

HAYWARD CITY COUNCIL

RESOLUTION NO. 25-__

Introduced by Council Member _____

RESOLUTION APPROVING A ZONE CHANGE, VESTING TENTATIVE MAP AND SITE PALN REVIEW FOR A THRRE-UNIT RESIDENTIAL CONDOMINIUM; AND APPROVING FINDINGS THAT THE ZONE CHANGE IS CONSISTENT WITH THE HAYWARD 2040 GENERAL PLAN EIR AND THE PROPOSED DEVELOPMENT IS EXEMPT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MICHAEL RYAN ARCHITECTS AND HUTING CAI AND JUN SHEN (APPLICANT/PROPERTY OWNERS)

WHEREAS, on February 5, 2020, Michael Ryan Architects submitted Zone Change, Vesting Tentative Map and Site Plan Review Application No. 20200576, to demolish the existing detached residential unit, construct a three-unit residential condominium and rezone an existing parcel from Low Density Residential (RL) District to Medium Density Residential (RM) District located at 477 Harris Road (Assessor's Parcel Number (APN) 453-0060-047-00); and

WHEREAS, a Program Environmental Impact Report (EIR) was prepared for the Hayward 2040 General Plan and certified by the City Council on July 1, 2014 pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168. In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if changes are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. The Program EIR covers the subject zoning map amendments, and the said amendments are fully consistent with the General Plan Land Use designation; and

WHEREAS, on May 8, 2025, the Planning Commission held a duly noticed public hearing on the proposed project and voted 6:0 to recommend City Council's approval of the project; and

WHEREAS, on APRIL 25, 2025, notice of the City Council public hearing related to the proposed project was mailed to all property owners and residents within 300 feet of the project site as well as those who requested such notice; and was published in The Daily Review; and

WHEREAS, on May 20, 2025, the City Council held a public hearing and accepted public testimony on the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following findings:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) was prepared for the Hayward 2040 General Plan. On July 1, 2014, the City Council adopted Resolution No. 14-108, approving the Hayward 2040 General Plan Program Environmental Impact Report (EIR). In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if changes are necessary. However, none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. The Program EIR covers the subject Zone Change from RL (Low Density Residential) to RM (Medium Density Residential) District consistent with the site's General Plan Land Use designation of Medium Density Residential.

Based on the analysis provided in these findings, the proposed development will not result in any new or unanticipated traffic, residential density, or construction impacts that were not previously identified in the General Plan and General Plan EIR. Furthermore, the proposed development is also exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15303 (New Construction or Conversion of Small Structures) and Section 15315 (Minor Land Divisions) because the project involves the construction of no more than six dwelling units and the creation of four or fewer parcels within an urbanized area. As such, no further environmental review is necessary.

ZONE CHANGE

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

The proposed demolition of an existing detached residence and the construction of three residential condominium units requires a rezoning from Low Density Residential (RL) to Medium Density Residential (RM), to allow for the construction of a three-story building. Unlike the existing RL district, the RM district allows for the development of three-story buildings. However, with the exception of the number of stories, the proposed development complies with all applicable RL and RM district standards.

Furthermore, the development of the site under the RM district will be more compatible and consistent with the City's current vision than the existing RL District. The site has a General Plan land use designation of Medium Density Residential (MDR) and is surrounded on all sides by parcels with the same land use designation. The project is adjacent to a 22-unit apartment building (Greenleaf Apartments) to the north and two 6-unit apartment buildings to the west (503 Harris Road and 515 Harris Road) with densities that range from 23 to 30 dwelling units per acre. This development will serve as a transition from these denser developments and the existing detached residences along Harris Road and provide

additional residential units in Hayward while being consistent with existing development patterns.

B. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.

The proposed development and rezoning from RL to RM District will be in harmony with all applicable City policies, including the Zoning Ordinance and *Hayward 2040 General Plan*.

The proposed development complies with applicable development standards of the RM district including but not limited to setbacks, height, and lot coverage. The development also complies with all applicable design standards including building massing and façade design. The development incorporates a total of 80 façade design points when only 50 points are required. Furthermore, the intent of the RM District, which is to promote and encourage a suitable environment for households of all types and sizes, seamlessly aligns with the existing General Plan land use designation.

The MDR designation allows for the development of detached residential units, attached residential units and multi-dwelling units with a density of 8.7 to 17.4 dwelling units per net acre. The project is consistent with the *Hayward 2040 General Plan* in that the development proposes attached residential units with a density of 13.6 dwelling units per acre. The development and rezoning further aligns with the following policies in the Housing and Land Use Elements of the *Hayward 2040 General Plan* which focuses on goals and policies to accommodate future growth and promote housing development.

- *H-3.1 Diversity of Housing Types.* The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.
- *H-3.4 Residential Uses Close to Services.* The City shall encourage the development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- *LU-1.3 Growth and Infill Development.* The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.

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

The proposed development will be adequately served by the existing streets and public facilities. Direct vehicle and pedestrian access to the site will be provided via Harris Road. The development is located near regional transportation systems including South Hayward BART, I-880, and AC Transit bus routes 41, 60 and 86. The development will also have access to nearby public facilities including Tennyson Park, Weekes Park, the Weekes Library, the Stack Community Center, and Mia's Dream Come True playground.

Furthermore, the rezoning from RL to RM District is consistent with the Medium Density Residential land use designation of the Hayward 2040 General Plan as analyzed in the General Plan Environmental Impact Report (EIR). The General Plan EIR analyzed the streets, utilities, and public facilities, ensuring their capacity for future growth. The proposed rezoning is consistent with the General Plan land use designation as described above.

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

Approval of the rezoning would reclassify the RL parcel as RM, which is compatible with the existing underlying General Plan land use designation of MDR as noted in Finding B. Both the RM zoning district and MDR General Plan land use designation allow for a variety of residential development including the proposed development of a three-unit residential condominium building. The rezoning will allow the development to be three-stories which is not currently permitted under existing regulations. A three-story building will be more consistent with surrounding development and be an attractive addition to the neighborhood as described in the Site Plan Review findings above.

VESTING TENTATIVE MAP

- A. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451. [Subdivision Map Act §66474(a)]**

The proposed subdivision is consistent with the *Hayward 2040 General Plan* as detailed above.

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

The proposed subdivision design and improvements are consistent with the *Hayward 2040 General Plan* as detailed above.

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

In accordance with the requirements of Subdivision Map Act §66490, a geotechnical investigation was completed for the development in 2019 by Romig Engineering, INC and peer-reviewed by the City's geotechnical consultant which concluded that the site was physically suitable for the type and density of development being proposed. Additionally, the property is of sufficient size to accommodate the proposed development in that it contains adequate space for the units in addition to the required parking, setbacks from surrounding development and emergency vehicle access.

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

The proposed site is physically suitable for the proposed development as detailed in Vesting Tentative Map Finding C above.

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

The project site is surrounded by existing commercial and residential uses and does not contain any environmentally sensitive habitat except for a small number of existing trees. The proposed development will include Standard Conditions of Approval that will reduce potential impacts to protected bird species that may be nesting or foraging in the trees to a less-than-significant level by requiring pre-construction surveys of the trees in accordance with the requirements of the Federal Migratory Bird Treaty Act.

Furthermore, the design of the subdivision and related improvements will not cause substantial environmental damage in that there are existing utilities in place within Harris Road that the project will be able to connect to without requiring significant extensions or upsizing, and a geotechnical investigation was conducted for the project which confirmed that the subdivision could be developed safely on the site

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

The development utilizes an infill site surrounded by existing infrastructure with adequate capacity to serve the proposed subdivision. The improvements to be installed for the subdivision, including the necessary infrastructure as well as the designs of the grading, foundations, and buildings will be required to comply with the applicable engineering and life safety standards which ensure that they function properly and safely with no adverse effects on public health and welfare.

G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or

use of, property within the proposed subdivision. [Subdivision Map Act §66474(g)]

The proposed project will not conflict with existing easements for access through or use of the property in that no such easements currently encumber the property.

H. The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans.

The proposed subdivision meets the requirements of the *Hayward 2040 General Plan* as detailed above.

I. The proposed subdivision meets the requirements of the City Zoning Ordinance.

The proposed subdivision meets the requirements of the City's Zoning Ordinance as detailed above.

J. No approval of variances or other exceptions are required for the approval of the subdivision.

No other variances or exceptions are required for the approval of the subdivision which is entirely consistent with the applicable General Plan land use designation, and RM district standards of the Zoning Ordinance.

SITE PLAN REVIEW

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

The proposed project includes the demolition of an existing detached residence and redevelopment of a parcel in South Hayward to create three new housing units. The development is designed to integrate well with the surrounding residential neighborhood in that the building is positioned closer to the denser, multi-story residential developments to the north and west, and farther away from the detached residential unit to the east. The development will result in an incremental contribution to the housing stock contributing to the City's Regional Housing Needs Allocation (RHNA).

The project is an attractive addition to the neighborhood with modulation of the façade by using plane breaks, and varying architectural elements, including a multi-tone color palette and complimentary building materials. Further, the project includes two car garages, private open space, shared open space, and new landscaping.

B. The development takes into consideration physical and environmental constraints.

The site takes into consideration physical and environmental constraints in that it will result in redevelopment of an underutilized site in South Hayward. The proposed site layout makes efficient use of the rectangular, flat lot along Harris Road. The building is positioned along the western property line, creating a shared open space area at the rear and allowing for a driveway along the eastern property line.

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

The proposed development complies with the intent of City development policies and regulations as detailed above.

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

The proposed residential development will operate in a manner similar to the surrounding residential neighborhood. During construction, the project will be subject to all applicable provisions of the Hayward Municipal Code for construction, maintenance, landscaping, including standard procedures of site preparation and development, including permitted hours of construction activity, as well as the incorporation of Best Management Practices (BMPs) for construction noise, grading, and use of equipment to prevent adverse impacts.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby approves the Zone Change, Vesting Tentative Map and Site Plan Review Application No. 202000576, subject to the adoption of the companion ordinance (Ordinance No. 25-__) rezoning one parcel located at 477 Harris Road (Assessor Parcel No. (APN) 453-0060-047-00), to the Medium Density Residential District, subject to the attached conditions of approval (Exhibit I); finds that the Zone Change is consistent with the Hayward 2040 General Plan EIR and finds that the proposed development is exempt from environmental review pursuant to the California Environmental Quality Act.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2025

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Exhibit I

ZONE CHANGE, VESTING TENTATIVE MAP AND SITE PLAN REVIEW APPLICATION NO. 202000576 – Applicant/Owner: Michael Ryan Architects and Huting Cai and Jun Shen – Demolition of the existing detached residential unit, construction of a three-unit residential condominium and rezoning of an existing parcel from Low Density Residential (RL) District to Medium Density Residential (RM) District located at 477 Harris Road (Assessor's Parcel Number (APN) 453-0060-047-00).

GENERAL

1. The approval of Vesting Tentative Map, Site Plan Review and Zone Change Application No. 202000576 shall be limited to the proposed demolition of an existing detached residence and construction of three residential condominium units on a 0.22-acre site located at 477 Harris Road (Assessor's Parcel Number (APN) 453-0060-047-00)
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. The Vesting Tentative Map, Site Plan Review and Zone Change Application is approved subject to the Architectural, Civil and Landscape plans date stamped February 12, 2025, respectively, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved 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.
4. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
5. 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.
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.

Exhibit I

7. 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.
8. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
9. 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.

PLANNING

10. 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.
11. 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.
12. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
13. Prior to operation, issuance of a Building Permit or the Certificate of Occupancy, the applicant shall contact the Planning Division and be subject to a site inspection by the designated project planner to verify that all applicable mitigations and conditions of approval have been satisfied. The cost of inspection, including any subsequent inspections that are deemed necessary by the City, shall be paid by the applicant.
14. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10. The applicant shall pay impact fees in effect at the time of building permit issuance.
15. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft.
16. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.
17. All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.

Exhibit I

18. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and/or renderings date stamped February 12, 2025. Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit and/or prior to construction.
19. All vents gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
20. All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and swimming pool equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit. All screening shall be compatible with respect to forms and materials used on the building.
21. If permitted, all above-ground utility meters, air conditioners, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen from all perspectives, unless other noise mitigation is required. All equipment shall be designed to be compatible with respect to location, form, design, exterior materials, and noise generation. The applicant shall obtain planning division review and approval prior to issuance of any permits.
22. No signs are approved with this project. Any signs placed on-site or off-site shall be reviewed and approved by the Planning Division and a Sign Permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.
23. Unless otherwise specified or approved by the Planning Director, all vacant building(s) on-site shall be demolished within six (6) months from project approval, and the site shall be returned to a "pre-development condition" which includes the capping of any utilities, the planting of sod to prevent erosion, and a 6 foot tall perimeter fence shall be erected within the required front, side and rear yards of a vacant parcel, subject to the standards set forth in Section 10-1.2735.k, Fence Regulations for Vacant Properties. In addition, the property shall be maintained in a weed-free condition and if applicable, be subject to any pre-construction or demolition mitigation required as pursuant to CEQA.
24. Prior to, during and following demolition of vacant structures, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4, Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.

Exhibit I

25. In accordance with HMC Section 10-3.246(a), a Tentative Map shall expire 36 months after its approval unless a statutory or discretionary extension is granted in accordance with the Subdivision Map Act and Subdivision Ordinance of the Hayward Municipal Code.

ENVIRONMENTAL

26. If human remains, archaeological resources, prehistoric, palentological 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.
27. 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.
28. As applicable, 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 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

Exhibit I

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.

29. The following control measures for geologic hazards shall be adhered to, unless otherwise approved by the Planning Director or City Engineer. Per standard City project approval procedures, the City must review final project design plans for conformity with building code requirements prior to project construction. All earthwork, including site grading, wall foundation excavations, placement and compaction of engineered fill, and final surface drainage installation, would be performed in accordance with the recommendations contained in the geotechnical report, as applicable.
30. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
 - a. Construction activities shall occur in conformance with the City's Municipal Code unless otherwise permitted by the City Engineer or Chief Building Official;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - d. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise; and
 - e. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
31. 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.

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- 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.

BUILDING

- 32. The project will require a building permit application and the associated plan review process. Additional comments will be provided during that review.
- 33. The proposed development shall comply with the edition of the California Building Code (CBC) in effect on the date of the building permit application.

FIRE

- 34. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced to provide all-weather driving capability. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus accesses.
- 35. A "No Parking" Sign shall be posted on both sides of fire apparatus access roads between 20 feet to 26 feet wide. The "No Parking" signs shall meet City of Hayward Fire Department requirements.
- 36. Address and premise identification approved numbers shall be placed on the building in such a position as to be plainly visible and legible from the street fronting the property. Placement and dimensions of address numbers shall be approved by the City of Hayward Fire Department.
- 37. As part of the Building Permit submittal, a fire flow report shall be provided in accordance with the current edition of the California Fire Code (CFC) Table B105.1. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with National Fire Protection Association (NFPA) 13. The resulting fire flow shall not be less than 1,500gpm (gallons per minute).
- 38. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and CFC. The average spacing between hydrants shall be 300 feet. All portions of the building shall be within 400 feet of a fire hydrant.

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Spacing and locations of fire hydrants shall be subject to review and approval by the City of Hayward Fire Department.

39. The building is required to install an overhead automatic fire sprinkler system in accordance with NFPA 13/NFPA 13R as reflected on the current proposal. A separate fire sprinkler permit by a licensed C16 Contractor is required to the Hayward Fire Department.
40. A maximum static pressure of 80 pounds per square inch (PSI) should be used when test data indicates higher pressures. Residual pressures used in the calculation should be adjusted accordingly as part of the Building Permit submittal.
41. Underground fire service lines shall be installed in accordance with NFPA 24 and City of Hayward Standard Detail (SD) 204/216. The required underground fire line will be determined based on the proposed type of fire sprinkler system.
42. Fire sprinkler monitoring systems should be provided in accordance with the CFC and NFPA 72.
 - a. An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser. The device shall activate upon any fire sprinkler system water flow activity.
 - b. Interior audible alarm device(s) shall be installed within each dwelling unit in a location approved by the City of Hayward Fire Department. The device shall activate upon any fire sprinkler system water flow activity.
43. Interconnected smoke detectors shall be installed at approved locations based on the California Building (CBC), CFC and NFPA 72 Standards.

HOUSING

44. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in Hayward Municipal Code Chapter 10, Article 17. The applicant shall comply with the requirements in section 10-17.410 of the AHO by paying the applicable affordable housing in-lieu fee as set by resolution in effect at the time of payment. The applicant shall pay either prior to issuance of building permits, prior to approval of a final inspection, or issuance of an occupancy permit. No final inspections for occupancy will be approved and no occupancy permit will be issued for any unit unless the affordable housing in-lieu fees are paid in full.

HAZARDOUS MATERIALS

45. Environmental and Health Based Site Clearance - An evaluation and regulatory oversight is required to ensure that the site meets environmental and health-based clearances that are appropriate for this residential development. The applicant shall provide clearance documentation from Alameda County Department of Environmental Health's Local Oversight Program (LOP) to ensure that the property meets the development investigation and cleanup standards.

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Clearance from the Alameda County Department of Environmental Health's Local Oversight Program will ensure that the proposed residential project meets development investigation and cleanup standards, including, if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. LOP clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.

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

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51. Hazardous Materials/Waste During Construction - During grading and construction, hazardous materials and hazardous waste shall be properly stored, managed and disposed.

SOLID WASTE

52. If gates with locks are planned to limit access to the property, the applicant must provide keys or cards to the service provider, Waste Management of Alameda County. Keys and locks may also be obtained from Waste Management for a nominal fee. Alternatively, the waste carts must be staged on Harris Road on pick-up days.
53. The City requires that construction and demolition debris be recycled per certain ordinance requirements. A Debris Recycling Statement shall be submitted as part of the Building Permit.
54. 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 Hayward Municipal Code (HMC) Section 11-5.22.

UTILITIES

55. All public water mains and appurtenances shall be constructed in accordance with the City's latest "Specifications for the Construction of Water Mains and Fire Hydrants." Available on the City's website at www.hayward-ca.gov/your-government/departments/engineering-division.
56. All connections to existing water mains shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
57. Any modifications to existing water services such as but not limited to upsizing, downsizing, relocating, and abandoning shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
58. Only the City of Hayward Water Distribution personnel shall perform operation of valves on the City of Hayward Water System.
59. Domestic: Each dwelling unit shall have an individual domestic water meter. Facilities fees for residential connections are based on the domestic demand for the home. A larger water meter may be installed if the service is combined with a private fire service. The Applicant/Developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.
60. Fire: Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standard Detail SD-201 and SD-204.

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61. Combined Residential Services: The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, according to City Standard Detail SD-216. Fire services shall be sized per the requirements of the Fire Department; however, the minimum size for a residential fire service connection is one (1)-inch.
62. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for the development's landscaping. The gallon-per-minute demand of the irrigation system must be provided to determine appropriate meter size. The Applicant/Developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per City Standard Detail 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.
63. Water meters and services are to be located a minimum of two feet from top of driveway flare as per City Standard Detail SD-213 through SD-218. Water meters shall not be located in the driveway. Water meter lids shall be Nicor Inc.
64. Water mains and services, including the meters, must be located at least ten (10) feet horizontally from and one (1) foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
65. The Applicant/Developer is responsible for applicable water and sewer connection/capacity fees, at the rates in effect at the time of application for water and sewer service, prior to water connection and sewer discharge.
66. All sanitary sewer mains and appurtenances shall be constructed in accordance with the City's latest "Specifications for the Construction of Sewer Mains and Appurtenances." Available on the City's website at www.hayward-ca.gov/your-government/departments/engineering-division.
67. The development's sanitary sewer system shall be private, owned, and maintained by the property owner(s)/development.
68. Each dwelling unit shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per City Standard Detail SD-312.
69. Where sanitary sewer lines and/or laterals are the same size as the sanitary sewer main, the connection shall be made with a manhole.
70. The developer is responsible for payment of sewer connection fees at the current rates at or before the time the application for building permits is issued.

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71. Backflow prevention valves for sanitary sewers shall be installed per City Standard Detail SD-314 if the lowest fixture in any building is below the rim elevation of the nearest upstream manhole or riser.

LANDSCAPE

General

72. Detailed landscape and irrigation improvement plans prepared by a California licensed landscape architect on an accurately surveyed base plan shall be approved as a part of grading permit prior to issuance of the first building permit.
73. A tree removal permit shall not be required for removing any of the trees on site; however, if the neighboring tree #9 in the arborist report must be removed due to the high degree of impact from root loss from the trenching necessary to the installing new storm drain and walkways for the development, a written and signed consent letter from the neighboring property owner shall be submitted to the City prior to issuance of grading or building permit whichever comes first.
74. All new trees shall be located a minimum of 5 feet from lateral service lines and driveways, a minimum of 15 feet from a light pole, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.
75. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as recommended by the manufacturer.
76. All above ground mechanical equipment shall be screened from the street with fifteen-gallon shrubs.
77. A dedicated irrigation meter shall be provided. Submetering will not be accepted.
78. Landscape Maintenance:
 - a. Landscaping shall be maintained in a healthy, weed-free condition at all times and the irrigation system shall be maintained to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay.
 - b. The property manager shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection.
 - c. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color and the size shall not exceed 1-1/2-inch diameter.
 - d. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect.

Exhibit I

- e. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code.
- f. 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.

Prior to Building Permit Issuance

- 79. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes.
- 80. Pursuant to HMC Section 10-12.07 (a) (2) (C), plant spacing shall not be closer than the minimum spread provided in the reference books in the Ordinance.

During Construction

- 81. Prior to construction, the contractors working in the vicinity of trees for preservation are required to meet with the Project Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
- 82. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist. Any necessary root pruning shall be performed by a qualified arborist and not by construction personnel. Roots shall be cleanly pruned with a handsaw or sawzall, immediately covered with wet burlap, and kept moist until backfilled.
- 83. If damages should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied. If damage to tree(s) results in removal, the removed tree(s) shall be replaced to its appraised value provided by the Project Arborist and approved by City Landscape Architect.
- 84. Fences shall be erected to protect trees intended to be preserved. The fences are to remain until all site work has been completed. The fences may not be relocated or removed without permission of the Project Arborist.
- 85. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel with a tree pruning permit from City Landscape Architect.
- 86. Existing trees designated for preservation shall be irrigated on a schedule to be determined by the Project Arborist. Each irrigation session shall wet the soil within the full drip zone of the tree.

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87. All final tree locations shall be field verified by the project Landscape Architect prior to planting and resolve any conflicts arise in the field.

Prior to Issuance of Certificate of Occupancy

88. Once all landscape improvements are completed, the project Landscape Architect shall inspect the improvements for full compliance with the approved landscape plans and provide a punch list for corrections to the Landscape Contractor. Any corrections listed by the Landscape Architect shall be corrected and then verified by the Landscape Architect.
89. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City, As-Built digital plans shall be submitted to the Engineering Department by the developer.
90. Pursuant to HMC Section 10-12.07, a soil analysis report and documentation verifying implementation of soil report recommendations such as calculation of required compost and receipts of compost showing the matching quantity shall be submitted as a part of Certificate of Completion package.
91. Pursuant to HMC Section 10-12.08 and Appendix C, a color coded and laminated valve chart and an irrigation schedule shall be attached to the controller.
92. The applicant shall verify all the items on the "City of Hayward Landscape Inspection Procedure" are met prior to requesting a final inspection.
93. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City, as-Built digital plans shall be submitted to the Engineering Department by the developer.

ENGINEERING

General

94. The subdivision shall comply with Chapter 10 Article 3 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. Subdivision improvements required for public health, safety and welfare shall comply with the current Standard Details of the City of Hayward and other agencies' standards, as applicable. Such improvements include, but are not limited to, the ones needed for: vehicular and pedestrian access, fire protection, safety lighting and signage, drainage collection and disposal, sanitary sewer and solid waste collection and distribution of water electricity, telecommunication, and natural gas.
95. Homeowners Association: A Home/Property Owners Association (HOA) shall be formed, and its related Covenant, Conditions and Restrictions (CCR) documents shall be filed in the public records of Alameda County prior to the sale of any parcel. Said documents shall be submitted to the City for review and approval before issuance of the first building permit and before submittal to the State Department of Real Estate (DRE) and filing in the County's public records. The CC&Rs shall include

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the following provisions:

- a. The HOA shall be managed and maintained by a professional property management company and maintain updated registration information with the Secretary of State.
 - b. The HOA shall own and maintain in fully functional condition and good repair all areas, improvements, common area retaining wall systems, and facilities created for common use of the property owners within the project but not dedicated or accepted by the City for its maintenance.
 - c. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
 - d. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project development approvals.
 - e. The CC&Rs shall describe how the stormwater treatment and site-design measures associated with privately owned improvements and landscaping shall be maintained by the association.
 - f. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
 - g. Street sweeping of the private parking lot shall be conducted at least once a month.
96. A Current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.

Prior to Building Permit Issuance

97. All grading shall comply with Chapter 10, Article 8 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. A fine grading and drainage plan prepared by a State licensed civil engineer shall be submitted as part of the Improvement Plans for review and approval by the City Engineer prior to the issuance of building permits. Developer has the option to apply for a grading permit to rough grade the project site.
98. A soils report prepared by a licensed civil or geotechnical engineer subject to approval by the City Engineer shall be submitted and the grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report. Final grading and drainage plans for the grading permit shall be reviewed and signed by the soils report engineer certifying that the recommendations in the report have been followed. The geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report.

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99. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer shall be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.
100. Drainage plans should include all proposed underground pipes, building drains, area drains and inlets. All building sites shall be graded to slope away from the building foundations per California Building Code, Chapter 18, Section 1804.3 Site Grading or as required by the Soils Engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
101. The on-site storm conveyance and treatment systems shall be owned and maintained by the property owner.
102. Site drainage shall be collected and discharged to the existing 27-inch storm drain on Harris Road.
103. All sidewalks shall comply with ADA and Title 24 requirements for cross slope, including driveway approaches and curb ramps.
104. Pavement restoration shall be done as per the plans approved by the City Engineer, for project's utility trenches in the City right of way.
105. 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 for City approval prior to installation. (Required by HMC Section 10-3.815)

During Construction

106. Construction Stormwater Management: Developer shall be responsible for preventing the discharge of pollutants (sediments) into the street and/or the public storm drain system from the project site during construction in accordance with the Hayward Municipal Code Section 11-5.19. Projects proposed for construction between October 1st and April 30, must have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of any land disturbing activity. Trash and debris must be adequately contained at all times. Such measures shall be maintained during the project's construction period. Violations or other noncompliance with stormwater management measures may result in the project being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.
107. Construction Damage: The Developer shall remove and replace any damaged curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc. within the public right-of-way along the project frontage and at any locations damaged by the

Exhibit I

construction of the proposed project. Damaged pavement surfaces shall be overlain, micro-surfaced, repaired or resurfaced as required by the City Engineer. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter and sidewalk per City Standards.

Prior to Issuance of Certificate of Occupancy

108. All public improvements, including the complete installation of all street improvements, fencing, sanitary sewer, storm drainage, water system, underground utilities, streetlights etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit in each phase of the subdivision. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
109. Prior to final inspection and issuance of final certificates of occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City Engineer and Development Services Director or his/her designees.
110. Final Engineer's Report: Prior to the issuance of any Certificate of Occupancy, The Engineer of Record shall submit a confirming letter that all grading, drainage, and engineering components of the project have been performed in conformance with the approved plans and specifications.
111. As-Built Records: As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

-END OF CONDITIONS-