

ZONE CHANGE & VESTING TENTATIVE MAP (TRACT 8359) APPLICATION NO.

201605551 – Applicant: Three Cedars LLC/Owners: Three Cedars LLC – Zone Change and approval of Vesting Tentative Map (Tract 8359) including development of a new 13-lot subdivision, construction of new single-family homes and related site improvements at 24765 Hesperian Boulevard, Assessor Parcel Numbers (APNs) 441-0012-062-02.

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. (DS)
2. Zone Change and Vesting Tentative Parcel Map Application No. 201605551, is approved subject to the Architectural Plans and Vesting Tentative Parcel Map plans date stamped November 28, 2017, except as modified by the conditions listed below. (DS)
3. Approval of Zone Change Application No. 201605551, shall include approval of the Preliminary and Precise Development Plans pursuant to HMC Sections 10-1.2530 and 10-1.2550, respectively. Any proposal for alteration to the conditionally approved Development Plan that does not require a variance to any zoning ordinance standard shall be subject to approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance or exception shall be subject to review and approval by the Planning Commission. (DS).
4. All additions or modifications to the residences shall follow the RS (Single Family Residential) District standards.
5. Accessory dwelling units shall be permitted on all residential lots subject to the standards set forth in HMC Section 10-1.2740, or applicable code as amended.
6. The Vesting Tentative Map approval shall align with the timeframes set forth in the Subdivision Map Act, and all related automatic and Applicant-initiated extensions. (DS)
7. The permittee, property owner or designated representative shall allow City code enforcement staff access to the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws. (DS)

8. All permit charges accrued in the processing of Zone Change and Vesting Tentative Parcel Map Application No. 201605551, shall be paid in full prior to consideration of a request for approval extensions and/or submittal of building permits for the development. (DS)

Demolition of Existing Structures

9. The property owner shall demolish any vacant structures within 60 days of their being made vacant. (DS)
10. The property owner shall be responsible for securing and clearing any vacant structure(s) prior to demolition and commencement of construction activities. (DS)
11. Prior to, during and following demolition of vacant structures, 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. (DS)

STANDARD AND MITIGATION MEASURES

12. **Standard Measure AQ-1.1:** The project shall implement the following standard dust control measures during all phases of construction on the project site:
 - 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. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) 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.
13. **Standard Measure AQ-1.2:** The project shall use Tier 2 off-road diesel equipment to construct the project and thereby avoid exposing nearby residents and students to unhealthy levels of TACs.
14. **Standard Measure AQ-1.3:** The applicant shall install MERV 13 filters to reduce the exposure of project residents to vehicular exhaust TACs from Hesperian Boulevard and other stationary TAC sources in the vicinity.
15. **Mitigation Measure BIO-1.1:** In order to protect nesting birds on and adjacent to the project site the following measures will be implemented:
- Pre-construction nesting bird surveys shall be completed prior to tree removal if removal or construction is proposed to commence during the breeding season (February 1 to August 31) in order to avoid impacts to nesting birds. Surveys shall be completed by a qualified biologist no more than seven (7) days before construction begins. During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary.
 - If an active nest is found in an area that would be disturbed by construction, the ornithologist shall designate an adequate buffer zone (~250 feet) to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer would ensure that nests shall not be disturbed until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.
 - The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Development Services, prior to the removal of any trees and the issuance of a grading permit or demolition permit.
16. **Mitigation Measure BIO-2.1:** All applicable requirements shall be followed and all permits obtained as required by the City's Tree Ordinance (HMC Chapter 10, Article 15). Per that ordinance, every effort shall be made to preserve the character of the area and the more valuable tree specimens on site to the greatest extent practicable. Final landscape plans shall be reviewed and approved by the City of Hayward Landscape Architect prior to issuance of issuance of any grading, trenching, encroachment, demolition, or building permit for development. Final landscape

plans shall clearly identify all “protected trees,” as defined in the Tree Preservation Ordinance, and all trees to be removed from the project site and the size, location, type, value of trees and specify the species of all replacement trees.

17. **Mitigation Measure BIO-3.1:** The project applicant shall implement all tree protection measures recommended in the Arborist Report prepared for the project for the two on-site to be preserved, which include the following:

Design Measures

- A Tree Protection Zone shall be established around each tree to be preserved, as measured from the trunk of each tree. No grading, excavation, construction or storage of materials shall occur within that zone.
- Include trees to be preserved and Tree Protection Zones on all construction plans.
- Project plans affecting the trees shall be reviewed by the Consulting Arborist with regard to tree impacts. These include, but are not limited to, demolition plans, site plans, improvement plans, utility and drainage plans, grading plans, and landscape and irrigation plans.
- No underground services including utilities, sub-drains, water or sewer shall be placed in the Tree Protection Zone.
- Irrigation systems must be designed so that no trenching will occur within the Tree Protection Zone.
- As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings, and placements on expansive soils near trees should be designed to withstand differential displacement.

Pre-Construction Treatments

- Fence all trees to be retained prior to demolition, grubbing or grading. Tree protection fencing should be placed at the edge of the Tree Protection Zone. Fences shall be six (6) feet chain link or equivalent as approved by the Consulting Arborist. Fences are to remain until all grading and construction is completed.
- Prune trees to be preserved to clean the crown of dead branches one-inch and larger in diameter, raise canopies as needed for construction activities. All pruning shall be done by a State of California Licensed Tree Contractor (C61/D49). All pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning and adhere to the most recent editions of the American National Standard for Tree Care Operations and Pruning. The Consulting Arborist will provide pruning specifications prior to site demolition. Branches extending into the work area that can remain following demolition shall be tied back and protected from damage.
- Tree(s) to be removed that have branches extending into the canopy of tree(s) to remain must be removed by a qualified arborist and not by construction

contractors. The qualified arborist shall remove the tree in a manner that causes no damage to the tree(s) and understory to remain. Tree stumps shall be ground 12-inches below ground surface.

Protection Measures During Construction

- Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
 - All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.
 - Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist.
 - Tree protection fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Consulting Arborist.
 - Construction trailers, traffic and storage areas must remain outside fenced areas at all times.
 - Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Consulting Arborist.
 - If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
 - No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the tree protection zone.
 - Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.
 - All trees shall be irrigated on a schedule to be determined by the Consulting Arborist (every 3 to 6 weeks April through October is typical). Each irrigation shall wet the soil within the tree protection zone to a depth of 24-inches.
18. **Mitigation Measure BIO-3.2:** The future homeowner of Lot 13 shall follow the instructions of the Homeowner Guide, which would be included on the title of the property, for the coast live oaks (#61 and #62) to determine responsibilities, conditions and construction restrictions that will ensure long-term success of the protected oak trees that are to remain with the project.
19. **Standard Measure CUL-1.1:** *Unique Paleontological and/or Geologic Features and Reporting.* Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City Planning Manager notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less than significant level. The

identified mitigation measures shall be implemented. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is carried out. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.

20. **Standard Measure CUL-1.2: *Undiscovered Archaeological Resources.*** If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC.
21. **Standard Measure CUL-1.3: *Report of Archaeological Resources.*** If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the City’s Planning Manager prior to issuance of building permits. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/curation of the resources.
22. **Standard Measure CUL-1.4: *Human Remains.*** If human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City Planning Manager and the Alameda County coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the

- excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.
23. **Mitigation Measure HAZ – 1.1: *Field Monitoring.*** ENGeo shall provide as-needed testing and observation services during excavation work. Soil encountered during construction activities will be observed for discoloration/ staining or olfactory evidence of contaminant impacts. In addition, a Photoionization Detector (PID) will be available for use as necessary to further screen soils for potential contaminants, as well as check ambient air during the excavation work. If considered necessary, the locations of air monitoring will be field-adjusted based on potential access and safety limitations, but will commonly include the excavation area, along with the perimeter of the excavation. PID readings will generally be taken whenever suspect material is encountered.
 24. **Mitigation Measure HAZ – 1.2: *Health and Safety Plan.*** The initial Personnel Protection Equipment (PPE) will be Level D (modified) which includes safety glasses, hard hat, steel-toed boots, gloves, hearing protection and high visibility vests. In the unlikely event significant unforeseen environmental conditions are discovered, work will stop and City of Hayward will be contacted.
 25. **Mitigation Measure HAZ – 1.3: *Soil Excavation and Stockpile Management.*** Impacted soils will be excavated, stockpiled onsite, covered with 10-mil plastic sheeting and secured to prevent dust or runoff during storm events. Appropriate dust control and stormwater best management practices (BMPs) will be implemented during the soil mitigation activities. For disposal, soil is determined to be non-hazardous or hazardous based on the soluble threshold limit concentrations (STLC). The soil stockpiles will be profiled in accordance with the relevant regulations and the receiving facility's requirements. The specific laboratory profile will be determined at the completion of the excavation activities based on the requirements of the offsite landfill or receiving facility; however, it is anticipated as a minimum, the stockpile samples will be analyzed for CAM 17 Metals.
 26. **Mitigation Measure HAZ- 1.4: *Confirmation Sampling.*** Where the currently known lead impacted soil is identified, the soil will be removed with discrete soil samples recovered from the base and from each of the sidewalls of the excavation for laboratory testing to check for lead. If the confirmation samples report concentrations exceeding applicable residential screening levels according to the DTSC or RWQCB standards, additional material will be excavated with subsequent confirmation sampling and testing. The process will continue until concentrations

are below residential screening levels. Soil samples will be retrieved using a hand sampler with two-inch by six-inch stainless steel liners. During sampling, retrieved soils will be screened for visual and olfactory evidence of impact as well as with a photoionization detector (PID). The sample liners will be sealed using Teflon® sheets secured by tight-fitting plastic end caps. Upon collection, a label will be placed on the sample including a unique sample number, sample location, time/date collected, and the sampler's identification. The soil samples will be placed in an ice-cooled chest and submitted under documented chain-of-custody to a State-certified testing laboratory.

27. **Mitigation Measure HAZ- 1.5:** Submittal of Confirmation Letter shall be prepared by a qualified professional confirming that the sampling was conducted as directed in the above MM HAZ-1.4 and that soil remediation is complete.
28. **Mitigation Measure HYD – 1.1:** The on-site well shall be abandoned with oversight from the Alameda County Public Works district. A well destruction permit shall be obtained from the ACPW and the well decommissioned prior to the issuance of building permits.
29. **SM NV – 1.1:** The project applicant shall incorporate the following practices into the construction documents to be implemented by the project contractor:
 - Limit construction activity to the hours identified in the City's Noise Ordinance (10:00 am to 6:00 pm on Sundays and holidays and 7:00 am to 7:00 pm on all other days).
 - Schedule highest noise-generating activity and construction activity away from noise-sensitive land uses, to the greatest extent possible.
 - Equip internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers which are maintained in good condition.
 - Prohibit and post signs prohibiting unnecessary idling of internal combustion engines.
 - Locate all stationary noise-generating equipment such as air compressors and portable generators as far as practicable from noise-sensitive land uses.
 - Utilize "quiet" air compressors and other stationary equipment where feasible and available.
 - Designate a noise disturbance coordinator who would respond to neighborhood complaints about construction noise by determining the cause of the noise complaints and require implementation of reasonable measures to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.
 - The project sponsor shall designate a "disturbance coordinator" for construction activities. The coordinator would be responsible for responding to any local complaints regarding construction noise and vibration. The coordinator would determine the cause of the noise or vibration complaint and would implement reasonable measures to correct the problem.

- The construction contractor shall send advance notice to neighborhood residents within 300 feet of the project site regarding the construction schedule and including the telephone number for the disturbance coordinator at the construction site.

PRIOR TO ISSUANCE OF BUILDING PERMITS

30. The project approval includes the following project amenities to support the finding required to be made that “any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.” Amenities shall include:
- a. Photovoltaic solar systems shall be installed on all residential structures. To the greatest extent possible, the project architect shall consult with an energy consultant regarding the design and orientation of roof surfaces and reorient rooflines to maximize solar orientation;
 - b. The applicant shall install a mural or mosaic design on the new proposed sound wall along the project frontage. The final placement and mural design shall be submitted to and approved by the Planning Division prior to installation.
 - c. The applicant shall clean and repaint the existing sound wall fronting Hesperian Boulevard along the existing four lots between the Hesperian Blvd/West Street intersection and Lot 1. The existing sound wall shall match, as closely as possible, the color and material of the new sound wall proposed with the development.
 - d. A minimum of six of the Plan 2 homes shall include accessory dwelling units within the footprint of the floor plan. (DS)

Site Plan and Architectural Modifications

31. Provide the color and materials, heights for all fences and walls on building permit submittal. Large expanses of blank wall are prohibited and shall be articulated or otherwise treated with design or architectural features. The final color, materials and design of walls and fences on-site shall be reviewed and approved by the Planning Division and Landscape Architect. (DS)
32. The developer shall install a minimum eight-foot-tall sound wall along Hesperian Boulevard (along the rear property lines of Lots 1 through 6). The sound wall shall be integrated with the existing sound wall that is located north of the project site, be composed of split face or banded concrete and shall have a cap. The Planning Division and Landscape Architect shall review and approved the sound wall design prior to issuance of building permits. (DS)

33. The sidewalk along Hesperian Boulevard shall be widened to the rear property lines along Lots 1-6, and the new sound wall shall be constructed five feet back from the rear property lines to provide a five-foot-wide landscaped area between the back of sidewalk and the new sound wall. The Planning Division and Landscape Architect shall review and approved the sound wall design prior to issuance of building permits. (DS)
34. Two existing tree planting wells shall be removed and replaced with continuous landscape strip between the back of sidewalk and the sound wall. New street tree and replacement street tree planting shall be provided in the landscape strip between the back of curb and the sidewalk. The location and type of tree shall be reviewed and approved by the Landscape Architect prior to approval of improvement plans. (DS-L)
35. The curb alignment at the emergency vehicle turnaround area shall be continuous from Lot 5 to Lot 6 with rolled curb or curb cuts for the emergency vehicle access. The turnaround area shall be paved with turf-block and shall be planted with water efficient turf or low growing plants, or permeable pavers to accommodate the vehicular access to provide green forecourt to the group open space and the bio-retention area. (DS-L)
36. The open space/stormwater control lot shall provide pedestrian access from Acorn Street to Hesperian Boulevard. The primary function of the open space lot shall be providing attractive passive and/or active space with amenities for the residents and secondarily as a bio-treatment area. The open space shall be designed to allow natural sun light and flow of air, and shall include elements to create natural creek edges with boulders and accent planting with diverse texture, color and height. The final layout and design of the open space lot shall be reviewed and approved by the Planning Division and Landscape Architect. (DS-L)
37. A wrought iron fence and pedestrian gate shall be provided along the open space/stormwater control lot (between Lots 5 and 6) along Hesperian Boulevard. The fence shall be wrought iron picket or decorative metal fence and shall be aligned with the adjacent sound wall to create visual connection and openness from the development to the public street. The fence height shall match or work with the adjacent sound wall, and a pedestrian access gate shall be incorporated into the fence. The final fence and gate design and location shall be reviewed and approved by the Planning Division and Landscape Architect prior to approval of building permits. (DS-L)
38. All building materials such as ground floor board and batt siding shall be carried around to all elevations. Architectural details such as window projections, sills, trim and other details shall be carried around to all elevations and minimum two-inch-wide belly bands shall be added between the first and second stories of all homes, painted in trim color and carried around to all elevations. All details shall be

- included on building permit submittal and shall be reviewed and approved by the Planning Division prior to issuance of building permits. (DS)
39. Submit a more varied color palette with deeper, bolder colors and contrast. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division prior to issuance of a building permit for the project. (DS)
 40. All decorative building materials and window projections, sills, trim and other details shall be carried around to all elevations. For example, on the farmhouse elevation, cementitious board and batt siding with contrasting color from the second story should go all the way around the bottom floor with a contrasting trim to differentiate first from second story. The final elevations details shall be reviewed and approved by the Planning Division prior to approval of building permits. (DS)
 41. Belly bands shall be added between first and second story elevations to break up the massing on all elevations. The final elevations details shall be reviewed and approved by the Planning Division prior to approval of building permits. (DS)
 42. Lot 13. Flip the Plan 1B to provide for a larger street side yard setback at the Sangamore Street/Acorn Street intersection. Provide a minimum seven-foot setback along the street side and corner yard. The final design and placement of the home on the lot shall be reviewed and approved by the Planning Division prior to the issuance of building permits. (DS)
 43. Lot 5. Flip the Plan 1B to pull the house closer to Acorn Street while maintaining a minimum eight-foot setback from common open space/stormwater control parcel to provide a deeper rear yard setback. The final design and placement of the home on the lot shall be reviewed and approved by the Planning Division prior to the issuance of building permits. (DS)
 44. All driveways to garages shall be a minimum of 19 feet in depth to ensure that there is adequate space for off-street parking. The final lot plan shall be submitted to and approved by the Planning Division prior to issuance of improvement plans. (DS)
 45. Special paving (stamped, color concrete) proposed at the intersection of the existing Yew Court/Sangamore Street shall be located entirely on the new private right-of-way (Acorn Street), and shall be minimum 10-15 feet in depth across the roadway to create a sense of differentiation and entrance to the neighborhood. The final paving design shall be reviewed and approved by the Landscape Architect prior to approval of improvement plans. (DS)
 46. A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design on private property. Exterior lighting shall be erected and maintained so that adequate lighting to ensure a safe environment is provided

in all common areas, while minimizing impacts on surrounding properties. Exterior lighting shall be shielded and deflected away from neighboring properties and away from windows of the proposed residences. The final design and location of lighting fixtures shall reflect the architectural style of the building and shall be reviewed and approved by the Planning Division and the Landscape Architect prior to approval of building permits. (DS)

47. Provide an area within each garage or behind an individual fence for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for the number of cars designated to be parked in the garage. The identified space(s) shall be shown on building permits and shall be reviewed and approved by the Planning Division. (DS)
48. All parking garage dimensions shall conform to the City's Off-street Parking Ordinance. Garages shall have minimum interior dimensions of 20-foot width by 19-foot depth for two cars side-by-side. Dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas. (DS)

Accessory Dwelling Units

49. Pursuant to HMC Section 10-1.2744(i), the legal property owner of the lot shall be required to reside in either the primary residence or the accessory dwelling unit located on the parcel. At no time shall the property owner rent the primary dwelling and the accessory dwelling unit separately or allow the main house and the accessory dwelling unit to be sublet individually while the property owner resides elsewhere. (DS)
50. Prior to the issuance of a building permit for the accessory dwelling unit, the property owner shall file with Alameda County Recorder a deed restriction approved by the City stating compliance with provisions of this Ordinance and Hayward Municipal Code and such deed is binding upon any successor in ownership of the property, and lack of compliance shall be grounds for Code Enforcement action and removal of the accessory dwelling unit. (DS)
51. The accessory dwelling unit shall not be sold separately from the principal residence. The rental and lease period for either unit shall be longer than a minimum of 30-days and the ADU shall not be utilized as a short-term rental. (DS)

Affordable Housing

52. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. The application was submitted on October 19, 2016, and deemed complete before December 20, 2018, therefore, the project is subject to 50% of the Affordable Housing In-Lieu Fee set by Resolution No. 17-167, provided that the developer pulls building permits for the

project by January 31, 2020. If the developer pulls building permits after that date, developer is subject to the fees in place at the time of building permit issuance.
(Housing)

Parkland Dedication Fees

53. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay in lieu fees for each residential unit, including Accessory Dwelling Units. The in-lieu fees shall be those that are in effect at the time of building permit issuance. (DS)

Final Map

54. **Subdivision Improvement Agreement:** Prior to the issuance of building permits, the public improvements conditioned as part of this approval require the execution of a Subdivision Improvement Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes surety (i.e. bonds), insurance, and additional deposit for City staff time and City resources to be expended on the project. (DS/PW-ET)
55. **Airport Overlay Disclosure:** The applicant shall provide the Real Estate Transfer Disclosure Statement required by Cal. Civ. Code § 1103.4(c)(1) prior to selling or leasing property. For new residential land uses, the overflight notification shall be recorded and appear with the property deed as required by Handbook, § 4.3.1, pp. 4-13, 14. Proof of such recordation shall be provided to the City Engineer and Planning Director prior to the approval of the Final Map.

Building Permits

56. A copy of these conditions of approval shall be included on full-sized sheet(s) on all building permit submittals.
57. Show the proposed location for construction staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for vanpooling construction workers or having them use transit to access the site, provisions for noise and dust control, and common area landscaping. (DS)
58. Show proposed mailbox design and locations, subject to Post Office approval. (DS)
59. Plans for building permit applications shall incorporate/comply with the following:
- a. Compliance with applicable Building and Fire Codes.

- b. The project shall comply with disabled access provisions of 2016 CBC Chapter 11A. All required accessible and/or adaptable units shall be called out on the plans and unit counts shall comply with the counts required in the code.
 - c. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set. (DS)
60. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard. (DS/PW-ET)

Improvements

61. Privately engineered studies and design documents shall be submitted to the Director of Public Works for review and approval prior to final map approval by City Council. The engineered plans shall include, but not be limited to, the following design requirements:
- a. The sidewalk along the Hesperian Boulevard project frontage shall be replaced and widened to 10 feet, matching the adjacent sidewalk, with back-up landscaping maintained by the HOA to the satisfaction of the City's Landscape Architect.
 - b. The proposed Acorn Street with rolled concrete curbs and gutters shall comply with the City Standard Details for a private residential street. No Parking signs shall be installed along its 30-ft travel way to maintain the required clearance for emergency vehicles.
 - c. Acorn Street sidewalks shall be accessibility compliant and extended to connect with existing public street sidewalks on Hesperian Boulevard, Yew Court and Sangamore Street to comply with the Complete Streets Policy. Provide accessibility compliant driveways and ramps across Acorn Street and Sangamore Street at the street intersection.
 - d. Acorn Street driveways shall be located to maximize spaces for street parking.
 - e. Acorn Street right-of-way shall include the follow easements: non-exclusive public water line easement (WLE), sanitary sewer easement (SSE), emergency vehicle access easement (EVAE), public utility easement (PUE), and private ingress-egress easement (PIEE).
 - f. Acorn Street shall have street illumination required by the City for a residential street with pole mounted LED lamps to be maintained by the homeowners' association.
 - g. Private Street with length exceeding 150-ft. shall have a 40-ft. radius vehicular turn-around at the end as per the City of Hayward Standard Details SD-103 Sheet 1 of 2. Alternately and with approval of the City's Fire Department, the turn-around may be as per the City of Hayward Standard Details SD-103 Sheet 2 of 2.
 - h. Existing damaged or non-City Standards compliant street curb, gutter and sidewalk on Sangamore Street fronting the project shall be replaced with the City's current Standard Details.

- i. Install one City standard street light with LED lamp at the intersection of Sangamore and Acorn Streets to provide required illumination to the satisfaction of the City Engineer. (DS/PW-ET)

Grading & Drainage

62. A grading and drainage plan is required and shall be submitted with the Final Map and Improvement Plans for review and approval by the Director of Public Works prior to the issuance of building permits. Developer has the option to apply for a rough grading permit. The grading and drainage plan shall include, but not be limited to, the following design & submittal requirements:
- a. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or less (top of wall to bottom of footing) shall be reviewed and approved by Public Works. Earth retaining structures greater than 4-feet in height shall be reviewed and approved by the Building Division of the Development Services Department. The plans should include all proposed underground pipes, building drains, area drains and inlets. The on-site storm drainage system (if applicable) shall be designed to convey a 10-year storm event.
 - b. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the Director of Public Works prior to issuance of a grading permit.
 - c. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
 - d. The project's Stormwater Control Plan shall be submitted which will show, at a minimum, drainage management areas, location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidelines.
 - e. Prior to subdivision map approval, the property owner shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for private treatment control and site design measures is bound to the property in perpetuity. (DS/PW-ET)

Utilities: Water

63. 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. (U-ES)

64. 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>) (U-ES)
65. All water mains shall be looped. Dead end water mains are not permitted. Water mains shall be connected to other water mains. (U-ES)
66. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense. (U-ES)
67. 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. (U-ES)
68. Existing water services, if any, that cannot be reused for the proposed development shall be abandoned by City Water Distribution Personnel at the applicant's/developer's expense. City records indicate that the property has an existing 5/8-inch domestic meter (account # 27051). (U-ES)
69. 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 Standard Details SD-201 and SD-204.
 - 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 one inch (combined or not) and the maximum size for combined services is two 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. See SD-216 for reference. (U-ES)
70. Irrigation: 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 City Standard 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. (U-ES)

71. Per the City of Hayward Bay Friendly Water Efficient Landscape Ordinance, the developer shall install the following in each residence:
 - a. Basic “laundry to landscape” plumbing; and
 - b. Minimum fifty gallon covered rain catchment device. (U-ES)
72. All water meters shall be radio-read type. (U-ES)
73. Water meters and services are to be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218. Water meter boxes in driveway aisle areas shall have steel H20 rated lids. (U-ES)
74. 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. Trees shall not be planted in the easement, as they will cause access problems. (U-ES)
75. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one-foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials. (U-ES)
76. Extend the proposed water main to the end of Acorn Street and provide a hydrant after the water service lines for Lots 6 and 7. (U-ES)
77. 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. Indicate on the plan that the proposed water main in the easement shall be ductile iron. (U-ES)
78. The proposed water connection to the City’s 33-inch BWCP aqueduct in Hesperian Boulevard is not acceptable. The water connection shall be to the existing 8-inch ACP on the eastern side of Hesperian Boulevard. (U-ES)
79. Indicate on Sheet C6.0 the size and material of the existing storm drain, sanitary sewer, water main, and aqueduct in Hesperian Boulevard. (U-ES)

Utilities: Sewer

80. 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. (U-ES)
81. 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. (U-ES)
82. Each SFR shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per City Standard SD-312. (U-ES)
83. The developer is responsible for payment of sewer connection fees at the current rates at the time the application for building permits are submitted. (U-ES)

Utilities: Solid Waste

84. A Construction and Demolition Debris Recycling Statement shall be submitted with building permit applications. The minimum debris recycling requirements are 100% for asphalt, concrete, and similar materials, and 65% of remaining debris. (U-ES)

Utilities: Other

85. 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. (DS/PW-ET)
86. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets 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. (DS/PW-ET)
87. 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. (DS/PW-ET)

88. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards. (DS/PW-ET)
89. 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. (DS/PW-ET)

Landscaping and Irrigation

90. Model Homes: Pursuant to HMC 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. (DS-L)
91. Inspection for Models: Landscape inspection shall be required prior to issuance of Temporary Certificate of Occupancy, and another inspection shall be conducted prior to issuance of Certificate of Occupancy for the model prior to 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, and the completed Certificate of Completion Part 1 through Part 7 shall be provided to the City Landscape Architect prior to requesting a final inspection. (DS-L)
92. The tree mitigation summary on the landscape plan shall be updated based on the revised arborists report by HortScience, Inc. dated January 12, 2018 prior to the issuance of improvement plans. The summary shall list trees to be removed, value of trees to be removed, trees with assigned identification numbers, total value of mitigation, and proposed tree sizes and their value equaling the mitigation value. Tree mitigation shall be provided above and beyond providing "Required Trees" such as street trees, front yard trees, parking shade trees and screening trees. (DS-L)
93. Tree Number #1 and #2, Incense Cedar, shall be removed and replaced due to declining health as stated in the arborist report. Replacement tree shall be a standard-trunk tree type to provide shade to the sidewalk. (DS-L)
94. Street trees along Hesperian Boulevard shall be minimum twenty-four-inch-box in size and shall be planted at every twenty to forty feet on center depending upon tree

- species. Shrub or shrub and groundcover planting in addition to tree planting shall be provided in the landscape strip. If additional vine planting would be proposed, the vine shall be non-invasive self-clinging type. (DS-L)
95. Irrigation for the right-of-way landscape strip shall be connected to the Home Owners Association irrigation system. (DS-L)
 96. Graphic symbols for plans shall be shown at the mature size. The front yard landscape shall have full plant coverage at maturity without void space. (DS-L)
 97. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for meter-reading by utility staff must be provided to all meters. (DS-L/U-ES)
 98. Water meters shall be located between the driveway and property line or where the location will allow the most flexibility for tree planting in the front yard. (DS-L)
 99. Landscaping installed in conjunction with the proposed development including but not limited to front yards, group open space and Hesperian Boulevard frontage shall be irrigated with a dedicated irrigation meter. The front yard landscape water budget calculation for MAWA and ETWU shall be revised accordingly. (DS-L)
 100. All planting areas shall be a minimum interior width of five feet. (DS-L)
 101. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be provided on the irrigation detail sheet prior to approval of improvement plans. (DS-L)
 102. A tree preservation bond shall be submitted prior to issuance of grading permit. The amount of tree preservation bond shall be equal to the approved appraised value of all onsite and offsite 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 or equal value. Trees shall be preserved in accordance with the Tree Preservation Ordinance. (DS-L)
 103. 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. (DS-L)
 104. A tree removal permit shall be obtained prior to the removal of any tree prior to the issuance of grading permits. (DS-L)

105. No building permit shall be issued prior to approval of landscape and irrigation improvement plans. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department for the City's approval signatures. Hard copies of Mylar shall be included in the building permit submittal. (DS-L)
106. Mylar shall be wet-signed and shall be provided with a bar scale. 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. Two signing blocks shall contain a signature line and a date line for City of Hayward, City Engineer and Landscape Architect. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer. (DS-L)
107. 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. 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 prior to requesting an inspection from the City Landscape Architect. 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. (DS-L)
108. Landscape improvements shall be installed according to the approved landscape improvement 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. Certificate of Completion, as-built Mylars and an Irrigation Schedule shall be submitted upon acceptance of the landscape improvements for the Tract to the Department of Public Works Engineering by the developer. (DS-L)
109. A covenant or deed restriction shall address that all existing trees to remain and trees planted by the developer are "Protected Tree" including the trees in rear yards 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 Trees. For protected trees in a rear yard, a covenant or deed restriction shall require the property owner to properly maintain the trees, and shall be required to obtain a tree pruning or removal permit form City Landscape Architect prior to engage in pruning or removal with a written permission from HOA. Removed trees shall be replaced with approved tree species by HOA and the City. (DS-L)

110. Landscaping 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 on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, at a minimum three inches depth. 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. 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. 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. (DS-L)

Fire Department

111. Provide the water/fire flow test data information on the plan, including static pressure, residual pressure, pitot pressure, test flow, calculated available water flow at 20 PSI and test date. This information may be requested from the Hayward Public Works Department. A new test should be requested to the Hayward Public Works Department if updated data is not available. (Fire)
112. All public and private streets and private courts shall be designed with an all-weather surface pavement. (Fire)
113. 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. (Fire)
114. 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 at 20psi. The design and layout of the hydrants shall be reviewed and approved by the Fire Department. (Fire)
115. 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). (Fire)

116. Submit for proper building permits for the construction of the building to the Building Department. (Fire)
117. Buildings are required to install fire sprinkler systems in accordance with NFPA 13D Standards. A separate plan/permit is required prior to the installation of the overhead fire sprinkler system. (Fire)
118. Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly. (Fire)
119. Underground fire service line serving NFPA 13D sprinkler system shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-216. Water meter shall be minimum one-inch in diameter for residential application. (Fire)
120. 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. (Fire)
121. 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. (Fire)
122. 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" address shall be installed on a contrasting background and shall be in a location approved by the Fire Department. (Fire)

Hazardous Materials

123. 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. (Haz Mat)
124. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed. (Haz Mat)
125. 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. (Haz Mat)

DURING CONSTRUCTION

126. 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. (DS/PW-ET)
127. 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. In conformance with Section 4-1.03.4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet from the source, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).
 - 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. (DS/PW-ET)
128. 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. (PW-ET)
129. All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications. (DS)
130. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans. (DS-L)
131. 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. (DS/PW-ET)

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY & FINAL INSPECTION

132. Prior to the issuance of Certificate of Occupancy for a specific building, all landscape and irrigation adjacent to the specific building 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 provided to the City's Landscape Architect prior to requesting an inspection. (DS-L)
133. Prior to final inspection and issuance of final certificates of occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Public Works Director and Development Services Director or his/her designees. (DS/PW-ET)
 134. Prior to issuance of final certificates of occupancy or final building inspections, 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. (PW-ET)
 135. 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 final inspection, to ensure that the maintenance is bound to the property in perpetuity. (PW-ET).
 136. As-built plans for all public improvements shall be prepared on Mylar (22-inch by 34-inch sheets) and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The public facilities such as water meters, RP backflow preventers, sewer clean outs, etc., shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Hayward standard detail and specs and built to the City Engineer's satisfaction, and accepted by the City prior to issuance of any certificate of occupancy for the project. (PW-ET)
 137. **Homeowners Association:** Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Conditions, Covenants and Restrictions (CC&R's), creating a homeowners association (HOA) for 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:

- j. The CC&R's shall state that the City of Hayward has the right to abate public nuisance conditions in the common area if the association or corporation fails to do so, and to assess the cost to the association, corporation or individual unit owners. In order to accomplish this, the CC&Rs shall contain the following typical statements:
- k. In the event the Board fails to maintain the exterior portions of the common area so that owners, lessees, and their guest suffer, or will suffer, substantial diminution in the enjoyment, use or property value of the project, thereby impairing the health, safety, and welfare of the residents in the project, the City of Hayward, by and through its duly authorized officers and employees, shall have the right to enter upon the project site and to commence and complete such work as is necessary to maintain said exterior portions of the common area. The City shall enter and repair only if, after giving the Board written notice of the Board's failure to maintain the premises, the Board does not commence correction of such conditions in no more than 30 days from delivery of the notice and proceed diligently to completion. The Board agrees to pay all expenses incurred by the City of Hayward within 30 days of written demand. Upon failure by the Board to pay within said 30 days, the City of Hayward shall have the right to impose a lien for the proportionate share of such costs against each condominium or community apartment in the project.
- l. It is understood that by the provisions hereof, the City of Hayward is not required to take any affirmative action, and any action undertaken by the City of Hayward shall be that which, in its sole discretion, it deems reasonable to protect the public health, safety, and general welfare, and to enforce it and the regulations and ordinances and other laws.
- m. It is understood that action or inaction by the City of Hayward, under the provisions hereof, shall not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations, and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- n. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law shall be cumulative and not exclusive, and the maintenance of any particular remedy shall not be a bar to the maintenance of any other remedy. In this connection it is understood and agreed that the failure by the Board to maintain the exterior portion of the common area shall be deemed to be a public nuisance, and the City of Hayward shall have the right to abate said condition, assess the costs thereof and cause the collection of said assessments to be made on the tax roll in the manner provided by Chapter 4, Article 1, of the Hayward Municipal Code or any other applicable law.
- o. The City Council of the City of Hayward may, at any time, relinquish its rights and interest in the project as herein set forth by appropriate resolution. Any

such relinquishment by the City Council shall be effective on the date that the resolution is adopted and a copy thereof is placed in the United States mail, postage prepaid, addressed to the Board. The Board shall execute and record a declaration reflecting such relinquishment within 10 days of receipt of a copy of the resolution.

- p. The above five paragraphs cannot be amended or terminated without the consent of the Hayward City Council.
- q. Each owner shall automatically become a member of the association(s) and shall be subject to a proportionate share of maintenance expenses.
- r. The HOA shall own and maintain the private access roads and on-site storm drain systems in the development, excluding those located within the public right-of-way.
- s. The HOA shall maintain the five-foot wide landscape strip between the back of sidewalk and the sound wall and the sound wall along Hesperian Boulevard.
- t. A provision 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.
- u. 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 HOA 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.
- v. The garage of each unit shall be maintained for off-street passenger vehicle parking and shall not be converted to living or storage areas. The HOA shall conduct semi-annual inspections at a minimum to confirm that all residents are using their garages for parking their cars and not for storage. Residents shall make garages available for such inspections, as appropriate. An automatic garage door opening mechanism shall be provided for all garage doors.
- w. 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, 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.
- x. The HOA shall maintain all fencing, parking surfaces, common landscaping, lighting, 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.
 - y. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
 - z. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
 - aa. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
 - bb. 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. (DS/PW-ET)
138. **Construction Damages:** The Developer shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. (DS/PW-ET)
139. Prior to issuance of certificate of occupancy or final inspection, the developer shall pay the following additional fees/taxes, in accordance with existing regulations. The amounts of the fees/taxes shall be in accordance with the fee schedule or codes in effect at the time of building permit application submittal, unless otherwise indicated herein:
- a. Supplemental Building Construction and Improvement Tax;
 - b. School Impact Fee; and

c. Park In-Lieu Fee, as applicable. (DS)

Conditions Generated by Following Department Staffs:

DS: Development Services Department

DS-L: Development Services Department - Landscaping

PW-ET: Public Works – Engineering and Transportation Dept.

U-ES: Utilities and Environmental Services Department

Fire: Fire Department

Haz Mat: Hazardous Materials Division

Housing: Housing Division