

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-__

Introduced by Council Member _____

RESOLUTION APPROVING ZONE CHANGE AND VESTING TENTATIVE MAP (TRACT 8502) FOR THE TRUE LIFE COMPANIES MIXED USE DEVELOPMENT; AND APPROVING THE RELATED INFILL CHECKLIST; THE TRUE LIFE COMPANIES/TTLC MIRZA LLC AND CITY OF HAYWARD (APPLICANT/OWNERS)

WHEREAS, on December 2, 2018, Leah Beniston, on behalf of The True Life Companies, submitted Zone Change and Vesting Tentative Map (8502) Application No. 201806355, to develop 189 condominium and townhome units; approximately 10,800 square feet of ground floor commercial space; and a variety of common and private open spaces including a multi-use trail on an approximately 12.2 acre site which would require approval of a Purchase and Sale Agreement for City-owned land. The project site is composed of the privately-owned parcel located at 29212 Mission Boulevard (Assessor Parcel No. (APN) 078C-0445-001-04), and the adjacent 7.6-acre City-owned parcels located just north of the privately-owned project site which include portions of APNs 078C-0461-10, -11, -12, -13, and -14 that are the subject of the Purchase and Sale Agreement; and

WHEREAS, on January 12, 2016, the City Council adopted Resolution No. 16-004, authorizing the City Manager to negotiate and execute an agreement with Caltrans to acquire 17 properties along the 238 Bypass Corridor to remediate blight; support transit-oriented, mixed use development; and ensure redevelopment of the properties under a coherent development plan that meets the City's land use goals and other public purposes; and

WHEREAS, on April 17, 2018, the City Council adopted Resolution No. 18-063, authorizing the City Manager to enter into an Exclusive Negotiating Rights Agreement (ENRA), with The True Life Companies, the applicant, to develop a conceptual land use plan for Parcel Group 2 of the Route 238 Corridor Lands Development Project. The goal of the land sale was to promote economic development opportunities and create transit-oriented development with public open spaces near the Mission Boulevard/South Hayward BART Station area; and

WHEREAS, an Infill Checklist tiering off the General Plan EIR and the South Hayward BART/Mission Boulevard Form-Based Code SEIR 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 Infill Checklist and Conditions of Approval as Standard Conditions of Approval or SCAs); and

WHEREAS, on October 10, 2019, the Planning Commission held a duly noticed public hearing on the proposed project and voted 6:0:0 to recommend City Council approval of the project provided that conditions be added that the applicant incorporate public art into the development and that all retaining walls be treated in a decorative manner to complement the architecture and landscaping of the proposed development; and

WHEREAS, on October 18, 2019, 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 October 29, 2019, 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 September 13, 2011, the Hayward City Council certified the South Hayward BART/Mission Boulevard Form-Based Code Supplemental EIR (SEIR). The project's environmental impact analysis is tiered from the 2006 South Hayward BART/Mission Boulevard Concept Design Plan Program EIR and the 2009 Route 238 Bypass Land Use Study Program EIR.
- B. 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). The General Plan EIR included all assumptions included in the South Hayward BART/Mission Boulevard Form Based Code.
- C. In accordance with CEQA Guidelines Section 15183.3, if the infill project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects are subject to CEQA. With respect to the effects that are subject to CEQA, the lead agency is to prepare an infill EIR if the written checklist shows that the effects of the infill project would be potentially significant.
- D. This project's environmental assessment was completed using an Infill Checklist and concludes that the True Life Mixed Use 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.

- E. The proposed Infill Checklist identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that the applicable mitigation measures identified in the General Plan 2040 EIR and/or the South Hayward BART/Mission Boulevard Form-Based Code SEIR will be adopted and implemented. There is no substantial evidence that the project will have a significant effect on the environment.
- F. The Infill Checklist has been prepared in accordance with Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations Section 15000 et seq.
- G. That the proposed Infill Checklist was independently reviewed, considered and analyzed by the City Council and reflects the independent judgement of the City Council; that the City Council adopts its findings and conclusions as its source of environmental information; and that it is legally adequate and was completed in compliance with CEQA.
- H. That the project complies with CEQA, and that the proposed Infill Checklist was presented to the City Council, which reviewed and considered the information contained therein prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94541.

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 development is consistent with the overall vision for development along Mission Boulevard, the South Hayward BART/Mission Boulevard Form Based Code, and the applicable *Sustainable Mixed Use, Regional and Office Commercial* and *Medium Density Residential* General Plan land use designations in that it will place the highest density and intensity mixed use development along Mission Boulevard near the commercial arterial and high frequency transit while reducing density as the development moves further east into the higher elevation areas at the rear of the site. In addition, the project as a whole adheres closely with the S-T4 (South Hayward Form Based Code, T4) District development standards related to building form, height, open space design, limited parking, building orientation on the lot and design of building interface with public spaces in order to create a cohesive and

consistent site plan and development program across the site. To manage parking demand, the project would include a robust set of trails, paseos and open spaces as well as Transportation and Parking Demand Management measures to reduce single occupancy vehicle use which are consistent with the Mobility Element of the General Plan and Climate Action Plan.

With regard to consistency with the applicable Affordable Housing Ordinance, modified development standards are acceptable where the proposed project would lead to an increase in density pursuant to Hayward Municipal Code Section 10-17.700(b)(1). The proposed development would include 20 single-story condominium units within the mixed use buildings rather than integrate the affordable housing units throughout the mixed use and townhome portions of development because the project was expanded to include the City-owned Parcel 2, increasing the density of the project overall by expanding the project frontage along Mission Boulevard where ground floor commercial uses with residential uses above is required. Further, the proposed development would include 20 deed restricted units where 19 are required therefore the proposed project.

The proposed development is consistent with multiple General Plan goals and policies to:

- Support development of compact, mixed use and walkable neighborhoods within the City's Priority Development Areas; near regional transit; within the South Hayward neighborhood; and that integrates a mix of land uses into new and established neighborhoods (General Plan Land Use Goal 2 and Policies LU-1.5, LU-1.6, and LU-2.8).
- Create complete neighborhoods with a mix of densities and uses and that provide convenient access to parks and other community amenities and foster commercial and social activity for nearby residents and businesses (LU Goals 3 and 4 and Policies LU-3.5, LU-4.1, LU-4.3 and Housing Element Policies H-3.4).
- Design mixed use neighborhoods to place retail frontages and outdoor gathering spaces along the public right-of-way while locating parking at the rear of the building; and enhance development with landscaping, lighting, planters and other amenities. Develop highly connected block and street networks; provide alley loaded garages for townhome development; locate parking for multifamily development below apartment buildings; and ensure that windows front streets and public right-of-way (Policies LU-3.4 and LU-3.5).
- Develop a comprehensive, integrated and connected network of transportation facilities to serve all modes of travel (Mobility Goal 1 and Policy M-8.4).
- Encourage active lifestyles and the development of urban infill parks where traditional, large-scale neighborhood and community parks are not appropriate;

and construct infrastructure improvements in existing neighborhoods to enable people to drive less and walk, bike or take public transit more (Health and Quality of Life Goal 2 and Policies HQL-10.4 and HQL-11.2)

- To allow for flexible development standards and mixed-density development projects within a single development project on multiple parcels in order to facilitate the development of housing available to all income levels (Policies H-3.1, H-3.4, LU-3.6 and H-4.1).

This proposed development plan is also consistent with the surrounding development in that it will place the highest density and highest intensity mixed use development along Mission Boulevard near commercial and mixed-use development, and place the lower density townhomes at the rear of the site nearest the lower density residential neighborhoods and future La Vista Park.

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

The proposed infill project site is surrounded by existing streets and has access to utilities with adequate capacity to serve the proposed development. In addition, the project will be required to install frontage improvements along all property frontages and to fund transportation-related improvements and signal timing adjustments for identified intersections. An Infill Checklist was prepared for the proposed development and found that all impacts related to streets, public facilities, utilities and agencies were analyzed and disclosed in Environmental Impact Reports (EIRs) prepared for the General Plan and South Hayward BART/Mission Boulevard Specific Plan and Form Based Code and can be mitigated with the application of specific and Standard Conditions of Approval applicable to all development projects.

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 because it will contain a mix of land uses and housing types within the development. Specifically, the mixed-use buildings would contain approximately 10,800 square feet of ground floor commercial uses, a portion of which is planned as a daycare facility, and 66 condominium units, twenty of which would be deed restricted for moderate-income households. The rear portion of the site would be developed with 123 townhomes within 23 building ranging from four-plexes to seven-plexes connected by paseos, a multi-use bicycle and pedestrian path that would traverse the project site, and a mix of small and large open spaces

including a plaza/park between the mixed use buildings, a large-scale dog park and small pocket parks. Consistent landscaping, street furniture and decorative paving will further provide a cohesive identity for the project.

Overall, the proposed architecture will lend to the sustained desirability of the neighborhoods. The project has a contemporary architectural style with flat roofs and horizontal and vertical building elements differentiated by off-set planes and a variety of colors and materials. The ground floor commercial storefronts stretching along Mission Boulevard would have substantial glazing, a projecting canopy, steel tube columns and decorative streetscape elements such as concrete planters and bollards, and the ground floor garages would have large openings screened with perforated metal screens to allow in light and to break up the ground floor massing.

The project site would create an environment of sustained desirability and stability in that it would be connected through a multi-use bicycle and pedestrian trail that would run north-south through the project site connecting the project and developments south of the project site to the future La Vista Park at Tennyson Road, as well as a series of paseos, sidewalks, and a variety of small and large open spaces for residents and visitors to the site. The open spaces would be privately maintained by the Homeowners Association.

- 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 project 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 planned common open spaces and facilities. The Agreement includes surety and insurance to ensure that the planned improvements are conducted in a timely manner and occur 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 above, the proposed development is consistent with the overall vision for development along Mission Boulevard, the South Hayward BART/Mission Boulevard Form Based Code, and the applicable General Plan land use designations in that it will place the highest density and intensity mixed use development along Mission Boulevard nearest the commercial arterial and high frequency transit while reducing density as the development

moves further east into the higher elevation areas at the rear of the site. A Zone Change to PD District is necessary to ensure flexibility in laying out and organizing the site with varying development densities and intensities across the site which falls under varying Zoning Districts and slopes significantly from Mission Boulevard east into the hills. The proposed development would meet the purpose and intent of the PD District zoning in that it would result in efficient and attractive space utilization that places mixed use development on the flattest areas of the site nearest the commercial arterial and high frequency transit while locating less intense townhome development at the steeper areas of the site near lower density residential neighborhoods and the planned La Vista Park.

The proposed development is seeking an exception related to the parking required for the development on Parcel 2. The proposed exception would be off-set by the inclusion of a robust set of Transportation and Parking Demand Management Strategies included as conditions of approval as well as placement of solar photovoltaic panels on all of the residential and mixed-use buildings, and installation of a variety of common and private open spaces connected by a multi-use trail through the site. The trail and interconnected open spaces will facilitate walking and bicycling throughout the development and to BART.

VESTING TENTATIVE MAP

A. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451. [Subdivision Map Act §66474(a)]

The proposed development is consistent with the overall vision for development along Mission Boulevard, the South Hayward BART/Mission Boulevard Specific Plan and related Form Based Code, and the applicable *Sustainable Mixed Use, Regional and Office Commercial* and *Medium Density Residential* General Plan land use designations as detail in Zone Change Finding A above. The proposed project requires a Zone Change to Planned Development District to allow for a consistent and coherent development pattern across the site.

B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans. [Subdivision Map Act §66474(b)]

The proposed subdivision is consistent with the residential densities for projects in the *Sustainable Mixed Use, Regional and Office Commercial* and *Medium Density Residential* land use designations, as well as specific goals and policies outlined in Zone Change Finding A, above.

The existing and proposed internal roadways are designed to accommodate the anticipated traffic. Utilities, including water, sewer, and storm drain facilities, will be

provided to accommodate the proposed development. Further, the Infill Checklist prepared for the project found that all impacts related to streets, public facilities, utilities and agencies were analyzed and disclosed in the EIRs prepared for the General Plan and South Hayward BART/Mission Boulevard Specific Plan and Form Based Code and can be mitigated with the application of specific and standard Conditions of Approval applicable to all development projects.

C. That the site is physically suitable for the type of development. [Subdivision Map Act §66474(c)]

Earth Systems prepared two site specific Geotechnical Hazards Evaluation and Geotechnical Feasibility studies (2017 and 2018), an Addendum to the 2017 Study, and a Geologic Peer Review in 2019. All of the documentation was reviewed and referenced in the Infill Checklist prepared for the proposed project and concluded that if the proposed development followed recommendations related to placement of structures, foundation and fill type, installation of pins to stabilize slopes, and standards for retaining walls, then the site would be physically suitable for the type of development proposed. Per conditions of approval, the recommendations and standards will be incorporated into the Improvement Plans for the proposed project.

D. That the site is physically suitable for the proposed density of development. [Subdivision Map Act §66474(d)]

As noted above, the proposed development placed the high density, mixed use development on the relatively flat areas of the site near Mission Boulevard and place the relatively lower density townhome development toward the steeply sloped, rear portion of the site. Further, as described in Vesting Tentative Tract Map Finding C above, several studies and reports were prepared to determine if and how the site would be physically suitable for the proposed density of development and those specific recommendations would be incorporated into the Improvement Plans for the proposed project.

E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. [Subdivision Map Act §66474(e)]

According to the Infill Checklist prepared for the project, the 12.2-acre infill site is bounded by existing commercial uses and residential uses that are currently under construction. Most of the site was previously developed or cultivated and portions of the site are paved, have access roads, walls and swales. According to the General Plan EIR and the SH BART/Mission Boulevard SEIR, there is no potential for special-

status plant species on the site. However, two special status species have potential to occur on the site and an area on the northern part of the site has experienced ponding to support cattails, which is a wetland plant.

The proposed development would include Standard Conditions of Approval, included as mitigation measures in previous environmental documents, to reduce potential impacts to a level of less than significant by conducting pre-construction surveys and a wetland delineation map prior to the issuance of permits for the project. Thus, the standard conditions would ensure that the design of the subdivision and proposed improvements will not cause substantial environmental damage or to injure wildlife, fish or their habitat.

F. That the design of the subdivision or type of improvements is not likely to cause serious public health problems. [Subdivision Map Act §66474(f)]

The development is an infill site surrounded by infrastructure with adequate capacity to serve the future development. The Infill Checklist concluded that the project, like all large-scale development projects, could result in short term degradation of air quality related to construction activities and included standard conditions of approval to minimize fugitive dust and specifying construction equipment standards. Further, to minimize any impacts related to indoor air quality the project would be required to either install high efficiency filters within the mixed use buildings, or prepare a site specific Health Risk Assessment to evaluate risks and determine appropriate measures to manage those specific risks in accordance with the South Hayward BART/Mission Boulevard Supplemental Environmental Impact Report. Incorporation of these standard measures as conditions of approval would ensure that the proposed project will not result in serious public health problems.

G. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. [Subdivision Map Act §66474(g)]

The proposed project will not conflict with existing easements for access through or use of the property in that there are no such easements affiliated with these parcels. The proposed private roadways and pedestrian facilities will be open and accessible to the public, as conditioned.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Infill checklist and approves the Zone Change and Vesting Tentative Tract Map (8502) Application 201806355, subject to the adoption of the companion ordinance (Ordinance No. 19-__) rezoning the property located at 29212 Mission Boulevard (APN 078C-0445-001-04) and adjacent City owned properties at APNs 078C-0461-10, -11, -12, -13, and -14 to Planned Development District, subject to the attached conditions of approval (Exhibit I.a); and,

NOW THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager or her designee to execute any and all documents related to the disposition of City-owned properties as detailed in of the companion resolution (Resolution No. 19-__) to TTLC Mirza LLC, or its affiliate.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

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

Exhibit I.a

ZONE CHANGE & VESTING TENTATIVE MAP (TRACT 8502) APPLICATION NO.

201806355 – Applicant: TTLC Mirza, LLC and TTLC Mirza 2, LLC/Owners: TTLC Mirza, LLC and City of Hayward – Proposed Zone Change, Vesting Tentative Map (Tract 8428), Purchase and Sale Agreement and improvement plans, grading and building permits related to development of 189 residential units and approximately 10,820 square feet of ground floor commercial development and site improvements. The ground floor commercial uses and 66 for-sale condominium units would be located within two mixed-use buildings fronting Mission Boulevard and 123 townhome units would be located behind the mixed-use buildings within 23 townhome buildings ranging from four to seven units each. The 12.2-acre vacant site is composed of two parcels: one 4.7 acre privately owned property at 29212 Mission Boulevard (Assessor Parcel Number 078C-0455-001-04), and an approximately 7.5 site north of 29212 Mission Blvd that was a former Caltrans property and is currently owned by the City and the subject of a Purchase and Sale Agreement with the applicant (composed of portions of APNs 078C-0461-10, -11, -12, -13, and -14).

GENERAL

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Zone Change and Vesting Tentative Map Application No. 201806355, is approved subject to the Architectural Plans and Vesting Tentative Map plans date stamped July 22, 2019, and updated with Open Space Exhibits submitted August 28, 2019, except as modified by the conditions listed below.
3. All uses within the commercial portion of the proposed Planned Development District shall follow the Use Table for the S-T4 District in the South Hayward Form Based Code, as amended.
4. The Vesting Tentative Map approval shall align with the timeframes set forth in the Subdivision Map Act, and all related automatic and Applicant-initiated extensions.
5. Any proposal for alterations to the conditionally approved site plan and/or design that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance or exception shall be subject to review and approval by the Planning Commission.
6. The permittee, property owner or designated representative shall allow City planning and code enforcement staff access to the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.

Exhibit I.a

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. All permit charges accrued in the processing of Zone Change and Vesting Tentative Map Application No. 201806355 shall be paid in full prior to consideration of a request for approval extensions and/or submittal of building permits for the development.
9. Building permits for the mixed-use buildings shall be obtained prior to or concurrently with the first building permit for the townhomes. See also COA No 37 related to Affordable Housing Ordinance obligations.

STANDARD CONDITIONS OF APPROVAL

10. SCA AIR-1: Consistent with General Plan Policies NR-2.2 and NR-2.7, 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.
 - 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.

Exhibit I.a

11. SCA AIR-2: In compliance with the SH BART/Mission Blvd SEIR Mitigation Measure Air-2 and General Plan Policy NR-2.2 and NR-2.15, the project applicant shall implement the following design features to ensure that operational air quality impacts would not occur.

Indoor Air Quality.

In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:

- a. The project applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and these measures shall be included in the project construction plans. These features shall be submitted to the City's Planning Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.
 1. For sensitive uses (residences, day care centers, and playgrounds) sited within the overlay zone from Mission Boulevard, the applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85 percent supply filters shall be used.

The project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the project CC&Rs and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.

- b. Alternative to (a) above, the project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Development Services Department for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.

Exhibit I.a

Exterior Air Quality.

- c. To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.
 - d. Alternative to (c) above, an HRA could be prepared and implemented to take into account the risk specifics of the site, as more fully described in item (b) above.
12. SCA AIR-3: Consistent with General Plan Policy NR-2.2 and NR-2.12, the project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project meet the California Air Resources Board (CARB) Tier 4 emissions standards or equivalent.
 13. SCA BIO-1: Consistent with General Plan Policies NR-1.2 and NR-1.3, a qualified biologist shall identify, map, and make recommendations for avoiding White-tailed kite during construction activities on the project site, if present. Specifically, to the extent feasible, vegetation removal activities shall occur during the non-nesting season (September 1 to January 31). For any construction activities conducted during the nesting season, a qualified biologist shall conduct a preconstruction nest survey of all trees or other suitable nesting habitat in and within 250 feet of the limits of work. The survey shall be conducted no more than 15 days prior to the start of work. If the survey indicates the presence of nesting birds, the biologist shall determine an appropriately sized buffer around the nest in which no work shall be allowed until the young have successfully fledged. The size of the nest buffer shall be determined by the biologist and shall be based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of up to 250 feet for raptors and 50 feet for other birds should suffice to prevent substantial disturbance to nesting birds, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.
 14. SCA BIO-2: Consistent with General Plan Policies NR-1.2 and NR-1.3, a qualified biologist shall identify, map, and make recommendations for avoiding burrowing owls during construction activities on the project site, if present. Specifically, no more than 14 days prior to any ground disturbing activities, a qualified biologist shall conduct a preconstruction/take avoidance survey for burrowing owls using methods described in Appendix D of the CDFW Staff Report on Burrowing Owl Mitigation (Staff Report). If no burrowing owls are detected during the initial take avoidance survey, a final survey shall be conducted within 24 hours prior to ground disturbance to confirm that owls are still absent.

If take avoidance surveys conducted during the non-breeding season (September 1 to January 31) identify any burrowing owls within the construction footprint, individuals may be excluded from burrows using one-way doors provided that a Burrowing Owl Exclusion Plan is developed and approved by CDFW prior to implementation.

Exhibit I.a

If burrowing owls are found within the construction footprint during the breeding season, occupied burrows shall be avoided by establishing buffers around the burrows in which no work shall be allowed until a qualified biologist has determined that the nest attempt has failed or that young have fledged and can forage independently of the adults. A minimum buffer of at least 250 feet shall be maintained during the breeding season around active burrows. Burrowing owls present on site after February 1 shall be assumed to be nesting on or adjacent to the site unless focused monitoring by a qualified biologist familiar with burrowing owl reproductive behavior indicates that the observed individual is unpaired or that egg-laying has not yet begun. A Burrowing Owl Exclusion Plan will be developed and approved by CDFW prior to implementation.

15. SCA BIO-3: Consistent with General Plan Policy NR-1.3 and SH BART/Mission Blvd SEIR Mitigation Bio-1, the following steps shall be taken to protect wetlands and other waters of the US.
 - a. In order to ensure that all jurisdictional wetlands and other waters are identified, a formal jurisdictional delineation of wetlands and other waters shall be conducted on the project site. The jurisdictional delineation should follow the methodology set forth in the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and should be submitted to the Planning Division and the Corps for verification prior to issuance of a grading permit.
 - b. The proposed project shall avoid development on, and impacts to, identified wetlands and other waters.
 - c. If avoidance of wetlands or other waters is not possible, then impacts should be minimized to the maximum extent that is practicable and these measures should be incorporated into the project design. If impacts to wetlands or other waters cannot be minimized and are unavoidable, these impacts shall be compensated for by developing and implementing a comprehensive mitigation plan, acceptable to the Corps, CDFG, and RWQCB to offset these losses. It is recommended that mitigation be conducted within the project site. If this is not possible, then an off-site mitigation area should be selected that is as close to the project site as possible and acceptable to the resource agencies. Necessary State and federal permits shall be obtained prior to any work within or in close proximity to wetlands or other waters of the U.S and submitted to Planning Division prior to issuance of a grading permit.
16. SCA CUL-1: Should an archaeological deposit or human remains be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology shall be contacted to assess the situation, determine if the deposit qualifies as a historical resource, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If the deposit is found to be significant (i.e., eligible for listing in the California Register of Historical Resources), the applicant shall be responsible for funding and implementing appropriate mitigation measures. If

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human remains are encountered, the County Coroner shall also be contacted to complete an assessment. All excavation, analysis, and reburial of Native American human remains shall be done in consultation with the Native American Most Likely Descendent, as identified by the California Native American Heritage Commission.

17. SCA GEO-1: Consistent with General Plan Policy NR-7.2, should paleontological resources be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource
18. SCA HAZ-1: Consistent with General Plan Policy HAZ-6.2, prior to approval of building or demolition permits, a Phase I environmental site analysis shall be conducted for the Parcel 2 property and, if warranted by such analysis as determined by the Hazardous Materials Office of the Hayward Fire Department or other regulatory agency, a Phase II environmental site analysis shall also be conducted. Recommendations included in the Phase II analysis for remediation of hazardous conditions shall be followed, including contact with appropriate regulatory agencies to obtain necessary permits and clearances. No construction (including grading) shall be allowed until written clearances are obtained from appropriate regulatory agencies.
19. SCA HAZ-2: Consistent with General Plan Policy HAZ-6.2, and to ensure the protection of construction workers from exposure to potential hazardous materials releases in soils and groundwater during excavation of both parcels, a Construction Risk Management Plan (CRMP) shall be prepared by a qualified environmental professional for all phases of construction, implementation of which would protect construction workers, the public, and the environment from hazardous materials, including potential unknown contamination in the subsurface of the site. The CRMP shall be submitted to the Planning Division for review and approval prior to the start of site grading and construction activities, and shall include the following: 1) procedures for evaluating, handling, storing, testing and disposing of soil and groundwater generated during project excavation, grading, and dewatering activities and 2) a contingency plan that shall be implemented if previously unidentified potentially contaminated material or regulated features (e.g., USTs, asbestos containing material) are encountered during construction activities.

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If such material is identified that meets actionable levels from applicable regulatory agencies, remediation plans shall be prepared and implemented to remediate any hazards to acceptable levels and shall identify methods for removal and disposal of hazardous materials. Worker safety plans shall also be prepared and implemented. All required approvals and clearances shall be obtained from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, California Department of Toxic and Substances Control and Bay Area Air Quality Management District.

20. SCA NOI-1: Should Building B house a use such as a daycare and the outdoor area would be utilized as a playground, noise barriers would be required around the exterior of the playground area in order to reduce noise levels generated by traffic noise on Mission Boulevard by a minimum of 3 dBA to reduce levels to below 70 dBA L_{dn}. This design measure shall be evaluated by a qualified acoustical engineer and shall be reflected on application for tenant improvements for the commercial space and installed prior to the issuance of a certificate of occupancy for a daycare and/or preschool use
21. SCA NOI-2: In compliance with SH BART/Mission Blvd SEIR Mitigation Measure Noise-2, and in order to comply with the City's exterior and interior noise compatibility standards, the following measures shall be implemented:
 - a. The proposed project shall include the installation of mechanical ventilation such as air conditioning for all dwelling units so that windows and doors can remain closed for a prolonged period of time.
 - b. Standard building construction requirements consisting of windows and doors higher than STC-28 are incorporated for frontline dwelling units of Buildings A and B along Mission Boulevard.
 - c. A final acoustical report shall be prepared once final architectural plans are available to confirm that the interior living spaces of residential dwelling units will meet the City's interior noise standard of 45 dBA L_{dn}.
22. SCA TRA-1: Consistent with Policy M-4.4 of the City's General Plan, the project applicant shall fund signal timing adjustments to allow more green time for the impacted approaches at the intersection of Ruus Road/Industrial Parkway West.

PRECISE PLAN

23. 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.

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24. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan except as modified by Condition No. 24 below and shall be submitted either in advance of or in conjunction with the subdivision improvement plans and Final Map.
25. The Precise Development Plan shall include the following information and/or details:
 - a. A copy of these conditions of approval shall be included on a full-sized sheet(s).
 - b. Proposed location for construction staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.
 - c. Details of address numbers shall be provided. Address numbers shall be decorative. Building addresses shall be minimum four-inch self-illuminated or six-inch on contrasting background to ensure visibility from the street.
 - d. Large expanses of blank wall shall be prohibited and shall be articulated or otherwise treated with design or architectural features. To the greatest extent possible, any blank walls at street level shall be treated with public art.
 - e. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft. Approved address numbers shall be at least four inches in height on a contrasting background. Font strokes shall be of sufficient width such that they are legible to the public from the street fronting the property.
 - f. Proposed color and materials board for all buildings, fences and walls. All retaining walls shall be designed to complement the proposed architecture and landscaping through use of color, texture and materials
 - g. Townhome Garage Doors. The townhome garage doors shall be painted an accent color to add complexity along the ground floor elevations.
 - h. Townhome Style B, Right Elevation. Ground floor elevation shall be painted a different color to match the left elevation in order to break up building massing.
 - i. The dog park shall have the following supporting amenities: double gate at the entry, decorative fencing, benches and tables, shade trees and/or structure, and, if possible, a drinking fountain. Amenities shall be shown on Precise Plan and Improvement Plans.

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General Planning Conditions:

26. The project approval includes the following project amenities to support the finding required to be made that “any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.” Amenities shall include:
 - a. Photovoltaic solar systems shall be installed on all townhome and condominium buildings to service all residential units within each building. Photovoltaic solar systems shall be implemented for use on the common areas, commercial and residential portions of the mixed-use buildings. To the greatest extent possible, the project architect shall consult with an energy consultant regarding the design and orientation of roof surfaces and reorient rooflines to maximize solar orientation;
 - b. The park/plazas, multi-use trail and dog park that provide continuous multi-modal access and common open spaces through and across the site shall be recorded as part of the final map for the related area and shall include public easements to ensure ongoing public access. All improvements and amenities shall be installed in accordance with the approved plans and ongoing maintenance of the trail and open spaces shall be provided by the Homeowner’s Association.
27. All final exterior building finishes, paint colors, parking lot mesh design and other architectural details shall be reviewed and approved by the Planning Division prior to issuance of a building permit for the project.
28. Pavement around the retail buildings and entrances to residential neighborhoods shall be enhanced with integral colors, texture, pattern and decorative banding with different material, color and texture. The final enhanced pavement design, including color and materials shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
29. Any proposal for alterations to the proposed site plan and/or design which does not require a variance to any zoning ordinance standard must be approved by the Development Services Director or his/her designee, prior to implementation.
30. All air conditioners and utility connections for air conditioners shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall.
31. All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen from all perspectives, unless other noise mitigation is required.

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32. All rooftop mechanical equipment, other than solar panels, shall be fully and completely screened from view by the proposed roof structure or appropriate screening that is reviewed and approved by the Planning Division. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus and utilitarian equipment such as vents shall be painted to match surface to which it is adhered.
33. The Applicant shall submit an application for a Master Sign Program in accordance with Hayward Municipal Code (HMC) Section 10-7.210, prior to the installation of any signage for the commercial development.
34. The sign program shall include a provision to install artistic renderings or signage in windows of vacant commercial tenant spaces and "Coming Soon" signs for future commercial tenants when the tenant space is under construction.
35. Signage associated with the various publicly accessible uses (plaza, dog park) including wayfinding and interpretive signage along the public pathways shall be reviewed and approved with the park improvement plans.
36. The applicant shall install construction related signage with renderings of the proposed development along Mission Boulevard. The applicant shall provide the location, size and method of installation of the signs on the Precise Plan submittal.

Affordable Housing:

37. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in Hayward Municipal Code (HMC) Chapter 10, Article 17. As a condition of approval, the Applicant shall comply with the affordable housing requirements as reflected in the attached Affordable Housing Plan (AHP), included as Attachment VIII to the staff report, and detailed per Section 10-17.510 Affordable Housing Plan. The sequence for issuance of building permits and Certificate(s) of Occupancy for both market-rate and affordable units in the Project shall comply with the Phasing Plan as reflected in the attached AHP as Attachment VIII to the staff report. No variation in the Phasing Plan will be allowed which may result in the delay in construction of the affordable units relative to the market rate units. This condition shall be interpreted to facilitate the earliest completion of the affordable units.
38. In addition to the Affordable Housing Plan and pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall also enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance and the Affordable Housing Plan, included as Attachment VI to the staff report, prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.

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39. Parking & Affordable Housing Units. A maximum of two deed restricted affordable units within Mixed Use Building A may have no specific parking spaces assigned to the unit. Otherwise, all deed restricted affordable unit shall have at least one parking space assigned to the unit.

Park Dedication Fees and Credits:

40. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16.
- a. Per HMC Section 10-16.10, the applicant shall dedicate land, pay a fee in lieu thereof, or do a combination of both for park and recreation purposes. The land dedication and in lieu fee amount shall be the requirement and fee in effect at the time of building permit issuance for the development.
 - b. Pursuant to HMC Section 10-16.47, Developer Provided Park and Recreation Improvements, a land dedication credit may be provided publicly accessible park and open spaces. Per the proposed project, the applicant is seeking a credit for the acreage related to the proposed dog park (17,165 square feet). If recommended for approval by the Hayward Area Recreation and Park District (HARD) Board and approved by the City Council, a credit may be permitted for the acreage associated with the dog park. However, the developer shall not receive a credit for any acreage set aside for Stormwater Control purposes pursuant to Provision C3.
 - c. The dog park shall have supporting amenities including benches, tables, shade (trees or structure), fencing including a double gate at the entry. The final design and list of amenities shall be included in the improvement plan and shall be review and approved by the Planning Division and the Hayward Area Recreation District prior to the approval of Improvement Plans.

Transportation and Parking Demand Management:

41. The Applicant or designee shall implement Transportation and Parking Demand Management (TDM) measures as detailed below:
- a. The Applicant or designee shall compile and distribute information regarding the following TDM Measures to all first-time residents and commercial tenants through provision of a TDM Contact Person and Resident Welcome Packet.
 - b. The Applicant or designee shall provide resources for real time transportation information in the Resident Welcome Packet.
 - c. All long- and short-term bicycle storage shall remain in place and shall not be utilized for other uses such as storage.

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- d. The Applicant or designee shall provide information regarding commuter tax benefit programs for employees of the commercial tenants in the Tenant Welcome Packet.
 - e. The Applicant or designee shall advertise and promote the following programs in the Welcome Packet:
 - 511 Ride Matching Assistance
 - Carpool/Vanpool Incentives for New Users
 - “Guaranteed Ride Home”
 - AC Transit “Easy Pass”
 - f. The Applicant or designee shall provide coupons for bicycle maintenance service at a local bicycle shop for all residents in the Resident Welcome Packet.
 - g. The Applicant or designee shall maintain three dedicated Car Share parking spaces on-site.
 - h. The Applicant or designee shall provide EV Charging Stations with dedicated public EV parking spaces for use by retail patrons, park patrons and residential area visitors/guests. The number of designated public EV parking spaces shall be determined by CalGreen Parking Requirements (per Building Division). Each designated EV parking space shall include an EV Charging Station. EV Charging Stations shall be installed in public spaces prior to the issuance of occupancy permits in buildings adjacent to the spaces.
 - i. The Homeowner’s Association shall collect \$400 per unit annually to be used towards improving transit options for the homeowners. Options could include but are not limited to funding Clipper Cards, future car lifts for the garages in Buildings A and B, fair share component of a potential community shuttle bus or any other quality of life, transit supportive measure specifically encouraging the use of public transit options. Plans for these funds will be reported to the City of Hayward during the yearly TDM monitoring outlined in Condition Nos 42-44 below.
42. In addition to implementation of TDM measures, Applicant or designee shall monitor the TDM Program through a TDM Coordinator and submit to the City, on an annual basis, a survey of commute characteristics of project residents and employees and a report on the results of the survey. The surveys shall not coincide with a special event or promotion geared toward increasing alternative modes of transportation (e.g. Bike to Work Day, Walk to School Day) and the applicant or designee shall provide incentives or other means to achieve a minimum of 65 percent of residents must respond to the survey each year. The annual report shall include the status of the overall TDM Program. The first report shall be submitted to the City within one year of issuance of first occupancy permit for the first building constructed on-site.

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43. The Applicant shall acknowledge that the City reserves the right to inspect the project for TDM Program effectiveness and automobile trip reduction and may impose additional measures or penalties if the project does not meet a total of 9% automobile trip reduction as outlined in the Project's TDM Plan.
44. The TDM Coordinator's contact information shall be provided to all employees and residents of the development, and the TDM Coordinator shall be responsible for monitoring parking and resolving parking complaints/disputes throughout the mixed-use and townhome development.

General Conditions – Building

45. Plans for building permit applications shall incorporate/comply with the following:
 - a. Compliance with applicable Building and Fire Codes.
 - b. The project shall comply with disabled access provisions of 2016 CBC Chapter 11A. All required accessible and/or adaptable units shall be called out on the plans and unit counts shall comply with the counts required in the code.
 - c. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.

General Conditions – Engineering

46. Homeowners Association: Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Conditions, Covenants and Restrictions (CC&R's), creating a homeowner's association (HOA) for the property, shall be submitted to the City for review and approval. The CC&Rs shall include the following provisions:
 - a. The HOA shall be managed and maintained by a professional property management company.
 - b. The HOA shall own and maintain the private access roads and on-site storm drain systems within the development.
 - c. The CC&R's shall describe how the stormwater conveyance, treatment and site-design measures associated with privately owned improvements and landscaping shall be maintained by the association.
 - d. The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition.
 - e. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA.
 - f. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.

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- g. The garage for each unit shall be maintained for off-street parking for one or two vehicles, as designed, and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
 - h. The residents shall not use parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These parking spaces shall be monitored by the HOA. The HOA shall remove vehicles parked contrary to this provision. The CC&R's shall include authority for the HOA to tow illegally parked vehicles.
 - i. The association shall ensure that no less than 75 percent of the units shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.
47. Utility Services: All new utility service connections to the project shall be installed underground.
48. Geologic Hazard Abatement District (GHAD): The project shall annex into the Hayward GHAD for the management, maintenance, and replacement of improvements to mitigate hazards caused by geologic events.
49. Public Trail, Parks and Open Space Maintenance: The proposed public trail, parks, plazas, paseos and open spaces shall be maintained by the future HOA. The applicant or HOA and the City shall enter into a maintenance agreement ensuring that the HOA is responsible for the maintenance and operation of the public trail and its appurtenances in perpetuity prior to Tract Acceptance.
50. Public Trail & Dog Park Easement: A Public Access Easement shall be dedicated over the proposed public trail, pedestrian connection to the proposed dog park, and over the proposed dog park. Easements shall be shown on the Final Map prior to its approval.
51. Street Lighting: Public street lighting along the development frontage and on-site lighting shall comply with current City lighting standards and the City's Security Ordinance. Lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast a direct light or glare upon adjacent properties or rights-of-way.
52. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible

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from the street. Sufficient access for meter-reading by utility staff must be provided to all meters.

53. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.

General Conditions – Utilities

Water:

54. 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-foot wide easement shall be granted to the City.
55. Existing water services, if any, that cannot be reused for the proposed development shall be abandoned by City Water Distribution Personnel at the Applicant/Developer expense.
56. Domestic & Fire Services.
 - a. Domestic: Each residential unit, including the units in the mixed-use Building A and B, shall have an individual, publicly read domestic water meter installed by the City of Hayward. Private submetering shall not be permitted. Facilities fees for residential connections are based on the domestic demand for the home. A larger water meter may be installed if the service is combined with a private fire service. The Developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces
 - b. Fire: Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204.
 - c. Combined Residential Services: The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216. 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). Also note that combined services must connect directly to the water main (manifold layouts are not allowed).
57. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. The Applicant/Developer shall install an above ground Reduced Pressure Backflow Prevention Assembly

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(RPBA) on each irrigation water meter, per 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.

58. Each non-residential commercial tenant space shall be served by separate water meters with approved backflow prevention device.
59. All water meters shall be radio-read type.

Sewer:

60. 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-foot wide easement shall be granted to the City.
61. The Applicant/Developer is responsible for applicable sewer connection/capacity fees, at the rates in effect at the time of application for water and sewer service, prior to building permit issuance.
62. The Applicant/Developer shall install a grease control device to control fat, oil, and grease discharge from any food service establishment.
63. Grease interceptors must be cleaned on a regular basis, at a frequency such that the combined grease and solid accumulation does not exceed 25% of the total liquid depth of the interceptor, but no less frequently than once every three months while the establishment is in operation. Cleaning shall consist of removal by a licensed commercial waste hauler of the entire contents of the device.
64. Applicant/Developer shall be responsible for payment of its share of the cost of upgrading the sewer collection system in the Industrial sewer sub-basin to accommodate the proposed development. The Applicant/Developer share is as follows:
 - a. Townhomes Residential Project: \$101.82 per dwelling unit (to be paid at issuance of building permit for each townhome residential unit);
 - b. Mixed-use Building A Project: \$4,980.77 for the 8,048 square feet commercial space and 45 residential units (to be paid at issuance of building permit for Building A).
 - c. Mixed-use Building B Project: \$2,275.65 for the 2,773 square feet commercial space and 21 residential units (to be paid at issuance of building permit for Building B).

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CONDITIONS DUE PRIOR TO THE ISSUANCE OF GRADINGS AND/OR BUILDING PERMITS

65. Subdivision Improvement Agreement: A Subdivision Improvement Agreement shall be executed prior to Final Map Approval that guarantees the completion of the improvements to the satisfaction of the Director of Public Works. This agreement includes surety (i.e. bonds), insurance, and additional deposit for City staff time and City resources to be expended on the project.
66. Required Improvements: Privately engineered studies and design documents shall be submitted to the Director of Public Works for review and approval prior to final map approval. The engineered plans shall include, but not be limited to, the following design requirements:

Transportation Engineering:

- a. Applicant shall submit plans to modify the existing Valle Vista and Mission Boulevard signalized intersection to accommodate a four-way intersection with pedestrian refuge medians on Mission Blvd. Design shall include, but not limited to the replacement of traffic signal equipment compliant to the latest Caltrans Standard Plans and CA MUTCD.
- b. Per the project Traffic Impact Analysis for the intersection of Mission Boulevard and Valle Vista Avenue, the applicant shall pay the City a fee for future modifications to the intersection signal timing as the mitigation for the addition of the eastern leg to the signalized intersection. The applicant contribution for this intersection will be \$15,000 and shall be paid to the City prior to issuance of grading permit.
- c. Per the project Traffic Impact Analysis for the intersection of Russ Road and Industrial Parkway West, the applicant shall pay the City a fee for future modifications to the intersection signal timing as the mitigation to the project impact in the cumulative plus project conditions scenario. The applicant contribution for this intersection will be \$15,000 and shall be paid to the City prior to issuance of grading permit.
- d. Provide directional ramps and sidewalks across Mission and proposed driveway.
- e. The curb radius on the southeast corner of Mission and Villa Vista shall be no more than 20 feet. The applicant shall submit a vehicle turning analysis for standard design vehicles turning right from northbound Mission.
- f. The applicant shall coordinate with AC Transit with regards to upgrading the existing bus stop along the Mission Blvd project frontage.
- g. Designs submitted shall also reflect any identified traffic mitigations as described elsewhere in this document.
- h. The proposed public trail shall have a minimum pavement width of eight feet with a minimum two-foot wide paved or unpaved level shoulders on both sides. This trail shall connect with a similar trail in the Mission Seniors project to the south of the development site and Tennyson Road as shown on the Tentative Map.

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- i. Photometric analysis/studies and signing/striping plans for Public Street frontages, Private Streets, and the public trail shall be submitted for review and approval by the City Engineer.

Utilities – Water:

- a. The Utility Plan shown as part of the Tentative Map is conceptual. A Water Impact Study shall be funded by the developer and used to finalize the on-site water system design prior to the submittal of improvement plans. In addition, the water and wastewater system design are subject to the following design requirements:
 - i. The development's water system shall connect to neighboring developments, specifically Tract 8439 (Ersted Property) and Tract 8394 (Mission Seniors). The water impact study may provide updated and detailed recommendations for water connection points.
 - ii. The development's water system shall connect to the existing water main in East Tennyson Road based on recommendations by the water impact study and determined by the Director of Public Works.
 - iii. The Applicant/Developer shall comply to any necessary water improvements identified in the water impact study and as determined by the Director of Public Works.
 - iv. If the alternative water mains adjacent to Building B or any water pipeline alignments as determined by the study is determined to be necessary, a 10-foot wide waterline easement over the water mains shall be granted to the City by separate instrument prior to Tract Acceptance.
- b. 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 <https://www.hayward-ca.gov/your-government/departments/engineering-division>).
- c. 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.
- d. All water mains must be looped. Dead end water mains will not be allowed. Water mains must be connected to other water mains.
- e. 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.
- f. Water mains and services, including the meters, must be located at least ten (10) feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.

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Utilities – Sewer:

- a. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12-inch Diameter or Less)," latest revision at the time of permit approval.
- b. Each residential dwelling unit shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per Standard Detail (SD)-312.

General:

- a. Excavation in the street pavement(s) resurfaced within the last five years shall require pavement restoration as per the DWG. No. SD-126.
67. Grading & Drainage: A fine grading and drainage plan is required and shall be submitted with the Final Map and Improvement Plans for review and approval by the Director of Public Works prior to the issuance of building permits. Developer has the option to apply for a grading permit to perform rough grading. The grading and drainage plan shall include, but not be limited to, the following design & submittal requirements:
- a. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or less (top of wall to bottom of footing) shall be reviewed and approved by Public Works. Earth retaining structures greater than 4-feet in height shall be reviewed and approved by the Building Division of the Development Services Department. The plans should include all proposed underground pipes, building drains, area drains and inlets. The on-site storm drainage system shall be designed to convey a 10-year storm event.
 - b. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the Director of Public Works prior to issuance of a grading permit.
 - c. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
 - d. A Geological Report prepared by a registered Engineering Geologist must be submitted to and accepted by the City prior to the issuance of a grading permit.
 - e. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted which will 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.
 - f. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system.
 - g. On-site collector storm drains shall be not less than 12-inch in diameter to minimize potential for blockages. Storm drains shall be designed to prevent standing water.

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68. 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, developer shall record a reciprocal easement, ingress/egress easement and maintenance agreement(s) to address all common utilities, crossing utilities and all common access ways.

Utilities – Solid Waste

69. All trash enclosures must adhere to all the basic design guidelines provided in Section 3 of the City's Standard Design Requirements for Collection & Storage of Trash, Recyclables and Organics for Commercial (Business) and Multi-Family Projects. The building permit submittal shall include a detailed set of plans that show the design details of the enclosures, including the location of all bins and label each bin with the capacity (ex: three cubic yards, four cubic yards, etc.) as well as the type of waste (trash, recyclables, organics).

Landscaping:

70. Precise plan shall be prepared at the level equal to sixty percent (60%) completion of construction documents. Precise plan doesn't need to include photographic or illustrative images. All plans and legends shall not rely on color to be legible. All provided information on the plan shall be legible in black and white.
71. The landscape plans shall be prepared on an accurately surveyed topographic plan that matches the architecture site and civil plans.
72. Existing tree locations in the City right-of-way on Tennyson Road shall be accurately shown on the landscape site, planting and irrigation plans as shown on the La Vista Tennyson Road Improvement Plans. Existing trees within the visibility triangle at the Tennyson Road entrance shall be transplanted or removed depending upon tree health and removed trees shall be replaced with like-kind and like-size where would provide similar benefit to the streetscape. The visibility triangle shall be measured thirty feet from face of curb.
73. Signage, walls or plants shall not exceed three feet in height within the visibility triangle. Tree shall not be planted within the visibility triangle. The same requirement shall apply to the Mission Boulevard entrance way.
74. Existing Eucalyptus trees in poor health could become fire hazard and should be considered for removal and replacement. The replacement planting may not be at the same location and shall not be with the same species.

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75. All landscape plans shall provide building numbers, underground and above ground utilities, all existing trees shown on the survey plan, and designation of existing trees whether to be preserved or removed.
76. Tree shall be located minimum of five feet from utility 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.
77. Storm drain lateral lines shall be located close to the edge of sidewalk to allow maximum flexibility for tree planting.
78. Erosion control fabric, compost blanket or a combination of compost sock and erosion fabric shall be installed shall be installed for slopes equal or steeper than three-to-one (3:1) but less than two-to-one (2:1). Geotechnical engineer shall provide erosion control measures for slopes exceeds two to one (2:1).
79. Masonry walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
80. Both water meter and sewer cleanout shall be located in the driveway.
81. A dedicated irrigation water meter shall be provided.
82. Landscape and irrigation plans in full compliance with the City's Bay-Friendly Water Efficient Landscape Ordinance shall be submitted for approval. Minimum one set of plans shall be wet-stamped and wet-signed. Landscape and Irrigation Plans shall include:
 - a. Conceptual Landscape and Irrigation Plans shall include landscape statement: "I have complied with the criteria of City of Hayward Bay-Friendly Water Efficient Landscape Ordinance and applied them for the efficient use of water in the landscape and irrigation design plan."
 - b. Details and specifications shall be provided for all hardscape material including manufacturers, color, texture and finishes.
 - c. Planting palette shall provide mature size (width x height). Plant spacing shall not be closer the minimum spread provided in the reference books in the ordinance.
 - d. All plants in bioretention basin shall conform to the plant list in the latest C.3 Stormwater Technical Guidance Appendix B.
 - e. Hydrozone Map shall be provided.
 - f. Irrigation plans shall provide proposed design, proposed irrigation water meter location and size, static water pressure (psi) at point of connection, performance standards, and backflow prevention device locations.
 - g. Manual shut off valve such as a gate valve, ball valve or butterfly valve shall be installed after the backflow prevention device.

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- h. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be included in the irrigation detail.
 - i. Municipal Code Article 12, Appendix B Water Efficient Landscape Worksheet for water budget calculation for Maximum Applied Water Allowance and Estimated Total Water Allowance. The water budget calculation shall use Eto of 44.2 for City of Hayward and shall provide the calculation methodology used. For residential developments with more than five or more units shall be considered providing “non-residential landscape” and shall use ET adjustment factor of 0.45.
 - j. Bio-treatment area, when wider than ten feet, shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system that allows “cycle and soaking” program function. When the treatment area width is less than ten feet, efficient irrigation system that meets the current ordinance requirements shall be provided. The irrigation for bio-retention area shall be provided on a separate valve.
83. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. 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. Three-inch deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep.
84. All trees planted as a part of the development and as shown on the approved landscape plans shall be “Protected” and shall be subject to the City’s Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with the City’s Tree Preservation Ordinance within the timeframe established by the City and pursuant to the Municipal Code.

Hayward Fire Department:

85. Where the grade plan and highest roof surface exceeds 30 feet in height, fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of buildings (highest roof surface shall be determined by measurement to the eve of a pitched roof). At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building. “A” Street having been designed at or greater than 26 ft. (in portions of the roadway) in width, is positioned on the shortest portion of the building, however this condition is adequate for Fire Department access.

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86. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced to provide all-weather driving capability. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus accesses.
87. Fire apparatus access road 20 feet to 26 feet wide shall be posted on both sides as a fire lane; fire apparatus access road 26 feet to 32 feet wide shall be posted on one side of the road as a fire lane. "No Parking" signs shall meet the City of Hayward Fire Department fire lane requirements.
88. Address and premise identification approved numbers shall be placed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property. Dimensions of address numbers or letters on the front of the buildings shall be approved by the fire department.
89. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26ft. exclusive of shoulders.
90. Entry road exhibit demonstrates access to the property that is within the standards of the Hayward Fire Department. Entry/exit roads into the property must have a minimum inside radius of 17ft. and a minimum outside radius of 45ft. per Appendix D.
91. Hammerhead turnaround(s) shall meet the minimum specifications as noted in Appendix D of the California Fire Code (CFC).

Hayward Fire Department – Water Supply:

92. A fire flow shall be provided in accordance with the 2016 California Fire Code Table B105.1 based on the construction type and building area when building exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500 gpm. Site Improvements will be required to meet this demand in the WUI area.
93. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the California Fire Code (CFC). The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.
94. All buildings on site are required to install an overhead fire sprinkler system(s). An underground fire line will service each fire sprinkler system. An underground fire service line shall be installed in accordance with NFPA Standards. (A separate fire department permit, and approval is required prior to installation).

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95. Fire alarm system with occupant notification shall be provided in accordance with 2016 CFC Section 907 and NFPA 72 Standards for all proposed R2 buildings. (Deferred Submittal by licensed C10 Contractor)
96. An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser. The device shall activate upon any fire sprinkler system water flow activity.
97. 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 water flow activity. (R2 occupancy)
98. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the residence. The device shall activate upon any fire sprinkler system water flow activity. (R2 Occupancy)
99. 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 Standards. (R2 Occupancy)
100. 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. (R2 Occupancy)
101. All buildings are required to install an automatic fire sprinkler system in accordance with NFPA 13. A separate fire permit is required for the fire sprinkler system installation. A State Licensed C-1 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation. Maximum static pressure of 80 PSI should be used when the test data indicates higher pressures. (Deferred submittal)
102. A maximum static pressure of 80 PSI should be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly.
103. Underground fire service lines that serve NFPA 13 systems shall be connected to the city water main per Hayward Public Works Dept. SD-204/216.
104. A standpipe system is required for buildings 3 stories or more in height. Standpipe system shall conform to NFPA 14 Standards. (Deferred submittal)
105. The building is located within the City of Hayward Wildland/Urban Interface Area, and shall meet the construction requirements (as reflected on the approved plans) as stated in the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines, which includes Class A roofing materials and exterior non-combustible siding materials (stucco), double-pane windows. Do not use wood shake or treated

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wood shake roofs. The building construction shall comply with the requirements contained in the California Residential Code Section R327.

106. Deck shall comply with requirements of the Hayward Fire Department Urban Wildland Interface Deck Construction.
107. Within ten feet of a structure, construct fences with an open wire mesh or noncombustible material to prevent fire from spreading to the structure.

Hazardous Materials:

108. Environmental and Health Based Site Clearance – A “Uniform Closure Letter and Case Closure Summary” letter was issued on August 15, 2019 by the San Francisco Bay Regional Water Quality Control Board which indicates no further action for the underground storage tank case and that no volatile organic compounds, including chlorinated solvents, were detected on June 2019 vapor samples above their applicable residential Environmental Screening Levels. Details in the letter indicate that additional contamination may be present in soil and groundwater and that further work will need to be done to protect human health or the environment. Further documentation and/or work shall be conducted by West Environmental, or other firm approved by the Hayward Fire Department, related to screening and clearance on Parcels 1 and 2 and shall be compiled into an overall document and submitted to the Hayward Fire Department in electronic format prior to the issuance of grading permits.
109. Prior to the issuance of grading permits, the applicant shall also obtain an “Environmental Screening Clearance” from the Alameda County Department of Environmental Health Local Oversight Program that the project meets residential development standards and submit documentation to that effect to the Hayward Fire Department. If additional work is needed or otherwise indicated in the Environmental Screen Clearance document, then an approved agency, such as the Alameda County Department of Environmental Health Local Oversight Program, shall provide regulatory oversight including for investigations, remediation, soil management plans or mitigations. If applicable, a final residential clearance document shall be provided to the Hayward Fire Department and Hayward Planning Division prior to issuance of grading permits. Any “Environmental Screening Clearance” document or “Final Clearance Document” shall include a site map of the area cleared, indicating the full boundaries of the project with an overlay of the actual development.
110. Grading. Currently there are no know structures on site. However, as 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 appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future residents and other persons are mitigated.

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111. Wells, Septic Tank Systems or Subsurface Structures. Currently there are no know structures on site; however, as a condition of approval any wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. These structures shall be documented and removed under permit from appropriate regulatory agency when required.
112. Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts – If found on the property, the underground vessels/structures shall be removed under a plan filed with Hayward Fire Department and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to the soil or groundwater. A follow up report shall be required to be submitted that documents the activities and any conclusions. Below are specific requirements on each:
 - a. Underground storage tank and associate piping (plan, sampling and Hayward Fire Department permit and follow up report is required)
 - b. Oil Water Separators (plan, sampling required and follow up report is required)
 - c. Hydraulic Lifts (plan, sampling and follow up report is required)

CONDITIONS APPLICABLE DURING CONSTRUCTION

Hazardous Materials:

113. Hazardous Materials/Waste and their vessels discovered during Grading/Construction – If hazardous materials/waste or their containers are discovered during grading/construction the Hayward Fire Department shall be immediately notified at (510) 583-4910.
114. Hazardous Materials/Waste during Construction - During grading and construction hazardous materials and hazardous waste shall be properly stored, managed and disposed.

Engineering:

115. Construction Stormwater Management: Developer shall be responsible for the preventing the discharge of pollutants (sediments) into the street and/or the public storm drain system from the project site. Qualified SWPPP Practitioner (QSP) shall regularly inspect and submit monthly and final reports to the Public Works Inspector in addition to the submittals to the State Water Quality Control Board.

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116. Grading Activity:
- a. The project geologic team shall observe excavations and exposures and verify that the locations of specific building sites are in conformance with their recommendations.
 - b. A permanent record of the surveyed locations of the sheared contact shall be submitted to the State Geologist and the city Engineer. Those locations shall be shown on the final grading and development plans for the project.
 - c. The project geotechnical engineer shall submit a written report acceptable to the City's Building Official confirming that buildings intended for human occupancy are built outside the ground deformation and damage zone of the earthquake fault zone.
117. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the City Engineer:
- a. Construction activities on the project site shall be in conformance with Section 4-1.03-4 of the City's Municipal Code unless otherwise permitted by the City Engineer or Chief Building Official and shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).
 - b. 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.
 - c. 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.
 - d. 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;
 - e. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - f. Sweep public streets daily if visible soil material is carried onto adjacent public streets;

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- g. 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;
 - h. 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.
118. Construction Damage: The Developer shall be responsible to remove and replace curb, gutter, sidewalks, driveways, signs, pavement, thermoplastic pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Developer is responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.
119. Large Tract Development, Releases: All required improvement leading and adjacent to units to be occupied shall be installed according to the approved plan, including completion of punch list items. The public shall not be allowed to pass through areas of activity to reach occupied units.
120. Conceptual Multi-Phased Exhibit (Unit Release Plan): Prior to issuance of certificates of occupancy for any unit within the project, an exhibit showing the proposed phased closures/openings during construction. The exhibit shall detail the number and locations of units to be released and portion of public street and sidewalk to be opened/closed to the public at each phase. Exhibits shall also show access routes and include traffic control plans.

Proper measures such as fencing, gates, and signs must be in place to separate adjacent construction activities from occupied units. These measures shall be reviewed and approved by the City Inspector prior to installation and occupancy of units.

Utilities – Water and Sewer:

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

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Utilities – Solid Waste:

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

Utilities – Other:

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

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

125. Post Construction Stormwater Maintenance: The property owner(s)/HOA 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.
126. Record Drawings: Developer shall submit record drawings or "as-builts" in both a hard copy and electronic format deemed acceptable to the City Engineer prior to Tract Acceptance and release of any surety/bonds.

Utilities – Solid Waste:

127. Mixed Used Buildings: Residential solid waste from the mixed used buildings will be handled via a trash chute system into trash rooms in each mixed used building. The maintenance crew for the property will put the bins in the denoted staging areas on pick up day(s).
128. Townhomes along Loop B and Street A shall store their solid waste carts inside their individual garages. Each townhome shall be responsible for setting out carts on their driveway apron on pick up day.
- Residents shall not place carts at the curb any earlier than 6:00 a.m. the day before scheduled collection and are required to retrieve them no later than midnight the days the carts are emptied per HMC Section 5-1.15.
 - Trees planted in the bulb outs along Street A and Loop B may impede the trash, recycling, and organics trucks' pathway to the drive aisles as the trees grow a larger canopy. The HOA may need to prune the trees when they reach maturity so the waste collection vehicles have clear access to all waste collection points.

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129. County and state regulations will require commercial properties to sign up for recycling, and also organics services depending on the amount of waste generated.
130. The owner or property manager shall be responsible for litter-free maintenance of the property and shall remove any litter on or within 50 feet of the property daily to ensure that the property and its street frontage remain clear of any abandoned debris or trash per HMC Section 11-5.22.

Landscaping:

131. Prior to the issuance of Certificate of Occupancy for a specific building, all landscape and irrigation adjacent to the specific building shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
132. Irrigation systems shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.
133. Prior to issuance of certificate of occupancy or final inspection, the developer shall pay the following additional fees/taxes, in accordance with existing regulations. The amounts of the fees/taxes shall be in accordance with the fee schedule or codes in effect at the time of building permit application submittal, unless otherwise indicated herein:
 - a. Supplemental Building Construction and Improvement Tax;
 - b. School Impact Fee; and
 - c. Park In-Lieu Fee, as applicable.