

**CONDITIONS OF APPROVAL**  
**CITY OF HAYWARD**  
**PLANNING COMMISSION**  
**SITE PLAN REVIEW AND VESTING TENTATIVE MAP 8278**  
**APPLICATION NO. PL-2015-03673**  
**MAYSIA VILLAS**  
**22634 & 22648 SECOND STREET**

**Planning Division**

1. **Parking** –Prior to the issuance of building permits, the Applicant/Developer shall make an in-lieu payment to compensate the 2-space parking deficit. In accordance with Section 10-2.413 (Central Parking District In-Lieu Payments), the Public Works Department has determined that the in-lieu payment for each parking space shall be \$25,000 per space (\$50,000 total).

General Conditions:

2. **General** – Project approval shall be for those plans as generally shown and presented to the Planning Commission on July 13, 2017 and on file in the Development Services Department, and other plans, text, and diagrams relating to this application and as specified as the following Conditions of Approval for this project.
3. **General** - Project approval shall be void two years after issuance of the building permits, or three years after approval of vesting tentative tract map application, whichever is later, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the project approval.
4. **Fee** - Prior to building permit issuance, Applicant/Developer must pay all applicable development fees, as determined by the City Engineer in accordance with the most current approved fee schedule adopted by the City Council, including but not limited to, utility connection fees.
5. **Fee** - Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of the Vesting Tentative Tract Map is approved. All Park dedication in-lieu fees shall be paid prior to issuance of a Certificate of Occupancy for the building.
6. **Fee** - The Applicant/Developer shall be obligated for the following additional fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Tract Map was accepted as complete, unless otherwise indicated herein:
  - a. Supplemental Building Construction and Improvement Tax
  - b. School Impact Fee
7. **General** - Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed, at no cost to the City of Hayward.
8. **General** - Unless indicated otherwise, the design for development shall comply with the following:

- a. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
  - b. All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments, including Green Building standards.
  - c. Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
9. **General** - A Registered Civil Engineer shall prepare all Civil Engineering improvement plans; a Licensed Architect shall prepare all architectural plans; and a Licensed Landscape Architect shall prepare all landscape plans unless otherwise indicated herein.
  10. **General** - The development shall not obstruct the noted sight distance areas. Overall cumulative height of the grading, landscaping and signs as determined by sight distance shall not exceed 2 feet when measured from street elevation.
  11. **General** - 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.
  12. **General** - Prior to any work within public right of way or City easement, the Applicant/Developer shall obtain an encroachment permit from the City.
  13. **General** - It is Applicant/Developer's responsibility to get permit or approval from all affected agencies or private parties. Please provide a copy of these permits or approval to the City with your building permit application submittal.
  14. **General** – Prior to Final Map recordation, Applicant/Developer shall vacate the existing Ingress/Egress easement and dedicate necessary Ingress/Egress easements for the benefit of adjacent property, and record maintenance agreement for the proposed access easement accepting and conveying the existing runoff into this property.
  15. **General** - The Applicant/Developer shall submit an AutoCAD file format (release 2010 or later) in a CD of approved map and 'as-built' improvement plans showing all public improvements and utility layouts that can be used to update the City's Base Maps.
  16. **General** – Prior to Final map recordation, Applicant/Developer shall dedicate necessary easements along Street frontages, including but not limited, to 5-foot Public Utility Easement (PUE) along the project frontages.
  17. **Final Map** - Prior to recordation, a proposed Final Tract Map shall be submitted for review by the City. The Final Tract Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately sixty (60) days after the Final Map is deemed technically correct and Subdivision Improvement Plans with supporting documents, reports, and agreements are approved by the City. Executed Final Map shall be returned to the City Public Works Department if Final Map has not been filed in the County Recorder's Office within ninety (90) days from the date of City Council's approval.
  18. **Final Map** - Prior to the recordation of the Final Tract Map, all documents that need to be recorded with the final map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

19. **Final Map** - The final map shall reflect all easements needed to accommodate the project development. The private streets shall be designated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).
20. **General** - Prior to Building permit approval, applicant shall provide necessary driveway circulation detail regarding the shared driveway access with adjacent neighbor and may be required to revise the driveway to City Engineer satisfaction.
21. **General** – All proposed mailboxes shall be locking.
22. **Public Improvements** - Prior building permit issuance, the Applicant/Developer shall obtain design approval and bond for all necessary public improvements along C Street and 2<sup>nd</sup> Street frontages, including but not limited to the following:
  - a. Removal and installation of new curb, gutter, and sidewalk along entire C Street and 2<sup>nd</sup> Street frontages.
  - b. Grind, overlay, and restripe half street pavement width of C Street and 2<sup>nd</sup> Street frontages with 2” hot mix asphalt, and dig outs and repair failed pavements as necessary.
  - c. Install necessary new street lights along the C Street frontage.
  - d. Remove the two power poles along the C street frontage and underground related wires to the west side of 2<sup>nd</sup> and C Street intersection.
  - e. Remove, replace, and plant street trees along project frontages per City Landscape Architect direction.

Plans for all public improvements shall be prepared on Mylar (22”x34” sheets) and Applicant/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 Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details and built to the city Engineer’s satisfaction, and accepted by the City prior to issuance of any first certificate of occupancy for the project.
23. **Agreement** – Prior to building permit issuance, Applicant/Developer shall execute a subdivision 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.
24. **General** – Any private improvement within the public right of way, including but not limited to the proposed pavers behind the curb or enhanced concrete, shall be maintain by the HOA.
25. **Water Quality** – Applicant/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.
26. **Water Quality** - The following materials related to the Stormwater quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:
  - a. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder’s Office to ensure that the maintenance is bound to the property in perpetuity.

- b. The HOA shall be responsible for maintenance and upkeep of the stormwater treatment measures for the entire site.
  - c. The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
  - d. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into stormwater 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.
  - e. 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.
  - f. 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.
  - g. The following documents 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).
27. **Water Quality** - Construction activities which disturb 1 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 Applicant/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.
28. **Water Quality** - The Applicant/Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

29. **Storm** - The on-site storm drain system is privately owned and maintained by the homeowners association (HOA). The project storm drain system shall be designed to accept and convey the existing excess runoff from the adjacent site into this property.
30. **Storm** - 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. 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 permit.
31. **Storm** - 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.
32. **Storm** - 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 Applicant/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 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.
33. **Sewer** - Sewer service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.
34. **Water** - Water service is available from the City of Hayward and is subject to standard conditions and fees in effect at the time of application.
35. **Water** - 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.
36. **Water** - All water services from existing water mains shall be installed by City Water Distribution Personnel at the Applicant/Developer's expense. This includes relocating existing services and water main tie-ins. The Applicant/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.
37. **Water** - Where a public water main is in an unpaved easement or under decorative, stamped or colored concrete (including turf-blocks), the water main shall be constructed of Ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement.
38. **Water** - All public water mains shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains (12" Diameter or Less) and Fire Hydrants" latest revision at the time of permit approval.
39. **Water** - Each lot shall have an individual water meter.
- a. All water meters shall be radio-read type.
- b. Water meters shall be located a minimum of two feet from the top of driveway flare as per City Standard SD-213 thru SD-218.
40. **Water** - Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire Services shall have an above ground Double Check Valve Assembly per City Standard SD-201 and SD-204. Residential combined domestic and fire services are allowed per City Standard SD-216. The minimum size for a residential fire service connection is 1".
- VTM 8278 & SPR, 201503673 22634 Second Street 57 residential & 2 commercial condos.
41. **Water** - Separate irrigation water meter shall be installed for landscaping purposes. The Applicant/Developer shall install a Reduced Pressure Backflow Prevention Assembly on each irrigation water meter, per City Standard SD-202. Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
42. **Utilities** - 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 local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the

- City Engineer. Underground utility plans must be submitted for City approval prior to installation.
43. **Utilities** - All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the street frontages 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.
  44. **Utilities** - The Applicant/Developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the development.
  45. **Utilities** - All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
  46. **Utilities** - The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company, and local cable company shall be installed to the satisfaction of the respective companies.
  47. **General Submittal** – Prior to building permit issuance, Applicant/Developer shall 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 document
    - d. Signed Public Improvement Agreement
    - e. Public Improvement bonds
  48. **General Submittal** – To avoid or reduce the potential impact related to the site specific geotechnical hazards related to seismic hazards, the Applicant/Developer shall implement the following mitigation measures:
    - a. The Applicant/Developer 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.
  49. **Construction BMP** - The Applicant/Developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
  50. **Construction BMP** - All diesel powered equipment ( $\geq 100$  horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.
  51. **Construction BMP** - The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
    - a. Grading and site construction activities shall be limited to the hours 8:00 AM to 5:00 PM Monday through Friday with no work on weekends and Holidays 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 Applicant/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.
- 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.
  - w. The Applicant/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.
52. **General Construction** - 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.
  53. **General Construction** - In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
  54. **General Construction** - Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
  55. **General Construction** - All buildings shall be designed using the California Building Codes in effect at the time of submitting building permit applications.
  56. **General Construction** - All common area landscaping, irrigation, and other required improvements shall be installed according to the approved plans.
  57. **General Construction** - 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.
  58. **HOA** - Prior to or concurrent with final map recordation, the Conditions, Covenants and Restrictions (CC&R's) creating homeowners association (HOA) for the proposed residential structure shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the HOA. The CC&Rs shall include the following provisions:
    - a. The CC&R's shall include provisions to allow future adjacent developments to annex into HOA if appropriate.
    - b. Each owner shall automatically become a member of the HOA(s) and shall be subject to a proportionate share of maintenance expenses.

- c. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the HOA(s).
- d. The HOA shall be managed and maintained by a professional property management company.
- e. The HOA shall own and maintain on-site storm drain systems. The project storm drain system shall be designed to accept and convey the existing excess runoff from the adjacent site, and this should be reflected in the CC&Rs.
- f. The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The HOA representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. 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.
- g. A provision that if the HOA fails to maintain the decorative walls, landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the 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 properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
- h. A requirement that the building exteriors and fences shall be maintained free of graffiti. The property owner's representative 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.
- i. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- j. Parking shall be provided pursuant to Sections 10-2.411 and 10-2.412 of the Zoning Ordinance which requires 1.5 spaces per residential unit in the Central City and 1 space per 315 square feet of non-residential space excluding theaters. Inadequate on-site parking may be satisfied by Section 10-2.413 (Central Parking District In-Lieu Payments).
- k. The residents shall not use parking spaces for storage of recreational vehicles, camper shells, boats, or trailers. These parking spaces shall be monitored by the HOA. The HOA shall remove vehicles parked contrary to this provision. The CC&R's shall include authority for the HOA to tow illegally-parked vehicles.
- l. The HOA shall maintain in good repair the exterior elevations of their dwelling building. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the HOA to have necessary work done. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.

- m. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
  - n. Streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
  - o. Street sweeping of private streets, alleys and parking bays shall be conducted at least once a month.
  - p. Balconies may not be used for storage and personal items may not be draped over the railings.
  - q. The HOA shall ensure that no less than 75 percent of the units shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.
  - r. The Applicant/Developer or HOA shall maintain all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the HOA to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.
59. **General** - The Applicant/Developer shall submit an "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.

## **Landscaping**

- 60. Park Dedication In-Lieu Fees for single-family attached dwelling shall be required for each condominium dwelling unit. Fees shall be those in effect at the time of issuance of the building permit and shall be paid to the City prior to the date of the final inspection or the date the certificate of occupancy is issued whichever comes first.
- 61. Prior to the submittal of the building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of the building permit submittal.

No building permit shall be issued prior to approval of the landscape improvement plans. The landscape improvement plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's *Bay-Friendly Water Efficient Landscape Ordinance*, and all relevant *Municipal Codes*. Dripline of the existing trees to be saved shall be shown on the plan.

62. The following items shall be worked out during the improvement plan approval process:
  - a. Plant including tree selection
  - b. Plant spacing
  - c. Plant coverage along Second Street
  - d. Tree mitigation summary chart was removed from Sheet L1 Existing vegetation and demo plan or planting plan. Screening trees along the northern property line are required; therefore they shall not receive any credit toward tree mitigation.
  - e. RWR tree bubbler shall have 0.25GPM.
63. Mylar of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department. The size of Mylar shall be twenty-two inches by thirty-four inches without an exception. A two inches wide by four inches high blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain one signature line and date for City of Hayward, Landscape Architect. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.
64. Subdivision Agreement shall include approved landscape improvement plans and a cost estimate for the landscape improvements as a part of the engineer's estimate.
65. A tree removal permit is required in addition to demolition and grading permits prior to removal of any existing trees.
66. If pruning will be required or desired on off-site trees, a written consent letter from the owner of the particular tree shall be attached to the pruning permit application that is required to be obtained prior to commencement of work.
67. Minimum dimension for planting area is five (5) feet in all directions measured from back of all paved areas and structure to back of all paved areas and structure.
68. All trees shall be planted a minimum of five feet away from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the city.
69. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
70. All above ground utilities and mechanical equipment shall be screened from the street with five gallon shrubs.
71. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
72. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.

73. Trees planted in the City Right-Of-Way shall be irrigated and maintained by the HOA.
74. A covenant or deed restriction shall be recorded with each lot requiring the property owner to properly maintain the front yard landscaping and street trees, and replace any dead or dying plant material.
75. **HOA** - Prior to or concurrent with final map recordation, the Conditions, Covenants and Restrictions (CC&Rs) creating homeowners association (HOA) for the proposed residential shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&Rs shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include the following provisions:
- a. The HOA(s) shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The HOA(s) representative(s) shall inspect the landscaping monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks 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 nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.
  - b. A provision that if the HOA fails to maintain the decorative walls, paving, landscaping, and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the 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 properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
  - c. The Applicant/Developer or HOA shall maintain all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the HOA

to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.

## **Utilities and Environmental Services**

76. Please include a note on the plans to ensure that signage will clearly be displayed indicating which containers are from the Commercial Space use and which containers are for residential use. Please also provide signage either on or above each container with signage indicating “trash only”, “recyclables only” and “Organics only” respectively.
77. Please complete the top “applicant” half of the Construction and Demolition Debris Recycling Statement (in Section 4) at the time of your building permit.

## Water

78. City records indicate that the property is currently served by one 5/8” domestic water meter (account # 200) and one 1” domestic water meter (Account # 28731). If the existing water service lines cannot be reused, they must be abandoned by City Water Distribution Personnel at the Applicant/Developer’s expense.
79. Each residential unit shall have an individual domestic water meter. Facilities fee for residential water services are based on the size of the water meter needed to meet the domestic demand of each residential unit. Based on the water fixtures shown on the floor plans, the units will range from 14.5 to 22 water fixture units, which would require a 5/8” water meter to meet the domestic demand. The facilities fee for a 5/8” meter is currently **\$6,484** (per residential unit).  
Each commercial space shall have an individual domestic water meter. Based on the information provided on the plans, it appears that the commercial spaces will be developed as empty spaces with bathrooms. Additional information is needed to determine the size of the water meters required.

## Sewer

80. A wastewater collection system impact study is required to be completed for development. The Applicant/Developer may hire their own consultant, subject to the prior approval of the Director of Utilities & Environmental Services, or the Applicant/Developer can pay the City to perform the impact study with our consultant. U&ES staff is working with the consultant to obtain a cost estimate. The Applicant/Developer shall be responsible for their share of the cost of any necessary improvements identified in the City’s wastewater collection system as a result of the development. The Applicant/Developer’s share shall be based on the results of the impact study and determined by the Director of Utilities & Environmental Services.
81. All sewer mains and appurtenances shall be constructed in accordance to the City’s “Specifications for the Construction of Sewer Mains and Appurtenances (12” Diameter or Less),” latest revision at the time of permit approval (available on the City’s website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>). Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in

alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.

82. The sanitary sewer connections shall be 8" minimum and connect to the existing sanitary sewer main at a manhole, per City Standard Detail SD-301.
83. The current Sanitary Sewer Connection fee for a multi-family residential connection is \$6,853 per unit (\$390,621 for 57 units). Sewer connection fees for non-residential connections are calculated based on the estimated volume and strength of wastewater discharged to the sanitary sewer on a daily basis, with a minimum connection fee of \$7,700.
84. The Applicant/Developer shall install a grease control device to control fat, oil and grease discharge generated from the commercial uses.

## **Fire Department**

### General

85. Submit for proper building permits for the construction/alterations of the building to the Building Department.

### Project Site Requirements

86. 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.
87. Parking is not allowed beyond parking stalls.
88. The minimum fire flow of 2,625 GPM shall be provided on site.
89. 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.
90. Fire department connection shall be located on the street/fire apparatus access side of buildings, within 100 feet to a fire hydrant.

### Fire Protection Requirements

91. 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.
92. 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.
93. 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.

94. Exterior Alarm Bell Required – An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser.
95. 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.
96. Fire Department Connection (FDC) – The Fire Department Connection shall be located on the street side of the building or in a location approved by the Fire Department. A sign shall be attached to the fire department connection with letters having a minimal 1-inch height, and shall indicate the type of service for which the FDC is intended, (i.e., AUTOSPKR, STANDPIPE, etc.).
97. 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.
98. 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.
99. 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.
100. 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.
101. Portable fire extinguishers - Extinguisher placement shall conform to California Fire Code Section 906 and NFPA 10.
102. 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.

## **Hazardous Materials**

103. Submit a **Phase 1 Environmental assessment** and any other records regarding site contamination, investigation, remediation, or clearances from other regulatory agencies. Submit final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
104. **Grading** – Prior to grading: Structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure hazards posed to development construction workers, the environment, future residents and other persons are mitigated.



105. **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.
106. If hazardous materials storage and/or use are to be a part of the facility’s permanent operations then a Chemical Inventory Packet shall be prepared and submittal with building plans to the City of Hayward Fire Department at the time of application for construction permits.
107. **Use of Hazardous Materials or Generation of Hazardous Waste** – During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

### **Inclusionary Housing**

108. **Affordable Housing Ordinance Requirement** - The Applicant/Developer shall comply with Ordinance 16-189 and Article 17 of the City of Hayward Municipal Code the Affordable Housing Ordinance, the “AHO”) pertaining to the required provision of Affordable Housing. Pursuant to the AHO, the applicant shall comply with the affordable housing requirements by either: a) paying the applicable affordable housing impact fees; b) including on-site for-sale units; c) constructing off-site for-sale affordable units; d) providing rental affordable units; or e) proposing additional alternatives that would mitigate the affordable housing impact of the project in accordance with Section 10-17.230.