

**CITY OF HAYWARD PLANNING COMMISSION
VESTING TENTATIVE TRACT MAP 8461
APPLICATION NO. 202004359
OAK STREET TOWNHOMES**

DRAFT CONDITIONS OF APPROVAL

General

Planning

1. The applicant 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 Application No. 202004359 is approved subject to the Vesting Tentative Tract Map exhibits prepared by Kister, Savio & Rei, Inc. dated February 15, 2022, and the accompanying civil plans dated February 18, 2022, except as modified by the conditions listed below. The adopted conditions of approval for Site Plan Review Application No. 201800932 shall remain in effect for that application.
3. This Vesting Tentative Tract Map approval shall align with the timeframe set forth in the Subdivision Map Act and all related automatic and applicant-initiated extensions.
4. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspections to confirm all approved conditions have been satisfied and all improvements are being maintained in compliance with all adopted city, state and federal laws and regulations.
5. All permit charges accrued in the processing of Vesting Tentative Tract Map Application No. 202004359 shall be paid in full prior to consideration of a request for approval of any extensions and/or submittal of a Final Map for the project.
6. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to commencing any site work.
7. The property owner shall be responsible for securing and maintaining the site in accordance with Hayward Municipal Code (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.
8. Property addresses will be assigned by the Development Services Department prior to issuance of building permits.

9. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay park impact fees. The park impact fee rate charged shall be the rate that is in effect at the time of building permit issuance.

Housing

10. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. The applicant shall comply with the requirements in Section 10-17.410 of the AHO by paying the applicable affordable housing in-lieu fee as set by resolution in effect at the time of payment. The applicant shall pay the in-lieu fee either prior to issuance of building permits or prior to approval of final inspection/issuance of an occupancy permit. No final inspections for occupancy will be approved and no occupancy permit will be issued for any unit unless the affordable housing in-lieu fees have been paid in full.

Fire Department

11. Fire apparatus access roads and side slopes shall not exceed 10 percent on grade. Grades steeper than 10 percent shall be approved by the Fire Chief.
12. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds and shall be surfaced to provide all-weather driving capability. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus access roads.
13. Fire apparatus access roads 20 to 26 feet in width shall be posted on both sides as a fire lane. Fire apparatus access roads 26 to 32 feet in width shall be posted on one side of the road as a fire lane. “No Parking” signs shall comply with Hayward Fire Department requirements.
14. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the current edition of the California Fire Code. The average spacing between hydrants is 300 feet. All portions of the project shall be within 400 feet of a fire hydrant. Spacing and location of fire hydrants shall be subject to review and approval by the Hayward Fire Department.

Hazardous Materials

15. Prior to grading, any existing 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 an appropriate professional(s) to ensure that hazards posed to construction workers, the environment, future uses, and other persons are mitigated.

16. Any wells, septic tank systems and other subsurface structures shall be removed properly to minimize threats to the health and safety of construction workers, future residents, or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.
17. If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Hayward Fire Department (HFD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report shall be required to be submitted to document the activities performed and any conclusions. Specific requirements for the various types of vessels/structures that may be found are as follows:
 - a. Underground storage tank and associate piping: An approved removal plan, including appropriate sampling, a Hayward Fire Department permit for the removal, and follow-up report is required.
 - b. Oil Water Separators: An approved removal plan, including appropriate sampling, and follow-up report is required.
 - c. Hydraulic Lifts: An approved removal plan, including appropriate sampling, and follow-up report is required.

Engineering

18. The subdivision shall comply with Chapter 10 Article 3 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. Subdivision improvements required for public health, safety and welfare shall comply with the current Standard Details of the City of Hayward and other agencies standards as applicable. Such improvements include, but are not limited to, the ones needed for: vehicular and pedestrian access, fire protection, safety lighting and signage, drainage collection and disposal, sanitary sewer and solid waste collection and distribution of water electricity, telecommunication, and natural gas.
19. All required and conditioned improvements shall be complete as per plans approved by the City Engineer or the subdivider shall execute a Subdivision Improvement Agreement prior to Final Map Approval.
20. 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. Prior to or concurrent with applicable final map recordation, the applicant shall record a reciprocal easement, ingress/egress easement and maintenance agreement(s) for common use facilities and access ways.
21. A Homeowners Association (HOA) shall be formed, and its related Covenants, Conditions and Restrictions (CC&Rs) documents shall be filed in the public records of Alameda County prior to the sale of any parcel. Said documents shall be submitted to the City for its review and approval before submittal to the State Department of Real

Estate (DRE) and filing in the County's public records. The CC&Rs shall include the following provisions:

- a. The HOA shall be managed and maintained by a professional property management company and maintain updated registration information with the Secretary of State.
 - b. The HOA shall own and maintain in fully functional condition and good repair all areas, improvements, common area retaining wall systems, and facilities created for common use of the property owners within the project but not dedicated or accepted by the City for its maintenance.
 - c. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
 - d. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project development approvals.
 - e. The CC&Rs shall describe how the stormwater treatment and site-design measures associated with privately owned improvements and landscaping shall be maintained by the association.
 - f. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
 - g. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
22. A Current title report shall be submitted to identify current ownership and any existing easements or land use restrictions.
 23. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work, including but not limited to the Alameda County Public Works Agency's permit for construction of concrete curb, gutter, accessibility compliant sidewalk with driveways, street pavement rehabilitation and streetlight improvements in Oak Street across the project frontage, East Bay Municipal Utility District's permit for its water service, Oro Loma Sanitary District for sewer service, and other public utility companies for their respective services.
 24. The boundary between the City of Hayward and unincorporated County is at the property line fronting Oak Street. A road encroachment permit is required from the Alameda County Public Works Agency for all work within the public right-of-way. The Alameda County Public Works Agency's encroachment permit shall be obtained prior to or concurrent with approval of Improvement Plans for on-site work and prior to recording of the Final Map.
 25. All new utility service connections to the project shall be installed underground.

Utilities

26. East Bay Municipal District (EBMUD) provides water service for this property and has provided the following conditions:
 - a. Separate dwelling units on the same property shall require separate water meters.
 - b. A main extension, at the project sponsors expense, shall be required to serve the proposed development. When the development plans are finalized, the project sponsors shall contact EMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development.
 - c. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule.
 - d. No water meters shall be allowed to be located in driveways.
 - e. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.
 - f. Due to EBMUD's limited water supply, all customers shall plan for shortages in time of drought.
27. Oro Loma Sanitary District (OLSD) provides sanitary sewer service for this property. Plans shall be forward to OLSD for review and approval.

Transportation

28. The HOA or property manager shall be responsible for maintaining adequate visibility and sight distance at all project driveways at all times.

Alameda County Public Works Agency

29. A new sidewalk designed to allow for inclusion of a continuous longitudinal ADA accessible pathway shall be installed along the southerly side of Oak Street and provided with accessible pedestrian ramps at the curb return with Grove Way and Apple Avenue.
30. The applicant shall obtain formal permission from the owner of the existing 12-inch storm drainage system located in Oak Street to connect to it prior to issuance of a road encroachment permit for the project. Also, the applicant shall be required to provide formal back-up hydrology calculations to the Alameda County Public Works Agency that show that the subject 12-inch storm drain will still have adequate capacity to accommodate the additional stormwater runoff discharge from the developed condition of the project.
31. The subdivision improvement plans shall specify that: "A road encroachment permit shall be obtained from Alameda County prior to commencement of any work within the Oak Street right-of-way and for the construction, modification or connection to Alameda County-maintained facilities. All workmanship, equipment, and materials shall conform to Alameda County standards and specifications."

32. Streetlights shall be provided along Oak Street in accordance with Alameda County standards.
33. An Alameda County signature block shall be provided on the cover sheet of the Subdivision Improvement Plans.

Prior to the Issuance of Building and/or Grading Permit

Hazardous Materials

34. The applicant shall provide an environmental screening clearance from the Alameda County Department of Environmental Health's Local Oversight Program (LOP). The LOP contact, Paresh Khatri, can be reached at (510) 567-6700 or (510) 777-2478. Clearance from the LOP will ensure that the proposed residential project meets development investigation and cleanup standards, including, if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. The LOP clearance shall be submitted electronically to the Hayward Fire Department's Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.

Landscaping

35. Prior to recordation of Final Map or issuance of a grading permit, detailed landscape and irrigation improvement plans, including construction details and specifications, shall be approved by the City Landscape Architect. The improvement plans shall fully comply with the City's Bay-Friendly Water Efficient Landscape Ordinance, California Green Building Code Title 23, and other relevant Hayward Municipal Code requirements. The plans shall include a tree inventory and tree mitigation plan and summary chart and water budget calculations. The landscape and irrigation improvement plans shall be submitted to Public Works Engineering as a part of Civil Improvement Plan submittal.
36. A tree preservation bond of \$3,840 that is equal to the appraised tree value including the Juglans hindsii located on the neighboring property to the south shall be submitted to City Landscape Architect prior to issuance of a grading permit. The bond will remain in place until completion of construction. A written request for releasing the bond shall be submitted to the City Landscape Architect.

Engineering

37. All grading shall comply with Chapter 10, Article 8 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. A fine grading and drainage plan prepared by a State licensed civil engineer shall be submitted as part of the Improvement Plans for review and approval by the City Engineer prior to the

issuance of building permits. The applicant has the option to apply for a grading permit to rough grade the project site.

38. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate entire area tributary to the project site. The applicant is required to mitigate augmented runoff with on-site improvements, including but not limited to on-site detention or ground percolation to control site discharge rate to pre-existing levels to the satisfaction of the City Engineer.
39. Earth-retaining structures of height not exceeding four feet (top of wall to bottom of footing) may be reviewed and approved by Public Works Department. Earth-retaining structures exceeding four feet in height shall be reviewed and approved by the City's Building Division.
40. The site improvement plans shall include all proposed underground pipes, building drains, area drains, drain inlets and structures. The on-site storm drainage system (if applicable) shall be designed to convey not less than a 10-year storm event.
41. The applicant shall submit to the State Water Resources Control Board a Stormwater Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD) for controlling stormwater discharges associated with construction activity. Printed and electronic copies of these documents and the Notice of Intent shall be submitted to the City Engineer prior to issuance of a grading permit.
42. Plans for the site grading and earth-retaining structures shall be designed per the recommendations of a geotechnical engineering study report and reviewed/approved by a qualified and state licensed professional retained by the applicant. The related soils report must be submitted to the City prior to the issuance of a grading permit.
43. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted which shall 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 C.3 design guidelines.
44. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system.
45. On-site collector storm drains shall be not less than 8 inches in diameter to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
46. On-site stormwater conveyance and treatment systems shall be owned and maintained by the property owner or HOA.

47. The site improvement plans shall include details for access for vehicles providing emergency and waste collection services. Details are also required for pedestrian and vehicular access to condominium units. Such access routes shall have traffic control signs, markings and illumination as required by the City Engineer.
48. The site improvement plans shall provide details for public utility services for each condominium unit and common use facilities.
49. Unless required otherwise by the County of Alameda, Oak Street pavement across the development frontage will be improved to a traffic index 5.5 and width not less than 28 feet for parking lane and emergency vehicle access. The widened street, at its south end, shall have a barrier with reflectors and pavement markings to direct traffic away from the pavement end and above ground facilities.

Transportation

50. The applicant shall submit the following items as part of Improvement Plans to Public Works-Transportation for review prior to issuance of building permits:
 - a. An on-site Signing and Striping Plan prepared in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking complaint disabled stalls).
 - b. A Photometrics Plan - refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria at this link: <https://www.hayward-ca.gov/documents/hayward-standard-detail>.

Alameda County Public Works Agency

51. A pre-construction joint inspection between the applicant and Alameda County representatives shall be conducted to establish the road condition of Oak Street prior to the start of any work. After the completion of the project, and prior to the County's signing-off/closing-out of the road encroachment permit, a joint post-construction inspection shall be conducted and any identified damage to Oak Street resulting from the project's construction activities that will require repairs, restoration, and/or replacement shall be done at the applicant's sole expense.
52. Prior to Alameda County's issuance of a road encroachment permit, the applicant shall provide a detailed traffic control plan for the County's review and approval.
53. As a condition for the issuance of road encroachment permit, the applicant shall provide Alameda County copies of the performance bonds for the full value of the project including the work within the Oak Street right-of-way that the City of Hayward will be holding. In consideration of such performance bond, Alameda County accepts such bonding as satisfactorily meeting the County requirements and a separate redundant bonding will not be necessary provided that such performance bond will also name Alameda County as beneficiary.

During Grading/Construction

54. In accordance with HMC Section 4-1.03-4, construction activities conducted between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet from the source, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in HMC Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).

Hazardous Materials

55. During all grading and construction activities, hazardous materials and hazardous waste shall be properly stored, managed and disposed of.
56. If any hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be notified immediately at 510-583-4910.

*Landscaping*57. *Pre-construction and Demolition Measures for Tree Preservation*

- a. 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. No grading, excavation, construction or storage of materials shall occur within the protection zone.
- b. A non-movable chain link fence shall be installed around the Protection Zone of each tree to be preserved. No entry is permitted into a Tree Protection Zone without permission of the Project Arborist.
- c. Trees to be preserved may require pruning to provide clearance and/or correct defects in structure. All pruning shall be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest edition of the ANSI Z133 and A300 safety standards as well as the ISA Best Management Practices for Tree Pruning with a tree pruning permit from the City. The pruning contractor shall have the C-27/D-49 license specification.
- d. 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.

Engineering

58. The applicant shall implement the following measures to control dust and exhaust emissions during all grading and construction activities. These measures shall be noted on the construction documents prior to issuance of a grading or building permit:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
59. The applicant shall post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
60. The applicant shall be responsible for preventing the discharge of pollutants (sediments) into the street and/or the public storm drain system from the project site during construction in accordance with the Hayward Municipal Code Section 11-5.19. Projects proposed for construction between October 1st and April 30th, must have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of any land disturbing activity. Trash and debris must be adequately contained at all times. Such measures shall be maintained during the project's construction period. Violations or other noncompliance with stormwater management measures may result in the project being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.
61. The applicant shall remove and replace any damaged curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc., within the public right-of-way along the project frontage and at any locations damaged by the construction of the proposed project. Damaged pavement surfaces shall be overlain or micro-surfaced. Damaged pavement surfaces shall be repaired or resurfaced as required by the City

Engineer. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter and sidewalk per City Standards.

62. The applicant shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.

Prior to Issuance of Tract Acceptance/Certificate of Occupancy

Landscaping

63. Prior to the issuance of Certificate of Occupancy for each building, all landscape and irrigation improvements shall be completed in accordance with the approved plans and accepted by the City Landscape Architect. Before requesting a landscape inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7, Project Landscape Architect's punchlist, and landscape contractor's corrected photographs of all punchlist items (or applicable parts) shall be e-mailed in prior to requesting an inspection from the City Landscape Architect.
64. Prior to tract acceptance, entire landscape improvements including production homes and common landscape area shall be completed and well maintained until the acceptance by the City. The acceptance inspection shall be performed by City Landscape Architect. Prior to requesting an inspection by City Landscape Architect, the project landscape architect shall field inspect and accept landscape improvements and shall submit completed Appendix C. Certificate of Completion Part 1 through 7 in the City's Bay-Friendly Water Efficient Landscape Ordinance to City Landscape Architect. If green waste was diverted to an authorized facility and the weigh tag was submitted and signed off by the City's Solid Waste Division, then a copy of the signed document will replace Part 7.
65. As-built records of landscape improvements completed by the applicant shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

Engineering

66. All public improvements, including the complete installation of all street improvements, fencing, sanitary sewer, storm drainage, water system, underground utilities, streetlights etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit in each phase of the subdivision. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies. Improvements within Oak Street shall be approved by the Alameda County Public Works Agency prior to occupancy of any unit.

67. Prior to final inspection and issuance of final certificates of occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Public Works Director and Development Services Director or his/her designees.
68. The project QSP shall prepare and file a Final SWPPP Report with the City and the Regional Water Quality Control Board.
69. The property owner(s) 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.
70. Prior to the issuance of any Certificates of Occupancy, the applicant shall submit a letter from the project geologic/geotechnical team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.
71. Prior to the issuance of any Certificates of Occupancy, the Engineer of Record shall submit a confirming letter that all grading, drainage, and engineering components of the project have been performed in conformance with the approved plans and specifications.
72. As-built records of site grading and improvements completed by the applicant shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

- End of Conditions -