

**CITY OF HAYWARD PLANNING COMMISSION
VESTING TENTATIVE TRACT MAP APPLICATION NO. TM-25-0001 (TRACT 8762)
RUSSELL WAY GARDEN CONDOMINIUMS – 1289 RUSSELL WAY
DRAFT CONDITIONS OF APPROVAL**

General

Planning

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Vesting Tentative Tract Map Application No. TM-25-0001 is hereby approved subject to the Vesting Tentative Tract Map exhibits and civil plans prepared by Osuna Engineering Inc., dated July 17, 2025, except as modified by the conditions set forth below where applicable. The adopted conditions of approval for Site Plan Review Application No. 202205806 not superseded by the conditions set forth below shall remain in effect for that application.
3. Site Plan Review and Density Bonus Application No. 202205806 which corresponds to Vesting Tentative Tract Map Application No. TM-25-0001 is also approved subject to the architectural, civil, and landscaping plans date received September 12, 2023, except as modified by the conditions listed below. Any proposed modifications to the conditionally approved site plan and/or design that do not require a variance to any zoning standards shall be subject to review and approval by the Development Services Director or his/her designee prior to implementation. Modifications requiring a variance shall be subject to review and approval by the Planning Commission, if applicable.
4. The permittee, property owner or designated representative shall allow the City's staff to access the property for site 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.
5. All permit charges accrued in the processing of Vesting Tentative Tract Map Application No. 202004359 shall be paid in full prior to consideration of a request for approval of any extensions and/or submittal of a Final Map for the project.
6. The developer shall apply for and obtain all necessary permits from the City and/or outside agencies prior to commencing any site work.
7. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the grading permit and building permit plan check sets for the project.
8. Property addresses shall be assigned by the Development Services Department prior to issuance of building permits.

9. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the developer shall pay park impact fees. The park impact fee rate charged shall be the rate that is in effect at the time of building permit issuance.
10. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and/or renderings received September 12, 2023. Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit and/or prior to construction.
11. All light fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting onto adjacent properties is permitted and all exterior lighting on walls, patios, or balconies shall be recessed/shielded to minimize visual impacts.
12. All vents, gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless designed as an architectural element.
13. All exterior and rooftop mechanical equipment shall be screened with parapets or landscaping or located outside of the public’s view. Mechanical and rooftop equipment includes, but is not limited to, electrical panels, transformers, air conditioning units, gas meters and backflow prevention devices. All mechanical equipment and its respective screening shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of a Certificate of Occupancy and shall be compatible with respect to forms and materials used on the building.
14. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft.
15. The Homeowners Association (HOA) shall maintain all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas in good condition. The premises shall be kept clean and weed-free.
16. The HOA shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
17. 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 inspection 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 developer agreed to when permits were filed to construct the project.
18. This Vesting Tentative Tract Map approval shall align with the timeframe set forth in the Subdivision Map Act and all related automatic and developer-initiated extensions.
19. In accordance with HMC Sections 10-1.3055, the Site Plan Review approval shall become null and void 36 months after the approval date unless:

- a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or
- b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.

Fire Safety

20. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds and shall be provided with an all-weather driving surface. An unobstructed horizontal width of 30 feet and vertical clearance of not less than 13 feet 6 inches shall be provided for fire apparatus access fronting the project site.
21. Address and premise identification approved 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. The dimensions of address numbers or letters on the front of the buildings shall be approved by the fire department.
22. An approved fire apparatus access road shall be provided for every facility building or portion of a building constructed or moved with the jurisdiction.
23. A fire flow shall be provided in accordance with the current edition of the California Fire Code (CFC) Table B105.1 based on the construction type and building area when building exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with an automatic sprinkler system in accordance with National Fire Protection Association (NFPA) 13 Standards. The resulting fire flow shall not be less than 1,500 gallons per minute (gpm).
24. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the CFC. The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.
25. New fire hydrants shall be double steamer type equipped with two (2) 4.5-inch outlets and one (1) 2.5-inch outlet. 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.

26. Combination smoke/carbon monoxide (CO) detectors shall be installed at approved locations throughout the building in accordance with the California Building Code (CBC), CFC and NFPA 72 Standards.
27. An automatic fire sprinkler system designed and installed in accordance with NFPA 13 Standards shall be provided. A separate fire permit shall be required for the fire sprinkler system installation. A state-licensed C-16 Fire Sprinkler Contractor shall be responsible for the system's design and installation. A minimum 1-inch water meter is required for residential fire sprinklers. Residential combined domestic and fire services are allowed per City of Hayward Standard Detail No. 216 (SD-216). The configuration must have two separate water service lines on the back side of the meter: one for domestic water service and one for fire water service, as shown on Figure 2B of SD-216. The developer is responsible for installing the back side configuration of the water service.
28. 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.
29. All underground fire service lines serving NFPA 13 fire sprinkler systems shall be connected to the city water main in accordance with Hayward Public Works Department Standard Detail No. 204 (SD-204). All underground fire service lines serving NFPA 13 systems shall be a minimum of four (4) inches in diameter.
30. An audible alarm bell shall be installed on the exterior of the fire sprinkler system riser. The bell shall activate upon any fire sprinkler system water flow activity.
31. An interior audible alarm ball shall be installed within each dwelling unit in a location to be heard throughout the entire unit. The alarm shall activate upon any fire sprinkler system water flow activity.
32. A manual fire alarm system with occupant notification conforming to Chapter 9 of the CFC shall be installed in the building. The manual fire alarm system shall be designed and installed by a state-licensed C10 contractor.
33. The elevator shall conform to Chapter 6 of the CFC and provide Phase 1 and Phase 2 emergency operation.
34. Emergency Responder Communication (two-way radio) Coverage shall conform to Chapter 5 of the CFC and shall be subject to an acceptance with Alameda County prior to occupancy.

Engineering

35. The subdivision shall comply with HMC Chapter 10 Article 3 (Subdivision Ordinance). Subdivision improvements required for public health, safety and welfare shall comply with the current Standard Details of the City of Hayward and other agencies' standards as applicable. Such improvements include, but are not limited to, those needed for

vehicular and pedestrian access, fire protection, safety lighting and signage, drainage collection and disposal, sanitary sewer and solid waste collection and distribution of water, electricity, natural gas, and telecommunications/television.

36. All required and conditioned improvements shall be complete as per plans approved by the City Engineer or the subdivider shall execute a Subdivision Improvement Agreement prior to Final Map Approval.
37. Unless otherwise stated, all necessary easements shall be dedicated and all improvements shall be designed and installed at no cost to the City of Hayward.
38. An Encroachment Permit shall be secured before the start of any construction or staging activity in the public right-of-way, including storage of equipment or material, excavations, and/or construction of the new City Standard curb, gutter, sidewalk, or driveway.
39. The Encroachment Permit application shall require plans prepared by the state licensed and qualified professionals and acceptable to the City Engineer for the following:
 - a. Russell Way Improvements: The roadway pavement in Russell Way shall be widened to a minimum 24-feet south of the stable creek bank top determined based on 2H:1V slope from the toe of the creek as per the Hayward Municipal Code Chapter 9 Article 4. The widened roadway pavement shall have hot-mix asphalt concrete surface over class II aggregate base compacted to 95 percent relative density and adequate thickness to provide a traffic index not less than 5.5. Concrete curb, gutter and sidewalk with a driveway shall be constructed south of the widened roadway pavement as per the City Standard Details (available on-line). New curb, gutter and sidewalk shall have short length transitions (approx. 45 degrees) to the existing improvements at both ends of the property frontage. The widened roadway shall have standard pavement markings as required for traffic safety and shall be designed for use by emergency vehicles.
 - b. Repair existing damaged street pavement fronting the property as per the City's Standard Details and resurface it with a minimum 2-inch thick hot-mix asphalt concrete (AC).
40. The developer shall grant right-of-way to the City for the required road widening along Russell Way, as well as other improvements and public utilities, as described above.
41. No tree shall be planted in the area to be dedicated for public street right-of-way as stated above.
42. Site drainage must be directed to flow over landscaped areas before it is released to the street.
43. All new utility services to the project, including electricity, cable television, and wired telecommunication services, shall be installed underground.

Utilities

44. All connections to existing public water mains shall be performed by City of Hayward Water Distribution personnel at the developer's expense.
45. Any modifications to existing water services including, as but not limited to, upsizing, downsizing, relocation, and abandonment shall be performed by City of Hayward Water Distribution personnel at the developer's expense.
46. Only City of Hayward Water Distribution personnel shall perform operation of valves on the City's Water System.
47. A water system impact study may be required to be prepared at the developer's expense which shall be used to finalize the development's water system design. The developer shall be responsible for their share of the cost of any necessary improvements identified to the City's water system to accommodate the development, based on the results of the impact study and as determined by the Director of Public Works.
48. Each residential dwelling unit shall be served by its own water meter.
49. A separate irrigation water meter shall be installed for the property's landscaping.
50. Fire flow data may be 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 at www.hayward-ca.gov/fireflow.
51. The developer is responsible for applicable water and sewer installation and connection fees at the current rates in effect at the time of application for water and/or sewer service. The current utility installation and connection fees are available on our website at www.hayward-ca.gov/water-service/connection-fees.
52. The developer 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 No. 202 (SD-202), if not already existing or if not installed to the current standards to the satisfaction to the City of Hayward Cross Control Specialist. 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.
53. Each building shall have its own sanitary sewer lateral in accordance with City Standard Detail Nos. 312 (SD-312) and 313 (SD-313).
54. Where sanitary sewer lines and/or laterals are the same size as the sanitary sewer main, the connection shall be made with a manhole.
55. Water mains must be located at least ten (10) feet horizontally from and one (1) foot vertically above any parallel pipeline conveying untreated sewage, and at least four feet (4) from and one foot (1) 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 piping materials with approval by the City Engineer.

56. Water meters shall be located in the new sidewalk behind curb. Water meters and services are to be located a minimum of two feet from top of driveway flares as per City Standard Details 213 (SD-213) through 218 (SD-218). Water meters shall not be located in the driveway. Water meter lids shall be Nicor, Inc. brand.
57. All public water mains and appurtenances shall be constructed in accordance with the City's latest "[Specifications for the Construction of Water Mains and Fire Hydrants.](#)"
58. All sanitary sewer mains and appurtenances shall be constructed in accordance with the City's latest "[Specifications for the Construction of Sewer Mains and Appurtenances.](#)"
59. 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.
60. All fire services must have an above-ground double check valve assembly (DCVA) in accordance with City Standard Detail Nos. 204 (SD-204) and 201 (SD-201).
61. Trash enclosures are required to be self-contained with a sanitary sewer connection with no drainage beyond the walls of the enclosure. Hose bibs are prohibited and approved clean-up methods include dry clean-up methods and/or a service that cleans and collects wash water for proper off-haul and disposal of treated waste. Please call Water Pollution Source Control (WPSC) at (510) 881-7900 to reach an inspector for inquiries.
62. The HOA or its property manager shall be responsible for staging all waste containers (landfill, recycling, and organics) for waste collection on collection days. The containers cannot be placed at the curb any earlier than 6:00 a.m. on the day before scheduled collection and are required to retrieve them no later than midnight the day the containers are emptied.

Transportation

63. Pursuant to City of Hayward Traffic Code Article 9, the 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.
64. The HOA shall maintain in fully functional condition and good repair all pavement markings and street signage within the subject property.

Prior to the Issuance of Building and/or Grading Permit*Planning*

65. All outstanding fees owed to the City for processing this Vesting Tentative Tract Map application shall be paid in full prior to the issuance of a building permit and/or consideration of any request for an approval extension.
66. 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 1st through August 31st) 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 to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer must ensure that the nest shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts. The developer shall submit a report indicating the results of the survey and any designated buffer zones to the Planning Division prior to the removal of any trees and issuance of a grading permit or demolition permit.

Housing

67. This development is subject to the requirements of the Affordable Housing Ordinance set forth in HMC Chapter 10, Article 17. The developer shall comply with the affordable housing requirements as reflected in the attached final Affordable Housing Plan on file with the Housing Division and included as Attachment V and detailed per Section 10-17.510 Affordable Housing Plan. No building permit(s) will be issued for any non-City restricted units in the Project until permits for all affordable units have been obtained or are obtained simultaneously. No 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.
68. Pursuant to HMC Sections 10-17.515 and 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement that includes all elements outlined in the Affordable Housing Ordinance and the final Affordable Housing Plan on file with the Housing Division and included as Attachment V to the staff report, before 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 other documents acceptable to the City Manager or designee shall be recorded.

Landscape

69. Prior to issuance of the building permit, detailed landscape improvement plans prepared by a licensed landscape architect on an accurately surveyed base shall be approved as a part of grading permit. 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, updated tree mitigation summary chart 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.
70. Tree removal/mitigation requirements shall be as follows:
- a. A tree removal permit shall be obtained from City Landscape Architect in Planning Division prior to issuance of grading permit.
 - b. No permit for offsite private tree removal: Tree #5 located in the neighboring property was planted by the property owner after the issuance of certificate of occupancy; therefore, the tree is not a protected tree and does not require a tree removal permit. Removal of the tree located at 1295 Russell Way requires written consent from the property owner. The property owner at 1295 Russell Way, Mr. Kan Chien-sheng, has submitted written consent to the City to remove the tree on his property. Therefore, removal of the tree at 1295 Russell Way is permitted and no replacement tree is required within the 1295 Russell Way property.
 - c. An encroachment permit shall be obtained from City Landscape Maintenance Division prior to removing Tree #1 from the sidewalk. If removed, the street tree shall be mitigated at an offsite location at City's La Vista Park as designated by City Landscape Architect.
71. Pursuant to HMC Section 10-15.20, replacement trees shall be located on site wherever possible. Where there is not sufficient room on site for the replacement trees in the judgment of the City Landscape Architect, another site may be designated that is mutually agreeable. Currently, La Vista Park site is designated for offsite tree mitigation. La Vista Park is located on Tennyson Road at the east of Mission Boulevard and will be a destination park serving the entire Hayward community and beyond. The Park will begin construction in summer of 2023 and is projected to be complete in late 2024. The offsite mitigation will be in the form of cash mitigation and the collected fund will be set aside as "tree fund" under the La Vista Park fund and will only be used for purchasing and installation of trees. If the developer would agree with the offsite tree mitigation option, the developer must submit a letter of agreement to mitigate unmet tree mitigation value of \$15,950.00 at La Vista Park, and Planning Division will issue an invoice. The payment shall be received by the City prior to issuance of grading permit.

Hazardous Materials

72. Based on the proposed use of the property, an evaluation and regulatory oversight is required to ensure that the site meets environmental and health-based clearances that are appropriate for this residential development. The developer shall provide clearance

documentation from The Alameda County Department of Environmental Health's Local Oversight Program (LOP) to ensure that the property meets the development investigation and cleanup standards. The Alameda County Department of Environmental Health's Local Oversight Program (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 development investigation and cleanup standards, including, if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. LOP clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits. For further information please contact Hugh Murphy at 510-583-4924 or by email at hugh.murphy@hayward-ca.gov. Documentation associated with the evaluation, investigation and or clearance of the site shall be provided in an electronic format to the City Hayward Fire Department and Planning Division prior to issuance of building or grading permit.

73. All existing known above-ground or underground structures and their contents shall be removed and/or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of all structures and materials shall be done by a qualified environmental professional to ensure that any hazards posed to the project's construction workers, the environment, future property occupants, and the general public are mitigated.

Utilities

74. A complete Utility Plan shall be required with the building permit application. The Utility Plan shall provide the following:
- a. The sizes and locations of the existing public water and sanitary sewer mains. If needed, please contact Utilities.Info@hayward-ca.gov for current maps of the City water and sanitary sewer mains.
 - b. The sizes and locations of all existing and proposed water service lines, water meters, backflow prevention devices, sanitary sewer laterals, and fire hydrants.
 - c. The location of a Standard Industrial Waste Monitoring Structure per City of Hayward Standard Detail 309 (SD-309).
 - d. The sizes and locations of existing and proposed fire services and an above-ground double check valve assembly (DCVA) per City of Hayward Standard Detail Nos. 201 and 204 (SD-201 and SD-204), where applicable.
 - e. The location of the trash enclosure with a sanitary drain.
75. Provide a trash enclosure detail with the building permit plans. Trash enclosures are required to be self-contained with a sanitary sewer connection with no drainage beyond the walls of the enclosure. Hose bibs are prohibited and approved clean-up methods include dry clean-up methods and/or a service that cleans and collects wash water for proper off-haul and disposal of treated waste. Please call Water Pollution Source Control (WPSC) at (510) 881-7900 to reach an inspector for inquiries.

Engineering

76. A Homeowners Association (HOA) shall be formed, and its related Covenants, Conditions and Restrictions (CCR) documents shall be filed in the public records of Alameda County prior to issuance of any building permit. Said documents shall be submitted to the City for its review and approval before submittal to the State Department of Real Estate (DRE) and filing in the County's public records. The CC&Rs shall include the following provisions:
- The HOA shall own and maintain in fully functional condition and good repair all areas, improvements, common area retaining wall systems, and facilities created for common use of the property owners within the project but not dedicated or accepted by the City for its maintenance
 - The HOA shall be managed and maintained by a professional property management company and maintain updated registration information with the Secretary of State.
 - The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project development approvals.
 - The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
 - The CC&Rs shall describe how stormwater treatment and site-design measures associated with privately owned improvements and landscaping shall be maintained by the HOA.
 - The HOA shall maintain adequate visibility and sight distance at the project driveway and access points pursuant to City of Hayward Traffic Code Article 9.
 - The HOA shall maintain in fully functional condition and good repair all pavement markings and street signage within the subject property.
77. Improvement Plans and related design documents prepared by or under the direction of a State-licensed design professional shall be submitted to the City Engineer for all public and private improvements shown on the Vesting Tentative Tract Map and necessary to develop the project site. The improvement plans shall include all engineering studies and design documents and must be reviewed and approved by the City Engineer prior to Final Map approval and shall address all conditions of approval.
78. No building permits will be issued for new structures on proposed lots prior to issuance of the grading permit and recordation of the Final Map except for model homes as per the Subdivision Map Act Section 66499.30(a).
79. The developer shall obtain permits and/or approvals from all agencies or private parties having jurisdiction over the project. Copies of applicable permits or approvals shall be provided to the City Engineer upon request.
80. All grading shall comply with HMC Chapter 10, Article 8 (Grading and Clearing Ordinance) as determined by the City Engineer. A fine grading and drainage plan prepared by a State licensed civil engineer shall be submitted as part of the Improvement Plans for review and approval by the City Engineer prior to the issuance

of building permits. The developer has the option to apply for a grading permit to rough grade the project site.

81. A soils report prepared by a licensed civil or geotechnical engineer subject to approval by the City Engineer shall be submitted and the grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report. Final grading and drainage plans for the grading permit shall be reviewed and signed by the geotechnical engineer. The geotechnical engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report.
82. A retaining wall permit from the Building Division is required for all earth retaining structures greater than four (4) feet in height (as measured from top of wall to bottom of footing) or of any height supporting a surcharge. Structural calculations and details prepared by a licensed civil or structural engineer are required and shall be reviewed and approved by the Building Division.
83. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer shall be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.
84. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. On site surface drainage shall be collected and conveyed to a public drainage system as per plans approved by the City Engineer. The storm drainage system shall be designed to convey a 10-year storm event. Such conveyance may require extension or replacement of the public drainage system as determined necessary by the City Engineer.
85. Drainage plans shall include all proposed underground pipes, building drains, area drains and inlets. All building sites shall be graded to slope away from the building foundations per CBC Chapter 18, Section 1804.3 - Site Grading, or as required by the project geotechnical engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
86. The on-site storm conveyance and treatment systems shall be owned and maintained by the property owner (HOA).
87. Project runoff shall be treated for pollution prevention with bio-treatment measures in conformance with Alameda County Clean Water Program C.3 design guidance. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted together with plans showing, at a minimum, drainage management areas, location and details of all treatment control and site design measures, and numeric sizing calculations.

Transportation

88. The developer shall prepare and submit an on-site and off-site Signing & 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 & Striping plan shall be included in the Subdivision Improvement Plans and shall be prepared to the satisfaction of the Public Works Director or his/her designee.
89. The developer shall prepare and submit an on- and off-site Photometrics Plan. The Photometrics Plan shall conform to Standard Details (<https://www.hayward-ca.gov/sites/default/files/documents/standard-details-updated-jan-2020.pdf>), including but not limited to City Standard Detail SD-120, Design Criteria for Roadway Lighting and shall be prepared to the satisfaction of the Public Works Director or his/her designee.
90. Pursuant to HMC 7-1.10, and if required by the Public Works Director or his/her designee upon review of the Photometric Plan, the developer shall install on- and/or off-site lighting at all locations (including but not limited to street lighting along project frontages) deemed necessary by the Public Works Director or his/her designee in order to comply with City code, Standard Details, lighting specifications and requirements. Proposed lighting shall be included in the Subdivision Improvement Plans, which shall be prepared to the satisfaction of the Public Works Director or his/her designee.
91. The developer shall submit a Turning Analysis which shall be prepared and stamped by a Professional Engineer (P.E.) or Traffic Engineer (T.E.) licensed by the State of California. The Turning Analysis shall be prepared using AutoTURN software and using the vehicle template determined by the Public Works Director or his/her designee as the largest vehicle expected on-site (typically WB-50).

During Grading/Construction*Planning*

92. 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 residential property lines).

Hazardous Materials

93. 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.

94. If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department (HFD) shall be immediately notified at (510) 583-4910.
95. If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the HFD and appropriate samples shall be taken under the direction of a qualified environmental professional 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 reached. Below are specific requirements for each type of vessel/structure:
 - a. Underground storage tank and associate piping: An approved removal plan, including appropriate sampling, an HFD permit for the removal, and preparation of a follow-up report by the environmental professional is required.
 - b. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report is required.
 - c. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.
96. Hazardous materials and any hazardous waste shall be properly stored, managed, and disposed of during all grading and construction activities.
97. Soil removal shall be properly stored and managed during all grading and construction activities.

Utilities

98. Any applicable water service and meter installation work shall be scheduled after the building permit is issued and the Water & Sewer Service Application is submitted and approved. The water and sewer utility accounts shall be established at the time when water meters are installed.
99. 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 HMC Section 11-5.22.
100. The City requires that 100 percent of the project's concrete and inerts be recycled and 65 percent of everything else be recycled. All weight tags must be submitted upon completion of your project for final sign-off. If the developer source-separates material, it can be taken to any facility. However, if the developer uses mixed loads, then they need to go to a 3rd -party-certified facility. A list of these facilities can be found on the Recycling Certification Institute (RCI) website.
101. If a debris box roll-off bin must be used, it must be obtained from Waste Management, as they have the exclusive right to provide debris boxes in Hayward.

Engineering

102. The developer shall be responsible for preventing the discharge of pollutants (sediments) into the street and/or the public storm drain system from the project site during construction in accordance with the HMC Section 11-5.19. All projects proposed for construction between October 1st and April 30th must have an erosion and sedimentation control program approved and implemented to the maximum extent possible, prior to the start of any land-disturbing activity. Trash and debris must be adequately contained at all times. Such measures shall be maintained during the project's entire construction period. Violations or other forms of noncompliance with stormwater management measures may result in the project being shut down until full compliance is achieved.
103. The developer shall remove and replace any damaged curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc. within the public right-of-way along the project frontage and at any locations damaged by the construction of the proposed project. Damaged pavement surfaces shall be overlain or micro-surfaced. Damaged pavement surfaces shall be repaired or resurfaced as required by the City Engineer. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter and sidewalk per City Standards.
104. The developer shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.

Prior to Issuance of Certificate of Occupancy*Planning*

105. Prior to issuance of a Certificate of Occupancy, the developer shall contact the Planning Division and be subject to a site inspection by the designated project planner to verify that all applicable mitigations and conditions of approval have been satisfied. The cost of inspection, including any subsequent inspections that are deemed necessary by the City, shall be paid by the developer.

Landscape

106. 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 emailed to the City Landscape Architect prior to requesting an inspection.

107. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City, as-built plans on electronic media and pdf formats shall be submitted to the City Engineer by the property owner.

Utilities

108. Water services and meters shall be installed and connected to the satisfaction of the City Water Distribution personnel prior to final Certificate of Occupancy.

Engineering

109. All public improvements, including the complete installation of all street improvements, fencing, sanitary sewer, storm drainage, water system, underground utilities, streetlights etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit in each phase of the subdivision. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
110. Prior to final inspection and issuance of final certificates of occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Public Works Director and Development Services Director or his/her designee.
111. The property owner(s) shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for private treatment control and site design measures is bound to the property in perpetuity.
112. Prior to the issuance of any Certificates of Occupancy, the developer shall submit a letter from the project's geotechnical engineer confirming they have observed all grading activities and that those activities were performed in conformance with the recommendations of their soils report.
113. Prior to the issuance of any Certificated of Occupancy, the Engineer of Record shall submit a letter confirming that all grading, drainage, and engineering components of the project were performed in conformance with their approved plans, recommendations and specifications.
114. As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and .pdf formats.

-End of Conditions-