CITY OF HAYWARD
PLANNING DIVISION
ZONE CHANGE
CONDITIONS OF APPROVAL

ZONE CHANGE APPLICATION NO. 201604872 – Request to rezone a property from Business Park District and Regional Commercial District to Planned Development (PD) District to allow establishment of Class A light industrial/flex office space uses to serve mid-size light manufacturing, biotechnology, and research and development firms; and construction of an approximately 94,000 square foot, single story industrial shell building for the Steelwave Industrial Park at 2580-2582 Industrial Boulevard (Assessor Parcel Numbers 456-0101-004-02, 456-0101-004-03 and 456-0101-003-00). Michael Olson/Eden Shores Associates I LLC (Applicant/Owner).

GENERAL

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.

2. In accordance with Hayward Municipal Code (HMC) Section 10-1.2500 (Planned Development District), this approval covers the Preliminary Development Plan, dated January 5, 2017, and attached PD District Development Standards for the Steelwave Industrial Park, subject to all conditions listed below. The PD District document contains all uses and development standards for the project site.

3. This approval is void 36 months after the effective date of approval 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, 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.

4. All signs shall comply with the Sign Ordinance. Signs shall be approved by the Planning Director. Sign Permits for both temporary and permanent signs are required prior to installation or display.

5. The owner(s) shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas.

6. The property owner(s) shall be responsible for keeping the premises free of graffiti. Graffiti shall be removed within forty-eight hours after the owner has been advised of the occurrence.

7. The permittee, property owner or designated representative shall allow City code enforcement staff access to the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.

8. All permit charges accrued in the processing of Rezoning Application No. 201604872 shall be paid in full prior to consideration of a request for approval extensions and/or submittal of Precise Plan, building permit application or improvement plans related to the development.

9. 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.

MITIGATION MEASURES

10. **Mitigation Measure 3.1.4-1:** The planning and design of the projects for buildout of the Specific Plan areas should conform to the provisions of the Development Guidelines chapter of the Specific Plan. Conformance review would occur with each development decision utilizing the Development Guidelines criteria within the Specific Plan. Conformance review would occur with the City of Hayward's project review process prior to the issuance of grading and construction permits. **[Mitigation Measure completed through the Planning Entitlement Phase. Planning staff reviewed the proposed development as part of the Rezoning entitlement and determined that the proposed project is consistent with the South of Route 92 Development Guidelines.]**

11. **Mitigation Measure 3.1.4-5:** Night lighting along public streets, in business park and industrial areas, and in the Sports Park, should be focused downward and/or shielded to avoid glare and point sources of light interfering with the vision of residents and motorists on local roadways. Lighting elements should be recessed within the fixtures to prevent glare. A specialist in lighting decision should be consulted to determine light source locations, light intensities and type of light source.

12. **Mitigation Measure III-1:** Dust emissions from construction-related activities can be greatly reduced by implementing control measures. The BAAQMD has developed feasible control measures for construction emissions of PM_{10}. With these measures implemented the impacts are expected to be reduced to a less than significant level. The following measures, pertinent to **Mitigation Measure 3.2.4-1,** of the1997 Plan EIR, shall be incorporated into all construction contract documents and implemented.

Basic Control Measures:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer).
- Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas and staging areas.
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Coordinate streets to be swept with the City Engineer.

Enhanced Control Measures (sites greater than four acres):

- All "Basic" control measures listed above.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Additional Control Measures for large construction sites, located near sensitive receptors that may warrant additional emissions reductions:

- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas if conditions warrant
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.

- Limit the area subject to excavation, grading and other construction activity at any one time.

The following is in addition to the measures recommended by BAAQMD:

- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints at the construction sites. This person shall respond and take corrective action within 24 hours. The telephone number of the AQMD shall also be visible to ensure compliance with BAAQMD Rule 2: Hazardous Materials; Asbestos Demolition, Renovation and Manufacturing.

13. **Mitigation Measure IV.2:** The following steps clarify **Mitigation Measure 3.2.3-5,** identified in the earlier 1997 Plan EIR.

- A preconstruction survey will be conducted within 30 days prior to the beginning of construction/grading activities of all suitable burrowing owl habitat within the project area and the adjacent 250-foot buffer in accordance with CDFW protocol (Burrowing Owl Consortium 1993). The first step of this protocol is to map potential burrowing owl burrow sites. If no burrowing owl sites are present during the mapping procedure, then no further mitigation is required.
- If burrowing owl burrows are identified through the preconstruction surveys, protective measures will be required as a CEQA mitigation measure to ensure impacts would be less than significant. These would include such avoidance actions as the following:

If any owls are present in areas scheduled for disturbance or degradation (e.g., grading) or within 50 meters (160 feet) of a permanent project feature, and nesting is not occurring, owls are to be passively relocated by a qualified biologist per CDFW-approved relocation as described in the burrowing owl guidelines. A time period of at least one week is recommended to allow the owls to move and acclimate to alternate burrows.

If any owls are present within 50 meters (160 feet) of a temporary project disturbance areas (i.e., parking areas) then active burrows shall be protected with fencing/cones/flagging and monitored by a qualified biologist throughout construction to identify additional losses from nest abandonment and/or loss of reproductive effort (e.g., killing of young). If additional losses occur then the qualified biologist/monitor has the authority to stop construction and consult with CDFG to determine further mitigation. One-way doors should be left in place 48 hours to insure owls have left the burrow before excavation.

- If any owls are nesting in areas scheduled for disturbance or degradation, nest(s) should be avoided from February 1 through August 31 by a minimum of a 75-meter (250-foot) buffer or until fledging has occurred. Following fledging, owls may be passively relocated as described in the burrowing owl guidelines (CBOC 1993).
- Active burrows shall be monitored by a qualified biologist(s)/monitor(s) throughout construction to identify additional losses from nest abandonment.

- One alternate natural or artificial burrow should be provided for each burrow that will be excavated in the project impact zone. The project area should be monitored daily for one week to confirm owl use of alternate burrows before excavating burrows in the immediate impact zone.

  Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe or burlap bags should be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.

14. **Mitigation Measure IV.4:** If proposed construction activities are planned to occur during the nesting season for avian species (typically March 1 through August 31), the Applicant shall retain a qualified biologist to conduct a focused survey for nesting raptors and migratory birds within 100 feet of the construction area no more than 30 days prior to ground disturbance or tree removal. If active nests are located during preconstruction surveys, USFWS and/or CDFG shall be notified regarding the status of the nests. Furthermore, construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or a biologist deems disturbance potential to be minimal (in consultation with USFWS and/or CDFG). Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius around the nest of 100 feet for raptors and 50 feet for migratory birds. No action is necessary if construction will occur during the nonbreeding season (generally September 1 through February 28).

    Reference to this requirement, the MBTA, and Section 3503.5 of the California Fish and Game Code shall be included in the construction specifications. Such measures will reduce these potential impacts to a less than significant level.

15. **Mitigation Measure V-1:** If prehistoric or historic cultural resources are inadvertently discovered during any ground-disturbing activities, all work in the area shall stop immediately and the City shall be notified of the discovery. No work shall be done in the area of the find and within 100 feet of the find until a professional archaeologist can determine whether the resource(s) is significant. If necessary, the archaeologist shall develop mitigation measures consistent with the State CEQA Guidelines in consultation with the appropriate state agency and, if applicable, a representative from the Native American Heritage List. A mitigation plan shall be submitted to the City for approval. Mitigation in accordance with this plan shall be implemented before any work is done in the area of the resource find. Therefore, impacts to archaeological resources are considered less than significant.

16. **Mitigation Measure V-2:** If fossils or other paleontological resources are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.

17. **Mitigation Measure 3.2.1-1:** Incorporate current seismic-restraint criteria in the design of excavations, foundations and structures for the project, using updated guidelines from the latest adopted edition of the California Building Standards Code, as appropriate. The minimum seismic- resistant design standards for all proposed facilities shall conform to the California Building Standards Code seismic design criteria and applicable portions of the City's policies and ordinances.

18. **Mitigation Measure 3.2.1-2:** Incorporate seismic-restraint criteria in the design of excavations, foundations, and structures of the project.

19. **Mitigation Measure 3.2.1-3:** Require site-specific soil suitability analysis and stabilization procedures and design criteria for foundations, as recommended by a California-registered soil engineer during the design phase of the Specific Plan area.

20. **Mitigation Measure 3.2.1-4:** If grading or construction are to occur during the wet season, require an erosion and sediment transport control plan to be prepared for the grading and construction period of the project in accordance with the criteria contained in the Final EIR.

21. **Mitigation Measure 3.2.2-1:** Incorporate runoff control design in the drainage collection system for the project as specified in the EIR.

22. **Mitigation Measure 3.2.2-2:** The 1997 Plan EIR previously proposed Mitigation Measure 3.2.2-2, which would reduce erosion impacts to a less than significant level:

    (a) Construction should be scheduled for the dry season, if possible.

    (b) The project will be subject to an NPDES permit from the RWQCB. This permit requires that the applicant develop a Storm Water Pollution Prevention Plan. The permit requirements of the Regional Board would be satisfied prior to granting of a building permit by the City of Hayward.

    (c) A soil erosion and sedimentation control plan would be submitted to the City of Hayward by the applicant for individual development sites proposed under the Specific Plan prior to grading. This plan may include, but would not be limited to, the erosion control methods outlined in Mitigation Measure 3.2.1-4 (soil erosion control).

23. **Mitigation Measure 3.2.2-4:** Project construction sites within the Specific Plan area in areas of high groundwater shall submit a geotechnical report which designates specific groundwater conditions and subdrain requirements and incorporates them in the project design.

24. **Mitigation Measure VIII-1:** The 1997 Plan EIR proposed Mitigation Measure 3.2.2-1, which would incorporate runoff control design in the drainage collection system

for the project. Implementation of this previously proposed mitigation measure would reduce the impact to a less than significant level.

(a) The project engineer would perform detailed, site-specific hydrologic and hydraulic analyses for the proposed development areas, to validate the drainage calculations for the Specific Plan Area as a whole. The analyses would be in conformance with City of Hayward and Alameda County Flood Control and Water Conservation District (ACFCWCD) standards for the 100-year storm, would quantify the proposed development area's increased stormwater runoff volumes, and would quantify the effect on the capacity of the existing drainage facilities, including the levees along Old Alameda Creek.

(b) The proposed additions to the storm-drainage system would be designed to accommodate the anticipated flows from the Specific Plan Area. The project engineer would include facilities in the storm-drain infrastructure that would avoid increasing the risk of offsite flooding or increasing the area of offsite 100-year floodplains. Such facilities could include detention or storage structures.

(c) Facilities to accommodate the additional volume of stormwater runoff would be designed, reviewed, and incorporated into development prior to completion of the permitting process for this project. Specific structural mitigation measures that could be included in the facilities include detention basins, energy reducers, and oversized pipes and catch-basins that could act as temporary storage facilities for stormwater runoff.

In addition, the following mitigation would be required to comply with new Alameda County C.3 Stormwater Regulations for project operations: One hundred percent of annual average stormwater runoff from the site would be treated per the standards in the most recent version of the California Stormwater Best Management Practice New Development and Redevelopment Handbook.

Drainage from all paved surfaces, including streets, parking lots, driveways, and roofs shall be routed either through swales, buffer strips, or sand filters or treated with a filtering system prior to discharge to the storm drain system. Landscaping shall be designed to effect some treatment, along with the use of a Stormwater Management filter to permanently sequester hydrocarbons, if necessary. The specifications of the StormFilter® by Stormwater Management, Inc. adequately meet the requirements of the Regional Water Quality Control Board (RWQCB) for a "box-in-ground" filtering system. A filtering system with similar specifications may be used based on the size of the project site, if landscape-based stormwater treatment measures cannot effect the required level of treatment. Roofs shall be designed with down-spouting into landscaped areas, bubbleups, or trenches. Driveways shall be curbed into landscaping so runoff drains first into the landscaping.

Permeable pavers and pavement shall be utilized to construct the development, where appropriate. Any one or combination of these suggested RWQCB treatment measures will potentially meet RWQCB requirements for controlling runoff.

25. **Mitigation Measure XI-1 (Mitigation Measure 3.2.5-1):** Short-term Increases in Ambient Noise Levels. Construction noise would be temporary, but the following mitigation measure from the 1997 Specific Plan EIR would reduce this impact to less than significant:

- To minimize construction noise impacts upon nearby residents, limit construction hours to between 7:00 AM and 7:00 PM on weekdays. Any work outside of these hours including work on weekends, should require a special permit from the City of Hayward based on compelling reasons and compatibility with nearby residences.
- Construction equipment should be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise.
- The contractor shall locate stationary noise sources away from residents in developed areas and require use of acoustic shielding with such equipment when feasible and appropriate.

In addition to 1997 EIR Mitigation Measure 3.2.5-1, the following shall apply during construction activities:

- Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer's recommendations,
- When not in use, motorized construction equipment shall not be left idling.

26. **Mitigation Measure XI-2:** Long-term Increases in Ambient Noise Levels – Stationary Sources.

Proposed Residential Land Uses:

- Residential dwellings shall be equipped with central heating and air conditioning systems to allow closure of windows during inclement weather conditions.
- Exterior air-conditioning units located within 10 feet of adjacent residential dwellings shall be low-noise rated.
- Exterior air-conditioning units located within 10 feet of adjacent residential dwellings shall be shielded from direct line-of-sight to adjacent residential dwellings. Shielding may include (but is not limited to) the use of wood fencing, provided no visible air gaps are detectable between individual panels. Use of tongue-and- groove or over-lapping panels is recommended.
- Residential dwellings shall be insulated to exceed Title 24 standards.

Proposed Commercial Land Uses:

- Material deliveries, landscape maintenance, waste-collection activities, and the operation of noise-generating stationary equipment, such as solid-waste compactors and compressors (excluding heating, ventilation, and air conditioning (HVAC) units), shall be limited to between the hours of 7:00 a.m. and 10:00 p.m.
- The City shall require an acoustical assessment to be performed prior to construction of proposed commercial land uses. Where acoustical analysis determines that stationary source noise levels would exceed applicable City noise standards, the City shall require the implementation of noise attenuation measures sufficient to achieve compliance with City noise standards at nearby noise-sensitive land uses. Such measure may include, but are not limited to, the incorporation of setbacks, sound barriers, berms, or equipment enclosures.

Implementation of these measures would reduce Long-term noise impacts from stationary sources to a less than significant level.

27. **Mitigation Measure 3.1.7-1(b):** Project plans should be submitted to the Police Department for comment on feasible design measures that would increase safety and reduce the demand for police services. **[Rezoning and development application routed to Hayward Police Department and Hayward Fire Department and all comments/conditions of approval incorporated into project approval.]**

28. **Mitigation Measure 3.1.7-2:** All nonresidential structures will be equipped with appropriate automatic fire extinguishing sprinkler systems. Signalized intersections leading to the project will be equipped with traffic preemption emitters and the Department will purchase an appropriate firefighting apparatus and equipment. The project sponsor will fund these capital costs. Additional emergency access will be developed. **[Portions of this mitigation measure do not directly apply to the proposed project, although the proposed project would be required to demonstrate compliance with the latest adopted edition of the California Fire Code].**

29. **Mitigation Measure XV-3b:** Transportation Management Plan: The project sponsor(s) shall develop and implement a Transportation Management Plan (TMP) to be included in the lease agreements to minimize the transportation-related effects to local residents during implementation. Key implementation measures of the plan shall include:

    - Electrification of loading docks for commercial businesses to limit idling of trucks that produce diesel emissions to reduce particulate matter and NOx to the surrounding residences.
    - Business Park occupants shall be required to have a Transportation Management Demand Plan that includes one or more of the following: bike lockers, showers, carpool assistance, transit subsidies (e.g., $175 per month).

- Larger retail businesses shall be required to offer delivery services to customers within a 3-mile radius.

30. **Mitigation Measure 3.1.7-4:** Inclusion of recycling bins and service for the site would reduce the amount of waste diverted to landfills. The implementation of existing recycling program at the City and County level would be expected to reduce this potential impact to insignificance.

PRECISE PLAN

31. In accordance with HMC Section 10-1.2550, and prior to submitting a building permit application, a Precise Development Plan shall be submitted for review and approval by the Development Services Director.

32. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan, as modified by the conditions herein.

33. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division in substantial conformance with the approved Preliminary Development Plan, South of Route 92 Development Guidelines and City of Hayward's Design Guidelines prior to issuance of a building permit for the project.

34. The Precise Development Plan shall include the following information, details and/or modifications:
    a. Show proposed locations, heights, materials and colors of all walls and fences.
    b. Show proposed pavement materials and structural section for all drive aisles, parking areas, and pedestrian paths. The project shall include design for an enhanced pedestrian crossing/driveway approaches along Marina Drive, which shall match existing enhanced pedestrian crossing in adjacent Eden Shores developments. Details and specifications on previous developments are available upon request from Public Works Engineering.
    c. A final lighting plan prepared by a qualified illumination engineer shall show exterior lighting design throughout the parking lot and site. 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 homes located in the residential development adjacent to the project.
    d. Provide color and materials board/sheet for all buildings, fences and walls. No changes to colors shall be made after construction unless approved by the Planning Director.
    e. 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, unless prohibited by the utility provider.

f. Landscape plans shall show minimum plant spacing which shall be equal to the plant's mature size. Plant substitution shall be done if the initial sparseness at the time of planting would be an issue.
g. The Maximum Applied Water Allowance and Estimated Total Water Use calculation shall be based on the formula in the current Bay-Friendly Water Efficient Landscape Ordinance. The ordinance allows two irrigation efficiency standards set by the State of California Department of Water Resources: 0.75 for spray heads and 0.81 for drip. Revise calculations to match current formulas.
h. Pursuant to HMC Section 10-2.650, a six-foot-wide landscape endcap measured from face of curb to face of curb shall be provided at the end of each row of parking with a medium to large canopy shade tree and understory planting. A minimum tree well dimension shall be six feet by six feet measured from face of curb to face of curb.
i. The trash enclosure shall be screened with planting on three sides except for the side with access unless the enhanced architecture of the trash enclosure can standalone without screening upon approval of Planner and Landscape Architect.
j. Pursuant to HMC Section 10-2.670, parking stalls located adjacent to trash enclosures or other walls shall be separated with a Class B, Portland Cement Concrete curb that is six-inch in height and width, and shall be have an additional twenty-four inches to the required curb to accommodate car door swing for driver and passenger.
k. The minimum planting area dimension shall be five feet measured from back of paving to back of paving. Where a parking lot is designed so that cars may overhang over low landscaping, the stall depth for a standard-sized car may be reduced by thirty inches and twenty-four inches for a compact car.
l. There is vehicular overhang along the proposed five feet planting area located between the building and the northeastern parking aisle. Either relocate compact parking to that area thereby reducing the overhang, or replace the planting area with pervious pavers and/or walkway along the building. If landscape areas are replaced with walkways, trees shall be planted in landscaped fingers to ensure that there are shade trees every six parking stalls.
m. All parking along public right-of-way and the private shared Costco driveway shall be screened with minimum thirty-inch-tall evergreen shrub plantings.

35. Future tenant improvements shall incorporate indoor bicycle storage for employees of the business.

36. 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.

BUILDING DIVISION

37. The developer shall be obligated for the following additional fees at the time of building permit issuance:

a. Supplemental Building Construction and Improvement Tax,
b. School Impact Fee

38. Unless indicated otherwise, the design for development shall comply with the following:
    a. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code - Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
    b. All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments, including Green Building standards.
    c. Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.

39. New commercial buildings shall be designed to include the mandatory green building measures specified in Chapter 5 of the California Green Buildings Standards Code. Amend plans to show compliance with applicable mandatory nonresidential measures. Reproduce the "Nonresidential Occupancies Application Checklist" onto the plan sheets. Add an additional column to the checklist to indicate where the appropriate requirements are noted within the set of plans.

ENGINEERING

40. Prior to building permit issuance, developer must pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee scheduled adopted by the City Council, including but not limited to, utility connection fees.

41. Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed, at no cost to the City of Hayward.

42. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape unless otherwise indicated herein.

43. Prior to building permit issuance, the developer shall submit an application and obtain approval from the Development Services Department for the proposed lot merger.

44. The developer shall not obstruct the noted sight distance areas.

45. All existing and proposed public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.

46. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City.

47. Prior to issuance of building permits, the developer shall dedicate a six-foot Public Utility Easement along the project frontages and common driveway.

48. It is applicant's responsibility to get permit or approval from all affected agencies or private parties. Please provide a copy of these permits or approval to the City with your building permit application submittal.

49. Prior to building permit issuance, developer shall enter into a public improvement agreement and post bonds with the City that shall secure the construction of the improvements including public and private landscaping. Insurance shall be provided per the terms of the agreement.

50. Prior to building permit issuance, the developer shall submit a final grading plan and hydrologic/hydraulic study prepared by a registered Civil Engineer, consistent with the approved CLOMR for the area. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study.

Public Improvements

51. Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along Industrial Boulevard, Marina Drive and private common drive frontage, including but not limited to the following:

    a. Remove and replace all damaged curb, gutter, and sidewalk along Industrial Boulevard and Marina Drive frontages, as indicated by the City inspector to the satisfaction of the City Engineer.
    b. Install standard sidewalks, curb, gutter and street lights and pedestrian scale streetlights along project frontage on Marina Drive and along the private street adjacent to the Costco site. Street lights and pedestrian scale street lights shall be the same as those included in the City's Standard Details, unless otherwise approved by the City Engineer.
    c. Grind and overlay and restripe half street pavement width of Industrial Boulevard and Marina Drive frontages with two-inch hot mix asphalt, and dig outs and repair failed pavements as necessary.
    d. Remove and replace the curb ramps at Industrial Boulevard and common private drive intersection to current ADA standards.
    e. Widen the existing bike lane along Marina Drive to be a width of six feet, and modify automobile travel lanes to be a width of eleven feet. This shall be accomplished by re-striping.
    f. Install bicycle lane symbol pavement markings, consistent with federal and California MUTCD, every 250 feet on Marina Drive (both directions) between

Industrial Blvd. and Bay Port Drive. At the intersection of Industrial Blvd/Marina Drive, the bicycle lane shall include green pavement markings for a length of 100 feet (standards to be provided by City of Hayward during Improvement Plan review).

g. Install Bike Lane signs along project frontage on Marina Drive every 250 feet.
h. Install two Bike Route signs along project frontage on Industrial Blvd.
i. Modify the median at the intersection of Portland Drive and Marina Drive and install a left turn pocket for access to project driveway.
j. Install textured crosswalks (consistent design with the existing textured crosswalks) on the north and south leg of the intersection of Portland Drive and Marina, at the intersection of Lake Port Drive and Marina, and at all project driveways. Crosswalks shall include ADA-compliant pedestrian ramps. City of Hayward Public Works Engineering Division will provide detailed design and material information upon request.
k. Install "Ped Xing Ahead" pavement markings in advance of the new crosswalks in both directions on Marina Drive consistent with CA MUTCD standards.
l. Install pedestrian crossing signage at all new crosswalks consistent with CA MUTCD standards.
m. Install one speed radar feedback sign on Marina Drive along the project frontage.
n. Install Right Turn Only and One-Way signage at the northernmost project driveway.
o. Modify the two way left turn lane on Marina Drive to add a left turn pocket in to the project driveway at Lake Port Drive.
p. Remove and replace the existing vertical curb and install standard curb, gutter, sidewalk and landscaping along the entire private Common Drive frontage between Industrial Boulevard and Marina Drive.
q. Install street lights along private Common Drive frontage between Industrial Boulevard and Marina Drive.
r. Submit a photometric plan for on-site street lighting which shall be submitted to Public Works, as part of the Improvement Plan package, for review and approval.
s. Remove, replace, and plant street trees along project frontages per City Landscape Architect direction.
t. Submit a Signing & Striping Plan detailing all of the above conditions which shall be submitted to Public Works, as part of the Improvement Plan package, for review and comment.

Plans for all public improvements shall be prepared on Mylar (22-inch by 34-inch sheets) and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The public facilities such as water meters, RP backflow preventers, sewer clean outs, etc., shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Hayward standard detail and specs and built to the city Engineer's satisfaction, and accepted by the City prior to issuance of any first certificate of occupancy for the project.

Stormwater

52. A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.

53. Developer shall comply with the regional permits requirements for both pre-construction and post-construction requirements. Storm water management shall be in compliance with Municipal Regional Permit.

54. The following materials related to the Storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:
    a. A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Public Works - Engineering and Transportation Department staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
    b. The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
    c. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into flow-through planters and direct runoff shall discharge into a landscaped area or a bioretention area prior to stormwater runoff entering an underground pipe system.
    d. The proposed BMPs 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.
    e. The bioretention treatment area shall be designed using a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour.
    f. The following documents pursuant to the Cleanwater Program requirements:
        i. Hydromodification Management Worksheet;
        ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;

iii. Development and Building Application Information Impervious Surface Form;
iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
v. C.3 and C.6 Data Collection Form; and,
vi. Numeric Sizing Criteria used for stormwater treatment (Calculations)

55. Prior to occupancy permit issuance, the Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

56. Construction activities which disturb one acre or greater are viewed as a source of pollution and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. Following are the specific requirements for regulated construction sites:
a. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system during the construction. The plan shall meet the approval of the City Engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report
b. Before commencing any grading or construction activities at the project site, the developer is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.

57. The developer is responsible for ensuring that all contractors 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.

Stormdrain

58. The on-site storm drain system is privately owned and maintained by the property owner.

59. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

60. Improvements for storm drain systems shall incorporate the following:
a. The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood

Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.

b. Storm drain pipes in streets and alleys shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
c. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities.
d. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
e. No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project.
f. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
g. The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.
h. Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.

Other Utilities

61. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the street frontage shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.

62. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

63. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.

General Submittals

64. Prior to building permit issuance, submit the following documents for review and approval, or for City project records/files:
    a. Engineer's estimate of costs, including landscape improvements;
    b. Easement document;
    c. Public Improvement bonds.

65. To avoid or reduce the potential impact related to the site specific geotechnical hazards related to seismic hazards, the project developer shall implement the following mitigation measures:

    a. The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
    b. New construction will comply with the latest California Building Code and mitigation measures outlined in the Geotechnical Investigation report.
    c. The required site specific geotechnical investigation shall address expansive soils and provide appropriate engineering and construction techniques to reduce potential damage to the building.
    d. To reduce the potential impacts related to the presence of low to moderately expansive clays in the subsurface soils of the project site, mitigation measures to avoid the effects of expansive soils outlined in the Geotechnical Investigation shall be followed.

LANDSCAPING

66. Prior to the approval of improvement plans, detailed landscape and irrigation plans shall be reviewed and approved by the City. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan. The plans shall comply with the City's latest Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23). The plans shall also comply with other relevant sections in Municipal Codes. Dripline of the existing trees to be saved shall be shown on the plan.

67. Once approved by the City, Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. Mylar shall be wet-signed and shall be provided with a bar scale. The size of Mylar shall be 22-inches by 34-inches. A signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain a signature line and a date line for City of Hayward, Landscape Architect. Copies of the Mylar shall be submitted as a part of the building permit submittal.

68. A tree preservation bond will be required for all trees that are to remain. The bond will be in effect throughout the construction period and until completion of the entire project improvements. 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.

69. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes.

70. A tree removal permit shall be obtained prior to the removal of any tree in addition to grading permit.

71. An arborist report by a certified arborist shall be provided for all existing trees in abutting public service easement areas including health, species, caliper, approximate height, canopy diameter and recommendation for preservation or removal. Existing trees that would be recommended for removal shall be replaced with minimum 36-inch box size and with tree species better suited for the microclimate and soil condition.

72. The City's landscape ordinance prohibits routine shearing of plants and requires specifying "right plants in right place" pursuant to HMC Section 10-12.07 (a)(2)(c)(2). Plant spacing shall match plant size at maturity.

73. One twenty-four-inch box street tree shall be provided every twenty to forty lineal feet in the front, side and rear landscape setback areas or fraction thereof along Industrial Blvd, Marina Drive and internal street shared with Costco.

74. Trees shall be planted per the City Standard Detail SD-122 and the detail shall be included in the landscape plans.

75. All trees shall be planted 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.

Landscaping and Bio-Treatment Area Design

76. Coordinate with Civil Engineer for the bio-treatment area detail to ensure that plans are not located at the bottom of the bio-retention area or near the vertical water proof membrane or at bottom.

77. A wider landscape area shall be provided if necessary to accommodate both bio-treatment and tree planting requirements when landscape setback area is used in compliance with the C3. Stormwater Treatment requirements.

78. Bio-treatment area landscape shall be designed as a part of the overall property enhancement incorporating different size, type and texture plants with boulders, rocks and cobbles.

79. Bottom lining of bio-retention area with impervious material shall not be allowed. Coordination with the project geo-technical engineer shall be done to properly locate the retention areas on site.

80. A minimum twenty-four inches of leveled area shall be provided before side slope begins.

81. 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 in addition to two feet of leveled area on both sides totaling minimum twelve feet wide area allowing "cycle and soaking" program function on a separate valve.

82. A minimum twelve-inch-wide band of large size Noiya Cobblestone shall be provided around overflow catch basin or bubble up basin.

83. Trees may be planted on the side slope of the bio-treatment area with minimum five-foot clearance from the back of curb and specific tree planting detail addressing potential rootball exposure from eroding C.3 sandy loam soil.

84. Three-inch-deep mulch shall be provided in bio-treatment areas and planting areas, except for lawn areas, when permitted.

85. 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.

86. 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 City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.

87. Landscaping shall be maintained to be in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three-inch-deep mulch should be maintained in all planting areas. All trees planted as a part of the development and 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 programed 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.

UTILITIES AND ENVIRONMENTAL SERVICES

Sewer

88. Water and Sewer Service are available and subject to standard conditions and fees in effect at time of issuance of applicable permits.

89. Sewer service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application. Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge. The minimum sewer connection fee will be charged at the time the shell is constructed. Note that Each tenant space in the building shall have an individual sanitary sewer lateral. Additional sewer capacity fees will be assessed for each business at the time of the tenant improvement building permit is processed.

90. The on-site sewer system is privately owned and maintained.

91. Standard Industrial Waste Monitoring Structures shall be installed on all sewer connections installed to serve buildings with any industrial type use, per SD-309.

Water

92. Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.

93. 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 piping materials with the City's approval.

94. All water series from existing water mains shall be installed by City Water Distribution Personnel at the applicant/developer's expense. This includes relocating existing services and water main tie-ins. The developer may only construct new services in conjunction with the construction of new water mains.

Only Water Distribution Personnel shall perform operation of valves on the Hayward Water

95. Each proposed use shall have an individual water meter.
    a. All water meters shall be radio-read type.
    b. Water meters shall be located a minimum of two feet from the top of driveway flare as per City Standard SD-213 thru SD-218. Water meter boxes in driveway aisle areas shall have steel H20 rated lids.

96. 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 Standard SD-201 and SD-204.

97. Separate irrigation water meter(s) shall be installed for landscaping purposes. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard 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.

98. New fire services must be installed by City Water Distribution Personnel at the owner's/applicant's expense. Fire service installations are billed on an actual cost basis with a time and materials deposit due prior to the start of installation. The final billing of the job will be the actual costs of the work performed and materials used. If actual costs are less than the deposit amount, the owner/applicant will receive a refund in the amount of the unused deposit. If actual costs exceed the deposit amount, the owner/applicant will receive an invoice in the amount of the overage.

99. Existing water services or water main stub outs previously installed for future development that will not be used for this development shall be abandoned by the City's Water Distribution personnel at the applicant's/developer's expense.

ENVIRONMENTAL SERVICES – SOLID WASTE

100. Per City Ordinance, all businesses are required to arrange for weekly collection of mixed recyclables and all businesses that regularly generate organic waste (i.e. food, food-soiled paper or plant debris) will be required to designate a separate bin for organic materials. Containers must be stored in the proposed trash enclosure outside of collection times.

101. A Debris Recycling Statement is required with submittal of a building permit for tenant improvement.

FIRE DEPARTMENT

102. Address and premise identification 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 buildings shall be a minimum of four inches in height, if illuminated, and a minimum of six inches in height on contrasting background, unless otherwise approved by the Fire Department.

103. Submit for proper building permits for the construction/alterations of the building to the Building Department.

104. The number and distribution of fire hydrants shall be provided in accordance with the California Fire Code Table C105.1 and Hayward Fire Code Ordinance. The average spacing of fire hydrants is 300 feet. It is reduced by 100 feet for dead-end streets or roadways. Any portion of the building or facility should be within 400 feet hose lay distance of a fire hydrant.

105. Fire hydrants shall be placed at least 50 feet from the building to be protected. Where it is not feasible to place them at that distance, they may be in closer proximity in approved locations.

106. All new fire hydrants shall be Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2-inch outlet & two 4-1/2-inch outlets). Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants.

107. Underground fire service line shall be installed in accordance with NFPA 24.Water demand should be estimated to determine required size of underground fire service**.** Underground supply main(s) shall not be smaller than six-inches in diameter. (Deferred Submittal)

108. An Automatic Fire Sprinkler System is required and shall be in installed in accordance with NFPA 13 and all local Ordinances. Be advised that per Hayward Fire Department Ordinance 10-14: When an automatic sprinkler system is required in a building of undetermined used, it shall be designed and installed to have a sprinkler density of 0.33/3750 with a maximum coverage of 100 square feet per head. (Deferred Submittal)

109. A Fire Alarm System shall be installed in accordance with the California Fire Code (CFC) and all NFPA 72 Standards**.** (Deferred Submittal)

110. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced to provide all-weather driving capability.

111. 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.

112. Dead-end fire apparatus access road in excess of 150 feet in length shall be provided with a turnaround meeting the Hayward City Standard and the 2013 California Fire Code Section D103.

113. The outside radius of fire apparatus access roads shall be of minimum 45 feet and inside radius to be 17 feet.

114. The Phase 1 and Phase II Environmental assessments and any other records regarding site contamination, investigation, remediation, or clearances form other regulatory agencies shall be submitted with building permits. If applicable, 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.

115. 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.

116. 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.

117. Prior to grading: 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.

118. 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.

119. Use of Hazardous Materials or Generation of Hazardous Waste – During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

ENGINEERING – PRE, DURING AND POST CONSTRUCTION

Construction Best Management Practices

120. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.

121. All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.

122. 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. Grading and site construction activities shall be limited to the hours 8:00 AM to 5:00 PM Monday through Friday with no work on weekends and Holidays unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval;
    b. Grading and construction equipment shall be properly muffled;
    c. Unnecessary idling of grading and construction equipment is prohibited;
    d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
    e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
    f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
    g. Daily clean-up of trash and debris shall occur on project street frontages, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
    h. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;

i. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
j. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
k. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
l. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
m. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
n. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
o. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
p. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
q. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
r. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
s. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
t. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
u. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
v. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
w. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

General Construction

123. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual.

124. In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction of 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.

125. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

126. All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.

127. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

128. All public improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy/final permit issuance. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

Post Construction Submittals

129. The developer shall submit an AutoCAD file format (release 2010 or later) in a CD of approved map and 'as-built' improvement plans showing all public improvements and utility layouts that can be used to update the City's Base Maps.

130. The developer shall submit an "as built" plans indicating the following:
    a. Approved landscape and irrigation improvements;
    b. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;
    c. All the site improvements, except landscaping species, buildings and appurtenant structures; and
    d. Final Geotechnical Report.