

**CONDITIONS OF APPROVAL
MAJOR SITE PLAN REVIEW AND CONDITIONAL USE PERMIT NO. 202102725
DEVELOPMENT OF A 219,656 SQUARE FOOT INDUSTRIAL BUILDING AND
RELATED SITE IMPROVEMENTS AND MITIGATED NEGATIVE DECLARATION
WITH MITIGATION MONITORING AND REPORTING PROGRAM FOR DERMODY
PROPERTIES AT 3636 ENTERPRISE AVENUE**

PLANNING

General:

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Major Site Plan Review and Conditional Use Permit Application No. 202102725 is approved subject to the Architectural, Civil and Landscape plans received by the City on October 8, 2021, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan or building design that does not require a variance to any zoning ordinance standard shall be subject to review and approval by the Development Services Director or her designee prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission, if applicable.
3. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and renderings received by the City on October 8, 2021. Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit.
4. The employee amenity area shall be provided in the same location of the same size and with the same amenities shown on the Site Plan and Landscape Plans received by the City on October 8, 2021. The employee amenity area and improvements shall be included on the improvement plans and shall be reviewed and approved by the Planning Division prior to the approval of Improvement Plans.
5. Future uses shall follow the use regulations for the IG (General Industrial) District set forth in Hayward Municipal Code Section 10-1.1603, as amended from time to time, with the exception that a Truck Terminal and/or Last Mile Delivery Station is prohibited at the site.
6. All uses on the site are subject to the limitations on Outdoor Storage and Performance Standards provided in the Industrial Districts regulations set forth in the Hayward Municipal Code, as amended from time to time, unless otherwise permitted through separate permit.
7. The final design and placement of the metal screen at the front entrance shall be provided on the building permit application and shall be reviewed and approved by the Planning Division.

8. The radio towers that be located in roughly the same location as the existing towers and shall not exceed the height of the existing towers (229 feet from grade). The building permit plans shall identify the locations of the existing and proposed towers and heights of the existing and proposed towers.
9. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
10. All lighting fixtures on the site, the employee amenity areas and in the parking lot shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.
11. All vents, gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
12. All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and swimming pool equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit. All screening shall be compatible with respect to forms and materials used on the building.
13. All above-ground utility meters, generators, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs or an architectural screen from all perspectives. All equipment shall be designed to be compatible with respect to location, form, design, exterior materials, and noise generation. The applicant shall identify all screens on the building permit and landscape plans prior to the issuance of improvement plans and building permits.
14. No signs are approved with this project. All signage shall be reviewed and approved by the Planning Division and a Sign Permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.
15. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.
16. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions or issuance of a building permit.

17. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.
18. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
19. The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
20. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
21. The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
22. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
23. Within 60 days of following the issuance of a building permit and prior to construction, the applicant shall install one non-illuminated "Coming Soon" sign on the project site that includes a project rendering, a project summary, and developer contact information. The sign shall be constructed of wood or recyclable composite material, be placed in a location at least ten (10) feet back from the property line, and shall not impede pedestrian, bicycle, and vehicular visibility or circulation. The sign shall be maintained in accordance with Section 10-7-709 of the Hayward Municipal Code and may be up to thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height. Sign design, size and location shall be reviewed and approved by the Planning Division prior to placement.
24. Impact Fees. 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 the impact fee rate that is in effect at the time of building permit issuance.
25. In accordance with Hayward Municipal Code (HMC) Sections 10- 1.3085 and 10-1.3255, approval of Major Site Plan Review and Conditional Use Permit is void 36 months after the effective date of approval unless:
 - a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of

the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or

- b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.

MITIGATION MEASURES

26. **AQ-1a: Tier 4 Construction Equipment.** Off-road, diesel-fueled construction equipment greater than 50 horsepower (hp) shall meet the California Air Resources Board's Tier 4 Final emissions standards for certified engines or cleaner off-road heavy-duty diesel engines. Documentation of Tier 4 equipment for project construction shall be submitted to the City prior to the issuance of a grading permit.
27. **AQ-1b: Low VOC-Paint.** Paint used for the project, such as exterior paint for the building, shall contain between zero and 10 milligrams per liter of volatile organic compounds. Paints and architectural coatings containing volatile organic compounds in concentrations exceeding 10 milligrams per liter shall not be used for the project.
28. **BIO-1: Rare Plant Preconstruction Survey.** Prior to issuance of a grading permit, a qualified botanist will conduct a protocol-level rare plant survey during the blooming period for Congdon's tarplant (June through October). The botanist will also map any sensitive natural communities that may be present on the project site, such as alkali heath marsh. A report detailing the results of the survey will be submitted to the City within 30 days of completion. If Congdon's tarplant or other rare plant species are detected within the project site and project design cannot be altered to avoid impacts, the applicant shall conduct habitat restoration and enhancement in nearby rare plant habitat at a minimum of 1:1 ratio. Nearby habitat for purposes of this mitigation shall consist of habitat in Alameda County, including within incorporated cities. Details of the restoration and enhancement shall be included in a biological resources mitigation and monitoring plan as described in Mitigation Measure BIO-5.
29. **BIO-2: Nesting Bird Avoidance and Minimization Efforts.** Project construction shall be conducted outside of the nesting season to the extent feasible (September 1 to January 31). If vegetation removal, grading, or initial ground-disturbing activities are conducted during the nesting season, a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to vegetation removal or initial ground disturbance. Nesting habitat may include grasslands, shrubs, trees, snags and open ground. The existing radio towers on-site could also be used for nesting birds, and therefore shall also be included in the survey for active nests. The survey shall include the entire project site and up to a 300-foot buffer of the project site for raptor nests and a 250-foot buffer of the project site for western snowy plover nests.

If active nests of protected species are found within project impact areas or close enough to these areas to affect breeding success, the biologist shall establish a species-specific work exclusion zone around each nest that shall be followed by the

contractor. Established exclusion zones shall remain in place until all young in the nest have fledged or the nest otherwise becomes inactive (e.g., due to predation). Appropriate exclusion zone sizes vary dependent upon bird species, nest location, existing visual buffers, ambient sound levels, and other factors; an exclusion zone radius may be as small as 50 feet (for common, disturbance-adapted species) or as large as 300 feet or more for raptors. Exclusion zone size may also be reduced from established levels if supported with nest monitoring by a qualified biologist indicating that work activities outside the reduced radius are not adversely impacting the nest. The biologist shall submit a report of the preconstruction nesting bird survey to the City to document compliance within 14 days of its completion.

30. **BIO-3: Salt Marsh Harvest Mouse Avoidance.** To avoid impacts to salt marsh harvest mice that may enter the site from adjacent suitable habitat, a pre-activity clearance survey shall be conducted by a qualified biologist immediately prior to vegetation clearing activities, focused on the project site within 100 feet of adjacent marsh habitat to the southwest. The qualified biologist shall monitor vegetation clearing activities, which shall be conducted using hand-tools within 100 feet of suitable salt marsh harvest mouse habitat. Following vegetation clearing activities, silt fencing shall be installed at the southern edge of the project site to exclude mice from active construction areas. The fence shall be of suitable material to avoid wildlife entanglement and frequent tearing. The bottom edge of the silt fence shall be buried 6 inches below ground. Stakes to support the silt fence shall be installed on the project site side of the fence to discourage wildlife from climbing into the site. The construction contractor shall inspect and maintain the fence daily to repair tears and holes.
31. **BIO-4: Artificial Light Impact Reduction.** Impacts from lighting elements used during construction or installed as part of the development project shall be minimized to the greatest extent possible through use of shields, dimming technology, or angling lighting down and away from adjacent sensitive wildlife habitat. The lighting plan shall be prepared by the applicant and reviewed by the City to ensure sufficient efforts have been made to reduce impacts to wildlife.
32. **BIO-5: Habitat Restoration/Enhancement Plan.** Prior to issuance of a grading permit, the project applicant shall prepare a site-specific Habitat Restoration/Enhancement Plan (HREP) for review and approval by the City. Where the project applicant cannot avoid impacts to Congdon's tarplant, sensitive natural communities, or jurisdictional habitat (e.g., seasonal wetlands, alkali heath marsh), impacts shall be offset through habitat restoration and/or enhancement at a minimum ratio of 1:1 (habitat restored and/or enhanced to habitat impacted) in accordance with the HREP and in coordination with regulatory agencies. A qualified biologist shall develop the HREP pursuant to the requirements listed below.

The HREP shall include, at a minimum, the following components:

- a. Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
- b. Goal(s) of the compensatory mitigation project (i.e., the type/types and area/areas of habitat to be established, restored, enhanced, and/or

preserved; specific functions and values of habitat type/types to be established, restored, enhanced, and/or preserved);

- c. Description of the proposed compensatory mitigation-site (i.e., location and size, ownership status, existing functions and values of the compensatory mitigation-site);
 - d. Implementation plan for the compensatory mitigation site (the plan will include rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan, including plant species to be used, container sizes, and seeding rates);
 - e. Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (the plan will include activities, responsible parties, and schedule);
 - f. Monitoring plan for the compensatory mitigation-site, including no less than quarterly monitoring for the first year; the plan will include performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports;
 - g. Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type;
 - h. An adaptive management program and remedial measures to address negative impacts to restoration efforts;
 - i. Notification of completion of compensatory mitigation and agency confirmation; and
 - j. Contingency measures (e.g., initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).
33. **BIO-6: Jurisdictional Delineation and Permit.** Prior to issuance of grading permit, the project applicant shall direct a qualified biologist to delineate those areas on the project site that are under the jurisdiction of United States Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB). The qualified biologist shall submit the jurisdictional delineation to the City, USACE, and/or RWQCB, as appropriate, for review and approval. If the project cannot be designed to avoid impacts to jurisdictional resources, the project applicant shall obtain appropriate regulatory permits and implement all required mitigation measures as instructed by the regulating agency. Examples of mitigation measures could include, but are not limited to, the following:
- Compensatory mitigation
 - Establishing or creating new wetlands off-site
 - Purchasing credits with an established wetland mitigation bank
34. **CR-1: Worker Environmental Awareness Program.** A qualified archaeologist shall be retained to conduct a worker environmental awareness program (WEAP) training for archaeological sensitivity for all construction personnel prior to the

commencement of any ground disturbing activities. Archaeological sensitivity training shall include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.

35. **CR-1: Unanticipated Archaeological Resources.** If archaeological resources are encountered during ground-disturbing activities, work within 50 feet of the find shall be halted and an archaeologist meeting the Secretary of the Interior's

Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate significant impacts to historical resources.

36. **GEO-1: Geotechnical Considerations.** All existing improvements not to be reused for the current development, including all foundations, flat work, pavements, utilities, and other improvements shall be demolished and removed from the site.

- The site shall be stripped of all surface vegetation, as well as existing surface and subsurface improvements that are to be removed within the proposed development area. Surface vegetation and topsoil shall be stripped to a sufficient depth to remove all material greater than three percent organic content by weight.
- All fills shall be completely removed within building areas into a lateral distance of at least five feet beyond the building footprint or to a lateral distance equal to filled depth below the perimeter footing, whichever is greater.
- After site clearing and demolition is complete, and prior to backfilling any excavations resulting from fill removal or demolition, the excavation subgrade and subgrade within areas to receive additional site fills, slabs-on-grade and or pavements shall be scarified to a depth of six inches, moisture conditioned, and compacted in accordance with the compaction section detailed further in the Geotechnical Report Titled "Enterprise-Whitesell Industrial Building", dated March 2, 2021, prepared by Cornerstone Earth Group, and included as Appendix GEO with the IS/MND prepared for the project.
- Utility lines constructed within public right of way shall be trenched, bedded and shaded, and backfilled in accordance with the local or governing jurisdictional requirements. Utility lines on the project site shall be constructed in accordance with the requirements outlined in Geotechnical Report Titled "Enterprise-Whitesell Industrial Building", dated March 2, 2021, prepared by Cornerstone Earth Group, and included as Appendix GEO with the IS/MND prepared for the project.
- Ponding shall not be allowed adjacent to the building foundation, slabs-on-grade, or pavements. Hardscape surfaces shall slope at least two percent towards suitable discharge facilities; landscape areas shall slope at least three percent towards suitable discharge facilities. Roof runoff should be directed away from the proposed building in closed conduits, to approved infiltration facilities, or onto hardscape surfaces that drain to suitable facilities. Retention,

detention or infiltration facility shall be spaced at least 10 feet from the proposed building, and preferably at least five feet from slabs-on-grade or pavement.

- Since the near-surface soils are moderately to highly expansive, the amount of surface water infiltrating these soils near foundations and exterior slab-on-grade shall be reduced. This shall typically be achieved by:
 - Using drip irrigation
 - Avoiding open planting within three feet of the perimeter building or near the top of existing slopes
 - Regulating the amount of water distributed to lawns or planters by using irrigation timers
 - Selecting landscape with little to no watering, especially in near foundations
 - Other similar measures or techniques developed by a civil or geotechnical engineer and specific to the project site conditions and proposed project design.

37. **GEO-2: Unanticipated Discovery of Paleontological Resources.** In the event an unanticipated fossil discovery is made during the course of project development, construction activity shall be halted in the immediate vicinity of the fossil, and a qualified professional paleontologist shall be notified and retained to evaluate the discovery, determine its significance, and determine if additional mitigation or treatment is warranted. Work in the area of the discovery shall not resume until after the find is properly documented and authorization is given to resume construction work. Significant paleontological resources found during construction monitoring shall be prepared, identified, analyzed, and permanently curated in an approved regional museum repository under the oversight of the qualified paleontologist.

38. **GHG-1: Greenhouse Gas Reduction Plan.** The project applicant shall contract with a qualified professional, such as a GHG specialist or sustainability consultant, to prepare and implement a Greenhouse Gas Reduction Program (GHGRP) that includes on-site GHG reduction measures to reduce the project's total remaining GHG emissions to 660 MT of CO₂e per year or less. Potential options include, but would not be limited to:

- Supply 100 percent of electricity from renewable energy resources. Options include opting into East Bay Community Energy Brilliant 100 or Renewable 100 plan (carbon-free energy or renewable), East Bay Community or PG&E's Regional Renewable Choice (opting to supply 100 percent of annual energy usage) Program.
- Implement a transportation demand program. Program measures may include installation of additional electric vehicle charging stations, unbundled parking costs, bicycle amenities (storage, showers, lockers, etc.), carpool or ridesharing programs, free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the project site (e.g., bus stop shelter improvements).
- Install water-efficient fixtures such low flow toilets and faucets.

- Implement a zero-waste program or other feasible waste-reduction measures.

After implementation of feasible on-site GHG reduction measures, the project applicant may also implement one of, or a combination of, the following off-site measures to achieve up to 50 percent of the total necessary GHG emission:

- Directly undertake or fund activities that reduce or sequester GHG emissions (“Direct Reduction Activities”) and retire the associated “GHG Mitigation Reduction Credits.” A “GHG Mitigation Reduction Credit” must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB’s most recent Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation (CARB 2013). An “Approved Registry” is an accredited carbon registry that follows approved CARB Compliance Offset Protocols. As of April 2021, Approved Registries include American Carbon Registry, Climate Action Reserve, and Verra (CARB 2018). Credits from other sources shall not be allowed unless they are shown to be validated by protocols and methods equivalent to or more stringent than the CARB standards. In the event that a project or program providing GHG Mitigation Reduction Credits to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring GHG Mitigation Reduction Credits specific to the registry involved and shall undertake additional direct investments to recoup the loss.
- Obtain and retire “Carbon Offsets.” “Carbon Offset” shall mean an instrument issued by an Approved Registry and shall represent the past reduction or sequestration of 1 MT of CO₂e achieved by a Direct Reduction Activity or any other GHG emission reduction project or activity that is not otherwise required (CEQA Guidelines Section 15126.4[c][3]). A “Carbon Offset” must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the CARB’s most recent Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation (CARB 2013). If the project applicant chooses to meet some of the GHG reduction requirements by purchasing offsets on an annual and permanent basis, the offsets shall be purchased according to the City of Hayward’s preference, which is, in order of Hayward preference: (1) within the city; (2) within the BAAQMD jurisdictional area; (3) within the State of California; then (4) elsewhere in the United States. In the event that a project or program providing offsets to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring offsets specific to the registry involved and shall purchase an equivalent number of credits to recoup the loss.
- The project’s total requisite emission reduction over the project’s lifetime shall not be achieved entirely or 100 percent through obtaining carbon offsets.

Plan Requirements and Timing

Upon identifying a potential tenant, the applicant shall submit to Development Services Planning & Building Divisions and Public Works – Environmental Services & Transportation Divisions the GHGRP for review and approval prior to issuance of tenant improvements for the first tenant to occupy the space(s). A new GHGRP shall be required for each turnover (i.e., each new tenant) and shall be submitted with applications for tenant improvements. The GHGRP shall either reduce the project's emissions to 660 MT CO₂e per year or shall incorporate all feasible actions to reduce emissions associated with electricity demand, transportation, and waste generation and shall purchase up to 50 percent carbon offsets. Development Services Planning & Building Divisions and Public Works – Environmental Services and Transportation Divisions, as appropriate, shall verify that project plans incorporate required GHG emission reduction measures per the GGRP prior to final design approval. Each emission reduction measure shall include a commitment enforceable by Development Services Planning Division and Public Works – Environmental Services Division.

Monitoring

Development Services Planning Division and Public Works – Environmental Services & Transportation Divisions, as appropriate, compliance monitoring staff shall confirm inclusion of the required GHG emission reduction measures into the project Conditional Use Permit. Compliance with all components of the GHGRP shall be verified prior to issuance of a Certificate(s) of Occupancy. The tenant shall be required to submit annual reports documenting GHG reduction measures, energy use, water use, solid waste collection, and a bi-annual employee mode of transportation survey. Upon at least three consecutive years of demonstrated compliance, and at the sole discretion of the Development Services Planning Division and Public Works – Environmental Services & Transportation Divisions, as appropriate, annual reporting may be suspended until tenant turnover. Upon demonstrating compliance with a qualified GHG Reduction Strategy such as future updates to the Climate Action Plan adopted by the City of Hayward, the project may indefinitely suspend GHGRP reporting.

39. **HAZ-1: Project Demolition Activities.** In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of the on-site radio transmitter building to determine the presence of asbestos-containing materials (ACMs). At a minimum, vinyl flooring inside of the radio transmitter building shall be sampled and tested for ACMs. Documentation of the survey shall be provided to the City prior to commencement of demolition activities.

All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure. A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the

standards stated above in this mitigation measure. Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than 1 percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

40. **HAZ-2: Soil and Groundwater Vapor Management Plan.** The project applicant shall retain a qualified environmental consultant (PG or PE) to prepare a Soil and Groundwater Vapor Management Plan (SSVMP) prior to construction. The SSVMP, or equivalent document, shall be prepared to address onsite handling and management of impacted soils, groundwater, groundwater vapor, or other impacted wastes, and reduce hazards to construction workers and offsite receptors during construction. The SSVMP shall establish remedial measures and/or soil management practices to ensure construction worker safety, the health of future workers and visitors, and the offsite migration of contaminants from the site. These measures and practices may include, but are not limited to:

- Stockpile management including stormwater pollution prevention and the installation of Best Management Practices (BMPs)
- Proper disposal procedures of contaminated materials
- Monitoring and reporting
- A health and safety plan for contractors working at the site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection. The health and safety plan will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The SSVMP shall be submitted to the City prior to the commencement of demolition and construction. The City may also request the applicant submit the SSVMP to the San Francisco Bay RWQCB, at which time the applicant shall submit to the RWQCB. Otherwise, the City shall provide the SSVMP to the RWQCB after receipt from the applicant. The San Francisco Bay RWQCB and the City shall review and approve the SSVMP prior to demolition and grading (construction) and the project applicant shall review and implement the SSVMP prior to demolition and grading (construction). The demolition permit and grading permit and building permit needed for the project shall not be granted or issued until the SSVMP is approved by both the City and the San Francisco Bay RWQCB. If groundwater is encountered during ground-disturbing activities, work in the immediate area shall be halted and a qualified environmental consultant shall be contacted immediately to evaluate the situation. Work may continue on other parts of the project while impacted groundwater investigation and/or remediation takes place.

41. **HAZ-3: Groundwater Vapor Mitigation System.** The project applicant shall retain a qualified environmental consultant (PG or PE) to prepare a vapor mitigation system design for the proposed project.

The plan shall include, but is not limited to:

- Design specifications
 - Material specifications
 - Installation requirements
 - Monitoring requirements
 - The project applicant shall design and implement engineering measures or institutional controls (e.g., soil/groundwater vapor barrier) to prevent potential vapor intrusion into the proposed building in accordance with the measures included in the DTSC's Vapor Intrusion Guidance Document – Final (October 2011) and Vapor Intrusion Mitigation Advisory, Revision 1 (October 2011).
 - Engineering measures or institutional controls shall be submitted to the City's Building Division and Planning Division prior to the issuance of any grading or building permits. Said engineering measures and institutional controls shall be peer reviewed by a qualified third-party contractor hired by the City at the project applicant's expense to confirm such measures and controls comply with applicable regulations. Consultation with the DTSC or a local cleanup agency may be required to confirm the appropriateness of the measures and controls.
 - The project applicant and/or contractor shall retain a qualified professional to certify that the accepted measures and controls are properly constructed and functioning. Written verification shall be submitted to the City.
 - The efficacy of the measures and controls shall be confirmed and certified by a qualified professional pursuant to the construction quality assurance/quality control testing guidance of the DTSC's Vapor Intrusion Guidance Document – Final (October 2011).
 - The project applicant and contractor shall incorporate a sub-slab vapor barrier during construction, the implementation of which would prevent the potential for soil and groundwater vapors from migrating to indoor air.
 - The San Francisco Bay RWQCB and the City shall review and approve the Vapor Mitigation System Design prior to construction. The project applicant shall review the Vapor Mitigation System Design and install the system during construction.
42. **HWQ-1: Interior Storage Requirement.** All chemicals or other products determined, designated, or otherwise categorized by the State of California as a hazardous material shall not be stored in spaces exterior to the proposed building in quantities exceeding 20 gallons. Storage of hazardous materials in quantities of 20 gallons or more shall be stored in the interior of the proposed building. If safety requirements prevent the storage of materials indoors, the materials shall be stored in a space providing secondary containment in the event of a spill and the space shall be constructed to prevent infiltration of flood waters based on the 100-year flood elevation published by the Federal Emergency Management Agency.
43. **TRA-1: VMT Reduction.** The project applicant and/or operator of the facility shall implement a rideshare program, provide employees with promotions and a marketing program encouraging transit use and cycling, and provide transit subsidies for 100 percent of project employees. The rideshare program shall include subsidies for employees who participate in carpool and vanpool programs

and provision of prime parking, such as close to the building entrance, for carpool or vanpool vehicles.

44. **TRA-2: Pedestrian and Bicycle Safety.** The project applicant shall install signage on the project site where each proposed driveway would cross the new proposed sidewalk along Enterprise Drive. The applicant shall coordinate with the City of Hayward on the specific design and location of the signs; at a minimum, the signage shall alert drivers and truck operators that they are approaching a pedestrian sidewalk and bicycle use area and to use appropriate caution to avoid accidental collisions.
45. **TCR-1: Archaeological and Native American Monitoring.** The applicant shall provide written notice in advance of commencement of ground disturbing activities including demolition, site preparation, grading or excavation to a Native American tribal representative from the Lone Band of Miwok Indians. The notice shall include an invitation for the tribal representative to be given access to the project site and retained under contract to conduct monitoring while excavation and ground-disturbing activities are ongoing. Should the Native American tribal representative fail to reply to the invitation or decide that their presence is not required, or necessary, ground-disturbing activities may continue in their absence.

In the event that cultural resources of Native American origin that may be considered tribal cultural resources are identified during construction, all earth disturbing work within 50 feet of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and in consultation with the on-site Native American monitor, if present.

If the archaeologist and Native American monitor determine that the resource is a tribal cultural resource and thus significant under CEQA, a treatment plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American tribes. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the appropriate Native American tribal representative(s). Examples of treatment could include recovery of the resource or resources and curation.

46. **TCR-1: Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin that may be considered tribal cultural resources are identified during construction, all earth disturbing work within 50 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and in consultation with the on-site Native American monitor. If the archaeologist and Native American monitor determine that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate Native American tribal representative(s).

ADDITIONAL ENVIRONMENTAL MEASURES

47. The following measures shall be implemented during project construction:

- 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 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 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- j. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- k. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- l. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- m. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

- n. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
 - o. Portable diesel generators shall be prohibited from construction site where grid power is available, or alternatively-fueled generators such as propane or solar electrical power shall be used where grid power is not available.
 - p. On road haul trucks to be used shall have newer model engines (no more than eight years old).
 - q. EPA SmartWay certified trucks shall be used for deliveries and equipment transport.
 - r. Where available, off-road construction equipment shall be zero-emission, This requirement shall be included in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
48. Applicant shall implement a program that incentivizes construction workers and building tenants to carpool, use EVs, or use public transit to commute to and from the site. The program may include the following features:
- a. Provide a shuttle service to and from BART
 - b. Provide preferential parking to carpool vehicles, vanpool vehicles, and EV's
 - c. Schedule work shifts to be compatible with the schedules of local transit service
49. Applicant shall conduct surveys for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk for any build/structure proposed for demolition. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies.
50. Applicant shall conduct proper sampling of soil imported to backfill any excavated areas ensuring that the imported soil is free of contamination. The imported materials shall be characterized according to https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf.

ENGINEERING

General:

51. Utility systems within the flood zone such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the Base Flood Elevation (BFE) or protected from flood damage. An Elevation Certificate (FEMA Form 086-0-33) for the proposed improvements shall be submitted prior to issuance of grading permit. Developer shall secure the required Street Encroachment and/or Grading Permit prior to the issuance of any Building Permits associated with the project.

Due Prior to the Issuance of a Building Permit:

52. Developer shall secure the required Street Encroachment and/or Grading Permit prior to the issuance of any Building Permits associated with the project. Plans for grading and site improvements shall include details for required grading, material stockpiling, earth retaining structures, drainage, utility services, stormwater pollution prevention measures, landscape and lighting improvements and improvements in the street right-of-way complying with the Planning approval and necessary to develop the project site.
53. Improvements required in the street right-of-way fronting the project shall include the following:
 - a. Install new concrete curb, gutter, driveways and sidewalk along west side of Enterprise Avenue fronting the applicant's property as per plans approved by the City Engineer.
 - b. Remove existing one-half width A.C. pavement to the centerline of street fronting the property and replace with A.C. pavement to provide a Traffic Index not less than 7.5.
 - c. Grind and repave a minimum top 2-inch of existing street pavement with hot-mix asphalt concrete. Replace existing pavement markings with thermoplastic markings.
 - d. Pavement improvements shall extend east of the project frontage to the western curb return of the Enterprise and Whitesell intersection.
54. All plans and their related engineering studies and design documents shall be prepared by the State licensed and qualified professionals and shall comply with Chapter 10, Article 8 of the Hayward Municipal Code and the current City Standard Details, available online.
55. Existing utility poles and pole mounted utilities fronting the property shall be replaced with underground utilities. All new utility service connections to the project shall be installed underground.
56. The grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report prepared by a licensed civil or geotechnical engineer with contents acceptable to the City Engineer, except when waived by City. Final grading and drainage plans for the grading permit shall be reviewed and signed by the soils report engineer indicating compliance with the recommendations in the report.
57. Structural calculations and details prepared by a licensed civil or structure engineer are required for all earth retaining structures greater than 4-feet in height (top of wall to bottom of footing) and shall be reviewed and approved by the Building Division of the Development Services Department.
58. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer may be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.

59. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. On site drainage shall be collected and conveyed to public drainage system as per plans approved by the City Engineer. The storm drainage system shall be designed to convey a 10-year storm event.
60. Drainage plans should include all proposed underground pipes, building drains, area drains and inlets. All building sites shall be graded to slope away from the building foundations with minimum slope of two percent (2%) or as required by the Soils Engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
61. The On-site storm conveyance and treatment systems shall be owned and maintained by the property owner.
62. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted together with plans showing, at a minimum, drainage management areas, location and details of all treatment control and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidance.
63. Land disturbance of one acre or more on the project site will require the developer to submit to the City Engineer the Notice of Intent and WDID issued by the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) before issuance of a grading permit. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD) utilizing the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices.
64. Flood Zone Requirements: Portions of the project site are within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area designation AE and shall comply with Section 9, Chapter 4 Flood Plain Management of the Hayward Municipal Code. The project is subject to the following conditions:
 - a. The lowest floor elevation of the proposed buildings shall be elevated to at least one foot above the base flood elevation (BFE).
 - b. Building support structures within the flood zone, based on construction drawings, is required prior to issuance of a building permit. In addition, an Elevation Certificate based on finished construction is required for the built structure prior to issuance of any certificates of occupancy.
 - c. If the applicant has elected to process a LOMR (letter of map revision), building permits will not be issued until the CLOMR (conditional letter of map revision) is completed. Certificates of Occupancy will not be issued until the LOMR is complete. The project may be subject to additional flood conditions imposed on this project by the National Flood Insurance or the City during this process.
65. Developer shall comply with the pre and post construction requirements of the

Municipal Regional Permit (MRP). The project shall also include erosion control measures to prevent soil, dirt, debris and other pollutants from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

66. All existing public utilities shall be protected in place and if necessary, relocated as approved by the utility owner. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.
67. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City and notify the Supervising Construction Inspector in the City's Public Works Department.

Applicable During Construction:

68. Construction Stormwater Management: Developer shall be responsible for the preventing the discharge of pollutants and 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 thru' 11-5.23. Land disturbing activities between October 1st and April 30th, must have an erosion and sedimentation control program approved, and implemented prior to the start of any land disturbing activity. Trash and debris must be adequately contained at all times. 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.
69. Construction Damage: The Developer shall remove and replace curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Damaged pavement surfaces shall be overlain or micro-surfaced. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter and sidewalk per City standards.
70. Qualified SWPPP Practitioner (QSP) shall regularly inspect and submit monthly and final reports to the Public Works Inspector in addition to the submittals to the State Water Quality Control Board.

Due Prior to the Issuance of a Certificate of Occupancy:

71. All public and private improvements including punch list items must be complete prior to occupancy of any unit.
72. 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.
73. Post Construction Stormwater Maintenance: 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.

74. Flood Zone Requirements: An Elevation Certificate (FEMA Form 086-0-33) based on finished construction is required for the built structure prior to issuance of any certificates of occupancy.
75. SWPPP Final Report: The project QSP shall prepare and file a Final SWPPP Report with the City and Water Board.
76. Geotechnical Letter: Prior to the issuance of any Certificates of Occupancy, Developer shall submit a confirming letter from the project geologic team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.
77. Final Engineer's Report: Prior to the issuance of any Certificate 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.
78. As-Built Records: As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

TRANSPORTATION

General

79. Applicant, property owner or property manager shall maintain adequate visibility and sight distance at all project driveway(s) and access point(s).
80. Trucks accessing the site, including Loading Dock(s) and/or Loading Zone(s) shall not encroach into, or otherwise block, the Public Right-of-Way.
81. As a Mitigation Measure to reduce the Project's Transportation Impacts to less-than-significant, the Applicant, Property Owner or Property Manager shall implement a TDM Program which shall include the following measures:
82. Subsidies for Employee Commute: Applicant, Property Owner or Property Manager shall:
 - a. Subsidize a Rideshare Program by providing employees who carpool or vanpool a subsidy in an amount equivalent to 33 percent of the maximum allowable federal employee commuter tax benefit per month.
 - b. Subsidize employee transit passes in an amount equivalent to 33 percent of the maximum allowable federal employee tax benefit per employee per month or by allowing employees to exclude their monthly transit expenses from taxable income up to the maximum amount allowable by federal tax code.
 - c. Guaranteed Ride Home: Applicant, Property Owner or Property Manager shall implement a "Guaranteed Ride Home" program which shall, in the case of a qualified emergency, provide a free and reliable ride home for any

employee who commutes to work using a mode other than single-occupant automobile.

- d. TDM Promotions and Marketing Program: Applicant, Property Owner or Property Manager shall promote and educate employees so that they are aware of the TDM Program and incentives available to them via brochure, printed information and electronic communication(s). Applicant, Property Owner or Property Manager shall also provide information regarding transit maps and schedules and bike maps. All TDM Program Information shall be provided in employee handbooks, new-hire packets and posted on-site in common areas.
83. Upon request by the City of Hayward, Applicant, Property Owner or the Property Manager shall prepare TDM Monitoring Report(s) which shall be submitted to the Public Works – Transportation Division on a one-time or annual basis as determined by the Public Works Director or his/her designee. Such Report(s) shall include, at minimum:
- a. 24-hour driveway vehicular counts prepared by a qualified transportation/traffic engineering consulting firm on the City's approved on-call list. Such counts shall be taken twice per month on a non-holiday Tuesday, Wednesday or Thursday when the business on-site is open and operating normally.
 - b. Recent employee commute surveys which shall include a breakdown of employee commute mode(s) and percentage of employees who commute to work by public transit, carpooling/vanpooling, bicycling or walking v.s. employees who commute to work by single-occupant vehicle.
 - c. Receipts or other such documentation detailing amounts paid for employee transit passes, Rideshare Program subsidies or employee transit tax benefits.
84. Applicant, Property Owner or Property Manager shall be responsible for the total costs of transportation consulting services for the purpose of preparation of one-time or annual TDM Monitoring Report(s) and the peer reviewing of such TDM Monitoring Report(s).
85. Annual TDM Monitoring Reports shall be due annually to the Public Works Transportation Division on July 1. Annual TDM Monitoring Reports shall continue to be due as long as a Report was due the previous year, or unless otherwise exempted by the Public Works Director or his/her designee in writing. Failure to submit a TDM Monitoring Report upon request, or an annual TDM Monitoring Report as required, results in violation of Conditions of Approval and City may initiate enforcement action.
86. If Project does not meet vehicle reduction goals for two successive years, the Applicant, Property Owner or Property Manager shall implement additional TDM Strategies in accordance with City of Hayward, regional and Alameda County Transportation Commission (ACTC) standards, and including, if requested by the City, full funding of the preparation of an updated or revised TDM Program/Plan,

including subsequent TDM Monitoring Report(s) as required by the City. Such TDM Program/Plan updates/revisions and subsequent TDM Monitoring Report(s) shall be prepared by a qualified Transportation/Traffic Consulting Firm on the City's approved on-call list.

Due Prior to the Issuance of a Building Permit

87. 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 and off-site (fronting City right-of-way) Signing and Striping Plan in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking complaint disabled stalls).
 - b. A Photometric Plan, refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria, link: <https://www.hayward-ca.gov/documents/hayward-standard-detail>
 - c. Turning Analysis using WB-50 or the largest vehicle expected on-site using AutoTurn software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.
88. Upon review of Improvement Plan(s) and required item(s) listed above by Public Works-Transportation, Applicant shall modify Improvement Plan(s) to address any deficiency(ies) or item(s) identified by Public Works-Transportation staff, to the satisfaction of the Public Works Director or his/her designee, prior to issuance of Building Permit(s)

LANDSCAPING

General

89. No building permit shall be issued prior to approval of landscape and irrigation improvement plans.
90. Tree shall be located a minimum of five feet from lateral service lines and driveways, a minimum of 15 feet from a light pole, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.
91. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as recommended by the manufacturer.
92. All above ground mechanical equipment shall be screened from the street with five-gallon shrubs.
93. Minimum twelve inches wide band of large size exceeding six-inch diameter Noiya Cobblestone shall be provided around overflow catch basin or bubble up basin.
94. Pursuant to HMC Section 10-12.07(a)(4)(D), mulch shall be arbor chips produced on site only, or organic recycled chipped wood in the shade of Dark Brown color, unless steep slope would prevent from using chipped wood. Mulch size shall not exceed 1-1/2-inch in diameter. The same mulch shall be provided at biotreatment

areas unless sod type of bio-infiltration plant is used.

95. Pursuant to HMC Section 10-12.08(a)(1)(D), irrigation controller shall be weather based. Provide a rain sensor or soil moisture sensors.
96. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be incorporated into the irrigation detail plan. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
97. Bio-treatment area, when wider than ten feet, shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system that allows "cycle and soaking" program function. When the treatment area width is less than ten feet, efficient irrigation system that meets the current ordinance requirements shall be provided. The irrigation for bio-retention area shall be provided on a separate valve.
98. Landscape Maintenance:
 - a. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay.
 - b. 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.
 - c. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color and the size shall not exceed 1-1/2-inch diameter. The depth shall be maintained at three inches deep.
 - d. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.
 - e. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect.
 - f. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code.
 - g. 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.

Due Prior to the Issuance of Building Permit

99. Prior to submitting the first building permit, detailed landscape and irrigation improvement plans prepared by a licensed landscape architect on an accurately surveyed base plan shall be approved by the City. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. Once approved, a digital file of the approved and the project landscape architect signed improvement plans shall be submitted to the City for the City's approval signatures. Copies of the signed improvement plans shall be submitted as a part of the building permit submittal.

Due Prior to the Issuance of Certificate of Occupancy

100. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City, As-Built digital plans shall be submitted to the Engineering Department by the developer.
101. Pursuant to HMC Section 10-12.11, the project applicant shall submit an irrigation audit report done by the third party as required in Appendix C - Certificate of Completion Part 5 to the City. The report may include, but not limited to inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming.
102. All landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be e-mailed in prior to requesting an inspection from the City Landscape Architect.

SOLID WASTE

103. The City requires that construction and demolition debris be recycled per certain ordinance requirements. Submittal of the Debris Recycling Statement is required at the time of your building permit. The form can also be found at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>. You may also visit Hayward's [Green Halo webpage](#) and create a waste management plan instead of filling in the Debris Recycling Statement.
104. The owner or property manager shall be responsible for litter-free maintenance of the property and shall remove any litter on or within 50 feet of the property daily to ensure that the property and its street frontage remain clear of any abandoned debris or trash per Municipal Code Section 11-5.22.

FIRE PREVENTION

105. Minimum building address shall be 12-inches high with 1.5-inch stroke. When building is located greater than 50 feet from street frontage, address shall be minimum 16-inches high with 1.5-inch stroke. Tenant space number shall be 6-

- inches high with 0.75-inch stroke on a contrasting background to be visible from the street.
106. Design of the public streets and private streets and courts shall meet all City of Hayward and California Fire Code Standards.
 107. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. Type of fire hydrant(s) to be installed shall be Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2-inch outlet & two 4-1/2-inch outlets). capable of flowing minimum of 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department (7 new hydrants proposed onsite).
 108. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Fire hydrants shall be placed at least 50 feet from the building to be protected. Where it is not feasible to place them at that distance, they may be in closer proximity in approved locations. A separate fire permit is required for hydrant installation.
 109. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
 110. When buildings exceed 30 feet in height, fire apparatus access roads shall have an unobstructed width of not less than 26 feet an unobstructed vertical clearance of not less than 13 feet and six inches. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced to provide all-weather driving capability.
 111. The new building is not currently approved for high piled storage. A building permit is required for the installation of storage (pallet) racks greater than 6 feet in height. A Fire Department Annual Operational Permit is required for any combustible storage (floor and/or rack) which exceeds 12 feet in height (Class I-IV type commodities), AND/OR any high hazard storage which includes commodities such as hazardous materials, flammable liquids, plastics, foam and rubber products, or any other classified commodity as dictated by the California Fire Code and NFPA 13 Standards, which exceeds 6ft. in height.
 112. Submit building permits for the construction of the proposed new building to the City of Hayward Building Department.
 113. The new building shall comply with all requirements of the 2019 California Building, California Fire Code(s) and local Ordinances respectfully.
 114. This building is required to install an overhead fire sprinkler systems in accordance with NFPA 13 Standards. A separate plan/permit is required prior to the installation of the overhead fire sprinkler system. Please refer to NFPA 13 Standards to number of separate fire sprinkler riser (systems) required in each building.
 115. Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
 116. Underground fire service line serving NFPA 13 sprinkler system shall be installed in

accordance with NFPA 24 and the Hayward Public Work Department SD-204. Water meter shall meet the minimum diameter for a (NFPA 13) commercial grade system.

117. This building is required to install a separate fire alarm system to monitor water flow. An audible alarm bell (device) shall be installed to sound on the exterior of each individual building. The device shall activate upon any fire sprinkler system water flow activity.
118. Per the 2019 California Fire Code (CFC) table BB105.1, a minimum fire flow of 8,000gpm for 4 hours is required for this site. A reduction of 50% is allowed if the building is protected with an automatic fire sprinkler system in accordance with NFPA 13.

HAZARDOUS MATERIALS DIVISION

119. **Demolition/Grading** – A condition of approval 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 an appropriate professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated. Demolition contractor shall contact the Hayward Fire Department's Hazardous Materials Office (phone 510 583-4910) regarding demolition and plans to evaluate and dispose of residual hazardous materials/waste, in particular, associated with remaining equipment. A final report shall be submitted associated with residual hazardous materials management and disposal.
120. **Wells, Septic Tank Systems or Subsurface Structures** – Any wells, septic tank systems and other subsurface structures shall be removed properly to minimize threats to the health and safety of the development construction workers, future residents, or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.
121. **Hazardous Materials/Waste and their Vessels Discovered during Grading/Construction** – If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.
122. **Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts** – 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. Below are specific requirements on each:
 - 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 plan, including appropriate sampling,

and follow-up report is required.

- c. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.

- 123. **Hazardous Materials/Waste During Demolition, Grading and Construction** - During demolition, grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.
- 124. **Future Industrial/Commercial Uses**- Additional review will be required when tenants of the proposed Core and Shell” building and their hazardous materials have been identified.
- 125. The applicant/landlord, once tenants are identified, shall provide adequate information associated with the use or storage of hazardous materials/waste for evaluation and approval by the Hayward Fire Department to ensure adequate. Based on this information additional planning land use approvals, Fire Code requirements, Certified Unified Program Agency (CUPA) regulations or other conditions may be required to be met.

UTILITIES

- 126. Each tenant space is required to have a separate water meter. If a shell building is proposed at this time, please be advised that all future subdivisions of this property to create new tenant spaces will be required to have separate water meters installed for each tenant space. Water meters shall be installed by the City of Hayward Water Distribution personnel at the Applicant/Developer’s expense.
- 127. All connections to existing water mains shall be performed by City Water Distribution personnel at the Applicant/Developer’s expense.
- 128. Any modifications to existing water services such as but not limited to upsizing, downsizing, relocating, and abandoning shall be performed by City Water Distribution personnel at the Applicant/Developer’s expense.
- 129. The property has an existing 5/8-inch domestic water meter (account 25766). If the existing water service cannot be reused, it shall be abandoned at the Applicant/Developer’s expense.
- 130. The property has a grandfathered sewer capacity at 210 gallons per day. It is anticipated that additional sewer capacity shall be required to accommodate the proposed improvements. The Applicant/Developer is responsible for payment of sewer connection fees at the current rates at the time when application for water and sewer service is submitted. Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge. The development’s permitted sewer capacity and related sewer capacity fees shall be further assessed during the building permit application.
- 131. The Applicant/Developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per City of Hayward Standard Detail 202 (SD-202). Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the

meter, whichever is larger.

132. A separate fire permit is required for the fire sprinkler system installation. The fire service size will be determined by the Fire Department's requirements. All fire services must have an above-ground double check valve assembly (DCVA), per City Standard Detail 204 (SD-204) and 201 (SD-201). New fire services must be installed by the City's Water Distribution personnel at the Applicant's or Developer's expense.
133. Water meters and services are to be located a minimum of two feet from top of driveway flare as per City Standard Detail 213 (SD-213) through 218 (SD-218). Water meters shall not be located in the driveway.
134. All sewer mains and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Sewer Mains and Appurtenances," latest revision at the time of permit approval. Available on the City's website: <https://www.hayward-ca.gov/your-government/departments/engineering-division>
135. Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline. Where sanitary sewer lines and/or laterals are the same size as the sanitary sewer line, the connection must be made with a manhole.
136. A Standard Industrial Waste Monitoring Structure (Dwg. No. SD-309 filed 6-15-93) is required to be installed end of pipe, if not already existing. The monitoring facility shall be situated on the user's premise and not obstructed by landscaping, equipment or parked vehicles, or in the way of oncoming traffic. The aggregate flow from all operations shall discharge through the SD-309 structure.

-End-