

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-___

Introduced by Council Member _____

RESOLUTION APPROVING ZONE CHANGE AND VESTING TENTATIVE MAP (TRACT 8637) FOR DEVELOPMENT OF PARCEL GROUP 5, BUNKER HILL BOULEVARD SUBJECT AND RELATED ENVIRONMENTAL ANALYSIS FOR TRUMARK HOMES, LLC/CITY OF HAYWARD (APPLICANT/OWNERS)

WHEREAS, on August 6, 2020, Heide Antonescu, on behalf of Trumark Homes, LLC submitted Zone Change and Vesting Tentative Map (8637) Application No. 202003054, to subdivide the approximately 37.75-acre site referred to as Parcel Group 5, Bunker Hill with 74 single family homes, eight of which would include Accessory Dwelling Units (ADUs) that would be deed restricted for Very Low-Income Households, in accordance with the adopted Master Development Plan. The proposed development requires approval of a Disposition and Development Agreement for various City-owned properties located at 25373 Bunker Hill Court (Assessor Parcel No. (APN) 445-0270-054-02), 25564 Maitland Drive (APN 445-0260-084-03), 25472 Bunker Hill Blvd (APN 445-0260-109-04), 25472 Bunker Hill Blvd (APN 445-0260-109-03), 25777 Bunker Hill Blvd (APN 445-0250-041-01), 25832 Bunker Hill Blvd (APN 445-0250-059-01), 25673 Maitland Drive (APN 445-0260-018-04), 25673 Maitland Drive/25721 Maitland Dr/25675 Maitland Dr/25685 Maitland Dr/25697 Maitland Dr (APN 445-0260-018-03), Harder Road (APNs 445-0250-060-01 and 445-0260-002-00); and

WHEREAS, on January 12, 2016, the City Council adopted Resolution No. 16-004, authorizing the City Manager to negotiate and execute an agreement with Caltrans to acquire properties along the 238 Bypass Corridor to remediate blight; support development of residential and mixed-use development; and to ensure redevelopment of the properties under a coherent development plan that meets the City's land use goals and other public purposes; and

WHEREAS, on July 9, 2019, the City Council adopted a resolution approving the Parcel Group 5 Master Development Plan, a related Addendum prepared pursuant to the California Environmental Quality Act (CEQA) and authorizing the City Manager to Issue a Request for Proposals for the disposition and development of Parcel Group 5, Bunker Hill. The Addendum was prepared pursuant to CEQA Guidelines Section 15164, and the analysis confirmed that the Master Plan development project was within the scope of development envisioned in the General Plan EIR, would have no new or more severe significant effects and that no new mitigation measures are required; and

WHEREAS, following approval of the Parcel Group 5 Master Plan, the City issued a Request for Proposals and received two responses from Brookfield Homes and Trumark Properties, LLC. Following a thorough review of the proposals, staff recommended that the Council enter into an agreement with Trumark Properties, LLC to redevelop the site; and

WHEREAS, on December 3, 2019, City Council adopted a resolution authorizing the City Manager to enter in an Exclusive Negotiating Agreement (ENA) with Trumark Properties, LLC to develop the property in accordance with the approved Master Development Plan, and that ENA has been extended in accordance with the Agreement; and

WHEREAS, on December 14, 2021, the City Council adopted a resolution authorizing the City Manager to negotiate and enter in an easement agreement with California State University East Bay (CSUEB) for a roadway and utility connection from the project site to Carlos Bee Boulevard. The proposed easement runs along the northern boundary of the project site where the proposed Foothill Trail will meander from the project site onto CSUEB property and run parallel to the proposed roadway connector to terminate at Carlos Bee Boulevard; and

WHEREAS, following submittal of the development permit application, a neighbor whose property is surrounded by the proposed development inquired about being included in the proposed PD (Planned Development) District to allow for smaller lots and more lenient development standards than permitted by the RNP (Residential Natural Preserve) District. After determining that the average lot size within the PD District would remain above 10,000 feet with the inclusion of four adjacent privately owned properties and that there would be no new or more severe environmental impacts due to a modification of the project, the City approached three other property owners whose properties are adjacent to and surrounded by the proposed development and offered the opportunity to opt into the PD District designation. All four property owners agreed to be included in the PD District designation thus the boundaries of the PD District designation were expanded to include 25450 Bunker Hill Blvd (APN 445-0260-109-02), 25401 Bunker Hill Blvd (APN 445-0270-029-00), 25588 Maitland Drive (APN 445-0260-084-02) and 25673 Maitland Drive (APN 445-0260-018-02); and

WHEREAS, disposal of the 238 corridor properties to and by the City is authorized subject to conditions established by the Local Transportation Improvement Program (LATIP) statutes. In January, the applicant increased the proposed number of deed restricted ADUs from eight to 18 to also make the proposed project consistent with the Surplus Lands Act (SLA). Specifically, Parcel Groups 3 and 5 were considered collectively and based on the minimum affordability requirements of the SLA, a total of ten additional Accessory Dwelling Units (ADUs) deed restricted for very-low-income households were added to Parcel Group 5. On February 3, 2022, the City Council adopted a resolution affirming the approach of combining Parcel Groups 3 and 5, and HCD concurred with the findings of the Resolution on March 1, 2022; and

WHEREAS, On January 15, 2021, LSA and Kittelson, the environmental consultants who prepared the CEQA Addendum for the Parcel Group 5 Master Plan, prepared a memo evaluating the addition of four existing single-family homes to the Zone Change application to allow for subdivision of those lots into two lots each. According to the Memo, no new impacts nor an increase in the severity of impacts would occur as a result of the project modification.

Further, ADUs are ministerial under state law, the addition of ten ADU's in furtherance of the SLA does not trigger any additional CEQA review; and

WHEREAS, on March 24, 2022, the Planning Commission voted 4:3:0 to recommend that the City Council approve the project; and

WHEREAS, on notices of this public hearing were sent to all property owners and residents within a 300-foot radius of the project site; the Caltrans 238 contact list and all individuals who requested to be notified about the project; was posted at the Alameda County Clerk Recorder's Office; and was published in *The Daily Review*; and

WHEREAS, on April 19, 2022, the City Council held a public hearing and accepted public testimony on the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following findings:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. In July 2014, the City Council certified a Final Program Environmental Impact Report, adopted the Statement of Overriding Considerations, approved the Mitigation Monitoring and Reporting Program, Adopted the Hayward 2040 General Plan, and Approved related amendments to the General Plan Land Use Map for certain properties in the Planning Area.
- B. Pursuant to CEQA Guidelines Section 15164, LSA prepared an Addendum, dated June 2019, analyzing the proposed land use changes and associated development project for Route 238 Corridor Lands Parcel Group 5 Master Development Plan. Pursuant to CEQA Guidelines 15164(g), an Addendum need not be circulated for public review but can be included in or attached to the Final EIR. That there has been no substantial change proposed in the project or the circumstances under which the project is being undertaken, nor is there any new information that would require additional environmental review; therefore, the previously certified Mitigation Monitoring and Reporting Program and related Technical Memoranda remain valid.
- C. The adopted Final EIR identified all potential significant adverse impacts and feasible mitigation measures that would reduce impacts to a level of less than significant, and that all the applicable mitigation measures identified in the Mitigation Monitoring and Reporting Program and related to the proposed project will be implemented, if applicable, as described in the Addendum. Based on the Final EIR and the Addendum, there is no substantial evidence that the project would have a significant effect on the environment.
- D. On January 15, 2021, LSA and Kittelson prepared a memo evaluating the addition of four existing single-family homes to the Zone Change application to allow for

subdivision of those lots into two lots each. According to the Memo, no new impacts nor an increase in the severity of impacts would occur as a result of the project modification. Further, as Accessory Dwelling Units (ADU) are ministerial under state law, the addition of ADU's within the development does not trigger any additional CEQA review.

- E. The project complies with CEQA, and that the previously certified Final EIR, Mitigation Monitoring and Reporting Program, Addendum and various Technical Memoranda was reviewed and considered prior to approving the project.

ZONE CHANGE

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

The proposed Zone Change to Planned Development District is consistent with the development standards, improvements and affordable housing obligation set forth in the Parcel Group 5 Master Development Plan, which was adopted by the City Council in July 2019, to ensure a coherent and consistent development project on the former Caltrans 238 site. Trumark's proposed development plan is consistent with the standards and overall vision set forth in the adopted Master Plan.

The proposed development is also consistent with the *Suburban Density Residential* General Plan land use designation in that the average lot size for the PD District as a whole, including the four privately owned properties, will not exceed 10,180 square feet. Inclusion of the four single family homes in the PD District and allowing for future lot splits and development on those lots consistent with the Single-Family Residential District standards, would allow existing property owners adjacent to the project site to benefit from the same flexibility as the developer.

In addition to consistency with the General Plan allowable density, the proposed hillside development is consistent with the following goals and policies of the *Hayward 2040 General Plan*, including but not limited to the following:

- Policy Land Use (LU)-1.4 to encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.
- Policy LU-3.6 to implement residential design strategies such as creating a connected block and street network, designing new streets with sidewalks, planting strips, street trees, and pedestrian-scaled lighting and ensuring that windows are provided on facades that front streets or public spaces.
- Policy LU-3.7 to protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

- Policy LU-3.5 to encourage infill residential developments where individual parcels within the development may be developed at higher or lower densities than allowed by the General Plan provided that the net density of the entire site is within the allowable density range.
- Land Use Goal LU-7 and numerous policies related to hillside development to preserve the rural and natural character of hillside development areas; to ensure that grading, building and landscaping design mitigates visual impacts and blends the development with natural features of the hillside; to require curvilinear streets that respect natural topography; to cluster development to preserve sensitive habitat and natural open space; and, to provide public trail improvements that link to regional open space and trails (Policy LU-7.2, LU-7.3, LU-7.5 and LU-7.6).

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

The proposed project site was previously developed with residential uses, and there are a few existing residences along Bunker Hill Boulevard and Maitland Drive. The City of Hayward has adequate capacity to provide water and sanitary sewer services to the proposed development; however, the applicant will be required to upgrade water and sewer lines and to install a sewer pump station to serve portions of the development pursuant to the conditions of approval. Access to the site would be provided through existing public streets that would be improved as part of the proposed project, as well as construction of a new roadway connector from Bunker Hill Boulevard to Carlos Bee Boulevard. An Addendum prepared for the proposed development found that all impacts related to streets, public facilities, utilities and agencies were analyzed and disclosed in the Environmental Impact Reports (EIR) prepared for the General Plan.

C. 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 or neighborhoods.

The proposed development would create an environment of sustained desirability and stability in that it would result in development of a primarily vacant and underutilized site with new, high end residential development, including eight Accessory Dwelling Units that would be deed restricted for Very Low Income households. Overall, the proposed site layout and architecture will lend to the sustained desirability of the neighborhood in that the lot configuration, lot size, setbacks, building heights and building orientation would change depending on placement of the homes on flat, uphill or downhill slopes. The design is intended to minimize massing by building into and along the adjacent slope. Further, each of the house types (flat,

uphill and downhill) would have different floor plans, elevations and color schemes. The variation in building standards, placement, building elevations and colors are intended to reflect the surrounding topography and create variety and complexity from the right-of-way. Inclusion of the four existing single family lots within the Planned Development District would provide additional flexibility to existing homeowners.

The development will not have a substantial adverse impact on surrounding development provided that the developer installs and contributes to funds for installation of traffic calming and Transportation Demand Management strategies to minimize traffic related impacts in surrounding neighborhoods; and, if the planned Foothill Trail is constructed in accordance with the approved plans, remains open and accessible by the public and is maintained in perpetuity by a Community Facilities District or similar assessment/funding mechanism.

- 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.**

The project applicant is required to comply with the Subdivision Ordinance requiring improvements that comply with the current standards of the City of Hayward and other agencies. Compliance with the Ordinance guarantees completion of all improvements including planned common open spaces and facilities in accordance with the approved plans and includes surety and insurance to ensure that the planned improvements are conducted, inspected and approved prior to occupancy of the residential units.

- 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, which, in the judgment of the Planning staff provides for a high quality and attractive development.**

As described in Zone Change Finding A above, the proposed development is consistent with the overall vision of the Parcel Group 5 Master Development Plan, the General Plan land use designation, and numerous General Plan goals and policies for residential and hillside development. In fact, the proposed Zone Change to PD District is necessary to enable consistency with the adopted Master Development Plan. The proposed development would meet the purpose and intent of the PD District zoning in that it would cluster the development on the flattest and most developable areas of the site allowing approximately half of the site to remain open space. Additionally, it would result in construction of approximately 3,000 lineal feet of the Foothill Trail, with overlooks and site furniture, that will be publicly accessible and maintained in perpetuity through property assessments.

VESTING TENTATIVE MAP**A. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451. [Subdivision Map Act §66474(a)]**

The proposed development is consistent with the adopted Parcel Group 5 Master Development Plan and the applicable *Suburban Density Residential* General Plan land use designation as detail in Zone Change Finding A above. The proposed project requires a Zone Change to Planned Development District to allow for development consistent with the Master Development Plan, and to retain approximately half of the project site as undeveloped open space.

B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans. [Subdivision Map Act §66474(b)]

The proposed subdivision would contain a range of lot sizes from just over 5,000 square feet to just over 23,000 square feet with an average lot size of about 10,180 square feet which is consistent with the adopted Parcel Group 5 Master Development Plan and the *Suburban Density Residential* General Plan land use designation in addition to various General Plan goals and policies outlined in Zone Change Finding A, above.

The existing roadways would be reconstructed to align with current City standards, and all utilities would be installed in accordance with City standards per conditions of approval. Utilities, including water, sewer, and storm drain facilities, will be provided and/or upgraded as necessary to accommodate the proposed development. Further, an Addendum prepared for the proposed development found that all impacts related to streets, public facilities, utilities and agencies were analyzed and disclosed in the Environmental Impact Reports (EIR) prepared for the General Plan.

C. That the site is physically suitable for the type of development. [Subdivision Map Act §66474(c)]

Engeo prepared a Preliminary Geotechnical Feasibility Report (2016) and Geotechnical Exploration Report (2017) for Parcel Group 5. Following development of the proposed site plan, Baez Geotechnical Group prepared a Geotechnical and Geologic Due Diligence Investigation (2020) in which they reviewed the previous studies and made recommendations based on Trumark's proposed site plan and structures. The Baez analysis concluded with recommendations that additional fault trench analysis, which is currently underway, and submittal of design level geotechnical analysis be submitted with improvement plans and building permits. Per conditions of approval, the additional analysis will be submitted, and recommendations and standards will be incorporated into the Improvement Plans and Building Permits for the proposed project thus ensuring that the site is physically suitable for the type of development proposed.

D. That the site is physically suitable for the proposed density of development. [Subdivision Map Act §66474(d)]

As described in Vesting Tentative Tract Map Finding C above, several geotechnical studies and reports were prepared to determine if and how the site would be physically suitable for the proposed density of development and those specific recommendations would be incorporated into the Improvement Plans and Building Permit applications for the proposed project thus ensuring that the site is physically suited for the proposed project.

E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. [Subdivision Map Act §66474(e)]

WRA prepared a Biological Site Assessment and Botanical Survey (April 15, 2020 and April 29, 2020) finding that there is no potential for special-status plant species on the site based on the proposed site plan which set aside approximately half of the site, including the steepest slopes and riparian areas, as untouched, open space.

F. That the design of the subdivision or type of improvements is not likely to cause serious public health problems. [Subdivision Map Act §66474(f)]

The proposed development is a residential subdivision that will not cause serious public health problems. The proposed improvements which include grading, reconstruction of streets, installation of stormwater control measures, construction of a new roadway connector from Bunker Hill Boulevard to Carlos Bee Boulevard as well as construction of the Foothill Trail along the eastern boundary will not result in public health problems, as conditioned.

G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. [Subdivision Map Act §66474(g)]

The proposed project will not conflict with existing easements for access through or use of the property in that the City entered into an agreement with California State University, East Bay in order to construct the proposed roadway connector from Bunker Hill Boulevard to Carlos Bee Boulevard and for portions of the Foothill Trail, as proposed.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby approves the Zone Change and Vesting Tentative Tract Map (8637) Application 202003054, subject to the adoption of the companion ordinance (Ordinance No. 22-___) rezoning fourteen properties located at located at 25373 Bunker

Hill Court (Assessor Parcel No. (APN) 445-0270-054-02), 25564 Maitland Drive (APN 445-0260-084-03), 25472 Bunker Hill Blvd (APN 445-0260-109-04), 25472 Bunker Hill Blvd (APN 445-0260-109-03), 25777 Bunker Hill Blvd (APN 445-0250-041-01), 25832 Bunker Hill Blvd (APN 445-0250-059-01), 25673 Maitland Drive (APN 445-0260-018-04), 25673 Maitland Drive/25721 Maitland Dr/25675 Maitland Dr/25685 Maitland Dr/25697 Maitland Dr (APN 445-0260-018-03), Harder Road (APNs 445-0250-060-01 and 445-0260-002-00), 25450 Bunker Hill Blvd (APN 445-0260-109-02), 25401 Bunker Hill Blvd (APN 445-0270-029-00), 25588 Maitland Drive (APN 445-0260-084-02) and 25673 Maitland Drive (APN 445-0260-018-02) to Planned Development District, subject to the attached conditions of approval (Exhibit I.a); and,

NOW THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager or her designee to execute any and all documents related to the disposition of City-owned properties as detailed in of the companion resolution (Resolution No. 22-__) to Trumark Properties, LLC, or its affiliate.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

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

Exhibit I.a

ZONE CHANGE & VESTING TENTATIVE MAP (TRACT 8637) APPLICATION NO. 202003054 – Applicant: Trumark Properties LLC/Owners: City of Hayward, and various other owners – Proposed Zone Change, Vesting Tentative Tract Map (8637), Disposition and Development Agreement to Construct a New Residential Subdivision with 74 New Single-Family Homes (Eighteen Homes will Include Accessory Dwelling Units Subject to Affordable Housing Rental Restrictions) and, Related On- and Off-Site Improvements. Proposed Zone Change to PD District will include Four Existing, Privately Owned Single Family Lots Located within the Boundaries of the Proposed Development Project. APNs. 445-0270-054-02, 445-0260-084-03, 445-0260-109-04, 445-0260-109-03, 445-0250-041-01, 445-0250-059-01, 445-0260-018-03, 445-0260-018-04, 445-0250-060-01, 445-0260-002-00, 445-0260-109-02, 445-0270-029-00, 445-0260-084-02 and 445-0260-018-02.

General

Planning

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. Zone Change and Vesting Tentative Map Application No. 202003054, is approved subject to the Vesting Tentative Map, Planned Development Plans, Architectural Plans and Landscape Plans submitted to the Planning Division on November 17, 2021 and Tentative Map cover sheet submitted on December 16, 2021 except as modified by the conditions listed below. Further, the maintenance obligations set forth on the Vesting Tentative Map Cover Sheet may be modified upon agreement by all parties prior to approval of the Final Map.
3. Zone Change to PD District shall include four privately owned parcels with APNs. 445-0260-109-02, 445-0270-029-00, 445-0260-084-02 and 445-0260-018-02. Each single-family lot may be split into two single family lots and future development within each of those lots shall follow the standards set forth in the RS (Single Family Residential) District.
4. Lot size, setbacks, lot coverage and building height for parcels located within the PD District and developed by Trumark Properties shall follow the approved Vesting Tentative Map and Planned Development Plans submitted to the Planning Division on November 17, 2021.
5. The Vesting Tentative Map approval shall align with the timeframes set forth in the Subdivision Map Act, and all related automatic and Applicant-initiated extensions.
6. 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

Exhibit I.a

approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance or exception shall be subject to review and approval by the Planning Commission.

7. The permittee, property owner or designated representative shall allow City planning and code enforcement staff access to 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.
8. All permit charges accrued in the processing of Zone Change and Vesting Tentative Map Application No. 202003054 shall be paid in full prior to consideration of a request for approval extensions and/or submittal of building permits for the development.
9. In accordance with Zoning Ordinance Section 10-1.2550, and prior to approval of building permits, the applicant shall submit a Precise Development Plan to the Planning Division for review and approval prior to the issuance of building permits. The Precise Development Plan shall be in substantial conformance with the approved Tentative Map, Planned Development, Architectural and Landscape Plans except as modified by conditions below.
10. All final exterior building finishes including architectural details and colors shall be reviewed and approved by the Planning Division prior to issuance of a building permit for the project. However, to the extent possible, the applicant shall update the architectural plans to incorporate warmer, earth tone colors, darker trim and natural materials such as wood accents; to create shadow depth on elevations by deepening build outs and projections; and to use darker window frames where appropriate. The final colors, materials, finishes and architectural elements shall be submitted to the Planning Division and reviewed and approved prior to the issuance of building permits.
11. A copy of these conditions of approval shall be included on a full-sized sheet(s) of the building permit application submittal.
12. Details including material, color, texture for all fences and walls shall be included on the improvement plans. All fences and walls shall be decorative and walls visible from right-of-way shall include a cap.
13. All air conditioners and utility connections for air conditioners shall be located behind solid board fences or landscaping.
14. 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 from all perspectives, unless other noise mitigation is required.
15. All rooftop mechanical equipment, other than solar panels, shall be fully and completely screened from view by the proposed roof structure or appropriate screening that is reviewed and approved by the Planning Division. All roof vents shall be shown on roof plans

Exhibit I.a

and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus and utilitarian equipment such as vents shall be painted to match surface to which it is adhered.

16. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft. Approved address numbers shall be at least four inches in height on a contrasting background. Font strokes shall be of sufficient width such that they are legible to the public from the street fronting the property. Proposed mailbox design and locations, subject to Post Office approval
17. Planned Development Sheet C.2, Parking Plan shall be modified to remove eleven on-street parking spaces from the frontage along 24250 Bunker Hill Blvd (APN 445-0260-109-02).

Parkland Dedication Credits, Foothill Trail Access & Maintenance

18. Per HMC Chapter 10, Article 16, Property Developers – Obligations for Parks and Recreation sets forth requirements for private development based on residential unit count. The applicant shall receive a credit for their Park Fee based on an Engineer's Estimate for construction of the Hayward Foothill Trail including construction of the 16-foot-wide multi-use paved trail with shoulders along with grading, retaining walls, landscaping, lighting, stairs from Bunker Hill Boulevard to the steepest part of the trail and site furnishings. The final design of the Trail and access shall be in substantial conformance with the approved plans. The final Engineer's Estimate shall be submitted, reviewed and approved by the City of Hayward prior to the approval of Improvement Plans. The total final credit shall be based on the final, approved Engineer's Estimate. If the applicable Park Fees in effect at the time of building permit issuance exceed the costs of the improvements outlined in the Engineer's Estimate, the applicant shall pay the remaining park dedication fees.
19. Prior to or currently with the approval of the Final Map Developer shall not object to the initiation of any Community Facilities District ("CFD"), formed pursuant to the provisions of California Government Code Sections 53311 et seq., for the purpose of maintenance of Foot Hill Trail, stairs and open space providing access to the Foothill Trail built as part of the Parcel Group 5 subdivision. Developer and City shall be in agreement with the Rate, Method of Apportionment and Manner of Collection of Special Tax ("RMA") for public improvements as it relates to the Property, as further provided in the DDA. Developer shall pay its fair share of administrative costs incurred by the City associated with the formation of a CFD pursuant to the DDA.
20. The Foothill Trail shall be maintained by the Hayward Area Recreation Department (HARD) or the City of Hayward, if elected by the City, with funding mechanism provided by property assessments, as further provided in the Trail Improvement Agreement (the "Trail Improvement Agreement") to be executed by the City, Developer, HARD and the Geologic Hazard Abatement District (GHAD).

Building

21. The proposed buildings fall under a new local green building ordinance called the "Reach Code". This local regulation modifies the energy code to prohibit natural gas in new one

Exhibit I.a

and two-family buildings. The Reach Code requires these units to be designed as all-electric 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 infrastructure. To learn more about the Reach Code and to find a checklist for your project, please see the City of Hayward website here: <https://www.hayward-ca.gov/reach-code>

Landscape

22. The project will require a building permit application and the associated plan review process. Additional comments will be provided during that review.
23. Tree preservation bond shall be submitted to City Landscape Architect prior to issuance of grading permit for all trees that are to be preserved or relocated. Appraised tree value will be used for determining total amount for the tree preservation bond.
24. The unmet tree mitigation value of \$313,375.00 as shown on the landscape plan L1.1 shall be mitigated at the City's designated La Vista Park toward tree planting.
25. The applicant shall develop two separate plant lists. One shall be for the undeveloped open spaces and the other one for the areas that will be disturbed by site grading and compaction in yards and streets. The plant palette for the undeveloped open spaces shall only include California Native trees and understory plants while the other palette may include non-invasive and non-California native plants that meet the water efficiency standards which are more suited to a more constrained environment.
26. The best effort shall be made to preserve existing trees located in the front yard of Lot 15 as requested by the adjacent neighbor for providing privacy. If existing trees wouldn't be preserved, new tree planting shall be provided in the front yard to provide privacy to the adjacent neighbor to the north per the approved plans.
27. Tree removal permit shall be obtained from City Landscape Architect prior to removal of any trees. Tree removal permit shall be obtained in addition to grading permit.
28. Final design and locations for the foothill trail signs shall be done in coordination with the HARD and in conformance with the HARD master signage program.
29. Pursuant to HMC Article 9 Section 9.01, on property at any corner formed by intersecting streets, it shall be unlawful to install any sign, landscaping at maturity or other obstruction to the view higher than three (3) feet above the level of the center of the adjacent intersection within the visibility triangle area between the tangents to the curb and a diagonal line joining points thirty (30) feet from the point of their intersection.
30. All plants in bioretention basin shall conform to the plant list under appropriate categories in the latest C.3 Stormwater Technical Guidance Appendix B.

Exhibit I.a

31. Pursuant to HMC Article 12 - Bay-Friendly Water Efficient Landscape Ordinance requires the following for single-family residential developments with usual yard: Section 10-12.14 requirement for installing basic "laundry to landscape" plumbing in each residence where usable private yard is available. Plumb-ready "laundry to landscape" system shall meet Plumbing Code and shall be addressed in the plumbing plan during building permit process.
32. Pursuant to HMC Section 10-12.15 Minimum one fifty (50) gallon lidded rainwater catchment device shall be located on the plan where it would be easily accessible to use.
33. Prior to planting trees, locations of all underground utilities shall be identified Tree shall be located a minimum of five feet from lateral service lines and 3 feet from driveways. Tree shall be located a minimum of nine feet from the centerline of fire hydrants, a minimum fifteen feet from a light pole, and a minimum of thirty feet from the face of a traffic signal, or as otherwise specified by the City. Tree planting near gas lines shall comply with PG&E's tree planting guidelines.
34. All final tree locations shall be field verified by the project landscape architect prior to planting and resolve any conflicts arise in the field.
35. Root barrier shall be provided when a tree is located less than 7 feet from face of buildings or edge of pavement.
36. Erosion control fabric, compost blanket or a combination of compost sock and erosion fabric shall be installed per Geotechnical engineer recommendations.
37. Pursuant to HMC Section 10-12.07(a)(4)(D), mulch shall be arbor chips produced on site only, or organic recycled chipped wood in the shade of Dark Brown color, unless steep slope would prevent from using chipped wood. Mulch size shall not exceed 1-1/2-inch in diameter. The same mulch shall be used in all types of biotreatment areas. For steep slopes, organic green waste, organic compost blanket or organic compost sock in combination of chipped wood mulch shall be considered.
38. Splash block shall be installed at the end of roof downspouts. Splash block shall be tilted away from the building foundation.
39. Tree Staking Detail.
 - a. Provide plan view showing the location of horizontal cross brace in relationship to the tree trunk.
 - b. All hardware for tree staking and rubber ties shall be galvanized wood screws.
 - c. Rubber ties shall be installed in figure "8" and shall be installed loose to allow the tree trunk movement and the growth beyond the diameter of the stakes for root establishment.
40. Irrigation.
 - a. All irrigation controllers shall be weather based.
 - b. Common landscape area shall be irrigated from a dedicated irrigation water meter.

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- c. Backflow prevention device in conformance with the City Standard Detail SD-202 shall be specified for the common landscape area for each irrigation water meter.
 - d. Individual Home. Antisiphon valve in place of a backflow prevention device can be installed. Antisiphon valve shall be located a minimum 12-inch higher than that the highest nozzle or emitter.
 - e. Bioretention area shall be irrigated on a separate valve. When the area would be wider than ten feet, the bioretention area shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system that allows "cycle and soaking" program function.
 - f. Tree shall be irrigated on a separate valve. Tree with different watering needs shall be on separate valve.
 - g. Tree shall be irrigated with two tree bubblers in combination of preassembled deep root watering and flood bubblers. Flow rate of each device shall not exceed 0.25 gallon per minute.
41. 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 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
42. Common Area Landscape Maintenance:
- a. Landscaping owned by the HOA ("Common Area 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.
 - b. The HOA shall inspect the Common Area Landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within thirty (30) days of the inspection.
 - c. 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.
 - d. 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.
 - e. All final 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.
 - f. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect

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within the timeframe established by the City and pursuant to the Municipal Code.

- g. 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

43. All public water mains, service lines between mains and meters, fire hydrants, and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval. Available on the City's website: <https://www.hayward-ca.gov/your-government/departments/engineering-division>.
44. The water mains, valves, and service lines up to and including meters and hydrants shall be public, owned, and maintained by the City.
45. All connections to existing water mains shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
46. Any modifications to existing water services such as but not limited to upsize, downsize, relocation, and abandonment shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
47. Domestic & Fire Services
 - a. **Domestic:** Each single-family residence (SFR) 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.
 - b. **Fire:** Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standard Detail SD-201 and SD-204.
 - c. **Combined Residential Services:** The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard Detail SD-216. Fire services shall be sized by the Fire Department; however, the minimum size for a residential fire service connection is 1".
48. Each deed restricted accessory dwelling unit (ADU) shall have a separate water service line and water meter.

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49. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for the development's landscaping. The gallon-per-minute demand of the irrigation system must be provided to determine appropriate meter size. The Applicant/Developer's shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per City Standard Detail 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.
50. Water meters are not allowed to be located in driveways. Water meters and services are to be located a minimum of two feet from top of driveway flare. Water meter lids shall be Nicor, Inc.
51. 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. No structures shall be built within a water line easement (WLE) and sanitary sewer easement (SSE). No bio-retention areas shall be located within the WLE and SSE. No deep roots or trees shall be planted within the WLE and SSE.
52. Water mains and services, including the meters, must be located at least ten (10) feet horizontally from and one (1) 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.
53. Improvements to the interface station (pressure reducing station) located adjacent to the intersection of Carlos Bee Blvd and Tanglewood, at the Applicant/Developer's expense, shall be required to accommodate the development. Improvements to be consistent with the Vesting Tentative Map and to the satisfaction of the City Engineer.
54. Water and sanitary sewer facilities, at the Applicant/Developer's expense, are required to serve the proposed development. Improvements include, but are not limited to, replacement of the existing water and sanitary sewer pipelines, installation of new water and sanitary sewer pipelines and appurtenances, and replacement and reconnection of existing water service lines and sanitary sewer laterals to serve the proposed development. Improvements shall be in substantial conformance with the Vesting Tentative Map and to the satisfaction of the City Engineer.

Sewer

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55. The development's sanitary sewer mains and manholes shall be public, owned, and maintained by the City.
56. All sewer mains and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Sewer Mains and Appurtenances," latest revision at the time of permit approval. Available on the City's website: <https://www.hayward-ca.gov/your-government/departments/engineering-division>
57. Each single-family residence shall have an individual sanitary sewer lateral.
58. Per City of Hayward Municipal Code Section 11-3.351(2), if the frontage of the accessory dwelling unit to the street exceeds 75 feet, separate sanitary sewer lateral connections are required.
59. The Applicant/Developer is responsible for payment of sewer connection fees at the current rates at the time when application for water and sewer service is submitted.
60. The proposed sanitary sewer pump station per the Vesting Tentative Map shall be designed with sufficient capacity to pump. Project design flows including potential flows from infiltration and inflow and hold Project flows with the pump out of service. Project design flows shall include peak and safety factor. Pump station shall be equipped with, but not limited to, a backup generator, control panel, pole mounted lighting, wet-well probe, a second pump for alternating operation and backup, and associated mechanical and electrical equipment for the pumping station and SCADA system. Improvement plans and specifications of the pump station shall be prepared by the Developer in substantial conformance with the Vesting Tentative Map and to the satisfaction of the City Engineer.
61. The sanitary sewer pump station, associated equipment, and laydown area shall be located on a separate parcel dedicated in fee to the City of Hayward.

Engineering

62. The subdivision shall comply with Chapter 10 Article 3 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer and provide Improvements complying with the applicable standards of the city of Hayward and other agencies. Improvements shall include but are not limited to providing slope stability; vehicular and pedestrian access; streetlighting and signage; drainage, sanitary sewer and solid waste collection and pollution prevention; water, gas, electricity, tele-communication, and other public utilities.
63. Final Map: Final Map(s) shall be approved by the City after approval of the site grading and public improvement plans and after execution of an agreement for their completion and posting of liability insurance and securities in forms and amounts approved by the City. Improvement securities shall include all costs the city may incur including for construction, legal and contingencies. Additionally, a title report

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identifying current owners, land use restrictions and easements shall be provided to the City Engineer.

64. The subdivider shall dedicate the street right-of-way for both Westview Way and Central Court across the property located at APN 445-0250-06001 to Harder Road.
65. A four-ft. wide sidewalk shall be provided along one side of full length of Maitland Drive, Bunker Hill Court, Bunker Hill Boulevard and its extension to Carlos Bee Blvd.
66. The proposed three-ft. wide PUE behind the proposed sidewalk may need widening at certain locations to accommodate dry utility vaults and structures.
67. A public access easement shall be applied to open space Parcel G, providing access to and including the Foothill Trail. The public access easement shall be shown on the Improvement Plans and included in the Final Map. The completed Trail shall be offered for dedication to the Geologic Hazard Abatement District (GHAD) and maintained by HARD in accordance with the Trail Improvement Agreement.
68. GHAD: Prior to recording of the Final Map, the project shall be annexed into the Hayward GHAD with an approved plan of control and assessment roll for the management, maintenance, and preservation of improvements necessary for mitigation of geologic hazards.
69. Home Owners Association (HOA): Developer shall create a Master HOA for ownership and maintenance of street trees, Common Area Landscaping, and landscape irrigation system within Bunker Hill Boulevard Extension and the subdivision pursuant to the Ownership and Maintenance responsibilities Table in Sheet 1 of the Vesting Tentative Map. HOA documents and related Covenant, Conditions and Restrictions (CCRs) shall be recorded in the Alameda County Recorder's office prior to the sale of any lot to a homebuyer. HOA documents and CC&Rs shall be submitted to the City for its review and approval before submittal to the State Department of Real Estate (DRE) and recording 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, earth retaining structures, pathways, and other facilities owned by the HOA and created for the benefit of property owners within the project but not dedicated to or accepted by any public agency for its maintenance. The HOA shall be responsible for removing trash and debris from the riparian corridors, watercourses and common open areas in a timely manner and to the greatest extent feasible without disturbance of sensitive areas.
 - c. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward

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Municipal Code Chapter 5, Article 7.

70. Stormwater Treatment Basins: Parcels B, H, K, L, and M identified on the Tentative Map as “Public Storm Drain Easement” and improvements completed therein as per the City approved plans shall be maintained by the GHAD,
71. Site Improvements: Site Improvements: Site grading and improvements for streets, trails, stairs, drainage collection system, sewer mains, water mains and laterals up to and including water meters and hydrants, and sewer lift station shall be substantially consistent with the approved plans as determined by the City Engineer.
72. Easements: Easements for public utilities and emergency vehicle access shall be offered to the City as required by the City Engineer. The easement(s) shall be in a form acceptable to the City Engineer and at no cost to the City
73. Site grading and structures for human occupancy shall be completed in compliance with the requirements of the Alquist-Priolo Act.
74. Sheet 1 of 13 of the Vesting Tentative Map shows in a Table the developer’s plan for dedication of certain parcels to various agencies for their ownership and maintenance. Implementation of this plan will depend on the acceptance of such parcels by the designated agencies. Stormwater treatment and detention basins will not be accepted by the city. The city may accept for its ownership and maintenance only improvements completed as per its approved plans for public streets, traffic signs, streetlights, drainpipes, drain inlets and manholes, sanitary sewer mains, manholes and lift station; water mains, meters and service laterals between the mains and meters; fire hydrants and their laterals.

Transportation

75. Applicant shall maintain adequate sight distance at all project driveway(s) and access points.

Conditions Due Prior to the Issuance of Permits.

Environmental

25. Consistent with General Plan Policies NR-1.2 and NR-1.3, the applicant shall incorporate nesting bird protection, avoidance and minimizations measures to avoid impacts to nesting birds. To avoid impacts to nesting birds, the applicant shall conduct pre-construction surveys for breeding birds prior to construction during breeding season (between February 15 and August 31). For any construction activities conducted during the nesting season, a qualified biologist shall conduct a preconstruction nest survey of all trees or other suitable nesting habitat in and within 250 feet of the limits of work. The survey shall be conducted no more than 15 days prior to the start of work. If the survey indicates the presence of nesting birds,

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the biologist shall determine an appropriately sized buffer around the nest in which no work shall be allowed until the young have successfully fledged. The size of the nest buffer shall be determined by the biologist and shall be based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of up to 250 feet for raptors and 50 feet for other birds should suffice to prevent substantial disturbance to nesting birds, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

26. Consistent with General Plan Policies NR-1.2 and NR-1.3, a qualified biologist shall identify, map, and make recommendations for avoiding burrowing owls during construction activities on the project site, if present. Specifically, no more than 14 days prior to any ground disturbing activities, a qualified biologist shall conduct a preconstruction/take avoidance survey for burrowing owls using methods described in Appendix D of the CDFW Staff Report on Burrowing Owl Mitigation (Staff Report). If no burrowing owls are detected during the initial take avoidance survey, a final survey shall be conducted within 24 hours prior to ground disturbance to confirm that owls are still absent. If take avoidance surveys conducted during the non-breeding season (September 1 to January 31) identify any burrowing owls within the construction footprint, individuals may be excluded from burrows using one-way doors provided that a Burrowing Owl Exclusion Plan is developed. If burrowing owls are found within the construction footprint during the breeding season, occupied burrows shall be avoided by establishing buffers around the burrows in which no work shall be allowed until a qualified biologist has determined that the nest attempt has failed or that young have fledged and can forage independently of the adults. A minimum buffer of at least 250 feet shall be maintained during the breeding season around active burrows. Burrowing owls present on site after February 1 shall be assumed to be nesting on or adjacent to the site unless focused monitoring by a qualified biologist familiar with burrowing owl reproductive behavior indicates that the observed individual is unpaired or that egg-laying has not yet begun.
27. Three species of bats have moderate potential to occur within the Project Site. The hoary bat (*Lasiurus cinereus*) has no special status, while the pallid bat (*Antrozous pallidus*) and western mastiff bat (*Eumops perotis californicus*) are both Species of Special Concern in California. The applicant shall incorporate bat roost protection, avoidance and minimizations measures to avoid impacts to these species. Avoidance measures typically require removal of trees and snags within the Project Site be performed outside of the bat maternity roosting season (April 1 through August 15). For trees greater than 16 inches diameter at breast height which may be disturbed by construction activity on site, irrespective of time of year, a bat roost assessment shall be conducted to assess suitability of areas for day roosting and maternity roosting bats. The assessment shall be conducted by a qualified biologist a minimum of 30 days prior to disturbance. If any of the areas are found to be suitable for roosting bats or show signs of bat use, roost exclusion should occur prior to disturbance. If maternity roost is discovered or special status bats are observed,

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avoidance and minimization measures to avoid impacts. No exclusion of active maternity roosts may occur.

Landscape

76. Prior to issuance of 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 as a part of grading permit. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant and applicable 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.
77. Plot Plan - All required trees shown on the approved landscape improvement plans shall be shown on the plot plan clearly and legibly, and the following notes shall be provided on each plot plan:
 - a. All final tree locations shall be field verified by the project landscape architect prior to planting and resolve any conflicts arise in the field.
 - b. Prior to planting trees, determine the location of existing or future underground utilities. Locate tree a minimum of 5 feet from lateral service lines and driveways. Locate tree 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. Provide root barriers when a tree is located less than 7 feet from face of buildings or edge of pavement.
 - c. See irrigation plans for location of sleeves before pouring driveways and walkways.

Housing

78. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in Chapter 10, Article 17 of the HMC. The developer shall comply with the approved affordable housing requirements as reflected in the final Affordable Housing Plan on file with the Housing Division and included as Attachment VIII to the staff report and all additional development agreements, rental or resale restrictions, deeds of trust, option agreements and/or other documents recorded against the property.
79. The developer shall comply with the City Council or designated reviewing authority-approved Phasing Plan and any changes to the Phasing Plan requires the approval from the City Council or designated reviewing authority and shall be subject to the terms and provisions of the DDA.
80. 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

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Agreement that is consistent with the DDA and includes all elements set forth in the Affordable Housing Ordinance and the final Affordable Housing Plan on file with the Housing Division, 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 pursuant to the terms and provisions of the DDA.

The Inclusionary Units in this development shall be constructed in accordance with the final construction drawings and improvement plans and consistent with the Affordable Housing Ordinance and the DDA. The quality of exterior and interior appearance, including finishes and features, of the Inclusionary Units shall be indistinguishable from those of the Single-Family Homes in the development. Prior to approval of final inspection/issuance of an occupancy permit, **all affordable housing in-lieu fees must be paid per Phasing Plan** and the Inclusionary Units shall consist of the following appliances and fixtures: refrigerator, washer, dryer, stove, microwave, and water heater. No final inspections for occupancy will be approved and no occupancy permit will be issued for Inclusionary Units unless these conditions have been met.

Hayward Fire Department

Access:

81. When buildings or portion of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access, fire apparatus roads shall have unobstructed width of 26 feet (*exclusive of shoulders*) in the immediate vicinity of the building. ***This round shows 32ft. wide roadway with a flush gutter to the curb.*** 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.
82. Building or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.
83. Fire apparatus access roads shall not exceed 10% on grade. Grades steeper than 10% shall conform to Appendix D, Fire Apparatus Access Roads, Section D103, Minimum Specifications as follows:
 - a. D103.2, Grade. Fire apparatus access roads shall not exceed 10 percent.
 - I. Exception 1: Grades 10% to 15% shall be constructed with a minimum six-inch-thick Portland Cement Concrete, upon approval from the Fire Marshal Office.
 - II. Exception 2: Grades 15.1% to 20% shall be constructed with a minimum six-inch-thick Portland Cement Concrete with grooves, upon Fire Chief's

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approval.

- b. D103.3 Turning Radius. The minimum inside turning radius shall be 17 feet. The minimum outside turning radius shall be 45 feet.
84. Design of the public streets and private streets and courts shall meet all City of Hayward and California Fire Code Standards.
85. All public streets, private streets and private courts shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete.
86. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26ft. exclusive of shoulders.
87. Turnaround provisions shall meet the intent of the current edition of the California Fire Code (CFC) and provide a minimum of 96' diameter per section D102 of the California Fire Code (CFC).
88. 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.

An approved fire apparatus access road shall be provided for every building and shall extend to within 150ft of all portions of the building's exterior walls as measured by an approved route around the exterior of the building.

Water Supply:

89. Per the current edition of the California Fire Code (CFC), the minimum required fire flow shall be provided to the site. A fire flow reduction of up to 50% is allowed when the building is provided with an automatic fire sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500 GPM. Upgrades to the existing water system in the proposed area may be essential to provide the required fire flow to the proposed site.
90. The minimum number of fire hydrants shall be provided in accordance with the City of Hayward Fire Code Ordinance and the California Fire Code (CFC). The average spacing between hydrants is 300ft. Any portion of each building or facility shall be within 400ft. of a fire hydrant. Spacing locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.
91. The current proposal shows multiple fire hydrants along Bunker Hill Court, Bunker Hill Boulevard and along Maitland Drive. All new fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the

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location of the fire hydrants. Vehicular protection may be required for the fire hydrants.

92. Additional fire hydrants may be required to serve the entire site. The numbers of hydrants are subject to change.
93. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
94. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet exclusive of shoulders.

Fire Protection:

95. 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.
96. Interior audible alarm device(s) shall be installed within each dwelling unit in a location approved by the AHJ. Said device shall activate upon any fire sprinkler system water flow activity.
97. 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.
98. An automatic fire sprinkler system in accordance with NFPA 13D (modified) Standards is required for any/all residential building 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 by licensed C16 Contractor)
99. 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.
100. Underground fire service lines that serve NFPA 13D (domestic) systems shall be connected to the city water main per Hayward Public Works Dept. SD-216. An Underground Fire Service line is required for each proposed building onsite. (Deferred submittal)
101. 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.

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102. This development will work with the City of Hayward to identify a fire mitigation strategy pursuant to the City of Hayward's Local Hazard Mitigation Plan.
103. This project is located within an area identified as a high fire hazard area which is classified as the Urban/Wildland Interface Area. Building construction shall comply with the requirements contained in the California Residential Code Section R337, Chapter 49 of the California Fire Code and City of Hayward Wildland Urban Interface Guidelines.
104. Roofs shall comply with a Class A roof rating and exterior non-combustible siding materials (stucco), double-pane windows. Do not use wood shake or treated wood shake roofs.
105. Provide spark arrestors with 1/4-inch metal mesh screens on all chimneys. Homeowners should inspect spark arrestors every year to ensure screen integrity.
106. Restrict outdoor storage of firewood, kindling, or compost material within 30 feet of any structure, unless the material is stored in an approved bin or enclosure.
107. Locate chimney at least ten feet away from existing tree canopies.
108. Fences constructed within 10 feet of structures shall be open wire mesh or non-combustible material to prevent fire spread.
109. Decks are subject to review by the Fire Marshal and may be required to meet additional building construction requirements and fire protection standards.

Engineering

110. 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.
111. 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.
112. All grading shall comply with Chapter 10, Article 8 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. A final grading and drainage plan prepared by a State licensed civil engineer shall be submitted as a part of the Improvement Plans for review and approval by the City Engineer prior to the issuance of building permits. Developer has the option to apply for a grading permit to rough grade the project site.
113. A soils report prepared by a licensed civil or geotechnical engineer subject to approval by the City Engineer shall be submitted and the grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be

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designed in accordance with the recommendations of the soils report. Final grading and drainage plan for the grading permit shall be reviewed and signed by the soils report engineer certifying that the recommendations in the report have been followed. The geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report.

114. Slope Stability analysis will be required in areas shown susceptible to landslides and/or liquefaction. Slopes shall be graded to provide the minimum static safety factor greater than 1.5 and the minimum pseudo-static safety factor greater than 1.1 unless otherwise recommended by a California state licensed geotechnical engineer and approved by the City Engineer.
115. Structural calculations and details prepared by a licensed civil or structural 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.
116. 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.
117. 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 surface drainage shall be collected and conveyed to a 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.
118. The storm drainage system shall be reviewed and approved by the Alameda County Flood Control and Water Conservation District in addition to the City Engineer's review and approval.
119. Drainage plans should include all proposed underground pipes, building drains, area drains and inlets.
120. 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.
121. 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

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122. This project involves a land disturbance of one or more acres, the developer is required 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.
123. Street Improvements: Streets fronting all lots in the subdivision and extension to Carlos Bee Boulevard shall be improved as per plans prepared by the state licensed and qualified professionals retained by the developer and approved by the City Engineer. Such plans shall include, but not be limited to, the following:
- a. Full length of Bunker Hill Boulevard, Bunker Hill Court and Maitland Drive shall have concrete curbs and gutters along both sides, drainage collection system and streetlights on one side. Concrete sidewalk, not less than 4-ft. In width, shall be provided along one side of these streets. Sidewalk on Maitland Drive shall be along its east side for its entire length, fronting the existing and new lots in the subdivision.
 - b. Central Boulevard, between Bunker Hill Boulevard and Maitland Drive, shall be widened and provided with concrete curb, gutter and vehicle parking spaces to maximum extent feasible parallel to its east curb per the approved plans.
 - c. All streets shall have signs, markings, and required traffic control devices, street lighting fronting all lots in the development shall comply with applicable City standards and the City's Security Ordinance. Lighting shall be designed by a qualified lighting designer and shall not cast a direct light or glare upon adjacent properties or rights-of-way. Photometric analysis/studies shall be submitted for review and approval by the City Engineer.
 - d. All streets fronting the development parcels shall be designed to meet the needs of emergency service vehicles with street pavement Traffic Index of not less than 5.5. Such streets include Full lengths of Maitland Drive, Bunker Hill Court, Bunker Hill Boulevard with extension to Carlos Bee Boulevard and Central Boulevard between Maitland Drive and Bunker Hill Boulevard.
 - e. Driveways shall comply with the City Standard Details SD-109 (available on-line).
124. Existing overhead utilities and poles fronting all homes shown on the Tentative Map on Bunker Hill Boulevard and Maitland Drive shall be replaced with underground facilities consistent with the requirements of the Hayward Municipal Code Section 10-3.815 and service providers. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.

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125. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network fronting all lots within the development.
126. 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).

Transportation.

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 right-of-way) 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, refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria, link: <https://www.hayward-ca.gov/documents/hayward-standard-detail>
 - c. A Traffic Control Plan for the Project's Construction Phase(s).
 - d. Turning Analysis using WB-50 or the largest vehicle expected on-site using AutoTurn software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.
128. Bunker Hill Boulevard Extension: Left turns from Bunker Hill Boulevard to westbound Carlos Bee Boulevard shall be prohibited. Prohibition of the left turn shall be accomplished using channelization, signage, and pavement markings per MUTCD and City Standards and to the satisfaction of the Public Works & Utilities Director or his/her designee. This item shall be included in Improvement Plans and the Signing & Striping Plan.
129. Applicant shall install "Class III bike route along Westview Way and Central Boulevard, and shall install, at minimum, "sharrows" and appropriate lane marking(s) and signage to the satisfaction of the Public Works & Utilities Director or his/her designee. This item shall be included in the Signing & Striping Plans.
130. Applicant shall install green conflict paint at the Harder Road bike lanes crossing Westview Way and all appropriate bikeway and caution signage at this location to the satisfaction of the Public Works & Utilities Director or his/her designee. This item shall be included in the Signing & Striping Plans.
131. Applicant shall install "STOP" sign and "STOP"/Stop Line pavement marking(s) at the southbound approach of Westview Way/Central Boulevard. This item shall be included in the Signing & Striping Plans.
132. Applicant shall relocate the existing "STOP" sign and pavement marking at the westbound approach of Westview Way/Central Boulevard closer to the intersection

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and to the satisfaction of the Public Works & Utilities Director or his/her designee. This item shall be included in the Signing & Striping Plans.

133. Applicant shall install a dedicated right-turn lane to allow deceleration at the intersection of Westview Way/Harder Road. This item shall be included in the Signing & Striping Plans.
134. Applicant shall and must maintain adequate sight distance at all project driveway(s), internal driveway(s)/drive aisle(s) and intersection(s), including but not limited to the Bunker Hill Boulevard/Carlos Bee Boulevard intersection.
135. Applicant shall install centerline striping and speed limit signage and pavement markings along Westview Way to the satisfaction of the Public Works & Utilities Director or his/her designee. This item shall be included in the Signing & Striping Plans.
136. Applicant shall install centerline striping along Central Boulevard at all approaches to the Belmont Avenue and Del Mar Avenue intersections to the satisfaction of the Public Works & Utilities Director or his/her designee. This item shall be included in the Signing & Striping Plans.
137. Applicant shall contribute an amount not to exceed \$47,250 into a Public Works & Utilities account for the purpose of funding additional neighborhood traffic calming measures (along Central Boulevard, Del Mar Avenue, Belmont Avenue, Maitland Drive, Berry Avenue, and/or Bunker Hill Boulevard) to be installed by the City at the discretion of the Public Works & Utilities Director or his/her designee and in accordance with the City's adopted Neighborhood Traffic Calming Program.
138. To satisfy Project's Transportation Demand Management (TDM) requirements, Applicant shall contribute an amount not to exceed \$18,300 into a Public Works & Utilities account for the purpose of providing Project's fair share contribution toward future pedestrian and bicycle improvements in the project vicinity to be installed by City in accordance with the City's adopted Bicycle and Pedestrian Master Plan, including but not limited to filling in sidewalk gaps on the north side of Harder Road between Bryn Mawr Avenue and Westview Way; constructing planned protected bicycle lanes along Harder Road between Mission Boulevard and Westview Way; and constructing planned protected bicycle lanes along Carlos Bee Boulevard between Mission Boulevard and Bunker Hill Boulevard.
139. 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 the Public Works Director or his/her designee, prior to issuance of Building Permit(s).

Hayward Fire – Hazardous Materials

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140. Environmental and Health Based Site Clearance – Our office has reviewed the following two documents:
- a. “Phase I Environmental Site Assessment Report, Hayward Bunker Hill Group 5 California” by Roux Associates, dated February 17, 2020.
 - b. “Phase I Environmental Site Assessment Report Bunker Hill Road Extension Area, Hayward, California” by Roux Associates, dated April 17, 2020.
 - c. 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.
141. 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.
142. Demolition/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.
143. Wells, Septic Tank Systems or Subsurface Structures – Any wells, septic tank systems and other subsurface structures shall be 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.
144. **Conditions Applicable During Construction**

Environmental

145. Should an archaeological deposits or human remains be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and the contractor shall contract the City of Hayward Development Services to preserve and record the uncovered material so it can be safely removed. If human remains are encountered, the County Coroner shall also be contacted, and if the County Coroner determines the remains are of Native American origin the

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Coroner will notify the California Native American Heritage Commission (NAHC) in accordance with California law. If the NAHC identifies a Native American Most Likely Descendent (MLD) pursuant to California law, the developer will confer with the MLD regarding the MLD's preferred treatment of the remains and any related burial artifacts and consider any treatment recommendations made by the MLD. If the NAHC is unable to identify an MLD, the identified MLD does not make a recommendation within 48 hours, or the developer does not agree with the recommendations of the MLD, the developer shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance in accordance with California Law

146. The applicant shall remove all trash and debris to the greatest extent feasible and without disturbance of the riparian areas during and at the completion of construction.

Landscaping

Pre-construction and Demolition Measures for Tree Preservation

147. 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.
148. 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.
149. 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.
150. 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. Pre-construction surveys should be conducted prior to tree work from March through July pursuant to Route 238 Property Development Project Bunker Hill Parcel Group 5 CEQA Addendum dated June 2019.. A qualified biologist shall be retained by the Project Applicant to determine an appropriately sized buffer around nest if an active found is found during survey.

Tree Protection During Construction

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151. 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.
152. 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.
153. 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.
154. 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.
155. 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.
156. 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.

Tree Replacement and Maintenance During Construction

157. 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.

Engineering

158. 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

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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.

159. Construction Damage: The Developer shall remove and replace 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.
160. The project geotechnical engineer shall submit a written report acceptable to the City's Building Official confirming that buildings intended for human occupancy are built outside the ground deformation and damage zone of the earthquake fault zone.
161. Development in Phases: All required improvements leading and adjacent to lots to be occupied shall be installed according to the approved plan, including completion of punch list items. The public shall not be required to pass through active construction areas to reach occupied units.
162. In order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - f. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of

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Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- i. A publicly visible sign shall be posted with the telephone number and person to contact at the City of Hayward regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.

Hayward Fire – Hazardous Materials

- 163. 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.
- 164. 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.
- 165. Hazardous Materials/Waste During Construction - During grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.
- 166. 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.

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167. Natural Occurring Asbestos Material – In both Phase I Environmental Site Assessments submitted for this project there is discussion that the property has one Recognized Environmental Concern where soils may contain Naturally Occurring Asbestos (NOA). The applicant shall work with the City of Hayward Public Works/Engineering Department, Bay Area Air Quality Management District, and all appropriate agencies to ensure the NOA materials are properly managed during grading activities.

Conditions Due Prior to Issuance of Certificate of Occupancy

Landscaping

168. Model Home. A Temporary Certificate of Occupancy (TCO) shall be issued for model home. TCO shall remain in place until converting model home to production home for sale. Landscape inspection shall be required prior to issuance of TCO, and another inspection prior to issuance of Certificate of Occupancy at the time of the conversion. 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, 2 and 6 shall be submitted electronically in prior to requesting an inspection from the City Landscape Architect.
169. Production Home. Prior to the issuance of Certificate of Occupancy for each production home, landscape and irrigation installations shall be completed in accordance with the approved plans and details and shall be accepted by the City Landscape Architect. Prior to 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, 2 and 6 shall be submitted electronically in prior to requesting an inspection from the City Landscape Architect.
170. Tract Acceptance.
- a. The entire landscape improvements including production homes and common landscape area shall be completed and well maintained until the acceptance by the City. The acceptance inspection shall be performed by City Landscape Architect. Prior to requesting an inspection by City Landscape Architect, the project landscape architect shall field inspect and accept landscape improvements and shall submit completed Appendix C. Certificate of Completion Part 1 through 7 in the City's Bay-Friendly Water Efficient Landscape Ordinance to City Landscape Architect.
 - b. Irrigation Audit. Pursuant to HMC Section 10-12.11 and as required in Appendix C Certificate of Completion Part 5, an irrigation auditing rate of one (1) in seven (7) lots or approximately fifteen percent (15 %) of the total production homes and an audit of all common landscape areas shall be done prior to tract

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acceptance. All landscape irrigation audits shall be conducted by a third-party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

- c. 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.

Engineering.

171. 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 prior to acceptance pursuant to the DDA. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
172. 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 their designees pursuant to the DDA.
173. 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.
174. SWPPP Final Report: The project QSP shall prepare and file a Final SWPPP Report with the City and Water Board.
175. GHAD: Prior to sale of any lot in the subdivision, the developer shall complete improvements as per the approved improvement plans
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.

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-End-