

**DRAFT CONDITIONS OF APPROVAL**

**ZONE CHANGE & VESTING TENTATIVE MAP (TRACT 8473) APPLICATION NO. 201802159**

– Applicant: Ben Halali/Owner: Zalman Investments LLC – Proposed Zone Change and Vesting Tentative Map (Tract 8473), grading and building permits related to development of nine detached single family residential units and six accessory dwelling units on a 1.64-acre vacant lot at 25036-25096 Carlos Bee Boulevard (Assessor Parcel Number 445-0170-039-13).

**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. Zone Change and Vesting Tentative Map Application No. 201802159, is approved subject to the Architectural Plans and Vesting Tentative Map plans date stamped October 13, 2019, and the Landscape Plans stamped November 13, 2019, except as modified by the conditions listed below.
3. The Vesting Tentative Map approval shall align with the timeframes set forth in the Subdivision Map Act, and all related automatic and Applicant-initiated extensions.
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 or exception shall be subject to review and approval by the Planning Commission.
5. The permittee, property owner or designated representative shall allow City planning and 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 Zone Change and Vesting Tentative Map Application No. 201802159 shall be paid in full prior to consideration of a request for approval extensions and/or submittal of building permits for the development.

**MITIGATION MESURES**

7. MM BIO-5.1. All protected trees removed from the site shall obtain a Tree Removal Permit per the City of Hayward Tree Preservation Ordinance (Municipal Code Chapter 10, Article 15). The removed trees would be required to be replaced at the

quantities and species set forth in the Tree Preservation Ordinance. All removed trees would require replacement with like-size, like-kind trees or an equal value tree or trees as determined by the City's Landscape Architect. The project shall adhere to the conditions of approval described in the City's Tree Preservation Ordinance for the removal, replacement or maintenance of protected trees. Final landscape plans shall be reviewed and approved by the City's Landscape Architect prior to issuance of any grading, trenching, or building permits. Final landscape plans shall clearly identify all "protected trees", as defined in the Tree Preservation Ordinance, and all trees to be removed from the project site and the size, location, type, value of trees and specific the species of all replacement trees.

8. MM BIO 5.2. The project applicant shall implement all tree protection measures as described below:

*Design Recommendations.*

- a. Any changes to the plans affecting the trees shall be reviewed by the Project Arborist with regard to tree impacts. These include, but are not limited to, site plans, improvement plans, utility and drainage plans, grading plans, landscape and irrigation plans, and demolition plans.
- b. A Tree Protection Zone (TPZ) shall be established around each tree to be preserved. No grading, excavation, construction or storage of materials shall occur within this zone. Underground services, including utilities, sub-drains, water or sewer shall be routed around the TPZ.
  1. A fence shall be placed to encircle the group of Italian stone pine and blue gums #136-140 (refer to Figure 4.4-1);
  2. No fencing is required for trees #173-180;
  3. Off-site oak #185 will require additional fencing at the line of grading. Additionally, within the dripline no self-propelled equipment shall be used.
  4. Any other measures as required by the Landscape Architect.
- c. Irrigation systems must be designed so that no trenching severs roots larger than one inch in diameter will occur within the TPZ.
- d. Tree Preservation Guidelines prepared by the Project Arborist, which include specifications for tree protection during demolition and construction, shall be included on all plans.

- e. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
- f. The soil shall be not be limed within 50 feet of any tree. Lime is toxic to tree roots.
- g. Ensure adequate but not excessive water is supplied to trees; in most cases, occasional irrigation will be required. Avoid directing runoff towards trees.

*Pre-Construction Treatments and Recommendations.*

- a. The demolition and construction superintendents shall meet with the Project Arborist before beginning work to review all work procedures, access routes, storage areas, and tree protection measures.
- b. Prune trees to be preserved to clean the crown of dead branches one inch and larger in diameter, raise canopies as needed for construction activities. All pruning shall be done by a State of California Licensed Tree Contractor (C/61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning (International Society of Arboriculture, 2002) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300). The Project Arborist will provide pruning specifications prior to site demolition.
- c. Structures and underground features to be removed within the TPZ shall use equipment that will minimize damage to trees above and below ground and operate from outside the TPZ. The Project Arborist shall be on-site during all operations within the TPZ to monitor demolition activity.
- d. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife Code 3503-3513 to not disturb nesting birds, consistent with MM BIO-1 above. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys shall be conducted prior to tree work. Qualified biologists shall be involved in establishing work buffers for active nests.

*Recommendations for Tree Protection during Construction.*

- a. Any approved grading, construction, demolition or other work within the TPZ shall be monitored by the Project Arborist.
- b. All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.

- c. Tree protection devices are to remain until all site work has been completed within the work area. Fences or other protection devices may not be relocated or removed without permission of the Project Arborist.
- d. Construction trailers, traffic, and storage areas shall remain outside the TPZ at all times.
- e. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Project Arborist.
- f. If roots two inches and greater in diameter are encountered during site work and must be cut to complete the construction, the Project Arborist shall be consulted to evaluate effects on the health and stability of the tree and recommend treatment.
- g. Spoils from trenching, footing, utility or other excavation shall not be placed within the TPZ, neither temporarily nor permanently.
- h. All grading within the dripline of trees shall be done using the smallest equipment possible. The equipment shall operate perpendicular to the tree and operate from outside the TPZ. Any modifications shall be approved and monitored by the Project Arborist.
- i. All trees shall be irrigated on a schedule to be determined by the Project Arborist (every three to six weeks is typical). Each irrigation shall wet the soil within the TPZ to a depth of 30 inches.
- j. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.
- k. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TPZ.
- l. Any additional tree pruning needed for clearance during construction shall be performed by a Certified Arborist and not by construction personnel.
- m. Trees that accumulate a sufficient quantity of dust on their leaves, limbs and trunk as judged by the Project Arborist shall be spray-washed at the direction of the Project Arborist.

*Maintenance of Relocated Trees*

- a. Irrigate. Until roots develop into the surrounding soil, the tree is dependent on water contained in the root ball itself. Plants should be irrigated before the root ball becomes dry, but not so frequently that it remains wet. Irrigation frequencies may range from every few days in hot, dry weather to every few weeks in cool weather. A soil probe should be used to check soil moisture and water applied as needed.
- b. Prune. Trees should be pruned following transplanting to remove broken or damaged branches. If bark has been damaged, cut off any torn bark or wood with a knife. Do not shape the wound or apply wound paint.
- c. Fertilize. Fertilizer should be applied if soil tests reveal deficiencies. Fall or late winter are the best times to apply fertilizer.
- d. Monitor for pests and diseases. Transplanted trees are under stress until new roots are established in the landscape, and they are more susceptible to attack by parasites. Borers and canker disease are the most common problems. Inspect transplants monthly to assess any developing problems and determine appropriate treatments.
- e. Inspect anchor stakes or guys. Every three months check that the plant is not being damaged by hardware.
- f. Enlarge basin, replenish mulch. At the beginning of the second year, enlarge the watering basin by 50 percent and replenish wood chip mulch in basin.

*Maintenance of Impacted Trees*

- a. Preserved trees will experience a physical environment different from that pre-development. As a result, tree health and structural stability shall be monitored. Occasional pruning, fertilization, mulch, pest management, replanting and irrigation may be required. In addition, provisions for monitoring both tree health and structural stability following construction must be made a priority. As trees age, the likelihood of failure of branches or entire trees increases; therefore, annual inspection for hazard potential is recommended.
9. MM CUL-1.1. *Undiscovered Archaeological Resources*. If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City Planning Manager shall be notified. The

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

10. MM CUL-1.2. *Human Remains*. If human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City Planning Manager and the Alameda County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.
11. MM GEO-6. *Unique Paleontological and/or Geologic Features and Reporting*. Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City's Planning Manager notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology shall also be submitted to the City.
12. MM NOI-1.1. The applicant shall develop a construction noise plan, including, but not limited to the following available controls:

- In accordance with the Municipal Code, utilize the best commercially reasonable available noise suppression devices and techniques during construction activities to reduce noise levels from individual devices or pieces of equipment to 83 dBA or less at a distance of 25 feet and 86 dBA at the property plane.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Locate temporary material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify in writing all adjacent business, residences, and other noise-sensitive land uses of the construction schedule.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

**PRECISE PLAN**

13. In accordance with Zoning Ordinance Section 10-1.2550, and prior to approval of building permits, the applicant shall submit a Precise Development Plan to the Planning Division for review and approval prior to the issuance of building permits.
14. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan except as modified by Condition No. 24 below and shall be submitted either in advance of or in conjunction with the subdivision improvement plans and Final Map.

15. The Precise Development Plan shall include the following information and/or details:
  - a. A copy of these conditions of approval shall be included on a full-sized sheet(s).
  - b. Proposed location for construction staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.
  - c. Details of address numbers shall be provided. Address numbers shall be decorative. Building addresses shall be minimum four-inch self-illuminated or six-inch on contrasting background to ensure visibility from the street.
  - d. Retaining walls shall be under four feet in height. Large expanses of blank wall shall be prohibited and shall be articulated or otherwise treated with design or architectural features.
  - e. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft. Approved address numbers shall be at least four inches in height on a contrasting background. Font strokes shall be of sufficient width such that they are legible to the public from the street fronting the property.
  - f. Proposed color and materials board for all buildings, fences and walls.

The Following Landscaping Conditions Shall be Addressed Prior to Precise Plan Approval:

16. Arborist report submitted November 2019 shall be revised:
  - a. The report shall be resubmitted to include missing the appraised tree values provided on the revised tree inventory and mitigation charts L1.2.
  - b. Appraised tree value for non-protected tree shall not be included in the mitigation: Tree Number 131 and 161 are protected for having larger than an eight-inch trunk diameter when adding three largest tree trunks but Tree Number 166 and 167 aren't protected for having less than an eight-inch trunk diameter.
  - c. All exhibits shall be included in the report: tree inventory map, tree assessment form and tree appraisal calculation.
17. Removed trees shall be mitigated equal to the approved appraised value of \$71,875 above and beyond providing required trees such as street trees in the front setback area, front yard trees, parking shade trees and screening trees. Required trees could be upsized and the cost difference between required and proposed sizes could be used toward meeting the mitigation goal. Proposed tree mitigation summary chart



shall be provided following the attached City's tree mitigation guidelines. Minimum required trees are:

- a. One 24-inch or larger box street tree per 20 to 40 lineal feet of frontage.
  - b. One 15-gallon tree in each parking lot endcap.
  - c. One 15-gallon shade tree for every 6 parking spaces.
  - d. One 15-gallon evergreen buffer tree shall be planted at every 20 lineal feet or to achieve adequate screening where this development abuts residential on the north.
18. Landscape plans shall be prepared on an accurately surveyed topographic plan that matches the architectural, site or civil plan. Base information shall be screened but legible, and shall include lot numbers, easements and all proposed above and underground utilities.
19. One set of landscape plans shall be wet signed by the project landscape architect.
20. Hydrozone map shall address:
- a. Hydrozone information shall be legible. Base information such as existing trees, tree identification numbers, proposed trees and utility information shall be screened but shall remain legible.
  - b. Planting area between units shall be in a separate Hydrozone.
  - c. Hydrozone shall include all planting area including the public right-of-way planting strip.
  - d. Two irrigation efficiency standards shall be used: 0.75 for overhead spray devices and 0.81 for drip system. Water budget calculations shall be revised accordingly.
21. Planting Plan shall address:
- a. Tree planting at the driveway shall be offset ten feet from the face of curb at the ingress and five feet from the face of curb at the egress.
  - b. Tree shall be located a minimum of five feet from underground utility lateral service lines and driveways, a minimum of fifteen feet from a light pole, and a minimum of thirty feet from the face of a traffic signal, or as otherwise specified by the City.
  - c. Minimum dimension for planting area shall be five feet measured in all direction from back of curb/paving/structure to back of curb/paving/structure: see the divider island by the handicap parking space.

- d. Planting in Public Right-of-Way: One 24-inch box street tree shall be planted at every twenty to forty feet on center in the right-of-way planting strip between curb and sidewalk. Missing street tree, Red Oak, and understory planting shall be provided along Carlos Bee Boulevard.
- e. Planting plan shall provide each plant locations at proposed spacing.
- f. Tree planting shall not be permitted if the bioretention area would be lined on the bottom with impervious material. If the bioretention area wouldn't be lined on the bottom, tree planting would be allowed on the side slopes only with proper tree planting detail to augment the shallow and fast draining C.3 soil mix. Tree planting detail in bioretention area shall be provided in addition to standard tree planting details.
- g. All plants in bioretention basin shall conform to the plant list in the latest C.3 Stormwater Technical Guidance Appendix B.
- h. Mulch shall be organic recycled chipped wood in dark brown color. The size of the mulch shall not exceed 1-1/2-inches in diameter.

22. Group open space plan shall address:

- a. Grading shall be studied to allow ADA compliant access to the group open space from the south near Carlos Bee Boulevard.
- b. Enlarged group open space plan shall provide additional information defining different surface materials and patterns.
- c. Preliminary specifications and detailed information shall be provided for paving including color and finished texture, planting, play equipment and furnishing.

23. The Irrigation Plan shall address:

- a. Irrigation design shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance.
- b. Dedicated irrigation meter shall be provided. Irrigation meter location and size shall be consistent with the civil plan.
- c. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be provided in the irrigation detail sheet.

General Planning Conditions:

24. The project approval includes the following project amenities to support the finding required to be made that “any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.” Amenities shall include:
  - a. Photovoltaic solar panels shall be installed on all residential structures. To the greatest extent possible, the project architect shall consult with an energy consultant regarding the design and orientation of roof surfaces and reorient rooflines to maximize solar orientation;
  - b. A minimum of six of the units shall have accessory dwelling units included within the footprint of the floor plan; and
  - c. A pedestrian pathway with decorative paving, trellises, pedestrian scale lighting shall run along the project frontage parallel to Carlos Bee Boulevard. The final location, design and materials of the pathway shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
25. All final exterior building finishes, paint colors, parking lot mesh design and other architectural details shall be reviewed and approved by the Planning Division prior to issuance of a building permit for the project.
26. All air conditioners and utility connections for air conditioners shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall.
27. All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen from all perspectives, unless other noise mitigation is required.
28. All rooftop mechanical equipment, other than solar panels, shall be fully and completely screened from view by the proposed roof structure or appropriate screening that is reviewed and approved by the Planning Division. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus and utilitarian equipment such as vents shall be painted to match surface to which it is adhered.

Park Dedication Fees and Credits:

29. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay in lieu fees for each residential unit, including Accessory Dwelling Units. The in-lieu fees shall be those that are in effect at the time of building permit issuance.

**DUE PRIOR TO THE ISSUANCE OF BUILDING PERMITS**

Affordable Housing:

30. Pursuant to HMC Section 10-17.410, the Applicant shall pay the affordable housing in-lieu fees either prior to issuance of building permits, prior to approval of a final inspection, or issuance of an occupancy permit. No building permit(s) will be issued for any market-rate units in the Project until permits for all Affordable Units have been obtained or are obtained simultaneously, and all required housing in-lieu fees have been paid in full. No Certificate(s) of Occupancy will be issued for any market-rate units in the Project until Certificate(s) of Occupancy for all affordable units have been obtained or are obtained simultaneously, and all required housing in-lieu fees have been paid in full.

General Conditions – Building

31. A copy of these conditions of approval shall be included on full-sized sheet(s) on all building permit submittals.
32. Plans for building permit applications shall incorporate/comply with all applicable Building and Fire Codes.

General Conditions – Engineering

33. Subdivision Improvement Agreement: A Subdivision Improvement Agreement shall be executed prior to Final Map Approval that guarantees the completion of the improvements to the satisfaction of the Director of Public Works. This agreement includes surety (i.e. bonds), insurance, and additional deposit for City staff time and City resources to be expended on the project.
34. Final map shall be submitted for the City's review and approval. The map shall comply with the requirements of the Subdivision Map Act and the Hayward Municipal Code.
35. Final Map shall show the property as one lot. The map shall include a statement that nine condominium units will be created by a condominium plan to be filed separately.
36. Final Map shall show existing easements to remain and proposed easements for public sewer and water mains, emergency vehicle access and public utilities.
37. All new utility services to the project shall be installed underground. Such utilities shall include but not limited to provide electricity, gas and telecommunication services to each residence in the development. Two three-inch diameter conduits

with pull boxes and pull ropes shall be provided for high speed internet service. These conduits shall be dedicated to the City.

Grading Permit:

38. A grading permit issued by the City's Public Works Department is required prior to the building permits. The permit application shall include plans prepared by the state licensed engineer showing existing and finish grades, earth retaining structures, storm water pollution prevention measures, drainage and other site improvements. The grading plans shall be approved by the City Engineer and include, but not be limited to, the following design & submittal requirements:
- a. Grading and building plans shall consider the findings and recommendations of the Fault Rupture Hazard Evaluation Report prepared by Earth Focus Geological Services (January 2018) and its peer review report by Louis A Richardson, Consulting Engineering Geologist (December 2018).
  - b. Soil investigation report, prepared by a State licensed geotechnical engineer, shall provide design criteria and recommendations for site grading, soil retaining structures, street pavements and storm water pollution prevention.
  - c. Earth retaining structures exceeding four feet in height (top of wall to bottom of footing) shall require building permits.
  - d. Surface water uphill of retaining walls shall be collected in ditches.
  - e. Drainage flow across sidewalks shall not be permitted. Grassy swales shall collect drainage from slopes uphill of the proposed walkway and the existing sidewalk along Carlos Bee Boulevard.
  - f. The project shall not block runoff from, or augment runoff to, adjacent properties. Any augmented runoffs shall be mitigated with on-site detention, re-use, ground percolation or other means to control site discharge rate to pre-existing level. Hydrologic/hydraulics study report shall be submitted.
  - g. The drainage system shall be designed for a storm event of not less than 10-year frequency. The plans for drainage conveyance facilities should include all proposed underground pipes, building drains, area drains and inlets.
  - h. Site drainage shall be treated for pollution prevention before it enters public drainage system.
  - i. Site drainage plans shall include Stormwater Control Plan with details of all drainage management areas, treatment measures and numeric sizing

calculations in conformance with Alameda County Clean Water Program C3 Design Guidelines.

- j. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system.
- k. Storm Water Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD) shall be filed with the Regional Water Quality Control Board (RWQCB). A copy of the filed SWPPP shall be provided to the City Engineer before start of any grading operation.
- l. The City shall receive copies of the Notice of Intent with WDID number issued by RWQCB before start of any grading work.
- m. The City's grading permit may include site improvements per plans approved by the City Engineer. Such improvements may include vehicular drive, parking bays, lighting, tot-lot and other common use improvements.
- n. On-site driveway design shall consider the structural and geometric needs of emergency vehicles as defined by the Fire Department. Driveway grades steeper than 10% typically require concrete pavement.

Encroachment Permit:

- 39. Encroachment/Major Street Improvement Permit Required: An encroachment permit is required prior to the issuance of building permits for improvements in the City maintained street rights-of-way. The permit application and privately engineered design documents shall be approved by the City Engineer prior to issuance of building permits. The engineered plans shall include, but not be limited to, the following:
  - a. Damaged and uplifted sidewalk along the project frontage on Overlook Avenue shall be replaced with the City standard concrete sidewalk.
  - b. Damage to existing public service infrastructure shall be repaired.
  - c. Existing utility poles along Carlos Bee Boulevard and Overlook Avenue fronting the project site shall be removed and their utility facilities shall be placed underground.
  - d. City streets fronting the development site shall have new City standard metal poles with LED light(s). Illumination levels in public streets fronting the development and the private street serving the new lots shall be as per the City standards.

- e. Carlos Bee Boulevard raised median island shall be extended across the full frontage of the development.

Homeowners Association

40. Homeowners Association shall be created to own and maintain the condominium improvements which shall include all improvements built outside the street rights of way of Overlook Avenue and Carlos Bee Boulevard excluding existing water main and storm drain improvements in the existing easements.
41. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Conditions, Covenants and Restrictions (CC&R's), creating a homeowner's association (HOA) for the property, shall be submitted to the City for review and approval. The CC&Rs shall include the following provisions:
  - a. The HOA shall be managed and maintained by a professional property management company.
  - b. The HOA shall own and maintain the private access roads and on-site storm drain systems within the development.
  - c. The CC&R's shall describe how the stormwater conveyance, treatment and site-design measures associated with privately owned improvements and landscaping shall be maintained by the association.
  - d. The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition.
  - e. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA.
  - f. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
  - g. The garage for each unit shall be maintained for off-street parking for one or two vehicles, as designed, and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
  - h. 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 HOA. The HOA shall remove vehicles parked contrary to this provision. The CC&R's shall include authority for the HOA to tow illegally parked vehicles.
  - i. 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.

42. Utility Services: All new utility service connections to the project shall be installed underground.
43. Street Lighting: Public street lighting along the development frontage and on-site lighting shall comply with current City lighting standards and the City's Security Ordinance. 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 (see also Condition No. 38).
44. 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.
45. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.

#### General Conditions - Engineering – Transportation

46. Applicant shall submit on-site and off-site Signing and Striping Plans. Refer to latest edition of Caltrans Standard Plan Drawing A90A for disabled parking requirements and Hayward's 2017 Standard Details Sheet SD-110B for parking stall markings.
47. Applicant shall submit an on-site and off-site Outdoor Photometric Analysis and Lighting Plan. Refer to Hayward's 2017 Standard Details sheet SD-120 for lighting requirements. Link: [https://www.hayward-ca.gov/sites/default/files/documents/ET\\_STANDARD%20DETAILS\\_V042117.pdf](https://www.hayward-ca.gov/sites/default/files/documents/ET_STANDARD%20DETAILS_V042117.pdf)

#### General Conditions - Utilities

##### Water:

48. 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, the entire roadway shall be a public utility easement granted to the City.
49. 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.
50. All connections to existing water mains shall be performed by City Water Distribution Personnel at the Applicant/Developer expense.



51. All water services from existing water mains shall be installed by City Water Distribution Personnel at the Applicant/Developer expense. The Developer may only construct new services in conjunction with their construction of new water mains.
52. The parcel has an existing 5/8" meter and 3/4" service line at 25036 Carlos Bee Blvd (account 60007), and another 5/8" meter and 3/4" service line at 25096 Carlos Bee Blvd (account 20884). If existing water services cannot be reused, it shall be abandoned at the Owner/Applicant expense.
53. Domestic & Fire Services
  - a. Domestic: Each single-family residence (SFR) shall have an individual domestic water meter. Facilities fees for residential connections are based on the domestic demand for the home. A larger water meter may be installed if the service is combined with a private fire service. The Developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces
  - b. Fire: Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204.
  - c. Combined Residential Services: The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216. Fire services shall be sized by the Fire Department; however, the minimum size for a residential fire service connection is 1".
54. Each proposed accessory dwelling unit (ADU) will require a separate water service line and water meter.
55. Per City of Hayward Municipal Code Section 11-3.351(2), if the frontage of the ADU to the street exceeds 75 feet, separate sanitary sewer lateral connections are required.
56. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for the development's landscaping. The gallon-per-minute demand of the irrigation system must be provided to determine appropriate meter size. The Applicant/Developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
57. 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. Water meter lids shall be Nicor, Inc.

58. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
59. Water mains shall be ductile iron in concrete streets and surfaces.

Sewer:

60. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sanitary sewer mains are located in a private roadway, the entire roadway shall be a public utility easement granted to the City.
61. 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.
62. 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.
63. The Developer is responsible for payment of sewer connection fees at the current rates at the time the application for building permits are submitted.
64. The alternate utility plan would not be acceptable and associated plan sheets shall be removed accordingly. The development's sanitary sewer mains shall be located in the private street provided a pump is not needed.
65. The development's proposed sanitary sewer main shall be connected to the City's existing sanitary sewer main with a manhole.

Utilities – Solid Waste

66. 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).

Hayward Fire Department:

67. All public streets, private streets and private courts shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete. Design of the public streets and private streets and courts shall meet City of Hayward Fire Department Standards.
68. Fire apparatus access roads shall not exceed 10% in grade unless approved by the Fire Chief. Roads more than 10% in grade may require an Alternate Means and Methods Request and approval by the Fire Chief.
69. Fire lane of 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.
70. Addressing of the buildings shall follow the Hayward Fire Department requirements. All buildings shall have a minimum 4-inch self-illuminated address installed on the front of the building so as to be visible from the street. A decorative address monument sign shall be installed at each court entrance, indicating the building addresses for the units served by such court. Minimum size numbers shall be 6 inches in height on a contrasting background.
71. If fire hydrants are located so as to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
72. The minimum fire flow of 1, 500 GPM shall be provided on site.
73. All new fire hydrants shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet). The capacity of each individual hydrant shall be 1,500 GPM. Vehicular protection may be required for the fire hydrants. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. (If applicable)

Fire Protection Requirements

74. Submit for proper building permits for the construction of the building to the Building Department. All building construction shall meet the requirements of the current edition of the California Residential Code.
75. Buildings are required to install fire sprinkler systems in accordance with NFPA 13D. (deferred submittal by a licensed C16 contractor)

76. Per the requirement of Hayward Public Works Department, a static pressure of 80 PSI should be used when a water test data indicates a higher pressure. The residual pressure should be adjusted accordingly.
77. Underground fire service line serving NFPA 13D sprinkler systems shall be installed in accordance with the Hayward Public Work Department SD-216. Water meters shall be minimum one-inch in diameter.
78. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity.
79. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).
80. CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
81. An approved type spark arrestor shall be installed on any chimney cap.
82. The building is located within the City of Hayward Wildland/Urban Interface Area, and shall meet the construction requirements as stated in the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines, which includes Class A roofing materials and exterior non-combustible siding materials (stucco), double-pane windows. Do not use wood shake or treated wood shake roofs. The building construction shall comply with the requirements contained in the California Residential Code Section R327.
83. Deck shall comply with requirements of the Hayward Fire Department Urban Wildland Interface Deck Construction.
84. Within ten feet of a structure, construct fences with an open wire mesh or noncombustible material to prevent fire from spreading to the structure.
85. Provide spark arrestors with 1/4" metal mesh screens on all chimneys. Homeowners should inspect spark arrestors every year to ensure mesh screen integrity.
86. Restrict outdoor storage of firewood, kindling, or compost material within 30 feet of any structure, unless the material is stored in an approved bin or enclosure.
87. Locate chimney at least ten feet away from existing tree canopies.

88. Enclose all roof eaves with minimum required attic vents covered with metal mesh in accordance with Chapter 7A of California Building Code. The dimensions of mesh openings shall be a minimum 1/16-inch and shall not exceed 1/8-inch.

Hazardous Materials:

89. Environmental and Health Based Site Clearance – A Phase I Environmental Site Assessment dated November 4, 2019, has been submitted to the Hayward Fire Department. There was a house previously on the property. The property abuts Carlos Bee Boulevard. It is unclear if the road was at one time on the property. Additionally, it appears that there was a quarry type operation near/adjacent to the property per several aerial photos provided in the report. The applicant shall provide environmental screening clearance from Alameda County Department of Environmental Health - Local Oversight Program (contact Paresh Khatri at 510-567-6700.) This will help ensure that the proposed sensitive use which includes residential meets development investigation and cleanup standards, along with any stipulations of any clearances such as a deed restriction or the need for any groundwater/soil management plan. This clearance shall be submitted prior to issuance of any grading or building permits.
90. Electronic Submittal of Environmental Documentation – Environmental documentation associated with the evaluation, investigation and/or clearance of this site shall be provided in an electronic format to the City of Hayward Fire Department and Planning Division prior to the issuance of the Building or Grading Permit.
91. Grading and Demolition – A condition of approval, prior to grading: If structures and their contents are present, then they 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 uses and other persons are mitigated.
92. Wells, Septic Tank Systems or Subsurface Structures – Any wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. These structures shall be documented and removed under permit from appropriate regulatory agency when required.
93. Hazardous Materials/Waste and their Vessels discovered during Grading/Construction – If hazardous materials/waste or their containers are discovered during grading/construction the Hayward Fire Department shall be immediately notified at (510) 583-4910.
94. Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts – If found on the property, the underground vessels/structures shall be removed under a plan filed

with Hayward Fire Department and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to the soil or groundwater. A follow up report shall be required to be submitted that documents the activities and any conclusions. Below are specific requirements on each:

- a. Underground storage tank and associate piping (plan, sampling and Hayward Fire Department permit and follow up report is required)
  - b. Oil Water Separators (plan, sampling required and follow up report is required)
  - c. Hydraulic Lifts (plan, sampling and follow up report is required).
95. Construction Materials and Wastes - During grading and construction, hazardous materials and hazardous waste generated shall be properly stored, managed and disposed.

### **CONDITIONS APPLICABLE DURING CONSTRUCTION**

#### **Standard Construction Measures to Reduce Air Quality Impacts:**

96. The following standard measures reflect BAAQMD best management practices and would be implemented by the project to reduce potential impacts from fugitive dust.
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked

by a certified mechanic and determined to be running in proper condition prior to operation.

- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Engineering:

97. Grading Activity:

- a. The project geologic team shall observe excavations and exposures and verify that the locations of specific building sites are in conformance with their recommendations.
- b. A permanent record of the surveyed locations of the sheared contact shall be submitted to the State Geologist and the City Engineer. Those locations shall be shown on the final grading and development plans for the project.
- c. The project geotechnical engineer shall submit a written report acceptable to the City's Building Official confirming that buildings intended for human occupancy are built outside the ground deformation and damage zone of the earthquake fault zone.

98. Stormwater Pollution Prevention: Stormwater pollution prevention measures approved by the city engineer shall be in place before any ground disturbing activity.

- a. Stormwater pollution prevention measures shall be upgraded and maintained as needed during construction.
- b. Qualified SWPPP Practitioner (QSP) shall regularly inspect and submit monthly and final reports to the Public Works Inspector in addition to the submittals to the State Water Quality Control Board.

99. The following standard measures (based on the Regional Water Quality Control Board's Best Management Practices) will be included in the SWPPP prepared for the project and would reduce identified construction-related water quality impacts to a less than significant level.

- a. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- b. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- c. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

- d. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
  - e. All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
  - f. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
  - g. Vegetation in disturbed areas shall be replanted as quickly as possible.
  - h. All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
100. Construction Damage: The Developer shall be responsible to remove and replace curb, gutter, sidewalks, driveways, signs, pavement, thermoplastic pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Developer is responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.

Utilities – Water and Sewer:

- 101. All connections to existing water mains shall be performed by City Water Distribution Personnel at the Applicant/Developer expense.
- 102. All water services from existing water mains shall be installed by City Water Distribution Personnel at the Applicant/Developer expense. The Developer may only construct new services in conjunction with their construction of new water mains.



Utilities – Solid Waste:

103. A Construction and Demolition Debris Recycling Statement shall be submitted with building permit applications. The minimum debris recycling requirements are 100% for asphalt, concrete, and similar materials, and 65% of remaining debris.

Utilities – Other:

104. All service to the development shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted City approval as part of the Improvement Plans prior to installation. (DS/PW-ET)

**CONDITIONS DUE PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY AND POST-CONSTRUCTION:**

105. Stormwater Treatment Measures Maintenance: The property owner shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office.
106. Construction of Improvements: All public and private improvements, including punch list items, must be complete prior to the issuance of a certificate of occupancy.
107. "As-Built" Records: Provide "as-built" record plans in electronic formats to the City Engineer. Electronic plans shall be in "AutoCad" and pdf formats acceptable to the City Engineer.

Landscaping:

108. Prior to the issuance of Certificate of Occupancy for a specific building, all landscape and irrigation adjacent to the specific building 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.
109. Irrigation systems shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation

system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

110. 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;
  - b. School Impact Fee; and
  - c. Park In-Lieu Fee, as applicable.