

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Councilmember \_\_\_\_\_

RESOLUTION APPROVING THE PLANNED DEVELOPMENT REZONING WITH VESTING TENTATIVE TRACT MAP AND SITE PLAN REVIEW, AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION WITH MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) PERTAINING TO CONSTRUCTION OF 12 NEW DETACHED SINGLE-FAMILY DWELLINGS AND 5 ACCESSARY DWELLING UNITS AT 28571 & **289591** HARVEY AVENUE

WHEREAS, on November 16, 2017, Nuvera Homes (Applicant) submitted a Planned Development Rezone, Vesting Tentative Tract Map No. 8442, and Site Plan Review Application No. 201706649 to construct 12 detached single-family dwellings and 5 accessory dwelling units with common open space areas and related site improvements at 28571 & **289591** Harvey Avenue (APNs 464-0060-005-02 & 464-0060-006-00); and

WHEREAS, an Initial Study and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program was prepared to assess the potential environmental impacts of the Project; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on September 12, 2019, and recommended that the City Council approve the Planned Development Rezone with Tentative Tract Map No. 8442 and Site Plan Review Application No. 201706649 and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on October 29, 2019.

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

**VESTING TENTATIVE TRACT MAP FINDINGS**

Pursuant to Section 10-3.150 of the Hayward Municipal Code (HMC), the City Council may conditionally approve a Vesting Tentative Tract Map application when all the following findings are met:

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

The project is proposing a density of approximately 8.7 dwelling units per net acre, which is consistent with the *Hayward 2040 General Plan* land use designation of Low Density Residential (LDR), which allows for a density range of 4.3 to 8.7 dwelling units per net acre. The LDR land use designation allows detached, single-family homes and Accessory Dwelling Units. Anticipated future changes include additional residential development, building and landscaping improvements, and neighborhood enhancements that create more complete, walkable, and sustainable neighborhoods. The project is considered an in-fill development, which will increase the housing inventory for the City of Hayward and result in a more complete neighborhood. The project is also consistent with the following General Plan policies:

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

The project will subdivide an existing parcel into 17 lots and allow for 12 new single-family homes, five of which will include an attached Accessory Dwelling Unit. This development helps to diversify the housing stock and provides a new single-family housing model in the City.

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

The project is located in an established neighborhood near the West Tennyson commercial corridors. Furthermore, recreational facilities such as the Tennyson Park Ruus Park and Eden Youth and Family Center and educational facilities such as Ruus School.

- Land Use Policy LU-1.3 Growth and Infill Development: *The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.*

The project is surrounded by other single-family homes developments, and is considered an in-fill project, which is appropriate for new housing development.

In addition, the project is not located within any specific plan area but is located within the Tennyson Alquire Neighborhood Plan area and is consistent with those relevant policies. Therefore, the proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans.

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

The project requires a Planned Development (PD) Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. With the PD Rezone, the proposed subdivision

will provide modified development standards of the new PD District related to lot size, lot coverage, and setbacks. PD Districts are also subject to the development standards of the zoning district most similar to the proposed use, which is the RS (Single-Family Residential) District in this case. As proposed, the project meets the development standards of the RS District related to building height, off-street parking, and landscaping. The subdivision will also allow for the construction of twelve new detached single-family homes, 5 of which will include an attached Accessory Dwelling Unit, which is a permitted land use in the RS District.

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

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

**PLANNED DEVELOPMENT REZONE FINDINGS**

Pursuant to Section 10-1.2535 of the HMC, the City Council may conditionally approve a Planned Development Rezone application when all the following findings are met:

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

The project is considered an in-fill development and will complete the neighborhood, which primarily consists of detached single-family homes developments. The project proposes detached single-family homes, which is compatible with the surrounding neighborhood. Additionally, the project is consistent with the LDR land use designation and policies in the *Hayward 2040 General Plan*. The proposed density is within the density range allowed by the LDR land use designation and compatible with the overall density of the surrounding residential neighborhood.

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

The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within the new public utility easement within the project site and connect to the existing utilities on Harvey Avenue. The project will be served by a new private street. While the existing roadway is sufficient to accommodate the additional traffic generated from the project, frontage improvements will be required, including the reconstruction and repair of the existing road and sidewalks along Harvey Avenue to meet the City's current roadway standards.

**C. In the case of a residential development, that the development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities**

**having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development;**

The project is considered an in-fill development and will replace two single family dwelling with attractive single-family homes to complete the neighborhood. The scale and design of the homes are compatible with the existing neighborhood. The homes will also be served by both private and public open space within the development. Each home will have usable private outdoor yards and the project provides a 2,790-square-foot group open space area. The development will also be well-integrated into the existing neighborhood since it will be served by a new private street with street parking and a sidewalk providing vehicular and pedestrian access to and from Harvey Avenue.

- D. **In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development;**

The project does not include any nonresidential uses and as such, this finding is not applicable to this project.

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

The project will be developed in one phase, ensuring that the infrastructure, facilities, and services will be available to all future residents in the development in a timely manner.

- F. **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.**

The project requires a PD Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. To offset these requested exceptions, the project proposes the following amenities:

- Rooftop solar panels on each home;
- A bedroom suite on the first floor to allow for aging in place and multigenerational lifestyles;
- Five of the single-family homes will have an attached Accessory Dwelling Unit
- Accent permeable pavers at the entry; and
- 2,790 square feet of common open space.

The rooftop solar panels result in a more environmentally sensitive development and the multigenerational-friendly floor plan and attached Accessory Dwelling Unit allows the homes to accommodate a more diverse population. The common open

space, which will be maintained by a homeowner's association, provides the future residents a usable, outdoor space for recreation and public interaction.

### **SITE PLAN REVIEW FINDINGS**

Pursuant to Section 10-1.3025 of the HMC, the City Council may conditionally approve a Site Plan Review application when all the following findings are met:

**A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City.**

The proposed 12 single-family residences would be compatible with on-site and surrounding structures and uses and would be an attractive addition to the City in that it would be consistent with the developmental pattern of the existing neighborhood, which consists of both small and minimum size single-family residential lots. The homes would also be similar in scale to other homes nearby. In addition, the building facades are articulated to provide visual interest from all sides of the homes, especially the front elevations, which incorporate recesses and projections through windows treatments, front entry porches, and stone veneer. The design, materials, and color palette of the new homes are also compatible with the character of other homes in the neighborhood. The new homes will have composition shingle roofs and a stucco exterior with stone veneer accents, which provide additional architectural detailing. Overall, the homes are attractively designed and compatible with the existing neighborhood character.

**B. The development takes into consideration physical and environmental constraints.**

The project takes into consideration physical and environmental constraints in that the scale and character of the new homes are harmonious with the surrounding neighborhood, which consists of a mix of housing types including detached single-family homes. The new lots range between 2,971 to 6,747 square feet in size and the new homes will be two stories in height. The architectural design of the new homes is compatible with the design of the existing homes nearby and as such, the new development will blend into the existing neighborhood. In addition, the project is an in-fill development with minimal impact on the existing development. Furthermore, a private street will provide access to the new homes, which will allow for safe and efficient vehicular circulation.

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

As previously discussed, the project is consistent with the LDR land use designation in the *Hayward 2040 General Plan*. The LDR land use designation is intended for a mix of housing types including single-family residences and the proposed density is within the allowable density range. The project is also consistent with the goals and policies of the *Hayward 2040 General Plan*, which encourage a diverse housing inventory and in-fill development. Furthermore, with the PD Rezone, the project meets all the applicable regulations of the Zoning Ordinance, including the development standards of the new PD District and applicable standards of the RS

District. Therefore, the project complies with the intent of City development policies and regulations.

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

The project will operate in a manner determined to be acceptable and compatible with surrounding development in that the project will comply with all applicable zoning regulations, building codes, and other regulations in the HMC. The proposed site improvements will also have to meet all City standards and details to the satisfaction of the Director of Public Works as shown on the final map and improvement plans. The project will also be subject to various conditions of approval intended to protect the surrounding neighborhood from any potentially harmful impacts. In addition, the project includes guest parking spaces and a private street, which will minimize potential parking and traffic impacts on Harvey Avenue after construction of the homes.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15220, an Initial Study was prepared for this project with the finding that a Mitigated Negative Declaration was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures.
- B. The proposed MND was prepared by Rincon Consultants on behalf of the City of Hayward, Lead Agency, and the MND was circulated to the State, all interested parties, and posted in the newspaper with a minimum 20-day public review period between July 19, 2019 and August 9, 2019.
- C. The proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgement of the Planning Commission; such independent judgement is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); the Planning Commission recommends the City Council adopt the proposed MND and its findings and conclusions as its source of environmental information; and the proposed MND is legally adequate and was completed in compliance with CEQA.
- D. The proposed MND identified all potential adverse impacts and based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the Project, with mitigation measures incorporated, will have a significant effect on the environment.
- E. The project complies with CEQA, and the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to recommending approval of the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the CEQA Initial Study and Mitigated Negative Declaration and approves the Planned Development Rezone with Tentative Tract Map No. 8442 and Site Plan Review Application No. 201706649, subject to the adoption of the companion ordinance (Ordinance No. 19-\_\_\_) rezoning the property identified by Assessor Parcel Numbers (APNs) 464-0060-005-02 & 464-0060-006-00 to Planned Development District, subject to the attached conditions of approval including the mitigation monitoring and reporting program(MMRP).

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**EXHIBIT  
CITY OF HAYWARD PLANNING DIVISION  
APPLICATION NO. 201706649  
PD REZONE, VESTING TENTATIVE TRACT MAP 8442, SITE PLAN REVIEW AND  
CALIFORNIA ENVIRONMENTAL QUALITY ACT INITIAL STUDY AND MITIGATED  
NEGATIVE DECLARATION  
CONDITIONS OF APPROVAL**

**General**

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Vesting Tentative Tract Map (VTTM) 8442, Preliminary Development Plan, and Site Plan Review application are approved subject to the vesting tentative tract map and project plans date stamped August 16, 2019, except as modified by the conditions listed below.
3. Approval of VTTM 8442 and the Preliminary Development Plan and Site Plan Review application shall expire 36 months after the effective date of approval subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act.
4. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
5. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
6. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.
7. The permittee, property owner or designated representative shall allow the City's staff to access 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.
8. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
9. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a



- building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were pulled to construct the project.
10. Affordable housing in-lieu 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 option chosen, no final inspection will be approved, and no occupancy permit will be issued for any Dwelling Unit unless all required affordable housing impact fees have been paid in full.
  11. Prior to the issuance of building permit for the accessory dwelling unit, the applicant shall file with Alameda County Recorder a deed restriction approved by the City stating compliance with provisions of Section 10-1.2740 – Accessory Dwelling Units (ADU's) and the 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.
  12. The applicant shall be responsible for adhering to the Mitigation Monitoring and Reporting Program (MMRP) for the adopted Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA) Guidelines. The applicant shall provide a copy of the adopted MMRP with the building permit submittal.
  13. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
  14. Within 60 days of following the issuance of a building permit and prior to construction, the applicant shall install one non-illuminated "Coming Soon" sign on the project site that includes a project rendering, a project summary, and developer contact information. The sign shall be constructed of wood or recyclable composite material, be placed in a location at least ten (10) feet back from the property line, and shall not impede pedestrian, bicycle, and vehicular visibility or circulation. The sign shall be maintained in accordance with Section 10-7-709 of the Hayward Municipal Code and may be up to thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height. Sign design, size and location shall be reviewed and approved by the Planning Division prior to placement.
  15. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft. Approved address numbers shall be at least four inches in height on a contrasting background. Font strokes shall be of sufficient width such that they are legible to the public from the street fronting the property.
  16. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.
  17. Lighting within the parking area(s) shall be provided and be maintained at a minimum of one foot-candle. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and 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.
18. Plans submitted for building permit shall include a photometric site lighting plan that includes fixtures, mounting heights, light wattage and that demonstrates adequate site lighting without excessive glare, off-site impacts or "hot spots." All lighting shall be reviewed and approved by the City Engineer, Planning Division and Hayward Police Department prior to Building Permit issuance.
  19. All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.
  20. All vents gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
  21. The property owner shall demolish any vacant structure within 60 days of their being made vacant.
  22. The property owner shall be responsible for securing and clearing any vacant structure(s) prior to demolition and commencement of construction activities.
  - 20-23. Prior to, during the 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; and the California Building Code, among other applicable regulations.

### **Mitigation Measures**

#### **21-24. Mitigation Measure BIO-1: Nesting Bird Avoidance and Minimization Efforts**

If project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance by project activity to the nest (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior.

During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing

any disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause reproductive failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be clearly marked by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case by case basis using the criteria described above.

**22.25. Mitigation Measure BIO-2: Special-status Bat Species Avoidance and Minimization**

Focused surveys to determine the presence/absence of roosting bats shall be conducted prior to the initiation of demolition of buildings and removal of mature trees large enough to contain crevices and hollows that could support bat roosting. If active maternity roosts are identified, a qualified biologist shall establish avoidance buffers applicable to the species, the roost location and exposure, and the proposed construction activity in the area. If active non-maternity day or night roosts are found on the project site, measures shall be implemented to passively relocate bats from the roosts prior to the onset of construction activities. Such measures may include removal of roosting site during the time of day the is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not re-enter.

**23.26. Mitigation Measure BIO-3: Tree Preservation Measures**

As outlined in the arborist report (HortScience Inc. 2017), Tree Preservation measures are required to protect trees that will be preserved in place and replacement trees that will be planted as required under measures BIO-2.

*Design Measures*

- a. Include trunk locations and tag numbers on all plans.
- b. Use only herbicides safe for use around trees and labeled for that use, even below pavement.
- c. Design irrigation systems so that no trenching will occur within the Tree Protection Zone.

*Pre-construction and Demolition Measures*

- a. Prepare a site work plan which identifies access and haul routes, construction trailer and storage areas, etc.
- b. Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or property line for trees 11, 86, and 87. No grading, excavation, construction or storage of materials shall occur within that zone.
- c. Install protection around all trees to be preserved. Use 6-foot chain link fence attached posts sunk into the ground. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.
- d. Trees to be removed shall be felled so as to fall away from Tree Protection Zone and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees or grinding the stump below ground.
- e. Trees to be retained may require pruning to provide clearance and/or correct defects in structure. All pruning is to be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest editions of the ANSI Z133 and A300 standards as well as the ISA Best Management Practices for Tree Pruning. The pruning contractor shall have the C25/D61 license specification.
- f. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work. Qualified biologists should be involved in establishing work buffers for active nests.

*Tree Protection During Construction*

- a. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Project Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
- b. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist.
- c. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied.
- d. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.
- e. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.
- f. Trees shall be irrigated, except oaks, on a schedule to be determined by the Project Arborist. Each irrigation session shall wet the soil within the Tree Protection Zone to a depth of 30 inch.

**24.27. Mitigation Measure BIO-4: Tree Replacement and Maintenance**

Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment. Preserved trees shall also be maintained to ensure the continued long-term health of the tree. Trees on-site will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting, and irrigation.

**25.28. Mitigation Measure CR-1: Unanticipated Discovery of Cultural Resources**

If cultural resources are encountered during ground disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and testing for the California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as data recovery excavation, may be required to mitigate potentially significant impacts to historical resources.

**26.29. Mitigation Measure GEO-1: Geotechnical Considerations**

The project applicant shall implement all measures and recommendations set forth in the Preliminary Geotechnical Exploration prepared by Silicon Valley Soil Engineering in October 2017 (Appendix D). Recommendations include but are not limited to the following topic areas:

- Grading (demolition and stripping, existing fill removal, selection of materials, differential fill thickness, fill placement)
- Excavation
- Foundation design criteria (including concrete slab-on-grade or mat slab options)
- Building code seismic design
- Retaining walls
- Drainage
- On-site utility trenching
- Pavement design

**27.30. Mitigation Measure N-1 Construction-Related Noise Reduction Measures**

The applicant shall implement the following measures during construction of the project:

- Construction Hours. Construction activity shall not occur between 7:00 p.m. and 7:00 a.m. Monday through Saturday and 6:00 p.m. through 10:00 a.m. on Sundays and holidays.

- Mufflers. Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engines shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturer's standards.
- Electrical Power. Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
- Equipment Staging. All stationary equipment shall be staged as far away from the adjacent multi-family residential development as feasible.
- Equipment idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.
- Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity.
- Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternately, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.
- Disturbance Coordinator. The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

### 28.31. **Mitigation Measure TCR-1: Unanticipated Discovery of Tribal Cultural Resources**

In the event that cultural resources of Native American origin are identified during construction, all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment

of the resource in coordination with the archeologist and the appropriate Native American tribal representative.

**Precise Plan Submittal**

~~29.32.~~ In accordance with Section 10-1.2550 of the Hayward Municipal Code (HMC) and prior to submitting a building permit application, a Precise Development Plan shall be submitted for review and approval.

~~30.33.~~ The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate conditions herein and shall be submitted in advance of or in conjunction with the subdivision improvement plans and Final Map.

~~31.34.~~ 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”.

- A. Photovoltaic systems shall be installed on the rooftops of all units.
- B. The Plan 3 units shall provide a bedroom suite on the first floor.
- C. The project shall provide a 2,970-square-foot group open space area with landscaping and an outdoor seating area.
- D. Five of the units shall have an attached Accessory Dwelling Unit.

~~32.35.~~ The Precise Development Plan 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 numbers shall be decorative and comply with the size requirements of the Fire Department.
- 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. All surfaces should be enhanced with 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. All mailboxes shall be locking mailboxes.
- H. A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. The final lighting plan shall incorporate pedestrian scale lighting along the sidewalk within and adjacent to the development (Harvey Avenue). All lighting shall be

erected and maintained so that adequate lighting is provided along the private street. 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. Large expanses of blank wall shall not be allowed. Articulate or otherwise treat such expanses to avoid bulkiness.
  - 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 20-foot width by 19-foot depth. The 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.
- 33.36. 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.
- 34.37. Details of all project amenities shall be submitted for review and approval by the Planning Director during the Precise Plan phase of the project.
- 35.38. The project shall comply with the provisions of the 2016 California Energy Code section 110.10.

### **Engineering**

- 36.39. **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.

**37.40. Public Utility Easements:** Applicant shall continue during the review of the final map, utility, and improvement plans to minimize the Public Utility Easement shown on the Tentative Map. Utility Boxes along the southside of the project shall be located within the private sidewalk. Prior to the issuance of building permits,

Plans shall be revised to provide acceptable clearances from proposed Public Utility Easement(s). Suggest adjusting the PUE or to be removed where not needed. The proposed water and sewer service laterals shall be relocated closer to driveways to provide clearances required from the proposed trees. Coordinate with Landscape Architect Review comments.

**38.41. Required Improvements:** 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.

**39.42. Grading & Drainage:** 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.

40.43. **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.

### **Site Improvements**

41.44. All lots shall be served with underground public utility services for electricity, gas, tele-communication, sewer collection; water supply and drainage collection.

42.45. Harvey Avenue, across the property frontage, shall be improved with:

- a. New city standard concrete curb, gutter and sidewalk.
- b. Accessibility compliant driveway for the proposed private street.
- c. A minimum 2-inch thick hot-mix asphalt-concrete overlay on street pavement to mitigate the project construction impacts. The new pavement shall have thermoplastic striping and markings.
- d. City standard LED streetlight(s).
- e. Underground placement of existing above-ground public utility facilities. This includes electrical, telecommunication and cable TV lines, transformers and signal booster equipment.

43.46. Developer shall offer to the City, for its maintenance, the new curb, gutter, sidewalk along Harvey Avenue and on-site sewer collection mains, water mains and meter boxes, water service laterals from water main and meter box and fire hydrant assemblies. Such improvements shall comply with the City standards.

44.47. The private street (Drive Aisle A) shall have:

- a. configuration substantially as shown on the City approved tentative Map for Tract 8442,
- b. pavement Traffic Index not less than 5.5,
- c. concrete sidewalk not less than 5-ft. wide. This sidewalk shall be accessibility compliant with ramps to accessibility compliant parking space in private street and to public sidewalk in Harvey Avenue.
- d. turn-around 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.
- e. non-exclusive easements for the City's water and sewer systems, public utilities and emergency vehicle access.

### **Grading and Land Disturbance**

45.48. Effective measures for adjacent property protection, storm water pollution prevention and dust control must be in-place before construction starts. Such measures must be maintained during and after construction until ground cover is established.

- ~~46.49.~~ Each lot shall drain towards the private street. Drainage shall not be allowed across back and side property lines of the proposed lots or over the street sidewalk.
- ~~47.50.~~ Cut, fill or land disturbance on one acre or larger area shall require A *Notice of Intent* (NOI) and *Storm Water Pollution Prevention Plan* (SWPPP). The SWPPP must be submitted to the City and the State for review/approval.
- ~~48.51.~~ The SWPPP and its required improvements shall be completed as per the plans prepared by a Qualified SWPPP Developer (QSD) and approved by a Qualified SWPPP Practitioner (QSP) in compliance with the Regional Water Quality Control Board regulations.

#### **Storm Drain System**

- ~~49.52.~~ The project shall not block runoff from or augment to adjacent properties. Stormwater discharge rate shall not exceed the pre-development rate.
- ~~50.53.~~ The drainage improvements shall be designed as per the latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria. The drainage plan with supporting calculations shall be approved by the City Engineer.
- ~~51.54.~~ New storm drain inlets must be labeled "No Dumping - Drains to Bay" using the City approved specifications.
- ~~52.55.~~ On-site collector storm drains shall be not less than 12-inch in diameter to minimize potential for blockages.
- ~~53.56.~~ The on-site storm drains and storm water treatment systems shall be owned and maintained by the property owners' association.

#### **Storm Water Pollution Prevention**

- ~~54.57.~~ The site improvements shall include storm water pollution prevention measures required by the Municipal Regional Permit (MRP), including the Best Management Practices (BMP's). BMP's shall be maintained until disturbed ground is protected with ground cover.
- ~~55.58.~~ Stormwater shall be treated for trash, oil and other pollutant removal before it is discharged to public drainage system. Stormwater treatment measures included in the project may include trash capture devices in drain inlets, bio-treatment/detention basins, Hydromodification Management (HM), infiltration etc. Stormwater treatment measures shall be designed as per the Alameda County Clean Water Program (ACCWP) C.3 Technical Guidance Manual, available at: <https://www.cleanwaterprogram.org/c3-guidance-table.html>
- ~~56.59.~~ Stormwater treatment facilities included in the project design shall be maintained and kept operational. The City's standard "Stormwater Treatment Measures Maintenance Agreement" shall be executed by the property owner and filed with the Alameda County Recorder.
- Final Map*
- ~~57.60.~~ Subdivider shall provide for the City's review and approval the Final Map prepared substantially in compliance with the Conditionally Approved and unexpired Tentative map, Hayward Municipal Code and the State Subdivision Map Act.

- ~~58.61.~~ Final Map shall show exterior boundaries and dimensions of each proposed lot, street rights-of-way, public utilities easements to be dedicated or vacated and other details required by the State Subdivision Map Act and Hayward Municipal Code Section 10-3.
- ~~59.62.~~ Provide all map calculations, copies of grant deeds, property ownership records, title report(s) and geo-technical study report(s).
- ~~60.63.~~ Homeowners Association documents, defining ownership, responsibilities and financial arrangements for needed repairs, maintenance, construction and reconstruction of common use areas and improvements shall be submitted for the City's review and approval concurrently with the Final Map submittal.
- ~~61.64.~~ The common use area improvements shall include but are not limited to streets, parking areas, accessibility compliant walkways; lighting and landscape improvements; sanitary sewer mains; water distribution mains and their laterals up to and including water meters; fire hydrants; storm drains and storm water pollution prevention measures etc.
- ~~62.65.~~ Before requesting the City Council approval of the Final Map, all improvements required by the condition of the Tentative Map approval shall be complete or the subdivider must execute an improvement agreement with the City and post improvement securities in the amounts and forms approved by the City Engineer.
- ~~63.66.~~ Final Map shall be filed in the County's public records immediately after the City's approval.

*Plans and Permits*

Plans, studies and design documents for the project related ground disturbing, grading, drainage, water and sewer service connections, and activities in the street right-of-way, shall be approved by the City Engineer before starting any construction. Such plans shall be prepared by the State licensed and qualified professionals and shall comply with the 2017 City Standard Details, available online: [https://www.hayward-ca.gov/sites/default/files/documents/ET\\_STANDARD%20DETAILS\\_V042117.pdf](https://www.hayward-ca.gov/sites/default/files/documents/ET_STANDARD%20DETAILS_V042117.pdf)

- ~~64.67.~~ City shall receive photo-mylar copies (photographic reproduction on a polyester based film of not less than 4 mm thickness) of its approved improvement and grading plans along with digital files of the same in AutoCAD and .pdf format.
- ~~65.68.~~ A grading permit shall be secured before starting cuts and fills exceeding five feet in height or 300 cubic yards or land disturbance exceeding limits stated in Section 10-8.10 of the Hayward Municipal Code, available on-line at: <https://www.hayward-ca.gov/your-government/codes-regulations>
- ~~66.69.~~ An encroachment permit shall be secured before starting any construction or traffic disrupting activity within the City street right-of-way.
- ~~67.70.~~ Permits required from affected regional, regulatory and utility agencies shall be secured before starting construction. Any work beyond property or connection to any facility not owned by the property owner shall require prior written permit and shall be per plans approved by the permitting entity.

- ~~68.71.~~ Air pollution mitigation plan, approved by the Bay Area Air Quality Management District (BAAQMD), shall be secured before the start of any construction, grading or material hauling to or from the project site. Requirements of the approved plan shall be implemented throughout the duration of construction or grading activity. The dust mitigation plan must specify practices which would ensure that no equipment or operation emits dust and air pollutants exceeding the permitted limits.
- ~~69.72.~~ Public infrastructure improvements intended for the City's maintenance shall be constructed within existing public street rights-of-way or new easements acceptable to the City shall be offered for the City's acceptance on the Final Map.

### **Transportation**

- ~~70.73.~~ Applicant shall submit a Photometric Plan to Public Works for review and approval as part of Improvement Plans
- ~~71.74.~~ Applicant shall install one standard streetlight on project frontage along Harvey Avenue. Streetlight plan and location shall be included in Improvement Plans.
- ~~72.75.~~ Applicant shall install one "STOP" sign (CA MUTCD R1-1) on private roadway where the private roadway intersects with Harvey Avenue. "STOP" sign location shall be indicated on Improvement Plans.

### **Landscape**

- ~~73.76.~~ Landscape and irrigation plans and details for the Precise Plan submittal shall be in full compliant with the City's Bay-Friendly Water Efficient Landscape Ordinance and other relevant ordinances and regulations.
- ~~74.77.~~ Utility easements and individual water meter and sewer cleanouts in the front yard shall be modified to accommodate the required tree planting per the City's Engineering comments. Individual water meter and sewer cleanouts locations shall be coordinated to avoid conflict with providing the required trees.
- A. One 24"-box tree is required to be planted at every 20 to 40 feet on center, depending upon tree species, within the front yard setback areas.
  - B. Base information shall include individual water meter and sewer cleanouts locations in addition to all proposed above and underground utilities.
- ~~75.78.~~ Minimum one fifty (50) gallon covered rain catchment device per residence shall be shown on the plan as required by the Bay-Friendly Water Efficient Landscape Ordinance, Section 10-12.15. The location and specification for the catchment device shall also be provided on the plan. The device shall be located where it would be easily accessible.
- ~~76.79.~~ All trees shall be planted a minimum of five feet away from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the City. Trees shall be planted according to the City Standard Detail SD-122 which shall be included on the landscape plans.

- ~~77.80.~~ Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven **feet** of pavement or buildings, and as directed by the landscape architect. The length of root barrier shall be as recommended by the manufacturer.
- ~~78.81.~~ Plant spacing shown on the plant palette shall not be closer the minimum spread provided in the reference books in the landscape ordinance.
- ~~79.82.~~ Bio-treatment area shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system when the area is wider than ten feet on a separate valve.
- ~~80.83.~~ Minimum twelve inches wide band of large size Noiya Cobblestone shall be provided around overflow catch basin or bubble up basin.
- ~~81.84.~~ Three inches deep organic recycled chipped wood mulch in dark brown color shall be installed in bio-treatment areas.
- ~~82.85.~~ Backflow prevention device shall conform to the City Standard Detail SD-202 which shall be included on the landscape plans.

### **Fire Department**

- ~~83.86.~~ Parking of vehicles is allowed one-side parking on 30-foot-wide road. No parking is allowed on 24-foot-wide road. Where there is no on-street parking, fire lane signage shall be installed in locations required by the Hayward Fire Department. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
- ~~84.87.~~ 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.
- ~~85.88.~~ Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet) in single-family residential area, capable of flowing 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department.
- ~~86.89.~~ 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).
- ~~87.90.~~ Submit for proper building permits for the construction of the building to the Building Department.
- ~~88.91.~~ Buildings are required to install fire sprinkler systems in accordance with NFPA 13D. (Deferred submittal by a licensed C-16 Contractor Required)
- ~~89.92.~~ Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
- ~~90.93.~~ 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.

- ~~91.94.~~ 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.
- ~~92.95.~~ An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system waterflow activity.
- ~~93.96.~~ 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).
- ~~94.97.~~ When a flow switch is not installed on the riser of a flow thru sprinkler system, smoke alarms shall be interconnected to sound an audible alarm in all sleeping areas within the dwelling unit.
- ~~95.98.~~ 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.
- ~~96.99.~~ An approved type spark arrestor shall be installed on any chimney cap.
- ~~97.100.~~ A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.

### **Hazardous Materials**

Conditions Prior to Grading Activities and During Construction:

- ~~98.101.~~ Prior to issuance of Building or Grading Permits a final clearance shall be obtained from either the 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.
- ~~99.102.~~ 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.
- ~~100.103.~~ All 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.
- ~~101.104.~~ The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
- ~~102.105.~~ During construction, hazardous materials used, and hazardous waste generated shall be properly managed and disposed.

~~103.106.~~ 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 submitted with building plans to the City of Hayward Fire Department at the time of application for construction permits.

**Solid Waste**

~~104.107.~~ Construction & Demolition Debris: The City requires that construction and demolition debris be recycled per certain ordinance requirements. Submittal of the Debris Recycling Statement will be required at the time of your building permit. The form can also be found at <http://www.hayward-ca.gov/services/city-services/construction-and-demolitiondebris-disposal>. You may also visit Hayward's Green Halo webpage and create a waste management plan instead of filling in the Debris Recycling Statement.

~~105.108.~~ For units designed to store the trash, recycling, and organics carts on the back side of the property, please ensure residents can roll carts to the street either through the garage without having to move vehicles, or by way of the side yard.



**Utilities**

~~106.109.~~ On all utility plans:

- a. The size and location of the domestic water meters, service line, and backflow device for each dwelling unit shall be shown on the plans.
- b. The slope of sanitary sewer mains shall meet the standard minimum slope of 0.0050 ft/ft.
- c. Long water service piping after the water meter is not acceptable. The water service piping shall be run in a straight line perpendicular (90 degrees) to the curb from the water main for units 8 & 9.

**Water**

~~107.110.~~ The development's water mains shall be public, owned and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.

~~108.111.~~ 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

~~109.112.~~ All public water mains shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains (12" Diameter or Less) and Fire Hydrants," latest revision at the time of permit approval.

~~110.113.~~ All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant's/developer's expense. This includes relocating existing services and water main tie-ins. The developer may only construct new services in conjunction with their construction of new water mains.

~~111.114.~~ 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.

~~112.115.~~ Each dwelling unit 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.

~~113.116.~~ 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.

~~114.117.~~ Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1".

~~115.118.~~ Separate irrigation water meter(s) shall be installed for landscaping purposes. The size will be based on the gallon per minute demand of the irrigation system.

- ~~116.119.~~ The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly 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.
- ~~117.120.~~ All water meters shall be radio-read type.
- ~~118.121.~~ Water meters shall be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218. Water meters in developments must be located along a thru street (road, court, etc.) to facilitate meter reading. Water meters located on narrow dead-end roadways will not be allowed.
- ~~119.122.~~ Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
- ~~120.123.~~ Water service available and subject to standard conditions and fees in effect at time of application and payment.
- ~~121.124.~~ Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials, with the City's approval.

Sewer

- ~~122.125.~~ 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.
- ~~123.126.~~ 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.
- ~~124.127.~~ Each single-family residential dwelling unit shall have an individual sanitary sewer lateral. The sanitary sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.
- ~~125.128.~~ The developer is responsible for payment of sewer connection fees at the current rates at the time and application for water and sewer service is submitted. Sewer connection fees for residential connections are charged on a flat fee per number of residential units.