

**PLANNING COMMISSION MEETING
THURSDAY, MAY 22, 2025**

**DOCUMENTS RECEIVED AFTER
PUBLISHED AGENDA**

ITEM #1 PH 25-022

STACK Data Center: Major Site Plan Review and Administrative Use Permit Application to Construct a Three-Story Data Center, Generator Yard, Substation, Switching Yard, and Related Accessory Structures and Site Improvements on an Approximately 11-Acre Site Located at 26062 Eden Landing Road (Assessor Parcel No. 461-0085-052-01 & 461-0085-016-00); Application SPR-23-0036; Miles Kersten for STACK Infrastructure (Applicant) on behalf of SI SVYL3 LLC (Owner)

PUBLIC COMMENT

From: Shay Franco-Clausen <shay@shayfrancoclausen.com>
Sent: Thursday, May 22, 2025 3:42 PM
To: Alisha Khan <Alisha.Khan@hayward-ca.gov>; Jeremy Lochirco <Jeremy.Lochirco@hayward-ca.gov>
Cc: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Subject: Re: 05/22/2025 PC Presentations

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Planning Division Staff,

As a Hayward Planning Commissioner and a nearby resident of the proposed STACK Data Center site, I regret that I am unable to attend tonight's meeting. However, I've met with the applicant and several stakeholders, and I'd like to submit the following comments for the record.

I am inclined to support the project, as it aligns with our city's goals of attracting investment, job creation, and economic growth. With Hayward's ideal location and access to recycled water, I see the potential for this development to be a long-term asset.

However, I have some concerns I hope the Commission and applicant can address:

- **Community Benefit:** While the \$1.5M contribution is appreciated, what other long-term or comparable community incentives have STACK provided in other cities? Can we push for greater investment in local programs or infrastructure?
- **Disaster Preparedness:** There is little detail on protocols or funding to support emergency response. This is especially important given the presence of natural gas systems. How often are those systems tested, and what safeguards are in place?
- **Sustainability:** I support the use of natural gas as a backup energy source, but we should ask for more transparency on renewable integration and energy efficiency goals.

I recommend that staff consider requesting friendly amendments to ensure stronger commitments around community benefits and disaster readiness. As this project could have a lasting presence in our city, we must hold partners to the highest standard—on par with what cities like San Jose require.

Looking forward to watching the meeting tonight!

In solidarity,

Shay Franco-Clausen

Unapologetic Political Strategist

She/Her/Ella/Queen

Mills College, PEPL '22

IG: [@shayfranoclausen](#)

Fb: [Shay Franco-Clausen](#)

Calendly: [Want to meet?](#)

On Thu, May 22, 2025 at 3:24 PM Alisha Khan <Alisha.Khan@hayward-ca.gov> wrote:

Good afternoon, Planning Commissioners,

Attached are Presentations for tonight's Planning Commission meeting. The attached is also available on the City website at <https://hayward.legistar.com/Calendar.aspx> under "Presentations" for tonight's meeting.

A separate email will follow shortly with the documents received after published agenda.

Thank you,

Alisha Khan | Senior Secretary

Planning Division

(510-583-4205 | alisha.khan@hayward-ca.gov)



UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA
Carpenters Local 713, Alameda County

Mailing Address
1050 Mattox Road
Hayward, California 94541-1298



Union Meetings:
Second and Fourth
Thursdays

Phone: 510-581-7817

Fax: 510-581-1267 • E-Mail: carp713@carpenters713.org • Dispatch Fax: 510-733-2509 • www.carpenters713.org



May 21, 2025

Emailed Only

To: Members of the Hayward Planning Commission

Re: Hayward Stack Data Center

The members of Carpenters Local 713 in Alameda, Alameda County and the surrounding Bay Area strongly support the Stack Data Center in Hayward. This Data Center will bring a significant number of union construction jobs to Hayward and provide an opportunity for local apprentices to begin or continue a career in the construction industry.

It is our desire to protect the wages, benefits, working conditions and job opportunities for local construction workers who depend on this work for a livelihood in Hayward and Northern California. Stack Infrastructure's partnership with HITT Contracting Inc. Provides union carpenters a unique opportunity to do just that.

Carpenters Local 713 is excited to support The Stack Data Center for their dedication to Hayward, the community and Union Labor.

Thank you for your service and consideration in moving-this-Project forward.

Sincerely,

Antonio Munoz
Senior Field Representative
Carpenters Union Local 713

AM:mea
opeu#29
afl-cio

Good evening, Commissioners,

My name is Jesse Peralez, and I am a 28-year member of Carpenters Union Local 713 and a resident of Hayward for the last 17 years. I'm here to speak in favor of Agenda item #1PH 25-022. I would like for you to support the staff's recommendation to approve the proposed Major Site Plan Review and Administrative Use Permit application for this data center project. A project of this size will not only create hundreds of construction jobs, but it will also potentially have Hayward Journey People and apprentices working on a project that is close to home. It will also bring permanent jobs to the area that can help the local businesses nearby. I believe it is time to revitalize the Industrial Technology and Innovation Corridor. As a long time Union member, I love when Owners/Developers create work opportunities for members. Again, I ask that you approve and move this project one step closer to happening.

Thank you.

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May 22, 2025

Good evening Commissioners,

My name is Israel Avila, and I serve as the President of NorCal Carpenters Local 713 in Alameda County. I am also a proud resident of the City of Hayward.

I am writing to express my strong support and that of our more than 1,000 members who live in Hayward for the proposed Stack Data Center project.

Stack Infrastructure has demonstrated its commitment to the City of Hayward and its residents by partnering with a responsible contractor, HITT Contracting. HITT actively supports a joint labor-management apprenticeship program, which equips workers with life-changing skills and valuable career pathways.

This project represents more than just development, it means quality union jobs that provide healthcare, a living wage, and long-term career opportunities for local residents. It also empowers workers to contribute positively to our community and build better futures for their families.

For these reasons, I urge you to support the Stack Data Center project.

Thank you for your time and consideration.

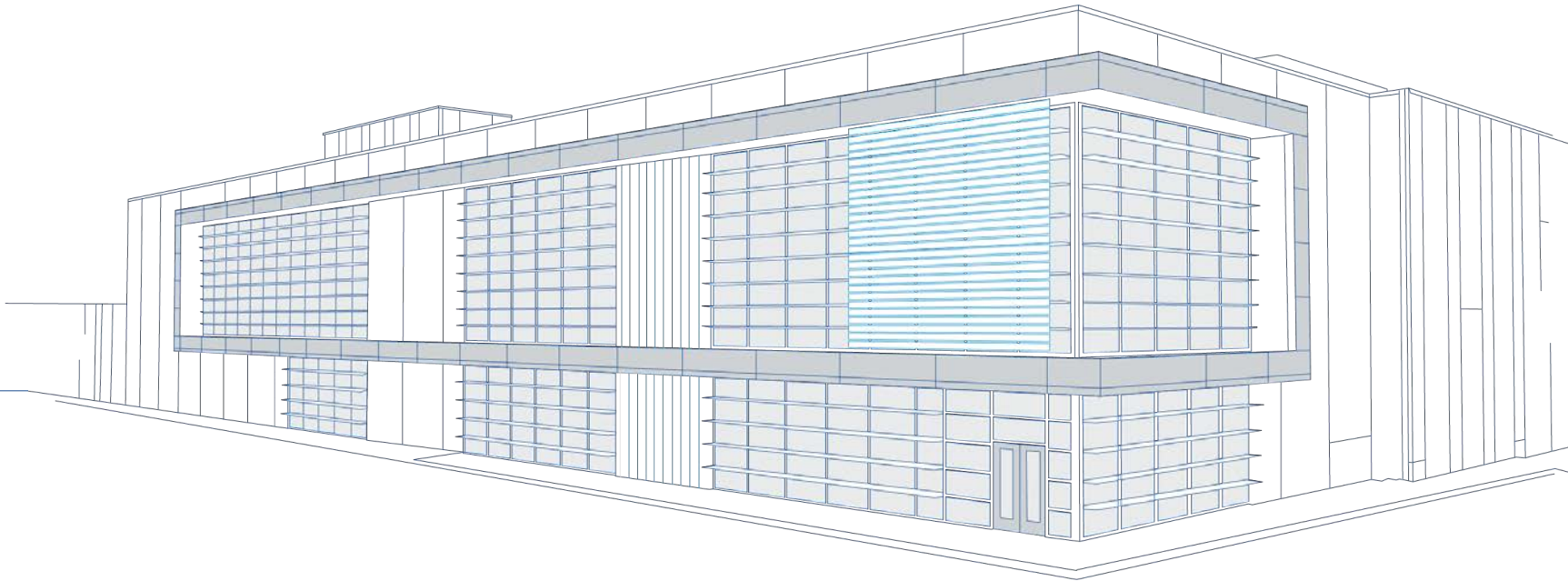
Sincerely,

Israel C. Avila
President, NorCal Carpenters Local 713

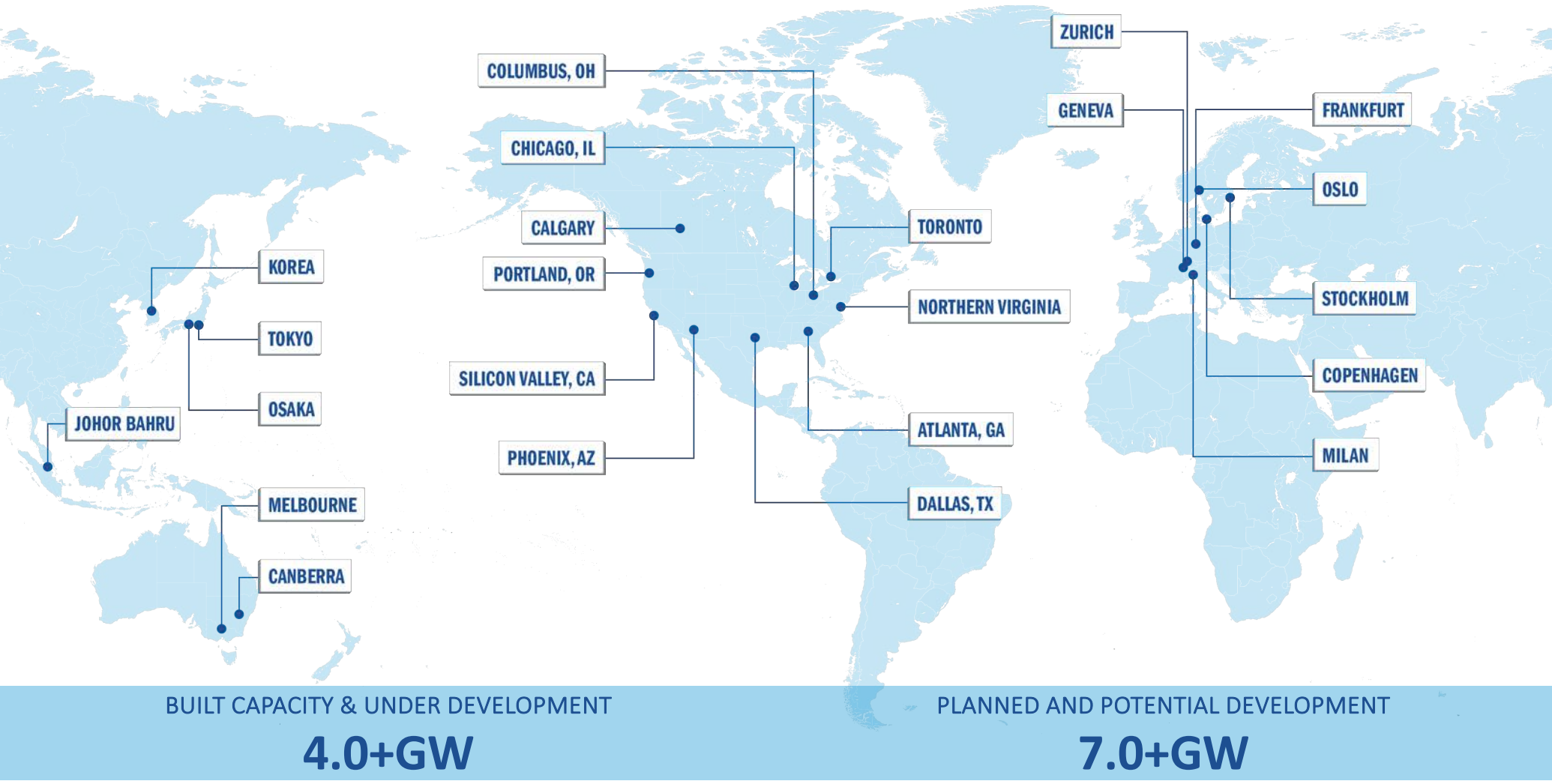
STACK - Eden Landing in Hayward, CA

PLANNING COMMISSION – MAY 2025

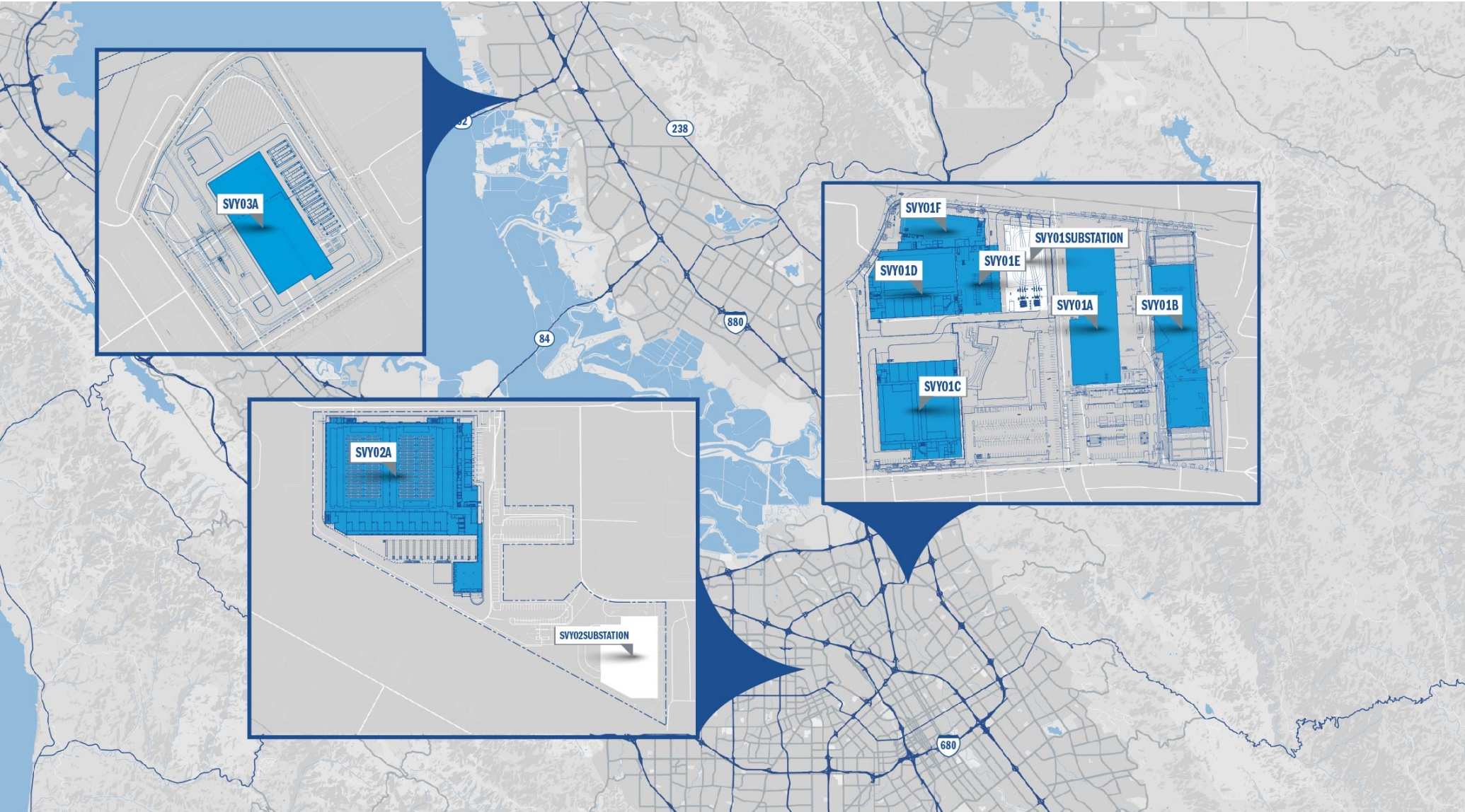
26062 EDEN LANDING ROAD



STACK INFRASTRUCTURE GLOBAL FOOTPRINT

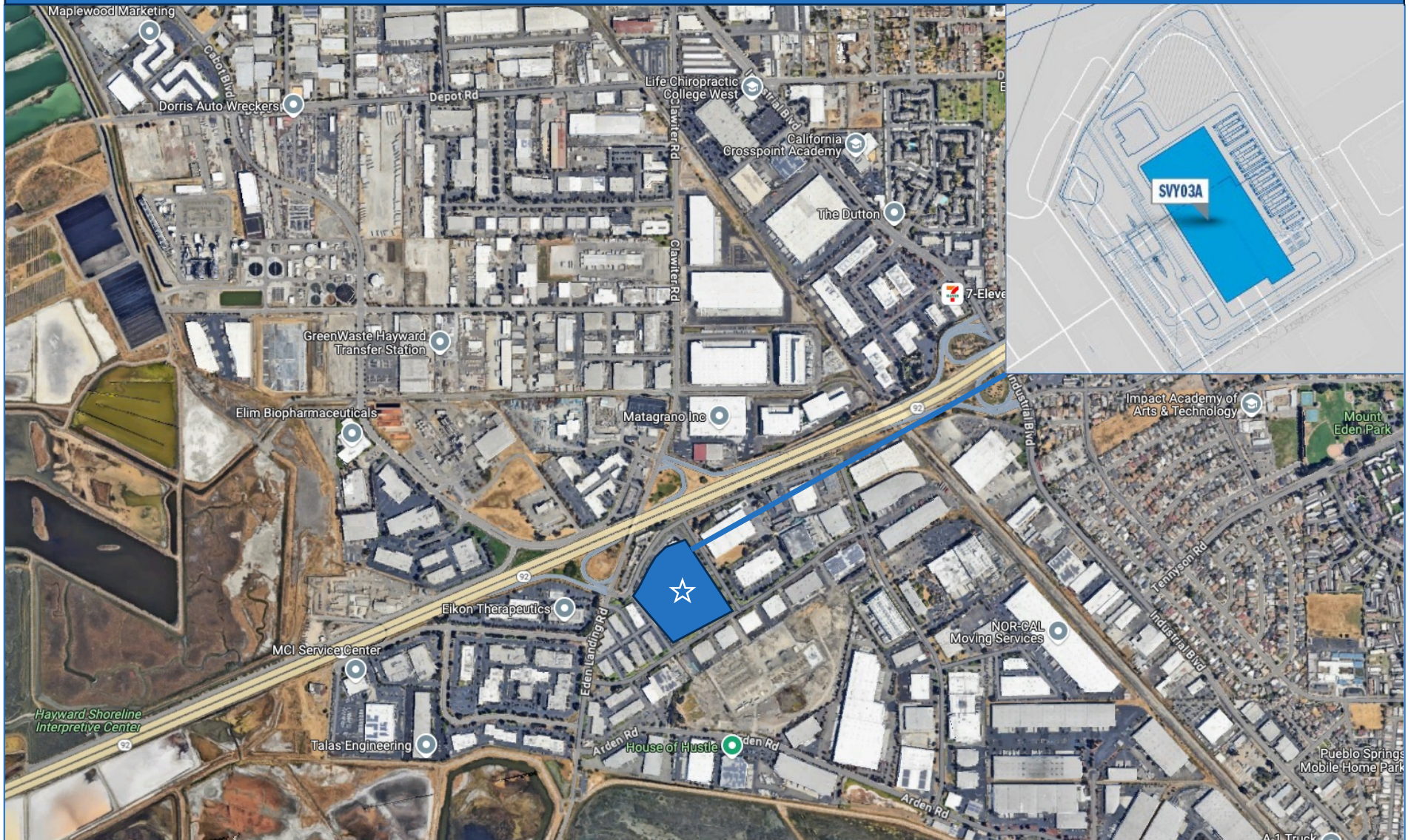


STACK BAY AREA



LOCATION OVERVIEW

STACK Hayward enhances the Industrial Technology and Innovation Corridor to expand the economic and employment base of Hayward and to achieve a healthy balance between a manufacturing-based economy and an information- and technology-based economy



LOCATION OVERVIEW



PROJECT BENEFITS



Total Construction Jobs	380+ <i>Built with Union Labor</i>
Permanent Jobs	41 On Site Jobs ~200+ Indirect Supporting Jobs
Conformance and Consistency	2040 General Plan Goals & Policies Municipal Code Economic Development Goals Zoning Ordinance Green Building Ordinance Citywide Design Standards & Guidelines California Environmental Quality Act Job & Revenue Generation Goals Business Growth & Retention Policies Economic Prosperity Policies
Offsite Improvements & TDM Measures	Pedestrian Network Improvements Traffic Calming Measures Alternative Work Schedules
Mitigated Negative Declaration	California Energy Commission 5/8/26 Small Power Plant Exemption 5/8/26 Mitigation Monitoring Reporting Program
Sustainability Measures	100% Renewable Energy STACK Global Net Zero Program Industrial Water Storage for Off-Peak Use
Landscaping	Planting 55 New Trees \$ Xeriscaping 18 EV Charging Stations Parking Reduction to 71 Stalls
Infrastructure	~\$70M Utility Upgrades to Hayward



June 2024

Honorable Mayor and Members of the City Council:

Like most local municipalities, the City has continued to make efforts to recover from the lingering impacts of the pandemic, while facing the challenges of operating in a recently unprecedented inflationary economic environment. The City has continued to be thoughtful in supporting and providing exceptional services to our community, while remaining focused on building a fiscally sustainable organization. The FY 2025 adopted budget reflects the City's commitment to balancing the emerging needs of the community, while remaining focused and diligent on striving for long-term fiscal sustainability.

We began FY 2024 with an estimated beginning fund balance of \$44.2 million, projecting a use of General Fund reserves of \$5.1 million, thus ending the year with a projected \$39.1 million in the reserve, which represents approximately 19.5% of budgeted expenditures. As part of the City's allocation of American Rescue Plan Act (ARPA) funding, the Council authorized the appropriation of \$7.25 million in ARPA funding to restore General Fund revenue that was lost due to the COVID-19 crisis in fiscal years 2022 and 2023. The General Fund Reserve balance reflects the one-time ARPA funding in fiscal years 2022 and 2023.

While there are fewer and fewer remaining visible signs of the Great Recession of 2008-2011, the City still faces challenges with a structural budget gap, given the rising costs for construction projects and providing expanded services to the community, the rising costs associated with service provision and other factors. Closing this gap has been challenging each year as the City works to reduce its unfunded liabilities, meet ongoing service demands, address its capital needs, and appropriately address emerging needs. Hayward continues to see stability and growth in many of its key General Fund revenues, such as [Property Tax](#), [Sales Tax](#), and [Utility User Tax](#), but we continue to experience considerable growth in employee costs, particularly pension and post-employment healthcare costs. The additional phased-in lowering of the CalPERS discount rate to 6.8% and modifications to the mortality and investment risk assumptions only exacerbate the already steep cost growth in retirement benefit rates for cities. While the City

KEY GENERAL FUND REVENUES

PROPERTY TAXES

Property Tax revenues are the City's largest General Fund revenue source, comprising approximately one-third of adopted FY 2025 General Fund revenues. The City's Property Tax is collected by Alameda County, and the City currently receives approximately 16 percent of the 1 percent countywide real property tax levied. Most of the revenue is received in December and April.

Allocation of County-wide Property Tax



PROJECT BENEFITS

Estimates of City of Hayward Tax Revenue from the Proposed Data Center (in millions)

Year	Hayward Real Property Tax Revenue	Hayward Personal Property Tax Revenue	Hayward Sales Tax Received	Hayward Utilities Tax on Electricity	Hayward Total Tax Received
2027	\$0.8	\$0.6	\$7.9	\$4.0	\$13.3
2028	\$0.8	\$0.6	\$3.3	\$4.9	\$9.6
2029	\$0.8	\$0.5	\$3.0	\$5.4	\$9.7
2030	\$0.8	\$0.5	\$2.7	\$5.4	\$9.4
2031	\$0.8	\$0.5	\$2.2	\$5.4	\$8.9
2032	\$0.8	\$0.4	\$2.2	\$5.4	\$8.8
2033 and after	\$0.8	\$0.4	\$2.2	\$5.4	\$8.8

Estimates of City of San José Tax Revenue from a Data Center (in millions)

Year	San José Secured Property Tax Revenue	San José Unsecured Property Tax Revenue	San José Sales Tax Received	San José Utilities Tax on Electricity	San José Total Tax Received
2027	\$0.4	\$0.3	\$6.6	\$3.6	\$10.9
2028	\$0.4	\$0.3	\$2.8	\$4.4	\$7.9
2029	\$0.4	\$0.3	\$2.5	\$4.9	\$8.1
2030	\$0.4	\$0.2	\$2.3	\$4.9	\$7.8
2031	\$0.4	\$0.2	\$1.8	\$4.9	\$7.3
2032	\$0.4	\$0.2	\$1.8	\$4.9	\$7.3
2033 and after	\$0.4	\$0.2	\$1.8	\$4.9	\$7.3

PROPOSED DESIGN



View from Investment Blvd

CONCEPTUAL DESIGN

RENDERING



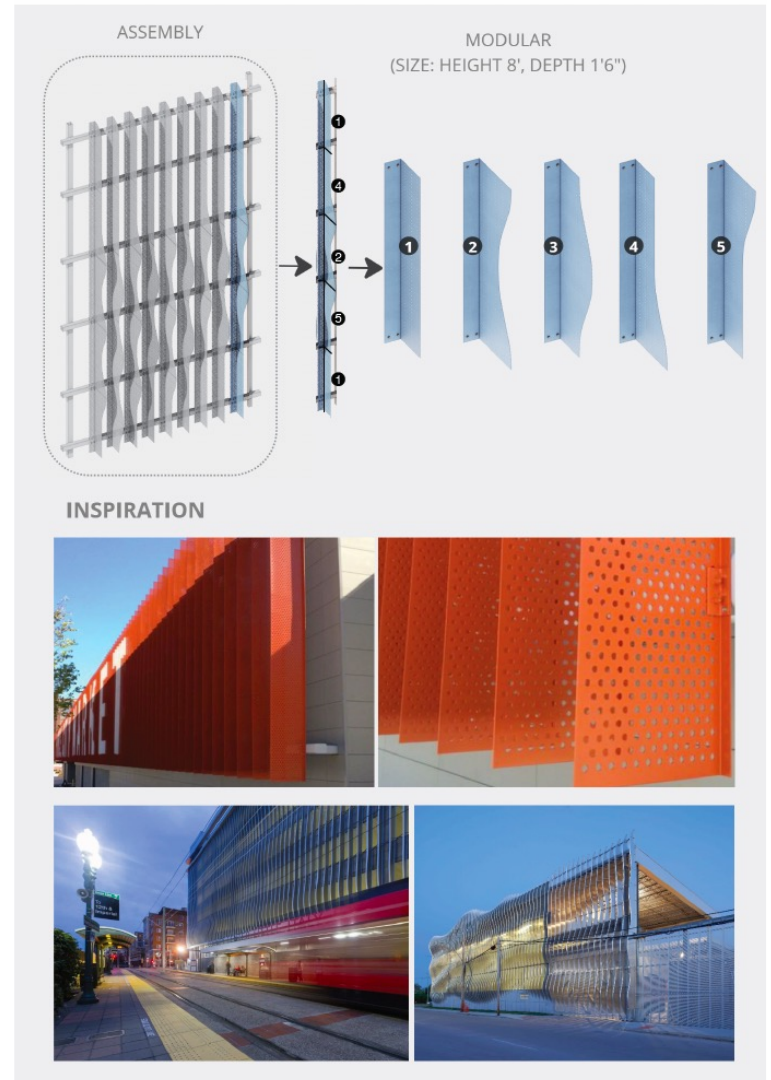
GOOGLE EARTH VIEW



KEY MAP



PERFORATED METAL PANEL



View from Highway 92

PROPOSED DESIGN



View from Highway 92

PROPOSED DESIGN



View from Investment Blvd

PROPOSED DESIGN



View from Eden Landing

PROPOSED PUBLIC BENEFITS

\$300,000	• Gateway Marker Project (w/ Community)
\$200,000	• City Park Contribution to La Vista
\$300,000	• Small Business Grant Program
\$50,000	• Eden Landing Retail Neighbor Signage
\$500,000	• Hayward Area Shoreline Planning Agency
\$200,000	• Hayward Unified School District
\$200,000	• Solar Project at Water Resource Recovery
\$150,000	• Bay Trail & Shoreline Bike/Pedestrian Projects
\$100,000	• Hayward Stack Community Center
\$2,000,000	• Total Public Benefit Package

Thank you!

NOVEMBER 2024

HAYWARD DATA CENTER

ECONOMIC IMPACT ON ALAMEDA COUNTY, CALIFORNIA
FISCAL CONTRIBUTION TO ALAMEDA COUNTY AND THE CITY OF HAYWARD

FOR STACK INFRASTRUCTURE



4510 COX ROAD, SUITE 202
GLEN ALLEN, VIRGINIA 23060
804-322-7777
MANGUMECONOMICS.COM



Fiscal & Economic Impact of STACK's Proposed Data Center on Hayward

The New Investment in Hayward

Mangum Economics estimated the new tax revenue that the Hayward data center proposed by STACK Infrastructure would bring to the City of Hayward and Alameda County if it is approved. The data center would make up 312,000 gross square feet. The data center is proposed to come online in 2027.

Total secured property investment (column two) is \$499 million and, once fully occupied, unsecured property investment (column three) is almost \$749 million. Column four shows the depreciated value of the unsecured property according to its age. The depreciated value of the computer equipment stabilizes in 2033 at \$271 million. Column five shows the total spent on electricity in each year.

Data Center Investments and Expenditures Generating Taxes (in millions)

Year	Cumulative Secured Property Value	Unsecured Property Purchased	Cumulative Unsecured Property Invested	Deprec'd Cumulative Unsecured Property Value	Electricity Purchased
2027	\$499.2	\$524.2	\$524.2	\$382.6	\$72.8
2028	\$499.2	\$217.2	\$636.5	\$355.6	\$88.5
2029	\$499.2	\$239.6	\$748.8	\$364.6	\$98.9
2030	\$499.2	\$149.8	\$748.8	\$314.1	\$98.9
2031	\$499.2	\$149.8	\$748.8	\$291.4	\$98.9
2032	\$499.2	\$149.8	\$748.8	\$277.4	\$98.9
2033 and after	\$499.2	\$149.8	\$748.8	\$271.1	\$98.9

Hayward and Alameda County Tax Revenues

Our tax revenue estimates are based on the following information and assumptions:

- The data center will be 70 percent occupied in the first year of operation, 85 percent in the second year, and 95 percent in the third year. The current vacancy rate in the area is 6.4 percent.
- Secured property is originally assessed at the cost of its original construction.
- One-fifth of installed data center unsecured property is replaced each year.
- Unsecured property is valued at 73 percent of its purchase price in year 1, 47 percent in year 2, 30 percent in year 3, 19 percent in year 4, and 12 percent of its purchase price in year 5 per California Board of Equalization.
- The Alameda County property tax rate is one percent of assessed value.
- Alameda County receives 15 percent of the property tax revenue.
- Alameda County receives the equivalent of 3.25 percent sales and use tax.
- The Alameda County electricity users tax is 6.5 percent.
- The City of Hayward receives 16 percent of the property tax revenue.
- The City of Hayward receives the equivalent of 1.5 percent sales and use tax.
- The City of Hayward utility users tax is 5.5 percent.
- The electrical power rate is \$0.20 per kWh.

Hayward tax revenues from the proposed STACK data center are expected to level out in 2033 at \$8.8 million. The development would by itself increase the City's revenues by 2.1 percent.

Estimates of City of Hayward Tax Revenue from the Proposed Data Center (in millions)

Year	Hayward Secured Property Tax Revenue	Hayward Unsecured Property Tax Revenue	Hayward Sales Tax Received	Hayward Utilities Tax on Electricity	Hayward Total Tax Received
2027	\$0.8	\$0.6	\$7.9	\$4.0	\$13.3
2028	\$0.8	\$0.6	\$3.3	\$4.9	\$9.6
2029	\$0.8	\$0.5	\$3.0	\$5.4	\$9.7
2030	\$0.8	\$0.5	\$2.7	\$5.4	\$9.4
2031	\$0.8	\$0.5	\$2.2	\$5.4	\$8.9
2032	\$0.8	\$0.4	\$2.2	\$5.4	\$8.8
2033 and after	\$0.8	\$0.4	\$2.2	\$5.4	\$8.8

Alameda County tax revenues from the proposed STACK data center are expected to level out in 2033 at \$12.3 million.

The assumptions have the effect of underestimating the actual tax revenue. The report does not factor in the potential two percent annual increase in assessed secured property values allowed under Prop 13. Also, the cost of the unsecured property data center equipment is likely to increase over time due to inflation. Additionally, business license revenue and franchise fee revenue are not estimated.

New Jobs, Pay & Benefits, and Economic Output in Hayward

In the City of Haywood in each year of the two-year construction period, the proposed data center would support about:

- 380 jobs,
- \$38 million in pay and benefits, and almost
- \$91 million in economic output.

Once the proposed data center is operational, the proposed data center within the City of Hayward would support about:

- 41 jobs,
- \$10 million in pay and benefits, and almost
- \$65 million in economic output.

Comparing the Local Tax Revenue of an Alternative Location in San José

For comparison, we estimated the tax revenues if the facility were to be constructed in San José, CA.

Our tax revenue estimates are based on the following information and assumptions:

- The Santa Clara County property tax rate is one percent of assessed value.
- Santa Clara County receives 12 percent of the property tax revenue.
- Santa Clara County (including Santa Clara Valley Transit Authority) receives the equivalent of 2 percent sales and use tax.
- The City of San José receives 7.46 percent of the property tax revenue.
- The City of San José receives the equivalent of 1.25 percent sales and use tax.
- The City of San José utility tax is 5 percent.
- The electrical power rate is \$0.20 per kWh.

San José tax revenues from the data center there would be expected to level out in 2033 at \$7.3 million (compared to \$8.8 million for Hayward). The development would by itself increase the City's revenues by 0.3 percent.

Estimates of City of San José Tax Revenue from a Data Center (in millions)

Year	San José Secured Property Tax Revenue	San José Unsecured Property Tax Revenue	San José Sales Tax Received	San José Utilities Tax on Electricity	San José Total Tax Received
2027	\$0.4	\$0.3	\$6.6	\$3.6	\$10.9
2028	\$0.4	\$0.3	\$2.8	\$4.4	\$7.9
2029	\$0.4	\$0.3	\$2.5	\$4.9	\$8.1
2030	\$0.4	\$0.2	\$2.3	\$4.9	\$7.8
2031	\$0.4	\$0.2	\$1.8	\$4.9	\$7.3
2032	\$0.4	\$0.2	\$1.8	\$4.9	\$7.3
2033 and after	\$0.4	\$0.2	\$1.8	\$4.9	\$7.3

Santa Clara County tax revenues from such a data center would be expected to level out in 2033 at \$3.5 million (compared to \$12.3 million for Alameda County).

Comparing the Economic Impact of an Alternative Light Manufacturing Plant

Finally, the proposed data center would contribute much more to the local economies of Hayward and Alameda County than a light manufacturing facility that would fit on the same 11 acres.

Taking into account the economic ripple effects of the annual operational spending by a light manufacturing plant within the City of Hayward, we estimate that it would, in total, support about:

- 21 jobs (compared to 41 for the data center),
- \$2 million in pay and benefits (compared to \$10 million for the data center), and
- \$10 million in economic output (compared to \$65 million for the data center).

**CITY OF HAYWARD PLANNING DIVISION
PROPOSED 11-ACRE DATA CENTER CAMPUS
STACK DATA CENTER PROJECT, 26062 EDEN LANDING ROAD
MAJOR SITE PLAN REVIEW AND ADMINISTRATIVE USE PERMIT
APPLICATION SPR-23-0036**

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. Site Plan is approved subject to the Architectural, Civil and/or Landscape plans submitted to the City Planning Division on April 7, 2025, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan shall be subject to review and approval by the Development Services Director or the Planning Commission, depending on the extent of the proposed changes.
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. 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 deemed necessary by the City, shall be paid by the applicant.

IMPACT FEES

14. 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 those that are in effect at the time of building permit issuance.

LIGHTING

15. All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting shall be recessed/shielded to minimize visual impacts.

COLORS AND MATERIALS

16. 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 submitted to the Planning Division April 7, 2025. 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.
17. 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.

SCREENING OF MECHANICAL EQUIPMENT

18. 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.
19. 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.
20. The final design of the artistic screening around the generator yard, substation, and switching yard shall be approved by the Planning Division prior to issuance of a building permit for the core and shell of the main data center building.

SIGNS

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

PUBLIC BENEFITS

22. Applicant shall make the following contributions, as outlined in the approved Public Benefits Package prior to Certificate of Occupancy. Payments shall be made to the entities listed below and receipts/evidence of payment shall be provided to the Planning Division:
- a. Gateway Marker Project (\$300,000) – Payment made to City of Hayward
 - b. La Vista Park (\$200,000) – Payment made to City of Hayward
 - c. Small Business Grant Program (~~\$200~~300,000) – Payment made to City of Hayward
 - d. Hayward Area Shoreline Planning Agency (~~\$200~~500,000) – Payment made to HASPA
 - e. Solar Project at Water Resource Recovery Facility (\$200,000) – Payment made to City of Hayward
 - f. Bay Trail and Shoreline Bike/Pedestrian Projects (\$150,000) – Payment made to City of Hayward
 - g. Hayward Stack Community Center (\$100,000) – Payment made to City of Hayward
 - h. Hayward Unified School District (~~\$100~~200,000) – Payment made to HUSD
 - i. Eden Landing Neighbor Signage (\$50,000) – Payment made to ~~East Bay Regional Parks District~~Eden Landing Retail Center Ownership

ENVIRONMENTAL

23. The following control measures for geologic hazards shall be adhered to, unless otherwise approved by the Planning Director or City Engineer. Per standard City project approval procedures, the City must review final project design plans for conformity with building code requirements prior to project construction. All earthwork, including site grading, wall foundation excavations, placement and compaction of engineered fill, and final surface drainage installation, would be performed in accordance with the recommendations contained in the geotechnical report, as applicable.
24. 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. Construction activities shall occur in conformance with the City's Municipal Code unless otherwise permitted by the City Engineer or Chief Building Official;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - d. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise; and
 - e. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
25. Mitigation Measure AQ-1: To incorporate the Bay Area Air Quality Management District (BAAQMD) recommendations for Best Management Practices (BMPs) to control fugitive dust, the project owner shall implement a construction emissions control plan that has been reviewed and approved by the Director or Director's designee of the City of Hayward Development Services Department prior to the issuance of any grading or building permits, whichever occurs earliest. The project owner shall implement the following measures during construction:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material offsite shall be covered
 - c. All visible mud or dirt tracked 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.
 - d. All vehicle speeds on onsite unpaved roads shall be limited to 5 mph.
 - e. 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.
 - f. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 - g. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

- h. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
 - i. Equipment idling times shall be minimized to 5 minutes per the Air Toxics Control Measure (ATCM). Idling time signage shall be provided for construction workers at all access points.
 - j. All off-road equipment greater than 25 horsepower (hp) shall have engines that meet or exceed Tier 4 final off-road emission standards. Use of zero-emission and hybrid-powered equipment is encouraged.
 - k. Properly tune and maintain construction equipment 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.
 - l. Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
 - m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
 - n. Minimize the amount of excavated material or waste materials stored at the site.
 - o. Post a publicly visible sign with the telephone number and name of the person to contact regarding dust complaints and the BAAQMD telephone number. The contact person shall implement corrective measures, as needed, within 48 hours, and the BAAQMD shall be informed of any legitimate complaints received to verify compliance with applicable regulations.
26. Mitigation Measure BIO-1: A qualified biologist shall be retained by the project owner/developer to conduct a Worker Environmental Awareness Program (WEAP) training focused on nesting bird protection for all construction personnel prior to the commencement of any ground disturbing activities during the nesting season. The training shall include a description of nesting bird species that may be encountered, regulatory protections under the Migratory Bird Treaty Act and California Fish and Game Code and other state and federal laws protecting birds, survey and buffer requirements during the nesting season, and proper protocols for reporting and avoiding impacts to active nests.
27. Mitigation Measure BIO-2: Project construction shall be conducted outside of the nesting bird season to the extent feasible (September 1 to January 31). If construction

activities commence outside this period, from February 1 through August 31, or if tree removal and pruning occurs outside this period then preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. These surveys shall be conducted no more than 7 days prior to the initiation of demolition or construction activities or initiation of tree removal and pruning.

During this survey, the ornithologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and up 500 feet from the impact areas for nests. If active nests of protected species are found within project impact areas or close enough to these areas to affect breeding success, the ornithologist shall establish a species-specific work exclusion zone around each nest that shall be followed by the contractor. If an active nest is found within a distance that could result in disturbance, the ornithologist shall establish a construction-free buffer zone—typically 300 feet for raptors and 100 feet for other bird species—to prevent nest disturbance.

Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers, ambient sound levels, and other factors; an exclusion zone radius (typically 300 feet for raptors and 100 feet for other species). The exclusion zone size may be reduced from established levels if supported with nest monitoring by a qualified ornithologist indicating that work activities outside the reduced radius would not impact the nest.

The project buffer shall be monitored periodically by the project ornithologist to verify compliance. After nesting is complete and all young have fledged, as determined by the ornithologist, the buffer would no longer be required, and tree removal may occur. If an active bird nest is discovered during demolition or construction, then a buffer zone shall be established under the guidelines specified above.

A report detailing the survey findings and any required buffer zones shall be submitted to the Director of Development Services prior to tree removal and the issuance of a grading or demolition permit. The report shall contain maps showing the location of all nests, species nesting, status of the nest (e.g., incubation of eggs, feeding of young, near fledging), and the buffer size around each nest (including reasoning behind any alterations to the initial buffer size). The report shall be provided within 10 days of completing a pre-construction nest survey.

28. Mitigation Measure CUL-1: Prior to the commencement of construction, the applicant will secure the services of qualified archaeological specialists and Native American monitors. These specialists and monitors will prepare a workforce environmental awareness program (WEAP) to instruct construction workers of the obligation to protect and preserve valuable archaeological and Native American resources for

review and approval by the Director or Director's designee of the City of Hayward Planning Division. This program will be provided to all construction workers via a recorded presentation and will include a discussion of applicable laws and penalties under the laws; samples or visual aids of resources that could be encountered in the project vicinity; instructions regarding the need to halt work in the vicinity of any potential archaeological and Native American resources encountered; and measures to notify their supervisor, the applicant, and the specialists. Submit the qualifications of archaeological specialists and Native American monitors, as well as an electronic copy of the WEAP to the Director or Director's designee of the City of Hayward Planning Division for review and approval.

The applicant will secure the services of Native American and archaeological monitors to observe excavations of the native soils that underlie disturbed and fill dirt at the project site. Preference in selecting Native American monitors shall be given to members of the Confederated Villages of Lisjan Nation with:

- a. Traditional ties to the area being monitored.
- b. Knowledge of local Native American village sites.
- c. Knowledge and understanding of Health and Safety Code, section 7050.5, and Public Resources Code, section 5097.9 et seq.
- d. Ability to effectively communicate the requirements of Health and Safety Code, section 7050.5, and Public Resources Code, section 5097.9 et seq.
- e. Ability to work with law enforcement officials and the Native American Heritage Commission to ensure the return of all associated grave goods taken from a Native American grave during excavation.
- f. Ability to travel to project sites within traditional tribal territory.
- g. Knowledge and understanding of Title 14, California Code of Regulations, section 15064.5.
- h. Ability to advocate for the preservation in place of Native American cultural features through knowledge and understanding of CEQA mitigation provisions.
- i. Ability to read a topographical map and be able to locate site and reburial locations for future inclusions in the Native American Heritage Commission's Sacred Lands Inventory.
- j. Knowledge and understanding of archaeological practices, including the phases of archaeological investigation.

If members of the Confederated Villages of Lisjan Nation are unavailable for monitoring, the applicant may retain one or more monitors from another affiliated Ohlone tribe, if the monitor(s) meet the qualifications specified above.

29. Mitigation Measure CUL-2: After the existing buildings are demolished but before the issuance of grading permits, the project will be required to complete subsurface testing to determine the extent of possible resources onsite. Subsurface testing will include borehole testing or a combination of borehole testing and shovel test pits, and testing shall focus on the locations of the structural support piles or piers. Subsurface testing shall be completed by a qualified archaeologist and Native American monitors. Based on the findings of the subsurface testing, an archaeological resources treatment plan shall be prepared by a qualified archaeologist in consultation with Native American monitors and submitted to Director or Director's designee of the of the City of Hayward Planning Division for approval prior to the issuance of grading permits, if warranted.
30. Mitigation Measure CUL-3: If archaeological resources are encountered during excavation or grading of the site, all activity within a 100-foot radius of the find shall be stopped, the Director or Director's designee of the City of Hayward Planning Division shall be notified, and a qualified archaeologist will examine the find. The archaeological and Native American monitors will evaluate the find to determine if they meet the definition of a historical, unique archaeological, or tribal cultural resource and make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits for any construction occurring within the above-referenced 100-foot radius. If the finds do not meet the definition of a historical, unique archaeological, or tribal cultural resource, no further study or protection is necessary prior to project implementation. If the find does meet the definition of a historical, unique archaeological, or tribal cultural resource, then it will be avoided by project activities. If avoidance is not feasible, adverse effects to such resources will be mitigated in accordance with the recommendations of the archaeological and Native American monitors. Recommendations may include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director or Director's designee of the City of Hayward Planning Division, Native American Heritage Commission (tribal cultural resources), and the Northwest Information Center.

The project applicant will ensure that construction personnel do not collect or move any cultural material and will ensure that any fill soils that may be used for construction purposes does not contain any archaeological materials.

31. Mitigation Measure CUL-4: If human remains are discovered during excavation or grading of the site, all activity within a 100-foot radius of the find will be stopped. The Alameda County Coroner shall be notified immediately and will determine whether the remains are of Native American origin or an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall

notify the Native American Heritage Commission (NAHC) within 24 hours of the identification. Once the NAHC identifies the most likely descendant(s) (MLD), the descendant(s) will make recommendations regarding proper burial (including the treatment of grave goods), which will be implemented in accordance with section 15064.5(e) of the California Code of Regulations, Title 14. The archaeologist will recover scientifically valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery shall be submitted to the Director or Director's designee of the City of Hayward Planning Division, the Northwest Information Center, and the MLD.

32. Mitigation Measure GEO-1: Prior to the start of any subsurface excavations that would extend beyond previously disturbed soils, all construction forepersons and field supervisors shall receive training by a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology (SVP 2010), who is experienced in teaching non-specialists, to ensure they can recognize fossil materials and shall follow proper notification procedures in the event any are uncovered during construction. Procedures to be conveyed to workers are halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who shall evaluate its significance.

Prior to the start of construction, the applicant shall secure the services of a qualified paleontologist specialist, as defined by the Society of Vertebrate Paleontology. The specialist shall prepare a Worker Environmental Awareness Program to instruct site workers of the obligation to protect and preserve valuable paleontological resources for review by the city's Planning Manager. This program shall be provided to all construction workers via a recorded presentation and shall include a discussion of applicable laws and penalties under the laws; samples or visual aids of resources that could be encountered in the project vicinity; instructions regarding the need to halt work in the vicinity of any potential paleontological resources encountered; and measures to notify their supervisor, the applicant, and the qualified paleontologist specialist.

If a fossil is encountered and determined to be significant and avoidance is not feasible, the paleontologist shall develop and implement an excavation and salvage plan in accordance with Society of Vertebrate Paleontology standards. Construction work in the immediate area shall be halted or diverted to allow recovery of fossil remains in a timely manner. Fossil remains collected shall be cleaned, repaired, sorted, and cataloged, along with copies of all pertinent field notes, photos, and maps.

The paleontologist shall prepare a paleontological resource monitoring report that outlines the results of the monitoring program and any encountered fossils. The report shall be submitted to the city's Planning Division Manager or their or designee for review and approval. The report and any fossil remains collected shall be submitted to a scientific institution with paleontological collections.

33. Mitigation Measure GHG-1: The project owner shall participate in PG&E's Regional Renewable Choice Program or Ava Community Energy's Renewable 100 program (100 percent carbon-free electricity) or other clean energy program that accomplishes the same goal of 100 percent carbon-free electricity.

During Operation, the project owner shall provide documentation to the director, or director's designee, of the City of Hayward Development Services Department of initial enrollment and shall submit annual reporting to the director, or director's designee, of the City of Hayward Development Services Department documenting either continued participation in PG&E's Regional Renewable Choice Program or Ava Community Energy's Renewable 100 program, or documentation that alternative measures continue to provide 100 percent carbon-free electricity as verified by an independent third-party auditor specializing in greenhouse gas emissions.

34. Mitigation Measure GHG-2: The project owner shall use renewable diesel for 100 percent of total energy use by the gensets, and only use ultra-low sulfur diesel (ULSD) as a secondary fuel in the event of supply challenges or disruption in obtaining renewable diesel. The project owner shall provide documentation of renewable diesel supply challenges or disruptions to the director, or director's designee, of the City of Hayward Development Services Department within 10 calendar days of occurrence and demonstrate a good faith effort to comply with the requirement and that compliance is not practicable. The project owner shall provide an annual report of the status of procuring and using renewable diesel to the director, or director's designee, of the City of Hayward Development Services Department demonstrating compliance with the mitigation measure.
35. Mitigation Measure GHG-3: Prior to the issuance of any grading or building permits, whichever occurs earliest, the project owner shall submit final design to the director, or director's designee, of the City of Hayward Development Services Department for approval, demonstrating compliance with the CALGreen Tier 2 off-street electric vehicle requirements and City of Hayward EV Charging Reach Code (Hayward Municipal Code Section 10-2.800). Upon completion of construction, the project owner shall provide documentation to the director, or director's designee, of the City of Hayward Development Services Department, confirming compliance with these requirements.
36. Mitigation Measure HAZ-1: Prior to issuance of demolition permits, a lead-based paint (LBP) visual inspection and pre-demolition survey, including sampling and testing of suspect materials, shall be conducted of on-site buildings to determine the presence of LBP. The survey shall be conducted by a contractor with a Lead Related Construction certification issued by the California Department of Public Health. The findings of the LBP survey shall be submitted to the Hayward Fire Department for review.
37. Mitigation Measure HAZ-2: Prior to issuance of demolition or grading permits, the project applicant shall prepare a Site Management Plan (SMP) to guide activities

during demolition, excavation, and initial construction to ensure that potentially contaminated soils and groundwater are identified, characterized, removed, and disposed of properly. The purpose of the SMP is to establish appropriate management practices for handling impacted soil or other materials that may be encountered during construction activities. The SMP shall be reviewed and approved by the Hayward Fire Department and the Alameda County Department of Environmental Health prior to any work on the site, including prior to soil and groundwater sampling.

The SMP shall be implemented during project demolition and construction and shall include, but shall not be limited to, the following components:

- a. A detailed discussion of the site background, current conditions of on-site soil, groundwater and soil gas;
- b. Description of soil and groundwater testing to verify the presence or absence of remnant or unknown soil or groundwater contamination. The testing shall include (but not be limited to) the collection and analyses of soil samples for agricultural chemicals, including organochlorine pesticides, and collection and analysis of groundwater samples for volatile organic compounds (VOCs) and any other contaminants identified in previous environmental studies in the vicinity of the project. This soil and groundwater characterization shall be performed via testing prior to initiation of project demolition or construction.
- c. Protocols for sampling of soil and groundwater to facilitate the profiling of the soil and groundwater for appropriate off-site disposal or reuse, and for construction worker safety, dust mitigation during demolition and construction and potential exposure of contaminated soil or groundwater to future users of the site prior to project construction.
- d. Procedures to be undertaken in the event that contamination is identified applicable screening levels or previously unknown contamination is discovered prior to or during project demolition or construction.
- e. Notification procedures if previously undiscovered significantly impacted soil or groundwater is encountered during construction;
- f. Onsite soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), San Francisco Bay Region's reuse policy;
- g. Sampling and laboratory analyses from a certified environmental laboratory of excess soil requiring disposal at an appropriate off-site waste disposal facility;
- h. Procedures and protocols for the safe storage, stockpiling, and disposal of contaminated soils; and

- i. Protocols to manage groundwater, including segregation or treatment of contaminated groundwater, if necessary, that may be encountered during trenching or subsurface excavation activities.

If there are no contaminants identified on the project site that exceed applicable screening levels for construction workers and residential users published by the Regional Water Quality Control Board (RWQCB), California Department of Toxic Substances Control (DTSC), or Cal EPA, the SMP and testing results do not need to be submitted to an oversight agency and instead only need to be submitted to the Alameda County Department of Environmental Health (ACDEH), and the Hayward Fire Department (HFD) for approval prior to issuance of a grading permit and prior to conducting any demolition activities.

If contaminants are identified at concentrations exceeding applicable screening levels, the project applicant shall obtain regulatory oversight from appropriate regulatory agency (HFD, DTSC, ACDEH or SWRCB). The SMP and planned remedial measures shall be reviewed and approved by the ACDEH, HFD, DTSC, and/or SWRCB, as appropriate to the contaminated media. A copy of the SMP shall be submitted to the Director or Director's designee with the ACDEH and the Hayward Fire Department. Copies of the approved SMP shall be kept at the project site.

Any contaminated soils and/or groundwater identified by testing conducted in compliance with the SMP and found in concentrations above established thresholds shall be removed and disposed of according to HWCL under the oversight of applicable regulatory agency. Contaminated soil excavated and contaminated groundwater extracted from the site shall be transported off-site and disposed of at a permitted disposal facility.

- 38. Mitigation Measure HAZ-3: All contractors and subcontractors at the project site shall develop a Health and Safety Plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site prior to project construction. The HSP shall be prepared by an industrial hygienist. The HSP shall be approved by the Director of the Department of Development Services or the Director's designee and implemented under the direction of a Site Safety and Health Officer. The HSP shall include, but shall not be limited to, the following elements, as applicable:
 - a. A description of potential health and safety hazards;
 - b. A description of applicable regulations and standards to be implemented for the project site;
 - c. Provisions for personal protection and monitoring exposure to construction workers;
 - d. Education for workers in the proper use of personnel protection;

- e. Provisions for Hazard Communication Standard (HAZCOM) worker training and education including information about HAZCOM labeling, copies of Safety Data Sheets for any hazardous materials that may be used onsite;
- f. Identification of workers, supervisor, and employer health and safety responsibilities; and
- g. A description of emergency procedures and identification of responsible personnel to contact in event of an emergency. Include contact information for responsible personnel and other emergency contact numbers.

Copies of the approved HSPs shall be kept at the project site.

39. Mitigation Measure HYD-1: The project would be required to implement the following construction BMPs as part of the SWPPP prepared for the project to ensure construction-related water quality impacts are less than significant.

- a. 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 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.
- b. 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.
- c. 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.
- d. Ensure that concrete/gunite supply trucks or concrete/plaster finishing operations do not discharge wash water into street gutters or drains.
- e. The applicant/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.
- f. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.

- g. Non-storm water discharges to the City storm sewer system are prohibited. Prohibited discharges include but are not limited to the following: polluted cooling water, chlorinated or chloraminated swimming pool water, hazardous or toxic chemicals, grease, animal wastes, detergents, solvents, pesticides, herbicides, fertilizers, and dirt. All discharges of material other than storm water must comply with a NPDES Permit issued for the discharge other than NPDES Permit No. CAS612008.
40. Mitigation Measure NOI-1: The project shall implement the following mitigation measures related to construction noise:
- a. All project construction activities shall occur between 7:00 A.M. and 7:00 P.M. Monday through Friday pursuant to the hours and days specified in the Hayward General Plan Policy HAZ-8.21.
 - b. All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with manufacturers' recommended mufflers and be maintained in good working condition.
 - c. All mobile or fixed noise-producing equipment used during project construction that are regulated for noise output by a federal, state, or local agency shall comply with such regulations.
 - d. Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.
 - e. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise sensitive uses.
 - f. Project construction speed limits shall be established and enforced during the entire construction period.

EXPIRATION

41. In accordance with Hayward Municipal Code (HMC) Section 10- 1. 3055, approval of this Major Site Plan Review is void 36 months after the effective date of approval unless:
- a. 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

- b. 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.

DEMOLITION OF EXISTING STRUCTURES

- 42. 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, be subject to any pre-construction or demolition mitigation required as pursuant to CEQA.
- 43. 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

- 44. The project will require a building permit application and the associated plan review process. Additional comments will be provided during that review.
 - a. The building permit plans shall include an allowable area calculation based on Chapter 5 of the California Building Code (CBC).
 - b. The building permit drawing package shall include restroom fixture calculations based on Chapter 4 of the California Plumbing Code.

LANDSCAPING

General

- 45. A tree preservation bond shall be submitted to the City Landscape Architect prior to issuance of grading permit. The bond will remain in place until the completion of construction. A written request for releasing the bond shall be submitted to the City Landscape Architect.
- 46. Offsite tree mitigation opportunity: Pursuant to HMC Section 10-15.20, replacement trees shall be located on site wherever possible. Where there is not sufficient room on site for replacement trees in the judgment of the City Landscape Architect, another site may be designated that is mutually agreeable. The La Vista Park site,

located on Tennyson Road, east of Mission Boulevard is designated for offsite tree mitigation. The applicant shall submit a written consent letter to the City Landscape Architect agreeing to offsite tree mitigation at La Vista Park for the amount equal to the unmet tree mitigation balance. The letter shall contain the application number and the project address. Upon receipt of the consent letter, the Planning Division will issue an invoice with instructions for payment. Payment shall be made prior to issuance of the grading permit.

47. Standard Landscape Maintenance:

- a. Landscaping shall be maintained in a healthy, weed-free condition at all times, while minimizing the use of fertilizers and pesticides, which contribute pollution to the bay. Trees on -site will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting, and irrigation.
- b. 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.
- c. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown and the size shall not exceed 1-1/2-inch diameter.
- d. 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.
- e. All trees shown on the approved landscape plans shall become Protected in accordance with Tree Preservation Ordinance. Tree pruning of larger than one-inch diameter tree branches shall require a tree pruning permit from the City Landscape Architect and the pruning shall be done to the standards established by the International Society of Arborists. Tree removal shall require a tree removal permit from the City Landscape Architect and replacement tree planting as directed by City Landscape Architect.
- f. 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.
- g. Irrigation systems shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controllers shall be programmed seasonally; irrigation systems should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turned on in the spring.

- h. Landscape materials and signage within 10 feet of vehicle ingress and egress points shall be maintained below 3 feet so as not to impair visibility or create a traffic hazard.

Prior to Issuance of Building Permit

- 48. Prior to issuance of the first building permit, detailed landscape improvement plans prepared by a licensed landscape architect on an accurately surveyed base shall be approved as a part of the grading permit.
 - a. The plans shall be stamped, signed and dated by the project Landscape architect.
 - b. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. The plans shall include the water efficiency compliance statement and water budget calculations.
 - c. Once approved by the City, a copy of the approved landscape improvement plans with City approval stamps shall be submitted as a part of the building permit submittal.
 - d. Sheet L-200: Applicant shall add street trees to redline areas identified on the sheet in the improvement plan submittal.
 - e. Sheet L-201: Required parking lot and street trees shall not be used for mitigation. In the improvement plan submittal, remove the required parking lot and street trees from the mitigation chart. The amount of appraised value remaining shall be paid as an in-lieu fee.
 - f. Sheet L-201: In the improvement plan submittal, replace the Laurus nobilis street tree with Quercus agrifolia. No power lines are permitted on this side of the street.
 - g. Pursuant to HMC Section 10-1.1606 (N)(2), the sole use of decorative rock shall not be allowed in required landscape areas.
 - h. Trees shall be located a minimum of five feet from all utility service lines and driveways, a minimum of nine feet from the center line of a fire hydrant, a minimum of fifteen feet from a light pole, and a minimum of thirty feet from the face of a traffic signal, or as otherwise specified by the City.
 - i. 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, unless steep slopes would prevent using chipped wood. Mulch size shall not exceed 1-1/2-inch in diameter. The same mulch shall be used in all types of biotreatment areas. For steep slopes, organic green waste, organic

compost blanket or organic compost sock in combination of chipped wood mulch shall be considered.

- j. Any slope that exceeds 3:1 but is less than 2:1 shall receive jute netting or erosion control material regardless of the length of the sloped area before installing mulch. For steep slopes exceeding 2:1, organic compost blanket or organic compost sock in combination of chipped wood mulch shall be considered.
- k. Pursuant to HMC Section 10, Article 12, irrigation design must conform to all provisions. Some of the critical provisions include, but are not limited to:
 - i. Static water pressure, dynamic or operating pressure and flow reading of the water supply shall be measured at the point of connection.
 - ii. If the static pressure is above and below the required dynamic pressure of the irrigation system, pressure regulating devices, booster pumps or other devices shall be installed to meet the dynamic pressure of the irrigation system.
 - iii. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station/valve shall be provided.
 - iv. Sprinkler heads shall have matched precipitation rates.
 - v. Swing joints or other riser-protection components are required on all risers.
 - vi. Check valves or anti-drain valves are required on all sprinkler heads.
 - vii. Areas less than ten feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
 - viii. Overhead irrigation shall not be permitted within twenty-four inches of any non-permeable surface even if the paved area drains back to the adjacent planting area pursuant to HMC Section 11-2.47, Prohibition of Wasteful Water Practice.
 - ix. Slopes greater than 25 percent shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour.
 - x. Bio-treatment areas, when wider than ten feet, shall be irrigated with a matched precipitation rotator type, or an efficient overhead spray irrigation system that allows a “cycle and soaking” program function.

When the treatment area width is less than ten feet, an efficient irrigation system that meets the current ordinance requirements shall be provided. The irrigation for bio-retention areas shall be provided on a separate valve.

- xi. Trees shall be irrigated with two tree bubblers in combination of pre-assembled deep root watering and flood bubblers on a separate valve. The flow rate of each device shall not exceed 0.25 gallon per minute. Trees with different watering needs shall be on a separate valve.

During Construction

49. Protection of Trees to Be Preserved Pre-Construction

- a. Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or property line for trees. No grading excavation, construction or storage of materials shall occur within the protection zone.
- b. Install non-movable chain link fencing around the Protected Zone of each tree to be preserved. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.
- c. Trees to be preserved may require pruning to provide clearance and/or correct defects in structure. All pruning shall be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest edition of the ANSI Z133 and A300 safety standards as well as the ISA Best Management Practices for Tree Pruning with a tree pruning permit from the City. The pruning contractor shall have the C-27/D-49 license specification.

50. Protection of Trees to Be Preserved During Construction

- a. 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 procedures, access routes, storage areas and tree protection measures.
- b. 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. Roots shall be cleanly pruned with a handsaw. A tree pruning permit shall be required for cutting equal or larger than one-inch diameter roots.
- c. If damages should occur to any existing trees designated for preservation 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.

- d. Tree protection fencing shall remain until all site work has been completed. Fences shall not be relocated or removed without permission of the Project Arborist.
 - e. 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.
 - f. Existing trees designated for preservation shall be irrigated on a schedule to be determined by the Project Arborist. Each irrigation session shall wet the soil within the Tree Protection Zone to a depth of 30 inches.
- 51. A tree removal permit shall be obtained from the City Landscape Architect prior to the removal of any tree in addition to demolition and grading permits.
 - 52. All final tree locations shall be field verified by the project landscape architect prior to planting and resolve any conflicts that arise in the field.
 - 53. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife Code 3503-3513 to not disturb nesting birds. To the extent feasible, tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.
 - 54. Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment.
 - 55. 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.
 - 56. Trees shall be healthy, disease and insect-free, well-rooted, and properly trained with a straight trunk that can stand upright without support. Trees shall exhibit a central leader, or a main branch that can be trained as a central leader. Branches shall be well-developed and shall be evenly and radially distributed around the trunk. Root balls shall not exhibit kinked or circling roots.
 - 57. If construction activities impact off-site Protected trees, the removed trees must be replaced with like-kind and like-size, or like-value based on the approved appraised value. The applicant may obtain a tree removal permit with a written permission of the adjacent property owner; however, the tree removal permit must provide a comprehensive arborist report and a tree mitigation plan providing a tree mitigation summary chart, location of replacement trees, tree species and sizes. The

tree mitigation summary chart must demonstrate that the total number and value of replacement trees equal or exceed the total value of removed trees.

Prior to Certificate of Occupancy

58. All landscape and irrigation shall be completed in accordance to the approved plans 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 9 or applicable parts shall be e-mailed in prior to requesting an inspection from the City Landscape Architect.
59. Bio-retention basin(s) shall be completed prior to issuance of the first Certificate of Occupancy.
60. Pursuant to HMC Section 10-12.11 and Appendix C, Part 5, the project applicant shall submit an irrigation audit report done by the third party to the City. The report may include, but shall not be limited to inspections, system tune-ups, system tests with distribution uniformity, overspray or run off causing overland flows, an irrigation schedule, irrigation controllers with application rate, soil types, plant factors, slopes, exposures and any other factors necessary for accurate programming.
61. Pursuant to HMC Section 10-12.07 - 09 and Appendix C, Part 6, a soil analysis report and documentation verifying implementation of soil report recommendations such as calculation of required compost and receipts of compost showing the matching quantity shall be submitted as a part of Certificate of Completion package.
62. Pursuant to HMC Section 10 Article 12, Appendix C, Part 7, 100 percent of excavated soil and plant and land clearing debris are required to divert for reuse or recycled purposes and shall be delivered to an authorized facility to maximize recycling. If green waste was diverted and the weigh tags were submitted and signed off by the City's Solid Waste Division at Public Works Utilities and Environmental Services Department, a copy of the signed document shall be submitted in place of Part 7.
63. Pursuant to HMC Section 10-12.08 and Appendix C, Part 3, a color coded and laminated valve chart and an irrigation schedule shall be attached to the controller.
64. 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 Public Works Engineering Division by the developer.

UTILITIES*Prior to Issuance of a Building Permit*

65. A wastewater pretreatment application must be completed and sent to Water Pollution Source Control.
66. Complete and submit a Water & Sewer Service Application in the ePermits Portal. Any applicable water service and meter installation work shall be scheduled after the application is submitted and approved.
67. All connections to existing water mains shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
68. 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.
69. Only City of Hayward Water Distribution personnel shall perform operation of valves on the City of Hayward Water System.
70. Each commercial tenant space shall be served by separate water meters.
71. Fire flow data may be required for this project. Information regarding existing fire flow data and how to request new fire flow test data is available on the City's Fire Flow Testing website.
72. The Applicant/Developer shall install an above-ground reduced pressure (RP) backflow prevention assembly on all irrigation water services and non-residential domestic water services, per City Standard Detail 202 (SD-202). Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger. Backflow prevention assemblies installed on potable water sources shall be lead-free.
73. The Applicant/Developer is responsible for applicable water and sewer connection/capacity fees, at the rates in effect at the time of application for water and sewer service, prior to water connection and sewer discharge. 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.
74. Each building shall have its own sanitary sewer lateral, per City Standard Detail 312 (SD-312) and 313 (SD-313).
75. Where sanitary sewer lines and/or laterals are the same size as the sanitary sewer main, the connection shall be made with a manhole.

76. Water mains and services, including the meters, must be located at least ten (10) feet horizontally from and one (1) 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.
77. Water meters and services are to be located a minimum of two feet from top of driveway flares as per City Standard Detail 213 (SD-213) through 218 (SD-218). Water meters shall not be located in the driveway. Water meter lids shall be Nicor, Inc.
78. All sewer mains and appurtenances shall be constructed in accordance with the City's latest "Specifications for the Construction of Sewer Mains and Appurtenances," revision at the time of permit approval, which is available on the City's website.
79. The development requires a separate irrigation water service for the property's landscaping.
80. A separate fire permit is required for the fire sprinkler system installation. The fire service size will be determined by the Fire Department's requirements. All fire services must have an above-ground double check valve assembly (DCVA), per City Standard Detail 204 (SD-204) and 201 (SD-201). New fire services must be installed by the City's Water Distribution personnel at the Applicant's or Developer's expense.
81. Installation of new water service (if greater than 2") and installation of fire hydrants, if applicable, must be performed by City Water Distribution personnel at the Applicant/ Developer's expense. The Applicant/Developer will be billed based on actual costs of materials, equipment, and labor used to complete the work. A time-and-materials deposit will be due prior to the start of work. If actual costs are less than the deposit amount, the Applicant/Developer will receive a refund in the amount of the unused deposit. If actual costs exceed the deposit amount, the Applicant/ Developer will receive an invoice in the amount of the overage. The Applicant/Developer shall be responsible for all excess charges over the deposit.
82. Trash enclosures are required to be self-contained with a sanitary sewer connection plus a 5 percent grade to sanitary drain and no drainage beyond the walls of the enclosure. Hose bibs are prohibited, and approved clean-up methods include dry clean-up methods and/or a service that cleans and collects wash water for proper off-haul and disposal of treated waste. Please call Water Pollution Source Control (WPSC) at 510-881-7900 to reach an inspector for additional questions.
83. A Standard Industrial Waste Monitoring Structure (Dwg. No. SD-309 filed 6-15-93) is required to be installed end of pipe for each building. The monitoring facilities shall be situated on the user's premise and not obstructed by landscaping,

equipment, or parked vehicles, or in the way of oncoming traffic. Each building shall have its own SD-309 structure. The aggregate flow from all operations shall discharge through the SD-309 structures.

84. The only acceptable sanitary sewer discharge shall be from normal potable water usage, such as bathroom wastewater, or employee breakroom wastewater. Any other use of water or generation of wastewater, inside or outside the building, requires the user to contact Water Pollution Source Control at 510-881-7900 for approval.
85. For commercial and industrial properties, any landscaping equal or greater than 1,000 sq ft, requires its own irrigation service line, meter, and reduced backflow preventer device.
86. Off-site sanitary sewer pipeline improvements, at the Applicant/Developer's expense, shall be required to serve the proposed development as determined by the Sewer Impact Study. Sanitary sewer pipeline improvements include, but are not limited to, upsizing existing sanitary sewer pipelines to accommodate the project, modifying associated sewer manholes for new connections, and reconnecting sewer laterals from existing sewer main to new sewer main. The new sanitary sewer main shall be designed to flow by gravity and shall comply with the City of Hayward's Specifications for the Construction of Sanitary Sewer Mains and Appurtenances to the satisfaction of the City Engineer. 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. Existing and proposed improvements in the public rights-of-way shall be shown on separate plan sheets from the on-site improvement plans.
87. Improvement Plans for work in in the public right-of-way shall be submitted with the grading permit application and include the following:
 - a. The existing 8" sanitary sewer main in Investment Boulevard shall be replaced with a minimum 12" sanitary sewer main from the applicant's cooling water connection point to Eden Landing Road.
 - b. The existing 8" sanitary sewer main in Eden Landing Road shall be replaced with a minimum 12" sanitary sewer main from Investment Boulevard to City manhole number 9153-05, which is between Trust Way and Arden Road.

Prior to Issuance of Certificate of Occupancy

88. Potable water storage tanks providing a storage volume no less than the peak 24-hour industrial water usage shall be installed and commissioned prior to data center operations.
89. All offsite sanitary sewer improvements per COA #86 and #87 shall be completed by the Applicant/Developer and accepted by the City Engineer prior to approval of occupancy of any building.

SOLID WASTE

90. The trash enclosure will need space for three streams: landfill, recycling, and organics. Please indicate the size and type of each container on the site plan submitted with the building permit application. Please use the formula listed in the Standard Design Requirements to size your containers. Full design requirements can be found here: <https://www.hayward-ca.gov/sites/default/files/documents/Standard Conditions 2c Commercial.pdf>.

ENGINEERING

Prior to Issuance of a Building Permit

91. Existing parcels shall be merged into a single parcel before issuance of any building permit for the proposed project.
92. A grading permit will be required before issuance of any building permit for the proposed project.
93. The grading permit application shall require design documents and plans for the site grading and improvements prepared by or under the direction of the State licensed design professionals and approved by the City Engineer. Plans shall provide details for the improvements approved on the plans submitted with the project application and required by the City's conditions of approval.
94. Existing and proposed improvements in the public rights-of-ways shall be shown on separate plan sheets from the on-site improvement plans. The street improvement plans shall show details of the existing and proposed curb, gutter, sidewalk, driveways, fire hydrants, streetlights, drain inlets, manholes, pipelines, and utilities with required construction details. Existing unused driveways shall be replaced with the City standard curb, gutter and sidewalk improvements. Sidewalks and driveways shall be accessibility compliant.
95. The property owner or an authorized agent shall obtain permits or approvals from all affected agencies or private parties. Copies of applicable permits or approvals shall be provided to the City Engineer upon request.
96. A building permit is required for earth retaining structures exceeding 4 feet in height (measured from the bottom of footing to top of wall). This permit shall require structural calculations and details prepared by a licensed civil or structural engineer for approval by the City's Building Division.
97. The project shall not block runoff from, or augment runoff to, adjacent properties. The applicant shall be required to mitigate 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.

98. All grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report prepared by the project's geotechnical engineer, subject to approval by the City Engineer. Plans for grading and drainage for the grading permit shall be reviewed and signed by the Soils Report Engineer certifying that the recommendations in the report have been followed. Arrangements shall be made with the soils report engineer to submit a certification to the City Engineer confirming that grading, drainage and backfill installation related work was performed in general compliance with recommendations in the Geotechnical Report. All material testing reports will be submitted as attachments to the Certification Letter Report.
99. 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 surface drainage shall be collected and conveyed to a 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.
100. Drainage plans shall include all proposed underground pipes, building drains, area drains and inlets. All building sites shall be graded to slope away from the building foundations per California Building Code, Chapter 18, Section 1804.3 Site Grading, or as required by the soils engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
101. The on-site storm conveyance and treatment systems shall be owned and maintained by the property owner.
102. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted with the site improvement plans and shall show, at a minimum, drainage management areas, location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 Design Guidelines.
103. All utility services to the development shall be underground, designed and installed in accordance with the service provider's regulations. Transformers and switch gear cabinets shall be placed underground. Underground utility plans must be submitted for City approval prior to installation (HMC Section 10-3.815).
104. Improvement Plans in the public right-of-way fronting the project site shall include the following requirements:
 - a. Replace unused driveways with concrete curb, gutter, and sidewalk matching existing in color, form, and grades.
 - b. Driveways shall comply with the City Standard Detail SD-110 and have no curb returns

- c. Replace any existing damaged curb, gutter, sidewalk, driveways, streetlights, street pavement and street pavement markings fronting the project. Also replace such improvements with new improvements if not complying with current accessibility standards or the City Standard Details.
- d. Replace failing segments of existing street pavement fronting the project site with hot-mix Asphalt-Concrete (A.C.) matching the existing street pavement section fronting the project.
- e. Street pavements impacted by longitudinal trenches and multiple excavations shall require backfills, re-paving, street full width grind and resurfacing with 2-inch HMA, restriping and pavement markings.
- f. Streetlights on metal poles and underground electrical services shall be installed along the project frontage on Eden Landing Road as per the details shown on the City Standard Details.
- g. Project related traffic disrupting activities in the public street rights-of-way shall require traffic control plans approved by the City Engineer.
- h. The runoff from the new sidewalk along the project frontage shall be treated per MRP 3.0.
- i. Right-of-way dedication shall be required where needed for accessibility compliant sidewalk and/or driveway along the public street fronting the project, including but not limited to travel around streetlights, hydrants, driveways, signs or other such obstructions to travel.

During Construction

- 105. The applicant shall secure the City Fire Marshal's approval of improvements for all weather emergency vehicle access and fire protection before flammable material is brought on-site.
- 106. The property owner shall be responsible for preventing the discharge of pollutants or dust from the project site during and after construction in accordance with HMC Section 11-5.19. Projects with construction 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 disturbance. Trash and debris must be always contained during the project's construction period. Violations or other noncompliance with stormwater pollution prevention measures may result in the project being shut down, including any activity conducted under the building permit, until full compliance with stormwater and air pollution prevention requirements are achieved.
- 107. The property owner shall remove and replace any damaged curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc., within the public right-of-way

along the project frontage and at any locations damaged by the construction of the project. Damaged pavement surfaces shall be overlain or micro-surfaced. All repairs shall be completed to the satisfaction of the City Engineer.

108. The property owner shall be responsible for adjusting existing utility boxes/vaults to grade and locating and protecting existing communication conduits (fiber optic and copper) along the project's frontages.

Prior to Issuance of Certificate of Occupancy

109. All improvements, including for streets, parking lots, walkways, fencing, sanitary sewer, storm drainage, water system, underground utilities, streetlights etc., shall be completed by the developer and accepted by the City Engineer before approval of occupancy of any building. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
110. All pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Public Works Director and Development Services Director or their designees.
111. The property owner shall execute the City's standard "Stormwater Treatment Measures Maintenance Agreement" prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for the treatment control and site design measures is bound to the property in perpetuity.
112. The property owner shall submit to the City Engineer a letter from the project Geotechnical Engineer confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.
113. The property owner shall submit to the City Engineer a letter from the Engineer of Record confirming that all grading, drainage, and engineering components of the project have been performed in conformance with the approved plans and specifications.
114. The property owner shall submit to the City Engineer As-built records of site grading and improvements on electronic media in AutoCAD and .pdf formats.

TRANSPORTATION

115. Pursuant to City of Hayward Traffic Code Article 9, Applicant, Property Owner, or Property Manager shall maintain adequate visibility and sight distance, as defined by City of Hayward Traffic Code, at all project driveway(s) and access point(s).
116. Pursuant to City of Hayward Traffic Code Section 6.11, Applicant or Property Owner shall require that the operator of any vehicle exceeding the maximum gross weight,

as defined in Traffic Code Section 6.11, shall drive on City designated truck route(s) and none other while within Hayward city limits, except where Traffic Code Section 6.11 grants exception, when coming from or going to the subject property. This Condition shall be included in any and all tenant lease agreement(s) and documentation confirming as such shall be made available to the City of Hayward upon request. City designated Truck Routes:

<https://hayward.maps.arcgis.com/apps/mapviewer/index.html?webmap=cf702c85053a460c8744d1e9bc74240a>

Prior to Issuance of Building Permit

117. Applicant shall prepare and submit an on-site and off-site (fronting City right-of-way) Signing and Striping Plan in accordance with current Caltrans Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information regarding marking disabled stalls). Signing and Striping Plans shall be included in Improvement Plans and shall be prepared to the satisfaction of the Public Works Director or his/her designee.
118. Applicant shall prepare and submit an on- and off-site Photometric Plan ("Photometric Plan"). The Photometric Plan shall conform to Standard Details (<https://www.hayward-ca.gov/sites/default/files/documents/standard-details-updated-jan-2020.pdf>), including but not limited to SD-120, Design Criteria for Roadway Lighting and shall be prepared to the satisfaction of the Public Works Director or his/her designee.
119. Pursuant to HMC 7-1.10, and if required by the Public Works Director or his/her designee upon review of the Photometric Plan, the Applicant shall install on- and/or off-site lighting, including but not limited to street lighting along the project frontage. Proposed lighting shall comply with City Standard Details and shall be included in Improvement Plans, which shall be prepared to the satisfaction of the Public Works Director or his/her designee.
120. Applicant shall prepare and submit a Turning Analysis, which shall be prepared and stamped by a Professional Engineer (P.E.) or Traffic Engineer (T.E.) licensed by the State of California. The Turning Analysis shall be prepared using the Autoturn software package and using the vehicle template determined by the Public Works Director or his/her designee as the largest vehicle expected on-site (typically WB-50). All recommendations from the Turning Analysis shall be incorporated into the project design to the satisfaction of the City Engineer.
121. All security gate(s) and security gate systems shall comply with Hayward Municipal Code (HMC), Chapter 10, Article 14: Security Gate Regulations and shall be designed and installed to the satisfaction of the Public Works Director or his/her designee. Proposed security gate(s) and security gate systems shall be included in Improvement Plans, which shall be prepared to the satisfaction of the Public Works Director or his/her designee.

122. Unless otherwise directed by the Public Works Director or his/her designee, security gate(s) and security gate systems shall not include gates or doors that swing open toward the public-right-of-way, including sidewalks.
123. The driveway located along Production Avenue shall be used for egress only and shall not be used for ingress onto the project site. Emergency vehicles shall be exempted from this condition.

AIRPORT

124. Structures in the proximity of the airport are required to follow CFR Title 14 Part 77.9. If a project falls within the guidelines, the developer must submit Form 7460 to the Federal Aviation Administration (FAA) for review. Developer must file with the FAA at least 45 days prior to construction if:
 - a. Any structure will exceed 200 feet above ground level
 - b. Any structure will be in proximity to an airport and will exceed the slope ratio
 - c. Any structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
 - d. Any structure will emit frequencies, and does not meet the conditions of the FAA Co-location Policy
 - e. Any structure will be in an instrument approach area and might exceed part 77 Subpart C
 - f. Any structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
 - g. Any structure will be on an airport or heliport
 - h. Filing has been requested by the FAA
125. The FAA has a Notice Criteria Tool located here to determine if a Form 7460 needs to be submitted:
<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>
 - a. The tool will immediately identify if an FAA Form 7460 is required.
 - b. The Latitude and Longitude need to be exact and if this information changes, the form will need to be resubmitted and the review process extended.

- c. Register and submit an FAA Form 7460 here:
<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>
- 126. Copies of all Determination Letters from the FAA in response to all filed FAA Form 7460 shall be submitted to the Hayward Executive Airport. Email to airport@hayward-ca.gov.

During Construction

- 127. The project shall comply with the requirements set forth in the Federal Aviation Administration's (FAA) Advisory Circular 150/5370-2, "Operational Safety on Airports During Construction."
- 128. The applicant shall comply with 14 Code of Federal Regulations Part 77.9 requirements. Information on the requirements is available here:
<https://www.ecfr.gov/current/title-14/chapter-I/subchapter-E/part-77#77.9>.
- 129. A valid FAA Determination Letter shall be associated with each event date and its location. The valid FAA Determination Letter shall be provided to Hayward Executive Airport by emailing airport@hayward-ca.gov.

Two weeks prior to use of a crane, the applicant shall notify Hayward Executive Airport by calling 510-293-8678 or emailing airport@hayward-ca.gov and provide the following details for Airport Staff to file the required Notice to Airman (NOTAM):

- a. Valid FAA Form 7460 for each crane location and associated Aeronautical Study Number (ASN)
 - b. Beginning date and time crane will be erected.
 - c. End date and time the crane will be dismantled.
 - d. Maximum height of the crane
 - e. On site contact name and phone number & email
 - f. Does the crane have lights or flag.
- 130. Use approved lighting and flags on top the structure as required
https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.current/documentNumber/70_7460-1
 - 131. Use of a crane is not permitted unless a valid NOTAM has been issued by Airport Staff.

FIRE*Project Site Requirements*

132. Approval of Application FP-ONE-2025-00003 shall be obtained from the Hayward Fire Department prior to the building permit issuance.
133. A fire flow shall be provided in accordance with the 2022 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 an automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500 GPM.
134. The minimum fire flow of 3,000 GPM shall be provided based on the proposed Construction Type IB and building area of 310,460 square feet. The required fire flow shall be updated based on the final building design.
135. This building exceeds 30 feet in height. Aerial fire apparatus access roads are required. The onsite fire (apparatus) roads are subject to additional review and final approval by the Fire Department.
136. Fire access apparatus access road(s) shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building/facility measured by an approved route around the exterior of the building or facility.
137. Aerial fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of the building. 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. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by Fire Code officials.
138. Buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.
139. Dead-end fire apparatus access road(s) more than 150 feet in length shall be provided with a turnaround meeting the Hayward City Standard and the 2022 California Fire Code, Section D103.
140. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus of 75,000 pounds and shall be surfaced to provide all-weather driving capability.
141. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane, 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No

Parking” signage shall meet the City of Hayward Fire Department fire lane requirements.

142. The average spacing between hydrants is 300 feet along fire access road(s). All portions of the facility shall be within 400 feet hose lay of a fire hydrant. Additional hydrants are required if the above requirement is not met.
143. Hydrants shall be located not less than 40 ft from the buildings to be protected.
144. 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.
145. A key switch is required and mounted on a stationary place on the outside of the gate. The key switch shall be mounted 3 to 5 feet above ground. The key switch shall be purchased from Hayward Fire Department. A separate fire permit is required if it is an automatic gate.
146. New FDC shall be located on the street/fire apparatus access side of buildings, within 100 feet of a fire hydrant, fully visible and recognizable from the street or nearest point of fire department vehicle access. Fire department connections shall be so located that fire apparatus and hoses connected to supply the system will not obstruct access to the building for other fire apparatus.

Building Requirements

147. Buildings are required to install fire sprinkler systems in accordance with NFPA 13.
148. An underground fire service and fire hydrants shall be installed in accordance with NFPA 24.
149. A standpipe system shall be installed in accordance with NFPA 14.
150. A fire alarm system with occupant notification shall be provided in accordance with the California Fire Code, all applicable City of Hayward Fire Department Ordinances and NFPA 72 Standards for the building.
151. Each fire sprinkler system riser shall have exterior local alarm bell(s). Interior notification device(s) shall be installed within each tenant space(s).
152. 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.

Hazardous Materials

153. Environmental and Health-Based Site Clearance –The applicant shall provide environmental screening clearance documentation from either the Alameda County Department of Environmental Health’s Local Oversight Program (LOP), Department of Toxic Substances Control (DTSC) or the San Francisco Bay Regional Water Quality Control Board (RWQCB). Clearance shall ensure that the proposed industrial/commercial 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 clearance shall be submitted to the Hayward Fire Department’s Hazardous Materials Office and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.
154. Electronic Submittal of Environmental Documentation – Environmental documentation associated with the evaluation, investigation and/or clearance of this site shall be provided in an electronic format to the City of Hayward Fire Department prior to the issuance of the Building or Grading Permit.
155. A Fire Protection Engineer Report (FPER)/ Alternate Methods of Protection (AMP) request must be approved by the Hayward Fire Department prior to issuance of any building or grading permits. Note that additional conditions may be required based on this report.
156. Phasing Plan – A phasing plan shall be submitted to the Hayward Fire Department’s Hazardous Materials Office, the City of Hayward Building Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits. The plan shall include all activities for each phase.
157. Phases should be done independently. Plans for each phase must be submitted to the Building Division and where required, fire protection/alarms systems plans must be submitted to the Fire Department. Plans shall be specific as to the phase and shall include an overall site plan for reference. Plans shall meet the requirements of the current version of the California Fire Code at the time the plans are submitted.
158. Battery Storage and Use – Aboveground storage and use of batteries have been identified with this project. The storage of batteries shall meet the requirements of the 2022 California Fire Code. Additional information will be required to be submitted as part of the required Fire Protection Engineer Report that demonstrates compliance with the Fire Code.
159. Substations/Switching Yards – This project includes two electrical substations/switching yards. One will be under the control of the proposed data center. The second will be under the control of PG&E. The substation under the control of the proposed data center shall have plans submitted through the City of Hayward Building Division for approval. The substation is required to be inspected

and finalized by the City prior to being placed into use. PG&E shall be required to meet CUPA/Fire Department requirements associated with the use and storage of hazardous materials.

160. Site Preparation – The following are conditions for site preparation:

- a. Closure of Businesses with Hazardous Materials – The developer shall work with any business that are closing or have closed to ensure that all hazardous materials/waste are properly evaluated, managed, and disposed.
- b. Hazardous Materials/Waste and their Vessels Discovered during Grading/Construction – 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 or construction. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.
- c. Demolition/Grading – 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. The Demolition contractor shall contact the Hayward Fire Department’s Hazardous Materials Office (phone 510 583-4910) regarding demolition and plans to evaluate and dispose of residual hazardous materials/waste, in particular, associated with remaining equipment. A final report shall be submitted associated with residual hazardous materials management and disposal.
- d. 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.
- e. 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 required follow-up report shall be submitted to document the activities performed and any conclusions. Below are specific requirements for each:

- i. 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.
- ii. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report is required.
- iii. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.
- f. Hazardous Materials Associated with Construction – During construction, hazardous materials used, and hazardous waste generated shall be properly managed and disposed to the satisfaction of the Hazardous Materials Division.

161. General Requirements:

- a. Codes, Standards and Regulations – Construction, storage, use and disposal of hazardous materials at this facility shall meet all applicable Codes, Regulations and Standards including but not limited to: 2022 California Fire Code, National Fire Protection Association (NFPA) Standards, regulations governing the Certified Unified Program Agency (CUPA) programs and the City of Hayward Hazardous Materials Storage Ordinance.
- b. Plans, Drawings, and Information – Formal plans are required to be submitted through the Hayward Building Department that will be distributed to the Hayward Fire Department for review and approval. As part of that submittal, information shall be provided that demonstrates compliance with the specifics of hazardous materials codes, standards, and regulations.
- c. Chemical Inventory Packet – A chemical inventory packet shall be submitted with the building permit application for the proposed building and exterior areas using the Hayward Fire Departments of Chemical Inventory Packet. Please call (510) 583-4910 to receive a copy of the chemical inventory packet.
- d. Maximum Allowable Quantities (MAQs) – If chemical quantities are stored or used in amounts greater than the maximum allowable quantities (MAQs) in the 2022 California Fire Code, then the appropriate H-type occupancy shall be required.
- e. Incompatible Materials – Incompatible materials in storage and storage of materials incompatible with materials in use shall be separated according to Chapter 50, Section 5703.9.8 (Separation of incompatible materials) of the 2022 California Fire Code (CFC) when the stored materials are in containers having a capacity of more than 5 lbs. or ½ gallon.

- f. Labeling – All hazardous materials containers, tanks, drums, and other vessels shall be properly labeled per the City of Hayward Fire Department Guidelines.
 - g. Placarding – All tanks and buildings containing hazardous materials shall be properly placarded using the National Fire Protection Association (NFPA) Standard 704.
 - h. Secondary Containment – Hazardous materials shall be provided secondary containment per the requirements of the City of Hayward Fire Department.
 - i. California Environmental Reporting System (CERS) – Register with the State CERS program by signing up for a CERS account at <http://cers.calepa.ca.gov> (click on Business Portal Sign In) and submit an Electronic Reporting Lead User Authorization Form with the Fire Department's Hazardous Materials Office (Hayward City Hall, 777 B Street, Hayward, CA 94541).
 - j. Hazardous Materials Business Plan (HMBP) – For the storage and/or use of hazardous materials in quantities exceeding 200 ft³ for gases at standard temperature and pressure, 500 lbs. for solids or 55 gallons for liquids, an HMBP shall be completed for the facility. The HMBP shall be submitted electronically through the State's CERS program (<http://cers.calepa.ca.gov>).
 - k. Hazardous Materials Permit Application - Due to the types and quantities of hazardous materials to be stored and/or used at the facility, the owner or operator shall submit an application for a Consolidated Permit/Registration for the Unified Hazardous Materials/Hazardous Waste Management Regulatory Program. Once issued this permit shall be maintained and renewed as required by the Hayward Fire Department.
 - l. Final Inspection – Final inspection shall be required to verify that hazardous material requirements have been met. Please contact the Hazardous Materials office at least 48 hours prior to the final inspection at (510) 583-4910.
162. Aboveground Fuel Tanks – The applicant has provided detail information that aboveground fuel tanks will be proposed as part of this project for the storage of diesel fuel for emergency generators.
- a. Alternate Means of Protection – An alternate means of protection request has been submitted to the Hayward Fire Department for approval for the storage of combustible materials in aboveground tanks. Appropriate mitigations will be identified and conditioned to mitigate the hazards associated with the tank contents. Tanks shall meet the requirements of this approved alternate means of protection document.

- b. Vehicle Crash Protection – Guard posts or other approved method shall be installed per the 2022 California Fire Code (CFC) Section 312 to protect the tanks and piping from vehicular damage.
- c. Aboveground Flammable and Combustible Liquid Storage Tanks Design, Installation and Location – Tanks shall conform to the 2022 California Fire Code (CFC) including, but not limited to Chapters 3, 50, and 57 and National Fire Protection Association (NFPA) Standard 30. Tanks shall bear a permanent nameplate or marking indication the standard used as the basis of design for example: Tanks built to UL standards 142 or 2085 shall have the UL labels affixed to the tanks. Tank locations shall conform to the 2022 CFC and NFPA 30 including – Table 4.3.2.1.1 (a) & (b). Tank locations shall not impede emergency vehicle access road, building laddering or access to building during an emergency.
- d. Seismically Anchoring – Tanks to be seismically anchored per the requirements of the California Building Code.
- e. Tank Labeling and Signs – Tanks shall comply with the following:
 - i. Tanks shall be properly labeled as to the contents (in this case “Diesel”).
 - ii. Tanks shall have labeling that prohibits open flames and smoking in the area.
- f. Tank Placarding – Tanks shall be properly placarded per the requirements of the National Fire Protection Association Standard (NFPA) 704.
- g. Secondary Containment and Monitoring – Tanks are required to be secondary contained. The containment shall be regularly monitored for leakage from the primary tank. Electronic continuous monitoring is required to be installed and maintained unless another method is proposed and specifically approved by the Hayward Fire Department.
- h. Leak Detection Testing – Prior to storage of fuel and prior to the final inspection, the leak detection and alarm system(s) for emergency generator tanks shall be operational for the aboveground storage tanks (emergency generators) and shall be tested in the presence of a Hazardous Materials Investigator to ensure its proper function, including audible and visual alarms. Such testing will include all tanks on site. NOTE: The project applicant or subcontractor must contact Hayward Fire for authorization/approval if fuel storage is proposed prior to installation of the leak alert system and security room. Contact the Hazardous Materials Office at 510-583-4910. Additionally, be advised that the project applicant must apply for a permit and final inspection for each phased fuel tank placement.

- i. Overfill and Overspill Protection – Tanks shall have devices to prevent the overfill and overspill of petroleum products.
- j. Spill Prevention Control and Countermeasure (SPCC) Plan - Tanks or aggregate above ground storage of petroleum products equal to or exceeding 1,320 gallons at a facility shall be required to have and maintain an SPCC plan in place. Facilities at or more than 10,000 gallons shall have a California Professional Engineer (PE) Wet Stamp. The SPCC plan shall be in place and on-site prior to or at the time the facility achieves 1,320 gallons.
- k. Bay Area Air Quality Management District (BAAQMD) Approval – Approvals are subject to meeting conditions of the BAAQMD. For more information regarding approvals and permitting requirements, please contact the Bay Area Air Quality Management District at (415) 771-6000.
- l. City of Hayward Water Pollution Source Control Approval - Approvals are subject to conditions of the City of Hayward Water Pollution Source Control Division and if required State of California Storm Water Pollution Prevention Plans. For more information contact the City of Hayward Water Pollution Source Control Division at (510) 881-7900.

-End-

ITEM #2 PH 25-020

Proposed Zoning Text Amendment, Conditional Use Permit and Site Plan Review to Allow Drive-Throughs in the Air-Terminal-Commercial District, and Construction of a Starbucks Coffee with Drive-Through as Part of a New Two-Story Mixed-Use Development on a Vacant Portion of the Property Located at 22101 Hesperian Boulevard; Jayvant Shah, Ramesta Hospitality LLC (Applicant/Developer); MWT Architect (Architect); City of Hayward (Owner)

PUBLIC COMMENT

Staff Responses to Commissioners' Questions



Questions from Planning Commissioners

May 22, 2025 Meeting

ITEM #	QUESTION	STAFF RESPONSE
2: PH 25-020	The Applicant is requesting approval to amend the AT-C zoning subdistrict to allow drive-through coffee shops and restaurants, similar to other commercial zoning districts throughout the city. What was the historic reasoning behind the decision to not allow drive-through restaurants and coffee shops in the AT-C subdistrict when it was first created?	Unfortunately, there is no way to know with certainty the answer to this question. The Air Terminal (AT) District and its associated Subdistricts (including the AT-C Subdistrict) date back several decades to when fast-food restaurants with drive-through facilities were not yet as popular as they have become today, so that may explain why they were not originally included in the list of permitted uses. Restaurants and coffee shops are commonly found along major commercial thoroughfares like Hesperian Boulevard and near airports and, thus, staff feels that the proposed amendments are reasonable in this case.
2: PH 25-020	The AT-C Subdistrict allows a maximum lot coverage of 60%. The proposed project features a lot coverage of 7.3%. Does this include the entire hotel lot and, if so, should we not include the hotel footprint in the lot coverage percentage? And if we do include the hotel, how does this affect the maximum 60% lot coverage limitation?	When the adjacent Home2Suites Hotel site is included in the lot coverage calculation, the total combined lot coverage is 11.5%. The hotel and proposed mixed-use building have a combined footprint of 18,365 square feet, while the total land area measures 159,430 square feet (or 3.66 acres). The lot coverage is calculated by dividing the total footprint square footage by the total land area square footage.
2: PH 25-020	The proposed zoning text amendment item is inconsistent with Chapter 10 Article 1. The proposed drive-through facility is greater than a ¼-mile distance from the freeway when traveling via A Street or Winton Avenue.	The proposed zoning text amendments are needed because the AT-C Subdistrict does not currently allow drive-through restaurants or coffee shops, and the citywide drive-through regulations do not allow one drive-through to be located within ½ mile from another unless they are both located within ½ mile of either Interstate 880 or Highway 92. The amendments will allow drive-through facilities in the AT-C Subdistrict subject to approval of a Conditional Use Permit and also allow drive-through facilities to be located within ½ mile of each other if they are also on property zoned AT-C. (Note that there is an existing Burger King at the corner of West A Street & Hesperian Boulevard that is less than ½ mile of the proposed Starbucks location.)

Questions from the Public

ITEM #	QUESTION	STAFF RESPONSE