

**AMAZON LAST MILE DELIVERY SERVICES
2701 W. WINTON AVENUE
ZONING TEXT AMENDMENT AND CONDITIONAL USE PERMIT
APPLICATION NO. 201908318**

DRAFT CONDITIONS OF APPROVAL

GENERAL

1. The applicant 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 arising from the performance and action of this permit to the fullest extent allowed by law, nature and description directly or indirectly arising from the performance and action of this permit.
2. Prior to the issuance of the Certificate of Occupancy/Final Building Permit Approval, 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, including architectural materials, colors and design, have been satisfied. The cost of inspection, including any subsequent inspections that are deemed necessary by the City, shall be paid by the applicant.
3. The applicant, 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 and agreed to by the applicant, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were pulled to construct the project.
5. 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.

6. 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.

Mitigation Measures

7. HAZ-4b. Vegetation Management Plan. The project sponsor or property owner shall maintain vegetation consistent with Vegetation Management Plan as part of project operation. The Development Services Department shall conduct periodic monitoring to ensure compliance.
8. HYD-2. Stormwater Control Facilities maintenance. The project sponsor or property owner shall maintain all stormwater control facilities as part of project operation. The Public Works – Engineering and Development Services Department shall conduct periodic monitoring to ensure compliance.
9. HYD-6. Levee maintenance. The project sponsor or property owner shall maintain levee stability as part of ongoing project operation. The Public Works – Engineering and Development Services Department shall conduct periodic monitoring to ensure compliance.

Use & Operations

10. The proposed trucking terminal shall operate according to these conditions of approval and the business plan included as part of the use permit application, received May 11, 2020, including the hours of operation, intensity of use and mode/character of the proposed operation. Any future change or modification of the operational plan and/or any expansion of the approved use beyond the seasonal fluctuations detailed in the business plan may require the submittal of a new use permit application and shall be subject to additional review and approval by the City prior to any change, modification or expansion.
11. Amazon shall prioritize the Hayward site for electrification of fleet vehicles. At a minimum, 50% of the fleet shall be all electric within five years of the date of this approval; and 100% of the fleet shall be all electric within 10 years of the date of this approval. The property owner/tenant/lessee shall make reasonable efforts to procure the zero emission vehicles/trucks required to meet the “clean fleet” requirements above. The applicant is responsible for notifying the City about compliance with this condition of approval. In the event that there is a documented delay or disruption in achieving these goals, such as the utility cannot provide adequate power due to infrastructure issues that cannot be addressed by the property owner/tenant/lessee or if implementation will not allow the property owner/tenant/lessee to conduct its business operations without being adversely

affected by travel range limitations imposed by the zero emission vehicle technology, the “clean fleet” requirements may be adjusted as minimally as possible by the Planning Director. The Planning Director may allow for flexibility in this timeframe where there is a specific and detailed plan in place; however, failure to comply with this condition may be grounds for revocation of the use permit or other action to achieve City sustainability goals.

12. Trucks and vehicles associated with this business shall not stop or be parked or stored within the public right-of-way along West Winton Avenue, unless otherwise permitted in accordance with City-posted signage, City standards, policies, or vehicle code.
13. Trucks and vehicles associated with this business shall not queue from the project site onto public right-of-way.
14. Prior to the start of business, the applicant shall hold a minimum of two virtual job fairs to facilitate the hiring of local residents in Hayward.
15. 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.
16. 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.

Tenant Improvements

17. Tenant improvements shall be in substantial conformance with the plans submitted on May 11, 2020. Any proposal for alterations to the approved site plan and/ or design that does not require a variance to any zoning ordinance standard shall be subject to review and approval by the Development Services Director or his/her designee prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission, if applicable.
18. Per Section B5 of Project Description submitted on May 11, 2020, the applicant shall install solar panels to service the proposed use, and the panels shall be operational prior to the start of business.
19. All lighting fixtures affixed to the building shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.
20. All exterior and rooftop mechanical equipment (with the exception of solar panels) 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 other 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.

21. 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.
22. Any above-ground structures that may be required to provide utilities for the project shall be compatible as to location, form, design, exterior materials, and noise generation. The applicant shall obtain staff approval prior to issuance of any permits.

Signage

23. No signs are approved with this project. Any signs placed on-site or off-site shall be reviewed and approved by the Planning Division and a separate Sign Permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.

Expiration & Revocation

24. This Use Permit approval is void 36 months after the effective date of approval unless:
 - Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or a time extension of the approval has been granted by the Planning Director.
 - If a building permit is issued for construction of improvements authorized by the use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on the conditional use permit approval. A request for an extension must be submitted in writing to the Planning Division at least 30 days prior to the above date.
 - Business operations have commenced in accordance with all applicable conditions of approval.
 - If this conditionally/administratively permitted use cease operation for a period of more than six consecutive months, it shall be deemed to be discontinued, and the use permit establishing said use shall become null and

void. Reestablishment of said use shall only be permitted upon obtaining a new use permit.

LANDSCAPING

25. The landscape improvement plans under Site Plan Review application number 201702969 were approved on July 11, 2018 with the conditions. The following is modified conditions to be addressed prior to issuance of the certificate of occupancy and addressed in perpetuity for maintaining the landscape improvements if the approved site improvements remain unchanged.
26. Upon approval of the landscape installation and prior to issuance of Certificate of Occupancy, As-built/Record Mylar or a digital file of the as-built plans shall be submitted to the Engineering Department by the developer.
27. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 including irrigation audit report shall be e-mailed prior to requesting an inspection from the City Landscape Architect at michelle.koo@hayward-ca.gov.
28. Municipal Code Section 10-12.11 and Appendix C. Part 5 Landscape Irrigation Audit Report.
 - All landscape irrigation audits shall be conducted by a third-party certified landscape irrigation auditor.
 - Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
29. Landscape Maintenance.
 - Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay.
 - The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection.
 - Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep.

- All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.
- All trees planted as a part of the development as shown on the approved landscape plans shall be “Protected” and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree permit from City Landscape Architect prior commencement of any tree work. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance within the timeframe established by the City and pursuant to Municipal Code.
- Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

CODE ENFORCEMENT DIVISION

30. All tenant improvements and modifications and/or demolition require approval of a building permit prior to the start of the work. Verified violations of the California Building Code Section 105.1 are subject to a penalty fee of 205% of the required permit fees in addition to the regular Building Division fees in accordance with the City of Hayward Master Fee Schedule.

BUILDING DIVISION

31. The proposed tenant improvement will require a building permit application and the associated plan review process. During the building code review, detailed comments will be provided on structural codes, disabled access, motor vehicle related occupancies (CBC section 406) and egress.

PUBLIC WORKS ENGINEERING AND TRANSPORTATION

32. Applicant shall submit the following items as part of Improvement Plans to Public Works & Utilities-Transportation for review prior to issuance of Building Permits:
 - a. An on-site and off-site (fronting City Right-of-Way) Signing and Striping Plan in accordance with Caltrans’ latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking complaint disabled stalls).
 - b. A Photometric Plan, refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria, link: <https://www.hayward-ca.gov/documents/hayward-standard-detail>
 - c. Turning Analysis using the largest vehicle expected on-site (typically a delivery vehicle) using AutoTurn software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.

33. Applicant shall submit to the City a detailed Transportation Demand Management (TDM) Plan, prepared by a qualified traffic consultant, for review and approval by Public Works & Utilities-Transportation. The TDM Plan shall include all TDM measures outlined in the Project Description and the Project's TDM Letter of Intent (February 2021). TDM Measures shall include, but are not limited to:
- Carpool and Vanpool Ride-matching Service: Applicant shall designate its on-site operations manager as the employee contact that will be responsible for matching potential carpool and vanpool drivers and riders.
 - Designated Employer Contact: The on-site operations manager name and phone number shall be provided to the City at the time it is known. The manager shall be the primary contact for carpool and vanpool matching, and on-site communications related to auto-reduction measures.
 - Informational Kiosk: Applicant's on-site manager will display the following information in a prominent location on-site: transit routes and schedules, carpool and vanpool information, rideshare options, and trip planning assistance information; up-to-date transit route maps and schedules for employee use; and commute alternatives.
 - Bicycle Parking, Short Term: Short-term bicycle accommodations shall be installed on-site. Bicycle accommodations shall include installation of bike racks to support, at minimum, ten (10) bicycles, security and CCTV cameras. Bicycle facilities shall be within 75 feet of the main entrance of the building. On-site managers shall monitor the ongoing usage and increase bicycle racks and accommodations on an as-needed basis. Applicant shall not relocate the bike racks nor decrease the number of bike racks below the minimum number required under this Condition, without written approval from the Public Works & Utilities Director.
 - Designated Parking for Carpools and Vanpools: Applicant shall allocate a minimum of four (4) parking spaces for carpool and vanpool vehicles near the main entrance to the building. On-site managers shall monitor the designated Carpool and Vanpool parking spaces for ongoing usage and increase the number of Carpool and Vanpool parking spaces on an as-needed basis. Applicant shall not relocate the designated Carpool or Vanpool parking spaces, nor decrease the number of Carpool or Vanpool parking spaces below the minimum four (4) spaces, without written approval from the Public Works & Utilities Director.
 - Annual Survey: Applicant's on-site manager shall prepare and administer a survey each year to on-site employees to gauge the participation rate within the facility and to identify strategies to further reduce single-passenger automobile travel.
 - Guaranteed Ride Home: Applicant shall implement a "Guaranteed Ride Home" program which shall provide employees a ride home in the form of a car service or taxi in the event that an employee who uses transit or carpool/vanpool is unable to get home at the scheduled time (e.g. family emergency, unavailable carpool driver, working late, etc.)

- Transit Passes: Applicant shall provide fully subsidized transit passes to its employees as part of Applicant's Employee Benefit Program. Transit passes shall be made available, and at no cost to the employees, at the Project site.
34. Upon review and approval by the City, the Applicant shall implement the TDM Plan in full. All TDM measures shall remain in effect for the duration of Applicant's Conditional Use Permit and shall not be modified without written approval from the Public Works & Utilities Director.
 35. Applicant shall submit, on an annual basis, a TDM Monitoring Report prepared by a qualified traffic consultant to the City's Planning Division and the City's Public Works & Utilities-Transportation Division. Prior to preparation and submittal of the first annual Monitoring report, the applicant's traffic consultant shall contact Public Works & Utilities – Transportation to prepare a scope of work detailing specific requirements. The TDM Monitoring Report shall monitor, measure and report program effectiveness and resulting Vehicle Miles Traveled (VMT) reduction to/from the project site on an annual basis and shall include average weekday and weekend daily (24 hour) trip counts to/from the project site measured at all project driveways.
 36. Applicant shall stripe Bicycle "sharrows" and install striping and signage associated with a Class III Bicycle Boulevard conforming to City and State standards between the existing Class II bike lanes on West Winton Avenue near the project site and the intersection of W. Winton Avenue/Cabot Boulevard. Proposed signing and striping shall be included as part of Signing & Striping Plans.
 37. Applicant shall deposit \$550,000 into a City of Hayward Public Works & Utilities Department account for the purpose of extending the existing sidewalk along the north and west side of West Winton Avenue from the project site to the Bay Trail Entrance/Depot Road (or) similar sidewalk/pedestrian improvements within the Project vicinity and any associated Environmental Documentation, per recommended improvements in the City's Bicycle and Pedestrian Master Plan and the Project's Traffic Impact Analysis - Local Transportation Assessment. If, within two years of issuance of the Certificate of Occupancy, other development(s) within the vicinity are identified by the City to require contribution to the sidewalk extension described within this Condition, the City will condition such other development projects to fund their proportionate share of the cost of the sidewalk extension or similar improvements and the City shall reimburse the Applicant in the amount of the other development projects' fair-share contribution (as determined by the Public Works & Utilities Director) to the cost of the sidewalk extension.
 38. Applicant shall deposit \$500,000 into a City of Hayward Public Works & Utilities Department account for the purpose of installation of a traffic signal at the intersection of West Winton Avenue and Cabot Boulevard to address operational deficiencies identified in the Project's Traffic Impact Analysis - Local Transportation

Assessment. The Applicant shall be responsible for its full share contribution, as determined by the Public Works & Utilities Director, including reimbursing the City for any costs in excess of the deposited amount.

39. Applicant shall deposit \$5,000 into a City of Hayward Public Works & Utilities Department account for the purpose of extending the existing northbound left turn lane by fifty (50) feet at the intersection of West Winton Avenue and Clawiter Road.
40. Applicant shall deposit \$500,000 into a City of Hayward Public Works & Utilities Department account for the purpose of addressing deficiencies as identified in the Project's Traffic Impact Analysis – Local Transportation Assessment at the State Route 92/Clawiter Road/Eden Landing Road intersection and interchange. The deposited fund(s) shall be used either for (a) installation of a traffic signal at the intersection of SR-92/Clawiter Road/Eden Landing Road; or (b) funding improvement projects at the SR-92/Clawiter Road/Eden Landing Road interchange which have been determined by the Public Works & Utilities Director as having similar traffic operations benefits as a traffic signal and resulting in similar or better Level-of-Service (LOS) as identified in the Project's Traffic Impact Analysis – Local Transportation Assessment under plus Project conditions and with signalization in place. If it is determined by the City that the funds shall be used for installation of a traffic signal, the Applicant shall be responsible for its full share contribution, as determined by the Public Works & Utilities Director, including reimbursing the City for any costs in excess of the deposited amount. If, within two years of issuance of the Certificate of Occupancy, other development(s) within the vicinity are identified by the City to result in traffic operational deficiencies (in accordance with the City's Transportation Impact Analysis Guidelines) requiring the need for signalization or similar improvements at the intersection of SR-92/Clawiter Road/Eden Landing Road, the City will condition such other development projects on the requirement to fund their proportionate share of the cost of the traffic signal or similar improvements and the City shall reimburse the Applicant in the amount of the other development projects' fair-share contribution (as determined by the Public Works & Utilities Director) to the cost of the signal or other improvements.
41. The Applicant shall contribute ~~\$4,605,000~~2,423,291 into a City of Hayward Public Works & Utilities Department account for the purpose of current Pavement and Roadway maintenance on roadway segments where project trips impact pavement ~~and as identified in the February 28, 2021 Pavement Maintenance and Traffic Impact Contributions Application 201908318 – 2791 West Winton Avenue memorandum from the Public Works & Utilities Department.~~
42. The Applicant shall enter into an Agreement with the City's Public Works & Utilities Department to pay Project's share of future maintenance of City streets impacted by project traffic. The payment shall be annual, beginning on July 1, 2022 in an amount of ~~\$307,000~~161,553 for the first year (equivalent to 1/15th of the total share of the current pavement improvement cost, assuming a 15-year roadway pavement useful

life). First-year payment of \$~~161,553,307,000~~ shall be due on July 1, 2022. Subsequent annual payments shall be based upon City Engineer's Cost Estimates taking into consideration previous year's pavement improvement cost and additional annual cost escalation based on the Engineering News Record Construction Cost Index (ENR-CCI) and shall be due annually on July 1. This Condition shall remain in effect for the duration of the Applicant's Conditional Use Permit (CUP). This Condition is based on cost estimates identified in the February 28, 2021 *Pavement Maintenance and Traffic Impact Contributions - Application 201908318 - 2791 West Winton Avenue* memorandum from the Public Works & Utilities Department.

43. Upon review of Improvement Plan(s) and required item(s) listed above by Public Works & Utilities-Transportation, Applicant shall modify Improvement Plan(s) to address any deficiency(ies) or item(s) identified by Public Works & Utilities-Transportation staff, to the satisfaction of Public Works & Utilities-Transportation staff or the City Engineer, prior to issuance of Building Permit(s).

UTILITIES AND ENVIRONMENTAL SERVICES

44. Sewer Services. City records indicate that the property does not have an existing sanitary sewer service. With the building permit application, clarify how the building is currently serviced for sanitary sewer service. The applicant shall connect the building to the City's public sanitary sewer main if the building is not already connected. Sewer connection fees shall be assessed for the development during the building permit application. Sewer connection fees are assessed based on the estimated volume and strength of wastewater discharge anticipated from the proposed development.
45. Utility Plan. If new water or sanitary sewer services are proposed, a utility plan will be required. Provide a utility plan with the building permit plans that shows the sizes and locations of all existing and proposed water mains, sewer mains, water service lines, water meters, sanitary sewer laterals, and backflow prevention devices.
46. Recycled Water. The proposed development shall be required to connect to the recycled water pipeline for all approved Title 22 uses. All proposed irrigation water services shall connect to the recycled water pipeline. If irrigation services are proposed, revise plans to show connection to the recycled water pipeline.
47. Existing Water Services. The property has an existing 1 ½-inch domestic water meter (account 32461) and an existing six (6) inch fire service (account 32460) associated with 2663 W Winton Avenue. Any modifications to existing water services (upsized, downsized, relocated, abandoned, etc.) shall only be performed by City of Hayward Water Distribution personnel at the developer's expense.

48. Proposed Water Services. All connections to existing water mains shall only be performed by City of Hayward Water Distribution personnel at the developer's expense.
49. Backflow Devices. All domestic and irrigation water services shall have an above-ground reduced pressure backflow prevention assembly per City of Hayward Standard Detail 202 (SD-202). If there will be modifications to the existing fire service, the backflow device on the fire service shall be upgraded to an above-ground double-check valve assembly per City of Hayward Standard Detail 201 and 204.

SOLID WASTE

50. Construction & Demolition Debris: The City requires that construction and demolition debris be recycled per certain ordinance requirements. Submittal of the Debris Recycling Statement will be required at the time of your building permit. The form can also be found at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>. You may also visit Hayward's [Green Halo webpage](#) and create a waste management plan instead of filling in the Debris Recycling Statement.
51. The owner or property manager shall be responsible for litter-free maintenance of the property and shall remove any litter on or within 50 feet of the property daily to ensure that the property and its street frontage remain clear of any abandoned debris or trash per Municipal Code Section 11-5.22.

HAYWARD FIRE DEPARTMENT

General

52. Civil drawings were provided for reference of the proposed relocation of (4) existing on site fire hydrants. The relocation of said fire hydrants has not been formally approved by the Hayward Fire Department and subject to additional review comments prior to issuance of building permits.
53. Submit for proper building permits for the future construction / alterations of the building to the City of Hayward Building Department. A Building Permit is required for any/all new equipment including conveyor system prior to installation.
54. This building shall have approved address / building numbers. Address identification of shall be placed in a position that is plainly legible and visible from the street or road fronting the property. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Minimum building address

shall be 12" high with 1.5" stroke. When building is located greater than 50 feet from street frontage, address shall be minimum 16" high with 1.5" stroke. Tenant space number shall be 6" high with 0.75" stroke on a contrasting background to be visible from the street.

Fire prevention

55. Additional submittal required to the Hayward Fire Department for the proposed relocation of site fire hydrants. Be advised:
 - Section 507 .5.1 Where Required. Fire hydrant systems and fire hydrants shall be in accordance with section 507.5. Hydrants shall be placed at least 40ft. from the buildings to be protected. Where it is not feasible to place them at that distance, they may be closer proximity in location approved by the Fire Chief.
56. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. Type of fire hydrant(s) to be installed shall be Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2" outlet & two 4-1/2" outlets) capable of flowing minimum of 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department.
57. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
58. When buildings exceed 30ft. in height, fire apparatus access roads shall have an unobstructed width of not less than 26 feet an unobstructed vertical clearance of not less than 13 feet 6 inches. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced to provide all-weather driving capability.
59. Fire apparatus access road 20 feet to 26 feet wide shall be posted on both sides as a fire lane; fire apparatus access road 26 feet to 32 feet wide shall be posted on one side of the road as a fire lane. "No Parking" signs shall meet the City of Hayward Fire Department fire lane requirements. Rear portion of the building may require Red Curbing as a Fire Lane with appropriate signage per the CFC.
60. The new building is not currently approved for high piled storage. A building permit is required for the installation of storage (pallet) racks greater than six feet in height. A Fire Department Annual Operational Permit is required for any combustible storage (floor and/or rack) which exceeds 12 feet in height (Class I-IV type commodities), AND/OR any high hazard storage which includes commodities such as hazardous materials, flammable liquids, plastics, foam and rubber products, or any other classified commodity as dictated by the California Fire Code and NFPA 13 Standards, which exceeds 6ft. in height. (Deferred Submittal, if applicable)

61. Fire Sprinkler Alterations are required to provide adequate sprinkler coverage due to proposed interior building modifications. The sprinkler alterations shall be designed and installed conforming to NFPA 13 Standards and the current edition of the California Fire Code (CFC). A separate fire permit is required for the fire sprinkler system alterations. A California State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler installation. (Deferred Submittal)
62. A maximum static pressure of 80 PSI should be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly.
63. Fire alarm alterations may be required due to interior improvements to the building. Fire Alarm alterations shall be designed and installed by a Licensed C-7, C-10 Contractor and shall conform to the current edition of the California Fire Code (CFC) and NFPA 72 Standards. Central station monitoring is required, which shall be done by an approved and/or listed central station monitoring company. (Deferred Submittal)
64. A minimum of 2a 10bc portable fire extinguisher(s) are required every 75ft. of travel or 3,000sq. ft. in the building.
65. Duct smoke detectors that are installed within the HVAC system (AHU's and Smoke Dampers) shall meet the California Mechanical Code for installation and the California Fire Code. Such detectors shall be interconnected to the buildings' main fire alarm control panel and zoned separately. (Deferred Submittal)

Hazardous Materials

66. Hazardous Materials Regulations
 - Hayward Fire Code – The City of Hayward has adopted the 2019 California Fire Code with certain amendments. The Hayward Fire Department is the authority having jurisdiction with the City of Hayward. For general code requirement contact the Hayward Fire Department's Fire Prevention Office at (510) 583-4900. For requirements specifically related to the use/storage of hazardous materials contact the Hayward Fire Department's Hazardous Materials Office at (510) 583-4910.
 - Certified Unified Program Agency (CUPA) Regulations - The City of Hayward Fire Department has been designated by the California Environmental Protection Agency (CalEPA) as the CUPA within the City Limits of Hayward to oversee all regulations for that authority, including permitting, reporting, underground tanks, aboveground tanks, hazardous waste including tiered permitting and the California Accidental Release Program (CalARP). For questions regarding these programs contact the Hayward Fire Department's Hazardous Materials Office at (510) 583-4910.

67. Permitting and Reporting

- Hazardous Materials Permit – The applicant shall apply for and keep current an annual *Unified Hazardous Materials/Hazardous Waste Management Regulatory Program Permit*. Contact Steve Lowe of the Hayward Fire department at (510) 583-4961.
- Hazardous Materials Business Plan (HMBP) / California Environmental Reporting System (CERS) – The storage and use of hazardous materials shall be electronically reported through the California Environmental Reporting System for the HMBP elements if hazardous materials exceed required reporting levels. The HMBP shall be completed prior to occupying facility.

68. Hazardous Materials Storage/Use

- Hazardous Materials General – Hazardous materials shall meet the requirements of Chapter 50 of the 2019 California Fire Code as adopted by the City of Hayward.
- Hazardous Materials over the Maximum Allowable Quantities (MAQs) – Quantities of hazardous materials/ waste shall not be stored and used in amounts greater than the maximum allowable quantities (MAQs) in the 2019 California Fire Code as adopted by the City of Hayward.
- Incompatible Materials – Incompatible materials in storage and storage of materials incompatible with materials in use shall be separated according to Chapter 27, Section 2703.9.8 (Separation of incompatible materials) of the 2019 California Fire Code (CFC) when the stored materials are in containers having a capacity of more than 5 lbs. or 0.5 gallons.
- Flammable and Combustible Liquid Storage and Use – The storage and use of flammable and combustible liquids shall meet the requirements of Chapter 57 of the 2019 California Fire Code as adopted by the City of Hayward.

69. Secondary Containment

- Containers or tanks used for the storage of hazardous liquids and having a volumetric capacity of 55 gallons or more require secondary containment as stipulated in the Hayward City Ordinance and the California Fire Code (CFC). Secondary containment shall be provided as specified in the *Secondary Containment Guidelines*, which can be obtained by contacting the Hazardous Materials Office at 510-583-4961.
- Secondary Containment Construction – Shall be constructed of material that is of sufficient thickness, density, and composition so as not to be structurally weakened as a result of contact with the released hazardous material/waste and so as to be capable of containing hazardous materials/waste released from a primary container for a period of time equal to or longer than the maximum anticipated time sufficient to allow recovery of the discharged hazardous material/waste.
- Secondary Containment Discharge – Containment area shall have a mean of drainage. Permanent drains shall be kept in the closed position. Prior to

discharge of liquid in the secondary containment, the liquid shall be properly characterized as safe, non-hazardous, and fit for discharge from the secondary containment to the appropriate channel.

70. Labeling and Placarding

- Labeling – Hazardous materials shall be labeled per the 2019 California Fire Code and shall meet the labeling guidelines of the City of Hayward Fire Department.
- Placarding – Due to the amounts of hazardous materials being contained within the building, NFPA 704 placards shall be provided for the exterior of the building.

71. Hazardous Waste

- General – Hazardous waste shall be managed and disposed of per Title 22 of the California Code of Regulations. All containers holding hazardous waste shall be properly label and identified with a hazardous waste label. Labeling shall include Generator information, EPA ID number, accumulation start date, contents, physical state and hazard of the waste. Provisions shall also be made for the management and disposal of universal/electronic wastes which are a category of hazardous waste.
- Damaged Packages with Hazardous Contents - Waste generated from broken or damage packaging shall be characterized for the potential of hazardous contents. Those packages that are deemed as hazardous shall be properly cleaned up, containerized, stored in the hazardous waste area, labelled, properly managed as hazardous waste, and disposed.
- Hazardous Waste Storage – Facility shall have a designated and secured area for the storage of hazardous waste. This area shall be labeled “HAZARDOUS WATES STORAGE AREA” and “NO SMOKING WITHIN 25 FEET.”

72. Seismic Protection

- Machinery – Machinery and equipment utilizing hazardous materials shall be braced and anchored in accordance with seismic design requirements of the California Building Code.
- Compressed Gas – Any compressed gas cylinders shall be chained /secured 1/3rd and 2/3rd down from top and labeled with contents of compressed gas cylinders. Compressed gas tanks shall be seismically anchored per the California Building Code.

73. Vehicles

- Vehicles inside of building - Shall meet requirement of the Hayward Building Division including adequate ventilation per the Mechanical Code.
- Vehicle maintenance - Vehicle maintenance has not been identified by the applicant as a process that will be occurring at this location. If this is to occur the applicant shall contact the Hayward Fire Department’s Hazardous Materials Office at (510) 583-4910 for approval.

- Vehicle washing – Vehicle washing has not been identified by the applicant as a process that will be occurring at this location. If this is to occur the applicant shall contact the City of Hayward Water Pollution Source Control Division at (510) 881-7900 and the Hayward Fire Department’s Hazardous Materials Office at (510) 583-4910 for approval.
- Vehicle fueling – Vehicle fueling has not been identified by the applicant as a process that will be occurring at this location. If this is to occur either as a permanent location or by a mobile fueler then the applicant shall contact the Hayward Fire Department’s Hazardous Materials Office at (510) 583-4910 for approval.

74. Outstanding Item from Initial Building Construction

- Fire Pump – Diesel fuel storage: As part of the original shell building construction a diesel fire pump with an aboveground diesel fuel tank was installed in the fire pump room near West Winton Avenue. There are still open items that will need to be addressed related to this item, including the storage of diesel fuel in quantities exceeding the maximum allowable quantities (MAQs). The Building owner or their agent will need to contact the Hayward Fire Department’s Hazardous Materials Office at (510) 583-4910 to resolve this item.

75. Regular Inspection

- Regular Inspection General - The applicant shall be subject to inspections by the City of Hayward Fire Department at a frequency determined by the Fire Chief as necessary to ensure the compliance of the facility. In addition to regular Hazardous Materials inspections, the Hayward Fire Department shall inspect for compliance, including quantity limitations, facility security, appropriate storage configurations, labeling and signage. Dependent on compliance with the operating requirements and permit conditions of the facility, it is anticipated that one additional inspection per year would be sufficient. The applicant shall be responsible for the cost of all inspections, with the current rate for inspections being \$165 per hour.
- Inspection Documentation – Facility documents required to be available for inspection must include the most current three (3) years.

76. Final Inspection required

- Final inspection from the Hazardous Materials Office is required prior of the issuance of a “Certificate of Occupancy” or “Final Building Inspection”. Please contact the Hazardous Materials Office at (510) 583-4910 at least 48 hours before the desired final inspection appointment.

