

**CITY OF HAYWARD PLANNING COMMISSION  
TENTATIVE TRACT MAP & SITE PLAN REVIEW APPLICATION NO. TM-23-0004  
TO DEVELOP 12 TOWNHOMES CONDOMINIUM UNITS  
ON A 0.39-ACRE SITE AT 22872 MAIN STREET**

**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 Site Plan and Tentative Tract Map application is approved subject to the Architectural, Civil and Landscape plans date stamped February 9, 2024, 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. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
10. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
11. 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.
12. 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.
13. Mailboxes shall be constructed of high-quality materials with locking mechanisms and installed in a secure location in accordance with Post Office policy.
14. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.
15. 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.
16. 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 February 9, 2024. 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.
17. 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.

18. 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.
19. Short-term and long-term bicycle parking shall be provided in accordance with Hayward Municipal Code (HMC) Section 10-28.3.2.020 (G) or CALGreen whichever is greater. The bicycle parking shall be located within the building or within 25 feet of the building entrance.
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 at the time of building permit issuance.
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.

#### Landscape.

- 30. No building permit shall be issued prior to approval of landscape and irrigation improvement plans under Final Map application and grading permit.
- 31. A tree removal permit shall be obtained from City Landscape Architect prior to the removal of any tree in addition to demolition and grading permits.
- 32. Tree shall be located a minimum of five feet from all utility service lines and driveways, a minimum nine feet from the center line of fire hydrant, a minimum of fifteen feet from a light pole, and a minimum of thirty feet from the face of a traffic signal, or as otherwise specified by the City.
- 33. All final tree locations shall be field verified by the project landscape architect prior to planting and resolve any conflicts arise in the field.
- 34. All above ground mechanical equipment shall be screened from the street with five-gallon shrubs.
- 35. Two-inch diameter tree stakes for 36"-box shall not be sufficient to support the trees. Revised tree staking detail shall be provided.
- 36. Vine support detail for *Rosa banksiae* shall be provided.
- 37. Pursuant to HMC Section 10-12.06 (a) (1) (B) 7. Acceptable fertilizers shall be allowed for use in crop production by at least one of the following: OMRI or California Department of Food and Agriculture's Organic Input Materials Program or U.S. Department of Agriculture's National Organic Program.
- 38. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as recommended by the manufacturer.
- 39. Trees shall be healthy, disease and insect-free, well-rooted, and properly trained with a straight trunk that can stand upright without support. Tree shall exhibit a central leader, or a main branch that can be trained as a central leader. Branches shall be well-developed and shall be evenly and radially distributed around the trunk. Root ball shall not exhibit kinked or circling roots.
- 40. Manual shut-off valves such as a gate valve, ball valve, or butterfly valve shall be required as close as possible to the point of connection of the water supply but after a backflow prevention device to minimize water loss in case of an emergency or routine repair.
- 41. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be provided with other irrigation details.

## 42. Standard Landscape Maintenance:

- a. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed performance, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay.
- b. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection.
- c. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color and the size shall not exceed 1-1/2-inch diameter. The depth shall be maintained at three inches deep.
- d. 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.
- e. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect.
- f. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code.
- g. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

Housing.

- 43. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in Hayward Municipal Code Chapter 10, Article 17. The applicant shall comply with the requirements in section 10-17.410 of the AHO by paying the applicable affordable housing in-lieu fee as set by resolution in effect at the time of payment. The applicant shall pay either prior to issuance of building permits or prior to approval of final inspection/issuance of an occupancy permit. No final inspections for occupancy will be approved and no occupancy permit will be issued for any unit unless the affordable housing in-lieu fees are paid in full.

Building.

- 44. This project will require a building permit and the associated building code plan review process. During the building permit plan review, detailed technical comments will be provided.

45. The proposed project is subject to all applicable provisions of The City of Hayward Reach Code.

Fire.

46. Where the grade plan and highest roof surface exceeds 30ft., fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of buildings (highest roof surface shall be determined by measurement to the eve of a pitched roof). At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building. Lot #1 - #6 (Building #1 Armstrong St.) and Lot#7, Lot #8 (Building #2, E St.) are both showing a building height greater than 30ft.
47. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced to provide all-weather driving capability. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus accesses. (main drive aisle)
48. A fire apparatus access road 20 feet to 26 feet wide shall be posted on both sides as a fire lane; a fire apparatus access road 26 feet to 32 feet wide shall be posted on one side of the road as a fire lane. "No Parking" signs shall meet the City of Hayward Fire Department fire lane requirements.
49. Address and premise identification approved numbers shall be placed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property. Dimensions of address numbers or letters on the front of the buildings shall be approved by the fire department.
50. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26ft. exclusive of shoulders.
51. Electrified gates shall be provided with a Knox product Keyswitch at a location approved by the City of Hayward.
52. A fire flow shall be provided in accordance with the current edition of the California Fire Code (CFC) Table B105.1 based on the construction type and building area when building exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500gpm.
53. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the California Fire Code (CFC). The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. With the determination of existing fire hydrants in proximity to the proposed site, an additional hydrant may be required based on available water supply and water/fire flow demand of the site.
54. All buildings are required to install an overhead automatic fire sprinkler system in

accordance with NFPA 13/NFPA 13D as reflected on the current proposal. (a separate submittal by a licensed C16 Contractor is required to the Hayward Fire Department)

55. A maximum static pressure of 80 PSI should be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly.
56. Underground fire service lines shall be installed in accordance with NFPA 24 and City of Hayward SD204/216. The underground fire line will be determined based on type of fire sprinkler system proposed.
57. Fire sprinkler monitoring systems should be provided for multi-family residential buildings in accordance with the California Fire Code and NFPA 72. At a minimum, each fire sprinkler system riser shall have exterior local alarm bell(s). Interior notification device(s) shall be installed within each residential unit.
58. An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser. The device shall activate upon any fire sprinkler system water flow activity.
59. Interior audible alarm device(s) shall be installed within each dwelling unit in a location approved by the City of Hayward. The device shall activate upon any fire sprinkler system water flow activity.
60. Interconnected smoke detectors shall be installed at approved locations based on the California Building (CBC), California Fire (CFC) Code(s) and NFPA 72 Standards.

#### Engineering.

61. 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.
62. All required and conditioned improvements shall be complete as per plans approved by the City Engineer prior to Final Map Approval or the subdivider shall execute a Subdivision Improvement Agreement.
63. Final Map shall substantially comply with its City approved Tentative Map and Hayward Municipal Code.
64. City Engineer's approval shall be required for the final map and the documents for incorporation of the Property Owners Association, its Covenant, Conditions and Restrictions (CCRs).
65. The final map shall be approved by the City Engineer after his/her approval of the site grading and improvement plans, improvement agreement and improvement

security (bonds).

66. Final map shall include dedication of a sanitary sewer easement to the City of Hayward for the sewer main line, its manholes and other appurtenant structures to be constructed on-site. The sanitary sewer easement shall cover the entire width of the driveway through the development or as approved by the City Engineer.
67. Final map shall include dedications of public utilities easement for electric, telecommunication and other such utilities and access easement for Emergency Service Vehicles. Such easements shall cover the entire width of the driveway through the development and as otherwise approved by the City Engineer.
68. A Current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
69. Homeowners Association: 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 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. HOA shall own and maintain in fully functional condition and good repair all areas, all common use improvements on private property not owned or maintained by the city, public utility agencies or each property owner, including water services behind the meters, area lighting, landscape improvements, drainpipes and their structures and laterals in street rights-of-way. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project development approvals.
  - b. HOA shall irrigate and maintain new street trees including tree pruning, tree removal and replacement, irrigation system and tree grates in the public sidewalk on Armstrong Street.
  - c. The HOA shall be managed and maintained by a professional property management company and maintain updated registration information with the Secretary of State.
  - d. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
  - e. The 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. The HOA shall own and maintain on-site area lights which shall have a decorative design approved by the Planning Director and the City Engineer.
  - g. The HOA shall arrange for sweeping of the private street/drive and private parking stalls at least once a month.

Transportation.

70. Pursuant to City of Hayward Traffic Code Article 9, Applicant, Property Owner, Homeowners Association (HOA) or Property Manager shall maintain adequate visibility and sight distance, as defined by City of Hayward Traffic Code, at all project driveway(s) and access point(s).
71. The HOA shall prohibit vehicles from being parked in a manner that impedes or blocks the flow of pedestrian or vehicular traffic on City right-of-way, including sidewalks and roadways, fronting the subject property.

**PRIOR TO ISSUANCE OF A BUILDING PERMIT**Landscaping.

72. Prior to issuance of the first building permit, detailed landscape improvement plans prepared by a licensed landscape architect on an accurately surveyed base shall be approved as a part of Final Map application and grading permit. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. The plans shall be stamped, signed and dated by the project Landscape architect. The plans shall include the water efficiency compliance statement and water budget calculations. Once approved by the City, a copy of the approved landscape improvement plans with City approval stamps shall be submitted as a part of the building permit submittal.

Hazardous Materials.

73. Hayward Fire received a Phase 1 Environmental Site Assessment by Enviro Assessment, PC dated May 11, 2023. An evaluation and regulatory oversight is required to ensure that the site meets environmental and health-based clearances that are appropriate for this residential development. The applicant shall provide clearance documentation from Alameda County Department of Environmental Health's Local Oversight Program (LOP) to ensure that the property meets the development investigation and cleanup standards. The Alameda County Department of Environmental Health's Local Oversight Program (LOP) contact, Paresh Khatri, can be reached at (510) 567-6700 or (510) 777-2478. Clearance from the LOP will ensure that the proposed residential project meets development investigation and cleanup standards, including, if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. LOP clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.
74. 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.

75. Prior to issuance of a grading permit, 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.
76. 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.
77. If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.
78. If Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts are 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 a 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.
79. During grading and construction hazardous materials and hazardous waste shall be properly stored, managed and disposed.

#### Utilities.

80. All connections to existing water mains shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
81. Any modifications to existing water services such as but not limited to upsizing, downsizing, relocating, and abandoning shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
82. Only City of Hayward Water Distribution personnel shall perform operation of valves on the City of Hayward Water System.
83. Each residential dwelling unit shall be served by its own water meter.
84. A separate fire permit is required for the fire sprinkler system installation. The water meter size will be determined by the Fire Department's requirements for

that permit; however, a minimum 1" water meter is required for residential fire sprinklers. Residential combined domestic and fire services are allowed, per City of Hayward Standard Detail 216 (SD-216). The configuration must have two separate water service lines on the backside of the water meter: one for domestic water service and one for fire water service, as shown on Figure 2B on SD-216. The applicant or owner is responsible for installing the backside configuration of the water service.

85. Fire flow data may be required for the project. Information regarding existing fire flow data and how to request for new fire flow test data is available on the City's Fire Flow Testing website.
86. A separate irrigation water meter shall be installed for irrigation water services.
87. The Applicant/Developer shall install an above-ground reduced pressure (RP) backflow prevention assembly on all irrigation water services, non-residential domestic water services, and residential domestic water services where there is a water well on the property, per City Standard Detail 202 (SD-202). Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger. Backflow prevention assemblies installed on potable water sources shall be lead-free.
88. The Applicant/Developer is responsible for applicable water and sewer connection/capacity fees, at the rates in effect at the time of application for water and sewer service, prior to water connection and sewer discharge.
89. All public water mains and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval. Available on the City's website.
90. Water mains must be located at least ten (10) feet horizontally from and one (1) foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm 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.
91. Water meters and services are to be located a minimum of two feet from top of driveway flares as per City Standard Detail 213 (SD-213) through 218 (SD-218). Water meters shall not be located in the driveway. Water meter lids shall be Nicor, Inc.
92. All sewer mains and appurtenances shall be constructed in accordance with the City's latest "Specifications for the Construction of Sewer Mains and Appurtenances," revision at the time of permit approval, which is available on the City's website.
93. The development's sanitary sewer mains and manholes shall be public, owned, and maintained by the City. The development shall dedicate to the City a Sanitary Sewer Easement (SSE) including rights of ingress and egress for the purpose of construction, reconstruction, maintenance, and repair of the development's

proposed sanitary sewer main and manholes. The entire roadway area shall be a SSE and granted to the City at no cost. The final location and width of the easement shall be to the satisfaction of the City Engineer.

94. No permanent structures shall be built within the public utility easement (PUE) and sanitary sewer easement (SSE). No bio-retention areas shall be located within the PUE and SSE. Landscaping within the PUE and SSE is allowed, however, no trees shall be planted within the PUE and SSE.

#### Engineering.

95. Building permits for new structures or remodeling of existing structures on proposed lots will not be issued prior to issuance of the City's grading permit and recordation of the Final Map. Model homes may be permitted before recordation of the Final Map as per the Subdivision Map Act Section 66499.30 (a).
96. Plans for the project required grading and improvements and their design documents shall be prepared by or under the direction of State licensed and qualified professionals and shall require approval of the City Engineer. Plans shall provide construction details for all improvements proposed in the project application and required by the City's Conditions of Approval.
97. Subdivider shall get permits or approvals from all affected agencies or private parties. Copies of applicable permits or approvals shall be provided to the City Engineer.
98. Subdivider shall secure the City Fire Marshal's approval of Improvements for all weather emergency vehicle access and fire protection before flammable material is brought on-site.
99. Existing overhead utilities and poles shall be removed and replaced with underground such utilities across the project's frontage on Armstrong Street (Hayward Municipal Code Section 11-4.28)
100. 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.
101. All grading shall comply with Chapter 10, Article 8 (Subdivision 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.
102. 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 site improvement 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 were completed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report.
103. Structural calculations and details prepared by a licensed civil or structural engineer are required for all earth retaining structures greater than 4-feet in height (top of wall to bottom of footing) and shall be reviewed and approved by the Building Division of the Development Services Department.
  104. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer shall be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.
  105. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. On site surface drainage shall be collected and conveyed to a public drainage system as per plans approved by the City Engineer. The storm drainage system shall be designed to convey a 10-year storm event.
  106. Drainage plans should include all proposed underground pipes, building drains, 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 Site Grading or as required by the Soils Engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
  107. The project related drainage conveyance and treatment systems shall be owned and maintained by the property owners or their association.
  108. Drainpipe(s) within the city's street rights-of-way shall be not less than 12-inch in diameter RCP or equivalent as approved by the City Engineer. A manhole will be required at side-connection of the new drainpipe with existing storm drain in public street unless the details shown in the City Standard Detail Sheet SD-411 are applicable.
  109. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted and shall show, at a minimum, drainage management areas, location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidelines.
  110. Improvements in the street right-of-way fronting the project shall include the following:
    111. Existing overhead utilities across the project frontage on Armstrong Street shall be replaced with underground such utilities.
    112. All utility services to the development project shall be placed underground in compliance with the Hayward Municipal Code Section 10-3.815.
    113. Any new electrical transformer shall be placed underground across the project frontages on Armstrong Street and Main Street.

- 114. Replace unused driveways with concrete curb, gutter, and sidewalk matching existing in color, form, and grades
- 115. Replace existing curb, gutter, sidewalk and driveway along the project frontage on Armstrong Street with such improvements complying with the City Standard Details.
- 116. All broken, cracked, or uplifted curb, gutter, curb ramp and sidewalk segments along the project frontages on Armstrong Street, Main Street and E Street shall be removed and replaced with new such improvements compliant with the City Standard Details and accessibility standards.
- 117. The driveways shall comply with the City Standard Detail Sheet SD-109.
- 118. The full width of the existing street pavement in Main Street and E Street along the project frontages shall be ground and resurfaced with 2-inch hot-mix asphalt concrete. Install pavement markings with thermoplastic markings in resurfaced street segments.

#### Transportation.

- 119. Applicant shall prepare and submit an on-site and 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.
- 120. Applicant shall prepare and submit an on- and off-site Photometric Plan ("Photometric Plan"). Refer to Hayward Standard Plans Sheet SD-120 for roadway lighting criteria (<https://www.hayward-ca.gov/sites/default/files/documents/standard-details-updated-jan-2020.pdf>). Photometric Plan shall be included in Improvement Plans and shall be prepared to the satisfaction of the Public Works Director or his/her designee.
- 121. Applicant shall prepare and submit a Turning Analysis using AutoTurns software for a WB-50 vehicle, or the largest vehicle expected on-site. The Turning Analysis shall be included in Improvement Plans and shall be prepared to the satisfaction of the Public Works Director or his/her designee.
- 122. Pursuant to HMC 7-1.10, Applicant shall install street lighting along the project frontage on Armstrong Street. Street lighting shall be installed in compliance with City Standard Details and Specifications and to the satisfaction of the Public Works Director or his/her designee. Proposed street lighting shall be included in Improvement Plans, which shall be prepared to the satisfaction of the Public Works Director or his/her designee.
- 123. Pursuant to HMC 10-24.3.2.050, Applicant shall provide the required number of on-site bicycle parking space(s). Proposed bicycle parking space(s), including quantity, type and location, shall be included in Improvement Plans, which shall be prepared to the satisfaction of the Public Works Director or his/her designee.

**DURING CONSTRUCTION**Engineering.

124. Construction Stormwater Management: Developer shall be responsible for the preventing the discharge of pollutants (sediments) into the street and/or the public storm drain system from the project site in accordance with the Hayward Municipal Code Section 11-5.19. 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 adequately contained. Such measures shall be maintained during the project's construction period. Violations or other noncompliance with stormwater management measures may result in the project being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.
125. Construction Damage: The Developer shall remove and replace any damaged curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc. within the public right-of-way along the project frontage and at other locations.
126. Developer shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**Landscaping.

127. Model Homes.
  - a. A Temporary Certificate of Occupancy (TCO) shall be issued for model home. TCO shall remain in place until converting model home to production home for sale. Landscape inspection shall be required prior to issuance of TCO, and another inspection prior to issuance of Certificate of Occupancy at the time of the conversion. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1, 2 and 6 shall be submitted electronically in prior to requesting an inspection from the City Landscape Architect.
  - b. Water Efficient Landscape Educational Sign for Model Homes. Pursuant to HMC Section 10-12.17, water efficient landscape educational sign for model homes shall provide signs and written information to demonstrate the principles of water efficient landscapes described in the ordinance.
    - I. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient

theme.

- II. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

128. Production Homes. Prior to the issuance of Certificate of Occupancy for each production home, landscape and irrigation installations shall be completed in accordance with the approved plans and details and shall be accepted by the City Landscape Architect. Prior to requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1, 2 and 6 shall be submitted electronically in prior to requesting an inspection from the City Landscape Architect.
129. Tract Acceptance.
  - a. The entire landscape improvements including production homes and common landscape area shall be completed and well maintained until the acceptance by the City. The acceptance inspection shall be performed by City Landscape Architect. Prior to requesting an inspection by City Landscape Architect, the project landscape architect shall field inspect and accept landscape improvements and shall submit completed Appendix C. Certificate of Completion Part 1 through 7 in the City's Bay-Friendly Water Efficient Landscape Ordinance to City Landscape Architect. If green waste was diverted to an authorized facility and the weigh tag was submitted and signed off by the City's Solid Waste Division at Utilities and Environmental Services Department, a copy of the signed document will replace Part 7.
  - b. Irrigation Audit. Pursuant to HMC Section 10-12.11, an irrigation auditing rate of one (1) in seven (7) lots or approximately fifteen percent (15 %) of the total production homes and an audit of all common landscape areas shall be done prior to tract acceptance. All landscape irrigation audits shall be conducted by a third-party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
  - c. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City, As-Built digital plans shall be submitted to the Engineering Department by the developer.

#### Engineering.

130. All required improvements, including the complete installation of all on-site and frontage street improvements, fencing, sanitary sewers, storm drainage, water system, underground utilities, streetlights etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit in the subdivision. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
131. The property owner(s) shall enter into the City's standard "Stormwater Treatment

Measures Maintenance Agreement” as prepared by the City. This 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.

132. Prior to the issuance of any Certificates of Occupancy, Developer shall submit a confirming letter from the project geologic and/or geotechnical team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.
133. Final Engineer’s Report: Prior to the issuance of any Certificate of Occupancy, The Engineer of Record shall submit a confirming letter that all grading, drainage, and engineering components of the project have been performed in conformance with the approved plans and specifications.
134. As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

Transportation.

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

-End-