



CITY OF NEWARK PLANNING COMMISSION

37101 Newark Boulevard, Newark, California 94560-3796 □ 510/578-4330 □ FAX 510/578-4265

City Administration Building
7:30 p.m.
City Council Chambers

AGENDA Tuesday, August 9, 2016

A. ROLL CALL

B. MINUTES

B.1 Approval of Minutes of the Special Planning Commission meeting of Tuesday, July 12, 2016. (MOTION)

C. WRITTEN COMMUNICATIONS

D. ORAL COMMUNICATIONS (Anyone wishing to address the Commission on any planning item not on the Agenda may take the podium and state his/her name and address clearly for the recorder.)

E. PUBLIC HEARINGS

E.1 Hearing to consider P-16-11, a planned unit development, U-16-12, a conditional use permit, and TTM-16-10, Tentative Tract Map 8340 to construct a 14-unit condominium project (Merida Place) at 36731 Sycamore Street (APN: 92-21-151-3) – from Associate Planner Mangalam. (RESOLUTIONS-2)

E.2 Hearing to consider U-16-13, a conditional use permit and P-16-14, a planned unit development to APN(s) 092-0005-029-04 AND 092-0005-029-09 located at 6826 and 6844 Mayhews Landing Road, to facilitate subdivision of approximately +/- 1.41 acres of land by Parcel Map No. 10261 by allowing 5 foot side setbacks and lots a minimum of 45 feet wide while maintaining 6000 square foot lot minimums consistent with R-6000 (Low Density Residential – 6000 district) – from Associate Planner Mangalam. (RESOLUTION)

F. STAFF REPORTS

G. COMMISSION MATTERS

G.1 Report on City Council actions.

H. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the Planning Commission, will be made available for public inspection at this meeting and at the Planning Division Counter located at 37101 Newark Boulevard, 1st Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

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City Administration Building
7:30 p.m.
City Council Chambers

MINUTES

Tuesday, July 12, 2016

A. ROLL CALL

At 7:31 p.m., Chairperson Aguilar called the meeting to order. All Planning Commissioners were present.

B. MINUTES

B.1 Approval of Minutes of the Special Planning Commission meeting of Tuesday, May 31, 2016.

Commissioner Otterstetter moved, Commissioner Fitts seconded, to approve the Minutes of May 31, 2016. The motion passed 5 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

None.

F. STAFF REPORTS

F.1 Review of a conditional use permit (U-12-7) for a change of owner of a day care facility (from Genius Kids to Young Explorers) at 39768 Cedar Boulevard (Cedar Springs Shopping Center).

Assistant City Manager Grindall gave the staff report.

Applicant Sachin Gupta, 39768 Cedar Boulevard, Newark, CA 94560, stated he has read and is in agreement to all conditions in Resolutions 1936.

Answering Commissioner Fitts, Mr. Gupta stated his day care would accommodate children from 2 to 6 years of age and they are currently applying for a daycare license through the CCLD (Community Care Licensing Division).

Answering Vice-Chairperson Nillo, Mr. Gupta stated he has already started the name change process and hopes to start operating his business as soon as possible.

Answering Chairperson Aguilar, Mr. Gupta stated the existing daycare has 12 or 13 children enrolled, but he expects to have up to 40 children. He also stated that there will be one teacher for every 12 children.

Motion made by Commissioner Fitts, seconded by Vice-Chairperson Nillo, to approve Resolution 1936, with Exhibit A, pages 1 through 4, approving the review of a conditional use permit (U-15-7) for a change of owner of a day care facility (Young Explorers) at 39768 Cedar Boulevard (Cedar Springs Shopping Center).

This item will be heard at the July 28, 2016 City Council Meeting.

G. COMMISSION MATTERS

None.

ACM Grindall informed the Planning Commission that the City Council had finalized the Civic Center Feasibility Study which is available on the City's website. The City Council will discuss adding a tax measure on the November ballot at their next meeting, July 14, 2016.

ACM Grindall stated the second of four meetings for the Citywide Parks Master Plan will be held on August 4, 2016 at the Community Center at 6:30 p.m.

Answering Commissioner Fitts, ACM Grindall stated there is no meeting scheduled yet for the Bicycle Pedestrian Committee.

Answering Vice-Chairperson Nillo, ACM Grindall stated he will notify the public via Facebook when the aerial map of City Parks is available to view online.

Commissioners' Comments

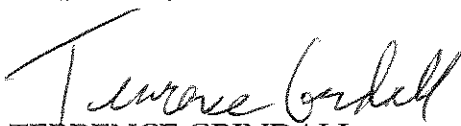
Commissioner Fitts thanked staff for having the public microphone turned on prior to the start of the Planning Commission Meeting.

Vice-Chairperson Nillo asked the public to support Relay for Life which will be held the weekend of July 16-17, 2016, at Newark Memorial High School.

H. ADJOURNMENT

At 7:47 p.m., Chairperson Aguilar adjourned the regular Planning Commission meeting of Tuesday, July 12, 2016.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terrence Grindall". The signature is written in black ink and is positioned above the printed name.

TERRENCE GRINDALL

Secretary



- E.2 Hearing to consider U-16-13, a conditional use permit and P-16-14, a planned unit development to APN(s) 092-0005-029-04 AND 092-0005-029-09, located at 6826 and 6844 Mayhews Landing Road, to facilitate subdivision of approximately +/- 1.41 acres of land by Parcel Map No. 10261, by allowing 5 foot side setbacks and lots a minimum of 45 feet wide while maintaining 6000 square foot lot minimums consistent with R-6000 (Low Density Residential – 6000 district) – from Associate Planner Mangalam. *SM* (RESOLUTION)

Background/Discussion – The property owner of 6844 Mayhews Landing Road has been working with the City of Newark on a parcel map for APN 092-0005-029-09. In the process of review, staff determined that a planned unit development (PUD) would be appropriate to facilitate the development consistent with the Zoning District.

The property is approximately 66,316 square feet (1.52 +/- acres) and on the south side of Mayhews Landing Road between Sycamore Street and Mulberry Street. There are four (4) existing houses on the site. It is zoned R6000 (Low Density Residential – 6,000) and is bordered by single family homes on all sides.

The proposal proposes no changes in the density but would allow for the lots with different dimensions than required by strict interpretation from the Zoning Ordinance.

Attached to the resolution for the conditional use permit and the planned unit development is Exhibit A, pages 1 and 2.

Environmental

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3b, New Construction or Conversion of Small Structures.

Attachment

Action – It is recommended that the Planning Commission by resolution, approve U-16-13, a conditional use permit and P-16-14, a planned unit development, with Exhibit A, pages 1 and 2 APN(s) 092-0005-029-04 and 092-0005-029-09 located at 6826 and 6844 Mayhews Landing Road, to facilitate subdivision of approximately +/- 1.41 acres of land by Parcel Map No. 10261 by allowing 5 foot side setbacks and lots a minimum of 45 feet wide while maintaining 6000 square foot lot minimums consistent with R-6000 (Low Density Residential – 6000 district).

RESOLUTION NO.

RESOLUTION APPROVING A CONDITIONAL USE PERMIT (U-16-13) AND A PLANNED UNIT DEVELOPMENT (P-16-14) TO APN(S) 092-0005-029-04 AND 092-0005-029-09 LOCATED AT 6826 AND 6844 MAYHEWS LANDING ROAD, TO FACILITATE SUBDIVISION OF APPROXIMATELY +/- 1.41 ACRES OF LAND BY PARCEL MAP NO. 10261 BY ALLOWING 5 FOOT SIDE SETBACKS AND LOTS A MINIMUM OF 45 FEET WIDE WHILE MAINTAINING 6,000 SQUARE FOOT LOT MINIMUMS CONSISTENT WITH R-6000 (LOW DENSITY RESIDENTIAL – 6000 DISTRICT).

WHEREAS, Planning Division staff, has proposed that the Planning Commission of the City of Newark grant a conditional use permit (U-16-13) and a planned unit development (P-16-14), to APN(s) 092-0005-04 and 092-0005-029-09 located at 6826 and 6844 Mayhews Landing Road, to facilitate subdivision of approximately +/- 1.41 acres of land by Parcel Map No. 10261 by allowing 5 foot side setbacks and lots a minimum of 45 feet wide while maintaining 6,000 square foot lot minimums consistent with R-6000 (Low Density Residential – 6000 district).

PURSUANT to Municipal Code Section 17.72.060, a public hearing notice was published in The Tri-City Voice on July 26, 2016, and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on August 9, 2016 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

WHEREAS, a pursuant to chapter 1740 (Planned Unit Developments), Section 17.40.050 (Permit Procedure) and Chapter 17.72 (Use Permits), Section 17.72.070 (Action by Planning Commission), the Planning Commission hereby makes the following findings:

1. That the proposed location of the planned unit development is in accord with the objectives of the zoning title and the purposes of the district in which the site is located;
2. That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;
3. That the standards of population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between the structures, usable open space, off-street parking and off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the zoning title;
4. That the standards of population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between the structures, usable open space, off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities;

5. That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity;
6. That the proposed location of the conditional use is in accord with the purposes of the zoning title and the purposes of the district in which the site is located;
7. That the proposed location of the conditional use and the conditions under which it is would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;
8. That the proposed conditional use will comply with each of the applicable provisions of Chapter 17.22 (Use Permits).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approves this application as shown on Exhibit A, pages 1 and 2, subject to compliance with the following conditions:

- a. The minimum site area for the lots within a Planned Unit Development shall not be less than 6,000 square feet.
- b. The lots shall not have a width less than forty-five (45) feet.
- c. The minimum side yard for a permitted use shall be five (5) feet.
- d. Any future lot line adjustment to lot lines shall not be subject to the approval of the Planning Commission and the City Council.

General

- e. If any condition of this planned unit development and conditional use permit be declared invalid or unenforceable by a court of competent jurisdiction, this planned unit development and conditional use permit shall terminate and be of no force and effect, at the election of the City Council on motion.
- f. This planned unit development and conditional use permit shall be given a public hearing before the City Council for the Council's review and approval.
- g. The property owner hereby agrees to defend, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.

- h. The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The property owner is hereby further notified that the 90-day approval period in which the property owner may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the property owner fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the property owner will be legally barred from later challenging such exactions.

The Commission makes the findings prescribed in Newark Municipal Code Sections 17.40.050 and 17.72.070, and directs a Notice of Decision be mailed to the applicant and filed with the City Clerk who shall present said Notice to the City Council pursuant to Newark Municipal Code Section 17.72.080.

This Resolution was introduced at the Planning Commission's August 9, 2016 meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

JEFF AGUILAR, Chairperson

TENTATIVE PARCEL MAP 10261

GENERAL NOTES

OWNERS
 JOHN LUIS AND BEATRICE LUIS
 6844 MAYHEWS LANDING ROAD
 NEWARK, CA 94560

BEATRICE KATHLEEN LUIS TRUST (DATED NOVEMBER 10, 2011)
 CONTACT: RAYLENE PIAZZA, TRUSTEE
 PO BOX 263
 AVERY CA 95224
 209-795-2417

SUBDIVDER:
 BEATRICE KATHLEEN LUIS TRUST (DATED NOVEMBER 10, 2011)
 CONTACT: RAYLENE PIAZZA, TRUSTEE
 PO BOX 263
 AVERY CA 95224
 209-795-2417

CIVIL ENGINEER:
 GREENBLUEEARTH, INC
 284 BROMLEY CROSS DRIVE
 SAN JOSE, CA 95119
 (408) 772-4381

EXISTING USE: SINGLE FAMILY RESIDENTIAL (1 PARCELS)
PROPOSED USE: SINGLE FAMILY RESIDENTIAL (4 PARCELS)

ZONING:
 EXISTING: RS - SINGLE FAMILY RESIDENTIAL
 PROPOSED: RS - SINGLE FAMILY RESIDENTIAL

GENERAL PLAN DESIGNATION:
 EXISTING: LOW DENSITY RESIDENTIAL
 PROPOSED: LOW DENSITY RESIDENTIAL

ASSESSOR'S PARCEL NO.: 092-0005-04 & 09

EXISTING SITE AREA: 61,375± SF (1.41± AC)

PROPOSED SITE AREA: 61,375± SF (1.41± AC)
 PARCEL 1: 20,625 SF (0.47± AC)
 PARCEL 2: 14,794 SF (0.34± AC)
 PARCEL 3: 9,171 SF (0.21± AC)
 PARCEL 4: 12,969 SF (0.30± AC)

SMALLEST LOT SIZE: 9,171 SF (PARCEL 3)
LARGEST LOT SIZE: 20,625 SF (PARCEL 1)
AVERAGE LOT SIZE: 15,344 SF

DENSITY: 0.35 DU/AC

LOT COVERAGE: 24%

THIS PROPERTY LIES IN THE JURISDICTION OF:
 FIRE PROTECTION: ALAMEDA COUNTY FIRE DEPARTMENT
 DOMESTIC WATER: ALAMEDA COUNTY WATER DISTRICT (ACWD)
 SANITARY SEWER: UNION SANITARY DISTRICT (USD)
 STORM DRAINAGE: ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (ACFC&WCD)
 GAS & ELECTRIC: PACIFIC GAS & ELECTRIC (PG&E)
 CABLE: COMCAST
 PHONE: AT&T

FLOOD ZONE DESIGNATION: ZONE X AND ZONE X (SHADED) PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP, PANEL NUMBER 0601C 0441 G DATED AUGUST 3, 2009.

TOPOGRAPHY: EXISTING TOPOGRAPHY AND EXISTING GRADES ALONG THE SITE BOUNDARY AND ONSITE ARE BASED ON HAND SURVEY UNDER THE DIRECTION OF PORFIRIO OSCAR OSUNA P.L.S. 8921 ON MAY 26, 2014.

NO NEW CONSTRUCTION IS PLANNED ON THE PARCELS. NO GRADING, NEW FENCING, RETAINING WALLS OR UTILITIES ARE PROPOSED. THE EXISTING RESIDENTIAL STRUCTURES HAVE INDIVIDUAL SERVICES (SS, WATER, GAS, ELECTRIC, PHONE, CABLE). THE CONDITIONS OF APPROVAL INCLUDING THOSE RELATED TO GRADING & DRAINAGE, PUBLIC IMPROVEMENTS, STORMWATER QUALITY TREATMENT, PERIMETER FENCING AND OTHER RELATED IMPROVEMENTS WILL APPLY FOR ANY FUTURE CONSTRUCTION

THERE IS ALSO SHOWN ON THE HEREON MAP, AN EASEMENT FOR SURFACE DRAINAGE RELEASE PURPOSES, DESIGNATED AND DELINEATED AS "PSDR" (PRIVATE SURFACE DRAINAGE RELEASE EASEMENT) FOR SURFACE FLOW OF STORM WATER ENTIRELY ON OR OVER PARCELS 1 THROUGH 4.

NO NEW CONNECTIONS OR DISCHARGES TO THE EARTH CHANNEL TO THE SOUTH ARE PLANNED. ANY FUTURE DISCHARGES WILL REQUIRE APPROVAL BY THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (ACFC&WCD).

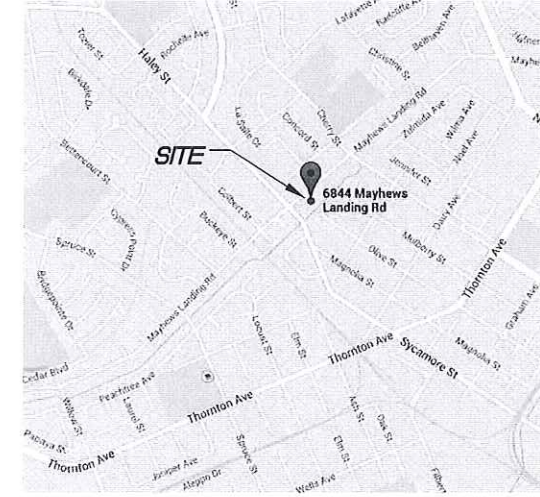
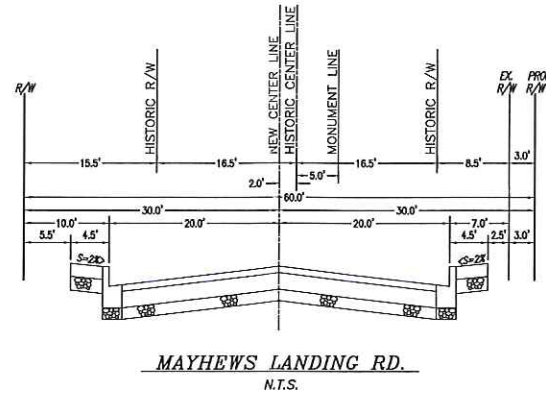
PRIOR TO RECORDATION OF THE FINAL MAP, THE PROPERTY OWNERS WILL BE REQUIRED TO ENTER INTO AN AGREEMENT TO GUARANTEE THE FUTURE UNDERGROUNDING OF ALL EXISTING OVERHEAD UTILITIES ALONG THE MAYHEWS LANDING ROAD AND SYCAMORE STREET FRONTAGES.

PROPERTY OWNER(S) OF 6826 MAYHEWS LANDING RD. TO DEDICATE 3' OF PROPERTY FRONTAGE TO THE CITY OF NEWARK PRIOR TO THE APPROVAL OF THE RECORD MAP. THE DOCUMENTS FOR THE DEDICATION NEED TO BE PREPARED WITH THE RECORD MAP. RECORD INFORMATION OF THE EASEMENT WILL BE SHOWN ON THE RECORD MAP.

MULTIPLE FINAL MAPS MAY BE FILED ON THIS PROJECT PRIOR TO THE EXPIRATION OF THE TENTATIVE MAP.

BASIS OF BEARINGS: THE BEARING S21°51'34"E OF THE CENTERLINE OF SYCAMORE STREET AS SHOWN ON THAT CERTAIN MAP OF TRACT 3928 FILED IN BOOK 104 OF MAPS AT PAGE 86, ALAMEDA COUNTY RECORDS WAS USED AS THE BASIS OF BEARINGS AS SHOWN ON THIS MAP.

BENCHMARK: SYCAMORE STREET/MAYHEWS LANDING ROAD, ALAMEDA COUNTY MARKER, SOUTHWEST CORNER OF SYCAMORE/MAYHEWS, STATION ID HEWS-3 1984, ELEVATION = 15.608 (NGVD 1929).



VICINITY MAP
N.T.S.



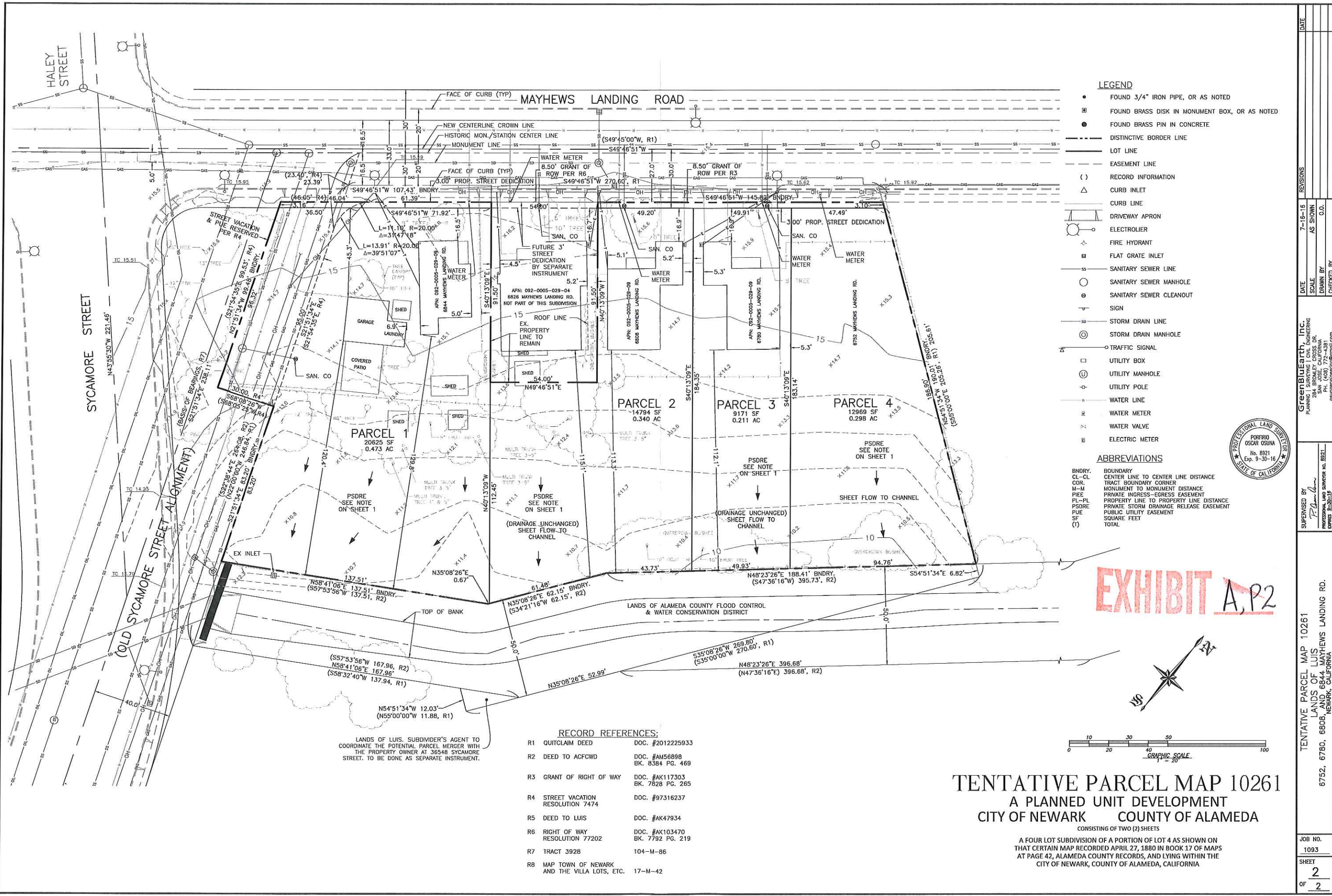
EXHIBIT A, P1

TENTATIVE PARCEL MAP 10261 A PLANNED UNIT DEVELOPMENT CITY OF NEWARK COUNTY OF ALAMEDA CONSISTING OF TWO (2) SHEETS

A FOUR LOT SUBDIVISION OF A PORTION OF LOT 4 AS SHOWN ON THAT CERTAIN MAP RECORDED APRIL 27, 1880 IN BOOK 17 OF MAPS AT PAGE 42, ALAMEDA COUNTY RECORDS, AND LYING WITHIN THE CITY OF NEWARK, COUNTY OF ALAMEDA, CALIFORNIA

DATE	7-16-16	REVISIONS	
SCALE	AS SHOWN		
DRAWN BY			
CHECKED BY			
SUPERVISED BY: <i>Porfirio Oscar Osuna</i> PROFESSIONAL LAND SURVEYOR No. 8921 EXPIRES 9-30-16 DOMESTIC 1536219			
TENTATIVE PARCEL MAP 10261 LANDS OF LUIS 6752, 6780, 6808, AND 6844 MAYHEWS LANDING RD. NEWARK, CALIFORNIA			
JOB NO.	1093		
SHEET	1		
OF	2		

GreenBlueEarth, Inc.
 PLANNING | SURVEYING | CIVIL ENGINEERING
 284 BROMLEY CROSS DR.
 SAN JOSE, CA 95119
 PH. (408) 772-4381
 greenengineering@gmail.com



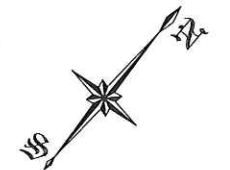
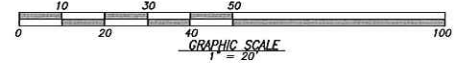
- LEGEND**
- FOUND 3/4" IRON PIPE, OR AS NOTED
 - FOUND BRASS DISK IN MONUMENT BOX, OR AS NOTED
 - FOUND BRASS PIN IN CONCRETE
 - - - - - DISTINCTIVE BORDER LINE
 - LOT LINE
 - - - - - EASEMENT LINE
 - () RECORD INFORMATION
 - △ CURB INLET
 - CURB LINE
 - DRIVEWAY APRON
 - ELECTROLIER
 - ◇ FIRE HYDRANT
 - FLAT GRATE INLET
 - SANITARY SEWER LINE
 - SANITARY SEWER MANHOLE
 - SANITARY SEWER CLEANOUT
 - SIGN
 - STORM DRAIN LINE
 - STORM DRAIN MANHOLE
 - △ TRAFFIC SIGNAL
 - UTILITY BOX
 - UTILITY MANHOLE
 - ◇ UTILITY POLE
 - WATER LINE
 - WATER METER
 - ◇ WATER VALVE
 - ELECTRIC METER

- ABBREVIATIONS**
- BNDRY. BOUNDARY
 - CL-CL CENTER LINE TO CENTER LINE DISTANCE
 - COR. TRACT BOUNDARY CORNER
 - M-M MONUMENT TO MONUMENT DISTANCE
 - PIE PRIVATE INGRESS-EGRESS EASEMENT
 - PL-PL PROPERTY LINE TO PROPERTY LINE DISTANCE
 - PSDR PRIVATE STORM DRAINAGE RELEASE EASEMENT
 - PUE PUBLIC UTILITY EASEMENT
 - SF SQUARE FEET
 - (T) TOTAL



EXHIBIT A, P2

- RECORD REFERENCES:**
- R1 QUITCLAIM DEED DOC. #2012225933
 - R2 DEED TO ACFWD DOC. #AM56898 BK. 8384 PG. 469
 - R3 GRANT OF RIGHT OF WAY DOC. #AK117303 BK. 7828 PG. 265
 - R4 STREET VACATION RESOLUTION 7474 DOC. #97316237
 - R5 DEED TO LUIS DOC. #AK47934
 - R6 RIGHT OF WAY RESOLUTION 77202 DOC. #AK103470 BK. 7792 PG. 219
 - R7 TRACT 3928 104-M-86
 - R8 MAP TOWN OF NEWARK AND THE VILLA LOTS, ETC. 17-M-42



TENTATIVE PARCEL MAP 10261
A PLANNED UNIT DEVELOPMENT
CITY OF NEWARK COUNTY OF ALAMEDA
 CONSISTING OF TWO (2) SHEETS

A FOUR LOT SUBDIVISION OF A PORTION OF LOT 4 AS SHOWN ON THAT CERTAIN MAP RECORDED APRIL 27, 1880 IN BOOK 17 OF MAPS AT PAGE 42, ALAMEDA COUNTY RECORDS, AND LYING WITHIN THE CITY OF NEWARK, COUNTY OF ALAMEDA, CALIFORNIA

DATE	7-16-16	REVISIONS	
SCALE	AS SHOWN		
DRAWN BY	O.O.	CHECKED BY	
SUPERVISED BY: <i>[Signature]</i> PROFESSIONAL LAND SURVEYOR NO. 8921 EXPIRES 9-30-16			
GreenBluEarth, Inc. PLANNING SURVEYING CIVIL ENGINEERING 2500 SHAW BLVD. SUITE 100 SAN JOSE, CALIFORNIA 95131 PH. (408) 772-4381 osunac@greenbluearth.com			
JOB NO.	1093		
SHEET	2		
OF	2		

TENTATIVE PARCEL MAP 10261
 LANDS OF LUIS
 6844 MAYHEWS LANDING RD.
 NEWARK, CALIFORNIA
 6752, 6780, 6808