

**CITY OF HAYWARD PLANNING COMMISSION
MAJOR SITE PLAN REVIEW, DENSITY BONUS AND ENVIRONMENTAL REVIEW
APPLICATION SPR-23-0006
966 B STREET**

DRAFT CONDITIONS OF APPROVAL

General

Planning

1. The applicant shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Major Site Plan Review and Density Bonus Application No. SP-23-0006 is hereby approved subject to conformance to the architectural plans prepared by cleverhomes by toby long design, dated October 27, 2023, and the accompanying civil plans prepared by Lea & Braze Engineering, Inc., last revised October 23, 2023, and landscape plans prepared by InsideOut Architecture-Interiors-Landscape, last revised October 24, 2023 (all combined as Attachment IV to the staff report), except as modified by the conditions listed below. Minor modifications to the approved plans may be approved by the Planning Manager; however, any modifications that require a variance or that the Planning Manager deems to be significant shall require review and re-approval by the Planning Commission.
3. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspections to confirm all approved conditions have been satisfied and all improvements are being maintained in compliance with all adopted city, state and federal laws and regulations.
4. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to commencing any site work.
5. For as long as it remains vacant, the property owner shall be responsible for securing and maintaining the site in accordance with Hayward Municipal Code (HMC) Chapter 4, Article 1 - Public Nuisances, HMC Chapter 5, Article 7 - Community Preservation and Improvement, and the California Building Code, among other applicable regulations.
6. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
7. Property addresses shall be assigned by the Development Services Department, Building Division prior to issuance of building permits.
8. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent exterior building material unless specifically designed as an architectural element.

9. The property owner shall maintain in good repair all building exteriors, gates, lighting, drainage facilities, landscaping, driveways, and common areas. The property shall be kept clean and weed-free at all times.
10. The developer shall submit and receive approval of a Mural Art application for the artwork/mural proposed on the B Street building elevation prior to installation/completion. The mural shall be reviewed and approved by the City and installed prior to the issuance of a Certificate of Occupancy for the building.
11. Pursuant to Hayward Municipal Code Section 10-28.5.3.020(C), the applicant shall comply with contractor prequalification requirements, demonstrating the contractor utilizes apprentices from state-approved joint labor-management training programs, and offers employees employer-paid health insurance plans. Compliance shall be provided as part of the building permit applicant and shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
12. In accordance with HMC Section 10-1.3055, Major Site Plan Review approval expires 36 months after the effective date of approval unless:
 - a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or
 - b. A time extension of the approval has been granted by the Development Services Director or his/her designee. Any request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval

Building

13. The multifamily residential portion of the building shall be all electric, meaning that electricity is the only permanent source of energy for water-heating, mechanical and interior heating, ventilation and air conditioning, cooking, and clothes-drying and there is no gas meter connection. All major appliances (dishwashers, refrigerators, clothes washers and dryers, and water heaters) must be electricity-powered and Energy Star certified.
14. The applicant shall implement the following CalGreen Tier 1 standards. Buildings that comply with the first level of advanced energy efficiency shall have an Energy Budget that is no greater than indicated below, depending on the type of energy systems included in the project:
 1. For building projects that include indoor lighting or mechanical systems, but not both: No greater than 95% of the Title 24, Part 6 Energy Budget for the Standard Design Building as calculated by compliance software certified by the Energy Commission; or

2. For building projects that include indoor lighting and mechanical systems: No greater than 90% of the Title 24, Part 6 Energy Budget for the Standard Design Building as calculated by compliance software certified by the Energy Commission.

Landscaping

15. No building permit shall be issued prior to approval of landscape and irrigation improvement plans under a separate grading permit application for the project.
16. A tree removal permit shall be obtained from the City's Landscape Architect prior to the removal of any tree in addition to demolition and grading permits.
17. Paving material used along the project's B Street frontage shall match or be complementary to the existing paving in terms of material, color, pattern and texture to the satisfaction of the Public Works Director and City Landscape Architect.
18. The final location of the irrigation meter shall be coordinated with the project civil engineer and the irrigation plan shall be revised accordingly prior to submitting for grading permit.
19. The small triangular shaped planting area at the corner of the alley way next to the truncated dome detectable warning pavement markings shall be eliminated and shall be replaced with decorative paving.
20. All final tree locations shall be field verified by the project landscape architect prior to planting, and any conflicts that arise in the field shall be resolved to the satisfaction of the City Landscape Architect.
21. All trees shall be healthy, disease and insect-free, well-rooted, and properly trained with a straight trunk that can stand upright without support. Trees shall exhibit a central leader, or a main branch that can be trained as a central leader. Branches shall be well-developed and shall be evenly and radially distributed around the trunk. Root balls shall not exhibit kinked or circling roots.
22. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven (7) feet of pavement or buildings, and as recommended by the manufacturer.
23. All above-ground mechanical equipment shall be screened from the street with minimum five-gallon shrubs.
24. Standard landscape maintenance requirements shall be as follows:
 - a. Landscaping shall be maintained in a healthy, weed-free condition at all times, be provided with a fully functioning irrigation system, and minimize the use of fertilizers and pesticides.
 - b. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within 10 days of the inspection.

- c. Mulch shall be organic recycled chipped wood in the shade of Dark Brown and shall not exceed 1-1/2-inch diameter in size. The depth shall be maintained at three inches at all times.
- d. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.
- e. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subject to the Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit from the City Landscape Architect prior to any pruning or removals.
- f. Any damaged trees or trees removed without a permit shall be replaced in accordance with the Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the requirements of the Ordinance.
- g. The project's irrigation system shall be tested periodically to maintain uniform distribution of irrigation water, and the irrigation controller shall be programmed seasonally and be shut-off during the winter season. The entire irrigation system should be flushed and cleaned when the system is turned on again in the spring.

Engineering

- 25. All new utility services to the project, including electricity, cable television and wired telecommunication services, shall be installed underground.
- 26. The building's ground floor facades shall be finished with graffiti-resistant coatings on all four sides.
- 27. The brick siding shall be bonded to the building in a manner minimizing potential for falling during strong ground shaking expected in an earthquake or in extremely high winds.
- 28. Earth retaining structures greater than four feet in height shall require approval of a building permit from the City's Building Division.

Transportation

- 29. Pursuant to City of Hayward Traffic Code Article 9, the property owner/manager or Homeowners Association (HOA) shall maintain adequate visibility and sight distance, as defined by City of Hayward Traffic Code, at all project driveways and access points.

Water Pollution Source Control

- 30. Any future commercial tenants that generate grease (i.e., a restaurant or café) will be required to install an appropriately sized grease interceptor to the sewer sanitary system to control fat, oil, and grease discharge the establishment. Grease interceptors must be cleaned on a regular basis, at a frequency such that the combined grease and solid accumulation does not exceed 25% of the total liquid depth of the interceptor, but no less frequently than once every three months while the establishment is in operation. Cleaning shall consist of removal by a licensed commercial waste hauler of the entire contents of the device.

31. The only acceptable sanitary sewer discharge shall be from normal potable water usage, such as bathroom wastewater, or employee breakroom wastewater. Any other use of water or generation of wastewater, inside or outside the building, requires the user to contact Water Pollution Source Control at 881-7900 for approval and further information.

Solid Waste

32. The owner or property manager shall be responsible for litter-free maintenance of the property and shall remove any litter on or within 50 feet of the property daily to ensure that the property and its street frontage remain clear of any abandoned debris or trash per Municipal Code Section 11-5.22.
33. The property owner/manager or Homeowners Association will be responsible for staging all waste containers (landfill, recycling, and organics) in the staging area marked on the site plan in the alleyway for waste collection on collection days. The containers cannot be placed at the curb any earlier than 6:00 p.m. on the day before scheduled collection and must be retrieved no later than midnight the day the containers are emptied.

Prior to the Issuance of Building Permit

Planning

34. All permit charges accrued in the processing of Major Site Plan Review and Density Bonus Application No. SP-23-0006 shall be paid in full prior to issuance of any building and/or grading permits for the project or consideration of a request for approval of any extensions of the approvals for the project.
35. A pre-construction nesting bird survey shall be completed prior to any tree removals or the start of any demolition, grading or construction activities if such activities are proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. The survey shall be completed by a qualified biologist or ornithologist no more than 14 days before demolition/construction activities begin. For the survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary. If an active nest is found in an area that would be disturbed by demolition and/or construction, the biologist or ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer must ensure that the nest(s) shall not be disturbed until the young have fledged (left the nest), the nest(s) is vacated, and there is no evidence of second nesting attempts. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the Planning Division prior to the removal of trees and issuance of a grading permit or demolition permit.

Landscaping

36. Prior to issuance of the first building permit, detailed landscape improvement plans prepared by a licensed landscape architect on an accurately surveyed base shall be approved as a part of the grading permit application for the project. The plans shall

comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. The plans shall be stamped, signed and dated by the project landscape architect. The plans shall include the water efficiency compliance statement and water budget calculations. Once approved by the City, copies of the approved landscape improvement plans shall be submitted as a part of the building permit submittal.

Housing

37. This development is subject to the requirements of the Affordable Housing Ordinance set forth in HMC Chapter 10, Article 17. The applicant shall comply with the affordable housing requirements as reflected in the attached final Affordable Housing Plan on file with the Housing Division and detailed per HMC Section 10-17.510 Affordable Housing Plan. No building permits shall be issued for any non-City restricted units in the project until permits for all affordable units have been obtained or are obtained simultaneously. No Certificates of Occupancy will be issued for any non-City restricted units in the project until Certificates of Occupancy for all affordable units have been obtained or are obtained simultaneously.
38. Pursuant to HMC Sections 10-17.515 and 10-17.525, the applicant shall enter into and record against the property an Affordable Housing Agreement that includes all elements set forth in the Affordable Housing Ordinance and the final Affordable Housing Plan on file with the Housing Division, prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.

Fire Safety

39. When buildings or portion of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access, fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of the building. At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
40. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet.
41. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced to provide all-weather driving capability.
42. Fire Department-approved address and premise identification numbers shall be placed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property.
43. A fire flow shall be provided in accordance with the current addition of the California Fire Code (CFC) Table B105.1 based on the construction type and building area. A fire flow reduction of up to 50 percent is allowed when the building is provided with

automatic sprinkler system in accordance with National Fire Protection Association (NFPA) Title 13. The resulting fire flow shall not be less than 1,500 gallons per minute (gpm). Preliminary fire flow as noted by table BB105.1 is 3,750 gpm for 3 hours.

44. Fire hydrants shall be Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2" outlet & two 4-1/2" outlets). Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants.
45. New fire hydrants shall be located at least 50 feet from the building to be protected. Where it is not feasible to locate them at that distance, they may be in closer proximity in locations approved by the Fire Department.
46. An underground fire service line serving the NFPA 13 sprinkler system shall be installed in accordance with NFPA 24 and Hayward Public Work Department Standard Detail SD-204. Water meter shall be minimum of four-inch for an NFPA 13 commercial grade system.
47. An automatic fire sprinkler system shall be designed and installed conforming to NFPA 13 Standards. A separate fire permit is required for the fire sprinkler system installation. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation. Note that this proposal shows the installation of car stackers, be advised this will require a specialized fire protection system that may require design by a licensed Fire Protection Engineer.
48. An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser. The device shall activate upon any fire sprinkler system water flow activity.
49. A maximum static pressure of 80 lbs. per square inch (PSI) should be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly.
50. A manual fire alarm system with occupant notification shall be provided for the building. The fire alarm system shall be installed by a licensed C10 contractor.
51. A fire alarm system with occupant notification shall be provided in accordance with CFC Section 907 and NFPA 72 Standards for the building.
52. All bedrooms and hallway areas in each residential unit shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC) and NFPA 72 Standards.
53. Carbon monoxide (CO) detectors shall be installed in all residential units near the sleeping area(s) on a wall approximately five feet above the floor, or on the ceiling. If units have multiple floors, then each floor shall have a separate detector.
54. A Class 3 standpipe system is required for buildings three stories or more per City Ordinance. Installation of standpipe system shall conform to NFPA 14 Standards.

55. The number and distribution of fire hydrants shall be provided in accordance with the requirements of the CFC and City Ordinances.
56. Portable fire extinguishers are required within the building every 75 feet of travel or 3,000 square feet, as required by the current edition of the CFC.
57. Emergency Responder communication coverage shall be determined and provided per the 2022 CFC.

Hazardous Materials

58. The applicant shall provide clearance documentation from the Alameda County Department of Environmental Health's Local Oversight Program (LOP) to ensure that the property meets the applicable development investigation and cleanup standards. The LOP contact, Paresh Khatri, can be reached at (510) 567-6700 or (510) 777-2478. Clearance from the LOP will ensure that the proposed residential project meets the applicable development investigation and cleanup standards, including, if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. LOP clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Division and the Public Works Department's Engineering Division prior to issuance of any grading or building permits.
59. 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 environmental professionals to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated.
60. Any wells, septic tank systems and other subsurface structures shall be removed properly to minimize threats to the health and safety of the development construction workers, future residents, or the environment. These structures shall be documented and removed under a permit from the appropriate regulatory agency when required.
61. The applicant shall provide adequate information associated with the use or storage of hazardous materials/wastes for evaluation and approval during the Building Permit process by the Hayward Fire Department to ensure adequate conditions are met. This shall include a "HAZ" page that identifies the amounts and locations of hazardous materials/wastes. Examples of common operations/equipment that could have hazardous materials or hazardous waste include:
 - Commercial Businesses/Tenant Spaces
 - Hydraulic Elevators and/or Car Stacking Devices
 - Transformers
 - Diesel Fire Pumps
 - Diesel Emergency Generators
 - Maintenance or Supply Areas
 - Hazardous Waste Collection Locations for Operations or Residences

Utilities

62. The building permit application shall include a site plan or utility plan showing the sizes and locations of all existing and proposed domestic, irrigation, and fire service lines, water meters, water mains, backflow prevention devices, and sanitary sewer laterals and mains.
63. Off-site water pipeline improvements, at the applicant's expense, shall be required to serve the proposed development as determined by the Director of Public Works. Water pipeline improvements include, but are not limited to, upsizing existing water pipelines to accommodate the project, abandoning existing water pipelines and appurtenances, replacing existing water pipelines, installing new water service lines, and reconnecting water service lines from existing water main to new water main.
64. 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.
65. The site plan or utility plan shall show the size and location of the existing water meter(s) and indicate if it/they will be abandoned. It shall also show the size and location of all new water meters and water service laterals.
66. All connections to existing water mains shall be performed by City Water Distribution personnel at the applicant's expense.
67. Any modifications to existing water services, including but not limited to upsizing, downsizing, relocating, and abandoning shall be performed by City Water Distribution personnel at the applicant's expense.
68. Only City of Hayward Water Distribution personnel shall perform operation of valves on the City of Hayward Water System.
69. All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant's expense.
70. Fire flow data is required for this project. Information regarding existing fire flow data and how to request for new fire flow test data is available on the City's Fire Flow Testing website, here: <https://www.hayward-ca.gov/fireflow>.
71. New fire services must be installed by City Water Distribution personnel at the applicant's expense. Fire service installations are billed on an actual cost basis with a time and materials deposit due prior to the start of installation. The final billing of the job will be the actual costs of the work performed and materials used. If actual costs are less than the deposit amount, the applicant will receive a refund in the amount of the unused deposit. If actual costs exceed the deposit amount, the applicant will receive an invoice in the amount of the overage.
72. Each residential dwelling unit and/or home shall be served by its own water meter. If there are exceptional project constraints that make it infeasible to install separate City water meters for each unit, the applicant may submit a written request to the Director of Public Works for a waiver to install a shared domestic water meter for the residential

units. If the waiver is granted, the residential units shall be served by one domestic water meter and private submeters shall be installed for each residential unit, per the State of California Senate Bill 7 (SB 7).

73. Each non-residential tenant space shall be served by a separate water meter.
74. Water mains and services, including the meters, must be located at least ten 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.
75. All water services shall be relocated at least three feet away from the existing storm drain manhole.
76. Water meters and services are to be located a minimum of two feet from top of driveway flares as per City Standard Detail 213 (SD-213) through 218 (SD-218). Water meters shall not be located in the driveway. Water meter lids shall be Nicor, Inc. brand.
77. The development 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.
78. The applicant shall install an above-ground reduced pressure (RP) backflow prevention assembly on all irrigation water services, non-residential domestic water services, and residential domestic water services where there is a water well on the property, per City Standard Detail 202 (SD-202). Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger. Backflow prevention assemblies installed on potable water sources shall be lead-free.
79. Final civil plans included in the grading and building permit applications shall show the size and location of the existing sanitary sewer lateral and indicate if it will be abandoned.
80. All sewer mains and appurtenances shall be constructed in accordance with the City's latest "Specifications for the Construction of Sewer Mains and Appurtenances," revision at the time of permit approval, which is available on the City's website.
81. The project engineer shall demonstrate to the satisfaction of the Public Works Director that the project's sewer lateral is of sufficient size to accommodate the project's anticipated sewage discharge.
82. 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. Where

sanitary sewer lines and/or laterals are the same size as the sanitary sewer line, the connection must be made with a manhole.

83. The applicant is responsible for payment of sewer connection and/or capacity fees at the current rates at the time when application for water and sewer service is submitted. Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge. The development's permitted sewer capacity and related sewer capacity fees shall be further assessed during the building permit application.

Engineering

84. Plans and design documents for the site grading, grading, utility services and improvements required in the public rights-of-way shall be prepared by a State-licensed and qualified professional and require approval of the City Engineer.
85. All grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the geotechnical report prepared by the project's geotechnical engineer, subject to approval by the City Engineer. Plans for grading and drainage for the grading permit shall be reviewed and signed by the geotechnical engineer certifying that the recommendations in the report have been followed. Arrangements shall be made with the geotechnical engineer to submit a certification to the City Engineer confirming that grading, drainage and backfill installation related work was performed in general compliance with recommendations in the geotechnical report. All material testing reports will be submitted as attachments to the certification letter report.
86. Stormwater pollution prevention measures shall comply with the C.3 Technical Guidance of Alameda County Clean Water Program, the City of Hayward Standard Details, and the Municipal Regional Permit. The plans should include all proposed underground pipes, building drains, area drains and inlets.
87. Plans for improvements required in public rights-of-way shall provide details for the following:
 - a. Improve the existing single-lane driveway from B Street to Municipal Parking Lot 1 generally as outlined in the Public Works Director's letter to the project architect, Toby Long, dated August 28, 2023. Please note that the provision of an EV charger and parking space in Municipal Parking Lot 1B is not required. The improvements shall include the extension of concrete curb, gutter and sidewalk along the east side of Municipal Parking Lot 1B to B Street with accessibility compliant driveways at B Street, the alley along the north side of the project building and entrance to the proposed parking garage. The driveway's vehicular travel way will be widened to approximately 23.5-feet, resurfaced by micro-surfacing and striped for two-way traffic.
 - b. The existing trees affected by widening of the driveway from B Street to Municipal Parking Lot 1 shall be replaced as per plans to be approved by the City Landscape Architect.

- c. Sidewalks and driveways damaged by utility cuts or otherwise shall be repaired as per the City's Standard Details with material, texture, color and design matching adjoining improvements.
 - d. Street pavements across the project frontage shall be ground down and resurfaced with a minimum two-inch thick hot-mix asphalt concrete.
88. The property owner shall dedicate to the City a minimum 6.5-foot-wide strip of land along the project's western boundary for the City's maintenance, repair, and reconstruction of the driveway from B Street to Municipal Parking Lot 1.
89. The property owner shall enter into an agreement with the City for the use of the B Street driveway for ingress/egress.

Transportation

90. The applicant shall prepare and submit an on-site and off-site Signing and Striping Plan prepared in accordance with current Caltrans Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information regarding marking disabled stalls). The Signing and Striping Plan shall be included in Improvement Plans submitted as part of the grading permit application and shall be prepared to the satisfaction of the Public Works Director or his/her designee.
91. The applicant shall prepare and submit an on-site and off-site Photometric Plan. Please refer to Hayward Standard Plans Sheet SD-120 for roadway lighting criteria, at (<https://www.hayward-ca.gov/sites/default/files/documents/standard-details-updated-jan-2020.pdf>). The Photometric Plan shall be included in Improvement Plans and be prepared to the satisfaction of the Public Works Director or his/her designee.
92. The applicant shall prepare and submit a Turning Analysis using AutoTURN software for a WB-50 vehicle, or the largest vehicle expected on-site. The Turning Analysis shall be included in Improvement Plans and shall be prepared to the satisfaction of the Public Works Director or his/her designee.
93. Pursuant to HMC 10-24.3.2.050, or unless otherwise directed by the Public Works Director, the applicant shall provide the required number of on-site bicycle parking spaces. Proposed bicycle parking spaces, including quantity, type and location, shall be included in the Improvement Plans.
94. The applicant shall relocate any proposed bicycle parking spaces along the project frontage on Main Street. Such bicycle parking spaces shall be relocated to a location along the project's B Street frontage and shall maintain minimum four-foot sidewalk width free and clear of any obstruction and shall comply with HMC Chapter 3, Article 5. This item shall be included in the Improvement Plans.
95. The applicant shall install pedestrian warning devices, including but not limited to installation of mirrors, pavement markings, signage and ADA-compliant audible/visible warning devices to the satisfaction of the Public Works Director. Pedestrian warning devices shall be installed at all project parking garage entrances and exits and where the B Street/Municipal Lot 1 driveway intersects with the B Street

sidewalk. The applicant shall design and install the pedestrian warning devices to the satisfaction of the Public Works Director or his/her designee and this item shall be included in the Improvement Plans.

During Construction

Planning

96. The Project shall adhere to the following Bay Area Air Quality Management District (BAAQMD) "Basic Construction Mitigation Measures":
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - g. A publicly visible sign shall be posted adjacent to the entrance to the construction site containing the name and telephone number of the person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
97. In accordance with HMC Section 4-1.03-4, construction activities conducted between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet from the source, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in HMC Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at the nearest residential property lines). In addition, the following noise-reduction measures shall be implemented prior to and during all demolition, grading, and construction-related activities:
 - a. Temporary 8-foot-tall noise barriers shall be erected to shield adjacent uses from construction noise as depicted in Figure 5 of the Environmental Noise Assessment prepared by Saxelby Acoustics, dated February 2, 2023.
 - b. Construction equipment shall be properly maintained and all internal combustion engine driven equipment with intake and exhaust mufflers and engine shrouds, as

applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturer's specifications.

- c. Unnecessary idling of internal combustion engines shall be strictly prohibited at all times.
 - d. Stationary noise-generating equipment such as air compressors and other sources shall be located as far as possible from adjacent sensitive receptors.
 - e. "Quiet" air compressors and other stationary noise sources shall be utilized where such technology exists.
 - f. All construction traffic to and from the project site shall be routed via designated truck routes whenever possible. Construction-related heavy truck traffic shall be prohibited in all residential areas whenever feasible.
 - g. Noise from construction workers' radios shall be controlled to a point where they are not audible at existing residences adjacent to the project site.
 - h. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is operational and moving in the reverse direction.
 - i. The contractor shall prepare and submit to the City for approval a detailed construction plan identifying the schedule for major noise-generating construction activities.
 - j. A disturbance coordinator shall be designated who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early in the morning, a bad muffler on a piece of equipment, etc.) and require that reasonable measures warranted to correct the problem are implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.
98. Any compaction required less than 26 feet from any adjacent residential structures shall be accomplished using static drum rollers which use weight instead of vibration to achieve soil compaction. As an alternative to this requirement, pre-construction crack documentation and construction vibration monitoring could be conducted to ensure that construction vibrations do not cause damage to any adjacent structures.

Hazardous Materials

99. If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.
100. If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Hayward Fire Department (HFD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report

shall be required to be submitted to document the activities performed and any conclusions. Below are specific requirements on each:

1. Underground storage tank and associate piping: An approved removal plan, including appropriate sampling, a Hayward Fire Department permit for the removal, and a follow-up report shall be required.
2. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report shall be required.
3. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report shall be required.

101. During grading and construction activities, all hazardous materials and hazardous waste shall be properly stored, managed, and disposed of.

Engineering

102. An Encroachment Permit must be secured before start of any construction related activity in the public rights-of-way and parking lots.

103. A safe, secure and accessibility compliant walkway shall be provided during the project's construction. A covered and lighted walkway, not less than five feet in width, shall be required under all scaffolding.

104. All public improvements shall be installed at no cost to the City in accordance with the current Standard Details (available on-line) and standards of other agencies, as applicable. Such improvements include, but not limited to, vehicular and pedestrian access, drainage collection and disposal, sanitary sewer and solid waste collection and distribution of water, electricity, natural gas and telecommunication services.

105. The applicant shall remove and replace any curbs, gutters, sidewalks, driveways, signs, pavement, pavement markings, etc., damaged during construction of the project prior to issuance of the Final Construction Report by the City Engineer. Damaged pavement surfaces shall be repaired or resurfaced to the satisfaction of the Public Works Director.

106. Effective stormwater pollution prevention measures shall be in place prior to the start of any construction activity. Such measures shall prevent the discharge of pollutants and sediments into the street or storm drain and shall be maintained during entire construction period. Mud shall not be tracked to the street at any time.

107. The project shall not block runoff from, or augment runoff to, adjacent properties. The applicant shall be required to mitigate augmented runoff to maintain post-construction site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.

108. Site drainage must flow over landscaped areas before it leaves the site.

Prior to Issuance of Certificate of Occupancy

Landscaping

109. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation improvements shall be completed in accordance with the approved plans and accepted

by the City Landscape Architect. Before requesting a landscape inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. - Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7, Project Landscape Architect's punchlist, and landscape contractor's corrected photographs of all punchlist items (or applicable parts) shall be e-mailed to the City Landscape Architect prior to requesting an inspection.

1. Pursuant to HMC Section 10-12.08 and Appendix C, Part 3, attach a color coded and laminated valve chart and an irrigation schedule on the controller.
 2. Pursuant to HMC Section 10-12.11 and Appendix C, Part 5, the applicant shall submit an irrigation audit report for the entire irrigated landscape area. The report shall be prepared by a third-party certified irrigation auditor and submitted to the City. The report may include, but is not limited to, inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming.
 3. Pursuant to HMC Section 10-12.07 - 09 and Appendix C, Part 6, a soil analysis report and documentation verifying implementation of soil report recommendations such as calculation of required compost and receipts of compost showing the matching quantity shall be submitted as a part of the Certificate of Completion package.
 4. Pursuant to HMC Section 10 Article 12, Appendix C, Part 7, 100% of excavated soil and plant and land clearing debris are required to be diverted for reuse or recycled purposes and shall be delivered to an authorized facility to maximize recycling. If green waste was diverted and the weigh tags were submitted and signed off by the City's Solid Waste Division, a copy of the signed document(s) shall be submitted in place of Part 7.
109. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City Landscape Architect, as-built plans on electronic media and in .pdf formats shall be submitted to the City Engineer by the property owner.

Engineering

110. All construction activities shall be complete, reviewed, and approved by the City's Public Works Inspection staff prior to issuance of a Certificate of Occupancy for the project.
111. Prior to the issuance of any Certificates of Occupancy, the applicant shall submit a letter from the project geotechnical engineer confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.

-End of Conditions-