

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-

Introduced by Council Member _____

RESOLUTION APPROVING THE MAPLE & MAIN MIXED-USE PROJECT THAT INCLUDES 192 MARKET-RATE APARTMENTS, 48 APARTMENTS AFFORDABLE TO VERY LOW INCOME HOUSEHOLDS, REHABILITATION OF A 48,800 SQUARE-FOOT MEDICAL OFFICE BUILDING, AND APPROXIMATELY 5,500 SQUARE-FEET OF RETAIL SPACE, LOCATED GENERALLY WITHIN THE BLOCK BOUNDED BY A STREET, MAIN STREET, MCKEEVER AVENUE AND MAPLE COURT IN DOWNTOWN HAYWARD; AND ADOPTING THE RELATED MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, **AND ASSOCIATED ADDENDUM**; BAY AREA PROPERTY DEVELOPERS, LLC AND KLEIN FINANCIAL CORP (APPLICANTS/OWNERS)

WHEREAS, after presenting a preliminary concept plan to the City Council on May 19, 2015, Bay Area Property Developers and Klein Financial Corporation (Applicants) submitted on September 10, 2015 Conditional Use Permit and Site Plan Review Application No. 201504178 for redevelopment as described above of a 3.93-acre site generally bounded by A Street, Main Street, McKeever Avenue and Maple Court, comprised of Assessor Parcel Numbers 428-0061 011, 428-0061-012-02, 428-0061-013-02, 428-0061-061-01, and 428-0061-010 (the "Project"); and

WHEREAS, a work session was held before the Planning Commission on March 17, 2016 to give Commissioners an opportunity to provide early feedback on the development proposal; and

WHEREAS, the Draft IS/MND was circulated for a 30-day public review period beginning on August 22, 2016 and ending on September 21, 2016; during which time the document was reviewed by local agencies, as well as by interested individuals and organizations; and six comments were received during the public review period; and

WHEREAS, as a result of comments received during the public review period, the City revised portions of the IS/MND, and recirculated the IS/MND for a 20-day public review period beginning on November 7, 2016 and ending on November 28, 2016; during which time the document was reviewed by local agencies, as well as by interested individuals and organizations; and three comments were received during the public review period; and

WHEREAS, the Planning Commission considered the Project at a duly noticed public hearing held on December 15, 2016, and approved the Project and Conditional Use Permit and Site Plan Review Application No. 201504178, and related Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and

WHEREAS, an appeal to the City Council of the Planning Commission's action was filed on January 2, 2017 by Sherman Lewis on behalf of the Hayward Area Planning Association; and

WHEREAS, notice of a public hearing regarding the appeal noticed and published was published in the manner required by law on January 20, 2017; and

WHEREAS, a public hearing was duly held by the City Council on February 7, 2017; and

WHEREAS, the applicant presented a revision to the project at the public hearing involving relocating some of the retail space from the Main Street frontage to the Maple Court frontage; and

WHEREAS, the City Council considered and supported such revision; and

WHEREAS, an Addendum to the IS/MND (the "Addendum") was prepared associated with such revision, which concludes that the revisions would not generate significant impacts.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the following findings:

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

I. Adoption of the Mitigated Negative Declaration and associated Addendum

Pursuant to Title 14, California Code of Regulations, Section 15074, the City of Hayward, hereby finds that the Maple and Main Mixed-use Development Project (Project) Mitigated Negative Declaration (including the Project Initial Study, hereinafter collectively referred to as the "IS/MND"), and Addendum has been completed in compliance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA), that the IS/MND and Addendum was presented to the City, and that the City has reviewed and considered the information contained in the IS/MND and Addendum, and all comments and responses to comments received during the public review process, prior to approving the project. The City hereby finds that the IS/MND and Addendum reflects the independent judgment and analysis of the City, and adopts the IS/MND and Addendum.

II. Findings

The following Findings are hereby adopted by the City pursuant to Title 14, California Code of Regulations, Section 15074, in conjunction with the approval of the project, which is set forth in Section III, below. To the extent the Findings presented here summarize the IS/MND **and Addendum**, the summary is not intended to change any aspect of the complete text of the analysis and mitigation measures discussed in the IS/MND **and Addendum**.

The project proponent proposes to demolish all buildings on the project site except for a portion of the medical office building on the corner of Maple Court and McKeever Avenue, and construct a residential building and six-level parking garage. The new residential building would include 240 rental apartments, ground floor retail and a leasing office in a 5-story building. Amenities would include three outdoor courtyards and clubhouse with fitness facilities. As part of the proposed project, the existing four- and two-story medical office building on the corner of Maple Court and McKeever Avenue would be reduced in size, improved and modernized. The improved medical office building will include approximately 48,000 square feet of building space.

A. Environmental Review

The IS/MND **and Addendum** was prepared for the Project in accordance with CEQA.

The IS/MND **and Addendum** analyzes the potential project impacts in the following topic areas: (1) aesthetics; (2) agricultural and forestry resources; (3) air quality; (4) biological resources; (5) cultural resources; (6) geology and soils; (7) greenhouse gas emissions; (8) hazards and hazardous materials; (9) hydrology and water quality; (10) land use and planning; (11) mineral resources; (12) noise; (13) population and housing; (14) public services; (15) recreation; (16) transportation and circulation; and (17) utilities and service systems.

Environmental issue areas for which mitigation measures are proposed include: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Noise. The potentially significant environmental impacts of the proposed project that were identified in the IS/MND, along with the proposed mitigation measures, are summarized below in subsection B. Environmental impacts that would be less than significant or have no impact are listed below in subsection C.

B. Potentially Significant Impacts that would be Mitigated to Less Than Significant Levels

1. Air Quality

The proposed project would result in construction-phase dust emissions. Mitigation Measure AIR-1 would require that dust control best management practices be implemented by the proposed project during construction. Implementation of this mitigation measure would reduce impacts from nighttime lighting to a less than significant level. See pages 34-37 of the IS/MND.

Mitigation Measure AIR-1: The construction contractor(s) shall implement the following BMPs during project construction:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible after grading, unless seeding or soil binders are used.
- 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.
- 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.
- 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.

The proposed project would result in localized health risk impacts from diesel exhaust during construction. Mitigation Measures AIR-2 and AIR-3 would require that construction equipment meet certain emissions standards and reduce particulate emissions by 70 percent or more. Mitigation Measure AIR-4 allows the construction contractor to use other measures to minimize diesel emissions instead of the measures stated in Mitigation Measures AIR-2 and AIR-3. Implementation of these mitigation measures would reduce impacts from diesel exhaust during construction to a less than significant level. See pages 37-41 of the IS/MND.

Mitigation Measure AIR-2: All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at

a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Mitigation Measure AIR-3: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Mitigation Measure AIR-4: Instead of Mitigation Measures AIR-2 and AIR-3 above, the construction contractor could use other measures to minimize construction-period Diesel Particulate Matter (DPM) emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the City.

2. Biological Resources

Construction activities could disturb nesting birds. Mitigation Measures BIO-1 and BIO-2 require a preconstruction survey and avoidance of active nests. These mitigation measures would reduce the impact to nesting birds to a less than significant level. See page 44 of the IS/MND

Mitigation Measure BIO-1: If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in Mitigation Measure BIO-2, below, will be implemented.

Mitigation Measure BIO-2: If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.

3. Cultural Resources

Construction activities could disturb previously unknown pre-historic and historic archaeological resources. Mitigation Measure CUL-1 would require that the applicant retain a qualified archeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor. Mitigation Measure CUL-2 would require that a qualified archaeologist be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. In the event archaeological resources are encountered during construction activities, Mitigation Measure CUL-3 would be implemented which requires work in the vicinity of the find to be halted until an archaeologist has evaluated the find. These mitigation measures would reduce impacts to pre-historic and historic archaeological resources to a less than significant level. See pages 48–49 of the IS/MND.

Mitigation Measure CUL-1: The applicant shall retain a qualified archaeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre-historic and historic period archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the applicant and the archaeologist. An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow for the discovery of potentially significant archaeological resources.

Mitigation Measure CUL-2: A qualified archaeologist will be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. After monitoring the initial grading, the archaeologist will make recommendations for further monitoring if he/she determines that the site contains or has the potential to contain cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required and a report will be filed with the City Planning Department.

Mitigation Measure CUL-3: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the City Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring will be submitted to the City Planning Department prior to issuance of an occupancy permit.

Construction activities could disturb previously unknown human remains. In the event of discovery of unknown human remains, Mitigation Measure CUL-4 would be implemented which requires work in the vicinity of the find to be halted until an

archaeologist has evaluated the find and notified the County Coroner. This mitigation measure would reduce impacts to unknown human remains to a less than significant level. See pages 49–50 of the IS/MND.

Mitigation Measure CUL-4: In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, the City of Hayward will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered by excavation until the Coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the City will ensure that the remains and vicinity of the find are protected against further disturbance.

If it is determined that the find is of Native American origin, the City of Hayward will comply with the provisions of Public Resources Code Section 5097.98 regarding identification and involvement of the Most Likely Descendant (MLD).

If the human remains cannot be protected in place following the Coroner's determination, the City of Hayward shall ensure that the qualified archaeologist and the MLD are provided the opportunity to confer on repatriation and/or archaeological treatment of human remains, and that any appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the Native American community, and shall provide an opportunity for Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection and Repatriation Act, the City shall ensure that human remains and associated artifacts recovered from the project site are repatriated to the appropriate local tribal group if requested.

4. Geology and Soils

The project site is subject to seismic-related ground failure, including liquefaction. Mitigation Measures GEO-1 and GEO-2 would require the building foundation be designed to resist 2 inches of settlement and that underground pipelines be designed to compensate for settlement. These mitigation measures would reduce impacts from seismic-related ground failure to a less than significant level. See pages 52–53 of the IS/MND.

Mitigation Measure GEO-1: Building foundations shall be designed to resist 2 inches of differential settlement of the supporting soils.

Mitigation Measure GEO-2: Underground pipelines such as gas lines, sanitary sewers, and water services shall be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils.

The proposed project would be located on a geologic unit or soil that is unstable. Mitigation Measure GEO-3 would require that existing fill soils be removed and re-compacted. This mitigation measure would reduce impacts from unstable soils to a less than significant level. See pages 53-54 of the IS/MND.

Mitigation Measure GEO-3: Fills shall be completely removed and re-compacted. Over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet beyond exterior flatwork, including driveways and pavement wherever possible. Where over-excavation limits abut adjacent property, a determination of the actual vertical and lateral extent of over-excavation shall be conducted so that the adjacent property is not adversely impacted. Over-excavations shall be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations.

5. Hazards and Hazardous Materials

The proposed project could expose project site residents and construction workers to on-site subsurface contamination. In addition, asbestos containing materials (ACM) and lead-based paint (LBP) may be present on site due to the age of the existing buildings. Mitigation Measure HAZ-1 would require the employment of industry standard vapor barriers with passive ventilation systems to protect on-site residents while Mitigation Measure HAZ-2 would require the development and implementation of a Site Management Plan, to protect construction workers. Mitigation HAZ-3 would require that existing buildings on site be surveyed for ACM, LBP and other hazardous materials prior to significant renovation or demolition and in the event that any of these materials are detected appropriate removal and containment protocols be implemented before and during building demolition. These mitigation measures would reduce impacts with regard to on-site contamination to a less than significant level. See pages 64-65 of the IS/MND.

Mitigation Measure HAZ-1: The applicant shall install industry standard vapor barriers along with passive ventilation systems as part of the proposed project.

Mitigation Measure HAZ-2: A Site Management Plan shall be developed and implemented with approval and oversight by the appropriate regulatory agency in the event that unanticipated subsurface environmental conditions are encountered following the demolition of the hospital complex. The Site Management Plan shall include, but would not be limited to, procedures for removal or on-site management of contaminated soil, procedures for removal of Underground Storage Tanks (USTs) if any are encountered, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.

Mitigation Measure HAZ-3: Prior to any significant renovation of the medical office building and the demolition of the other existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to

determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.

6. Noise

Given the estimated exterior noise levels that would be experienced at the facades of the proposed structure, interior noise levels in the residential units will exceed the significance threshold. Mitigation Measure NOI-1 would require an acoustical analysis to determine specific noise reduction improvements. This measure would be adequate to reduce the project's interior noise exceedances to a less than significant level. See pages 82-85 of the IS/MND.

Mitigation Measure NOI-1: The following measures shall be incorporated into the proposed project to reduce interior noise levels:

- A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.
- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residences on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

Ground vibration from use of large bulldozers during grading could result in "architectural" damage to the single-family residence adjacent to the existing medical building. Mitigation Measures NOI-2 would prohibit the use of heavy vibration-generating construction equipment within 20 feet of any adjacent residence. This measure would be adequate to reduce the project's groundborne vibration to a less than significant level. See pages 85-87 of the IS/MND.

Mitigation Measure NOI-2: Within 20 feet of the existing, adjacent residence:

- Compaction activities shall not be conducted using a vibratory roller. Within this area, compaction shall be performed using smaller hand tampers.
- Demolition, earth-moving, and ground-impacting operations shall be phased so as not to occur at the same time and shall use the smallest equipment possible to

complete the work. The use of large bulldozers, hoe rams, and drill-rigs shall be prohibited within 20 feet of the existing, adjacent residence.

- Construction and demolition activities shall not involve clam shell dropping operations.

Construction noise could exceed significance thresholds. Mitigation Measure NOI-3 would require that construction equipment be well-maintained and used judiciously to be as quiet as possible and requires the implementation of best management practices to reduce noise from construction activities near sensitive land uses. This measure would be adequate to reduce the project's temporary ambient noise impacts to a less than significant level. See pages 87-89 of the IS/MND.

Mitigation Measure NOI-3: Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:

- Ensure that all construction activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays.
- Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Contractors utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- Locate loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.

- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

Less Than Significant and No Impacts

The IS/MND found that impacts to Aesthetic Resources, specifically related to the existing visual character of the project site and surroundings and the creation of a new source of light and glare (see IS/MND page 28); Air Quality impacts, specifically related to a conflict with an applicable air quality plan and the creation of objectionable odors (see IS/MND pages 33-41); Biological Resource impacts, specifically related to tree removal (see IS/MND page 45); Cultural Resources impacts, specifically related to historical, paleontological, and tribal resources (see IS/MND pages 46-50); Geology and Soils impacts, specifically related to fault rupture, seismic shaking, soil erosion, and expansive soils (see IS/MND pages 52-54); Greenhouse Gas Emissions impacts (see IS/MND pages 55-59); Hazards and Hazardous Materials impacts, specifically related to the routine transport, use and disposal of hazardous materials and being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (see IS/MND pages 63-66); Hydrology and Water Quality impacts, specifically related to water quality standards, groundwater supplies, drainage patterns, and runoff (see IS/MND pages 68-70); Land Use and Planning impacts, specifically related to a conflict with any applicable land use plan (see IS/MND pages 71-75); Noise impacts, specifically related to a substantial permanent increases in ambient noise levels (see IS/MND page 87); Population and Housing impacts, specifically related to population growth (see IS/MND page 91); Public Service impacts (see IS/MND pages 94-96); Recreation impacts (see IS/MND page 97); Transportation and Traffic impacts, specifically related to a conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, a conflict with an applicable congestion management program, and a substantial increase in hazards due to a design feature or incompatible uses (see IS/MND pages 102-106); and Utilities and Service Systems impacts, specifically related to wastewater treatment requirements and facilities, wastewater treatment capacity, and solid waste disposal capacity (see IS/MND pages 114-116), will be less than significant and no mitigation required.

The IS/MND also found that there would be no impacts to Aesthetic Resources, specifically related to adverse impacts on a scenic vista or scenic resources (see IS/MND pages 27-28); Agricultural and Forestry Resource impacts (see IS/MND page 30-31); Biological Resource impacts, specifically related to riparian habitats, wetlands, migratory species, and conservation plans (see IS/MND pages 44-45); Geology and Soils impacts, specifically related to landslides and septic tanks (see IS/MND pages 52-54); Hazards and Hazardous Materials impacts, specifically related to schools within 0.25 mile of the project site, public or private airports, implementation of an emergency response plan, and wildfires (see

IS/MND pages 65-66); Hydrology and Water Quality impacts, specifically related to flooding, and seiche or tsunami inundation (see IS/MND page 70); Land Use and Planning impacts, specifically related to the physical division of an established community and a conflict with any applicable conservation plans (see IS/MND pages 71-75); Mineral Resources (see IS/MND page 76); Noise impacts, specifically related to excessive noise from public airports or private airstrips (see IS/MND page 89); Population and Housing impacts, specifically related to replacement housing (see IS/MND page 91); Transportation and Traffic impacts, specifically related to air traffic patterns, emergency access, and transit, pedestrian, or bicycle facilities (see IS/MND pages 106-109), and Utilities and Service System impacts, specifically related to storm water drainage facilities, water supply, and compliance with applicable statutes and regulations related to solid waste (see IS/MND pages 115-116). There were no impacts and no mitigation measures are required.

C. Additional Findings

1. These Findings incorporate by reference in their entirety the text of the Final IS/MND **and Addendum** prepared for the project. Without limitation, this incorporation is intended to elaborate on the scope and nature of project and cumulative development impacts, related mitigation measures, and the basis for determining the significance of such impacts.
2. CEQA requires the Lead Agency approving a project to adopt a monitoring program for changes to the project that it adopts or makes a condition of project approval in order to mitigate or avoid significant effects on the environment and ensure compliance during project implementation. The Mitigation Monitoring and Reporting Program that accompanies the Final Mitigated Negative Declaration has been prepared to serve this purpose, and is hereby adopted by the City.
3. Various documents and other materials constitute the record of proceedings upon which the City bases its findings and decisions contained herein. Most documents related to this project and the custodian of the administrative record are located at the City of Hayward, Developmental Services Department, 777 B Street, Hayward, California 94541.

D. Summary

Based on the foregoing Findings and the information contained in the record, the City finds with respect to the project:

1. Changes or alterations have been incorporated in the project and required as a condition of approval that will mitigate to a less than significant level or avoid the potentially significant environmental effects of the project as identified in the Final IS/MND.
2. There is no substantial evidence in the record that the project may have a potentially significant effect on the environment.

3. The Final IS/MND and Addendum reflect the City's independent judgment and analysis.

CONDITIONAL USE PERMIT FINDINGS

- A. The proposed use is desirable for the public convenience or welfare in that the rehabilitation of an existing commercial office building and construction of a residential building with retail component will provide new residential rental units, with twenty percent of the units required to be affordable to families with very low incomes, and eighty percent of the units available for lease at market rates to young professionals and families. Fifteen studios are proposed, along with 82 one-bedroom units, 123 two-bedroom units, and 20 three-bedroom units, with affordable units to be provided at the same level of quality as market rate units and integrated into the project, providing housing opportunities for a variety of households. The infusion of tenants into this currently vacant site will support existing businesses and help attract future ones to the Downtown, while eliminating a site that provides opportunity for trespassing and vagrancy. Additionally, the project will generate over \$1.8M in park in-lieu fees, which will be required to be used for parkland acquisition and/or park improvements in the area. Finally, a neighborhood/community meeting space will be provided in the project for lease by residents/groups in the area.
- B. The proposed use will not impair the character and integrity of the zoning district and surrounding area. Although the proposed residential building will be five stories and taller than surrounding developments, it will be just one story taller than the existing four-story office building, integrate architectural features and design elements and colors to help reduce its visual massing, and will be set back from McKee Avenue. The materials of the proposed new residential building and rehabilitated office building will utilize high end materials and colors to reflect a modern building of high-end design, including patios and balconies for all but 15 studio units. The exterior of the medical office building will be updated to be consistent with the design of the new building. Also, the six-level parking garage will be screened from view around the property via the residential building. Implementation of a variety of transportation demand management measures, such as shuttle service, shared car program, unbundled parking, and on-site secured bicycle storage facility, will reduce trips from the site. As indicated in the project Initial Study/Mitigated Negative Declaration, traffic impacts are anticipated to be less-than-significant. Additionally, conditions of approval require development of a parking permit program should it be determined via surveys that spillover parking from the development is occurring in the neighborhood.
- C. The proposed use will not be detrimental to the public health, safety, or general welfare in that existing or required updated infrastructure, including new larger sewer and water mains, will be sufficient to serve the development. Traffic impacts are anticipated to be less-than-significant and the building/upgrades will be

required to meet minimum Building, Energy and Fire Code standards in effect at time of building permit application submittal. Ground floor residential units will be located in a well-designed mixed-use building. Lighting and landscaping will be required to be upgraded along the property frontages to enhance safety for pedestrians, including at night, with lighting on the building required to be directed away from surrounding properties.

- D. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved in that ground floor residential units in the Downtown, as proposed, are conditionally permitted uses in the *Central City-Commercial* District, whose purpose is “is to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential uses.” Also, ground-floor residential use is identified as an appropriate supporting use for the *Central City Retail and Office Commercial* General Plan land use designation, with residential units above the first floor identified as an appropriate primary use. The project complies with such language in that it is located on the fringe of the Downtown and does not front onto a major arterial roadway, and includes rehab of 48,000 square feet of an existing medical office building, along with 5,500 square feet of retail space along Main Street.

Also, the project is consistent with General Plan Guiding Principle #5 which states, “The City will support the development of Downtown housing to create new opportunities for people to live in a safe, mixed-use, walkable, and transit-oriented urban neighborhood.” Furthermore, the proposed project is consistent with the following General Plan Policies:

LU-1.3 Growth and Infill Development

The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.

The infill site is not identified in the Strategic Plan as an opportunity site, but it is one of the larger underutilized sites in the Downtown, at nearly four acres in size.

LU-1.4 Revitalization and Redevelopment

The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.

The project entails rehab of an existing office building and redevelopment of the majority of the underutilized site.

LU-1.5 Transit-Oriented Development

The City shall support high-density transit-oriented development within the city's Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.

The project, proposed at a residential density of eighty units per acre, incorporates a variety of transportation demand management measures, including shuttle and shared care service, as well as bike racks and unbundled parking. Also, the project is providing a number of parking spaces that is less than standard City requirements and less than that normally allowed by the State's Density Bonus Law for affordable units.

LU-1.6 Mixed-Use Neighborhoods

The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.

The project entails 48,000 square feet of rehabbed office space, 240 apartments of varying size and bedroom counts, including 20% affordable to very low income households, and 5,500 square feet of retail space on the fringe of the Downtown core within easy walking distance of BART and a number of services and businesses.

LU-2.5 Downtown Housing

The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to:

- *Increase market support for businesses,*
- *Extend the hours of activity,*
- *Encourage workforce housing for a diverse range of families and households,*
- *Create housing opportunities for college students and faculty, and*
- *Promote lifestyles that are less dependent on automobiles.*

The project includes 240 apartments, including 48 apartments that will be affordable to very low income households. Besides 15 studio apartments, 19 of 82 one-bedroom units, 25 of 123 two-bedroom units, and 4 of 20 three-bedroom units are proposed as affordable units.

LU-2.6 Downtown BART Station

The City shall encourage a mix of commercial, office, high-density residential and mixed-use development in the area surrounding the Downtown BART Station.

The project is within a half mile of the Downtown BART station.

LU-3.4 Design of New Neighborhood Commercial and Mixed Use Development

The City shall require new neighborhood commercial and mixed-use developments to have a pedestrian-scale and orientation by:

- *Placing the building and outdoor gathering spaces along or near the sidewalk.*
- *Locating parking to the rear of the building or along the internal side yard of the property.*
- *Designing the building with ground floor retail frontages or storefronts that front the street.*
- *Enhancing the property with landscaping, lighting, seating areas, bike racks, planters, and other amenities that encourage walking and biking.*

The proposed new building is located near the Maple Court and Main Street property frontages, set back to allow for landscaping and lighting. An enhanced entry with signage and landscaping is proposed at the corner of McKeever and Maple for the office building. Parking is primarily provided in a six-level garage, located behind the residential building facades. Roughly half of the property frontages along Main Street and Maple Court include 10 residential units, 9 of which entail patios.

H-3.4 Residential Uses Close to Services

The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

The project is located within easy walking distance to a majority of the Downtown.

M-1.6 Bicycling, Walking, and Transit Amenities

The City shall encourage the development of facilities and services, (e.g., secure term bicycle parking, street lights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.

The project provides secure bicycle storage space for tenants, and includes frontage improvements, including new lighting and landscaping.

SITE PLAN REVIEW FINDINGS

- A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that it;
See Conditional Use Permit finding B above.
- B. The development takes into consideration physical and environmental constraints;
See Conditional Use Permit finding C above.
- C. The development complies with the intent of City development policies and regulations;
See Conditional Use Permit finding D above.
- D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.
See Conditional Use Permit findings A and B above.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Hayward hereby takes the following actions:

- A. Adopts the Final IS/MND **and Addendum** for the project as described herein.
- B. Approves and incorporate into the project all project elements and all mitigation measures identified in the Final IS/MND **and Addendum**.
- C. Adopts the Mitigation Monitoring and Reporting Program accompanying the Final IS/MND and discussed in the Findings section above.
- D. Having adopted the Final IS/MND **and Addendum**, and approved the above Findings, approves the Maple and Main Mixed-Use Development Project, as modified and described above, subject to the Conditions of Approval identified in attached Exhibit A.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Exhibit A

February 7, 2017

Maple and Main Mixed-Use Development

Bay Area Property Developers LLC and Klein Financial Corp (Applicants/Owners)

Conditional Use Permit and Site Plan Review Application No. 201504178

Proposal to Construct a Mixed-Use Residential and Commercial Development to include 240 new residential apartment units, including 48 units affordable to very-low income households, ground floor retail and leasing office space along Main Street, comprehensive façade improvements and renovations to an existing medical office building, and related infrastructure and improvements on an approximately four-acre site at 22330/22334/22338/22412 Main Street, 1013 McKeever Avenue, and 22445/22471/22477/22485/22491 Maple Court

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. Any proposal for alterations to the conditionally approved site plan and/or design that does not require a variance to any zoning ordinance standard shall be approved by the Development Services Director (Development Services Director) or his/her designee, prior to implementation. Alterations requiring a variance shall be subject to review by the Planning Commission. (DS)
3. In accordance with Section 10-1.3255 of the Hayward Municipal Code, approval of this Conditional Use Permit and Site Plan Review 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, 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; or
 - c. Business operations have commenced in accordance with all applicable conditions of approval. (DS)

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4. In approving the project, the City considered the property taxes it would receive. The City also considered the costs the development would generate due to additional service demands. The owner shall execute and record an agreement encumbering the property, which will require the owner to make annual payments to the City in lieu of taxes should the property, or any portion thereof, not subject to a recorded City affordability restriction, be exempt from real property taxation. Such annual payments will wholly compensate the City for any reduction in property tax revenues. This condition shall run with the land and be binding on the parties, their assigns and successors in interest and all persons claiming an interest in the subject property. Notwithstanding anything to the contrary, nothing in this condition shall prevent the owner from applying for property tax exemption under Section 214(g) of the Revenue and Taxation Code for any portion of the property used for low income housing in accordance with the terms of a recorded City affordability restriction.
5. This approval is subject to the approved Mitigation Monitoring and Reporting Program mitigation measures, which are included herein below.

ENVIRONMENTAL IMPACT MITIGATION MEASURES (DS/PW-ET)

6. **Mitigation Measure AIR-1:** The construction contractor(s) shall implement the following BMPs during project construction:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - 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.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible after grading, unless seeding or soil binders are used.
 - 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.

Exhibit A

- 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.
 - 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.
7. **Mitigation Measure AIR-2:** All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.
 8. **Mitigation Measure AIR-3:** All diesel-powered portable equipment (i.e., air compressors, concrete saws, and forklifts) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.
 9. **Mitigation Measure AIR-4:** Instead of Mitigation Measures AIR-2 and AIR-3 above, the construction contractor could use other measures to minimize construction-period Diesel Particulate Matter (DPM) emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the City.
 10. **Mitigation Measure BIO-1:** If construction activities commence outside the nesting season (generally September 1 through February 28), pre-construction surveys are not required. However, if construction commences outside the nesting season and extends into the nesting season, and is suspended for more than 14 days, a pre-construction survey that is detailed in Mitigation Measure BIO-2, below, will be implemented.
 11. **Mitigation Measure BIO-2:** If construction commences during the nesting season (March 1 through August 31), a pre-construction survey for active nests will be conducted within 15 days prior to the start of work. Given the urban setting of the project site and the construction staging area, the radius of the pre-construction survey will be determined in consultation with the California Department of Fish and Wildlife (CDFW). Typically, a 250-foot buffer for passerines and other unlisted/non-raptor species, 500-foot buffer for unlisted raptor species, and 0.5-mile buffer for listed raptor species are required. However, exceptions can be made based on the species of bird nesting, activities proposed, and for noise attenuation provided by intervening buildings in urban areas. Once the survey area is established, a survey of all appropriate nesting habitat will be conducted to locate

Exhibit A

any active nests. In the event that active nests are identified, appropriate buffer zones and types of construction activities restricted within the buffer zones will be determined through consultation with the CDFW. The buffer zones will be implemented and maintained until the young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.

12. **Mitigation Measure CUL-1:** The applicant shall retain a qualified archaeologist to provide preconstruction briefing(s) to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant pre-historic and historic period archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the applicant and the archaeologist. An "Alert Sheet" shall be posted in conspicuous locations on the project site to alert personnel to the procedures and protocols to follow for the discovery of potentially significant archaeological resources.
13. **Mitigation Measure CUL-2:** A qualified archaeologist will be on site to monitor the initial grading of native soil once the existing buildings and pavement are removed but before any foundations and slabs are removed. After monitoring the initial grading, the archaeologist will make recommendations for further monitoring if he/she determines that the site contains or has the potential to contain cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required and a report will be filed with the City Planning Department.
14. **Mitigation Measure CUL-3:** In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the City Planning Department will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring will be submitted to the City Planning Department prior to issuance of an occupancy permit.
15. **Mitigation Measure CUL-4:** In the event of a discovery of human bone, potential human bone, or a known or potential human burial, all ground-disturbing work in the vicinity of the find will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, the City of Hayward will notify the County Coroner of the find. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered by excavation until the Coroner has made a finding relative to the requirements of Public Resources Code Section 5097, the City will ensure that the remains and vicinity of the find are protected against further disturbance.

Exhibit A

If it is determined that the find is of Native American origin, the City of Hayward will comply with the provisions of Public Resources Code Section 5097.98 regarding identification and involvement of the Most Likely Descendant (MLD).

If the human remains cannot be protected in place following the Coroner's determination, the City of Hayward shall ensure that the qualified archaeologist and the MLD are provided the opportunity to confer on repatriation and/or archaeological treatment of human remains, and that any appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the Native American community, and shall provide an opportunity for Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection and Repatriation Act, the City shall ensure that human remains and associated artifacts recovered from the project site are repatriated to the appropriate local tribal group if requested.

16. **Mitigation Measure GEO-1:** Building foundations shall be designed to resist 2 inches of differential settlement of the supporting soils.
17. **Mitigation Measure GEO-2:** Underground pipelines such as gas lines, sanitary sewers, and water services shall be properly designed to compensate for the settlement caused by the liquefaction of the underlying supporting soils.
18. **Mitigation Measure GEO-3:** Fills shall be completely removed and re-compacted. Over-excavation should extend to depths where competent soil is encountered. The over-excavation and re-compaction should also extend at least 5 feet beyond building footprints and at least 3 feet beyond exterior flatwork, including driveways and pavement wherever possible. Where over-excavation limits abut adjacent property, a determination of the actual vertical and lateral extent of over-excavation shall be conducted so that the adjacent property is not adversely impacted. Over-excavations shall be performed so that no more than 5 feet of differential fill thickness exists below the proposed building foundations.
19. **Mitigation Measure HAZ-1:** The applicant shall install industry standard vapor barriers along with passive ventilation systems as part of the proposed project, to be done per the requirements of the Phase I and Phase II reports.
20. **Mitigation Measure HAZ-2:** A Site Management Plan shall be developed and implemented with approval and oversight by the appropriate regulatory agency in the event that unanticipated subsurface environmental conditions are encountered following the demolition of the hospital complex. The Site Management Plan shall include, but would not be limited to, procedures for removal or on-site management of contaminated soil, procedures for removal of Underground Storage Tanks (USTs) if any are encountered, and the protection of construction workers from exposure to impacted soil through measures included in a health and safety plan.

Exhibit A

21. **Mitigation Measure HAZ-3:** Prior to any significant renovation of the medical office building and the demolition of the other existing structures, asbestos containing materials (ACM) and lead-based paint (LBP) surveys shall be conducted to determine the presence of hazardous building materials. Should ACMs, LBP or other hazardous substance containing building materials be identified, these materials would be removed using proper techniques in compliance with all applicable State and federal regulations, including the BAAQMD rule related to asbestos.
22. **Mitigation Measure NOI-1:** The following measures shall be incorporated into the proposed project to reduce interior noise levels:
 - A qualified acoustical consultant shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce interior noise levels to 45 dB(A) Ldn or lower. Treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.
 - Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residences on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

PRIOR TO PERMITS ISSUANCE

Sustainability/Green Features

23. The project shall comply with the California Energy Code standards for Solar Ready Homes that are in effect at the time of building permit application submittal, as determined by the City Building Official, which shall require coordination between the project architect and energy consultant regarding the design and orientation of roof surfaces. Additionally, solar photovoltaic systems shall be installed atop the roofs of the residential building and garage, including over the northern most row of parking spaces on the top level of the garage. (DS)
24. The residential component of the project shall be GreenPoint Rated, with evidence of such certification/rating to be submitted **prior to issuance of certificates of occupancy**. (DS)
25. Gates shall be provided on the patio enclosures of the approximately four units that face onto Maple Court and Main Street, to allow access of tenants from their units onto the public streets. Gates shall not be required for patios of units due to the

Exhibit A

topography of the site; in particular, for units facing onto Main Street in the northwestern portion of the site. (DS)

Community Benefits

26. The Owner shall make available at cost, subject to rules of operation and use determined solely by the Owner, approximately 700-800 square feet of ground floor space to be used by the surrounding community, with the management of the use of that space to be done by the development's Property Management Company. (DS)
27. **Prior to final inspection**, a plaque reflective of the Native American history in the area shall be created and placed in the public right-of-way in the project vicinity, with the design and location to be approved by the City Development Services Director, in consultation with local Native American representatives, California Native Heritage Commission, and the neighborhood. (DS)
28. Park Dedication In-Lieu Fees are required to be paid for all new market-rate dwelling units, in accordance with the City's *Developer Obligations for Parks and Recreation* regulations. Fees for multi-family dwelling units shall be those in effect at the time of issuance of building permits, which currently equate to \$9,635 per unit, or \$1,853,376. Such fees shall be used to acquire and/or improve public parkland in the immediate vicinity within five years of project approval. The location of parkland to be acquired and type of park improvements shall be determined by the City through a public vetting process as part of the Downtown Specific Plan development process, in consultation with the Hayward Area Recreation and Park District. (DS)
29. Should the property at the corner of Hazel Avenue and Main Street (22192 Main Street) be pursued as a possible public park site, an evaluation of the historic value of the residence shall be conducted in accordance with the California Environmental Quality Act criteria, as approved by the Development Services Director, and paid for by the project proponent. (DS)

Affordable Housing

30. The project proposes 20% of the units (48 units) integrated within the development that will be made affordable to very low-income households. Pursuant to the City's [Affordable Housing Ordinance](#) (the Ordinance), an Affordable Housing Plan (AHP) containing information in connection with the applicant's proposal was submitted and approved by the Development Services Director or his designee. An Affordable Housing Agreement (AHA) shall be submitted in accordance with the Ordinance, to be reviewed and approved by the Development Services Director or his designee, prior to issuance of any building permits for the project. (DS and L/CS)

Parking

Exhibit A

31. A detailed Parking Management Plan shall be submitted **prior to issuance of certificates of occupancy** for residential units that details how on-site parking during daytime and evening hours for the various users of the site will be managed and enforced, including how to minimize off-site parking. Such Plan shall be reviewed and approved by the Development Services Director and Public Works Director or designees prior to occupancy. Leases shall include language that indicates off-site overnight parking is prohibited in the area surrounding the development. (DS/PW-ET)
32. The project shall be required to unbundle parking, to offer for lease all on-site parking spaces separate from the lease rates for rental units, including those spaces reserved during business hours for retail uses and the medical office building. As indicated in the Project Parking Management Plan, two types of unbundled spaces will be provided: spaces available 24/7 and spaces available when medical office use is not in operation. When requested, the proponent's representative shall present documentation (e.g., copy of lease agreement with sensitive information redacted) to the Planning Division confirming that unbundling of parking spaces is occurring. (DS/PW-ET)
33. Parking surveys, with methodology in accordance with Section 3.95 of the City's Traffic Regulations and as approved by the Public Works Director or designee, shall be conducted at six-month intervals for the first five years of project occupancy, starting when the project is at least 75% occupied, in order to determine impacts of the project on on-street parking demand. Should the Public Works Director determine that other new developments in the vicinity are impacting parking in the neighborhood, the costs for such surveys shall be shared with proponents of such developments on a "number of units" basis. (DS/PW-ET)
34. Should survey results meet the criteria for establishing a permit parking program, in accordance with Section 3.95 of the City's Traffic Regulations, and to minimize the potential for impacts related to project tenants and their guests parking in the adjacent residential neighborhood, a parking permit program shall be developed and implemented, upon approval by the City Council. At a minimum, such program shall:
 - a. Specify the area subject to such program, to constitute at least six blocks, as specified in the City's regulations, or as amended by the City Council;
 - b. Entail permits available to owners, residents and guest within the program area, with the number of permits to be determined by the City Council as recommended by the Public Works Director;
 - c. Specify the parking restriction days and hours; and
 - d. Include street signage in the program area.

The project proponent shall pay for development of the parking permit program, the costs for signage and permits, and the cost for enforcement of the program in the area. Should the City Council, or the Public Works Director as designated by the City

Exhibit A

Council, determine other projects are impacting parking in the neighborhood, the costs for the program and enforcement of it shall be shared proportionately among such developments, based on a methodology related to such spillover parking as determined by the City, such as related to the total number of units and amount of on-site parking spaces in each development, or shall be funded by the City or other funding source as approved by the City Council. The City may require that the project proponent(s) deposit at the beginning of each fiscal year funds up to \$50,000 to ensure enforcement will be paid for by the proponent(s). (DS/PW-ET)" (DS/PW-ET)

Transportation Demand Management

35. The project shall implement measures identified and described in the Project Parking Management Plan, including:
 - a. Making a fair-share annual contribution toward the funding of the City's proposed shuttle service, which is expected to be in operation by late Summer, 2017;
 - b. In the event that the City's shuttle service does not come to fruition, or reduces or ceases operations, the project shall implement a private shuttle service with 20-30 minute headways on weekdays, and on weekends as demand dictates, which would provide shuttle service to and from the Hayward BART station, with the potential for expansion/integration of such service into a City shuttle system. with the potential for expansion/integration of service into the City's Pilot Shuttle Program anticipated to be operational in the summer of 2017;
 - c. development and provision of a shared vehicle program (e.g., Zipcar), comprised of at least two spaces in the garage;
 - d. preferential parking spaces for electric vehicles and shared vehicles in the parking garage, as outlined in the Project's Parking Management Plan; and
 - e. bike storage on site, including for 52 bikes in the parking garage, and an additional 12 bike racks at the project entrances. (PW-ET)
36. On an annual basis for five years, evidence acceptable to the Public Works Director shall be submitted that identifies how TDM measures have reduced project trip generation by 20%, as indicated in the project traffic impact analysis. (DS/PW-ET)
37. Additionally, a bike rental program for project occupants shall be developed that offers at least five bikes available for rent, with the final details of such plan to be submitted to the City and approved by the Development Services Director. (DS/PW-ET)
38. The project applicant shall also provide discounted transit passes for residents, with confirmation of the availability of such passes to be provided to City staff by the Property Management Company upon request. (DS/PW-ET)

Building Plans

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39. Plans for building permit applications shall incorporate/comply with the following:
 - a. Compliance with the 2016 Building and Fire Codes.
 - b. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - c. A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting to ensure a safe environment is provided in all common areas, while minimizing impacts on surrounding properties. The Development Services Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building. Exterior lighting shall be shielded and deflected away from neighboring properties, particularly atop the parking garage, and away from windows of the proposed building.
 - d. Plans shall show that all new utilities will be installed underground.
 - e. Final colors and materials selection shall be presented to the Development Services Director or designee for review and approval.
 - f. The developer shall submit a soils investigation report to the satisfaction of the City Engineer.
 - g. The balcony for the proposed 32 B2 Units shall be increased from 40 sq. ft. to 60 sq. ft. (DS)
40. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for meter-reading by utility staff must be provided to all meters. (DS/U/ES)
41. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard. (DS/PW-ET)

General - Construction

42. Prior to building permit issuance, submit the following documents for review and approval, or for City project records/files:
 - a. Copy of the Notice of Intent filed with State Water Resources Control Board;
 - b. Engineer's estimate of costs, including landscape improvements;
 - c. Easement documents;
 - d. Signed Public Improvement Agreement; and
 - e. Public Improvement bonds. (PW-ET)
43. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. 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. (PW-ET)

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44. Prior to any work within public right of way or City easements, the developer shall obtain an encroachment permit from the City. (PW-ET)
45. It is applicant's responsibility to get required permits or approvals from all affected agencies or private parties. Please provide a copy of these permits or approvals to the City with your building permit application submittal. (PW-ET)
46. Prior to issuance of any building permits, a lot merger application shall successfully be processed through the City and recorded. (PW-ET)
47. Prior to building permit issuance, developer shall dedicate necessary easements for the project development, including but not limited to three-foot Public Utility Easement along all the project frontages. The private streets shall be designated as a Public Utility Easement (PUE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE). (PW-ET)
48. The developer shall submit an AutoCAD file format (release 2010 or later) in a CD of approved 'as-built' improvement plans showing all public improvements and utility layouts that can be used to update the City's Base Maps. (PW-ET)
49. To avoid or reduce the potential impact related to the site specific geotechnical hazards related to seismic hazards, the project developer shall implement the following mitigation measures:
 - a. The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
 - b. New construction will comply with the latest California Building Code and mitigation measures outlined in the Geotechnical Investigation report.
 - c. For each building constructed in the development plan area, the required site specific geotechnical investigation shall address expansive soils and provide appropriate engineering and construction techniques to reduce potential damage to buildings.
 - d. To reduce the potential impacts related to the presence of low to moderately expansive clays in the subsurface soils of the project site, mitigation measures to avoid the effects of expansive soils outlined in the Geotechnical Investigation shall be followed. (PW-ET)
50. All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better. (PW-ET)
51. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Development Services Director or City Engineer:
 - a. Grading and site construction activities shall be limited to the hours 8:00 AM to 5:00 PM Monday through Friday with no work on weekends and Holidays

Exhibit A

- unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval;
- b. Grading and construction equipment shall be properly muffled;
 - c. Unnecessary idling of grading and construction equipment is prohibited;
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
 - f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
 - g. Daily clean-up of trash and debris shall occur on project street frontages, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - h. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
 - i. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
 - j. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
 - k. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
 - l. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - m. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - n. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
 - o. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
 - p. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - q. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - r. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.

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- s. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - t. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - u. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
 - v. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - w. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board. (PW-ET)
52. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer. (PW-ET)
53. All public improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies. (PW-ET)

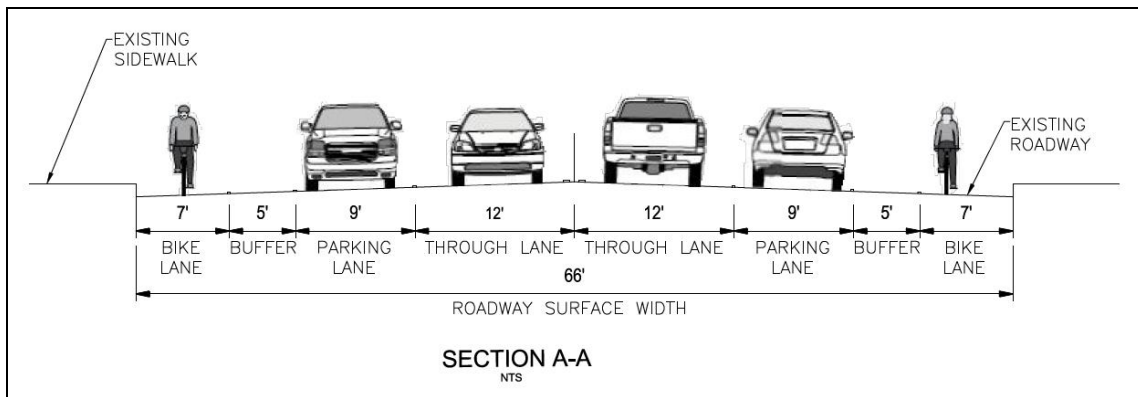
Public Improvements

54. Applicant shall implement/install the following on-street improvements and submit a signing & striping plan to the City of Hayward Department of Public Works that shall include:
- a. On Main Street between A Street and McKeever Avenue: Buffered Bicycle Lane and Parking Lane (including all necessary pavement markings) to conform with plans for Main Street between A Street and C Street. For reference, see Section A-A Conceptual Design below.
 - b. On McKeever Avenue between Main Street and Maple Court: Buffered Bicycle Lane and Parking Lane (including all necessary pavement markings) to conform with Section A-A Conceptual Design below.

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- c. Intersection of McKeever Avenue and Maple Court: Re-stripe existing crosswalk to ladder pattern crosswalk.
- d. All locations along Main Street, McKeever and Maple Court shall show appropriate signage such as STOP signs, Bike Lane signs, Parking Restriction signs, etc. where appropriate and necessary and as required by Federal and California MUTCD.

The City may require additional improvements upon receipt and review of the signing & striping plan. (PW-ET)



- 55. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer. (PW-ET)
- 56. The two proposed EVA driveway approaches on Main Street and Maple Court shall be constructed with inward flares at the project property lines. No encroachment of the flares or curb returns is allowed beyond the property project frontage into adjacent property frontages without the consent of the adjacent property owner. (PW-ET)
- 57. Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along Main Street, McKeever Avenue and Maple Court, including but not limited to the following:
 - a. Removal and replacement of all street trees, curb, gutter, and sidewalk.
 - b. Removal and replacement of all three (3) ADA curb ramps at McKeever Avenue / Maple Court intersection.
 - c. Grind and overlay and restripe entire pavement width for the block of Main Street, McKeever Avenue, and Maple Court with 2" hot mix asphalt, and dig outs and repair failed pavements as necessary.

Exhibit A

- d. Upsizing of the existing 8" Water main on Main Street, the 6" Water main on Maple Court and the 6" Water main on McKeever Avenue with a 12" Water main and abandon the existing water mains.
 - e. Remove and replace the existing 6" sewer main lines on Main Street and Maple Court from the point of connection to the downstream manhole with an 8" Sewer Main.
 - f. Remove power poles and underground overhead wires along Main Street and McKeever frontages. Install four (4) street lights along Main Street Frontage and two (2) street lights along McKeever frontage. Streetlights shall conform with the City's Standard Design Specifications. (PW-ET)
58. Prior to building permit issuance, developer shall execute a public improvement agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the agreement. (PW-ET)

Storm Water Quality Requirements

59. A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded, shall be submitted. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer and by the ACFC&WCD prior to issuance of any construction or grading permits. (PW-ET)
60. Developer shall comply with the regional permits requirements for both construction and post-construction requirements. Storm water management shall be in compliance with Municipal Regional Permit. (PW-ET)
61. The following materials related to the Storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:
- a. A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Public Works - Engineering and Transportation Department staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
 - b. The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination

Exhibit A

System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).

- c. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into flow-through planters and direct runoff shall discharge into a landscaped area or a bioretention area prior to stormwater runoff entering an underground pipe system.
 - d. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit.
 - e. The bioretention treatment area shall be designed using a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour.
 - f. The following documents shall be submitted pursuant to the Cleanwater Program requirements:
 - i. Hydromodification Management Worksheet;
 - ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
 - iii. Development and Building Application Information Impervious Surface Form;
 - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
 - v. C.3 and C.6 Data Collection Form; and,
 - vi. Numeric Sizing Criteria used for stormwater treatment (calculations). (PW-ET)
62. Construction activities which disturb one acre or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. Following are the specific requirements for regulated construction sites:
- a. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system during the construction. The plan shall meet the approval of the City Engineer. The certification page of the SWPPP shall be signed by a Qualified SWPPP Developer (QSD) person who prepared the report.
 - b. Before commencing any grading or construction activities at the project site, the developer may need to obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
63. The developer shall be responsible to adhere to all aspects of the approved Storm

Exhibit A

Water Pollution Prevention Plan (SWPPP). (PW-ET)

64. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and will implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order. (PW-ET)
65. The on-site storm drain system shall be privately owned, and maintained by the Property Management Company. (PW-ET)
66. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook. (PW-ET)
67. Improvements for storm drain systems shall incorporate the following:
 - a. The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.
 - b. Storm drain pipes in streets and alleys shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
 - c. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities.
 - d. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
 - e. No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
 - f. All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods.
 - g. The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for

Exhibit A

all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.

- h. Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented. (PW-ET)
- 68. The permeable pavers to be used shall have 100% permeability by using Hydro-Flo Pavers or equal. (PW-ET)
 - 69. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer. (PW-ET)

Water System

- 70. All public water mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval. (U/ES)
- 71. All water services from existing water mains shall be installed by City Water Distribution Personnel at the applicant's/developer's expense. This includes relocating existing services and water main tie-ins. The developer may only construct new services in conjunction with the construction of new water mains. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water. (U/ES)
- 72. Water meters and services are to be located a minimum of two feet from top of driveway flare as per City Standard Detail SD-213 through SD-218. (U/ES)
- 73. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and one foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials with the City's approval. (U/ES)
- 74. The existing water mains must be abandoned and replaced, at the developer's expense, to accommodate this development as follows:
 - The existing 6" water main along Maple Court between A Street and McKeever Avenue shall be replaced with a 12" water main
 - The existing 8" water main along Main Street between A Street and McKeever Avenue shall be replaced with a 12" water main
 - The existing 6" water main along McKeever Avenue to Maple Court shall be replaced with a 12" water main (U/ES)

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75. City records indicate that the parcels have multiple existing water services. As these water services will not be used for the proposed development, they shall be abandoned. (U/ES)
76. Each commercial space and residential dwelling unit shall be served by a separate domestic water meter. (U/ES)
77. Private water submeters shall be installed for each dwelling unit. (U/ES)
78. The developer is responsible for the payment of water facilities fees at rates in effect at the time of building permit application submittal. (U/ES)
79. For multi-family developments, the water facilities fee for each residential dwelling unit will be based on the water meter size required to meet the indoor demand for each residential dwelling unit, as determined by the City, regardless of the approved arrangement of water meters or meter sizes at the development. (U/ES)
80. Separate irrigation water meter(s) shall be installed to serve the property's landscaping. The size will be based on the gallon per minute demand of the irrigation system. (U/ES)
81. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each domestic and irrigation water meter, per City Standard SD-202. (U/ES)
82. The development shall have its own fire service(s), sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204. (U/ES)

Sanitary Sewer System

83. The building court main sewers shall be a minimum of 8" and connect to the existing sewer mains with a manhole, per City Standard Detail SD-301. (U/ES)
84. The existing sewer mains must be abandoned and replaced, at the developer's expense, to accommodate this development as follows:
 - The existing 6" sewer main along Maple Court shall be replaced with a minimum 8" sewer main at the development's point of connection to the sewer main to the existing 8" sewer main in A Street
 - The existing 6" sewer main along Main Street shall be replaced with a minimum 8" sewer main at the development's point of connection to the sewer main to the existing 8" sewer main in A Street (U/ES)

Exhibit A

85. The developer is required to pay sewer connection fees for each residential dwelling unit and each commercial space at rates in effect at time of building permit application submittal. (U/ES)

Solid Waste

86. Waste Management does not allow drivers to push or pull compacted containers. Please include a note on your building permit submittal plans that indicates: "On trash collection mornings, building management will be available during the entire trash collection operation to help move, stage and clear the bins as the bins are emptied into the collection vehicle." (U/ES)
87. In your building permit submittal, please extend the concrete pad outside of the trash staging area out onto the entire width of the fire lane drive aisle. Please contact Jennifer Yee with any questions on this requirement. (U/ES)
88. In the building permit submittal, plans shall indicate that only trash will be compacted. Recyclables and organics may not be compacted. (L-ES)
89. Storing a roll-off container for the purpose of bulky-item collection at the end of fire lane 2 will not impact the fire safety of the development. If the development plans to keep a roll-off in that location at all times for residents, the roll-off must be stored under a roofed structure/enclosure. If the roll-off will be stored onsite infrequently, a roofed structure/enclosure will not be required. (U/ES)
90. Approval is based on the understanding that it shall be the onsite staff's responsibility to move the waste containers from the trash rooms to the staging area. (U/ES)
91. Trash chute rooms on all floors are required to have appropriate signage, approved by the City, to convey proper materials to place in each waste stream. (U/ES)
92. To obtain a building permit, the applicant must first complete and submit a Construction and Demolition Debris Recycling Statement. Minimum debris recycling requirements are 100% for asphalt, concrete, and similar materials, and 65% of remaining debris. (U/ES)

Other Utilities

93. All service to the development shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and Comcast cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the

Exhibit A

Development Services Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation. (PW-ET)

94. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief. (PW-ET)
95. The developer shall provide and install conduits and junction boxes to allow for the installation of future fiber optic network within the subdivision, which will be owned and maintained by the City. (PW-ET)
96. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards. (PW-ET)
97. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief. (PW-ET)
98. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the development. (PW-ET)
99. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards. (PW-ET)

Landscape and Irrigation Plans

100. Detailed landscape and irrigation improvement plans, 100% construction documents, in full compliance with the City's Bay-Friendly Water Efficient Landscape Ordinance and other relevant sections in Municipal Code, shall be submitted for review and approval. Minimum one set of plans shall be wet-signed by the project landscape architect. Such plans shall include/reflect:
 - a. Specifications of all pavement, hardscape, including pool coping and site furnishing, shall be included in the landscape improvement plans. Specifications shall not be limited to manufacturers but also finishes and colors.
 - b. Plant material legend shall include plant mature size and proposed plant spacing. Plant spacing shall not be less than minimum spread at maturity indicated in one of the mentioned reference plant books in the landscape ordinance and additional reference book "Landscape Plants for California Gardens" by Robert Perry.

Exhibit A

- c. None of the proposed plants shall be invasive plants listed in the list by California Invasive Plant Council.
 - d. Mulch shall be arbor chips produced on site or organic recycled chipped wood in the shade of Dark Brown color. Minimum three inches deep mulch shall be provided in all planting areas except in artificial turf areas.
 - e. Details including waterproofing and drainage, and soil specifications for planters over structure shall be provided in the improvement plans.
 - f. Supply of irrigation water to the sixth floor may require a booster pump. Irrigation design and details shall include evaluation of pressure loss.
 - g. Driplines of the existing trees to be saved shall be shown on the plan. (DS-L)
101. Upon approval of landscape and irrigation improvement plans, including layout and grading plans, Mylar of the approved landscape and irrigation improvement plans shall be submitted to Public Works Engineering Department. The size of Mylar shall be twenty-two (22) inches by thirty-four (34) inches. A signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain a signature line and a date line for City of Hayward Landscape Architect. (DS-L)
102. Building permits shall not be issued prior to approval of the landscape and irrigation improvement plans and the submittal of Mylar of the approved landscape and irrigation improvement plans. (DS-L)
103. A tree preservation bond will be required for all trees that are to remain, including offsite trees located in neighboring properties that may be impacted by the construction activities, and the bond will be in effect throughout the construction period and until completion of the entire project improvements. If any trees that are designated as to be saved are removed or damaged during construction, they shall be replaced with trees of equal size and equal value. (DS-L)
104. A tree removal permit shall be obtained prior to removal of any trees or issuance of demolition or grading permits. (DS-L)
105. Street tree planting shall conform to City Standard Detail SD-122 or equal as approved by the City Landscape Architect. (DS-L)

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106. Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the adjacent finished pavement where landscaped area adjoins driveways or parking areas. (DS-L)
107. Proposed fire lane design with wildflower planting shall be approved by the Fire Department prior to executing the detail. (DS-L)
108. Contingent on Hayward Fire Chief approval, the gate design for the northern-most fire lane off of Maple Court shall include a key-operated pedestrian-gate, providing residents a pedestrian connection to the pool deck from Maple Court. (DS-L)
109. Proposed daisy chain padlocks for the fire lane gates shall be modified to a built-in lock device into the gate unless Fire Department requires daisy chain padlocks. (DS-L)
110. All common area landscaping, irrigation, and other required improvements shall be installed prior to acceptance of improvements, or occupancy of eighty percent of the dwelling units, whichever first occurs. As-built Mylar shall be submitted prior to the Final Approval of the landscaping to the Public Works – Engineering and Transportation Department by the developer. (PW-ET/DS-L)
111. Upon completion of landscape and irrigation installation, the project landscape architect shall conduct an inspection for compliance with the approved landscape and irrigation improvement plans, and the project conditions of approval. Once the installation is fully accepted, *Attachment C. Document of Final Acceptance* and *Appendix C. Certificate of Completion Part 1 through Part 7*, related to the City's Bay-Friendly Water-Efficient Landscape Ordinance provisions, shall be completed by the project landscape architect and submitted to the City's Landscape Architect. An irrigation audit, in conformance with Section 10-12.11 of the City's Bay-Friendly Water-Efficient Landscape Ordinance, shall also be submitted to the City Landscape Architect with the *Appendix C – Certificate of Completion*, prior to requesting a final landscape inspection by the City's Landscape Architect associated with the City's issuance of a certificate of occupancy. (DS-L)

Fire - Project Site Requirements

112. All fire apparatus access shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete. Design of the public streets and private streets and courts shall meet City of Hayward Fire Department Standards. (Fire)

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- 113. Parking is not allowed beyond parking stalls. (Fire)
- 114. The minimum fire flow of 3,000 GPM shall be provided on site. (Fire)
- 115. All new fire hydrants shall be Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2" outlet & two 4-1/2" outlets). Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants. (Fire)
- 116. Fire department connection shall be located on the street/fire apparatus access side of buildings, within 100 feet to a fire hydrant. (Fire)

Fire Protection Requirements

- 117. Fire Sprinkler Protection Required - An automatic fire sprinkler system shall be designed and installed conforming to NFPA 13. A separate fire permit is required for the fire sprinkler system installation. Sprinkler system monitoring is required when there are 20 sprinklers or more than in accordance with the California Fire Code. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation. (Fire)
- 118. Maximum Sprinkler System Design Pressure - A maximum static pressure of 80 PSI should be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly. (Fire)
- 119. Underground Fire Service Line – Minimum underground fire service line is 4-inch in diameter. The installation of fire service line should comply with the NFPA 24 and the City of Hayward standards. (Fire)
- 120. Exterior Alarm Bell Required – An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser. (Fire)
- 121. Interior Audible Alarm Device Required – An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity. (Fire)
- 122. Fire Department Connection (FDC) – Fire department connection shall be located on the street/fire apparatus access side of buildings, within 100 feet to a fire hydrant, fully visible and recognizable from the street or nearest point of fire department

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vehicle access. Fire department connection shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus. (Fire)

123. Fire Alarm System Required – A manual fire alarm system shall be installed in Group R-2 Occupancy when building contains more than 16 dwelling units. Minimum one fire alarm box is required when the building is equipped throughout with fire sprinkler system and the notification appliance will activate upon sprinkler flow. System design and installation shall meet the California Fire Code (CFC) and NFPA 72 Standards and shall be installed to meet ADA requirements. (Fire)
124. Standpipe system – Class I Standpipe system(s) shall be provided in accordance with NFPA 14, California Fire Code and all applicable City of Hayward Fire Department Ordinances. (Fire)
125. Single Station Smoke Detectors Required – All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. A fire alarm system with smoke detectors located in accordance with the California Fire Code may be installed in lieu of smoke alarms. Installation shall conform to the California Building Code (CBC) and NFPA 72. (Fire)
126. Single Station CO Detectors required – CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector. (Fire)
127. Portable fire extinguishers – Extinguisher placement shall conform to California Fire Code Section 906 and NFPA 10. (Fire)
128. Building Address – Minimum building address shall be 12" high with 1.5" stroke. When building is located greater than 50 feet from street frontage, address shall be minimum 16" high with 1.5" stroke. Tenant space number shall be 6" high with 0.75" stroke on a contrasting background so as to be visible from the street. (Fire)

Hazardous Materials Requirements

129. **Environmental and Health Based Clearance** – The site is the former location of a service station and other businesses that had underground storage tanks. The Applicant shall provide documentation demonstrating that an appropriate Phase I Environmental Assessment was done, as well as any other site investigation

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documentation. A health-based and water quality clearance from the Regional Water Quality Control Board (RWQCB) shall be submitted before grading and final occupancy of the building. (Fire)

130. **Wells, Septic Tank Systems or Subsurface Structures** – Any wells, septic tank systems and others subsurface structures shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. These structures shall be documented and removed under permit from appropriate regulatory **agency when required. (Fire)**
131. **Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts** – If found on the property, the underground vessels/structures shall be removed under a plan filed with Hayward Fire Department and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to the soil or groundwater. A follow up report shall be required to be submitted that documents the activities and any conclusions. Below are specific requirements on each:
 - a. Underground storage tank and associate piping (plan, sampling and Hayward Fire Department permit and follow up report is required)
 - b. Oil Water Separators (plan, sampling required and follow up report is required)
 - c. Hydraulic Lifts (plan, sampling and follow up report is required) (Fire)
132. **Discovery of Potentially Hazardous Materials or Vessels/Containers** – The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials. (Fire)
133. **Use of Hazardous Materials or Generation of Hazardous Waste** – During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed. (Fire)
134. **Hazardous Materials Permits** – A Hazardous Materials Permit Application shall be submitted for prior to storage. An annual Unified Program Consolidate Permit shall be maintained. (Fire)
135. **Hazardous Materials Business Plan** – If quantities of hazardous materials exceed thresholds of the Hayward Fire Department then a Hazardous Materials Business Plan shall be submitted and maintained by the operator through the California Environmental Reporting System. (Fire)

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136. **Chemical Inventory Information** – At time of building permit application a completed chemical inventory packet shall be submitted. (Fire)
137. **Labeling** – All containers and storage areas shall be properly labeled for hazardous materials per the Hayward Fire Department *Labeling Guidelines*. Depending on storage an NFPA Placard may be required. (Fire)

PRIOR TO FINAL INSPECTION

138. 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. (PW-ET, DS)
139. Prior to issuance of final certificates of occupancy or final building inspections, the developer shall submit "as built" plans indicating the following:
 - a. Approved landscape and irrigation improvements;
 - b. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;
 - c. All the site improvements, except landscaping species, buildings and appurtenant structures; and
 - d. Final Geotechnical Report. (PW-ET)
140. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with final inspection, to ensure that the maintenance is bound to the property in perpetuity. (PW-ET)
141. Plans for all public improvements shall be prepared on Mylar (22"x34" sheets) and developer shall submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The public facilities such as water meters, RP backflow preventers, sewer clean outs, etc., shall be placed so access is maintained and kept clear of traffic. All improvements must be in accordance with the City of Hayward standard detail and specs and built to the City Engineer's satisfaction, and accepted by the City prior to issuance of any certificate of occupancy for the project. (PW-ET)
142. Prior to final inspections or issuance of final certificates of occupancy, the owner shall provide evidence that a suitable property management firm has been selected, and a Property Management Plan (PMP) that specifics maintenance details, schedules, responsibilities, and parking management, shall be submitted and approved by the Development Services Director. (DS)

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143. The PMP shall include/address the following provisions:

- a. Description of how the stormwater best management practices associated with privately owned improvements and landscaping shall be maintained.
- b. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Property Management Company.
- c. The Property Management Company shall maintain on-site storm drain systems.
- d. The Property Management Company shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The project landscaping shall be inspected on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of the inspection. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- e. If the Property Management Company fails to maintain the common facilities, landscaping and irrigation in all common areas for which it is responsible so that tenants, guests, customers or adjacent owners will be impacted regarding the enjoyment, use or property value of the/their project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the property for the costs.
- f. A requirement that the building exteriors and fences shall be maintained free of graffiti. The Property Management Company shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City.
- g. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- h. The premises shall be kept clean and free of debris at all times.
- i. Color change selections shall be compatible with the existing setting.
- j. Balconies may not be used for storage and personal items may not be draped over the railings.
- k. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
- l. Landscaping shall be maintained by the Property Management Company and shall be in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days

Exhibit A

of the inspection. Three-inch 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 depth shall be maintained at three inches deep. All trees planted including Palm as a part of the development and as shown on the approved landscape plans shall be "Protected" and shall be subject to the City's Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with the City's Tree Preservation Ordinance within the timeframe established by the City and pursuant to the Municipal Code. Irrigation systems 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.

- m. The residents shall not use parking spaces for the storage of recreational vehicles, camper shells, boats or trailers. These spaces shall be monitored by the property management firm, which shall remove vehicles parked contrary to this provision. The lease agreements of all tenants shall include language that gives the property management firm the authority to tow illegally-parked vehicles.

(DS)

- 144. The developer shall be obligated prior to issuance of certificate of occupancy or final inspection to pay the following additional fees/taxes, in accordance with existing regulations. The amounts of the fees/taxes shall be in accordance with the fee schedule or codes in effect at the time of building permit application submittal, unless otherwise indicated herein:
 - a. Supplemental Building Construction and Improvement Tax,
 - b. School Impact Fee
 - c. Park In-Lieu Fee (DS)

POST CONSTRUCTION

- 145. The Property Management Company shall be responsible for the maintenance of the buildings, upkeep of the property grounds and common area landscaping, stormwater treatment maintenance, solid waste pickup coordination with the waste management company, maintenance of private lights, common area and private streets/drives maintenance, on-site parking management, and management of use of the community room; per the approved Property Management Plan. (DS/U/ES/PW-ET)

Exhibit A

146. The permittee, property owner or designated representative shall allow City code enforcement staff access to the property for site inspection(s) to confirm all approved use permit conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws. (DS)

Conditions Generated by Following Department Staffs:

DS: Development Services Department
DS-L: Development Services Department - Landscaping
PW-ET: Public Works – Engineering and Transportation Dept.
U/ES: Utilities and Environmental Services Department
Fire: Fire Department
L/CS: Library and Community Services Department