

**CITY OF HAYWARD PLANNING DIVISION
PLANNING COMMISSION
APPLICATION NO. 201702969
VESTING TENTATIVE PARCEL MAP 10733, SITE PLAN REVIEW AND MITIGATED
NEGATIVE DECLARATION WITH MITIGATION MONITORING AND REPORTING
PROGRAM (SCH#2017122045)
2655-2893 WEST WINTON AVENUE
DRAFT CONDITIONS OF APPROVAL**

January 25, 2018

Proposed Vesting Tentative Parcel Map, Site Plan Review and Environmental Review to merge 11 parcels and construct a 507,500-square-foot industrial building at 2655-2893 West Winton Avenue (APNs 438-0030-001-04, 438-0030-001-06, 438-0030-001-08, 438-0030-006-00, 438-0030-008-02, 438-0030-009-02, 438-0030-013-01, 438-0030-013-02, 438-0030-014-00, 438-0030-015-00, & 438-0101-020-01). Application No. 201702969; Paceline Investors (Applicant) on behalf of Industrial Property Trust (Owner).

Planning

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 Parcel Map 10733 and Site Plan Review Application No. 201702969 are approved, subject to the vesting tentative parcel map and project plans date stamped December 21, 2017, except as modified by the conditions listed below.
3. In accordance with Hayward Municipal Code (HMC) Section 10-3.246, approval of this Vesting Tentative Parcel Map and Site Plan 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.
4. Any proposal for alterations to the conditionally approved Vesting Tentative Parcel Map and Site Plan Review application that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission.
5. All outstanding fees owed to the City, including staff time spent processing this application, shall be paid in full prior to issuance of a building permit or certificate of occupancy.

6. 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.
7. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.
8. The building permit plans shall show that the roof will be solar-ready with appropriate electrical hookups and structural details demonstrating the roof's capacity to support solar panels.
9. The project shall receive Leadership in Energy and Environmental Design (LEED) certification from the US Green Building Council (USGBC). The applicant shall register the project for LEED certification with the USGBC prior to submittal of the building permit application. Documentation of registration shall be provided with the building permit submittal package.
10. The irrigation system shall utilize the City's reclaimed water supply infrastructure once it is installed and ready for use. The irrigation and landscape plans shall be reviewed and approved by the City's Landscape Architect prior to the issuance of any site or building permits.
11. At the time of building permit submittal, the applicant shall provide the proposed locations and detailed renderings of the interpretive walk features along the pedestrian pathway (including directional signage to the San Francisco Bay Trail) and the public art feature to be installed on the west side of the building subject to review and approval of the Planning Director. The applicant shall also provide a plan and elevations of the proposed employee break area subject to review and approval of the Planning Director.
12. The applicant shall submit a revised lighting plan with the building permit submittal package showing that the proposed lighting within landscaped areas shall not result in the elimination of any proposed trees or conflict with any proposed landscaping. The revised lighting plan shall be subject to the review and approval of the Planning Director. The proposed lighting shall also be shown on the landscape plan.

13. The building colors and materials shown on the building permit plans shall match those shown on the color/material exhibit and renderings date stamped December 21, 2017. Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit.
14. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
15. A copy of these conditions of approval shall be included on a full-size sheet in the building permit plan set.
16. 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.
17. 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.

Development Review Services Engineering / Public Works Engineering

Parcel Map

18. A Parcel Map, prepared by a California Licensed Land Surveyor, shall be submitted to the City Engineer for review and approval prior to issuance of any building permits. Consistent with the Tentative Parcel Map, the Parcel Map shall include:
 - a. Parcel Map shall be prepared in compliance with the Subdivision Map act and the City of Hayward Municipal code.
 - b. Offers for easement dedications to the City and its acceptance or rejection statements for the City's water distribution, sewer collection, emergency vehicle access, public utilities and other public services in formats acceptable to the City Engineer. Dedication to include a minimum of 20' Emergency Vehicle Access Easement around the proposed building.

Grading, Drainage & Infrastructure Improvements

19. Prior to the issuance of building permits, Grading and Improvement plans prepared by a Registered Civil Engineer shall be submitted to the City Engineer for review and approval. Plans shall include, but not be limited to, the following public improvements:

- a. Widen existing street and install new pavement, curb, gutter and sidewalk per City of Hayward Industrial Arterial Street Standard Plan along property frontage.
 - b. Reconstruct existing pavement up the centerline along project frontage for a TI of 9.
 - c. Underground existing utility poles along property frontage and install City Standard LED street lights to meet current street lighting standards.
 - d. Install street trees along property frontage as required by the City's Landscape Architect.
 - e. Pavement markings shall be installed as required by the City Engineer.
 - f. Utility trenches within the existing City street pavement shall be repaired and the affected pavement shall be resurfaced with hot-mix asphalt concrete across its full widths to provide Traffic Index 11 and as per plans approved by the City Engineer.
 - g. Public infrastructure improvements, including street improvement in West Winton Ave. right-of-way and sewer collection mains, water mains and meter boxes, water service laterals from water main and meter box and fire hydrant assemblies in the City's right-of-way easements shall be owned and maintained by the City and shall be shown on plans separate from plans for other infrastructure and site improvements. The improvements intended for the City's maintenance shall comply with the City standards.
20. Public infrastructure improvements intended for the City's maintenance shall be constructed within existing public street rights-of-way or new easements acceptable to the City. Such new easements shall be offered for the City's acceptance on the Parcel Map.

Storm Drain System

21. 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.
22. A *Notice of Intent (NOI)* and *Storm Water Pollution Prevention Plan (SWPPP)* shall be prepared and submitted to RWQCB for review and approval. The SWPPP documents shall also be submitted along with the improvement plans to the City for review by the City Engineer. 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. Documents that are clipped or stapled will not be accepted.
23. The developer shall submit monthly inspection reports to the City signed by a Qualified Storm Practitioner (QSP).

24. The project plans shall identify *Best Management Practices* (BMPs) appropriate to the uses conducted on-site to limit the entry of pollutants into storm water runoff to the maximum extent practicable. Storm water treatment areas shall be created with engineered soil fill to intercept the surface runoff and provide bio-treatment and a minimum ground infiltration rate of 5 inches per hour.
25. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Manual dated 2016 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 and Alameda County Public Works Agency.
26. The on-site storm drain and storm water treatment systems shall be owned-and-maintained by the property owner.
27. 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.
28. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using the City approved specifications.

Storm Water Quality Requirements

29. The following materials related to the Storm water quality treatment facility requirements shall be submitted with improvement plans or the grading permit application:
 - a. Complete the City of Hayward, Stormwater Requirements Checklist and submit plans addressing the requirements for the City Engineer's review and approval.
 - b. The storm water pollution prevention plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to limit the entry of pollutants into storm water runoff to the maximum extent practicable.
 - c. 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). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook for 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
 - d. The following documents shall be completed and submitted with the improvement and/or grading plans:

- i. Hydromodification Management Worksheet;
 - ii. Development and Building Application Information Impervious Surface Form;
 - iii. Updated Stormwater Requirements Checklist; and
 - iv. Numeric Sizing Criteria used for stormwater treatment (Calculations).
30. 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.
31. The City's standard "Stormwater Treatment Measures Maintenance Agreement" (prepared by the City and is available in the Engineering and Transportation Division) shall be executed by the property owner. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office concurrently with the Parcel 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.

Building

32. The building permit plans shall show that the building will provide restrooms per the 2016 California Plumbing Code.

Landscape

33. Mylar of the approved landscape and irrigation improvement plans shall be submitted to Public Works Engineering. Mylar shall be wet-signed and shall be provided with a bar scale. The size of Mylar shall be twenty-two (22) inches by thirty-four (34) inches without exception. A signature block shall be provided in the low right side on each sheet of Mylar. The signature block shall contain two signature lines and two date lines 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.
34. Copies of the approved and signed improvement plans shall be submitted as a part of the building permit submittal.
35. Landscape improvement plans shall include fine grading and drainage plans in coordination with civil site grading and layout plans as well as planting, irrigation and construction detail plans. Layout plan shall identify all site paving type, finishes, color and pattern as well as furnishing including signage and site furniture.
36. The architectural rendering of the pedestrian pathway on West Winton Avenue shows proposed landscape design, number of interpretative signage, and bench locations. Landscape improvement layout plans shall identify signage and bench locations and provide specifications and details that are consistent with the

rendering or Planning Conditions of Approval for the City's approval (Condition of Approval No. 10).

37. Street trees in the West Winton Avenue front setback area shall be a minimum twenty-four-inch-box tree.
38. The required evergreen screening tree at every twenty feet on-center along the western property has been reduced to have one tree planting as shown on the plan. However, the tree size shall be increased proportionally from the required fifteen-gallon to a larger size. The minimum tree size shall be thirty-six-inch-box. Clarification for groundcovering material shall be provided for the planting area under the screening trees and the area along the western property line between the existing wall and the curb at the parking stalls.
39. All designated planting areas shall have full plant coverage at plant maturity except tree rootball area at the time of planting. The setback areas, the area between back of curb to bio-treatment area, parking finger islands, or the perimeter planting around the building shall not be exempted.
40. Planting shall be provided between two large bio-treatment area at the southwestern corner the property adjacent to the compact parking bay including the swale area unless other material would be specified such as cobblestones.
41. Note for the clearance requirements for tree planting is provided on the current plan, but it has not been coordinated. All trees shall be planted 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. Where proposed tree planting will be in conflict with proposed site lighting, the lighting layout shall be revised to keep all trees as shown. No tree shall be eliminated due to the conflict.
42. Overall Site Plan Sheet DAB-A1.1 for the employee break area graphically identifies more than the keys for overhang, paving pattern, fences, bike racks, etc. Only one Key #14 fence detail is included in the architectural details. Preliminary Landscape Plan Sheet L1.2 for the same area does not match with the overall site plan. The landscape layout plans shall provide consistent information and the details shall be provided all other items that are not addressed in the architectural plans.
43. Proposed tree at the employee break area is Laurus 'Saratoga' with dense canopy with understory plants that prefers full sun exposure. Re-evaluate overall planting strategy and adjust accordingly.
44. Planting plan shall clarify if it is the design intention to have planting in the decomposed granite paved area where signage and site furnishing are proposed.

45. The first paragraph under "Bay-Friendly Landscape Note" shall be revised to indicate that landscaping shall be in compliance with the City's Bay-Friendly Water Efficient Landscape Ordinance.
46. Water use requirements for plants shall be in compliance with the most current WUCOLS, Edition IV.
47. Irrigation for the area where overhead spray irrigation is recessed twenty-four inches from the edge of paving shall be identified.
48. The irrigation water budget calculation shall be provided for MAWA (Maximum Applied Water Allowance) and ETWU (Estimated Total Water Use). The calculation shall show the formula and method used. Eto for the City of Hayward is 44.2.
49. Per HMC Section 10-12.11, 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.
50. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 including the irrigation audit report shall be e-mailed prior to requesting an inspection from the City Landscape Architect at michelle.koo@hayward-ca.gov.
51. Proposed maintenance specifications shall be equal to or exceed the City's standard maintenance requirements. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent 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 subject to the City's Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with the Tree Preservation Ordinance or as determined by City Landscape Architect within the

timeframe established by the City and pursuant to the Municipal Code. The irrigation system shall be tested periodically to maintain uniform distribution of irrigation water, the irrigation controller shall be programmed seasonally, the irrigation system shall be shut off during winter season, and the whole irrigation system shall be flushed and cleaned before the system is utilized again in the spring.

Public Works Transportation

52. The applicant shall install standard streetlights along the Winton Avenue project frontage at 125' spacing, and shall include locations of the proposed streetlights on the Improvement Plans, which shall be approved by Public Works-Transportation and the City Engineer prior to issuance of occupancy permits.
53. The applicant shall submit to Public Works Transportation a photometric plan that includes off-site lighting (including the north side of Winton Avenue). The photometric plan shall be approved by Public Works Transportation and the City Engineer prior to issuance of occupancy permits.
54. The applicant shall stripe and install a bike lane with a buffer along Winton Avenue. The design and layout of the bike lane shall be shown on the Signing & Striping Plan, which shall be approved by Public Works Transportation and the City Engineer prior to issuance of occupancy permits.

Public Works Utilities and Environmental Services

Solid Waste

55. The capacity of the trash, recyclables, and organics spaces shall meet the minimum requirements for the proposed building based on the size of the building, number of employees, and type of use in accordance with Section 2 of the Standard Design Requirements for Collection and Storage of Trash, Recyclables, and Organics for Commercial (Business) Properties.
56. The applicant shall submit a completed Debris Recycling Statement at the time of building permit submittal. The form can be found at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>. The City requires that construction and demolition debris be recycled according to certain ordinance requirements.

Utilities

57. The building permit plans shall show three individual water service lines hot tap to the main line (one for each domestic line). One 4" water service line to serve the existing 3" and multiple 1.5" domestic lines is not acceptable.
58. The building permit plans shall show 5-foot minimum horizontal separation between each water service line.

59. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense. The developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.
60. Each tenant space within the building shall be served by a separate water meter.
61. An irrigation water meter shall be installed for development landscaping.
62. New fire services must be installed by City Water Distribution Personnel at the owner's/applicant's expense.
63. 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 owner/applicant will receive a refund in the amount of the unused deposit. If actual costs exceed the deposit amount, the owner/applicant will receive an invoice in the amount of the overage.
64. All domestic & irrigation water meters must have Reduced Pressure (RP) Backflow Prevention Assemblies, per City of Hayward Standard Detail 202. Backflow Prevention Assemblies shall be at least the size of the water meter or the water line on the property side of the meter, whichever is bigger.
65. All water meters shall be radio-read type.
66. 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. Water meter boxes in driveway aisle areas shall have steel H20 rated lids.
67. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.

Fire Department

Fire Prevention

68. Design of public streets, private streets and courts shall meet all City of Hayward and California Fire Code Standards.
69. Parking of vehicles is allowed on one side of a 30-foot-wide road. No parking is allowed on a 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" signs shall meet the City of Hayward Fire Department fire lane requirements.

70. 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.
71. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The design and layout of the hydrants shall be reviewed and approved by the Fire Department.
72. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located so as to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
73. Buildings are required to install fire sprinkler systems in accordance with NFPA 13 Standards. A separate plan/permit is required prior to the installation of the overhead fire sprinkler system.
74. Maximum 80 PSI water pressure shall be used when water data indicates a higher static pressure. Residual pressure shall be adjusted accordingly.
75. Underground fire service line serving an NFPA 13 sprinkler system shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-204. Underground fire service line shall be minimum of four inches in diameter for an NFPA 13 commercial grade system.
76. The building is required to install a fire alarm system to monitor water flow. 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.
77. Per HFD Ordinance Sec. 903, when an automatic sprinkler system is required in a building of undetermined use, the overhead fire sprinkler system shall be designed to a minimum sprinkler density of 0.33/3,750 with a minimum coverage of 100 sq. ft. per head.
78. The water/fire flow test data information shall be on the building permit plans, including static pressure, residual pressure, pitot pressure, test flow, calculated available water flow at 20 PSI and test date. This information may be requested from the Hayward Public Works Department.

Hazardous Materials

79. Environmental and Health Based Site Clearance – Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either California Regional Water Quality Control Board or Department of Toxic Substance Control and

submitted to the Hayward Fire Department to ensure that the property meets industrial/commercial development investigation and cleanup standards for health and environmental quality. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.

80. Grading – 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.
81. Former Hazardous Materials/Waste Facility Closure – When a site is being developed on a location where hazardous materials/waste were used, stored or generated, a Closure Plan shall be filed with the Hayward Fire Department to ensure proper handling, disposal and documentation of materials.
82. Wells, Septic Tank Systems or Subsurface Structures – Any wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. These structures shall be documented and removed under permit from appropriate regulatory agency when required.
83. Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts – If found on the property, the underground vessels/structures shall be removed under a plan filed with Hayward Fire Department and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to the soil or groundwater. A follow up report shall be required to be submitted that documents the activities and any conclusions. Below are specific requirements on each:
 - a. Underground storage tank and associate piping (plan, sampling, Hayward Fire Department permit and follow up report are required);
 - b. Oil Water Separators (plan, sampling and follow up report are required); and
 - c. Hydraulic Lifts (plan, sampling and follow up report are required).
84. Discovery of Potentially Hazardous Materials or Vessels/Containers – The Hayward Fire Department’s Hazardous Materials Office shall be notified immediately by phone at (510) 583-4900 if hazardous materials are discovered during demolition or during grading. These shall include but not be limited to actual/suspected hazardous materials, underground tanks, and vessels that contain or may have contained hazardous materials.
85. Use of Hazardous Materials or Generation of Hazardous Waste – During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.