

**CITY OF HAYWARD PLANNING COMMISSION
TENTATIVE TRACT MAP, SITE PLAN REVIEW
& DENSITY BONUS APPLICATION NO. TM-25-0004
TO DEVELOP 58 TOWNHOMES CONDOMINIUM UNITS
AT 24041 AMADOR STREET**

DRAFT CONDITIONS OF APPROVAL

GENERAL

Planning

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. The Tentative Tract Map, Site Plan Review and Density Bonus application is approved subject to the Architectural, Civil and Landscape plans date stamped September 5, 2025, except as modified by the conditions listed below. 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 review and approval by the Development Services Director or his/her designee prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission, if applicable.
3. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
4. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.
5. 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.
6. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit in accordance with Municipal Code Section 10-1.3060. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of

Hayward instituting a revocation hearing before the Planning Commission.

7. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
8. The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
9. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
10. The applicant, Homeowners Association or future property owners shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
11. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
12. Unless otherwise restricted by the State Department of Real Estate, within 60 days of following the issuance of a building permit and prior to construction, the applicant shall install one non-illuminated "Coming Soon" sign on the project site that includes a project rendering, a project summary, and developer contact information. The sign shall be constructed of wood or recyclable composite material, be placed in a location at least ten (10) feet back from the property line, and shall not impede pedestrian, bicycle, and vehicular visibility or circulation. The sign shall be maintained in accordance with Section 10-7-709 of the Hayward Municipal Code and may be up to thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height. Sign design, size and location shall be reviewed and approved by the Planning Division prior to placement.
13. Prior to operation, issuance of a Building Permit or the Certificate of Occupancy, the applicant shall contact the Planning Division and be subject to a site inspection by the designated project planner to verify that all applicable mitigations and conditions of approval have been satisfied. The cost of inspection, including any subsequent inspections that are deemed necessary by the City, shall be paid by the applicant.
14. Mailboxes shall be constructed of high-quality materials with locking mechanisms and installed in a secure location in accordance with Post Office policy.
15. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.
16. All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.
17. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and/or renderings date stamped September 5, 2025. Any revision to the approved colors and

materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit and/or prior to construction.

18. All vents, gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
19. All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and swimming pool equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit. All screening shall be compatible with respect to forms and materials used on the building.
20. If permitted, all above-ground utility meters, air conditioners, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen from all perspectives, unless other noise mitigation is required. All equipment shall be designed to be compatible with respect to location, form, design, exterior materials, and noise generation. The applicant shall obtain planning division review and approval prior to issuance of any permits.
21. No signs are approved with this project. Any signs placed on-site or off-site shall be reviewed and approved by the Planning Division and a building permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.
22. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay impact fees for each residential unit. The impact fees shall be those that are in effect on May 27, 2025, pursuant to California Government Code Section 65589.5.
23. If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately, and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
24. In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the

resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist and the appropriate Native American tribal representative.

25. As applicable, if project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found, the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance to the nest by project activity (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior. During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause reproductive failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be marked clearly by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned, as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case-by-case basis using the criteria described above.
26. The following control measures for geologic hazards shall be adhered to, unless otherwise approved by the Planning Director or City Engineer. Per standard City project approval procedures, the City must review final project design plans for conformity with building code requirements prior to project construction. All earthwork, including site grading, wall foundation excavations, placement and compaction of engineered fill, and final surface drainage installation, would be performed in accordance with the recommendations contained in the geotechnical report, as applicable.
27. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
 - a. Construction activities shall occur in conformance with the City's Municipal Code unless otherwise permitted by the City Engineer or Chief Building Official;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;

- d. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise; and
 - e. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
28. 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 five 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.
29. In accordance with Hayward Municipal Code (HMC) Sections 10-3.246 and 10-1.3055, approval of this Tentative Map and Site Plan Review is void 36 months after the effective date of approval, subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act, unless:
- a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or

- b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.
- 30. Unless otherwise specified or approved by the Planning Director, all vacant building(s) on-site shall be demolished within six (6) months from project approval, and the site shall be returned to a "pre-development condition" which includes the capping of any utilities, the planting of sod to prevent erosion, and a 6 foot tall perimeter fence shall be erected within the required front, side and rear yards of a vacant parcel, subject to the standards set forth in Section 10-1.2735.k, Fence Regulations for Vacant Properties. In addition, the property shall be maintained in a weed-free condition and if applicable, be subject to any pre-construction or demolition mitigation required as pursuant to CEQA.
- 31. Prior to, during and following demolition of vacant structures, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4, Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.
- 32. A Phase I Environmental Assessment, as defined in Section 78090 of the Health and Safety Code shall be completed and submitted as part of the Building Permit application.
 - a. If a recognized environmental condition is found, the development proponent shall complete a preliminary endangerment assessment, as defined in Section 78095 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.
 - b. If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.
 - c. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.

Housing.

- 33. This development is subject to the requirements of the Affordable Housing Ordinance set forth in HMC Chapter 10, Article 17. The Applicant shall comply with the affordable housing requirements as reflected in the attached final Affordable Housing Plan on file with the Housing Division and included as Attachment V and detailed per Section 10-17.510 Affordable Housing Plan. The development shall also be constructed in accordance with a Final Phasing Plan approved by the City. No building permits for any non-City restricted units within a building or phase shall be issued until building permits for all affordable units within that same

building or phase have been obtained or obtained simultaneously. The issuance of certificates of occupancy shall follow the same phasing and timing requirements. A Preliminary Phasing Plan is included as Attachment V.

34. Pursuant to HMC Sections 10-17.515 and 10-17.525, the Applicant shall enter into and record against the property an Affordable Housing Agreement that includes all elements outlined in the Affordable Housing Ordinance and the final Affordable Housing Plan on file with the Housing Division and included as Attachment V to the staff report, before 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 other documents acceptable to the City Manager or designee shall be recorded.

Building.

35. The project will require issuance of building permit(s) and the associated plan review process. Detailed building code comments will be provided during that review.
36. The project shall comply with the edition of the California Building Code (CBC) in effect on the date of the building permit application.

Fire.

37. All proposed residential buildings shall install a new overhead fire sprinkler system(s) in accordance with National Fire Protection Association (NFPA) 13/13D standards. A separate fire permit is required for the fire sprinkler system installation. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system design and installation.
38. A maximum 80 PSI water pressure should be used when water data indicates higher static pressure. Residual pressure should be adjusted accordingly.
39. An underground fire service line serving the required NFPA 13/13D sprinkler system(s) shall be installed in accordance with the Hayward Public Work Department Standard Detail 204 and 216. The water service shall be minimum one-inch in diameter for NFPA 13D fire sprinkler systems(s), and four-inch minimum in diameter for NFPA 13 fire sprinkler systems(s). Sprinkler monitoring shall be provided in accordance with the California Fire Code (CFC) and all NFPA 72 Standards.
40. An audible alarm device shall be installed on each separate fire sprinkler system riser.
41. An interior audible alarm device shall be installed within each dwelling in a location so as to be heard throughout the dwelling. The device shall activate upon any fire sprinkler system waterflow activity.
42. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation of smoke detectors shall conform to the California Building Code (CBC).

43. Carbon Monoxide (CO) detectors shall be placed on a wall near the sleeping area approximately 5 feet above the floor. If needed, the CO detector may be placed on the ceiling. Each floor shall have a separate CO detector.
44. A minimum 4" self-illuminated address shall be installed on the front of each dwelling in a location visible from the street and approved by the Hayward Fire Department. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Hayward Fire Department.
45. All public streets serving the property, private streets (Street A), and private courts (Drive Aisle A & B) shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus.
46. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant(s) to be installed shall be Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2" outlet & two 4-1/2" outlets) capable of flowing minimum of 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department.
47. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located in an area that may be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).

Hazardous Materials

48. A Phase I Environmental Site Assessment dated January 30, 2025, and a Phase 2 dated March 5, 2025, were submitted. The Applicant shall provide clearance documentation from either the Regional Water Quality Control Board (RWQCB), Department of Toxic Substance Control (DTSC), or Alameda County Department of Environmental Health's Local Oversight Program (LOP) to ensure that the property meets residential development investigation and cleanup standards. Contact Hugh Murphy, 510-583-4924, prior to contacting Alameda County LOP. The LOP contact, Paresh Khatri, can be reached at (510) 567-6700 or (510) 777-2478. Agency clearance will ensure that the proposed residential project meets development investigation and cleanup standards, including, if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. Agency clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.
49. Environmental Documentation associated with the evaluation, investigation and/or clearance of this site shall be provided in an electronic format to the City of Hayward Fire Department and Planning Division prior to the issuance of the Building or Grading Permit.
50. Prior to grading activities, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper

evaluation, analysis and disposal of materials shall be done by an appropriate professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated.

51. Any wells, septic tank systems and other subsurface structures shall be removed properly to minimize threats to the health and safety of the development construction workers, future residents, or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.
52. If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.
53. If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Hayward Fire Department (HFD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report shall be required to be submitted to document the activities performed and any conclusions. Below are specific requirements on each:
 - a. Underground storage tank and associate piping: An approved removal plan, including appropriate sampling, a Hayward Fire Department permit for the removal, and follow-up report is required.
 - b. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report is required.
 - c. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.
54. During grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed of.

Utilities.

55. All connections to existing water mains shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
56. Any modifications to existing water services such as but not limited to upsizes, downsizes, relocations, and abandonments shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
57. Only City of Hayward Water Distribution personnel shall perform operation of valves on the City of Hayward Water System.
58. The Applicant/Developer is responsible for applicable water and sewer installation and connection fees at the current rates in effect at the time of application for water and/or sewer service.
59. Each residential dwelling unit shall be served by its own water meter, unless otherwise approved by the City Engineer or their designee.
60. Domestic & Fire Water Services.

- a. **Separate Domestic and Fire Services:** Each residential dwelling unit/home shall have an individual domestic water meter. For fire services, each structure or building shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standard Detail 201 (SD-201) and 204 (SD-204).
 - b. **Combined Domestic & Fire Services:** The development may install combined residential domestic and fire services for each residence. A minimum 1" water meter is required for residential fire sprinklers. Residential combined domestic and fire services are allowed, per City of Hayward Standard Detail 216 (SD-216). The configuration must have two separate water service lines on the backside of the water meter: one for domestic water service and one for fire water service, as shown on Figure 2B on SD-216.
61. **Irrigation Water Services.** Separate irrigation water meters and services shall be installed for project's landscaping. The Applicant or Developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per City Standard Detail SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
 62. Water mains must be located at least ten (10) feet horizontally from and one (1) foot vertically above any parallel pipeline conveying untreated sewage, and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Code of Regulations, Title 22. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
 63. Water meter lids shall be Nicor, Inc.
 64. 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.
 65. All public water mains and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval, which is available on the City's website.
 66. All sanitary sewer mains and appurtenances shall be constructed in accordance with the City's latest "Specifications for the Construction of Sewer Mains and Appurtenances," revision at the time of permit approval, which is available on the City's website.
 67. Backflow prevention valves for sanitary sewers shall be installed per City Standard Detail (SD) 314 if the lowest fixture in any building is below the rim elevation of the nearest upstream manhole or riser.

68. Where sanitary sewer lines and/or laterals are the same size as the sanitary sewer main, the connection shall be made with a manhole.
69. The development shall dedicate a non-exclusive public Water Line Easement (WLE) including rights of ingress and egress for the purpose of construction, reconstruction, and maintenance of public water system facilities within the entire roadway/private street including areas where the public hydrants, water meters, and water boxes are located. The HOA shall be responsible for the maintenance and repair of the driveways. The final location and width of the easement shall be to the satisfaction of the City Engineer.
70. The development shall dedicate a non-exclusive public Sanitary Sewer Easement (SSE) including rights of ingress and egress for the purpose of construction, reconstruction, and maintenance of public sewer system facilities (sewer main and manhole) within the entire roadway/private street. The final location and width of the easement shall be to the satisfaction of the City Engineer.
71. No structures, foundation, bio-retention areas, retaining wall, and deep roots and/or trees shall be built within a Water Line Easement (WLE) and Sanitary Sewer Easement (SSE).
72. The following sanitary sewer pipelines shall be replaced or rehabilitated as determined by the City Engineer and to the satisfaction of the City Engineer. Sheet C5.0 Preliminary Utility Plan of the Approved Project Plans, dated stamped September 5, 2025, indicates the limits of the sanitary sewer replacement or rehabilitation work.
 - a. The existing sanitary sewer pipeline in Amador Street and in the easement on the project property, from sanitary sewer manhole (SSMH) SSMH 9967-08 to SSMH 9966-05, and
 - b. The existing sanitary sewer pipeline in the adjacent property (APN 431-0068-034), from SSMH 9966-05 to SSMH 9967-07.

Engineering.

73. The subdivision shall comply with Chapter 10 Article 3 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. Subdivision improvements required for public health, safety and welfare shall comply with the current Standard Details of the City of Hayward and other agencies' standards as applicable. Such improvements include, but are not limited to, the ones needed for: vehicular and pedestrian access, fire protection, safety lighting and signage, drainage collection and disposal, sanitary sewer and solid waste collection and distribution of water electricity, telecommunication, and natural gas.
74. All required and conditioned improvements shall be complete as per the improvement plans approved by the City Engineer or the subdivider shall execute a Subdivision Improvement Agreement prior to Final Map Approval.
75. 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.

76. A Home/Property Owners Association (HOA) shall be formed, and its related Covenant, Conditions and Restrictions (CCR) documents shall be filed in the public records of Alameda County prior to the sale of any parcel. Said documents shall be submitted to the City for its review and approval before issuance of the first building permit and before submittal to the State Department of Real Estate (DRE) and filing in the County's public records. The CC&Rs shall include the following provisions:
- a. The HOA shall be managed and maintained by a professional property management company and maintain updated registration information with the Secretary of State.
 - b. The HOA shall own and maintain in fully functional condition and good repair all areas, improvements, common area retaining wall systems, and facilities created for common use of the property owners within the project but not dedicated or accepted by the City for its maintenance.
 - c. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
 - d. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project development approvals.
 - e. The CC&Rs shall describe how the stormwater treatment and site-design measures associated with privately owned improvements and landscaping shall be maintained by the association.
 - f. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
 - g. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
 - h. The HOA shall be responsible for the maintenance and repair of the entire driveways, including the areas where the water meter boxes are located.
77. A Current title report shall be submitted with the final map submittal to identify current ownership and any existing easements or land use restrictions.

Transportation.

78. Pursuant to City of Hayward Traffic Code Article 9, the Homeowners Association (HOA) shall maintain adequate visibility and sight distance, as defined by City of Hayward Traffic Code, at all project driveway(s) and access point(s).
79. The HOA shall maintain, in fully functional condition and good repair, all pavement markings and signage within the subject property, including but not limited to those along private drive aisles and streets and within the subject property's parking lot(s).

Solid Waste

80. Pursuant to Hayward Municipal Code Section 5-1.15, 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 day when the carts are emptied.

81. Pursuant to Chapter 5 Article 10 (Construction and Demolition Debris Waste Reduction and Recycling Requirements) of the Hayward Municipal Code, construction and demolition debris shall be recycled per the ordinance requirements, including the submittal of a waste management plan prior to Building Permit approval. The applicant shall create a waste management plan on Hayward's [Green Halo webpage](#) and agree to the City of Hayward's construction and demolition debris requirements
82. Prior to issuance of certificate of occupancy for a building, all weight tags for construction and demolition of debris waste for that building shall be submitted to the Hayward's Green Halo Webpage or the City of Hayward Public Works, Environmental Services Division.
83. All of the project's concrete and inerts shall be recycled; and 65% of all other construction and demolition debris waste shall be recycled.
84. If there is source-separate material, the construction and demolition debris waste can be disposed of at any facility. If there are mixed loads, the construction and demolition debris waste shall go to a 3rd-party-certified facility. A list of these facilities can be found on the Recycling Certification Institute (RCI) website.
85. If the project requires the use of a debris box roll-off bin, it shall be from Waste Management as they have the exclusive right to provide those in Hayward.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

Landscaping.

86. Prior to issuance of a building or grading permit, detailed landscape improvement plans prepared by a California Licensed Landscape Architect on an accurately surveyed base shall be submitted and approved.
87. Prior to issuance of a grading or demolition permit, the applicant or general contractor must obtain an approved Tree Removal Permit, per Hayward Municipal Code (HMC) Section 10-15.13 & Section 10-15.20
88. Pursuant to Chapter 10 Article 15 (Tree Preservation Ordinance) of the HMC, all tree removal mitigation in-lieu fees must be paid prior to the issuance of a building permit. Payment shall be in the form of a check and delivered to the City of Hayward Landscape Architect. In-lieu fees will be aligned with the tree mitigation chart included in the approved plans, date stamped September 5, 2025, and the associated arborist report.
89. Prior to issuance of a building permit, a tree protection bond must be established in an amount equal to the value of the trees that are to remain on site. The Bond will be held for one year after issuance of the Certificate of Occupancy. Bond is to be delivered the City of Hayward Landscape Architect.

Engineering.

90. A Final Map complying with the requirements of the State Subdivision Map Act and Hayward Municipal Code shall be approved by the City Engineer and filed with the Alameda County Clerk-Recorder. City Engineer's approval will require a recent property Title Report, land survey data, lot closure calculations, site grading and improvement plans and other related details.
91. Final Map shall include offers of dedications to the City by the property owner for the following:
 - a. A 6-foot-wide non-exclusive public utility easement beyond the existing street right-of-way across the frontage of the property as per Hayward Standard Detail SD-102.
 - b. Non-exclusive easements for emergency vehicle access and installation, maintenance and repair of public utilities over, across and under all streets, aisles and courts within the development.
 - c. Non-exclusive easements over, across and under all streets, aisles and courts within the development for installation, maintenance and repair of the City owned and maintained water mains, water meters and service laterals between these.
 - d. Easements over, across and under all streets, aisles and courts within the development for installation, maintenance and repair of the City owned and maintained sanitary sewer mains and their manholes.
92. A City of Hayward grading permit shall be secured before any building permit is issued. This permit may include site improvements and shall require the design documents and plans prepared by or under the direction of a team of State licensed design professionals and approved by the City Engineer for the site grading, drainage and utility services for all proposed lots and improvements proposed on the city approved tentative map and required by the City's conditions of approval.
93. All grading shall comply with Chapter 10, Article 8 (Grading and Clearing Ordinance) of the Hayward Municipal Code as determined by the City Engineer. A fine grading and drainage plan prepared by a State licensed civil engineer shall be submitted as part of the Improvement Plans for review and approval by the City Engineer prior to the issuance of building permits. Developer has the option to apply for a grading permit to rough grade the project site.
94. A soils report prepared by a licensed civil or geotechnical engineer subject to approval by the City Engineer shall be submitted and the grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report. Final grading and drainage plans for the grading permit shall be reviewed and signed by the soils report engineer certifying that the recommendations in the report have been followed. The geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report.

95. Land disturbance of one acre or more requires a Notice of Intent filed with the State Water Resources Control Board (Water Board) along with a Storm Water Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD). Copies of these documents and WDID Number issued by the Water Board must be submitted to the City Engineer when a grading permit is requested.
96. Plans for the site grading, retaining walls, surface and sub-surface drainage and utility trench backfill shall be designed in accordance with the recommendations of the soils report prepared by the project's geotechnical engineer and subject to approval by the City Engineer. Plans for the site grading and drainage system shall be reviewed, approved and signed by the project geotechnical engineer certifying that the recommendations in the soils report were followed.
97. The developer shall obtain any permits or approvals required from all affected agencies or private parties. Plans and permits for underground electric, gas and telecommunication utility services to the proposed lots shall be provided to the City Engineer for the City's records.
98. Building permits shall be secured for earth retaining structures exceeding 4 feet in height (measured from the bottom of footing to top of wall). Such permits shall require structural calculations and details prepared by a licensed civil or structural engineer and approval by the City's Building Division.
99. The site grading and drainage plans shall ensure that project shall not block runoff from, or augment runoff to, adjacent properties. Augmented runoff shall be mitigated with on-site detention to maintain post-development site discharge rates less than or equal to pre-development discharge rates and to the satisfaction of the City Engineer.
100. ACFCD's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system and the onsite detention systems. On-site surface drainage shall be collected and conveyed to a public drainage system as per plans approved by the City Engineer. The storm drainage system shall be designed to convey a 10-year storm event.
101. Drainage plans shall include all proposed ditches and swales, underground pipes, area drains and inlets. All building sites shall be graded to slope away from the building foundations per California Building Code, Chapter 18, Section 1804.3, or as recommended by the project geotechnical engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
102. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted with the grading permit application and shall show, at a minimum, drainage management areas, location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda Countywide Clean Water Program C.3 Stormwater Technical Guidance.

103. All on-site drainage detention, conveyance and treatment systems shall be owned and maintained by the property owner or the Homeowners Association.
104. All dry utility lines and associated equipment for serving the new units shall be in underground conduits and vaults as per the Hayward Municipal Code Section 10-3.815. The City's preference is that transformers, switchgear, and associated equipment be placed in underground vaults, where consistent with PG&E standards and guidelines and where approved by PG&E. If PG&E requires or authorizes pad-mounted (above-ground) transformers, switchgear, or cabinets, such equipment shall be clearly identified on the final improvement plans, including both the utility and landscape plans. Above-ground equipment shall be sited and screened (e.g., with landscaping, walls, or other design treatments acceptable to the City) to minimize visual and physical impacts.

All dry utility equipment installations shall be coordinated with PG&E and are subject to City review and approval prior to the approval of the joint trench plans.

105. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the development.
106. Improvements in public rights-of-way shall comply with the applicable City of Hayward Standard Details and include the following:
 - a. Not to be used existing driveways across the project's street frontage shall be replaced with the City Standard and accessibility compliant curb, gutter, sidewalk.
 - b. Amador Street sidewalk shall be removed and replaced with a new concrete sidewalk across the project frontage with drainage flow directed to flow over landscape area. Stormwater pollution prevention treatment will be required for run-off from the new sidewalk as per the MRP 3 permit issued in 2022.
 - c. All new sidewalks and driveways shall comply with City Standard Details.
 - d. Drainage from new impervious surfaces in public street shall be collected and treated as required by the Municipal Regional Permit 3 issued in 2022. Augmented drainage shall be detained and released without exceeding the current flow rate.
 - e. Use of the existing drainage system or portions thereof shall be subject to the City Engineer's approval. The developer will be required to submit a video inspection report of the existing storm drain in Amador Street along the project frontage. Segments along the project frontage with cracks, open or dislocated joints deformed in any way or deemed not acceptable to the City Engineer shall be replaced before occupancy permit is requested for any unit in conformance with HMC Section 10-3.650.
 - f. Street illumination and pavement markings and traffic control signs shall be provided as required by the City Engineer.

Transportation.

107. The applicant shall prepare and submit an on-site and, if applicable, off-site (fronting City right-of-way) Signing and Striping Plan in accordance with current Caltrans Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more

information regarding marking disabled stalls). Signing and Striping plans shall be included in Improvement Plans and shall be prepared to the satisfaction of the Public Works Director or his/her designee.

108. The applicant shall prepare and submit an on- and off-site Photometric Plan ("Photometric Plan"). The Photometric Plan shall conform to City of Hayward Standard Details (SD), including but not limited to SD-120, Design Criteria for Roadway Lighting and shall be prepared to the satisfaction of the Public Works Director or his/her designee.
109. Pursuant to Hayward Municipal Code (HMC) Section 7-1.10, and if required by the Public Works Director or his/her designee upon review of the Photometric Plan, the Applicant shall install on- and/or off-site lighting at all locations (including but not limited to street lighting along project frontage(s)) deemed necessary by the Public Works Director or his/her designee in order to comply with City code, Standard Details, lighting specifications and requirements. Proposed lighting shall be included in Improvement Plans, which shall be prepared to the satisfaction of the Public Works Director or his/her designee.
110. The applicant shall prepare and submit a Turning Analysis, which shall be prepared and stamped by a Professional Engineer (P.E.) or Traffic Engineer (T.E.) licensed by the State of California. The Turning Analysis shall be prepared using the Autoturn software package and using the vehicle template determined by the Public Works Director or his/her designee as the largest vehicle expected on-site (typically WB-50).

DURING CONSTRUCTION

Landscaping.

111. Prior to construction, the project shall include the following tree protection requirements.
 - a. A tree protection zone shall be established around each tree to be preserved. The tree protection zone shall be the tree dripline or property line. No grading, excavation, construction or storage of materials shall occur within the tree protection zone, unless otherwise approved by the Project Arborist and City Landscape Architect.
 - b. A non-movable chain link fence shall be installed around the tree protection zone of each tree to be preserved. No entry shall be permitted into a tree protection zone without permission of the Project Arborist.
112. Trees to be preserved may require pruning to provide clearance and/or correct defects in structure. All pruning shall be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest edition of the ANSI Z133 and A300 safety standards as well as the ISA Best Management Practices for Tree Pruning with a tree pruning permit from the City. The pruning contractor shall have the C-27/D-49 license specification.
113. During construction, the project shall comply with the following tree protection requirements.

- a. Prior to beginning work, the contractors working in the vicinity of trees for preservation are required to meet with the Project Arborist at the site to review all work procedure, access routes, storage areas and tree protection measures.
- b. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist. Any necessary root pruning shall be performed by a qualified arborist, not by construction personnel. Roots shall be cleanly pruned with a handsaw. A tree pruning permit shall be required for cutting roots equal to or larger than one - inch diameter.
- c. If damages should occur to any existing trees designated for preservation during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied. If the damages to tree result in removal, removed tree shall be replaced to its appraised value provided by the Project Arborist and approved by City of Hayward Landscape Architect.
- d. Tree protection fence shall remain until all site work has been completed. Fences shall not be relocated or removed without permission of the Project Arborist.
- e. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist, and not by construction personnel, with a tree pruning permit from City of Hayward Landscape Architect.
- f. Existing trees designated for preservation shall be irrigated on a schedule to be determined by the Project Arborist.

Engineering.

- 114. Improvements required for public health, safety and welfare shall be installed at no cost to the City in accordance with the plans approved by the City Engineer, current Standard Details and other agencies' standards as applicable.
- 115. The property owner shall prevent the discharge of silt, dust or other pollutants from the project site into the public storm drainage system as per the Hayward Municipal Code Section 11-5.19. Effective measures for stormwater pollution prevention and erosion control, complying with the Alameda Countywide guidelines shall be in place prior to the start of any construction activity on-site. Such measures shall prevent the discharge of pollutants and sediments into the street or storm drain and shall be maintained during entire construction period. Mud shall not be tracked to the street at any time.
- 116. Projects proposed for construction between October 1st and April 30th, must have an erosion and sedimentation control program approved and implemented to the maximum extent possible, prior to the start of any land disturbing activity. Trash and debris must be always contained. All such measures shall be maintained in good working condition during the project's construction period. Violations or other noncompliance with stormwater management measures may result in the project being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.

117. Arrangements shall be made with the project geotechnical engineer to submit a certification to the City Engineer confirming that grading, drainage and backfill installation related work was performed in general compliance with recommendations in the geotechnical report. All material testing reports will be submitted as attachments to the certification letter report.
118. The applicant shall remove and replace any damaged curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc., within the public right-of-way along the project frontage and at any locations damaged by the construction of the project. Damaged pavement surfaces shall be replaced or repaired as required by the City Engineer. All repairs shall be completed to the satisfaction of the City Engineer.
119. The project owner shall be responsible for adjusting existing utility boxes/vaults to grade and locating and protecting existing communication conduits (fiber optic and copper) along the project's frontages.
120. 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.
121. 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.
122. 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 to or from the construction site shall be covered.
 - c. 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. 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.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

Landscaping.

123. The Application and/ or General Contractor shall follow and complete the "Landscape Inspection Procedure" to receive final landscape building permit acceptance and certificate of occupancy. A copy of the "Landscape Inspection Procedure" can be provided by the City of Hayward Landscape Architect.

124. Starting at the commencement of the Certificate of Occupancy, the tree protection bond will be held for one year. The bond is to be held and filed by the City of Hayward Landscape Architect. Prior to the conclusion of the one year waiting period, the trees under the tree protection bond will be inspected for health and vigor by the City of Hayward Landscape Architect.

Engineering.

125. All site grading and improvement related construction activities shall be completed. The applicant shall comply with all pertinent conditions of approval and complete all required improvements. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
126. The project developer shall submit a letter report from the project geotechnical engineer to the City Engineer confirming that all grading activities were observed by them and performed in conformance with their recommendations.
127. The project developer shall submit a letter from the Engineer of Record to the City Engineer confirming that all grading, drainage, and engineering components of the project have been performed in conformance with the approved civil plans and specifications.
128. The project developer shall submit to the City Engineer on electronic media in AutoCAD and .pdf formats the "As-built" records of site grading and completed improvements.
129. The property owner shall execute the City's standard "Stormwater Treatment Measures Maintenance Agreement" prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for the treatment control and site design measures is bound to the property in perpetuity.
130. The project QSP shall prepare and file a Final SWPPP Report with the City and Water Board. A copy of the document showing filing of the Final SWPPP Report with the Board and its acceptance shall be provided to the City Engineer.
131. The subdivider shall incorporate a Homeowners Association (HOA) and file its related Covenants, Conditions and Restrictions (CC&Rs) documents in the public records of Alameda County prior to the request for any occupancy permit. Said documents shall be submitted to the City for its review and approval before submittal to the State Department of Real Estate (DRE) and filing in the County's public records. The CC&Rs shall include the following provisions:
 - a. The HOA shall be managed and maintained by a professional property manager.
 - b. The HOA shall maintain updated registration information with the California Secretary of State.
 - c. The HOA shall own and maintain in fully functional condition and good repair all landscape improvements, private streets and courts, parking areas, traffic control signs and makings, area lighting walkways, drainage collection,

detention, conveyance and treatment system; retaining wall systems, and facilities created for common use of the property owners within the project but not dedicated or accepted by the City for its maintenance.

- d. The HOA shall arrange for sweeping and cleaning of its owned and maintained streets and vehicle parking areas on a regular basis.
- e. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
- f. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project approvals.
- g. The HOA shall own and maintain the on-site lighting system and shall be responsible for its repairs and maintenance.
- h. The subdivider, as an officer of the HOA and on behalf of the 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.

-End-