

**CITY OF HAYWARD PLANNING DIVISION SITE  
PLAN REVIEW APPLICATION NO. 201804682  
DRAFT CONDITIONS OF APPROVAL  
2366 RAINBOW COURT**

**GENERAL CONDITIONS OF APPROVAL:**

1. The approval of Site Plan Review No. 201804382 shall allow the construction of a two-story, 2,700 square-foot single-family residence with an attached two-car garage on a vacant hillside parcel located at 2366 Rainbow Court, Assessor Parcel No. 425-0410-027-00.
2. The permittee 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.
3. All outstanding fees owed to the City, including staff time spent processing this application, shall be paid in full prior to issuance of a building permit
4. The proposed single-family residence shall conform to these conditions of approval and the narrative/plans on file with the Planning Division stamped "Exhibit A".
5. Site Plan is approved subject to the Architectural, Civil and Landscape plans date stamped December 12, 2018, respectively, except as modified by the conditions listed below. 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 subject to approval by the Development Services Director or his/her designee, prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission.
6. A copy of these conditions of approval shall be scanned and included on a separate full-sized sheet(s) within the building permit plan set.
7. Mailboxes shall be installed in accordance with Post Office policy and include locking mechanisms to minimize opportunities for theft. Approved address numbers shall be at least four inches in height on a contrasting background. Font strokes shall be of sufficient width such that they are legible to the public from the street fronting the property.
8. In accordance with Hayward Municipal Code (HMC) Section 10- 1. 3055, approval of this 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 or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior

to the expiration date of this approval.

9. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.
10. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
11. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.

**MITIGATION MEASURES**

12. The applicant shall be responsible for adhering the Mitigation Monitoring and Reporting Program (MMRP) for the adopted Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA) Guidelines.
  - a. The applicant shall be responsible for scanning a copy of the adopted MMRP into the Building Division plan check submittal.
  - b. The applicant shall be responsible for implementing the recommendations and mitigations measures identified in the Geotechnical Engineering Report prepared by Milstone Geotechnical (August 2018) in regard to seismic design, site preparations, foundations, retaining walls, concrete slab-on grade, and drainage in accordance with the MMRP.
  - c. The recommendations and mitigation measures shall be incorporated into the grading permit application and final construction level drawings (civil, drainage, landscape, site plans) and shall be submitted to the Building Division, Public Works Department – Engineering Division, Landscape Division, and Planning Division for review and approval.

**BUILDING DIVISION:**

13. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
14. Given the property is located within a Wildland-Urban Interface Fire Area, the

materials and construction method for exterior wildfire exposure shall comply with Section R327 of the California Residential Code.

15. The plans submitted for plan check shall provide capability for electric vehicle charging in new single-family dwelling.
16. The proposed single-family residence shall be subject to the payment of school fees as set forth by the Hayward Unified School District (HUSD).

**ENGINEERING:**

17. Prior to building permit issuance, 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.
18. Grading & improvement plan sets shall be submitted to the Public Works Department for review and approval prior to issuance of any building permits. The grading and improvement plan submittal shall include, but not be limited to, three (3) copies of the grading and improvement plans, and erosion control plans. Contact the Development Review Engineer at (510) 583-4212 for application and submittal requirements.
19. Developer shall be responsible for the preventing the discharge of pollutants (sediments) into the street and/or the storm drain system from the project site. An erosion control plan shall be required.
20. Earth retaining structures greater than 4-feet in height, if any, shall be reviewed and approved by the Building Division of the Development Services Department. The plans should include all proposed underground pipes, building drains, area drains and inlets.
21. **Construction Damages:** The Developer shall be responsible to remove and replace curb, gutter, sidewalks, driveways, signs, pavements raised pavement markers, thermoplastic pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Developer is responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.
22. 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.
23. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City.
24. Grading and clearing activities shall be in compliance with Chapter 10, Article 8 of the Hayward Municipal Code, including, but not limited to the submittal of a Work Schedule to the Public Works Department – Engineering Division, for the proposed grading schedule, schedule for the installation of interim erosion and sediment control measures, and the construction of public improvements.
25. 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. 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.
  - c. 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.
26. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the City:
- a. Grading and site construction activities shall be limited to the hours 7:00 a.m. to 7 p.m. Monday through Saturday, and 10 a.m. to 6 p.m. on Sunday and holidays.
  - 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. Daily clean-up of trash and debris shall occur on Rainbow Court, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
  - f. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
  - g. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
  - h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions.
  - i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
  - j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
  - k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
  - l. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
  - m. 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;

- n. 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;
  - o. 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.
27. 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.
28. 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.
29. The project shall implement the provision of C.3.i Required Site Design Measures for Small Projects and Detached Single-Family Home Projects such as:
- a. Direct roof runoff into cisterns or rain barrels for reuse.
  - b. Direct roof runoff onto vegetated areas.
  - c. Direct runoff from walkway, and/or patio onto vegetated areas.
  - d. Direct runoff from driveway and/or uncovered parking areas onto vegetated areas.
30. Submit 3 copies of Soils and Geotechnical Report prior to the issuance of a Building Permit for review and approval by the City Engineer shall be wet stamped, signed by the engineer and in bound form.
31. The following items shall be completed and submitted with the improvement and/or grading plans:
- a. C.3 and C.6 Data Collection Form

**LANDSCAPING:**

32. Detailed landscape and irrigation plans in full compliance with the City's Bay-Friendly Water Efficient Landscape Ordinance prepared by a licensed landscape architect shall be submitted for review and approval prior to issuance of building permit.
33. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of the Building Permit Approval. All Park dedication in-lieu fees shall be paid prior to issuance of a Certificate of Occupancy for a residential unit.
34. A tree preservation bond will be required for all trees that are to remain, 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 saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
35. Trees shall be preserved in accordance with the Tree Preservation Ordinance and shall be protected in accordance with the project arborist's recommendations. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes.
36. Erosion control material shall be provided for slopes equal or steeper than three to one (3:1).
37. The area in the rear yard designated as "Seeded Erosion Control" shall be irrigated on a separate irrigation valve.
38. Any tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife Code Section 3503-3513 to not disturb nesting birds. To the extent feasible, tree pruning and removal shall be scheduled outside of the breeding season. Breeding surveys shall be conducted prior to tree work. Qualified biologists shall be involved prior to grading and construction activities to establish work buffers for active nests.
39. A tree removal permit shall be obtained prior to the removal of any tree in addition to grading permit. Tree mitigation summary chart provided on the landscape plan shall list the value of trees to be removed, total value of mitigation, and proposed tree sizes and their value equaling the mitigation value. Mitigation shall be in addition to the one 15-gallon required tree for this property.
40. Minimum fifty (50) gallon lidded rainwater catchment device per each single-family home shall be required as well as incorporation of onsite rain garden and porous paving are encouraged in accordance with Municipal Code Article 12, Section 10.12.015.
41. The detail of the laundry to landscape shall be included in the plumbing plan and shall be plan checked by the Building Division during the building permit process. Landscape plan shall refer to plumbing plan to provide California Plumbing Code compliant "laundry to landscape" plumb-ready system.
42. 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 or applicable parts shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.

**FIRE DEPARTMENT:**

43. Fire Sprinkler Protection Required – An automatic fire sprinkler system shall be designed and installed conforming to NFPA 13D (modified). Standards. Automatic fire sprinkler protection shall be within all living areas as dictated by NFPA 13D Standards. Additional fire sprinkler protection is required in attics, garages, under decks, crawl spaces, patios, porches and foyers. A separate fire permit is required for the fire sprinkler system installation. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation.
44. The applicant shall provide the water/fire flow test data information on the plan, including static pressure, residual pressure, pitot pressure, test flow, calculated available water flow at 20 PSI and test date. This information may be requested from the Hayward Public Works Department.
45. 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.
46. Underground Fire Service Line – Underground fire service line connection to the city main shall be installed in accordance with the Hayward Public Work Department SD-216. Water meter shall be minimum one-inch in diameter.
47. Materials and Construction Method for Exterior Wildfire Exposure – The building is located within the City of Hayward Wildland/Urban Interface Area, and shall meet the construction requirements (as reflected on the approved plans) as stated in the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines, which includes Class A roofing materials and exterior non-combustible siding materials (stucco), double-pane windows. Do not use wood shake or treated wood shake roofs. The building construction shall comply with the requirements contained in the 2016 California Residential Code Section R327.
48. Spark Arrestor Required - Provide spark arrestors with 1/4" metal mesh screens on all chimneys. Homeowners should inspect spark arrestors every year to ensure mesh screen integrity.
49. Outdoor Storage - Restrict outdoor storage of firewood, kindling, or compost material within 30 feet of any structure, unless the material is stored in an approved bin or enclosure.
50. Chimney - Locate chimney at least ten feet away from existing tree canopies.
51. Roof eaves - Enclose all roof eaves with minimum required attic vents covered with

metal mesh in accordance with Chapter 7A of California Building Code. The dimensions of mesh openings shall be a minimum 1/16-inch and shall not exceed 1/8-inch.

**UTILITIES:**

52. The grading or improvement plans must be approved prior to building permit approval.
53. On the plans for the building permit application, show the size and location of a new 1" water service line and 1" domestic water meter, per SD-216.
54. On the plans for the building permit application, show the size and location of the existing ¾" water service line stub-out. Indicate on the plans if this water meter will be reused or abandoned.
55. On the plans for the building permit application, provide the total area of irrigated landscapes and gallonper-minute (gpm) demand of the irrigation system. If there will be over 5,000 square feet of irrigated landscapes, then a separate irrigation water meter is required.
56. Water and Sewer Service are available and subject to standard conditions and fees in effect at time of application and payment of fees:
  - a. Water Services – The owner/developer is required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.  
Based on the water fixtures shown on the plans, it is estimated the finished structures will have a potential domestic water demand which requires a minimum 1" domestic water meter. Note that this estimate does not include any allowance for residential fire sprinklers or irrigation.
  - b. A separate fire permit is required for the fire sprinkler system installation.  
The water meter size will be determined by the Fire Department's requirements for that permit; however, the minimum size water meter for residential fire sprinklers is 1". Residential combined domestic and fire services are allowed, per City Standard SD-216. Configurations per SD-216 are required to have two water service lines after the meter: one for domestic water service, and one for the fire service.  
Currently, the cost for a new 1" service line and 1" domestic meter is \$19,710 (\$3,500 installation fee + \$16,210 facilities fee based on a domestic water demand for a 1" meter).  
The Improvement Plans for Rainbow Court (Tract 3992) show that the property has an existing ¾" water service line and meter box with no meter. If this service line cannot be reused, it must be abandoned at the owner's/applicant's expense
  - c. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on the irrigation water meter, per City Standard SD-202. Backflow Prevention Assemblies shall be at least the size of the water meter or the water line on the property side of the meter, whichever is bigger.
  - d. Sewer Services – The owner/developer is responsible for payment of sewer connection fees at the current rates that the time the application for water and sewer service is submitted. The sewer connection fee for a single-family residential connection is \$7,700.
57. Water meters must be located a minimum of two feet from top of the driveway flares

- as per City Standard Detail 213 through 218.
58. If the property will have more than 5,000 square feet of irrigated landscape, a separate irrigation water meter must be installed. Irrigation water meters must be protected by a Reduced Pressure Principal Backflow Prevention Assembly, per SD-202. 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, ...” (such as a sanitary sewer lateral) per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. Note that the Waterworks Standards allow for horizontal separation of water and sewer lines to be less than 10-feet by “utilizing upgraded piping material” and is approved by the “Department”. “Upgraded piping material” generally means to use piping material with a pressure rating at least 1 grade above the minimum pressure rating that is required for the application.
59. The sanitary sewer lateral shall be installed per City Standard Detail SD-312.

**SOLID WASTE & RECYCLING:**

60. Please submit the Construction and Demolition Debris Recycling Statement at the time of your building permit. The applicant shall will only need to submit the top “applicant” half of the form during the building permit. The bottom half of the form should be completed upon completion of the project to receive final building inspection approval. The form can be located online at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.