

**CITY OF HAYWARD PLANNING COMMISSION
TENTATIVE TRACT MAP & SITE PLAN REVIEW APPLICATION NO. TM-23-0003
TRACT 8104 - SEQUOIA GROVE - 123 A STREET**

DRAFT CONDITIONS OF APPROVAL

General

Planning

1. The applicant shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Vesting Tentative Tract Map and Site Plan Review Application No. TM-23-0003 is hereby approved subject to conformance to the Vesting Tentative Tract Map and accompanying civil plans prepared by Lea & Braze Engineering, Inc. and last dated August 3, 2023, the architectural plans prepared by Geoffrey Holton and Associates last dated August 4, 2023, and the landscape plans prepared by Robert Mowat Associates last dated August 2, 2023 (all combined as Attachment IV to the staff report), except as modified by the conditions listed below. Minor modifications to the approved plans may be approved by the Planning Manager; however, any modifications that require a variance or that the Planning Manager deems to be significant shall require review and re-approval by the Planning Commission.
3. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspections to confirm all approved conditions have been satisfied and all improvements are being maintained in compliance with all adopted city, state and federal laws and regulations.
4. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to commencing any site work.
5. For as long as it remains vacant, the property owner shall be responsible for securing and maintaining the site in accordance with Hayward Municipal Code (HMC) Chapter 4, Article 1 - Public Nuisances, HMC Chapter 5, Article 7 - Community Preservation and Improvement, and the California Building Code, among other applicable regulations.
6. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
7. Property addresses shall be assigned by the Development Services Department, Building Division prior to issuance of building permits.
8. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent exterior building material unless specifically designed as an architectural element.

9. The owner shall maintain in good repair all building exteriors, fencing, lighting, drainage facilities, landscaping, driveways, and common areas. The property shall be kept clean and weed-free at all times.
10. In accordance with HMC Section 10-3.246(a), a Tentative Map shall expire 36 months after its approval unless a statutory or discretionary extension is granted in accordance with the Subdivision Map Act and Subdivision Ordinance of the Hayward Municipal Code.
11. In accordance with HMC Section 10-1.3055, Site Plan Review approval is void 36 months after the effective date of approval unless:
 - a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or
 - b. A time extension of the approval has been granted by the Development Services Director or his/her designee. Any request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.

Landscaping

12. No building permit shall be issued prior to approval of landscape and irrigation improvement plans that are submitted as part of the subdivision improvement plans under the grading permit application.
13. A tree removal permit shall be obtained from the City Landscape Architect in addition to demolition and grading permits (if applicable) prior to the removal of any tree.
14. A tree preservation bond of \$67,050.00 that is equal to the appraised tree value shall be submitted to the City Landscape Architect prior to issuance of a grading permit. The bond will remain in place until the completion of construction. A written request for releasing the bond shall be submitted to the City Landscape Architect.
15. Trees shall be located a minimum of five feet from all utility service lines and driveways, a minimum of nine feet from the center-line of fire hydrants, a minimum of fifteen feet from light poles, and a minimum of thirty feet from the face of traffic signals, or as otherwise specified by the City.
16. All final tree locations shall be field verified by the project landscape architect and any conflicts that arise in the field shall be resolved prior to planting.
17. Trees shall be healthy, disease and insect-free, well-rooted, and properly trained with a straight trunk that can stand upright without support. Trees shall exhibit a central leader, or a main branch that can be trained as a central leader. Branches shall be well-

developed and shall be evenly and radially distributed around the trunk. Root balls shall not exhibit kinked or circling roots.

18. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as recommended by the manufacturer.

Hazardous Materials

19. Structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professionals to ensure that hazards posed to the project's construction workers, the environment, future uses, and the general public are mitigated.
20. Any existing 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/ies when required.

Utilities

21. The public utility easement (PUE) shall be extended to the property line near the driveway entrance on A Street.
22. All connections to existing water mains shall be performed by City Water Distribution personnel at the applicant's expense.
23. Any modifications to existing water services such as but not limited to upsizing, downsizing, relocating, and abandoning shall be performed by City Water Distribution personnel at the applicant's expense.
24. Only City of Hayward Water Distribution personnel shall perform operation of valves on the City of Hayward Water System.
25. Each residential dwelling unit shall be served by its own water meter. If there are exceptional project constraints that make it infeasible to install separate City water meters for each unit, the developer may submit a written request to the Director of Public Works for a waiver to install a shared domestic water meter for the residential units. If the waiver is granted, the residential units shall be served by one domestic water meter and private submeters shall be installed for each residential unit, per State Senate Bill 7 (SB-7).
26. Fire flow data may be required for this project. Information regarding existing fire flow data and how to request new fire flow test data is available on the City's Fire Flow Testing website, here: <https://www.hayward-ca.gov/fireflow>.
27. The fire service size shall be determined by the Fire Department's requirements. All fire services must have an above-ground double check valve assembly (DCVA), per City

Standard Detail 204 (SD-204) and 201 (SD-201). New fire services must be installed by the City's Water Distribution personnel at the applicant's expense.

28. A separate fire permit is required for the fire sprinkler system installation. The water meter size shall be determined by the Fire Department's requirements for that permit; however, a minimum 1" water meter is required for residential fire sprinklers. Residential combined domestic and fire services are allowed, per City of Hayward Standard Detail 216 (SD-216). The configuration must have two separate water service lines on the backside of the water meter: one for domestic water service and one for fire water service, as shown on Figure 2B on SD-216. The applicant or owner is responsible for installing the backside configuration of the water service.
29. The development shall have a separate irrigation water service for landscaping.
30. The applicant shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per City of Hayward Standard Detail 202 (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. Backflow prevention assemblies installed on potable water sources shall be lead-free.
31. Water meters and services are to be located a minimum of two feet from top of driveway flares as per City Standard Detail 213 (SD-213) through 218 (SD-218). Water meters shall not be located in the driveway. Water meter lids shall be Nicor, Inc. brand.
32. 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 (1) 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 with written authorization from the State Water Resources Control Board Division of Drinking Water.
33. The applicant is responsible for applicable water and sewer connection/capacity fees, at the rates in effect at the time of application for water and sewer service, prior to water connection and sewer discharge.
34. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. The development shall dedicate to the public a Sanitary Sewer Easement (SSE) including rights of ingress and egress for the purpose of construction and maintenance of public sewer system facilities within the development. The entire paved parking lot shall be an SSE, and a minimum 10-foot-wide SSE shall be dedicated to the City within Lot B west of the western limit of the parking lot, centered over the proposed sewer main. No bio-retention areas, trees, or permanent structures shall be located within the SSE.
35. Off-site sanitary sewer pipeline improvements shall be required to serve the proposed development as determined by the Public Works Director. The sewer improvements shall be at the applicant's expense and to the satisfaction of the City Engineer. Sanitary

sewer pipeline improvements include, but are not limited to, constructing new sanitary sewer pipelines to accommodate the project, installing new sanitary sewer manholes, and connecting to existing sewer mains.

36. The extension of the sanitary sewer main shall be constructed, at the applicant's expense, to accommodate the development as follows:
 - a. Construct new sanitary sewer main in Walnut Street to connect to the existing sanitary sewer main in B Street.
 - b. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.
 - c. Where sanitary sewer lines and/or laterals are the same size as the sanitary sewer main, the connection shall be made with a manhole.
37. All sewer mains and appurtenances shall be constructed in accordance with the City's latest "Specifications for the Construction of Sewer Mains and Appurtenances," revision at the time of permit approval, which is available on the City's website here: <https://www.hayward-ca.gov/your-government/departments/engineering-division>.
38. Green PVC C900 pipe with concrete encasements shall be provided for all sewer mains having less than four feet of cover.
39. Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet.
40. Each unit shall have its own sanitary sewer lateral per City Standard Details SD-312 and SD-313

Engineering

41. The subdivision and final map shall comply with the State Subdivision Map Act and Hayward Municipal Code Chapter, 10 Article 3 as determined and approved by the City Engineer.
42. A current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
43. Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward. Prior to or concurrent with applicable final map recordation, the applicant shall record required reciprocal easements, ingress/egress easements and maintenance agreements for common use facilities and access ways.
44. All required and conditioned improvements shall be complete as per plans approved by the City Engineer prior to Final Map approval, or the subdivider shall execute a Subdivision Improvement Agreement and post improvement securities in form and amounts acceptable to the City.

45. Subdivision improvements shall meet the needs for public health, safety and welfare and comply with the current Standard Details and Specifications of the City of Hayward and other involved agencies. Such improvements shall include, but are not limited to, those needed for all-weather vehicular and pedestrian access, fire and traffic safety, safety lighting, collection and disposal of sanitary sewer drainage, and solid waste, and utility services for water, telecommunications, electricity, and heating.
46. A Homeowners Association (HOA) shall be incorporated, and its related Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City for review and approval before submittal to the State Department of Real Estate (DRE) and filing in the public records of Alameda County prior to the sale of any parcel.
47. The CC&Rs shall include the following provisions:
 - a. The HOA shall be managed by a professional property management company.
 - b. The HOA shall maintain updated registration information with the Secretary of State.
 - c. The HOA shall own and maintain in fully functional condition and good repair all areas, improvements, retaining walls, area lighting, driveways and facilities created for common use of the property owners within the project but not dedicated or accepted by the City for its maintenance.
 - d. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
 - e. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project approvals.
 - f. The CC&Rs shall describe how the HOA shall maintain the stormwater treatment and site-design measures associated with privately owned improvements and landscaping.
 - g. The HOA shall own and maintain on-site area lights which shall have a decorative design approved by the Planning Director and City Engineer.
 - h. The HOA shall arrange for street sweeping of the private street and private parking stalls at least once a month.

Transportation

48. Pursuant to City of Hayward Traffic Code Article 9, the Homeowners Association shall maintain adequate visibility and sight distance, as defined by City of Hayward Traffic Code, at all project driveways and access points.

Solid Waste

49. The property owners or property manager shall be responsible for staging waste containers (landfill, recycling, and organics) from Units 6 through 10 for collection on collection days. They shall be staged as marked on Sheet A1.1 on collection days. Waste containers (landfill, recycling, and organics) for Units 1 through 5 shall be placed curbside in front of their respective unit on collection days. The containers cannot be placed at the curb any earlier than 6:00 a.m. the day before scheduled collection and

are required to be retrieved by no later than midnight on the days the containers are emptied.

Prior to the Issuance of Building/Grading Permit

Planning

50. All permit charges accrued in the processing of Vesting Tentative Tract Map and Site Plan Review Application No. TM-23-0003 shall be paid in full prior to issuance of any building and/or grading permits for the project or consideration of a request for approval of any extensions of the Vesting Tentative Tract Map or Site Plan Review approvals for the project.
51. A pre-construction nesting bird survey shall be completed prior to any tree removals or the start of any demolition, grading or construction activities if such activities are proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. The survey shall be completed by a qualified biologist or ornithologist no more than 14 days before demolition/construction activities begin. For the survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary. If an active nest is found in an area that would be disturbed by demolition and/or construction, the biologist or ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer must ensure that the nest(s) shall not be disturbed until the young have fledged (left the nest), the nest(s) is vacated, and there is no evidence of second nesting attempts. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the Planning Division prior to the removal of trees and issuance of a grading permit or demolition permit.
52. **Mitigation Measure GEO-1:** Prior to issuance of a building permit for the project, the applicant shall implement all measures as recommended by the project geotechnical consultant.

Landscaping

53. Prior to issuance of the first building permit, detailed landscape improvement plans prepared by a licensed landscape architect on an accurately surveyed base shall be approved as a part of grading permit/subdivision improvement plans. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. The plans shall be stamped, signed and dated by the project landscape architect. The plans must include the tree mitigation summary chart and the water efficiency compliance statement and water budget calculations. Once approved by the City, copies of the approved landscape improvement plans shall be submitted as a part of the building permit submittal.
 - a. Proposed recycled plastic header boards under the existing Redwood trees being preserved shall be removed to avoid unnecessary root cuttings unless the header board would provide a critical function.

- b. Pursuant to HMC Section 10-12.07(a)(2)(C)2, all plant spacing shall not be closer than the minimum spread provided in the reference books in the Water Efficient Landscape Ordinance.
- c. Details for the backflow prevention device shall conform to City Standard Detail SD-202 and shall be provided on the irrigation detail sheet.

Housing

- 54. This development is subject to the requirements of the Affordable Housing Ordinance set forth in Chapter 10, Article 17 of the Hayward Municipal Code. The applicant shall comply with the affordable housing requirements as reflected in the attached final Affordable Housing Plan on file with the Housing Division and included as Attachment V to the staff report and detailed per Section 10-17.510 Affordable Housing Plan.
- 55. Pursuant to Hayward Municipal Code Sections 10-17.515 and 10-17.525, the applicant shall enter into and record against the property an Affordable Housing Agreement that includes all elements set forth in the Affordable Housing Ordinance and the final Affordable Housing Plan on file with the Housing Division and included as Attachment V to the staff report, prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.

Fire Protection

- 56. Duplex buildings are required to include fire sprinkler systems installed in accordance with National Fire Protection Association (NFPA) 13D. Triplex buildings are required to include fire sprinkler systems installed in accordance with NFPA 13D when the demising walls between residential units are provided with one two-hour-rated wall or two one-hour-rated walls. Otherwise, sprinkler systems installed in accordance with NFPA 13 shall be provided in all triplex buildings.
- 57. Maximum 80 PSI water pressure shall be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
- 58. Underground fire service lines serving NFPA 13D sprinkler systems shall be installed in accordance with the Hayward Public Works Department Standard Detail SD-216. Water meters shall be minimum one inch in diameter. Sprinkler monitoring systems shall be provided for all NFPA 13 sprinkler systems.
- 59. Underground fire service lines serving NFPA 13 sprinkler systems shall be installed in accordance with the Hayward Public Work Department Standard Detail SD-204/216. Water meters shall be minimum four-inch in diameter.
- 60. An audible alarm bell device shall be installed on each separate fire sprinkler system riser.

61. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any fire sprinkler system waterflow activity.
62. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).
63. Carbon monoxide (CO) detectors shall be placed near the sleeping area on a wall approximately 5 feet above the floor or on the ceiling. Each floor shall have a separate CO detector.
64. An approved spark arrestor shall be installed on any chimney cap.
65. A minimum 4-inch self-illuminated address shall be installed on the front of each dwelling in a location so as to be visible from the street. Otherwise, a minimum 6-inch address shall be installed on a contrasting background in a location approved by the Fire Department.
66. All public streets serving the property, private streets and private courts shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus.
67. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant to be installed shall be Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2" outlet & two 4-1/2" outlets), capable of flowing a minimum of 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department.
68. All portions of all buildings shall be located within 400 feet of a fire hydrant. Fire hydrants shall be placed at least 50 feet from the building to be protected. Where it is not feasible to place them at that distance, hydrants may be in closer proximity in approved locations. A separate fire permit is required for hydrant installation.
69. Blue reflective pavement markers shall be installed at all fire hydrant locations. If fire hydrants are in locations that could be subjected to vehicle collisions as determined by the Hayward Fire Department, crash posts shall be installed around the hydrants.

Hazardous Materials

70. An evaluation and regulatory oversight is required to ensure that the site meets environmental and health-based clearances that are appropriate for residential development. The applicant shall provide clearance documentation from the Alameda County Department of Environmental Health's Local Oversight Program (LOP) to ensure that the property meets the applicable development investigation and cleanup standards. 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 a groundwater/soil vapor/soil management plan. LOP clearance shall be submitted to the Hayward Fire

Department's Hazardous Materials Office and Public Works/Engineering Division prior to issuance of any grading and building permits.

Engineering

71. A City grading permit shall be secured, and the Final Map shall be recorded in the County Recorder's office before a building permit is issued for any new structures. Model homes may be permitted prior to recordation of the Final Map in accordance with Subdivision Map Act Section 66499.30(a).
72. The design documents and plans for the site grading and improvements shall be prepared by or under the direction of a State licensed design professional and approved by the City Engineer. Plans shall provide construction details for all improvements proposed in the project application and required by the City's conditions of approval.
73. The subdivider shall obtain permits or approvals from all affected agencies or private parties. Copies of applicable permits or approvals shall be provided to the City Engineer upon request.
74. The 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.
75. The City Engineer's approval is required for the final grading, drainage and improvement plans.
76. All grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report prepared by the project's geotechnical engineer, subject to approval by the City Engineer. Plans for grading and drainage for the grading permit shall be reviewed and signed by the soils report engineer certifying that the recommendations in the report have been followed. Arrangements shall be made with the soils report engineer to submit a certification to the City Engineer confirming that grading, drainage and backfill installation related work was performed in general compliance with recommendations in the geotechnical report. All material testing reports will be submitted as attachments to the certification letter report.
77. A building permit is required for earth retaining structures exceeding 4 feet in height (measured from the bottom of footing to top of wall). This permit shall require structural calculations and details prepared by a licensed civil or structural engineer and approval by the City's Building Division.
78. The project shall not block runoff from, or augment runoff to, adjacent properties. The applicant 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.
79. 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.

80. Drainage plans shall include all proposed underground pipes, building drains, area drains and inlets. All building sites shall be graded to slope away from the building foundations per California Building Code, Chapter 18, Section 1804.3 Site Grading, or as required by the soils engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
81. The on-site storm conveyance and treatment systems shall be owned and maintained by the project's HOA.
82. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted with the Subdivision Improvement Plan application 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.
83. Improvements in the public right-of-way fronting the project site shall include the following requirements:
 - a. Replace unused driveways with concrete curb, gutter, and sidewalk matching existing in color, form, and grades.
 - b. Driveways shall comply with the City Standard Detail SD-108 and have no curb returns
 - c. Replace any existing damaged curb, gutter, sidewalk, driveways, streetlights, street pavement and street pavement markings fronting the project. Also replace such improvements with new improvements if not complying with current accessibility standards or the City Standard Details.
 - d. Replace failing segments of existing street pavement fronting the project site with hot-mix Asphalt-Concrete (A.C.) matching the existing pavement section in Walnut Avenue fronting the project.
84. All utility services to the development shall be underground, designed and installed in accordance with the service provider's regulations. Transformers and switch gear cabinets shall be placed underground. Underground utility plans must be submitted for City approval prior to installation (HMC Section 10-3.815).
85. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the development.

Transportation

86. The applicant shall submit the following items as part of the Subdivision Improvement Plans to the Transportation Division for review prior to issuance of building permits:

- a. An on-site and off-site (fronting City right-of-way) Signing and Striping Plan prepared in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on compliant disabled stalls).
 - b. An on- and off-site Photometric Plan. Please refer to Hayward Standard Plans Sheet SD-120 for roadway lighting criteria, available here: <https://www.hayward-ca.gov/sites/default/files/documents/standard-details-updated-jan-2020.pdf>
 - c. A Turning Analysis using WB-50 or the largest vehicle expected on-site using AutoTURN software. The Turning Analysis shall not depict vehicles backing into public streets/rights-of-way.
87. Pursuant to HMC 7-1.10 and unless otherwise directed by the Public Works Director or his/her designee, the applicant shall install one standard streetlight on Walnut Street, in accordance with City Standard Details and specifications along the project frontage. Proposed street light locations shall be included and indicated in the Subdivision Improvement Plans.

During Construction

Planning

88. In accordance with HMC Section 4-1.03-4, construction activities conducted between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet from the source, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in HMC Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at the nearest residential property lines).
89. **Mitigation Measure AQ-1:** The Project shall adhere to the following Bay Area Air Quality Management District (BAAQMD) "Basic Construction Mitigation Measures":
- 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 track-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 roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. 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 Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - f. 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.

- g. A publicly visible sign shall be posted adjacent to the entrance to the construction site containing the name and telephone number of the person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

- 90. **Mitigation Measure BIO-1:** The applicant shall follow all recommendations in the tree evaluation report including protection of all trees adjacent to the project site to be preserved during all phases of the development. Any modifications to the arborist recommendations shall require an updated arborist report to be submitted to the City for review and approval by the City's Landscape Architect:

Pre-construction

- i) Hand dig or use an air spade to trench adjacent to redwoods #13-14 along the proposed perimeter footing for the driveway where within 12' of the trees. The trenching shall avoid any damage to roots over 2" in diameter and shall extend down to the depth of the proposed footing. Design adjustments, such as bridging the roots, to avoid damage to roots over 2" will be necessary to avoid significant damage to the trees.
- ii) Establish a Tree Protection Zone (TPZ) around trees #11-15, 23, 24 and 26 as indicated on the Tree Inventory Map using 6' chain-link fencing attached to metal stakes driven firmly into the ground.
- iii) Apply a 4" layer of chipper mulch throughout the tree protection zones.
- iv) Irrigate trees to a depth of 14" throughout their driplines where extending over the project property 2 weeks prior to grading.

Grading and Construction Phase

- v) Keep all equipment, debris, supplies, trenching, grading, stockpiling, or any other encroachments outside of the TPZ. Any desired adjustment or encroachment within the TPZ shall require consult with an arborist.
- vi) All pruning shall be performed by an ISA certified arborists or certified tree workers under the project arborist's supervision. Pruning to comply with all ISA and ANSI pruning standards and best management practices.
- vii) Trees #11-15, 24 and 26 shall be irrigated weekly to a depth of 12-14" throughout all accessible driplines, and at a minimum the entire TPZ.
- viii) Since trees #23, 24, 25 and 2 are all off site trees that hang over the project, written permission from the tree owners will need to be granted prior to accessing their canopies.

Landscaping

- 91. Pre-construction and Demolition Measures for Tree Preservation.
 - a. 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.

- b. A non-movable chain link fence as shown in the detail shall be installed around the Protected Zone of each tree to be preserved prior to start of construction. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.
 - c. 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.
 - d. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife Code 3503-3513 to avoid disturbance of nesting birds.
92. Tree Protection During Construction.
- a. 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.
 - b. 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. A tree pruning permit shall be required for cutting equal or larger than one-inch diameter roots.
 - c. If damage should occur to any existing trees designated for preservation during construction, the tree should be evaluated as soon as possible by the Project Arborist so that appropriate treatment measures can be applied. If damage to a tree results in its removal, the removed tree shall be replaced to its appraised value provided by the Project Arborist and approved by the City Landscape Architect.
 - d. Tree protection fencing shall remain until all site work has been completed. Fences shall not be relocated or removed without permission of the Project Arborist.
 - e. 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 the City Landscape Architect.
 - f. Existing trees designated for preservation 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.
93. 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, including occasional pruning, fertilization, mulch application, pest management, replanting, and irrigation repair/replacement.

Hazardous Materials

94. If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.
95. 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 shall be required.
 - b. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report shall be required.
 - c. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report shall be required.
96. During grading and construction, all hazardous materials and hazardous waste shall be properly stored, managed and disposed of.

Engineering

97. The applicant shall be responsible for preventing the discharge of pollutants or dust from the project site during and after 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 always contained. Such measures shall be maintained during the project's construction period. Violations or other noncompliance with stormwater management measures may result in the project being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.
98. The applicant shall remove and replace any damaged curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc., within the public right-of-way along the project frontage and at any locations damaged by the construction of the project. Damaged pavement surfaces shall be overlain or micro-surfaced. All repairs shall be completed to the satisfaction of the City Engineer. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter and sidewalk constructed in accordance with the applicable City Standards.
99. The applicant shall be responsible for adjusting existing utility boxes/vaults to grade and locating and protecting existing communication conduits (fiber optic and copper) along the project's frontages.

Prior to Issuance of Certificate of Occupancy

Landscaping

100. Model Homes requirements shall be as follows:

- a. A Temporary Certificate of Occupancy (TCO) shall be issued for each 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 the 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.
- b. Water Efficient Landscape Educational Sign for Model Homes. Pursuant to HMC Section 10-12.17, water efficient landscape educational sign for model homes shall provide signs and written information to demonstrate the principles of water efficient landscapes described in the ordinance.
- c. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
- d. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

101. 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.

102. 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 the City Landscape Architect. Prior to requesting a final landscape inspection, the project landscape architect shall field inspect and accept landscape improvements and shall submit the completed Appendix C. Certificate of Completion Part 1 through 7 in the City's Bay-Friendly Water Efficient Landscape Ordinance to the City Landscape Architect. If green waste was diverted to an authorized facility and the weigh tag was submitted and signed off by the City's Solid Waste Division at Utilities and Environmental Services Department, a copy of the signed document will replace Part 7.
- b. Pursuant to HMC Section 10-12.11, 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 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.

- 103. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City, as-built plans on electronic media and .pdf formats shall be submitted to the City Engineer by the property owner.

Engineering

- 104. All improvements, including for streets, parking lots, walkways, fencing, sanitary sewer, storm drainage, water system, underground utilities, streetlights etc., shall be completed and accepted by the City Engineer before approval of occupancy of any unit in the subdivision. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
- 105. 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.
- 106. The property owner or HOA shall execute the City's standard "Stormwater Treatment Measures Maintenance Agreement" prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for the treatment control and site design measures is bound to the property in perpetuity.
- 107. Prior to the issuance of any Certificates of Occupancy, the applicant shall submit a letter from the project geotechnical engineer confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.
- 108. 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.
- 109. As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and .pdf formats.

-End of Conditions-