

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Councilmember _____

RESOLUTION DETERMINING CALIFORNIA ENVIRONMENTAL QUALITY ACT CATEGORICAL EXEMPTION AND APPROVING APPLICATION 201504436 PERTAINING TO A SITE PLAN REVIEW, A TEXT AMENDMENT TO THE MISSION BOULEVARD CORRIDOR SPECIFIC PLAN AND FORM-BASED CODE THOROUGHFARE PLAN, A WARRANT ALLOWING A ROOF PITCH LESS THAN 5:12, A WARRANT ALLOWING ELEVEN PARKING SPACES ABOVE THE MAXIMUM EIGHTY-FOUR SPACES ALLOWED, AND A VESTING TENTATIVE TRACT MAP NO. 8301 FOR FORTY-TWO RESIDENTIAL UNITS PROPOSED AT 25891 AND 25915 DOLLAR STREET

WHEREAS, on September 9, 2015, Donald Babbit for Warmington Residential (Applicant), on behalf of Lakhbir Singh for Duabba LLC (Owner), submitted Application No. 201504436 for Site Plan Review, Specific Plan/Form-Based Code Text Amendment, Warrants and Vesting Tentative Tract Map No. 8301, for the properties located at 25891 and 25915 Dollar Street (the "Project"); and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act pursuant to Section 15332 *In-Fill Development Projects*, and

WHEREAS, the Planning Commission considered the Project at a legally noticed public hearing held on March 24, 2016, and recommended approval of the Project; and

WHEREAS, notice of a public hearing was published in the manner required by law and a hearing was duly held by the City Council on May 3, 2016.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

1. Pursuant to CEQA Guidelines Section 15332, Infill Development, the Project is categorically exempt as determined by the City Council on May 3, 2016.
2. That the proposed categorical exemption was noticed on April 22, 2016.

SITE PLAN REVIEW

1. **Substantial proof exists that the proposed change will promote public health, safety, convenience and general welfare of the residents of Hayward.**

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

The proposed forty-two townhome-style condominium development meets the City of Hayward Design Guidelines and the design requirements of the Mission Boulevard Corridor Specific Plan/Form Based Code. The development is compatible with adjacent commercial development located on Mission Boulevard and adjacent low and medium density residential uses to the west of the BART tracks and a thirty-eight unit townhome-style condominium project under construction to the south at the corner of Dollar Street and Harder Road. The proposed development is Spanish design and is compatible in design and materials with the Mission style design of buildings common along Mission Boulevard and the adjacent thirty-eight unit residential development. All developments in the area have a 4:12 roof pitch and stucco earth tone finishes, including commercial properties along Mission Boulevard and the adjacent thirty-eight unit development. The proposed three-story development meets development standards including building configuration consisting of at least two stories with each story not exceeding fourteen feet in height, and buildings not exceeding an overall height of fifty-seven feet. In addition, the setbacks, parking placement and landscaping requirements are met.

2. **The development takes into consideration physical and environmental constraints.**

The proposed forty-two townhome-style condominium development takes into consideration the physical and environmental constraints in that appropriate structural design criteria and the California Building Code will be met to assure that the project can withstand an earthquake and to deal with potentially expansive soils. In addition, since the project is adjacent to BART, a noise study was completed and measures will be implemented in order to meet General Plan interior and exterior noise requirements.

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

The forty-two townhome-style condominium development meets the density, setback standards, building configuration and common open space requirements of the Mission Boulevard Corridor Specific Plan/Form Based Code- MB-T4-2 General Urban Zone. The project is consistent with the Mission Boulevard Corridor Specific Plan/Form Based Code purpose to assure *that within neighborhoods, a range of housing types and price levels be provided to accommodate diverse ages and incomes.*

The project is consistent with the existing General Plan designation and policies related to density and providing a variety of housing types, specifically:

Land Use Policy

LU-3.7 Infill Development in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

Housing Goal and Policies

Goal H-2:

Assist in the provision of housing that meets the needs of all socioeconomic segments of the community.

H-2.1 Homeownership Housing:

The City shall encourage the development of ownership housing and assist tenants to become homeowners to reach a 60 percent owner-occupancy rate, within the parameters of federal and state housing laws.

By requiring that the developer meet the provisions of the Affordable Housing Ordinance, the payment of an affordable housing impact fee is required. The fee is a contribution to the production of residential Units in Hayward that are affordable to very low, low and moderate-income households.

H-2.3 Inclusionary Housing

The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households.

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

The forty-two townhome-style condominium development will be constructed within the Bay Area Air Quality Management District's ("BAAQMD") *Recommended Methods for Screening and Modeling Local Risks and Hazards* and the project will be operate through the provisions of a Homeowners' Association as required by the conditions of approval. This will assure that the property will be maintained and in compliance with the conditions of approval.

Parking and Roof Pitch Warrants - Pursuant to Code Section 10-25.510 (a)(i)(2), deviation from any provision of the Code followed by a "[W]" is eligible for consideration under a Warrant. A Warrant, which is an exception to the development standards approvable by the Planning Commission, is required to increase the amount of on-site parking from the maximum allowed 84 spaces to the proposed 95 spaces and to allow a roof pitch of 4:12

instead of the required slightly steeper minimum pitch of 5:12. In approving the Warrants, the City Council may impose any reasonable conditions to ensure that the approval complies with the Findings listed below (except as limited by Section 10-25.135(b)).

PARKING WARRANT

1. **Policy Consistency. The Warrant is consistent with the General Plan and overall objectives of the Mission Boulevard Corridor Specific Plan.**

Approval of the warrant is consistent with the Housing Element of the General Plan, Goal H-4, policy of H-4.1 Flexible Development Standards: *The City shall review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.*

2. **That the Warrant is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development.**

The project is equal-distant between South Hayward and Hayward BART stations justifying additional parking for visitors.

3. **That the Warrant would result in development that is not detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.**

According to the City of Hayward Transportation Manager, providing eleven visitor parking spaces will not place a burden on local and arterial streets or on nearby intersections by creating excessive AM and PM peak hour trips. Additionally, providing visitor parking spaces on the development site will reduce the amount of parking associated with the development that occurs along Dollar Street.

4. **That the Warrant would not affect substantial compliance with the Mission Boulevard Corridor Specific Plan or grant a special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district.**

The provision of eleven additional parking spaces for visitor parking will result in additional street parking available to adjacent/nearby properties. Therefore, it will not place a burden on customers of businesses on adjacent properties. In addition, the granting of the Warrant would not grant special privilege since the Planning Commission approved a similar Warrant for eleven parking spaces for the adjacent thirty-eight-unit KB Home project.

Findings for approval of the Roof Pitch Warrant – In order for a Warrant to be approved, the City Council must make the following findings. The Planning Commission shall recommend findings to the City Council. As indicated below, staff identifies reasons the findings can be made, and recommends that the Planning Commission recommend such findings to the City Council.

5. Policy Consistency. The Warrant is consistent with the General plan and overall objectives of this Code.

In that it is the intent of the General Plan and the Mission Boulevard Corridor Specific Plan to provide the opportunities for housing. The intent of the Code is to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the community. A lower roof pitch of 4:12 does not conflict with the intent of the Code.

6. Compatibility. The Warrant is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development.

The proposed 4:12 roof pitch of the forty-two townhome-style condominium development is compatible with the architecture of the adjacent thirty-eight townhome-style condominium development under construction and with roofs of local residential and commercial buildings which have 4:12 roof pitch.

7. No Adverse Impact. The Warrant would result in development that is not detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

Allowing a smaller roof pitch will not be detrimental to the public health, safety, or welfare or injurious to the property or improvements in the vicinity since it will allow for the installation of solar panels.

8. Special Privilege. The Warrant would not affect substantial compliance with this Code or grant a special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district.

The majority of structures in the vicinity have been built with roof pitches of 4:12 or less. The roof pitch of 5:12 is not consistent with the development for this vicinity.

Specific Plan and Form-Based Code Text Amendment – The Thorough Fare Plan in the Mission Boulevard Corridor Specific Plan/Form-Based Code depicts a street and bike route passing through a fifty-six-foot wide northern portion of the site from Dollar Street westward and terminating at the BART tracks. An amendment is required to be approved to modify the Thoroughfare Plan. Staff supports this amendment because the Bicycle Master Plan does not require a bike route to extend bicycle and pedestrian access over the

BART tracks to Whitman Street, accessing Class III Bike Route. A Bike Route is accessible at the Dollar Street frontage. In addition, the deletion of the thoroughfare allows for additional housing to be provided and the resulting maximum Block perimeter distance would not exceed the 2,800 feet as required by the Code.

An amendment would modify Thoroughfare Plan maps and maps in Chapter 3: Regulating Plan; Chapter 4: Form-Based Code; Chapter 5: Infrastructure; and Chapter 6: Implementation Plan. Staff recommends removal of this thoroughfare segment from the Plan since it would dead-end at the BART tracks and does not make a connection to an existing roadway and bike route. In addition, the amendment would facilitate the construction of additional ownership housing. Also, only this development and that on the adjacent property to the north would benefit from such thoroughfare and residents/tenants of these sites have/will have direct access onto Dollar Street.

TEXT AMENDMENT

1. **Substantial proof exists that the proposed change will promote the public health safety convenience and general welfare of the residents of Hayward not to impose a burden on City services.**

The modification of the Thoroughfare Plan will not increase the need for City services since a fifty-six-foot wide public right-of-way, including a street and bike path, will not be extended westward and additional City street maintenance will not be required. Dollar Street allows sufficient bike route access to bicyclists, street access to motorists and pedestrian access to public transportation. In addition, a dead-end street will create an area not visible from the street which may attract undesirable activities and possibly crime.

2. **The proposed change is in conformance with all applicable officially adopted policies and plans.**

The modification to the Thoroughfare Plan will be in accordance with the City of Hayward Bicycle Master Plan (October 2007). The goal of the Master Plan is *to provide the opportunity for safe, convenient and pleasant bicycle travel throughout all areas of Hayward*. Objective 1.1 is *To make the system of streets to accommodate bicycle use*. The thoroughfare would not be a practical addition to the City's street system since the road would terminate at an immovable physical obstruction; the BART tracks. The intent of both the Thoroughfare Plan and the Bicycle Master Plan are met by the proposed bicycle route that runs along Dollar Street in front of the project. In addition, approval of the text amendment would create opportunities for additional housing.

Furthermore, the Hayward Mission Boulevard Specific Plan/Form-Base Code allows Thoroughfares in different locations when it is found that the provisions Section 1-25.400, Standards and Tables, can be met. This requires that the perimeter of

created “blocks” do not exceed 2,800 feet. The removal of the thoroughfare will not create blocks that exceed the maximum perimeter distance.

3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.

Dollar Street provides adequate access to motorists, bicyclists, and pedestrians by allowing access to the street system, to bike paths and bike routes, and sidewalks that lead to public transportation. Staff has determined that the number of trips generated by the project is not expected to result in a significant impact to any of the nearby intersections or streets. Therefore, the thoroughfare to be removed from the Thoroughfare Plan is not needed to accommodate additional trips. In addition, the developer is required to install four street lights, two on each side of Dollar Street adjacent to the project, to provide better illumination and to enhance safety for all motorists, bicyclists and pedestrians.

4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

Removal of the thoroughfare will facilitate the construction of the project as proposed. The residential use is compatible with existing residential and commercial uses, and is consistent with future uses allowed by the Hayward Mission Boulevard Form-Based Code within the MB-T4-2, General Urban Zone. A beneficial effect which would not be obtainable under the existing regulation is that dwelling units will be available allowing additional opportunities for homeownership.

5. Section 10-25.275 h (iii) of the Hayward Mission Boulevard Corridor Form-Based Code permits the City Council to authorize New Thoroughfares in locations different from those depicted in the Form Based Code when it finds that the resulting Block perimeter distance would not be exceeded either by the current development or foreseeable future development proposals.

The resulting block (lots that contain the buildings within the proposed development) will not exceed the maximum perimeter distance of 2,800 feet as required by the Hayward Mission Boulevard Corridor Form-Based Code.

VESTING TENTATIVE TRACT MAP NO. 8301

1. That the proposed map is consistent with applicable general and specific plans as specified in Section 64541 of the Subdivision Map Act. [Subdivision Map Act §66474(a)]

The approval of Vesting Tentative Map Tract 8301 as conditioned, substantially conforms to the State Subdivision Map Act, the City’s Subdivision Regulations, the General Plan and Specific Plan (Hayward Mission Boulevard Form Based Code).

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

The proposed subdivision, as demonstrated by the aforementioned analysis, is of a design consistent with the City's General Plan and the Hayward Mission Boulevard Corridor Specific Plan.

The vesting tentative tract map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, and the General Plan.

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

The preliminary geotechnical investigation performed by ENGEIO Incorporated (dated September 10, 2015 and revised September 18, 2015) demonstrates that the proposed residential development is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that specific measures be reviewed and implemented to mitigate impacts from expansive soils, to be overseen by the project geotechnical engineer. The site provides sufficient lane widths and ingress/egress points, pedestrian facilities and infrastructure locations, such as water and sewer lines, storm drains and stormwater treatment areas, to support the number of units being proposed.

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

The preliminary geotechnical investigation performed by ENGEIO Incorporated (dated September 10, 2015 and revised September 18, 2015) demonstrates that the proposed residential development is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that a design level geotechnical investigation be conducted prior to construction to review the geotechnical aspects of the project. Density is not a factor that makes the site suitable or less suitable for development.

According to the Public Works Transportation and Engineering Division, the project would not result in significant impacts to traffic since it would not generate sufficient traffic to cause nearby intersections to operate at an unacceptable level of service, nor would it create any issues with safe ingress and egress from the site.

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

The approval of Vesting Tentative Tract Map, as conditioned, will have no significant impact on the environment, cumulative or otherwise. Pursuant to the guidelines of the California Environmental Quality Act (CEQA) Section 15332: In-Fill Development, this in-fill development demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed subdivision.

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

Adequate capacity exists to provide sanitary sewer service to the Project site. There are no other aspects of the Project with the potential to cause serious public health problems.

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

There is an Alameda County Flood Control Easement, which is adequately accommodated by the site design. Upon completion of the proposed improvements, the streets and utilities would be adequate to serve the project. New public easements are to be offered for dedication as necessary.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Finding of Exemption from the California Environmental Quality Act, and approves the Site Plan Review, Vesting Tentative Tract Map and Warrants Application 201504436 , subject to the adoption of the companion ordinance (Ordinance No. 16-) to Amend the Hayward Mission Boulevard Corridor Specific Plan and Form- Based Code for the property located at 25891 and 25915 Dollar Street (APN: 444-0078-007-07 and 444-0078-008-06) subject to the attached conditions of approval (Exhibit "A").

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

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

CONDITIONS OF APPROVAL

May 3, 2016

**25891 and 25915 Dollar Street, Tract 8301 – Donald Babbitt/Warmington
Residential (Applicant)/
Lakhbir Singh, Dubba, LCC (Owner)**

Application No. 201504436

**Site Plan Review, Warrants for Parking and Roof Pitch, and Text Amendment to the
Hayward Mission Boulevard Corridor Specific Plan/Form-Based Code
Thoroughfare Plan, and
Vesting Tentative Tract Map Tract 8301
associated with the subdivision and construction of
Forty-two townhome-style condominiums and
two common parcels on a 2.31-acre site at 25891 and 25915 Dollar Street**

GENERAL

1. Site Plan Review Application No. 201504436 is a request to construct forty-two townhome-style condominiums at 25915 and 25915 Dollar Street. The project shall be built and the site shall be maintained in accordance with these Conditions of Approval and the approved plans, labeled **Exhibit A**. The Site Plan Review, Warrants approvals 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 Site Plan Review and Warrants approval, said approval shall be void two years after issuance of the building permits, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the Project approval.

Exhibit A –Site Plan Review and Vesting Tentative Tract Map 8301 dated November 30, 2015.
2. The subdivider/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.
3. Conduit and fiber is required to be installed in the private streets from Dollar Street to serve the residents of the residents of the forty-two condominiums.
4. The development shall be solar ready.

5. The developer shall provide bicycle parking which meets CalGreen requirements.
6. Per CalGreen standards, each garage shall be equipped with the infrastructure for an electrical vehicle charging station.
7. 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.
8. All improvements shall be designed and constructed in accordance with the State Subdivision Map Act, City of Hayward Subdivision Ordinance (Municipal Code – Chapter 10, Article 3), and Standard Specifications and Details – unless otherwise indicated hereinafter.
9. 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.

Planning Division

10. The Project shall adhere to the following Bay Area Air Quality Management District (BAAQMD) “Basic Construction Mitigation Measures”.
 - i. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - ii. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - iii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - iv. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - v. All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.
 - vi. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - vii. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - viii. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

11. The Project shall adhere to the following that are consistent with the Hayward 2040 General Plan and the Mission Boulevard Corridor Specific Plan Final EIR: As discussed above, the project would be exposed to risks below BMQMD's thresholds based on the screening analysis. However, the project is located in a "high" risk zone according to the City's Draft CRRP and is applicable to the Mission Boulevard Corridor Specific Plan EIR. Thus, the following measures are recommended to reduce risk. These measures are consistent with measures from the City's Draft General Plan EIR and the Mission Boulevard Corridor Specific Plan Final EIR.
 - a. The applicant shall install, operate and maintain in good working order a central heating, ventilation and air conditioning (HVAC) system or other air intake system in the building, or in each individual unit, that meets or exceeds a minimum efficiency reporting value (MERV) of 13. The HVAC system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either high efficiency particulate air (HEPA) filters or American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) certified 85% supply filters shall be used.
 - b. The applicant shall maintain, repair and/or replace HVAC system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HVAC system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the Covenants, Conditions and Restrictions (CC&Rs) for residential projects and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HVAC system and the filters.
 - c. To the maximum extent practicable, individual and common exterior open space and outdoor activity areas proposed as part of the project shall be located as far away from Mission Boulevard as possible, face away from Mission Boulevard, and shall be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.
 - d. Proposed residential units shall locate air intakes and design windows to reduce PM exposure (e.g., windows nearest to the freeway do not open).
12. Prior to issuance of a demolition permit, grading permit or building permit, the applicant shall submit a Health Risk Assessment in prepared by a qualified air quality consultant in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements.
13. The developer shall implement the mitigation recommended in the environmental noise and vibration study prepared by Veneklasen Associates dated September 22, 2015. The following mitigation measures are required to be implemented and the following standards met:
 - a. Measures to assure that interior noise levels do not exceed 45 average noise levels (LDN) in any habitable room, therefore, a mechanical ventilating system shall be required to be required for all units in Zones A and B or Figure 2

(units 15 through 31 as indicated on the Vesting Tentative Map 8301 Lotting Plan of Dollar Place).

- b. Applied to the units exposed to the noise from the railroad. As shown in Table 2, the maximum noise level from train pass-by does not exceed 50 dBA in bedrooms, and 55 dBA in other rooms, with the exterior façade as described in Table 1, Table 2 and Appendix I.
- c. Required exterior common open space maximum noise levels are not to exceed 65 LDN.
- d. Alterations of mitigation measures that deviate from requirements are required to be reviewed by Veneklasen Associates and must be approved by the City of Hayward Building Official and Planning Director.

14. The Project shall adhere to the following that are consistent with the Hayward 2040 General Plan and the Mission Boulevard Corridor Specific Plan Final EIR: As discussed above, the project would be exposed to risks below BMQMD's thresholds based on the screening analysis. However, the project is located in a "high" risk zone according to the City's Draft CRRP and is applicable to the Mission Boulevard Corridor Specific Plan EIR. Thus, the following measures are recommended to reduce risk. These measures are consistent with measures from the City's Draft General Plan EIR and the Mission Boulevard Corridor Specific Plan Final EIR.

- a. The applicant shall install, operate and maintain in good working order a central heating, ventilation and air conditioning (HVAC) system or other air intake system in the building, or in each individual unit, that meets or exceeds a minimum efficiency reporting value (MERV) of 13. The HVAC system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either high efficiency particulate air (HEPA) filters or American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASH RAE) certified 85% supply filters shall be used.
- b. The applicant shall maintain, repair and/or replace HVAC system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HVAC system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the Covenants, Conditions and Restrictions (CC&Rs) for residential projects and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HVAC system and the filters.
- c. To the maximum extent practicable, individual and common exterior open space and outdoor activity areas proposed as part of the project shall be located as far away from Mission Boulevard as possible, face away from Mission Boulevard, and shall be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.
- d. Proposed residential units shall locate air intakes and design windows to reduce PM exposure (e.g., windows nearest to the freeway do not open).

PRIOR TO SUBMITTAL OF IMPROVEMENT PLANS AND FINAL MAP

15. Subdivision improvement plans shall implement all items noted on the civil plans dated November 30, 2015, and incorporate applicable conditions of approval contained herein.
16. The applicant/developer shall submit subdivision improvement plans including Landscape and irrigation plans and a 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 Site Plan Review 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.
17. 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.
18. 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 City of Hayward Building/Construction Codes and amendments in effect at the time of submitting a building permit application.
 - 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.
19. 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 plans unless otherwise indicated herein.
20. Final Map cannot be approved until roadway conveyance is complete.

SUBDIVISION IMPROVEMENT PLANS

21. Underground overhead facilities along Dollar Street frontage to adjacent property to the south. Show on Final Tract Map.
22. Four LED street lights shall be provided; two on each side of Dollar Street adjacent to the project.

23. To establish private and public responsibilities, extend the entry decorative paving to the City right-of-way.
24. Subdivision Improvement Plans shall be approved prior to the City Council's approval of the Final Map 8301. 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 storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. 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. 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

25. The following materials related to storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application.
 - a. The owner/developer shall enter into a City's standard *Storm Treatment Measures Maintenance Agreement* (as prepared by the City 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.
 - b. Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer. 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. Documents that are clipped or stapled will not be accepted.
 - 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 evidence of filing of a Notice of Intent (NOI) with 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 in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable.
 - 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 (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 on the internet at www.cabmphandbooks.com
 - g. The project shall be designed with a Bioretention Treatment Area and shall use 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.
 - h. All inlet rims in the Bioretention Treatment Area (BTA) shall be 6-inch minimum above the flow line of the BTA. The design of the longitudinal flow line shall be level.
 - i. The following documents shall be completed and submitted with the improvement and/or grading plans:
 - 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)
26. The developer shall be 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.

Private Streets

- 27. The private streets, driveways, and parking areas shall be designed to facilitate street sweeping.
- 28. The developer shall not obstruct the noted sight distance areas. Overall cumulative height of the grading, landscaping and signs as determined by sight distance shall not exceed two feet when measured from street elevation.
- 29. The on-site streetlights and pedestrian lighting shall be LED lights and have a decorative design approved by the Planning Director. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer. Submit photometric plans with the improvement plans. Such fixtures shall have shields to minimize "spill-over" lighting on adjacent properties that are not part of the tract.

30. Private street shall have a concrete curb and gutter to convey stormwater runoff.
31. The proposed decorative paving on the private street shall be designed to support a 75,000 pounds gross vehicle weight load.
32. Any damaged and/or broken curb, gutter and sidewalks along the property frontages shall be removed and replaced as determined by the City.
33. Proposed private courts (common driveways) improvements shall be designed, generally reflective of the alignment and width shown on the submitted vesting tentative tract map, and as approved by the City Engineer.
34. The entrance to the private street shall conform to City Standard Details and approved by the City Engineer.

Public Streets

35. Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along Dollar Street, including but not limited to the following:
 - a. Removal and replacement of all street trees, curb, gutter, and sidewalk.
 - b. Installation of two (2) new street lights long the project frontage on Dollar Street.
 - c. Grind and overlay and restripe entire pavement width of Dollar Street with 2" hot mix asphalt, and dig outs and repair failed pavements as necessary.
 - d. Remove, replace, and plant street trees along project frontages per City Landscape Architect direction.
36. Any landscape design, work or traffic control within the Dollar Street right-of-way requires an encroachment permit.
37. Where traffic restrictions and detours affect Dollar Street, a Transportation Management Plan or a Traffic Impact Study may be required as determined by Fred Kelley, Transportation Manager at (510) 583-4781.
38. Any damaged and/or broken curb, gutter and sidewalks along the Dollar Street property frontage shall be removed and replaced as determined by the City.
39. Grind, overlay and restripe the entire width Dollar Street with two inches of hot mix asphalt and dig outs. Repair failed pavement as necessary.

Storm Drainage

40. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. 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 storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. 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.

41. The project 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*.
42. 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 streets and alleys 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. The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.
 - h. 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.

Sanitary Sewer System

43. The project sanitary sewer main and appurtenances shall be public, owned and maintained by the City. When the sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10-foot wide easement shall be granted to the City.
44. A wastewater collection system impact study is required to be completed for development. The developer may hire their own consultant, subject to the prior approval of the Director of Utilities & Environmental Services, or the developer can pay the City to perform the impact study with our consultant. U&ES staff is working with the consultant to obtain a cost proposal for the impact study. The developer shall be responsible for their share of the cost of any necessary improvements identified in the City's wastewater collection system as a result of the development. The developer's share shall be based on the results of the impact study and determined by the Director of Utilities & Environmental Services.
45. 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-foot wide easement shall be granted to the City.
46. All sewer mains and appurtenances shall be constructed in accordance to the City's *Specifications for the Construction of Sewer Mains and Appurtenances (12-inch Diameter or Less)*, latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>). Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manhole covers shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.
47. Each townhome dwelling unit shall have an individual sanitary sewer lateral. The sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312. Show the location and size of the proposed sewer laterals and cleanouts on improvement plans.
48. Sewer service is available and subject to the standard conditions and fees in effect at time of application and payment.
49. The current Sanitary Sewer Connection fee for a single-family home is \$7,700 per unit. Sewer connection fees are due and payable prior to final inspection.

Water System

50. 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-foot wide easement shall be granted to the City.
51. 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 <http://user.govoutreach.com/hayward/faq.php?cid=11188>).
52. On revised plans, eliminate the dead-end water mains. All water mains must be looped. Water mains connect to other water mains, through easements if necessary.
53. The utility plan indicates the proposed water mains in *Drive Aisle B* and *Drive Aisle D* will be connected with a water main located in the 10-foot setback area adjacent to the proposed sound wall, between Building 2 and Building 3. The water main in this location will require a minimum 10-foot wide easement to be granted to the City. The water main shall be located in the center of the 10-foot easement.
54. 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. Trees shall not be planted in the easement, as they will cause access problems.
55. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense.
56. All water services from existing water mains, if any, shall be installed by City Water Distribution Personnel at the applicant's/developer's expense. The developer may only construct new services in conjunction with their construction of new water mains.
57. City records indicate that the parcel at 25891 Dollar Street currently has one existing 3/4" service line x 5/8" meter (account # 26162). If this water services cannot be reused for the proposed development, they shall be abandoned.
58. Each townhome shall have an individual domestic water meter. Based on the water fixtures shown on the plans, each unit would have 32 to 38.5 water fixture units, which would require a minimum 3/4" water meter. Facilities fees for residential meters are calculated based on the domestic water demand for the home (excluding fire demand). The cost for the installation of a 1-inch domestic meter (required to

meet the fire demand) on an existing service line is \$10,240 (\$310 installation fee + \$9,730 facilities fee + \$200 radio read fee). If the new services are constructed by the applicant/developer in conjunction with their construction of the new water main, the installation fee is reduced to \$310, for a total of \$8,616. Please note that the connection fee pricing structure will be changing October 1, 2015 and connection fees will be based on the domestic water meter size. The facilities fee for a ¾" meter will be \$9,730.

59. 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.
60. 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 inch (combined or not) and the maximum size for combined services is 2 inches. 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 (City Standard Detail SD-216).
61. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. 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.
62. All domestic and irrigation water meters shall be radio-read type.
63. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218. Water meter boxes in driveway aisle areas shall have steel water rated lids.
64. 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 on 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.

Solid Waste

All service to dwellings shall be an "underground service" designed and installed in

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

- a. 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:
 - i. The standard type of garbage, recycling, and organics containers are (one) thirty-two-gallon cart for Garbage, (one) sixty-four-gallon cart for Recycling, and (one) sixty-four-gallon cart for Organics.
 - ii. Trash and recycle containers shall be stored out of public view on non-pickup days. Sufficient storage space for garbage carts shall be provided for each residential unit. The total space required for the standard service is approximately three feet by nine feet.
 - iii. Residents shall not place carts at the curb any earlier than 6:00 am 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).
- b. 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 any off haul of construction and demolition debris from the project site.

Other Utilities

- 66. 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.
- 67. 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.
- 68. 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.
- 69. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
- 70. The existing overhead lines along Dollar Street property frontage shall be placed underground.

Landscape and Irrigation Plans

71. No trees shall be planted with in any Public Utilities Easement to assure access for maintenance. The landscape plan shall conform to this condition of approval.
72. Landscape design is approved. The following comments shall be incorporated into landscape and irrigation improvement plans. Please note that the City's Bay-Friendly Water Efficient Landscape Ordinance has been replaced with a new one and is effective as of November 26, 2015. The new ordinance now is a part of California Government Code of Regulation, Title 23, and the improvement plans shall be in full compliance with the new ordinance.
73. Revisions to the 2009 Bay-Friendly Water Efficient Landscape Ordinance is significant throughout the ordinance. The project landscape architect shall be familiar with the new ordinance prior to preparing the landscape and irrigation improvement plans.

The improvement plans shall be in full compliance with new requirements in the new ordinance: <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/CITY-CLERK/MUNICIPAL-CODE/CH10A12-eff112615.pdf>:
74. Tree inventory plan shall be provided in the improvement plan identifying trees to be removed. All trees shall be identified with the tag numbers in the arborist report. Currently not all tree numbers are not included in the landscape plan.
75. A tree mitigation summary chart shall be provided listing trees to be removed with the identification numbers in the arborist report and their appraised values. The mitigation chart shall also include proposed tree sizes, values, and locations. Tree mitigation shall be above and beyond providing required trees. Upsizing required trees are one of the mitigation options. For other options, contact City Landscape Architect.
76. Large stamped colored asphaltic concrete paving is hard to maintain. Consider permeable pavers colored and scored concrete paving as alternatives.
77. Irrigation for street trees along Dollar Street shall be connected to the irrigation water meter for the development and shall be maintained by HOA.
78. Planting in Bio-Retention Area: Trees and shrubs shall not be planted in the bottom of flow line. Wider planting areas shall be provided when lack of planting areas prevents required trees to be planted.
79. Bio-retention area shall receive three inches deep mulch.

80. Bio-treatment area 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.
81. Trees with different watering needs shall be on separate meters.
82. Mature plant size shall be included in plant material list and all plants shall be spaced to allow natural growth without shearing or routine cutbacks/pruning.
83. Provide a key operated hose bib near the BBQ area.
84. Trash receptacles shall be provided in common open spaces.
85. 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.
86. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans in full compliance with the City’s Bay-Friendly Water Efficient Landscape Ordinance and other applicable Municipal Codes shall be reviewed and approved by the City. The approved improvement plans shall be a part of the building permit submittal.
87. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be twenty-two inches by thirty-four inches without an exception. A two inches wide by four inches 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. Prior to final acceptance of the tract, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
88. 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. 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.
89. Grading and improvement plans shall include tree preservation and protection measures. Trees shall be fenced at the drip line throughout the construction period.
90. A tree removal permit shall be obtained prior to the removal of any existing trees in addition to grading permit.
91. Street trees along Dollar Street shall be irrigated by the development irrigation water meter and shall be maintained by Homeowners Association.
92. A hose bib shall be provided within each private open space.

93. A dedicated irrigation water meter shall be provided.
94. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. Prior to the issuance of each Certificate of Occupancy, installed landscape improvement shall be inspected and accepted by City Landscape Architect. Prior to requesting an inspection, completed Appendix C Part 1 through 7 in Bay-Friendly Water Efficient Landscape Ordinance shall be submitted to City Landscape Architect.
95. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs.
96. 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. All trees planted as a part of the development agreement are "Protected," and shall be preserved in accordance with the City's Tree Preservation Ordinance.

Fire Protection

97. New fire hydrants shall be provided along private streets at locations approved by the Hayward Fire Department. New fire hydrants shall be placed fifty-feet from the building to be protected. Where it is not feasible, they may be in closer proximity as approved by the Hayward Fire Department. On page TM.5 of the proposed plans: Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet exclusive of shoulders. Fire hydrants located at the ends of Drive Aisles D, C and possibly A, should be relocated.
98. All new fire hydrants shall be double steamer type, equipped with (two) four and one half inch outlets and (one) two and a half inch outlet. The capacity of each individual hydrant shall be 1,500 GPM. Vehicular protection may be required for the fire hydrants. Blue reflective fire hydrant dot markers shall be installed on the roadways indicating the location of the fire hydrants. Blue reflective pavement markers shall be installed at fire hydrant locations.
99. New fire hydrants shall meet the requirements of Hayward Public Works Department. Fire hydrants shall be Double Streamer Hydrant: Clow Valve Co. Model 865 with one (1) 2-1/2" Outlet and two (2) 4-1/2" Outlets.
100. Fire flow shall meet all requirements of the 2013 California Fire Code Table C105.1 and Hayward Fire Code Ordinance. No. 10-14. Existing fire hydrants meeting the distance requirement can be included in the total required number.

101. Maximum 80 pounds per square inch (PSI) water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
102. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced so as to provide all-weather driving capability.
103. A fire apparatus access road twenty feet to twenty-six feet wide shall be posted on both sides as a fire lanes; a fire apparatus access road twenty-six feet to thirty-two feet wide shall be posted on one side of the road as a fire lane. "No Parking" signs shall meet the City of Hayward Fire Department fire lane requirements.
104. No parking on the new private street shall be allowed except in designated/marked parking stalls.
105. Underground fire service line serving NFPA 13D (Domestic) sprinkler system shall be installed in accordance with 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.
106. Underground fire service line serving **NFPA 13** sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-204. Water meter shall be minimum four-inch in diameter.
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. A minimum six-inch address, on a contrasting background, shall be installed on the front of the building in a location so as to be visible from the street.
109. 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).
110. Carbon monoxide detectors should be placed near the sleeping area on a wall about five feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.

Hazardous Materials

111. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either California Regional Water Quality Control Board or Department of Toxic Substance Control and submitted to the Hayward Fire Department 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.

112. 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.
113. Any 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 when required.
114. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 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.
115. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

Final Tract Map

116. Prior to the approval of the Final Map, 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.
117. 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 Improvement Plans with supporting documents and Final Map are deemed technically correct, and Subdivision Agreement and Bonds are approved by the City. The 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 the City Council's approval.
118. 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.

119. The final map shall reflect all easements needed to accommodate the project development, including but not limited to the 5-foot Public Utility easement along the project frontage on Dollar Street. The private street shall be dedicated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).
120. The Affordable Housing Ordinance (AHO) requirements apply to the project. Pursuant to the City's AHO, 10% of all detached single family residences and 7.5% of all attached units in a project must be set aside and sold at affordable prices to moderate-income households (households earning 120% of the Area Median Income or less). If this option is selected by the developer, prior to the approval of the Final Map, an Affordable Housing Plan (AHP) shall be submitted and approved by the Planning Director. The AHP shall conform to the requirements of the AHO and will memorialize the obligations relevant to compliance with AHO provisions by the project owner. The AHO also allows developers the option to pay an Affordable Housing Impact Fee as established in the City's Master Fee Schedule. Affordable Housing Impact fees shall be paid either prior to issuance of a building permit or prior to approval of a final inspection or issuance of an occupancy permit. Regardless of the timing for payment of the fees chosen, no final inspection will be approved and no occupancy permit will be issued for any dwelling unit unless all applicable Affordable Housing Impact Fees have been paid in full.
121. Prior to the approval of the Final Map, 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.
122. The Stormwater Treatment Measures Maintenance Agreement, 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.

AT BUILDING PERMIT APPLICATON SUBMITTAL

123. On plans to be submitted for building permit, a structural engineer is responsible for incorporating recommend mitigation measures of the revised geotechnical report prepared by Geotechnical Engineering, dated October 7, 2013
124. Prior to building permit issuance, developer shall execute a public improvement 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 agreement.
125. The Plans for building permit shall be in substantial conformance with the conditions of approval and improvement plans and shall be submitted in after the improvement plans are approved and the Final Map is recorded.

126. 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 Building Permit submittal for final approval.
127. The Building Permit Plans shall include the following information and/or details:
- a. A copy of these conditions of approval shall be included on a full-sized sheet(s).
 - b. Proposed location for construction staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.
 - c. Details of address numbers shall be provided. Address number shall be decorative. Building addresses shall be minimum four-inch self-illuminated or six-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
 - d. Proposed locations, heights, materials and colors of all walls and fences.
 - e. A minimum of one exterior hose bib shall be provided for each residential unit.
 - f. Proposed pavement materials for all drive aisles, parking areas, and pedestrian paths. Surfaces indicated on the approved plans, Exhibit A, shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials.
 - g. Proposed mailbox design and locations, subject to Post Office approval.
 - h. The final lighting plan is to be 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. All drive aisles shall have decorative lights with LED luminaires. Please indicate locations on the final lighting plan and include elevations of the light standards. 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.
 - i. All air conditioners and utility connections for air conditioners shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall, unless otherwise approved. Infrastructure for air conditioning systems is required to be installed as a standard feature.
 - j. Proposed color and materials board for all buildings, fences and walls. No changes to colors shall be made after construction unless approved by the Planning Director.
 - k. 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.
 - l. 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.

- m. All decorative window treatments shall be extended to all elevations.
 - n. An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars. As an alternative, an area within the fenced side yard may be used for the garbage and recycling containers but shall be shown.
 - o. All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All two car garages shall have minimum interior dimensions of twenty-foot width by nineteen-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle/organics containers or HVAC shall project within the required interior parking areas.
128. 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 the Hayward Building Code and mitigation measures outlined in the Geotechnical Investigation report.
 - c. For each building constructed in the development plan area, the required site specific geotechnical investigation shall address expansive soils and provide appropriate engineering and construction techniques to reduce potential damage to buildings.
 - d. To reduce the potential impacts related to the presence of low to moderately expansive clays in the subsurface soils of the project site, mitigation measures to avoid the effects of expansive soils outlined in the Geotechnical Investigation shall be followed.
129. Details of all project amenities shall be submitted for review and approval by the Planning Director prior to submittal for building permit.
130. 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 ISSUANCE OF BUILDING OR GRADING PERMITS AND CONSTRUCTION WITH COMBUSTIBLE MATERIALS

131. The developer shall provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
132. Pursuant to the Municipal Code Section 10-3.332, the developer shall execute a subdivision agreement and posts with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the subdivision agreement.

133. Prior to issuance of building permits, a final map that reflects and is in substantial compliance with the approved vesting tentative tract map, shall be approved by the City Engineer and recorded or in the process for filing with the office of the Alameda County Clerk Recorder.
134. Submit the following documents for review and approval, for City project records/files:
 - a. Copy of the Notice of Intent filed with the State Water Resources Control Board;
 - b. Engineer's estimate of costs, including landscape improvements;
 - c. Signed Final Map;
 - d. Signed Subdivision Agreement;
 - e. Certificate of Insurance; and
 - f. Subdivision bonds.
135. Plans for building permit applications shall incorporate the following:
 - a. The approved Improvement Plan; and
 - b. The approved Landscaping and Irrigation Plan.
 - c. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - d. 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.
 - e. Plans shall show that all utilities will be installed underground.
136. Required water system improvements shall be completed and operational prior to the start of combustible construction.
137. 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.
138. 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.
139. 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.

PRIOR TO COMPLETION OF SITE IMPROVEMENTS AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

During Construction

140. 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.

141. 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 7:00 a.m. to 7:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. Sunday and Holidays. Grading hours are subject to the City Engineer's approval. 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 and a copy provided to the Planning Division.
 - 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 and a copy provided to the Planning Division.
 - g. Daily clean-up of trash and debris shall occur on public streets adjacent to the project site 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 ten-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.
 - 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.
142. 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.
143. The developer shall comply with standards identified in General Plan, Table HAZ-1 –

Exterior Noise Standards for Various Land Uses. The common group open space and all exterior areas shall meet the Highest Level of Exterior Noise Exposure that is Regarded as “Normally Acceptable” for Highest Level of Exterior Noise Exposure that is Regarded as “Normally Acceptable” for Townhomes, Multi-Family Apartments and Condominiums as specified in Table HAZ-1. Measures to ensure compliance with such standards shall be developed by a state licensed acoustical engineer and incorporated into building permit plans, to be confirmed by the Planning and Building Divisions. Also, confirmation by a state licensed acoustical engineer that such standards are met shall be submitted after construction and prior to issuance of certificates of occupancy.

144. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed and installed in accordance with 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 with the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of landscape improvements.
145. 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 80% 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 Public Works – Engineering and Transportation Department by the developer.

Homeowners’ Association (HOA)

146. 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 a homeowners association (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 storm drain system, including stormwater treatment facilities BMP, private street and infrastructure, common landscaping areas and amenities for the developments shall be maintained by the association. The CC&Rs shall include the following provisions:
 - a. The CC&Rs shall include provisions to allow future adjacent developments to annex into HOA if appropriate.
 - b. Each owner shall automatically become a member of the association 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.
 - d. The HOA shall be managed and maintained by a professional property management company.
 - e. The HOA shall own and maintain the private access roads and driveways *Drive Aisle A, Drive Aisle B, Drive Aisle C, and Drive Aisle D.*
 - f. The HOA shall own and maintain the on-site storm drain system.
 - g. 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.

- h. A provision that if the HOA fails to maintain the common outdoor patio areas, and all other landscaping and irrigation in all other 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.
- i. 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 forty-eight hours of inspection or within forty-eight hours of notification by the City.
- j. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- k. 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. An automatic garage door opening mechanism shall be provided for all garage doors.
- l. The residents shall not use common parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These parking spaces shall be monitored by the HOA. The CC&R's shall include authority for the HOA to tow illegally-parked vehicles.
- m. 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, 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.
- n. 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 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.
- o. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
 - p. 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.
 - q. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
 - r. Balconies may not be used for storage and personal items may not be draped over the railings.
 - s. The association shall ensure that no less than 75 percent of the units 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.
 - t. The on-site storm drain system shall be privately owned and maintained by the Homeowners' Association.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY OR FINAL REPORT

- 147. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
- 148. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
- 149. All public 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.
- 150. 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.
- 151. 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 thirty percent dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch should be organic recycled chipped wood in the shades of Dark Brown Color. 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. 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.

152. 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: Supplemental Building Construction and Improvement Tax, and School Impact Fee.
153. 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 twenty-four hours before the desired final inspection appointment.
154. The improvements associated with the Pacific Gas and Electric Company, AT&T (telephone) company, and local cable company shall be installed to the satisfaction of the respective companies.
155. 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.
156. The developer/subdivider shall submit "as built" plans and final reports for the following:
 - a. Final Storm Water Management Plan (SWMP) prepared by a QSD and signed by a Qualified Inspector;
 - b. AutoCAD file format (release 2010 or later) in a CD of approved final map and 'as-built' improvement plans showing landscape and irrigation improvements, lot and 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. that can be used to update the City's Base Maps; and
 - c. Final Geotechnical Report.