street intersection of Gerald Way and Mohr Drive will result in extra space on the southwest corner. Revise the landscape plan to match the Vesting Tentative Tract Map.
31. Drip emitters or a bubbler shall be provided to each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve.
32. Trees shall be planted according to the City Standard Detail SD-122.
33. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the site and landscape plans, and noted with tree protection measures in compliance with City codes. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
34. Provide protection for all trees that are within 30 feet of construction.
35. Prior to the issuance of a grading or building permit, a tree preservation bond, surety or deposit, equal in value to the trees to be preserved, shall be provided by the developer. The bond, surety or deposit shall be returned when the project is completed if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees upon completion of the project. Any trees that are removed or damaged during construction shall be replaced with trees of equal size and equal value.
36. Construction Administration services shall be provided by the project landscape architect. Services shall include:
  - a) Observation of irrigation system before burying pipes;
  - b) Observation of soil preparation and soil amendments;
  - c) Observation of plant material upon delivery to the site;
  - d) Observation of layout and placement of plants material upon delivery to the site;
  - e) Observation of final acceptance; and

- f) Observation of maintenance period commencement.
37. Landscape improvements shall be installed according to the approved plans, inspected and accepted by the project landscape architect and a Certificate of Substantial Completion (Attachment C in Landscape Design Checklist) completed by the project landscape architect and an Irrigation Schedule shall be submitted to the City Landscape Architect for final site inspection/acceptance prior to the issuance of a Certificate of Occupancy.
38. 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.

**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.

**Fire Department:**

41. Class C or better roofing materials shall be installed.
42. Self-illuminated building address numbers (4-inches in height) shall be installed on the front of each building so as to be visible from the street.
43. Smoke detectors shall be installed per the California Building Code.
44. If required fire flows cannot be achieved, additional measures for fire protection will be enforced.

**CONDITIONS OF APPROVAL**  
***(Revised For 9/11/07 Council Meeting)***  
**VESTING TENTATIVE TRACT MAP 7852**

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

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

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

**IMPROVEMENTS**

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

**Gerald Way**

1. Gerald Way shall be extended through the project site and connected to Mohr Drive. Improvements on Gerald Way extension shall match the existing Gerald Way roadway section as shown on Vesting Tentative Tract Map No. 7852. The pavement section shall be three inches of asphalt concrete over 14-inches of aggregate base.
2. Portland Cement Concrete curb, gutter, sidewalk and pavement tie-in shall be installed along the entire project frontage. Full curb return and pedestrian ramps shall be installed at the intersection of Gerald Way and Mohr Drive. Pedestrian ramps shall have detectable warning surface per Caltrans Standard Plan A 88 A. The design shall meet the approval of the City Engineer.
3. New standard streetlights shall be installed along Gerald Way extension. The design and location shall be approved by the City Engineer.
4. Traffic control signs shall be installed within Gerald Way right-of-way. The types of signs and their locations shall be approved by the City Engineer.
5. Gerald Way extension shall be graded to direct stormwater runoff toward Mohr Drive where new inlets and manufactured filtration system are constructed, or as required by the City Engineer.
6. A manufactured filtration system shall be installed to the satisfaction of the City Engineer.

## **Mohr Drive**

7. Portland Cement Concrete curb, gutter, 5-foot sidewalk and pavement tie-in shall be constructed along Mohr Drive. Sidewalk shall be constructed abutting the back of curb.
8. Existing utility poles on Mohr Drive shall be removed and replaced with underground utility junction boxes. Types and locations of proposed new joint poles and underground utility structures shall be approved by the City Engineer.

## **Landscaping and Irrigation**

9. A separate tree removal permit shall be required prior to the removal of any trees that is available through the City Landscape Architect. A copy of approved landscape plan and a summary of list of trees to be removed shall be attached to the tree removal permit.
10. A tree mitigation summary shall be included on the landscape plan.
11. A minimum one 15-gallon evergreen trees shall be planted at 20 feet on-center for screening on the interior property lines where new development abuts residential development.
12. Landscape plan shall be approved by the City Landscape Architect.

## **Storm Drainage**

13. The proposed storm drain main in Gerald Way shall be a public main constructed in accordance with the City Standard Details and meet the approval of the City Engineer.
14. The on-site storm drain systems ~~including manufactured filtration system~~ shall be a privately owned and maintained by the ~~homeowners association or~~ property owners.
15. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.
16. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete the Development Building Application Form Information: 1) Impervious Material Form and 2) Operation and Maintenance Information Form.
17. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities. If there is augmented runoff, off-site and/or on-site mitigation measures will be necessary.
18. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.

19. No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind sidewalk to collect all runoff from the project site.
20. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
21. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.
22. The project plans shall include storm water pollution prevention and control measures for the operation and maintenance of the project during and after construction for review and approval of the City Engineer. The storm drain design shall comply 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).
23. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area or a grassy swale prior to storm runoff entering a pipe system.
24. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3.d of the Alameda County Clean Water Program (ACCWP) NPDES permit (page 22). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5 – 12 has a section titled "BMP Design Criteria for Flow and Volume." This is available on the internet at www.cabmphandbooks.com for your reference.
25. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the Association of Bay Area Governments (ABAG) Erosion and Sediment Control Handbook.
26. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
27. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
28. The owner shall prepare a Storm Treatment Measures Maintenance Agreement (available in the 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.

29. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance" or equivalent
30. Street improvements and the utilities to be installed along Mohr Drive shall be per the proposed Mt. Eden Assessment District plans.

### **Sanitary Sewer System**

31. The proposed sanitary sewer main shall be a public main designed in accordance with the City of Hayward Standard Details. The design and location shall meet the approval of the City Engineer.
32. Each residential unit shall have a separate sanitary sewer lateral.

### **Water System**

33. The proposed water main shall be a public main designed in accordance with the City of Hayward Standard Details. The design and location shall meet the approval of the City Engineer.
34. Water service is available subject to standard conditions and fees in effect at the time of application.
35. Each residential unit shall have an individual radio read water meter.
36. Three new public fire hydrants shall be installed – two on Gerald Way and one on Mohr Drive. The proposed public fire hydrants have been tentatively placed on Gerald Way across from Lot #1 and at the SW corner of Gerald Way at the intersection of Mohr Drive and one hydrant is being placed on Mohr Drive, approximately 70 feet north of Gerald Way.
37. Fire hydrants shall be provided within the development and locations shall be approved by the Fire Chief and the City Engineer prior to start of construction. Fire hydrant locations shall be identified with blue reflective pavement markers installed in the street adjacent to the fire hydrant.
38. Fire hydrants shall be modified steamer type which shall be installed per City standards. Crash post protection may be required for the fire hydrant if it is installed in an unprotected area susceptible to potential vehicular impact..
39. The fire service line for the fire hydrant shall have a double check detector assembly with trim meter.
40. Minimum fire flow required shall be 1,500 gpm at 20 PSI.
41. A reduced pressure backflow preventer shall be installed behind the water meter per City Standard Detail SD-202.

## **Utilities**

42. All utility services to dwellings shall be "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 dwelling, including transformers and switchgear, shall also be undergrounded.
43. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along Gerald Way and Mohr Drive shall be located outside of the sidewalk and within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
44. The joint trench location and design shall meet the approval of the City Engineer
45. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

## **Dedications, Easements and Deed Restrictions**

46. The Final Map shall reflect:
  - a. Dedication of 45-foot wide right-of-way along Gerald Way to allow widening of the street to its ultimate width.
  - b. Six-foot-wide public utility easements (PUE) along the back of sidewalk on Gerald Way for fire hydrants and streetlights.
47. Prior to the approval of the Final Map, all documents that need to be recorded with the Final Map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

## **Subdivision Agreement**

48. The developer 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, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

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

49. Required water system improvements shall be completed and operational prior to the start of combustible construction.

## **DURING CONSTRUCTION**

50. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:

- a. Grading and construction activities shall be limited to the hours 7:00 AM to 7:00 PM on weekdays; there shall be no grading or construction activities on Saturdays, Sundays or holidays;
- b. Grading and construction equipment shall be properly muffled;
- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents (within 200 feet of the project boundary) with this information.
- f. The developer shall participate in the City's recycling program during construction;
- g. Daily clean-up of trash and debris shall occur on ~~Kelly Street~~ Gerald Way, Mohr Drive and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system.

Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;

- s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
  - t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
  - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
  - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
51. A representative of the Geotechnical Engineer shall be on the site during grading operations and shall perform all testing as deemed necessary by the City Engineer. The representative of the Geotechnical Engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
52. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the Geotechnical Engineer to daily submit all testing and sampling and reports to the City Engineer.
53. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per the aforementioned condition of approval.
54. Construction Administration services shall be provided by the project landscape architect. Services to include:
- a. Observation of irrigation system before burying pipes;
  - b. Observation of plant material upon delivery to the site;
  - c. Observation of layout and placement of plant material upon delivery to the site;
  - d. Observation for maintenance period commencement; and
  - e. Observation for final acceptance.

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

55. The applicant/developer shall 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:
- a. Supplemental Building Construction and Improvement Tax;
  - b. School Tax; and

c. Park In-lieu fees for each dwelling unit.

56. The Subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances prior to the City setting the water meters.
57. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
58. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

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

59. 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.
60. 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.
61. 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.
62. The subdivider shall submit an "as built" plan indicating the following:
  - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, AT&T (phone) and local cable company facilities, etc..., and;
  - b. All the site improvements, except landscaping species, buildings and appurtenant structures.

Commissioner Thnay supported the motion stating that the proposed application serves a purpose and that the business success would be market driven. He stated appreciation for the input from Mr. Bogue.

In response to Commissioner Sacks, Commissioner Mendall clarified that the amendment would only apply to the satellite location.

Commissioner Mendall moved, seconded by Commissioner Lavelle, and unanimously approved, with Commissioner Loché absent, to find the project Categorical Exempt from CEQA pursuant to Section 15301, Class (b), Class 1, Existing Facilities; and approve the modification of the Use Permit application subject to the findings and conditions of approval.

3. **Zone Change Application No. PI-2007-0340 and Vesting Tentative Tract Map 7852 – Moe Janda (Applicant/Owner)** – Request to Change the Zoning From a Single-Family Residential (RSB4) District to a Planned Development (PD) District and Subdivide a 0.77-Acre Parcel into Five Lots to Build Five Homes – The Project is Located at 24909 Mohr Drive, between West Street and Laguna Drive

Staff report submitted by Associate Planner Pearson, dated July 26, 2007, was filed.

Associate Planner Pearson summarized the staff report.

In response to Commissioner Sacks' question regarding undergrounding of wires, Associate Planner Pearson indicated that the extent of the undergrounding would need to be determined by the Public Works Department.

In response to Commissioner Peixoto's inquiry if owners of Gerald Way were informed about the extension, Associate Planner Pearson indicated that it was discussed when the tract was approved. In reference to Mr. Peixoto's inquiry regarding Condition of Approval No. 14 in the Vesting Tentative Tract Map 7852 related to storm drainage, Mr. Pearson clarified that the condition only applies to property owners and the filtration system would be located in the right-of-way and maintained by the City.

In response to Commissioner Mendall, Associate Planner Pearson indicated that a cul-de-sac was considered for the extension of Gerald Way. Mr. Mendall asked about the use of tandem parking for the project. Mr. Pearson indicated that the City's off-street parking regulations allow for the use of tandem parking for single family homes without a special approval and added that parking on both sides of Gerald Way would be allowed.

Commissioner Lavelle inquired about Condition of Approval No. 7 in the Vesting Tentative Tract Map 7582 related to Portland Cement Concrete curb. It was noted that it was a standard type of concrete. In reference to the Initial Study Checklist Form, Environmental Issues, VII. Hydrology and Water Quality, Comment (b), it was noted that the proposed homeowners would receive water service by the City of Hayward.



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, July 26, 2007, 7:30 p.m.  
777 B Street, Hayward, CA 94541**

Commissioner Sacks inquired about a condition requiring cars to be parked inside the garages. Associate Planner Pearson stated that a condition could be added that the garages should be maintained for parking vehicles.

Chair McKillop opened and closed the public hearing at 8:42 p.m.

Commissioner Mendall mentioned that conditions where vehicles must be parked in the garage are not fully enforceable and therefore was not optimistic that tandem garages would be used to park two cars.

Commissioner Thnay reiterated the comment made by Commissioner Mendall regarding tandem parking, but indicated that the amount of overflow for potential cars would not be detrimental. He expressed concern about opening up Gerald Way, but indicated that cut-through traffic would be minimal. Commissioner Thnay made a motion per staff recommendation.

Commissioner Peixoto seconded the motion.

Commissioner Sacks offered a friendly amendment that cars be maintained inside the garages. The amendment was accepted by Commissioners Thnay and Peixoto.

Commissioner Mendall did not support the motion indicating that he would favor not changing the zoning and allowing for development according to the zoning for that area.

Commissioner Sacks, regarding the Gerald Way situation, made reference to Chance Street, east of Huntwood and Folsom Avenues, and indicated optimism for the proposed project.

Commissioner Thnay moved, seconded by Commissioner Peixoto, and approved to recommend to the City Council adoption of the Initial Study and Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; approval of the zone change, preliminary development plan and precise development plan subject to the findings and conditions; and approval of the Vesting Tentative Tract Map subject to the findings and conditions of approval including a friendly amendment that cars be parked in the garage with the following vote.

AYES:	COMMISSIONERS Lavelle, Sacks, Peixoto, Thnay CHAIR McKillop
NOES:	COMMISSIONERS Mendall
ABSENT:	COMMISSIONER Loché
ABSTAIN:	None

**4. Oral Report on Planning and Zoning Matters**

Planning Manager Rizk indicated that after the August recess the regular meetings would be on the first and third Thursdays with the first meeting on September 6, 2007. He also announced that the Commission would be electing a new Chair and Vice Chair at the next meeting.



## CITY OF HAYWARD AGENDA REPORT

Meeting Date 07/26/07  
Agenda Item 3

**TO:** Planning Commission

**FROM:** Erik J. Pearson, AICP, Associate Planner  
John Nguyen, P.E., Development Review Engineer

**SUBJECT:** **Zone Change No. PL-2007-0340 and Vesting Tentative Tract Map 7852 – Moe Janda (Applicant/Owner)** – Request to Change the Zoning From a Single-Family Residential (RSB4) District to a Planned Development (PD) District and Subdivide a 0.77-Acre Parcel Into Five Lots to Build Five Homes

The Project Site is Located at 24909 Mohr Drive, between West Street and Laguna Drive

### RECOMMENDATION

Staff recommends that the Planning Commission recommend the following to the City Council:

1. Adoption of the Initial Study and Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines;
2. Approval of the zone change, preliminary development plan and precise development plan subject to the attached findings and conditions; and
3. Approval of the Vesting Tentative Tract Map subject to the attached findings and conditions.

### DISCUSSION

The 0.77-acre property is located on Mohr Drive, westerly of the intersection with Rock Spring Drive in the Mount Eden neighborhood. The property is located in the Single-Family Residential (RSB4) Zoning District, where the minimum lot size required is 4,000 square feet. The General Plan land use designation is Limited Medium Density Residential (LMDR), which allows up to 12 dwelling units per net acre. The site is currently developed with a single-family home. The site is surrounded by single-family homes. The homes located to the west, on Gerald Way, and to the east, across Mohr Drive, are located in Planned Development Zoning Districts. The property to the south is zoned RSB4 and the property to the north is unincorporated land and is rezoned RSB4. When the Planned Development to the west (Gerald Way) was approved in 1988, it was stated in the staff report to the Planning Commission that "the streets of the subdivision were

designed to eventually integrate with the adjacent local street system.” The applicant’s proposal includes the extension of Gerald Way to Mohr Drive.

The applicant is requesting to subdivide the property into five lots ranging in size from 4,098 to 5,049 square feet. The density of the project would be 10 dwelling units per net acre, which is compliant with the existing Limited Medium Density Residential General Plan designation (8.7-12.0 dwelling units per net acre).

The five, two-story homes proposed for the tract range in size from 2,950 to 3,282 square feet and all are designed in an attractive contemporary architectural style. The house designs incorporate the use of stone wainscoting, horizontal wood siding, shutters and front porches. Three of the homes would have three bedrooms each and two would have five bedrooms each. Each house would have a two-car garage and Lots 1 through 3 would have tandem garages so that the garage doors are proportional to the widths of the homes and consistent with the City’s Design Guidelines that encourage garages to comprise less than half of the residence frontage. The homes on Gerald Way were developed prior to the adoption of the City’s Design Guidelines and these homes have front elevations dominated by garages. The proposed homes will be compatible in that both the existing and the proposed homes on Gerald Way would have wood siding.

The house on the property would be deconstructed. It was built in 1946 and has no significant historical value. All of the 12 trees on the site, none of which would be considered “specimen” trees, would be removed. In addition to the required street and perimeter trees, trees totaling a value equal to the value of the trees removed will be planted as mitigation. Overhead utilities along the property’s Mohr Drive frontage would be placed underground.

### ***Zone Change***

The extension of Gerald Way was anticipated in 1988. By extending the existing lot pattern with the extension of Gerald Way, the resulting lots would have a depth of 93 feet. If all of the lots were designed to meet the 50-foot minimum lot width required of the existing RSB4 zoning district, the applicant would only be able to create four lots. The four lots would result in a net density of eight units per acre, which is below the range of 8.7 to 12 units per net acre specified for the Limited Medium Density Residential (LMDR) General Plan designation. Staff supports the use of the Planned Development zoning to allow Lots 1 through 3 to have widths of 44 to 45 feet so that the project would have a density of 10 units per net acre to conform to the LMDR density range and so that Gerald Way can be extended. The adjacent residential project to the west, which has a Planned Development zoning designation and contains Gerald Way and Sinclair Street, has 24 lots, 20 of which are 38 to 42 feet wide. The three lots located immediately west of the project site are 38 feet wide.

One of the findings that must be made to approve a Planned Development District is that “any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards”. Although three of the lots would be less than the standard 50-foot lot width, the lots would exceed the minimum depth of 80 feet by

approximately 13 feet. Furthermore, each house is designed to have more than the minimum 20-foot rear yard setback so that each rear yard has more than 1,000 square feet of usable open space, typical of a standard single-family residential lot.

Normally, with the approval of a Planned Development District, the City Council approves a Preliminary Development Plan. The applicant then submits a Precise Plan application, which staff reviews and approves for compliance with the conditions of approval. In this case, because the scale of the project is relatively small, and the plans provide the detail required by a Precise Plan, it is staff's opinion that the Council, with the Commission's recommendation, could approve both the Preliminary Development and Precise Plans.

### ***Tract Map***

The formation of a Homeowners Association and the creation of Conditions, Covenants, and Restrictions (CC&R's) would not be required because there are no private streets or common landscape areas that would need to be maintained by the homeowners.

There are existing utilities in Gerald Way that would be extended along with the street itself. The existing utilities in Mohr Drive, including sanitary sewer and water, have sufficient capacity to adequately serve the proposed project. Stormwater would be directed along the Gerald Way extension to drainage systems in Mohr Drive and in Sinclair Street. Currently, there is no sidewalk on the Mohr Drive property frontage. A 5-foot-wide sidewalk would be constructed along the Mohr Drive frontage and on both sides of the Gerald Way extension. Full curb returns and pedestrian ramps would also be installed at the intersection of Gerald Way and Mohr Drive.

### **ENVIRONMENTAL REVIEW**

An Initial Study and Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) guidelines. No significant environmental impacts are expected to result from the project.

### **PUBLIC NOTICE**

On October 11, 2006, a Notice of Preliminary Meeting 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 Eden Garden-Parkwest Homeowners Association and former members of the Mount Eden Task Force. Approximately five neighbors attended the Preliminary Meeting and raised issues such as traffic and safety and asked questions regarding details of the project and timing of construction.

Neighbors living on Gerald Way and Sinclair Street expressed opposition to having Gerald Way extended. They enjoy living on streets that are not through streets. Staff considered other lot configurations that would have maintained a separation between Gerald Way and Mohr Drive; however, those alternatives would have required an emergency vehicle turnaround that would take up a large portion of the site. In addition, as stated previously, Gerald Way was originally intended to eventually connect with Mohr Drive. This connection would improve both pedestrian and vehicular circulation in the neighborhood.

Staff also received one e-mail registering opposition to the project due to concerns regarding traffic on Mohr Drive, noise and safety impacts from the extension of Gerald Way and the adequacy of storm drainage facilities on Mohr Drive. The neighbor, who lives on the south side of the project site, requested a soundwall be constructed on her side property line along the Gerald Way extension. Staff explained to the neighbor that a new fence or wall along the extension of Gerald Way would be required to be set back at least 10 feet from what would become an exterior side property line. A wall located 10 feet from the property line is not feasible due to the driveway location on the neighbor's property. Therefore, no new fence or wall is proposed for this property line. This neighbor's property is approximately 0.9 acres. If it were subdivided in the future, lots could be designed to front on the extension of Gerald Way.

The project would add approximately 48 vehicle trips per day to Mohr Drive. Based on the most recent traffic measurements conducted in the area, Mohr Drive has at least 1,200 average daily trips. The project would account for a four percent increase, which may not be perceptible by neighbors. The potential impact resulting from through traffic using the new Gerald Way extension is not expected to be significant. The majority of the residents of the Sinclair Street tract are not expected to use the Gerald Way extension. Even if all households on Sinclair Street use the Gerald Way extension, this would direct an additional 8 vehicle trips during the a.m. peak hour and 11 trips during the p.m. peak hour onto Mohr Drive. This small number of trips during a one-hour period would be considered insignificant. The homes on Moody Way could exit the neighborhood more directly by using Eden Avenue.

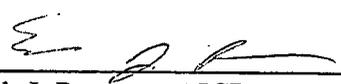
Regarding storm drainage, the applicant would be responsible for the installation of new storm drain inlets and associated improvements at the corner of Mohr Drive and Gerald Way to collect drainage from both streets.

On July 6, 2007, a notice advertising the date of the Planning Commission public hearing and the availability of the Draft Negative Declaration was mailed to the 300-foot radius mailing list. A notice was also published in the Daily Review on June 29, 2007. In addition, a public notice sign was placed at the site prior to the Public Hearing to help notify neighbors and interested parties residing outside the 300-foot radius.

## CONCLUSION

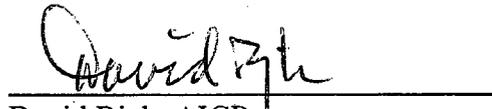
Staff supports approval of the project as it conforms to the surrounding lot and street pattern and provides for a new vehicle and pedestrian connection in the neighborhood. The proposed homes are compatible with the surrounding properties. The proposal is consistent with all General Plan policies, the City of Hayward Zoning Ordinance and Design Guidelines. With the exception of the width of Lots 1 through 3, the project is consistent with all other development standards.

*Prepared by:*

  
\_\_\_\_\_  
Erik J. Pearson, AICP  
Associate Planner

  
John Nguyen, P.E.  
Development Review Engineer

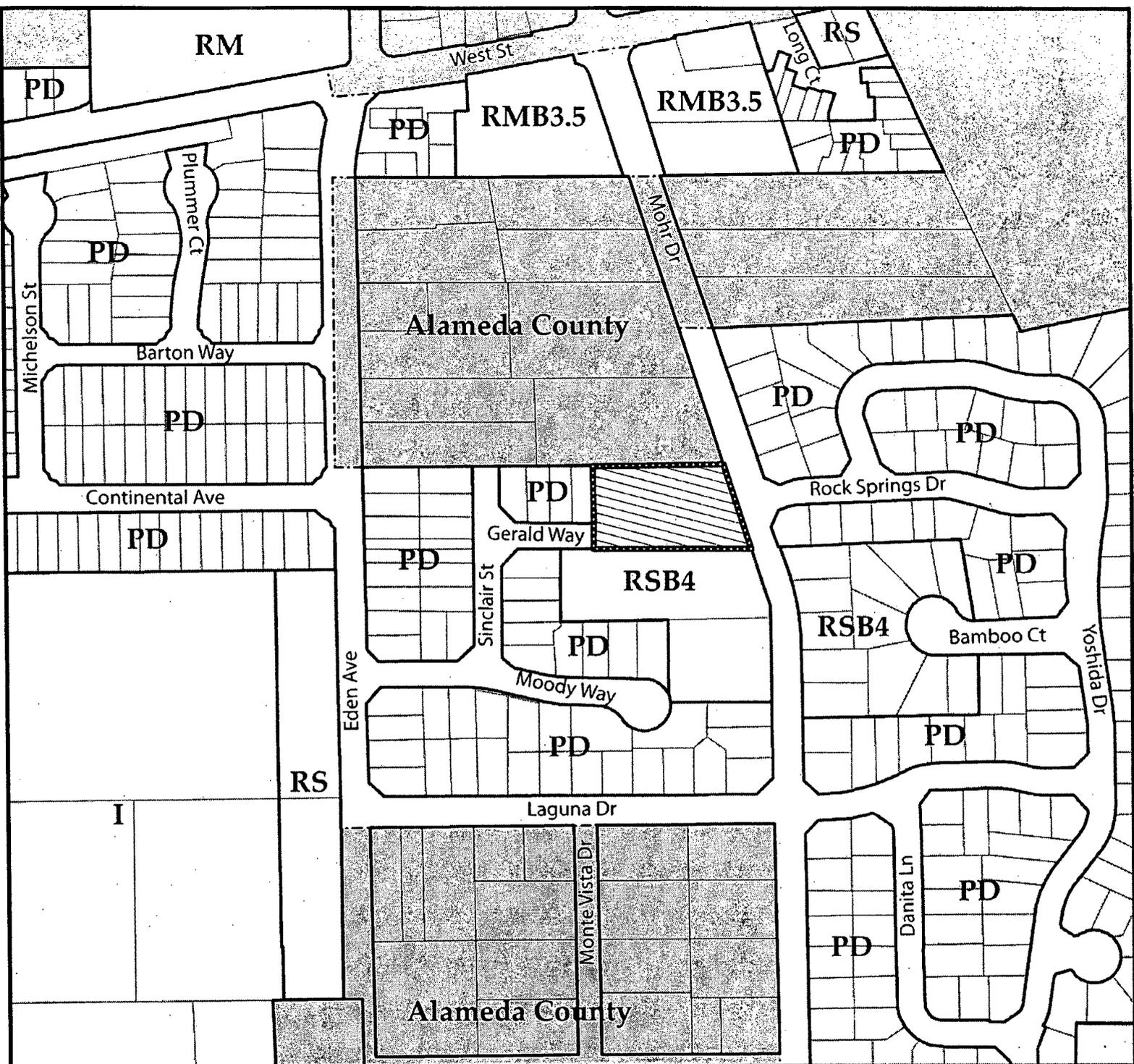
*Recommended by:*

  
David Rizk, AICP  
Planning Manager

**Attachments:**

- A. Area & Zoning Map
- B. Findings for Approval – Zone Change, Preliminary Development Plan and Precise Plan
- C. Findings for Approval – Vesting Tentative Tract Map
- D. Conditions of Approval – Zone Change, Preliminary Development Plan and Precise Plan
- E. Conditions of Approval – Vesting Tentative Tract Map
- F. Environmental Initial Study and Negative Declaration
- G. E-mail from Neighbor  
Plans

**DUE TO THE COLOR OF THE  
REFERENCED ATTACHMENT, IT  
HAS BEEN ATTACHED AS A  
SEPARATE LINK**



# Area & Zoning Map

PL-2007-0340 ZC

TTM 7852

Address: 24909 Mohr Dr

Applicant: Moe Janda

Owner: Moe Janda

## Zoning Classifications

### RESIDENTIAL

- RMB3.5 Medium Density Residential, min lot size 3500 sqft
- RS Single Family Residential, min lot size 5000 sqft
- RSB4 Single Family Residential, min lot size 4000 sqft

### INDUSTRIAL

- I Industrial

### OTHER

- PD Planned Development



E-7

## FINDINGS FOR APPROVAL

**Zone Change No. PL-2007-0340**

**Moe Janda (Applicant/Owner)  
24909 Mohr Drive**

### *Findings for Approval – California Environmental Quality Act:*

- A. That approval of Zone Change Application No. PL-2007-340, to change the zoning from a Single-Family Residential (RSB4) district to a Planned Development (PD) district and to allow the subdivision of the property into five lots for the construction of five single-family homes, will have no significant impact on the environment, cumulative or otherwise. The project reflects the City's independent judgment, and, therefore, a Negative Declaration has been prepared.

### *Findings for Approval – Zone Change:*

- B. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Planned Development Zoning will allow a project providing housing which is supported by the Housing Element of the General Plan and the Neighborhood Plan.
- C. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans in that the Zoning change allows a project density consistent with the General Plan designation.
- D. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified. Gerald Way will be extended to connect with Mohr Drive and public utilities will be extended to serve the project.
- E. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations. More housing can be provided than would otherwise be permitted in the RSB4 District with 50-foot-wide lots.

### *Findings for Approval – Preliminary Development Plan:*

- F. The development is in substantial harmony with the surrounding area, conforms to the Mount Eden Neighborhood Plan and applicable City policies and is consistent with the General Plan land use designation of Limited Medium Density Residential.

- G. Existing and proposed streets and utilities are adequate to serve the development. Gerald Way will be extended to connect with Mohr Drive and public utilities will be extended to serve the project.
- H. The development creates a residential environment of sustained desirability and stability in that the project meets the intent of the Mount Eden Neighborhood Plan in that the plan encourages residential development for this property.
- I. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The exceptions requested for a reduced lot width are offset by the larger lot depths and larger rear yard setbacks.

**FINDINGS FOR APPROVAL**  
**VESTING TENTATIVE TRACT MAP 7852**

1. The approval of Vesting Tentative Map Tract 7852, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Negative Declaration was prepared per the guidelines of the California Environmental Quality Act (CEQA) for the development of this site.
2. The vesting tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
6. Existing streets and utilities are adequate to serve the project.
7. None of the findings set forth in Section 64474 of the Subdivision Map Act<sup>1</sup> have been made.

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

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

## CONDITIONS OF APPROVAL

**Zone Change No. PL-2007-0340**

**Moe Janda (Applicant/Owner)**

Zone Change No. PL-2007-0340 and the associated Preliminary and Precise Plans are approved subject to the plans labeled Exhibit "A" and the conditions listed below:

1. This permit becomes void two 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 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 zone change, 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 zone change 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. The approval of this zone change is tied to the approval of Vesting Tentative Map No. 7852 and the associated conditions of approval. No building permit shall be issued for any structure within this application until the City Council has approved the final map and said map is recorded.
5. Prior to application for a Building Permit or a Grading Permit, the plans shall be revised to include the following:
  - a) A copy of these conditions of approval and the tract conditions shall be included on a full-sized sheet(s) in both the architectural and civil plans.
  - b) Detailed landscaping and irrigation plans (see conditions # 15 through 35).
  - c) A lighting plan, prepared by a qualified illumination engineer meeting the requirements of the City's Building Security Ordinance. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.

The fixtures shall be decorative and designed to keep the light from spilling onto adjacent properties. The lighting and its related photometric plan shall be reviewed and approved by the Planning Director. Lighting standards shall be placed so as to not conflict with the location of trees or where they would shine directly into windows.

- d) A geotechnical report ensuring that the building foundations are adequately designed for the soil type on-site shall be reviewed and approved by the engineering and building staff.
  - e) Details of address numbers shall be provided. Address number shall be decorative.
  - f) Details of retaining walls shall be included. All retaining walls shall be constructed of reinforced concrete or CMU (concrete masonry unit) with a decorative treatment on exposed faces, approved by the Planning Director and the City Engineer. No retaining walls shall exceed 6 feet in height. The 18-inch header board shown on the north property line on the Vesting Tentative Tract Map shall be a concrete retaining wall.
  - g) Details for fencing of private yards.
  - h) Pedestrian walkways shall be enhanced with decorative materials such as inset brick, exposed aggregate, bomanite stamped concrete, colored concrete or other approved material.
  - i) Details showing the location and design of mailboxes. Grouped mailboxes, if not decorative, shall be enclosed by a structure compatible with the architecture of the houses.
  - j) Samples of colors and materials for all exterior building finishes
6. In the event that archaeological resources, prehistoric or historic artifacts are discovered during construction of 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. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2). Construction equipment is required to have sound reduction devices to reduce noise impacts on surrounding properties. The name and telephone number of an individual responsible for responding to complaints regarding noise, and who is hired by the developer, shall be posted at the site during construction.
  8. Grading and construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday. No work shall be done on weekends or national holidays
  9. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning standard, must be approved by the Planning Director prior to implementation.
  10. Any future modification to the approved site plan shall require review and approval by the Planning Commission.

11. Any weed abatement conducted prior to grading shall be done by mowing only. No tilling of the soil is permitted without a grading permit.
12. The owners shall maintain in good repair all fencing, parking and driveway surfaces, landscaping, lighting, exterior elevations, drainage facilities, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.
13. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
14. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

**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. Clearly show trees to be removed. Place a chart on the plans showing the value of this trees and trees that are being proposed in addition to any required trees that can be used as mitigation for the tree proposed for removal.
16. Park in-lieu fees are required for four of the homes in the development. (A credit is given for the one existing single-family home.) Park in-lieu fees 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 detached single family dwelling is \$11,953. 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.
17. A revised arborist report shall be submitted with additional information supporting the calculations of the tree values. Once the tree mitigation value is established, a tree mitigation summary must be included on the landscape plan. Mitigation can be achieved through providing additional trees beyond required trees or up-sizing required trees or combination of both options. Revise the landscape plan to include mitigation measures accordingly.
18. A separate tree removal permit is required prior to the removal of any trees that is available through the City Landscape Architect. A copy of approved landscape plan and a summary of list of trees to be removed shall be attached to the tree removal permit.
19. A minimum one 15-gallon evergreen tree shall be planted at 20 feet on-center for screening on the interior (north and west) property lines.
20. Do not plant trees on a property lines. The responsibility for maintaining tree should be clearly defined unless a homeowners association will be established for maintaining all front yard landscaping.
21. No Palm tree shall be planted within front yard setback where visible to the street.
22. Trees must be shown a minimum of five feet from sewer lines and other utility lines and drains.

23. Final tree locations shall be approved by the City Landscape Architect.
24. Landscape plans shall show grassy swales in the side yards for filtration of stormwater.
25. Trees planted in turf areas are the only ones to have plastic trunk guards.
26. Revise the planting plan for Lot 5 to show less than 50% turf in the front yard landscaping area. The front yard setback at a corner lot is calculated as the front building face is extended to the side street, Mohr Drive.
27. Provide 5-gallon shrubs to screen all utilities including hose bibs, gas and water meters. If the exact location has not yet been determined, a note may be added to the plans specifying this requirement. Above grade irrigation valves should be placed behind the fence or screened with shrubs.
28. Show splash guards under downspouts from the roof.
29. The design of the street intersection of Gerald Way and Mohr Drive will result in extra space on the southwest corner. Revise the landscape plan to match the Vesting Tentative Tract Map.
30. Drip emitters or a bubbler shall be provided to each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve.
31. Trees shall be planted according to the City Standard Detail SD-122.
32. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the site and landscape plans, and noted with tree protection measures in compliance with City codes. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
33. Provide protection for all trees that are within 30 feet of construction.
34. Prior to the issuance of a grading or building permit, a tree preservation bond, surety or deposit, equal in value to the trees to be preserved, shall be provided by the developer. The bond, surety or deposit shall be returned when the project is completed if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees upon completion of the project. Any trees that are removed or damaged during construction shall be replaced with trees of equal size and equal value.
35. Construction Administration services shall be provided by the project landscape architect. Services shall include:
  - a) Observation of irrigation system before burying pipes;
  - b) Observation of soil preparation and soil amendments;
  - c) Observation of plant material upon delivery to the site;
  - d) Observation of layout and placement of plants material upon delivery to the site;
  - e) Observation of final acceptance; and
  - f) Observation of maintenance period commencement.

36. Landscape improvements shall be installed according to the approved plans, inspected and accepted by the project landscape architect and a Certificate of Substantial Completion (Attachment C in Landscape Design Checklist) completed by the project landscape architect and an Irrigation Schedule shall be submitted to the City Landscape Architect for final site inspection/acceptance prior to the issuance of a Certificate of Occupancy.
37. 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.

**Solid Waste & Recycling:**

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

**Fire Department:**

40. Class C or better roofing materials shall be installed.
41. Self-illuminated building address numbers (4-inches in height) shall be installed on the front of each building so as to be visible from the street.
42. Smoke detectors shall be installed per the California Building Code.
43. If required fire flows cannot be achieved, additional measures for fire protection will be enforced.

**CONDITIONS OF APPROVAL  
VESTING TENTATIVE TRACT MAP 7852**

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

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

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

**IMPROVEMENTS**

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

**Gerald Way**

1. Gerald Way shall be extended through the project site and connected to Mohr Drive. Improvements on Gerald Way extension shall match the existing Gerald Way roadway section as shown on Vesting Tentative Tract Map No. 7852. The pavement section shall be three inches of asphalt concrete over 14-inches of aggregate base.
2. Portland Cement Concrete curb, gutter, sidewalk and pavement tie-in shall be installed along the entire project frontage. Full curb return and pedestrian ramps shall be installed at the intersection of Gerald Way and Mohr Drive. Pedestrian ramps shall have detectable warning surface per Caltrans Standard Plan A 88 A. The design shall meet the approval of the City Engineer.
3. New standard streetlights shall be installed along Gerald Way extension. The design and location shall be approved by the City Engineer.
4. Traffic control signs shall be installed within Gerald Way right-of-way. The types of signs and their locations shall be approved by the City Engineer.
5. Gerald Way extension shall be graded to direct stormwater runoff toward Mohr Drive where new inlets and manufactured filtration system are constructed, or as required by the City Engineer.
6. A manufactured filtration system shall be installed to the satisfaction of the City Engineer.

## **Mohr Drive**

7. Portland Cement Concrete curb, gutter, 5-foot sidewalk and pavement tie-in shall be constructed along Mohr Drive. Sidewalk shall be constructed abutting the back of curb.
8. Existing utility poles on Mohr Drive shall be removed and replaced with underground utility junction boxes. Types and locations of proposed new joint poles and underground utility structures shall be approved by the City Engineer.

## **Landscaping and Irrigation**

9. A separate tree removal permit shall be required prior to the removal of any trees that is available through the City Landscape Architect. A copy of approved landscape plan and a summary of list of trees to be removed shall be attached to the tree removal permit.
10. A tree mitigation summary shall be included on the landscape plan.
11. A minimum one 15-gallon evergreen trees shall be planted at 20 feet on-center for screening on the interior property lines where new development abuts residential development.
12. Landscape plan shall be approved by the City Landscape Architect.

## **Storm Drainage**

13. The proposed storm drain main in Gerald Way shall be a public main constructed in accordance with the City Standard Details and meet the approval of the City Engineer.
14. The on-site storm drain system including manufactured filtration system shall be a private system owned and maintained by the homeowners association or property owners.
15. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.
16. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete the Development Building Application Form Information: 1) Impervious Material Form and 2) Operation and Maintenance Information Form.
17. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities. If there is augmented runoff, off-site and/or on-site mitigation measures will be necessary.

18. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
19. No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the back of sidewalk to collect all runoff from the project site.
20. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
21. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.
22. The project plans shall include storm water pollution prevention and control measures for the operation and maintenance of the project during and after construction for review and approval of the City Engineer. The storm drain design shall comply with post-construction stormwater requirements to provide treatment of the stormwater according to the 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).
23. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area or a grassy swale prior to storm runoff entering a pipe system.
24. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3.d of the ACCWP NPDES permit (page 22). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5 – 12 has a section titled "BMP Design Criteria for Flow and Volume." This should be available on their website at [www.cabmphandbooks.com](http://www.cabmphandbooks.com).
25. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
26. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

27. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
28. The owner shall prepare a Storm Treatment Measures Maintenance Agreement (available in the 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.
29. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance" or equivalent
30. Street improvements and the utilities to be installed along Mohr Drive shall be as per the proposed Mt. Eden Assessment District plans.

### **Sanitary Sewer System**

31. The proposed sanitary sewer main shall be a public main designed in accordance with the City of Hayward Standard Details. The design and location shall meet the approval of the City Engineer.
32. Each residential unit shall have a separate sanitary sewer lateral.

### **Water System**

33. The proposed water main shall be a public main designed in accordance with the City of Hayward Standard Details. The design and location shall meet the approval of the City Engineer.
34. Water service is available subject to standard conditions and fees in effect at the time of application.
35. Each residential unit shall have an individual radio read water meter.
36. Three new public fire hydrants shall be installed – two on Gerald Way and one on Mohr Drive. The proposed public fire hydrants have been tentatively placed on Gerald Way across from Lot #1 and at the SW corner of Gerald Way at the intersection of Mohr Drive and one hydrant is being placed on Mohr Drive, approximately 70 feet north of Gerald Way.
37. Fire hydrants shall be provided within the development and locations shall be approved by the Fire Chief and the City Engineer prior to start of construction. Fire hydrant locations shall be identified with blue reflective pavement markers installed in the street adjacent to the fire hydrant.

38. Fire hydrants shall be modified steamer type which shall be installed per City standards. Crash post protection may be required for the fire hydrant if it is installed in an unprotected area susceptible to potential vehicular impact.
39. The fire service line for the fire hydrant shall have a double check detector assembly with trim meter.
40. Minimum fire flow required shall be 1,500 gpm at 20 PSI.
41. A reduced pressure backflow preventer shall be installed behind the water meter per City Standard Detail SD-202.

### **Utilities**

42. All utility services to dwellings shall be "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 dwelling, including transformers and switchgear, shall also be undergrounded.
43. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along Gerald Way and Mohr Drive shall be located outside of the sidewalk and within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
44. The joint trench location and design shall meet the approval of the City Engineer
45. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

### **Dedications, Easements and Deed Restrictions**

46. The Final Map shall reflect:
  - a. Dedication of 45-foot wide right-of-way along Gerald Way to allow widening of the street to its ultimate width.
  - b. Six-foot-wide public utility easements (PUE) along the back of sidewalk on Gerald Way for fire hydrants and streetlights.
47. Prior to the approval of the Final Map, all documents that need to be recorded with the Final Map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

## Subdivision Agreement

48. The developer 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, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

## PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

49. Required water system improvements shall be completed and operational prior to the start of combustible construction.

## DURING CONSTRUCTION

50. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
- a. Grading and construction activities shall be limited to the hours 7:00 AM to 7:00 PM on weekdays; there shall be no grading or construction activities on Saturdays, Sundays or holidays;
  - b. Grading and construction equipment shall be properly muffled;
  - c. Unnecessary idling of grading and construction equipment is prohibited;
  - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
  - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents (within 200 feet of the project boundary) with this information.
  - f. The developer shall participate in the City's recycling program during construction;
  - g. Daily clean-up of trash and debris shall occur on Kelly Street and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
  - h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
  - i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
  - j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
  - k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
  - l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);

- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
  - n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
  - o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
  - p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
  - q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
  - r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
  - s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
  - t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
  - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
  - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
51. A representative of the Geotechnical Engineer shall be on the site during grading operations and shall perform all testing as deemed necessary by the City Engineer. The representative of the Geotechnical Engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
52. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the Geotechnical Engineer to daily submit all testing and sampling and reports to the City Engineer.

53. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per the aforementioned condition of approval.
54. Construction Administration services shall be provided by the project landscape architect. Services to include:
  - a. Observation of irrigation system before burying pipes;
  - b. Observation of plant material upon delivery to the site;
  - c. Observation of layout and placement of plant material upon delivery to the site;
  - d. Observation for maintenance period commencement; and
  - e. Observation for final acceptance.

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

55. The applicant/developer shall 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:
  - a. Supplemental Building Construction and Improvement Tax;
  - b. School Tax; and
  - c. Park In-lieu fees for each dwelling unit.
56. The Subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances prior to the City setting the water meters.
57. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
58. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

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

59. 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.

60. 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.
61. 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.
62. The subdivider shall submit an "as built" plan indicating the following:
  - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, AT&T (phone) and local cable company facilities, etc..., and;
  - b. All the site improvements, except landscaping species, buildings and appurtenant structures.



## CITY OF HAYWARD NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a 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:***

**Zone Change No. PL-2007-0340 and Vesting Tentative Tract Map 7852 – Request to Change the Zoning From a Single-Family Residential (RSB4) District to a Planned Development (PD) District and Subdivide a 0.77-Acre Parcel Into Five Lots to Build Five Homes - Moe Janda (Applicant/Owner) - The Project Site is Located at 24909 Mohr Drive, in Hayward California.**

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

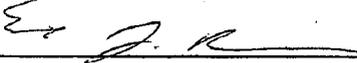
The proposed project could not have a significant effect on the environment.

### ***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. The project will not result in significant impacts 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, 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.
10. The project is consistent with the policies of the City General Policies Plan, the Mount Eden Neighborhood 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.

I. ***PERSON WHO PREPARED INITIAL STUDY:***

  
\_\_\_\_\_  
Erik J. Pearson, AICP Associate Planner  
Dated: June 26, 2007

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

\_\_\_\_\_  
For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4210, or e-mail [erik.pearson@hayward-ca.gov](mailto:erik.pearson@hayward-ca.gov).

**DISTRIBUTION/POSTING**

- Provide copies to all organizations and individuals requesting it in writing.
- Provide copy to Alameda County Clerks office.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT**  
**Development Review Services Division**

**INITIAL STUDY CHECKLIST FORM**

**Project title:** Zone Change No. PL-2007-0340 and Vesting Tentative Tract Map 7852 – Request to Change the Zoning From a Single-Family Residential (RSB4) District to a Planned Development (PD) District and Subdivide a 0.77-Acre Parcel Into Five Lots to Build Five Homes

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

**Contact persons and phone numbers:** Erik J. Pearson, Associate Planner (510) 583-4210

**Project location:** The property is located at 24909 Mohr Drive in Hayward, California.

**Project sponsor’s name and address:** Mohinder Janda and Pedro Orozco  
27910 Industrial Boulevard  
Hayward, CA 94545

**General Plan:** Limited Medium Density Residential (LMDR)

**Zoning:** Single-Family Residential (RSB4)

**Description of project:** Proposal to subdivide 0.77-acre parcel into five lots ranging in size from 4,098 to 5,049 square feet and to build five detached single-family homes. The proposal also includes the extension of Gerald Way to Mohr Drive.

**Surrounding land uses and setting:** The property is surrounded on all sides by single family homes. The property is bordered by Mohr Drive on the east side.

**Other public agencies whose approval is required:** None.

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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

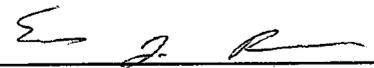
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils         |
| <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

Erik J. Pearson, AICP Associate Planner

June 25, 2007  
Date

City of Hayward

**ENVIRONMENTAL ISSUES:**

Potentially Significant Impact	Potentially Significant - Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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**I. AESTHETICS – Would the project:**

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| <p>a) Have a substantial adverse effect on a scenic vista?<br/><i>Comment: The project will not affect any scenic vista.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?<br/><i>Comment: The project will not damage scenic resources.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>c) Substantially degrade the existing visual character or quality of the site and its surroundings?<br/><i>Comment: The project will not substantially degrade the existing visual character or quality of the site and its surroundings.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>a) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?<br/><i>Comment: A lighting plan will be required to show that light fixtures will only illuminate the site and not the sky above it or surrounding properties.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**II. AGRICULTURE 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. Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>b) 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?<br/><i>Comment: The project site does not contain farmland and is not mapped as farmland.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>c) Conflict with existing zoning for agricultural use, or a Williamson Act contract?<br/><i>Comment: The project is not located in an agricultural district, it is not in an area used for agricultural purposes and the property is not subject to a Williamson Act contract.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?<br/><i>Comment: The project area does not contain agricultural uses or farmland, See II b.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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III. AIR QUALITY -- 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:

a) Conflict with or obstruct implementation of the applicable air quality plan?

**Comment:** *The project will not conflict with the Bay Area 2000 Clean Air Plan or the City of Hayward General Plan policies relating to Air Quality.*

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Comments:** *The Bay Area air basin currently exceeds both federal and state standards for ozone and state standards for particulate matter <10 microns in diameter (PM10). The project is of a relatively small scale and is not expected to generate enough vehicle trips to make a significant contribution to the existing air quality violation.*

*Air pollutants, especially suspended particulates, would be generated intermittently during the construction period. However, in order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.*

*The developer will be required to follow this and other Best Management Practices during construction.*

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 precursors)?

**Comment:** *Due to the small scale of the project, impacts to air quality will not be cumulatively considerable.*

d) Expose sensitive receptors to substantial pollutant concentrations?

**Comment:** *The project will not expose sensitive receptors to substantial pollutant concentrations.*

e) Create objectionable odors affecting a substantial number of people?

**Comment:** *The project will not create objectionable odors affecting a substantial number of people.*

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 property is developed with a single-family home and is surrounded by urban uses. There is no evidence of any candidate, sensitive, or special status species.*

- 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 site contains no riparian or sensitive habitat.*

- 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 site contains no wetlands.*

- 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.*

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

*Comment: The project is in conformance with the General Policies Plan and will conform to the requirements of the Tree Preservation Ordinance.*

- 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.*

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: No known historical resources exist on-site.*

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

*Comment: No known archaeological resources exist on-site. If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures.*

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**Comment:** No known paleontological resources exist on-site.

- d) Disturb any human remains, including those interred outside of formal cemeteries?

**Comments:** No known human remains are located on-site. If any remains are found, all work will be stopped and police called to investigate.

**VI. GEOLOGY AND SOILS -- Would the project:**

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- 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.

**Comment:** The project is not located within a known earthquake fault zone.

- ii) Strong seismic ground shaking?

**Comment:** The site is not located within a "State of California Earthquake Fault Zone". The project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking. Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. This impact is considered less than significant.

- iii) Seismic-related ground failure, including liquefaction?

**Comment:** The property is mapped as being in an area having moderate susceptibility to liquefaction. A geotechnical report will be required to ensure that the building foundations are adequately designed for the soil type on-site.

- iv) Landslides?

**Comment:** The project is not located within an area subject to landslides.

- b) Result in substantial soil erosion or the loss of topsoil?

**Comment:** The Engineering Division will ensure that proper erosion control measures are implemented during construction.

- 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?

**Comment:** See comment VI (a)(i) through (iv).

- 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?

**Comment:** *Prior to issuance of a building permit, engineering and building staff will review a geotechnical report to ensure that the building foundations are adequately designed for the soil type on-site.*

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

**Comment:** *The site would be connected to the City of Hayward sewer system.*

**VII. 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:** *No hazardous materials will be used, transported, or disposed of at or near the site.*

- 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?

**Comment:** *See VII a.*

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

**Comment:** *See VII a.*

- 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?

**Comment:** *The property has been developed with a single-family home since at least 1946. There is no evidence of any contaminated soil or groundwater.*

- 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?

**Comment:** *The project is not located within an airport zone.*

- 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?

**Comment:** *See VII e.*

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**Comment:** *The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.*

- g) 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 intermixed with wildlands?

**Comment:** *The project is not located in an area of wildlands and is not adjacent to wildlands.*

**VIII. HYDROLOGY AND WATER QUALITY -- Would the project:**

- a) Violate any water quality standards or waste discharge requirements?

**Comment:** *The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.*

- 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)?

**Comment:** *The site will be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Recharge of the groundwater table will be decreased as the proposal involves increasing the percentage of the site covered with impervious surfaces. The Mohrland Mutual Water Association operates a well approximately 150 feet south of the project site. The well is approximately 650 feet deep. The project is not expected to affect the groundwater supplies for the Association as other tracts surrounding the wells have been developed over the years and no drop in production has been detected.*

- 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 is not located near a stream or a river. Development of the site will not result in substantial erosion or siltation on-or off-site.*

- 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 is within an urban area and runoff will leave the site via the City's storm drain system. Drainage patterns on the site will not cause flooding.*

- 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?
- Comment:** *The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a. New stormwater drainage facilities will be constructed as part of the project.*
- f) Otherwise substantially degrade water quality?
- Comment:** *See VIII a.*
- 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?
- Comment:** *According to FEMA Flood Insurance Rate Maps (panel # 065033-0011E dated 2/9/00), this site is not within the 100-year flood hazard area.*
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- Comment:** *See VIII g.*
- 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?
- Comment:** *The site is not within the 100-year flood zone, is not near any levees and is not located downstream of a dam.*
- j) Inundation by seiche, tsunami, or mudflow?
- Comment:** *The project is not in a location that would allow these phenomena to affect the site.*

**IX. LAND USE AND PLANNING - Would the project:**

- a) Physically divide an established community?
- Comment:** *The project will not physically divide the existing community. With the extension of Gerald Way, the project will actually connect two portions of the neighborhood that are currently separated.*
- 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?
- Comment:** *The area is designated on the General Policies Plan Map as Limited Medium Density Residential (LMDR). The LMDR designation allows up to 12 dwelling units per net acre and the proposal is for a density of 10 units per net acre. The current zoning designation is Single-Family Residential with a minimum lot size of 4,000 square feet (RSB4). The lots will meet the minimum lot size, however, the applicant is requesting a zone change to Planned Development to accommodate the narrow lot width for lots 1 through 3.*

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Comment: See IV f.

**X. MINERAL RESOURCES – Would the project:**

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?

Comment: The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.

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?

Comment: See X a.

**XI. NOISE - Would the project result in:**

a) 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?

Comment: Exposure of persons to or generation of any new 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 building 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.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Comment: See XI a.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Comment: See XI a

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Comment: See XI a

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 expose people residing or working in the project area to excessive noise levels?

Comment: See VII e.

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?

**Comment:** See VII e.

**XII. 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)?

**Comment:** The five single-family homes will not cause a substantial increase in population.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

**Comment:** One single-family home will be removed.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**Comment:** See XII b.

**XIII. PUBLIC SERVICES**

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 significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

**Comment:** The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.

b) Police protection?

**Comment:** See XIII a.

c) Schools?

**Comment:** See XIII a.

d) Parks?

**Comment:** See XIII a.

e) Other public facilities?

**Comment:** No other public facilities will be significantly impacted.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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**XIV. 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** *The project will not add enough people to cause substantial physical deterioration of recreational facilities in the area. The developer will be required to pay in-lieu park fees which will be use to help maintain existing parks.*

- 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** *The proposal does not include recreational facilities. Each home will have a usable rear yard for private open space.*

**XV. TRANSPORTATION/TRAFFIC -- Would the project:**

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** *The project will add approximately 48 vehicle trips per day to Mohr Drive. Based on the most recent traffic measurements conducted in the area, Mohr Drive has at least 1,200 average daily trips. The project will account for a four (4) percent increase, which may not be perceptible.*

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** *See XV a.*

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** *The project will not affect air traffic patterns.*

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** *The proposal will not substantially increase hazards.*

- e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** *The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.*

- |   | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| f) Result in inadequate parking capacity?<br><i><b>Comment:</b> The proposal will meet the requirements for parking as specified in the City's Off-Street Parking regulations. Each home will have a two-car garage.</i>                              | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?<br><i><b>Comment:</b> The project does not conflict with adopted policies supporting alternative transportation.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?<br><i><b>Comment:</b> The project will not exceed wastewater treatment requirements.</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?<br><i><b>Comment:</b> The City's existing wastewater treatment facilities are capable of handling the wastewater generated by the project.</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?<br><i><b>Comment:</b> The project will require the construction of a small storm water drainage system that will tie into the existing public system in the adjacent street right-of-way. The construction of this system will not cause any significant environmental effects.</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?<br><i><b>Comment:</b> The City of Hayward supplies water to the site and has sufficient water to serve the project.</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?<br><i><b>Comment:</b> The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- |  | <i>Potentially<br/>Significant<br/>Impact</i> | <i>Potentially<br/>Significant<br/>Unless<br/>Mitigation<br/>Incorporation</i> | <i>Less Than<br/>Significant<br/>Impact</i> | <i>No<br/>Impact</i>                |
|--|---|--|---|-------------------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?<br><i>Comment: Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.</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?<br><i>Comment: The project study area participates in the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste.</i>   | <input type="checkbox"/>                      | <input type="checkbox"/>   | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |

**XVII. 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"/> |
| 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)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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"/> |

**Erik Pearson**

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**From:** Li-Chen Tsai [lichen.tsai@gmail.com]  
**Sent:** Monday, October 16, 2006 10:32 AM  
**To:** Tim Koonze; Erik Pearson  
**Subject:** Comments regarding 24909 Mohr Dr single family residential (rsb4) zoning district

Dear Mr. Koonze and Mr. Pearson,

I wish to make some comments against the 5 single family homes proposed to be built adjacent to my property. I live next door to the proposed project at 24921 Mohr Drive. First of all the City has just recently put 2 new stop signs in Mohr Drive to regulate the amount of traffic flowing through. Furthermore two more stop signs were just recently added nearby. With the creation of 5 new homes the amount of traffic going through Mohr Drive will increase. Secondly our left side of our property is adjacent to 24909. According to the notice in the mail, there is a proposed extension of Gerald Way. We are worried about both safety and noise with this new road. We are against this road being built. However if the road does come into existence we are requesting to have a solid sound proof wall to be built for the fence running adjacent to our west property line. In addition on the west side of our property line is a row of tall pine trees. We were wondering how you were going to handle this issue. The pine trees are extremely tall and their pine leaves constantly fall onto my drive way. It is a constant headache to clean up. Lastly when I was building an addition in 2004, the City addressed the issue of a stone drainage problem on 24909 Mohr Drive. If a stone drainage is not built, it will cause flooding onto our front side of Mohr Drive. I was wondering how the City is going to handle this issue as well. Please respond with some tentative solutions. I will not be able to attend the preliminary meeting held on Tuesday, October 24, 2006 at 10am in the Permit Center Conference Room 1C of City Hall.

Best Regards,  
Li-Chen Tsai

HAYWARD CITY COUNCIL

RESOLUTION NO. 07-

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

*Moe*  
*9/14/07*

RESOLUTION APPROVING THE NEGATIVE  
DECLARATION, ZONE CHANGE APPLICATION NO.  
PL 2007-0340, PRELIMINARY AND PRECISE  
DEVELOPMENT PLAN AND VESTING TENTATIVE  
TRACT MAP. 7852

WHEREAS, Zone Change Application No. PL 2007-0340 concerns a request by Moe Janda (Applicant/Owner) to change the zoning of the property located at 24909 Mohr Drive from Single-Family Residential (RSB4) District to Planned Development (PD) District and subdivide the 0.77-acre parcel into five lots and build five detached homes; and

WHEREAS, a Negative Declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the City Council of the City of Hayward has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration reflects the independent judgment of the City of Hayward; and

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

California Environmental Quality Act

- A. That approval of Zone Change Application No. PL-2007-0340, to change the zoning from a Single-Family Residential (RSB4) district to a Planned District (PD) district and to allow the subdivision of the property into five lots for the construction of five single-family homes, will have no significant impact on the environment, cumulative or otherwise. The project reflects the City's independent judgment, and, therefore, a Negative Declaration has been prepared.

Preliminary Development Plan

- B. The development is in substantial harmony with surrounding area and conforms to the General Plan, and applicable City policies and is consistent with the General Plan land use designation of Limited Medium Density Residential.
- C. Existing and proposed streets and utilities will be adequate to serve the

development. Gerald Way will be extended to connect with Mohr Drive and public utilities will be extended to serve the project.

- D. The development creates a residential environment of sustained desirability and stability in that the project meets the intent of the Mount Eden Neighborhood Plan in that the plan encourages residential development for this property.
- E. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The exceptions requested for a reduced lot width are offset by the larger lot depths and larger rear yard setbacks.

#### Zone Change

- F. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Planned Development Zoning will allow a project providing ownership housing which is supported by the Housing Element of the General Plan and the Neighborhood Plan.
- G. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans in that the Zoning change is consistent with the General Plan designation.
- H. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified. Gerald Way will be extended to connect with Mohr Drive and public utilities will be extended to serve the project.
- I. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further,, a beneficial effect will be achieved which is not obtainable under existing regulations. More housing can be provided than would otherwise be permitted in the RSB4 District with 50-foot-wide lots.

#### Tentative Tract Map 7852

- J. The approval of Vesting Tentative Map Tract 7852, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Negative Declaration was prepared per the guidelines of the California Environmental Quality Act (CEQA) for the development of this site.
- K. The vesting tentative tract map substantially conforms to the State Subdivision Map Act, the City Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.

- L. The site is physically suitable for the proposed type of development.
- M. 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.
- N. The design of the subdivision and the proposed improvements are not likely to cause serious health problems
- O. Existing streets and utilities are adequate to serve the project.
- P. None of the findings set forth in Section 64474 of the Subdivision Map Act have been made.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, the negative declaration, zone change, preliminary and precise development plan and Vesting Tentative Map Tract 7852 are hereby approved, subject the conditions of approval attached hereto as Exhibit A, and the adoption of the companion ordinance reclassifying the Property from Single-Family Residential (RSB4) District to Planned Development (PD) District and subdivide the land to accommodate 5 detached homes.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2007

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:  
MAYOR:

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

**DRAFT  
DRAFT**

ORDINANCE NO. 07-

*me  
9/4/07*

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING PROPERTY LOCATED AT 24909 MOHR DRIVE FROM SINGLE-FAMILY RESIDENTIAL (RSB4) TO PLANNED DEVELOPMENT (PD) PURSUANT TO ZONE CHANGE APPLICATION NO. PL-2007-0340

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. The Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning certain property located at 24909 Mohr Drive, between West Street and Laguna Drive, to change the Zone District from Single-Family Residential (RSB4) to Planned Development (PD) and subdivide a 0.77-acre parcel into five lots and build five homes.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_\_ day of \_\_\_\_\_, 2007, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

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

APPROVED AS TO FORM:

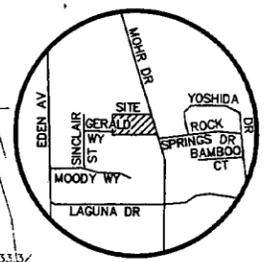
\_\_\_\_\_  
City Attorney of the City of Hayward

# VESTING TENTATIVE TRACT MAP #7852

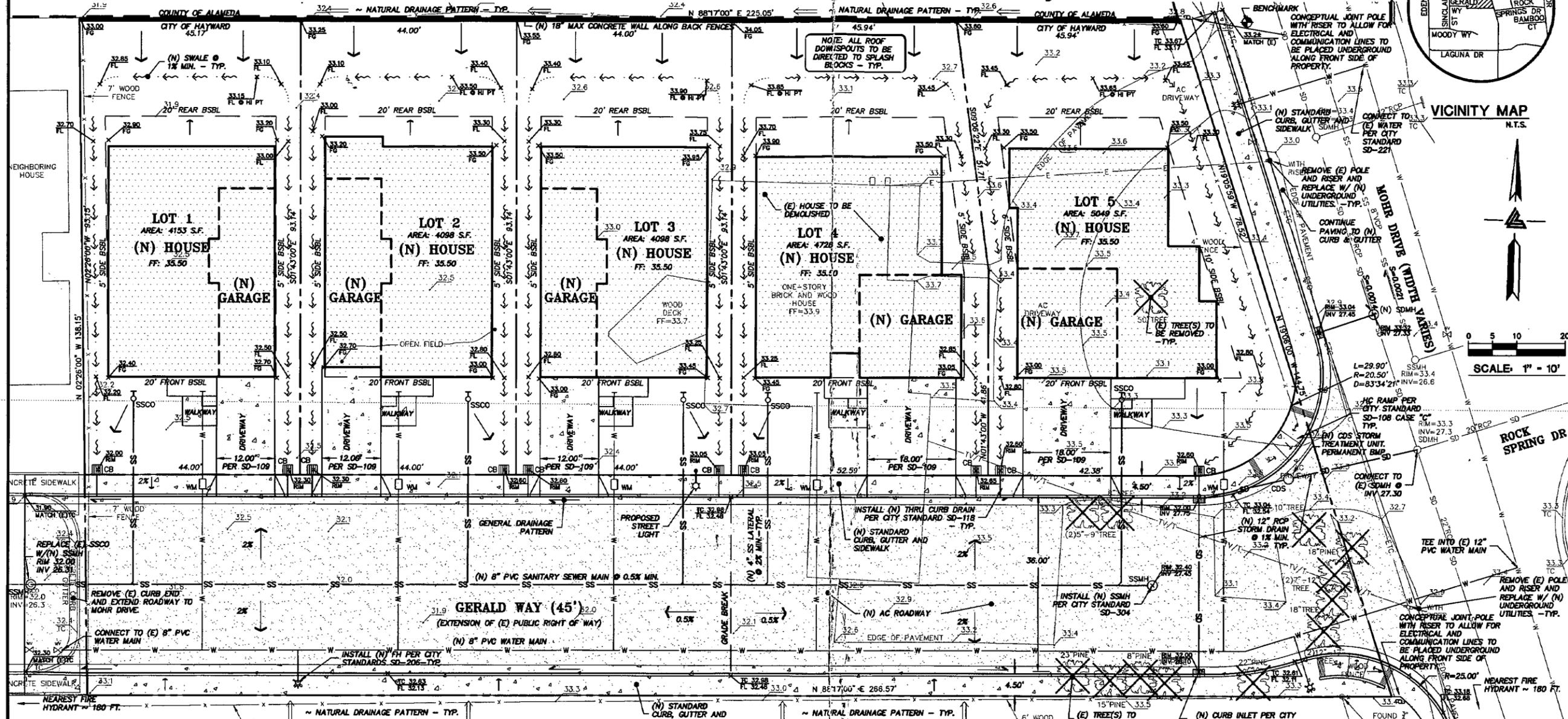
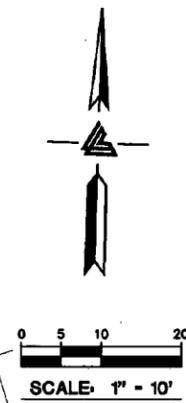
## 24909 MOHR DRIVE, HAYWARD, CA



**LEA & BRAZE ENGINEERING, INC.**  
 CIVIL ENGINEERS • LAND SURVEYORS  
 2495 INDUSTRIAL PARKWAY WEST  
 HAYWARD, CALIFORNIA 94545  
 (510) 887-4086 FAX (510) 887-3019  
 WWW.LEABRAZE.COM



VICINITY MAP  
N.T.S.

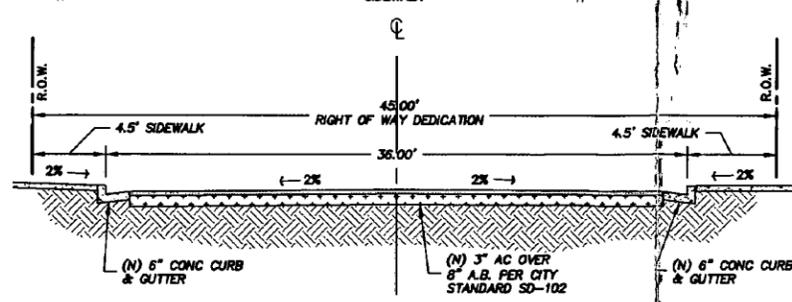


**LEGEND**

PROPOSED	DESCRIPTION
---	BOUNDARY
---	PROPERTY LINE
---	EASEMENT LINE
---	HEADER BOARD
---	STORM DRAIN LINE
---	SANITARY SEWER LINE
---	WATER LINE
---	SET BACK LINE
---	CURB & GUTTER
---	CATCH BASIN
---	CURB INLET
---	RADIUS
---	SANITARY SEWER CLEANOUT
---	SPOT ELEVATION
---	FLOW DIRECTION
---	TREE TO BE REMOVED

**ABBREVIATIONS**

BM	BENCHMARK
C.B.	CATCH BASIN
C & G	CURB AND GUTTER
CL	CENTER LINE
CONC.	CONCRETE
EP	EDGE OF PAVEMENT
(E)	EXISTING
FF	FINISHED FLOOR
FG	FINISHED GRADE
FH	FIRE HYDRANT
FL	FLOW LINE
HI PT	HIGH POINT
INV.	INVERT ELEVATION
(N)	NEW
N.T.S.	NOT TO SCALE
P	PROPERTY LINE
P.V.C.	POLYVINYL CHLORIDE
R	RADIUS
R.C.P.	REINFORCED CONCRETE PIPE
RM	RIM ELEVATION
R.O.W.	RIGHT OF WAY
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
TC	TOP OF CURB
TYP.	TYPICAL
WM	WATER METER



STREET SECTION  
N.T.S.

**STORMWATER TREATMENT NOTE:**  
 PER ALAMEDA COUNTY CLEAN WATER PROGRAM, THE OWNER SHALL FOLLOW RECOMMENDATIONS PER BROCHURE ON PARKING LOT MAINTENANCE LOCATED AT CLEAR WATER PROGRAM.COM/PARKING\_LOTS\_FACT\_SHT.PDF. ADDITIONALLY (PROJECT OWNER) SHALL INSTALL AND PROVIDE REGULAR MAINTENANCE OF A GREASE & SAND TRAP. ALTERNATELY OWNER MAY PROVIDE PAVING AREAS PERVIOUS WITH PAVERS OR PERVIOUS CONCRETE.

**NOTES**  
 TRACT NUMBER: 7852  
**PROPERTY OWNER/DEVELOPER**  
 MOE JANDA  
 2977 BAUMBERG AVE  
 HAYWARD, CA 94545  
 (510) 755-3765  
**ENGINEER:** LEA & BRAZE ENGINEERING, INC.  
 2495 INDUSTRIAL PARKWAY WEST  
 HAYWARD, CA 94545  
 (510) 887-4086  
**APN:** 441-0077-006  
**EXISTING ZONING:** RSB4  
**PROPOSED ZONING:** RSB4

**LOT SIZES**

LOT 1	4,153 S.F.
LOT 2	4,098 S.F.
LOT 3	4,098 S.F.
LOT 4	4,728 S.F.
LOT 5	5,049 S.F.
TOTAL	33,956 S.F.
NET DENSITY	10 DU/AC

**BENCHMARK**  
 CITY OF HAYWARD BENCHMARK  
 CONCRETE MONUMENT W/ PIN  
 LOCATED AT THE INTERSECTION OF  
 WEST STREET AND MOHR DRIVE  
 ELEV = 32.61

**SITE BENCHMARK**  
 SURVEY CONTROL  
 SET MAG NAIL W/ SHINER  
 ELEV = 33.29  
**UTILITIES / SERVICES**  
 WATER CITY OF HAYWARD  
 SEWER CITY OF HAYWARD  
 GAS PACIFIC GAS AND ELECTRIC (PG&E)  
 ELECTRICITY PACIFIC GAS AND ELECTRIC (PG&E)  
 TELEPHONE AT&T  
 FIRE PROTECTION CITY OF HAYWARD

- TRACT IMPROVEMENTS AND STANDARDS**
- ALL IMPROVEMENTS WITHIN/OR ADJACENT TO PROPOSED PUBLIC STREET TO BE PER CITY OF HAYWARD PUBLIC WORKS STANDARDS, INCLUDING BUT NOT LIMITED TO: CONC. CURB WITH GUTTER PER SD-108, RESIDENTIAL DRIVEWAY PER SD-109, TYPE "A" CURB INLET PER SD-402, SEWER MAIN PER SD-301, SEWER CONNECTION PER SD-312, SEWER RISER PER SD-308, WATER SERVICES PER SD-218.
  - UNLESS OTHERWISE STATED, ALL NECESSARY EASEMENTS AND STREET RIGHT-OF-WAY 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.
  - ALL DESIGN WORK SHALL BE PERFORMED BY THE SUBDIVIDER'S ENGINEER, UNLESS OTHERWISE INDICATED.
  - EXISTING DRIVEWAYS, SIDEWALK, CURB GUTTER TO BE REMOVED AS REQUIRED, AND TO BE REPLACED AS SHOWN TO MATCH WITH EXISTING.
  - PARK FEE SHALL BE PAID BY DEVELOPER/OWNER.
  - GRADING SHALL BE LIMITED TO AREA WITHIN BOUNDARY.

VESTING TENTATIVE  
 TRACT MAP #7852

**RECEIVED**

JUN 21 2007

PLANNING DIVISION

24909 MOHR DRIVE  
 HAYWARD, CALIFORNIA

Project #  
 PL-2007-0340 ZC  
 & TTM 7852

JOB NO:	2060081
DATE:	11-16-06
SCALE:	1" = 10'
DESIGN BY:	JT
DRAWN BY:	ST/LW
SHEET NO:	1
OF 1 SHEETS	

# JANDA-OROZCO SUBDIVISION

## 24909 MOHR DRIVE HAYWARD, CA 94545

**ARUN SHAH & ASSOCIATES**

39795 PASEO PADRE PARKWAY,  
FREMONT, CA 94538  
(510) 220-4264  
(510) 657-4265 FAX



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**JANDA - OROZCO  
SUB-DIVISION (ON GERALD WAY)  
24909 MOHR DRIVE  
HAYWARD, CA**

### GENERAL NOTES

**SCOPE OF WORK:**

SCOPE OF WORK INVOLVES DEMOLISHING AN EXISTING DWELLING AT 24909 MOHR DRIVE AND SUBDIVIDING THE LOT INTO FIVE LOTS. EXISTING GERALD WAY WILL BE EXTENDED TO CONNECT TO MOHR DRIVE. THE PROPOSED FIVE LOTS WILL FRONT ON THE PROPOSED GERALD WAY EXTENSION.

**CODES:**

CITY OF HAYWARD MUNICIPAL CODE  
CALIFORNIA BUILDING CODE 2001 EDITION (1997 UBC)  
CALIFORNIA FIRE CODE 2001 EDITION (2000 UFC)  
CALIFORNIA MECHANICAL CODE 2001 EDITION (2000 UMC)  
CALIFORNIA PLUMBING CODE 2001 EDITION (2000 UPC)  
CALIFORNIA ELECTRICAL CODE 2004 EDITION (2002 NEC)

ALONG WITH ANY OTHER APPLICABLE LOCAL ORDINANCES AND STATE LAWS AND REGULATIONS.

### PROJECT DATA

**PROJECT LOCATION:** 24909 MOHR DRIVE  
HAYWARD, CA 94545

**APN:** 441-0077-006

**ZONE:** RS

**CONSTRUCTION TYPE:** V-N

**OCCUPANCY:** R-3

**LOT SIZES:** SEE SITE PLAN & LOT COVERAGE

**LOT COVERAGE PERMITTED:** 0.40

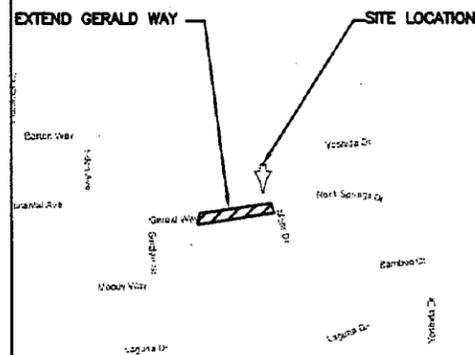
LOT 1: 0.40\*4,153 = 1,661 SQ. FT.  
LOT 2: 0.40\*4,098 = 1,640 SQ. FT.  
LOT 3: 0.40\*4,098 = 1,640 SQ. FT.  
LOT 4: 0.40\*4,728 = 1,891 SQ. FT.  
LOT 5: 0.40\*5,049 = 2,020 SQ. FT.

**TOTAL LOT AREAS** = 4,153 + 2 \* 4,098 + 4,728 + 5,049  
= 22,126 SQ. FT.

**TOTAL LOT COVERAGE** = 1,639 \* 3 + 1,886 + 1,806  
= 8,809 SQ. FT.  
= 38.91% < 40%

**TOTAL 2ND FLOOR** = 1,311+1,190+1,311+1,396+1,351  
= 6,559 SQ. FT.

### LOCATION MAP



### PROJECT DATA

**PROPOSED FLOOR AREAS:**

1. LOT 1:  
LOT AREA: 4,153 SQ. FT.

1ST FLOOR:  
LIVING 1,131 SQ. FT.  
GARAGE 467 SQ. FT.  
PORCH 41 SQ. FT.  
1,639 SQ. FT.

2ND FLOOR:  
LIVING 1,311 SQ. FT.

2. LOT 2:  
LOT AREA = 4,098 SQ. FT.

1ST FLOOR:  
LIVING 1,133 SQ. FT.  
GARAGE 467 SQ. FT.  
PORCH 39 SQ. FT.  
1,639 SQ. FT.

2ND FLOOR:  
LIVING 1,190 SQ. FT.

3. LOT 3:  
LOT AREA: 4,098 SQ. FT.

1ST FLOOR:  
LIVING 1,131 SQ. FT.  
GARAGE 467 SQ. FT.  
PORCH 41 SQ. FT.  
1,639 SQ. FT.

2ND FLOOR:  
LIVING 1,311 SQ. FT.

4. LOT 4:  
LOT AREA = 4,728 SQ. FT.

1ST FLOOR:  
LIVING 1,388 SQ. FT.  
GARAGE 430 SQ. FT.  
PORCH 88 SQ. FT.  
1,886 SQ. FT.

2ND FLOOR:  
LIVING 1,396 SQ. FT.

5. LOT 5:  
LOT AREA = 5,049 SQ. FT.

1ST FLOOR:  
LIVING 1,274 SQ. FT.  
GARAGE 462 SQ. FT.  
PORCH 70 SQ. FT.  
1,806 SQ. FT.

2ND FLOOR:  
LIVING 1,351 SQ. FT.

**NOTE FOR CLIENT:**

THE AREA NOTED ABOVE IS PER BUILDING CODE CALCULATIONS AND DOES NOT REFLECT ACTUAL USABLE FLOOR AREA. AREA IS MEASURED FROM OUTSIDE FACE OF STUD TO OUTSIDE FACE OF STUD & TO CENTER OF STUDS BETWEEN GARAGE & RESIDENCE.

### INDEX OF DRAWINGS

- A0 TITLE SHEET
- A1.1 SITE PLAN
- A1.2 SUB-DIVISION ELEVATION
- 1A2.1 LOT 1 & 3 FLOOR PLANS
- 1A3.1 LOT 1 & 3 BUILDING ELEVATIONS  
(LOT 3 WILL BE REVERSE OF LOT 1 PLAN)
- 2A2.1 LOT 2 FLOOR PLANS
- 2A3.1 LOT 2 BUILDING ELEVATIONS
- 4A2.1 LOT 4 FLOOR PLANS
- 4A3.1 LOT 4 BUILDING ELEVATIONS
- 5A2.1 LOT 5 FLOOR PLANS
- 5A3.1 LOT 5 BUILDING ELEVATIONS

### CONTACT INFORMATION

**OWNER:** MOHINDER JANDA, PEDRO OROZCO  
27910 INDUSTRIAL BLVD.  
HAYWARD, CA  
510.755.3765 PHONE  
510.783.6361 FAX

**DESIGN:** ARUN SHAH & ASSOCIATES  
39795 PASEO PADRE PARKWAY  
FREMONT, CA 94538  
510.220.4264 PHONE  
510.657.4265 FAX

**CIVIL ENGINEER:** LEA & BRAZE ENGINEERING, INC.  
2455 INDUSTRIAL PARKWAY WEST  
HAYWARD, CA 94545  
510.887.4086 PHONE  
510.887.3019 FAX

**Project #  
PL-2007-0340 ZC  
& TTM 7852**

Sheet

TITLE SHEET

Date	Issued For
08.21.06	VARIANCE APPL
01.03.07	PLANNING CMNTS
01.16.07	PLANNING CMNTS
04.23.07	PLANNING CMNTS

Drawn by ARUN

Checked by ARUN

Project no. Sheet no.  
A-0

OF 11 SHEETS

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**JANDA - OROZOCO  
SUB-DIVISION (ON GERALD WAY)  
24909 MOHR DRIVE  
HAYWARD, CA**

Sheet

**SITE PLAN**

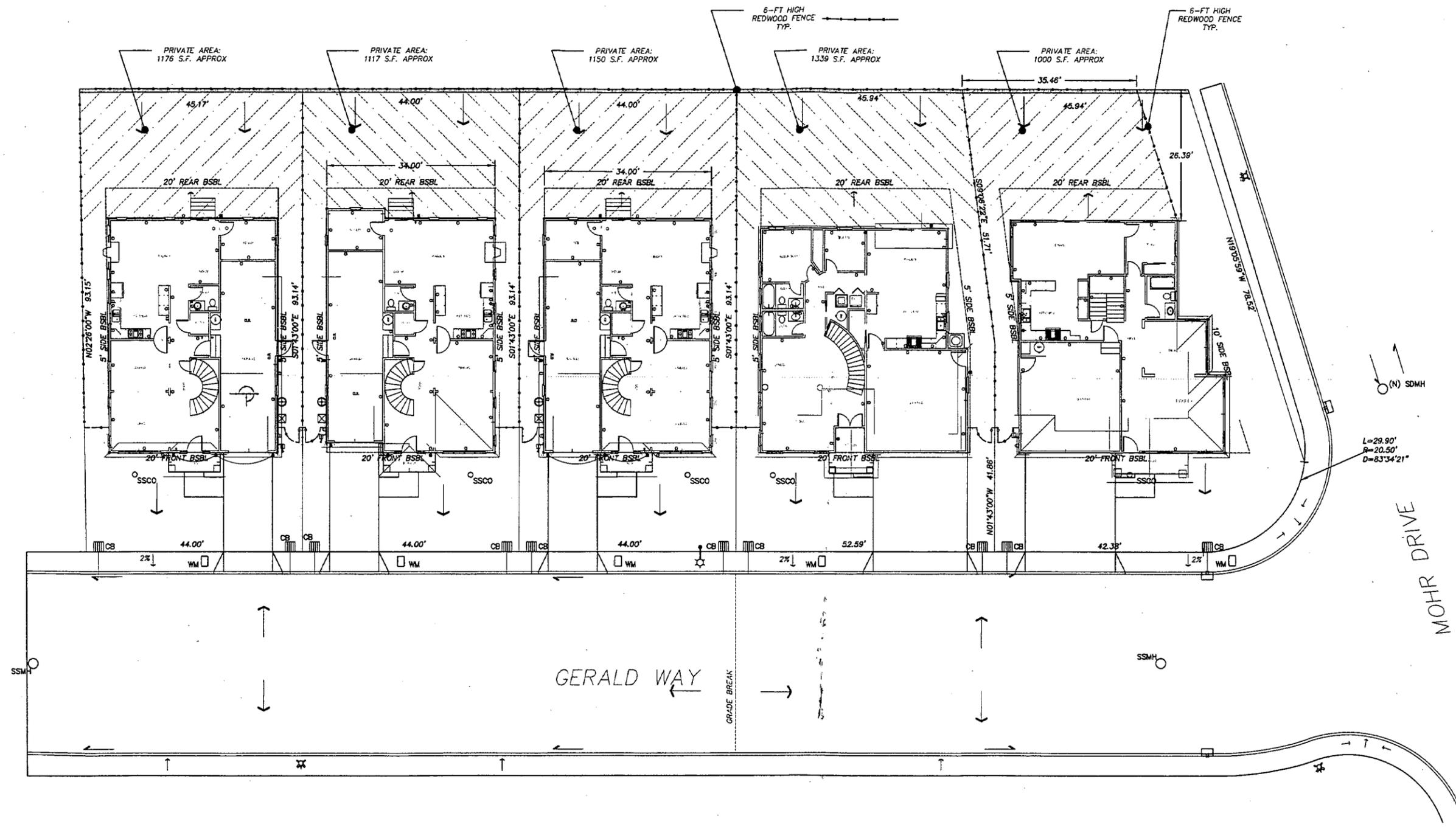
Date	Issued For
08.21.06	VARIANCE APPL.
01.03.07	PLANNING CMNTS
01.18.07	PLANNING CMNTS
04.23.07	PLANNING CMNTS

Drawn by ARUN

Checked by ARUN

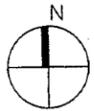
Project no. Sheet no.  
A1.1

OF 11 SHEETS



1 SITE PLAN

1"=10'-0"

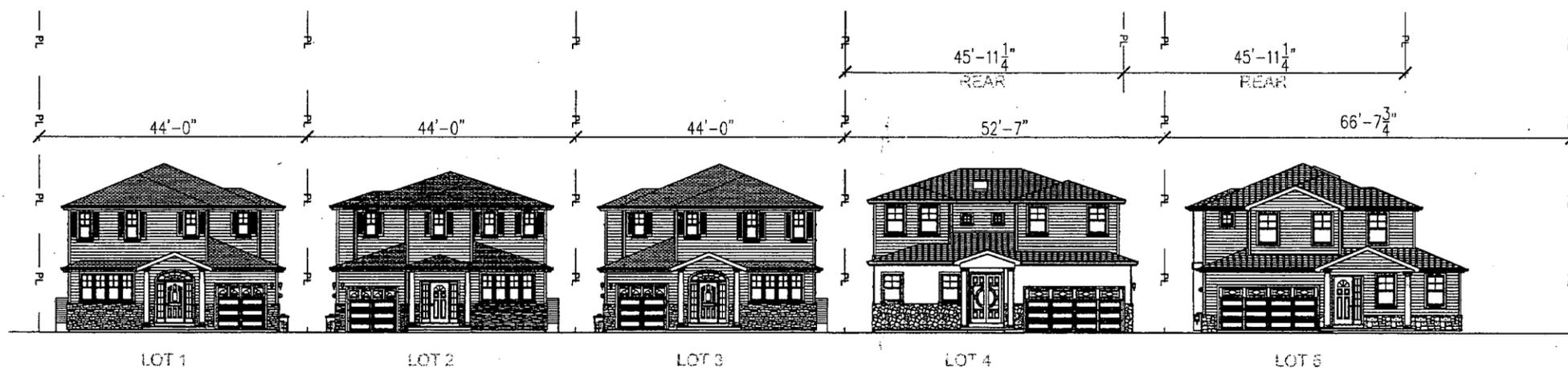


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① GERALD WAY ELEVATION  
3/32"=1'-0"

JANDA - OROZCO  
SUB-DIVISION (ON GERALD WAY)  
24909 MOHR DRIVE  
HAYWARD, CA

Sheet  
SUB-DIVISION  
ELEVATION

Date	Issued For
08.21.06	VARIANCE APPL.
01.03.07	PLANNING CMNTS.
01.18.07	PLANNING CMNTS.
04.23.07	PLANNING CMNTS.

Drawn by ARUN

Checked by ARUN

Project no. Sheet no.  
A1.2

OF 11 SHEETS

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**JANDA - OROZCO  
SUB-DIVISION (ON GERALD WAY)  
24909 MOHR DRIVE  
HAYWARD, CA**

Sheet  
**LOTS 1 & 3  
FLOOR PLANS**

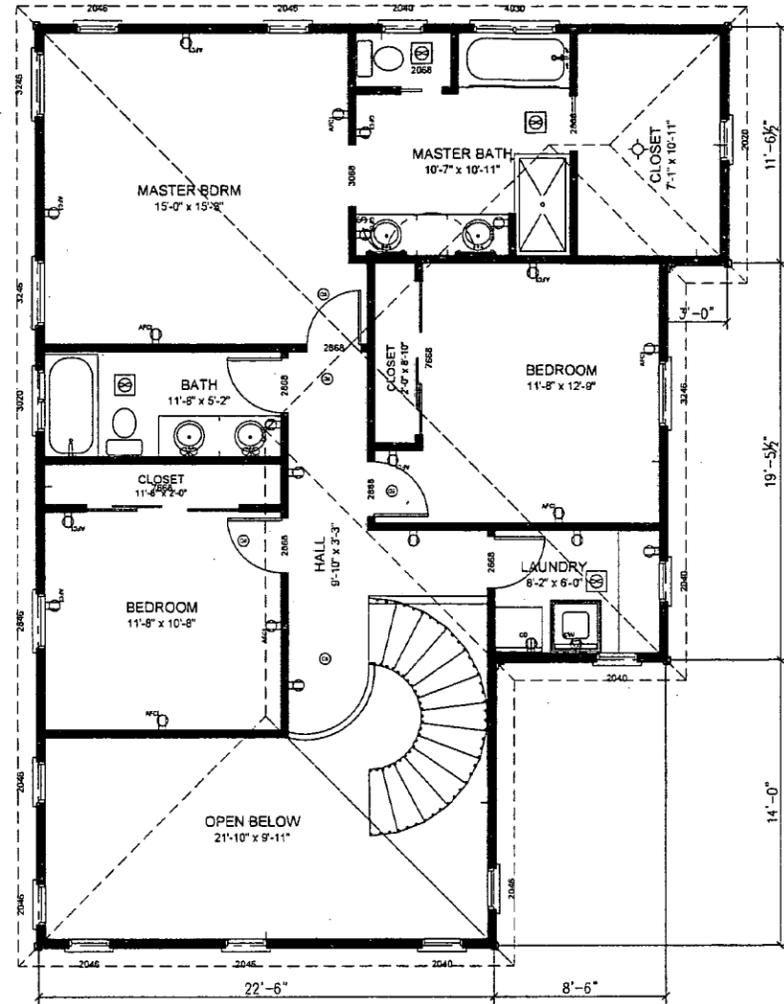
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01.18.07	PLANNING CMNTS.
04.23.07	PLANNING CMNTS.

Drawn by ARUN

Checked by ARUN

Project no. Sheet no.  
**1A2.1**

OF 11 SHEETS



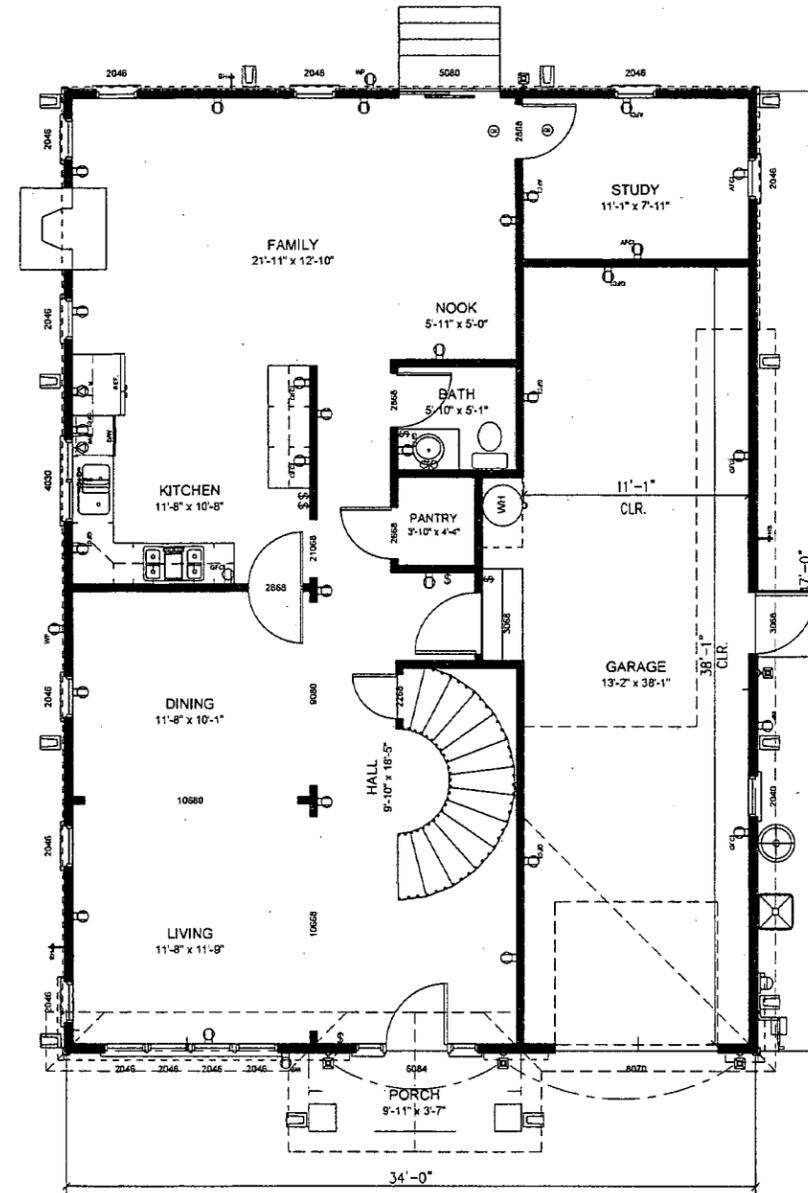
2 SECOND FLOOR PLAN

1/4"=1'-0"



LOT AREA:	LOT 1 4,153 SQ. FT.	LOT 3 (REVERSE PLAN) 4,098 SQ. FT.
LOT COVERAGE PERMITTED	0.40*4,153 = 1,661 SQ. FT.	0.40*4,098 = 1,639 SQ. FT.
1. 1ST FLOOR	1,131 SQ. FT.	1,131 SQ. FT.
2. GARAGE	467 SQ. FT.	467 SQ. FT.
3. PORCH	41 SQ. FT.	41 SQ. FT.
4. 2ND FLOOR	1,311 SQ. FT.	1,311 SQ. FT.
5. LOT COVERAGE 1+2+3	= 1,639 SQ. FT.	

- NOTE:**  
1. LOT 3 WILL BE REVERSE PLAN OF LOT 1 SHOWN HERE.  
2. AREAS ARE MEASURED TO EXTERIOR FACE OF STUDS.



1 FIRST FLOOR PLAN

1/4"=1'-0"



**ARUN SHAH & ASSOCIATES**

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JANDA - OROZCO  
SUB-DIVISION (ON GERALD WAY)  
24909 MOHR DRIVE  
HAYWARD, CA

Sheet  
LOTS 1 & 3  
ELEVATIONS

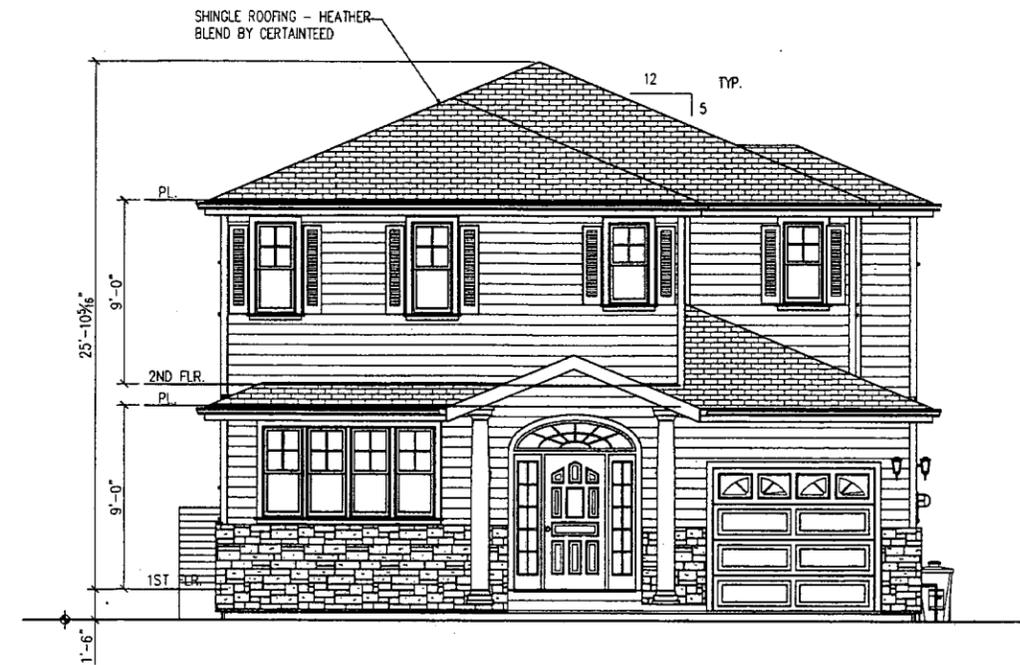
Date	Issued For
08.21.06	VARIANCE APPL.
01.03.07	PLANNING CMNTS.
01.16.07	PLANNING CMNTS.
04.23.07	PLANNING CMNTS.

Drawn by ARUN

Checked by ARUN

Project no. Sheet no.  
1A3.1

OF 11 SHEETS



1 FRONT ELEVATION 1/4"=1'-0"



2 LEFT ELEVATION 1/4"=1'-0"

SHEET NOTES:

- ROOF SHINGLES: LANDMARK SERIES - HEATHER BLEND BY CERTANTEED
- GUTTER & MOLD ON 2x PAINTED BOXED EAVES, COLOR KELLY MOORE SWISS COFFEE #23.
- DOWNSPOUT & GUTTER COMPLETE W/ MITERED JOINTS, HANGARS, ELBOWS, ETC. FOR A COMPLETE GUTTER SYSTEM BY BERGER BROS. OR EQUAL.  
  
GUTTER: 'K' STYLE APRON GUTTER, 16 OZ. LEAD COATED COPPER  
DOWNSPOUTS: 3" DIAMETER ROUND, 16 OZ. LEAD COATED COPPER
- BODY: 5/16" THK. HARDI PLANK RUSTIC CEDAR SIDING, COLOR: TBD.
- CORNER TRIMS: 4"x4" HARDI XLD TRIM SMOOTH, COLOR KELLY MOORE SWISS COFFEE #23
- GARAGE DOORS: OVERHEAD SECTIONAL DOORS
- UNDER FLOOR VENTS: 8"x14" GSM VENTS W/ CORROSION RESISTANT WIRE MESH SCREEN, PAINT TO MATCH ADJACENT FINISH.



4 RIGHT ELEVATION 1/4"=1'-0"



3 REAR ELEVATION 1/4"=1'-0"

**ARUN SHAH & ASSOCIATES**

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**JANDA - OROZCO  
SUB-DIVISION (ON GERALD WAY)  
24909 MOHR DRIVE  
HAYWARD, CA**

Sheet  
**LOT 2  
FLOOR PLANS**

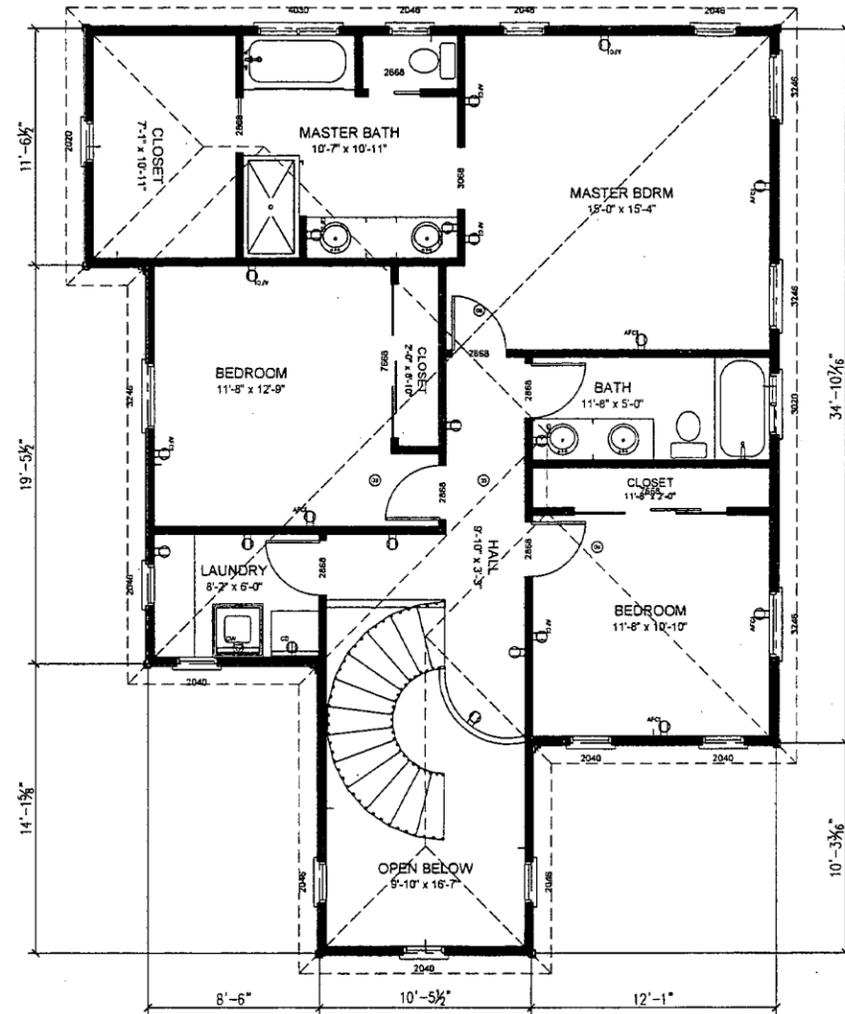
Date	Issued For
08.21.06	VARIANCE APPL.
01.03.07	PLANNING CMNTS.
01.16.07	PLANNING CMNTS.
04.23.07	PLANNING CMNTS.

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Project no. Sheet no.  
**2A2.1**

OF 11 SHEETS



**2 SECOND FLOOR PLAN**

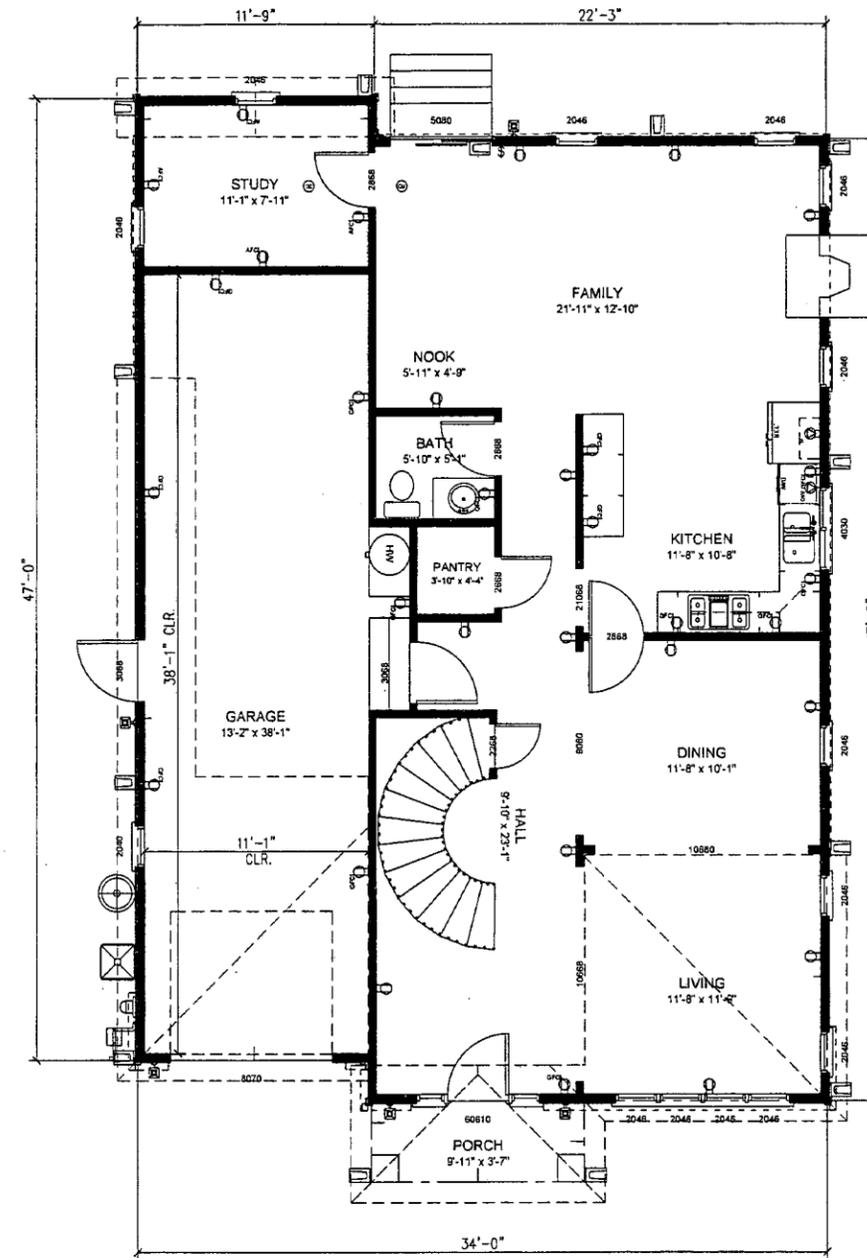
1/4"=1'-0"



LOT 2

LOT AREA: 4,098 SQ. FT.  
LOT COVERAGE: 0.40\*4,098  
= 1,639 SQ. FT.

- 1. 1ST FLOOR 1,133 SQ. FT.
- 2. GARAGE 467 SQ. FT.
- 3. PORCH 39 SQ. FT.
- 4. 2ND FLOOR 1,190 SQ. FT.
- 5. LOT COVERAGE 1+2+3 = 1,639 SQ. FT.



**1 FIRST FLOOR PLAN**

1/4"=1'-0"



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2 LEFT ELEVATION 1/4"=1'-0"

1 FRONT ELEVATION 1/4"=1'-0"

**SHEET NOTES:**

1. ROOF SHINGLES: LANDMARK SERIES - HEATHER BLEND BY CERTANTEED
2. GUTTER & MOLD ON 2x PAINTED BOXED EAVES, COLOR KELLY MOORE SWISS COFFEE #23.
3. DOWNSPOUT & GUTTER COMPLETE W/ MITERED JOINTS, HANGARS, ELBOWS, ETC. FOR A COMPLETE GUTTER SYSTEM BY BERGER BROS. OR EQUAL.  
  
GUTTER: 'K' STYLE APRON GUTTER, 16 OZ. LEAD COATED COPPER  
DOWNSPOUTS: 3" DIAMETER ROUND, 16 OZ. LEAD COATED COPPER
4. BODY: 5/16" THK. HARDI PLANK RUSTIC CEDAR SIDING, COLOR: TBD.
5. CORNER TRIMS: 4"x4" HARDI XLD TRIM SMOOTH. COLOR KELLY MOORE SWISS COFFEE #23
6. GARAGE DOORS: OVERHEAD SECTIONAL DOORS
7. UNDER FLOOR VENTS: 8"x14" GSM VENTS W/ CORROSION RESISTANT WIRE MESH SCREEN. PAINT TO MATCH ADJACENT FINISH.



3 REAR ELEVATION 1/4"=1'-0"



4 RIGHT ELEVATION 1/4"=1'-0"

JANDA - OROZCO  
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24909 MOHR DRIVE  
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Sheet  
**LOT 2  
ELEVATIONS**

Date	Issued For
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01.03.07	PLANNING CMNTS
01.16.07	PLANNING CMNTS
04.23.07	PLANNING CMNTS

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**2A3.1**

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24909 MOHR DRIVE  
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Sheet  
**LOT 4  
ELEVATIONS**

Date	Issued For
08.21.06	VARIANCE APPL.
01.03.07	PLANNING CMNTS.
01.18.07	PLANNING CMNTS.
04.23.07	PLANNING CMNTS.

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Project no. Sheet no.  
**4A3.1**

OF 11 SHEETS



2 LEFT ELEVATION  
1/4"=1'-0"



3 REAR ELEVATION  
1/4"=1'-0"



1 FRONT ELEVATION  
1/4"=1'-0"



4 RIGHT ELEVATION  
1/4"=1'-0"

STONE VENEER TO EXTEND 6" PAST FENCE LINE

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**JANDA - OROZCO**  
SUB-DIVISION (ON GERALD WAY)  
**24909 MOHR DRIVE**  
HAYWARD, CA

Sheet  
**LOT 5**  
**FLOOR PLANS**

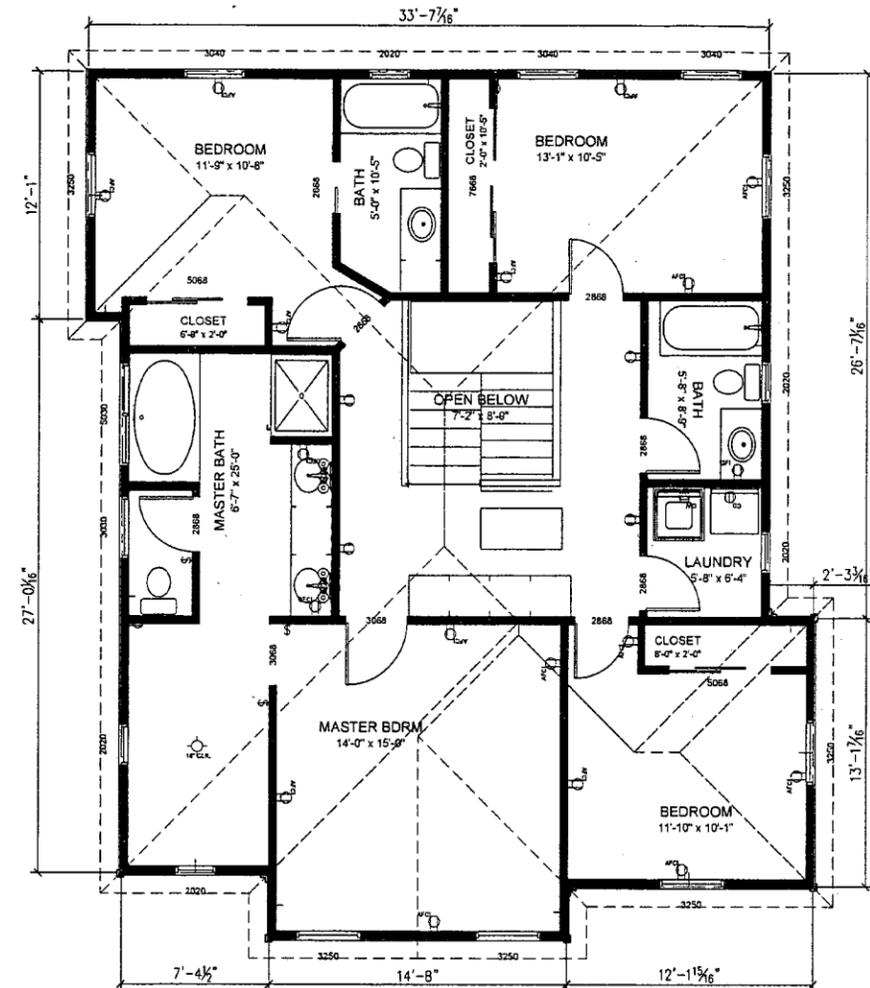
Date	Issued For
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01.03.07	PLANNING CMNTS.
01.16.07	PLANNING CMNTS.
04.23.07	PLANNING CMNTS.

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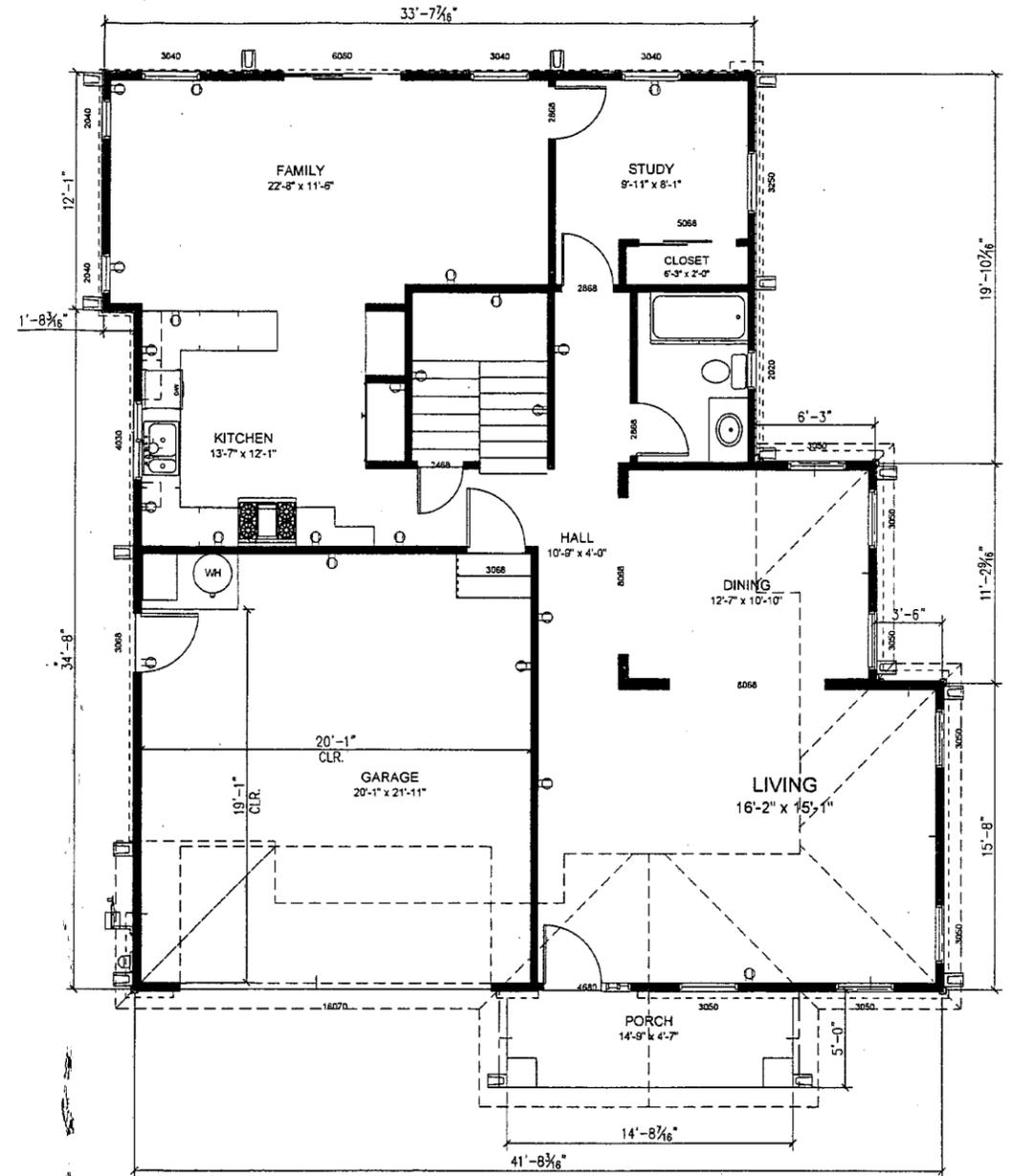
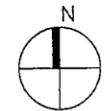
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Project no. Sheet no.  
**5A2.1**

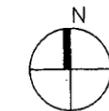
OF 11 SHEETS



**2 SECOND FLOOR PLAN**  
1/4" = 1'-0"



**1 FIRST FLOOR PLAN**  
1/4" = 1'-0"



**LOT 5**  
LOT AREA: 5,049 SQ. FT.  
LOT COVERAGE: 0.40 x 5,049 = 2,020 SQ. FT.

1.	1ST FLOOR	1,274 SQ. FT.
2.	GARAGE	462 SQ. FT.
3.	PORCH	70 SQ. FT.
4.	2ND FLOOR	1,351 SQ. FT.
5.	LOT COVERAGE 1+2+3	1,806 SQ. FT.

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**JANDA - OROZCO  
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Sheet  
**LOT 5  
ELEVATIONS**

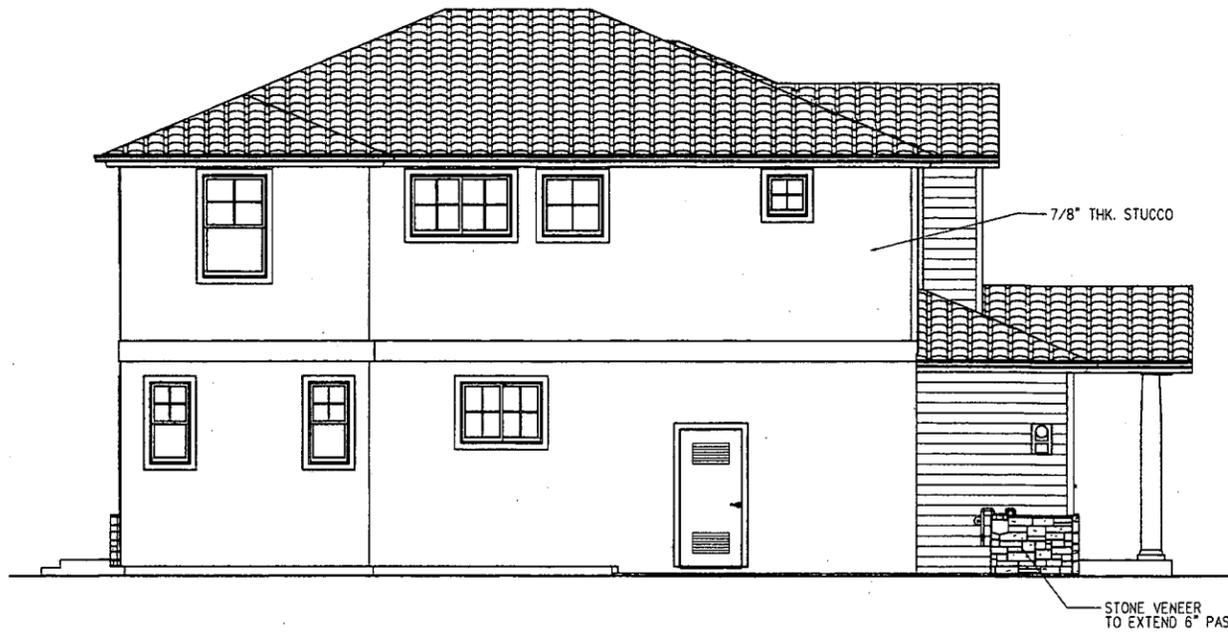
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Project no. Sheet no.  
**5A3.1**

OF 11 SHEETS



**2 LEFT ELEVATION**  
1/4"=1'-0"



**1 FRONT ELEVATION**  
1/4"=1'-0"



**3 REAR ELEVATION**  
1/4"=1'-0"



**4 RIGHT ELEVATION**  
1/4"=1'-0"



