

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

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

RESOLUTION ADOPTING AN ADDENDUM TO THE PREVIOUSLY CERTIFIED MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING TENTATIVE PARCEL MAP AND ZONE CHANGE APPLICATION 20150101690 PERTAINING TO THE SUBDIVISION AND CONSTRUCTION OF FOUR INDUSTRIAL BUSINESS PARK BUILDINGS AT 28803 MARINA DRIVE

WHEREAS, on April 10, 2015, Elizabeth Cobb, Shea Properties (Applicant) submitted Zone Change and Tentative Parcel Tract Map Application 201501690 for the property located at 28803 Marina Drive, which applications requested a zoning reclassification from Business Park to Planned Development District and a property subdivision to facilitate construction four (4) industrial business park buildings (the “Project”); and

WHEREAS, an Addendum to the previously certified 2007 Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program has been prepared to assess and mitigate the potential environmental impacts of the Project; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on July 23, 2015, and recommended that the City Council adopt the Addendum to the certified 2007 Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; approve Zone Change and Tentative Parcel Map Application 201601690, subdividing and reclassifying the property from Business Park to Planned Development District; 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 September 15, 2015.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. In October 2007, City Council certified a Mitigated Negative Declaration, Initial Study, Mitigation Monitoring and Reporting Plan and Technical Memorandum in conjunction with the approval of a General Plan Amendment, Specific Plan Amendment, Development Guidelines Revisions, Zoning Changes and Zoning Text Amendment related to the Legacy Partners South of Route 92 Development Project. The Certified

Mitigated Negative Declaration tiered off the 1998 EIR and implemented necessary mitigation measures from that EIR, as well as new measures, pertinent to impacts documented in the Mitigated Negative Declaration. Pursuant to CEQA Guidelines Section 15164, an Addendum to the previously certified EIR and Mitigated Negative Declaration.

2. That the Addendum to the previously certified Mitigated Negative Declaration, Initial Study, Mitigation Monitoring and Reporting Plan and Technical Memorandum was prepared by First Carbon Solutions on July 14, 2015. Pursuant to CEQA Guidelines Section 15164(g), an Addendum need not be circulated for public review but can be included in or attached to the Final EIR or Mitigated Negative Declaration.
3. That there has been no substantial change proposed in the Project or the circumstances under which the Project is being undertaken, nor is there any new information that would require additional environmental review, therefore the previously certified Mitigated Negative Declaration, Initial Study, Mitigation Monitoring and Reporting Plan and Technical Memorandum remain valid.
4. That adopted MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that all of the applicable mitigation measures identified in the MND and Mitigation Monitoring and Reporting Program will and implemented. Based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the project will have a significant effect on the environment.
5. That the project complies with CEQA, and that the previously certified Mitigated Negative Declaration, Initial Study, Mitigation Monitoring and Reporting Plan and Technical Memorandum was presented to the Planning Commission and City Council, which reviewed and considered the information contained therein prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.

#### ZONE CHANGE

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

The project is consistent with the existing General Plan designation and policies related to land use and providing a variety of development types, specifically:

##### ***LU-1.1 Jobs-Housing Balance***

*The City shall support efforts to improve the jobs-housing balance of Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution.*

The Project site would create new jobs in the City and will potentially provide opportunities for existing residents to live and work in Hayward or to attract

employees to relocate to Hayward rather than commute from surrounding communities.

***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 site is an infill site substantially surrounded by development and located along a major corridor that is part of the South of Route 92 Specific Plan area. Also, the site is identified in the City’s Economic Development Strategic Plan as an industrial opportunity site.

***LU-5.2 Flexible Land Use Regulations***

*The City shall maintain flexible land use regulations that allow the establishment of economically productive uses in regional and community centers.*

The proposed Planned Development zoning provides flexible use alternatives, reflective of current and anticipated future market trends.

***LU-6.1 Land Uses***

*The City shall encourage employee-intensive uses, such as professional office, corporate campuses, research and development, traditional and specialized manufacturing, throughout the Industrial Technology and Innovation Corridor.*

The proposed Class “A” light industrial/flex space would create employment opportunities for small to mid-size light manufacturing, food manufacturing, biotechnology, and research and development firms.

***LU-6.5 Incompatible Uses***

*The City shall protect the Industrial Technology and Innovation Corridor from the encroachment of uses that would impair industrial operations or create future land use conflicts.*

The Business Park designation for the site originally envisioned the development of an office campus. The proposed project would be in keeping with the vision of office uses while incorporating flexibility to allow uses that are traditionally considered light industrial in conjunction with said office uses to meet the demand of the current market and the industrial and technology industry.

***LU-6.7 Design Strategies***

*The City shall encourage developments within the Industrial Technology and Innovation Corridor to incorporate the following design strategies:*

- *Provide attractive on-site landscaping and shade trees along street frontages and within employee and visitor parking lots.*
- *Screen areas used for outdoor storage, processing, shipping and receiving, and other industrial operations with a combination of landscaping and decorative fences or walls.*
- *Encourage consistent architectural facade treatments on all sides of buildings.*
- *Screen roof-top equipment with roof parapets.*

- *Design shipping and receiving areas and driveways to accommodate the turning movements of large trucks.*
- *Incorporate attractive building and site lighting to prevent dark pockets on the site.*
- *Provide pedestrian walkways to connect building entrances to sidewalks.*
- *Use landscaped buffers with trees and attractive sound walls to screen adjacent residential areas and other sensitive uses.*

The project is consistent with the South of Route 92 Specific Plan and Development Guidelines, the Mount Eden Business and Sports Park Community Development Plan, and the City’s Economic Development Division’s [Industrial Technology and Innovation Corridor Baseline Profile](#). The proposed industrial business park is compatible with the existing industrial, commercial, and residential developments in the surrounding area. The high quality design of the buildings will improve the streetscape along Industrial Boulevard, Marina Drive and Portland Drive, and is consistent with the South of Route 92 Specific Plan and Development Guidelines, specifically the Public Service Easements (PSE) along Industrial Boulevard, Marina Drive and Portland Drive. Furthermore, the project is consistent with the Industrial Technology and Innovation Corridor Baseline Profile, which recommends that the City attract and expand advanced industries by supporting land use policies that encourage redevelopment and development of new “Class A” industrial spaces

***LU-6.8 Employee Amenities***

*The City shall encourage the provision of employee-serving amenities for major employment uses within the Industrial Technology and Innovation Corridor, such as courtyards and plazas, outdoor seating areas, fitness facilities, bicycle storage areas, and showers.*

The Project will include bicycle storage facilities and preferential parking for carpool on site.

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

The proposed project site is an in-fill development site surrounded by existing streets and there are utilities available to the site with adequate capacity to serve the proposed development .t.

**9. 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 not a residential project; therefore this finding is not applicable.

10. **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 proposed Project seeks flexibility in the allowed uses, rather than flexibility in development standards. The Project would be a positive addition to the City by creating Class “A” light industrial/flex space, which would be in line with space requirements of City targeted employment sectors for small to mid-size light manufacturing, food manufacturing, biotechnology, and research and development firms. The flexibility will allow mixed-uses, including office, manufacturing, research and development, and incubator uses.

#### TENTATIVE PARCEL MAP

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

The Tentative Parcel Map, as conditioned, substantially conforms to the State Subdivision Map Act, the City’s Subdivision Regulations, General Plan and the South of Route 92 Specific Plan, and requires no variances or exceptions.

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

The proposed subdivision, as demonstrated by the findings associated with the related Zone Change Application (No. 201501690) is of a design consistent with the City’s General Plan and the South of Route 92 Specific Plan and Development Guidelines.

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

The design level geotechnical investigation performed by Berlogar, Stevens and Associates (dated March 24, 2015) demonstrates that the proposed development is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that a design level geotechnical investigation be incorporated into the project design and construction. The site provides sufficient lane widths and ingress/egress points, pedestrian facilities and infrastructure locations, such as water and sewer lines, storm drains and stormwater treatment areas, to support the proposed Industrial Business Park.

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

The design level geotechnical investigation performed by Berlogar, Stevens and Associates (dated March 24, 2015) demonstrates that the proposed development is feasible and the proposed subdivision would occur on a site suitable for the proposed

development with the recommendation that a design level geotechnical investigation be incorporated into the project design and construction.

The traffic analysis conducted as part of the Addendum to the 2007 Mitigated Negative Declaration for the Project determined that the project would not result in significant impacts to traffic since the project will create fewer AM peak-hour trips and 236 fewer PM peak-hour trips than what was previously analyzed. Therefore, the conclusions from the adopted 2007 Mitigated Negative Declaration remain unchanged. The 2007 Mitigated Negative Declaration concluded that, as mitigated, the development of the project site would not generate sufficient traffic to cause nearby intersections to operate at an unacceptable level of service, nor would it create any issues with safe ingress and egress from the site. Traffic Mitigation Measures XV-1 has been completed; Mitigation Measure XV-2 has been deemed inapplicable due to the passing of Alameda County Measure BB which will provide funding for the County to reconstruct the intersection; and Mitigation Measure XV-3a and 3b, which call for the development of a Transportation Management Plan to minimize transportation-related impacts during construction and after implementation, is still applicable.

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

The Addendum to the adopted 2007 Mitigated Negative Declaration, Initial Study, Mitigation Monitoring and Reporting Plan and Technical Memorandum prepared for the Project area demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed subdivision, with incorporation of required mitigation measures.

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

Adequate capacity exists to provide sanitary sewer service to the Project site. There are no other aspects of the Project with the potential to cause serious public health problems.

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

There are several existing public easements within the boundaries of the proposed subdivision. Upon completion of the proposed improvements, the streets and utilities would be adequate to serve the project. New public easements are to be offered for dedication as necessary.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Addendum to the certified 2007

Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibit “B”) and approves Zone Change and Tentative Parcel Map Application 201501690, subject to the adoption of the companion ordinance (Ordinance No. 15-XXX) rezoning the property located at 28803 Marina Drive from Business Park to Planned Development District, subject to the attached conditions of approval (Exhibit “A”).

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

**Exhibit A**  
**CONDITIONS OF APPROVAL**

**September 13, 2015**

**Eden Shores Industrial Business Park – Shea Properties (Applicant),  
Eden Shores Associates I, LLC (Owner)**

**Zone Change and Tentative Parcel Map (Tract 10363) Application No. 201501690**

**Proposed Subdivision and Construction of 4 office/light industrial buildings on a 14.41-acre site at 28803 Marina Drive, requiring Adoption of Resolution and Introduction of Ordinance for a Zone Change from Business Park to Planned Development, Tentative Parcel Map 10363 and an Addendum to the previously certified Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.**

**GENERAL**

1. In accordance with Zoning Ordinance §10-1.2500 (Planned Development District), this approval is for the Preliminary Development Plan, included herein as **Exhibit A –Planned Development and Tentative Parcel Map 10363 submitted by Shea Properties, dated June 16, 2015, and Exhibit B – Development Standards for the Eden Shores Industrial Business Park**, subject to all conditions listed below.
2. The project approval shall coincide with the approval period for the Tentative Parcel Map. If a building permit is issued for construction of improvements authorized by the Zone Change approval, said approval shall be void two years after issuance of the building permits, or three years after approval of Precise Plan application, whichever is later, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the Precise Plan approval.
3. This approval is subject to the Mitigation Monitoring and Reporting Program approved for the Legacy Eden Shores Conceptual Development Plan, adopted by City Council on October 23, 2007 by Resolution 07-0145 and the Addendum dated June 16, 2015.
4. The subdivider 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.
5. Prior to occupancy and the installation of any signs, the Applicant shall submit, and receive approval of, a Sign Permit Application.
6. The owner(s) shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 48 hours of occurrence.



## **Exhibit A**

7. If the applicant is unable to acquire Portland Drive from the City, the site plan and landscape plan shall be revised accordingly to be reviewed and approved by the Development Services Director and City Landscape Architect as part of the Precise Plan.

### **PRECISE PLAN SUBMITTAL**

8. In accordance with Zoning Ordinance §10-1.2550 and prior to submitting a building permit application, a Precise Development Plan shall be submitted for review and approval by the Development Services Director.
9. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and incorporate conditions herein, and shall be submitted prior to or concurrent with the subdivision improvement plans and Parcel Map.
10. 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 number shall be decorative. Building addresses shall be minimum 4-inch self-illuminated or 6-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) Proposed pavement materials and structural section for all drive aisles, parking areas, and pedestrian paths.
  - f) Proposed mailbox design and locations, subject to Post Office approval. All mailboxes shall be locking mailboxes.
  - g) A final lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. 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 homes located in the residential development adjacent to the project.
  - h) 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.
  - i) 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, unless prohibited by the utility provider.
  - j) All roof mounted equipment shall be completely screened from view.
  - k) A copy of the draft CC&R's for the Property Owner's Association (POA).
11. 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

## **Exhibit A**

Services Director or his/her designee, prior to implementation.

12. Details of all project amenities shall be submitted for review and approval by the Planning Director during the Precise Plan phase of the project.
13. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division in substantial conformance with the approved Preliminary Development Plan, South of Route 92 Development Guidelines and City of Hayward's Design Guidelines prior to issuance of a building permit for the project.

### **PRIOR TO SUBMITTAL OF SUBDIVISION IMPROVEMENT PLANS AND PARCEL MAP**

14. In conjunction with the Precise Plan, the applicant/developer shall submit subdivision improvement plans including Landscape and irrigation plans, and a Parcel 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 Planned Development.
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 approved otherwise by the Development Services Director and/or Fire Chief, the design for development shall comply with the following:
  - a) All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
  - b) All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments.
  - 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 improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape plans unless otherwise indicated herein.

### ***Subdivision Improvement Plans***

18. Subdivision Improvement Plans shall be processed in concurrence with the Precise Development Plan. 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 to ACPW & WCD standards criteria. (associated with a ten (10) year storm and incorporating onsite stormwater detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite

## **Exhibit A**

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 stormwater programs.

### ***Stormwater Quality Requirements***

19. The following materials related to the Stormwater quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:

- a) A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Public Works - Engineering and Transportation Department staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
- b) Stormwater 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) A copy of the Notice of Intent (NOI) from the State Water Resources Control Board shall be provided to the City prior to the start of grading.
- 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 stormwater 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 in the internet at [www.cabmphandbooks.com](http://www.cabmphandbooks.com). Mechanical storm water treatment means may be utilized to treat truck dock areas unable to gravity drain to the LID BMP's.

## **Exhibit A**

- g) The Bioretention Treatment Area shall use a Bio-treatment Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5” per hour.
  - h) All inlet rims in the Bioretention Treatment Area (BTA) shall be 6” minimum above the flow line of the BTA. The design of the longitudinal flow line shall be level. If not feasible, check dams will be required.
  - i) The following documents shall be completed and submitted with the improvement and/or grading plans:
    - i. Hydromodification Management Worksheet if applicable;
    - ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
    - iii. Development and Building Application Information Impervious Surface Form;
    - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
    - v. C.3 and C.6 Data Collection Form; and,
    - vi. Numeric Sizing Criteria used for stormwater treatment (Calculations).
20. The developer shall be responsible for ensuring that all contractors are aware of all stormwater 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.
21. The existing 48” storm drain located within the 80’ PUE is owned and maintained by the Alameda County Flood Control and Water Conservation District, not the City of Hayward. Any connections to that storm drain shall be approved by Alameda County Flood Control District.

### ***Public Streets (Industrial Boulevard, Marina Drive and Portland Drive)***

- 22. Any damaged and/or broken curb, gutter and sidewalks along the property frontages shall be removed and replaced as determined by the City Public Works Inspector.
- 23. All existing driveways to be abandoned shall be removed and replaced with standard curb, gutter and sidewalk.
- 24. Slurry seal from curb to curb along the entire property frontages of Marina and Industrial Boulevard.

### ***Storm Drainage***

- 25. 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.
- 26. All surface runoff shall be treated prior to discharge to the storm drain system. )
- 27. Improvements for storm drain system shall incorporate the following:

## **Exhibit A**

- 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 courts 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 unless the additional runoff is mitigated.
- 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, unless approved otherwise by the City Engineer.
- f) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
- g) 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.

### ***Utilities - Sewer & Water***

28. Water & Sewer Service are available and subject to standard conditions and fees in effect at time of application and payment of fees:
  - a) Water Service – Per the City of Hayward Municipal Code, no single water service connection shall serve more than one premise. Each business shall be served by a separate domestic water meter.  
Any modifications needed to the water services and/or water meters (upsized, downsized, relocate, etc.) must be performed by City crews at the owner's/applicant's expense.
  - b) Sewer Service – Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge. The sewer connection fee for a non-residential connection with domestic strength

## Exhibit A

discharge is currently \$36.68 per gallon of daily discharge, with a minimum fee of \$7,700. The minimum sewer connection fee will be charged at the time the shell is constructed. Additional sewer capacity fees will be assessed for each business at the time of the tenant improvement building permit is processed.

29. Water meters and services to be located a minimum of two feet from top of driveway flare as per City Standard Details SD-213 thru SD-218, unless approved otherwise by the City Engineer and the Director of Utilities and Environmental Services.
30. 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 piping materials.
31. All domestic & irrigation water meters must have Reduced Pressure (RP) Backflow Prevention Assemblies, per [City of Hayward Standard Detail 202](#). Backflow Prevention Assemblies shall be at least the size of the water meter or the water line on the property side of the meter, whichever is bigger. Backflow devices installed on potable water services must be lead-free.
32. There is an existing 80' PUE located on the north side of the property.
  - No permanent structures shall be built within the PUE (except the two small corners of Building 1 that encroach into the PUE shall be permitted).
  - No bio-retention areas shall be located within the PUE.
  - Landscaping within the PUE is allowed, however, no trees shall be planted within the PUE.
33. The locations of the private water supply lines and private on-site fire hydrants shall be relocated so that they are not located within the PUE.
34. The proposed 12" water service line that will supply the 8" fire service line to serve Building 1, the 8" fire service line to serve Building 2 and the 10" fire service loop to serve the private on-site fire hydrants shall be a 12" water service line, not a 12" public water main as shown on the plans. The blow off valve located at the end of the 12" water service line shall be eliminated. The final design of water service shall be compatible with fire service requirements.
35. The proposed 6" sanitary sewer lateral that will serve Building 1 and Building 2 shall be a minimum 8". The connection of that proposed sanitary sewer lateral to the existing 15" sanitary sewer main located in the PUE shall be made with a manhole.
36. The plans indicate that a section of Portland Drive will be vacated and reserved as a PUE and will become a bio-retention area. The PUE shall be abandoned with the 18" storm drain and 8" sanitary sewer west of Villaport Way converted to a private system. A sanitary sewer manhole shall be constructed over the existing sanitary sewer at the intersection of Portland Drive and Villaport Way.

## Exhibit A

### *Solid Waste*

37. Since the proposed development does not have confirmed tenants (i.e. a speculative development), City staff reserves the right to revise the enclosures constructed by the applicant to include more enclosures and/or to revise the dimensions of the constructed enclosures as individual tenants submit their plans, in accordance with City adopted guidelines.
38. Construction & Demolition Debris: The City of Hayward Construction and Demolition Debris Recycling Statement shall be submitted at the time of building permit submittal.
  - a) 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*

39. All service to buildings 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.
40. 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.
41. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
42. The existing street lights and appurtenances on the vacated Portland Drive shall be turnover to the City corporation yard.

### *Landscape and Irrigation Plans*

43. 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. Copies of the approved and signed improvement plans shall be submitted as a part of the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan. The plans shall comply with the City's latest water

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efficient landscape ordinance, California Green Building Standards Code for outdoor water use, or the Governor's Executive Order B-29-15 whichever is the most stringent at the time of the first submittal of landscape and irrigation improvement for review. The plans shall also comply with other relevant sections in Municipal Codes. Dripline of the existing trees to be saved shall be shown on the plan.

44. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Public Works - Engineering and Transportation Department. The size of Mylar shall be twenty four inches by twenty four inches without an exception. A four inches wide and high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward, Landscape Architect.
45. Reduced side and rear yard setback areas shall be adequate to maintain the intended screening to adjacent properties. One ever green tree at every twenty feet on center along the east property line where residential development is located shall be provided. Proposed bio-retention area shall be modified or relocated or widened to accommodate screening tree planting allowing mature growth of selected tree species. Provide clearly the offset of reduced setbacks on the plan.
46. A tree removal permit shall be obtained prior to the removal of any tree.
47. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven of pavement or buildings, and as directed by the landscape architect.
48. Minimum street tree size is twenty-four-inch-box and fifteen gallon for the remaining trees. Smaller than fifteen gallon size tree size shall not be allowed.
49. The shrubs and groundcover plant legend shall include mature plant sizes provided in Sunset Western Garden Book or East Bay Municipal Utility District's San Francisco Bay Region Plants and Landscapes for Summer-Dry Climates or Bob Perry's Landscape Plants for California Gardens. Planting spacing shall be provided in accordance with those reference books and in compliance with the City's Bay-Friendly Water Efficient Landscape Ordinance not allowing routine shearing. Spreading type of groundcovers shall not be specified where adequate planting space can't be provided. Watering needs for each plant including trees shall be provided in the plant legend.
50. Soil amendments shall be done with certified organic compost. Minimum requirement is nine cubic yards of organic compost per 1,000 square feet of all planting areas at a ratio of one to four to the depth of top nine inches of soil being thoroughly incorporated. Additional or amended soil amendment mix shall be recommended by a soil laboratory upon a soil test.
51. Mulch shall be organic recycled chipped wood in the shade of Dark Brown Color and shall be provided to minimum three inches in depth.
52. A separate irrigation water meter shall be provided.



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53. Trees with different watering needs shall be on separate valves.

### *Fire Protection*

54. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed within the jurisdiction. The fire access apparatus access road shall extend to within 150 feet of all portion of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
55. When any portion of a building or facilities exceeds 30 feet in height above the lowest level of fire department vehicle access, fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of the building. The required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building, unless otherwise approved by the Fire Department.
56. Buildings or facilities having a gross building area of more than 62,000 square feet should be provided with two separate and approved fire apparatus access roads. Two access roads should be placed a distance apart equal to not less than on half of the length of the maximum overall diagonal dimension of the area to be served, measured in a straight line between accesses.
57. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced so as to provide all-weather driving capability.
58. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane, 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
59. Dead-end fire apparatus access road in excess of 150 feet in length shall be provided with a turnaround meeting the Hayward City Standard and the 2010 California Fire Code Section D103.
60. To provide water/fire flow test data information on the plan, including static pressure, residual pressure, pitot pressure, test flow, calculated available water flow at 20psi and test date. The data should be less than 5 years old. This information may be available for Hayward Public Works Department. A new flow test should be requested if update water data is not available.
61. An automatic fire sprinkler system shall be installed in each building in accordance with NFPA 13 Standards. (Deferred Submittal).
62. A fire flow shall be provided in accordance with the 2013 California Fire Code Table B105.1 based on the construction type and building area with buildings exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500gpm.
63. The average spacing between hydrants is 400 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Additional hydrant(s) may be required based on distance and available fire flow to the site.

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64. The number and distribution of fire hydrants shall be provided in accordance with the 2013 California Fire Code Table C105.1 and Hayward Fire Code Ordinance. The average spacing of fire hydrants is 400 feet. It is reduced by 100 feet for dead-end streets or roadways.
65. Underground fire service line shall be installed in accordance with NFPA 24 (Deferred Submittal).
66. New fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants.
67. Identify the location of fire department connection on the site plan. It shall be located on the street/fire apparatus access side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access. Fire department connection shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus.
68. Submit for proper building permits for the construction of the building to the Building Department.
69. Public Works Department recommended a maximum static pressure of 80 PSI should be used when a water test data indicates a higher pressure. The residual pressure shall be adjusted accordingly.

### ***Hazardous Materials***

70. Prior to grading, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and hazardous waste must be properly managed and disposed of in accordance with state, federal and local regulations.
71. Any wells, septic tank systems and other subsurface structures - including hydraulic lifts for elevators - shall be removed properly in order not to pose a threat to the development, construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures shall be documented and done under permit, as required by law.
72. 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.
73. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

### ***Parcel Map***

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74. Prior to recordation, a proposed Parcel Map shall be submitted for review by the City. The Parcel 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 Parcel Map are deemed technically correct, and Subdivision Agreement and Bonds are approved by the City. The executed Parcel Map shall be returned to the City Public Works Department if Parcel Map has not been filed in the County Recorder's Office within ninety (90) days from the date of the City Council's approval.
75. Prior to the recordation of the Parcel 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.
76. The Parcel Map shall reflect all easements needed to accommodate the project development.

### **PRIOR TO ISSUANCE OF BUILDING OR GRADING PERMITS AND CONSTRUCTION WITH COMBUSTIBLE MATERIALS**

77. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.
78. Pursuant to the Municipal Code §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.
79. Prior to issuance of building permits, a Parcel Map that reflects and is in substantial compliance with the approved Vesting Tentative Parcel Map, shall be approved by the City Engineer and is in the process for filing with the office of the Alameda County Clerk Recorder.
80. Submit the following documents for review and approval, or for City project records/files:
  - a. Copy of the Notice of Intent filed with State Water Resources Control Board;
    - i. Engineer's estimate of costs, including landscape improvements;
    - ii. Signed Parcel Map;
    - iii. Signed Subdivision Agreement; and
    - iv. Subdivision bonds.
81. Plans for building permit applications shall incorporate the following:
  - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
  - b) 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

## **Exhibit A**

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.

- c) Plans shall show that all utilities will be installed underground.
  
- 82. Required water system improvements shall be completed and operational prior to the start of combustible construction.
  
- 83. The developer/subdivider shall be responsible to adhere to all aspects of the approved Stormwater Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.
  
- 84. A representative of the project soils engineer shall be on the site during grading operations and shall perform such observation and testing as required in order to issue a written certification indicating that all work has been performed in an acceptable manner and is in compliance with the recommendations indicated in the geotechnical investigation and report by the soils engineer for the project and the requirements of 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.
  
- 85. For improvements within the public right-of-way, 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***

- 86. 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.
  
- 87. 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 AM to 7:00 PM Monday through Saturday and 10:00 AM to 6:00 PM 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;

## **Exhibit A**

- 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) Daily clean-up of trash and debris shall occur on Industrial Boulevard, Marina Drive and Portland Drive, and any other residential streets utilized by construction equipment or vehicles making deliveries.
- f) 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 stormwater pollution;
- g) 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;
- h) 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;
- i) All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j) Pave, apply water as needed, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k) Sweep as needed (with water sweepers) if visible soil material is carried onto all paved access roads, parking areas and staging areas at construction sites;
- l) Sweep public streets as needed if visible soil material is carried onto adjacent public streets;
- m) Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- n) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- o) Broom sweep the sidewalk and public street pavement adjoining the project site as needed. Caked on mud or dirt shall be scraped from these areas before sweeping;
- p) No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- q) 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;
- r) 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

## **Exhibit A**

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;

- s) 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;
  - t) Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
  - u) 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.
88. 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.
89. The applicant shall comply with standards identified in General Plan, Table HAZ-1 – Exterior Noise Standards for Various Land Uses. 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.
90. 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.
91. Upon completion of landscape and irrigation installation, City Landscape Architect shall conduct an inspection for compliance with the approved landscape and irrigation improvement plans. Prior to requesting a landscape inspection, Attachment C. Document of Final Acceptance and Appendix C. Certificate of Completion Part 1 through Part 6 shall be completed by the project landscape architect based on site inspection of all landscape and irrigation installation.
92. 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 commence construction upon completion of the second building and completed by completion of the third building. As-built Mylar and an

## **Exhibit A**

Irrigation Schedule shall be submitted prior to the Public Works – Engineering and Transportation Department prior to issuance of the certificate of occupancy for the last building.

### **Commercial Property Owners Association and Covenants, Conditions and Restrictions**

93. In accordance with the Eden Shores Development Park CC&R's, the owners of the Industrial Business Park shall be automatically become members of the existing Eden Shores Owners' Association.
94. The Eden Shores Industrial Business Park shall establish a Property Owners Association (POA) and CC&R's for the maintenance of all on-site landscaping and infrastructure not otherwise covered by the Eden Shores Owners' Association.

### ***Prior to the Issuance of Certificate of Occupancy or Final Report***

95. All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.
96. Prior to final inspections of a building, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
97. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
98. All pertinent tract 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 issuance of first occupancy. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
99. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. 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.

## **Exhibit A**

100. 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 Tentative Parcel Map was accepted as complete, unless otherwise indicated herein:
  - a) Supplemental Building Construction and Improvement Tax.
101. 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 24 hours before the desired final inspection appointment.
102. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
103. 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 Parcel Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
104. The applicant/subdivider shall submit an AutoCAD file format (release 2010 or later) in a CD of approved Parcel Map and 'as-built' improvement plans showing lot and utility layouts that can be used to update the City's Base Maps.
105. The applicant/subdivider shall submit an "as built" plan indicating the following:
  - a) Approved landscape and irrigation improvements;
  - b) All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;
  - c) All the site improvements, except landscaping species, buildings and appurtenant structures; and
  - d) Final Geotechnical Report.



## Exhibit B

### EDEN SHORES INDUSTRIAL BUSINESS PARK DEVELOPMENT STANDARDS

This Planned Development District (District) is characterized as industrial flex space, to accommodate a spectrum of light industrial uses in conformance with the Industrial Technology and Innovation Corridor.

This District is designed with the intent to target manufacturing and assembly uses that would bring value added business to the Industrial Technology and Innovation Corridor, including manufacturing and technology based uses such as Advanced Industry uses and its support uses and services. Advanced Industries can be defined as uses that develop and/or apply innovation, technology and knowledge to design, develop, produce or assemble products. Advanced Industries are typically associated with vocational or STEM (science, technology, engineering, and math) related employment opportunities including research and development (R&D), manufacturing and related services.

#### **USES PERMITTED**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted as primary uses:
  - 1) Manufacturing or assembly of:
    - (a) Aerospace Products and Parts
    - (b) Agricultural, Construction and Mining Machinery
    - (c) Apparel and other Finished Products from Fabrics, Leather and Similar Materials
    - (d) Building Materials
    - (e) Communication, Audio and Video Equipment
    - (f) Commercial and Service Industry Machinery
    - (g) Computers and Peripheral Equipment
    - (h) Electrical Appliances, Equipment and Supplies
    - (i) Engineering, Turbines and Power Equipment
    - (j) Food and Beverage
    - (k) Lumber and Wood Products
    - (l) Medical, Dental and Drafting Equipment and Supplies
    - (m) Motor Vehicle Parts and Supplies
    - (n) Navigation, Measurement and Control Equipment
    - (o) Pharmaceuticals and Medicine
    - (p) Research, development, analytical and scientific Laboratories
    - (q) Semiconductor and Other Electric Components
    - (r) Stone, Clay and Glass Products
  - 2) Administrative and Professional Offices/Services:
    - (a) Administrative, executive and business offices (excluding check cashing)

## Exhibit B

- (b) Business service offices, including employment agencies, accountants, notaries, stenographic, addressing, computing and related services
  - (c) Business consultant offices
  - (d) Design professions offices (engineering, architectural, drafting, etc.)
  - (e) Headquarters or region-wide finance, insurance and real estate offices
  - (f) Manufacturers' representatives and sales offices
  - (g) Medical and dental clinics
  - (h) Printing
  - (i) Research, development, analytical and scientific offices
- 3) Other
- (a) Data Processing and Hosting Facility
  - (b) Wholesale Distributor <sup>(1)</sup>
  - (c) E-Commerce Distributor <sup>(2)</sup>
  - (d) Service<sup>(3)</sup>

### Notes on Other uses:

1. Provides value added goods and products to local or regional businesses.
2. Provides goods and products through the internet.
3. Services associated with the design, assembly, installation or maintenance of, but not limited to, mechanical, electrical, and telecommunications machinery and equipment.

- b. **Secondary/Support Uses.** The following uses that are subordinate and incidental to the primary use, or other uses determined to be similar by the Planning Director, are permitted as follows:

- 1) Accessory building and uses:
  - (a) Advanced Industry support services including equipment maintenance and service centers
  - (b) Day Care Center (limited to one total and maximum area of 2,500 sq.ft.)
  - (c) Gyms/fitness facility (limited to one total and maximum of 2,500 sq. ft.)
  - (d) Restaurant operation in conjunction with onsite production, storage and sale of food products, such as a brewery, creamery, distillery or winery
  - (e) Retail sales or showroom associated with onsite manufacturing or assembly, not to exceed 10% of first floor area of the building.
  - (f) Warehouse and Distribution/Logistics associated with onsite manufacturing or assembly
  - (g) Wireless Communication Facility

## **Exhibit B**

Any allowed primary or secondary/support use that involves the production, use, handling or storage of minimal quantities of Class B or C hazardous materials shall be subject to review and approval by the Fire Chief or his/her designee and the Planning Director or his/her designee, in accordance with the Hazardous Materials provisions of the Zoning Ordinance.

All uses shall not create a public nuisance, as defined by Section 4-1.00 of the Hayward Municipal Code, particularly related to noise and odors.

### **CONDITIONALLY PERMITTED USES**

- A. The following uses, or uses determined to be similar by the Planning Director, are allowed, subject to approval of an Administrative Use Permit:
- (a) Industrial/Vocational Trade School
  - (b) Any allowed use entailing hazardous materials that involve more than minimal quantities allowed by the preceding section and not exceeding the following limitations:
    - i. Production, storage, use and/or handling, of Group B hazardous materials involving no more than 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures;
    - ii. Production, storage, use and/or handling of Group C hazardous materials involving no more than 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.
- B. The following uses, or uses determined to be similar by the Planning Director, are subject to approval of a Conditional Use Permit:
- (a) Any allowed use entailing hazardous materials that exceed the following limitations:
    - i. Production, storage, use and/or handling, of Group B hazardous materials that exceed 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures;
    - ii. Production, storage, use and/or handling, of Group C hazardous materials that exceed 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.

### **Prohibited Use.** 3PL (Third-party Logistics)

Third Party Logistics relates to the transportation, storage and distribution of goods owned by another company.

### **BUILDING HEIGHT**

- A. Maximum Height Permitted: N/A
- B. Maximum Accessory Building Height: N/A
- C. Maximum Height for Fences/Hedges/Walls:
  - a. Front and Side Street No fences or walls allowed

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- b. Side and Rear: 6-feet
- c. Special Yard and Height Requirement and Exceptions:
  - i. See Hayward Municipal Code Section 10-1.2725
  - ii. See Hayward Municipal Code Section 10-1.2730

### **PARKING REQUIREMENT**

- A. Minimum Parking Requirements. The recommended parking rates represent minimum automobile off-street parking requirements for standalone uses. Accessory uses are assumed in the principal use parking rate.
  - i. Manufacturing: 1 space/500 gross square feet
  - ii. Office: 1 space/250 gross square feet
  - iii. Research and Development: 1 space/350 gross square feet
  - iv. Retail: 1 space/250 gross square feet
  - v. Warehouse:
    - (a) If a building or structure has leasable bays of 10,000 square feet and less than 20,000 square feet, the minimum off-street parking required is 1.0 space for each 1,500 square feet of gross square feet, or
    - (b) If a building or structure has leasable bays of 20,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 2,000 square feet of gross square feet.
- B. Uses not listed. Parking requirements for uses not specified shall be compared and determined by the Planning Director to be most similar to uses listed that could satisfy the minimum parking demand.
- C. Mixed-use parking analysis. Mixed-use sites provide a combination of uses on site which have physical and functional integration of land uses. The parking shall be provided for the uses on the site according to the Minimum Parking Requirements, unless otherwise determined one parking rate can meet the projected demand as determined by the Planning Director.

### **SETBACK REQUIREMENTS**

- A. Minimum Front:
  - i. 31.5 feet along Industrial Boulevard
  - ii. 33 feet along Marina Drive
  - iii. 33 feet along Portland Drive

When a building abuts the minimum front yard setback, all of the area between the building and the front lot line is to be landscaped. Where the building is setback from the front yard setback and separated by parking, there shall be a minimum continuous landscaping depth equal to the front setback and an average landscape depth 5-foot against the building.

## Exhibit B

### B. Interior and Rear Yard Building Setback

- i. Minimum Interior: 25 feet
- ii. Minimum Rear Yard: 25 feet

When a building abuts the minimum interior and/or rear yard building setback(s), all of the area between the building and the interior and/or rear lot line is to be landscaped. In other conditions for interior and rear yards where the building is setback from the front yard setback and separated by parking, there shall be a minimum continuous landscaping depth of 5-feet against the property line.

### **PUBLIC SERVICE EASEMENT**

- A. In accordance with the South of Route 92 Development Guidelines, the Public Service Easement (PSE) is measured from back of curb. In the event that a site is developed with front yard parking, the PSE shall represent the minimum landscape setback to the parking.
  - i. 31.5-feet along Industrial
  - ii. 33-feet along Marina Drive
  - iii. 33 feet along Portland Drive
- B. PSE can include the following improvements:
  - a. Grading, water quality and irrigation. These elements will be constructed and maintained by the Master Developer or assignee and/or the commercial association.
  - b. Sidewalks, off-street bike paths, street lighting, street furniture, project related signage, bus stops. These elements will be constructed and maintained by the Master Developer or assignee and/or the commercial association, except for street furniture which the City will maintain.
  - c. An easement for trenched utilities. The easement is to be maintained by the master Developer or assignee and/or the commercial association and the utilities are to be maintained by the utility providers.

### **LANDSCAPE COVERAGE**

- A. Minimum Landscape Coverage: 15%

### **LOT REQUIREMENTS**

	Along Industrial Boulevard and West of Marina Drive	Along Marina Drive
Minimum Lot Size	1.0 acre	None
Minimum Lot Frontage	100 feet	None
Minimum Average Lot Width	100 feet	None
Minimum Lot Depth	100 feet	None

### **DRIVEWAYS**

Minimum of 100-feet between project drives.