

CONDITIONS OF APPROVAL

January 12, 2017

Mission Village Mixed-Use Development

Macdonald & Sommer, LP/Edwin Sommer, LLC Etal./GAR Corp /Caltrans (owners)
Doug Rich, Valley Oak Partners (applicant)

Vesting Tentative Tract Map 8304 and Site Plan Review Application No. 201504677

Proposed Mixed Use Development consisting of 72 residential townhomes and 8,000 square feet of commercial space on a 5.88-acre parcel located at the southwest corner of Mission Boulevard and Industrial Parkway

GENERAL

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Any proposal for alterations to the conditionally approved site plan and/or design that does not require a variance to any zoning ordinance standard shall be approved by the Development Services Director (Development Services Director) or his/her designee, prior to implementation. Alterations requiring a variance shall be subject to review by the Planning Commission.
3. Site Plan Review Application No. 201504677 is a request to construct 72 townhomes and 8,000 square feet of commercial space at the corner of Mission Boulevard and Industrial Parkway. The project shall be built and the site shall be maintained in accordance with these Conditions of Approval and the approved plans, labeled **Exhibit A - Site Plan Review and Vesting Tentative Tract Map 8304, dated July 11, 2016**. Project approval shall be void two years after issuance of the building permits, or three 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.
4. This approval is subject to the approved Mitigation Monitoring and Reporting Program mitigation measures, which are included herein below.

ENVIRONMENTAL IMPACT MITIGATION MEASURES

5. **Mitigation Measure AIR-1:** The construction contractor(s) shall implement the following BMPs during project construction:
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible after grading, unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
6. **Mitigation Measure AIR-2:** The applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the buildings or in each of the units, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building, either HEPA filters or ASHRAE 85% supply filters may be used. In addition, the project applicant shall prepare an operation and maintenance manual for the HV system and filter. The manual shall contain the operating instructions and the maintenance and replacement schedule

for the HV system and the filters. This manual shall be included in the CC&Rs for the project. Alternatively, the applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents to air pollutants and submit that HRA to the Development Services Department for review and approval prior to issuance of a grading or building permit. The approved HRA recommendations shall be incorporated within the final project design.

7. **Mitigation Measure BIO-1:** If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in **Mitigation Measure BIO-2**, below, will be implemented.
8. **Mitigation Measure BIO-2:** If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.
9. **Mitigation Measure CUL-1:** In the event human remains, archaeological resources, paleontological resources, prehistoric artifacts are discovered during construction excavation, the following procedures shall be followed:
 - a) Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified.
 - b) A qualified archaeologist shall be consulted to determine whether any such material is significant prior to resuming groundbreaking construction activities.
 - c) Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Section 15064.5 of the California Environmental Quality Act.

- d) Standard procedures for grading operations would be followed during development, which require that such remains or resources are discovered grading operations are halted and the resources/remains evaluated by a qualified professional and, if necessary mitigation plans are formulated and implemented.
10. **Mitigation Measure GEO-1:** Prior to issuance of a Building permit, the applicant shall conduct a site- specific design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.
11. **Mitigation Measure HAZ-1:** Prior to issuance of Building or Grading Permits, a determination indicating the property is deemed suitable for the proposed redevelopment shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department, with copy to the Planning Division. The determination will verify that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances
12. **Mitigation Measure HAZ-2:** Prior to the demolition of the existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.
13. **Mitigation Measure NOI-1:** The following measures shall be incorporated into the proposed project to reduce interior noise levels:
- a) Based on a review of the available site plan provided at the time of this analysis, preliminary calculations indicate that first row of townhomes along Industrial Parkway shall require windows and doors with a minimum STC rating of 36 to meet the interior noise threshold established by the City. The second row of townhomes along Industrial Parkway shall require windows and doors with a minimum STC rating of 28.
- b) The first row of townhomes along Mission Boulevard shall require windows and doors with a minimum STC rating of 40, while the second row would require a minimum STC rating of 28 to satisfy the City's 45 dBA Ldn threshold.
- c) Standard construction materials with the incorporation of forced-air mechanical ventilation would be adequate for the remaining residential buildings on the property. Figure 2 shows the required STC ratings for windows and doors.

- d) A suitable form of forced-air mechanical ventilation, as determined by the local building official, shall be provided for all units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
- e) A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to issuance of building or grading permits and recommend building treatments to reduce interior noise levels at the residential units to 45 dBA Ldn or lower. At the proposed commercial building, the consultant should ensure that the interior noise levels are at or below 50 dBA Leq(1-hr).

Sustainability/Green Features

- 14. The project shall comply with the California Energy Code standards for Solar Ready Homes that are in effect at the time of building permit application submittal, as determined by the City Building Official, which shall require coordination between the project architect and energy consultant regarding the design and orientation of roof surfaces. Additionally, solar photovoltaic systems shall be installed atop the roof of the commercial building.
- 15. The residential component of the project shall be GreenPoint Rated, with evidence of such certification/rating to be submitted **prior to issuance of certificates of occupancy**.
- 16. Conduit and fiber is required to be installed in the private streets from Mission Boulevard and Industrial Parkway to serve the residents of the 72 townhomes.
- 17. The developer shall provide bicycle parking as proposed including the 4 bike lockers and 20 bike racks.
- 18. Per CalGreen standards, each garage to shall be equipped with the infrastructure for an electrical vehicle charging station.
- 19. All improvements shall be designed and constructed in accordance with the State Subdivision Map Act, City of Hayward Subdivision Ordinance (Municipal Code – Chapter 10, Article 3), and Standard Specifications and Details – unless otherwise indicated hereinafter.
- 20. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division in accordance with the City of Hayward's Design Guidelines prior to issuance of a building permit for the project.

Planning Division

21. The Project shall adhere to the following Bay Area Air Quality Management District (BAAQMD) “Basic Construction Mitigation Measures”.
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - e. All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

22. 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.

23. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of the Vesting Tentative Tract Map is approved. All Park dedication in-lieu fees shall be paid prior to issuance of a Certificate of Occupancy for a residential unit.

24. The developer/subdivider shall be obligated for the following additional fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Tract Map was accepted as complete, unless otherwise indicated herein:
 - a. Supplemental Building Construction and Improvement Tax,

b. School Impact Fee

25. 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.
26. 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.
27. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape unless otherwise indicated herein.
28. The developer shall not obstruct the noted sight distance areas. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation
29. 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.
30. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City.
31. 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.
32. Prior to building permit issuance, final map shall be recorded and subdivision improvement agreement approved and bonding for improvement provided.
33. Prior to or concurrent with final map recordation, developer shall dedicate necessary easements for the project development, including but not limited to 4-foot Public Utility easement along Mission Boulevard frontage.

34. Prior to or concurrent with final map recordation, developer shall vacate or quit claim all un-necessary easements as depicted on the Tentative map.
35. Prior to issuance of any building permits, developer shall obtain approval from the City Engineer of the water, sewer, and storm drain studies for this development. These studies shall identify the development's effect on the City's present infrastructure and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer.
36. Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval of the City Engineer. All reports such as Soil Report, SWPPP, and SWMP are to be submitted in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report. Documents that are clipped or stapled will not be accepted.
37. 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.
38. 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.
39. The Developer/Applicant shall submit a proposed construction phasing and scheduling for the installation of improvements prior to the approval of Final Map.
40. 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.
41. 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).

42. Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along Mission Boulevard and industrial parkway, including but not limited to the following:
- a) Removal and replacement of all street trees, curb, gutter, and sidewalk.
 - b) Grind and overlay and restripe half of Mission Boulevard and entire curb to curb width of Industrial Parkway with 2" hot mix asphalt, and dig outs and repair failed pavements as necessary, after all underground work is completed.
 - c) Remove and replace street lights on street frontage.
 - d) Install new Storm Drain line along property frontage on Mission Boulevard and Industrial Parkway, conveying and connecting the storm water to the existing manhole on Industrial Parkway. If construction for the Mission Boulevard Improvement – Phase 2 Project starts prior to the start of construction of Tract 8304 development, then the developer/property owner shall install the proposed storm drain along Mission Boulevard and Industrial Parkway prior to the completion of the pavement improvements or pay for the restoration of the new street improvements.
 - 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"X34" 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.

43. The frontage improvements along Mission Boulevard shall be consistent with the concept plan for the Phase 2 Route 238 Corridor Improvements. City will construct the project frontage along Mission Boulevard, and the developer/property owner is required to pay an in lieu fee of \$861,909.00, for the subject frontage improvements prior to building permit issuance.
44. Prior to building permit issuance, developer shall execute a public improvement agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the agreement. The agreement shall be secured for an amount of 100% of the engineer's estimate of the construction cost for faithful performance and 100% of the engineer's estimate of the construction cost for labor & materials.

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

- v. C.3 and C.6 Data Collection Form; and,
 - vi. Numeric Sizing Criteria used for stormwater treatment (Calculations).
47. 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.
 48. 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. Followings 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 Notice of Intent (NOI) with the State Water Resources Control Board.
 49. 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.
 50. If Alameda County Flood Control and Water Conservation District (ACFC&WCD) recommend upgrade/upsizing of the downstream storm drain system along Industrial Parkway, the offsite storm drain improvement plan must be revised to reflect the recommendation. The Onsite and offsite improvement plans shall be approved by the ACFC&WCD prior to City Engineer approval.
 51. The on-site storm drain system is privately owned and maintained by the property management association.
 52. A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount

and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permit.

53. At the time of final map approval, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to final map approval of the first phase of development.
54. 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.
55. Improvements for storm drain systems shall incorporate the following:
 - a) The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.
 - b) Storm drain pipes in streets and alleys shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
 - c) The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities.
 - d) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.

- e) No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project 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.
56. Sewer service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.
57. Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.
58. Water mains and services, including the meters must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials with the City's approval.
59. 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
60. Each different proposed use, residential and commercial, shall have an individual water meters.
- 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.

61. 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.
62. Where water mains are in on unpaved easement or under decorative, stamped, or colored concrete (including turf-block), the water mains shall be constructed of ductile iron pipe. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement.
63. 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.
64. 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.
65. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the Mission Boulevard 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.
66. 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.
67. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
68. 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.
69. 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.
70. 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.
71. 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.
72. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, 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.
73. All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.
74. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
- a. Grading and site construction activities shall be limited to the hours 8:00 AM to 5:00 PM Monday through Friday with no work on weekends and Holidays unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval;
 - b. Grading and construction equipment shall be properly muffled;

- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
- f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
- g. Daily clean-up of trash and debris shall occur on project street frontages, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- h. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- i. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- j. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- k. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- l. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- m. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- n. Sweep public streets daily if visible soil material is carried onto adjacent public streets;

- o. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
 - p. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - q. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - r. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - s. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - t. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - u. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
 - v. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - w. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
75. 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.
76. 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.

77. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
78. All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.
79. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
80. 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.
81. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Condominium Plan, and Conditions, Covenants and Restrictions (CC&R's) creating a homeowners' association (HOA) for the residential component of the property shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R's 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&R's 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 HOA.
 - d) The HOA shall be managed and maintained by a professional property management company.
 - e) The HOA shall own and maintain on-site storm drain systems.
 - f) The HOA 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 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.
- g) A provision that if the HOA 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.
 - h) 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.
 - i) A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
 - j) The garage of each unit shall be maintained for off-street parking of two vehicles and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
 - k) 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 HOA. The HOA shall remove vehicles parked contrary to this provision. The CC&R's shall include authority for the HOA to tow illegally-parked vehicles.
 - l) Individual homeowners shall maintain in good repair the exterior elevations of their dwellings. 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.
 - m) Any future major modification to the approved site plan shall require review and approval by the Planning Commission.

- n) Streetlights and pedestrian lighting shall be owned and maintained by the home owners association and shall have a decorative design approved by the Planning Director and the City Engineer.
 - o) Street sweeping of private streets, alleys and parking bays shall be conducted at least once a month.
 - p) Balconies may not be used for storage and personal items may not be draped over the railings.
 - q) The HOA 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.
 - r) The HOA 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 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.
 - s) The CC&Rs shall include a disclosure statement about the proximity of the development to the Mission Hills Golf Course.
82. The developer shall submit an "as built" plans indicating the following:
- a. Approved landscape and irrigation improvements;
 - b. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;
 - c. All the site improvements, except landscaping species, buildings and appurtenant structures; and
 - d. Final Geotechnical Report.

Building Division

83. A demolition permit is required for the demolition of the existing building. A demo plan and a "J-Number" is required from the Bay Area Air Quality Management District prior to demolition.
84. 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.
85. Provide the type of construction, occupancy group and fire sprinkler info.
86. Provide fire-resistance rated wall assemblies (fire partitions) between dwelling units in the same building as required by CBC 420.2. Also, provide or verify fire-resistance rated wall and opening protection requirements based on the fire separation distance between buildings.
87. The project shall comply with the housing accessibility requirements per Ch. 11A and the common areas shall also comply with the accessibility requirements (such as parking, picnic/garden/play areas/components/etc.).
88. For clarity, show all the accessible route to and from the accessible parking, the public right-of-way (sidewalk), community park, community garden, play area, brand new retail space to the accessible units.
89. Provide capability for electric vehicle charging in new townhouses with attached private garages and 3 percent of total parking spaces, as specified, for multifamily dwellings.
90. The building shall be solar-ready and shall comply with the requirements as stipulated in CEC Section 110.10(b) through 110.10(d).
91. Other building code requirements (i.e. life and safety) shall be reviewed along with accessibility, structural calc's, T24 energy compliance, CALGreen compliance and others at the building permit review process.
92. Supplemental building construction and improvement tax may be required at the time of issuance of building permit.
93. School fee payment is required prior to issuance of building permit.
94. 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.

95. Provide the type of construction, scope of work, floor area of the project, occupancy group, number of stories and fire sprinkler info.
96. Provide an accessible route from the public sidewalk and accessible parking to the building entrance.
97. Provide the minimum plumbing fixtures analysis on plans. Verify and amend as applicable the required number of plumbing fixtures for male and female. The project appears to require additional plumbing fixtures based on the new addition of outdoor covered patio. CPC 412 and Table 4-1.
98. Designated parking for low-emitting, fuel-efficient and carpool/van pool may be required.
99. The building shall be solar-ready and shall comply with the requirements as stipulated in CEC Section 110.10(b) through 110.10(d).
100. The capability for electric vehicle charging may be required.
101. Other typical Building Division requirements (i.e. life and safety) such as accessibility, structural calculations, plumbing, mechanical, electrical, T24 energy, CALGreen compliance and others may be required. An in-depth plan review shall be provided at the time of building permit process.
102. Payment of school impact fees is required prior to issuance of permits.
103. Supplemental building construction and improvement tax is required at the time of issuance of building permit.

Fire Department

104. All public streets, private streets and private courts shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete. Design of the public streets and private streets and courts shall meet City of Hayward Fire Department Standards.
105. Private streets and private court "A" and "B" shall be dedicated fire lanes. Parking of vehicles shall only be allowed in designated parking stalls. Where there is no on-street parking, fire lane signage shall be installed in locations required by the Hayward Fire Department.
106. Fire lane of 20 to 26 feet wide shall be posted on both sides as a fire lane; 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.

107. Addressing of the buildings shall be in compliance with the Hayward Fire Department requirements. All buildings shall have a minimum 4 inch self-illuminated address installed on the front of the building so as to be visible from the street. A decorative address monument sign shall be installed at each court entrance, indicating the building addresses for the units served by such court. Minimum size numbers shall be 6 inches in height on a contrasting background.
108. 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).
109. The minimum fire flow of 1,500 GPM shall be provided on site.
110. All new fire hydrants shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet). The capacity of each individual hydrant shall be 1,500 GPM. Vehicular protection may be required for the fire hydrants. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants.
111. Submit for proper building permits for the construction of the building to the Building Department. All building construction shall meet the requirements of the 2010 California Residential Code.
112. Buildings are required to install fire sprinkler systems in accordance with NFPA 13/13D.
113. Per the requirement of Hayward Public Works Department, a static pressure of 80 PSI should be used when a water test data indicates a higher pressure. The residual pressure should be adjusted accordingly.
114. Underground fire service line serving NFPA 13/13D sprinkler systems shall be installed in accordance with the Hayward Public Work Department SD-216. Water meters shall be minimum one-inch in diameter.
115. 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 water flow activity.
116. 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).
117. 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.
118. An approved type spark arrestor shall be installed on any chimney cap.
119. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department. The clearance certificate will ensure that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.
120. Prior to grading, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and

disposal of materials shall be done by appropriate professional(s) to ensure that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and hazardous waste must be properly managed and disposed of in accordance with state, federal and local regulations.

121. Any wells, septic tank systems and other subsurface structures - including hydraulic lifts for elevators - shall be removed properly in order not to pose a threat to the development, construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures shall be documented and done under permit, as required by law.
122. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.
123. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

Utilities and Environmental Services

124. The development's proposed water main and valves shall be public, owned and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
125. 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>).
126. All water mains must be looped. Dead end water mains will not be allowed. Water mains must be connected to other water mains, through easements if necessary.
127. 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
128. All connections to existing water mains shall be performed 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.

129. If existing water services on the property cannot be reused for the proposed development, they shall be abandoned by City Water Distribution Personnel at the applicant's/developer's expense.
130. Domestic & Fire Services
- a) **Domestic:** Each single-family residence (SFR) shall have an individual domestic water meter. Based on the water fixtures shown on the plans, each unit would have 30 to 39.5 water fixture units, which would require a minimum ¾" water meter. Facilities fees for residential meters are calculated based on the domestic water demand for the home (excluding fire service demand). The current cost for the installation of a 1" domestic meter (required to meet the fire demand) on an existing service line is \$10,240 (\$310 installation fee + \$9,730 facilities fee + \$200 radio read fee). Each commercial space shall be served by a separate domestic water meter. The proposed utility plan indicates that one (1) 2" domestic service will be installed to serve the commercial building, which will need to be revised.
- 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. The current facilities fee for a fire service is \$6,484.
- c) **Combined Residential Services:** The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1 inch (combined or not) and the maximum size for combined services is 2 inches. If the calculated fire demand exceeds 160 GPM, a separate fire service will be required. Note that, per CBC 2010 R313, flow-through or multipurpose systems may not require a backflow device
131. It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. The applicant/developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
132. All water meters shall be radio-read type.
133. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218. Water meter boxes in driveway aisle areas shall have steel H2O rated lids.
134. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying

untreated sewage (including sanitary sewer laterals), and at least four feet from and 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.

135. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sewer mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
136. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>). Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.
137. 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.
138. The current Sanitary Sewer Connection fee for a SFR is \$7,700 per unit. Sewer Connection fees are due and payable prior to final inspection.

Public Works - Engineering and Transportation

139. Modify the existing median on Industrial Parkway between Dixon Street/Arrowhead Way and Mission Blvd. as follows:
 - a) Remove the existing westbound left turn pocket into the existing project site driveway (according to the plans, the existing driveway will be removed and replaced with Building 11).
 - b) Extend the median continuously from Mission Blvd back to Dixon Street/Arrowhead Way
 - c) Extend the eastbound left turn pocket by an additional 200 feet. The eastbound left turn lane at Mission Blvd/Industrial Blvd should be approximately 380 feet after modification.
 - d) Relocate median streetlight(s) as appropriate.
 - e) Provide median landscaping as appropriate

Landscape

140. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of building permit submittal. The plans shall be prepared by a

licensed landscape architect on an accurately surveyed base plan and shall comply with the City's *Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes*. Dripline of the existing trees to be saved shall be shown on the plan.

141. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be twenty-two (22) inches by thirty-four (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.
142. Open space calculation shall not include bioretention areas or the area exceeds five percent (5%) cross slope.
143. Each unit of home shall have minimum one tree planted in the front yard.
144. Minimum landscape area dimension is five feet measured to all directions.
145. Bioretention areas are allowed to be located within required landscape setback areas as long as all required trees would be planted. Otherwise wider landscape setback areas shall be provided to meet the required tree planting. Internal streets including private streets shall comply with the street tree planting requirement of one tree per every twenty to forty feet on center.
146. Bio-retention area shall be recessed two feet from the edge of hardscape and building, and shall be irrigated with matched precipitation rotator type of irrigation on separate valves. There are bioretention areas are located in conflict with paseo walkways and too close to the edge of paving.
147. 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.
148. Minimum eighteen inches wide Noiya Cobblestone bands shall be placed around all catch basins; Cobblestones shall be placed at the back of every curb openings in a sand leveling bed without filter fabrics.
149. The landscape in the parking lot must conform to Zoning Ordinance Chapter 10, Article 2 Off-Street Parking Regulation: Section 10-2.650 LANDSCAPING: A 6 foot wide landscape endcap that is measure from face of curb to face of curb shall be provided at the end of each row with shade trees, shrubs and live groundcovers. In addition, a fifteen gallon medium to large shade tree shall be provided at every 6

- spaces in each row in an island or a tree well. A minimum tree well dimension shall be 6' x 6' measured from face of curb to curb of curb. The curb shall be Class B Portland Cement Concrete constructed to a height of 6 inches above the finished pavement.
150. A separate irrigation water meter shall be required for landscape around the retail development and the residential development unless a joint maintenance agreement would be entered by the two developments.
 151. **For Model Homes:** Municipal Code Article 12, Section 10-12.17 Public Education, Model Homes: All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Article.
 - a) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
 - b) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
 152. **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.
 153. Ordinance Section 10-12.11: In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of one (1) in seven (7) lots or approximately fifteen percent (15 %) will satisfy this requirement. All landscape irrigation audits shall be conducted by a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
 154. Backflow prevention device shall conform to City Standard Detail SD-202.
 155. 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 (80%) of the dwelling units, whichever first occurs.
 156. Children's playground equipment certification: Health and Safety Code in Chapter 4 titled "Safe Recreational Land Use (115725 - 115800)" calls for compliance with

standard of ASTM and federal Consumer Protection and Safety Commission. Playground equipment is required an inspection by a certified playground safety inspector by the National Playground Safety Institute, and the certification letter shall be submitted City Landscape Architect prior to the final inspection and issuance of Certificate of Occupancy.

157. Upon completion of landscape and irrigation installation, the project landscape architect shall conduct an inspection for compliance with the approved landscape and irrigation improvement plans, and the conditions of approval above. Once the installation is fully accepted, Attachment C. Document of Final Acceptance and Appendix C. Certificate of Completion Part 1 through Part 7 shall be completed by the project landscape architect and submitted to City Landscape Architect and request for a landscape inspection for the City's approval for issuance of Certificate of Occupancy. Re-inspection fees of \$212 shall be applied for each subsequent inspection.
158. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. 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 by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.
159. The homeowners' association shall maintain all developer installed landscape areas including front yards, paseo, common area landscaping and trees in rear yards in a healthy, weed-free condition at all times, and the irrigation system with efficient irrigation water management practices to provide uniform distribution, reduce runoff and promote surface filtration. The landscape maintenance practices shall minimize the use of fertilizers and pesticides that can contribute to runoff pollution. Minimum three inches of organic recycled chipped wood mulch shall be maintained at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over thirty percent dieback) shall be replaced within ten days of the inspection.
160. A covenant or deed restriction shall address that all trees planted by the developer are "Protected Tree" in accordance with the City's Tree Preservation Ordinance. A tree removal and a pruning permit from City Landscape Architect shall be required prior to removal and pruning of all Protected Tree. All removed trees shall be replaced in accordance with the City's Tree Preservation Ordinance. 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 by, and size determined by the City

Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

Housing

161. In accordance with the Affordable Housing Ordinance, the developer is obligated to either provide affordable housing units or pay the applicable in-lieu fee per required affordable unit. Payment of fees is due at the time of building permit submittal.

Caltrans

162. A Transportation Management Plan (TMP) or construction TIS may be required of the developer for approval by Caltrans prior to construction where traffic restrictions and detours affect State highways. TMPs must be prepared in accordance with California *Manual on Uniform Traffic Control Devices*. For further TMP assistance, please contact the Office of Traffic Management Plans/Operations Strategies at 510-286-4579 and see the following website:
<http://www.dot.ca.gov/trafficops/camuted/camuted2014rev1.html>.
163. Any work or traffic control that encroaches onto the State right-of-way (ROW) requires an Encroachment Permit that is issued by Caltrans. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. To apply, a completed Encroachment Permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address:

David Salladay, District Office Chief
Office of Permits, MS 5E
California Department of Transportation, District 4
P.O. Box 23660
Oakland, CA 94623-0660