

Conditions of Approval

October 1, 2015

Brookwood - Rick Rosenbaum, Lenox Homes LLC (Applicant)

Ronald DePina ETAL (Owners)

Zone Change and Vesting Tentative Tract Map Application No. 201400543 (Tract 8226)

**Zone Change from Medium Density Residential (RM) to Planned Development (PD),
& Tentative Tract Map to construct a Planned Development consisting of 18 Single-Family
Residential Homes, one Private Street, and two Common Areas on approximately 1.96-acre site
at 24178 and 24180 Saklan Road.**

General

1. In accordance with Zoning Ordinance §10-1.2500, subject to all conditions listed below, this approval is for the Zoning Change and Vesting Tentative Tract Map Project, subject to all conditions listed below, included herein as:
Exhibit A: -Planned Development and Vesting Tentative Tract Map 8226 submitted by Lenox Homes submitted December 15, 2014.
2. The project approval shall coincide with the approval period for the Vesting Tentative Tract Map. If a building permit is issued for construction of improvements authorized by the Zone Change approval, said approval shall be void two years after issuance of the building permits, or three years after approval of vesting tentative tract map application, whichever is later, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the project approval.
3. This approval is tied to Vesting Tentative Tract Map 8226 and all conditions of approval of that map shall also apply to this approval.
4. This approval is subject to the Mitigation Monitoring and Reporting Program included in the City's Project files as Exhibit B..
5. The developer/subdivider 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.

PRECISE PLAN SUMITTAL

Planning Division

6. In accordance with Zoning Ordinance §10-1.2500 and prior to submitting a building permit application, a Precise Development Plan shall be submitted for review and approval.
7. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate conditions herein, and shall be submitted in conjunction with subdivision improvement plans and Final map.

8. 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”. These nine (9) amenities include:
- a) Providing six exterior elevations with different roof designs and exterior finish treatments.
 - b) Providing enhanced garage door designs.
 - c) Providing a large 162 square foot front porch for Plan 1 units.
 - d) Providing a Landscape Entry Feature that also serves as a Bio-Retention Area.
 - e) Providing Decorative “Hydro-Flo” Paving installed at the entry and guest parking spaces.
 - f) Providing Decorative Street Lighting (LED lighting) along the new private street.
 - g) Providing Photovoltaic Solar System installed on all new homes where determined to be feasible.
 - h) Providing a Tankless Water Heater for each new home.
 - i) Providing an electrical car charger in each garage.

The applicant shall submit revised project plans for review and approval by the Planning Director that clearly shows the details of each project amenity. Such project amenity details shall be included in the Precise Plan submittal for final approval.

9. The Precise Plan shall also include provisions for project staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for noise and dust control, and common area landscaping.
10. The Precise Plan shall include the following:
- a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b) Details of address numbers shall be provided. Address number shall be decorative. Building addresses shall be minimum 4-inch self-illuminated or 6-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
 - c) Show fencing and fencing details.
 - d) A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided along the private street. 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.
 - e) All air conditioners and utility connections for air conditioners shall be located such that all external equipment is located behind solid board fences or walls not to exceed the height of the air conditioner unless otherwise approved by the Planning Director. Infrastructure for air conditioning systems is required to be installed as a standard feature.

- f) All private street and guest parking spaces are to meet minimum City of Hayward on-street and off-street parking standards.
 - g) An area within the fenced side yard used for the garbage and recycling containers but shall be shown on plans.
 - h) 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, to be approved by the Planning Director.
 - i) 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.
 - j) If desired, one identification sign shall be permitted. The signs shall conform to Section 10-7.403(b)(2) of the Sign Ordinance regulations, with the locations to be approved by the Planning Director. Sign design, colors, and materials shall reflect the architectural style of the project and shall be approved by the Planning Director.
 - k) Large expanses of blank wall are not allowed. Articulate such expanses to avoid bulkiness.
 - l) All decorative window treatments shall be extended to all elevations.
 - m) A direct pathway shall be provided between the garage and the front porch for all Plan 1 units.
 - n) All parking stall dimensions shall conform to the City's Off-street Parking Ordinance with the exception of required the driveway length. All two car garages shall have the minimum interior dimensions of 20-foot width by 19-foot depth. 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.
11. 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.
 12. Details of all project amenities shall be submitted for review and approval by the Planning Director during the Precise Plan phase of the project.
 13. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division in accordance with the City of Hayward's Design Guidelines prior to issuance of a building permit for the project.

PRIOR TO SUBMITTAL OF SUBDIVISION IMPROVEMENT PLANS AND FINAL MAP

14. In conjunction with the Precise Plan, applicant/developer shall submit subdivision improvement plans and final map application for the entire project. Said improvement plans and final map shall meet all City standards and submittal requirements except as expressly approved for this Planned Development. The following information shall be submitted with or in conjunction with improvement plans and final map. The City reserves the right to include more detailed conditions of approval regarding required infrastructure based on these more detailed plans.

15. 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.
16. Unless indicated otherwise, the design for development shall comply with the following:
 - a) All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
 - b) All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments.
 - c) Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
17. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape unless otherwise indicated herein.

Subdivision Improvement Plans

18. Subdivision Improvement Plans shall be approved in concurrence with the Precise Development Plan. Submit the following proposed improvement plans with supporting documents, reports and studies:
 - a) A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite measures sufficient to reduce the peak runoff to a level that will not cause any impact to capacity of downstream facility. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.
 - b) An Encroachment Permit shall be obtained from the ACFC&WCD prior to commencement of any work within District right-of-way and for the construction, modification or connection to District-maintained facilities.
 - c) A detailed Stormwater Treatment Plan and supporting documents, following City ordinances and conforming to Regional Water Quality Control Board's Staff recommendations for new development and redevelopment controls for storm water programs.

Storm Water Quality Requirements

19. The following materials related to the Storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:
 - a) A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Public Works - Engineering and Transportation Department staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the

Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

- b) A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted City for review and approval by the City Engineer with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. All reports such as Soil Report, SWPPP, and SWMP are to be submitted in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report.
- c) Before commencing any grading or construction activities at the project site, the developer shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide a copy of the Notice of Intent (NOI) from the State Water Resources Control Board.
- d) The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
- e) The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into flow-through planters and direct runoff shall discharge into a landscaped area or a bioretention area prior to stormwater runoff entering an underground pipe system.
- f) The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit.
- g) The bioretention treatment area shall be designed using a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour.

The inlet rim in the Bioretention Treatment Area (BTA) shall be 6" minimum and 12" maximum above the flow line of the BTA. The design of the longitudinal flow line shall be level.

- h) The following documents pursuant to the Cleanwater Program requirements:
 - i. Hydromodification Management Worksheet;
 - ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
 - iii. Development and Building Application Information Impervious Surface Form;
 - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
 - v. C.3 and C.6 Data Collection Form; and,

vi. Numeric Sizing Criteria used for stormwater treatment (Calculations).

20. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

Public Street: (Saklan Road)

21. Improvements for public streets shall incorporate the following:
- a) The site plan shall be reviewed with the Fire Department and Engineering Division to ensure that the street and driveway layout is adequate to provide access for emergency, service and utility vehicles, and other commercial trucks.
 - b) The design and locations of street approaches including pedestrian access shall be approved by the City Engineer. Pedestrian ramps shall be installed at street intersection and as where required by the City.
 - c) The street design shall utilize standard curb and gutter. The street sections shall be constructed to public street standards and shall be capable of supporting a load of 75,000 Gross Vehicle Weight (GVW), including sections of decorative pavement. Curb returns shall be designed to facilitate street sweeping.
 - d) The existing driveways to be abandoned shall be removed and replaced with standard curb, gutter and sidewalk.
 - e) The street entrances on Saklan Road shall conform to City Standards and be enhanced with at least ten feet of raised decorative paving.
 - f) Upon any necessary repairs to the public facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners' association established to maintain the common areas within the subdivision boundary.
 - g) Any damaged and/or broken curb, gutter and sidewalks along the property frontages shall be removed and replaced as determined by the City Inspector.
 - h) After installation of water main connection, abandonment of existing sewer lateral, and water services on Saklan Road, Saklan Road repair work shall be grind and replaced with two inches of Hot-Mix-Asphalt (HMA) overlay, curb to curb for the entire Saklan Road property frontage.
 - i) One Standard L.E.D. street lights shall be installed along the street frontage. Location shall be approved by the City Engineer.

Private Street (De Pina Lane)

22. The proposed private street shall be a 40-foot wide private street with a curb to curb width of 30-foot and a 5 foot wide private sidewalk adjacent to the curb on both sides of the private street.
23. The proposed private street shall be designed as a crowned street per SD-102, parking on one side only, no parking shall be posted on opposite side. The minimum thickness of the (HMA) Hot Mix Asphalt for the pavement section shall be 4".

24. Decorative pavement shall be capable of supporting a 75,000 lbs. gross vehicle weight load.
25. On-site street lights shall be owned and maintained by the Homeowner's Association and shall have decorative design approved by the Planning Director and the City Engineer.
26. The on-site street lights shall be decorative with LED luminaires.
27. Water main on the Private Street shall be a public system, owned and maintained by the City.
28. Sanitary sewer main on the Private Street shall be a public system, owned and maintained by the City.
29. Dedicate the private streets as Public Utility Easement (PUE), Water Main Easement (WME), Sanitary Sewer Easement (SSE) and Emergency Vehicle Access Easement (EVAE).
30. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.

Parking and Driveways

31. Parking stall dimensions and driveways shall meet City requirements as approved by the Planning Director and City Engineer.

Storm Drainage

32. The project streets, driveways and parking areas shall be designed to facilitate street sweeping, including the layout of the tree and handicap ramp bulb outs. The HOA shall be responsible for street sweeping on a regular basis.
33. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
34. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.
35. Improvements for storm drain systems shall incorporate the following:
 - a) The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.
 - b) Storm drain pipes in street shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
 - c) The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of

runoff from the site versus the flow rate derived from the original design of downstream facilities.

- d) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
 - e) No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
 - f) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
 - g) Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.
36. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page 30). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5-12 has a section titled "BMP Design Criteria for Flow and Volume". These materials are available in the internet at www.cabmphandbooks.com.
37. The owner/developer shall enter into a City's standard "Storm Treatment Measures Maintenance Agreement" (as prepared by the City of Hayward and is available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
38. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.

Sanitary Sewer System

39. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application. The proposed sanitary sewer main shall be a public system, owned and maintained by the City.
40. All public 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.
41. The on-site sanitary sewer system shall have 8-inch public mains, designed with a manhole at all angle points and ending with a manhole. The main design and location shall meet the approval of the City Engineer.
42. Each residential unit shall have an individual sanitary sewer lateral. The sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.

Water System

43. Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.
44. The development's water mains shall be public, owned and maintained by the City.
45. Since De Pina Lane will be a dead end water main, it will need to be flushed on a regular basis through the fire hydrant. The storm drain will need to be extended toward the end of De Pina Lane with an inlet installed near the fire hydrant, so the flushed water has a near-by drainage point. The storm drain must be upsized to 18" both within the private drive to the bio-retention area and from the bio-retention area to the existing storm drain in Saklan Road.
46. Where a public water main is in an unpaved easement or under decorative, stamped, or colored concrete, including turf-blocks, the water main shall be constructed of Ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement.
47. All public water mains shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains (12" Diameter or Less) and Fire Hydrants," latest revision at the time of permit approval.
 - a) 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 piping materials with the City's approval.
48. All water series from existing water mains shall be installed by City Water Distribution Personnel at the applicant/developer's expense. This includes relocating existing services and water main tie-ins. The developer may only construct new services in conjunction with the construction of new water mains.
 - a) Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
49. Each dwelling unit shall have an individual water meter.
 - a) All water meters shall be radio-read type.
 - b) Water meters shall be located a minimum of two feet from the top of driveway flare as per City Standard SD-213 thru SD-218.
50. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1".
51. Separate irrigation water meter shall be installed for landscaping purposes. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard SD-202. Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.

52. 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.
53. **Irrigation:** It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. Currently, the cost for an irrigation service and meter is \$19,910 for 1", \$37,200 for 1.5" and \$56,940 for 2". 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.

Other Utilities

54. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and Comcast cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
55. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
56. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.
57. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Final Tract Map

58. Prior to recordation, a proposed Final Tract Map shall be submitted for review by the City. The Final Tract Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately sixty (60) days after the Final Map is deemed technically correct, and Subdivision Improvement Plans with supporting documents, reports and agreements are approved by the City. Executed Final Map shall be returned to the City Public Works Department if Final Map has not been filed in the County Recorder's Office within ninety (90) days from the date of City Council's approval.
59. Community Facilities District for Public Services: The developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of \$20,000 with the City prior to submittal of

improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation.

60. Prior to the recordation of the Final Tract Map, all documents that need to be recorded with the final map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
61. The final map shall reflect all easements needed to accommodate the project development. The private street "A" shall be designated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).

PRIOR TO ISSUANCE OF BUILDING OR GRADING PERMITS

Planning Division

62. Prior to issuance of building permits, a proposed Final Tract Map that reflects and is in substantial compliance with the approved vesting tentative tract map, shall be approved by the City Engineer and is in the process for filing with the office of the Alameda County Recorder.
63. Pursuant to the Municipal Code §10-3.332, the developer shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the subdivision agreement.
64. Submit the following documents for review and approval, or for City project records/files:
 - a. Copy of the Notice of Intent filed with State Water Resources Control Board;
 - b. Engineer's estimate of costs, including landscape improvements;
 - c. Signed Final Map;
 - d. Signed Subdivision Agreement; and
 - e. Subdivision bonds.
65. To avoid or reduce the potential impact related to the site specific geotechnical hazards related to seismic hazards, the project developer shall implement the following mitigation measures:
 - a. The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
 - b. New construction will comply with the latest California Building Code and mitigation measures outlined in the Geotechnical Report prepared by PJC & Associates, dated October 14, 2014, and subsequent supplemental reports.
66. Plans for building permit applications shall incorporate the following:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. All exterior 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 direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director or his/her designee shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the buildings. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of proposed buildings.

- c) Plans shall show that all utilities will be installed underground.

Landscape

- 67. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans addressing all front yard and side street setback areas that would be visible from the street including private driveway shall be reviewed and approved by the City and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes. Dripline of the existing trees to be saved shall be shown on the plan.
- 68. The compliance statements on planting and irrigation plans as stated in the City's Bay-Friendly Water Efficient Landscape Ordinance shall be included on the plans.
- 69. Landscape plan base information shall include clear location of sidewalk, paving including driveways and walkways, underground utilities (water, sewer and storm drain), utility easements if any, individual domestic and irrigation water meters, sewer clean outs, street lights and bollards, and any other utilities that may cause conflict with tree planting.
- 70. Individual water meter and sewer clean-out shall be located in the driveway even if they are shown on the civil plans.
- 71. 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. No credit shall be applied for existing residential units on the project property because all existing homes were built prior to the adaptation of Municipal Code Section 10, Article 16, PROPERTY DEVELOPERS – OBLIGATIONS FOR PARKS AND RECREATION in 1974.
- 72. If existing trees are proposed to be removed, all removed trees shall be mitigated to the equal value established in the approved arborist report by a certified arborist. Tree mitigation shall be done above and beyond required trees. Any trees that are removed or damaged during construction shall be replaced with trees of equal size and equal value.
- 73. The applicant shall implement 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:
 - a) All construction activity (grading, filling, paving, excavation, landscaping, etc.) shall respect a tree protection zone (TPZ) around protected trees. The TPZ should be a

distance of 1.0 times the dripline radius measured from the trunk of the tree. Exception to this standard could be considered provided it is demonstrated that an encroachment into the TPZ will not affect the root system or the health of the tree, and it is authorized by a certified Arborist or comparable specialist.

- b) Temporary protective fencing shall be installed around the dripline of existing trees prior to commencement of any construction activity conducted within 25' of tree canopy. The fence shall be clearly marked to prevent inadvertent encroachment by heavy machinery.
 - c) Drainage will not be allowed to pond around the base of any tree.
 - d) A Certified Arborist shall be retained to perform any necessary pruning of trees during construction activity.
 - e) Roots exposed as a result of construction activities shall be covered with wet burlap top avoid desiccation, and should be buried as soon as practicable.
 - f) Only a Certified Arborist shall make specific recommendations as to where existing trees can safely tolerate some level of fill within the dripline.
 - g) Trenches which are required within the TPZ shall be hand dug or bored (tunneled) under the root(s) to minimize damage.
 - h) Construction materials and heavy equipment shall be properly stored away from protected trees to avoid spillage or damage.
 - i) All sub-contractors shall be provided a copy of the Tree Protection Plan.
74. A separate tree removal permit shall be required for all trees that are to be removed. The permit application shall be obtained from the City Landscape Architect prior to demolition.
75. Prior to the issuance of a grading or building permit, a tree preservation bond, surety or deposit, equal in value to the trees to be preserved, shall be provided by the developer. A tree preservation bond will be required for the tree to be saved. If the tree designated for preservation gets removed or damaged during construction, the tree shall be replaced with trees of equal size or equal value. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the conditions of the trees.
76. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period.
77. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's Tree Preservation Ordinance, Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes. Dripline of the existing trees to be saved shall be shown on the plan.

78. Mylars of the approved landscape and irrigation improvement plans shall be submitted to the Public Works Department. The size of Mylar shall be twenty-four inches by thirty-six inches without an exception. A four-inch by four-inch blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward City Engineer and City Landscape Architect.
79. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of eighty percent of the dwelling units, whichever first occurs and a Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract to the Engineering Department by the developer.
80. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, as determined by the City Engineer and Landscape Architect, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance."
81. Landscaping Plans shall incorporate the following:
- a. Project data and associated calculations: Shall be provided on plan sheets with the following information: total project area, total irrigated landscape area, required private open space and provided private open space, required group open space and provided group open space, and Maximum Applied Water Allowance (MAWA).
 - b. The compliance statements on planting and irrigation plans as stated in the City's Bay-Friendly Water Efficient Landscape Ordinance shall be included on the plans.
 - c. Landscape plan base information shall include clear location of sidewalk, paving including driveways and walkways, underground utilities (water, sewer and storm drain), utility easements if any, individual domestic and irrigation water meters, sewer clean outs, street lights and bollards, and any other utilities that may cause conflict with tree planting.
 - d. Underground Utilities: Locations and layout of all underground utilities lines, boxes and vaults shall be provided as base information on planting plans to minimize conflict with tree planting.
 - e. Fire Hydrants: The City Standard Detail requires fire hydrants to be located on a six foot wide by six foot long concrete pad. The minimum clearance for tree planting is seven feet from the edge of fire hydrants, not from the edge of the concrete pad. The actual size of the pad shall be shown on the planting plans.
 - f. Street Tree Planting along Public and Private Streets: One twenty-four-inch box tree shall be planted at every twenty to forty feet on center in addition to required front yard trees per Zoning Ordinance.
 - 1) Required Screening of Above-Ground Utilities including Trash Enclosures: Above ground utilities (e.g. gas or electric meters, backflow devices) and trash enclosures shall be located from public/street view, and shall be screened with

trees, shrubs, groundcovers and vines on all three sides except the side where access is located.

- 2) Trees with invasive and shallow root systems such as Liquidambar styraciflua ‘Rotundiloba shall not be used.
- 3) All trees shall be planted twenty feet from a 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. Root barrier shall be provided for all trees that are located within seven feet of paved edges or structure. Trees shall be planted according to the City Standard Detail SD-122.

g. C.3 Stormwater Treatment in Landscape Areas:

- 1) A minimum twelve-inch-wide leveled landscape area shall be provided around bio-treatment areas located adjacent to hardscape areas such as curbs, sidewalks, walkways and structures. Bio-retention areas that are wider than eight feet in width and length shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system allowing “cycle and soaking” program function on a separate valve. The spray head shall be recessed minimum twenty-four (24) from the edge of paving or structure.
- 2) Utility boxes and vaults, light fixtures and fire hydrants shall have minimum five feet of clearance from the edge of C.3 Stormwater Treatment areas.
- 3) Sod shall not be used in bio-treatment areas.
- 4) Turf shall not be provided unless provided for recreational purposes.
- 5) Primary stormwater treatment area shall not be used for recreational purposes; therefore it shall not be counted toward meeting group open space requirements. Sandy-Loam soil type with high percolation rate that meets the C.3 Stormwater Treatment requirements is not suited for recreational surface.

- h. A hose bib shall be provided within each private yard.
- i. Safety site lighting shall be provided along private driveway. Site lighting shall not be located to prohibit tree planting required by Zoning Ordinance.
- j. The minimum dimension for all planting areas shall be five feet, including tree wells in parking lots or sidewalks measured from back of curb/paving.
- k. Class B Portland Cement concrete curb shall be constructed to a height of six inches above the adjacent finished pavement when landscape area adjoins driveways or parking areas.
- l. Irrigation backflow prevention device shall comply with the City Standard Detail SD-202, and shall be located closer to structure away from the edge of road or pavement on a concrete pad. A polar blanket and steel caging shall be provided for each backflow preventer.

82. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be 22” x 34” without an exception. A 4”

wide x 4” high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward, Landscape Architect/Planner and City Engineer. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.

83. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. 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. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

Fire Protection

84. Design of the public streets and private streets and courts shall meet City of Hayward Fire Department Standards. All public and private streets and private courts shall be designed with an all-weather surface pavement. 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. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus accesses.
85. Parking of vehicles is allowed one-side parking on 30-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.
86. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the California Fire Code. 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 a double steamer with one (1) 2-1/2” outlet and two (2) 4-1/2” outlets, capable of flowing 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department.
87. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located so as to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
88. Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
89. The minimum fire flow of 1500gpm shall be provided on site.
90. Buildings are required to install fire sprinkler systems in accordance with NFPA 13D.
91. A health-based and water quality clearance shall be obtained from either the State Department of Toxic Substances Control or the California Regional Water Quality Control Board – San Francisco Bay Region. If it is determined that remediation of soil and/or groundwater is necessary, oversight of one of these two agencies would be required.

92. 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. Sprinkler monitoring systems shall be provided for NFPA 13 sprinkler systems.
93. An audible alarm bell (device) shall be installed on the fire sprinkler system riser to sound on the exterior of each individual building. 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.
94. 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).
95. 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.
96. A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location so as to be visible from the street. Otherwise, a minimum 6" address shall be installed

Hazardous Materials

97. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department. The clearance certificate will ensure that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.
98. 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 that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and hazardous waste must be properly managed and disposed of in accordance with state, federal and local regulations.
99. All wells, septic tank systems and others 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 as required by law.
100. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, or other vessels that contain or may have contained hazardous materials.
101. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.
102. If hazardous materials storage and/or use are to be a part of the facility's permanent operations then a Chemical Inventory Packet shall be prepared and submittal with building plans to the City of Hayward Fire Department at the time of application for construction permits.

Solid Waste

Applicants must comply with City standards to obtain building permits, as follows:

103. Residential Collection of Garbage and Recyclables: Residents are required to place their garbage, recycling, and organics carts at the curb for weekly collection service by contracted service providers
- a. The standard type of garbage, recycling, and organics containers are (1) 32-gallon cart for Garbage, (1) 64-gallon cart for Recycling, and (1) 64-gallon cart for Organics.
 - b. The total space required for the standard service is approximately 3 feet by 9 feet. Sufficient space should be allocated in the garage to allow residents to keep the containers on the side of the house. Trash and recycle containers shall be stored out of public view on non-pickup days.
 - c. Residents shall not place carts at the curb any earlier than 6:00 a.m. the day before scheduled collection, and are required to retrieve them no later than midnight the days the carts are emptied. (Hayward Municipal Code Section 5-1.15).

During Construction

104. Requirements for Recycling Construction & Demolition Debris: City regulations require that applicants for all construction, demolition, and/or renovation projects, in excess of \$75,000 (or combination of projects at the same address with a cumulative value in excess of \$75,000) must recycle all asphalt and concrete and all other materials generated from the project. Applicants must complete the *Construction & Demolition Debris Recycling Statement*, a *Construction and Demolition Debris Recycling Summary Report*, and weigh tags for all materials disposed during the entire term of the project, and obtain signature approval from the City's Solid Waste Manager prior to the issuance of a building permit.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

105. Required water system improvements shall be completed and operational prior to the start of combustible construction.
106. The developer/subdivider shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.
107. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.

PRIOR TO COMPLETION OF SITE IMPROVEMENTS***During Construction***

108. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
109. 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. Grading and site construction activities shall be limited to the hours 8:00 AM to 5:00 PM Monday through Friday with no work on weekends and Holidays unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval;
- 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. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
- f. 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.
- g. Daily clean-up of trash and debris shall occur on Saklan Road and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- h. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- i. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- j. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- k. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- l. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- m. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- n. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
- o. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- p. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).

- q. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - r. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - s. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - t. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - u. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
 - v. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - w. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
110. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
111. In the event that human remains', archaeological resources, prehistoric or historic artifacts are discovered during construction of 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.

PRIOR TO CONSTRUCTION COMPLETION AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

During Construction

112. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

Landscape

113. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted

prior to requesting an inspection to the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements.

114. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of eighty percent of the dwelling units, whichever first occurs and a Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract to the Engineering Department by the developer.
115. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.
116. A provision that if the homeowners's association fails to maintain the landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.

Homeowners Association

117. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Condominium Plan, and Conditions, Covenants and Restrictions (CC&R's) creating homeowners association for the residential component of the property shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include the following provisions:
 - a. The CC&R's shall state that the City of Hayward, after adequate notice, has the right to abate public nuisance conditions in the common area if the association or corporation fails to do so, and to assess the cost to the association, corporation or individual unit owners. In order to accomplish this, the CC&Rs shall contain the following typical statements:
 - i) In the event the Board fails to maintain the exterior portions of the common area so that owners, lessees, and their guest suffer, or will suffer, substantial diminution in the enjoyment, use or property value of the project, thereby impairing the health, safety, and welfare of the residents in the project, the City of Hayward, by and through its duly authorized officers and employees, shall have the right to enter upon the real property described in Exhibit "A" and to commence and complete such work as is necessary to maintain said exterior portions of the common area. The City shall enter and repair only if, after giving the Board written notice of the Board's failure to maintain the premises, the Board does not commence correction

of such conditions in no more than 30 days from delivery of the notice and proceed diligently to completion. The Board agrees to pay all expenses incurred by the City of Hayward within 30 days of written demand. Upon failure by the Board to pay within said 30 days, the City of Hayward shall have the right to impose a lien for the proportionate share of such costs against each condominium or community apartment in the project.

- ii) It is understood that by the provisions hereof, the City of Hayward is not required to take any affirmative action, and any action undertaken by the City of Hayward shall be that which, in its sole discretion, it deems reasonable to protect the public health, safety, and general welfare, and to enforce it and the regulations and ordinances and other laws.
 - iii) It is understood that action or inaction by the City of Hayward, under the provisions hereof, shall not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations, and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
 - iv) It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law shall be cumulative and not exclusive, and the maintenance of any particular remedy shall not be a bar to the maintenance of any other remedy. In this connection it is understood and agreed that the failure by the Board to maintain the exterior portion of the common area shall be deemed to be a public nuisance, and the City of Hayward shall have the right to abate said condition, assess the costs thereof and cause the collection of said assessments to be made on the tax roll in the manner provided by Chapter 4, Article 1, of the Hayward Municipal Code or any other applicable law.
 - v) The City Council of the City of Hayward may, at any time, relinquish its rights and interest in the project as herein set forth by appropriate resolution. Any such relinquishment by the City Council shall be effective on the date that the resolution is adopted and a copy thereof is placed in the United States mail, postage prepaid, addressed to the Board. The Board shall execute and record a declaration reflecting such relinquishment within 10 days of receipt of a copy of the resolution.
- b. The above five paragraphs cannot be amended or terminated without the consent of the Hayward City Council.
 - c. Each owner shall automatically become a member of the association(s) and shall be subject to a proportionate share of maintenance expenses.
 - d. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association(s).
 - e. The association shall be managed and maintained by a professional property management company.
 - f. The home owners association(s) shall own and maintain private street “De Pina Lane” and on-site storm drain systems.

- g. A provision that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 48 hours of notification by the City.
- h. The home owners association(s) shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The home owner's association(s) representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- i. A provision that if the home owners association fails to maintain the decorative walls, landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
- j. A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City.
- k. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- l. The garage of each unit shall be maintained for off-street parking of two vehicles and shall not be converted to living or storage areas. The HOA shall conduct An automatic garage door opening mechanism shall be provided for all garage doors.
- m. The residents shall not use parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These parking spaces shall be monitored by the home owners association. The home owners association shall remove vehicles parked contrary to this provision. The CC&R's shall include authority for the HOA to tow illegally-parked vehicles.
- n. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time

frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.

- o. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
- p. Streetlights and pedestrian lighting shall be owned and maintained by the home owners association and shall have a decorative design approved by the Planning Director and the City Engineer.
- q. Street sweeping of private streets, alleys and parking bays shall be conducted at least once a month.
- r. The association shall ensure that no less than 75 percent of the homes shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.
- s. The applicant or homeowners association shall maintain all fencing, parking surfaces, common landscaping, lighting, drainage facilities, project signs, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY OR FINAL REPORT

- 118. All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.
- 119. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
- 120. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
- 121. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
- 122. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit.

Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

123. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of the Vesting Tentative Tract Map is approved. All Park dedication in-lieu fees shall be paid prior to issuance of a Certificate of Occupancy for a residential unit.
124. The developer/subdivider shall be obligated for the following additional fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Tract Map was accepted as complete, unless otherwise indicated herein:
 - a. Supplemental Building Construction and Improvement Tax,
 - b. School Impact Fee
125. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4910 at least 24 hours before the desired final inspection appointment.
126. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
127. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
128. The subdivider shall submit an AutoCAD file format (release 2010 or later) in a CD of approved final map and 'as-built' improvement plans showing lot and utility layouts that can be used to update the City's Base Maps.
129. The applicant/subdivider shall submit an "as built" plans indicating the following:
 - a. Approved landscape and irrigation improvements;
 - b. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;
 - c. All the site improvements, except landscaping species, buildings and appurtenant structures; and
 - d. Final Geotechnical Report.