

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-

Introduced by Councilmember _____

RESOLUTION APPROVING GENERAL PLAN AMENDMENT, REZONE AND VESTING TENTATIVE TRACT MAP (TRACT 8581) FOR THE LA PLAYA COMMONS DEVELOPMENT LOCATED AT 1000 LA PLAYA DRIVE AND ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN FOR THE PROJECT

WHEREAS, On October 30, 2020, Chris Zaballos of D.R. Horton (Applicant), on behalf of Peter Quach of Quach’s LLC (Owner) submitted General Plan Amendment, Rezone and Vesting Tentative Tract Map Application No. 202004457 to subdivide an existing 0.54-acre parcel located at 1000 La Playa Drive into a 47-lot single-family residential development (the “Project”) (APN 442-0038-001); and

WHEREAS, on June 16, 2021, the Alameda County Airport Land Use Commission held a duly noticed public hearing and determined that the Project was compatible with the Hayward Executive Airport Land Use Compatibility Plan; and

WHEREAS, a Draft Initial Study and Mitigated Negative Declaration were prepared to assess the potential environmental impacts of the Project and circulated for a 20-day public review and comment period in accordance with the requirements of the California Environmental Quality Act (CEQA) from October 1 through October 25, 2021; and

WHEREAS, on October 14, 2021, notice of the Planning Commission public hearing was mailed to the owners and occupants of all property within 300 feet of the Project site as well as those interested individuals/parties who requested such notice, and an ad was published in The Daily Review; and

WHEREAS, on October 28, 2021, the Planning Commission held a duly noticed public hearing, received public testimony and voted 6:1 to recommend City Council approval of the Project; and

WHEREAS, on November 5, 2021, notice of the City Council public hearing was mailed to the owners and occupants of all property within 300 feet of the Project site as well those interested individuals/parties who requested such notice, and an ad was published in The Daily Review; and

WHEREAS, on November 16, 2021, the City Council held a public hearing and received public testimony on the Project.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

In accordance with the requirements of the California Environmental Quality Act, the City Council makes the following findings for adoption of the Mitigated Negative Declaration for the Project:

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15070, an Initial Study (IS) was prepared for this Project with the finding that a Mitigated Negative Declaration (MND) was appropriate because all potential impacts identified in the IS could be mitigated to a level of less than significant with the implementation of Mitigation Measures that were incorporated as conditions of approval for the Project.
2. That the MND was prepared by David J. Powers & Associates, Inc. on behalf of the City of Hayward acting as the Lead Agency, and that the IS/MND was circulated for a minimum 20-day public review period between October 1, 2021, and later extended to October 25, 2021.
3. That the proposed MND was independently reviewed, considered, and analyzed by the City of Hayward City Council and reflects the independent judgment of the City Council; that such independent judgment is based on substantial evidence in the record; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
4. That the proposed MND identified all potential adverse impacts and provided standard or Project-specific mitigation measures to reduce the effects of such impacts in the areas of Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Noise, and Transportation to less-than-significant levels. Based on the proposed MND and the whole record before the City Council, there is no substantial evidence that the Project will have a significant effect on the environment.
5. That the Project complies with CEQA, and that the proposed MND was presented to the City Council, which reviewed and considered the information contained therein prior to approving the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward, located at 777 B Street, Hayward, CA 94544.

GENERAL PLAN AMENDMENT FINDINGS

In accordance with Hayward Municipal Code (HMC) Section 10-1.3425(b), the City Council makes the following findings of approval for the proposed General Plan Amendment:

A. Substantial proof exists that the proposed change will promote the public health, safety, convenience and general welfare of the residents of Hayward;

The proposed General Plan Amendment from Retail and Office Commercial (ROC) to Medium Density Residential (MDR) would promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it would enable the redevelopment of a vacant, underutilized, and aging commercial site with new housing that would generally be compatible with the surrounding residential development and follow the existing residential development pattern of the area. In its current vacant state, the site poses a potential public safety hazard as an attractive nuisance. Allowing it to be redeveloped with residential uses would increase public health and safety by introducing a new population to the area and bringing eyes onto the street from those new homes that would be oriented toward La Playa Drive and Calaroga Avenue.

The Project would promote public convenience by offering new housing that has convenient access to a variety of retail businesses and services at nearby Southland Mall and along the Hesperian Boulevard corridor a short distance away to the west, as well as to several schools and parks in the surrounding neighborhoods. Furthermore, the new units would feature smaller lot sizes and floor plans catering to small- and medium-sized families some of whom may be first-time homebuyers seeking more affordable housing opportunities and who do not necessarily have the need for or desire to maintain large private yards. As such, the Project would further support the general convenience and welfare of Hayward residents by offering a variety of home sizes to the market and providing five for-sale affordable units on-site as part of the development in an area that is well-served by commercial uses and services, schools and parks, and that has convenient access to public transportation and freeways.

B. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans;

The proposed General Plan Amendment would conform to the purposes of Section 10-1.2505 of the Zoning Ordinance governing PD Districts which encourages allowing flexibility in standards and variety of land uses in new developments in exchange for certain amenities and community benefits in that it would afford the applicant the ability to redevelop the site efficiently and at a higher density than would otherwise be allowed in exchange for various amenities. In exchange for

being able to create smaller lots with units that do not conform to all the conventional standards for single-family development, the applicant would provide a number of amenities for both the Project's residents, as well as the community as a whole, as enumerated in the staff report. The proposed development is also consistent with a number of General Plan goals and policies, including the following:

- The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (General Plan Land Use Policy LU-1.4).
- The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features (Land Use Policy LU-3.7).
- The City shall promote urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides "eyes-on-the-street" to enhance public safety in these areas (Community Health and Quality of Life Policy HQL-5.3).
- Assist in the Development of Affordable Housing. The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households (General Plan Housing Goal 2 and Policy H-2.3).
- The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments (Housing Policy H-3.1).
- The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes (Housing Policy H-3.4).

Overall, the Project is consistent with these goals and policies by: (1) redeveloping an aging, underutilized commercial site with new housing that is generally compatible with the adjacent residential neighborhood and that adds diversity of housing types to the area; (2) enhancing public safety by introducing eyes on the street along La Playa Drive by orienting the front entries of several homes toward that street; (3) providing a range of smaller lot sizes and floor plans that may cater to smaller families and homebuyers seeking more affordable housing options; (4) providing for-ownership affordable housing opportunities for both low and moderate-income households on site; and (5) locating new housing close to commercial areas, schools, parks and major transportation routes.

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and

The project site is surrounded by existing public and private streets capable of accommodating the Project's anticipated traffic volumes and has access to existing utilities within La Playa Drive and Calaroga Avenue that have adequate capacity to serve the proposed development. A Mitigated Negative Declaration was prepared for the proposed development which found that all potential impacts from the Project on streets, utilities and public facilities could be mitigated to a level of less than significant and that no upsizing of any existing utility services or widening of any existing roads would be needed to accommodate the Project. All mitigation measures identified in the Mitigated Negative Declaration have been included as conditions of approval for the Project.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

The proposed Project use is detached single-family dwellings; as such, it would be compatible with the surrounding residential neighborhood to the south and east which also consists of single-family residential uses. Other adjacent land uses include commercial, office and religious institution uses, all of which are also compatible with the proposed single-family development. The proposed development is consistent with the surrounding residential development in that it features detached single-family homes laid out in a manner that follows the existing development pattern of the adjacent neighborhood, with proposed rear yards backing up to the rear yards of adjoining homes and proposed front yards aligning with the neighboring front yards where applicable. Although the proposed development consists of detached, two-story single-family homes on lots that are smaller than both the conventional single-family standards and the lot sizes of the surrounding homes, the proposed development pattern provides ample separation between the new homes and existing, adjoining homes through the provision of private yards and open spaces.

The Project would provide a beneficial effect which could not be achieved under the existing commercial land use designation in that it would replace an aging commercial property with an attractive new residential neighborhood that will be maintained in perpetuity by a Homeowners Association and increase safety and overall activity in the area by introducing an around-the-clock population to the site that has a vested interest in the preservation of its community and the surrounding neighborhood.

REZONE FINDINGS

In accordance with HMC Section 10-1.2535, the City Council makes the following findings for approval of the proposed Rezone:

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

The Project is in substantial harmony with the surrounding area in that it would fill in a vacant commercial site with new single-family dwellings on lots that closely follow the existing development pattern of the adjacent single-family residential neighborhood located to the south and west, provide ample privacy and buffering between the proposed units and the adjacent land uses, and not disrupt existing circulation patterns in the area by providing its own internal private street system for the homes located within the interior of the subdivision.

The Project is also consistent with multiple General Plan goals and policies that call for:

- Encouraging property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (General Plan Land Use Policy LU-1.4).
- Protecting the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features (Land Use Policy LU-3.7).
- Promoting urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides “eyes-on-the-street” to enhance public safety in these areas (Community Health and Quality of Life Policy HQL-5.3).
- Assisting in the Development of Affordable Housing. The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households (General Plan Housing Goal 2 and Policy H-2.3).
- Implementing land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments (Housing Policy H-3.1).
- Encouraging development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes (Housing Policy H-3.4).

Overall, the Project would be consistent with the above goals and policies by: (1) redeveloping an aging, underutilized commercial site with new housing that is generally compatible with the adjacent residential uses and that adds diversity of housing types to the area; (2) enhancing public safety by introducing eyes on the street along La Playa Drive by orienting the front entries of several homes toward that street; (3) providing a range of smaller lot sizes and floor plans that may cater to smaller families and homebuyers seeking more affordable housing options; (4) providing for-ownership affordable housing opportunities for both low and moderate-income households on site; and (5) locating new housing close to commercial areas, schools, parks and major transportation routes.

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

The Project site is surrounded by existing public and private streets capable of accommodating the Project's anticipated traffic volumes and has access to existing utilities within La Playa Drive and Calaroga Avenue that have adequate capacity to serve the proposed development. A Mitigated Negative Declaration was prepared for the Project which found that all potential impacts on streets, utilities and public facilities could be mitigated to a level of less than significant and that no upsizing of any existing utility services or widening of any existing roads would be needed to accommodate the Project. All mitigation measures identified in the Mitigated Negative Declaration have been included as conditions of approval for the Project.

C. The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development or neighborhoods.

The Project will create a residential environment of sustained desirability and stability because it will feature attractive new homes, private streets, landscaping and open space that will be owned and maintained by a Homeowners Association whose members would have a vested interest in the community's preservation and upkeep. Overall, the proposed architecture will lend to the sustained desirability of the neighborhood by featuring house plans that contain an attractive mix of architectural styles, details and finishes and front entries that are oriented towards the streets to foster neighborhood interaction. The homes feature a variety of siding and roofing colors and materials, significant articulation across their facades, and decorative accents such as stone wainscoting, window shutters and ledges, and eave brackets.

The site layout includes numerous trees, sidewalks along one side of the private street and homes that share and look out upon private courts in order to facilitate neighbor

interaction and create a sense of community within the development. In addition, the provision of the landscaped common open space with picnic tables as a recreational amenity for residents further contributes to the sustained desirability and stability of the neighborhood by encouraging outdoor gatherings and interactions.

Finally, the Project will not have a substantial adverse effect upon surrounding development in that the proposed homes would follow the existing development pattern and respect the privacy of the adjacent homes through the provision of ample rear yards along shared property lines, and all Project-related traffic would utilize the proposed private streets located off La Playa Drive or the existing Calaroga Avenue public right-of-way so as not to disrupt the existing road network in the adjacent neighborhood.

- D. In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule.**

The Project is not intended to be constructed in increments. While the homes, themselves, would be built in groups of 3-7 units at a time, the Project's infrastructure and common open space would be completed early on, well before the majority of homes are finished. As such, the development would be self-contained in the unlikely event that the applicant defaulted on the Project or failed to complete it in accordance with the approved plans prior to any applicable approval expiration dates. Also, any portions of infrastructure or common open space or other facilities that may not have been completed prior to such time would be bonded for by the applicant; as such, the City would be able to ensure that they are completed in accordance with the approved plans.

- E. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards, which, in the judgment of the Planning staff provides for a high quality and attractive development.**

The exceptions from the standard single-family residential development regulations being sought by the applicant for the size and shape of the lots, setbacks, and lot coverages would be off-set through the provision of larger mitigation trees than would typically be required throughout the development, through payment of a \$5,000 cash contribution to the City's planned public art installation Project at Heritage Plaza, and also through the provision of five affordable units with three affordable to moderate-income households and two affordable to low-income households fees when 4.7 units affordable to moderate-income households is the minimum required under the Affordable Housing Ordinance (AHO). Specifically, the

applicant would plant 36-inch box street trees along the La Playa Drive and Calaroga Avenue frontages and all internal private streets, and 48-inch box trees within the bioretention area when 24-inch box is the minimum size required. The provision of larger trees will enhance the area by adding more substantial canopies to the streetscape upon completion of Project construction. Making a cash contribution to the Heritage Plaza public art project will assist the City in covering the cost of the artwork installation and help to enhance the amenities at one of the City's key public outdoor spaces. And, finally, going beyond the minimum AHO requirement by providing two on-site units affordable to low-income households will assist the City in providing more housing ownership opportunities for lower income households.

VESTING TENTATIVE TRACT MAP FINDINGS

In accordance with HMC Section 10-3.150, the City Council makes the following findings for approval of the proposed Vesting Tentative Tract Map application:

A. The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;

The site is currently designated Retail and Office Commercial in the Hayward 2040 General Plan and, as such, the Project requires a General Plan Amendment to change the land use designation to Medium Density Residential. The Medium Density Residential land use designation allows for single-family and multi-family residential development at densities ranging from 8.7 to 17.4 dwelling units per net acre. The Project features single-family lots at a proposed density of 11.4 dwelling units per net acre and would therefore be consistent with the Medium Density Residential land use designation if the General Plan Amendment is adopted. The Project is also consistent with applicable General Plan policies in that it will increase the housing inventory and provide for-ownership affordable housing opportunities for the City of Hayward and is considered an infill development that will result in a safer, more complete neighborhood. In addition, the Project is consistent with the following General Plan policies:

- The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (General Plan Land Use Policy LU-1.4).
- The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features (Land Use Policy LU-3.7).
- The City shall promote urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides "eyes-on-the-street" to enhance public safety in these areas (Community Health and Quality of Life Policy HQL-5.3).

- Assist in the Development of Affordable Housing. The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households (General Plan Housing Goal 2 and Policy H-2.3).
- The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments (Housing Policy H-3.1).
- The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes (Housing Policy H-3.4).

In addition, the Project is not located within any specific plan area, but it is located within the Southgate Neighborhood Plan area and is consistent with the relevant policies contained therein. Therefore, the proposed subdivision is not in conflict with the General Plan or applicable specific plans and neighborhood plans.

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

The Project requires a Planned Development (PD) District Rezone to allow for exceptions to certain development standards related to lot standards, setbacks, and coverage limits. With the PD Rezone, the proposed subdivision will provide modified development standards of the new PD District related to minimum lot size, minimum lot dimensions, minimum setbacks and maximum lot coverage. PD Districts are also subject to the development standards of the zoning district most similar to the proposed use, which in this case is the Single Family Residential (RS) District. As proposed, the Project meets the development standards of the RS district related to building height, off-street parking, and landscaping. The subdivision will also allow for the construction of 47 single family homes, which is a permitted land use in the RS District.

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

As proposed, the new PD District would establish the development standards for this Project. In addition, the Project will also meet the requirements of the Subdivision Ordinance. Therefore, the Project will not require a variance or any other exceptions from the requirements of the HMC.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan and approves General Plan Amendment, Planned Development District Rezone and Vesting Tentative Tract Map Application No. 202004457, subject to the adoption of the companion ordinance (Ordinance No. 21-___) rezoning the property located at 1000 La Playa Drive, Accessor Parcel Number (APN) 442-0038-001, from Neighborhood Commercial (CN) District to Planned Development (PD) District, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**CITY OF HAYWARD PLANNING DIVISION
APPLICATION NO. 202004457
GENERAL PLAN AMENDMENT, PD REZONE, VESTING TENTATIVE TRACT MAP 8581
AND CALIFORNIA ENVIRONMENTAL QUALITY ACT
LA PLAYA COMMONS – 1000 LA PLAYA DRIVE
DRAFT CONDITIONS OF APPROVAL**

GENERAL

Planning

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officer, 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. General Plan Amendment, Rezoning and Vesting Tentative Tract Map Application No. 202004457 is approved subject to the Architectural and Landscape Plans and Vesting Tentative Tract Map plans date-stamped June 3, 2021, except as modified by the conditions listed below.
3. The Vesting Tentative Tract Map approval shall align with the timeframe set forth in the Subdivision Map Act and all related automatic and Applicant-initiated extensions.
4. Any proposed alteration(s) to the conditionally approved site plan and/or design that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or her/his designee, prior to implementation. Alterations requiring a variance or exception shall be subject to review and approval by the Planning Commission.
5. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspections to confirm all approved conditions have been completed and being maintained in compliance with all adopted city, state and federal laws and regulations.
6. All permit charges accrued in the processing of General Plan Amendment, Planned Development Rezoning and Vesting Tentative Tract Map Application No. 202004457 shall be paid in full prior to consideration of a request for approval extensions and/or submittal of building permits for the project.
7. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.

8. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
9. Unless otherwise specified or approved by the Planning Director, all vacant buildings on-site shall be demolished within six (6) months of project approval, and a temporary 6-foot-tall perimeter chain-link fence shall be erected around the perimeter of the site, subject to compliance with the standards set forth in Hayward Municipal Code (HMC) Section 10-1.2735.k, Fence Regulations for Vacant Properties. In addition, the property shall be maintained in a weed-free condition for as long as it remains vacant.
10. Prior to, during, and following demolition of the vacant structure, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4, Article 1, Public Nuisances, HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.
11. The project approval includes the following amenities/community benefits to support the finding required per HMC Section 10-1.2535(f) for approval of a PD District that “any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards”:
 - a. Planting of 36-inch box street trees along La Playa Drive, Calaroga Avenue, the proposed private street and all proposed private courts.
 - b. The applicant will exceed the requirements of the City’s Affordable Housing Ordinance by providing five (5) on-site, for-sale units within the project, with three (3) units affordable to moderate-income households and two (2) units affordable to low-income households.
 - c. Cash payment of \$5,000 to the City to assist in the installation of public art at Heritage Plaza.
12. 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 HMC Section 10-7-709 and may be up to thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height. Sign design, size and location shall be reviewed and approved by the Planning Division prior to placement.
13. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft.

14. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit(s).
15. Central air conditioning or another suitable form of forced air mechanical ventilation as determined by the Building Official shall be provided in all units.
16. Any future accessory buildings or structures, decks, balconies, additions or other exterior modifications to the residences shall conform to all applicable development standards of the Single-Family Residential (RS) District set forth in HMC Section 10-1.200.
17. 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. The impact fees shall be the rate that is in effect at the time of building permit issuance.
18. In accordance with HMC Section 10-1.2560, this precise development plan approval shall be void on year after the effective date of approval unless the precise development plan is submitted for review and processing in accordance with all condition of the preliminary development plan contained herein.

CEQA Mitigation Measures

19. **Mitigation Measure AIR-3.1:** All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously or 20 hours total shall meet U.S. EPA Tier 4 standards for particulate matter emissions. Alternatively, equipment that meets U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB-certified Level 3 Diesel Particulate Filters (DPF), or equivalent would be effective. The use of equipment that is powered by electricity or alternatively fueled equipment (i.e., non-diesel) would also meet this requirement. Alternatively, the applicant could develop a TAC reduction plan that reduces on- and near-site construction diesel particulate matter emissions by 25 percent or greater. Such a plan shall be reviewed and approved by the City.
20. **Mitigation Measure BIO-1.1:** Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist or ornithologist no more than 14 days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.

If an active nest is found in an area that would be disturbed by construction, the biologist or ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Development Services, prior to the removal of trees and issuance of a grading permit or demolition permit

21. **Mitigation Measure CUL-2.1:** If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City’s Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City’s Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.
22. **Mitigation Measure CUL-2.2:** If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City’s Planning Manager prior to issuance of certificate of occupancy. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.
23. **Mitigation Measure CUL-3.1:** If human remains are discovered during project construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City’s Planning Manager and the Alameda County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant,

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

24. **Mitigation Measure GEO-6.1:** Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City's Planning Manager shall be notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.
25. **Mitigation Measure NOI-1.1:** The project contractor shall develop a noise control plan, including, but not limited to, the following construction best management controls:
- Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
 - Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools;
 - Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
 - Temporary noise barriers shall be constructed, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
 - Unnecessary idling of internal combustion engines shall be strictly prohibited.
 - Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project

construction. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.

- Noise from construction workers' radios shall be controlled to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies shall be used instead of portable generators. Cranes shall be located as far from adjoining noise-sensitive receptors as possible.
- During final grading, graders shall be substituted for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and shall be used where feasible.
- Nail guns shall be substituted for manual hammering, where feasible.
- The use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors shall be avoided. Where feasible, saws shall be shielded with a solid screen with material having a minimum surface density of two lbs/ft² (e.g., such as ¾" plywood).
- Smooth vehicle pathways shall be maintained for trucks and equipment accessing the site and local residential neighborhoods shall be avoided as much as possible.
- During interior construction, the exterior windows facing noise-sensitive receptors shall be closed.
- During interior construction, noise-generating equipment shall be located within the building to break the line-of-sight to the adjoining receptors.
- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction schedule shall be shared with the adjacent neighbors of the project site and shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- A "disturbance coordinator" shall be designated to be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site and included in the notice sent to neighbors regarding the construction schedule.

26. **Mitigation Measure NOI-2.1:** The project shall implement the following practices while performing construction activities within 20 feet of the existing commercial or residential buildings:

- Compaction activities shall not be conducted using a vibratory roller. Within this area, compaction shall be performed using smaller hand tampers.
- Demolition, earth-moving, and ground-impacting operations shall be phased so as not to occur at the same time and shall use the smallest equipment possible to complete the work. The use of large bulldozers, hoe rams, drill-

rigs shall be avoided within 20 feet of existing commercial or residential buildings.

- Construction and demolition activities shall not involve clam shell dropping operations.

27. **Mitigation Measure TRN-2.1:** The project developer shall provide Clipper Cards to each homeowner upon sale of the unit with an advanced amount loaded in per card for the purpose of encouraging transit usage. After the Homeowners Association (HOA) is established and has begun operation, the HOA shall set aside an annual transit subsidizing fund in the amount of, at minimum, \$9,000 for a Clipper Card reimbursement program. This amount would need to be adjusted annually to take into account annual fare increases. In order to ensure implementation of the Clipper Card fare re-imbusement program as a mitigation for reducing the project's vehicle miles traveled (VMT) impact, the program shall be included in the Project Description and Conditions of Approval for issuance of the project's Planned Development permit. The project shall also implement a transportation demand management (TDM) monitoring program after project occupancy that includes an annual monitoring report to be submitted to the City. The TDM program requirements shall be included in the CC&Rs for the HOA. The TDM program annual monitoring report shall be prepared by a traffic/transportation consultant with the HOA covering the costs of data collection and preparation of the report. If the proposed TDM strategy falls short of anticipated trip reductions, additional measures shall be required in order to achieve the original goals of the TDM measures.

Landscaping

28. No building permit shall be issued prior to approval of landscape and irrigation improvement plans.
29. A tree removal permit shall be obtained prior to the removal of any tree in addition to demolition and grading permits.
30. Pursuant to HMC Article 9 Section 9.01, on property at any corner formed by intersecting streets, it shall be unlawful to install any sign, landscaping at maturity or other obstruction to the view higher than three (3) feet above the level of the center of the adjacent intersection within the visibility triangle area between the tangents to the curb and a diagonal line joining points thirty (30) feet from the point of their intersection.
31. All final tree locations shall be field verified by the project landscape architect prior to planting to resolve any conflicts that may arise in the field.

32. All plants in bioretention basin shall conform to the plant list under the appropriate application in the latest C.3 Stormwater Technical Guidance Appendix B. *Aesculus californica* and *Carex tumulicola* are not recommended in bio-retention areas.
33. Water Budget Calculations shall be revised as follows:
 - a. Eto for City of Hayward is 44.2.
 - b. Individual home water budget calculation can use ETAF of 0.55 but ETAF 0.45 shall be used for all other landscape areas.
34. Trees shall be located a minimum of 5 feet from lateral service lines and driveways, a minimum of 15 feet from light poles, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.
35. 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.
36. All above ground mechanical equipment shall be screened from the street with five-gallon shrubs.
37. All common area landscaping, irrigation and other required improvements shall be installed in accordance with the approved improvement plans prior to acceptance of tract improvements, or occupancy of eighty percent (80%) of the dwelling units, whichever occurs first.
38. Pursuant to HMC Section 10-12.16, all model homes shall provide signs and written information to demonstrate the principles of water efficient landscapes described in the ordinance.
 - a. 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.
 - b. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
39. Landscape Maintenance:
 - a. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation systems to function as designed to reduce runoff, promote surface filtration, 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-inch-deep mulch shall 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.
- 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 subject to the Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit from City Landscape Architect prior to pruning or removal.
- f. Any damaged trees or trees removed 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 systems shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controllers shall be programmed seasonally; irrigation systems should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system is turned back on in the spring.

Fire Department

- 40. Each residential single-family building is required to install a fire sprinkler system in accordance with NFPA 13D Standards. (Deferred Submittal through HFD shall be designed by a licensed C16 contractor)
- 41. Maximum 80 PSI water pressure design criteria should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
- 42. Underground fire service line serving NFPA 13D sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-216. Water meter shall be minimum one inch in diameter.
- 43. An exterior audible alarm bell (device) shall be installed on each fire sprinkler system riser.
- 44. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity.
- 45. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup.

46. CO detectors shall be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor shall have a separate detector.
47. A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Hayward Fire Department.
48. Provide spark arrestors with 1/4" metal mesh screens on all chimneys. Homeowners should inspect spark arrestors every year to ensure mesh screen integrity.
49. A fire flow analysis shall be provided in accordance with the California Fire Code Table B105.1 based on the construction type and building area when building exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA. The resulting fire flow shall not be less than 1,500 gpm.
50. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code and California Fire Code. The average spacing between hydrants is 300 feet. Any portion of a building shall be within 400 feet of a fire hydrant. Pacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.
51. All new fire hydrant shall be double steamer type equipped with two (2) 4-1/2" outlets and one (1) 2-1/2" outlet. Blue reflective fire hydrant dot markers shall be installed on all roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants.

Hazardous Materials

52. The applicant shall provide environmental screening clearance from the Alameda County Department of Environmental Health's Local Oversight Program (LOP). The 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.

53. Wells, Septic Tank Systems or Subsurface Structures: Any wells, septic tank systems and other subsurface structures shall be protected and 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.
54. Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts: If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Hayward Fire Department (HFD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report shall be required to be submitted to document the activities performed and any conclusions. Below are specific requirements on each:
- a. Underground storage tank and associate piping: An approved removal plan, including appropriate sampling, a Hayward Fire Department permit for the removal, and follow-up report is required.
 - b. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report is required.
 - c. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.
55. Future Commercial Uses: No commercial use is proposed at this time for the project. If changes are approved that allow commercial uses, then the applicant shall provide adequate information associated with the use or storage of hazardous materials/waste for evaluation and approval by the Hayward Fire Department to ensure adequate conditions are met.

Utilities

56. Construction and demolition debris shall be recycled in accordance with the requirements of HMC Chapter 5, Article 10.
57. The Applicant/Developer is responsible for applicable water and sewer connection and/or capacity fees, at the rates in effect at the time of application for water and sewer service, prior to water connection and sewer discharge. Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge. The development's permitted sewer capacity and related sewer capacity fees shall be further assessed during the building permit application.
58. 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. Specification are available on the City's website here: <https://www.hayward-ca.gov/your-government/departments/engineering-division>.

59. All connections to existing water mains shall be performed by City Water Distribution Personnel at the Developer/Applicant's expense.
60. The development's proposed water main and valves shall be public, owned, and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement, or a minimum 10-foot-wide public utility easement shall be granted to the City.
61. Where a public water main is in an unpaved easement or under decorative, stamped, or colored concrete (including turf-blocks), the water main shall be constructed of ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement.
62. 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.
63. Each residential property shall have its own water service and water meter. Combined residential domestic and fire service is permitted per City of Hayward Standard Detail 216 (SD-216). A minimum 1" service line and 1" domestic water meter is required for each property.
64. 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.
65. A separate irrigation meter shall be installed for landscape purposes.
66. The Applicant/Developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each non-residential domestic and irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
67. A fire flow test must be completed by the City Water Distribution personnel. The current cost for a fire flow test is \$326. For instructions on obtaining existing fire flow data and filling out an application for new fire flow data, please visit the City's website: <https://www.hayward-ca.gov/services/city-services/fire-flow-testing>.

68. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218. Water meters shall not be located in the driveway.
69. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.
70. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sanitary Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval. Available on the City's website: <https://www.hayward-ca.gov/your-government/departments/engineering-division>
71. The development's sanitary sewer mains and manholes shall be public, owned, and maintained by the City. If sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement, or a minimum 10-foot-wide public utility easement shall be dedicated to the City.

Engineering

72. The subdivider 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 be provided complying with the current Standard Details of the City of Hayward and other agencies standards as applicable. Such improvements shall include, but are not limited to, the ones needed for: vehicular and pedestrian access, fire protection, safety lighting, signage, drainage collection and disposal, sanitary sewer and solid waste collection and distribution of water, electricity, telecommunication, and natural gas.
73. Prior to requesting approval of final map, the subdivider shall arrange for the fee title owner of the 92 feet wide strip of land, commonly known as La Playa Drive, to dedicate to the City easements for a public sanitary sewer, public utilities and emergency service vehicles access over, under and across the said strip of land between Hesperian Boulevard and Calaroga Avenue.
74. Street A and Street B as shown on the Vesting Tentative Map shall have public access easements recorded across their entire widths.

75. Prior to requesting approval of final map, the subdivider shall secure all required ingress/egress easements. Easements required for public utilities, emergency vehicle access, water, sewer and other public service facilities necessary for each new lot being created shall be dedicated on the final map or by separate instruments before the map approval.
76. Prior to requesting approval of final map, the subdivider shall complete all required and conditioned improvements at no cost to the City and as per plans approved by the City Engineer or execute an improvement agreement.
77. Homeowners Association: A Home/Property Owners Association (HOA) shall be formed, and its related Covenant, Conditions and Restrictions (CC&Rs) documents shall be filed in the public records of Alameda County prior to the sale of any parcel of the subdivided property. Said documents shall be submitted to the City for its review and approval before submittal to the State Department of Real Estate (DRE) and filing in the County's public records. The CC&Rs shall include the following provisions:
 - a. The HOA shall be managed and maintained by a professional property management company and maintain updated registration information with the Secretary of State.
 - b. The HOA shall own and maintain in fully functional condition and good repair all areas, improvements, earth retaining systems, and facilities created for common use of the property owners within the project but not dedicated or accepted for maintenance by the City or another agency.
 - c. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project development approvals.
 - d. 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 or the property owners.
 - e. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
 - f. Street sweeping of the private streets and courts shall be conducted at least once a month.
 - g. 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.
 - h. The HOA shall be responsible for monitoring that street improvements in La Playa Drive, a private street, are maintained by the responsible party in good working order for safe access to a public street by HOA members, emergency service providers and for mail/material delivery services. The HOA shall seek timely cleaning, repair, reconstruction, improvement, plant care, or such other corrective work from the party responsible therefor or complete the work and seek reimbursement as appropriate.

78. A Current title report shall be submitted to identify current ownership and any existing easements or land use restrictions

Transportation

- 79. The Applicant and the HOA shall implement the following TDM measures:
 - a. Transit Subsidies (Applicant): Applicant shall fund the HOA in the amount of \$9,000 for the purpose of providing pre-loaded Clipper Cards to homeowners and for the purpose of providing reimbursement for homeowner transit usage, as outlined in the Project’s TDM Requirements. Upon request, Applicant shall provide City with a copy of the receipt or sufficient documentation, as determined by the Public Works Director or his/her designee, of the fund transfer for this item.
 - b. Transit Subsidies (HOA): The HOA shall set aside an annual transit subsidizing fund in the amount of, at minimum, \$9,000 for a Clipper Card/transit usage reimbursement program, as outlined in the Project’s TDM Requirements. Upon request, the HOA shall provide City with a copy of receipts or sufficient documentation, as determined by the Public Works Director or his/her designee, of this item.

80. The Applicant/HOA shall submit to the Public Works-Transportation Division, a TDM Monitoring Report on an annual basis, beginning at 75% occupancy. The first two TDM Monitoring Reports shall be prepared by a qualified transportation consultant, with Applicant/HOA responsible for all costs associated with the preparation of the TDM Monitoring Report. The Report shall include, but is not limited to, the following:

- a. Summary of implemented TDM measures and their measured effectiveness;
- b. Results of Project resident and employee transportation surveys to monitor vehicle trip generation and mode share for the project residents and employees; and
- c. Weekday AM and PM peak period and daily traffic volume counts at all Project driveways and internal gate(s) for secure residential parking.

Subsequent annual TDM Monitoring Reports may be prepared by the HOA’s Property Manager or a qualified traffic consultant and shall include, but not be limited to:

- d. Summary of implemented TDM measures;
- e. Results of Project resident and employee transportation surveys to monitor mode share for the project residents and employees (e.g. a survey indicating the mode of transportation residents use to commute to work or school); and
- f. Upon request from the City, Weekday AM and PM peak period and daily traffic volume counts at all Project driveways and internal gate(s) for secure residential parking.

81. Upon request by the City of Hayward, Applicant or the HOA shall be responsible for the total costs of transportation consulting services for the purpose of peer reviewing the annual TDM reports.
82. TDM Reports shall be due annually on July 1. If the Project falls below 75% occupancy, a TDM Report shall continue to be due as long as a Report was due the previous year, or unless otherwise exempted by the Public Works & Utilities Director or his/her designee in writing. Failure to submit an annual TDM report results in violation of Conditions of Approval and City may initiate enforcement action.
83. If Project does not meet vehicle reduction goals for two successive years, the Applicant/HOA shall implement additional TDM Strategies which may include but are not limited to the following, and including, if requested by the City, full funding of the preparation of a revised, or additional TDM Program/Plan/Reports by a qualified transportation consultant:
 - a. Residential ride-match program;
 - b. Car-share subsidies;
 - c. Transit subsidy increases;
 - d. Commute marketing program;
 - e. TNC/Transit partnerships;
 - f. Carpool/Vanpool incentives.

Prior to the Issuance of Building and/or Grading Permit

Planning

84. In accordance with HMC Section 10-1.2550, and prior to issuance of any building permits, the applicant shall submit a Precise Development Plan to the Planning Division for review and approval.
85. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate the conditions contained herein and shall be submitted either in advance of or in conjunction with the subdivision improvement plans and Final Map.
86. The Precise Development Plan shall include the following information and/or details:
 - b. A copy of these conditions of approval shall be included on a full-sized sheet(s).
 - c. Proposed location for construction staging, designated areas for construction worker parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for carpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping.
 - d. Large expanses of blank walls shall be prohibited and shall be articulated or otherwise enhanced with architectural features or fenestrations. Additional

- windows shall be added to the left and right side elevations of all Plan 3 Front Entry units and to the interior side elevations of all Plan 3 Side Entry units.
- e. Proposed mailbox design and location(s), subject to U.S. Post Office approval.
 - f. A final lighting plan which shows all exterior lighting. Exterior lighting shall be architecturally compatible with the structure to which it is affixed and/or erected and maintained so that adequate lighting is provided along all pathways, sidewalks and private streets. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
 - g. All air conditioners and utility connections for air conditioner shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall concealing it.
 - h. All above-ground utility meters, mechanical equipment and water meters shall be screened with shrubs and/or an architectural screen from all perspectives, unless other noise mitigation is required.

Landscaping

- 87. Prior to submitting the first building permit, detailed landscape and irrigation improvement plans prepared by a licensed landscape architect on an accurately surveyed base plan shall be approved by the City. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. Once approved, a digital file of the approved and the project landscape architect signed improvement plans shall be submitted to the City for the City's approval signatures. Copies of the signed improvement plans shall be submitted as a part of the building permit submittal.

Housing

- 88. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in Chapter 10, Article 17 of the Hayward Municipal Code. The applicant shall comply with the affordable housing requirements as reflected in the Affordable Housing Plan on file with the Housing Division and included as Attachment VII and as detailed per Section 10-17.510 Affordable Housing Plan.
- 89. Pursuant to HMC Sections 10-17.515 and 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that includes all elements set forth in the ordinance and the Affordable Housing Plan attached to the staff report and on file with the Planning Division, prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.
- 90. Building permit(s) and certificates of occupancy shall only be issued for any non-City restricted units in the Project in accordance with the Phasing Plan attached to the

Affordable Housing Plan on file with the Housing Division and included as Attachment VII. Phasing of the project includes any situation where the developer elects to obtain building permits for the market-rate units prior to all affordable units per the AHO, the developer seeks to obtain Certificates of Occupancy (COO) for any market-rate units prior to the issuance of COO for all affordable units included in the project, or any other situation specified in the AHO.

Hazardous Materials

91. Electronic Submittal of Environmental Documentation: 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.
92. Demolition/Grading: Prior to grading, all 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.

Utilities

93. The developer shall make necessary arrangements for the City to acquire a non-exclusive easement over the full width of La Playa Drive for the construction, reconstruction, maintenance, and repair of the developer proposed sanitary sewer main. This easement shall be in a form acceptable to the City Engineer and at no cost to the City.
94. The existing sanitary sewer main and manholes in La Playa Drive, downstream of the development proposed sanitary sewer system, to Hesperian Boulevard, shall be video inspected by a qualified and experienced contractor retained by the developer. A copy of this video record and its related written report shall be submitted for the City Engineer's review. Sewer segments and manholes not complying with the current City Standards or with potential for causing sags, infiltration, exfiltration, and/or misalignment shall be repaired or replaced as per plans approved by the City Engineer. The inspection work shall be completed prior to approval of plans by the City Engineer.
95. The sanitary sewer main and manholes in La Playa Drive shall be offered to the City for its acceptance and maintenance after repairs and replacement of defective segments to the satisfaction of the City Engineer.

Engineering

96. Improvement Plans and related design documents prepared by State licensed and qualified professionals shall be submitted to the City Engineer for all public and private improvements shown on the Tentative Map and necessary to develop the project site. The Improvement plans shall include all engineering studies and design documents and must be reviewed and approved by the City Engineer prior to Final Map approval.
97. No building permits shall be issued for new structures on proposed lots prior to issuance of the City's grading permit and recordation of the Final Map except for model homes as per the Subdivision Map Act Section 66499.30 (a).
98. Subdivider shall obtain permits or approvals from all affected agencies or private parties. Copies of applicable permits or approvals shall be provided to the City Engineer.
99. 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.
100. All grading shall comply with HMC Chapter 10, Article 8 (Subdivision Ordinance) as determined by the City Engineer. A fine grading and drainage plan prepared by a State licensed civil engineer shall be submitted as part of the Improvement Plans for review and approval by the City Engineer prior to the issuance of building permits. Developer may apply only for a rough grading permit which shall include drainage control and storm water pollution prevention measures but exclude site improvements. A fine grading permit shall be required for finishing the grading works and construction of site improvements.
101. A soils report prepared by a licensed civil or geotechnical engineer subject to approval by the City Engineer shall be submitted and the grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report. Final grading and drainage plans for the grading permit shall be reviewed and signed by the soils report engineer certifying that the recommendations in the report have been followed. The geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report.

102. 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.
103. 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.
104. 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.
105. 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.
106. The on-site storm conveyance and treatment systems shall be owned and maintained by the property owners or their association.
107. 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.
108. This project involves a land disturbance of one or more acres, the developer is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Engineer prior to issuance of a grading permit. The SWPPP shall utilize the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices for erosion control.

109. All broken, cracked, or uplifted curb, gutter, and sidewalk shall be removed and replaced along the project frontage. The existing street section shall be removed and replaced to the centerline of the street if the existing pavement is either damaged or the structural section is determined by the City Engineer to be inadequate for the intended traffic.
110. Private Streets shall be constructed to the same standards as Public Streets.
111. The subdivider shall make necessary arrangements for continued access over La Playa Drive to a public street and for its required maintenance, repairs and reconstruction as required. Provide documents acceptable to the City Engineer.
112. Street lighting along the development frontage and on-site lighting shall comply with current City lighting standards and the City's Security Ordinance. Lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast a direct light or glare upon adjacent properties or rights-of-way. Photometric analyses/studies shall be submitted for review and approval by the City Engineer.
113. All service to the development shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be approved by the City Engineer prior to installation. (HMC Section 10-3.815)
114. 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.
115. Existing overhead utilities and their poles across the project frontage on La Playa Drive shall be removed and replaced with an underground system. Install street lights to provide illuminations as per the City Standard Detail SD-120 SHT 4 or as otherwise required by the City Engineer.
116. Public Service Easements shown behind sidewalks shall be six-feet wide as per the City Standard Detail SD-102 SHT 1. This is required for consistency with typical such easements.

Transportation

117. Applicant shall submit the following items as part of Improvement Plans to Public Works-Transportation for review prior to issuance of Building Permits:

- a. An on-site and off-site (fronting City right-of-way) Signing and Striping Plan in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking complaint disabled stalls).
 - b. A Photometrics Plan, refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria: <https://www.hayward-ca.gov/documents/hayward-standard-detail>.
 - c. Turning Analysis using the largest vehicle expected on-site (typically a delivery vehicle) using AutoTurn software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.
118. Applicant shall maintain adequate sight distance at all project driveways, internal driveways/drive aisles and intersections.
119. Applicant shall install a striped crosswalk at the proposed site driveway, to the satisfaction of the Public Works Director or his/her designee. This item shall be included in Improvement and Signing & Striping Plans.
120. Applicant shall install a bulb-out curb extension on Calaroga Avenue at the southwest corner of the La Playa Drive/Calaroga Avenue intersection to improve sight distance and to provide traffic calming for pedestrians and bicyclists. This item shall be included in Improvement Plans.
121. Applicant shall install all signage and pavement markings necessary, as determined by the Public Works Director or his/her designee, to prohibit U-turns for the northbound movement at the Calaroga Avenue/La Playa Drive intersection. This item shall be included in Signing & Striping Plans.
122. Applicant shall install all signage and curb markings necessary to prohibit on-street parking along southbound Calaroga Avenue between the La Playa Drive intersection and the driveway for third unit south of the La Playa Drive intersection. This item shall be included in Signing & Striping Plans.
123. Applicant shall re-stripe the existing Bicycle Lane on Calaroga Avenue along the project frontage with new paint and shall add California MUTCD compliant bike lane symbol pavement markings and signage. This item shall be included in Signing & Striping Plans.
124. Applicant shall install "25 MPH" pavement markings and one speed radar feedback sign on southbound Calaroga Avenue along the project frontage. This item shall be included in the Signing & Striping Plans.
125. Upon review of Improvement Plan(s) and required item(s) listed above by Public Works-Transportation, Applicant shall modify Improvement Plan(s) to address any deficiency(ies) or item(s) identified by Public Works-Transportation staff, to the

satisfaction of the Public Works Director or his/her designee, prior to issuance of Building Permit(s).

During Grading/Construction

Planning

126. Basic Air Quality Best Management Practices: The applicant shall implement the following measures to control dust and exhaust emissions during all grading and construction activities. These measures shall be noted on the construction documents prior to issuance of a grading or building permit:

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

Hazardous Materials

127. If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.

128. During grading and construction, all hazardous materials and hazardous waste shall be properly stored, managed, and disposed.

Utilities

129. The Applicant is responsible for applicable water and sewer connection and/or capacity fees, at the rates in effect at the time of application for water and sewer service, prior to water connection and sewer discharge.
130. All sewer mains and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Sanitary Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval. Available on the City's website: <https://www.hayward-ca.gov/your-government/departments/engineering-division>

Engineering

131. Construction Stormwater Management: The 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 during construction 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 at all times. 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.
132. 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 any locations in the proposed project. Damaged pavement surfaces shall be repaired and resurfaced as required by the City Standard Details. Replacement or repair shall be completed prior to issuance of the Final Construction Report by the City Engineer. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter and sidewalk per City Standards.
133. 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.
134. Phased Development Releases: All required improvements leading and adjacent to units to be occupied shall be installed according to the approved plans. The public shall not be allowed to pass through areas of activity to reach occupied units.

135. Conceptual Multi-Phased Exhibit (Unit Release Plan): Prior to issuance of certificates of occupancy for any unit within the project, an exhibit showing the proposed phased closures/openings during construction shall be submitted and approved by the City Engineer. The exhibit shall detail the number and locations of units to be released and portion of public street and sidewalk to be opened or closed to the public at each phase. Exhibits shall also show access routes and related traffic control plans. Proper measures such as fencing, gates, and signs must be in place to separate adjacent construction activities from occupied units. These measures shall be reviewed and approved by the City Inspector prior to installation and occupancy of units.

Prior to Issuance of Certificate of Occupancy

Planning

136. A Final Planning inspection shall be required prior to issuance of temporary certificate of occupancy for the model homes and final certificates of occupancy for all units.

Landscaping

137. Bio-retention basin(s) shall be completed prior to issuance of the first certificate of occupancy.
138. Inspection for Models: Landscape inspection shall be required prior to issuance of temporary certificate of occupancy, and another inspection shall be required prior to issuance of certificate of occupancy at the time of converting the model(s) for sale. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be e-mailed/turned in prior to requesting an inspection from the City Landscape Architect.
139. 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.
140. Pursuant to HMC Section 10-12.11 and as a part of Certificate of Completion, a landscape irrigation audit 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. For projects with multiple landscape installations (i.e., production home developments), an auditing rate of one (1) in seven (7) lots or approximately fifteen percent (15 %) will satisfy this requirement.

141. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance with the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be e-mailed/turned in prior to requesting an inspection from the City Landscape Architect.

Engineering

142. All public and common use improvements, including for vehicular and pedestrian access, fencing, sanitary sewerage, 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 each phase of the subdivision. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
143. Prior to final inspection and issuance of final certificates of occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Public Works Director and Development Services Director or his/her designees.
144. Conceptual Multi-Phased Exhibit (Unit Release Plan): Prior to issuance of certificates of occupancy for any unit within the project, an exhibit showing the proposed phased closures/openings during construction. The exhibit shall detail the number and locations of units to be released and portion of public street and sidewalk to be opened/closed to the public at each phase. Exhibits shall also show access routes and include traffic control plans.
145. Proper measures such as fencing, gates, and signs must be in place to separate adjacent construction activities from occupied units. These measures shall be reviewed and approved by the City Inspector prior to installation and occupancy of units.
146. Post Construction Stormwater Maintenance: The property owner(s) shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for private treatment control and site design measures is bound to the property in perpetuity.
147. SWPPP Final Report: The project QSP shall prepare and file a Final SWPPP Report with the City and Water Board.

148. Geotechnical Letter: Prior to the issuance of any Certificates of Occupancy, Developer shall submit a confirming letter from the project geologic team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.
149. 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.
150. As-Built Records: 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.