

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Councilmember _____

RESOLUTION ADOPTING THE ENVIRONMENTAL CONSISTENCY CHECKLIST AND APPROVING THE PLANNED DEVELOPMENT REZONE WITH A VESTING TENTATIVE TRACT MAP PERTAINING TO CONSTRUCTION OF 5 NEW SINGLE-FAMILY RESIDENCES AT A SITE LOCATED AT 24763 MOHR DRIVE

WHEREAS, On December 19, 2018, Jeffrey Lawrence of Nuvera Homes (Applicant) on behalf of Ben Hsiao-Pang Liu (Owner) submitted a Planned Development Rezone Application No. 201806740 and Vesting Tentative Tract Map No. 8482, to subdivide an existing parcel totaling 0.50 acres into 7 parcels to allow the construction of 5 single-family residences with common open space area and related site improvements on a site located at 24763 Mohr Drive (APN 441-0077-003-04); and

WHEREAS, An Environmental Consistency Checklist was prepared to assess the potential environmental impacts of the Project; and

WHEREAS, The Planning Commission considered the Project at a public hearing held on September 26, 2019 and recommended that the City Council adopt the Environmental Consistency Checklist and approve Planned Development Rezone No. 201806740 with Vesting Tentative Tract Map No. 8482; and

WHEREAS, Notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on October 29, 2019.

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

TENTATIVE TRACT MAP FINDINGS

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

- A. **The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;**
 The site is designated Limited Medium Density Residential (LMDR) in the Hayward 2040 General Plan. Density under this land use designation is 8.7 to 12.0 dwelling units per net acre. Project plans show the project density within this range at 11.4 dwelling units per net acre. The LMDR designation allows for a mix of housing types, including detached single-

family homes. The project is also consistent with applicable General Plan policies in that it will increase the housing inventory for the City of Hayward and is considered an infill development that will result in a more complete neighborhood. The project is also consistent with the following General Plan policies:

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

The project will subdivide an existing parcel into 7 lots and allow for 5 new single-family homes, which provides additional housing opportunities in the city.

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

The project site is located in an established neighborhood in Hayward within a half mile of shopping, employment centers, schools, and recreation facilities, including Southland Mall, Chabot College, Anthony W. Ochoa Middle School, and Greenwood Park.

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

The project is surrounded by development on all sides, including the approved Eden Village I subdivision and other single-family homes. Within the project vicinity are various commercial, religious, educational, and recreational uses. As such, the project is considered an infill project, which is appropriate for new housing development.

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

- B. **The proposed subdivision meets the requirements of the City Zoning Ordinance; and** The project requires a Planned Development (PD) Rezone to allow for exceptions to certain development standards related to lot standards, setbacks, and driveway length. Further, these exceptions will allow the Eden Village II project to maintain consistency with the abutting, previously approved Eden Village I project. With the PD Rezone, the proposed subdivision will provide modified development standards of the new PD District related to minimum lot size, maximum lot coverage, minimum lot dimensions, minimum setbacks, and minimum driveway length. PD Districts are also subject to the development standards of the

zoning district most similar to the proposed use, which is the Single Family Residential (RS) District in this case. As proposed, the project meets the development standards of the RS district related to building height, off-street parking, and landscaping. The subdivision will also allow for the construction of 5 single family homes, which is a permitted land use in the RS District.

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

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

PLANNED DEVELOPMENT REZONE FINDINGS

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

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

The project is considered an infill development and will complement the existing neighborhood, which primarily consists of other single-family residential developments in the vicinity of the site. The project is compatible with the surrounding residential neighborhood in that the proposed two-story homes are similar in scale and architectural design to other recently built and recently approved two-story homes in the area. Additionally, the project is consistent with the Limited Medium Density Residential (LMDR) land use designation and policies in the *Hayward 2040 General Plan*. The proposed density is within the density range allowed by the LMDR land use designation and compatible with the overall density of the surrounding residential neighborhood.

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

The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within the project site and will connect to the existing utilities on Eden Avenue and Mohr Drive. The project will be served by a new private street that will be shared with the Eden Village I development. While the existing roadways are sufficient to accommodate the additional traffic generated from the project, frontage improvements will be required, including the undergrounding of utilities along Mohr Drive.

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

The project is considered an infill development that will replace an underutilized site with five new single-family homes. The scale and design of the proposed homes are compatible with the existing neighborhood. The units will be served by both private and public open space within the development. Each unit will have usable private front porches and outdoor

rear yards, and the project provides a 1,936 square-foot common open space area. The development will also be well-integrated into the existing neighborhood since it will be served by a new private street and sidewalks, shared with the approved Eden Village I development, providing vehicular and pedestrian access to and from Eden Avenue and Mohr Drive.

- E. **In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development;**

The project does not include any nonresidential uses and as such, this finding is not applicable to this project.

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

While informally considered to be the second and final phase of the Eden Village development, the Eden Village II project will be completed in one phase, ensuring that the infrastructure, facilities, and services will be available to all future residents in a timely manner.

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

The project requires a PD Rezone to allow for exceptions to certain development standards related to lot size, coverage, and dimensions; setbacks; and driveway length. Further, these exceptions will allow the Eden Village II project to maintain consistency with the abutting, previously approved Eden Village I project. To offset these requested exceptions, the project proposes the following amenities:

- GreenPoint Rated certification for each home
- Photovoltaic solar systems owned by the individual homeowners
- Entry pilaster along Mohr Drive to coordinate with Eden Village I development
- Electric vehicle charging station in each home
- Permeable pavers on all five driveways and along the parking lane of the private street
- Decorative LED street lights
- Front yard landscaping maintained by the HOA
- Ground floor bedroom suite in each home
- Common open space area featuring a game table, benches, and mosaic art

The proposed project amenities and offsets will contribute toward making the development a desirable place to live for many years to come. The Green Point Rate

certification, rooftop solar panels, electric vehicle charging stations, permeable pavers, and LED streetlights result in a more environmentally-sensitive development. The multigenerational-friendly floor plan allows the homes to accommodate a more diverse population. The 1,936 square-foot common open space area, which will be maintained by a homeowner's association, provides the future residents with a usable outdoor area for recreation and public interaction. Each home will also feature front yard landscaping maintained by the HOA, a private porch, and a private backyard, which will provide additional outdoor space. The new entry pilaster on the south side of the private street will complement the pilaster on the north side of the street, approved as part of the Eden Village I development, creating a cohesive and attractive entry to the subdivision.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183.3, an Infill Checklist was prepared for this project with the finding that no additional environmental review is required. The purpose of an Infill Checklist is to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been previously addressed in a planning-level decision or would be addressed by uniformly applicable development policies. The Infill Checklist for this project tiers off the Environmental Impact Report (EIR) for the *Hayward 2040 General Plan* and confirms that the project would not have any significant effects on the environment that either have not already been analyzed in the *Hayward 2040 General Plan* EIR, are more significant than previously analyzed, or would not be substantially mitigated by uniformly applicable development policies.
- B. The proposed Infill Checklist was independently reviewed, considered, and analyzed by the Planning Commission and reflects the independent judgement of the Planning Commission; such independent judgement is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the administrative record as a whole); the Planning Commission recommends the City Council adopt the proposed Infill Checklist and its findings and conclusions as its source of environmental information; and the proposed Infill Checklist is legally adequate and was completed in compliance with CEQA.
- C. The proposed Infill Checklist identified all potential adverse impacts and based on the Infill Checklist and the whole record before the Planning Commission, there is no substantial evidence that the Project will have a significant effect on the environment.
- D. The project complies with CEQA, and the proposed Infill Checklist was presented to the Planning Commission, which reviewed and considered the information contained therein prior to recommending approval of the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward, located at 777 B Street, Hayward, California 94544.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Environmental Consistency Checklist and approves Planned Development Rezone Application No. 201806740 with Vesting Tentative Tract Map No. 8482, subject to the adoption of the companion ordinance (Ordinance No. 19-___) rezoning the property located on a site at 24763 Mohr Drive, Accessor Parcel Number (APN) 441-0077-003-04, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**CITY OF HAYWARD PLANNING DIVISION
APPLICATION NO. 201806740
TENTATIVE TRACT MAP 8482, PD REZONE, AND CALIFORNIA ENVIRONMENTAL
QUALITY ACT INFILL CHECKLIST
EDEN VILLAGE II – 24763 MOHR DRIVE
DRAFT CONDITIONS OF APPROVAL**

GENERAL

1. All outstanding fees and permit charges accrued in the processing of Vesting Tentative Tract Map (VTTM) 8482 and the Planned Development (PD) Rezoning Review application shall be paid in full prior to consideration of a request for approval extensions and/or submittal of building permits for the development.
2. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.
3. VTTM 8482 and PD Rezoning Review application are approved subject to the tentative tract map and project plans date stamped March 6, 2019 (Architectural and Civil Plans) and April 29, 2019 (Landscape Plans), except as modified by the conditions listed below.
4. The approval of Subdivision Application No. 201806740 – Vesting Tentative Parcel Map 8482 shall be to allow the subdivision of a parcel into 7 parcels to construct 5 single-family homes located at 24763 Mohr Drive, Assessor Parcel No. 441-0077-003-04 within the Planned Development (PD) zoning district. The proposed subdivision shall be in accordance with the Vesting Tentative Parcel Map and Conditions of Approval on file with the Planning Division identified as “Exhibit A”.
5. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
6. Any proposal for alterations or expansions to the proposed subdivision must be approved by the Planning Director or Planning Commission prior to implementation. Modifications to the approved Vesting Tentative Tract Map or Planned Development Rezoning Review application, scope of work, or use may require an additional submittal and public noticing.

7. All public improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, Caltrans Standard Specifications and Hayward Standard Details.
8. Any new structures or improvements shall be subject to the California Building Code and Uniform Fire Code as adopted by the City of Hayward.
9. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
10. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were pulled to construct the project.
11. The property owner shall demolish any vacant structures within 60 days of their being made vacant.
- ~~10.12.~~ The property owner shall be responsible for securing and clearing any vacant structure(s) prior to demolition and commencement of construction activities.
- ~~11.13.~~ Prior to, during and following demolition of structures, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4, Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.
- ~~12.14.~~ Affordable housing in-lieu fees shall be paid either prior to issuance of a building permit or prior to approval of a final inspection or issuance of an occupancy permit. Regardless of the option chosen, no final inspection will be approved and no occupancy permit will be issued for any dwelling unit unless all required affordable housing impact fees have been paid in full. The applicant shall pay the affordable housing in-lieu fees in effect at that time the application was deemed complete. That date was May 23, 2019.
- ~~13.15.~~ **Nesting Bird Survey.** If project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found, the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance to the nest by project activity (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird

behavior. During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause reproductive failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be marked clearly by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned, as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case-by-case basis using the criteria described above.

14.16. Tree Preservation. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, tree protection measures in compliance with the project arborist's recommendation and the City codes shall be installed.

15.17. Tree Removal. A tree removal permit shall be obtained prior to the removal of any tree in addition to grading and/or demolition permits.

16.18. Unanticipated Discovery. If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately, and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.

17.19. Geologic Hazards. The following control measures for geologic hazards shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:

- a. Per standard City project approval procedures, the City and Silicon Valley Soil Engineering must review final project design plans conformity with building code requirements prior to project construction. All earthwork, including site grading, wall foundation excavations, placement and compaction of engineered fill, and final surface drainage installation, would be performed in accordance with the recommendations contained in the geotechnical report.

18.20. Noise. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:

- a. In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities 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, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, 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 Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).
- b. Grading and construction equipment shall be properly muffled;
- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
- f. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
- g. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.

19.21. Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.

EXPIRATION

~~20.22.~~ In accordance with Hayward Municipal Code (HMC) Section 10-3.246, approval of VTTM 8482 and the Planned Development (PD) Rezoning Review application shall expire 36 months after the effective date of approval subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act.

PRECISE PLAN SUBMITTAL

~~21.23.~~ In accordance with Section 10-1.2550 of the Hayward Municipal Code (HMC) and prior to submitting a building permit application, a Precise Development Plan shall be submitted for review and approval.

~~22.24.~~ The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate conditions herein, and shall be submitted in advance of or in conjunction with the subdivision improvement plans and Final Map.

~~23.25.~~ The project approval includes the following project amenities to support the finding required to be made that “any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards”.

- a. Each home shall receive Green Point Certification.
- b. Photovoltaic systems shall be installed on the rooftops of all units.
- c. An entry pilaster shall be installed on the south side of Mohr Drive.
- d. Each unit shall include an electric vehicle charging station.
- e. Permeable pavers shall be installed on all five driveways and along the parking lane of the private street.
- f. Decorative LED streetlights shall be installed along the private street.
- g. Front yard landscaping of all units shall be maintained by the HOA.
- h. All units shall provide a bedroom suite on the first floor.
- i. The project shall provide a 1,936 square-foot pocket park along Mohr Drive that shall include a game table, circular tree bench, mosaic tile bench, and landscaping maintained by the HOA.

The applicant shall submit all details and specifications related to the approved project amenities during the Precise Plan phase of the project and prior to the submission of any building permit for the project.

~~24.26.~~ The driveway depth of Lot 18 shall be increased from 18 feet to 20 feet in the Precise Development Plan.

~~25.27.~~ The Precise Development Plan shall include the following information and/or details:

- a. A copy of these conditions of approval shall be included on a full-sized sheet(s).
- b. Final architectural details related to all 5 single-family homes.
- c. Final details related to all open space areas.
- d. Proposed location for construction staging, designated areas for construction Attachment III Page 6 of 18 employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.
- e. Details of address numbers shall be provided. Address numbers shall be decorative and comply with the size requirements of the Fire Department.
- f. Proposed locations, heights, materials and colors of all walls and fences.
- g. A minimum of one exterior hose bib shall be provided for each residential unit.
- h. Proposed pavement materials for all drive aisles, parking areas, and pedestrian paths. All surfaces should be enhanced with decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials.
- i. Proposed mailbox design and locations, subject to Post Office approval. All mailboxes shall be locking mailboxes.
- j. A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. The final lighting plan shall incorporate pedestrian scale lighting along the sidewalk. All lighting shall be erected and maintained so that adequate lighting is provided along the private driveway. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
- k. All air conditioners and utility connections for air conditioners shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall, unless otherwise approved. Infrastructure for air conditioning systems is required to be installed as a standard feature.
- l. Proposed color and materials board for all buildings, fences and walls. No changes to colors shall be made after construction unless approved by the Planning Director.

- m. 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.
- n. No mechanical equipment, other than solar panels, shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus, such as vents, shall be painted to match the roof color.
- o. Large expanses of blank wall shall not be allowed. Articulate or otherwise treat such expanses to avoid bulkiness.
- p. An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars.
- q. All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.

~~26.28.~~ The Precise Development Plan shall clearly show all proposed fences and walls. All proposed fences and walls shall comply with the City's maximum fence height requirements in the HMC.

~~27.29.~~ The Precise Development Plan shall provide a project data table that accurately indicates the total lot, building pad, living, private open space, common open space, and total open space areas.

~~28.30.~~ Any proposal for alterations to the proposed site plan and/or design which does not require a variance to any zoning ordinance standard must be approved by the Development Services Director or his/her designee, prior to implementation.

~~29.31.~~ Details of all project amenities shall be submitted for review and approval by the Planning Director during the Precise Plan phase of the project.

~~30.32.~~ The project shall comply with the provisions of the 2016 California Energy Code section 110.10.

LANDSCAPING

~~31.33.~~ Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.

~~32.34.~~ No building permit shall be issued prior to approval of landscape and irrigation improvement plans.

- ~~33.~~35. Prior to submitting the first building permit, detailed landscape and irrigation improvement plans shall be approved by the City. Once approved, Mylar of the approved improvement plans shall be submitted to the City for approval signature. Copies of the signed improvement plans shall be submitted as a part of the building permit submittal.
- ~~34.~~36. The improvement plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan. The plans shall comply with the City's water efficient landscape ordinance (California Building Code Title 23) and all relevant Municipal Codes.
- ~~35.~~37. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. Mylar shall be wet-signed and shall be provided with a bar scale. The size of Mylar shall be twenty-four (24) inches by thirty-six (36) inches without an exception. A signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and two date lines for City of Hayward, Landscape Architect and City Engineer. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
- ~~36.~~38. For existing trees for preservation, a tree preservation bond equaling the total appraised value of the trees for preservation in the approved arborist report shall be submitted to City Landscape Architect prior to issuance of grading permit. The bond shall remain in effect throughout the construction period and until completion of the entire project improvements. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
- ~~37.~~39. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, tree protection measures in compliance with the project arborist's recommendation and the City codes shall be installed.
- ~~38.~~40. A separate tree removal permit will be required for all trees that are to be removed in addition to demolition and grading permits from City Landscape Architect prior to removal of trees.
- ~~39.~~41. The trees should be twenty feet from the corner, a minimum of five feet away from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the City.
- ~~40.~~42. Root barrier shall be provided for all trees that are located within seven feet of paved edges or structure. There should never be a case where a lot does not have at least one street tree.
- ~~41.~~43. Trees shall be planted according to the City Standard Detail SD-122.

- ~~42.44.~~ Above ground utilities (e.g. gas or electric meters, backflow devices) shall be screened from public view with shrubs.
- ~~43.45.~~ A hose bib shall be provided within each private yard.
- ~~44.46.~~ Revise the water budget calculations for the Irrigation Efficiency Rate used to and ET Adjustment Factor to 0.45.
- ~~45.47.~~ Revise the plant legend to identify plant spacing no closer the minimum spread (provided in the reference books in the Ordinance).
- ~~46.48.~~ Revise the Street Tree Staking Detail B to specify 3 inch diameter tree stakes and galvanized screws for attachment hardware to conform with the City Standard Detail SD-122.
- ~~47.49.~~ Upon completion of landscape and irrigation installation, the project landscape architect shall conduct an inspection for compliance with the approved landscape and irrigation improvement plans, and the conditions of approval above. Once the installation is fully accepted, Attachment C. Document of Final Acceptance and Appendix C. Certificate of Completion Part 1 through Part 7 shall be completed by the project landscape architect and submitted to City Landscape Architect and request for a landscape inspection for the City's approval for issuance of Certificate of Occupancy. Re-inspection fees shall be applied for each subsequent inspection.
- ~~48.50.~~ All common area landscaping, irrigation and other required improvements shall be installed in accordance with the approved improvement plans prior to acceptance of tract improvements, or occupancy of eighty-percent (80%) of the dwelling units, whichever first occurs. Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted upon acceptance of the landscape improvements for the Tract to the Department of Public Works Engineering by the developer.
- ~~49.51.~~ Landscaping shall be maintained by HOA and shall be in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by

City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

ENGINEERING

General:

50.52. Utility Services. All new utility service connections to the project shall be installed underground.

51.53. Homeowners Association. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, a declaration of annexation must be recorded that formally incorporates the Eden Village II development into the Eden Village I development and homeowner’s association (HOA) so that Eden Village II property owners shall have the same rights and powers of the association as Eden Village I property owners. The Conditions, Covenants and Restrictions (CC&R’s) shall be submitted to the City for review and approval. The CC&Rs shall include the following provisions:

- a. The HOA shall be managed and maintained by a professional property management company.
- b. The HOA shall own and maintain the private access roads and on-site storm drain systems in the development, excluding those located within the public right-of-way.
- c. The CC&R’s shall describe how the stormwater treatment and site-design measures associated with privately owned improvements and landscaping shall be maintained by the association.
- d. The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition.
- e. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
- f. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.

g. The CC&R's shall require and the HOA shall enforce that sidewalks are kept wholly clear of vehicles or other obstructions that could hinder pedestrian accessibility.

g.h. The garage for each unit shall be maintained for off-street parking for two vehicles, and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.

Prior to Issuance of Building Permit:

52.54. Subdivision Improvement Agreement. The public improvements conditioned as part of this approval require the execution of a Subdivision Improvement Agreement prior to Final Map Approval that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes surety (i.e. bonds), insurance, and additional deposit for City staff time and City resources to be expended on the project.

53.55. Required Improvements. Privately engineered studies and design documents shall be submitted to the Director of Public Works for review and approval prior to final map approval. The engineered plans shall include, but not be limited to, the following design requirements:

- a. Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
- b. Remove unused existing driveway and replace with new curb, gutter and sidewalk along project frontage along Mohr Drive.
- c. Grind and overlay 2" asphalt the entire frontage along Mohr Drive.
- d. Developer shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.
- e. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.

54.56. Grading & Drainage. A fine grading and drainage plan is required and shall be submitted with the Final Map and Improvement Plans for review and approval by the Director of Public Works prior to the issuance of building permits. Developer has the option to apply for a grading permit to rough grade the project site. The grading and drainage plan shall include, but not be limited to, the following design & submittal requirements:

- a. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or less (top of wall to bottom of footing) shall be

reviewed and approved by Public Works. Earth retaining structures greater than 4-feet in height shall be reviewed and approved by the Building Division of the Development Services Department. The plans should include all proposed underground pipes, building drains, area drains and inlets. The on-site storm drainage system (if applicable) shall be designed to convey a 10-year storm event.

- b. If Final Map 8482 (Eden Village II) improvements are built concurrently with the approved Final Map 8151 (Eden Village I) improvements, the applicant 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 Director of Public Works prior to issuance of a grading permit.
- c. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
- d. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted which will show, at a minimum, drainage management areas, location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidelines.
- e. The On-site storm conveyance and treatment systems shall be owned and maintained by the property owner/HOA.

55.57. Street Lighting. Public street lighting along the development frontage and on-site lighting shall comply with current City lighting standards and the City's Security Ordinance. Lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast 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.

56.58. Undergrounding. Developer shall complete the underground conversion of the utility facilities fronting the project along Mohr Drive. Developer shall submit joint trench plans showing the underground conversion to the Director of Public Works for review and approval prior to the issuance of Building Permits.

During Construction:

57.59. 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.

58.60. Construction Damage. The Developer shall be responsible to remove and replace curb, gutter, sidewalks, driveways, signs, pavement, thermoplastic pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Developer is responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.

Prior to Issuance of Certificate of Occupancy:

59.61. 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.

60.62. Construction of Improvements. All public and private improvements, including punch list items, must be complete prior to the occupancy of 80% of the proposed dwelling units.

FIRE DEPARTMENT

Fire District:

61.63. Parking of vehicles is allowed one-side parking on 30-foot-wide road. No parking is allowed on 24-foot-wide road. Where there is no on-street parking, fire lane signage shall be installed in locations required by the Hayward Fire Department. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.

62.64. 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.

63.65. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet) in single-family residential area, capable of flowing 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department.

64.66. 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)

65.67. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26ft. exclusive of shoulders.

- ~~66.68.~~ Buildings are required to install fire sprinkler systems in accordance with NFPA 13D. **(Deferred submittal by a licensed C-16 Contractor Required)**
- ~~67.69.~~ Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
- ~~68.70.~~ Underground fire service line serving NFPA 13D sprinkler system shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-216. Water meter shall be minimum one-inch in diameter.
- ~~69.71.~~ An audible alarm bell (device) shall be installed to sound on the exterior of each individual building. The device shall activate upon any fire sprinkler system waterflow activity.
- ~~72.~~ 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).
- ~~70.73.~~ CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
- ~~71.74.~~ When a flow switch is not installed on the riser of a flow thru sprinkler system, smoke alarms shall be interconnected to sound an audible alarm in all sleeping areas within the dwelling unit.
- ~~72.75.~~ A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.

Hazardous Materials:

- ~~73.76.~~ Environmental and Health Based Site Clearance – Per correspondence with the developer and their consultant, Ramboll, the City of Hayward Fire Department is requiring an environmental screening clearance from the Alameda County Department of Environmental Health to indicate that the site meets residential development standards for human health and the environment. Depending on the results of the clearance, if further work is required, the developer and their environmental consultant shall work with the Alameda County or through the Regional Water Quality Control Board/Department of Toxic Substances Control to obtain the final clearance. The clearance documentation shall be submitted to the Hayward Fire Department and Planning Division prior to grading and construction. Note, some grading may be allowed prior to final clearance as part of remediation activities.
- ~~74.77.~~ 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 prior to the issuance of the Building or Grading Permit.

~~75.78.~~ Prior to grading: Structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future residents and other persons are mitigated.

~~76.79.~~ Wells, Septic Tank Systems or Subsurface Structures – Any wells, septic tank systems and other subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. These structures shall be documented and removed under permit from appropriate regulatory agency when required.

~~77.80.~~ Hazardous Materials/Waste and their vessels discovered during Grading/Construction – If hazardous materials/waste or their containers are discovered during grading/construction the Hayward Fire Department shall be immediately notified at (510) 583-4910.

~~78.81.~~ Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts – If found on the property, the underground vessels/structures shall be removed under a plan filed with Hayward Fire Department and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to the soil or groundwater. A follow up report shall be required to be submitted that documents the activities and any conclusions. Below are specific requirements on each:

- a. Underground storage tank and associate piping (plan, sampling and Hayward Fire Department permit and follow up report is required)
- b. Oil Water Separators (plan, sampling required and follow up report is required)
- c. Hydraulic Lifts (plan, sampling and follow up report is required)

~~79.82.~~ Hazardous Materials/Waste during Construction – During grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.

TRANSPORTATION

~~80.83.~~ Applicant shall submit on-site and off-site Signing and Striping plans.

~~81.84.~~ Applicant shall submit on-site and off-site outdoor lighting and photometric analysis plan.

~~82.85.~~ The requirements specified in the City Council Resolution and Conditions of Approval for Eden Village I for Public Streets (Mohr Dr and Eden Ave) and Private Street "A" shall also be incorporated in the plans for Eden Village II.

~~83.86.~~ Modify the driveway on Mohr Drive to accommodate the new sidewalk on "Wonderland Way".

UTILITIES

Water:

~~84.87.~~ The development's proposed water main and valves shall be public, owned and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.

~~85.88.~~ All public water mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval.

~~86.89.~~ All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense.

~~87.90.~~ All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant's/developer's expense. The developer may only construct new services in conjunction with their construction of new water mains.

~~88.91.~~ If existing water services cannot be reused, it shall be abandoned by City Water Distribution Personnel at the owner's/applicant's expense.

~~89.92.~~ 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 Standards SD-201 and SD-204.
- c. *Combined Residential Services:* The development could use combined residential domestic and fire services for each residence. Residential

combined domestic and fire services are allowed, per City Standard SD-216. Fire services shall be sized by the Fire Department; however, the minimum size for a residential fire service connection is 1”.

90.93. 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 shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.

91.94. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218. Water meter boxes in driveway aisle areas shall have steel H20 rated lids. Water meter lids shall be Nicor, Inc.

95. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.

92.96. All water meters shall be radio-read type.

Sewer:

93.97. The development’s sanitary sewer mains and manholes shall be public, owned and maintained by the City. If sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10-foot wide easement shall be granted to the City.

94.98. All sewer mains and appurtenances shall be constructed in accordance to the City’s “Specifications for the Construction of Sewer Mains and Appurtenances (12” Diameter or Less),” latest revision at the time of permit approval.

95.99. 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. Sewer 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.

96.100. Each SFR shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312.

97.101._____ The developer is responsible for payment of sewer connection fees at the current rates at the time the application for building permits are submitted.

SOLID WASTE & RECYCLING

98.102._____ Construction & Demolition Debris: The City requires that construction and demolition debris be recycled per certain ordinance requirements. Submittal of the Debris Recycling Statement is required at the time of your building permit. The form can also be found at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>. You may also visit Hayward's [Green Halo webpage](#) and create a waste management plan instead of filling in the Debris Recycling Statement.