

**CITY COUNCIL MEETING  
TUESDAY, NOVEMBER 13, 2018**

**DOCUMENTS RECEIVED  
AFTER PUBLISHED AGENDA**

**PUBLIC COMMENT**

**KIM HUGGETT**

# Downtown Hayward Light up The Season 2018



Tree Lighting . Ice Skating .  
Choirs & School Bands .  
Diverse Activities, Entertainment  
Family Fun!

**Saturday  
December 1st, 2018  
3:30 - 6:30pm**

Letters to Santa sponsored  
Macy's

Look for other fun  
in Downtown Hayward  
holiday Activities!

Join the Fun!  
on B Street  
& Watkins Street

Bring a new unwrapped toy or teddy bear for the Toys for Kids Drive to the Hayward Fire and Police Departments and receive a prize ticket to win a Family Fun Basket!



**ITEM #8**

**APPROVAL OF FINAL MAP OF TRACT 8233  
PARKSIDE HEIGHTS, CREATING  
NINETY-SEVEN LOTS FOR DETACHED SINGLE-  
FAMILY RESIDENCES AND 26 LOTS FOR THE  
LOT-OWNERS COMMON USE ON A 10.68-ACRE  
SITE LOCATED AT THE SOUTHWEST CORNER  
OF 2ND STREET AND WALPERT STREET**

**YNEZ JASPER**

To: The Mayor and City Council Members  
From: Ynez Jasper: Homeowner 24453 Second St. Hayward, CA  
Re: Parkside Heights – Final Tract Map approval

Dear Mayor and City Council Members:

My name is Ynez Jasper and I am the homeowner at 24453 2<sup>nd</sup> St. Hayward, CA

1. I have a driveway easement included on my deed to my property recorded August 20, 1957.
2. My driveway easement is located on Pulte's property.
3. My driveway easement now includes parking rights because both my predecessors in interest have parked adjacent to my garage in the easement area for more than five years and therefor have acquired prescriptive easement parking rights as well.
4. I am asking that the approval for the final tract map for Parkside Heights be delayed as no agreement has been reached between Pulte Group and ourselves contrary to what is indicated in the recommendation report to the council members today.
5. The initial design plans for Amaranth Loop encroached upon a portion of our existing driveway easement which provides vehicular access from 2nd Street to two existing homes on the east side of Parkside Heights Tract 8233 at 24449 and 24453 2nd Street.
6. The report states that Amaranth Loop was re-designed recently with narrower pavement width to remove any encroachment into the driveway easement. However, Pulte Group has brought to our attention that per California Civil Code #1007 an individual cannot acquire prescriptive parking rights over land owned by a public entity (Caltrans). So, now we are again left without parking and **no agreement has been reached** with Pulte Group as requested by the City.
- 7.
8. The recommendation report to the mayor and council members also state: The Sub divider has worked with the two homeowners to resolve their concerns. No agreement has been reached.
9. The subdivider has agreed to share the cost of creating vehicle parking on this property.
10. No agreement has been reached, In spite of the homeowner providing all the information Pulte requested countless meetings, emails and city council visits including today.

City staff advised Pulte Representatives to work with the homeowners to resolve their concerns and get the resolution in writing before it can go in front of council to be reviewed.

They have reached written agreements with all the other homeowners. They have not reached an agreement with us.

Numerous promises have been made by several of their representatives, however nothing has materialized.

In the meantime, we are suffering from exposure to all this construction dust in and around our homes until Pulte decides to reach an agreement with us.

## **ITEM #11**

**PROPOSAL TO CONSTRUCT EIGHT (8)  
ATTACHED TOWNHOUSE  
CONDOMINIUM UNITS AND RELATED SITE  
IMPROVEMENTS AT 420 SMALLEY AVENUE  
(APN 431-0008-020-00) BY GKW ARCHITECTS  
(APPLICANT) ON BEHALF OF TOMMY TAM  
(OWNER), REQUIRING INTRODUCTION OF AN  
ORDINANCE AND ADOPTION OF A  
RESOLUTION TO APPROVE A VESTING  
TENTATIVE TRACT MAP, PLANNED  
DEVELOPMENT (PD) REZONE, AND SITE PLAN  
REVIEW, AND ADOPT A CALIFORNIA  
ENVIRONMENTAL QUALITY ACT (CEQA) INFILL  
CHECKLIST. APPLICATION NO. 201704262**



# CITY OF HAYWARD

**DATE:** November 13, 2018  
**TO:** Mayor and City Council  
**FROM:** City Manager  
**THROUGH:** Development Services Director  
**SUBJECT:** Agenda Item: 420 Smalley Townhouse/Condominium – Revised Resolution

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## SUMMARY

The November 13, 2018 City Council agenda item (PH 18-084) for a proposed construction of eight (8) townhouse condominiums located at 420 Smalley, has had a revision in the Resolution attachment. The revision is identified below:

Page 2 of the reso:

“The project will allow for ~~841~~ new ~~townhomessingle-family homes~~, which will provide additional ~~single-family~~ housing opportunities in the City.”

## RECOMMENDATION

That Council accepts the amendment to agenda item #11, PH 18-084, regarding above identified revision to the attached Resolution.

***Recommended by:*** Laura Simpson, Development Services Director

**Approved by:**

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**Kelly McAdoo, City Manager**



HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Councilmember \_\_\_\_\_

RESOLUTION ADOPTING THE CEQA INFILL CHECKLIST AND APPROVING THE PLANNED DEVELOPMENT REZONE WITH TENTATIVE TRACT MAP AND SITE PLAN REVIEW PERTAINING TO CONSTRUCTION OF 8 NEW TOWNHOMES AT 420 SMALLEY AVENUE

WHEREAS, On July 12, 2017, GKW Architects (Applicant) submitted a Planned Development Rezone, Vesting Tentative Tract Map No. 8429, and Site Plan Review Application No. 201704262 to construct 8 attached townhouse condominium units with common open space areas and related site improvements at 420 Smalley Avenue (APN 431-0008-020-00); and

WHEREAS, A CEQA Infill Checklist was prepared to assess the potential environmental impacts of the Project; and

WHEREAS, The Planning Commission considered the Project at a public hearing held on October 25, 2018, and recommended that the City Council adopt the CEQA Infill Checklist, and approve the Planned Development Rezone with Tentative Tract Map No. 8429 and Site Plan Review Application No. 201704262; and

WHEREAS, Notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on November 13, 2018.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

**VESTING TENTATIVE TRACT MAP FINDINGS**

Pursuant to Section 10-3.150 of the Hayward Municipal Code (HMC), the City Council may conditionally approve a Vesting Tentative Tract Map application when all the following findings are met:

- A. **The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;**  
The project site is designated MDR (Medium Density Residential), which allows for a residential density range of 8.7 to 17.4 dwelling units per net acre, in the *Hayward 2040 General Plan*. The project is proposing a total net density of approximately 17 dwelling units per net acre, which is within the allowed density range in the *Hayward 2040 General Plan*. The MDR land use designation allows for a mix of

housing types including multi-family residential developments. Anticipated future changes include additional residential development, building and landscaping improvements, and neighborhood enhancements that create more complete, walkable, and sustainable neighborhoods. The project is considered an in-fill development, which will increase the housing inventory for the City of Hayward and result in a more complete neighborhood. The project is also consistent with the following General Plan policies:

- H-3.1 Diversity of Housing Types: *The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.*

The project will allow for 8 new townhomes, which provide additional housing opportunities in the City.

- H-3.4 Residential Uses Close to Services: *The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.*

The project is located in an established neighborhood near Downtown Hayward and a commercial corridor along B Street. Furthermore, recreational facilities such as the Hayward Japanese Gardens and San Felipe Community Park and educational facilities such as Hayward High School and Faith Ringgold School of Arts and Science are nearby.

- Land Use Policy LU-1.3 Growth and Infill Development: *The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.*

The project is surrounded by development on all sides, including other single-family homes, multi-family residential developments, and various commercial uses. As such, the project is considered an in-fill project, which is appropriate for new housing development.

In addition, the project is not located within any specific plan area but is located within the Burbank Neighborhood Plan area and is consistent with those relevant policies. Therefore, the proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans.

**B. The proposed subdivision meets the requirements of the City Zoning Ordinance; and**

The project requires a Planned Development (PD) Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to minimum lot area per dwelling unit. With the PD Rezone, the proposed subdivision will provide modified development standards of the new PD District related to minimum lot area per dwelling unit. PD Districts are also subject to the development

standards of the zoning district most similar to the proposed use, which is the RM (Medium Density Residential) District in this case. As proposed, the project meets the development standards of the RS District related to building height, off-street parking, and landscaping. The subdivision will also allow for the construction of 8 attached townhomes, which is a permitted land use in the RM District.

**C. No approval of variances or other exceptions are required for the approval of the subdivision.**

As proposed, the new Planned Development district would establish the zoning development standards for this project. In addition, the project will also meet the requirements of the Subdivision Ordinance. Therefore, the project will not require a variance or any other exceptions from the requirements of the HMC.

**PLANNED DEVELOPMENT REZONE FINDINGS**

Pursuant to Section 10-1.2535 of the HMC, the City Council may conditionally approve a Planned Development Rezone application when all the following findings are met:

**A. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies;**

The project is considered an in-fill development and will complete the neighborhood, which primarily consists of commercial development and a mix of housing types including detached single-family homes and multi-family residential developments. The project proposes townhouse condominium units, which is compatible with the surrounding neighborhood. Additionally, the project is consistent with the MDR land use designations and policies in the *Hayward 2040 General Plan*. The proposed density is within the density range allowed by the MDR land use designation and compatible with the overall density of the surrounding residential neighborhood.

**B. Streets and utilities, existing or proposed, are adequate to serve the development;**

The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within the project site and connect to the existing utilities on Smalley Avenue. The project will be served by a new private driveway. While the existing roadways are sufficient to accommodate the additional traffic generated from the project, frontage improvements will be required, including the reconstruction and repair of the existing sidewalk along Smalley Avenue to meet the City's current roadway standards.

**C. In the case of a residential development, that the development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development;**

The project is considered an in-fill development and will replace an underutilized site with attractive townhomes to complete the neighborhood. The scale and design of the proposed building are compatible with the existing neighborhood. The townhouse units will also be served by both private and public open space within the development. Each unit will have usable private outdoor rear yards and the project provides a 1,660-square-foot common open space area. The development will also be well-integrated into the existing neighborhood since it will be served by a new driveway and sidewalks providing vehicular and pedestrian access to and from Smalley Avenue.

**D. In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule; and**

The project will be developed in one phase, ensuring that the infrastructure, facilities, and services will be available to all future residents in the development in a timely manner.

**E. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.**

The project requires a PD Rezone to provide flexibility in the site layout and allow for an exception to the minimum lot area per dwelling unit. To offset these requested exceptions, the project proposes the following amenities:

- Rooftop solar panels on each home;
- One moderate-income affordable dwelling unit on site instead of paying the affordable housing in-lieu fee;
- A bedroom suite on the first floor of all units to allow for aging in place and multigenerational lifestyles; and
- 3,070 square feet of private and common open space, which exceeds the open space requirement for the development.

The rooftop solar panels result in a more environmentally-sensitive development and the multigenerational-friendly floor plan allows the homes to accommodate a more diverse population. The on-site affordable dwelling unit will provide a social benefit to the community. The 1,660-square-foot common open space area, which will be maintained by a homeowner's association, provides the future residents with a usable outdoor area for recreation and public interaction. Each home will have a private back yard and private balcony, which will provide additional outdoor space.

**SITE PLAN REVIEW FINDINGS**

Pursuant to Section 10-1.3025 of the HMC, the City Council may conditionally approve a Site Plan Review application when all the following findings are met:

A. **The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City.**

The proposed development would be compatible with on-site and surrounding structures and uses and would be an attractive addition to the City in that it would be consistent with the developmental pattern of the Burbank neighborhood, which is characterized by single-family and multi-family residences and commercial buildings. The neighborhood consists of a mix of traditional architectural styles, including Cottage and Craftsman homes. The proposed building would be similar in scale to other multi-family developments nearby. The development provides a diverse range of units ranging from 1,289 to 2,016 square feet in size. In addition, the new homes incorporate a mix of traditional and contemporary architectural styles to blend in with the existing neighborhood character. The building facades are articulated with wall offsets, private balconies, and front entry porches to provide visual interest from all sides of the homes. The new homes will incorporate a standing seam metal roof and full wrap siding and the development provides varied colors and materials, which provide additional architectural detailing and contribute to a diverse and interesting street scene. Overall, the homes are attractively designed and will improve the neighborhood by replacing an underutilized site with new development that is compatible with the neighborhood character.

B. **The development takes into consideration physical and environmental constraints.**

The project takes into consideration physical and environmental constraints in that the scale and character of the proposed building are harmonious with the surrounding neighborhood, which consists of a mix of housing types including single-family homes and small multi-family developments. Although the project proposes a three-story building in a neighborhood consisting primarily of one- and two-story buildings, the height of the proposed building will be similar to the height of other two-story buildings in the area. The architectural design of the new homes is compatible with the design of the existing homes nearby and as such, the new development will blend into the existing neighborhood. In addition, the project is an in-fill development with minimal impact on the existing development pattern and will only require the demolition of an existing single-family home on the site. A private driveway will also provide access to the units, which will allow for safe and efficient vehicular circulation.

C. **The development complies with the intent of City development policies and regulations.**

As previously discussed, the project is consistent with the MDR land use designation in the *Hayward 2040 General Plan*. MDR land use designation is intended for a mix of housing types including single-family residences. Additionally, the proposed density is within the allowable density range. The project is also consistent with the goals and policies of the *Hayward 2040 General Plan*, which encourage a diverse housing inventory and in-fill development. Furthermore, with the PD Rezone, the project meets all the applicable regulations of the Zoning Ordinance, including the

development standards of the new PD District and applicable standards of the RM (Medium Density Residential) District such as lot coverage, building setbacks, building height, and parking. Additionally, the project is required to repair and reconstruct existing sidewalk along Smalley Avenue to meet the City's street standards. The project will also provide bioswales to meet stormwater requirements and proposes landscaping in compliance with the City's water efficient landscaping standards. Therefore, the project complies with the intent of City development policies and regulations.

**D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.**

The project will operate in a manner determined to be acceptable and compatible with surrounding development in that the project will comply with all applicable zoning regulations, building codes, and other regulations in the HMC. The proposed site improvements will also have to meet all City standards and details to the satisfaction of the Director of Public Works as shown on the final map and improvement plans. The project will also be subject to various conditions of approval intended to protect the surrounding neighborhood from any potentially harmful impacts. In addition, the project includes guest parking spaces and a private driveway, which will minimize potential parking and traffic impacts on Smalley Avenue after construction of the development.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183.3, an Infill Checklist was prepared for this project with the finding that no additional environmental review is required. The purpose of an Infill Checklist is to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been previously addressed in a planning-level decision or would be addressed by uniformly applicable development policies. The Infill Checklist for this project tiers off the Environmental Impact Report (EIR) for the *Hayward 2040 General Plan* and confirms that the project would not have any significant effects on the environment that either have not already been analyzed in the *Hayward 2040 General Plan* EIR, are more significant than previously analyzed, or would not be substantially mitigated by uniformly applicable development policies.
- B. The proposed Infill Checklist was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgement of the Planning Commission; such independent judgement is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the administrative record as a whole); the Planning Commission recommends the City Council adopt the proposed Infill Checklist and its findings and conclusions as its source of environmental information; and the proposed Infill Checklist is legally adequate and was completed in compliance with CEQA.

- C. The proposed Infill Checklist identified all potential adverse impacts and based on the Infill Checklist and the whole record before the Planning Commission, there is no substantial evidence that the Project will have a significant effect on the environment.
- D. The project complies with CEQA, and the proposed Infill Checklist was presented to the Planning Commission, which reviewed and considered the information contained therein prior to recommending approval of the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the CEQA Infill Checklist and approves the Planned Development Rezone with Tentative Tract Map No. 8429 and Site Plan Review Application No. 201704262, subject to the adoption of the companion ordinance (Ordinance No. 18-\_\_\_) rezoning the property located at 420 Smalley Avenue to Planned Development District, Assessor Parcel Number (APN) 431-0008-020-00, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**CITY OF HAYWARD PLANNING DIVISION  
APPLICATION NO. 201704262  
PD REZONE, VESTING TENTATIVE TRACT MAP 8429, SITE PLAN REVIEW AND  
CALIFORNIA ENVIRONMENTAL QUALITY ACT INFILL CHECKLIST  
CONDITIONS OF APPROVAL**

**General**

1. The permittee 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. Vesting Tentative Tract Map (VTTM) 8429 and the Preliminary Development Plan and Site Plan Review application are approved subject to the vesting tentative tract map and project plans date stamped September 28, 2018, except as modified by the conditions listed below.
3. In accordance with Hayward Municipal Code (HMC) Section 10-3.246, approval of VTTM 8427 and the Preliminary Development Plan and Site Plan Review application shall expire 36 months after the effective date of approval subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act.
4. All permit charges accrued in the processing of VTTM 8429 and the Preliminary Development Plan and Site Plan Review application shall be paid in full prior to consideration of a request for approval extensions and/or submittal of building permits for the development.
5. 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.
6. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
7. 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 pulled to construct the project.
8. The property owner shall demolish any vacant structures within 60 days of their being made vacant.
  9. The property owner shall be responsible for securing and clearing any vacant structure(s) prior to demolition and commencement of construction activities.
  10. 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.
  11. The applicant shall comply with the City's Affordable Housing Ordinance, Article 17 of HMC Chapter 10, pertaining to the required provision of Affordable Housing by providing one moderate-income affordable housing unit as part of the project rather than electing to pay the affordable housing in-lieu fee. The Affordable Housing Agreement shall be executed prior to issuance of building permits.
  12. **Nesting Bird Surveys:** Preconstruction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than 7 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary. If an active nest is found in an area that would be disturbed by construction, the biologist or ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife. The buffer would ensure that nests are not disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts. The project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Development Services, prior to any tree removal or prior to the issuance of a grading permit or demolition permit.
  13. **Roost Surveys:** Preconstruction roost assessment survey: A qualified biologist shall conduct a roost assessment survey of the existing buildings on the project site. The survey shall assess use of the structures for roosting as well as for the potential presence of bats. If the biologist finds no evidence of or potential to support bat roosting, no further measures are required. If

evidence of bat roosting is present, the additional measures described below shall be implemented:

- A. Work activities outside the maternity roosting season: If evidence of bat roosting is discovered during the preconstruction roost assessment and demolition is planned during the period from August 1 through February 28 (outside the bat maternity roosting season), a qualified biologist shall implement passive exclusion measures to prevent bats from re-entering the structures. After sufficient time to allow bats to escape and a follow-up survey to determine if bats have vacated the roost, demolition may continue and impacts to special-status bat species will be avoided.
  - B. Work activities during the maternity roosting season: If the preconstruction roost assessment discovers evidence of bat roosting in buildings during the maternity roosting season (March 1 through July 31) and determines maternity roosting bats are present, demolition of maternity roost structures shall be avoided during the maternity roosting season or until a qualified biologist determines the roost has been vacated.
14. **Trees:** In accordance with the City of Hayward Tree Preservation Ordinance, the project applicant shall implement the recommendations of the arborist report prepared in June 2018 by HortScience, Inc. The recommendations of the report include, but are not limited to, the following:
- A. The 12 off-street trees shall be preserved. A tree protection zone shall be established for these trees, in which no grading, excavation, construction, or storage of materials shall occur, as further detailed in the arborist report.
    - i. Off-site trees would require crown and root pruning to provide construction clearance. Such pruning shall be performed with the property owner's permission and in accordance with the guidelines detailed in the arborist report.
    - ii. Of the on-site trees, attempts shall be made to preserve one tree, with the other six removed. The tree that may be preserved is on the eastern property line, in a proposed landscaped area. Once the trunk is located and plotted on all plans and once grading, drainage, and utility plans are prepared, a final determination shall be made as to whether the tree can be preserved.

The appraised value of the six trees that would be removed is \$6,850. The project applicant shall be responsible for replacing the trees on- or off-site to the satisfaction of the City Landscape Architect.

15. **Unanticipated Archeological Discovery:** In the event that any historical surface or subsurface archaeological features or deposits, including locally darkened soil indicative of an archaeological midden that could conceal

- cultural deposits, animal bone, shell, obsidian, mortars, or human remains, are uncovered during on-site or off-site construction, all work within 100 feet of the find shall cease and the construction contractor will notify the City. An archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards shall be contacted to determine if the resource is significant and to determine appropriate mitigation. Any artifacts uncovered shall be recorded and removed to a location to be determined by the archaeologist.
16. **Unanticipated Paleontological Discovery:** In the event of discovery of fossils during excavation, the construction contractor will notify the City and immediately cease work in the area of the find. The contractor will retain a qualified paleontologist to evaluate the resource and prepare a recovery plan for immediate implementation, including field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the City to be necessary and feasible will be implemented before construction activities resume in the area where the paleontological resources were discovered.
  17. **Discovery of Human Remains:** The discovery of human remains shall be reported to the county coroner, in accordance with Section 7050.5 of the California Health and Safety Code, and the Native American Heritage Commission (NAHC) for further investigation. If the remains are determined to be Native American, the NAHC shall inform the most likely descendant and will determine the appropriate disposition of the remains and grave goods.
  18. **Geotechnical Report Implementation:** The project applicant shall implement the recommendations of the design-level geotechnical engineering study that was prepared for the project by Geo-Engineering Solutions (2017). The recommendations include, but are not limited to, building design that considers seismic activity in accordance with the latest edition of the CBC; removal of undocumented fill soils and replacement by engineered compacted fill; measures for any winter construction; site grading parameters; utility trench construction parameters; temporary excavation parameters for below-grade construction, if any; foundation parameters; retaining/basement wall parameters; parameters for concrete slabs on grade; post-tension slab parameters; and observation and testing during construction.
  19. **Asbestos-Containing Materials and Lead-Based Paint Surveys:** The project applicant shall conduct a preconstruction asbestos-containing materials (ACM) survey in accordance with the Asbestos Hazard Emergency Response Act (AHERA) prior to any activities with the potential to disturb building materials to determine whether ACM is present. In the event ACM is present, it shall be properly removed and disposed of in accordance with applicable regulations, including the BAAQMD rule related to asbestos. In

addition, the applicant shall conduct a lead-based paint (LBP) survey prior to the demolition activities with the potential to disturb building materials to determine whether LBP is present. In the event LBP is present, it shall be properly removed and disposed of in accordance with applicable regulations.

20. **Construction Restrictions:** To prevent damage to off-site buildings during construction activities, the project applicant and/or its contractor shall ensure compliance with, and the City shall note on grading and building permits, the following restrictions:
- A. Vibratory rollers shall not be used in dynamic mode (i.e., rolling motion only with no vibration) within 25 feet of any existing off-site building.
  - B. Bulldozers and trucks exceeding 30 tons gross weight shall not be operated on the project site within 25 feet of any existing off-site building.

**Precise Plan Submittal**

21. In accordance with Section 10-1.2550 of the Hayward Municipal Code (HMC) and prior to submitting a building permit application, a Precise Development Plan shall be submitted for review and approval.
22. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate conditions herein and shall be submitted in advance of or in conjunction with the subdivision improvement plans and Final Map.
23. The project approval includes the following project amenities to support the finding required to be made that “any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards”.
- A. Photovoltaic systems shall be installed on the rooftops of all units.
  - B. The project shall provide one moderate-income affordable dwelling unit on site.
  - C. 3 of the 8 units shall provide a bedroom suite on the first floor.
  - D. The project shall provide a total 3,070 square feet of open space, including 1,410 square feet of private rear yard and balcony space and a 1,660-square-foot common open space area with landscaping and an outdoor seating area.
24. The Precise Development Plan 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 and comply with the size requirements of the Fire Department.
- 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. All surfaces should be enhanced with 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. All mailboxes shall be locking mailboxes.
- H. A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. The final lighting plan shall incorporate pedestrian scale lighting along the sidewalk. All lighting shall be erected and maintained so that adequate lighting is provided along the private driveway. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). 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. Proposed color and materials board for all buildings, fences and walls. No changes to colors shall be made after construction unless approved by the Planning Director.
- K. 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.
- L. 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.
- M. Large expanses of blank wall shall not be allowed. Articulate or otherwise treat such expanses to avoid bulkiness.
  - 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.
  - O. All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.
25. The Precise Development Plan shall clearly show all proposed fences and walls. All proposed fences and walls shall comply with the City's maximum fence height requirements in the HMC.
  26. The Precise Development Plan shall provide a project data table that accurately indicates the total lot, building pad, living, private open space, common open space, and total open space areas.
  27. 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.
  28. Details of all project amenities shall be submitted for review and approval by the Planning Director during the Precise Plan phase of the project.
  29. The project shall comply with the provisions of the 2016 California Energy Code section 110.10.

### **Building**

30. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
31. The project shall comply with the 2016 California Green Building Standards Code (CalGreen). A key requirement from this set of regulations is related to EV charging infrastructure. 2016 CalGreen Section 4.106.4.1 outlines the specific requirements for townhomes. A listed raceway shall be installed in each garage to accommodate a future 208/240-volt branch circuit. The service panel shall also be designed to accommodate this future load if the resident chooses to install an EV charging system.

32. The building permit application submittal shall include details for the fire-rated common walls. Plumping piping is not allowed in the walls separating dwelling units if they are R-3.

**Development Review Services Engineering / Public Works Engineering**

33. **Homeowner's Association (HOA):** 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 an 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 30 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 30 days of written demand. Upon failure by the Board to pay within said 30 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. Each owner shall automatically become a member of the association(s) and shall be subject to a proportionate share of maintenance expenses.
  - C. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association(s).
  - D. The HOA shall own and maintain the private access roads and on-site storm drain systems in the development, excluding those located within the public right-of-way.
  - E. 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 48 hours of inspection or within 48 hours of notification by the City.
  - F. 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 30% 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.

- G. 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.
  - H. The exterior elevations of the proposed building shall be maintained in good repair. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting. The CC&Rs shall include provisions to ensure that maintenance and repairs are completed within a timely manner.
  - I. 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 homeowner's 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.
  - J. Any future major modification to the approved site plan shall require review and approval by the City.
  - K. 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.
  - L. Street sweeping of the private driveway and private parking stalls shall be conducted at least once a month.
34. **Subdivision Improvement Agreement:** Prior to the issuance of building permits, the public and necessary private improvements conditioned as part of this approval require the execution of a Subdivision Improvement Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes surety (i.e. bonds), insurance, and additional deposit for City staff time and City resources to be expended on the project.
35. **Grading & Drainage:** A grading and drainage plan is required and shall be submitted with the Final Map and Improvement Plans for review and

approval by the Director of Public Works prior to the issuance of building permits. Developer has the option to apply for a rough grading permit. The grading and drainage plan shall include, but not be limited to, the following design & submittal requirements:

- A. Developer shall be responsible for the preventing the discharge of pollutants (sediments) into the street and/or the storm drain system from the project site. An erosion control plan may be required.
  - B. All on-site storm drainage conveyance facilities and earth retaining structures 4-feet in height or less (top of wall to bottom of footing) shall be reviewed and approved by Public Works. Earth retaining structures greater than 4-feet in height shall be reviewed and approved by the Building Division of the Development Services Department. The plans should include all proposed underground pipes, building drains, area drains and inlets. The on-site storm drainage system (if applicable) shall be designed to convey a 10-year storm event.
  - C. The project's Stormwater Control Plan shall be submitted which will 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.
  - D. Prior to subdivision map approval, the property owner 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.
36. **Construction Damage:** The Developer shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer.

### **Landscape**

37. No building permit shall be issued prior to approval of landscape and irrigation improvement plans. Mylar of the approved landscape and irrigation improvement plans shall be submitted to Public Works Engineering for signatures. Once signed, copies of Mylar shall be included in the building permit submittal.
38. Mylar shall be wet-signed by the project landscape architect and shall be provided with a bar scale. The size of Mylar shall be twenty-four (24) inches by thirty-six (36) inches without an exception. A signature block shall be

- provided in the low right side on each sheet of Mylar. The signing block shall contain a signature line and a date line for City of Hayward, Landscape Architect. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
39. A tree mitigation summary chart on L8 shall be revised to state that the total required mitigation shall be \$6,850 and the total tree preservation bond shall be \$19,325.
  40. Tree preservation bond for the amount of \$19,325 shall be submitted prior to issuance of grading and demolition permits.
  41. A separate tree removal permit in addition to grading and demolition permits shall be obtained from City Landscape Architect prior to issuance of grading and demolition permits.
  42. Tree protection fence shall be installed at the dripline of existing trees for preservation prior to commencement of grading and demolition work. Failure to erect the tree protection fence shall result in immediate suspension of all site work. The tree protection fence shall remain in place until all site improvements have been completed and accepted.
  43. Base information for plans shall include not only all existing trees shown on the survey plan and designation of existing trees whether to be preserved or removed, but also all proposed underground utilities for domestic and fire water and irrigation water meter and lateral locations as well as sewer and storm drain lateral lines shown on C2 on all landscape and irrigation plans.
  44. Base information for landscape plans shall delineate accurate bioretention area that matches A003 and C2.
  45. Open wire fence with stainless steel wire that solely relying on successful vine establishment for proving privacy between properties shall not be acceptable. Privacy fencing on all three sides shall be done with solid and opaque material such as wood, pour-in-place concrete, modular concrete block, prefabricated modular wall system, or approved equal. It is acceptable to use stainless steel wire fastened onto the fence for supporting vine growth.
  46. Trees in the front yard setback area are required tree planting in accordance with Zoning Ordinance and shall not be eliminated at any circumstance. Although the response letter states that the tree at the southwest corner is located outside of the bioretention area, it isn't certain due to different configuration of the bioretention area delineated in A003, C2 and L2. Clear delineation of the bioretention area and tree trunk locations on the landscape plan will be helpful. The tree location shall be verified again.

47. Planting Plan: Size of each circle representing different shrubs shall match the proposed spacing and shall be shown as such on the planting plan in order to avoid measuring the plan to verify spacing.
48. Planting in the front area around the bioretention area as well as sides and rear planting areas are too sparsely planted to have full plant coverage at maturity. Additional planting shall be provided.
49. Spacing for *Pittosporum tenuifolium* has been increased to meet the required minimum spread; however, *Pittosporum* that will outgrow the four (4) feet wide planting strip and will require routine shearing or hedging: Chapter 10 Zoning Ordinance, Article 12, Section 10-12.07 (2)(c)2.
50. Plant legend and Notes on L2:
  - A. Clarify which is spread and which is height at maturity.
  - B. Variety shall be specified for *Ginkgo biloba*.
  - C. Note E: The City shall not specify the length of root barrier. The length of root barrier shall conform to the manufacturer's guidelines.
51. Spelling errors on L2 and L8 have not been corrected: for *Lagerstroemia*, *Pistacia* and *Saucer Magnolia*.
52. Quantity and location of picnic table on the landscape plan doesn't match A003. ADA compliant picnic table shall be provided.
53. Erosion control material shall be placed on slopes equal or steeper than three to one (3:1).
54. Irrigation Legend: Sleeve size shall be specified.
55. All landscape construction, planting and irrigation details and specifications shall be provided. Fastening detail for vine support shall be provided. Maintenance specifications shall be included on the landscape plan for specifications.
56. Proposed irrigation watering schedule for establishment period and permanent irrigation schedules shall be included on the irrigation plan.
57. Municipal Code Article 12 - Bay-Friendly Water Efficient Landscape Ordinance requires the following for single-family residential developments with usable yard: Section 10-12.14 requirement for installing basic "laundry to landscape" plumbing in each residence. Plumb-ready "laundry to landscape" system shall meet Plumbing Code and shall be addressed in the plumbing plan during building permit process.

58. For Model Homes: Municipal Code Article 12, Section 10-12.17 Public Education, Model Homes:
- A. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Article.
  - B. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
59. Inspection for Models: Landscape inspection shall be required prior to issuance of TCO, and another inspection prior to issuance of Certificate of Occupancy at the time of converting the model for sale. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect 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 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
60. All common area landscaping, irrigation and other required improvements shall be installed in accordance with the approved improvement plans prior to acceptance of tract improvements, or occupancy of eighty-percent (80%) of the dwelling units, whichever first occurs. Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted upon acceptance of the landscape improvements for the Tract to the Department of Public Works Engineering by the developer.
61. 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.
62. 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 faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
63. Landscaping shall be maintained by HOA and shall be 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. 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. 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 depth shall be maintained at three inches deep. 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. 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. 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. 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 and Environmental Services**

64. Please submit the Construction and Demolition Debris Recycling Statement at the time of your building permit (section 4). You only need to submit the top "applicant" half of the form during the building permit. The bottom half of the form should be completed upon completion of the project to receive final building inspection approval. You can find the form online at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.
65. City records indicate that the parcel has one existing ¾" service line and 5/8" domestic meter (account # 3897). If the water service cannot be reused for the proposed development, it shall be abandoned by the City's Water Distribution personnel at the owner's/applicant's expense.
66. Each residential dwelling unit shall have an individual domestic water meter. Facilities fees for residential connections are based on the domestic demand for the home. A larger water meter may be installed if the service is combined with a private fire service. The developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.
67. Based on the water fixtures shown on the plans, it is estimated that Units 1 & 8 will have a potential domestic water demand of 37.5, which requires a minimum ¾" domestic water meter, and Units 2-7 will have a potential domestic water demand of 41.5, which requires a minimum 1" domestic

- water meter. Note that this estimate does not include any allowance for residential fire sprinklers or irrigation.
68. 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. 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.
  69. Alternatively, the development could use a standard 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. New fire services must be installed by City Water Distribution Personnel at the owner's/applicant's expense. Fire service installations are billed on an actual cost basis with a time and materials deposit due prior to the start of installation. The final billing of the job will be the actual costs of the work performed and materials used. If actual costs are less than the deposit amount, the owner/applicant will receive a refund in the amount of the unused deposit. If actual costs exceed the deposit amount, the owner/applicant will receive an invoice in the amount of the overage.
  70. A separate irrigation water meter must be installed to serve the property's landscape. The size of the irrigation meter will be determined by the gallon per minute demand of the irrigation system. An above ground Reduced Pressure Backflow Prevention Assembly (RPBA) shall be installed on each irrigation water meter, per 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.
  71. All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant's/developer's expense.
  72. 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.
  73. 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.
  74. 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>).

75. The development's sanitary sewer shall be private, owned and maintained by the property owner. The private building court sewer main shall be installed per SD-301. Install a manhole at the upstream end of the sanitary sewer and at the change in alignment in the driveway area. Call out the size, slope, and rim and invert elevation of the proposed sanitary sewer.
76. Each residential dwelling unit shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312.
77. The developer is responsible for payment of sewer connection fees at the current rates at the time the application for building permits are submitted.

#### **Fire Department**

78. The private driveway 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 private driveway and court shall meet City of Hayward Fire Department Standards.
79. The minimum width of fire lane is 20 feet. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be maintained at all time. Fire lane of 20 to 26 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.
80. Addressing of the buildings shall be in compliance with the Hayward Fire Department requirements. All buildings shall have a minimum 4-inch self-illuminated address installed on the front of the building so as to be visible from the street.
81. Submit for proper building permits for the construction of the building to the Building Department. All building construction shall meet the requirements of the California Residential Code.
82. Buildings are required to install fire sprinkler systems in accordance with NFPA 13/13D (dependent on construction). A separate fire permit is required for the fire sprinkler system installation. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation. (deferred submittal)
83. 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) and NFPA 72.
84. When a flow switch is not installed on the riser of a flow thru sprinkler



- system, smoke alarms shall be interconnected to sound an audible alarm in all sleeping areas within the dwelling unit.
85. Per the requirement of Hayward Public Works Department, a static pressure of 80 PSI should be used when a water test data indicates a higher pressure. The residual pressure should be adjusted accordingly.
  86. Underground fire service line serving NFPA 13/13D sprinkler systems shall be installed in accordance with the Hayward Public Work Department SD-216/204. Water meters shall be minimum one-inch in diameter.
  87. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home with bedroom doors close. The device shall activate upon any fire sprinkler system water flow activity.
  88. 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).
  89. 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.
  90. 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).
  91. 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. Vehicular protection may be required for the fire hydrants. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. (if applicable)
  92. Submit a Phase 1 Environmental Assessment and any other records regarding site contamination, investigation, remediation, or clearances from other regulatory agencies. Submit final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary, to ensure environmental clearances.
  93. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include but shall not be limited to: actual/suspected hazardous materials,

underground tanks, or other vessels that may have contained hazardous materials.

94. If hazardous materials storage and/or use are to be a part of the facility's permanent operations, then a Chemical Inventory Packet shall be prepared and submittal with building plans to the City of Hayward Fire Department at the time of application for construction permits.
95. 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 hazards posed to development construction workers, the environment, future residents and other persons are mitigated.
96. Discovery of Potentially Hazardous Materials or Vessels/Containers shall be reported to the Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 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.
97. Use of Hazardous Materials or Generation of Hazardous Waste – During construction, hazardous materials used, and hazardous waste generated shall be properly managed and disposed.

# **AGENDA QUESTIONS & ANSWERS**

**Items 4, 6, 7, 11 and 12**

**AGENDA QUESTIONS & ANSWERS**  
**MEETING DATE: November 13, 2018**

**Item #4: Authorization for City Manager to Execute an Amendment to the Professional Service Agreement with Advanced Mobility Group, Inc.**

The excerpt below from the staff report indicates that Mission Boulevard phase 2 funds will be used for signal improvements on Jackson Street. I do not see the connection. Mission Boulevard phase 2 Covers Mission Blvd. South of industrial, so what is the link to Jackson Street that justifies using Mission Boulevard phase 2 funds for those intersections?

As you may recall, Foothill and Mission Boulevards roadway relinquishments by Caltrans also included part of Jackson Street. Caltrans had not implemented any needed signal improvements on Jackson in years. As City improvement plans were developed for Foothill and Mission Phase 2 and 3, the design of the four traffic signal improvements along Jackson were also included in the Mission Blvd Phase 2 Project. The November 13 Council report should have discussed the connection.

The proposed contract amendment would allow AMG to assist in the design of the following traffic signal improvement projects:

- Traffic signal upgrades as part of Mission Boulevard Phase 2 project:
  - o Jackson Street/Cypress Avenue/Amador Street
  - o Jackson Street/Soto Road
  - o Jackson Street/Winton Avenue/Grand Street
  - o Jackson Street/Meek Avenue/Silva Avenue

**Item #6: Sidewalk Rehabilitation and Wheelchair Ramps FY19, Project No. 05249 and 05213 - Districts 4, 6 and 9: Award of Construction Contract to Spencon Construction, Inc.**

Sidewalk repairs, is the Change order amount higher than usual due to the addition of District 5?

The bid came in so far under the engineer's estimate, which allowed us to add added District 5 locations to the project.

Also, does our low income fee waiver/reduction program include the sidewalk repair fees as well, when needed?

No, this program does not include the low income fee waiver/reduction program.

**Item # 7: Abatement and Deconstruction for Route 238 Bypass Property Project: Award of Construction Contract to Asbestos Management Group of CA, Inc.**

is this project also under the PLA threshold?

Yes, this project's estimated construction cost was under the PLA threshold.

**Item #11: Proposal to Construct Eight (8) Attached Townhouse Condominium Units and Related Site Improvements at 420 Smalley Avenue (APN 431-0008-020-00) by GKW Architects (Applicant) on behalf of Tommy Tam (Owner), Requiring Introduction of an Ordinance and Adoption of a Resolution to Approve a Vesting Tentative Tract Map, Planned Development (PD) Rezone, and Site Plan Review, and Adopt a California Environmental Quality Act (CEQA) Infill Checklist. Application No. 201704262 (Report from Development Services Director Simpson)**

Page 2 of 26 of the Resolution (section H-3.1) notes 41 single family homes rather than the 8 townhomes proposed.

The Resolution for the 8 townhomes has been corrected, posted and distributed.

During the Planning Commission meeting, there was discussion of additional parking spaces to be added. Where could they be placed?

In terms of parking, the project is exceeding the required number of parking spaces. The project site is in close proximity to BART and a bus station. Given that, they have adequately met their parking requirements.

**Item # 12: La Vista Park - Informational Report Regarding The DeSilva Group Conducting Partial Grading at the Future La Vista Park Site**

Why is an additional year needed for Plans & Specifications development?

The schedule estimate is based on prior experience in developing plans for a project of this magnitude. The development of the plans themselves only takes about 5 months but there are many other steps in the process. The RFP is due December 21, 2018. By the time the proposals are reviewed, and the consultants are interviewed, the contract will go to the Council for approval mid-February 2019. The consultant will begin work in April 2019, 5 months for design, Council approval in October 2019, open bids November 2019, Council award for construction contract December 2019, Construction starts January 2020.