

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Councilmember \_\_\_\_\_

RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING THE PLANNED DEVELOPMENT REZONE WITH A VESTING TENTATIVE TRACT MAP PERTAINING TO CONSTRUCTION OF 19 NEW SINGLE-FAMILY RESIDENCES AT A SITE LOCATED AT 29080 FAIRVIEW AVENUE

WHEREAS, On July 28, 2016, Erik Hayden of the Hayden Land Company, LLC (Applicant) on behalf of Carrie Aitken (Owner) submitted a Planned Development Rezone Application No. 201603891 and Vesting Tentative Tract Map No. 8353, to subdivide an existing parcels totaling 8.88 acres into 22 parcels to allow the construction of 19 single-family residences with common open space areas and related site improvements on a site located at 29080 Fairview Avenue (APN 085A-6428-002-00); and

WHEREAS, An Initial Study and Mitigated Negative Declaration were prepared to assess the potential environmental impacts of the Project; and

WHEREAS, The Planning Commission considered the Project at a public hearing held on May 9, 2019, and recommended that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approve the Planned Development Rezone No. 201603891 with Vesting Tentative Tract Map No. 8353; and

WHEREAS, Notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on May 28, 2019.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

**VESTING TENTATIVE TRACT MAP FINDINGS**

Pursuant to Section 10-3.150 of the Hayward Municipal Code (HMC), the City Council may conditionally approve a Vesting Tentative Tract Map application when all the following findings are met:

- A. **The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;**  
The site is designated as SDR (Suburban Density Residential) in the *Hayward 2040 General Plan*. Density under this land use designation is 1.0 to 4.3 dwelling units per

acre project plans show the project density at 2.5 dwelling units per net acres well within the range of the General Plan designation for the development site. The project is also consistent with applicable General Plan policies in that it will increase the housing inventory for the City of Hayward and is considered an in-fill development that will result in a more complete neighborhood. The project is also consistent with the following General Plan policies:

- H-3.1 Diversity of Housing Types: *The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.*

The project will subdivide an existing parcel into 22 lots and allow for 19 new single-family homes, which provides additional housing opportunities in the City.

- H-3.4 Residential Uses Close to Services: *The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.*

The project is located in an established neighborhood in Hayward and is directly adjacent to Stonebrae Elementary School. Furthermore, the development site is close to Garin Regional Park that provides for recreational opportunities close to the development site.

- Land Use Policy LU-1.3 Growth and Infill Development: *The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.*

The project is surrounded by development on all sides, including other single-family homes. As such, the project is considered an in-fill project, which is appropriate for new housing development.

In addition, the project is located within the Walpert Ridge Specific Plan and is consistent with relevant policies with exceptions granted by the City Council. Therefore, the proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans with exceptions granted by the City Council allowable pursuant to the Plan.

**B. The proposed subdivision meets the requirements of the City Zoning Ordinance; and**

The project requires a Planned Development (PD) Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to minimum lot frontage, minimum cul-de-sac frontage, and minimum lot size called out in the Walpert Ridge Specific Plan. With the PD Rezone and City Council allowance of Plan design exceptions, the proposed subdivision will provide modified development standards of the new PD District related to minimum lot frontage, minimum cul-de-sac frontage and minimum lot size. The subdivision will also allow

for the construction of 19 new single-family homes, which is a permitted by the PD rezone.

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

The City Council can grant exceptions to the *Walpert Ridge Specific Plan* because such exceptions granted will be in keeping with the with the purpose and intent of the Plan. Staff believes that Council will support the proposed exceptions to the Plan since the exceptions are based on specific site conditions, grading constraints, or design considerations. As proposed, the new Planned Development district would establish the zoning development standards for this project where Plan exceptions granted by the Council will be part of the PD rezoning approval. In addition, the project will also meet the requirements of the Subdivision Ordinance. Therefore, the project will not require a formal variance request or any other exceptions from the requirements of the Hayward Municipal Code.

**PLANNED DEVELOPMENT REZONE FINDINGS**

Pursuant to Section 10-1.2535 of the HMC, the City Council may conditionally approve a Planned Development Rezone application when all the following findings are met:

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

The project is considered an in-fill development and will complement the existing neighborhood, which primarily consists of other existing single-family residential developments in the vicinity of the proposed development site. The project is compatible with the surrounding neighborhood. Additionally, the project is consistent with the SDR land use designation and policies in the *Hayward 2040 General Plan*. The proposed density is within the density range allowed by the SDR land use designations and compatible with the overall density of the surrounding residential neighborhood. The project also conforms to the *Walpert Ridge Specific Plan*, which affords a unique opportunity to offer housing that has expansive scenic views of open space and the surrounding Bay Area. Because of this exceptional site features, a prime opportunity exists to develop upscale single-family housing as well as provide a prime open space and recreational amenity for the community through this project.

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

The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within new public utility easements within the project site. The project will be served by new private streets.

**C. In the case of a residential development, that 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;**

The project is considered an in-fill development and will replace a vacant site with attractive new single-family homes to complete the neighborhood. The scale and design of the single-family homes are compatible with the existing neighborhood. The homes will also be served by private open space within the development. The development will also be well-integrated into the existing neighborhood since it will be served by new private streets with street parking near each new home.

- D. In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development;**

The project does not include any nonresidential uses and as such, this finding is not applicable to this project.

- E. 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; and**

The project will be developed in one phase, ensuring that the infrastructure, facilities, and services will be available to all future residents in the development in a timely manner.

- F. 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.**

The project requires a PD Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to minimum lot size, minimum lot frontage, and minimum cul-de-sac frontage. To offset these requested exceptions, the project proposes the following amenities:

- EV Charging Stations available at all units
- All homes complete with solar panel installation (not only pre-wire)
- On-site open space “park” with panoramic views, seating, pathways, landscape.
- Shade providing and oxygen sequestering trees
- Pervious pavers
- Low flush toilets
- No invasive plant species
- Native and drought tolerant plant species (WELO compliant)
- Wildlife friendly planting
- Water efficient drip irrigation system (WELO compliant)
- Low energy LED light fixtures

- Attractive “good-neighbor” fences
- Energy efficient appliances
- Insulated windows and walls
- Efficient heating and air conditioning systems

The proposed project amenities and offsets are unique and will contribute to making this development a desirable place to live for many years to come.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15220, an Initial Study was prepared for this project with the finding that a Mitigated Negative Declaration was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures.
- B. The proposed MND was prepared by David J. Powers and Associates on behalf of the applicant and the MND was circulated to the State, all interested parties, and posted in the newspaper with a minimum 30-day public review period between March 22, 2019 and April 22, 2019.
- C. The proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgement of the Planning Commission; such independent judgement is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); the Planning Commission recommends the City Council adopt the proposed MND and its findings and conclusions as its source of environmental information; and the proposed MND is legally adequate and was completed in compliance with CEQA.
- D. The proposed MND identified all potential adverse impacts and based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the Project, with mitigation measures incorporated, will have a significant effect on the environment.
- E. The project complies with CEQA, and the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to recommending approval of the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program, and approves the Planned Development Rezone Application No. 201603891 with Vesting Tentative Tract Map No. 8353, subject to the adoption of the companion ordinance (Ordinance No. 19-\_\_) rezoning the property located on

a site at 29080 Fairview Avenue, Assessor Parcel Numbers (APN) 085A-6428-002-00,  
subject to the attached conditions of approval.

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

**CITY OF HAYWARD PLANNING DIVISION  
PLANNING COMMISSION  
APPLICATION NO. 201603891  
VESTING TENTATIVE TRACT MAP 8353, PD REZONE AND MITIGATED NEGATIVE  
DECLARATION WITH MITIGATION MONITORING AND REPORTING PROGRAM  
CONDITIONS OF APPROVAL**

**General**

1. The permittee 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. Tentative Tract Map (TTM) 8353 and Planned Development (PD) Rezoning Review application are approved subject to the tentative tract map and project plans date stamped January 8, 2019, except as modified by the conditions listed below.
3. The approval of Subdivision Application No. 201603891 – Tentative Parcel Map 8353 shall be to allow the subdivision of a parcel into 22 parcels to construct 19 single-family homes located at 29080 Fairway Avenue (APN 085A-6428-002-00) within the Planned Development (PD) zoning district. The proposed subdivision shall be in accordance with the Tentative Parcel Map and Conditions of Approval on file with the Planning Division identified as “Exhibit A”.
4. Modifications to the approved Tentative Parcel Map, scope of work, or use may require an additional submittal and public noticing.
5. Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.
6. All public improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, Caltrans Standard Specifications and Hayward Standard Details.
7. Any new structures or improvements shall be subject to the California Building Code and Uniform Fire Code as adopted by the City of Hayward.
8. In accordance with Hayward Municipal Code (HMC) Section 10-3.246, approval of TTM 8353 and the Planned Development (PD) Rezoning Review application shall expire 36 months after the effective date of approval subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act.
9. All permit charges accrued in the processing of TTM 8353 and the Planned Development (PD) Rezoning Review application shall be paid in full prior to

consideration of a request for approval extensions and/or submittal of building permits for the development.

10. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
11. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.
12. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
13. 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 pulled to construct the project.
14. Affordable housing in-lieu fees shall be paid either prior to issuance of a building permit or prior to approval of a final inspection or issuance of an occupancy permit. Regardless of the option chosen, no final inspection will be approved, and no occupancy permit will be issued for any Dwelling Unit unless all required affordable housing impact fees have been paid in full. The applicant shall pay the affordable housing in-lieu fees in effect at that time the application was deemed complete. That date was October 31, 2018.
15. The applicant shall be responsible for adhering to the Mitigation Monitoring and Reporting Program (MMRP) for the adopted Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA) Guidelines. The applicant shall provide a copy of the adopted MMRP with the building permit submittal.

16. 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.
17. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.

### **Mitigation Measures**

18. **Mitigation Measure AQ-1.1:**

During any construction period which causes ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. All Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- 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.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**19. Mitigation Measure AQ-2.1:**

The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 78 percent reduction in DPM exhaust emissions. One feasible plan to achieve this reduction would include the following:

- All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may include the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant.
  - The project shall be required to implement the measures listed above as conditions of approval. These measures shall be placed on project plan documents prior to issuance of any building permits for the project. The proposed project, therefore, would not result in a significant air quality impact due to construction dust emissions.

**20. Mitigation Measure BIO-1.1:**

A qualified biologist will conduct an environmental education program for all persons employed or otherwise working on the project site before they perform any work. The program shall consist of a presentation from the biologist that includes a discussion of the biology and general behavior of special-status species on or near the site; information about the distribution and habitat needs of the species; sensitivity of the species to human activities; the status of the species pursuant to the Federal Endangered Species Act, the California Endangered Species Act, and the California Fish and Game Code including legal protection; recovery efforts; penalties for violations; and any project-specific protective measures described in this document or any subsequent documents such as an Incidental Take Permit and/or Biological Opinion. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers before their performing work on the site. The biologist shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry on the site. Upon completion of the program, employees shall sign a form stating they attended the program and understand all the protection measures. Copies of the form shall be provided for the City.

A qualified biologist will be on the site daily to monitor initial vegetation clearing and ground disturbing activities.

21. **Mitigation Measure BIO-2.1:**

Information on white-tailed kites and other protected migratory birds shall be included in the environmental education program, as detailed in Mitigation Measure MM BIO – 1.1.

22. **Mitigation Measure BIO-2.2:**

If feasible, construction activities shall occur during the non-breeding season (September 1 - January 31). If such activities are scheduled during the breeding season, a qualified biologist shall conduct a preconstruction nest survey of all trees and shrubs and other suitable nesting habitat in and within 300 feet of the limits of work. The survey shall be conducted not more than five (5) days prior to the start of work. If the survey indicates the potential presence of nesting white-tailed kites or other birds, the biologist shall determine an appropriately sized buffer around the nest and no work will be allowed in this buffer until the young have successfully fledged. The size of the nest buffer will be determined by a qualified biologist in consultation with CDFW and will be based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of up to 300 feet for raptors and 50 feet for other birds would prevent disturbance, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

23. **Mitigation Measure BIO-3.1:**

*Pre-demolition Bat Survey.* A qualified bat biologist shall conduct a bat survey, no more than 14 days prior to the removal of any buildings or structures, to determine if bats are present. No activities that would result in disturbance to an active roost shall proceed prior to completion of the survey. If no active roosts are observed, then no further action shall be warranted. If a maternity roost is present, a qualified biologist shall determine the extent of a construction-free buffer zone around the active nurseries located during the survey. CDFW shall be notified of any active nurseries within the demolition/construction zone. No demolition or construction activities shall occur within the construction-free buffer zone between March 1 and August 31 to avoid construction disturbance to the maternity roost, as determined by the bat biologist. After August 31, roosting bats shall be safely evicted by a qualified bat biologist. A final report documenting the survey effort and any protection measures implemented by the project shall be submitted to the City Planning Department prior to the start of any demolition or grading activity.

24. **Mitigation Measure BIO-4.1:**

Information on the San Francisco dusky-footed woodrat shall be included in the environmental education program, as detailed in Mitigation Measure BIO – 1.1.

**25. Mitigation Measure BIO-4.2:**

A qualified biologist shall conduct a preconstruction survey for San Francisco dusky footed woodrat houses within 14 days prior to any tree removal or ground-disturbing activities. Any woodrat houses shall be identified, and their locations mapped and flagged to be avoided during construction activities. No work shall occur within a 20-foot buffer of any woodrat houses. If it is not possible to avoid a woodrat house, a qualified biologist shall develop a relocation plan. The relocation plan shall be submitted to CDFW for approval and then implemented as necessary. Copies of the relocation plan shall be provided to the City.

**26. Mitigation Measure BIO-5.1:**

Information on the Alameda striped racer shall be included in the environmental education program, as detailed in Mitigation Measure BIO – 1.1.

**27. Mitigation Measure BIO-5.2:**

A qualified biologist shall survey for Alameda striped racer during all initial ground disturbing activities on the site. If an Alameda striped racer is found, it shall be captured and relocated away from the construction area by a qualified biologist in accordance with an approved relocation plan in compliance with all applicable regulations and guidelines. The biologist shall submit the results of the survey (and capture/relocation plan if applicable) to CDFW and USFWS for review and approval.

**28. Mitigation Measure BIO-5.3:**

Unless alternative (equivalent or more effective) measures are recommended by the qualified biologist and approved by the Director of Development Services the project applicant shall install a solid fence to deter Alameda striped racers from entering the work site. The snake exclusion fence shall be constructed as follows:

- Plywood sheets at least three feet in height, above ground. Heavy duty geotextile fabric or other materials approved by USFWS and CDFW may also be used for the snake exclusion fence;
- Buried four (4) to (six) 6 inches into the ground;
- Soil back filled against the plywood fence to create a solid barrier at the ground;
- Plywood sheets maintained in an upright position with t-posts or stakes;
- Ends of plywood sheets overlapped with no gaps to ensure a complete barrier;
- Escape funnels installed in the fence every 200 linear feet; and
- Work site shall be completely enclosed by the exclusion fence or approved traps shall be installed at the ends of exclusion fence segments to allow capture and relocation of Alameda striped racer away from the construction area by a permitted biologist.
- The location and design of the proposed exclusion fence shall be submitted for review and approval by CDFW, USFWS, and Director of Development Services

and be included on plans for all construction-related permits. If permits obtained through the implementation of Mitigation Measure BIO-5.6 require an alternate design or approach, those requirements will take precedence.

29. **Mitigation Measure BIO-5.4:**

The project applicant shall comply with the requirements in the above sections during construction activities. The approved protocol from Mitigation Measure BIO – 5.2 above shall be followed in the event an Alameda striped racer is encountered. The snake exclusion fence from Mitigation Measure BIO – 5.3 shall be installed and remain in place throughout the construction period. All construction activities and equipment/materials/ debris storage shall take place on the project side of the exclusion fence.

30. **Mitigation Measure BIO-5.5:**

To compensate for permanent impacts to 8.2 acres of degraded, low-quality potential Alameda striped racer habitat, the project applicant shall purchase 8.2 acres of Alameda striped racer credits from a CDFW-approved mitigation or conservation bank(s) or another approved site. Permanent protection and funding for perpetual management of compensatory habitat shall be complete before starting construction.

31. **Mitigation Measure BIO-5.6:**

The applicant shall obtain the appropriate permits from USFWS and CDFW agencies or shall obtain concurrence from these agencies that no permits are required prior to initiation of construction activities and implement all conditions stipulated in the permits.

32. **Mitigation Measure BIO-6.1:**

Information on the California redlegged frog shall be included in the environmental education program, as detailed in Mitigation Measure BIO – 1.1.

33. **Mitigation Measure GEO-6.2:**

No more than 24 hours prior to the date of initial ground disturbance, a preconstruction survey for the California red-legged frog shall be conducted by a USFWS-approved biologist at the project site. The survey shall consist of walking the project limits and within the project site to ascertain the possible presence of the species. The USFWS approved biologist shall investigate all potential areas that could be used by the California red-legged frog for feeding, breeding, sheltering, movement, and other essential behaviors. This includes an adequate examination of mammal burrows. If any California red-legged frogs are found, the USFWS-approved biologist shall contact the USFWS to determine if moving any of the individuals is appropriate. In making this determination the USFWS will consider if an appropriate relocation site exists. If the USFWS approves moving animals, the

applicant shall ensure that the USFWS-approved biologist is given sufficient time to move the animals from the work site before ground disturbance is initiated. Only USFWS approved biologists shall capture, handle, and monitor the California red-legged frog.

34. **Mitigation Measure BIO-6.3:**

To the extent practicable, initial ground-disturbing activities will be avoided between November 1 and March 31, when California redlegged frogs are most likely to be moving through upland areas. When ground-disturbing activities must take place between November 1 and March 31, the applicant shall ensure that daily monitoring by the USFWS-approved biologist is completed for the California red-legged frog.

35. **Mitigation Measure BIO-6.4:**

The applicant shall obtain the appropriate permit from USFWS and implement all conditions stipulated in the permit or shall obtain concurrence that no permit is required prior to initiation of construction activities.

36. **Mitigation Measure BIO-6.5:**

To compensate for permanent impacts to 8.2 acres of degraded, low-quality potential California red-legged frog upland habitat, the project applicant shall purchase 8.2 acres of California redlegged frog credits from a USFWS-approved mitigation or conservation bank(s). Permanent protection and funding for perpetual management of compensatory habitat shall be complete before starting construction. If a permit issued by the USFWS has differing requirements, those requirements shall take precedence.

37. **Mitigation Measure BIO-7.1:**

The project will compensate for impacts to all areas delineated as jurisdictional on the site. The impacted feature shall be mitigated at a 1:1 ratio consistent with the Corps "no net loss" policy. The project applicant will obtain the necessary permits from the Corps, Regional Water Quality Control Board, and CDFW for any fill of jurisdictional areas. All terms of the permits shall be implemented as a condition of the project.

38. **Mitigation Measure BIO-8.1:**

All applicable requirements shall be followed, and all permits obtained as required by the City's Tree Ordinance (HMC Chapter 10, Article 15). Per that ordinance, every effort shall be made to preserve the character of the area and the more valuable tree specimens on site to the greatest extent practicable. Final landscape plans shall be reviewed and approved by the City of Hayward Landscape Architect prior to issuance of any grading, trenching, encroachment, demolition, or building permit for development. Final landscape plans shall clearly identify all "protected

trees,” as defined in the Tree Preservation Ordinance, and all trees to be removed from the project site and the size, location, type, value of trees and specify the species of all replacement trees.

**39. Mitigation Measure BIO-8.2:**

The project applicant shall implement all tree protection measures recommended in the Arborist Report prepared for the project, which include the following:

- *Tree Avoidance.* The project plan shall avoid protected trees adjacent to the project site. The project plan shall incorporate placement of Tree Protection Fencing (TPF) outside the drip line of the off-site protected trees. The location of the TPF shall be shown on the project plans.
- *Excavation.* Within the dripline of retained trees, digging should be done with low impact machinery and hand tools. If the roots of retained trees become exposed during construction and need to be removed to allow construction to proceed, these roots must be cut cleanly with a sharp saw blade. Tree roots shall not be pulled or torn.
- *Tree Protection Fencing.* Prior to the start of construction, TPF shall be installed at the drip line of protected trees to be retained. The TPF should be maintained during the construction process to prevent direct damage to trees and their growing environment. The TPF should consist of high-density polyethylene fencing with 3.5 inch by 1.5 inch openings (orange warning barrier fence) supported by metal “T-post” fence posts.
- *Use of Heavy Equipment.* Heavy machinery should not be staged or operated within the drip line of retained trees.
- *Incidental Damage to Retained Trees.* The attachment of wires, signs, and ropes to any retained tree should be prohibited. Injury to trees must be avoided.
- *Trimming.* The pruning of retained trees shall comply with the guidelines established by the International Society of Arboriculture; BMP; tree pruning and any special conditions as determined by a certified arborist.

**40. Mitigation Measure CUL-1.1:**

*Unique Paleontological and/or Geologic Features and Reporting.* Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City Director of Development Services notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. The identified mitigation measures shall be implemented. Work may proceed on other parts of the

project site while mitigation for paleontological resources or geologic features is carried out. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.

41. **Mitigation Measure CUL-1.2:**

*Undiscovered Archaeological Resources.* If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City’s Community Development Director shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City Community Development Director shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.

42. **Mitigation Measure CUL-1.3:**

*Report of Archaeological Resources.* If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City’s Community Development Director prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.

43. **Mitigation Measure CUL-1.4:**

*Human Remains.* If human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City Community Development Director and the Alameda County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any,

identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

**44. Mitigation Measure GEO-1.1:**

Buildings shall be designed and constructed in accordance with a final design-level geotechnical investigation to be completed for the project by a qualified professional and submitted to the Development Services Department. The final design-level geotechnical investigation shall identify requirement for the placement of fill on the project site and building foundations.

**45. Mitigation Measure HAZ-1.1:**

The project would be designed, constructed, and maintained consistent with the City's Urban/Wildland Interface Guidelines including the incorporation of fire-resistant building materials, fire resistant design features, and a fuel management program in the CC&Rs of the Homeowners' Association. The final measures to be incorporated in the project would be reviewed and approved by the Fire Marshall prior to the issuance of a building permit.

**46. Mitigation Measure NV-1.1:**

The project applicant shall incorporate the following practices into the construction documents to be implemented by the project contractor:

- Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures:
  - Use heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas of the site or around the entire site;
  - Use shields, impervious fences, or other physical sound barriers to inhibit transmission of noise to sensitive receptors;
  - Locate stationary equipment to minimize noise impacts on the community;
  - Minimize backing movements of equipment;
- Use quiet construction equipment whenever possible;
- Impact equipment (e.g., jack hammers and pavement breakers) shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers shall be used on other equipment. Other quieter procedures, such as drilling rather than using impact equipment, shall be used whenever feasible;

- Prohibit unnecessary idling of internal combustion engines; and
- Select routes for movement of construction related vehicles and equipment in conjunction with the Hayward Economic and Development Services and Public Works Department so that noise-sensitive areas, including residences and schools, are avoided as much as possible.
- The project sponsor shall designate a “disturbance coordinator” for construction activities. The coordinator would be responsible for responding to any local complaints regarding construction noise and vibration. The coordinator would determine the cause of the noise or vibration complaint and would implement reasonable measures to correct the problem.
- The construction contractor shall send advance notice to neighborhood residents within 300 feet of the project site as well as the Stonebrae Elementary School administrator regarding the construction schedule and including the telephone number for the disturbance coordinator at the construction site. Copies of the advance notice of construction activity shall be provided to the City.

### **Precise Plan Submittal**

47. In accordance with Section 10-1.2550 of the Hayward Municipal Code (HMC) and prior to submitting a building permit application, a Precise Development Plan shall be submitted for review and approval.
48. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate conditions herein and shall be submitted in advance of or in conjunction with the subdivision improvement plans and Final Map.
49. 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”.
  - EV Charging Stations available at all units
  - All homes complete with solar panel installation (not only pre-wire)
  - On-site open space “park” with panoramic views, seating, pathways, landscape.
  - Shade providing and oxygen sequestering trees
  - Pervious pavers
  - Low flush toilets
  - No invasive plant species
  - Native and drought tolerant plant species (WELo compliant)
  - Wildlife friendly planting
  - Water efficient drip irrigation system (WELo compliant)
  - Low energy LED light fixtures

- Attractive “good-neighbor” fences
- Energy efficient appliances
- Insulated windows and walls
- Efficient heating and air conditioning systems

The applicant shall submit all details and specifications related to the approved project amenities during the Precise Plan phase of the project and prior to the submission of any building permit for the project.

50. 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 and comply with the size requirements of the Fire Department.
  - D. Proposed locations, heights, materials and colors of all walls and fences.
  - E. A minimum of one exterior hose bib shall be provided for each residential unit.
  - F. Proposed pavement materials for all drive aisles, parking areas, and pedestrian paths. All surfaces should be enhanced with decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials.
  - G. Proposed mailbox design and locations, subject to Post Office approval. All mailboxes shall be locking mailboxes.
  - H. A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. The final lighting plan shall incorporate pedestrian scale lighting along the sidewalk within and adjacent to the development (4<sup>th</sup> Street, B Street, and Chestnut Street). All lighting shall be erected and maintained so that adequate lighting is provided along the private street. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
  - I. 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, unless otherwise approved. Infrastructure for air conditioning systems is required to be installed as a standard feature.

- J. Proposed color and materials board for all buildings, fences and walls. No changes to colors shall be made after construction unless approved by the Planning Director.
  - K. 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.
  - L. No mechanical equipment, other than solar panels, shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus, such as vents, shall be painted to match the roof color.
  - M. Large expanses of blank wall shall not be allowed. Articulate or otherwise treat such expanses to avoid bulkiness.
  - N. An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars. As an alternative, an area within the fenced side yard may be used for the garbage and recycling containers but shall be shown.
  - O. All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All two car garages shall have minimum interior dimensions of 20-foot width by 19-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.
  - P. If there is a desire to install security gates as part of the project, all details related to this aspect of the project shall be submitted during the Precise Plan phase of the project. Security gate details must also be shown on the Improvement Plans for the project. Lastly, any proposed security gate design shall comply with Section 10-14.202 (Single-Family Communities) of the Hayward Municipal Code.
51. 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.
52. Details of all project amenities shall be submitted for review and approval by the Planning Director during the Precise Plan phase of the project.
53. The project shall comply with the provisions of the 2016 California Energy Code section 110.10.
54. Prior to approval of the Precise Plan for the project, the applicant shall continue to have constructive conversations with the East Bay Regional Park District (EBRPD) regarding the Park District's possible use of the development's main access road off Carden Lane.

**Development Services – Planning Division**

55. The applicant shall submit final details related to all open space areas during the Precise Plan phase of the project.
56. The applicant shall submit final grading plans, specifically those details related to the redistribution of soils from where the 19 single-family homes will be located. Redistributed soil on the site shall not impact any existing trees adjacent to the project site per the applicant’s tree removal plan dated January 8, 2019.
57. All proposed open space areas shall be deed restricted as “undevelopable” as shown on the Tentative Tract Map (Tact 8353). “Undevelopable” shall be defined as no new dwelling units, vehicle parking areas, or new private vehicle roadways within the project development site.
58. Any minor changes to the project may be considered by the Development Services Director. Any suggested major changes to the project must be considered by the City Council.
59. A final materials and color sample board shall be submitted to Planning staff during the Precise Plan phase of the project.

**Development Services – Building Division**

The Building Division requires the following conditions be met:

60. The project will likely be submitted for a building permit application in 2017. This is a code cycle change year and there will be a new building code on January 1, 2017. The project will need to comply with the new 2016 CRC (California Residential Code) and the 2016 California Energy Code if the building permit application is submitted on or after January 1. As you begin the construction documents, please make sure that the design team reviews the upcoming codes for significant changes.
61. The project will need to meet the mandatory measures in the 2016 California Energy Code. Based on the number of units in the development, this project will need to comply with “Solar Ready” provisions outlined in the Standards. We recommend that the design team review Ch. 7 of the 2016 Residential Compliance Manual with your energy consultant. This document can be found on the website of the California Energy Commission.

**Development Review Services Engineering / Public Works Engineering**

Public Works Engineering staff recommended conditions of approval and comments for the subject Development Application are as follows:

**Site Improvements:**

62. Plans prepared by the State licensed and qualified professionals for the project required grading, earth retaining structures, drainage, utility service connections, improvements in the street right-of-way and their related engineering studies and design documents shall be approved by the City Engineer before any building permit is issued. Subject plans shall comply with the current (2017) City Standard Details, available on-line at:  
[https://www.hayward-ca.gov/sites/default/files/documents/ET\\_STANDARD%20DETAILS\\_V042117.pdf](https://www.hayward-ca.gov/sites/default/files/documents/ET_STANDARD%20DETAILS_V042117.pdf)
63. The final improvement and building plans shall include a statement from a qualified State licensed geotechnical consultant confirming compliance with the recommended measures for the project development, slopes exceeding five feet in heights, site grading exceeding 300 cubic yards, foundation designs, sub-drainage, etc.
64. All lots shall be served with underground utility services for electrical, gas and telecommunication; public sewer collection; public water supply and drainage collection and discharge to an existing public drainage system.
65. Permits for all on-site and public street improvements shall be secured before requesting any building permit.
66. Combustible material shall not be brought on-site until all-weather access for emergency service vehicles and fire protection required water supply is available.
67. All on-site and public street improvements shall be complete and approved by the City Engineer's Office before any building occupancy permit is requested.
68. Construction Noise Management Plan shall be prepared and implemented. Such plan must be approved by the City prior to issuance of any construction permit and shall contain, at minimum, a listing of construction operations hours complying with the City approved construction hours and construction noise reduction measures.
69. Air pollution mitigation plan, approved by the Bay Area Air Quality Management District (BAAQMD), shall be secured before the start of any construction, grading or material hauling to or from the project site. Requirements of the approved plan shall be implemented throughout the duration of construction or grading activity. The dust mitigation plan must specify practices which would ensure that no equipment

or operation emits dust and air pollutants exceeding the permitted limits.

70. The property owner/developer shall secure all necessary regulatory agency permits required for the project development.
71. Any work beyond the Tract Map property or connection to any facility not owned by the property owner shall require prior written permit and shall be per plans approved by the entity.
72. Public infrastructure improvements, including sewer collection mains, water mains and meter boxes, water service laterals from water main and meter box and fire hydrant assemblies shall be offered to the City for its maintenance shall be shown on plans separate from plans for other infrastructure and site improvements.
73. The improvements intended for the City's maintenance shall comply with the City standards. Public infrastructure improvements intended for the City's maintenance shall be constructed within existing public street rights-of-way or new easements acceptable to the City shall be offered for the City's acceptance on the Final Map.

#### Street Improvements

74. On-site streets shall be designed to comply with the City's standards for residential streets with sidewalks connected to existing public street sidewalks to comply with the Complete Streets Policy. Provide accessibility compliant sidewalk ramps and driveways. On-street parking shall be provided fronting residential lots.
75. Via Del Corso shall have an accessibility compliant walkway connecting on-site sidewalks to Garden Lane sidewalk.
76. Private Street (drive) rights-of-way shall include non-exclusive easements for the City's water and sewer systems, public utilities and emergency vehicle access. On-site public utility facilities in the private street shall be placed in underground conduits and vaults.
77. Private Street with length exceeding 150-ft. require a 40-ft. radius vehicular turn-around at the end as per the City of Hayward Standard Details SD-103 Sheet 1 of 2. Alternately and with approval of the City's Fire Department, the turn-around may be as per the City of Hayward Standard Details SD-103 Sheet 2 of 2.

#### Grading and Land Disturbance

78. Any land disturbing activity shall comply with plans approved by the City Engineer. The soil erosion and dust/sediment control plans must comply with the local and regional regulations and must include one or more provisions addressing each of the following topics:
  - a) Track-out prevention and control measures.

- b) Dust Control for the construction site and staging areas.
  - c) Spill control and cleanup plan for earth moving activities.
  - d) Post construction stabilization of disturbed grounds.
  - e) Staging area
  - f) Monitoring and reporting frequencies
79. Effective measures for adjacent property protection, storm water pollution prevention and dust control must be in-place during construction or land disturbing activity. The construction plans shall include details for soil erosion and dust/sediment control during and after construction periods until ground cover is re-established.
80. A grading permit will be required for ground surface alteration exceeding 5 feet or cut and fill total quantity exceeding 300 cubic yards. The City's grading permit can be secured after approval of the plans prepared by a State licensed engineer and approved by the City Engineer and the project geotechnical engineer. Grading plans shall be submitted together with the related geotechnical and engineering reports and plans for retaining structures and soil erosion/sediment control.
81. Prior to the issuance of a grading permit and/or the beginning of any on-site construction activity, the applicant shall submit a completed Development Building Application Form Information comprising of: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
82. Grading plans shall include details for existing and finished lot grades, retaining walls, storm water pollution prevention measures and slope protection measures.
83. Each lot shall drain towards the Private Street or Court. Drainage shall not be allowed across back and side property lines of the proposed lots or over the street sidewalk.
84. Cut, fill or land disturbing one acre or larger area shall require A *Notice of Intent* (NOI) and *Storm Water Pollution Prevention Plan* (SWPPP) to be submitted to the City and the State for review/approval.
85. The SWPPP and its required improvements shall be completed as per the plans prepared by a Qualified SWPPP Developer (QSD) and approved by a Qualified SWPPP Practitioner (QSP) in compliance with the Regional Water Quality Control Board regulations. All plans and improvements shall also be approved by the City Engineer.
86. The certification page of the SWPPP shall be signed by the owner/developer and the person who prepared the report. The SWPPP and *Storm Water Management Plan* (SWMP) reports are to be submitted to the State and City in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the project QSD/QSP.

Storm Drain System

87. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all of area tributary to the project site. The developer is required to mitigate augmented runoffs with on-site improvements, including but not limited to on-site detention or ground percolation to control site discharge rate to pre-existing level.
88. New storm drain inlets must be labeled "No Dumping - Drains to Bay" using the City approved specifications.
89. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved by the City Engineer.
90. A detailed drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer.
91. On-site collector storm drains shall be not less than 12-inch in diameter to minimize potential for blockages.
92. The on-site storm drains and storm water treatment systems shall be owned and maintained by the property owners' association. Any natural or mechanical storm water filtration systems shall be designed as part of the on-site storm drain system.

Storm Water Quality Requirements

93. The following materials related to the Storm Water Pollution Prevention and treatment facility requirements shall be submitted with the grading permit application:
  - a. Best Management Practices (BMPs) appropriate to the activities conducted on-site to limit the entry of pollutants into storm water runoff to the maximum extent practicable.
  - b. The proposed BMPs and storm water pollution prevention measures shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page 30). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5-12 has a section titled "BMP Design Criteria for Flow and Volume". These materials are available on the internet at [www.cabmphandbooks.com](http://www.cabmphandbooks.com)
  - c. The Storm Water Pollution Prevention Program required improvements shall be completed as per the plans approved by the City Engineer.

- d. The City's standard "Stormwater Treatment Measures Maintenance Agreement" (as prepared by the City) shall be executed by the property owner or the property owners' association. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure future maintenance of storm water treatment measures.
94. The following documents shall be completed and submitted with the improvement and/or grading plans:
    - i. Stormwater Requirements Checklist corresponding to MRP Permit issued in November 2015
    - ii. Hydromodification Management Worksheet;
    - iii. Development and Building Application Information Impervious Surface information form;
    - iv. Updated Stormwater Requirements Checklist;
    - v. Numeric Sizing Criteria used for storm water treatment (Calculations).
  95. The developer shall ensure that the project construction personnel are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

#### Final Map

96. Before requesting approval of the Final Map, the subdivider shall submit copies of documents filed in the County's public records defining easement rights for use of property adjacent to Tract 8353 for water line, emergency vehicle access, sanitary sewer and public services. Additional easements shall be provided for common use and public service facilities in formats approved by the City Engineer.
97. Subdivider shall provide for the City's review and approval the Final Map prepared substantially in compliance with the Conditionally Approved and unexpired Tentative map, Hayward Municipal Code and the State Subdivision Map Act.
98. Final Map shall clearly show exterior boundaries and dimensions of each proposed lot, public street right-of-way and public utilities easement dedications; easements and rights-of-way to be vacated, retained and created; and other details required by the State Subdivision Map Act and Hayward Municipal Code Section 10-3.
99. Provide all map calculations, copies of grant deeds, property ownership records, title report(s) and geo-technical study report(s).
100. Documents defining ownership rights, responsibilities and financial arrangements for needed repairs, maintenance, construction and reconstruction of common use areas and common use improvements shall be submitted for the City Engineer's review and approval concurrently with the Final Map submittal.

101. The common use area improvements shall include but are not limited to the paved vehicular roadways, accessibility compliant walkways; lighting and landscape improvements; sanitary sewer mains; water distribution mains and their laterals up to and including water meters; fire hydrants; storm drains and storm water pollution prevention measures etc.
102. Before requesting the City Council approval of the Final Map, all improvements required by the condition of the Tentative Map approval shall be complete or the subdivider must execute an improvement agreement with the City and post improvement securities in the amounts and forms approved by the City Engineer.
103. Final Map shall be filed in the County's public records after the City's approval concurrently with the ownership and maintenance documents for common use areas and improvements as approved by the City.

### **Public Works Utilities and Environmental Services**

#### Water

104. The development's proposed water main and valves shall be public, owned and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
105. 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>).
106. All water mains must be looped. Dead end water mains will not be allowed. Water mains must be connected to other water mains.
107. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense.
108. All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant's/developer's expense. The developer may only construct new services in conjunction with their construction of new water mains.
109. Domestic & Fire Services
  - A. **Domestic:** Each residential unit shall have an individual domestic water meter. Facilities fees for residential connections are based on the

domestic demand for the home. A larger water meter may be installed if the service is combined with a private fire service. The developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.

- B. **Fire:** Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204.
  - C. **Combined Residential Services:** The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216. 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).
110. **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 (RPBA) on each irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
111. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218. Water meter boxes in driveway aisle areas shall have steel H20 rated lids.
112. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.

### **Sewer**

113. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.

114. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>). Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.
115. Each SFR shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312.
116. The developer is responsible for payment of sewer connection fees at the current rates at the time the application for building permits are submitted.
117. Easement for the sanitary sewer main shall be obtained from Stonebrae, L.P., and shall be dedicated to the City. The easement shall be 10' wide sanitary sewer line easement (SLE).

#### **Solid Waste**

118. The applicant shall ensure the side yards or garages offer enough room for residents to store recycling, garbage, and organics carts, and walk downside yard alley, see attached for details.
119. The applicant shall ensure the planned streets offer sufficient turn-around space for waste collection vehicles.
120. Construction & Demolition Debris: The City requires that construction and demolition debris be recycled per certain ordinance requirements. At the time of your building permit, submittal of the Debris Recycling Statement will be required. The form can also be found at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.

#### **Planning Division – Landscape**

The following conditions shall be addressed in the Improvement Plan phase of the project:

121. All trees shall be planted a minimum of five feet away from any underground utilities, a minimum seven feet from the edge of a fire hydrant, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the city. Trees shall be planted according to the City Standard Detail SD-122 and the detail shall be included in the landscape plans.

122. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven of pavement or buildings, and as directed by the landscape architect. The length of the barrier shall be as recommended by the manufacturer.
123. Plant palette shall provide the proposed plant spacing. Plant spacing shall not be closer the minimum spread provided in the reference books in the Ordinance. Additional acceptable reference books are Landscape Plants for California Gardens by Robert Perry and California Native Plants by Caroline.
124. Erosion control jute netting, compost blanket or combination of compost sock and jute netting in addition to appropriate groundcover and other vegetation shall be provided on all slopes that exceed 3:1. Adequate erosion prevention measure shall be proposed for slopes equal or exceed 2:1. All disturbed slopes on each lot shall be re-vegetated.
125. Bio-treatment area shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system when the area is wider than ten feet on a separate valve.
126. Minimum twelve inches wide band of Noiya Cobblestone shall be provided around overflow catch basin or bubble up basin.
127. Three inches deep mulch requirement shall be installed in bio-treatment areas as well as all planting areas except turf/lawn areas.
128. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be incorporated into irrigation detail plan.

#### Standard Landscape Conditions for Residential Development

129. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.
130. Prior to the approval of improvement plans or submittal of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan showing all above and underground utilities and shall comply with the City's *Tree Preservation Ordinance*, *Bay-Friendly Water Efficient Landscape Ordinance*, *Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional*, and *Municipal Codes*. Dripline of the existing trees to be saved shall be shown on the plan.
131. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be twenty-two

inches by thirty-four inches without an exception. A four inches wide by four inches high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward, Landscape Architect and City Engineer. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.

132. A tree removal permit in addition to grading permit is required prior to the removal of any existing trees.
133. A tree preservation bond will be required for all trees that are to remain to the equal value to the appraised value. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
134. Prior to the issuance of a grading or building permit, a tree preservation bond, surety or deposit, equal in value to the trees to be preserved, shall be provided by the developer. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the conditions of the trees.
135. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout.
136. Planting in Bio-Retention Area: Trees and shrubs shall not be planted in the flow line. Wider planting areas shall be provided when lack of planting areas prevents required trees to be planted. This area shall be irrigated on a separate valve.
137. The trees should be twenty feet from the street corner, a minimum of five feet away from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the city.
138. Trees shall be planted according to the City Standard Detail SD-122. The detail shall be provided in the planting detail plan.
139. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be provided in the irrigation detail plan.
140. A separate irrigation meter shall be provided for all landscape improvements except for private rear yards defined by fencing.
141. For Model Homes: Municipal Code Article 12, Section 10-12.17 Public Education, Model Homes: All model homes that are landscaped shall use signs and written

information to demonstrate the principles of water efficient landscapes described in this Article.

- Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
  - Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
142. Inspection for Models: Landscape inspection shall be required prior to issuance of TCO, and another inspection prior to issuance of Certificate of Occupancy at the time of converting the model for sale. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
143. Irrigation Audit: Municipal Code Article 12, Section 10-12.11: In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of one (1) in seven (7) lots or approximately fifteen percent (15 %) will satisfy this requirement. All landscape irrigation audits shall be conducted by a third-party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
144. Children's playground equipment certification: Health and Safety Code in Chapter 4 titled "Safe Recreational Land Use (115725 - 115800)" calls for compliance with standard of ASTM and federal Consumer Protection and Safety Commission. Playground equipment is required an inspection by a certified playground safety inspector by the National Playground Safety Institute, and the certification letter shall be submitted City Landscape Architect prior to the final inspection and issuance of Certificate of Occupancy.
145. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs.
146. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted prior to requesting an inspection to the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements.

147. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.
148. A covenant or deed restriction requiring formation of HOA and shall be recorded requiring HOA to properly maintain the front yard landscaping and street trees and replace any dead or dying plant material.
149. Landscaping except private rear yard defined with fencing shall be maintained by HOA and shall be in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. 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 inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

### **Public Works Transportation**

150. The applicant shall construct sidewalk on the east side of Carden Lane between the project driveway and Stone Brae Elementary School driveway.
151. The applicant shall construct two curb ramps on the east side of Carden lane across Stone Brae Elementary School driveway.
152. The applicant shall stripe two crosswalks, install pedestrian warning signage and striping and stripe "keep clear" pavement marking at the intersection of Carden Lane / Stonebrae Elementary School driveway.

153. The applicant shall submit a signing and striping plan which shall be approved by Public Works-Transportation and the City Engineer prior to issuance of occupancy permits.

### **Fire Department**

#### **Access:**

154. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced so as to provide all-weather driving capability.
155. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane, 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.

#### **Water Supply:**

156. Provide water/fire flow test data information on the plan, including static pressure, residual pressure, pitot pressure, test flow, calculated available water flow at 20psi and test date. The data should be less than 5 years old. This information may be available for Hayward Public Works Department. A new flow test should be requested if update water data is not available.
157. The required fire flow shall not be less than 1,500gpm @ 20 PSI.
158. Underground fire service line shall be installed in accordance with NFPA 24.
159. New fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants.

#### **Fire Protection:**

160. Each new structure shall be protected with an Automatic Fire Sprinkler system in accordance with NFPA 13D Standards. (Deferred Submittal)
161. According to the requirement of Hayward Public Works Department, a static pressure of 80 PSI should be used when a water test data indicates a higher pressure. The residual pressure should be adjusted accordingly.

162. Underground fire service line that serving NFPA 13D system connection to the city main shall be installed in accordance with the Hayward Public Work Department **SD-216**. Water meter shall be minimum one inch in diameter.
163. An audible alarm bell (device) shall be installed on the fire sprinkler system riser.
164. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any fire sprinkler system waterflow activity.
165. 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).
166. 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.
167. All building units shall have approved address numbers, building numbers. Address identification of shall be placed in a position that is plainly legible and visible from the street or road fronting the property. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.
168. A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location so as to be visible from the street. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.
169. 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 wood shake roofs. The building construction shall comply with the requirements contained in the 2013 California Residential Code Section R327.

Hazardous Materials:

170. Submit a phase 1 Environmental assessment and any other records regarding site contamination, investigation, remediation, or clearances form other regulatory agencies. Submit final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control to ensure that the property meets residential development investigation and cleanup

standards. Allowance may be granted for some grading activities if necessary, to ensure environmental clearances.

171. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include but shall not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
172. If hazardous materials storage and/or use are to be a part of the facility's permanent operations, then a Chemical Inventory Packet shall be prepared and submittal with building plans to the City of Hayward Fire Department at the time of application for construction permits.
173. 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.
174. Discovery of Potentially Hazardous Materials or Vessels/Containers shall be reported to the Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.
175. Use of Hazardous Materials or Generation of Hazardous Waste – During construction, hazardous materials used, and hazardous waste generated shall be properly managed and disposed.