

HAYWARD CITY COUNCIL

RESOLUTION NO. 24-\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING PLANNED DEVELOPMENT ZONE CHANGE AND VESTING TENTATIVE MAP (TRACT 8670) FOR THE EDEN VILLAGE III DEVELOPMENT; AND APPROVING THE RELATED ENVIRONMENTAL CONSISTENCY CHECKLIST; NUVERA HOMES AND ROBERT A. PRATT, F TRS ROBERTA, ANNE C. 1U AND NGAI M. WANG (APPLICANT/OWNERS)

WHEREAS, on January 11, 2023, Jeffrey Lawrence, on behalf of Nuvera Homes, submitted Zone Change and Vesting Tentative Map (8670) Application No. MTA-23-0001, to demolish two existing detached residences and construct a new 12-unit small lot detached residential subdivision on an approximately 1.45-acre site located at 24764 and 24656 Mohr Drive (Assessor’s Parcel Numbers (APNs) 441-0074-009-00 and 441-0074-009-00); and

WHEREAS, an Environmental Consistency Checklist tiering off the Hayward 2040 General Plan EIR was prepared in accordance with Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations Section 15000 et seq. and concluded that the proposed development would not have any significant effects on the environment that either: 1) have not already been analyzed in prior EIRs, or 2) that are more significant than previously analyzed, or 3) that uniformly applicable development policies would not substantially mitigate (referred to in the Environmental Consistency Checklist and Conditions of Approval as Standard Conditions of Approval or SCAs); and

WHEREAS, on October 12, 2023, the Planning Commission held a duly noticed public hearing on the proposed project and continued the item to allow the applicant to revise their project based on Commission’s feedback; and

WHEREAS, on December 7, 2023, the Planning Commission held a duly noticed public hearing on the proposed project and voted 4:0:2 to recommend City Council approval of the project; and

WHEREAS, on January 12, 2024, notice of the City Council public hearing related to the proposed project was mailed to all property owners and residents within 300 feet of the project site as well as those who requested such notice; and was published in The Daily Review; and

WHEREAS, on January 23, 2024, the City Council held a public hearing and accepted public testimony on the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following findings:

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

- A. On July 1, 2014, the Hayward City Council certified the Hayward 2040 General Plan EIR. The 2040 General Plan represents the community's view of its future and expresses the community's conservation and development goals for the next 26 years (2014-2040).
- B. In accordance with CEQA Guidelines Section 15183, if the project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects are subject to CEQA. With respect to the effects that are subject to CEQA, the lead agency is to prepare an EIR if the written checklist shows that the effects of the project would be potentially significant.
- C. This project's environmental assessment was completed using an Environmental Consistency Checklist and concludes that the Eden Village III Development project would *not* have any significant effects on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code Section 21094.5, the California Environmental Quality Act (CEQA) does not apply to such effects.
- D. The proposed Environmental Consistency Checklist identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that the applicable mitigation measures identified in the General Plan 2040 EIR will be adopted and implemented. There is no substantial evidence that the project will have a significant effect on the environment.
- E. The Environmental Consistency Checklist has been prepared in accordance with Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations Section 15000 et seq.
- F. That the proposed Environmental Consistency Checklist was independently reviewed, considered, and analyzed by the City Council and reflects the independent judgement of the City Council; that the City Council adopts its findings and conclusions as its source of environmental information; and that it is legally adequate and was completed in compliance with CEQA.
- G. That the project complies with CEQA, and that the proposed Environmental Consistency Checklist was presented to the City Council, which reviewed and considered the information contained therein prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the

Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94541.

### **ZONE CHANGE**

**A. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies.**

The proposed project is consistent with the Limited Medium Density Residential (LMDR) land use designation in the *Hayward 2040 General Plan*, which allows a residential density range of 8.7 to 12.0 dwelling unit per net acre. The designation allows for detached residential units, attached residential units and supportive compatible uses. The project proposes a detached single-family residential project with a density of 9.8 dwelling units per net acre, consistent with the General Plan. The project is also consistent with the following policies of the General Plan:

- *H-3.1 Diversity of Housing Types.* The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.
- *H-3.4 Residential Uses Close to Services.* The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- *LU-1.3 Growth and Infill Development.* The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.
- *LU-3.7: Infill Development in Neighborhoods.* The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

The project will complement the existing neighborhood, which primarily consists of detached residential developments. Notably, the Long Court Townhouses located to the northeast and the Eden Village I and Eden Village II projects adjacent to the project site have similar densities and scale of that of the proposed development. The proposed development pattern also aligns with General Plan policy LU-3.7, which encourages the development of small lot detached residential subdivisions in this area.

A variety of architectural styles, including farmhouse, cottage, and craftsman, are proposed for the development. These architectural styles are compatible with the surrounding neighborhood with craftsman style development seen along Baron Way, Continental Avenue and Gerald Way and cottage style development seen along Mohr Drive and West Street. The farmhouse architectural style is also seen sporadically throughout the area and serves as an ode to the area's rich history as a farming community. The six color scheme options are consistent with Eden Village I,

Eden Village II and the surrounding development in that they include cool and warm neutral tones with brighter accent colors.

**B. Streets and utilities, existing or proposed, are adequate to serve the development.**

The project site will be adequately served by the existing surrounding streets such as I-880, SR-92, and Mohr Drive. A new private street ranging from 21 to 27 feet wide will provide two-way vehicular and emergency vehicle access from Mohr Drive. The proposed private street will also include a hammerhead, allowing for fire apparatus turnaround.

The project site will also tie into the existing utilities which have adequate capacity to serve the development. An Environmental Consistency Checklist was prepared for the project and found that all impacts related to streets, public facilities, utilities and agencies were analyzed and disclosed in Environmental Impact Report (EIR) prepared for the Hayward 2040 General Plan. Any project impacts will be mitigated with the application of the Standard Conditions of Approval.

**C. The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development or neighborhoods.**

The proposed development will create a residential environment of sustained desirability and stability in that it will replace an underutilized site with 12 new detached residential units with eight Junior Accessory Dwelling Units. As noted in Zone Change Finding A, the scale and design of the proposed residences are compatible with the existing neighborhood. The units will be served by both private and public open space within the development. Each unit will have usable private front porches and outdoor rear yards, and the project provides approximately 2,837 square-foot common open space area. There are also two public parks in the vicinity of the project site, Rancho Arroyo Park and Greenwood Park, for recreational purposes.

The development will also be well-integrated into the existing neighborhood with the new private street and a new four-foot-wide sidewalk that will connect residents to local transit and bike facilities. Approximately 0.5 miles east of the project site, there are two AC Transit bus routes (60 and 97) on Hesperian Boulevard, which residents can use to connect to Hayward BART, South Hayward BART, Southland Mall, Bay Fair BART, and Union City BART. There are also Class III bicycle routes present on Eden Avenue and Clawiter Road. The interconnected nature of the proposed development will ensure that it is a desirable and stable place to live for decades to come.

- D. In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule.**

The development is not intended to be phased. The applicant is required to enter into a Subdivision Agreement prior to the approval of the final map that would guarantee completion of all improvements, including the roadway, planned common open spaces and facilities, and stormwater detention areas among other improvements. The Agreement includes surety and insurance to ensure the planned improvements are conducted in a timely manner and prior to occupation of the residential units.

- E. 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, which, in the judgment of the Planning staff provides for a high quality and attractive development.**

As described in Zone Change Finding A, the proposed development is consistent with the applicable General Plan land use designation. However, a Zone Change to PD District is necessary to allow for exceptions from lot standards, setbacks, and a parking requirement. The lot standard exceptions include deviations from lot size, lot area per primary use, lot frontage, average lot width, average lot depth and lot coverage. The setbacks exceptions range from one to ten feet in the required front, side and rear yard setbacks.

The Off-Street Parking Regulations currently require that a detached residential unit that abuts a street with no on-street parking lane provide two covered spaces and two uncovered spaces which do not block access to the covered parking. The development proposes 48 required off-street parking spaces and six perpendicular on-street parking spaces for visitors and guests. The requested exception would allow the driveway area to count towards the required uncovered parking, which is necessary to construct a small lot subdivision at the proposed scale and density consistent with the abutting Eden Village I and II projects.

To offset these requested exceptions, the project proposes amenities that will create a high quality and attractive development. The amenities aim to improve the neighborhood aesthetics and feel, the City's sustainability and the City's housing stock.

The neighborhood aesthetics will be enhanced with the proposed 2,837 square foot common open space area programmed with two benches, a picnic table, a decorative trash receptacle, planters, a tic-tac-toe playboard, percussion play equipment, a precast concrete corn hole game and a community art sign. The benches, picnic table, planters and community art sign will be constructed out of

lumber from the removed trees or reclaimed wood, while prime lumber from the removed trees will be donated to the La Vista Park Development. Furthermore, the stone veneer pilaster with signage and decorative LED streetlights amenities will create a focal and inviting entrance for residents.

Other amenities include providing two additional rooftop solar panels that exceed the requirements by 15 to 20 percent and electric vehicle chargers in each residential garage. Based on the 2021 Greenhouse Gas (GHG) Emissions Inventory, 35,844 metric tons of carbon dioxide equivalent come from electricity usage and 345,905 metric tons of carbon dioxide equivalent come from transportation in the City. These amenities will reduce emissions, bringing the city closer to its goal of reducing GHG emissions by 30 percent below 2005 levels by 2025. Furthermore, a second rainwater collection barrel will be provided to each residence to reduce water irrigation needs. With the likely increased frequency of storm events and periods of drought due to climate change, an additional collection barrel will be beneficial to support landscaping needs regardless of the weather.

Lastly, the project includes eight Junior Accessory Dwelling Units (JADUs). According to the recently adopted 6th Cycle Hayward Housing Element (Appendix B: Housing Needs Assessment), seniors and college students have more difficulty finding affordable housing. In the City of Hayward, over 27 percent of households include seniors and almost nine percent of households include college students. These JADUs will be affordable by design and create housing opportunities for these households. The JADUs will also be secure as there will be a solid core door and a double locking (hotel style) dead bolt system connecting the JADU to the primary residence.

**VESTING TENTATIVE MAP**

**F. The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans.**

The proposed development is consistent with the overall vision of the Limited Medium Density Residential (LMDR) General Plan land use designation and policies in the Hayward 2040 General Plan as detailed in Zone Change Finding A above.

**A. The proposed subdivision meets the requirements of the City Zoning Ordinance.**

The proposed Planned Development (PD) district is subject to the development standards within the Single-Family Residential -Min. Lot Size – 4,000 sf (RSB4) district and the Medium Density Residential – Min. Lot Area -3,500 sf (RMB3.5). The project meets the development standards of the RSB4 and RMB3.5 districts related to building height, driveway length, landscaping and allowed uses.

The PD rezoning allows for exceptions to certain development standards if they are adequately offset by amenities. The proposed development is requesting exceptions

related to lot standards, setbacks, and parking. To offset these exceptions, the project will provide amenities that will enhance the project aesthetics and feel, the City’s sustainability and the City’s housing stock. The exceptions and amenities are detailed in Zone Change Finding E above. With the inclusion of these amenities, the proposed subdivision meets the requirements of the Hayward Municipal Code (HMC).

**B. No approval of variances or other exceptions are required for the approval of the subdivision.**

As proposed, the new Planned Development district would establish the zoning development standards for this project. In addition, the project will also meet the requirements of the Subdivision Ordinance. Therefore, the project will not require a variance or any other exceptions to the requirements of the HMC.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby approves the Zone Change, Vesting Tentative Tract Map (8670) Application No. MTA-23-0001, and Environmental Consistency Checklist, subject to the adoption of the companion Ordinance (Ordinance No. 24-\_\_) rezoning two parcels located at 24656 Mohr Drive (Assessor Parcel No. (APN) 441-0074-030-00) and 24764 Mohr Drive (Assessor Parcel No. (APN) 441-0074-009-00), to a Planned Development District, subject to the attached conditions of approval (Exhibit I).

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2024

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

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**ZONE CHANGE & VESTING TENTATIVE MAP (TRACT 8670) APPLICATION NO. MTA-23-0001** – Applicant: Nuvera Homes Owners: Robert A. Pratt, F TRS Roberta, Anne C. Wu, and Ngai M. Wang – Proposed Zone Change, Vesting Tentative Map (Tract 8670), improvement plans, grading and building permits related to demolition of two existing detached residences and construction of a new 12-unit small lot detached residential subdivision on an approximately 1.45-acre site located at 24764 and 24656 Mohr Drive (Assessor’s Parcel Numbers (APNs) 441-0074-009-00 and 441-0074-009-00).

**GENERAL**

1. The approval of Vesting Tentative Tract Map and Planned Development Rezoning Application No. MTA-23-0001 shall be limited to subdivision of a 1.45-acre site into 17 parcels and the construction of 12 detached residential units and Junior Accessory Dwelling Units (JADUs) with common open space and related site improvements located at 24764 and 24656 Mohr Drive (APN: 441-0074-009-00, and 441-0074-030-00).
2. 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.
3. The Planned Development Rezoning and Vesting Tentative Tract Map is approved subject to the Architectural, Civil and Landscape plans date stamped November 2023, respectively, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved plan and/ or design that does not require a variance to any zoning ordinance standard shall be subject to review and approval by the Development Services Director or his/her designee prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission, if applicable.
4. 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. A higher strength model mailbox constructed of heavy-duty aluminum with stainless steel hardware.
  - b. Provide two rainwater collection barrels to each residence.
  - c. At least one entry pilaster along Mohr Drive.
  - d. Two additional rooftop solar panels beyond the Cal Green 2022 requirements.
  - e. An electric vehicle charging station installed in each garage.
  - f. Decorative LED streetlights.



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- g. Eight Junior Accessory Dwelling Units (JADUs) with a solid core door and double locking (hotel style) dead bolt system connecting it to the primary residence.
  - h. A donation of usable lumber to the La Vista Park Development as determined by the City's Landscape Architect.
  - i. Addition of a rolled curb and boulders to protect the preserved 77-inch diameter redwood tree.
  - j. Reusing on-site tree branches and leaves as mulch in the common open space area and residence's yards.
  - k. A Common open space area featuring two benches, a picnic table, a decorative trash receptacle, planters, a tic-tac-toe playboard, percussion play equipment, a precast concrete corn hole game and community art plaque. The benches, picnic table, planters and community art plaque shall be constructed out of lumber from the on-site trees proposed to be removed. If on-site sourced lumber is not available, reclaimed wood shall be used.
5. The permittee, property owner or designated representative shall allow the City's staff to access 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. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.
7. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
8. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.
9. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.

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10. The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.

**PRECISE PLAN**

11. 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.
12. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan except as modified by Conditions and shall be submitted either in advance of or in conjunction with the subdivision improvement plans, grading permit and improvement plans and Final Map.
13. 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.

**PLANNING**

14. All uses and additions to the detached residential units shall follow the regulations for the Single-Family Residential (RS) zoning district, as amended.
15. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
16. The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
17. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
18. Prior to operation, issuance of a Building Permit or the Certificate of Occupancy, the applicant shall contact the Planning Division and be subject to a site inspection by the designated project planner to verify that all applicable mitigations and conditions of approval have been satisfied. The cost of inspection, including any

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subsequent inspections that are deemed necessary by the City, shall be paid by the applicant.

19. 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 impact fees.
20. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft.
21. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.
22. All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.
23. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and/or renderings date stamped November 2023. Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit and/or prior to construction.
24. All vents gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
25. All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and swimming pool equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit. All screening shall be compatible with respect to forms and materials used on the building.
26. If permitted, all above-ground utility meters, air conditioners, 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. All equipment shall be designed to be compatible with respect to location, form, design, exterior materials, and noise generation. The applicant shall obtain planning division review and approval prior to issuance of any permits.

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27. No signs are approved with this project. Any signs placed on-site or off-site shall be reviewed and approved by the Planning Division and a Sign Permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.
28. Unless otherwise specified or approved by the Planning Director, all vacant building(s) on-site shall be demolished within six (6) months from project approval, and the site shall be returned to a "pre-development condition" which includes the capping of any utilities, the planting of sod to prevent erosion, and a 6 foot tall perimeter fence shall be erected within the required front, side and rear yards of a vacant parcel, subject to the standards set forth in Section 10-1.2735.k, Fence Regulations for Vacant Properties. In addition, the property shall be maintained in a weed-free condition and if applicable, be subject to any pre-construction or demolition mitigation required as pursuant to CEQA.
29. Prior to, during and following demolition of vacant structures, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4, Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.
30. In order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented:
  - 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 tracked-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.
  - f. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - h. 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.

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- i. A publicly visible sign shall be posted with the telephone number and person to contact at the City of Hayward regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.
31. Each phase of development shall provide a proportional share of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to phasing schedule.
32. The applicant shall provide any community benefit, functional facilities and/or project amenities within the first phase of project development to adequately offset the exception to the development regulations that would normally be required, unless specifically approved or deferred by the City Council as part of a project's phasing schedule.
33. In accordance with HMC Section 10-3.246(a), a Tentative Map shall expire 36 months after its approval unless a statutory or discretionary extension is granted in accordance with the Subdivision Map Act and Subdivision Ordinance of the Hayward Municipal Code.

**STANDARD CONDITIONS OF APPROVAL**

34. As applicable, if project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found, the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance to the nest by project activity (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior. During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause reproductive failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be marked

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clearly by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned, as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case-by-case basis using the criteria described above.

35. Tree Removal Permit - The permit shall be obtained from City Landscape Architect prior to issuance of grading permit and prior to removing any trees. Tree removal permit shall be obtained in addition to grading permit and/or demolition permit.
36. Pre-construction and Demolition Measures for Tree Preservation.
  - a. Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or property line for trees. No grading excavation, construction or storage of materials shall occur within the protection zone.
  - b. Non-movable chain link fence as shown in the detail shall be installed around the Protected Zone of each tree to be preserved prior to start of construction. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.
  - c. Trees to be preserved may require pruning to provide clearance and/or correct defects in structure. All pruning shall be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest edition of the ANSI Z133 and A300 safety standards as well as the ISA Best Management Practices for Tree Pruning with a tree pruning permit from the City. The pruning contractor shall have the C-27/D-49 license specification.
  - 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. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.
37. Tree Protection During Construction.
  - a. Prior to beginning work, the contractors working in the vicinity of trees for preservation are required to meet with the Project Arborist at the site to review all work procedure, access routes, storage areas and tree protection measures.
  - b. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist. Any necessary root pruning shall be performed by a qualified arborist and not by construction personnel. Roots shall be cleanly pruned with a handsaw or sawzall, immediately covered with wet burlap, and kept moist until

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- backfilled. A tree pruning permit shall be required for cutting equal or larger than one-inch diameter roots.
- c. If damages should occur to any existing trees designated for preservation during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied. If the damages to tree result in removal, removed tree shall be replaced to its appraised value provided by the Project Arborist and approved by City Landscape Architect.
  - d. Tree protection fence shall remain until all site work has been completed. Fences shall not be relocated or removed without permission of the Project Arborist.
  - e. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel with a tree pruning permit from City Landscape Architect.
  - f. Existing trees designated for preservation shall be irrigated on a schedule to be determined by the Project Arborist. Each irrigation session shall be wet the soil within the Tree Protection Zone to a depth of 30 inch.
38. Tree Replacement and Maintenance During Construction - Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment. Preserved trees shall also be maintained to ensure the continued long-term health of the tree. Trees on-site will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting, and irrigation.
39. If human remains, archaeological resources, prehistoric, paleontological 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.
40. The following control measures for geologic hazards shall be adhered to, unless otherwise approved by the Planning Director or City Engineer. Per standard City project approval procedures, the City must review final project design plans for conformity with building code requirements prior to project construction. All earthwork, including site grading, wall foundation excavations, placement and compaction of engineered fill, and final surface drainage installation, would be performed in accordance with the recommendations contained in the geotechnical report, as applicable.

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41. 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. Construction activities shall occur in conformance with the City's Municipal Code unless otherwise permitted by the City Engineer or Chief Building Official;
  - b. Grading and construction equipment shall be properly muffled;
  - c. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
  - d. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise; and
  - e. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
  
42. In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.

**BUILDING**

43. The project will require a building permit application and the associated plan review process. Additional comments will be provided during that review.
  
44. The proposed development shall comply with the City of Hayward Reach Code including but not limited to being designed as an all-electric building.

**FIRE**

45. On-street parking is not allowed on roads that are between 20 and 26 feet wide. Where on-street parking is not allowed, fire lane signage shall be installed in locations as specified by the Hayward Fire Department. The "No Parking" sign(s) shall meet the City of Hayward Fire Department fire lane requirements.
  
46. All public streets, private streets and private courts shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus including pavers or decorative concrete.



**Exhibit I**

47. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet) in single-family residential area, capable of flowing 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Hayward Fire Department.
48. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located where they will be subject to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
49. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet in width exclusive of shoulders.
50. Each single-family residence is required to install fire sprinkler systems in accordance with National Fire Protection Association (NFPA) 13D. A separate fire permit is required for each fire sprinkler system installation. (Deferred submittal by a licensed C-16 Contractor Required)
51. Maximum 80 pounds per square inch (PSI) water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
52. Underground fire service line serving NFPA 13D sprinkler system shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-216. Water meter shall be minimum one inch in diameter.
53. An audible alarm bell (device) shall be installed to sound on the exterior of each building. The device shall activate upon any fire sprinkler system waterflow activity.
54. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system waterflow activity.
55. 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).
56. 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.

**Exhibit I**

57. Carbon monoxide 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.
58. A minimum 4-inch self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. Otherwise, a minimum 6-inch address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.

**HOUSING**

59. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in Hayward Municipal Code Chapter 10, Article 17. The Applicant shall comply with the requirements in section 10-17.410 of the AHO by paying the applicable affordable housing in-lieu fee as set by resolution in effect at the time of payment. The Applicant shall pay either prior to issuance of building permits or prior to approval of final inspection/issuance of an occupancy permit. No final inspections for occupancy will be approved and no occupancy permit will be issued for any unit unless the affordable housing in-lieu fees are paid in full.
60. The Applicant shall comply with the tenant protection laws of SB 330 and all other applicable federal, state, and local laws, as it relates to demolition of residential units.

**HAZARDOUS MATERIALS**

61. A Site Clearance - Environmental and Health Based Site Clearance - An evaluation and regulatory oversight is required to ensure that the site meets environmental and health-based clearances that are appropriate for this residential development. The applicant shall provide clearance documentation from Alameda County Department of Environmental Health's Local Oversight Program (LOP) to ensure that the property meets the development investigation and cleanup standards.

The Alameda County Department of Environmental Health's Local Oversight Program (LOP) contact, Paresh Khatri, can be reached at (510) 567-6700 or (510) 777-2478. Clearance from the LOP will ensure that the proposed residential project meets development investigation and cleanup standards, including, if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. LOP clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.

62. Electronic Submittal of Environmental Documentation – Electronic Submittal of Environmental Documentation – Environmental Documentation associated with the evaluation, investigation and/or clearance of this site shall be provided in an

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electronic format to the City of Hayward Fire Department and Planning Division prior to the issuance of the Building or Grading Permit.

63. Demolition/Grading – A condition of approval prior to grading: Structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by an appropriate professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated.
64. Wells, Septic Tank Systems or Subsurface Structures – Any wells, septic tank systems and other subsurface structures shall be removed properly to minimize threats to the health and safety of the development construction workers, future residents, or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.
65. Hazardous Materials/Waste and their Vessels Discovered during Grading/Construction – If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.
66. Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts – If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Hayward Fire Department (HFD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report shall be required to be submitted to document the activities performed and any conclusions. Below are specific requirements on each:
  - a. Underground storage tank and associate piping: An approved removal plan, including appropriate sampling, a Hayward Fire Department permit for the removal, and follow-up report is required.
  - b. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report is required.
  - c. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.
67. Hazardous Materials/Waste During Construction - During grading and construction hazardous materials and hazardous waste shall be properly stored, managed and disposed.

**UTILITIES**

68. All connections to existing water mains shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.

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69. Any modifications to existing water services such as but not limited to upsizing, downsizing, relocating, and abandoning shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
70. Only City of Hayward Water Distribution personnel shall perform operation of valves on the City of Hayward Water System.
71. Each single-family residence shall be served by its own water service line and water meter.
72. A separate fire permit is required for the fire sprinkler system installation. The water meter size will be determined by the Fire Department's requirements for that permit; however, a minimum 1-inch water meter is required for residential fire sprinklers. Residential combined domestic and fire services are allowed, per City of Hayward Standard Detail 216 (SD-216). The configuration must have two separate water service lines on the backside of the water meter: one for domestic water service and one for fire water service, as shown on Figure 2B on SD-216. The applicant or owner is responsible for installing the backside configuration of the water service.
73. Fire flow data may be required for the project. Information regarding existing fire flow data and how to request for new fire flow test data is available on the City's Fire Flow Testing website.
74. A separate irrigation water meter and service line shall be installed for irrigation water services.
75. The Applicant/Developer shall install an above-ground reduced pressure (RP) backflow prevention assembly on all irrigation water services, non-residential domestic water services, and residential domestic water services where there is a water well on the property, per City Standard Detail 202 (SD-202).
76. The Applicant/Developer is responsible for applicable water and sewer connection/capacity fees, at the rates in effect at the time of application for water and sewer service, prior to water connection and sewer discharge.
77. All public water mains and appurtenances shall be constructed in accordance with 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.
78. Water mains and services, including the meters, must be located at least ten (10) feet horizontally from and one (1) 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

**Exhibit I**

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.

79. Water meters and services are to be located a minimum of two feet from top of driveway flares as per City Standard Detail 213 (SD-213) through 218 (SD-218). Water meters shall not be located in the driveway. Water meter lids shall be Nicor, Inc.
80. All water mains must be looped. Dead end water mains will not be allowed. Water mains must be connected to other water mains, via dedicated easements if necessary.
81. The development shall dedicate to the public a Water Line Easement (WLE) including rights of ingress and egress for the purpose of construction and maintenance of public water system facilities within the entire roadway/private street. Maintenance of the public water system shall be the responsibility of the City.
82. The development shall dedicate to the public a Sanitary Sewer Easement (SSE) including rights of ingress and egress for the purpose of construction and maintenance of public sewer system facilities within the entire roadway/private street. Maintenance of the public sewer system shall be the responsibility of the City.
83. No permanent structures shall be built within the Water Line Easement (WLE) and Sanitary Sewer Easement (SSE). No bio-retention areas shall be located within the WLE and SSE. No trees shall be planted within the WLE and SSE.
84. All sewer mains and appurtenances shall be constructed in accordance with the City's latest "Specifications for the Construction of Sewer Mains and Appurtenances," revision at the time of permit approval, which is available on the City's website.
85. Where sanitary sewer lines and/or laterals are the same size as the sanitary sewer main, the connection shall be made with a manhole.

**LANDSCAPE***General*

86. Tree Preservation Bond - The bond for the amount of \$117,000 shall be submitted to City Landscape Architect prior to issuance of grading permit for all trees that are designated for preservation. Appraised tree value is used for determining total amount for the tree preservation bond.

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87. Offsite Tree Mitigation Option - Pursuant to HMC Section 10-15.20, replacement trees shall be located on site wherever possible. Where there is not sufficient room on site for the replacement trees in the judgment of the City Landscape Architect, another site may be designated that is mutually agreeable. As a result, the La Vista Park site, located on Tennyson Road, east of Mission Boulevard, was designated for an offsite tree mitigation for the \$44,962 shortfall in tree mitigation for this project. . Prior to issuance of Grading Permit, and in order to satisfy the off-site tree mitigation requirements, the applicant shall submit payment to the City of Hayward for \$44,962 with a note on the check "Project No. 06914 La Vista Park."
88. The following notes shall be added to the planting notes:
- a. Trees shall be located a minimum of five feet from all utility service lines and driveways, a minimum of nine feet from the center line of any fire hydrant, a minimum of fifteen feet from any light pole, and a minimum of thirty feet from the face of any traffic signal, or as otherwise specified by the City.
  - b. Trees shall be planted minimum two feet from the edge of public utility easement.
  - c. All final tree locations shall be field verified by the project landscape architect prior to planting and resolve any conflicts that may arise in the field.
  - d. 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 recommended by the manufacturer.
89. All above ground mechanical equipment shall be screened from the street with five-gallon shrubs.
90. The location of the irrigation water meter(s) shall be as approved by Hayward Public Works Utilities.
91. Standard Landscape Maintenance.
- a. Landscaping shall be maintained in a healthy, weed-free condition at all times and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The Irrigation system shall be maintained to function as designed performance.
  - b. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection.
  - c. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color and the size shall not exceed 1-1/2-inch diameter. The depth shall be maintained at three inches deep.

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- d. All nursery stakes shall be removed during tree installation. Staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.
- e. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect.
- f. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- g. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

*Prior to Issuance of Building Permit*

92. Prior to issuance of the first building permit, detailed landscape improvement plans prepared by a licensed landscape architect on an accurately surveyed base shall be approved as a part of grading permit/Final Map. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. The plans shall be stamped, signed and dated by the project Landscape architect. The plans shall include the water efficiency compliance statement and water budget calculations. Once approved by the City, copies of the approved landscape improvement plans shall be submitted as a part of the building permit submittal.
93. The tree inventory map and landscape plans shall show the tree trunk location of each numbered tree.
94. Plot Plan - All required trees shown on the approved landscape improvement plans shall be shown on the plot plan clearly and legibly, and the following notes shall be provided on each plot plan:
  - a. All final tree locations shall be field verified by the project landscape architect prior to planting and resolve any conflicts arise in the field.
  - b. Prior to planting trees, determine the location of existing or future underground utilities. Locate tree a minimum of 5 feet from lateral service lines and driveways. Locate tree a minimum of 15 feet from a light pole, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City. Provide root barriers when a tree is located less than 7 feet from face of buildings or edge of pavement.
  - c. See irrigation plans for location of sleeves before pouring driveways and walkways.

**Exhibit I***Prior to Issuance of Certificate of Occupancy*

95. Model Homes.
- a. A Temporary Certificate of Occupancy (TCO) shall be issued for model home. TCO shall remain in place until converting model home to production home for sale. Landscape inspection shall be required prior to issuance of TCO, and another inspection prior to issuance of Certificate of Occupancy at the time of the conversion. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1, 2 and 6 shall be submitted electronically in prior to requesting an inspection from the City Landscape Architect.
  - b. Water Efficient Landscape Educational Sign for Model Homes - Pursuant to HMC Section 10-12.17, water efficient landscape educational sign for model homes shall provide signs and written information to demonstrate the principles of water efficient landscapes described in the ordinance.
    - i. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
    - ii. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
96. Production Homes - Prior to the issuance of Certificate of Occupancy for each production home, landscape and irrigation installations shall be completed in accordance with the approved plans and details and shall be accepted by the City Landscape Architect. Prior to 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, 2 and 6 shall be submitted electronically in prior to requesting an inspection from the City Landscape Architect.
97. Tract Acceptance.
- a. The entire landscape improvements including production homes and common landscape area shall be completed and well maintained until the acceptance by the City. The acceptance inspection shall be performed by City Landscape Architect. Prior to requesting an inspection by City Landscape Architect, the project landscape architect shall field inspect and accept landscape improvements and shall submit completed Appendix C. Certificate of Completion Part 1 through 7 in the City's Bay-Friendly Water Efficient Landscape Ordinance to City Landscape Architect. If green waste was



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- diverted to an authorized facility and the weigh tag was submitted and signed off by the City's Solid Waste Division at Utilities and Environmental Services Department, a copy of the signed document will replace Part 7.
- b. Irrigation Audit - Pursuant to HMC Section 10-12.11, an irrigation auditing rate of one (1) in seven (7) lots or approximately fifteen percent (15 %) of the total production homes and an audit of all common landscape areas shall be done prior to tract acceptance. All landscape irrigation audits shall be conducted by a third-party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
  - c. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City, As-Built digital plans shall be submitted to the Engineering Department by the developer.

**TRANSPORTATION**

98. Pursuant to City of Hayward Traffic Code Article 9, Applicant, Property Owner, Homeowners Association (HOA) or Property Manager shall maintain adequate visibility and sight distance, as defined by City of Hayward Traffic Code, at all project driveway(s) and access point(s).

*Prior to Issuance of Building Permit*

99. Applicant shall submit the following items as part of Improvement Plans to Public Works-Transportation for review prior to issuance of Building Permits:
  - a. An on-site and off-site (fronting City right-of-way) Signing and Striping Plan in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking compliant disabled stalls).
  - b. An on- and off-site Photometric Plan, refer to Hayward Standard Plans Sheet SD-120 for roadway lighting criteria (<https://www.hayward-ca.gov/sites/default/files/documents/standard-details-updated-jan-2020.pdf>)
  - c. Turning Analysis using WB-50 or the largest vehicle expected on-site using Auto-Turns software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.

*Prior to Issuance of Certificate of Occupancy*

100. Pursuant to HMC Article 30 Chapter 10, the Project shall be subject to Traffic Impact Fees (TIF), which shall be paid by the Applicant prior to issuance of Certificate of Occupancy.

**ENGINEERING**

101. The subdivision shall comply with Chapter 10 Article 3 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. Except when

**Exhibit I**

approved by the City Engineer, the subdivision improvements required for public health, safety and welfare shall comply with the current Standard Details of the City of Hayward and other agencies standards as applicable. Such improvements shall include, but are not limited to, all-weather vehicular and pedestrian access, fire and traffic safety, safety lighting, drainage collection and disposal, sanitary sewer and solid waste collection and water electricity, telecommunication, and natural gas services.

102. All required and conditioned improvements shall be complete per plans approved by the City Engineer prior to approval of the Final Map substantially conforming to its approved Tentative Map or the subdivider shall execute a Subdivision Improvement Agreement and post improvement securities in form and amounts acceptable to the City.
103. 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. Prior to or concurrent with applicable final map recordation. Subdivider shall record a reciprocal easement, ingress/egress easement and maintenance agreement(s) for common use facilities and access ways.
104. Current title report shall be submitted to identify current ownership and any existing easements or land use restrictions when approval of the final map is requested.
105. Home-Owners Association (HOA) shall be formed, and its related Covenant, Conditions and Restrictions (CCR) documents shall be filed in the public records of Alameda County prior to the issuance of any building permit. Said documents shall be submitted to the City for its review and approval before submittal to the State Department of Real Estate (DRE) and filing in the County's public records. The CC&Rs shall include the following provisions:
  - a. The HOA shall be managed by a professional property management company.
  - b. The HOA Shall maintain updated registration information with the Secretary of State.
  - c. The HOA shall own and maintain in fully functional condition and good repair all areas, improvements, common area retaining wall systems, and facilities created for common use of the property owners within the project but not dedicated or accepted by the City for its maintenance.
  - d. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
  - e. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project development approvals.

**Exhibit I**

- f. The CC&Rs shall describe how the HOA shall maintain the stormwater treatment and site-design measures associated with privately owned improvements and landscaping.
- g. The HOA shall own and maintain on-site area lights which shall have a decorative design approved by the Planning Director and the City Engineer.
- h. The HOA shall arrange for Street sweeping of the private street and private parking stalls at least once a month.

*Prior to Issuance of Building Permit*

- 106. Building permits for new structures or remodeling of existing structures on proposed lots will not be issued prior to issuance of the City's grading permit and recordation of the Final Map. Model homes may be permitted before recordation of the Final Map as per the Subdivision Map Act Section 66499.30 (a).
- 107. Plans for the project require grading and improvements and their design documents shall be prepared by or under the direction of State licensed and qualified professionals and shall require approval of the City Engineer. Plans shall provide construction details for all improvements proposed in the project application and required by the City's Conditions of Approval.
- 108. Subdivider shall secure the City Fire Marshal's approval of Improvements for all weather emergency vehicle access and fire protection before flammable material is brought on-site.
- 109. Project developer shall obtain permits or approvals from all affected agencies or private parties. Copies of applicable permits or approvals shall be provided to the City Engineer.
- 110. All grading shall comply with grading shall comply with Chapter 10 Article 8 of the Hayward Municipal Code as determined by the City Engineer. A fine grading and drainage plan prepared by a State licensed civil engineer shall be submitted as part of the Improvement Plans for review and approval by the City Engineer prior to the issuance of building permits. Developer may apply for a grading permit to rough grade the project site.
- 111. A soils report prepared by a licensed civil or geotechnical engineer subject to approval by the City Engineer shall be submitted and the grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report. Plans for grading and drainage for the grading permit shall be reviewed and signed by the soils report engineer certifying that the recommendations in the report have been followed. The geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical

**Exhibit I**

report. All material testing reports shall be attached to the certification letter report.

112. Earth retaining structures exceeding 4-feet in height (bottom of footing to top of wall) shall require structural calculations and details prepared by a licensed civil or structural engineer and approved by the City's Building Division staff.
113. All building sites shall be graded to slope away from the building foundations per California Building Code, Chapter 18, Section 1804.3 Site Grading or as required by the Soils Engineer.
114. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer shall be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.
115. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. On site surface drainage shall be collected and conveyed to a public drainage system as per plans approved by the City Engineer.
116. The drainage system shall be designed for a 10-year storm event. Drainage plans should include all proposed underground pipes, building drains, area drains and inlets.
117. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
118. The On-site storm conveyance and treatment systems shall be owned and maintained by the property owner.
119. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted and shall show, at a minimum, drainage management areas, location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidelines.
120. Land disturbance of one acre or more requires the developer to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD). Copies of the SWPPP related documents must be submitted to the City Engineer prior to issuance of a grading permit. The SWPPP shall be based on generally accepted practices in the area and provisions of the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG

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Manual of Standards for Erosion and Sediment Control Measures and the City's Grading and Erosion Control ordinances.

121. All broken, cracked, or uplifted curb, gutter, and sidewalk shall be removed and replaced along the project frontage. The existing street section shall be removed and replaced to the centerline of the street if the existing pavement is either damaged or the structural section is determined by the City Engineer to be inadequate for the intended traffic.
122. Private streets (drive aisles) shall be constructed to the same standards as Public Streets. No parking signs and markings shall be posted and maintained along both sides of the drive aisles.
123. Private streets (drive aisles) shall have vertical concrete curbs along their both sides. Accessibility compliant sidewalk shall be provided at least along one side of such streets.
124. Private streets (drive aisles) shall have average illumination of 0.4 ft-candles with a uniformity ration not exceeding 6:1.
125. Private streets (drive aisles) shall be designed for use by vehicles providing emergency, mail and parcel deliveries and waste collection services.
126. Improvements in the street right-of-way fronting the project shall include the following:
  - a. Replace existing curb, gutter, sidewalk and driveways across the project frontage on Mohr Drive with new improvements compliant with the current Hayward Standard Details.
  - b. Replace damaged street pavement and street pavement markings and signs fronting the project with matching such improvements. Also replace such improvements with new improvements if not complying with the accessibility standards or the City Standard Details.
  - c. Replace failing segments of existing street pavement fronting the project with hot-mix Asphalt-Concrete (A.C.) matching the existing pavement section
  - d. All sidewalks, walkways and driveways in and fronting the development shall comply with ADA and Title 24 requirements.
127. 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. Photometric analysis/studies shall be submitted for review and approval by the City Engineer.

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128. All utility services to the development shall be underground, designed and installed in accordance with the service provider's 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 approved by the utility service providers and the City Engineer prior to installation (HMC Section 10-3.815).
129. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic tele-communication network within the development.

*During Construction*

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

*Prior to Issuance of Certificate of Occupancy*

133. All public improvements, including the complete installation of all street improvements, fencing, sanitary sewer, storm drainage, water system, underground utilities, streetlights etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

**Exhibit I**

134. Prior to final inspection and issuance of final certificates of occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Public Works Director and Development Services Director or his/her designees.
135. Post Construction Stormwater Maintenance - The property owner(s) shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for private treatment control and site design measures is bound to the property in perpetuity.
136. SWPPP Final Report - The project QSP shall prepare and file a Final SWPPP Report with the City and Water Board.
137. Geotechnical Letter - Prior to the issuance of any Certificates of Occupancy, Developer shall submit a confirming letter from the project geologic and/or geotechnical team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.
138. Final Engineer's Report - Prior to the issuance of any Certificate of Occupancy, The Engineer of Record shall submit a confirming letter that all grading, drainage, and engineering components of the project have been performed in conformance with the approved plans and specifications.
139. As-Built Records - As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

**-END OF CONDITIONS-**