

**CITY OF HAYWARD PLANNING DIVISION  
VESTING TENTATIVE TRACT MAP 8556 AND MAJOR SITE PLAN REVIEW  
APPLICATION NO. 202005195  
27177/27283 MISSION BOULEVARD**

**CONDITIONS OF APPROVAL**

**General**

1. 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.
2. Site Plan Review is approved subject to the Architectural, Civil and Landscape plans dated April 30, 2021, 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 review and approval by the Approving Body. Alterations requiring a variance shall be subject to review and approval by the Planning Commission, if applicable.
3. 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.
4. Prior to the issuance of the Certificate of Occupancy and/or Final Building Permit approval, the applicant shall contact the Planning Division and be subject to a site inspection by the designated project planner to verify that all applicable mitigations and conditions of approval, including architectural materials, colors and design, have been satisfied. The cost of inspection, including any subsequent inspections that are deemed necessary by the City, shall be paid by the applicant.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
13. Within 60 days of following the issuance of a building permit and prior to construction, the applicant shall install one non-illuminated "Coming Soon" sign on the project site that includes a project rendering, a project summary, and developer contact information. The sign shall be constructed of wood or recyclable composite material, be placed in a location at least ten (10) feet back from the property line, and shall not impede pedestrian, bicycle, and vehicular visibility or circulation. The sign shall be maintained in accordance with Section 10-7-709 of the Hayward Municipal Code and may be up to thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height. Sign design, size and location shall be reviewed and approved by the Planning Division prior to placement.

#### **Mailboxes/Addresses**

14. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft.
15. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.

### **Lighting**

16. 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**

17. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and/or renderings dated April 20, 2021. 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 and/or prior to construction.
18. 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**

19. 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.
20. If permitted, all above-ground utility meters, air conditioners, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen from all perspectives, unless other noise mitigation is required. All equipment shall be designed to be compatible with respect to location, form, design, exterior materials, and noise generation. The applicant shall obtain planning division review and approval prior to issuance of any permits.

### **Signage**

21. 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 Sign Permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.

### **Park Impact Fees**

22. 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 impact fees. The impact fees shall be

the rate that was in effect on July 1, 2020, when the SB 330 Application was submitted to the City of Hayward Planning Division.

### **Environmental Mitigation**

23. 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

### **Expiration**

24. In accordance with Hayward Municipal Code (HMC) Sections 10- 1.3085 and 10-3.246, approval of this Major Site Plan Review and Vesting Tentative Map is void 36 months after the effective date of approval unless:
- a. Prior to the expiration of the 36-month period, a final map, grading plans, improvement plans and/or a building permit application has been submitted and accepted and/or approved for processing by the City's Public Works Department and/or Building Official or his/her designees. If building permits are 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.

### **Demolition of Existing Structures**

25. Unless otherwise specified or approved by the Planning Director, all vacant building(s) on-site shall be demolished within six (6) months from project approval, and the site shall be returned to a "pre-development condition" which includes the capping of any utilities, the planting of sod to prevent erosion, and a 6-foot tall perimeter fence shall be erected within the required front, side and rear yards of a vacant parcel, subject to the standards set forth in Section 10-1.2735.k, Fence Regulations for Vacant Properties. In addition, the property shall be maintained in a weed-free condition and if applicable, by subject to any pre-construction or demolition mitigation required as pursuant to CEQA.

26. 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.

### **TENTATIVE TRACT MAP**

#### **General**

27. The subdivision shall comply with Chapter 10 Article 3 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. Subdivision improvements required for public health, safety and welfare shall comply with the current Standard Details of the City of Hayward and other agencies standards as applicable. Such improvements include, but are not limited to, the ones needed for vehicular and pedestrian access, fire protection, safety lighting and signage, drainage collection and disposal, sanitary sewer and solid waste collection and distribution of water electricity, telecommunication, and natural gas.
28. All required and conditioned improvements shall be complete as per plans approved by the City Engineer or the subdivider shall execute a Subdivision Improvement Agreement prior to Final Map Approval.
29. 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. Prior to or concurrent with applicable final map recordation, developer shall record a reciprocal easement, ingress/egress easement and maintenance agreement(s) for common use facilities and access ways.
30. Homeowners Association: Home/Property Owners Association (HOA) shall be formed, and its related Covenant, Conditions and Restrictions (CCR) documents shall be filed in the public records of Alameda County prior to the sale of any parcel. Said documents shall be submitted to the City for its review and approval before submittal to the State Department of Real Estate (DRE) and filing in the County's public records. The CC&Rs shall include the following provisions:
- a. The HOA shall be managed and maintained by a professional property management company and maintain updated registration information with the Secretary of State.
  - b. The HOA shall own and maintain in fully functional condition and good repair all areas, improvements, common area retaining wall systems, and facilities created for common use of the property owners within the project but not dedicated or accepted by the City for its maintenance.

- c. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
  - d. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project development approvals.
  - e. The CC&R's shall describe how the stormwater treatment and site-design measures associated with privately owned improvements and landscaping shall be maintained by the association.
  - f. 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.
  - g. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
31. A Current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
32. The project shall provide a 5-foot separation between the face curb and the northerly property line at the end of Street A in accordance with City Municipal Code Section 10-2.503.

**Prior to the Issuance of Building Permit**

33. Improvement Plans and related design documents prepared by or under the direction of State licensed and qualified professionals shall be submitted to the City Engineer for all public and private improvements shown on the Tentative Map and necessary to develop the project site. The Improvement plans shall include all engineering studies and design documents and must be reviewed and approved by the City Engineer prior to Final Map approval.
34. No building permits will be issued for new structures on proposed lots prior to issuance of the City's grading permit and recordation of the Final Map except for model homes as per the Subdivision Map Act Section 66499.30 (a).
35. Subdivider shall get permits or approvals from all affected agencies or private parties. Copies of applicable permits or approvals shall be provided to the City Engineer.

36. Subdivider shall secure the City Fire Marshal's approval of Improvements for all weather emergency vehicle access and fire protection before flammable material is brought on-site.

*Engineering*

37. Developer shall secure the required Grading Permit prior to the issuance of any Building Permits associated with the project. Plans for Grading Permit shall be prepared by a State licensed Civil Engineer and shall include details for required grading, material stockpiling, earth retaining structures, drainage, utility service connections, stormwater pollution prevention measures, landscape and lighting improvements and improvements in the street right-of-way complying with the Planning approval and necessary to develop the project site.
38. Improvement Plans and related design documents prepared by or under the direction of State licensed and qualified professionals shall be submitted to the City Engineer for all public and private improvements shown on the Tentative Map and necessary to develop the project site. The Improvement plans shall include all engineering studies and design documents and must be reviewed and approved by the City Engineer prior to Final Map approval.
39. All broken, cracked, or uplifted curb, gutter, and sidewalk shall be removed and replaced along the project frontage. The existing street section shall be removed and replaced to the centerline of the street if the existing pavement is either damaged or the structural section is determined by the City Engineer to be inadequate for the intended traffic. All unused driveway approaches shall be removed and replaced with City standard curb, gutter, and sidewalk.
40. The existing streetlight, at the location of the proposed driveway, shall be relocated and a photometric analysis completed for the revised streetlight configuration. Street lighting shall meet City standards.
41. A soils report prepared by a licensed civil or geotechnical engineer subject to approval by the City Engineer shall be submitted, except when waived by City. The grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report. Final grading and drainage plans for the grading permit shall be reviewed and signed by the soils report engineer indicating compliance with the recommendations in the report have been followed.
42. Structural calculations and details prepared by a licensed civil or structure engineer are required for all earth retaining structures greater than 4-feet in height (top of wall to bottom of footing) and shall be reviewed and approved by the Building Division of the Development Services Department.

43. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer shall be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.
44. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. On site drainage shall be collected and conveyed to public drainage system as per plans approved by the City Engineer. The storm drainage system shall be designed to convey a 10-year storm event.
45. Drainage plans shall include all proposed underground pipes, building drains, area drains and inlets. All building sites shall be graded to slope away from the building foundations per California Building Code, Chapter 18, Section 1804.3 Site Grading or as required by the Soils Engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
46. The On-site storm conveyance and treatment systems shall be owned and maintained by the property owner.
47. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted and shall show, at a minimum, drainage management areas, location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidelines.
48. Developer shall comply with the pre-construction and post-construction requirements of the Municipal Regional Permit (MRP). 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 provisions outlined in the ABAG Erosion and Sediment Control Handbook.
49. All existing public utilities shall be protected in place and if necessary, relocated as approved by the utility owner. 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.
50. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City and notify the Supervising Construction Inspector in the City's Public Works Department.
51. Land disturbance of one or more acres requires the developer to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted



to the City Engineer prior to issuance of a grading permit. The SWPPP shall utilize the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices for erosion control.

### **Building**

52. The proposed building falls under a new green building ordinance called the "Reach Code". This local regulation modifies the CA Energy Code to prohibit natural gas in most new buildings. To offset any increased costs of all-electric designs, do not bring natural gas infrastructure to the site. The reach code also expands CalGreen's requirements for EV charging support. To learn more about the Reach Code and to find a checklist for your specific project type, please see the City of Hayward website here: <https://www.hayward-ca.gov/reach-code>.
53. The project will require a building permit application and the associated plan review process. Additional comments will be provided during that review.

### **Landscaping**

54. Prior to submitting the first building permit, detailed landscape and irrigation improvement plans prepared by a licensed landscape architect on an accurately surveyed base plan shall be approved by the City. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. Once approved, a digital file of the approved and the project landscape architect signed improvement plans shall be submitted to the City for the City's approval signatures. Copies of the signed improvement plans shall be submitted as a part of the building permit submittal.
55. A tree preservation bond shall be provided for trees that are designated for preservation including offsite trees prior to obtaining a grading permit. The bond amount shall be determined by the appraised value in the approved arborist report.
56. A tree removal permit shall be obtained prior to the removal of any tree in addition to demolition and grading permits.
57. Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or property line for trees. No grading excavation, construction or storage of materials shall occur within the protection zone.
58. Install non-movable chain link fence around the Protected Zone of each tree to be preserved. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.

### Tree Mitigation:

59. Tree mitigation summary chart shall be revised to follow the City provided format in the tree mitigation guidelines listing all required trees and their sized and list the trees that are upsized and additional.
60. Five trees are proposed in the bioretention area located to the west of Building 8, and four feet by four feet of tree planting area is reserved for each tree on the civil plan which area was deducted from the hydraulic calculations. All proposed tree size is 36-inch-box that requires tree planting hole size of six feet diameter based on Detail 1 on L8.1. Coordinate with Civil engineer so that correct area is reserved for tree planting in the bioretention area. Conceptual tree planting detail in bioretention area shall be provided for realistic implementation of the tree planting. If these five tree plantings would not be acceptable, the tree mitigation summary chart and plan must be revised.

Transplanted Trees:

61. Tree #167 is a 10-inch trunk diameter Coast Live Oak with high suitability for preservation. Make sure the area where the tree would be relocated is suitable to receive the tree. The area is a triangular area of 4-½ feet by 14-½ feet. The project arborist shall be consulted for the adequacy of the allocated planting space for this tree.
62. Tree # 171 is proposed to be transplanted. However, #171 is a Catalina Cherry with low suitability for preservation. Consider another option.
63. Erosion control fabric, compost blanket or a combination of compost sock and erosion fabric shall be installed shall be installed for slopes equal or steeper than three-to-one (3:1) but less than two-to-one (2:1). Geotechnical engineer shall provide erosion control measures for slopes exceeds two to one (2:1).
64. Tree shall be located a minimum of 5 feet from lateral service lines and driveways, a minimum of 15 feet from a light pole, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.
65. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as recommended by the manufacturer.
66. All above ground mechanical equipment shall be screened from the street with five-gallon shrubs.

Tree planting in bioretention area:

67. Proposed double tree staking for 36"-box trees in biotreatment area is not sufficient for the size of the trees.
68. Four feet square tree planting area is not sufficient for a 36-inch box tree planting.

69. Tree planting in bioretention area is not recommended unless bottomless tree planter will be provided so that tree rootball would be set on native soil. The tree planter shall be minimum twice of the rootball size.
70. Minimum twelve inches wide band of large size exceeding six-inch diameter Noiya Cobblestone shall be provided around overflow catch basin or bubble up basin.
71. Plant palette shall include mature size (height and spread). Pursuant to HMC Section 10-12.07 (a) (2) (C), plant spacing shall not be closer than the minimum spread provided in the reference books in the ordinance.
72. New street trees shall match the existing street tree species and variety, *Platanus acerifolia* 'Columbia'.
73. *Campsis radicans* is known to be invasive. It is highly recommended to select another type of vine species.
74. Pursuant to HMC Section 10-12.07 (4), a qualified soil testing laboratory shall complete a soil fertility test prior to amending the planting soil and shall provide recommendations for organic compost to bring the soil organic matter to a minimum of 5% by dry weight and incorporating organic fertilizers to recommended levels for planting area. The final testing results, recommendations and organic compost shall be submitted to the project landscape architect for review and approval and shall be submitted to City Landscape Architect prior to requesting the final landscape inspection with Appendix C Certification of Completion.
75. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be provided in the irrigation detail sheet in place of the proposed device detail.
76. Overhead spray nozzle shall be recessed twenty-four-inch from all edge of hardscape.
77. Trees shall be on dedicated valves for trees only. Trees with different watering needs shall be on separate valves. Trees planted in bio-retention basin shall be on a separate valve.

Landscape Maintenance:

78. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay.

79. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection.
80. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color and the size shall not exceed 1-1/2-inch diameter. The depth shall be maintained at three inches deep.
81. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.
82. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect.
83. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code.
84. 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.

## **Utilities**

### *Water*

104. 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 public utility easement shall be granted to the City.
105. All public water mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Water Mains (12" Diameter or Less) and Fire Hydrants," in effect on July 1, 2020, when the SB 330 Application was submitted to the City of Hayward Planning Division.(available on the City's website at <https://www.hayward-ca.gov/your-government/departments/engineering-division>).
106. Any modifications to existing water services (upsized, downsized, relocations) must be performed by City Water Distribution personnel at the applicant's/owner's expense.

107. All connections to existing water mains shall be performed by City Water Distribution Personnel at the Applicant/Developer expense.
108. 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.
109. Existing water services, if any, that cannot be reused for the proposed development shall be abandoned by City Water Distribution Personnel at the Applicant/Developer expense.
110. Each residential dwelling unit/home shall be served by its own water meter. If space constraints make it infeasible to install separate City meters for each unit, the developer may submit a written request to the Director of Utilities & Environmental Services for a waiver to install a shared domestic water meter for the residential units. If the waiver is granted, the residential units shall be served by one domestic water meter and private submeters shall be installed for each residential unit, per the State of California SB-7.
111. The non-residential commercial unit and residential unit in each live/work unit shall be served by separate water meters.
112. The water facilities fee for non-residential connections are based on the water meter size required to meet the indoor demand for the operation.
113. 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.
114. Water mains and services, including the meters, must be located at least 10 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.
115. A separate irrigation meter shall be installed for landscape purposes.

116. The developer shall install an above-ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each domestic and 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.
117. Fire services shall be per the sizing requirements of the Fire Department and shall have above-ground double-check valve assemblies (DCVA) per SD-204 and SD-201. New fire services must be installed by City Water Distribution Personnel at the developer's expense.
118. A fire flow test must be completed by Water Distribution personnel. The current cost for a fire flow test is \$326.
119. A separate fire permit is required for the fire sprinkler system installation. The fire service size will be determined by the Fire Department's requirements. All fire services must have an above-ground double check valve assembly (DCVA), per SD-204 and SD-201. New fire services must be installed by the City's Water Distribution personnel at the applicant/developer's expense. A separate fire permit is required for the fire sprinkler system installation. The water meter size will be determined by the Fire Department's requirements for that permit. Residential combined domestic and fire services are allowed, per City Standard 216 (SD-216) with a minimum 1" water meter. Residential combined domestic and fire service shall conform to SD-216, Figure 2B, with separate water service lines for the fire service and domestic water service at the backside of the water meter.
120. Per SD-216, flow-through fire sprinkler systems do not require the installation of an above ground backflow prevention assembly. They do require the installation of a N36 meter box or a B16 and a B9 meter box.
121. City Aqueducts (High Pressure Water Transmission Main)  
The Developer/Applicant/Contractor attention is directed to the City 24-inch aqueduct along the southwest side of Mission Boulevard. Prior to commencing any construction operations near a City aqueduct, work shall be coordinated with the City Public Works Inspector and Water Division. The City may request the depth of the aqueduct be determined by potholing performed by the Contractor at no expense to the City or by the City water maintenance division at the Developer/Applicant expense. In addition, all excavation work within twenty feet (20') of the City aqueduct shall be continuously inspected by the City; all shutoff valves on the City aqueduct shall remain accessible at all times; and in the event of an emergency, the City may, at its sole option and without notice, alter, remove, or protect any improvements, plantings, or other property, at the Developer/Applicant expense.

*Sewer*

122. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement, or a minimum 10-foot wide public utility easement shall be granted to the City.
123. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sanitary Sewer Mains and Appurtenances (12" Diameter or Less)," in effect on July 1, 2020, when the SB 330 Application was submitted to the City of Hayward Planning Division. (available on the City's website at <https://www.hayward-ca.gov/your-government/departments/engineering-division>).
124. The developer is responsible for payment of sewer connection fees at the current rates in effect on July 1, 2020, when the SB 330 Application was submitted to the City of Hayward Planning Division.. Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge. The development's permitted sewer capacity and related sewer capacity fees shall be further assessed during the building permit application.
125. Each residential and commercial unit within the live/work units shall have separate sewer laterals for each use.

**Solid Waste**

126. The owner or property manager shall be responsible for litter-free maintenance of the property and shall remove any litter on or within 50 feet of the property daily to ensure that the property and its street frontage remain clear of any abandoned debris or trash per Municipal Code Sec.11-5.22.

**Transportation***Prior to Issuance of Building Permit*

127. Applicant shall submit the following items as part of Improvement Plans to Public Works-Transportation for review prior to issuance of Building Permits:
  - a. An on-site and off-site (fronting City ROW) Signing and Striping Plan in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking complaint disabled stalls).
  - b. A Photometric Plan (on- and off-site), refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria, link: <https://www.hayward-ca.gov/documents/hayward-standard-detail>
  - c. Turning Analysis using the largest vehicle expected on-site (typically a delivery vehicle) using AutoTurn software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.

128. The Applicant shall contribute \$18,000.00 to fund a future Class IV separated bike lane along the project frontage on Mission Boulevard, or similar bicycle facilities or improvements within the project vicinity, as determined by the Public Works Director or his/her designee, in accordance with the City's Bicycle and Pedestrian Master Plan.
129. The Applicant shall submit to the City a detailed Transportation Demand Management (TDM) Plan, prepared by a qualified traffic consultant, for review and approval by Public Works & Utilities-Transportation. The TDM Plan shall include all TDM measures outlined in the Project Description and the Project's TDM Letter of Intent. TDM Measures shall include, but are not limited to:
- a. SchoolPool: The Applicant and the HOA shall create a ridesharing program matching parents with students to provide transportation to public and private schools.
  - b. Voluntary TDM Marketing: The Applicant and the HOA shall implement marketing strategies to reduce Vehicle Miles Travelled (VMT), including but not limited to new resident and quarterly information materials of alternative mode options, event promotions, and publications including posting such information on a visible bulletin board within a central/common area of the Project site.
130. Upon review and approval of the TDM Plan, the Applicant and/or the HOA shall implement the approved TDM Plan in full. The HOA shall maintain and the TDM Plan shall remain in effect for the life of the Project and shall not be modified without written approval from the Director of Public Works or his/her designee.
131. Upon review of Improvement Plan(s) and required item(s) listed above by Public Works-Transportation, Applicant shall modify Improvement Plan(s) to address any deficiency(ies) or item(s) identified by Public Works-Transportation staff, to the satisfaction of Public Works-Transportation staff or the City Engineer, prior to issuance of Building Permit(s).

## **Fire**

### *Fire Prevention*

### Access

132. Where the grade plan and highest roof surface exceeds 30ft., fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of buildings (highest roof surface shall be determined by measurement to the eave of a pitched roof). At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.



133. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced to provide all-weather driving capability. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus accesses.
134. Fire apparatus access road 20 feet to 26 feet wide shall be posted on both sides as a fire lane; fire apparatus access road 26 feet to 32 feet wide shall be posted on one side of the road as a fire lane. "No Parking" signs shall meet the City of Hayward Fire Department fire lane requirements.
135. Address and premise identification approved numbers shall be placed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property. Dimensions of address numbers or letters on the front of the buildings shall be approved by the fire department.
136. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26ft. exclusive of shoulders. This condition has not been met. Fire hydrant locations will have to be modified to meet code standards.

#### Water Supply

137. A fire flow shall be provided in accordance with the 2019 California Fire Code Table B105.1 based on the construction type and building area when building exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500gpm.
138. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the California Fire Code (CFC). The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.

#### Fire Protection

139. A fire alarm system with occupant notification shall be provided in accordance with the 2019 California Fire Code (CFC) Section 907 and all NFPA 72 Standards for each of the proposed building types. (Deferred Submittal by licensed C10 Contractor)
140. An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser. The device shall activate upon any fire sprinkler system water flow activity.
141. Interior audible alarm device(s) shall be installed within each dwelling unit in a location approved by the AHJ. The device shall activate upon any fire sprinkler system water flow activity.

142. Combination smoke/carbon monoxide detectors shall be installed at approved locations based on the California Building (CBC), California Fire (CFC) Code(s) and NFPA 72 Standards.
143. CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
144. An automatic fire sprinkler system in accordance with NFPA 13 Standards is required for all buildings proposed. A separate fire permit is required for the fire sprinkler system installation of each building. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation. Maximum static pressure of 80 PSI should be used when the test data indicates higher pressures. (Deferred submittal by licensed C16 contractor)
145. A maximum static pressure of 80 PSI should be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly.
146. Underground fire service lines that serve NFPA 13 systems shall be connected to the city water main per Hayward Public Works Dept. SD-216/204. (Deferred submittal)
147. A standpipe system is required for buildings 3 stories or more in height. Standpipe system shall conform to Sec. 905 of the CFC and NFPA 14 Standards. (Deferred submittal)

*Hazardous Materials*

148. Environmental and Health Based Site Clearance – Our office has reviewed the following document:  
“Phase I Environmental Site Assessment Report, 27169-27295 Mission Boulevard, Hayward, California” by Cornerstone Earth Group, dated January 4, 2019.

As a condition of approval, the applicant shall provide environmental screening clearance from the Alameda County Department of Environmental Health’s Local Oversight Program (LOP). The LOP contact, Paresh Khatri, can be reached at (510) 567-6700 or (510) 777-2478. Clearance from the LOP will ensure that the proposed residential project meets development investigation and cleanup standards, including if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. LOP clearance shall be submitted to the Hayward Fire Department’s Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.

Electronic Submittal of Environmental Documentation – Environmental Documentation associated with the evaluation, investigation and/or clearance of this site shall be provided in an electronic format to the City of Hayward Fire Department and Planning Division prior to the issuance of the Building or Grading Permit.

149. Demolition/Grading – A condition of approval 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 an appropriate professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated.
150. Wells, Septic Tank Systems or Subsurface Structures – Any wells, septic tank systems and other subsurface structures shall be protected and removed properly to minimize threats to the health and safety of the development construction workers, future residents, or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.
151. Hazardous Materials/Waste and their Vessels Discovered during Grading/Construction – If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.
152. Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts – If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Hayward Fire Department (HFD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report shall be required to be submitted to document the activities performed and any conclusions. Below are specific requirements on each:
  - a. Underground storage tank and associate piping: An approved removal plan, including appropriate sampling, a Hayward Fire Department permit for the removal, and follow-up report is required.
  - b. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report is required.
  - c. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.
153. Hazardous Materials/Waste During Construction - During grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.

154. Future Commercial Uses – No commercial use is proposed at this time for the project. If changes are approved that allow commercial uses, then the applicant shall provide adequate information associated with the use or storage of hazardous materials/waste for evaluation and approval by the Hayward Fire Department to ensure adequate conditions are met.

### **Affordable Housing**

155. This development is subject to the requirements of the Affordable Housing Ordinance set forth in Chapter 10, Article 17 of the Hayward Municipal Code. The developer shall comply with the affordable housing requirements as reflected in the attached final Affordable Housing Plan on file with the Housing Division and included as Attachment V and detailed per Section 10-17.510 Affordable Housing Plan. No building permit(s) will be issued for any non-City restricted units in the Project until permits for all affordable units have been obtained or are obtained simultaneously. No Certificate(s) of Occupancy will be issued for any non-City restricted units in the Project until Certificate(s) of Occupancy for all affordable units have been obtained or are obtained simultaneously.
156. Pursuant to Hayward Municipal Code Sections 10-17.515 and 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement that includes all elements set forth in the Affordable Housing Ordinance and the final Affordable Housing Plan on file with the Housing Division and included as Attachment V to the staff report, 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.

### **Conditions Applicable During Construction**

157. **Construction Stormwater Management:** Developer shall be responsible for the preventing the discharge of pollutants (sediments) into the street and/or the public storm drain system from the project site during construction in accordance with the Hayward Municipal Code Section 11-5.19. Projects proposed for construction between October 1st and April 30th, must have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of any land disturbing activity. Trash and debris must be adequately contained at all times. Such measures shall be maintained during the project's construction period. Violations or other noncompliance with stormwater management measures may result in the project being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.

158. **Construction Damage:** The Developer shall remove and replace any damaged curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc. within the public right-of-way along the project frontage and at any locations damaged by the construction of the proposed project. Damaged pavement surfaces shall be overlain or micro-surfaced. Damaged pavement surfaces shall be repaired or resurfaced as required by the City Engineer. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter and sidewalk per City Standards.
159. Developer shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.

### **Pre-construction and Demolition Measures for Tree Preservation**

160. Trees to be preserved may require pruning to provide clearance and/or correct defects in structure. All pruning shall be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest edition of the ANSI Z133 and A300 safety standards as well as the ISA Best Management Practices for Tree Pruning with a tree pruning permit from the City. The pruning contractor shall have the C-27/D-49 license specification.
161. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife Code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

### **Tree Protection During Construction**

162. Prior to beginning work, the contractors working in the vicinity of trees for preservation are required to meet with the Project Arborist at the site to review all work procedure, access routes, storage areas and tree protection measures.
163. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist. Any necessary root pruning shall be performed by a qualified arborist and not by construction personnel. Roots shall be cleanly pruned with a handsaw or sawzall, immediately covered with wet burlap, and kept moist until backfilled.
164. If damages should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied. If the damages to tree result in removal, removed tree shall be replaced to its appraised value provided by the Project Arborist and approved by City Landscape Architect.

165. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.
166. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel with a tree pruning permit from City Landscape Architect.
167. Trees shall be irrigated on a schedule to be determined by the Project Arborist. Each irrigation session shall be wet the soil within the Tree Protection Zone to a depth of 30 inch.

### **Relocated Trees**

168. Relocated trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment based on the project arborist's recommendations. Relocated trees shall also be maintained to ensure the continued long-term health of the tree. Relocated trees shall be monitored and provided with routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting, and irrigation. When relocated trees fail to thrive within 5 years, the trees shall be replaced with like-kind and like-size or like-value based on the approved appraised value.

### **Tree Replacement and Maintenance During Construction**

169. Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment. Preserved trees shall also be maintained to ensure the continued long-term health of the tree. Trees on-site will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting, and irrigation.

### **Prior to Issuance of Certificate of Occupancy**

#### **Landscaping**

170. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City, As-Built digital plans shall be submitted to the Engineering Department by the developer.
171. Required Irrigation Audit. Pursuant to HMC Section 10-12.11, the project applicant shall submit an irrigation audit report done by the third party as required in Appendix C - Certificate of Completion Part 5 to the City. The report may include, but not limited to inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation

controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming.

172. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be e-mailed in prior to requesting an inspection from the City Landscape Architect.

### **Engineering**

173. All public improvements, including the complete installation of all street improvements, fencing, sanitary sewer, storm drainage, water system, underground utilities, streetlights etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit in each phase of the subdivision. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
174. Prior to final inspection and issuance of final certificates of occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Public Works Director and Development Services Director or his/her designees.
175. **Post Construction Stormwater Maintenance:** The property owner(s) shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for private treatment control and site design measures is bound to the property in perpetuity.
176. **Geotechnical Letter:** Prior to the issuance of any Certificates of Occupancy, Developer shall submit a confirming letter from the project geologic and/or geotechnical team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.
177. **Final Engineer's Report:** Prior to the issuance of any Certificate of Occupancy, The Engineer of Record shall submit a confirming letter that all grading, drainage, and engineering components of the project have been performed in conformance with the approved plans and specifications.

178. **As-Built Records:** As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

-END-