

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-____

Introduced by Councilmember _____

RESOLUTION APPROVING THE VESTING TENTATIVE TRACT MAP NO. 8546
AND SITE PLAN REVIEW FOR THE CONSTRUCTION OF 14 NEW TOWNHOMES
AND RELATED SITE IMPROVEMENTS AT 28538 HUNTWOOD AVENUE

WHEREAS, on September 25, 2017, James Chao (Applicant) on behalf of Zhong Yin Liu (Owner) submitted Vesting Tentative Tract Map No. 8546 and Site Plan Review Application 201705535 Requesting to Subdivide a 1.21-Acre Site into 18 Parcels to Allow the Construct 14 Townhomes with Common Open Space Areas and Related Site Improvements at 28538 Huntwood Avenue (APN 465-0025-005-03); and

WHEREAS, this project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development Projects; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on October 24, 2019 and voted to deny Vesting Tentative Tract Map No. 8546 and Site Plan Review Application 201705535 based on the Findings for Denial; and

WHEREAS, the City Council called-up the Project for review for final disposition in accordance with Section 10-1.2845 (Appeal and Review Process) of the Hayward Municipal Code; and

WHEREAS, a Notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on January 10, 2020.

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

VESTING TENTATIVE TRACT MAP FINDINGS

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

- A. **The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;**
The project site is designated MDR (Medium Density Residential), which allows for a residential density range of 8.7 to 17.4 dwelling units per net acre, in the *Hayward 2040 General Plan*. The project is proposing a total net density of approximately 12

dwelling units per net acre, which is within the allowed density range in the *Hayward 2040 General Plan*. The MDR land use designation allows for a mix of housing types including multi-family residential developments. Anticipated future changes include additional residential development, building and landscaping improvements, and neighborhood enhancements that create more complete, walkable, and sustainable neighborhoods. The project is considered an in-fill development, which will increase the housing inventory for the City of Hayward and result in a more complete neighborhood. The project is also consistent with the following General Plan policies:

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

The project proposes a subdivision of an existing parcel to allow for 14 new townhomes, which will provide additional multi-family housing opportunities in the City.

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

The project is located in an established neighborhood near a commercial corridor along Tennyson Road. Furthermore, recreational facilities such as Tennyson Park and educational facilities such as Cesar Chavez Middle School are nearby. Additionally, the S. Hayward BART Station is less than half a mile to the east.

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

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

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

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

The proposed subdivision meets all the development standards of the RM (Medium Density Residential) District related to lot size, lot coverage, setbacks, building

height, off-street parking, and open space. The subdivision will also allow for the construction of 14 townhomes, which is a permitted land use in the RM District and the project will additionally provide one affordable unit on-site and pay a prorated portion for the remainder, consistent with the Affordable Housing Ordinance.

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

The proposed subdivision will meet the requirements of the Zoning Ordinance, including the development standards of the RM District and other applicable sections. The project will also meet the requirements of the Subdivision Ordinance. Therefore, the project does not require a variance or any other exceptions from the requirements of the HMC.

SITE PLAN REVIEW FINDINGS

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

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

The proposed development would be compatible with on-site and surrounding structures and uses and would be an attractive addition to the City in that it would be consistent with the developmental pattern of the Tennyson/Alquire neighborhood, which is characterized by single-family and multi-family residences. The proposed buildings would be similar in scale to other residential developments nearby. Furthermore, although the neighborhood does not consist of any identifiable architectural styles, the existing buildings are characterized by cement plaster or stucco walls with or without siding and composition shingle roofs. The townhomes propose cement plaster walls, composition shingle roofs, and neutral building colors to blend in with the existing neighborhood character. In addition, the building facades are articulated with wall offsets, private balconies, front entry porches, stone veneer, detailed window trim, window shutters, and contrasting accent and trim colors to provide visual interest. Overall, the homes will improve the neighborhood by replacing an underutilized site with new development that is compatible with the neighborhood character.

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

The project takes into consideration physical and environmental constraints in that the scale and character of the proposed building are harmonious with the surrounding neighborhood, which consists of a mix of housing types including single-family homes, small multi-family developments, and mobile homes. The project proposes two-story buildings in a neighborhood consisting primarily of one- and two-story buildings. Furthermore, the height of the proposed buildings would be similar to the height of other two-story buildings in the area. The architectural design of the new homes is compatible with the design of the existing homes nearby and as such, the new development will blend into the existing neighborhood. In addition, the project is an in-fill development with minimal impact on the existing

development pattern and will not require the demolition of any structures. A private street will also provide access to the townhomes, which will allow for safe and efficient vehicular circulation.

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

The project is consistent with the MDR land use designation in the *Hayward 2040 General Plan*. The MDR land use designation is intended for a mix of housing types including single-family residences. Additionally, the proposed density of 12 units per acre is within the allowable density range in the General Plan. The project is also consistent with the goals and policies of the *Hayward 2040 General Plan*, which encourage a diverse housing inventory and in-fill development. Furthermore, the project meets all the applicable regulations of the Zoning Ordinance, including the development standards of the RM District related to lot size, lot coverage, setbacks, building height, off-street parking, and open space. Therefore, the project complies with the intent of City development policies and regulations.

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

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332, Infill Development Projects, in that:

A. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The project's consistency with applicable land use policies is discussed in the project findings of approval for a Vesting Tentative Tract Map and Site Plan Review.

B. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is within City limits, 1.21 acres in size, and surrounded by development on all sides.

C. The project site has no value as habitat for endangered, rare or threatened species.

The project site consists of ruderal vegetation, which has no value as natural habitat for species.

D. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The City’s Transportation Division reviewed the project and concluded the project, as conditioned, would not generate significant traffic or result in any traffic-related hazards. Furthermore, the project proposes townhomes, which would not generate significant emissions or noise beyond the existing noise level in the surrounding residential neighborhood. Additionally, the project will not result in any water quality impacts since it will comply with the Municipal Regional Stormwater requirements for storm water runoff prevention and treatment. The project conditions of approval will also ensure that construction and operation of the project will have no significant impact on the environmental, cumulative or otherwise.

E. The site can be adequately served by all required utilities and public services.

The site has been reviewed by the City’s and determined to be adequately served by utilities from Huntwood Avenue.

BE IT FURTHER RESOLVED, that the City Council hereby approves the Vesting Tentative Tract Map No. 8546 and Site Plan Review for the construction of 14 new townhomes and related site improvements at 28538 Huntwood Avenue subject to the attached Conditions of Approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2020

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
VESTING TENTATIVE TRACT MAP 8546 AND SITE PLAN REVIEW
APPLICATION NO. 201705535
28538 HUNTWOOD AVENUE
CONDITIONS OF APPROVAL

General

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Vesting Tentative Tract Map (VTTM) 8546 and the Site Plan Review application are approved subject to the vesting tentative tract map and project plans date stamped September 30, 2019, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan and/or design that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission.
3. In accordance with Hayward Municipal Code (HMC) Section 10-3.246, approval of VTTM 8427 and the Site Plan Review application shall expire 36 months after the effective date of approval subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act.
4. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
5. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to consideration of a request for approval extensions and/or issuance of a building permit.
6. 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.
7. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.

8. 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.
9. This development is subject to the requirements of the Affordable Housing Ordinance set forth in HMC Chapter 10, Article 17. As a condition of approval, the Applicant shall comply with the affordable housing requirements as reflected in the Affordable Housing Plan (Exhibit A) and detailed per Section 10-17.510 Affordable Housing Plan. No building permit(s) will be issued for any market-rate units in the Project until permits for all Affordable Units have been obtained or are obtained simultaneously. No Certificate(s) of Occupancy will be issued for any market-rate units in the Project until Certificate(s) of Occupancy for all Affordable Units have been obtained or are obtained simultaneously.
10. The Applicant shall comply with the affordable housing requirements as reflected in the Affordable Housing Plan (Exhibit A), by including on-site Affordable Units set forth in HMC Section 10-17.205(b). The Applicant shall provide one (1) Affordable Unit restricted to a Moderate-Income Household and pay the affordable housing in-lieu fee for the remaining fractional unit of the required Affordable Unit. The applicant shall pay the applicable affordable housing in-lieu fees as set by the City's Master Fee Schedule in effect at the time of payment.
11. Pursuant to HMC Section 10-17.410, the Applicant shall pay the affordable housing in-lieu fees either prior to issuance of building permits, prior to approval of a final inspection, or issuance of an occupancy permit. No building permit(s) will be issued for any market-rate units in the Project until permits for all Affordable Units have been obtained or are obtained simultaneously, and all required housing in-lieu fees have been paid in full. No Certificate(s) of Occupancy will be issued for any market-rate units in the Project until Certificate(s) of Occupancy for all affordable units have been obtained or are obtained simultaneously, and all required housing in-lieu fees have been paid in full.
12. Pursuant to HMC Section 10-17.515 and Section 10-17.525, the Applicant shall enter into and record against the property an Affordable Housing Agreement that shall include all elements set forth in the Affordable Housing Ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.
13. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay in lieu fees for each residential unit.

The in-lieu fee amount shall be whatever is in effect at the time of building permit issuance.

14. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
15. The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
16. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
17. The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
18. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
19. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft. Approved address numbers shall be at least four inches in height on a contrasting background. Font strokes shall be of sufficient width such that they are legible to the public from the street fronting the property.
20. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.
21. Lighting within the parking area(s) shall be provided and be maintained at a minimum of one foot-candle. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and 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.
22. Plans submitted for building permit shall include a photometric site lighting plan that includes fixtures, mounting heights, light wattage and that demonstrates adequate site lighting without excessive glare, off-site impacts or "hot spots." All lighting shall be reviewed and approved by the City Engineer, Planning Division and Hayward Police Department prior to Building Permit issuance.
23. All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.
24. The building colors and materials shown on the building permit plans shall match those shown on the color/material exhibit and renderings date stamped September

- 30, 2019. Any revisions to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit.
25. All vents gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
 26. Any exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and swimming pool equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit. All screening shall be compatible with respect to forms and materials used on the building.
 27. Any above-ground structures that may be required to provide utilities for the project shall be compatible as to location, form, design, exterior materials, and noise generation. The applicant shall obtain staff approval prior to issuance of permits.
 28. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay in lieu fees for each residential unit. The fees shall be those that are in effect at the time of building permit issuance.
 29. The building permit plans shall include revised elevations that show the following improvements to the building architecture:
 - a. Any lines that are not breaks in the wall surfaces shall be removed. Any side and rear elevations without articulation shall be articulated with varied colors and materials and/or other architectural features.
 - b. Window shutters shall as wide as half the width of the window unless the window shutter would extend beyond the edge of the building as a result.
 - c. The window frame, trim, and sill details shall be differentiated between plan types to add visual interest.
 30. The building permit plans shall show the common, private, and total open space calculations that reflect the amount of common open space areas shown on the site plan set, dated September 30, 2019. The front and side yard setback areas do not count as common open space.
 31. The building permit plans shall show the lot coverage calculation with total lot coverage not to exceed 40 percent.
 32. Parking on private driveways shall be prohibited. The CC&R shall require and the HOA shall enforce that sidewalks and both sides of the street shall be kept wholly clear of vehicles or other obstructions that could impact pedestrian and emergency vehicle accessibility.

33. Within 60 days of following the issuance of a building permit and prior to construction, the applicant shall install one non-illuminated "Coming Soon" sign on the project site that includes a project rendering, a project summary, and developer contact information. The sign shall be constructed of wood or recyclable composite material, be placed in a location at least ten (10) feet back from the property line, and shall not impede pedestrian, bicycle, and vehicular visibility or circulation. The sign shall be maintained in accordance with Section 10-7-709 of the Hayward Municipal Code and may be up to thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height. Sign design, size and location shall be reviewed and approved by the Planning Division prior to placement.
34. In addition to the other amenities, the project shall incorporate the following additional features:
 - a. The houses shall be constructed and served by only electric power sources and no natural gas or any other power source will be on this site.
 - b. Each house shall incorporate roof top solar panels with battery backup for electric storage.
 - c. Each house shall incorporate an electrical vehicle charging station within the garages.
 - d. Bicycle racks shall be installed throughout the common areas of the site. The placement of racks shall be reviewed and approved by the Planning Division prior to installation.

Building

35. Applicant shall obtain all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
36. The project falls under the mandatory "solar ready" requirements outlined in the 2016 California Energy Code section 110.10, and as such, each building shall have a minimum area of 250 square feet on the roof for future PV systems. For more information on the specific design requirements, you can reference the 2016 Residential Compliance Manual published by the Energy Commission. The document is available free online as a PDF.

Development Review Services Engineering / Public Works Engineering

37. **Homeowner's Association (HOA):** Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Conditions, Covenants and Restrictions (CC&R's), creating an HOA for the property, shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include the following provisions:
 - a. The CC&R's shall state that the City of Hayward has the right to abate public

nuisance conditions in the common area if the association or corporation fails to do so, and to assess the cost to the association, corporation or individual unit owners. In order to accomplish this, the CC&Rs shall contain the following typical statements:

- i. In the event the Board fails to maintain the exterior portions of the common area so that owners, lessees, and their guest suffer, or will suffer, substantial diminution in the enjoyment, use or property value of the project, thereby impairing the health, safety, and welfare of the residents in the project, the City of Hayward, by and through its duly authorized officers and employees, shall have the right to enter upon the real property described in Exhibit "A" and to commence and complete such work as is necessary to maintain said exterior portions of the common area. The City shall enter and repair only if, after giving the Board written notice of the Board's failure to maintain the premises, the Board does not commence correction of such conditions in no more than 30 days from delivery of the notice and proceed diligently to completion. The Board agrees to pay all expenses incurred by the City of Hayward within 30 days of written demand. Upon failure by the Board to pay within said 30 days, the City of Hayward shall have the right to impose a lien for the proportionate share of such costs against each condominium or community apartment in the project.
- ii. It is understood that by the provisions hereof, the City of Hayward is not required to take any affirmative action, and any action undertaken by the City of Hayward shall be that which, in its sole discretion, it deems reasonable to protect the public health, safety, and general welfare, and to enforce it and the regulations and ordinances and other laws.
- iii. It is understood that action or inaction by the City of Hayward, under the provisions hereof, shall not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations, and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- iv. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law shall be cumulative and not exclusive, and the maintenance of any particular remedy shall not be a bar to the maintenance of any other remedy. In this connection, it is understood and agreed that the failure by the Board to maintain the exterior portion of the common area shall be deemed to be a public nuisance, and the City of Hayward shall have the right to abate said condition, assess the costs thereof and cause the collection of said assessments to be made on the tax roll in the manner provided by Chapter 4, Article 1, of the Hayward Municipal Code or any other applicable law.
- v. The City Council of the City of Hayward may, at any time, relinquish its

rights and interest in the project as herein set forth by appropriate resolution. Any such relinquishment by the City Council shall be effective on the date that the resolution is adopted, and a copy thereof is placed in the United States mail, postage prepaid, addressed to the Board. The Board shall execute and record a declaration reflecting such relinquishment within 10 days of receipt of a copy of the resolution.

- b. Each owner shall automatically become a member of the association(s) and shall be subject to a proportionate share of maintenance expenses.
- c. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association(s).
- d. The HOA shall own and maintain the private access roads and on-site storm drain systems in the development, excluding those located within the public right-of-way.
- e. A provision that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 48 hours of notification by the City.
- f. The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The HOA representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- g. The HOA shall conduct at least semi-annual inspections to confirm that all residents are using their garages for parking their cars and not for storage. Residents shall make garages available for such inspections, as appropriate. An automatic garage door opening mechanism shall be provided for all garage doors.
- h. The exterior elevations of the proposed building shall be maintained in good repair. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting. The CC&Rs shall include provisions to ensure that maintenance and repairs are completed within a timely manner.
- i. The HOA shall maintain all fencing, parking surfaces, common landscaping, lighting, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowner's association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time

- frame. The premises shall be kept clean.
- j. Any future major modification to the approved site plan shall require review and approval by the City.
 - k. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
 - l. Street sweeping of the private driveway and private parking stalls shall be conducted at least once a month.
38. **Grading, Drainage, and Improvements:** A grading permit issued by the Public Works Department shall be required prior to the issuance of building permits. The grading permit application shall include engineered grading and drainage plans showing finish grades and site drainage along with improvement plans as part of the grading permit application. 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 shall 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. Because this project involves a land disturbance of one or more acres, 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 shall be submitted to the Director of Public Works prior to issuance of a grading permit.
 - c. A soils report shall be submitted to and accepted by the City prior to the issuance of a grading permit.
39. **Required Improvements:** Privately engineered studies and design documents shall be submitted to the City Engineer with the grading and drainage plan for review and approval prior to issuance of building permits. 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. Construct curb, gutter, and sidewalk along Huntwood Avenue frontage.
 - c. Close unused driveway cut(s).
 - 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.

- f. Repair, overlay, or reconstruction of asphalt pavement shall be required. The existing pavement along project frontage will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
 - g. Huntwood Avenue excavations will require backfill and pavement replacement as per the 2017 or more recent City Standard Details. Excavation in a street pavement, resurfaced within the last three years, shall require pavement restoration as per the City Standard Details DWG. No. SD-126. Three or more excavations in close vicinity will require pavement restoration in a single patch over all excavations.
40. **Stormwater Runoff Pollution Control Measures:** This project shall comply with the Alameda Countywide Cleanwater Program (ACCP) which requires the implementation of Best Management Practices (BMPs) including site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges from the project site.
- a. The Preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed and this project shall be in conformance the ACCP.
 - b. The property owner shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for private treatment control and site design measures is bound to the property in perpetuity.
41. **Construction Damages:** The developer shall be responsible to remove and replace curb, gutter, sidewalks, driveways, signs, pavements raised pavement markers, thermoplastic pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. The developer shall be responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.

Landscaping

42. Prior to submitting the first building permit, detailed landscape and irrigation improvement plans shall be approved by the City. The plans shall comply with the City's water efficient landscape ordinance (California Building Code Title 23) and all relevant Municipal Codes. 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.
43. Mylar of the approved landscape and irrigation improvement plans shall be submitted to Department of Public Works Engineering. 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.

44. No building permit shall be issued prior to approval of landscape and irrigation improvement plans.
45. Water meters and sewer clean-outs shall be located in the driveway when the driveway would be too shallow to park cars. Driveway at Lots 7, 8 and 11 shall be verified by the City's Utility Engineer. For the regulating depth of driveway, please contact Tay Nguyen, Utility Engineer at 510-583-4715 or tay.nguyen@hayward-ca.gov.
46. Municipal Code Article 12 - Bay-Friendly Water Efficient Landscape Ordinance requires the following for single-family residential developments with usable yards: Section 10-12.14 requirement for installing basic "laundry to landscape" plumbing in each residence where usable private yard is available. This provision shall be included in the plumbing plan and shall be approved during building permit process. Contact Building Official Gary Nordahl at 510-583-4153 for more information.
47. Minimum one fifty (50) gallon lidded rainwater catchment device per each single-family home shall be required in accordance with Municipal Code Article 12, Section 10.12.15.
48. Picnic table in the group open space shall be compliant with American Disability Act.
49. Trees shall be planted a minimum five feet from the exfiltration area.
50. 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 specified by the city.
51. 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.
52. Trees shall be planted according to the City Standard Detail SD-122.
53. Mulch shall be organic recycled chipped wood in dark brown color, and the size of mulch shall not exceed 1-1/2-inch in diameter. Minimum three inches of mulch shall be installed all planting areas including bioretention areas, but except lawn and graveled areas.
54. Minimum twelve inches wide band of large size Noiya Cobblestone shall be provided around catch basin; overflow catch basin or bubble up basin.
55. All front yards and common open spaces shall be maintained by HOA; therefore, the areas shall be irrigated with a dedicated irrigation water meter. The irrigation water

meter location and size shall be provided that matches the civil plan.

56. Municipal Code Article 12, Appendix B Water Efficient Landscape Worksheet for water budget calculation for Maximum Applied Water Allowance and Estimated Total Water Allowance shall be provided. The water budget calculation shall provide Eto for the City of Hayward, 44.2, and the calculation methodology used. For residential developments with more than five or more units shall be considered providing “non-residential landscape” and shall use ET adjustment factor of 0.45, not 0.55.
 57. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be incorporated into the irrigation detail plan. 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.
 58. Each tree shall be irrigated with two tree bubblers. Flow rate for each tree bubbler device shall not exceed 0.25 gallon per minute. Bubblers for trees shall be places on a separate valve. Trees with different watering requirements shall be on separate valves.
 59. Subsurface or driplines shall be buried below grades in accordance with the manufacturer’s recommendations. Surface mount below the mulch layer shall not be accepted.
 60. The irrigation for bio-retention area shall be provided on a separate valve.
 61. Bio-treatment area, when wider than ten feet, shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system that allows “cycle and soaking” program function. When the treatment area width is less than ten feet, efficient irrigation system that meets the current ordinance requirements shall be provided.
- Prior to issuance of grading permit:
62. 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.
 63. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to clearing and grading operations, tree protection measures in compliance with the project arborist’s recommendation and the City codes shall be installed.
 64. 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.

Prior to issuance of Certificate of Occupancy:

65. For Model Homes: Municipal Code Article 12, Section 10-12.17 Public Education, Model Homes: All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Article.
66. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
67. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
68. Inspection for Models: Landscape inspection shall be required prior to issuance of Temporary Certificate of Occupancy, and another inspection prior to issuance of Certificate of Occupancy at the time of converting the model for sale. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
69. Irrigation audits shall be done at the rate of one (1) in seven lots or approximately fifteen percent (15 %) of the total units in accordance with Section 10-12.11.
70. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.

Tract Acceptance and Maintenance:

71. 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.
72. 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. Routine shearing and hedging of shrubs and perennials shall not be permitted. All plants shall retain natural size and shape. 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.

Transportation

73. The applicant shall submit an on-site and off-site outdoor lighting plan at the time of building permit submittal.
74. The applicant shall submit an on-site and off-site signing and striping plan at the time of building permit submittal.
75. The building permit plans shall show that the southern lanes shall be entrance only and the northern lanes shall be exit only for both driveways off Huntwood Avenue.
76. The building permit plans shall show that the north driveway will be right turn only.
77. The building permit plans shall show that the sidewalk width along Huntwood Avenue will be a minimum of 5 feet. The landscape width shall be a minimum of 5 feet as well.

Utilities and Environmental Services

78. Each townhome shall have a 9' x 3' space to store waste containers when not set out for collection. The space shall be provided in the side yard and the containers shall be screened by a fence.
79. The permittee shall submit the Construction and Demolition Debris Recycling Statement at the time of your building permit submittal. The top "applicant" half of the form shall be submitted with the building permit submittal. The bottom half of the form shall be completed upon completion of the project to receive final building inspection approval. The form can be found online at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>. The permittee may also visit the City's [Green Halo webpage](#) and create a waste management plan instead of filling in the Debris Recycling Statement.

80. 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 water line easement shall be granted to the City.
81. 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 (available on the City's website at (https://www.hayward.ca.gov/sites/default/files/fire/UES%20-%20Water%20Specs%202006.FS.R1_042717.pdf)).
82. 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 shall be required where a water main transitions from a paved area to an unpaved easement.
83. All water mains shall be looped. Dead end water mains shall not be allowed. Water mains shall connect to other water mains.
84. All connections to existing water mains shall be performed by City Water Distribution Personnel at the developer's expense.
85. All water services from existing water mains shall be installed by City Water Distribution Personnel at the developer's expense. The developer may only construct new services in conjunction with their construction of new water mains.
86. Existing water services, if any, that cannot be reused for the proposed development shall be abandoned by City Water Distribution Personnel at the developer's expense. City records indicate that the property has an existing 5/8" domestic meter (account # 29659).
87. **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. The minimum size for a residential fire service connection is 1" (combined or not) and the maximum size for combined services is 2". If the calculated fire demand exceeds 160 GPM, a separate fire service will

be required. Note that, per CBC 2010 R313, flow-through or multipurpose systems may not require a backflow device (SD-216 is attached).

88. **Irrigation:** It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. The 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.
89. Water meters and services shall 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.
90. All water meters shall be radio-read type.
91. Water mains and services, including the meters, shall 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. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide sanitary sewer line easement shall be granted to the City.
93. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval (available on the City's website at (https://www.hayward-ca.gov/sites/default/files/fire/UES%20-%20Sewer%20Specs%202006.FS.R0_042717.pdf)).
94. New sanitary sewer mains and appurtenances shall be installed, at the developer's expense, to accommodate this development. The new sanitary sewer main and appurtenances shall be installed in Huntwood and Celia Street from the project point of connection to the existing 8" sanitary sewer main in Celia Street.
95. 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.
96. The developer shall be responsible for payment of sewer connection fees at the current rates at the time the application for building permits are submitted.

Fire Department

97. Design of the public and private streets and courts shall meet all City of Hayward and the California Fire Code Standards.

98. All public and private streets and private courts shall be designed with an all-weather surface pavement.
99. No parking shall be allowed on the private street. Fire lane signage shall be installed in locations required by the Hayward Fire Department. "No Parking" signs shall meet the City of Hayward Fire Department requirements.
100. 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 standards shall also be applicable to pavers or decorative concrete.
101. 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 at 20 PSI. The design and layout of the hydrants shall be reviewed and approved by the Fire Department. **(a deferred plan submittal shall be provided for the installation of private fire hydrants)**
102. 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).
103. Buildings shall be required to install fire sprinkler systems in accordance with NFPA 13/13D Standards. A separate plan/permit shall be required prior to the installation of the overhead fire sprinkler system. **(deferred plan submittal required for the installation of the overhead fire sprinkler system)**
104. Maximum 80 PSI water pressure shall be used when water data indicates a higher static pressure. Residual pressure shall be adjusted accordingly.
105. Underground fire service line serving NFPA 13/13D 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 for residential application or four-inch for a (NFPA 13) commercial grade system.
106. 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.
107. 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.
108. 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).
109. An approved type spark arrestor shall be installed on any chimney cap.

110. 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.
111. 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.
112. 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 on a contrasting background and shall be in a location approved by the Fire Department.
113. The applicant shall submit a phase 1 Environmental assessment and any other records regarding site contamination, investigation, remediation, or clearances from other regulatory agencies. Final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.
114. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include but shall not be limited to actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
115. If hazardous materials storage and/or use are to be a part of the facility's permanent operations, a Chemical Inventory Packet shall be prepared and submitted with building plans to the City of Hayward Fire Department at the time of application for construction permits.
116. **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.
117. Discovery of Potentially Hazardous Materials or Vessels/Containers shall be reported to the Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.
118. **Use of Hazardous Materials or Generation of Hazardous Waste:** During construction, hazardous materials used, and hazardous waste generated shall be properly managed and disposed.