

## Planning Standard COA

### Site Plan Review

#### GENERAL

- The developer 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.
- Site Plan is approved subject to the Architectural, Civil and Landscape plans date stamped (date), respectively, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan and/ or design that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission.
- The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
- Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.
- All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
- If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.

- A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
- The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
- (If applicable) The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
- The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
- The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.

#### **MAILBOXES/ADDRESSES**

- (Residential Only) Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft. Approved address numbers shall be at least four inches in height on a contrasting background. Font strokes shall be of sufficient width such that they are legible to the public from the street fronting the property.
- Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.

#### **LIGHTING**

- Lighting within the parking area(s) shall be provided and be maintained at a minimum of one foot-candle. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.
- Plans submitted for building permit shall include a photometric site lighting plan that includes fixtures, mounting heights, light wattage and that demonstrates adequate site lighting without excessive glare, off-site impacts or “hot spots.” All lighting shall be reviewed and approved by the City Engineer, Planning Division and Hayward Police Department prior to Building Permit issuance.

- All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.

### **COLORS AND MATERIALS**

- The building colors and materials shown on the building permit plans shall match those shown on the color/material exhibit and renderings date stamped (Date). Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit.
- All vents gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.

### **SCREENING OF MECHANICAL EQUIPMENT**

- All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and swimming pool equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit. All screening shall be compatible with respect to forms and materials used on the building.
- Any above-ground structures that may be required to provide utilities for the project shall be compatible as to location, form, design, exterior materials, and noise generation. The applicant shall obtain staff approval prior to issuance of any permits.

### **SIGNS**

- No signs are approved with this project. Any signs placed on-site or off-site shall be reviewed and approved by the Planning Division and a separate Sign Permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.
- Applicant shall submit an application for a Master Sign Program in accordance with Hayward Municipal Code (HMC) Section 10-7.210, prior to the installation of any signage for the commercial development.

### **TRASH ENCLOSURE DESIGN**

- (For Commercial and Multi-Family Residential) All trash enclosures must adhere to all the basic design guidelines provided in Section 3 of the City's Standard Design Requirements for Collection & Storage of Trash, Recyclables and Organics for Commercial (Business) and Multi -Family Projects. All trash enclosures shall be adequately screened from view, utilizing a decorative wood or masonry wall or

combination thereof and incorporate a roof, and doors which are compatible with the design of the primary building on site. The building permit submittal shall include a detailed set of plans that show the design details of the enclosures, including the location of all bins and label each bin with the capacity (ex: three cubic yards, four cubic yards, etc.) as well as the type of waste trash, recyclables, organics).

- (Hot Water/Grease Interceptor)

#### **IMPACT FEES**

- The project is subject to the Affordable Housing Ordinance (Chapter 10, Article 17 of the Hayward Municipal Code). Pursuant to section 10-17.205, the applicant may comply with the requirements of the AHO by paying an affordable housing fee, or by providing affordable units on-site or off-site. Alternatively, the applicant may propose additional means of compliance not listed in the AHO that would mitigate the affordable housing impact of the proposed project.

This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay in lieu fees for each residential unit. The in-lieu fees shall be those that are in effect at the time of building permit issuance. (DS)

#### **ENVIRONMENTAL MITIGATION**

- If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained 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.
- 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:
  - o In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).
  - o Grading and construction equipment shall be properly muffled;
  - o Unnecessary idling of grading and construction equipment is prohibited;

- o Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- o Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
- o Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
- o The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
- o Daily clean-up of trash and debris shall occur on project street frontages, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- o 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;
- o 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;
- o All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- o 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;
- o Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- o Sweep public streets daily if visible soil material is carried onto adjacent public streets;
- o Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- o Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- o 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;
- o No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- o 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;

- o 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;
- o 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;
- o Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
- o The 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.

#### **EXPIRATION**

- In accordance with Hayward Municipal Code (HMC) Section 10- 1. 3055, approval of this Site Plan Review is void 36 months after the effective date of approval unless:
  - a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval 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 on this approval; or
  - b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.

#### **IF THE PROPOSED PROJECT INVOLVES DEMOLITION OF EXISTING STRUCTURES**

- a. The property owner shall demolish any vacant structures within 60 days of their being made vacant.
- b. The property owner shall be responsible for securing and clearing any vacant structure(s) prior to demolition and commencement of construction activities.
- c. Prior to, during and following demolition of vacant structures, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4,

Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.

#### **PROJECT PHASING, PLANNED DEVELOPMENT AND MIXED-USE COA**

- For the mixed-use development, the commercial/retail component of the project shall be under vertical construction before the issuance of a certificate of occupancy for the first residential unit and shall be completed prior to the issuance of a certificate of occupancy for the last residential unit, unless otherwise approved as part of a project's phasing plan.
- For mixed-use projects that propose to construct multiple buildings over multiple phases, the applicant shall construct at least 50% of the commercial/retail component of the project as part of the initial first phase of construction and shall incorporate the remainder of the commercial/retail component as part of or prior to the issuance of the building permit for the last phase, unless otherwise approved as part of the project phasing plan. All other public and site improvements tied to the commercial/retail use, including parking, lighting, etc. shall be completed prior to the issuance of the certificate of occupancy for the proposed commercial/retail use.
- For Planned Development projects, each phase of development shall provide a proportional share of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to phasing schedule.
- For Planned Development projects, the applicant shall provide any community benefit, functional facilities and/or project amenities within the first phase of project development to adequately offset the exception to the development regulations that would normally be required, unless specifically approved or deferred by the City Council as part of a project's phasing schedule.

#### **AFFORDABLE HOUSING COA**

##### *If the Applicant Proposes Payment of Affordable Housing Fee:*

- This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. As indicated in the application for residential development and Pursuant to HMC Section 10-17.205(a), the Applicant shall comply with the affordable housing requirements by paying the affordable housing in-lieu fee. Applicant shall pay the applicable affordable housing in-lieu fees as set by resolution in effect at the time of payment. Pursuant to HMC Section 10-17.410, the developer shall pay the affordable housing in-lieu fees either prior to issuance of building permits, prior to approval of a final inspection, or issuance of an occupancy permit. No final inspect will be approved and no occupancy permit will be issued for

any dwelling unit unless all the required affordable housing in-lieu fees have been paid in full.

**If the project is providing the Units, they have four options, which need to be identified as part of application submittal. Depending on which option is chosen, the following condition of approval will apply:**

General COA For Any Project Providing Units:

- This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. As a condition of approval, the Applicant shall comply with the affordable housing requirements as reflected in the attached Affordable Housing Plan, included as Exhibit (X), and detailed per Section 10-17.510 Affordable Housing Plan. No building permits will be issued for any market-rate units in the Project until permits for all affordable units have been obtained or will be obtained simultaneously, unless the Affordable Units are to be constructed in phases pursuant to a phasing plan approved by City Council.
- In addition to the Affordable Housing Plan and pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall also enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance and the Affordable Housing Plan prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded. [ if applicable (for off-site development only): The AHA must simultaneously be recorded against the project site and the property where the off-site units are to be developed].

Providing the On-Site Affordable Units:

- This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. Pursuant to HMC Section 10-17.205(b), the Applicant may comply with the affordable housing requirements by including on-site affordable units. According to the proposed Affordable Housing Plan, [Percentage of affordable Units] of the units on the project site would be set aside for affordable housing [and the applicant will pay the affordable housing in-lieu fee for the fractional unit]. Specifically, [number of deed restricted units] [rental or for sale] units shall be deed restricted per table below:

	Number of Units	Income level	Square Footage
Studio		[Very Low-Income Low-income Moderate]	
One-bedroom			
Two-bedroom			



Three-bedroom			
Four-bedroom			

- Pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.

Providing Off-Site Affordable Units:

- This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. Pursuant to HMC Section 10-17.205(c), the Applicant may construct affordable units not physically contiguous to the development (off-site) if approved by the Decision-Making Body. According to the proposed Affordable Housing Plan, the applicant will deed restrict [number of deed restricted units] [rental or for sale] units as affordable units on a project located at [Address of project with affordable units] which represents [Percentage of affordable Units] of the units on the project site. Specifically, the units shall be deed restricted per table below:

	Number of Units	Income level	Square Footage
Studio		[Very Low-Income Low-income Moderate]	
One-bedroom			
Two-bedroom			
Three-bedroom			
Four-bedroom			

- Pursuant to HMC Section 10-17.225, the schedule for completion of the off-site Affordable Units shall be concurrent with completion of the related market-rate units. According to the proposed Affordable Housing Plan, the units [will or will not] be comparable to the units on the project site [If units are not comparable, it should be noted how applicant will compensate for the difference. Will they provide more units, larger units, or deeper affordability?]
- Pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to

the City Manager or designee shall be recorded. The AHA must simultaneously be recorded against the project site and the property where the off-site units are to be developed.

Proposing An Alternate Plan

- This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. Pursuant to HMC Section 10-17.205(d), the Applicant may propose alternatives not listed in the ordinance if approved by the Decision-Making Body. According to the proposed Affordable Housing Plan, [Percentage of affordable Units] of the units on the project site would be set aside for affordable housing. Specifically, [number of deed restricted units] [rental or for sale] units would be deed restricted per table below:

	Number of Units	Income level	Square Footage
Studio		[Very Low-Income Low-income Moderate]	
One-bedroom			
Two-bedroom			
Three-bedroom			
Four-bedroom			

- Pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.

Providing Rental Units in an Ownership Residential Project

- This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. Pursuant to HMC Section 10-17.205(e), the Applicant may comply with the affordable housing requirements by including rental units consistent with HMC Section 10-17.215. According to the proposed Affordable Housing Plan, [Percentage of affordable Units] of the units on the project site would be set aside for affordable housing [and the applicant will pay the affordable housing in-lieu fee for the fractional unit]. Specifically, [number of deed restricted units] rental units shall be deed restricted per table below:

	Number of Units	Income level	Square Footage
Studio		[Very Low-Income Low-income	

		Moderate]	
One-bedroom			
Two-bedroom			
Three-bedroom			
Four-bedroom			

- Pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee may also be recorded.