

**CITY OF HAYWARD PLANNING COMMISSION  
PROPOSED MIXED-USE DEVELOPMENT WITH 314 RESIDENTIAL UNITS AND 7,100  
SQUARE FEET COMMERCIAL SPACE WITH SITE AND FRONTAGE IMPROVEMENTS  
AT 22330 MAIN STREET (APN 428-0061-061-03, 428-0061-061-04)  
MAJOR SITE PLAN REVIEW, ADMINISTRATIVE USE PERMIT, AND DENSITY BONUS  
APPLICATION NO. 202003725**

**DRAFT CONDITIONS OF APPROVAL**

**GENERAL**

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. The Site Plan is approved subject to the Architectural, Civil and/or Landscape plans date stamped May 19, 2022, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan and/ or design that does not require a variance to any zoning ordinance standard shall be subject to review and approval by the Development Services Director or his/her designee prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission, if applicable.
3. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state, and federal laws.
4. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.
5. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
6. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit in accordance with Municipal Code Section 10-1.3060. Violations of any approved land use conditions or requirements will result in

further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.

7. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
8. The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
9. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
10. The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
11. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
12. Within 60 days of following the issuance of a building permit and prior to construction, the applicant shall install one non-illuminated "Coming Soon" sign on the project site that includes a project rendering, a project summary, and developer contact information. The sign shall be constructed of wood or recyclable composite material, be placed in a location at least ten (10) feet back from the property line, and shall not impede pedestrian, bicycle, and vehicular visibility or circulation. The sign shall be maintained in accordance with Section 10-7-709 of the Hayward Municipal Code and may be up to thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height. Sign design, size and location shall be reviewed and approved by the Planning Division prior to placement.
13. Prior to operation, issuance of a Building Permit or the Certificate of Occupancy, the applicant shall contact the Planning Division and be subject to a site inspection by the designated project planner to verify that all applicable mitigations and conditions of approval have been satisfied. The cost of inspection, including any subsequent inspections that are deemed necessary by the City, shall be paid by the applicant.
14. The applicant shall comply with contractor prequalification requirements, demonstrating the contractor utilizes apprentices from state-approved, joint labor-management training programs, and offers employees employer-paid health insurance plans. Proof of compliance shall be required prior to the issuance of any site, grading or building permits.

Mailboxes/Addresses

15. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft.
16. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.

Lighting

17. All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.

Colors and Materials

18. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and/or renderings date stamped May 19, 2022. Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit and/or prior to construction.
19. All vents, gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
20. During construction, the applicant shall schedule a planning inspection of the painting color palette once a small initial sample has been painted on the structures for final Planning approval.

Screening of Mechanical Equipment

21. All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and swimming pool equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit. All screening shall be compatible with respect to forms and materials used on the building.
22. If permitted, all above-ground utility meters, air conditioners, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen from all perspectives, unless other noise mitigation is required. All equipment shall be designed to be compatible with respect to location, form, design, exterior materials, and noise generation. The applicant shall obtain planning division review and approval prior to issuance of any permits.

Signs

23. No signs are approved with this project. Any signs placed on-site or off-site shall be reviewed and approved by the Planning Division and a building permit application

shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.

24. Prior to final inspection, a plaque reflective of the Native American history in the area shall be created and placed in the public right-of-way in the project vicinity, with the design and location to be approved by the City Development Services Director, in consultation with local Native American representatives, California Native Heritage Commission, and the neighborhood.
25. If the commercial space contains five (5) or more tenants, the applicant shall submit a Master Sign Program in accordance with Hayward Municipal Code (HMC) Section 10-7.210, prior to the installation of any signage for the commercial development.
26. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay impact fees. The impact fees shall be the rate that is in effect at the time of building permit issuance. The applicant supports such fees to be used to improve the city-owned parcel near the corner of Hazel and Main Street.
27. Prior to, during and following demolition of vacant structures, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4, Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.
28. For the mixed-use development, the commercial/retail component of the project shall be under vertical construction before the issuance of a certificate of occupancy for the first residential unit and the warm shell of the commercial/ retail component shall be completed prior to the issuance of a certificate of occupancy for the last residential unit, unless otherwise approved as part of a project's phasing plan.

#### Environmental Review and Mitigations

29. Mitigation Measure AIR-1: The construction contractor(s) shall implement the following BMPs during project construction:
  - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - 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.
  - All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible after grading, unless seeding or soil binders are used.

- 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.
  - 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.
  - 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.
30. Mitigation Measure AIR-2: All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.
31. Mitigation Measure AIR-3: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.
32. Mitigation Measure AIR-4: Instead of Mitigation Measures AIR-2 and AIR-3 above, the construction contractor could use other measures to minimize construction-period Diesel Particulate Matter (DPM) emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the city.
33. Mitigation Measure BIO-1: If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in Mitigation Measure BIO-2, below, will be implemented.
34. Mitigation Measure BIO-2: If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-

mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.

35. Mitigation Measure CUL-1: The applicant shall retain a qualified archaeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre-historic and historic period archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the applicant and the archaeologist. An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow for the discovery of potentially significant archaeological resources.
36. Mitigation Measure CUL-2: A qualified archaeologist will be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. After monitoring the initial grading, the archaeologist will make recommendations for further monitoring if he/she determines that the site contains or has the potential to contain cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required, and a report will be filed with the City Planning Department.
37. Mitigation Measure CUL-3: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the City Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring will be submitted to the City Planning Department prior to issuance of an occupancy permit.
38. Mitigation Measure CUL-4: In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, the City of Hayward will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered

by excavation until the coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the City will ensure that the remains and vicinity of the find are protected against further disturbance. If it is determined that the find is of Native American origin, the City of Hayward will comply with the provisions of Public Resources Code Section 5097.98 regarding identification and involvement of the Most Likely Descendant (MLD).

If the human remains cannot be protected in place following the coroner's determination, the City of Hayward shall ensure that the qualified archaeologist and the MLD are provided the opportunity to confer on repatriation and/or archaeological treatment of human remains, and that any appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the Native American community and shall provide an opportunity for Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection and Repatriation Act, the City shall ensure that human remains, and associated artifacts recovered from the project site are repatriated to the appropriate local tribal group if requested.

39. Mitigation Measure GEO-1: Building foundations shall be designed to resist 2 inches of differential settlement of the supporting soils.
40. Mitigation Measure GEO-2: Underground pipelines such as gas lines, sanitary sewers, and water services shall be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils.
41. Mitigation Measure GEO-3: Fills shall be completely removed and re-compacted. Over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet beyond exterior flatwork, including driveways and pavement wherever possible. Where over-excavation limits abut adjacent property, a determination of the actual vertical and lateral extent of over-excavation shall be conducted so that the adjacent property is not adversely impacted. Over-excavations shall be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations.
42. Mitigation Measure HAZ-1: The applicant shall install industry standard vapor barriers along with passive ventilation systems as part of the proposed project, to be done per the requirements of the Phase I and Phase II reports.
43. Mitigation Measure HAZ-2: A Site Management Plan shall be developed and implemented with approval and oversight by the appropriate regulatory agency in the event that unanticipated subsurface environmental conditions are encountered following the demolition of the hospital complex. The Site Management Plan shall include, but would not be limited to, procedures for removal or on-site management of contaminated soil, procedures for removal of Underground Storage Tanks (USTs)

if any are encountered, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.

44. Mitigation Measure HAZ-3: Prior to any significant renovation of the medical office building and the demolition of the other existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.
45. Mitigation Measure NOI-1: The following measures shall be incorporated into the proposed project to reduce interior noise levels:
- A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.
  - Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residences on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
46. Mitigation Measure NOI-2: Within 20 feet of the existing, adjacent residence:
- Compaction activities shall not be conducted using a vibratory roller. Within this area, compaction shall be performed using smaller hand tampers.
  - Demolition, earth-moving, and ground-impacting operations shall be phased so as not to occur at the same time and shall use the smallest equipment possible to complete the work. The use of large bulldozers, hoe rams, and drill-rigs shall be prohibited within 20 feet of the existing, adjacent residence.
  - Construction and demolition activities shall not involve clam shell dropping operations.
47. Mitigation Measure NOI-3. Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the Original Project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:
- Ensure that all construction activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays.



- Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Contractors utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

#### Expiration

48. Approval of this Major Site Plan Review and Administrative Use Permit is void 36 months after the effective date of approval unless:

*Site Plan Review.* Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or

A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.

*Administrative Use Permit.* Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building

Official or a time extension of the approval has been granted by the Planning Director.

If a building permit is issued for construction of improvements authorized by the administrative use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on the use permit approval. A request for an extension must be submitted in writing to the Planning Division at least 30 days prior to the above date.

Business operations have commenced in accordance with all applicable conditions of approval, have secured a business license and shall maintain a valid business license, including annual renewals, required for operation.

All administrative and conditionally permitted uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new use permit.

#### Fire - Access

49. Where the grade plan and highest roof surface exceeds 30ft., fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of buildings (highest roof surface shall be determined by measurement to the eave of a pitched roof). At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building. "A" Street having been designed at or greater than 26 ft. (in portions of the roadway) in width, is positioned on the shortest portion of the building, however this condition is adequate for Fire Department access. (Maple, Main, McKeever).
50. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced to provide all-weather driving capability. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus accesses.
51. Fire apparatus access road 20 feet to 26 feet wide shall be posted on both sides as a fire lane; fire apparatus access road 26 feet to 32 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.
52. Address and premise identification approved numbers shall be placed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property. Dimensions of address numbers or letters on the front of the buildings shall be approved by the fire department.

53. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26ft. exclusive of shoulders.
54. Entry road exhibit demonstrates access to the property that is within the standards of the Hayward Fire Department. Entry/exit roads into the property must have a minimum inside radius of 17ft. and a minimum outside radius of 45ft. (Appendix D).

#### Fire - Water Supply

55. A fire flow shall be provided in accordance with the current addition of the California Fire Code Table B105.1 based on the construction type and building area. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500 gpm.
56. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the California Fire Code (CFC). The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.
57. All new fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants.
58. All buildings on site are required to install an overhead fire sprinkler system(s). An underground fire line will service each fire sprinkler system. An underground fire service line shall be installed in accordance with NFPA Standards. (A separate fire department permit, and approval is required prior to installation).

#### Fire Protection

59. Fire alarm system with occupant notification shall be provided in accordance with CFC Section 907 and NFPA 72 Standards for all proposed R2 buildings. (Deferred Submittal by licensed C10 Contractor)
60. The audible alarm devices shall be installed:
  - a. An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser. The device shall activate upon any fire sprinkler system water flow activity.
  - b. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity. (R2 occupancy)
  - c. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the residence. The device shall activate upon any fire sprinkler system water flow activity. (R2 Occupancy)

61. 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) and NFPA 72 Standards. (R2 Occupancy)
62. CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector. (R2 Occupancy)
63. All buildings are required to install an automatic fire sprinkler system in accordance with NFPA 13. A separate fire permit is required for the fire sprinkler system installation. A State Licensed C-1 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation. Maximum static pressure of 80 PSI should be used when the test data indicates higher pressures. (Deferred submittal)
64. A maximum static pressure of 80 PSI should be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly.
65. Underground fire service lines that serve NFPA 13 systems shall be connected to the city water main per Hayward Public Works Dept. SD-204.
66. A standpipe system is required for buildings 3 stories or more in height. Standpipe system shall conform to NFPA 14 Standards. (Deferred submittal)

Hazardous Materials

67. **Environmental and Health Based Site Clearance** – In addition to other documents some of which are on the State Envirostor website, our office has recently received and reviewed the following document:
  - a. “Phase I Environmental Site Assessment Report, Main and Maple Development, 22330 Main Street, Hayward, CA, Hayward, California” by PES Environmental, Inc., dated February 10, 2021.

The report indicates historic commercial and residential uses on the project site including medical uses such as a hospital and medical offices. The report indicates the presence of chlorinated solvent from previous dry-cleaning operation on adjoining properties. As a condition of approval, the Hayward Fire Department is requiring proper evaluation and regulatory oversight to ensure that the site meets environmental and health-based clearances that are appropriate for this residential development. Currently, the applicant has entered into a voluntary cleanup agreement with the California Department of Toxic Substances Control (DTSC) to provide an environmental clearance. A meeting with Developer, DTSC, and the City of Hayward Hazardous Materials Office was held on April 7, 2021, to discuss the site review and clearance process. Clearance from the DTSC will ensure that the proposed residential project meets development investigation and cleanup standards, including if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. The DTSC clearance shall be submitted to the Hayward Fire Department’s Hazardous

Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits. Exceptions may be granted upon agreement of the City of Hayward Fire Department and the DTSC.

68. **Electronic Submittal of Environmental Documentation** – Environmental Documentation associated with the evaluation, investigation and/or clearance of this site shall be provided in an electronic format to the City of Hayward Fire Department and Planning Division prior to the issuance of the Building or Grading Permit.
69. **Demolition/Grading** – A condition of approval 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 an appropriate professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated.
70. **Wells, Septic Tank Systems or Subsurface Structures** – Any wells, septic tank systems and other subsurface structures shall be protected and removed properly to minimize threats to the health and safety of the development construction workers, future residents, or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.
71. **Hazardous Materials/Waste and their Vessels Discovered during Grading/Construction** – If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.
72. **Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts** – If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Hayward Fire Department (HFD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report shall be required to be submitted to document the activities performed and any conclusions. Below are specific requirements on each:
  - a. **Underground storage tank and associate piping:** An approved removal plan, including appropriate sampling, a Hayward Fire Department permit for the removal, and follow-up report is required.
  - b. **Oil Water Separators:** An approved plan, including appropriate sampling, and follow-up report is required.
  - c. **Hydraulic Lifts:** An approved plan, including appropriate sampling, and follow-up report is required.

73. **Hazardous Materials/Waste During Grading and Construction** - During grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.
74. **Hazardous Materials During Facility Operation** – Depending on the quantity and types of storage of hazardous materials/waste, an annual hazardous materials permit may be required associated with the development or potentially any onsite tenants. Specific information will need to be submit at the time of building permits for the development that include and are not limited to:
- a. Swimming Pools – On site storage or pool chemicals or ozone generation units.
  - b. Elevators – Any oil storage associated with hydraulic elevators system.
  - c. Fire Pumps – Any diesel associated with fire pumps.
  - d. Maintenance – Any hazardous materials associated with maintaining the properties.
    - i. Maintenance Supplies such as cleaning supplies, paints, lubricant, gas/diesel, etc.
    - ii. Collection of hazardous waste from residence, garbage collection or illegal dumping on the property.
  - e. Future Commercial Uses – No specific tenants related to commercial use is proposed at this time for the project. If tenants are identified in the commercial spaces, then the applicant shall provide adequate information associated with the use or storage of hazardous materials/waste for evaluation and approval by the Hayward Fire Department to ensure adequate conditions are met.

#### **PRIOR TO DEMOLITION OF EXISTING STRUCTURES**

75. Unless otherwise specified or approved by the Planning Director, all vacant building(s) on-site shall be demolished within six (6) months from project approval, and the site shall be returned to a “pre-development condition” which includes the capping of any utilities, the planting of sod to prevent erosion, and a 6 foot tall perimeter fence shall be erected within the required front, side and rear yards of a vacant parcel, subject to the standards set forth in Section 10-1.2735.k, Fence Regulations for Vacant Properties. In addition, the property shall be maintained in a weed-free condition and if applicable, by subject to any pre-construction or demolition mitigation required as pursuant to CEQA.
76. Prior to, during and following demolition of vacant structures, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4, Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.

Building

77. This project will require a building permit and the associated building code plan review process. During the building permit plan review, detailed technical comments will be provided.
78. With the building permit application drawings, please provide a code analysis sheet for this project. Include allowable area calculations, egress diagram and occupant loads. Please show exit access travel distance, common path of egress travel, exits and exit discharge.
79. Please contact the building division with any code questions that may impact the layout of the building. The drawings submitted at this time do not include sufficient detail to evaluate all potential issues. However, specific code questions are welcome before the formal submittal of the building permit drawings.
80. The proposed project falls under a new green building ordinance called the "Reach Code". This local regulation modifies the CA Energy Code to prohibit natural gas in most new buildings. For residential buildings that have more than 3 habitable stories, there is a "mixed-fuel" option that allows some natural gas use if additional efficiency measures are taken. The reach code also expands CalGreen's requirements for EV charging support. To learn more about the Reach Code and to find a checklist for your specific project type, please see the City of Hayward website here: <https://www.hayward-ca.gov/reach-code>

Landscaping

81. No building permit shall be issued prior to approval of landscape and irrigation improvement plans. Applicant shall propose a location and design for a private dog walk area on the project site. Such proposed location and design shall be subject to the review and approval of the Director of Planning.
82. Pursuant to HMC Chapter 10 Article 12 Bay-Friendly Water Efficient Landscape Ordinance.
83. Pursuant to HMC Section 10-12.07 (a) (2) (C), plant spacing shall not be closer than the minimum spread provided in the reference books in the ordinance. Revision to the proposed plant spacing shall be provided. Graphic representation of plant sizes on the plan shall match the proposed plant spacing. Plants that will mature beyond provided planting area shall be replaced with plants that will mature to the specified space.
  - a. Variety for Pistacia chinensis shall be 'Keith Davey' and for Laurus nobilis shall be 'Saratoga.'
  - b. Kentucky Bluegrass requires full sun for the best performance and will go dormant during winter season. It is recommended to use a blend of different seeds or a fescue species.

84. Pursuant to HMC Section 10-12.07 (4), soil amendments shall be recommended in the soil analysis report based on amending the soil with organic compost to bring the soil organic matter to a minimum of 5% by dry weight and incorporating organic fertilizers to recommended levels for planting area. If significant mass grading is planned the soil analysis report shall be done after mass grading and the report shall be submitted as part of the Certificate of Completion.
85. Street tree shall be planted in accordance with City Standard Detail SD-122 and the detail shall be included in the planting detail sheet.
86. Two-inch diameter tree stake shall only be used for 15-gallon trees.
87. Double tree staking with three-inch diameter tree stake shall be sufficient for 24-inch-box and 36-inch-box trees. Tree staking or guying detail shall be provided for larger than 36"-box trees.
88. Palm tree planting detail and soil specifications shall be provided.
89. Vine Clematis shall require support system to spread with vine ties. A stake at vine shall not be sufficient. Vine support detail shall be provided.
90. Pursuant to HMC Section 10-12.07(a)(4)(D), mulch shall be arbor chips produced on site only, or organic recycled chipped wood in the shade of Dark Brown color, unless steep slope would prevent from using chipped wood. Mulch size shall not exceed 1-1/2-inch in diameter.
91. Irrigation for street trees provided in the public right-of-way and in the sidewalk shall be provided with two tree bubblers in combination of one flood and one preassembled deep root watering bubblers. Flow rate for each bubbler device shall not exceed 0.25 gallon per minute.
92. Irrigation schedule for the establishment period and post-establishment period shall be provided on the irrigation plan.
93. Overhead spray irrigation in the fire lanes shall be installed in compliance with the State and the City's requirement of recessing 24-inch from the edge of structure and hardscape.
94. All above ground mechanical equipment shall be screened from the street with five-gallon shrubs.
95. Minimum twelve inches wide band of large size exceeding six-inch diameter Noiya Cobblestone shall be provided around overflow catch basin or bubble up basin.
96. Tree shall be located a minimum of 5 feet from lateral service lines and driveways, a minimum of 15 feet from a light pole, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.



97. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as recommended by the manufacturer.
98. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be incorporated into the irrigation detail plan.

Landscape Maintenance:

99. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay.
100. 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.
101. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color and the size shall not exceed 1-1/2-inch diameter. The depth shall be maintained at three inches deep.
102. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.
103. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect.
104. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code.
105. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

Engineering

106. APNs 428-0061-061-03 & 428-0061-061-04 shall be merged, or an irrevocable agreement shall be filed in public records for the use, maintenance, repair and replacement of common use facilities, including but not limited to the fire lane, area lighting, vehicle parking and other utilities.
107. The proposed removal of the existing striped mid-block crosswalk on Main Street will require public notice prior to the approval of the grading permit for this project. Please contact the Engineering Division for noticing requirements.

Transportation

108. Applicant, property owner, Homeowners Association (HOA) or property manager shall maintain adequate visibility and sight distance at all project driveway(s) and access point(s).
109. Applicant and the Property Manager shall implement the following TDM measures and strategies as identified in the Project's TDM Plan:
- Unbundled Parking: Applicant/Property Manager shall be required to unbundle parking, to offer for lease all on-site parking spaces designated for residential/retail usage separate from the lease rates for rental units, including those spaces reserved during business hours for retail uses. Upon request, Applicant/Property manager shall present documentation (e.g. copy of lease agreement with sensitive information redacted) to the City's Planning Division or the City's Public Works-Transportation Division confirming that unbundling of parking spaces is occurring.
  - Preferential EV & Carpool Parking: Applicant shall designate parking spaces for electric vehicles (EVs) and carpool vehicles. These items shall be shown on the Project's Improvement Plans.
  - Carshare: Applicant shall designate at minimum two "car-share" parking spaces.
  - Bikeshare/Pedestrian Oriented Design: Applicant/Property Manager shall provide at minimum five bicycles for rent to residents.
110. Applicant shall implement TDM measures in addition to those above to the extent necessary to reduce Project's vehicular trips to a maximum of 1,584 daily trips, 96 AM peak hour trips and 132 PM peak hour trips (20% reduction from the project's baseline estimated trip generation) ("VTR"). The Applicant shall select TDM measures from the Alameda County Transportation Commission (ACTC) Vehicle Miles Travelled Reduction Calculator Tool and/or additional measures approved by the Public Works Director or his/her designee. Such measures may include, without limitation:
- Annual contribution to an established Last-Mile Shuttle Program when the project reaches 75% occupancy.
  - Subsidized monthly transit passes
111. Applicant/Property Manager shall submit to the Public Works-Transportation Division, a TDM Monitoring Report on an annual basis, beginning the first operating year or beginning at 75% occupancy. TDM Monitoring Report shall be prepared by a qualified transportation consultant and shall be due on July 1 of each year, with Applicant/Property Manager responsible for all costs associated with the preparation of the TDM Monitoring Report which shall include the following:
- Summary of implemented TDM measures and their measured effectiveness;

- Results of Project resident and employee transportation surveys to monitor vehicle trip generation and mode share for the project residents and employees; and
  - Weekday AM and PM peak period and daily traffic volume counts at all Project driveways and internal gate(s) for secure residential parking.
112. Upon request by the City of Hayward, the Applicant shall be responsible for the total costs of transportation consulting services for the purpose of peer reviewing the annual TDM reports.
113. TDM Reports shall be due annually on July 1. If the Project falls below 75% occupancy, a TDM Report shall continue to be due as long as a Report was due the previous year, or unless otherwise exempted by the Public Works & Utilities Director or his/her designee in writing. Failure to submit an annual TDM report may result in violation of Conditions of Approval.
114. If Project does not meet VTR goals for two successive years, the Applicant/Property Manager shall implement additional TDM Strategies which may include but are not limited to:
- Residential Ride-match program;
  - Car-share subsidies;
  - Transit subsidy increases;
  - Commute Marketing Program;
  - TNC/Transit Partnerships;
  - Carpool/Vanpool incentives.
115. If, after the project achieves 75% occupancy, the Public Works Director determines that a Parking Permit Program is needed within a six-block radius of the project, Applicant/Property Manager shall contribute a fair share amount of \$25,000 per fiscal year toward development of the Parking Permit Program. Such contribution shall not exceed \$25,000 per year. This contribution shall be due on July 1 of each year and represents Applicant's fair-share contribution toward development of the Parking Permit Program, including but not limited to the costs for installation of signage and striping, permits, and the cost for enforcement of the program in the area. If, after establishment of the program, program costs for the six-block area are offset by permit fees and other program revenue sources, as determined by the Public Works Director, City shall reduce or remove the annual contribution requirement accordingly. Should the Public Works Director determine other project(s) are impacting parking in the neighborhood, the costs for the program and enforcement shall be shared proportionately among such development(s) based on the total number of residential units in each development plus, the total retail/commercial square footage in each development. Alternatively, fair-share proportionality may be determined by an alternate methodology approved by the Public Works Director. Upon request by the Applicant, City shall provide a reasonable

accounting of the costs of the Parking Permit Program and substantiation for the determination of the project's fair share contribution.

Solid Waste

116. The property owner or his/her designated property manager shall be responsible for litter-free maintenance of the property and shall remove any litter on or within 50 feet of the property daily to ensure that the property and its street frontage remain clear of any abandoned debris or trash per Municipal Code Sec.11-5.22.

**PRIOR TO ISSUANCE OF BUILDING PERMIT**

Affordable Housing

117. This development is subject to the requirements of the Affordable Housing Ordinance set forth in Chapter 10, Article 17 of the Hayward Municipal Code. The developer shall comply with the affordable housing requirements as reflected in the attached final Affordable Housing Plan on file with the Housing Division and included as Attachment X and detailed per Section 10-17.510 Affordable Housing Plan. No building permit(s) will be issued for any non-City restricted units in the Project until permits for all affordable units have been obtained or are obtained simultaneously. No Certificate(s) of Occupancy will be issued for any non-City restricted units in the Project until Certificate(s) of Occupancy for all affordable units have been obtained or are obtained simultaneously.
118. Pursuant to Hayward Municipal Code Sections 10-17.515 and 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement that includes all elements set forth in the Affordable Housing Ordinance and the final Affordable Housing Plan on file with the Housing Division and included as Attachment X to the staff report, prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.
119. If the developer decides to phase the project, then prior to the execution of the Affordable Housing Agreement, the developer shall submit a Phasing Plan subject to the review and approval of the City Council or designated reviewing authority as specified in the City's Affordable Housing Ordinance (AHO) in effect at the time. Phasing of the project includes any situation where the developer elects to obtain building permits for the market-rate units prior to all affordable units per the AHO, the developer seeks to obtain Certificates of Occupancy (COO) for any market-rate units prior to the issuance of COO for all affordable units included in the project, or any other situation specified in the AHO.

Landscaping

120. Prior to submitting the first building permit, detailed landscape and irrigation improvement plans prepared by a licensed landscape architect on an accurately

surveyed base plan shall be approved by the City. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. Once approved, a digital file of the approved and the project landscape architect signed improvement plans shall be submitted to the City for the City's approval signatures. Copies of the signed improvement plans shall be submitted as a part of the building permit submittal.

### Water

121. All public water mains and appurtenances shall be constructed in accordance with 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: <https://www.hayward-ca.gov/your-government/departments/engineering-division>
122. All connections to existing water mains shall be performed by City Water Distribution personnel at the Applicant/Developer's expense. The Applicant/Developer is responsible for installation charges, facilities fees, and sanitary sewer connection fees in effect at the time of application for water and sanitary sewer services.
123. Any modifications to existing water services such as but not limited to upsizing, downsizing, relocating, and abandoning shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
124. The water facilities fee for multi-family developments are based on the water meter size required to meet the indoor demand for each individual dwelling unit, regardless of the arrangement of water meters or meter sizes at the property.
125. The water facilities fee for non-residential connections are based on the water meter size required to meet the indoor demand for the operation.
126. Domestic Water Services (Residential): One or more master water meters may serve the development residential domestic water services. One master water meter is required per building. Private submeters shall be installed for each residential dwelling unit per the State of California SB-7.
127. Domestic Water Services (Non-Residential): Each non-residential, commercial unit shall be served by a separate domestic water meter.
128. Fire Services: Each building 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.
129. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for the development's landscaping. The gallon-per-minute demand of the irrigation system must be provided to determine appropriate meter size. The Applicant/Developer's 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.
130. Water meters and services are to be located a minimum of two feet from top of driveway flare as per City Standard Detail SD-213 thru SD-218. Water meters shall not be located in the driveway. Water meter lids shall be Nicor, Inc.
  131. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
  132. The development's utility plan is conceptual and further review and comments may be provided during review of grading and/or improvement plans. Design and construction of water and sewer facilities improvements to serve the proposed development shall be coordinated with the City's Water and Sewer Capital Improvements Projects and to the satisfaction of the City Engineer.
  133. Off-site water pipeline improvements, at the Applicant/Developer's expense, shall be required to serve the proposed development as determined by the Director of Public Works. Water pipeline improvements include, but are not limited to, upsizing existing water pipelines to accommodate the project, abandoning existing water pipelines and appurtenances, replacing existing water service lines, installing new water service lines, and reconnecting water service lines from existing water main to new water main.
  134. The existing water mains shall be abandoned and replaced, at the Applicant/Developer's expense, to accommodate the development as follows:
    - a. The existing 6" water main along Maple Court between A Street and McKeever Avenue shall be replaced with a minimum 12" water main.
    - b. The existing 8" water main along Main Street between A Street and McKeever Avenue shall be replaced with a minimum 12" water main.
    - c. The existing 6" water main along McKeever Avenue between Main Street to Maple Court shall be replaced with a minimum 12" water main.

Sewer

135. All sewer mains and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Sewer Mains and Appurtenances," latest revision at the time of permit approval. Available on the City's website:

<https://www.hayward-ca.gov/your-government/departments/engineering-division>

136. The developer is responsible for payment of sewer connection fees at the current rates at the time and application for water and sewer service is submitted. Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge. The development's permitted sewer capacity and related sewer capacity fees shall be further assessed during the building permit application.
137. The Applicant/Developer's shall install a grease control device to control fat, oil, and grease discharge from any food service establishment. The type, size, and location of the device shall be approved by the Public Works & Utilities Department.
138. The development's utility plan is conceptual and further review and comments may be provided during review of grading and/or improvement plans. Design and construction of water and sewer facilities improvements to serve the proposed development shall be coordinated with the City's Water and Sewer Capital Improvements Projects and to the satisfaction of the City Engineer.
139. Off-site sanitary sewer pipeline improvements, at the Applicant/Developer's expense, shall be required to serve the proposed development as determined by the Director of Public Works. Sanitary sewer pipeline improvements include, but are not limited to, upsizing existing sanitary sewer pipelines to accommodate the project, abandoning existing sanitary sewer pipelines, modifying associated sewer manholes for new connections, installing new sanitary sewer manholes, and reconnecting sewer laterals from existing sewer main to new sewer main. The improvements shall also include replacing a minimum of five feet of existing sewer lateral from the connection at the sewer main prior to connecting existing sewer lateral to new sewer main.
140. The existing sanitary sewer mains shall be abandoned and replaced, at the Applicant/Developer's expense, to accommodate the development as follows:
  - a. The existing 6" sanitary sewer main in Maple Court from McKeever Avenue to A Street shall be replaced with a minimum 8" sanitary sewer main.
  - b. The existing 6" sanitary sewer main in Main Street from the development's point of connection to A Street shall be replaced with a minimum 8" sanitary sewer main.
  - c. The development does not propose wastewater discharge to the existing sewer main in McKeever Avenue. If the development will have sanitary sewer lateral connection(s) to the existing sewer main in McKeever Avenue, the existing 6" sanitary sewer main in McKeever Avenue from the development's point of

connection to Maple Court shall be replaced with a minimum 8" sanitary sewer main.

Domestic & Fire Services

141. Facilities fees for residential connections are based on the domestic demand for each dwelling unit. The developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.
142. Fire: Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204.
143. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for the development's landscaping. The gallon-per-minute demand of the irrigation system must be provided to determine appropriate meter size. The applicant/developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
144. One domestic water meter shall be installed for the common room and the laundry room. Any other non-residential areas or common areas shall be individually water metered.
145. The water facilities fee for non-residential connections are based on the water meter size required to meet the indoor demand for the operation.
146. Each commercial unit shall be served by a separate domestic water meter.
147. Water meters and services are to be located a minimum of two feet from top of driveway flare as per City Standard Detail SD-213 thru SD-218. Water meters shall not be located in the driveway. Water meter lids shall be Nicor, Inc.
148. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The



minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.

149. The development's utility plan is conceptual and further review and comments may be provided during review of grading and/or improvement plans.
150. Off-site water pipeline improvements, at the applicant/developer's expense, shall be required to serve the proposed development as determined by the Director of Public Works. Water pipeline improvements include, but are not limited to, upsizing existing water pipelines to accommodate the project, abandoning existing water pipelines and appurtenances, replacing existing water service pipeline, installing new water service lines, and reconnecting water service lines from existing water main to new water main.

### Engineering

151. Developer shall secure the Grading Permit prior to the issuance of any Building Permits associated with the project. Plans for Grading Permit shall include details for required grading, material stockpiling, earth retaining structures, drainage collection and disposal, stormwater pollution prevention measures, utility service laterals, landscape and lighting improvements and improvements in the street right-of-way complying with the Planning approval and necessary to develop the site.
152. All plans and their related engineering studies and design documents shall be prepared by the State licensed and qualified professionals and shall comply with Chapter 10, Article 8 of the Hayward Municipal Code and the current City Standard Details, available online.
153. The project related grading, retaining walls, surface and sub-surface drainage, utility trench backfills, and pavements shall be designed in accordance with the recommendations of the geologic and geotechnical study reports submitted to and approved by the City Engineer. Soils report engineer shall confirm such compliance by signing the final grading and drainage plans.
154. Structural calculations and details prepared by a licensed civil or structure engineer are required for all earth retaining structures greater than 4-feet in height (top of wall to bottom of footing) and shall be reviewed and approved by the Building Division of the Development Services Department.
155. The project shall not block runoff from or augment runoff to adjacent properties. The developer shall detain on-site the augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.
156. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. On site drainage shall be collected and conveyed to public drainage system as per plans

approved by the City Engineer. The storm drainage system shall be designed to convey a 10-year storm event.

157. Drainage plans should include all proposed underground pipes, building drains, area drains and inlets. All building sites shall be graded to slope away from the building foundations with minimum slope of two percent (2%) or as required by the Soils Engineer. On-site storm drains shall be sized to minimize potential for blockages and designed to prevent water ponding.
158. The on-site storm conveyance and treatment systems shall be owned and maintained by the property owner.
159. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted and shall show, at a minimum, drainage management areas, location and details of all treatment control measures, site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidelines.
160. Land disturbance of one or more acres on the project site requires the developer to submit to the City Engineer the Notice of Intent and WDID issued by the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) before issuance of a grading permit. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD) utilizing the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices.
161. Developer shall comply with the pre-construction and post-construction requirements of the Municipal Regional Permit (MRP) of the San Francisco Regional Water Quality Control Board. 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.
162. All existing public utilities shall be protected in place and if necessary, relocated as approved by the utility owner. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.
163. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City unless such work is permitted by the City's grading permit. City's permit for work within public street rights-of-way shall be as per the plans approved by the City Engineer and shall include the following:
  - Main Street pavement, across the project frontage, shall be repaired and resurfaced. Its easterly one-half width shall be resurfaced with a minimum 2-inch thick hot-mix A.C. and the westerly one-half width shall be resurfaced by

- micro-surfacing as per plans submitted by the developer's engineer and approved by the City Engineer.
- Main Street shall be restriped for one vehicular lane, parking, and a striped separated bike lane in each direction of travel across the project frontage. Provide street pavement markings and signage transitions to match existing beyond the project frontage. The Main Street striping plan shall be consistent with the lane configuration for the City's Main Street Complete Street project as determined by the City Engineer.
  - Existing mid-block crosswalk across Main Street shall be removed along with its associated curb ramps, signs, and pavement markings.
  - Existing overhead utilities and poles on Main Street shall be removed and replaced with underground utilities fronting the project.
  - New streetlights shall be installed across all street frontages of the project. Provide an off-site photometric plan, street lighting levels shall comply with the City Standard Plan SD-120.
  - Replace existing with new concrete curb, gutter, sidewalk, and driveways across the project frontages on Main Street and McKeever Avenue conforming to adjoining existing in form and color. Replace damaged similar improvements across the project frontage on Maple Court.
  - Driveways and sidewalk fronting the project shall be accessibility compliant and not narrower than their existing widths. Unused driveways shall be replaced with new curb, gutter, and sidewalk.

### Transportation

164. Applicant shall submit the following items as part of Improvement Plans to Public Works-Transportation for review prior to issuance of Building Permits:
- An on-site and off-site (fronting City right-of-way) Signing and Striping Plan in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking complaint disabled stalls).
  - A Photometric Plan, refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria, link: <https://www.hayward-ca.gov/documents/hayward-standard-detail>
  - Turning Analysis using WB-50 or the largest vehicle expected on-site using AutoTurn software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.
165. Unless otherwise directed by the Public Works & Utilities Director or his/her designee, Applicant shall extend the existing red curb on Mission Boulevard at the intersection of Simon Street in both directions so that parking is prohibited within 60 feet of the intersection to improve sight visibility and distance. Applicant shall provide to Public Works-Transportation Signing & Striping Plans for this location.
166. Unless otherwise directed by the Public Works & Utilities Director or his/her designee, Applicant shall extend the existing red curb on Mission Boulevard at the

- intersection of Hotel Avenue in both directions so that parking is prohibited within 60 feet of the intersection to improve sight distance and visibility. Applicant shall provide to Public Works-Transportation Signing & Striping Plans for this location.
167. Applicant shall adjust the driveway slope at the project's parking garage driveway so that there is a five-foot level path of travel for pedestrians along the sidewalk and crossing the driveway. This item shall be included in Improvement Plans.
  168. Unless otherwise directed by the Public Works & Utilities Director or his/her designee, Applicant shall coordinate with City staff and reconfigure the striping and signage of the northbound lanes on Main Street approaching A Street to provide adequate transition to the section of Main Street north of A Street. Reconfiguration of the striping and signage of the approach and intersection shall be consistent with the lane configuration/plans for the City's Main Street Complete Streets project as determined by the City Engineer. The Applicant shall be responsible for the cost and/or construction of the transition, the design of which shall be approved by the Public Works & Utilities Director or his/her designee. This item shall be included in the Signing & Striping Plans.
  169. Applicant shall stripe 20-feet of red curb on both sides of all project driveways to discourage parking near driveways and provide adequate sight distance. This item shall be included in the Signing & Striping Plans.
  170. Applicant shall install striping and signage for a Class IV separated bike lane along both sides of Main Street between A Street and McKeever Avenue. The design of the bike lane shall meet City standards and design requirements to the satisfaction of the Public Works & Utilities Director or his/her designee and shall be consistent with the lane configuration for the City's Main Street Complete Street project as determined by the City Engineer. This item shall be included in the Signing & Striping Plans.
  171. Applicant shall stripe a bicycle lane along both sides of McKeever Avenue between Main Street and Maple Court. The bike lane shall meet the City's standards and design requirements to the satisfaction of the Public Works & Utilities Director or his/her designee. This item shall be included in the Signing & Striping Plans.
  172. Applicant shall stripe "parking-tees" designating on-street public parking spaces along both sides of Main Street between A Street and McKeever Avenue and along both sides of McKeever Avenue between Main Street and Maple Court. This item shall be included in the Signing & Striping Plans.
  173. Unless otherwise directed by the Public Works & Utilities Director or his/her designee, Applicant shall stripe high visibility "ladder" crosswalks for all legs of the

following intersections, which shall be included in the Signing & Striping Plans:

- Main Street / A Street;
  - Main Street / McKeever Avenue;
  - McKeever Avenue / Maple Court;
  - Mission Blvd. / Simon Street; and
  - Mission Blvd. / Hotel Avenue.
174. The applicant shall install rectangular rapid flashing beacons, advance yield lines, pedestrian crosswalk signs, “Yield Here” signs and advance crosswalk signs on both directions of Mission Boulevard at the following intersections, which shall be included in the Signing and Striping Plans:
- Mission Blvd./Simon Street; and
  - Mission Blvd./Hotel Avenue.
175. Applicant shall install Pedestrian Barricades on both the north and south side of the intersection of Maple Court and A Street to discourage crossing A Street at that location. The barricades shall include appropriate signage directing pedestrians to crosswalks at adjacent intersections. This item shall be included in the Signing & Striping Plans.
176. Applicant shall install channelized median and appropriate striping/signage to restrict westbound traffic at the intersection of Hotel Avenue/Mission Boulevard to right-in, right-out only. This item shall be designed to the satisfaction of the Public Works & Utilities Director or his/her designee and shall be included in Improvement Plans, including the Signing & Striping Plans.
177. Applicant shall increase the number of short- and long-term bicycle parking for both the residential and retail uses to accommodate at minimum 79 bicycle parking units for the residential portion of the project and two bicycle parking units for the retail portion in a secure bicycle room. Applicant shall further locate at least four short-term bicycle parking units within close proximity to the ground floor retail use.
178. Applicant shall designate parking for Electric Vehicles (EVs) and Carpool vehicles. This item shall be included in Improvement Plans.
179. Applicant shall designate, at minimum, two on-site “car-share” parking spaces. This item shall be included in Improvement Plans.
180. Upon review of Improvement Plan(s) and required item(s) listed above by Public Works-Transportation, Applicant shall modify Improvement Plan(s) to address any deficiency(ies) or item(s) identified by Public Works-Transportation staff, to the

satisfaction of the Public Works Director or his/her designee, prior to issuance of Building Permit(s).

## **DURING CONSTRUCTION**

### Landscaping

#### Existing Tree including Off-Site Tree Protection During Construction

181. Prior to beginning work, the contractors working in the vicinity of trees for preservation are required to meet with the Project Arborist at the site to review all work procedure, access routes, storage areas and tree protection measures.
182. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist. Any necessary root pruning shall be performed by a qualified arborist and not by construction personnel.
183. If damages should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied. If the damages to tree result in removal, removed tree shall be replaced to its appraised value provided by the Project Arborist and approved by City Landscape Architect.
184. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.
185. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel with a tree pruning permit from City Landscape Architect. Pruning off-site tree shall require a written permission from the property owner where the tree is located.
186. On-site trees for preservation shall be irrigated on a schedule to be determined by the Project Arborist. Each irrigation session shall be wet the soil within the Tree Protection Zone to a depth of 30 inch.

### Engineering

187. Construction Stormwater Management: Developer shall be responsible for the preventing the discharge of pollutants and sediments into the street and/or the public storm drain system from the project site during construction in accordance with the Hayward Municipal Code Section 11-5.19 thru' 11-5.23. Land disturbing activities between October 1st and April 30th, must have an erosion and sedimentation control program approved, and implemented prior to the start of any land disturbing activity. Trash and debris must be adequately contained at all times. Noncompliance with stormwater management measures may result in the project

being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.

188. Qualified SWPPP Practitioner (QSP) shall regularly inspect and submit monthly and final reports to the Public Works Inspector in addition to the submittals to the State Water Quality Control Board.
189. Construction Damage: The Developer shall remove and replace curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Damaged pavement surfaces shall be overlain or micro-surfaced. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter, and sidewalk per City standards.

#### **PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

##### Landscaping

190. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City, As-Built digital plans shall be submitted to the Engineering Department by the developer.
191. Pursuant to HMC Section 10-12.11: For new construction and rehabilitated landscape projects installed after December 1, 2015, the project applicant shall submit an irrigation audit report done by the third party as required in Appendix C - Certificate of Completion Part 5 to the City. The report may include, but not limited to inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation controllers with application rate, soil types, plant factors, slope, exposure, and any other factors necessary for accurate programming.
192. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance with the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.

##### Engineering

193. All public and private improvements including punch list items must be complete prior to occupancy of any unit.
194. Prior to final inspection and issuance of final certificates of occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction

of the Public Works Director and Development Services Director or his/her designees.

195. Post Construction Stormwater Maintenance: The property owner(s) shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for private treatment control and site design measures is bound to the property in perpetuity.
196. SWPPP Final Report: The project QSP shall prepare and file a Final SWPPP Report with the City and Water Board.
197. Geotechnical Letter: Prior to the issuance of any Certificates of Occupancy, Developer shall submit a confirming letter from the project geologic team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.
198. Final Engineer's Report: Prior to the issuance of any Certificate of Occupancy, The Engineer of Record shall submit a confirming letter that all grading, drainage, and engineering components of the project have been performed in conformance with the approved plans and specifications.
199. As-Built Records: As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.