

**CONDITIONS OF APPROVAL****March 24, 2016****24755 O'Neil Avenue, Hayward CA 94544**

- **Site Plan Review Application No 2015-04016 to allow for the construction of up to 16 Attached Single-Family residences; and,**
- **Warrant Application No. 2015-04016 to Exceed the Maximum Allowed Fence Height of Eight (8) feet along the BART Tracks; and**
- **Tentative Tract Map Application No. 2015-04016 to subdivide one lot for up to 16 condominium units.**

The subject development shall be constructed and operate according to these conditions of approval and the plans labeled Exhibit "A", entitled "Maybeck Place, 16 New For Sale Townhomes, 24755 O'Neil Avenue, Hayward CA, 94544.", dated February 25, 2016, revised March 16, 2016.

**General.**

1. This Site Plan Review approval 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 a time extension of the approval has been granted by the Planning Director.
  - b. If a building permit is issued for construction of improvements authorized by the site plan review 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 the site plan review approval. A request for an extension must be submitted in writing to the Planning Division at least 15 days prior to the above date.
2. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
3. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.
4. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the building permit plan set.
5. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

**Building**

6. Provide fire-resistance rated wall assemblies (fire partitions) between dwelling units in the same building as required by CBC 420.2.
7. This project is required to comply with the housing accessibility requirements per Chapter 11A and if there are any common areas (public accommodation) per Chapter 11B. Please indicate and show on plans if there is a property line between units and if there is one roof for the whole units.
8. The building shall be solar-ready and shall comply with the requirements as stipulated in CEC Section 110.10(b) through 110.10(d).
9. Provide capability for electric vehicle charging in all new townhouses with attached private garages.
10. Supplemental building construction and improvement tax shall be required at the time of issuance of building permit.
11. School fee payment is required prior to issuance of building permit.

**Architecture, Site Amenities and Details*****Fence Height***

12. Fencing along the BART tracks is required at 14 feet as recommended in the noise report prepared for the project by Edward L. Pack Associates, Inc. entitled Noise and Vibration Assessment Study for the Planned "O'Neil Place Single-Family Development, O'Neil Avenue, Hayward", dated May 20, 2015. All other fencing shall be constructed in conformance with the approved Plans. Fencing between new units shall be a maximum 6 feet in height. Any good neighbor fencing between adjacent development shall be a maximum 6 feet in height.

***Building Materials***

13. All building materials and colors shall be consistent with those specified on the approved plans.
14. Any alteration in materials and/or design from the approved plans shall be reviewed and approved by the Director of Planning prior to the issuance of a Building Permit for such alterations.
15. Final approval of site amenities, including but not limited to benches, play structures, barbeque grills, etc., shall be approved as part of the final Landscape Plan approval.

**Fire*****Project Site Requirements***

16. The private street 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.
17. The minimum width of fire lane is 26 feet. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be maintained at all time. Fire lane of 20 to 26 feet wide shall be posted on both sides as a fire lane. "No Parking" sign shall meet the City of Hayward Fire

Department fire lane requirements.

18. Addressing of the buildings shall be in compliance with 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.

### ***Fire Protection Requirements***

19. All building construction shall meet the requirements of the California Residential Code.
20. Buildings are required to install fire sprinkler systems in accordance with NFPA 13/13D (***dependent on construction***). A separate fire permit is required for the fire sprinkler system installation. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation.
21. 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) and NFPA 72.
22. When a flow switch is not installed on the riser of a flow thru sprinkler system, smoke alarms shall be interconnected to sound an audible alarm in all sleeping areas within the dwelling unit.
23. 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.
24. 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.
25. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home with bedroom doors close. The device shall activate upon any fire sprinkler system water flow activity.
26. 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).
27. 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.
28. 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).
29. 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.

### ***Hazardous Materials Requirements***

30. Prior to grading, structures and their contents if present 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 that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and hazardous waste must be

31. Any wells, septic tank systems and other subsurface features shall be removed properly in order not to pose a threat to the development, construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures shall be documented and done under permit, as required by law.
32. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 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.
33. During mass grading/grubbing or construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

### **Landscaping**

34. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.
35. 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 and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's *Bay-Friendly Water Efficient Landscape Ordinance, and Municipal Codes*. Dripline of the existing trees to be saved shall be shown on the plan.
36. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be twenty two inches by thirty four inches without an exception. A two inches wide by four inches high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain one signature line and date for City of Hayward, Landscape Architect. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
37. Front yard Setback Area: All areas shall be landscaped except for permitted driveways and walkways. Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, groundcovers or a combination thereof in compliance with the City's Bay-Friendly Water Efficient Landscape Ordinance. The sole use of bark, decorative paving or decorative rock shall not be allowed in required landscape areas.
38. A tree mitigation summary chart shall be provided on the landscape plan listing trees to be removed, value of trees to be removed, trees with assigned identification numbers in the arborists report, total value of mitigation, and proposed tree sizes and their value equaling the mitigation value.
39. Prior to the issuance of a grading or building permit, a tree preservation bond, surety or deposit, equal in value to the trees to be preserved, shall be provided by the developer. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the conditions of the trees.

40. A bond will be required for all trees that are to remain. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
41. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period.
42. A tree removal permit is required prior to the removal of any existing trees.
43. Trees shall be planted per the approved landscape improvement plans. Trees shall be planted according to the City Standard Detail SD-122. The detail shall be included in the landscape improvement plans.
44. Minimum dimension for planting area is five (5) feet in all directions measured from back of all paved areas and structure to back of all paved areas and structure.
45. Invasive plants listed in California Invasive Plant Council such as Mexican Feather Grass (*Stipa/Nassella tenuissima*) shall not be specified in accordance with the City's Bay Friendly Water Efficient Landscape Ordinance.
46. Vine support shall be provided for Star Jasmine. The vine support detail shall be included in the landscape improvement plans.
47. Bio-treatment area shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system allowing "cycle and soaking" program function on a separate valve.
48. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as directed by the landscape architect.
49. Landscapes design for common group open spaces shall conform to the approved plans.
50. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
51. All above ground utilities and mechanical equipment shall be screened from the street with five gallon shrubs.
52. A hose bib shall be provided within each private yard.

## **Engineering**

### ***Fees***

53. 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.

### ***General***

54. 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.
55. 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.

56. 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.
57. The developer shall not obstruct the noted sight distance areas. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation.
58. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer.
59. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City.
60. It is applicant's responsibility to get permit or approval 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.
61. The developer shall submit an AutoCAD file format (release 2010 or later) in a CD of approved map and 'as-built' improvement plans showing all public improvements and utility layouts that can be used to update the City's Base Maps.

### ***Final Map***

62. Prior to or concurrent with Final Map recordation, developer shall dedicate necessary easements along Street frontages, including but not limited to a three-foot Public Utility Easement (PUE) along O'Neil Avenue.
63. Prior to recordation, a proposed Final Tract Map shall be submitted for review by the City. The Final Tract Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately sixty (60) days after the Final Map is deemed technically correct, and Subdivision Improvement Plans with supporting documents, reports and agreements are approved by the City. Executed Final Map shall be returned to the City Public Works Department if Final Map has not been filed in the County Recorder's Office within ninety (90) days from the date of City Council's approval.
64. Prior to the recordation of the Final Tract Map, all documents that need to be recorded with the final map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
65. The final map shall reflect all easements needed to accommodate the project development. The private streets shall be designated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).

### ***Public Improvement***

66. Prior to final map recordation, the developer shall obtain design approval and bond for all necessary public improvements along O'Neil Avenue frontage, including but not limited to the following:
  - a. Removal and installation of new curb, gutter, and sidewalk along entire frontage.
  - b. Installation of new street lights along O'Neil Avenue.
  - c. Grind, overlay and restripe half of O'Neil Avenue, frontage with 2" hot mix asphalt and dig outs and repair failed pavements as necessary.

- d. Remove, replace, and plant street trees along project frontages per City Landscape Architect direction.
67. Plans for all public improvements shall be prepared on Mylar (22"x34" sheets) and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The developer shall also execute a secured public improvement agreement. . The public facilities such as water meters, RP backflow preventers, sewer clean outs, etc., shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Hayward standard detail and specs and built to the city Engineer's satisfaction, and accepted by the City prior to issuance of any first certificate of occupancy for the project.

***Public Improvement Agreement***

68. Prior to building permit issuance, developer shall execute a public improvement agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the agreement.

***Water Quality***

69. Developer shall comply with the regional permits requirements for both pre-construction and post-construction requirements. Stormwater management shall be in compliance with Municipal Regional Permit.
70. The following materials related to the stormwater quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:
- a. A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Public Works - Engineering and Transportation Department staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
  - b. The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
  - c. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into stormwater runoff. Roof leaders shall discharge into flow-through planters and direct runoff shall discharge into a landscaped area or a bioretention area prior to stormwater runoff entering an underground pipe system.
  - d. The proposed BMPs 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.
  - e. The bioretention treatment area shall be designed using a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour.
  - f. The following documents pursuant to the Cleanwater Program requirements:
    - i. Hydromodification Management Worksheet;

- ii. and C.6 Data Collection Form; and,
  - iii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
  - iv. Development and Building Application Information Impervious Surface Form;
  - v. Project Applicant Checklist of Stormwater Requirements for Development Projects;
  - vi. C.3 Numeric Sizing Criteria used for stormwater treatment (Calculations).
71. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
72. Construction activities which disturb 1 acres or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. Following are the specific requirements for regulated construction sites:
- a. A Stormwater Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system during the construction. The plan shall meet the approval of the City Engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report.
  - b. Before commencing any grading or construction activities at the project site, the developer may need to obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
73. The developer is responsible for ensuring that all contractors are aware of all stormwater 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.

### ***Storm***

74. The on-site storm drain system shall be privately owned and maintained by the homeowner association.
75. A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite stormwater detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.
76. The project plan measures shall also include erosion control measures 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.
77. Improvements for storm drain systems shall incorporate the following:

- a. The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.
- b. Storm drain pipes in streets and alleys shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
- c. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities.
- d. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
- e. No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
- f. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
- g. The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.
- h. Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.

### ***Sewer***

78. 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.
79. 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>).
80. The sewer main shall be a minimum 8". Manholes shall be installed at the upstream end of the pipeline, at any change in direction or grade, at intervals not to exceed 400 feet and at the connection to the existing sewer main in O'Neil Avenue.

81. 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.
82. The developer is responsible for payment of sewer connection fees at the current rates at the time the application for building permits are submitted

**Water**

83. 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.
84. 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 (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>).
85. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense.
86. All water services from existing water mains shall be installed 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.
87. City records indicate that the property has an existing 3/4" service line and 5/8" meter (account # 4973). If the water service cannot be reused for the proposed development, it shall be abandoned by City Water Distribution Personnel at the applicant's/-developer's expense.
88. Domestic & Fire Services
  - a. **Domestic:** Each single-family residence (SFR) shall have an individual domestic water meter. Based on the water fixtures shown on the floor plans, each unit will have 34.5 water fixture units, which requires a 3/4" domestic 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 can use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1 inch (combined or not) and the maximum size for combined services is 2 inches. If the calculated fire demand exceeds 160 GPM, a separate fire service will be required. Note that, per CBC 2010 R313, flow-through or multipurpose systems may not require a backflow device (SD-216 is attached).
89. **Irrigation:** The Utility Plan indicates that a 5/8" irrigation water meter will be installed. 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.
90. All domestic and irrigation water meters shall be radio-read type.

91. 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.
92. 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.
93. 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.
94. 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 Standard SD-201 and SD-204. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1”.
95. Separate irrigation water meter shall be installed for landscaping purposes. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard SD-202. Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.

### ***Utilities***

96. 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 for City approval prior to installation.
97. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the Street frontages shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
98. The Developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of fiber optic network within the development.
99. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
100. The improvements associated with the Pacific Gas and Electric Company, local phone company and local cable company shall be installed to the satisfaction of the respective companies.

### ***General Submittal***

101. Prior to building permit issuance, submit the following documents for review and approval, or for City project records/files:
  - 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.
102. 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 mitigation measures:
- a. The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
  - b. New construction will comply with the latest California Building Code and mitigation measures outlined in the Geotechnical Investigation report.
  - c. For each building constructed in the development plan area, the required site specific geotechnical investigation shall address expansive soils and provide appropriate engineering and construction techniques to reduce potential damage to buildings.
  - d. To reduce the potential impacts related to the presence of low to moderately expansive clays in the subsurface soils of the project site, mitigation measures to avoid the effects of expansive soils outlined in the Geotechnical Investigation shall be followed.

***Construction Best Management Practice (BMP)***

103. 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.
104. All diesel powered equipment ( $\geq 100$  horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.
105. 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;
  - 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 stormwater 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;
- 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.).
- q. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. 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 in order 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.

***General Construction***

106. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
107. In the event that human remains, archaeological resources, prehistoric, or historic artifacts are discovered during construction or 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.
108. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
109. Landscape and irrigation improvements shall be installed according to the approved improvement plans prior to the occupancy of each building. Upon completion of landscape and irrigation installation, the project landscape architect shall conduct an inspection for compliance with the approved landscape and irrigation improvement plans, and the conditions of approval contained in this permit. Once the installation is fully accepted, Attachment C, Document of Final Acceptance and Appendix C, Certificate of Completion Part 1 through 7 shall be completed by the project landscape architect and submitted to the City Landscape Architect and request for a landscape inspection for the City's approval for issuance of a Certificate of Occupancy. Re-inspection fees of \$212 shall be applied for each subsequent inspection.
110. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of the tract improvements, or occupancy of eighty percent (80%) of the dwelling units, whichever first occurs.
111. 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.

***Homeowners' Association***

112. Prior to or concurrent with final map recordation, the Conditions, Covenants and Restrictions (CC&R's) for a homeowners' association (HOA) for the proposed residential shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall also include the following provisions:
  - a. The CC&R's shall include provisions to allow future adjacent developments to annex into the HOA if appropriate.
  - b. Each owner shall automatically become a member of the HOA 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 HOA.
- d. The property shall be managed and maintained by a professional property management company.
- e. The HOA shall own and maintain on-site storm drain systems.
- f. The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The HOA representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen 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.
- g. A provision that if the HOA 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.
- h. 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.
- i. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- j. The garage of each unit shall be maintained for off-street parking of two 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 CC&R's shall include authority for the HOA to tow illegally-parked vehicles.
- l. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
- m. Streetlights and pedestrian lighting shall be owned and maintained by the HOA 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. The HOA 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.
- p. The applicant or HOA shall maintain all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The premises shall be kept clean.

***General***

113. The developer shall submit an "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), Pacific Gas and Electric, 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.