

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Councilmember _____

Note: Pursuant to City Council approval of the project on October 16, 2018, revised conditions of approval are shown in ***bold, italic and underlined*** font.

RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING THE PLANNED DEVELOPMENT REZONE WITH A VESTING TENTATIVE TRACT MAP PERTAINING TO CONSTRUCTION OF 59 NEW TOWNHOME RESIDENCES AT A SITE SOUTH OF THE NEW TENNYSON ROAD EXTENSION BETWEEN MISSION BOULEVARD AND VISTA GRANDE DRIVE

WHEREAS, On November 10, 2017, Chris Conklin representing The Grupe Company (Applicant) submitted a Planned Development Rezone Application No. 201705848 and Vesting Tentative Tract Map No. 8439, to subdivide two existing parcels totaling 17.23 acres into 74 parcels to allow the construction of 59 townhome residences with common open space areas and related site improvements on a site south of the new Tennyson Road extension between Mission Boulevard and Vista Grande Drive (APNs 078C-0461-001-13 & 078C-0461-001-14); and

WHEREAS, An Initial Study and Mitigated Negative Declaration were prepared to assess the potential environmental impacts of the Project; and

WHEREAS, The Planning Commission considered the Project at a public hearing held on September 27, 2018, and recommended that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approve the Planned Development Rezone No. 201705848 with Vesting Tentative Tract Map No. 8439; and

WHEREAS, Notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on October 16, 2018.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

VESTING TENTATIVE TRACT MAP FINDINGS

Pursuant to Section 10-3.150 of the Hayward Municipal Code (HMC), the City Council may conditionally approve a Vesting Tentative Tract Map application when all the following findings are met:

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

The project site has two General Plan land use designations: MDR (Medium Density Residential) and LOS (Limited Open Space). Approximately half the site is designated MDR and the other half is designated LOS as shown on the City's General Plan map. The MDR land use designation allows for a density range of 8.7 to 17.4 dwelling units per net acre. The project is consistent with the *Hayward 2040 General Plan* in that it is a townhome residential development with a total net density of 8.7 dwelling units per net acre, which is within the allowed MDR density range where the new 59 townhomes will be located and the area within the LOS will have no proposed dwelling units and remain in open space on the project site. The project is also consistent with applicable General Plan policies in that it will increase the housing inventory for the City of Hayward, is located close to services and amenities, and is considered an in-fill development that will result in a more complete neighborhood. The project is also consistent with the following General Plan policies:

- 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.*

The project will subdivide two existing parcels into 74 lots and allow for 59 new town homes, which provide additional housing opportunities in the City.

- H-3.4 Residential Uses Close to Services: *The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.*

The project is located in an established neighborhood in South Hayward and close to a commercial corridor along Mission Boulevard. Furthermore, a new destination park (La Vista Park) will be built across Tennyson Road just north of the development site. There are also educational facilities nearby such as Moreau Catholic High School, Saint Clement School and Bowman School.

- Land Use Policy 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.*

The project is surrounded by development on all sides, including other single-family homes, multi-family residential developments, and various commercial uses along Mission Boulevard. As such, the project is considered an in-fill project, which is appropriate for new housing development.

In addition, the project is located within the *Mission-Garin Area Neighborhood Plan* and is consistent with those relevant policies. Therefore, the proposed subdivision is

not in conflict with the General Plan and applicable specific plans and neighborhood plans.

B. The proposed subdivision meets the requirements of the City Zoning Ordinance; and

The project requires a Planned Development (PD) Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. With the PD Rezone, the proposed subdivision will provide modified development standards of the new PD District related to lot size, lot coverage, and setbacks. PD Districts are also subject to the development standards of the zoning district most similar to the proposed use, which is the RM (Medium Density Residential) District in this case. As proposed, the project meets the development standards of the RM District related to building height, off-street parking, and landscaping. The subdivision will also allow for the construction of 59 new townhomes, which is a permitted land use in the RM District.

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

As proposed, the new Planned Development district would establish the zoning development standards for this project. In addition, the project will also meet the requirements of the Subdivision Ordinance. Therefore, the project will not require a variance or any other exceptions from the requirements of the HMC.

PLANNED DEVELOPMENT REZONE FINDINGS

Pursuant to Section 10-1.2535 of the HMC, the City Council may conditionally approve a Planned Development Rezone application when all the following findings are met:

A. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies;

The project is considered an in-fill development and will complement the existing neighborhood, which primarily consists of commercial development along Mission Boulevard and a mix of housing types including detached single-family homes and multi-family residential developments. The project proposes townhomes, which is compatible with the surrounding neighborhood. Additionally, the project is consistent with the MDR and LOS land use designations and policies in the *Hayward 2040 General Plan*. The proposed density is within the density range allowed by the MDR and LOS land use designations and compatible with the overall density of the surrounding residential neighborhood. The project also conforms to the *Mission-Garin Area Neighborhood Plan*, which ensures that a unique vision, specific development policies and strategies are met for this part of South Hayward. Specifically, the plan encourages a mixture of housing types, creation of dwelling units for homeownership and renter occupancy, and that development projects be processed under the Planned Development (PD) District provisions of the Zoning Ordinance. The plan also suggests that high quality design and compatibility with natural and man-made surroundings be part of any site plan within the plan area. Multiple family developments should be designed to provide buffering when

proposed adjacent to single family development through the use of lower profile structures, open space buffers, and other barriers and screening materials. Residential clusters in the hill areas should be placed on slopes less than 25 percent to preserve the hillsides and to maximize development hazards. All of these key design criteria, as suggested by the *Mission-Garin Area Neighborhood Plan*, have been incorporated into the Ersted development.

B. Streets and utilities, existing or proposed, are adequate to serve the development;

The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within new public utility easements within the project site. The project will be served by new private streets.

C. In the case of a residential development, that the development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development;

The project is considered an in-fill development and will replace a vacant site with attractive new townhomes to complete the neighborhood. The scale and design of the townhomes are compatible with the existing neighborhood. The homes will also be served by private open space within the development. Each home will have usable private outdoor yards and the project will provide a 29,214-square-foot group open space area. The development will also be well-integrated into the existing neighborhood since it will be served by new private streets with street parking.

D. In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development;

The project does not include any nonresidential uses and as such, this finding is not applicable to this project.

E. In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule; and The project will be developed in one phase, ensuring that the infrastructure, facilities, and services will be available to all future residents in the development in a timely manner.

F. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

The project requires a PD Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. To offset these requested exceptions, the project proposes the following amenities:

- 1) Project exceeds required common and private open space square footage by almost double (14,750 sf required --- 29,214 sf proposed)
- 2) Art project in lower or upper park.
 - a. This art project will be similar to the collaboration that occurred in 2017 between The Grupe Company and students at Hayward High School for Grupe's Highland Villas community. Grupe, contractors, and the Hayward High School art department spent months designing, fabricating and installing a fantastic tile mosaic piece within the project that all can enjoy.
- 3) Design & install an upgraded entry feature.
- 4) Solar on 33 of the homes. The developer determined that 33 homes have optimal sun exposure and would benefit from installed solar.
- 5) Install a large box tree at entry or a designated area within the project. All homes will have EVA charging stations within the garage.
- 6) Colored interlocking pavers will be installed at project entry and two other highly visible determined areas within the project site.
- 7) The project will be leaving over 60% of the Ersted property untouched. This large percentage of land will remain native and continue to show off the beauty of the natural surroundings. The developer has stated that the "land value of this offering is enormous."
- 8) Affordable housing by design. An option will be provided for approximately 20% of the 59 homes to have a suite created on the first floor. These will be designed to provide privacy for both the homeowner and suite residents. The suite could be used for family multi-generational living or a 3rd party renter. This affordable housing by design will be offered in addition to the City's required mid-range affordable housing in lieu fee payment.
- 9) Bocce court(s) in common area/parks.
- 10) Natural unpaved trail system for walking, hiking and jogging.
- 11) Fix It Bike Station – A Fix It Bike Station will be strategically placed in one of the community parks. These stations allow riders to repair bikes, inflate flat tires, etc. when in need. No need to have bicycle pumps or bike tools in your garage.
- 12) Dog Washing Stations (2) in common areas/parks.

The proposed project amenities and offsets are unique and will contribute to making this development a desirable place to live for many years to come.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15220, an Initial Study was prepared for this project with the finding that a Mitigated Negative Declaration was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures.
- B. The proposed MND was prepared by David J. Powers and Associates on behalf of the City of Hayward, Lead Agency, and the MND was circulated to the State, all interested parties, and posted in the newspaper with a minimum 30-day public review period between August 27, 2018 and September 27, 2018.
- C. The proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgement of the Planning Commission; such independent judgement is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); the Planning Commission recommends the City Council adopt the proposed MND and its findings and conclusions as its source of environmental information; and the proposed MND is legally adequate and was completed in compliance with CEQA.
- D. The proposed MND identified all potential adverse impacts and based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the Project, with mitigation measures incorporated, will have a significant effect on the environment.
- E. The project complies with CEQA, and the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to recommending approval of the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program, and approves the Planned Development Rezone Application No. 201705848 with Vesting Tentative Tract Map No. 8439, subject to the adoption of the companion ordinance (Ordinance No. 18-___) rezoning the property located on a site south of the new Tennyson Road extension between Mission Boulevard and Vista Grande Drive to Planned Development District, Assessor Parcel Numbers (APNs) 078C-0461-001-13 and 078C-0461-001-14, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

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

**CITY OF HAYWARD PLANNING DIVISION
PLANNING COMMISSION
APPLICATION NO. 201705848
VESTING TENTATIVE TRACT MAP 8439, PD REZONE AND MITIGATED NEGATIVE
DECLARATION WITH MITIGATION MONITORING AND REPORTING PROGRAM
CONDITIONS OF APPROVAL**

General

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Vesting Tentative Tract Map (VTTM) 8439 and Planned Development (PD) Rezoning Review application are approved subject to the vesting tentative tract map and project plans date stamped September 5, 2018, except as modified by the conditions listed below.
3. The approval of Subdivision Application No. 201705848 – Vesting Tentative Parcel Map 8439 shall be to allow the subdivision of two parcels into 74 parcels to construct 59 townhomes located on the south side of the Tennyson Road extension between Mission Boulevard and Vista Grande Drive (Assessor Parcel No. 078C-0461-001-13 & 078C-0461-001-14) within the Planned Development (PD) zoning district. The proposed subdivision shall be in accordance with the Vesting Tentative Parcel Map and Conditions of Approval on file with the Planning Division identified as “Exhibit A”.
4. Modifications to the approved Vesting Tentative Parcel Map, scope of work, or use may require an additional submittal and public noticing.
5. Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.
6. All public improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, Caltrans Standard Specifications and Hayward Standard Details.
7. Any new structures or improvements shall be subject to the California Building Code and Uniform Fire Code as adopted by the City of Hayward.
8. In accordance with Hayward Municipal Code (HMC) Section 10-3.246, approval of VTTM 8439 and the Planned Development (PD) Rezoning Review application shall expire 36 months after the effective date of approval subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act.

9. All permit charges accrued in the processing of VTTM 8439 and the Planned Development (PD) Rezoning Review application shall be paid in full prior to consideration of a request for approval extensions and/or submittal of building permits for the development.
10. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures 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.
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.
12. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
13. 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 pulled to construct the project.
14. Affordable housing in-lieu fees shall be paid either prior to issuance of a building permit or prior to approval of a final inspection or issuance of an occupancy permit. Regardless of the option chosen, no final inspection will be approved, and no occupancy permit will be issued for any Dwelling Unit unless all required affordable housing impact fees have been paid in full. Since this application was deemed complete on December 19, 2017, the applicant shall pay the affordable housing in-lieu fees in effect at that time.
15. The applicant shall be responsible for adhering to the Mitigation Monitoring and Reporting Program (MMRP) for the adopted Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA) Guidelines. The applicant shall provide a copy of the adopted MMRP with the building permit submittal.

16. 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 sufficient width such that they are legible to the public from the street fronting the property.
17. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.

Mitigation Measures

18. **Mitigation Measure BIO-1.1:**

Prior to any ground disturbance related to the proposed project, a qualified biologist will conduct a preconstruction survey for burrowing owls. The surveys will establish the presence or absence of burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFG survey guidelines (CDFG 2012).

The biologist will survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Surveys shall take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls will be identified and mapped. Surveys will take place no more than 14 days prior to construction. During the breeding season (February 1-August 31), surveys will document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results will be valid only for the season (breeding or nonbreeding) during which the survey is conducted.

If burrowing owls or sign (whitewash, pellets, feathers, prey remains, egg shell fragments, nest burrow decoration or other items) are found during the breeding season, the project proponent will avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance will include establishment of a 250-foot non-disturbance buffer zone surrounding the nest burrow(s). If site-specific conditions or the nature of the construction activity (e.g. steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be used, the project proponent will coordinate with the CDFW to determine the appropriate buffer size. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the nest has failed or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1-January 31), the project proponent should avoid the owls and the burrows they are using, by establishing a 160-foot non-disturbance buffer zone surrounding the active burrow(s).

If occupied burrows for burrowing owls cannot be not avoided, a burrowing owl exclusion plan prepared by a qualified biologist in a manner consistent with the

CDFW 2012 guidelines and approved by CDFW will be implemented by a qualified biologist outside the breeding season and only after the occupied burrow has been confirmed empty by site surveillance and/or scoping. Owls should be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing 1-way doors in burrow entrances. These doors should be in place for no less than 48 hours prior to excavation. The project area shall be monitored by a qualified biologist twice daily to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Plastic tubing or a similar structure should be inserted in the burrows during excavation to maintain an escape route for any owls inside the burrow.

19. Mitigation Measure BIO-1.2:

If the proposed project will result in permanent impacts to occupied and satellite burrows and/or burrowing owl habitat, the project proponent shall mitigate for permanent impacts with permanent conservation of suitable burrowing owl habitat to provide nesting, foraging, wintering, and dispersal habitat comparable or better than that of the impact area. Mitigation may be accomplished through a) the purchase of credit at an approved conservation bank, b) on-site or c) off-site. Mitigation at any site other than an approved bank would require preparation and implementation of a CDFW-approved mitigation land management plan consistent with the CDFW 2012 Mitigation Guidelines, permanent protection of mitigation land through a conservation easement deeded to a non-profit conservation organization and funding the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.

20. Mitigation Measure BIO-2.1:

If site disturbance commences between February 15 and August 31, a qualified biologist shall conduct a preconstruction bird nesting survey. If nests of either migratory birds or raptors are detected on or adjacent to the site, a no-disturbance buffer (generally 50 feet for passerines and 300 feet for most raptors; 0.5 mile for golden eagle) in which no new site disturbance is permitted shall be observed until August 31, or the qualified biologist determines that the young are foraging independently. The size of the no-disturbance buffer shall be determined by a qualified biologist and shall take into account local site features and existing sources of potential disturbance. If more than 14 days elapses between the survey and the start of construction, the survey shall be repeated.

21. Mitigation Measure BIO-3.1:

Prior to the start of construction, a qualified biologist will conduct training on the presence of sensitive biological resources within the project area for all construction personnel. Construction personnel shall be given instruction on project-specific requirements to avoid, minimize and mitigate impacts on sensitive resources.

Following the training, exclusionary fencing shall be installed around wetlands prior to the start of construction to prevent the movement of construction equipment into sensitive wetland habitat.

22. Mitigation Measure BIO-3.2:

If a culvert is constructed to cross the wetland, authorization for the discharge of fill into waters of the U.S. and state shall be obtained by the project proponent prior to the start of construction. Mitigation for the fill of wetlands shall be accomplished through a) the purchase of credit at an approved wetland mitigation bank, b) the creation of freshwater wetland habitat at a 2:1 replacement ratio within the project Area, or c) at another location approved of by the USACE, RWQCB and CDFW. The mitigation goal shall be to create and enhance aquatic habitats with habitat functions and values greater than or equal to those that will be impacted by the proposed project.

If a bridge is constructed to cross the wetland, mitigation for the reduction in vegetative cover in Wetland 1 due to shading from a bridge may be accomplished through the a) purchase of credit at an approved wetland mitigation bank, b) the enhancement of freshwater wetland habitat at a 1:1 replacement ratio within the project area, or c) at another location approved of by the CDFW. See MM BIO-3.4 for a description of Wetland 1 mitigation.

23. Mitigation Measure BIO-3.3:

The project applicant shall comply with all terms of the permits issued by these agencies, including mitigation requirements, and shall provide proof of compliance to the City prior to issuance of a grading permit.

24. Mitigation Measure BIO-3.4:

Wetland mitigation within the project area or at another location would be described in a wetland mitigation plan that would:

- Be prepared consistent with the *Final Regional Compensatory Mitigation and Monitoring Guidelines* (USACE 2015) and the *Compensatory Mitigation for Losses of Aquatic Resources: Final Rule* (USACE 2008);
- Define the location of all restoration and creation activities; Describe measures that would ensure that adjacent land uses would not adversely affect the ecological functions and values of the wetland mitigation area, so as to ensure consistency with the foregoing federal guidelines and rules. Such measures may include the use of appropriately-sized buffers between the wetland mitigation area and any adjacent development, the use of fencing or walls to prevent unauthorized access, lighting in adjacent development designed to avoid light spillage into the wetland mitigation area, landscape-based Best Management Practices for adjacent development prior to discharge into the wetland mitigation area, and signage describing the sensitive nature of the wetland mitigation area.

- Provide evidence of a suitable water budget to support restored and created wetland habitats;
 - Identify the species, quantity, and location of plants to be installed in the wetland habitats;
 - Identify the time of year for planting and method for supplemental watering during the establishment period;
 - Identify the monitoring so as to ensure consistency with the foregoing federal guidelines and rules, which shall be not less than five years for wetland restoration;
 - Define success criteria that will be required for restoration efforts to be deemed a success;
 - Identify adaptive management procedures that may be employed as needed to ensure the success of the mitigation project and its consistency with the foregoing federal guidelines and rules. These include, but are not limited to, remedial measures to address exotic invasive species, insufficient hydrology to support the attainment of performance standards, and wildlife harm;
 - Define management and maintenance activities, including weeding, supplemental irrigation, and site protection; and
 - Define responsibility for maintaining, monitoring and ensuring the preservation of the mitigation site in perpetuity.

25. Mitigation Measure BIO-4.1:

All applicable requirements shall be followed, and all permits obtained as required by the City’s Tree Ordinance (HMC Chapter 10, Article 15). Per that ordinance, every effort shall be made to preserve the character of the area and the more valuable tree specimens on site to the greatest extent practicable. Final landscape plans shall be reviewed and approved by the City of Hayward Landscape Architect prior to issuance of any grading, trenching, encroachment, demolition, or building permit for development. Final landscape plans shall clearly identify all “protected trees,” as defined in the Tree Preservation Ordinance, and all trees to be removed from the project site and the size, location, type, value of trees and specify the species of all replacement trees.

26. Mitigation Measure BIO-4.2:

The project applicant shall implement all tree protection measures as described below:

Design Recommendations

1. A Tree Protection Zone (TPZ) shall be established around each tree to be preserved. All trees not listed below shall have the TPZ established at the dripline in all directions. No grading, excavation, construction or storage of material shall occur within that zone.
2. Include trees to be preserved and TPZs on all construction plans.

3. Project plans affecting the trees shall be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, demolition plans, site plans, improvement plans, utility and drainage plans, grading plans, and landscape and irrigation plans.
4. No underground services including utilities, sub-drains, water or sewer shall be placed in the Tree Protection Zone.
5. Irrigation systems must be designed so that no trenching will occur within the Tree Protection Zone.
6. As trees withdraw from the soil, expansive solid may shrink within the root area. Therefore, foundations, footings, and pavements on expansive soils near trees should be designed to withstand differential displacement.

Pre-construction Treatments & Recommendations

1. Fence all trees to be retained prior to demolition, grubbing or grading. Tree protection fencing should be placed at the edge of the TPZ. Fences shall be 6 ft. chain link or equivalent as approved by the Consulting Arborist. Fences are to remain until all grading and construction is completed.
2. Prune trees to be preserved to clean the crown of dead branches 1" and larger in diameter, raise canopies as needed for construction activities. All pruning shall be done by a State of California Licensed Tree Contractor (C61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning (International Society of Arboriculture, 2002) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300). The Consulting Arborist will provide pruning specifications prior to site demolition. Branches extending into the work area that can remain following demolition shall be tied back and protected from damage.
3. Tree(s) to be removed that have branches extending into the canopy of tree(s) to remain must be removed by a qualified arborist and not by construction contractors. The qualified arborist shall remove the tree in a manner that causes no damage to the tree(s) and understory to remain. Tree stumps shall be ground 12" below ground surface.
4. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife code 3503-3513 to not disturb nesting birds. Tree pruning, and removal should be scheduled outside of the breeding season to avoid scheduling delays. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

Recommendations for Tree Protection during Construction

1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.

2. All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.
3. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist.
4. Tree protection fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Consulting Arborist.
5. Construction trailers, traffic and storage areas must remain outside fenced areas at all times.
6. Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Consulting Arborist.
7. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
8. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TPZ.
9. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.
10. All trees shall be irrigated on a schedule to be determined by the Consulting Arborist (every 3 to 6 weeks April through October is typical). Each irrigation shall wet the soil within the TPZ to a depth of 24”.

27. Mitigation Measure CUL-1.1:

Unique Paleontological and/or Geologic Features and Reporting. Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City’s Planning Manager notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology shall also be submitted to the City.

28. Mitigation Measure CUL-1.2:

Undiscovered Archaeological Resources. If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City’s Planning Manager shall consult with the archaeologist to assess the

significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.

29. **Mitigation Measure CUL-1.3:**

Human Remains. If human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City's Planning Manager and the Alameda County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

30. **Mitigation Measure GEO-1.1:**

Buildings shall be designed and constructed in accordance with a final design-level geotechnical investigation to be completed for the project by a qualified professional and submitted to the Department of Community and Economic Development. The final design-level geotechnical investigation shall identify requirement for the placement of fill on the project site and building foundations.

31. **Mitigation Measure GEO-1.2:**

Prior All cut and fill slopes shall be planted with deep-rooted, fast growing grasses before the first winter to reduce erosion. Specific details regarding irrigation systems, locations and discharge shall be reviewed by the geotechnical consultant to prevent erosion.

32. **Mitigation Measure GEO-1.3:**

The civil engineer and the project landscape contractor shall implement a comprehensive erosion control plan to account for seasonal rainfall during and following construction. The project engineering geologist shall make periodic

inspections of the site drainage and erosion control features for a period of two years.

33. Mitigation Measure GEO-2.1:

Buildings shall be designed and constructed in accordance with a final design-level geotechnical investigation to be completed for the project by a qualified professional and submitted to the Department of Community and Economic Development. The final design-level geotechnical investigation shall identify requirements for remedial activities and site preparation and grading.

34. Mitigation Measure HAZ-1.1:

The project would be designed, constructed, and maintained consistent with the City's Urban/Wildland Interface Guidelines including the incorporation of fire-resistant building materials, fire-resistant design features, and a fuel management program in the CC&Rs of the Homeowners' Association. The final measures to be incorporated in the project would be reviewed and approved by the Fire Marshall prior to the issuance of a building permit.

35. Mitigation Measure NOI-1.1:

The applicant shall develop a construction noise plan, including, but not limited to the following available controls:

- In accordance with the Municipal Code, utilize the best commercially-reasonable available noise suppression devices and techniques during construction activities to reduce noise levels from individual devices or pieces of equipment to 83 dBA or less at a distance of 25 feet and 86 dBA at the property plane.
- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with

enclosures where feasible and appropriate) shall be used reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- A temporary noise control blanket barrier could be erected, if necessary, along residential property lines facing the primary construction sites. Noise control blanket barriers can be rented and quickly erected.
- Locate temporary material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify in writing all adjacent business, residences, and other noise-sensitive land uses of the construction schedule.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Precise Plan Submittal

36. In accordance with Section 10-1.2550 of the Hayward Municipal Code (HMC) and prior to submitting a building permit application, a Precise Development Plan shall be submitted for review and approval.
37. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate conditions herein and shall be submitted in advance of or in conjunction with the subdivision improvement plans and Final Map.
38. The project approval includes the following project amenities to support the finding required to be made that "any latitude or exception(s) to development regulations or

policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards”.

- Project exceeds required common and private open space square footage by almost double (14,750 sf required --- 29,214 sf proposed)
- Art project in lower or upper park.

This art project will be similar to the collaboration that occurred in 2017 between The Grupe Company and students at Hayward High School for the Highland Villas community. Grupe, contractors, and the Hayward High School art department spent months designing, fabricating and installing a fantastic tile mosaic piece within the project that all can enjoy.

- Design & install an upgraded entry feature.
- Solar on 33 of the homes. The developer determined that 33 homes have optimal sun exposure and would benefit from installed solar.
- Install a large box tree at entry or a designated area within the project. All homes will have EVA charging stations within the garage.
- Colored interlocking pavers will be installed at project entry and two other highly visible determined areas within the project site.
- The project will be leaving over 60% of the Ersted property untouched. This large percentage of land will remain native and continue to show off the beauty of the natural surroundings. The developer has stated that the “land value of this offering is enormous.”
- Affordable housing by design. An option will be provided for approximately 20% of the 59 homes to have a suite created on the first floor. These will be designed to provide privacy for both the homeowner and suite residents. The suite could be used for family multi-generational living or a 3rd party. This affordable housing by design will be offered in addition to the City’s required old affordable housing in lieu fee payment.
- Bocce court(s) in common area/parks.
- Natural unpaved trail system for walking, hiking and jogging.
- Fix It Bike Station – A Fix It Bike Station will be strategically placed in one of the community parks. These stations allow riders to repair bikes, inflate flat tires, etc. when in need. No need to have bicycle pumps or bike tools in your garage.

- Dog Washing Stations (2) in common areas/parks.

The applicant shall submit all details and specifications related to the approved project amenities during the Precise Plan phase of the project and prior to the submission of any building permit for the project.

39. The Precise Development Plan shall include the following information and/or details:
- A. A copy of these conditions of approval shall be included on a full-sized sheet(s).
 - B. Proposed location for construction staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.
 - C. Details of address numbers shall be provided. Address numbers shall be decorative and comply with the size requirements of the Fire Department.
 - D. Proposed locations, heights, materials and colors of all walls and fences.
 - E. A minimum of one exterior hose bib shall be provided for each residential unit.
 - F. Proposed pavement materials for all drive aisles, parking areas, and pedestrian paths; the entry area to the project site and other key locations within the development site shall have enhanced surfaces, specifically with decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. Key locations within the development site will be determined during the Precise Plan phase of the project.
 - G. Proposed mailbox design and locations, subject to Post Office approval. All mailboxes shall be locking mailboxes.
 - H. A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. The final lighting plan shall incorporate pedestrian scale lighting along the sidewalk within and adjacent to the development (4th Street, B Street, and Chestnut Street). All lighting shall be erected and maintained so that adequate lighting is provided along the private street. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
 - I. All air conditioners and utility connections for air conditioners shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall, unless otherwise approved. Infrastructure for air conditioning systems is required to be installed as a standard feature.

- J. Proposed color and materials board for all buildings, fences and walls. No changes to colors shall be made after construction unless approved by the Planning Director.
- K. 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.
- L. No mechanical equipment, other than solar panels, shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus, such as vents, shall be painted to match the roof color.
- M. Large expanses of blank wall shall not be allowed. Articulate or otherwise treat such expanses to avoid bulkiness.
- N. An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars. As an alternative, an area within the fenced side yard may be used for the garbage and recycling containers but shall be shown.
- O. All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All two car garages shall have minimum interior dimensions of 20-foot width by 19-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.
- P. The applicant shall increase the number of guest parking spaces from 21 spaces to 31 spaces. Details related to the additional guest parking stalls shall be reviewed and approved during the Precise Plan phase of the project.**
- Q. The applicant shall explore the installation of a midblock pedestrian crossing to be located near the project entrance, which will provide access from the project site to La Vista Park on the opposite (or north) side of the street (Tennyson Road).**
- R. The applicant shall explore the creation of an easement or accessway from "Court 'A,'" as shown on the approved Site Plan for the project, to properties located west of the project site. Current ownership of properties located west of the project site are owned by the California State Department of Transportation (also known as Caltrans). Establishment of an easement or accessway shall not be located on steep site terrain, designated wetland areas, encroachment into any water quality/flood control basin or require conversion of one of the 59 townhome lots to an access easement/access way to parcels west of the development site.**

- S. The applicant shall be required to build a minimum of twelve (12) "Lock-out units" as part of the construction of the 59 townhome units. More Lock-out units may be constructed, and details associated with additional Lock-out units shall be reviewed during the Precise Plan phase of the project and approved prior to issuance of any individual building permit for each of the 59 townhomes. These lock-out units are not Accessory Dwelling Units and will not require additional fees, including utility connection fees.**
 - T. The applicant shall explore implementation of a transit pass program.**
 - U. The applicant shall explore the idea of incorporating carsharing parking spots/stalls somewhere within the project site. Details related to the location of any carsharing parking stalls shall be reviewed and approved by the City's Transportation Division staff and Planning Division staff.**
 - V. The applicant shall use tankless water heaters, or other technology with similar efficiency, for use in all 59 townhome units.**
- 40. Any proposal for alterations to the proposed site plan and/or design which does not require a variance to any zoning ordinance standard must be approved by the Development Services Director or his/her designee, prior to implementation.
 - 41. Details of all project amenities shall be submitted for review and approval by the Planning Director during the Precise Plan phase of the project.
 - 42. The project shall comply with the provisions of the 2016 California Energy Code section 110.10.

Development Services – Planning Division

- 43. The applicant shall submit final details related to the group open space area and other project open space areas during the Precise Plan phase of the project.
- 44. The applicant shall submit final grading plans, specifically those details related to the redistribution of soils from where the 59 townhomes will be located. Redistributed soil on the site shall not impact any existing trees that will remain on the project site per the applicant's arborist report dated June 4, 2017.
- 45. All proposed open space areas shall be deed restricted as "undevelopable" as shown on the Vesting Tentative Tract Map (Tact 8439). "Undevelopable" shall be defined as no new dwelling units, vehicle parking areas, or new private vehicle roadways within the project development site.

46. The applicant shall be responsible for joining the existing Geologic Hazards Abatement District, or GHAD, prior to recordation of the Final Map for the project.
47. Any minor changes to the project may be considered by the Development Services Director. Any suggested major changes to the project must be considered by the City Council.
48. A final materials and color sample board shall be submitted to Planning staff during the Precise Plan phase of the project.

Development Services – Building Division

The Building Division requires the following conditions be met:

49. The proposed project will require the submittal of a building permit application and the associated plan review process. During the plan review stage, detailed comments will be made related to the building code aspects of the project.
50. This project is required to meet the Solar Ready provisions of the 2016 California Energy Code outlined in section 110.10. Since this feature requires minimum clear areas on each rooftop for future solar installations, it is possible that certain roof elements may need to be re-designed. For more information on this topic, please see Chapter 7 of the 2016 Residential Compliance Manual, which can be found as a PDF online.

Development Review Services Engineering / Public Works Engineering

51. **Homeowner’s Association (HOA):** Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Conditions, Covenants and Restrictions (CC&R’s), creating an HOA for the property, shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R’s shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include the following provisions:
 - a. The CC&R’s shall state that the City of Hayward has the right to abate public nuisance conditions in the common area if the association or corporation fails to do so, and to assess the cost to the association, corporation or individual unit owners. To accomplish this, the CC&Rs shall contain the following typical statements:
 - i. In the event the Board fails to maintain the exterior portions of the common area so that owners, lessees, and their guest suffer, or will suffer, substantial diminution in the enjoyment, use or property value of the project, thereby impairing the health, safety, and welfare of the residents in the project, the City of Hayward, by and through its duly authorized officers and employees, shall have the right to enter upon the real property described in Exhibit "A" and to commence and

complete such work as is necessary to maintain said exterior portions of the common area. The City shall enter and repair only if, after giving the Board written notice of the Board's failure to maintain the premises, the Board does not commence correction of such conditions in no more than 30 days from delivery of the notice and proceed diligently to completion. The Board agrees to pay all expenses incurred by the City of Hayward within 30 days of written demand. Upon failure by the Board to pay within said 30 days, the City of Hayward shall have the right to impose a lien for the proportionate share of such costs against each condominium or community apartment in the project.

- ii. It is understood that by the provisions hereof, the City of Hayward is not required to take any affirmative action, and any action undertaken by the City of Hayward shall be that which, in its sole discretion, it deems reasonable to protect the public health, safety, and general welfare, and to enforce it and the regulations and ordinances and other laws.
 - iii. It is understood that action or inaction by the City of Hayward, under the provisions hereof, shall not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations, and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
 - iv. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law shall be cumulative and not exclusive, and the maintenance of any particular remedy shall not be a bar to the maintenance of any other remedy. In this connection, it is understood and agreed that the failure by the Board to maintain the exterior portion of the common area shall be deemed to be a public nuisance, and the City of Hayward shall have the right to abate said condition, assess the costs thereof and cause the collection of said assessments to be made on the tax roll in the manner provided by Chapter 4, Article 1, of the Hayward Municipal Code or any other applicable law.
 - v. The City Council of the City of Hayward may, at any time, relinquish its rights and interest in the project as herein set forth by appropriate resolution. Any such relinquishment by the City Council shall be effective on the date that the resolution is adopted, and a copy thereof is placed in the United States mail, postage prepaid, addressed to the Board. The Board shall execute and record a declaration reflecting such relinquishment within 10 days of receipt of a copy of the resolution.
- b. Each owner shall automatically become a member of the association(s) and

shall be subject to a proportionate share of maintenance expenses.

- c. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association(s).
- d. The HOA shall own and maintain the private access roads and on-site storm drain systems in the development, excluding those located within the public right-of-way.
- e. A provision that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 48 hours of notification by the City.
- f. The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The HOA representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- g. The HOA shall conduct at least semi-annual inspections to confirm that all residents are using their garages for parking their cars and not for storage. Residents shall make garages available for such inspections, as appropriate. An automatic garage door opening mechanism shall be provided for all garage doors.
- h. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.
- i. The HOA shall maintain all fencing, parking surfaces, common landscaping, lighting, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowner's association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.

- j. Any future major modification to the approved site plan shall require review and approval by the City.
- k. 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.
- l. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
- m. The association shall make an attempt to ensure that no less than 75 percent of the units shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.

Final Map

- 52. Final Map and building construction plans shall show earthquake fault ground rupture zones and the required minimum setbacks for structures intended for human occupancy as per the recommendations made by Berlogar Stevens & Associates in their report dated January 6, 2017. These setbacks are preliminarily shown on the Tentative Map. The setbacks shall be amended if required by any subsequent geologic or geotechnical study.
- 53. Final Map and construction plans shall also show human activity setbacks for wetland and protective species as required by the State and Federal regulations and the approved CEQA study.
- 54. Final Map(s) shall be prepared in compliance with the conditionally approved Tentative Map, City of Hayward Municipal Code and the State Subdivision Map Act. Final Map(s) and its related property documents and survey calculations shall be approved by the City Engineer.
- 55. Final Map approval by the City Engineer will be after the City's approval of the subdivision improvement plans, improvement agreement, improvement securities, documents for liability insurance, the Home Owners Association (HOA) documents and its covenant, conditions and restrictions. Alternately, in lieu of the subdivision improvement agreement and posting of securities, the subdivider may complete the subdivision improvements as per the plans approved by the City Engineer before requesting approval of the Final Map(s).

56. All streets and Parcels "A" through "N" shown on the Tentative Map shall be owned and maintained by the HOA or the GHAD.
57. Final map shall offer easements for the City maintained water lines, water meters and water laterals between water mains and water meters. Easements shall also be offered for the City maintained sanitary sewer, fire hydrant(s) emergency vehicle access, public utility facilities and public open space as required and in formats approved by the City Engineer.
58. Final Map shall clearly show exterior boundaries and dimensions of each proposed lot, public street rights-of-way and easements to be vacated, retained and created; and other details required by the State Subdivision Map Act and Hayward Municipal Code Section 10-3.
59. Documents defining ownership rights, responsibilities and financial arrangements for needed repairs, maintenance, construction and reconstruction of common use areas and common use improvements shall be submitted for the City Engineer's review and approval concurrently with the Final Map submittal.
60. The common use improvements shall include but are not limited to the paved vehicular roadways, accessibility compliant walkways; lighting and landscape improvements; storm drains and storm water pollution prevention measures etc.
61. Final Map approval by the City Engineer will be after the City's approval of the subdivision improvement plans, improvement agreement, improvement securities, documents for liability insurance, the Property Owners Association documents and its covenant, conditions and restrictions. In lieu of the subdivision improvement agreement and posting of securities, the subdivider may complete the subdivision improvements as per the plans approved by the City Engineer before requesting approval of the Final Map(s).
62. Final Map shall be filed in the County's public records after the City's approval concurrently with the ownership and maintenance documents for common use areas and improvements as approved by the City. A photo-mylar copy of the final map recorded in the County records shall be submitted to the City Surveyor.

Infrastructure Improvements

63. Plans prepared by the State licensed and qualified professionals for the project required grading, earth retaining structures, drainage, utility services, pedestrian and vehicular access to existing streets and other public service facilities. Proposed improvements related engineering studies and design documents shall be approved by the City Engineer before any building permit is issued. Subject plans shall comply with the current (2017) City Standard Details, available on-line at: <https://www.hayward->

64. The final improvement and building plans shall include a statement from a qualified State licensed geotechnical consultant confirming compliance with the recommended measures for the project development, site grading exceeding 300 cubic yards, slopes exceeding five feet in heights, sub-drainage and foundations etc.
65. City shall receive photo-mylar copies of its approved improvement and grading plans along with digital files of the same in AutoCAD and .pdf formats.
66. All lots shall be served with underground utility services for electrical, gas and tele-communication; public sewer collection; public water supply and drainage collection and discharge to an existing public drainage system.
67. Permits required for subdivision improvements shall be secured before starting construction. The required permits may include permits from the City of Hayward, regional regulatory agencies and utility serving agencies. Any work beyond the project owners' property or connection to any facility not owned by the property owner shall require prior written permit and shall be per plans approved by the entity.
68. Combustible material shall not be brought on-site until all-weather access for emergency service vehicles and fire protection required water supply is available.
69. Before any building occupancy permit is requested, its related public service and utility facilities, site improvements and all-weather access improvements shall be complete and approved by the City and other agencies.
70. Construction Noise Management Plan shall be prepared and implemented. Such plan must be approved by the City prior to issuance of any construction permit and shall contain, at minimum, a listing of construction operations hours complying with the City approved construction hours and construction noise reduction measures.
71. Air pollution mitigation plan, approved by the Bay Area Air Quality Management District (BAAQMD), shall be secured before the start of any construction, grading or material hauling to or from the project site. Requirements of the approved plan shall be implemented throughout the duration of construction or grading activity. The dust mitigation plan must specify practices which would ensure that no equipment or operation emits dust and air pollutants exceeding the permitted limits.
72. Public infrastructure improvements, street improvements, street lights, street trees, landscape improvements, sewer collection mains, water mains and service laterals up to and including meter boxes and fire hydrant assemblies in the City's right-of-way and easements to be owned and maintained by the City shall be constructed per the City standards.

73. All construction activities shall comply with the requirements of the Hayward City Municipal Code and the State Alquist-Priolo and the Protected Species Acts.
74. Excavations in the City maintained street pavements, resurfaced within the last three years, shall require pavement restoration as per the 2017 or more recent City Standard Details. Pavement resurfacing in a single patch may be required over three or more excavations in close vicinity.
75. Subdivision infrastructure improvements and plans shall be approved by the City Engineer, affected City departments and other agencies. Subdivision streets, street lights, traffic signs and markings, sewer and water system improvements, fire hydrants, storm drains and storm water treatment basin shall be constructed per the applicable City Standard Details.
76. Streets, drives and pavement areas, intended for use by fire suppression equipment and fire hydrants shall be designed and constructed to meet the Fire Department specifications for wheel loads, slopes, turn radii and clearance.
77. Site lighting plans, showing locations and details of proposed L.E.D. luminaires, poles and illumination levels shall be approved by the City Engineer and Planning Director. Lighting within the parking area shall provide a minimum of one foot-candle illumination. Lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast a direct light or glare upon adjacent properties or rights-of-way. Lighting Plan shall comply with the City's Security Ordinance.
78. Provisions of the Hayward Municipal Code Section 10-1.2630 for Mission-Garin Area Special Design District Shall be complied with. Some notable provisions are as follows:
 - a. Preserve natural features while achieving the development potential established for this District.
 - b. Development is not permitted within areas where natural slopes are generally greater than 25 percent.
 - c. The street slopes will not exceed 12 percent unless necessary to minimize significant grading
79. If possible, provide accessibility compliant pathways in some parts of the project site. On longer streets, pedestrian links between streets shall be considered at a minimum of 750-foot intervals. If possible, each parcel and condominium unit shall have accessibility compliant access to existing public street sidewalk. Provide accessibility compliant ramps as needed along the travel routes.
80. HOA maintained streets and drives shall have "Not City Maintained" signs posted at

their connections with the City maintained streets.

81. City's approval of the proposed Tract 8439 Sheet ALT for street connection to Tennyson Road and the Storm Water Quality Control Basin over an adjacent parcel west of the subdivision property shall be contingent upon the applicant providing proof of adequate property rights.

Grading and Land Disturbance

82. Any land disturbing activity shall comply with plans approved by the City Engineer. The soil erosion and dust/sediment control plans must comply with the local and regional regulations and must include one or more provisions addressing each of the following:
 - a. Track-out prevention and control measures.
 - b. Effective dust Control measures and staging areas.
 - c. Spill control and cleanup plan for storm water pollution prevention.
 - d. Post construction stabilization of disturbed grounds.
 - e. Site monitoring and reporting plan assuring maintenance of effective controls.
83. Effective measures for adjacent property protection, storm water pollution prevention and dust control must be in-place during construction or land disturbing activity. The construction plans shall include details for soil erosion and dust/sediment control during and after construction periods until ground cover is re-established.
84. A grading permit will be required for ground surface alteration exceeding 5 feet or cut and fill total quantity exceeding 300 cubic yards. The City's grading permit can be secured after approval of the plans prepared by a State licensed engineer and approved by the City Engineer and the project geotechnical engineer. Grading plans shall be submitted together with the related geotechnical and engineering reports and plans for retaining structures and soil erosion/sediment control.
85. Prior to the issuance of a grading permit and/or the beginning of any on-site construction activity, the applicant shall submit the City Building Department required 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
86. Grading plans shall include details for existing and finished lot grades, retaining walls, storm water pollution prevention measures and slope protection measures.

87. Each lot shall drain towards the street or the property-owners' association maintained common area. Drainage shall not be allowed across back and side property lines of the proposed lots or over the street sidewalk.
88. Cut, fill or land disturbing one acre or larger area shall require A *Notice of Intent* (NOI) and *Storm Water Pollution Prevention Plan* (SWPPP) to be submitted to the City and the State for review/approval.
89. The SWPPP and its required improvements shall be completed as per the plans prepared by a Qualified SWPPP Developer (QSD) and approved by a Qualified SWPPP Practitioner (QSP) in compliance with the Regional Water Quality Control Board regulations. All plans and improvements shall also be approved by the City Engineer.
90. The certification page of the SWPPP shall be signed by the owner/developer and the person who prepared the report. The SWPPP and *Storm Water Management Plan* (SWMP) reports are to be submitted to the State and City in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the project QSD/QSP.
91. Prior to start of any construction or grading activity, the developer must submit a mitigation soil contamination abatement plan, if required. The plan must be approved by the City Engineer.

Drainage System

92. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all of area tributary to the project site. The developer is required to mitigate augmented runoffs with on-site improvements, including but not limited to on-site detention or ground percolation to control site discharge rate to pre-existing level.
93. Storm drain inlets must be labeled "No Dumping - Drains to Bay" using the City approved specifications.
94. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved by the City Engineer.
95. A detailed drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer.
96. On-site collector storm drains shall be not less than 12-inch in diameter to minimize potential for blockages. Storm drains shall be designed to prevent standing water.

97. The on-site storm drains and storm water treatment systems shall be owned and maintained by the home owners' association. Any natural or mechanical storm water pumping or filtration systems shall be designed as part of the on-site storm drain system.
98. The storm drain facilities shall be designed to comply with the 2015 Municipal Regional Permit (MRP) of the San Francisco Regional Water Quality Control Board (RWQCB) and the Alameda Countywide Clean Water Program C.3 Guidelines.

Storm Water Quality Requirements

99. The following materials related to the Storm Water Pollution Prevention and treatment facility requirements shall be submitted with the grading permit application:
 - a. Best Management Practices (BMPs) appropriate to the activities conducted on-site to limit the entry of pollutants into storm water runoff to the maximum extent practicable.
 - b. The proposed BMPs and storm water pollution prevention measures shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page 30). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5-12 has a section titled "BMP Design Criteria for Flow and Volume". These materials are available on the internet at www.cabmphandbooks.com
 - c. Hydromodification Management Worksheet;
 - d. Development and Building Application Information Impervious Surface Form
 - d. Numeric Sizing Criteria used for stormwater treatment (Calculations)
 - e. Updated Stormwater Requirements Checklist, if required.
100. The Storm Water Pollution Prevention Program required improvements shall be completed as per the plans approved by the City Engineer.
101. The City's standard "Stormwater Treatment Measures Maintenance Agreement" (as prepared by the City) shall be executed by the property owner or the property owners' association. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure future maintenance of storm water treatment measures.
102. The development project shall provide Low Impact Development (LID) Source Control Measures as per MRP Provision C.3.c for Regulated Projects (C.3.b) and

Hydromodification Management as per MRP Provision C.3.g.

103. The developer shall ensure that the project construction personnel are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
104. The development shall include Low Impact Development (LID) Source Control Measures as per MRP Provision C.3.b and C.3.c for Regulated Projects. Hydromodification Management as per MRP Provision C.3.g. shall be provided in storm water treatment basin (s) created with engineered soil fill. Surface run-off shall be directed to treatment basin(s) for bio-treatment and ground infiltration at the rate not less than 5 inches per hour.
105. A *Notice of Intent* (NOI) and *Storm Water Pollution Prevention Plan* (SWPPP) shall be submitted to RWQCB for review and approval. The SWPPP documents shall also be submitted along with the improvement plans for review by the City Engineer. The certification page of the SWPPP shall be signed by the owner/developer and a Qualified SWPPP Developer (QSD). The SWPPP and *Storm Water Management Plan* (SWMP) reports must be submitted to the State and City in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the project's Qualified SWPPP Developer (QSD).
106. The developer shall submit monthly inspection reports to the City signed by a Qualified SWPPP Practitioner (QSP).
107. The developer shall be responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
108. The City's standard "Stormwater Treatment Measures Maintenance Agreement" (obtained from the City Engineer) shall be executed by the property owner. The Maintenance Agreement shall be recorded in the public records of the Alameda County concurrently with the Final Map recording. This agreement will bind the current and future property owner(s) with responsibility for continued operations, inspections, reporting and maintenance of the stormwater pollution prevention improvements constructed on-site.

Public Works Utilities and Environmental Services

Water

109. The development's proposed water main and valves shall be public, owned and maintained by the City. If the water mains are in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be

granted to the City.

110. All public water mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval (available on the City's website at <https://www.hayward-ca.gov/your-government/departments/engineering-division>).
111. Where a public water main is in an unpaved easement or under decorative, stamped, or colored concrete (including turf-blocks), the water main shall be constructed of ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement.
112. All water mains must be looped. Dead end water mains will not be allowed. Water mains must be connected to other water mains.
113. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense.
114. All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant's/developer's expense. The developer may only construct new services in conjunction with their construction of new water mains.
115. Existing water services, if any, that cannot be reused for the proposed development shall be abandoned by City Water Distribution Personnel at the applicant's/developer's expense.
116. Domestic & Fire Services
 - A. **Domestic:** Each residential 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 developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.
 - B. **Fire:** Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204.
 - C. **Combined Residential Services:** The development could use combined residential domestic and fire services for each residence. Residential

combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1 inch (combined or not) and the maximum size for combined services is 2 inches. If the calculated fire demand exceeds 160 GPM, a separate fire service will be required. Note that, per CBC 2010 R313, flow-through or multipurpose systems may not require a backflow device (SD-216 is attached). Also note that combined services must connect directly to the water main (manifold layouts are not allowed).

117. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. The applicant/developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
118. All water meters shall be radio-read type.
119. 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.
120. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
121. Water and wastewater collection system impact studies are required to be completed for the development. The developer may hire their own consultant, subject to the prior approval of the Director of Utilities & Environmental Services (U&ES), or the developer can pay the City to perform the impact study with their consultant. The developer shall be responsible for either performing the improvements or payment of their share of the cost of any necessary improvements identified in the City's water and/or wastewater collection system, as a result of the development, at the City's choice. The developer's share shall be based on the results of the impact study and determined by the Director of Utilities & Environmental Services.
122. There shall be at least two points of connections for water services to the development. The water impact study may provide recommendation for additional feed(s) to the development. The developer shall comply to any necessary water improvements identified in the water impact study and determined by the Director of Utilities & Environmental Services.

Sewer

123. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sewer mains are in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
124. 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 (available on the City's website at <https://www.hayward-ca.gov/your-government/departments/engineering-division>).
125. 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. 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.
126. Each residential dwelling unit shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312.
127. The developer is responsible for payment of sewer connection fees at the current rates at the time the application for building permits are submitted.

Solid Waste

128. Turnarounds for garbage trucks should be shown on plans submitted during the Precise Plan phase of the project.
129. Each unit must adequate space for trash, recycling, and organics carts. If possible, a minimum space for each cart must be 3 feet by 3 feet. Details related to adequate space for trash, recycling, and organics carts shall be reviewed and approved during the Precise Plan phase of the project.
130. Work with Planning Department to determine if the buildings should be designed to minimize grading.
131. Prior to issuance of a building permit, a completed Construction and Demolition Debris Recycling statement shall be submitted. When construction is complete, and prior to scheduling a final inspection, weigh tags must be presented to Solid Waste staff along with the bottom half of the statement, to receive final approval. The required form is available at <https://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.

132. The applicant must comply with the Standard Conditions of Approval Single-Family Dwelling Construction and Demolition Projects.

Planning Division - Landscape

The following conditions shall be addressed in the Precise Plan submittal:

133. The landscape and irrigation precise plans prepared by a licensed landscape architect in the State of California on an accurately surveyed topographic plan that matches the architectural, site and civil plans. Topographic information (existing and proposed), and existing trees and their status shall be provided in the landscape layout, grading and planting plan base. The orientation of the plan shall match with site, civil and utility plans.
134. Base information shall include all existing trees shown on the Tree Assessment Plan in the arborist report, and designation of existing trees whether to be preserved or removed.
135. Base information shall include all proposed underground utilities to prevent tree planting conflict with underground utilities. Tree planting shall be twenty feet from the street corner, a minimum of five feet away from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the city.
136. Landscape and irrigation plans shall be in full compliance with the City's Bay-Friendly Water Efficient Landscape Ordinance, and minimum one set of plans shall be wet-stamped and wet-signed. The 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."
137. Minimum planting area dimension shall be five feet measured from back of curb/paving/structure to back of curb/paving/structure.
138. Landscape plan shall include layout plan with key dimensions and enlarged area plans for all group common open space showing proposed amenities. The plan shall also include cross sections of retaining walls located to the south of Lots 45 through 55 and other critical areas.
139. Pedestrian circulation plan showing pedestrian connections throughout the development shall be provided. All pedestrian corridors and network shall be designed to create safe and attractive connections with clear destinations.
140. For residential developments with driveway depth less than thirteen feet shall locate both water meter and sewer cleanout in the driveway.

141. A tree mitigation summary chart shall be provided on the landscape plan listing trees to be removed, value of trees to be removed, trees with assigned identification numbers in the arborists report, total value of mitigation, and proposed tree sizes and their value equaling the mitigation value. Tree mitigation shall be provided above and beyond providing required trees such as street trees, front yard trees, parking shade trees and screening trees.
142. At minimum, enhanced paving shall be provided at the entrance road on Court 'A' from Tennyson Rd to the bridge at the wetlands. Permeable paving with integrated color shall be preferred over conventional stamped or colored concrete or asphaltic concrete paving for enhanced paving. Enhanced paving of the same material is encouraged to be provided throughout the site to help to create people oriented intimate residential neighborhood.
143. Internal streets, Court 'A' and Street 'F,' shall require street tree planting with one twenty-four-inch box (24"-box) tree at every twenty to forty feet on center continuously except where the bridge is located on Court 'A' at entrance bisecting the wetlands.
144. Pedestrian connection to the group open space Parcel D shall be widened so that the group open space will be visible without a pinch point between two fence corners. The width of the walkway shall be identified, and the width shall be minimum six feet wide.
145. Walkway and patio paving in the group open space and leading to the group open space shall be enhanced material, color and texture.
146. Retaining wall shall not abut back of curb. At minimum the wall shall be recessed that will equal the height of the wall.
147. Transitional perimeter planting where the development transition to the natural surroundings shall be provided as the second layer to what is shown currently. The depth of transition planting area shall be provided. In the transition area, plant material shall be with native plants with temporary irrigation so that the plants could be naturalized upon establishment period.
148. The landscape plan shall indicate the botanical name, common name, mature size (width x height), proposed spacing, location, massing of different plant types, and water use requirements and its source book; provides all existing trees shown on the survey plan; and trees designated to be preserved or removed. Shrub, groundcover and vine spacing shall not be closer the minimum spread provided in the reference books in the ordinance. Tree spacing shall be also taken into consideration of the spread of canopy.
149. Sunset Western Garden Book describes *Acer negundo* as "The plain species is a weed tree of many faults - seeds readily, hosts box elder bugs, suckers badly, and is subject to breakage." It is fast growing tree to sixty (60) feet and as wide or wider.

Acer n. doesn't seem to be the appropriate choice as the first cluster of trees to define this development. **The applicant shall use a different tree species than the Acer negundo (maple) anywhere at the project site and a replacement tree species shall be selected, which shall to be reviewed and approved by the City's Landscape Architect during the Precise Plan phase of the project.**

150. Cupressus sempervirens 'Tiny Tower' is not a tree. This should be located under shrub.
151. All plant graphic symbols shall be identified in the plant schedule.
152. Tree planting detail in biotreatment area shall be provided.
153. Bio-treatment area: Standard requirement for locating biotreatment area adjacent to paving is providing minimum twenty-four inches (two feet) of undisturbed leveled area before starting side slope to the treatment area. When a large biotreatment area is proposed like this project, the treatment area shall be located further back from the edge of street, Tennyson Road. The setback shall be deep enough to provide street tree planting along Tennyson Road, one twenty-four-inch-box tree planting at every twenty to forty feet on center with matching tree species on the north side of Tennyson Road.
154. Bio-retention/detention areas shall be planted and designed as a part of attractive landscape with plants and other design elements such as boulders. Diverse plant types, texture and color shall be specified, and the treatment area not be hydroseeded. The establishment of planting is essential to the function of the biotreatment.
155. 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.
156. Three-inch deep mulch with organic recycled chipped wood in dark brown color requirement shall apply to bio-treatment areas except where sod is specified. Size of mulch shall not exceed one-inch.
157. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven of pavement or buildings, and as recommended by the manufacturer.
158. If possible, this townhome development shall try and meet Municipal Code Article 12 - Bay-Friendly Water Efficient Landscape Ordinance during the Precise Plan phase of the project, which requires the following for single-family residential developments with usual/normal yard space: Section 10-12.14 requirement for

installing basic “laundry to landscape” plumbing in each residence where usable private yard is available, Section 10-12.15 recommending on-site rainwater retention and infiltration with porous pavements, and requiring minimum one fifty (50) gallon covered rain catchment device per residence at easily accessible location. Plumb-ready “laundry to landscape” system shall meet Plumbing Code and shall be addressed in the plumbing plan during building permit process.

159. The irrigation plans shall include designation of landscape zones per water use (Hydrozone Map), proposed irrigation water meter location and size, static water pressure (psi) at point of connection, backflow prevention device locations, and full design and detail plans completed with performance standards and specifications.
160. Municipal Code Article 12, Appendix B Water Efficient Landscape Worksheet for water budget calculation for Maximum Applied Water Allowance and Estimated Total Water Allowance. 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, not 0.55.
161. Site lighting plan shall be provided.

Standard Landscape Conditions for Residential Development

162. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.
163. Prior to the approval of improvement plans or submittal of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan showing all above and underground utilities and shall comply with the City’s *Tree Preservation Ordinance, Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes*. Dripline of the existing trees to be saved shall be shown on the plan.
164. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be twenty-two inches by thirty-four inches without an exception. A four inches wide by four inches high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward, Landscape Architect and City Engineer. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.

165. A tree removal permit in addition to grading permit is required prior to the removal of any existing trees.
166. A tree preservation bond will be required for all trees that are to remain to the equal value to the appraised value. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
167. Prior to the issuance of a grading or building permit, a tree preservation bond, surety or deposit, equal in value to the trees to be preserved, shall be provided by the developer. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the conditions of the trees.
168. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout.
169. Planting in Bio-Retention Area: Trees and shrubs shall not be planted in the flow line. Wider planting areas shall be provided when lack of planting areas prevents required trees to be planted. This area shall be irrigated on a separate valve.
170. The trees should be twenty feet from the street corner, a minimum of five feet away from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the city.
171. Trees shall be planted according to the City Standard Detail SD-122. The detail shall be provided in the planting detail plan.
172. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be provided in the irrigation detail plan.
173. A separate irrigation meter shall be provided for all landscape improvements except for private rear yards defined by fencing.
174. For Model Homes: Municipal Code Article 12, Section 10-12.17 Public Education, Model Homes: All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Article.
 - Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.

- Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
175. Inspection for Models: Landscape inspection shall be required prior to issuance of TCO, and another inspection prior to issuance of Certificate of Occupancy at the time of converting the model for sale. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect 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 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
 176. Irrigation Audit: Municipal Code Article 12, Section 10-12.11: In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of one (1) in seven (7) lots or approximately fifteen percent (15 %) will satisfy this requirement. All landscape irrigation audits shall be conducted by a third-party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
 177. Children's playground equipment certification: Health and Safety Code in Chapter 4 titled "Safe Recreational Land Use (115725 - 115800)" calls for compliance with standard of ASTM and federal Consumer Protection and Safety Commission. Playground equipment is required an inspection by a certified playground safety inspector by the National Playground Safety Institute, and the certification letter shall be submitted City Landscape Architect prior to the final inspection and issuance of Certificate of Occupancy.
 178. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs.
 179. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted prior to requesting an inspection to the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements.
 180. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.

181. A covenant or deed restriction requiring formation of HOA and shall be recorded requiring HOA to properly maintain the front yard landscaping and street trees and replace any dead or dying plant material.
182. Landscaping except private rear yard defined with fencing shall be maintained by HOA and shall be in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree 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 Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

Public Works Transportation

183. Applicant shall submit a signing & striping plan to Public Works-Engineering, which shall be approved by the City Engineer prior to issuance of occupancy permits.

Utilities and Environmental Services

184. At the time of your building permit, please indicate where each home will store the trash, recyclables, and organics containers (a 9-foot by 3-foot space is required), either in the garage or side yard, that has an accessible pathway to the driveway. Also ensure cart storage will be out of public view.
185. Please submit the Construction and Demolition Debris Recycling Statement at the time of your building permit (section 4). You 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. You can find the form online at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.

186. The Precise Development Plan shall incorporate the following revisions:
- a. On the utility plan, show the location and the size of the irrigation meter, service line, and backflow device. Revise to show the irrigation meter located before the RP device.
 - b. Relocate meter boxes to be in the sidewalk where applicable per Standard Details SD-213 to SD-218.
 - c. Show the sewer lateral for lot 3 on the utility plan.
187. The development's water mains shall be public, owned and maintained by the City. If the water mains are in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
188. All public water mains shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains (12" Diameter or Less) and Fire Hydrants," latest revision at the time of permit approval. (available on the City's website at <https://www.hayward-ca.gov/your-government/departments/engineering-division>).
189. All water mains must be looped. Dead end water mains will not be allowed. Water mains must be connected to other water mains, via dedicated easements if necessary.
190. Where a public water main is in an unpaved easement or under decorative, stamped, or colored concrete (including turf-blocks), the water main shall be constructed of ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement.
191. Existing water services, if any, that cannot be reused for the proposed development shall be abandoned by City Water Distribution Personnel at the applicant's/developer's expense.
192. Each residential 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 developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.
193. The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216 (copy attached). Per SD-216, flow-through fire sprinkler systems do not require the installation of an above ground backflow prevention assembly. They do require the installation of a N36 meter box or a B16 and a B9 meter box.

194. A separate irrigation water meter must be installed to serve the property's landscape. The size of the irrigation meter will be determined by the gallon per minute demand of the irrigation system. An above ground Reduced Pressure Backflow Prevention Assembly (RPBA) shall be installed on each irrigation water meter, per SD-202. Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
195. All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant's/developer's expense.
196. All domestic and irrigation water meters shall be radio-read type.
197. 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.
198. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one-foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
199. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sewer mains are in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City. 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 (available on the City's website at <https://www.hayward-ca.gov/your-government/departments/engineering-division>). 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.
200. Each residential dwelling unit shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312.
201. The developer is responsible for payment of sewer connection fees at the current rates at the time the application for building permits are submitted.

Fire Department

202. Design of the public streets and private streets and courts shall meet all City of Hayward and California Fire Code Standards.
203. All public and private streets and private courts shall be designed with an all-weather surface pavement.
204. All public streets, private streets and private courts 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.
205. Parking of vehicles is allowed one-side parking on 30-foot-wide road. No parking is allowed on 24-foot-wide road. Where there is no on-street parking, fire lane signage shall be installed in locations required by the Hayward Fire Department. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
206. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet) in single-family residential area, capable of flowing 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department.
207. Blue reflective pavement markers shall be installed at fire hydrant locations in the street. If fire hydrants are located to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
208. Buildings are required to install fire sprinkler systems in accordance with NFPA 13D stands for residential buildings. A separate plan/permit is required prior to the installation of the overhead fire sprinkler system. All fire overhead fire sprinkler systems shall be designed and installed by a Licensed C-16 Contractor. **(Deferred Submittal)**
209. Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
210. Underground fire service line serving NFPA 13D/13 sprinkler system shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-216/204. Water meter shall be a minimum of **one-inch in diameter for residential application** or four-inch for a (NFPA 13) commercial grade system. **(Deferred Submittal)**

211. An audible alarm bell (device) shall be installed to sound on the exterior of each individual building. The device shall activate upon any fire sprinkler system water flow activity and in some applications, monitored for integrity.
212. An interior audible alarm device shall be installed within residential dwellings in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity.
213. All bedrooms and hallway areas shall be equipped with smoke detectors, CO detectors and/or combination CO/Smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).
214. When a flow switch is not installed on the riser of a flow thru sprinkler system, smoke alarms shall be interconnected to sound an audible alarm in all sleeping areas within the dwelling unit.
215. 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.
216. A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.
217. The proposed buildings are located within the City of Hayward Wildland/Urban Interface Area and shall meet the construction requirements (as reflected on the approved plans) as stated in the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines, which includes Class A roofing materials and exterior non-combustible siding materials (stucco), double-pane windows. Do not use wood shake or treated wood shake roofs. The building construction shall comply with the requirements contained in the 2016 California Residential Code Section R327.
218. Provide spark arrestors with 1/4" metal mesh screens on all chimneys. Homeowners should inspect spark arrestors every year to ensure mesh screen integrity.
219. Restrict outdoor storage of firewood, kindling, or compost material within 30 feet of any structure, unless the material is stored in an approved bin or enclosure.
220. Locate chimney at least ten feet away from existing tree canopies.

221. Roof eaves - Attic vents shall be covered with metal mesh in accordance with COH Urban Wildland Interface Guild lines. The dimensions of mesh openings shall be a minimum 1/16-inch and shall not exceed 1/8-inch.

Hazardous Materials

222. Submit a phase 1 Environmental assessment and any other records regarding site contamination, investigation, remediation, or clearances from other regulatory agencies. Submit final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
223. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include but shall not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
224. If hazardous materials storage and/or use are to be a part of the facility's permanent operations, then a Chemical Inventory Packet shall be prepared and submitted with building plans to the City of Hayward Fire Department at the time of application for construction permits.
225. Prior to grading: Structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future residents and other persons are mitigated.
226. Discovery of Potentially Hazardous Materials or Vessels/Containers shall be reported to the Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.
227. Use of Hazardous Materials or Generation of Hazardous Waste – During construction, hazardous materials used, and hazardous waste generated shall be properly managed and disposed.