

**CONDITIONS OF APPROVAL**  
**Tentative Parcel Map 9700 - PL-2007-0576**

**Request for consideration of an application to allow for the conversion of an existing mobile home park consisting of 129 mobile home spaces, and three common area buildings and related facilities to residential ownership (condominium) in accordance with Chapter 10, Article 3, Section 10-3.850 through 1060 of the Hayward Municipal Code and the California Government Code Section 66427.5. Eden Gardens, LLC (Applicant/Owner) – Property is located at 1150 West Winton Avenue on an approximately 15.10-Acre site in a Mobile Home Park (MHP) District bearing APN 441-0010-002-01, 441-0010-003-08 and 441-0083-001-06**

This approval will allow the subdivision of the existing three parcels located at 1150 West Winton Avenue, bearing County Assessor's designation: APN 441-0010-002-11, 441-0010-003-11 and 441-0083-001-06, into 129 air-space condominium units. The condominium plan for this division of air-space shall substantially conform to the Tentative Parcel Map 9700, "Exhibit "A", dated "Received March 10, 2008" on file with the Planning Division, except as modified by the following conditions.

1. Approval of this land subdivision does not authorize an increase in the number of units beyond 129 on the site.
2. Approval of the Tentative Parcel Map and all associated permits will expire on November 4, 2011 at 5:00 pm, two years after the approval of this project, unless the conditions have been met or an extension of time has been approval pursuant to the Municipal Code.
3. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
4. The proposed development is subject to all applicable provisions of the California Subdivision Map Act, including but not limited to, Government Code Sections 66427.1, 66427.5, 66451 and 66452, and evidence of compliance therewith shall be submitted to the Development Services Department, Planning Division, as required by law.
5. The applicant 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 application.
6. 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. The applicant/developer's engineer shall perform all design work unless otherwise indicated.
7. The Parcel Map 9700 shall be recorded within two years of the date of this approval or this approval shall lapse. The condominium plan and CC&R's shall be recorded prior to sale of any of the individual units.
8. Decision of the Planning Commission shall become effective and final 10 days after the date of its action unless an appeal is filed in accordance with the City Subdivision Ordinance.

9. The property owner shall provide all buyers with copies of these project conditions of approval, a copy of the CC&R's, and a full size plan of the condominium plan.

**PRIOR TO THE APPROVAL OF THE PARCEL MAP 9700**

10. The 129 condominium units covered by this approval shall be subject to a property owners' association through Covenants, Conditions and Restrictions (CC&R's) to establish powers and responsibilities for the ownership, use and maintenance of common areas and facilities within the project, including, but not limited to, storm drainage, parking, access, utilities and landscaping. The CC&R's shall include the following provisions and shall be submitted to the Planning Director and City Attorney for review and approval prior to their submittal to the State Department of Real Estate and prior to the recordation of the condominium plan. Any changes to the CC&R's, after the CC&R's have been submitted to the State Department of Real Estate, shall be subject to the review and approval of the City Attorney, which approval shall not be unreasonably withheld:
  - a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
  - b. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association.
  - c. The association shall be managed and maintained by a professional property management company.
  - d. The property owners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The property owner's association representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within 14 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 and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
  - e. A provision that if the property owners' association fails to maintain the landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
  - f. The CC&Rs shall specify the outdoor collection locations of trash and recycle containers. In addition, trash and recycle containers shall not be moved to the collection location more than 24 hours prior to collection and shall be removed within 24 hours after collection.
  - g. On-site lights and pedestrian lighting shall be owned and maintained by the property owners association.
  - h. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
  - i. Graffiti shall be removed from all project areas with 72 hours of written notification by the City of Hayward. Should the graffiti problem persist more than four times in any

calendar year, the matter may be brought before the Planning Commission for review and further consideration of the site modifications (i.e., fencing, landscaping, painting, etc.)

- j. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
11. Any existing portland cement concrete curb, gutter and sidewalk abutting the property along West Winton Avenue, Eden Avenue and Middle Lane that is not in a good service condition shall be removed and replaced with the City's standard SD-108.
12. Any new trash areas, dumpsters and/or recycling containers shall be enclosed and roofed to prevent storm water runoff onto the area and runoff from the area, and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal. These areas shall not drain to the storm drain system, but to the sanitary sewer system. No other area shall drain into the trash enclosure; a berm shall be installed to prevent such drainage if found necessary by the City Engineer. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer. The property owner shall notify the City of Hayward Public Works-Utilities Department upon installation of the sanitary connection; a copy of this notification shall be provided to the Planning Division. Trash areas, dumpsters and/or recycling enclosures shall be reviewed and approved by the City Engineer.
13. All on-site storm drain inlets shall be labeled with the wording, "No Dumping -- Drains to Bay" using City-approved methods and materials. On-site storm drain facilities shall be cleaned a minimum of twice a year as follows: immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by the City Engineer.
14. Label driveways and multiple access strips as a private driveway, and fire lane and delineate on the Parcel Map to the satisfaction of the City Engineer.

#### **Fire Department:**

15. **Maintain Fire Lanes** – All access roadways within the project site are to be designated fire lanes. Existing roads shall be maintained as such. Red-painted curbing and fire lane signage shall be installed throughout the mobile home park as required by the Hayward Fire Department. The applicant shall contact the Fire Marshal's Office for a review of site access at which time fire lane identification will be discussed.
16. **Access Gates** – The mobile home park's automated gates shall remain to be properly equipped with fire key switches operated by the Hayward Fire Department.
17. **Maintain Existing Fire Hydrants** – All of the existing fire hydrants within the mobile home park shall be in operational condition. The fire line is privately owned and is required to have an annual maintenance inspection as required by the California Fire Code and NFPA Standards. All fire hydrants shall be identified with a blue reflective fire hydrant marker that shall be installed on the pavement adjacent to the fire hydrant location.
18. **Recreation Building** – The recreation building is presently inspected on an annual basis by the Hayward Fire Department. The building is used for assembly purposes. Inspection violations noted shall be cleared prior to condominium map approval. The

most important concern is the fire extinguishing system for the kitchen exhaust hood. The system is required to have a new fire extinguishing system installed meeting NFPA and UL 300 Standards. The system has been red-tagged by the Hayward Fire Department and cannot be used until a new fire extinguishing system has been installed.

**Subdivision:**

19. The applicant shall submit the following information to the City Engineer for review and approval:
  - a. Ten sets of prints of the preliminary parcel map;
  - b. Two copies of the most recent title report (within six months);
  - c. One set of the computer closure calculations; and
  - d. One legible copy of the latest recorded deed for the parcel being subdivided.
20. The title of the Parcel Map shall be provided to identify that this land division is for the Parcel Map 9700, a mobile home park conversion project for 129 units to the satisfaction of the City Engineer.
21. Easements shall be granted to the City, appropriate agencies, entities for the purpose of ingress, egress, construction, and maintenance of all infrastructure constructed for the land division to the satisfaction of the City Engineer.
22. Provide reciprocal easements for drainage, ingress/egress, sewer, water, utilities and maintenance purposes, etc. over the common driveway in the document to the satisfaction of the Planning Director.
23. Relocate or quitclaim any easements interfering with building locations to the satisfaction of the City Engineer.
24. Provide a numeric reference for all parcels to the satisfaction of the City Engineer.
25. Private easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication until after the Parcel Map is filed with the Alameda County Recorder's office. If easements are granted after the date of tentative parcel map approval, a subordination must be executed by the easement holder prior to the filing of the Parcel Map.
26. Any dedications, open offers of dedication, or grants of easements may be dedicated and accepted on the face of the map. Agreements or other required items shall be recorded as separate documents concurrently with the recordation of the Parcel Map.
27. The property owner's title company shall record the parcel map and any required separate documents with the Alameda County Recorder's Office.
28. When the parcel map is submitted for City Engineer's signature, the developers engineer shall provide the City with an electronic copy of the parcel map, excepting the certification information. When the condominium plan is to be recorded, the property owner shall provide the City with electronic copy that shows the lot outlines.

**PRIOR TO THE RECORDATION OF THE PARCEL MAP 9700**

29. The parcel map shall include the subdivision number under which the subdivision application was approved and the Assessor's Parcel Number(s) of the original parcel(s) prior to subdivision.

30. All infrastructure (water, sewer, storm drain, and street improvements) necessary to serve this land subdivision shall be in operation prior to recordation of the Parcel Map.
31. The applicant shall execute and record a covenant to the satisfaction of the Planning Director, guaranteeing reservation and maintenance of all common areas for common use and enjoyment of the residents. Said covenant shall also provide arrangements to assure maintenance of all buildings, structures, access roadways and landscaping located within said common area to the satisfaction of the Planning Director.
32. Prior to the recording of the condominium plan, the property owner shall submit to the City Engineer for review and approval two prints of the condominium plan and one copy of the then current title report.