

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-____

Introduced by Councilmember _____

RESOLUTION APPROVING A SITE PLAN REVIEW WITH GRADING PERMIT; A ZONING TEXT MAP AMENDMENT, TWO WARRANTS AND ONE EXCEPTION FROM PROVISIONS UNDER THE SOUTH HAYWARD BART/MISSION BOULEVARD FORM-BASED CODE; AND A VESTING TENTATIVE TRACT MAP 8394, APPLICATION NO. 201700782 FOR THE SUBDIVISION AND CONSTRUCTION OF 200 CONDOMINIUM UNITS FOR A SENIOR RESIDENTIAL DEVELOPMENT AND THREE SINGLE-FAMILY DWELLINGS ON A 5.58-ACRE SITE LOCATED AT 29312 MISSION BOULEVARD AND 794 OVERHILL DRIVE

WHEREAS, Applications were submitted by Chu Rao of Pristine Homes (Applicants/Property Owner) and deemed complete for a Site Plan Review with a Grading Permit; a Zoning Text Map Amendment, two warrants and one exception from the provisions of the South Hayward BART/Mission Boulevard Form-Based Code; and a Vesting Tentative Tract Map 8394, Application No. 201700782 for the property located at 29312 Mission Boulevard and 794 Overhill Court for the subdivision and construction of a 200 condominium unit senior residential development and three detached single-family homes on a 5.58-acre site (the "Project"); and

WHEREAS, the project site is located within the boundaries of the South Hayward BART/Mission Boulevard Form-Based Code area and the RS, Single-Family Residential zoning district; and

WHEREAS, a CEQA Infill Checklist has been prepared to assess and mitigate the potential environmental impacts of the Project; and

WHEREAS, an Ordinance was adopted on December 12, 2017 to amend Article 24 of Chapter 10 of the Hayward Municipal Code to remove the New Thoroughfare roadway designation from Figure 1-2 and Figure 1-3 for three parcels within the South Hayward BART/Mission Boulevard Form Based Code (APN# 078C-0455-002-00; 78C-0455-001-08; 078C-0455-001-05); and

WHEREAS, the one exception and two warrants requested with this project application are:

- An Exception to allow more than one principal building on a lot and allow the principal entrances for those buildings along non-frontages;

- A Warrant to allow a proposed subdivision that contains more than one building per lot and to vary the required lot width standards;
- A Warrant to allow a parcel merger of the three existing parcels for parcels not conforming to the required lot width requirements;

WHEREAS, the Planning Commission considered the Project at a public hearing held on November 9, 2017, and recommended that the City Council adopt an Ordinance approving the Zoning Text Map Amendment of Article 24 of the South Hayward BART/Mission Boulevard Form Based Code to amend Figures 1-2 and 1-3 and remove the New Thoroughfare roadway designation from the subject parcels; approve the two warrants and one exception from the South Hayward BART/Mission Boulevard Form Based Code; approve the Site Plan Review and Grading Permit; and approve Vesting Tentative Tract Map 8394 Application No. 201700782 for the subdivision of land and allow the construction of a 200 condominium senior residential development with three detached, single-family dwellings on a 5.58-acre site located at 29312 Mission Boulevard and 794 Overhill Drive; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on December 12, 2017; and

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. On September 13, 2011, the Hayward City Council certified the South Hayward BART/Mission Boulevard Form-Based Code Supplemental EIR (SEIR). The project's environmental impact analysis is tiered from the 2006 South Hayward BART/Mission Boulevard Concept Design Plan Program EIR and the 2009 Route 238 Bypass Land Use Study Program EIR.
2. In accordance with CEQA Guidelines Section 15183.3, if the infill project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects are subject to CEQA. With respect to the effects that are subject to CEQA, the lead agency is to prepare an infill EIR if the written checklist shows that the effects of the infill project would be potentially significant.
3. This project's environmental assessment was completed using an Infill Checklist and concludes that the Mission Seniors project would *not* have any significant effects on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code Section 21094.5, the California Environmental Quality Act (CEQA) does not apply to such effects.
4. The proposed Infill Checklist identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that the applicable mitigation measures identified in the South Hayward BART/Mission

Boulevard Form-Based Code SEIR will be adopted and implemented. There is no substantial evidence that the project will have a significant effect on the environment.

5. The Infill Checklist has been prepared in accordance with Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations Section 15000 et seq.
6. That the proposed Infill Checklist was independently reviewed, considered and analyzed by the City Council and reflects the independent judgement of the City Council; that the City Council adopts its findings and conclusions as its source of environmental information; and that it is legally adequate and was completed in compliance with CEQA.
7. That the project complies with CEQA, and that the proposed Infill Checklist was presented to the City Council, which reviewed and considered the information contained therein prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94541.

ZONING TEXT MAP AMENDMENT

8. The City Council may amend the regulations herein, the Zoning District Maps that are on file in the Planning Division, or classifications of properties themselves when the public necessity, convenience, and general welfare will benefit from doing so.
 - a. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;

The zoning text amendment amends two maps of the South Hayward BART/Mission Boulevard Form Based Code: Figure 1-2 (Thoroughfare Plan) and Figure 1-3 (Existing and New Thoroughfare Plan) to remove the *New Thoroughfare* roadway designation from the project site and in exchange would provide a new publicly accessible, multi-modal facility that accommodates bicycle and pedestrian connections to adjacent parcels that will eventually lead to the South Hayward BART Station. The amendment promotes public health, safety, convenience and general welfare by allowing the construction of a multi-user trail through the project site that would facilitate increased bicycle and walking opportunities for residents and help reduce single-occupancy vehicle trips that typically results from the construction of a new roadway.

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

The zoning text amendment to remove the *New Thoroughfare* roadway designation from the South Hayward BART/Mission Boulevard Form Based Code is consistent with several of the City's Strategy Initiatives, including Complete Streets and Complete Communities by creating an additional opportunity for residents to be active thru walking or bicycling. The amendment is consistent with the following goals and policies of the Hayward 2040 General Plan:

H-3.6 Flexible Standards and Regulations: The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.

H-4.1 Flexible Development Standards: The City shall review and adjust as appropriate residential develop standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.

LU-3.6 Residential Design Strategies: The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods.

M-3.4 Routine Practice. The City shall continue to work towards making complete streets practices a route part of everyday transportation decision-making.

M-1.6 Bicycling, Walking and Transit Amenities: The City shall encourage the development of facilities and services that enable bicycling, walking and transit use to become more widely used modes of transportation and recreation.

M-3.9 Private Complete Streets. The City shall encourage large private developments to provide internal complete streets that connect to the existing public roadway and provide a seamless transition to existing and planned transportation facilities.

M-4.4 System Management. The City shall encourage alternatives to road constriction and expansion as necessary for improving traffic flows.

M-5.2 Pedestrian System. The City shall strive to create and maintain a continuous system of connected sidewalks, pedestrian paths, creekside walks and utility greenways throughout the City that facilitates convenient and safe pedestrian travel, connects neighborhood centers and is free of major impediments and obstacles.

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

The project site has direct roadway access to Mission Boulevard, which has been reviewed and determined to be adequate to serve the traffic generated by the project. The zoning text amendment removes the *New Thoroughfare* designation from the subject parcels but provides a new multi-modal facility that accommodates bicyclists and pedestrians. The new facility will create additional bicycling and walking opportunities for residents who live along the Mission Boulevard and will eventually connect to crosswalks that lead to commercial shopping areas and the South Hayward BART Station. The project will also replace the existing bus stop on Mission Boulevard and provide two new bus shelters on Mission Boulevard to serve the residents using AC Transit, which will further accommodate transit use.

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

The zoning text amendment allows the development of an integrated, residential community to be built in proximity to shopping and transit centers. The amendment eliminates the requirement for a new public roadway to be built within the project site but would allow the project applicant to create an additional bicycle and pedestrian facility that would be available for public use and serve the residents of Hayward. The elimination of the *New Thoroughfare* roadway designation provides more development area to accommodate residential or commercial uses. As currently shown in the Form Based Code, the *New Thoroughfare* roadway would limit the development and redevelopment potential for several project sites adjacent to the new roadway that are currently impacted by the presence of an earthquake fault and contain hillside slopes in excess of 20%. Furthermore, the new roadway would require additional right-of-way dedication and maintenance responsibilities that could financially impact the City as well as increase the number of single-occupancy vehicle trips that would use the road. The amendment results in the creation of a new multi-user facility that supports the City's Complete Streets Initiative and create an additional multi-user facility that support alternate transportation modes and provides residents with a safe bicycle and pedestrian facility.

WARRANT(S): SOUTH HAYWARD BART/MISSION FORM BASED CODE

9. A Warrant is a deviation that would permit a practice that is not consistent with a specific provision of this Code, but is justified by its ability to fulfill this plan's intent while not compromising its goals, policies and actions.

a. The Warrant is consistent with the General Plan and overall objectives of this Code.

The parcels that currently make up the project site were created in the early 1900's and do not conform to the maximum lot size requirements established with the adoption of the Form Based Code. Additionally, the project site is substantially larger than most of the other parcels in South Hayward BART/Mission Boulevard Form Based Code area but are not encumbered by the same site constraints, such as steep hillside topography and earthquake fault zones. The project is consistent with several goals and policies of the Sustainable Mixed-Use land use designation of the Hayward 2040 General Plan and is consistent with the overall objectives and development standards of the South Hayward BART/Mission Boulevard Form Based Code. The project proposes to create 200 condominium units in proximity to BART Station and nearby commercial centers. The project was architectural designed to minimize overall size and scale by proposing three separate residential buildings that meet the development criteria of the Form Based Code related to block sizes, building massing, setbacks, parking and open space areas.

b. The Warrant is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development.

Due to the varied topography on the project site and the additional 50' setback requirement from the fault zone, the warrant is justified due the existing

environmental conditions and is in the best interest of project to creates a connected, walkable and safe residential community for seniors, which is ADA accessible and provides the services and amenities that promotes healthy communities. Subdividing the existing parcels to meet the lot size requirements of the Form Based Code, coupled with the topographic and site conditions, would substantially limit the redevelopment of the site and create a series of smaller buildings which would impact the objective to provide a coordinated, connected and comprehensive development for senior citizens with significant project amenities. Additionally, subdividing the parcel would create service and operational issues for the project, result in several undeveloped or unusable parcels, and substantially escalate construction and project costs, which would impact the viability of the redevelopment.

The project site was selected due to its size to provide the number of services and amenities for the senior resident population and due to the location near the South Hayward BART Station and AC Transit stops.

- c. The Warrant would result in development that is not detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

The warrants would not impact public health, safety, or welfare and in fact, would allow the project to create a healthier, safer and more comprehensive community for seniors, which would improve general welfare and quality of life. The project would meet many of the development standards of the South Hayward BART/Mission Boulevard Form Based Code but would also expand the City's housing supply to meet the increasing demand for aging-in-place senior residential housing. The numerous site and frontage improvements proposed as part of this project will enhance the public health, safety and welfare for the residents in area and will further expand the redevelopment potential for adjacent under-utilized sites.

- d. The Warrant would not affect substantial compliance with this Code or grant a special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district.

The project would be constructed to meet many of the development standards of the South Hayward BART/Mission Boulevard Form Based Code, including block size, parking, open space requirements, building height and setbacks. The warrants to the subdivision standards would not grant a special privilege to the project as several other projects in the vicinity have been approved with similar vesting tentative maps to create condominium units.

EXCEPTION: SOUTH HAYWARD BART/MISSION FORM BASED CODE

- 10. An Exception is a deviation that would permit a practice that is not consistent with a specific provision of this Code that is critical to the furtherance of its goals, policies and actions.

- a. That there are unique physical conditions, including irregularity, narrowness or shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the lot; and that, as a result of such unique physical conditions, practical difficulties or unusual hardship arise in complying strictly with the standards of this Code.

Due to the unique geometry of the site, coupled with the practical difficulties and safety issues associated with having only one primary building with the principal entrance on Mission Boulevard, the project proposes three buildings that step with the topography and each building incorporates their primary building entrance from the internal driveway proposed for the site. The central location of the primary entrance would be adjacent to the resident loading and drop-off area by Building B and provide the necessary access to ADA parking stalls and compliant curb ramps. Additionally, the lot is steep and is both narrow and deep, which creates operational and practical challenges which are unique to this senior housing development. By designing the primary entrance off the common private driveway, the project can provide a more centralized location for the senior residents to access project amenities and ADA parking areas, which are not easily accessible from Mission Boulevard.

- b. That the practical difficulties or unnecessary hardship claimed as a ground for an Exception have not been created by the owner or by a predecessor in title. However, where all other required findings are made, the purchase of a Lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.

The project site has development challenges of being narrow, steep, and containing an earthquake fault. Locating the principal building entrance along the primary building frontage creates a hardship in that the any residential development or mixed-use development along Mission Boulevard must provide safe access to off-street parking, ADA accessible spaces and ADA routes of travel. Having the primary building entrance on Mission Boulevard for this kind of age-specific, senior residential project would create a hardship for the project applicant and possibly impact the mobility and public safety for the senior residents of this project who may not be able to easily access the primary front entrance due to the location of ADA spaces and the elimination of a passenger drop-off/pick-up zone, which is an important factor for an aging senior demographic. Additionally, having one principal building on one primary frontage lot would require the subdivision the site into three smaller lots, providing legal access to each of those lots and lowering the overall land use density, which renders the senior housing development on this site unfeasible.

- c. That within the intent and purposes of this Code the Exception, if granted, is the minimum deviation necessary to afford relief; and to this end, the Commission may permit a lesser variance than that applied for.

With minimal deviation, the project meets the intent and development standards of the South Hayward BART/Mission Boulevard Form Based Code and granting an Exception for the lot size standard would not impact the overall integrity of the Code in that the project would still provide three separate buildings which would be separated by an

access easement. Regardless of the lot size, the architecture and site design results in the visual creation of three separate blocks, with each block containing a primary structure have a primary entrance, which is consistent with the intent of the Form Based Code. Additionally, the access easement that separates the three buildings would remain and used by vehicles, pedestrians or bicyclists for site circulation and connectivity to adjacent sites.

- d. That the Exception, if granted, will not alter the essential character of the neighborhood or Zone in which the Lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.

The Exception will not alter the character of the existing neighborhood in that the area surrounding the project site contains a mix of single and multi-family residential uses, commercial uses and office uses. The proposed site design and urban architecture is similar to other residential and mixed-use projects recently approved in the City of Hayward, including Lincoln Landing, Maple & Main, and Mission Village. The project is designed as a transit-oriented development with easy access to nearby transit stations, including AC Transit and the South Hayward BART Station. As adjacent properties develop and redevelop, it is anticipated that similar development and land use patterns continue.

SITE PLAN REVIEW WITH GRADING PERMIT

11. Site plan review is aimed at fostering development and the establishment of uses which consider on-site and surrounding structures and uses, which contributes to an attractive City, physical and environmental constraints and traffic circulation, so that new development is accomplished in an orderly manner, complies with the intent of City development policies and regulations, and is operated in a manner determined to be acceptable and compatible with surrounding development.

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

The project replaces several under-utilized and vacant buildings with a new multi-family, senior housing development with three new single-family dwellings. Much of the overall project site remains undeveloped and is within an area along Mission Boulevard planned for redevelopment and land use intensification. The residential development is located near several transit stations and provides an attractive, market-rate housing opportunity for seniors to live in a community setting that offers numerous project amenities, including an outdoor pool, pickle ball court, dining area, and vegetable gardens.

Each of the 57-foot tall, 4-story residential structures are well-articulated and designed to step with the topography. Each of the three buildings are configured slightly different to alleviate large expanses of building mass and provide a central location for the amenity space for the residents to easily access and enjoy.

The proposed density (41 dwelling units per acre) is compatible with the zoning and the multi-family land uses of other projects in the vicinity. While the project represents some of the higher densities of housing in the area, the proposed location is two blocks from the South Hayward BART Station and bus stops, which is ideally suited for a senior housing development. Additionally, the new residential use would support the existing commercial businesses along the Mission Boulevard corridor.

The three detached, single-family dwellings proposed for Overhill Court would each be located on separate 10,000 square foot parcels. The proposed pedestrian connection would link the proposed houses on Overhill Court with the project site, leading to Mission Boulevard.

- b. The development takes into consideration physical and environmental constraints.

The development takes into consideration physical and environmental constraints of the existing site and is consistent with the Hillside Design and Urban/Wildlife Interface Guidelines by architecturally designing three separate buildings to step with the slope of the site. The four-story project will require the issuance of a Grading Permit for substantial grading on slopes greater than 20% and will be required to be setback from the existing earthquake fault on-site but the development will provide an upgraded building foundation, incorporate ground stabilization techniques, and improve overall site infrastructure that will mitigate development impacts on the project site and adjacent hillside lots. Aside from the reinforcing and stabilizing the existing hillside, the project will also include significant frontage improvements along Mission Boulevard, including new sidewalks, a landscaped median, and new bus shelter.

The single-family homes on Overhill are similar in size but have been placed on the lot to minimize site grading. A series of stacked retaining walls, with landscaping, would be required around a majority of the project site to absorb the severe and inconsistent topographic grade changes that exist between of the multi-family senior development and the single-family lots.

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

The project site contains two different zoning designations and two different General Plan land use designations. The larger 4.8-acre site is zoned S-T4, Urban General Zone district in the South Hayward BART Station Form Based Code (FBC) and contains a Sustainable Mixed-Use designation in the *Hayward 2040 General Plan*. The smaller .78-acre lot on Overhill Drive is zoned RSB10, Single-Family Residential with 10,000 square foot minimum lot size, and is designated LMDR, Limited Medium Density Residential in the *Hayward 2040 General Plan*.

The Sustainable Mixed-Use land use designation generally applies to areas near regional transit that are planned as walkable urban neighborhoods. Typical building types will vary based on the zoning of the property, but include single-family homes, duplexes, triplexes, fourplexes, second units, townhomes, live-work units, multi-story apartment and condominium buildings, and commercial buildings that contain

commercial uses on the ground floor and residential units or office space on upper floors. Sustainable Mixed-Use areas are expected to change in the future as properties are developed or redeveloped at relatively high densities and intensities to create walkable and mixed-use neighborhoods and multi-modal corridors. Typical densities in the Sustainable Mixed-Use land use designation range from 4.3 dwellings per acre to 100 dwellings per acre. As shown, the project's density of 41.6 dwellings per acre is consistent with the maximum allowed densities of the Municipal Code and the *Hayward 2040 General Plan*.

The RSB10 zoning district allows for single-family residential dwelling units on lots with a minimum of 10,000 square feet in area. Per Hayward Municipal Code (HMC) Section 10-1.205, the RS District is intended for single-family homes and the community service uses appurtenant thereto as permitted in the Zoning Ordinance. The Limited Medium Density Residential (LMDR) land use designation of the General Plan generally applies to suburban areas that contain a mix of housing types. Typical building types include single-family homes, second units, duplexes, triplexes, fourplexes, townhomes, apartment and condominium buildings. As proposed, each of the single-family homes meet the development standards of the RS zoning district and are consistent with the LMDR land use designation of the *Hayward 2040 General Plan*.

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

Standard and project specific conditions of approval ensures that the proposed development would operate in a manner acceptable and compatible with surrounding development. Given many of the recently approved development projects along Mission Boulevard, the multi-family and single-family residential uses for this project are compatible with other residential and mixed-use developments in this part of the city. The existing older commercial uses on properties to the north and south are anticipated to redevelop with new residential, commercial or mixed-uses as part the development trend for the Mission Corridor. The proposed residential uses will further diversify the housing stock in Hayward and will support the existing and any future commercial uses along Mission Boulevard and adjacent areas.

VESTING TENTATIVE MAP

12. A tentative map is required for every subdivision except for those subdivisions described in section 66426, of the Subdivision Map Act, regardless of the number of parcels created.
- a. That the proposed map is consistent with applicable general and specific plans as specified in Section 64541 of the Subdivision Map Act.

The project is located within the Mission-Garin Neighborhood Plan, which anticipates increased residential uses in proximity to transit stations. The project is two blocks from the South Hayward BART Station and is within the South Hayward BART/Mission Boulevard Form Based Code area; however, no Specific Plan applies to the project site. The Vesting Tentative Tract Map 8394 conforms to the State Subdivision Map Act, the City's Subdivision Regulations, and the *Hayward 2040 General Plan*.

- b. That the design or improvement of the proposed subdivision is consistent with applicable general plan and specific plans.

The subdivision, as demonstrated by the findings associated with the Zoning Text Amendment and Site Plan Review, is consistent with the *Hayward 2040 General Plan*. The project is consistent with the FAR and density prescribed by the Sustainable Mixed-Use land use designation. Although there is no specific plan for the project site, the project site is within the Mission-Garin Neighborhood Plan area, which has been superseded by the South Hayward BART/Mission Boulevard Form-Based code. Approval of the warrants and exception would allow the project to be constructed to provide condominium units and single-family lots, consistent with other development recently approved in the immediate vicinity.

- c. That the site is physically suitable for the type of development.

The Geotechnical Investigation prepared by Cornerstone Earth Group in January 2017 identified the presence of an existing fault rupture on the project site but determined that with the appropriate setback and incorporation of specific geotechnical recommendations contained within the report, the project is feasible and could be constructed. The project area varies in topography but as proposed, the project provides sufficient driveway widths and ingress/egress points, pedestrian facilities and infrastructure locations (water and sewer lines, storm drains and stormwater treatment areas) to support the proposed building locations and number of units.

- d. That the site is physically suitable for the proposed density of development.

The Geotechnical Investigation prepared by Cornerstone Earth Group in January 2017 indicated that the proposed project is feasible and the proposed subdivision would occur on a site suitable for the proposed development. There are some portions of the project site that will require the dedication of a 50' "building exclusion zone" due to the presence of a fault line but the proposed density is not a factor that makes the site suitable or less suitable for development.

Additionally, the traffic analysis performed by the City's Public Works - Transportation Division found that the project would not result in significant impacts to traffic beyond those previously anticipated with the adoption of the City's Form Based Code EIR. As proposed, the multi-family project would not generate sufficient amounts of additional traffic that would cause nearby intersections to operate at an unacceptable level of service, nor would it create any issues with safe ingress and egress from the site.

- e. That the design of this project and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The Vesting Tentative Map Tract 8394, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project incorporates Best Management Practices for water quality and stormwater runoff and includes standard

conditions of approval to ensure the project will be constructed and operate in a safe manner as to not cause environmental damage or substantially or avoidably injure wildlife or habitats on the site as a result from the project.

- f. That the design of the subdivision or type of improvements are not likely to cause serious public health problems.

The project has been designed with numerous project amenities to enhance and improve public health for the senior residents of this project. Additionally, adequate capacity exists to provide the necessary utilities to the project site, including water, sewer and electric service to the site and measures to incorporate bio-treatment of stormwater runoff have been included in the project plans and are required as standard conditions of approval. The project will be designed to meet all California Building and Safety Codes and as such, the Project is not likely to cause serious public health problems.

- g. That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The building improvement plans will incorporate all necessary easements and related site improvements to accommodate the project development. The internal driveway for the project, along with the additional roadway improvements on Overhill Court, would contain the necessary easements related to Public Utility Easements (PUE), Public Assess Easements (PAE), Water Line Easements (WLE), Sanitary Sewer Easements (SSE), and Emergency Vehicle Access Easements (EVAE). Upon completion of the improvements, the streets and utilities would be adequate to serve the project. New public easements are to be offered for dedication as necessary.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby approves the Zoning Text Amendment (separately by Ordinance), and approves the Site Plan Review with Grading Permit, the two warrants and one exception listed above under the South Hayward BART/Mission Boulevard Form-Based Code (Article 24 of the Zoning Code), and Vesting Tentative Map 8394 Application No. 201700782 for the property located at 29312 Mission Boulevard and 794 Overhill Court for the subdivision and construction of a 200 condominium unit senior residential development and three detached single-family homes on a 5.58-acre site, subject to the adoption of the companion Zoning Text Map Amendment Ordinance (Ordinance No. 17-____) and subject to the attached conditions of approval (Exhibit "A").

IN COUNCIL, HAYWARD, CALIFORNIA December 12, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

“EXHIBIT A”

CONDITIONS OF APPROVAL
 ZONING MAP AMENDMENT, SITE PLAN REVIEW AND GRADING PERMIT, VESTING
 TENTATIVE TRACT MAP NO. 8394, APPLICATION NO. 201700782
 MISSION SENIORS, 29312 MISSION BOULEVARD, 794 OVERHIL COURT
 APN# 078c-455-001-08, 078c-455-001-05, 078c-455-002, 083-0275-002-07

GENERAL

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. Zoning Map Amendment, Site Plan Review with Grading Permit, and Vesting Tentative Tract Map Application No. 201700782 is approved subject to the Architectural, Civil and Landscape Plans and Vesting Tentative Tract Map plans date stamped September 13, 2017, respectively, except as modified by the conditions listed below. This project is approved with a density bonus as a senior citizen housing development. A “Senior Citizen Housing Development” is defined as a development of at least thirty-five (35) dwelling units reserved for Senior Citizen Households and as further described in Sections 51.3 and 51.12 of the Civil Code. Per Section 51.3, a Senior Citizen Housing Development includes those persons 55 years or older.
3. In accordance with Hayward Municipal Code (HMC) Section 10-1.3055, approval of this Site Plan Review is void 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, 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.
4. Any proposal for alterations to the conditionally approved site plan and/or design 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. The permittee, property owner or designated representative shall allow City code enforcement staff access to the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
6. All permit charges accrued in the processing of Rezoning, Site Plan Review and Tentative Tract Map Application No. 201700478 shall be paid in full prior to consideration of a request for approval extensions and/or submittal of building permits for the development.
7. Condominium plan shall be submitted for the City's review and approval along with or before the request for the City's Final Map approval.
8. Off-street private parking shall only be allowed within the proposed parking bay location(s). Where no parking is designated, the curbs shall be painted red and "No Parking" signs shall be installed along the sides of the access driveway. The locations of signs and red curbs shall be approved by the Fire Chief and City Engineer. Fire lanes shall be kept free of cars, materials, or other obstructions.
9. Parking stalls shall be designed using the City's Off-street Parking Regulations.
10. A site lighting plan shall be provided and shall include the location and details of all proposed light standards and shall be approved by the City Engineer, Planning Director and Hayward Police Department. Lighting within the parking area shall be provided and be maintained at a minimum of one foot-candle. Lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast a direct light or glare upon adjacent properties or rights-of-way. A photometric lighting plan shall be submitted and approved by the Planning Director. Lighting Plan shall comply with the City's Security Ordinance.
11. All trash enclosures must adhere to all the basic design guidelines provided in Section 3 of the City's Standard Design Requirements for Collection & Storage of Trash, Recyclables and Organics for Commercial (Business) and Multi-Family Projects. The building permit submittal shall include a detailed set of plans that show the design details of the enclosures, including the location of all bins and label each bin with the capacity (ex: three cubic yards, four cubic yards, etc.) as well as the type of waste (trash, recyclables, organics).

Removal of Existing Structures/Materials

12. The property owner shall demolish the existing commercial buildings, the house, parking lot and any accessory structure on the site within 60 days of this entitlement.
13. The property owner shall be responsible for securing and clearing the existing commercial structures(s), including the parking garage, of all people and animals prior to demolition and commencement of construction activities.
14. Prior to, during and following demolition of the existing commercial structure(s) on the site, the property owner shall be responsible for securing and maintaining the site

in accordance with HMC Chapter 4, Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.

15. The applicant shall obtain all necessary permits and approvals from all affected agencies or private parties. Please provide a copy of these permits or approval to the City with your building permit application submittal.
16. Submit a Phase 1 Environmental Assessment and any other records regarding site contamination, investigation, remediation, or clearances from other regulatory agencies. Submit final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
17. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but shall not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
18. If hazardous materials storage and/or use are to be a part of the facility's permanent operations then a Chemical Inventory Packet shall be prepared and submittal with building plans to the City of Hayward Fire Department at the time of application for construction permits.
19. Prior to grading, all 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.
20. Discovery of Potentially Hazardous Materials or Vessels/Containers shall be reported to the Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.
21. Prior to grading, the houses, 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.
22. All 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 when required.

Fire Department General

23. A total of six exterior wall hose valve outlets are to be installed. The hose valve outlets will be connected to the building's manual-wet standpipe system. Permanent pathways, at least 5 feet wide, shall be maintained at the south and east sides of the property to ensure fire department access.
24. Building B and Building C each have an open courtyard. Two open access stairs shall be provided to access from the fire apparatus access road to each courtyard without traveling through corridors or interior building spaces.
25. Each building is provided with two roof access stairs. The fire alarm system for the building shall be an emergency voice/alarm communication system (EVACS).
26. Smoke detectors shall be provided at the hold-open doors to provide automatic release of these doors. The doors will also be released upon any fire alarm signal in the building to maintain the integrity of the fire wall construction.
27. Building B includes a 2-hour rated fire wall to meet the allowable area requirement. Hose valve outlets shall be provided on each side of the fire wall openings inside the corridors to provide additional interior firefighting water supply.
28. The minimum sprinkler densities shall be increased.
 - a. Light Hazard occupancies will have an increased density of 0.15 gpm/sf.
 - b. Ordinary Hazard Group 1 occupancies will have an increased density of 0.20 gpm/sf.
 - c. Residential occupancies will have 8 sprinklers flowing 0.10 gpm/sf, or 4 sprinklers flowing at 0.15 gpm/sf.
 - d. Residential corridors will have 7 sprinklers flowing.
29. Manual controls of the corridor ventilation systems of all three buildings shall be provided in the fire alarm control panel (FACP) room located in the entrance lobby of Building B.

Fire Access

30. 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.
31. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane, 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
32. Dead-end fire apparatus access road in excess of 150 feet in length shall be provided with a turnaround meeting the Hayward City Standard and the 2010 California Fire Code Section D103.

33. The outside radius of fire apparatus access roads shall be of minimum 45 feet and inside radius to be 17 feet.

Fire Water Supply

34. The minimum required fire flow for this site is 3,500 GPM at 20 PSI. The water flow test data should be less than 5 years old.
35. Hydraulic calculation shall be provided to demonstrate the proposed underground fire service line can deliver 3,500 GPM flowing simultaneously from 4 hydrants, and the most remote hydrant will be capable flow 1,500 GPM at 20 PSI
36. The number and distribution of fire hydrants shall be provided in accordance the AMP approval conditions.
37. Underground fire service line shall be installed in accordance with NFPA 24.
38. New fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" 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.
39. Identify the location of fire department connection on the site plan. It shall be located on the street/fire apparatus access side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access. Fire department connection shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus.
40. Building floor layout shall be consistent with the AMP approval conditions.

Fire Protection

41. The fire sprinkler system shall be installed in accordance with NFPA 13.
42. The Hayward Public Works Department recommends applying a maximum static pressure of 80 PSI with residual pressure adjustment in fire sprinkler system design.
43. Fire alarm systems with voice/alarm communication shall be installed in accordance with California Fire Code and NFPA 72.
44. Standpipe systems shall be installed in accordance with NFPA 14.
45. Building Address – Minimum building address shall be 12" high with 1.5" stroke. When building is located greater than 50 feet from street frontage, address shall be minimum 16" high with 1.5" stroke. Tenant space number shall be 6" high with 0.75" stroke on a contrasting background to be visible from the street.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

46. Applicant shall install and maintain a public multi-use bike and pedestrian trail. The applicant shall dedicate and maintain the Public Access Easement at a minimum be 8 feet wide that will have a 2-foot buffer on both sides to meet FHWA standards. The

- trail shall remain unlocked and accessible for public use from dawn to dusk on all days of the week. The exact location and final design of the trail shall be reviewed and approved by City of Hayward Public Works-Transportation prior to issuance of Certificate of Occupancy for the development.
47. 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.
 48. The minimum dimension for all planting areas shall be five feet as measured from back of curb/paving/structure to back of curb/paving/structure. If any portion of a parking stall will overhang into a landscaped area, then the landscaped area shall be increased in width proportionally to ensure that there is a five-foot clear area for landscaping and plantings. Final dimensions for landscaped areas shall be included on all construction plans and reviewed and approved by the Planning Division prior to the issuance of building permits.
 49. All residential balconies shall meet the minimum 60 square foot area with a minimum dimension of six feet.
 50. Prior to placement, the applicant shall obtain a Sign Permit for the entry monument sign and decorative fountain proposed near the main driveway entrance along Mission Boulevard. The sign is subject to review and approval by the City's Planning Division.
 51. A grading permit shall be secured before starting any grading operation. Grading shall be per plans prepared by a State licensed engineer and approved by the City Engineer and the project geotechnical engineer. Grading plans shall be submitted together with the related geotechnical and engineering reports and plans for required retaining structures and soil erosion/sediment control.
 52. Prior to the issuance of a grading permit and/or the beginning of any on-site construction activity, the Developer's Engineer shall submit a completed Development Building Application Form Information comprising of: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
 53. The applicant shall work directly with the City of Hayward's Public Works Department and Landscape Architect to design and install landscaped sidewalk bulb-outs on Mission Boulevard directly in front of the property, generally one-hundred feet apart for effective traffic calming.
 54. A Registered Civil Engineer shall prepare all civil engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape unless otherwise indicated herein.
 55. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.

56. Grading, landscaping, utilities and on/off-site improvement plans and their related engineering studies and design documents shall be submitted to the City Engineer for review and approval prior to requesting any map approval or building permit. Subject plans shall, in addition to the standard improvements, incorporate the following design requirements:
 - a. New City standard LED streetlights shall be installed on Overhill Drive along the property frontages to meet City's street lighting standards.
 - b. The project access from/to Mission Boulevard and for APN 78C-455-001-07 shall be via a City Standard Driveway.
 - c. Extend Overhill Drive across the project frontage. It shall be designed and constructed with City Standard curb, gutter and a 28-foot paved roadway (Traffic Index 5) to the satisfaction of the City Engineer.
 - d. Mission Boulevard shall be treated by grinding existing surface and resurfacing with a 2" hot-mix Asphalt Concrete (AC) along the entire project frontage. Additionally, Mission Boulevard improvements are subject to a 5-year moratorium until May 2018.
 - e. Any damaged and/or broken sidewalk along the property frontages, as determined by the City Inspector, shall be removed and replaced.
57. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City.
58. A copy of the Notice of Intent (NOI) receipt from the State Water Resource Control Board shall be provided to the City.
59. Prior to the issuance of building permits, the applicant/developer shall meet with the Crime Prevention Division of the Hayward Police Department to coordinate development and construction of the project in conformance with goals and polices of CEPTED (Crime Prevention Through Environmental Design).
60. Prior to the issuance of any permit on the subject property in conjunction with this approval, the applicant/developer shall meet with the City Building Official or his designee to discuss the pending project construction and development. Items of discussion shall be but are not limited to, the Conditions or Approval, environmental mitigation measures, demolition, construction timing, construction staging, noise ordinance compliance, construction hours, haul routes, required permits from other departments, persons and agencies to be contacted and any other discussion topic pertinent to the construction of the project.
61. A Construction Noise Management Plan shall be prepared and implemented. Such plan must be approved by the City Engineer prior to issuance of grading permits and shall contain, at minimum, a listing of hours of construction operations (which shall be in accordance with the City's construction hours), use of mufflers on construction equipment, limitation of on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor specifications.

62. Prior to the start of any construction or grading activity, including hauling of material from the project site, a mitigation plan approved by the Bay Area Air Quality Management District (BAAQMD) shall be implemented throughout the duration of construction or grading activity. The dust mitigation plan must specify dust mitigation practices which are sufficient to ensure that no equipment or operation emits dust that is visible and crossing the property line.
63. Any land disturbing activity shall comply with plans approved by the City Engineer. The erosion and sediment control plans must be prepared by a licensed engineer, comply with the local and regional regulations and must include one or more provisions addressing each of the following topics:
 - a. Track-out prevention and control measures.
 - b. Control for traffic traveling on project site unpaved driveways, parking lots, and staging areas.
 - c. Control for earth moving activities.
 - d. Post construction stabilization of disturbed areas.
 - e. Frequency of reporting.
64. The building and site improvement plans shall include a note that indicates that the parking stalls will have signage with restricted hours to ensure cars are not parking in the stalls when waste contains must be staged for collection.
65. The applicant shall submit a Construction and Demolition Debris Recycling Statement prior to building permit issuance. The top portion of the form shall be submitted for the building permit and the lower half shall be completed and submitted prior to final building inspection.
66. Any requirements or recommendation from the water system and wastewater collection system impact study shall be incorporated as a condition of approval for this project. The developer shall be responsible for their share of the cost of any necessary improvements identified in the City's water system and wastewater collection system because of the development. The developer's share shall be based on the results of the impact study and determined by the Director of Utilities & Environmental Services.

Storm Drain System

67. The storm drain facilities shall be designed to comply with the Alameda Countywide Clean Water Program including the established provision C.3. Any natural or mechanical storm drain filtration systems shall be designed as part of the private storm drain systems.
68. A *Notice of Intent* (NOI) and *Storm Water Pollution Prevention Plan* (SWPPP) shall be prepared and submitted to the State for review and approval. These SWPPP documents shall also be submitted along with the improvement plans to the City for review and approval 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.

69. 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. Grassy swale shall be installed to intercept the surface runoff and an engineered soil fill with a minimum infiltration rate of 5 inches per hour shall be used.
70. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved by the City Engineer.
71. The on-site storm drain and storm water treatment systems shall be owned-and-maintained by the owner/developer.
72. An erosion and sedimentation control plan to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook shall be approved by the City Engineer.
73. 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.
74. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using the City approved specifications.

Storm Water Quality Requirements

75. The following materials related to the Storm water quality treatment facility requirements shall be submitted with improvement plans or the grading permit application:
 - a. The owner/developer shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" (as prepared by the City and is available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility is bound to the property in perpetuity.
 - b. The 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) NPDES permit (page 30). In addition, the California Stormwater Quality Association's Stormwater best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5-12 has a section titled "BMP Design Criteria for Flow and

Volume". These materials are available on the internet at www.cabmphandbooks.com

76. The following documents shall be completed and submitted with the improvement and/or grading plans:
 - a. Hydromodification Management Worksheet;
 - b. Development and Building Application Information Impervious Surface Form;
 - c. Updated Stormwater Requirements Checklist;
 - d. Numeric Sizing Criteria used for stormwater treatment (Calculations).
77. 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.

Water

78. The development's proposed water main and valves shall be public, owned and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
79. All public water mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval.
80. All water mains shall be looped. Dead end water mains will not be allowed. Water mains shall be connected to other water mains, through easements if necessary.
81. Where a public water main is in an unpaved easement or under decorative, stamped, or colored concrete (including turf-blocks), the water main shall be constructed of ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement
82. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense. The developer may only construct new services in conjunction with their construction of new water mains.
83. If existing water services on the property cannot be reused for the proposed development, they shall be abandoned by City Water Distribution Personnel at the applicant's or developer's expense.
84. The applicant shall pay the applicable water facilities fee for the project, which is based on the water meter size required to meet the indoor demand for each individual dwelling unit, regardless of the arrangement of water meters or meter sizes installed for the development. The current residential water facilities fees the project is \$1,384,426.
85. The water facilities fee for non-residential connections are based on the water meter size required to meet the indoor demand for the operation. Building B will require a

- separate commercial water meter to serve the development's kitchen. Revise the proposed utility plan to show the location of the separate commercial water meter and backflow prevention device for Building B.
86. Each single-family residence (SFR) shall have an individual domestic water meter. Facilities fees for residential meters are calculated based on the domestic water demand for the home (excluding fire service demand). A larger water meter may be installed if the service is combined with a private fire service. The developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces. Residential combined domestic and fire services are allowed, per SD-216. The minimum size for a residential fire service connection is 1".
 87. One or more separate irrigation water meters and services shall be installed for development landscaping.
 88. The configuration of the proposed irrigation meter and RP backflow prevention device shall be revised to eliminate the 90-degree turn in the water service line. The water service line shall be run in a straight line, perpendicular to the from the water main to the meter location
 89. The applicant/developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation and commercial domestic water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
 90. 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.
 91. 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.

Sewer

92. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
93. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>). Manholes shall be

installed in the upstream end of the sewer main, at any change in direction or grade, and at intervals not to exceed 400 feet. The upstream end of the proposed sewer main extends past the last manhole. Eliminate the portion of the sewer main or revise the location of the manhole to be at the upstream end of the pipeline.

94. Each multi-family residential building shall have a sewer connection. Prior to building permit issuance, the project plans shall be revised to include a sewer connection for Building C.
95. Each SFR shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312.
96. The applicant/developer shall install a grease control device to control fat, oil and grease discharge generated from the development's kitchen. The utility plan indicates that a grease interceptor will be installed.
97. The developer shall be responsible for payment of sewer connection fees at the current rates at the time and application for water and sewer service is submitted.
98. Sewer connection fees for multi-family residential connections are charged on a flat fee per number of residential units (currently \$6,583 per condo unit). Sewer connection fees for single-family residential connections are charged on a flat fee per number of residential units (currently \$7,700 per SFR unit). Sewer connection fees for non-residential connections are calculated based on the volume (in gallons per day) and strength of the wastewater discharge (in measures of CBOD and SS).

Sustainability/Green Features

99. The project shall comply with the California Energy Code standards for Solar Ready Homes that are in effect at the time of building permit application submittal, which shall require coordination between the project architect and energy consultant.
100. The residential component of the project shall be GreenPoint Rated with evidence of such certification/rating to be submitted prior to issuance of the first certificate of occupancy for the development.
101. 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, as part of the final map process. Prior to or concurrent with parcel map recordation, developer shall record a reciprocal easement, ingress/egress easement and a maintenance agreement to address all common utilities, crossing utilities and all common access ways.
102. Unless indicated otherwise, the design for development shall comply with the following:
 - a. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
 - b. All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments, including Green Building standards.

- c. Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
103. Prior to building permit issuance, developer must pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee schedule adopted by the City Council, including but not limited to, utility connection fees.

Landscaping

104. A separate tree removal permit will be required for all trees that are to be removed in addition to demolition and grading permits from City Landscape Architect prior to removal of trees. Tree mitigation shall be done above and beyond the required trees.
105. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City. Copies of the approved and signed improvement plans shall be submitted as a part of the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan. The plans shall comply with the City's latest water efficient landscape ordinance (California Building Code Title 23). The plans shall comply with other relevant sections in Municipal Codes and incorporate the following comments:
- a. Sheet L-1: The mature spread for *Helictotrichon sempervirens* would be thirty inches, not thirty feet. *Helictotrichon s.* is not been a good performer in Hayward and as such, the plans shall be amended and substitute with another tree approved by the Landscape Architect.
 - b. Sheet L-3: Green screen and cascade planting (green wall) shown on Sheet L-19 as stated in the response letter, but the green wall is not keyed in the landscape plan. The locations for the green walls shall be shown on the plan.
 - c. Sheet L-12: Overhead sprinkler information from the irrigation legend shall be removed.
 - d. Sheet L-12: ETAF for this project should be 0.45 as indicated in the definition section in Bay-Friendly Water Efficient Landscape Ordinance for "non-residential landscape."
 - e. Sheet L-6: Two-tiered bio-treatment planters to the west of Building C have Dwarf Eureka Lemon trees, and the trees are shown to be planted right next to the planter wall. The width of the planter seems to be approximately 8 feet wide with the storm drain lateral line in the middle. More appropriate planting shall be provided.
 - f. Sheet L-6: Layout Legend #14 shall be identified on the plan and appropriate detail and specifications shall be provided.
 - g. Sheet L-7: The third detached single family residential unit to the north has three trees next to the property fence may be in conflict with the fence, and recommended for offsetting from the fence post.
 - h. The signing block for City Engineer shall be removed. Only signing block for landscape architect shall be required.
 - i. Details on the pedestrian gate(s) for the site shall be provided.

106. The developer shall install the landscaping and construct the retaining walls along the eastern, southern and northern property lines in conformance with the architectural and civil plans dated September 13, 2017, respectively.

Building Plans/Permit

107. Plans for building permit applications shall incorporate/comply with the following:
- a. Compliance with applicable Building and Fire Codes.
 - b. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - c. A copy of the approved lighting plan with the final design and location of lighting fixtures which shall reflect the architectural style of the building and shall be reviewed and approved by the Planning Division prior to approval of building permits.
 - d. Final colors and materials selection shall be presented to the Development Services Director or designee for review and approval.
 - e. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for meter-reading by utility staff must be provided to all meters.
 - f. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
 - g. Please clarify the approach of breaking building C into separate structures. The site plan shows 3 buildings, but there are more than 4 allowable area calculations. Please provide a simplified diagram that highlights each building identified in the allowable area analysis.
 - h. For allowable area calculations, please clarify all assumptions used. For example, separated and nonseparated occupancies, type of automatic sprinkler system being proposed, horizontal building separation, justification of how frontage increase was determined, etc. Additional comments will be provided once all assumptions have been clarified and shown on plans.
 - i. In several areas of the structures, it appears that there are window openings that are less than 10 feet from the property lines. Exterior walls shall have a fire-resistance rating based on fire separation distance (FSD) per CBC Table 602 and maximum area of exterior wall openings based on fire separation distance and degree of opening protection in compliance with CBC Table 705.8. Please provide verification that the proposed window openings will not conflict with fire separation distance requirements.
108. The following document shall be submitted to the Planning Division for review and approval prior to the issuance of building permits:
- a. Copy of the Notice of Intent filed with State Water Resources Control Board;
 - b. Engineer's estimate of costs, including landscape improvements;
 - c. Easement document;
 - d. Signed Public Improvement Agreement; and
 - e. Public Improvement bonds. (DS/PW-ET)

109. To avoid or reduce the potential impact related to the site specific geotechnical hazards related to seismic hazards, the project developer shall implement the following measures:
- a. The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
 - b. The project geotechnical consultant shall review the final improvement and building plans to ensure that site grading, foundation designs, sub-drainage, etc. are in accordance with the project consultant's recommendations, and provide a plan review letter to the City.
 - c. New construction shall comply with the latest California Building Code and incorporate all of the recommended measures outlined in the Design Level Geotechnical Investigation, dated January 23, 2017 conducted by Cornerstone Earth Group, including specific recommendations for the following:
 - (i) Short-Term Slope Instability
 - (ii) Expansive Soils
 - (iii) Undocumented Fills
 - (iv) Differential Movement At On-Grade to On-Structure Transitions
 - (v) Shallow Ground Water
 - d. The proposed 50-foot wide fault line setback as shown the site plan, shall be maintained as recommended in the Fault Rupture Hazard Investigation, conducted by Cornerstone Earth Group dated September 29, 2016.
110. To confirm the observations in the site specific Biological Resources Assessment conducted by Rincon Consultants, dated August 7, 2017, the applicant shall conduct a pre-demolition and pre-construction site investigation and incorporate the recommendations identified to confirm there is no special status plant and wildlife species on the project site.
111. The project shall include and maintain in good working order a central heating and ventilation (HVAC) system or other air intake system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13 or equivalent. The HVAC system shall include installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building.
- ii. Project applicants shall maintain, repair and/or replace HV system on an ongoing and as needed basis according to manufacturer specifications. For developments which are leased, sold or otherwise not maintained by the initial project developer, an operation and maintenance manual for the HVAC system shall be prepared. The manual shall include the operating instructions and the maintenance and replacement schedule. The Planning Director shall identify an appropriate filing location for the manual, which may include, but is not limited to, the project conditions, covenants and restrictions (CC&Rs), County recorder, or City development permit file.
 - iii. The HVAC system or other air intake system required above, shall be submitted to the Planning Director for review and action prior to the issuance of a demolition, grading, or building permit.

- b. Outdoor Air Quality: To the maximum extent practicable, individual and common exterior open space (e.g., playgrounds, patios, and decks) proposed as a part of developments within 500 feet of the curb line of Mission Boulevard and associated with sensitive receptors, shall either be shielded from air pollution originating at Mission Boulevard by buildings or otherwise buffered to further reduce air pollution for project occupants.
- c. Compliance with Sections 10-24.296(a) and (b) above shall not be required or may be modified when all the following occur:
 - i. A development project applicant submits to the Planning Director a Health Risk Assessment (HRA) prepared by a qualified air quality consultant in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements.
 - ii. The HRA demonstrates that indoor and outdoor air quality can be maintained within currently applicable health risk standards of the Bay Area Air Quality Management District.
- d. An HRA submitted in accordance with Section 10-24.296(c), must be approved by the Planning Director prior to issuance of a demolition, grading, or building permit.
- e. The Planning Director may require review and approval of the HRA prior to scheduling discretionary permits (e.g., Site Plan Review, Conditional Use Permit) for public hearing.
- f. The Development Services Department may require, at the applicant's sole expense, an independent review of the HRA by a qualified consultant.
- g. An HRA submitted in accordance with Section 10-24.296(c), shall be subject to Planning Director review and action.
- h. Sensitive receptors include, but are not limited to, residences, schools and school yards, parks and play grounds, daycare centers, nursing homes, and medical facilities. Residences may include, but are not limited to, houses, apartments, and senior living complexes. Medical facilities may include, but are not limited to, hospitals, convalescent homes, and health clinics. Playgrounds may be, but are not limited to, play areas associated with parks or community centers.

Impact Fees

- 112. In accordance with the Affordable Housing Ordinance (AHO) of HMC Chapter 10, Article 17, the Applicant shall pay the applicable Affordable Housing Impact Fees (AHI Fees) as set by resolution in effect at the time of payment. The applicant intends to comply with the AHO by paying the applicable impact fees. Payment of AHI fees is due at the time of building permit submittal or prior to approval of a final inspection or issuance of an occupancy permit for any dwellings. No final inspection will be approved and no occupancy permit issued unless all applicable AHI Fees have been paid in full.
- 113. Parkland In-Lieu fees are required to be paid for all new market-rate dwelling units, in accordance with HMC Chapter 10, Article 16, Property Developers - Obligations for Parks and Recreation. The applicant shall pay an in-lieu fee of \$1,735,874 prior to the issuance of Certificate of Occupancy, which represents a 25% credit based on the

private open space provided within the development. The applicant shall maintain 4,516 square feet of indoor recreational areas (game room, art studio, activity room, fitness center, jacuzzi and locker room) and 32,170 square feet of outdoor recreational areas (outdoor lounge, several landscaped courtyards, a pool, outdoor dining area, pickle-ball court and several terraced gardens). The private recreational area shall be subject to the following:

- a. Where private park and recreational areas will be owned by a homeowners' association, ownership and maintenance of such areas shall be adequately provided for by recorded written agreement, covenant, or restrictions, through which each owner within the development is automatically a member of the association and is subject to a proportionate share of maintenance expenses.
- b. Developments with credit received for private park and recreational areas shall have a covenant recorded which shall run with the land that: (1) restricts such areas from being altered or eliminated without the prior consent of the City, and (2) requires such areas to be maintained in an attractive, usable, and safe condition at all times. The covenant shall also stipulate that, if the City Manager determines that a violation of any of the above requirements has occurred, the current owner(s) shall be subject, at the City's option, to either the payment of park dedication in-lieu fees based on the amount of credit originally received for the development or any other remedy available at law or equity including but not limited to injunctive relief for specific performance. The amount of in-lieu fees shall be according to the fee schedule in effect at the time the violation is determined to have occurred.
- c. The covenant for private park and recreational land and improvements shall be submitted to the City prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with such final documents.
- d. Private park and recreational areas shall be reasonably adaptable for their intended purpose, taking into consideration such factors as size, shape, topography, geology, sun exposure, safety, and security.
- e. Facilities for private park and recreational areas shall be in substantial accordance with the provisions of the plan.
- f. Facilities shall exhibit quality workmanship and design shall be constructed with durable materials, and shall conform to standards required for public park facilities.

DURING CONSTRUCTION

114. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated. (DS/PW-ET)
115. All diesel-powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better. (DS/PW-ET)

116. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
- a. Grading and site construction activities shall be limited to the hours 8:00 AM to 5:00 PM Monday through Friday with no work on weekends and Holidays unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Unnecessary idling of grading and construction equipment is prohibited. 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 the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
 - f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
 - g. Daily clean-up of trash and debris shall occur on project street frontages, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - h. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
 - i. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
 - j. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
 - k. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
 - l. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - m. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - n. Sweep public streets daily if visible soil material is carried onto adjacent public streets. 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;
- o. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
 - p. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.). All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
 - q. Broom sweep the sidewalk and public street pavement adjoining the project site daily. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - r. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - s. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - t. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - u. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
 - v. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - w. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
 - x. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - y. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
117. If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
118. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

119. All public improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
120. Use of Hazardous Materials or Generation of Hazardous Waste – During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.
121. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.
122. Fire hydrants and fire lanes for the development shall be operational and in service prior to the start of any combustible construction and /or storage of combustible construction materials.

PRIOR TO FINAL INSPECTION

123. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. 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 an exception. A signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain a signature line and a date line for City of Hayward, Landscape Architect. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
124. 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 or applicable parts shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
125. Per HMC Section 10-12.11: In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of one (1) in seven (7) lots or approximately fifteen percent (15 %) will satisfy this requirement. All landscape irrigation audits shall be conducted by a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
126. Landscaping shall be maintained by HOA and shall be in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The owner's representative shall inspect the landscaping monthly and any dead or dying plants (plants that exhibit over 30%

dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the HMC. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the irrigation system should be flushed and cleaned when the system gets turn on in the spring.

127. The applicant shall install bus shelters for both northbound and southbound AC Transit bus stops located on Mission Blvd near Valle Vista Avenue. Clear Channel will donate two bus shelters and applicant shall work with the City of Hayward's Public Works Department and AC Transit on the design and exact location of the bus shelters prior to the issuance of building permit.
128. Prior to or concurrent with final map recordation, the Conditions, Covenants and Restrictions (CC&Rs) creating homeowners association for the proposed residential shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&Rs shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include the following provisions:
 - a. The CC&Rs shall include provisions to allow future adjacent developments to annex into HOA if appropriate.
 - b. Each owner shall automatically become a member of the association(s) and shall be subject to a proportionate share of maintenance expenses.
 - c. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association(s).
 - d. The association shall be managed and maintained by a professional property management company.
 - e. The homeowners association(s) shall own and maintain on-site storm drain systems.
 - f. The condominium site HOA shall be responsible for maintenance and up keeping of the Stormwater treatment measures for the entire site including the Parcel A.
 - g. The homeowners association(s) shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The home owner's association(s) representative(s) shall inspect the landscaping monthly and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen (15) days of

notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.

- h. A provision that if the home owners association fails to maintain the decorative walls, landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
- i. A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City.
- j. The garage of each unit shall be maintained for off-street parking of 2 vehicles and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
- k. The residents shall not use parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These parking spaces shall be monitored by the homeowners association. The homeowners association shall remove vehicles parked contrary to this provision. The CC&Rs shall include authority for the HOA to tow illegally-parked vehicles.
- l. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.
- m. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.
- n. Street sweeping of private streets, alleys and parking bays shall be conducted at least once a month.
- o. Balconies may not be used for storage and personal items may not be draped over the railings.
- p. The association shall ensure that no less than 75 percent of the units shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is

not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.

- q. The applicant or homeowners association shall maintain all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.
 - r. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
129. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
130. The developer shall submit "as-built" plans indicating the following:
- a. Approved landscape and irrigation improvements;
 - b. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), PG&E, AT&T (phone) facilities, local cable company, etc.;
 - c. All the site improvements, except landscaping species, buildings and appurtenant structures; and
 - d. Final Geotechnical Report.
131. Prior to issuance of certificate of occupancy or final inspection, the developer shall pay the following additional fees/taxes, in accordance with existing regulations. The amounts of the fees/taxes shall be in accordance with the fee schedule or codes in effect at the time of building permit application submittal, unless otherwise indicated herein:
- a. Supplemental Building Construction and Improvement Tax; and
 - b. School Impact Fee.
132. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.