

CONDITIONS OF APPROVAL

February 25, 2016

**31 Jackson-Tract 8240 – Blake Felson/Felson Companies, Inc. (Applicant)/
Felson Partners, LP and Diamond Associated, LP (Owner)**

**Zone Change, Variance and Vesting Tentative Tract Map
Application No. 201400466 (Tract 8240)**

**Zone Change of one parcel from
Planned Development (PD) to High Density Residential District (RH),
Variance to allow a 15-foot front yard setback in lieu of a minimum 20-foot setback,
and Vesting Tentative Tract Map 8240 for the subdivision and construction of 50
townhomes on a 2.6-acre site at 31 West Jackson Street**

GENERAL

1. Site Plan Review Application No. 201400466 is a request to construct 50 townhomes at 31 West Jackson Street. 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**. The Zone Change and Variance approvals shall coincide with the approval period for the Vesting Tentative Tract Map. If a building permit is issued for construction of improvements authorized by the Zone Change and Variance approval, said approval shall be void two years after issuance of the building permits, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the Project approval.

Exhibit A –Site Plan Review and Vesting Tentative Tract Map 8240 dated June 5, 2015 and revised January 2016.

2. The subdivider/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.
3. Conduit and fiber is required to be installed in the private streets from West Jackson Street and Diadon Drive to serve the residents of the residents of the 50 condominiums.
4. The development shall be solar ready.
5. The developer shall provide bicycle parking which meets CalGreen requirements.

6. Per CalGreen standards, each garage t shall be equipped with the infrastructure for an electrical vehicle charging station..
7. Any proposal for alterations to the proposed site plan and/or design which does not require a variance to any zoning ordinance standard must be approved by the Development Services Director or his/her designee, prior to implementation.
8. 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.
9. 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.
10. The portion of West Jackson frontage road proposed to be vacated by the City, shall be vacated and become part of the development and shall be purchased by the developer.

Planning Division

11. 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 (\geq 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.

12. The developer shall implement the mitigation recommended in the environmental noise study prepared by Veneklasen Associates revised June 17, 2014. The following mitigation measures are required to be implemented and the follow standards met:
 - a. Measures to assure that interior noise levels do not exceed 45average noise levels (LDN) in any habitable room, therefore, a mechanical ventilating system shall be provided in each unit.
 - b. To reduce the noise impacts of commuter and freight trains, the developer is required to install a noise barrier as shown in Figure 2. The noise barrier shall be a decorative wall.
 - c. Required exterior common open space maximum noise levels are not to exceed 65 LDN.
 - d. In bedrooms, ground-borne vibrations are not to exceed 72VdB for 70 events per day, 75 VdB per day for 30 to 70 events, and 80VdB for less than 30 events per day.
 - e. To decrease vibration levels on upper floors, the all structures are to be designed to achieve a minimum natural frequency of 19 Hz. Structural design is required to include design mitigation for structural changes to the entire building as recommended on Page 8 of this study.
 - f. Disclosure of the presence of vibration and audible sound due to train operation is required to be disclosed in documents and verbally to all potential occupants.
 - g. Window glazing ratings and exterior walls shall meet the recommendations in Table 5, Recommended Mitigation to Meet Interior Noise Criteria as defined in Table 4, Example Glazing Assembly Descriptions.
 - h. Alterations of mitigation measures that deviate from requirements are required to be reviewed by Veneklasen Associates and must be approved by the City of Hayward Building Official and Planning Director.

PRIOR TO SUBMITTAL OF IMPROVEMENT PLANS AND FINAL MAP

13. Subdivision improvement plans shall implement all items noted on the civil plans submitted on January 13, 2016, and incorporate applicable conditions of approval contained herein.
14. The applicant/developer shall submit subdivision improvement plans including Landscape and irrigation plans and a final map application for the entire project. Said improvement plans and final map shall meet all City standards and submittal requirements except as expressly approved for this Site Plan Review Development. The following information shall be submitted with, or in conjunction with, improvement plans and final map. The City reserves the right to include more detailed conditions of approval regarding required infrastructure based on these more detailed plans.

15. 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.
16. 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 City of Hayward Building/Construction Codes and amendments in effect at the time of submitting a building permit application.
 - 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.
17. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape plans unless otherwise indicated herein.
18. Final Map cannot be approved until roadway conveyance is complete.

SUBDIVISION IMPROVEMENT PLANS

19. Underground overhead facilities along West Jackson frontage to Diadon Drive intersection. Show on Final Tract Map.
20. Street lighting shall be provided along the Diadon Drive from the project entry to the West Jackson intersection.
21. To establish private and public responsibilities, extend the entry pavers to the City right-of-way.
22. Show the water meter and backflow preventer serving the West Jackson landscape being eliminated and the location of new meter.
23. Subdivision Improvement Plans shall be approved prior to the City Council's approval of the Final Map 8240. Submit the following proposed improvement plans with supporting documents, reports and studies:
 - a. 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.

- b. A detailed Stormwater Treatment Plan and supporting documents, following City ordinances and conforming to Regional Water Quality Control Board's Staff recommendations for new development and redevelopment controls for storm water programs.

Storm Water Quality Requirements

24. The following materials related to storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application.
- a. The owner/developer shall enter into a City's standard *Storm Treatment Measures Maintenance Agreement* (as prepared by the City and is available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
 - b. Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by 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.
 - c. Before commencing any grading or construction activities at the project site, the developer shall 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.
 - d. 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).
 - e. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable.
 - f. 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 (page 30). In addition, the California Stormwater Quality Association's *Stormwater best Management Practice Handbook New Development and Redevelopment*, Subsection 5.5 on pages 5-12 has a section titled *BMP Design Criteria for Flow and Volume*. These materials are available on the internet at www.cabmphandbooks.com
 - g. The project shall be designed with a Bioretention Treatment Area and shall use 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.

- h. All inlet rims in the Bioretention Treatment Area (BTA) shall be 6-inch minimum above the flow line of the BTA. The design of the longitudinal flow line shall be level.
- i. The following documents shall be completed and submitted with the improvement and/or grading plans:
 - 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)

25. The developer shall be 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.

Private Streets and Courts

- 26. The private streets, driveways, and parking areas shall be designed to facilitate street sweeping.
- 27. The developer shall not obstruct the noted sight distance areas. Overall cumulative height of the grading, landscaping and signs as determined by sight distance shall not exceed two feet when measured from street elevation.
- 28. The on-site streetlights and pedestrian lighting shall be LED lights and have a decorative design approved by the Planning Director. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer. Submit photometric plans with the improvement plans. Such fixtures shall have shields to minimize "spill-over" lighting on adjacent properties that are not part of the tract.
- 29. Private street shall have a concrete curb and gutter to convey stormwater runoff.
- 30. The proposed permeable paver on the private street shall be designed to support a 75,000 pounds gross vehicle weight load.
- 31. Any damaged and/or broken curb, gutter and sidewalks along the property frontages shall be removed and replaced as determined by the City.
- 32. Proposed private courts (common driveways) improvements shall be designed, generally reflective of the alignment and width shown on the submitted vesting tentative tract map, and as approved by the City Engineer.

33. Cul-de-sac entrance to the private street shall conform to City Standard Details and approved by the City Engineer.

Public Streets

34. Any landscape design, work or traffic control within the West Jackson right-of-way requires an encroachment permit from the City of Hayward.
35. Where traffic restrictions and detours affect West Jackson Street, a Transportation Management Plan or a Traffic Impact Study may be required as determined by Fred Kelley, Transportation Manager at (510) 583-4781.
36. Any damaged and/or broken curb, gutter and sidewalks along the West Jackson Street property frontage shall be removed and replaced as determined by the City.
37. Grind, overlay and restripe the entire width of Diadon Drive to West Jackson Street intersection with two inches of hot mix asphalt and dig outs. Repair failed pavement as necessary.

Storm Drainage

38. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed 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.
39. The project 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*.
40. 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.

Sanitary Sewer System

- 41. The project sanitary sewer main and appurtenances shall be public, owned and maintained by the City. When 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.
- 42. A wastewater collection system impact study is required to be completed for development. The developer may hire their own consultant, subject to the prior approval of the Director of Utilities & Environmental Services, or the developer can pay the City to perform the impact study with our consultant. U&ES staff is working with the consultant to obtain a cost proposal for the impact study. The developer shall be responsible for their share of the cost of any necessary improvements identified in the City's wastewater collection system as a result of the development. The developer's share shall be based on the results of the impact study and determined by the Director of Utilities & Environmental Services.

43. 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.
44. All sewer mains and appurtenances shall be constructed in accordance to the City's *Specifications for the Construction of Sewer Mains and Appurtenances (12-inch Diameter or Less)*, latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>). 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. Manhole covers 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.
45. Each townhome dwelling unit shall have an individual sanitary sewer lateral. The sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312. Show the location and size of the proposed sewer laterals and cleanouts on improvement plans.
46. Sewer service is available and subject to the standard conditions and fees in effect at time of application and payment.
47. The current Sanitary Sewer Connection fee for a wastewater collection system impact study is required to be completed for this development. The study shall be coordinated through Henry Louie, Senior Utilities Engineer, in the City's Utilities & Environmental Services Department. Henry can be reached at (510) 583-4778 or by email at henry.louie@hayward-ca.gov.

Water System

48. 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.
49. 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>).
50. All water mains must be looped. Dead end water mains will not be allowed. Water mains must be connected to other water mains.
51. The utility plan indicates the proposed water mains in *Drive Aisle B* and *Drive Aisle D* will be connected with a water main located in the 10-foot setback area adjacent to the proposed sound wall, between Building 2 and Building 3. The water main in this

location will require a minimum 10-foot wide easement to be granted to the City. The water main shall be located in the center of the 10-foot easement.

52. 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.
53. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense.
54. All water services from existing water mains, if any, 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.
55. City records indicate that the parcel at 31 West Jackson Street currently has one existing 5/8" domestic meter (Service # 24075) and the parcel at 5 West Jackson Street currently has one 5/8" domestic meter (Service # 11739). If these water services cannot be reused for the proposed development, they shall be abandoned.
56. Each townhome shall have an individual domestic water meter. Currently, the cost for a new residential water meter for a single-family residence (any size up to 1-inch) and service line is \$11,806 (\$3,500 installation fee + \$8,106 facilities fee + \$200 radio read fee). If the new services are constructed by the applicant/developer in conjunction with their construction of the new water main, the installation fee is reduced to \$310, for a total of \$8,616. Please note that the connection fee pricing structure will be changing October 1, 2015 and connection fees will be based on the domestic water meter size. The facilities fee for a 3/4" meter will be \$9,730.
57. 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. If the new fire services are constructed by the applicant/developer in conjunction with their construction of the new water main, the cost of the fire service is \$6,864 (\$180 installation fee for by-pass meter + \$6,484 facilities fee + \$200 radio read fee).
58. 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 (SD-216 is attached). Also note that combined services must connect directly to the water main (manifold layouts are not allowed).

59. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. Currently, the cost for an irrigation service and meter is \$19,910 for 1", \$37,200 for 1.5" and \$56,940 for 2". 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.
60. All domestic and irrigation water meters shall be radio-read type.
61. 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.
62. 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.

Solid Waste

63. Applicants must comply with City standards to obtain building permits, as follows:
 - a. Residential Collection of Garbage and Recyclables: Residents are required to place their garbage, recycling, and organics carts at the curb for weekly collection service by contracted service providers:
 - i. The standard type of garbage, recycling, and organics containers are (one) thirty-two-gallon cart for Garbage, (one) sixty-four-gallon cart for Recycling, and (one) sixty-four-gallon cart for Organics.
 - ii. Trash and recycle containers shall be stored out of public view on non-pickup days. Sufficient storage space for garbage carts shall be provided for each residential unit. The total space required for the standard service is approximately three feet by nine feet.
 - iii. Residents shall not place carts at the curb any earlier than 6:00 am the day before scheduled collection, and are required to retrieve them no later than midnight the days the carts are emptied. (Hayward Municipal Code Section 5-1.15).
 - b. Requirements for Recycling Construction & Demolition Debris: City regulations require that applicants for all construction, demolition, and/or renovation projects, in excess of \$75,000 (or combination of projects at the same address with a cumulative value in excess of \$75,000) must recycle all asphalt and concrete and all other materials generated from the project. Applicants must complete the *Construction & Demolition Debris Recycling Statement*, a *Construction and Demolition Debris Recycling Summary Report*, and weigh tags for all materials disposed during the entire term of the

project, and obtain signature approval from the City's Solid Waste Manager prior to any off haul of construction and demolition debris from the project site.

Other Utilities

64. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and Comcast 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 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.
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 subdivision.
67. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
68. The existing overhead lines along Jackson Street property frontage shall be placed underground.

Landscape and Irrigation Plans

69. Provide landscape improvements along the Jackson Street corridor from the project entrance on West Jackson Street to the rail road right-of-way.
70. No trees shall be planted within any Public Utilities Easement to assure access for maintenance. The landscape plan shall conform to this condition of approval.
71. 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 approved improvement plans and the 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.
72. Landscape improvement plans shall include all underground utilities and utility box locations in order to minimize conflicts with tree planting.

73. Living walls and other natural green elements are required.
74. A minimum five feet is required for any planting area and shall be measured from back of curb/hardscape/structure to back of curb/hardscape/structure to all direction.
75. Safety site lighting shall be provided along private driveway.
76. Planting in Service Easements: No tree shall be planted within utility easements. Additional planting area shall be provided if necessary to provide required tree planting. All easements shall be delineated on the landscape plan.
77. Street Tree Planting: One 24-inch-box tree shall be planted at every 20 to 40 feet on center in addition to required front yard trees per Zoning Ordinance.
78. Front Yard Tree Planting: Each unit shall have minimum one 24inch-box tree planted within the front yard setback area.
79. Common open space: Common open space must be located centrally and must be visible and provided with pedestrian connection to residents. Site amenities that encourages and supports group activities shall be provided.
80. Landscape between Masonry Sound Wall along W Jackson Street and front pedestrian walkway: wider landscape setback shall be provided to lessen the impact of 12 feet tall masonry sound wall.
81. Terminus of drive alleyway: Landscape at terminus shall be substantial and pronounced so that it won't look like driveway abutting sound wall.
82. Landscape Improvements in the City owned land between Diadon Drive and W Jackson Street: the landscape improvements shall include preserving healthy existing trees, improving soil condition, providing permanent irrigation and routine maintenance. It seems that there is an existing City-owned irrigation meter, but needs to be verified. Additional irrigation for the City-owned landscape area shall tap into the City meter once verified.
83. A comprehensive arborists report by a certified arborist is required for all existing trees within the limit of project area and off-site trees (the area between Diadon Drive and West Jackson Street) that have significant impact to this development. The report must include trees that have tree trunks larger than 4-inch in diameter for native trees and 8-inch in diameter for the remaining species to assess conditions on all existing trees. The report shall include health, species, caliper, approximate height, canopy diameter, and value using the latest edition of *Guide for Plant Appraisal* by the International Society of Arboriculture. Provide ISA worksheet per each trees are subjected for valuation. Arborist report shall include tree protection plan. The

arborists report and valuation shall be reviewed and approved by the City as a part of Precise Plan approval (See City of Hayward *Tree Preservation Ordinance*).

84. Best effort shall be made to preserve all healthy trees. Removed trees shall be replaced with equal value determined by the appraised value by an arborist.
85. A tree removal permit is required prior to the removal of any existing trees.
86. A bond will be required for all trees that are to remain. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
87. Prior to the issuance of a grading or building permit, a tree preservation bond, surety or deposit, equal in value to the trees to be preserved, shall be provided by the developer. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the conditions of the trees.
88. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period.
89. Wider planting area shall be provided when required tree planting is compromised due to underground utilities such as storm drain laterals, and water and sewer laterals or utility easement.
90. Planting in Bio-Retention Area: Trees and shrubs shall not be planted in the flow line. Wider planting areas shall be provided when lack of planting areas prevents required trees to be planted.
91. Bio-Retention and Bio-Infiltration Treatment Area: Additional 24-inch wide leveled area shall be provided when the treatment area is located adjacent to structure and/or paving before the treatment side slope begins. Irrigation for bio-retention area shall be provided with matched precipitation rotator nozzle type on a separate valve.
92. The trees should be 20 feet from the corner, a minimum of 5-foot away from any underground utilities, a minimum of 15 feet from a light pole, and a minimum 30 feet from the face of a traffic signal, or as otherwise specified by the city. Root barrier shall be provided for all trees that are located within 7 feet of paved edges or structure. Trees shall be planted according to the City Standard Detail SD-122.
93. Provide automatic irrigation system that provides 100% uniform coverage and meets the current water efficiency standards to the landscape area.

94. Masonry walls, solid building walls, or fences facing a street or driveway shall be continuously buffered with shrubs and vines. The landscape plans shall be revised to comply with this condition.
95. Water meter for individual home shall be provided in the driveway apron as well as sewer cleanout.
96. A separate irrigation meter shall be provided for all landscape improvements including common open space.
97. 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 project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted prior to requesting an inspection to the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements.
98. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a Homeowners' Association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.
99. A covenant or deed restriction shall be recorded with each lot requiring the property owner to properly maintain the front yard landscaping and street trees, and replace any dead or dying plant material.

Fire Protection

100. New fire hydrants shall be provided along private streets at locations approved by the Hayward Fire Department. New fire hydrants shall be placed fifty-feet from the building to be protected. Where it is not feasible, they may be in closer proximity as approved by the Hayward Fire Department.
101. All new fire hydrants shall be double steamer type, equipped with (two) four and one half inch outlets and (one) two and a half inch 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 dot markers shall be installed on the roadways indicating the location of the fire hydrants. Blue reflective pavement markers shall be installed at fire hydrant locations.
102. New fire hydrants shall meet the requirements of Hayward Public Works Department. Fire hydrants shall be Double Streamer Hydrant: Clow Valve Co. Model 865 with one (1) 2-1/2" Outlet and two (2) 4-1/2" Outlets.

103. Fire flow shall meet all requirements of the 2013 California Fire Code Table C105.1 and Hayward Fire Code Ordinance. No. 10-14. Existing fire hydrants meeting the distance requirement can be included in the total required number.
104. Maximum 80 pounds per square inch (PSI) water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
105. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced so as to provide all-weather driving capability.
106. A fire apparatus access road twenty feet to twenty-six feet wide shall be posted on both sides as a fire lanes; a fire apparatus access road twenty-six feet to thirty-two feet wide shall be posted on one side of the road as a fire lane. "No Parking" signs shall meet the City of Hayward Fire Department fire lane requirements.
107. No parking on the new private street shall be allowed except in designated/marked parking stalls.
108. Underground fire service line serving NFPA 13D (Domestic) sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-216. Water meter shall be minimum one-inch in diameter. Sprinkler monitoring systems shall be provided for NFPA 13 sprinkler systems.
109. Underground fire service line serving **NFPA 13** sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-204. Water meter shall be minimum four-inch in diameter.
110. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any fire sprinkler system waterflow activity.
111. A minimum six-inch address, on a contrasting background, shall be installed on the front of the building in a location so as to be visible from the street.
112. 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).
113. Carbon monoxide detectors should be placed near the sleeping area on a wall about five feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
114. An approved type spark arrestor shall be installed on any chimney cap.

Hazardous Materials

115. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either California Regional Water Quality Control Board or Department of Toxic Substance Control and submitted to the Hayward Fire Department to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
116. 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 hazards posed to development construction workers, the environment, future residents and other persons are mitigated.
117. Any wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. These structures shall be documented and removed under permit when required.
118. 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.
119. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

Final Tract Map

120. Prior to the approval of the Final Map, the developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of \$20,000 with the City prior to submittal of improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation.
121. 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 Improvement Plans with supporting documents and Final Map are deemed technically correct, and Subdivision Agreement and Bonds are approved by the City.

The 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 the City Council's approval.

122. 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.
123. The final map shall reflect all easements needed to accommodate the project development. The private street shall be dedicated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).
124. The Affordable Housing Ordinance (AHO) requirements apply to the project. Pursuant to the City's AHO, 10% of all detached single family residences and 7.5% of all attached units in a project must be set aside and sold at affordable prices to moderate-income households (households earning 120% of the Area Median Income or less). If this option is selected by the developer, prior to the approval of the Final Map, an Affordable Housing Plan (AHP) shall be submitted and approved by the Planning Director. The AHP shall conform to the requirements of the AHO and will memorialize the obligations relevant to compliance with AHO provisions by the project owner. The AHO also allows developers the option to pay an Affordable Housing Impact Fee as established in the City's Master Fee Schedule. Affordable Housing Impact fees shall be paid either prior to issuance of a building permit or prior to approval of a final inspection or issuance of an occupancy permit. Regardless of the timing for payment of the fees chosen, no final inspection will be approved and no occupancy permit will be issued for any dwelling unit unless all applicable Affordable Housing Impact Fees have been paid in full.
125. Prior to the approval of the Final Map, the developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of \$20,000 with the City prior to submittal of improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation.
126. The Stormwater Treatment Measures Maintenance Agreement, 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.

AT BUILDING PERMIT APPLICATION SUBMITTAL

127. On plans to be submitted for building permit, a structural engineer is responsible for incorporating recommended mitigation measures of the revised geotechnical report prepared by Geotechnical Engineering, dated October 7, 2013
128. The Plans for building permit shall be in substantial conformance with the conditions of approval and improvement plans and shall be submitted in after the improvement plans are approved and the Final Map is recorded.
129. The applicant shall submit revised project plans for review and approval by the Planning Director that clearly shows the details of each project amenity. Such project amenity details shall be included in the Building Permit submittal for final approval.
130. The Building Permit Plans shall include the following information and/or details:
- a. A copy of these conditions of approval shall be included on a full-sized sheet(s).
 - b. 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.
 - c. Details of address numbers shall be provided. Address number shall be decorative. Building addresses shall be minimum four-inch self-illuminated or six-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
 - d. Proposed locations, heights, materials and colors of all walls and fences.
 - e. A minimum of one exterior hose bib shall be provided for each residential unit.
 - f. Proposed pavement materials for all drive aisles, parking areas, and pedestrian paths. Surfaces indicated on the approved plans, Exhibit A, shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials.
 - g. Proposed mailbox design and locations, subject to Post Office approval.
 - h. The final lighting plan is to be prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided along the private street. All drive aisles shall have decorative lights with LED luminaires. Please indicate locations on the final lighting plan and include elevations of the light standards. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
 - i. All air conditioners and utility connections for air conditioners shall be located behind solid board fences or walls and shall not exceed the height of the fence or wall, unless otherwise approved. Infrastructure for air conditioning systems is required to be installed as a standard feature.

- j. Proposed color and materials board for all buildings, fences and walls. No changes to colors shall be made after construction unless approved by the Planning Director.
 - k. All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen.
 - l. No mechanical equipment, other than solar panels, shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus, such as vents, shall be painted to match the roof color.
 - m. All decorative window treatments shall be extended to all elevations.
 - n. An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars. As an alternative, an area within the fenced side yard may be used for the garbage and recycling containers but shall be shown.
 - o. All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All two car garages shall have minimum interior dimensions of twenty-foot width by nineteen-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle/organics containers or HVAC shall project within the required interior parking areas.
131. 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 the Hayward 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.
132. Details of all project amenities shall be submitted for review and approval by the Planning Director prior to submittal for building permit.
133. 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.

PRIOR TO ISSUANCE OF BUILDING OR GRADING PERMITS AND CONSTRUCTION WITH

COMBUSTIBLE MATERIALS

134. The developer shall provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
135. Pursuant to the Municipal Code Section 10-3.332, the developer shall execute a subdivision 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 subdivision agreement.
136. Prior to issuance of building permits, a final map that reflects and is in substantial compliance with the approved vesting tentative tract map, shall be approved by the City Engineer and recorded or in the process for filing with the office of the Alameda County Clerk Recorder.
137. Submit the following documents for review and approval, for City project records/files:
 - a. Copy of the Notice of Intent filed with the State Water Resources Control Board;
 - b. Engineer's estimate of costs, including landscape improvements;
 - c. Signed Final Map;
 - d. Signed Subdivision Agreement;
 - e. Certificate of Insurance; and
 - f. Subdivision bonds.
138. Plans for building permit applications shall incorporate the following:
 - a. The approved Improvement Plan; and
 - b. The approved Landscaping and Irrigation Plan.
 - c. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - d. A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. All exterior lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director or his/her designee shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the buildings. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of proposed buildings.
 - e. Plans shall show that all utilities will be installed underground.
139. Required water system improvements shall be completed and operational prior to the start of combustible construction.
140. The developer/subdivider shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.

141. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.

142. 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.

PRIOR TO COMPLETION OF SITE IMPROVEMENTS AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

During Construction

143. 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.

144. 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 7:00 a.m. to 7:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. Sunday and Holidays. Grading hours are subject to the City Engineer's approval. 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 and a copy provided to the Planning Division.
- 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 and a copy provided to the Planning Division.

- g. Daily clean-up of trash and debris shall occur on public streets adjacent to the project site 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 ten-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.

- 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.
145. 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.
146. The developer shall comply with standards identified in General Plan, Table HAZ-1 – Exterior Noise Standards for Various Land Uses. The common group open space and all exterior areas shall meet the Highest Level of Exterior Noise Exposure that is Regarded as “Normally Acceptable” for Highest Level of Exterior Noise Exposure that is Regarded as “Normally Acceptable” for Townhomes, Multi-Family Apartments and Condominiums as specified in Table HAZ-1. Measures to ensure compliance with such standards shall be developed by a state licensed acoustical engineer and incorporated into building permit plans, to be confirmed by the Planning and Building Divisions. Also, confirmation by a state licensed acoustical engineer that such standards are met shall be submitted after construction and prior to issuance of certificates of occupancy.
147. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed and installed in accordance with the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted prior to requesting an inspection with the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of landscape improvements.
148. 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 80% of the dwelling units, whichever first occurs, and a Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract to the Public Works – Engineering and Transportation Department by the developer.

Homeowners’ Association (HOA)

149. 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 storm drain system, including stormwater treatment facilities BMP, private street and infrastructure, common landscaping areas and amenities for the developments shall be maintained by the association. The CC&Rs shall include the following provisions:

- a. The CC&Rs shall include provisions to allow future adjacent developments to annex into HOA if appropriate.
- b. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
- c. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association.
- d. The HOA shall be managed and maintained by a professional property management company.
- e. The HOA shall own and maintain the private access roads and driveways *Drive Aisle A, Drive Aisle B, Drive Aisle C, and Drive Aisle D*.
- f. The HOA shall own and maintain the on-site storm drain system.
- g. 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.
- h. A provision that if the HOA fails to maintain the common outdoor patio areas, and all other landscaping and irrigation in all other common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project; the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
- i. A 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 forty-eight hours of inspection or within forty-eight hours of notification by the City.
- j. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- k. The garage of each unit shall be maintained for off-street parking of 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.
- l. The residents shall not use common parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These parking spaces shall be monitored by the HOA. The CC&R's shall include authority for the HOA to tow illegally-parked vehicles.

- m. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, and the right of the home owners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.
- n. 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 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.
- o. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
- p. 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.
- q. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
- r. Balconies may not be used for storage and personal items may not be draped over the railings.
- s. 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.
- t. The on-site storm drain system shall be privately owned and maintained by the Homeowners' Association.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY OR FINAL REPORT

- 150. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
- 151. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

152. 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.
153. 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.
154. 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 thirty percent dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas. Mulch should be organic recycled chipped wood in the shades of Dark Brown Color. 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. 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.
155. 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: Supplemental Building Construction and Improvement Tax, and School Impact Fee.
156. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4910 at least twenty-four hours before the desired final inspection appointment.
157. The improvements associated with the Pacific Gas and Electric Company, AT&T (telephone) company, and local cable company shall be installed to the satisfaction of the respective companies.
158. 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.

159. The developer/subdivider shall submit "as built" plans and final reports for the following:
- a. Final Storm Water Management Plan (SWMP) prepared by a QSD and signed by a Qualified Inspector;
 - b. AutoCAD file format (release 2010 or later) in a CD of approved final map and 'as-built' improvement plans showing landscape and irrigation improvements, lot and 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. that can be used to update the City's Base Maps; and
 - c. Final Geotechnical Report.