

Attachment III**CONDITIONS OF APPROVAL****September 17, 2015**

**Sunny Tong/Westlake Urban, LLC (Applicant)/
Chang Income Property Partnership, LP
Barrett Community Hospital Series (R14), A Delaware Limited Partnership (Owner)**

**Precise Plan, Site Plan Review and Vesting Tentative Tract Map No. 8152
associated with the subdivision and construction of 35 Single-Family Homes
on a 2.52-acre site at 1635 Denton Avenue**

Precise Plan, Site Plan Review and Vesting Tentative Tract Map 8152 Application No. PL-2013-0393 is a request to construct 35 single-family homes at 1635 Denton Avenue. The project shall be built and the site shall be maintained in accordance with these Conditions of Approval and the approved plans, labeled Exhibit A. The Precise Plan and Site Plan Review approval shall coincide with the approval period for the Vesting Tentative Tract Map, whichever is later. If a building permit is issued for construction of improvements authorized by the Project approval, said approval shall be void two years after issuance of the building permits, or three years after approval of vesting tentative tract map application, whichever is later, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the Project approval.

Exhibit A –Precise Plan, Site Plan Review and Vesting Tentative Tract Map 8152 submitted by Sunny Tong/Westlake Urban, dated August 18, 2015.

GENERAL

1. The subdivider/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.
2. Notwithstanding any contrary provision of these Conditions of Approval, the fees imposed hereby shall be subject to the restrictions and limitations set forth in that certain Development Agreement dated May 6, 2013, by and between Chang Income Property Partnership L.P., Barrett Community Hospital Series (R14), a Delaware Limited Partnership, and the City of Hayward.
3. The applicant/developer shall submit for annual review of the Development

Agreement and pay the applicable Development Agreement Annual Review Fee. This review shall occur every twelve months from the effective date of the agreement. The applicant shall provide proof of compliance with the terms and conditions of the Development Agreement with each review. Failure to comply with the terms and conditions of the Development Agreement will result in the matter being scheduled before the Planning Commission at a noticed public hearing.

4. Any proposal for alterations to the proposed site plan and/or design which does not require a variance to any zoning ordinance standard must be approved by the Development Services Director or his/her designee, prior to implementation.
5. 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.
6. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division in accordance with the City of Hayward’s Design Guidelines prior to issuance of a building permit for the project.

PRIOR TO SUBMITTAL OF SUBDIVISION IMPROVEMENT PLANS AND FINAL MAP

7. The applicant/developer shall submit subdivision improvement plans including Landscape and irrigation plans and a final map application for the entire project. Said improvement plans and final map shall meet all City standards and submittal requirements except as expressly approved for this Planned Development. The following information shall be submitted with, or in conjunction with, improvement plans and final map. The City reserves the right to include more detailed conditions of approval regarding required infrastructure based on these more detailed plans.
8. 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.
9. Unless indicated otherwise, the design for development shall comply with the following:
 - a) All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
 - b) All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments.
 - c) Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
10. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape unless otherwise indicated herein. Professional

Engineers shall be registered to practice in the State of California and shall perform all design work shown on the Civil Engineer's Improvement Plans.

Subdivision Improvement Plans

11. Submit the following proposed improvement plans with supporting documents, reports and studies:
 - a) A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.
 - b) A detailed Stormwater Treatment Plan and supporting documents, following City ordinances and conforming to Regional Water Quality Control Board's Staff recommendations for new development and redevelopment controls for storm water programs.
12. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.
13. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City.
14. It is applicant's responsibility to get permit or approval from all affected agencies or private parties. Please provide a copy of these permits or approval to the City with your building permit application submittal.

Storm Water Quality Requirements

15. Developer shall comply with the new regional permits requirements for both pre-construction and post-construction requirements. Storm water management shall be in compliance with Municipal Regional Permit.
16. The following materials related to the Storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:

- a) The owner/developer shall enter into a City's standard "Storm Treatment Measures Maintenance Agreement" (as prepared by the City and is 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.
- b) Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer. All reports such as Soil Report, SWPPP, and SWMP are to be submitted in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report. Documents that are clipped or stapled will not be accepted.
- c) Before commencing any grading or construction activities at the project site, the developer shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
- d) The project plans shall include the storm drain design in compliance 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 design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
- e) The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable.
- f) The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page 30). 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". These materials are available on the internet at www.cabmphandbooks.com
- g) The project shall be designed with a Bioretention Treatment Area and shall use a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour or, other methods such as Silva Cells to be approved by the City of Hayward.
- h) All inlet rims in the Bioretention Treatment Area (BTA) shall be 6" minimum above the flow line of the BTA. The design of the longitudinal flow line shall be level.
- i) The following documents shall be completed and submitted with the improvement and/or grading plans:
 - i. Hydromodification Management Worksheet;

- ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
 - iii. Development and Building Application Information Impervious Surface Form;
 - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
 - v. C.3 and C.6 Data Collection Form; and,
 - vi. Numeric Sizing Criteria used for stormwater treatment (Calculations).
17. The developer shall be 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.
18. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb 1 acres or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the developer, and accepted by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482.

Private Street

19. Improvements for private streets shall incorporate the following:
- a) The site plan shall be reviewed with the Fire Department and Engineering Division to ensure that the street and driveway layout is adequate to provide access for emergency, service and utility vehicles, and other commercial trucks. Changes may be necessary including increasing corner radii, driveway widths, or intersection alignments.
 - b) The design and locations of street approaches including pedestrian ramps shall be approved by the City Engineer. Pedestrian ramps shall be installed at all street intersections and as where required by the City.
 - c) The street design shall utilize standard curb and gutter. The street sections shall be constructed to public street standards and shall be capable of supporting a load of 75,000 GVW, including sections of decorative pavement. Curb returns shall be designed to facilitate street sweeping.
 - d) The street entrance on Denton Avenue shall conform to City Standard SD-110A with modified curb return radius and be enhanced with at least ten feet of raised decorative paving.

- e) Upon any necessary repairs to the public facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners' association established to maintain the common areas within the subdivision boundary.
 - f) The subdivider/applicant shall remove and replace any damaged and/or broken curb, gutter, and sidewalks along the property frontage on Denton Avenue as determined by the City.
 - g) After installation of underground utilities and surface work along street frontage, repair work shall be grind and two inches of Hot Mix Asphalt overlay, curb to curb for the entire Denton Avenue property frontage.
 - h) All existing street lights along the property frontage shall be replaced with standard L.E.D. luminaire.
 - i) The interior street shall be private with a minimum right-of-way of twenty-two feet without sidewalk and twenty-six with a four-foot sidewalk.
20. Any damaged and/or broken curb, gutter and sidewalks along the property frontage shall be removed and replaced as determined by the City.
 21. The on-site streetlights and pedestrian lighting shall be LED lights and have a decorative design approved by the Planning Director. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer. Submit photometric plans with the improvement plans. Such fixtures shall have shields to minimize "spill-over" lighting on adjacent properties that are not part of the tract.
 22. No parking shall be allowed within the private street. Curbs shall be painted red along BOTH sides of the private street.
 23. The private street shall not extend more than five feet beyond the garage door entries of the end units served by such court, unless needed for designated parking spaces.
 24. The private street pavement sections shall be designed to public street standards. The private street shall be designed with a TI of five and minimum four-inch thick section of Hot Mix Asphalt or, other methods to be approved by the City of Hayward since the development is designed with permeable pavers that have been approved in concept and conform to City Engineer's specification.
 25. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have decorative design approved by the Planning Director and the City Engineer.
 26. The applicant/developer shall provide sufficient parking spaces for the development to meet the requirements of the City of Hayward Municipal Code.

Parking stall dimensions and driveways shall meet City requirements as approved by the Planning Director and City Engineer.

27. The applicant/developer shall demonstrate that backup space meeting City Standards, typically twenty-six feet, is being provided from all garages. This backup space shall not require that property owners utilize adjacent driveway approaches. The applicant/developer shall also demonstrate that adequate sight distance is being provided within the courtyards to prevent vehicles from backing into other vehicles and over improvements or items within the courtyard.
28. The project streets, driveways and parking areas shall be designed to facilitate street sweeping, including the layout of the tree and handicap ramp bulb outs. The HOA shall be responsible for street sweeping on a regular basis.
29. The right-of-way in the project entrance shall include a four-foot wide sidewalk.

Public Street (Denton Avenue)

30. Any damaged and/or broken curb, gutter and sidewalks along the property frontages shall be removed and replaced as determined by the City.
31. The existing sidewalk along Denton Avenue is required to be extended around the existing light poles or any other infrastructure to provide four-foot minimum unobstructed pedestrian path. This should be clearly reflected on the plans and final map.
32. All existing driveways to be abandoned shall be removed and replaced with standard curb, gutter and sidewalk.
33. The right-of-way in the project entrance shall include a four-foot wide sidewalk.

Storm Drainage

34. (same as para. 28. Above)The project 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.
35. 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.
36. Improvements for storm drain system shall incorporate the following:

- a) The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.
- b) Storm drain pipes in streets and courts shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
- c) The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary 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 submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities.
- d) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
- e) No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
- f) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
- g) Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.
- h) The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.
- i) All storm drain facilities within the proposed subdivision are privately owned and maintained by the Homeowners Association.

Sanitary Sewer System

37. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application. The proposed sanitary sewer main shall be a public system, owned and maintained by the City.
38. All public sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (twelve inches Diameter or Less)," latest revision at the time of permit approval.
39. The on-site sanitary sewer system shall have eight-inch public mains, designed with a manhole at all angle points and ending with a manhole. The main design and location shall meet the approval of the City Engineer.
40. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>). Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.
41. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
42. If the existing sewer laterals cannot be reused, they shall be properly abandoned.
43. Each single family dwelling unit shall have an individual sanitary sewer lateral. The sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.
44. The current sewer connection fees for single-family residential is \$7,700 per unit. Sewer connection fees shall be due and payable prior to final inspection.

Water System

45. Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.
46. The development's water mains shall be public, owned and maintained by the City. The water mains shall be configured in a looped system and located five feet from the face of curb (typical).
47. Where a public water main is in an unpaved easement or under decorative, stamped, or colored concrete, including turf-blocks), the water main shall be

constructed of Ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement.

48. All public water mains and fire hydrants shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains (twelve-inch Diameter or Less) and Fire Hydrants," latest revision at the time of permit approval.
49. All public water mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>).
50. The development's proposed water main and valves shall be public, owned and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
51. There is an existing 8" water main stub out located on 23645 Eden Avenue off of the 8" water main in Eden Avenue. The proposed development will have water service via a new 8" main that connects to the existing 8" water main stub out and will connect through the development to the existing 8" water main in Denton Street. The new public water main shall include all valves and appurtenances required by the City and shall be constructed at the applicant's/developers expense.
52. All water mains shall be looped. Dead end water mains are not allowed. Water mains must be connected to other water mains.
53. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense.
54. All water services from existing water mains, if any, shall be installed by City Water Distribution Personnel at the applicant's/developer's expense. The developer may only construct new services in conjunction with the construction of new water mains. City records indicate that there is an active eight-inch fire service to the development (Account No. 31978) located approximately thirty-three feet east of the sewer cleanout on Denton Avenue. If this service cannot be reused for the development, it must be abandoned by City Water Distribution Personnel at the owner's/developer's expense.
55. Water mains and services, including the meters must be located at least ten feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials with the City's approval.

56. All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant/developer's expense. This includes relocating existing services and water main tie-ins. The developer may only construct new services in conjunction with the construction of new water mains.
57. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water
58. Each dwelling unit shall have an individual water meter.
 - a) All water meters shall be radio-read type.
 - b) Water meters shall be located a minimum of two feet from the top of driveway flare as per City Standard SD-213 thru SD-218.
59. Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire Services shall have an above ground Double Check Valve Assembly per City Standard SD-201 and SD-204. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1".
60. Separate irrigation water meter shall be installed for landscaping purposes. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard SD-202. Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.

Domestic and Fire Services:

- a) **Domestic:** Each single-family residence (SFR) shall have an individual domestic water meter. Currently, the cost for a new residential water meter for a SFR (any size up to 1") and service line is \$11806, each (\$3500 installation fee + \$8106 facilities fee + \$200 radio read fee). If the new services are constructed by the applicant/developer in conjunction with their construction of the new water main, the installation fee is reduced to \$310, for a total of \$8616 each service.
- b) **Fire:** Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204.
- c) **Combined Residential Services:** The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is one-inch (combined or not) and the maximum size for combined services is two inches. If the calculated fire demand exceeds 160 GPM, a separate fire

service will be required. Note that, per CBC 2010 R313, flow-through or multipurpose systems may not require a backflow device (SD-216 is attached). Also note that combined services must connect directly to the water main (manifold layouts are not allowed).

61. **Irrigation:** It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. Currently, the cost for an irrigation service and meter is \$19,910 for one-inch", \$37,200 for one and a half inches and \$56,940 for two inches. The applicant/developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
62. All domestic and irrigation water meters shall be radio-read type.
63. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218.
64. Water mains and services, including the meters, must be located at least ten feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
65. Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.

Solid Waste

66. Applicants must comply with applicable City standards to obtain building permits, as follows:
 - a. **Residential Collection of Garbage and Recyclables:** Residents are required to place their garbage, recycling, and organics carts at the curb for weekly collection service by contracted service providers:
 - i. The standard type of garbage, recycling, and organics containers are (1) 32-gallon cart for Garbage, (1) 64-gallon cart for Recycling, and (1) 64-gallon cart for Organics.
 - ii. The total space required for the standard service is approximately 3 feet by 9 feet. Sufficient space should be allocated in the garage to allow residents to keep the containers inside. Alternatively, the containers may be kept in a side yard behind a fence. Trash and recycle containers shall be stored out of public view on non-pickup days.

- iii. Residents shall not place carts at the curb any earlier than 6:00 a.m. the day before scheduled collection, and are required to retrieve them no later than midnight the days the carts are emptied. ([Hayward Municipal Code Section 5-1.15](#)).
 - b. [Requirements for Recycling Construction & Demolition Debris](#): City regulations require that applicants for all construction, demolition, and/or renovation projects, in excess of \$75,000 (or combination of projects at the same address with a cumulative value in excess of \$75,000) must recycle all asphalt and concrete and all other materials generated from the project. Applicants must complete the [Construction & Demolition Debris Recycling Statement](#), a *Construction and Demolition Debris Recycling Summary Report*, and weigh tags for all materials disposed during the entire term of the project, and obtain signature approval from the City's Solid Waste Manager prior to any off haul of construction and demolition debris from the project site.
67. Each unit shall have sufficient space allocated to trash, recycle, and organics carts:

Other Utilities

- 68. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and Comcast cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
- 69. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
- 70. The developer shall provide and install conduits and junction boxes to allow for the installation of future fiber optic network within the subdivision, which will be owned and maintained by the City.
- 71. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
- 72. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.
- 73. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Landscape and Irrigation Plans

- 74. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.

75. All proposed shrubs shall be spaced according to their natural mature sizes without routine maintenance for cutbacks or shear in compliance with Bay-Friendly Water Efficient Landscape Ordinance. Proposed plant spacing shall in compliance with either Sunset Western Garden Book and East Bay Plants or Landscapes for Summer-Dry Climates.
77. Landscape plan shall provide stormdrain lateral line layout and adjust tree planting plan. Tree planting shall be a minimum five feet from the stormdrain lateral lines.
78. Minimum planting area dimension is five feet in all directions (exception as approved by the City Landscape Architect.
79. All pedestrian walkways shall have a minimum ten-foot clearance from the dripline and from the tree trunk of existing trees and shall be porous paving material. Construction detail shall be developed with the project arborist to minimize the impact to the root zone with root cuttings and compaction.
80. All removed existing trees shall be mitigated to the equal value established in the approved arborist report by a certified arborist. A tree mitigation summary chart shall be provided on the landscape precise plan listing trees to be removed, value of trees to be removed, and conceptual tree mitigation plan with proposed location and sizes. Tree mitigation shall be done in addition (above and beyond) required trees. When required trees are upsized beyond the requirement the difference in value could be applied toward meeting the mitigation goal.
81. Prior to issuance of the first building permit, detailed landscaping and irrigation improvement plans shall be approved by the City's Landscape Architect. Copies of approved landscape and irrigation improvement plans shall be submitted with building permit submittal package. Planting and irrigation shall comply with the City's Hayward Environmentally Friendly Landscape Guidelines and Checklist for professional, Bay-Friendly Water Efficient Landscape Ordinance, and Municipal Codes.
82. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be twenty-two (22) inches by thirty-four (34) inches without an exception. A signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain a signature line and date for City of Hayward, Landscape Architect. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
83. Existing Trees: If any trees from neighboring properties would be impacted by the construction of the proposed project, the arborist report shall include the impacted "off-site" trees and their appraised values to establish a tree preservation bond amount. In place of a tree preservation bond for off-site trees, the developer could

enter into an agreement with adjacent property owners that any damaged trees from the construction related activities would be replaced to the property owners' satisfaction.

84. Tree Preservation Bond: A bond amount equal to the appraised value of off-site trees shall be provided prior to an issuance of grading permit. If any trees shall be removed, a tree removal permit shall be obtained in addition to a grading permit and prior to issuance of grading permit.
85. Minimum planting area dimension shall be five feet measured from back of curb to back of curb, paving or structure at any point. It is unsafe to locate a house corner at one and a half foot from the street corner.
86. Individual water meter and sewer cleanout shall be located in the driveway with traffic bearing lids.
87. Root barrier shall be provided for all trees that are located within seven feet of paved edges or structure.
88. Trees shall be planted according to the City Standard Detail SD-122.

Fire Protection

89. All public streets, private streets and private courts shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete. Design of the public streets and private streets and courts shall meet City of Hayward Fire Department Standards.
90. Parking of vehicles shall only be allowed in designated parking stalls. Where there is no on-street parking, fire lane signage shall be installed in locations required by the Hayward Fire Department.
91. Fire lane of twenty-one to twenty-six feet wide shall be posted on both sides as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
92. If fire hydrants are located so as to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
93. The minimum fire flow of 1500gpm shall be provided on site.
94. All new fire hydrants shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet). The capacity of each individual

hydrant shall be 1,500 GPM. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants.

95. Addressing of the buildings shall be in compliance with the Hayward Fire Department requirements. All buildings shall have a minimum four-inch self-illuminated address installed on the front of the building so as to be visible from the street. A decorative address monument sign shall be installed at each court entrance, indicating the building addresses for the units served by such court. Minimum size numbers shall be six inches in height on a contrasting background.
96. A health-based and water quality clearance shall be obtained from either the State Department of Toxic Substances Control or the California Regional Water Quality Control Board – San Francisco Bay Region. If it is determined that remediation of soil and/or groundwater is necessary, oversight of one of these two agencies would be required.
97. Submit for proper building permits for the construction of the building to the Building Department. All building construction shall meet the requirements of the 2013 California Building Code.
98. Buildings shall be required to install fire sprinkler systems in accordance with NFPA 13D.
99. Per the requirement of Hayward Public Works Department, a static pressure of 80 PSI should be used when water data indicates a higher pressure. The residual pressure should be adjusted accordingly.
100. Underground fire service line serving NFPA 13D sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-216. Water meters shall be minimum one-inch in diameter.
101. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any fire sprinkler system waterflow activity.
102. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).
103. Carbon Monoxide detectors should be placed near the sleeping area on a wall about five feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
104. An approved type spark arrestor shall be installed on any chimney cap.

Hazardous Materials

105. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department. The clearance certificate will ensure that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.
106. Prior to grading, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and hazardous waste must be properly managed and disposed of in accordance with state, federal and local regulations.
107. Any wells, septic tank systems and other subsurface structures - including hydraulic lifts for elevators - shall be removed properly in order not to pose a threat to the development, construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures shall be documented and done under permit, as required by law.
108. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.
109. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

Final Tract Map

110. The Final Map shall be approved by the City Council and the Improvement Plan shall be approved by the City Engineer. 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 of the Municipal Code: Security for Installation of Improvements. Insurance shall be provided per the terms of the subdivision agreement.
111. The developer shall submit improvement plans and final map which meet all City standards and submittal requirements except as expressly approved for the Planned Development. The City reserves the right to include more detailed conditions of approval regarding required infrastructure based on more detailed plans.
112. Prior to recordation, a proposed Final Tract Map shall be submitted for review by the City. The Final Tract Map shall be presented to the City Council for review and

action. The City Council meeting will be scheduled approximately sixty (60) days after the Improvement Plans with supporting documents and Final Map are deemed technically correct, and Subdivision Agreement and Bonds are approved by the City. The executed Final Map shall be returned to the City Public Works Department if Final Map has not been filed in the County Recorder's Office within ninety (90) days from the date of the City Council's approval.

113. Prior to the recordation of the Final Tract 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.
114. The final map shall reflect all easements needed to accommodate the project development. The private street and driveways shall be dedicated as a Public Utility Easement (PUE), Public Access Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE). 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.
115. Prior to the approval of the Final Map, the developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of \$20,000 with the City prior to submittal of improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation.
116. All necessary easements shall be dedicated, and all improvements shall be designated and installed at no costs to the City of Hayward.
117. Remove the reference to the twenty-foot wide Greenwood Circle.
118. Show street section at the project entrance.
119. At the entrance, show signing and striping to be implemented, to the satisfaction of the City of Hayward Public Works Engineering and Transportation Department.
120. Show street sections of twenty-two-foot wide and twenty-six-foot wide private street rights-of-way.
121. The property line shall be the back of rolled curb when no sidewalk is required.
122. The Plans for building permit shall be in substantial conformance with the conditions of approval and plans and shall be submitted in after the improvement plans are approved and the Final Map is recorded.

123. Project amenity details shall be included in the Building Permit submittal for final approval.
124. The Building Permit Plans shall include the following information and/or details:
- a) A copy of these conditions of approval shall be included on a full-sized sheet(s).
 - b) Proposed location for construction staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.
 - c) Details of address numbers shall be provided. Address numbers shall be decorative. Building addresses shall be minimum four-inch self-illuminated or six-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
 - d) Proposed locations, heights, materials and colors of all walls and fences.
 - e) A minimum of one exterior hose bib shall be provided for each residential unit.
 - f) Proposed pavement materials for all drive aisles, parking areas, and pedestrian paths. Surfaces indicated on the approved plans, Exhibit A, shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials.
 - g) Proposed mailbox design and locations, subject to Post Office approval.
 - h) A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided along the private street. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
 - i) All air conditioners and utility connections for air conditioners shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall, unless otherwise approved. Infrastructure for air conditioning systems is required to be installed as a standard feature.
 - j) All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen.
 - k) No mechanical equipment, other than solar panels, shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus, such as vents, shall be painted to match the roof color.

- l) An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars. As an alternative, an area within the fenced side yard may be used for the garbage and recycling containers but shall be shown.
- m) Provisions for project staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for noise and dust control, and common area landscaping.
- n) The developer shall ensure that all homes constructed achieve a minimum 75 points on the GreenPoint rated checklist to ensure their long-term sustainability.

PRIOR TO ISSUANCE OF BUILDING OR GRADING PERMITS

- 125. Pursuant to the Municipal Code §10-3.332, the developer shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the subdivision agreement.
- 126. The applicant/developer's Professional Engineers registered to practice in the State of California shall perform all design work shown on the Civil Engineer's Improvement Plans.
- 127. Prior to commencing grading and construction, the Civil Engineer's Improvement Plans including drainage water quality treatment plans shall be approved by the City Engineer, and the Landscape plans shall be approved by the City Landscape Architect.
- 128. Prior to building permit issuance, developer must pay all applicable development fees. Unless indicated otherwise, the design for development shall comply with the following:
 - a) All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
 - b) All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments, including Green Building standards.
 - c) Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
- 129. Prior to issuance of building permits, a final map that reflects and is in substantial compliance with the approved vesting tentative tract map, shall be approved by the City Engineer and is in the process for filing with the office of the Alameda County Clerk Recorder.

130. Submit the following documents for review and approval, or for City project records/files:
- a) Copy of the Notice of Intent filed with State Water Resources Control Board;
 - b) Engineer's estimate of costs, including landscape improvements;
 - c) Signed Final Map;
 - d) Signed Subdivision Agreement; and
 - e) Subdivision bonds.
131. The Plans for building permit shall be in substantial conformance with the conditions of approval and improvement plans and shall be submitted in after the improvement plans are approved and the Final Map is recorded.
132. Submit the following documents for review and approval, or for City project records/files:
- a) Copy of the Notice of Intent filed with State Water Resources Control Board;
 - b) Engineer's estimate of costs, including landscape improvements;
 - c) Signed Final Map;
 - d) Signed Subdivision Agreement; and
 - e) Subdivision bonds.
133. To avoid or reduce the potential impact related to the site specific geotechnical hazards related to seismic hazards, the project developer shall implement the following mitigation measures:
- a) The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
 - b) New construction will comply with the latest California Building Code and mitigation measures outlined in the Geotechnical Investigation by GEI Geotechnical Engineering, Inc.
 - c) For each building constructed in the development plan area, the required site specific geotechnical investigation shall address expansive soils and provide appropriate engineering and construction techniques to reduce potential damage to buildings.
134. To reduce the potential impacts related to the presence of low to moderately expansive clays in the subsurface soils of the project site, mitigation measures to avoid the effects of expansive soils outlined in the Geotechnical Investigation shall be followed.
135. Plans for building permit applications shall incorporate the following:
- a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.

- b) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. All exterior lighting shall 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. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director or his/her designee shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the buildings. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of proposed buildings.
- c) Plans shall show that all utilities will be installed underground.
- d) Project amenity detail
- e) Proposed location for construction staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.
- f) Details of address numbers shall be provided. Address numbers shall be decorative. Building addresses shall be minimum four-inch self-illuminated or six-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
- g) Proposed locations, heights, materials and colors of all walls and fences.
- h) A minimum of one exterior hose bib shall be provided for each residential unit.
- i) Proposed pavement materials for all drive aisles, parking areas, and pedestrian paths. Surfaces indicated on the approved plans, Exhibit A, shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials.
- j) Proposed mailbox design and locations, subject to Post Office approval.
- k) All air conditioners and utility connections for air conditioners shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall, unless otherwise approved. Infrastructure for air conditioning systems is required to be installed as a standard feature.
- l) All above-ground utility meters, mechanical equipment and water

meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen.

- m) No mechanical equipment, other than solar panels, shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus, such as vents, shall be painted to match the roof color.
- n) An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars. As an alternative, an area within the fenced side yard may be used for the garbage and recycling containers but shall be shown.

- 136. Required water system improvements shall be completed and operational prior to the start of combustible construction.
- 137. The developer/subdivider shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.
- 138. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.
- 139. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

PRIOR TO COMPLETION OF SITE IMPROVEMENTS AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

During Construction

- 140. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
- 141. All diesel powered equipment shall meet California Air Resources Board (CARB) Tier 3 Certified or better.

142. 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 site construction activities shall be limited to the hours 7:00 AM to 7:00 PM Monday through Saturday and 10:00 AM to 6:00 PM Sunday and Holidays. Grading hours are subject to the City Engineer's approval. Building construction hours are subject to Building Official's approval;
 - 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 300 feet of the project boundary with this information and a copy provided to the Planning Division.
 - f) 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 and a copy provided to the Planning Division.
 - g) Daily clean-up of trash and debris shall occur on Denton and Eden Avenues and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - h) 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;
 - i) 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;
 - j) 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;
 - k) All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
 - l) 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;

- m) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - n) 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 tendays or more);
 - p) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - q) 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;
 - r) No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - s) 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;
 - t) 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;
 - u) 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;
 - v) Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - w) 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.
143. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
144. In the event that human remains', 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

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.

145. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
146. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed and installed in accordance with the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted prior to requesting an inspection with the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of landscape improvements.
147. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation, and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of eighty percent of the dwelling units, whichever first occurs, and a Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract to the Public Works – Engineering and Transportation Department by the developer.

Homeowners Association

148. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Conditions, Covenants and Restrictions (CC&R's), creating a homeowners association (HOA) for the property, shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include the following provisions:
 - a) The CC&R's shall state that the City of Hayward has the right to abate public nuisance conditions in the common area if the association or corporation fails to do so, and to assess the cost to the association, corporation or individual unit owners. In order to accomplish this, the CC&Rs shall contain the following typical statements:
 - i) In the event the Board fails to maintain the exterior portions of the common area so that owners, lessees, and their guest suffer, or will suffer, substantial diminution in the enjoyment, use or property value of the project, thereby impairing the health, safety, and welfare of the residents in the project, the City of Hayward, by and through its duly authorized officers and employees, shall have the right to enter upon the real property described in Exhibit "A" and to commence and

complete such work as is necessary to maintain said exterior portions of the common area. The City shall enter and repair only if, after giving the Board written notice of the Board's failure to maintain the premises, the Board does not commence correction of such conditions in no more than thirty days from delivery of the notice and proceed diligently to completion. The Board agrees to pay all expenses incurred by the City of Hayward within thirty days of written demand. Upon failure by the Board to pay within said thirty days, the City of Hayward shall have the right to impose a lien for the proportionate share of such costs against each condominium or community apartment in the project.

- ii) It is understood that by the provisions hereof, the City of Hayward is not required to take any affirmative action, and any action undertaken by the City of Hayward shall be that which, in its sole discretion, it deems reasonable to protect the public health, safety, and general welfare, and to enforce it and the regulations and ordinances and other laws.
- iii) It is understood that action or inaction by the City of Hayward, under the provisions hereof, shall not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations, and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- iv) It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law shall be cumulative and not exclusive, and the maintenance of any particular remedy shall not be a bar to the maintenance of any other remedy. In this connection it is understood and agreed that the failure by the Board to maintain the exterior portion of the common area shall be deemed to be a public nuisance, and the City of Hayward shall have the right to abate said condition, assess the costs thereof and cause the collection of said assessments to be made on the tax roll in the manner provided by Chapter 4, Article 1, of the Hayward Municipal Code or any other applicable law.
- v) The City Council of the City of Hayward may, at any time, relinquish its rights and interest in the project as herein set forth by appropriate resolution. Any such relinquishment by the City Council shall be effective on the date that the resolution is adopted and a copy thereof is placed in the United States mail, postage prepaid, addressed to the Board. The Board shall execute and record a declaration reflecting such relinquishment within 10 days of receipt of a copy of the resolution.

- b) The above five paragraphs cannot be amended or terminated without the consent of the Hayward City Council.
- c) Each owner shall automatically become a member of the association(s) and shall be subject to a proportionate share of maintenance expenses.
- d) A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association(s).
- e) The HOA shall be managed and maintained by a professional property management company.
- f) The HOA shall own and maintain the private street (Greenwood Circle) and on-site storm drain systems in the development, excluding those located within the public right-of-way.
- g) A provision that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within forty-eight hours of inspection or within forty-eight hours of notification by the City.
- h) The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The HOA representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over thirty percent die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks 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 and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- i) A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- j) The garage of each unit shall be maintained for off-street parking of two vehicles and shall not be converted to living or storage areas. The HOA shall conduct at least semi-annual inspections to confirm that all residents are using their garages for parking their cars and not for storage. Residents shall make garages available for such inspections, as appropriate. An automatic garage door opening mechanism shall be provided for all garage doors.
- k) Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.

- l) The HOA shall maintain all fencing, parking surfaces, common landscaping, lighting, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.
- m) Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
- n) On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
- o) Sweeping of the private street and private parking stalls shall be conducted at least once a month.
- p) The association shall ensure that no less than seventy-five percent of the homes shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.
- q) All street improvements within the proposed subdivision, including but not limited to curb, gutter, sidewalk, street light, pavements, and landscaping, are privately owned and maintained by the HOA.

Prior to the Issuance of Certificate of Occupancy or Final Report

- 149. All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.
- 150. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
- 151. 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.

152. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
153. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of the Vesting Tentative Tract Map is approved. All Park dedication in-lieu fees shall be paid prior to issuance of a Certificate of Occupancy for a residential unit.
154. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over thirty percent dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch should be organic recycled chipped wood in the shades of Dark Brown Color. 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 the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.
155. The developer/subdivider shall be obligated for the following additional fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Tract Map was accepted as complete, unless otherwise indicated herein:
 - a) Supplemental Building Construction and Improvement Tax,
 - b) School Impact Fee
156. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4910 at least twenty-four hours before the desired final inspection appointment.
157. 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.
158. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County

Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

159. The applicant/subdivider shall submit an AutoCAD file format (release 2010 or later) in a CD of approved final map and 'as-built' improvement plans showing lot and utility layouts that can be used to update the City's Base Maps.
160. The applicant/subdivider shall submit an "as built" plans indicating the following:
 - a) Approved landscape and irrigation improvements;
 - b) All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;
 - c) All the site improvements, except landscaping species, buildings and appurtenant structures; and
 - d) Final Geotechnical Report.