

**CITY OF HAYWARD PLANNING COMMISSION
PROPOSED MIXED-USE, AFFORDABLE HOUSING DEVELOPMENT
LOCATED AT 29497, 29547, AND 29553 MISSION BOULEVARD
SITE PLAN REVIEW AND DENSITY BONUS APPLICATION NO. 201806620**

DRAFT CONDITIONS FOR APPROVAL

1. The approval of Site Plan Review and Density Bonus Application No. 201806620 shall allow for the development of five-story, mixed-use transit-oriented development with 140 apartment units of affordable housing for families, a 2,700 square-foot day care center, and 1,800 square-foot ground-floor commercial space. The application also includes the utilization of two (2) density bonus concessions/incentives, consistent with State law, to modify the building disposition (setback) requirements along the side property lines and remove a required, new thoroughfare (ST-54-34-BR) with a 56-foot right-of-way along the rear of the project site. The project site is located on a 2.21-acre vacant infill site at 29497, 29547, and 29553 Mission Boulevard, Assessor Parcel Nos. 078C-0438-013-06, 078C-0438-014-00, and 078C-0438-015-02.
2. 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.
3. Site Plan Review and Density Bonus Application No. 201806620 is approved subject to the architectural, civil, and landscaping plans stamped "Exhibit A" on file with the Planning Division, except as modified by the conditions listed below.
4. Any proposal for alterations to the conditionally approved site plan and/or design that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance or exception shall be subject to review and approval by the Planning Commission.
5. The permittee, property owner and/or designated representative shall allow City staff access to 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.
6. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set submitted to the Building Division for plan check review.
7. 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.

8. In accordance with Hayward Municipal Code (HMC) Section 10- 1. 3055, approval of this 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.
9. 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.
10. 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.
11. 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. Violation of any of the conditions of approval of this conditional use permit may constitute grounds for revocation pursuant to the Zoning Ordinance.

STANDARD CONDITIONS OF APPROVAL (SCAs)

12. SCA AIR-1: Consistent with General Plan Policies NR-2.2 and NR-2.7, in order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented:
 - 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 off-site 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 unpaved roads shall be limited to 15 mph.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- f. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- i. A publicly visible sign shall be posted with the telephone number and person to contact at the City of Hayward regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.

Consistent with General Plan Policy NR-2.2 and NR-2.12, the project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project meet the California Air Resources Board (CARB) Tier 4 emissions standards or equivalent.

13. SCA BIO-1: If project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found, the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance to the nest by project activity (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior.

During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing any disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical

nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause reproductive failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be marked clearly by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned, as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case-by-case basis using the criteria described above.

14. SCA BIO-2:
 - a. Trees to be retained shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, tree protection measures in compliance with the project arborist's recommendations and the City codes shall be installed.
 - b. A tree removal permit shall be obtained prior to the removal of any tree, and prior to the issuance of any grading and/or building permits.
15. SCA CUL-1: If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately, and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
16. SCA NOI-1: Consistent with Policy HAZ-8.2 (Noise Study and Mitigation) and Policy HAZ-8.5 (Residential Noise Standards) - 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. In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dBA measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dBA. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).
 - b. Grading and construction equipment shall be properly muffled;

- c. Unnecessary idling of grading and construction equipment is prohibited;
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
 - f. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
 - g. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the BAAQMD, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
17. SCA TRA-1: Consistent with Mobility Element Policy M-4.4 of the City's General Plan, the project applicant shall fund their fair-share contribution toward future signal timing adjustments and optimizations to reduce the average delay times and intersection deficiencies from additional traffic in the cumulative plus project conditions scenario at the intersection of Mission Boulevard and Industrial Parkway.
18. SCA TRIBAL-1: In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.

GENERAL

Planning Division.

19. All final exterior building finishes, paint colors, materials and other architectural details shall be reviewed and approved by the Planning Division prior to issuance of a building permit for the project.
20. 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.

21. All uses within the commercial portion of the proposed development shall follow the Use Table for the S-T5 District in the South Hayward BART Form Based Code, as amended.
22. The applicant shall be required to schedule a pre-construction meeting with City staff prior to the issuance of building permits and/or grading permits, whichever comes first to ensure compliance with the Hayward Municipal Code and with the Conditions of Approval stated herein.
23. The commercial tenant space shall be required to install a grease trap/interceptor consistent with City standards and California Building/Plumbing Code standards.
24. In compliance with the South Hayward BART/Mission Boulevard Code and General Plan Policy NR-2.2 and NR-2.15, the project applicant shall implement the following design features to ensure that operational air quality impacts would not occur.

Indoor Air Quality:

- In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:
- The project applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and these measures shall be included in the project construction plans. These features shall be submitted to the City's Planning Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.
- For sensitive uses (residences, day care centers, and playgrounds) sited within the overlay zone from Mission Boulevard, the applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85 percent supply filters shall be used.
- The project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be provided to the property management and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.

Exterior Air Quality:

- To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.
25. All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen from all perspectives, unless other noise mitigation is required. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
 26. 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.
 27. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft. Approved address numbers shall be at least four inches in height on a contrasting background. Font strokes shall be of enough width such that they are legible to the public from the street fronting the property.
 28. Lighting within the parking area(s) shall be provided and be maintained at a minimum of one foot-candle. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.
 29. All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.
 30. No building signage 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 Sign Ordinance requirements of the Hayward Municipal Code (HMC).
 31. All rooftop mechanical equipment, other than solar panels, shall be fully and completely screened from view by the proposed roof structure or appropriate screening that is reviewed and approved by the Planning Division. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus and utilitarian equipment such as vents shall be painted to match surface to which it is adhered.
 32. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for meter-reading by utility staff must be provided to all meters.

33. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
34. Within 60 days 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.
35. For the mixed-use development, the commercial/retail component of the project shall be under vertical construction before the issuance of a certificate of occupancy for the first residential unit and shall be completed prior to the issuance of a certificate of occupancy for the last residential unit, unless otherwise approved as part of a project's phasing plan.
36. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay in lieu fees for each residential unit. The in-lieu fees shall be those that are in effect at the time of building permit issuance.

Affordable Housing.

37. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in Chapter 10, Article 17 of the HMC. The applicant shall comply with the affordable housing requirements as reflected in the attached Affordable Housing Plan, included as Attachment VI, and detailed per Section 10-17.510 Affordable Housing Plan. No building permit(s) will be issued for any non-City restricted units in the Project until permits for all affordable units have been obtained or are obtained simultaneously. No Certificate(s) of Occupancy will be issued for any non-City restricted units in the Project until Certificate(s) of Occupancy for all affordable units have been obtained or are obtained simultaneously.
38. In addition to the Affordable Housing Plan and pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall also enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance and the Affordable Housing Plan, included as Attachment VI to the staff report, prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.

Building Division.

39. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures and/or tenant improvements shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
40. The project shall comply with disabled access provisions of 2016 California Building Code Chapter 11A, as amended. All required accessible and/or adaptable units shall be called out on the plans and unit counts shall comply with the counts required in the code.
41. Prior to issuance of certificate of occupancy or final inspection, the developer shall pay the following additional fees/taxes, in accordance with existing regulations. The amounts of the fees/taxes shall be in accordance with the fee schedule or codes in effect at the time of building permit application submittal, unless otherwise indicated herein:
 - a. Building Construction and Improvement Tax;
 - b. Supplemental Building Construction and Improvement Tax;
 - c. School Impact Fee; and
 - d. Park Dedication In-Lieu Fee, as applicable.

Water Pollution Source Control.

42. 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 881-7900 for approval and further information.
43. Any elevator sumps shall not connect directly to any sewer. All such sumps shall discharge through an interceptor that receives oily waste and hydraulic fluids, and discharge to a sanitary sewer without causing end-of-pipe violations of any wastewater discharge limits. Alternately, the elevator sump shall be a "blind sump," and all liquids collected in the sump shall be removed as hazardous waste, subject to all relevant requirements. If there are any hydraulic fluid leaks, assure proper cleanup.
44. If any of the commercial spaces will be occupied by food services establishments then food service facilities shall have a sink or other floor mat, container, and equipment cleaning area, which is connected to a grease control device, such as a grease trap or grease interceptor prior to discharging to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a roofed area outdoors; both areas must be plumbed to the sanitary sewer. Outdoor cleaning areas shall be designed to prevent stormwater run-on from entering the sanitary sewer and to prevent stormwater run-off from carrying pollutants to the storm

drain. Signs shall be posted indicating that all food service equipment washing activities shall be conducted in this area.

Proposed restaurants shall implement Restaurant Best Management Practices to prevent stormwater pollution, including: (1) Controls for roof exhausts; (2) Tallow bin and dumpster area containment and controls; (3) Providing for all washing operations to discharge to the sanitary sewer.

Provide for mat washing and all other clean-up to discharge to the sanitary sewer system. No washing or other wastewater discharges shall go to the storm drains.

Proposed restaurants shall demonstrate the ability to comply with City of Hayward Wastewater Discharge Limits, including a limit of 300 mg/L of oil and grease of animal or vegetable origin, by: (1) Installation of a properly sized pretreatment unit such as a gravity grease interceptor (GGI) or hydro-mechanical grease interceptor (HGI), or other similar device; (2) documentation of management practices for grease handling; (3) documentation of management practices of area and equipment wash down.

Land Development – Engineering.

45. Construction Damages: The Developer shall be responsible to remove and replace curb, gutter, sidewalks, driveways, signs, pavements raised pavement markers, thermoplastic pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Developer is responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.
46. Utility Services: All new utility service connections to the project shall be installed underground.

Fire Department.

Fire Access:

47. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet an unobstructed vertical clearance of not less than 13 feet 6 inches. The minimum fire apparatus access road with a fire hydrant is 26 feet.
48. All driveways shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete. Design of the public streets and private streets and courts shall meet City of Hayward Fire Department Standards.
49. 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" sign shall meet the City of Hayward Fire Department fire lane requirements.

50. When buildings or portion of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access, fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of the building.

Building Construction:

51. Building Address – A minimum 4” self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. A minimum 6” address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.
52. Building construction shall be in accordance with the current California Building Code (CBC) cycle, as amended.

CONDITIONS DUE PRIOR TO THE ISSUANCE OF PERMITS.

Land Development – Engineering.

54. Merger of Lots. Applicant shall merge the three existing lots into one by filing a Certificate of Merger or Parcel Map with the City prior to building permit issuance.
55. Grading, Drainage and Site Improvements. A grading permit issued by the City’s Public Works Department is required prior to the issuance of any building permits. The grading permit application shall include privately engineered grading and drainage plans acceptable to the City Engineer and providing the following:
 - a. Existing and finished grades; cut and fill quantities; stormwater pollution prevention measures; surface and sub-surface drains, drain inlets and structures shall be shown on the grading and drainage plans.
 - b. Earth retaining structures 4’ foot in height or less (top of wall to bottom of footing) shall be reviewed and approved by Public Works. Earth retaining structures exceeding 4-feet in height shall require Building Permit(s) and are reviewed and approved by the Building Division of the Development Services Department.
 - c. Land disturbance of one acre or more require a Notice of Intent from the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD). Copies of these documents must be submitted to the City Engineer when a grading permit is requested. Provide the City WDID Number issued by the Regional Water Quality Control Board and copies of the Notice of Intent (NOI).
 - d. The project augmented runoffs shall be mitigated with on-site detention, ground infiltration or evapotranspiration to control site discharge rate to not exceed pre-development levels. Drainage studies and improvements shall be for a storm event of a 10-year or longer frequency.
 - e. The project’s Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted which will show, at a minimum, drainage management areas, locations and details of all treatment control measures and

numeric sizing calculations in conformance with Alameda County Clean Water Program C3 Stormwater Technical Guidance.

- f. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system.
- g. Drainage discharge or improvements affecting facility not owned by the property owner shall require prior written permit and shall be per plans approved by the permitting entity.

Transportation Engineering.

- 56. Per the project Traffic Impact Analysis for the intersection of Mission Boulevard and Industrial Parkway, the applicant shall pay the City their fair-share contribution cost for future modifications to the intersection signal timing and optimization in the cumulative plus project conditions scenario. The applicant fair-share contribution for this intersection shall be \$15,000 and shall be paid to the City of Hayward Public Works Department prior to issuance of grading permit or building permit, whichever comes first.
- 57. The applicant shall provide a signing and stripping plans showing compliance with the Americans with Disabilities Act (ADA) and general parking striping.
- 58. Plans submitted for building and grading permit shall include a photometric site lighting plan that includes fixtures, mounting heights, light wattage and that demonstrates adequate site lighting without excessive glare, off-site impacts or "hot spots." All lighting shall be reviewed and approved by the City Engineer, Planning Division and Hayward Police Department prior to Building Permit issuance.

Fire Department.

Water Supply:

- 59. A fire flow shall be provided in accordance with the 2016 California Fire Code Table B105.1 based on the construction type and building area. The minimum fire flow required for the proposed building of 4,500 gpm for 4 hours, shall be provided for this building. A 50% allowance is granted if the building is protected with an automatic fire sprinkler system.
- 60. The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. (plan reflects 4 new fire hydrants)
- 61. Type of fire hydrant(s) to be installed shall be Steamer Hydrant (Clow Valve Co. Model LB 614 with two 2-1/2" outlets and one 4-1/2" outlet) in single-family residential area or Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2" outlet & two 4-1/2" outlets) in other areas.
- 62. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants.

63. A minimum access width of 26' shall be provided in the vicinity of each proposed fire hydrant.

Fire Protection:

64. Install an automatic fire sprinkler system in accordance with NFPA 13 when buildings are classified to be R2 occupancy. Design and installation of the overhead fire sprinkler system shall be completed by a licensed C16 Contractor. (deferred submittal)
65. Per the requirement of the Hayward Public Works Department, a static pressure of 80 PSI should be used in fire sprinkler system design when a water test data indicates a higher pressure. The residual pressure should be adjusted accordingly.
66. Underground fire service line serving NFPA 13 sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-204. Water meter shall be minimum four-inch in diameter. (deferred submittal)
67. An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser room.
68. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home with bedroom doors close. The device shall activate upon any fire sprinkler system water flow activity.
69. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC) and NFPA 72.
70. CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
71. A Manual Fire Alarm System with Waterflow is required – A Manual Fire Alarm System that activates the occupant alerting shall be installed conforming to all NFPA 72 Standards as well as local COH Ordinances. (deferred submittal)
72. A Standpipe System conforming to the California Fire Code Sec. 905 and NFPA 14 shall be installed in the proposed building.

Solid Waste.

73. All trash enclosures must adhere to all the basic design guidelines provided in Section 3 of the City's Standard Design Requirements for Collection & Storage of Trash, Recyclables and Organics for Commercial (Business) and Multi-Family Projects. The building permit submittal shall include a detailed set of plans that show the design details of the enclosures, including the location of all bins and label each bin with the capacity (ex: three cubic yards, four cubic yards, etc.) as well as the type of waste (trash, recyclables, organics).

74. Submit the Construction and Demolition Debris Recycling Statement at the time of your building permit. The applicant shall will only need to submit the top “applicant” half of the form during the building permit. The bottom half of the form should be completed upon completion of the project to receive final building inspection approval. The form can be located online at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.
75. Per City Ordinance, all businesses are required to arrange for separate collection of recyclables. In addition, food related businesses are required to separately collect organics (compostable materials). For more information, please visit <http://www.recyclingrulesac.org/city/city-of-hayward/> . Please see Section 2 of attached for capacity needs. Also, see Section 3 of attached for trash enclosure design requirements, should an enclosure be deemed necessary.

Utilities – Water and Sewer.

Water:

76. The developer/applicant will be responsible for payment of its share of the cost of upgrading the sanitary sewer collection system in the Industrial Sewer Basin to accommodate the proposed development. The share will be calculated based on the anticipated additional flow due to future developments affecting Valle Vista Lift Station Improvement and Valle Vista Force Main Reliability Implementation project.
77. Water meters shall be installed as follows. Each commercial retail tenant space be served by separate water meters. A separate water meter shall serve the common areas, such as the community rooms, managers’ offices, and laundry rooms. All water meters shall be radio-read type.
 - a. One (1) master water meter for each “building” in the development. Although the development seems to in one building envelope, per Sheet A1.3 of the architectural plans there are three distinct “buildings” where each which would require an individual master meter.
 - b. One (1) water meter for the day care center;
 - c. One (1) water meter for the common space (community room, mail room, package lockers);
 - d. Individual water meters for each tenant for the commercial space;
 - e. Irrigation shall have its own separate water meter. It is anticipated that one or more separate irrigation water meters and services shall be installed for the development’s landscaping;
 - f. One (1) meter for the laundry room, if applicable; and
 - g. One (1) meter for the swimming pool, if applicable.
78. A separate irrigation meter shall be installed to serve the development’s landscaping.

79. The property at 29553 Mission Blvd has an existing 5/8" domestic water meter (account 22367). If existing water services cannot be reused, it must be abandoned at the owner's/applicant's expense.
80. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense.
81. The applicant/developer shall install an above ground reduced-pressure backflow prevention assembly (RPBA) on each domestic and irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
82. Fire services shall be per the sizing requirements of the Fire Department and shall be installed per SD-204 and SD-201. New fire services must be installed by City Water Distribution Personnel at the owner's/applicant's expense. Fire service installations are billed on an actual cost basis with a time and materials deposit due prior to the start of installation.
83. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218.
84. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.

Sewer:

85. The commercial and residential/community spaces shall have separate sewer connections.
86. The developer is responsible for payment of sewer connection fees at the current rates at the time of application for water and sewer service.
87. Sewer connection fees for residential connections are charged on a flat fee per number of residential units. Currently, the sewer connection fee for a multi-family residential unit is \$6,853 *per unit*.
88. Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge. Each tenant space will be assessed separately for their anticipated wastewater discharge. Sewer capacity will need to be purchased, at the current rates at the time of application for water and sewer service, to accommodate the additional wastewater discharge from these commercial spaces. Currently, the minimum non-residential sewer connection fee is \$7,700 *per tenant space*.
89. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12"

Diameter or Less),” latest revision at the time of permit approval. Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.

Landscaping.

90. Tree protection measures prior shall be implemented to the commencement of construction and site preparation activities, as recommended by a Certified Arborist, for those trees identified to be preserved within the arborist report prepared by Katie Krebbs.
91. Landscape and irrigation plans in full compliance with the City’s Bay-Friendly Water Efficient Landscape Ordinance shall be submitted for approval. Minimum one set of plans shall be wet-stamped and wet-signed. Landscape and Irrigation Plans shall include:
 - a. Conceptual Landscape and Irrigation Plans shall include landscape statement: “I have complied with the criteria of City of Hayward Bay-Friendly Water Efficient Landscape Ordinance and applied them for the efficient use of water in the landscape and irrigation design plan.”
 - b. Details and specifications shall be provided for all hardscape material including manufacturers, color, texture and finishes.
 - c. Planting palette shall provide mature size (width x height). Plant spacing shall not be closer the minimum spread provided in the reference books in the ordinance.
 - d. All plants in bioretention basin shall conform to the plant list in the latest C.3 Stormwater Technical Guidance Appendix B.
 - e. Hydrozone Map shall be provided.
 - f. Irrigation plans shall provide proposed design, proposed irrigation water meter location and size, static water pressure (psi) at point of connection, performance standards, and backflow prevention device locations.
 - g. Manual shut off valve such as a gate valve, ball valve or butterfly valve shall be installed after the backflow prevention device.
 - h. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be included in the irrigation detail.
92. Tree shall be located minimum of five feet from utility service lines and driveways. Locate tree a minimum of 15 feet from a light pole, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.
93. Base information for landscape plan shall include all above and underground utilities including service lateral lines, electrical transformers, water meters, cable boxes, telephone, and lighting boxes, etc. to prevent conflict with tree planting.

94. Landscape plan shall show dripline of existing off-site trees for preservation. Proposed tree planting shall be located to work with existing trees.
95. Tree staking:
 - a. Two-inch diameter stake shall be limited to 15-gallon trees. Larger trees shall have minimum two – 3-inch diameter stakes.
 - b. All hardware shall be galvanized wood screws. No nail shall be acceptable.
 - c. Root barriers: The length of the barrier shall be determined by the manufacturer or the project arborist based on tree species.
96. Biotreatment area:
 - a. Bio-treatment area planting shall comply with the C.3 Technical Guideline Appendix B, Plant List and Planting Guidance for Landscape Based Stormwater Measures.
 - b. Bio-treatment area: Minimum twenty-four inches (two feet) of undisturbed leveled area shall be provided before side slope could begin.
 - c. Bio-treatment area, when wider than ten feet, shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system that allows “cycle and soaking” program function. When the treatment area width is less than ten feet, efficient irrigation system that meets the current ordinance requirements shall be provided. The irrigation for bio-retention area shall be provided on a separate valve.
97. Irrigation water meter location and size shall be consistent with the civil plans. Size of the backflow prevention device shall be consistent on the civil and landscape plans. Backflow prevention device in conformance with the City Standard Detail SD-202 shall be located after water meter and before any shut-off device.
98. Storm drain lateral lines shall be located close to the edge of sidewalk to allow maximum flexibility for tree planting.
99. Erosion control fabric, compost blanket or a combination of compost sock and erosion fabric shall be installed shall be installed for slopes equal or steeper than three-to-one (3:1) but less than two-to-one (2:1). Geotechnical engineer shall provide erosion control measures for slopes exceeds two to one (2:1).
100. Masonry walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
101. Both water meter and sewer cleanout shall be located in the driveway.
102. A dedicated irrigation water meter shall be provided.
103. Subsurface drip lines shall be buried per manufacturer’s recommendations. Surface mounting under mulch layer shall not be acceptable.

104. Worksheet for water budget calculation for Maximum Applied Water Allowance and Estimated Total Water Allowance in compliance with Municipal Code Article 12, Appendix B Water Efficient Landscape. The water budget calculation shall provide Eto for the City of Hayward, 44.2, and the calculation methodology used. For residential developments with more than five or more units shall be considered providing “non-residential landscape” and shall use ET adjustment factor of 0.45.
105. All trees planted as a part of the development and as shown on the approved landscape plans shall be “Protected” and shall be subject to the City’s Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with the City’s Tree Preservation Ordinance within the timeframe established by the City and pursuant to the Municipal Code.

CONDITIONS APPLICABLE DURING CONSTRUCTION

Hazardous Materials.

106. Hazardous Materials/Waste and their vessels discovered during Grading/Construction – If hazardous materials/waste or their containers are discovered during grading/construction the Hayward Fire Department shall be immediately notified at (510) 583-4910.
107. Hazardous Materials/Waste during Construction - During grading and construction hazardous materials and hazardous waste shall be properly stored, managed and disposed.

Land Development – Engineering.

108. Stormwater Pollution Prevention: Stormwater pollution prevention measures approved by City Engineer shall be in place before any ground disturbing activity.
 - a. Stormwater pollution prevention measures shall be maintained as needed during construction.
 - b. Qualified SWPPP Practitioner (QSP) shall regularly inspect and submit monthly and final reports to the Public Works Inspector in addition to the submittals to the State Water Quality Control Board.
 - c. The Best Management Practices (BMP’s). BMP’s shall be maintained during construction and until ground is stabilized.
 - d. Storm drain inlets on-site and fronting the property shall be protected against pollutant entry and labeled "No Dumping - Drains to Bay" using the City approved details.
 - e. All utility services and facilities on the property shall be placed underground.
 - f. Damaged street improvements shall be repaired as required by the City inspector.
109. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the City Engineer:

- a. Construction activities on the project site shall be in conformance with Section 4-1.03-4 of the City's Municipal Code unless otherwise permitted by the City Engineer or Chief Building Official and shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).
 - b. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
 - c. Daily clean-up of trash and debris shall occur on project street frontages, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - d. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
 - e. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - f. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
 - g. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - h. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
110. Construction Damage: The Developer shall be responsible to remove and replace curb, gutter, sidewalks, driveways, signs, pavement, thermoplastic pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Developer is responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.

Utilities -Water and Sewer.

111. All connections to existing water mains shall be performed by City Water Distribution Personnel at the Applicant/Developer expense.

112. All water services from existing water mains shall be installed by City Water Distribution Personnel at the Applicant/Developer expense. The Developer may only construct new services in conjunction with their construction of new water mains.

Utilities – Other.

113. All service to the development shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted City approval as part of the Improvement Plans prior to installation. (DS/PW-ET)

CONDITIONS DUE PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY AND POST-CONSTRUCTION:

Planning Division.

114. Prior to building permit final sign-off and/or issuance of Certificate of Occupancy, the project site shall be inspected and approved by the Planning Director or their designee to ensure adherence to the Conditions of Approval and project plans.

Land Development – Engineering.

115. Construction of Improvements: developer shall complete all required public and private improvements to the satisfaction of the City Engineer prior to the issuance of a certificate of occupancy.
116. Stormwater Treatment Maintenance: The property owner shall execute the City's standard "Stormwater Treatment Measures Maintenance Agreement" provided by the City. This agreement shall be filed in the public records of the Alameda County.
117. As-Built Records: As-built records of site grading and common use improvements shall be provided to the City Engineer on photo-mylar plans and electronic media in AutoCAD and pdf formats. The project QSP shall verify that the SWPPP required work is complete as per the plans prepared by the project's QSD and file the final report in compliance with the Regional Water Quality Control Board regulations and provide a copy to the City Engineer.

Landscaping.

118. Irrigation systems 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.
119. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote

surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three-inch 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.

120. Prior to the issuance of Certificate of Occupancy for a specific building, all landscape and irrigation adjacent to the specific building shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
121. Irrigation systems 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.

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