

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-_____

Introduced by Councilmember _____

RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING A SITE PLAN REVIEW, FOUR WARRANTS FROM PROVISIONS UNDER THE SOUTH HAYWARD BART/MISSION BOULEVARD FORM-BASED CODE, VESTING TENTATIVE TRACT MAP 8335, APPLICATION NO. 2016-01022 FOR THE SUBDIVISION AND CONSTRUCTION OF 35 TOWNHOME UNITS AND A MIXED USE BUILDING OF 39 MULTI-FAMILY UNITS AND 1,020 SQUARE FEET OF COMMERCIAL SPACE ON A 2.7-ACRE (2.14-ACRE NET) PROJECT SITE LOCATED AT 26601 MISSION BOULEVARD

WHEREAS, Applications were submitted by KB Home and DNS Capital Partners LLC/Robert Telles (Applicants/Property Owner) and deemed complete for a Site Plan Review, four warrants from provisions of the South Hayward BART/Mission Boulevard Form-Based code, and Vesting Tentative Tract Map 8335, Application No. 2016-01022 for the property located at 26601 Mission Boulevard for the subdivision and construction of a 35 townhome units and a mixed use building of 39 multi-family units and 1,020 square feet of commercial spaces on a 2.7-acre (2.14 net) project site (the “Project”); and

WHEREAS, the project site is located within the boundaries of the South Hayward BART/Mission Boulevard Form-Based code area; and

WHEREAS, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program has been prepared to assess and mitigate the potential environmental impacts of the Project; and

WHEREAS, an Ordinance was adopted on November 14, 2017 allowing averaging or transfer of density between and among like-zoned development sites in the Urban General transect zones T4 (17.5 DU/Acre min; to 35 DU/Acre max) and T5 (35 DU/Acre min; to 55 DU/Acre max); and

WHEREAS, the four warrants requested with this application are:

- *Roof Pitch* (Section 10-24.250 vi. Architectural Standards) requires that roofs be symmetrically sloped at a pitch of no less than 5:12. The proposed roofs of the townhomes and the roof above the commercial/storage area have been designed as a combination of flat areas and other areas pitched at 4:12.

- *Excess Parking* (Section 10-24.245 b. ii) states that a maximum of 2.0 parking spaces may be provided for each residential condominium. The townhomes (condominiums) will be provided with 8 excess parking spaces in the form of on-site guest in addition to the 2 enclosed spaces (2-car garage) per unit.

- *Ground Floor Minimum Glazing* (Section 10-24.230 a. ii) states that all facades shall be glazed with clear glass no less than 30% of the first story. As designed, only 12% of the first floor of the townhomes is glazed with clear glass. For the mixed use/apartment building, clear glass on the first floor makes up approximately 25% along Mission Boulevard and 13% along Sorenson Road.

- *Parking Placement within the Layer 2 Setback* (Table 12B of the Form-Based code) allows parking within Layer 3 setback along Mission Boulevard. Ten spaces of ground level parking within the mixed use/apartment building fall within the Layer 2 setback. A portion of one guest parking space along Drive Aisle A within the townhome development, falls within the Layer 2 setback.

WHEREAS, the Planning Commission considered the Project at a public hearing held on September 14, 2017, and recommended that the City Council adopt the Mitigated Negative Declaration; adopt an Ordinance approving the Zoning Text Amendment which would allow averaging or transfer of density between and among like-zoned development sites in the Urban General transect zones T4 (17.5 DU/Acre min; to 35 DU/Acre max) and T5 (35 DU/Acre min; to 55 DU/Acre max; approve all four requested warrants; and approve Vesting Tentative Tract Map 8335, Application No. 2016-01022 for the construction of a 35 townhome units and a mixed use building of 39 multi-family units and 1,020 square feet of commercial spaces on a 2.7-acre (2.14 net) project site located at 26601; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on October 3, 2017 and continued to November 14, 2017; and

WHEREAS, at its meeting of October 3, 2017, the City Council voted unanimously to continue the item for further analysis on issues raised by the City Council and public at the public hearing.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. Pursuant to CEQA Guidelines Section 15220, an Initial Study (“IS”) was prepared for this project with the finding to prepare a Mitigated Negative Declaration (MND). No new significant impacts were identified nor were any new mitigation measures anticipated or required and that all potentially significant impacts could be reduced to a level of insignificance.

2. That the proposed MND was prepared by the City of Hayward as Lead Agency and was circulated with a twenty (20) day public review period, beginning on July 21, 2017 and ending on August 10, 2017.
3. That the proposed MND was independently reviewed, considered and analyzed by the City Council and reflects the independent judgement of the City Council; that the City Council adopts the proposed Mitigated Negative Declaration and its findings and conclusions as its source of environmental information; and that it is legally adequate and was completed in compliance with CEQA.
4. That the proposed MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that all of the applicable mitigation measures in the Mitigation Monitoring and Reporting Program will be adopted and implemented. 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 in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94541.

ZONING TEXT AMENDMENT

6. **SEC.10-1.110 PURPOSE**

- a. The proposed text amendment to the Zoning code promotes and satisfies the public health, and furthers the purpose of promoting the public health, safety, general welfare of the City.

The proposed zoning code text amendment to allow the transfer or averaging of residential density for adjacent properties of like-zoning within the defined area of the South Hayward BART/Mission Boulevard Form-Based code area is encouraged by General Plan Land Use Policy LU-3.5 which states that individual parcels within the development may be developed at higher or lower densities than allowed by the General Plan, provided that the net density of the entire development is within the allowed density range.

- b. The proposed text amendment to the Zoning code satisfies, promotes, and enhances the preservation of aesthetic quality by establishing regulations that ensure an appropriate mix of land uses in an orderly manner.

The proposed zoning code text amendment would allow the development of various residential product types to be built as part of an integrated site plan within the South Hayward BART/Mission Boulevard Form-Based code area.

- c. The purpose of the proposed text amendment furthers the City's goals of achieving a pattern and distribution of land uses that generally:

- (1) Retain and enhance established residential neighborhoods, commercial and industrial districts, regional-serving uses, and recreational amenities.
- (2) Allow for the infill and reuse areas at their prevailing scale and character.
- (3) Accommodate expansion of development into vacant and underutilized lands within environmental and infrastructure constraints.
- (4) Maintain and enhance significant environmental resources.
- (5) Provide a diversity of areas characterized by differing land use activity, scale and intensity.
- (6) Establish Hayward as a unique and distinctive place in the heart of the San Francisco Bay Area with a high quality of life in an attractive, secure environment for the City's residents and businesses.

The proposed zoning code text amendment to allow the transfer or averaging of residential density for adjacent properties of like-zoning within the defined area of the South Hayward BART/Mission Boulevard Form-Based code area achieves all of the above six standards by providing flexibility to meet the desired residential density for critical mass transit ridership and jobs-work balance. Such flexibility allows for the development of diverse land uses in terms of scale of intensity which contributes toward creating a unique and distinctive place in the City and region.

The proposed zoning code text amendment to allow the transfer or averaging of residential density for adjacent properties of like-zoning within the defined area of the South Hayward BART/Mission Boulevard Form-Based code area also allows for a more flexible use of in-fill, reuse, and/or redevelopment of dilapidated, vacant, or underutilized properties. It also provides the ability to upgrade environmental improvements and protection measures.

7. SEC. 10-1.115 - AUTHORITY AND GENERAL PLAN CONSISTENCY

- a. The proposed text amendment is a tool for implementing the goals, objectives, and policies of the Hayward General Plan, pursuant to the mandated provisions of the State Planning and Zoning Law, the California Environmental Quality Act, and other applicable State and local requirements. It does not change the density permitted, but allows different housing types to be developed providing diversity of product and increasing housing opportunities.
- b. The proposed text amendment is consistent with the existing General Plan designation of Sustainable Mixed Use and policies related to residential density and availability of a variety of housing types by maintaining the emphasis on the development of mixed use while expanding ways to incorporate different types of housing by maintaining the emphasis on the development of mixed use while expanding ways to incorporate different types of housing.

- c. The proposed text amendment is consistent with the following Hayward General Policies Plan.

LU-3.5 Mixed Density Development Projects: The City shall encourage infill residential developments that provide a mix of housing types and densities within a single development on multiple parcels. Individual parcels within the development may be developed at higher or lower densities than allowed by the General Plan, provided that the net of the entire development is within the allowed density range.

LU-3.6 Residential Design Strategies: The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods.

LU-3.7 Infill Development in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

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

H-3.3 Sustainable Housing Development: The City shall improve affordability by promoting sustainable housing practices that incorporate a 'whole system' approach to siting, designing, and constructing housing that is integrated into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment.

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

H-3.6 Flexible Standards and Regulations: The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.

H-4.1 Flexible Development Standards: The City shall review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.

- d. As determined by the Initial Study and Mitigated Negative Declaration, the proposed Zoning code text amendment will have no significant impacts or adverse impacts on surrounding development that already have been addressed in previously adopted environmental documentation and would be subject to implementation of mitigation measures.

SITE PLAN REVIEW (Section 10-1.3025)**8. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City.**

1. The proposed project would replace dilapidated buildings and replace them with new housing and retail uses envisioned for the Sustainable Mixed Use land use designation. Surrounding structures typically are older residential neighborhoods and reviving commercial limited by a large regional cemetery and hillside to the east. The area is planned for rejuvenation and intensification. The residential development provides diversity between ownership and rental - a) three-story walk-up townhomes, and b) a 4-story mixed use/apartment structure. The density is compatible with the zoning. While the proposed project would represent some of the first higher density housing in the area, the proposed density also complies with the zoning and character anticipated. The residential uses would serve demands for new housing opportunities by providing affordable housing units and accommodating elderly or handicapped access through a number of full suite living quarters on the ground floor of the townhomes. The proposed project also would contribute to the critical mass of occupants as a customer base for transit ridership and new commercial uses. In addition the proposed community benefit payment would be made to help offset the described deficiencies of the proposed project and the site limitations including the limited replacement of commercial space, limited opportunities for onsite outdoor group open space, and lack of public art.

9. The development takes into consideration physical and environmental constraints.

The project site generally is flat. Development is constrained on three sides by an existing single-family neighborhood to the west, Mission Boulevard to the east, and Sorenson Road to the south. The project site is designed with appropriate access and vehicular circulation and is not further constrained. The proposed project will exhibit sustainability feature by incorporating a number of energy-saving measures.

10. The development complies with the intent of City development policies and regulations.

The proposed project would allow the reuse of dilapidated, abandoned, or underutilized properties within an existing urban area. With the requested zoning text amendment to allow residential density transfer/averaging between and among adjacent, like-zoned properties, the proposed project complies with the intent and uses anticipated for T4 Urban General (17.5 DU/acre; 35 DU/acre) transect zone of the South Hayward BART/Mission Boulevard Form-Based Code and is consistent with Sustainable Mixed Use land use designation.

11. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Residential use would be compatible with this part of the city and nearby transit facilities. Both home ownership and rental units provide options for housing. The provision of

commercial space on Mission Boulevard carries through the commercial character. Older adjacent uses to the north eventually will transition to new development. New residential occupancies will provide customers for revitalizing commercial uses to the south.

WARRANTS (Section 10-24.410)

12. Policy Consistency. The Warrant is consistent with the General Plan and overall objectives of this Code.

- a. Excess Parking - The warrant to allow excess parking for attached multi-family units will, in fact, be an enhancement to the ownership nature of the townhome development. More vehicles of residents would be safely contained, and guest parking would be accommodated with less competition for available spaces thereby contributing to an orderly interaction of uses.
- b. Roof Pitch – The proposed lower roof pitch of 4:12 complements building design and the mass and silhouette of the buildings.
- c. First Story Clear Glazing less than 30% - As designed, only 12% of the first floor of the townhomes is glazed with clear glass. The lower level of glazing for the townhomes helps with noise attenuation and allows for more energy-efficiency and residential character to those elevations.

For the mixed use/apartment building, clear glass on the first floor makes up approximately 25% along Mission Boulevard and 13% along Sorenson Road. The ground floor elevation has been redesigned to include both fixed spandrel glass and translucent light-transmitting glass in addition to the clear shopfront glazing of the commercial area. While not all of it is clear, first floor exterior materials would be more than 30% glass.

- d. Parking within the Layer 2 Setback - A portion of only one guest parking space is situated within the Layer 2 setback area of the townhomes. It is properly screened by landscaping and a community wall. The 10 parking spaces within the Layer 2 setback on the ground floor of the mixed use/apartment structure are situated behind a wall or wire-framed green screens with vines that are unobtrusive to the Mission Boulevard frontage.
- 13. Compatibility. The Warrant is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development.**

None of the requested Warrants would negatively impact the character envisioned for Hayward Mission Boulevard Corridor planning area or for the Sustainable Mixed Use land use designation.

- a. Excess Parking - Market demand dictate that for-sale/condominium townhome residential products typically are provided with two covered spaces per unit, and guest spaces are provided for convenience and for ease of use.
 - b. Roof Pitch - The proposed roof pitch of 4:12 on portions of both the townhomes and the mixed use/apartment building provide continuity between both residential products and reflect the exterior design.
 - c. First Floor Clear Glazing Less than 30% - The proposed glazing levels on the first floor of both the townhomes and the mixed use/apartment building of reflect a style that is typical for the type and use of those structure. Appropriate materials, including fixed opaque spandrel glass and translucent light transmitting glass.
 - d. Parking Within the Layer 2 Setback – The portion of that one guest parking space for the townhomes situated within the Layer 2 setback area is properly screened by landscaping and a community wall. The 10 parking spaces within the Layer 2 setback on the ground floor of the mixed use/apartment structure are situated behind a wall or wire-framed green screens with vines are unobtrusive to the Mission Boulevard frontage.
14. **No Adverse Impact. The Warrant would result in development that is not detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.**

Approval of the Warrants would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

- a. Excess Parking - In fact, the excess parking for the residential townhomes enhance the public health, safety, and welfare by improving vehicular circulation. Designated guest parking areas would minimize the potential for impacts between pedestrians/residents and vehicles.
- b. Roof Pitch – The variation in roof pitch in minor in comparison to the required 5:12, and is not detrimental to any other property.
- c. First Story Glazing less than 30% - The requested level of first story glazing is consistent with residential town homes and the first floor glazing provided for the mixed use/apartment building (while not all of it is clear) is an adequate amount for storefront visibility, parking screening, and residential privacy.
- d. Parking Within the Layer 2 Setback – The portion of that one guest parking space for the townhomes situated within the Layer 2 setback area is properly screened by landscaping and a community wall. The 10 parking spaces within the Layer 2 setback on the ground floor of the mixed use/apartment structure are situated behind a wall or wire-framed green screens with vines that are unobtrusive to the Mission Boulevard frontage.

15. **Special Privilege. The Warrant would not affect substantial compliance with this Code or grant a special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district.**

All of the requested warrants would not affect substantial compliance with this code or constitute the granting of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

- a. Excess Parking - The provision to allow the additional 8 on-site, guest parking spaces for the townhomes would, in fact, be a benefit to the function of the residential community and would exceed requirements while remaining within the intended character of the zoning district.
- b. Roof Pitch - A roof pitch of 4:12 or even a flat roof is typical of residential buildings. The pitched roof is used as an accent feature and to provide articulation on the townhomes rather than a flat roof. It is used only over one 2-story portion (the commercial space) of the mixed use/apartment building and is unobtrusive.
- c. First Story Glazing less than 30% - The requested level of first story glazing is consistent with residential town homes. For the mixed use/apartment building, the proposed glazing is more than the existing commercial building and still presents a commercial boulevard image intended for the design of this thoroughfare and zone.
- d. Parking Within the Layer 2 Setback – The portion of that one guest parking space for the townhomes situated within the Layer 2 setback area is properly screened by landscaping and a community wall. The 10 parking spaces within the Layer 2 setback on the ground floor of the mixed use/apartment structure are situated behind a wall or wire-framed green screens with vines that are unobtrusive to the Mission Boulevard frontage.

VESTING TENTATIVE TRACT MAP 8335

16. **That the proposed map is consistent with applicable general and specific plans as specified in Section 64541 of the Subdivision Map Act. [Subdivision Map Act §66474(a)]**

The project site is located within a neighborhood plan area. However, No Specific Plan applies to the Project Site. Vesting Tentative Tract Map 8335 with Conditions of Approval substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, and the General Plan. Also, it would not be inconsistent with the Neighborhood Plan for the Mission Garin neighborhood which allows increased residential use and emphasis on use of transit facilities.

17. **That the design or improvement of the proposed subdivision is consistent with applicable general plan and specific plans. [Subdivision Map Act §66474(b)]**

The proposed subdivision, as demonstrated by the findings associated with the Zone Change Application and Site Plan Review, is consistent with the City's General Plan. The proposed project is consistent with the FAR and density prescribed by the Sustainable Mixed Use land use designation. There is no specific plan. The South Hayward BART/Mission Boulevard Form-Based Code serves a similar purpose. Approval of the proposed amendment to allow density transfer/averaging between and among adjacent like zoned parcel satisfies any potential inconsistencies regarding density. The project site is within the Mission-Garin Neighborhood Plan area which essentially has been superseded by the South Hayward BART/Mission Boulevard Form-Based code.

18. **That the site is physically suitable for the type of development. [Subdivision Map Act §66474(c)]**

The Geotechnical Investigation prepared by *Stevens, Ferrone & Bailey* in March 2016 demonstrates that the proposed project is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that a design level geotechnical investigation be conducted prior to construction to review the geotechnical aspects of the project. The site provides sufficient lane widths and ingress/egress points, pedestrian facilities and infrastructure locations, such as water and sewer lines, storm drains and stormwater treatment areas, to support the proposed buildings, number of units, and commercial uses being proposed.

19. **That the site is physically suitable for the proposed density of development. [Subdivision Map Act §66474(d)]**

The Geotechnical Investigation prepared by *Stevens, Ferrone & Bailey* in March 2016 demonstrates that the proposed project is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that a design level geotechnical investigation be conducted prior to construction to review the geotechnical aspects of the project. Density is not a factor that makes the site suitable or less suitable for development.

A Traffic Operations Analysis prepared by *Hexagon Transportation Consultants, Inc.* in May 2017 prepared for the Project determined that, with the proposed Conditions of Approval the project would not result in significant impacts to traffic beyond those currently identified since it would not generate sufficient traffic to cause nearby intersections to operate at an unacceptable level of service, nor would it create any issues with safe ingress and egress from the site.

20. **That the design of this project and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. [Subdivision Map Act §66474(e)]**

The approval of Vesting Tentative Map Tract 8335, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The proposed project incorporates Best Management Practices for water quality and stormwater runoff. The Mitigated Negative Declaration prepared for the Project determined that, with the proposed

Conditions of Approval demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed project.

21. **That the design of the subdivision or type of improvements are not likely to cause serious public health problems. [Subdivision Map Act §66474(f)]**

Adequate capacity exists to provide sanitary sewer service to the Project site. Measures to ensure bio-treatment of stormwater runoff are included as Conditions of Approval thereby reducing the likelihood of serious public health problems. There are no other aspects of the Project with the potential to cause serious public health problems.

22. **That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. [Subdivision Map Act §66474(g)]**

The building improvement plan shall reflect all easements needed to accommodate the project development. The private streets shall be designated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE). Upon completion of the proposed improvements, the streets and utilities would be adequate to serve the project. New public easements are to be offered for dedication as necessary.

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, approves the Zoning Text Amendment (separately by Ordinance), and approves the Site Plan review, the four warrants listed above under the South Hayward BART/Mission Boulevard Form-Based Code (Article 24 of the Zoning Code), and Vesting Tentative Map 8335 for the subdivision and construction of 35 townhome units and a mixed use building of 39 multi-family units and 1,020 square feet of commercial spaces on a 2.7-acre (2.14 net) project site (Application No. 2016-01022) for the properties at located at 26601 Mission Boulevard, subject to the adoption of the companion Zoning Code Amendment Ordinance (Ordinance No. 17-_____) and subject to the attached conditions of approval (Exhibit "A").

IN COUNCIL, HAYWARD, CALIFORNIA November 14, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

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

EXHIBIT “A”

**Haymont Townhomes
and Apartment Mixed Use Project
26601 Mission Boulevard
(Mission Boulevard and Sorenson Road)
KB Home and Robert Telles (Applicants)**

Site Plan Review, Mitigated Negative Declaration (MND), Zone Text Amendment in the South Hayward BART/Mission Boulevard Form-Based Code T4 Urban General Zone (17.5 DU/ac min; 35 DU/ac max), and T5 Urban General Zone (35 DU/ac min; 55 DU/ac max) to allow residential density transfer/averaging among like-zone development sites, Site Plan Review, Warrants, and Vesting Tentative Tract Map 8335 for a Mixed-Use Commercial/Residential project to be developed with 35 Townhomes and 39 Apartments with 1,020 square feet of commercial use along with covered and open resident and guest parking Application No. 201601022 (Tract 8335)

Planning

1. GENERAL - Project approval shall be void two years after issuance of the building permits, or three (3) years after approval of vesting tentative tract map application, whichever is later, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the project approval.
2. FEE - Prior to building permit issuance, developer must pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee schedule adopted by the City Council, including but not limited to, utility connection fees.
3. GENERAL - Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed, at no cost to the City of Hayward.
4. GENERAL - Unless indicated otherwise, the design for development shall comply with the following:
 - a. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
 - b. All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments, including Green Building standards.
 - c. Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
5. GENERAL - A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape plans unless otherwise indicated herein.
6. GENERAL - The developer shall not obstruct the noted sight distance areas. Overall cumulative height of the grading, landscaping and signs as determined by sight distance shall not exceed 2 feet when measured from street elevation.

7. GENERAL - All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.
8. GENERAL - Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City.
9. GENERAL - It is applicant's responsibility to get permit or approval from all affected agencies or private parties. Please provide a copy of these permits or approval to the City with your building permit application submittal.
10. GENERAL - The developer shall submit an AutoCAD file format (release 2010 or later) in a CD of approved map and 'as-built' improvement plans showing all public improvements and utility layouts that can be used to update the City's Base Maps.
11. FINAL MAP - Prior to or concurrent with Final Map recordation, developer shall dedicate necessary easements along Street frontages, including but not limited to 6-foot Public Utility Easement (PUE).
12. FINAL MAP - Prior to or concurrent with Final Map recordation, developer shall dedicate necessary easements for Ingres/Egress and stormwater treatment, on the Parcel A for the benefit of condominium development.
13. FINAL MAP - Prior to or concurrent with Final Map recordation, developer shall record a reciprocal easement and maintenance agreement for the proposed access and stormwater treatment area on Parcel A,
14. FINAL MAP - Prior to recordation, a proposed Final Tract Map shall be submitted for review by the City. The Final Tract Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately sixty (60) days after the Final Map is deemed technically correct, and Subdivision Improvement Plans with supporting documents, reports and agreements are approved by the City. Executed Final Map shall be returned to the City Public Works Department if Final Map has not been filed in the County Recorder's Office within ninety (90) days from the date of City Council's approval.
15. FINAL MAP - Prior to the recordation of the Final Tract Map, all documents that need to be recorded with the final map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
16. FINAL MAP - The final map shall reflect all easements needed to accommodate the project development. The private streets shall be designated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).
17. PUBLIC IMPROVEMENTS - Prior to final map recordation or issuance of building permits for the proposed apartment building, the developer shall obtain design approval and bond for all necessary public improvements along Mission Boulevard and Sorenson Road, including but not limited to the following:
 - a. Removal and installation of new curb, gutter, and sidewalk along entire Sorenson Road frontage.
 - b. Grind, overlay and restripe and restripe full street pavement width of Sorenson Road from Mission Boulevard to Colette Street Intersection with 2-inch hot mix asphalt, and dig outs and repair failed pavements as necessary.
 - c. Grind, overlay and restripe and restripe half street pavement width of Mission Boulevard with 2-inch hot mix asphalt, and dig outs and repair failed pavements as necessary.

- d. Install necessary new street lights along the Sorenson Road frontage.
 - e. Remove, replace, and plant street trees along project frontages per City Landscape Architect direction. Plans for all public improvements shall be prepared on Mylar (22" x 34" sheets) and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The public facilities such as water meters, RP backflow preventers, sewer clean outs, etc., shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Hayward standard detail and specs and built to the city Engineer's satisfaction, and accepted by the City prior to issuance of any first certificate of occupancy for the project.
18. WATER QUALITY - Developer shall comply with the regional permits requirements for both preconstruction and post-construction requirements. Storm water management shall be in compliance with Municipal Regional Permit.
19. WATER QUALITY - The following materials related to the stormwater quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:
- a. A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Public Works - Engineering and Transportation Department staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
 - b. The condominium site HOA shall be responsible for maintenance and up keeping of the stormwater treatment measures for the entire site including the Parcel A.
 - c. The project plans shall include the storm drain design in compliance with postconstruction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
 - d. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into flow-through planters and direct runoff shall discharge into a landscaped area or a bioretention area prior to stormwater runoff entering an underground pipe system.
 - e. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit.
 - f. The bioretention treatment area shall be designed using a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour.
 - g. The following documents pursuant to the Cleanwater Program requirements:
 - i. Hydromodification Management Worksheet;
 - ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
 - iii. Development and Building Application Information Impervious Surface Form;
 - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
 - v. C.3 and C.6 Data Collection Form; and
 - vi. Numeric Sizing Criteria used for stormwater treatment (Calculations).
20. WATER QUALITY - The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be

- signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
21. WATER QUALITY - Construction activities which disturb 1 acres or greater are viewed as a source of pollution and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. Following are the specific requirements for regulated construction sites:
 - a. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system during the construction. The plan shall meet the approval of the City Engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report.
 - b. Before commencing any grading or construction activities at the project site, the developer may need to obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a NOI with the State Water Resources Control Board.
 22. WATER QUALITY - The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
 23. STORM - The on-site storm drain system is privately owned and maintained by the homeowner's association (HOA).
 24. STORM - A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC & WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a 100-year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.
 25. STORM - The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
 26. STORM - Improvements for storm drain systems shall incorporate the following:
 - a. The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the ACFC & WCD. Any alternative design shall be approved by the City Engineer prior to installation.
 - b. Storm drain pipes in streets and alleys shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
 - c. The latest edition of the ACFC & WCD's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the ACFC & WCD and the City. Development of this site shall not augment runoff to the ACFC & WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities.

- d. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
 - e. No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
 - f. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
 - g. The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.
 - h. Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.
27. SEWER - Sewer service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.
 28. WATER - Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.
 29. WATER - 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 4 feet from and 1 foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials with the City's approval.
 30. WATER - All water series from existing water mains shall be installed by City Water Distribution Personnel at the applicant/developer's expense. This includes relocating existing services and water main tie-ins. The developer may only construct new services in conjunction with the construction of new water mains. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water.
 31. WATER - 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.
 32. WATER - All public water mains shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains (12-inch diameter or less) and Fire Hydrants," latest revision at the time of permit approval.
 33. WATER - Each lot shall have an individual water meter.
 - a. All water meters shall be radio-read type.
 - b. Water meters shall be located a minimum of two feet from the top of driveway flare as per City Standard SD-213 thru SD-218.
 34. WATER - Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire Services shall have an above ground Double Check Valve Assembly per City Standard SD-201 and SD-204. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1 inch.
 35. WATER - Separate irrigation water meter shall be installed for landscaping purposes. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each

- irrigation water meter, per City Standard SD-202. Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
36. UTILITIES - 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 submitted for City approval prior to installation.
 37. UTILITIES - All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the Street frontages shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
 38. UTILITIES - 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.
 39. UTILITIES - All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
 40. UTILITIES - The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
 41. GENERAL SUBMITTAL - Prior to building permit issuance, submit the following documents for review and approval, or for City project records/files:
 - a. Copy of the Notice of Intent filed with State Water Resources Control Board;
 - b. Engineer's estimate of costs, including landscape improvements;
 - c. Easement document;
 - d. Signed Public Improvement Agreement; and
 - e. Public Improvement bonds.
 42. GENERAL SUBMITTAL - To avoid or reduce the potential impact related to the site specific geotechnical hazards related to seismic hazards, the project developer shall implement the following mitigation measures:
 - a. The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
 - b. New construction will comply with the latest California Building Code and mitigation measures outlined in the Geotechnical Investigation report.
 - c. For each building constructed in the development plan area, the required site specific geotechnical investigation shall address expansive soils and provide appropriate engineering and construction techniques to reduce potential damage to buildings.
 - d. To reduce the potential impacts related to the presence of low to moderately expansive clays in the subsurface soils of the project site, mitigation measures to avoid the effects of expansive soils outlined in the Geotechnical Investigation shall be followed.
 43. CONSTRUCTION BMP - The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
 44. CONSTRUCTION BMP - All diesel-powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.

45. CONSTRUCTION BMP - The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
- a. Grading and site construction activities shall be limited to the hours 8:00 AM to 5:00 PM Monday through Friday with no work on weekends and Holidays unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Unnecessary idling of grading and construction equipment is prohibited;
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
 - f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
 - g. Daily clean-up of trash and debris shall occur on project street frontages, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - h. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
 - i. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
 - j. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
 - k. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
 - l. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - m. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - n. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
 - o. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
 - p. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - q. Broom sweep the sidewalk and public street pavement adjoining the project site daily. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - r. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.

- s. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to:
 - i. start of the rainy season;
 - ii. site dewatering activities; or
 - iii. street washing activities; and 4)
 - iv. saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system.

Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;

- t. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - u. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, stormdrain or stream. See "Building Maintenance/Remodeling" flyer for more information;
 - v. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - w. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
 - x. Bicycle Rack: A bicycle rack shall be placed near the front door of the retail commercial space and this bicycle rack shall be shown on the final improvement drawing, prior to the issuance on Building Permits.
46. GENERAL CONSTRUCTION - The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
47. GENERAL CONSTRUCTION - In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
48. GENERAL CONSTRUCTION - Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
49. GENERAL CONSTRUCTION - All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.
50. GENERAL CONSTRUCTION - All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
51. GENERAL CONSTRUCTION - All public improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
52. HOA - Prior to or concurrent with final map recordation, the Conditions, Covenants and Restrictions (CC&Rs) creating homeowner's association for the proposed residential shall be

reviewed and approved by the Planning Director and City Attorney and recorded. The CC&Rs shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include the following provisions:

- a. The CC&Rs shall include provisions to allow future adjacent developments to annex into HOA if appropriate.
- b. Each owner shall automatically become a member of the association(s) and shall be subject to a proportionate share of maintenance expenses.
- c. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association(s).
- d. The association shall be managed and maintained by a professional property management company.
- e. The home owner's association(s) shall own and maintain on-site storm drain systems.
- f. The condominium site HOA shall be responsible for maintenance and up keeping of the Stormwater treatment measures for the entire site including the Parcel A.
- g. The homeowner's association(s) shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The home owner's association(s) representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen (15) days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- h. A provision that if the home owners association fails to maintain the decorative walls, landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
- i. A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City.
- j. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- k. The garage of each unit shall be maintained for off-street parking of 2 vehicles and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
- l. The residents shall not use parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These parking spaces shall be monitored by the home owner's association. The home owner's association shall remove vehicles parked contrary to this provision. The CC&Rs shall include authority for the HOA to tow illegally-parked vehicles.
- m. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the

- building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.
- n. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
 - o. Streetlights and pedestrian lighting shall be owned and maintained by the home owner's association and shall have a decorative design approved by the Planning Director and the City Engineer.
 - p. Street sweeping of private streets, alleys and parking bays shall be conducted at least once a month.
 - q. Balconies may not be used for storage and personal items may not be draped over the railings.
 - r. The association shall ensure that no less than 75 percent of the units shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.
 - s. The applicant or homeowner's association shall maintain all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the home owner's association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.
53. GENERAL - The developer shall submit "as-built" plans indicating the following:
- a. Approved landscape and irrigation improvements;
 - b. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;
 - c. All the site improvements, except landscaping species, buildings and appurtenant structures; and
 - d. Final Geotechnical Report.

Transportation

- 54. The Applicant shall provide short term bicycle parking on-site to accommodate coffee shop/retail patrons.
- 55. The Applicant shall stripe one-way arrows within the project parking garage. The parking garage circulation shall be a one-way loop, with inbound-only access into the south side drive

aisle (no exit), and exit-only out of the north side drive aisle (no entry). In addition to striping, “No Right Turn” and “No Left Turn” signage shall be installed on “Drive Aisle C” to prohibit turns into the parking garage’s north side drive aisle (to be designated “Exit Only”).

56. Applicant shall submit a detailed signing and striping plan that shall include all TRANSPORTATION conditions above to the City of Hayward Public Works/Transportation Division for review and approval prior to the issuance of building permits. Following review and approval by City of Hayward Public Works/Transportation Division, all improvements on the signing and striping plan shall be completed to the satisfaction of the Transportation Manager prior to the issuance of certificate of occupancy.

Landscape

Standard conditions for both Condominium and DNS Apartments:

57. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.
58. Prior to the approval of improvement plans, detailed landscape and irrigation plans shall be reviewed and approved by the City. Copies of the approved and signed improvement plans shall be submitted as a part of the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan. The plans shall comply with the City’s Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23). The plans shall also comply with other relevant sections in Municipal Codes. Dripline of the existing trees to be saved shall be shown on the plan.
59. As stated in the City’s landscape ordinance, the ordinance adopted Bay-Friendly Landscape Guidelines, Principles and Practices (Section 10-12.02). One of the requirements is prohibiting landscape design that will promote routine shearing of plants. The Bay-Friendly Landscape Principles and the ordinance requires specifying “right plants in right place” (Section 10-12.07 (a) (2) (C) 2). Green waste/plant debris still ends up in the landfills every year even though more and more green waste is being recycled. There are other numerous benefits from this provision.
60. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. Mylar shall be wet-signed and shall be provided with a bar scale. The size of Mylar shall be 22 inches by 34 inches without an exception. A signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain a signature line and a date line for City of Hayward, Landscape Architect. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
61. A tree preservation bond will be required for all trees that are to remain, and the bond will be in effect throughout the construction period and until completion of the entire project improvements. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
62. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes.
63. A tree removal permit shall be obtained prior to the removal of any tree in addition to grading permit.

64. Permeable paving material such as permeable pavers and porous concrete shall be considered where stamped AC paving is proposed at the Mission Boulevard entry and crosswalks are proposed as well as the paved areas in the first layer where impervious paving is not allowed.
65. Three-inch deep mulch requirement applies to bio-treatment areas as well as all planting areas except for lawn areas when allowed.
66. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven of pavement or buildings, and as directed by the landscape architect.
67. **For Model Homes:** All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in Municipal Code Article 12, Section 10-12.17 Public Education, Model Homes.
68. 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.
69. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
70. Inspection for Models: Landscape inspection shall be required prior to issuance of TCO, and another inspection prior to issuance of Certificate of Occupancy at the time of converting the model for sale. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
71. Landscape and tree improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of eighty percent of the dwelling units, whichever first occurs.
72. Inspection for Production Homes: Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.
73. A minimum 24-inch box single species of tree shall be planted within the first layer as street frontage tree at every 30 feet on center or appropriate to specified species.
74. Trees with different watering requirements shall be irrigated on separate valves.
75. Each tree shall receive two (2) bubblers with 0.25 GPM: one preassembled deep root watering bubbler and one flood bubbler.
76. Wood screws shall be used to fasten tree ties to tree stakes. No nail shall be used.
77. The trees should be 20 feet from the corner, a minimum of 5 feet away from any underground utilities, a minimum of 15 feet from a light pole, and a minimum 30 feet from the face of a traffic signal, or as otherwise specified by the city. Root barrier shall be provided for all trees that are located within seven feet of paved edges or structure. Trees shall be planted according to the City Standard Detail SD-122.
78. Water meters and sewer clean outs shall be located within the driveway aprons.
79. A separate irrigation meter shall be provided.

80. Landscaping including street trees along Mission Boulevard shall be maintained by HOA and shall be in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The owner's representative shall inspect the landscaping monthly and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three-inch deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.
81. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.
82. Mission Street frontage of the development shall have four or more new landscaped planters, approximately 100-feet apart (center to center) and extending approximately 7 feet out into the street parking lane. Each such planter shall be approximately 20 feet long and include a tree and other plants approved by the City's Landscape Architect. Each planter shall be served with automatic irrigation system.

Utilities

Water:

83. 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 easement shall be granted to the City.
84. All public water mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>).
85. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense.
86. All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant's/developer's expense. The developer may only construct new services in conjunction with their construction of new water mains.
87. City records indicate that the property has twelve (12) existing 5/8 inch meters (Account #s 25053-25058, 25063, 25065-25070), located off the existing 6-inch water main located on the property that runs behind the existing retail building. The water main and services will need to be abandoned and removed to accommodate this development.
88. Domestic & Fire Services:

- a. **Domestic:** Each single-family residence (SFR) shall have an individual domestic water meter. Facilities fees for residential connections are based on the domestic demand for the home. A larger water meter may be installed if the service is combined with a private fire service. The developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.
 - b. **Fire:** Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204.
 - c. **Combined Residential Services:** The development can use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1 inch (combined or not) and the maximum size for combined services is 2 inches. If the calculated fire demand exceeds 160 GPM, a separate fire service will be required. Note that, per CBC 2010 R313, flow-through or multipurpose systems may not require a backflow device (SD-216 is attached).
89. Irrigation: The Utility Plan indicates that a 1 inch irrigation water meter will be installed. The applicant/developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
90. All domestic and irrigation water meters shall be radio-read type.
91. Water meters and services are to be located a minimum of 2 feet from top of driveway flare as per SD-213 thru SD-218. Water meter boxes in driveway aisle areas shall have steel H20 rated lids.
92. Water mains and services, including the meters, must be located at least 10 feet horizontally from and 1 foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least 4 feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.

Sewer:

93. The development will impact the sewer main in Harder Road, which has been identified as having inadequate capacity and a need to be upsized from 12 to 15 inches. In order to quantify and mitigate the impact the development will have on downstream sewer mains, the developer shall be responsible for the development's share of the subject sewer improvements based on the percentage of pipe capacity that will be required for the development and the final amount of such share shall be determined by the City. The exact amount must be determined, agreed upon and paid prior to recordation of the first final map for the development.
94. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10 foot wide easement shall be granted to the City.
95. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12-inch diameter or less)," latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>).

96. The sewer main shall be a minimum 8 inches. Manholes shall be installed at the upstream end of the pipeline, at any change in direction or grade, at intervals not to exceed 400 feet and at the connection to the new sewer main in Sorenson Road.
97. Each SFR shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312.
98. The developer is responsible for payment of sewer connection fees at the current rates at the time the application for building permits are submitted

Fire

99. Design of the public streets and private streets and courts shall meet all City of Hayward and California Fire Code Standards.
100. All public and private streets and private courts shall be designed with an all-weather surface pavement.
101. Parking of vehicles is allowed one-side parking on 30-foot-wide road. No parking is allowed on 24-foot-wide road. Where there is no on-street parking, fire lane signage shall be installed in locations required by the Hayward Fire Department. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
102. All public streets, private streets and private courts shall be designed and engineered to withstand 75,000 pounds gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete.
103. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet) in single-family residential area, capable of flowing 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department.
104. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located so as to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
105. Submit for proper building permits for the construction of the building to the Building Department.
106. Buildings are required to install fire sprinkler systems in accordance with NFPA 13/13D Standards. A separate plan/permit is required prior to the installation of the overhead fire sprinkler system.
107. Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
108. Underground fire service line serving NFPA 13D/13 sprinkler system shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-216/204. Water meter shall be minimum 1 inch in diameter for residential application or 4 inches for a (NFPA 13) commercial grade system.
109. An audible alarm bell (device) shall be installed to sound on the exterior of each individual building. The device shall activate upon any fire sprinkler system waterflow activity.
110. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any fire sprinkler system waterflow activity.
111. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).

112. When a flow switch is not installed on the riser of a flow through sprinkler system, smoke alarms shall be interconnected to sound an audible alarm in all sleeping areas within the dwelling unit.
113. CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
114. An approved type spark arrestor shall be installed on any chimney cap.
115. A minimum 4-inch self-illuminated address shall be installed on the front of the dwelling in a location so as to be visible from the street. Otherwise, a minimum 6 inches address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.

Hazardous Materials

116. Submit a Phase 1 Environmental Assessment and any other records regarding site contamination, investigation, remediation, or clearances from other regulatory agencies. Submit final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
117. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but shall not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
118. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.
119. If hazardous materials storage and/or use are to be a part of the facility's permanent operations then a Chemical Inventory Packet shall be prepared and submittal with building plans to the City of Hayward Fire Department at the time of application for construction permits.

Police

120. Consider incorporating the "Crime Free Lease Addendum" in the CC&Rs when the Home Owners Association is created. This addendum helps homeowners with landlord/tenant issues if they choose to rent out their property. Contact Mary Fabian for more information on this and the Crime Free Multi Housing Program.

Public Works Engineering

121. Remove and replace the existing curb, gutter and sidewalk along the Sorenson Road frontage.
122. Install standard street lights along Sorenson Road property frontage.
123. All existing driveways to be abandoned along Mission Boulevard shall be removed and replaced with standard curb, gutter and sidewalk.
124. The proposed street entrance along Sorenson Road shall conform to City Standard Detail SD-110A and be enhanced with at least ten feet raised decorative paving and capable of supporting a 75,000 pounds gross vehicle weight load.

125. Mission Boulevard is on moratorium. Grind and overlay the side of the street along property frontage with 2-inch HMA after the connection of the proposed water main.
126. The entire width of Sorenson Road shall be milled and overlaid with minimum 2-inch hot mix asphalt after the connection of the proposed water main, sewer main and storm drain.
127. The on-site storm drain system shall be private and shall be maintained by the Homeowner's Association. All stormdrain inlets shall be labeled with "No Dumping – Drains to Bay or equivalent, using methods approved by the City.
128. The Developer's Engineer shall complete a Development and Building Application information comprising of: (1) Impervious Material Form, and (2) Operation and Maintenance Information for Storm Water Treatment Measures.
129. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved by the Alameda County Flood Control and Water Conservation District and the City Engineer.
130. All inlet rims in the Bioretention Treatment Area (BTA) shall be 6-inch minimum above the flow line of the BTA. The design of the longitudinal flow line shall be level.
131. The owner/developer shall complete an Information Request Form for Stormwater Treatment Maintenance Agreement to be used to prepare a "Storm Treatment Measures Maintenance Agreement" with the City (as prepared by the City of Hayward and is available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

Solid Waste

132. Please note that stacked cans (when one can needs to be move to access the other) is generally not recommended. Since the organics container will likely be small (32-gallon cart size) it will be permitted for this project, though it there is any possibility of avoiding stacked cans, please show any solutions in your building permit.
133. At the time of your building permit, please submit the attached construction and demolition debris recycling statement.

Building

134. An accessible route shall be provided to all portions of the building, accessible building entrances, between the building and the public way and the exterior accessible route shall comply with the provisions of Section 1110A. An accessible route shall be the most practical direct route and to the maximum extent feasible, coincide with the route for the general public and building residents. Show details to comply.
135. Compliance with CBC Section 1102A.3.1 and Division IV of the Chapter 11A requires buildings with multistory dwelling units and no elevators to comply with the handicapped accessibility requirements. Prior to issuance of building permits, details shall be provided that prove compliance.
136. Accessible parking spaces (at least 1 of every 8 parking spaces is van accessible) shall be provided at a minimum rate of 2% of the covered multifamily dwelling units. Provide

calculation to show minimum number of required accessible parking. Please note that at least each type (e.g. if any, covered or not covered parking) of parking facility shall be made accessible even if the total number exceeds the required number of accessible parking spaces. Specify if the parking spaces are assigned or unassigned and visitor parking spaces and show how they comply with their accessibility requirements as stipulated in Section 1109A.4 and 1109A.5. Also, in terms of location of accessible parking spaces, accessible parking spaces shall be located on the shortest possible accessible route to an accessible building entrance. Accessible parking spaces shall be located so that persons with disabilities are not compelled to wheel or walk behind parked cars other than their own. When practical, the accessible route shall not cross lanes for vehicular traffic. When crossing vehicle traffic lanes is necessary, the accessible route shall be designated and marked as a crosswalk. In addition, accessible parking shall comply with other requirements as stipulated in Section 1109A.7.

137. The plans will need to show or address the items below at the building permit review process:
- a. Provide all the governing codes on plans. Applicable codes shall include the 2013 CA Building Code, 2013 CA Electrical Code, 2013 CA Mechanical Code, 2013 CA Plumbing Code, 2013 CA Green Building Standards Code, 2013 CA Energy Efficiency Standards and the City of Hayward Municipal Code and Ordinances.
 - b. Provide the type of construction, occupancy groups, the scope of work, and information on the fire sprinkler on plans.
 - c. Provide building area analysis to show that the project complies within the allowable building heights and areas on plans.
 - d. Show the required fire-resistance-rated separation between occupancies and dwelling units and provide details.
 - e. Fire partitions shall comply with Section 708. Show details to comply.
 - f. Penetrations into or through fire partitions shall comply with Sections 714.3.1 through 714.3.3. Show details to comply.
 - g. Show details for life and safety issues such as fire-rating of walls, smoke and carbon monoxide detectors and etc.
 - h. Specify if the parking spaces are assigned or unassigned and visitor parking spaces and show how they comply with their accessibility requirements as stipulated in Section 1109A.4 and 1109A.5.
 - i. Other building code requirements shall be reviewed along with structural calculations, T24 energy compliance, CALGreen (residential and non-residential) compliance and others at the building permit review process. Additional comments shall apply.
 - j. Provide capability to facilitate future installation of electric vehicle charging in the parking spaces for multi-family residential units. Provide and verify the required number of EV charging spaces. At least one of the spaces must be accessible. Show details to comply.
 - k. The multi-family buildings shall be solar ready and comply with the requirements of CA Energy Code Section 110.10(b) through 110.10(d). Show details to comply.
 - l. Supplemental building construction and improvement tax is required at the time of issuance of building permit.
 - m. School fee payment is required prior to issuance of building permit.

Inclusionary Housing:

138. **Affordable Housing Ordinance Requirement:** *The applicant/developer shall comply with Ordinance 16-189 and Article 17 of the City of Hayward Municipal Code the Affordable Housing Ordinance (“AHO”) pertaining to the required provision of Affordable Housing by providing 6 affordable housing units as part of the project rather than elect to pay the In-lieu fee. The distribution between the townhomes and the apartments will be established in an Affordable Housing Agreement to be executed prior to issuance of building permits. Should the obligation be met by providing all 6 units as part of the apartment project and construction has not begun within 36 months of the start of construction of the townhomes, then the developer shall be obligated to pay in-lieu fees for the three townhome units established by the current Affordable Housing Ordinance prior to the last Certificate of Occupancy issued for the townhomes.*

Public Parkland Obligations:

139. In accordance with Section 10-16.30 – Public Improvements. In Lieu of the provisions of land, the applicant shall pay in-lieu fees in the amount of \$11,395 per attached dwelling unit and \$9,653 per multi-family apartment unit. Method of payment shall be in accordance with Section 10-16.30 (c).

Mitigation Measures:

140. This approval is subject to the Mitigation Monitoring and Reporting Program from the South Hayward BART/Mission Boulevard Form-Based Code Supplemental Program EIR and Mitigation Measures in the Mitigated Negative Declaration prepared for this project.
141. Land Use Restriction – Prior to recording of Final Map, the Property Owner shall record a “Notice and Declaration of Land Use Restriction limiting the number of units on Lot 8 to 39 units and total units on Lots 1 through 7 to 35 units.

Removal of Existing Commercial Structures

142. The property owner shall demolish the existing commercial building and accessory structure on the site within 60 days of ~~this entitlement.~~ **of the expiration of any appeal period.**
143. The property owner shall be responsible for securing and clearing the existing commercial structures(s), of all people and animals prior to demolition and commencement of construction activities.
144. Prior to, during, and following demolition of the existing commercial structure(s) on the site, 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.

Crime Prevention

145. Prior to the issuance of building permits, the applicant/developer shall meet with the Crime Prevention Division of the Hayward Police Department to coordinate development and construction of the project in conformance with goals and polices of CEPTED (Crime Prevention Through Environmental Design).

Pre-Construction

146. Prior to the issuance of ANY permit on the subject property in conjunction with this approval, the applicant/developer shall meet with the City Building Official or his designee to discuss the pending project construction and development. Items of discussion shall be but are not limited to, the Conditions or Approval, environmental mitigation measures, demolition, construction timing, construction staging, noise ordinance compliance, construction hours, haul routes, required permits from other departments, persons and agencies to be contacted and any other discussion topic pertinent to the construction of the project.
147. **Commercial Area:** *Additional commercial space will be added to the mixed use building by reconfiguring area within the building as follows:*
1. *Relocate the bike storage and garbage space on the ground floor to another area of the Apartment project and convert that approximately 500 square feet into commercial space.*
 2. *Change the use of the second story above the current 1,000 square foot retail space from Apartment tenant storage to office space, creating an additional 1,000 square foot of commercial space.*
 3. *With the addition of these two changes, the commercial space square footage of the Apartment project increases from approximately 1,000 square feet to approximately 2,500 square feet*
148. **Universal Design Options:** *For the townhomes, Applicant agrees to provide an option as part of its construction drawings for one of its floor plans, to have incorporated Universal Design Principles to accommodate an individual with physical limitations. The following shall be included as such options in the ground floor level of such floor plan:*
1. *Wheelchair accessible shower*
 2. *Lower kitchen countertop*
 3. *Electrical outlets to support a mini refrigerator, stovetop and other kitchen appliances*
 4. *a sink*
 5. *Wide doors*
 6. *Lowered light switches*
 7. *Wood flooring or carpet*
149. **Residential Solar System (Townhomes):** *In addition to the solar power provided for the community common areas in the original Conditions of Approval, Applicant also will provide solar power to the residential Townhouse Units.*
150. **Community Benefit Payment:** *Applicant has agreed to make a \$40,000 payment to the City to be used as the City Council elects (for public art or renovation of any public space or park). This payment would be made to help offset the described deficiencies of the proposed project and the site limitations including the limited replacement of commercial space, limited opportunities for onsite outdoor group open space, lack of public art.*