

**CITY OF HAYWARD PLANNING DIVISION
TENTATIVE TRACT MAP 8339, SITE PLAN REVIEW APPLICATION NO. 201606492
DRAFT CONDITIONS OF APPROVAL
PINE VISTA CONDOMINIUMS**

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. In accordance with Hayward Municipal Code (HMC) Section 10- 1. 3055, approval of this Site Plan Review and Tentative Tract Map 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.
3. Site Plan is approved subject to the Architectural, Civil and Landscape plans date stamped October 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.
4. 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.
5. 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.

6. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
7. The developer shall be obligated to pay fees that are in effect at the time of issuance of the building permit. The following fees shall be paid:
 - a. Supplemental Building Construction and Improvement Tax.
 - b. School Impact Fee to be paid prior to issuance of a Certificate of Occupancy for a residential unit.
 - c. Park In-Lieu Fees
8. 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.
9. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
10. It is applicant's responsibility to get permits 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.
11. The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans. The applicant shall contact the Project Planner to arrange for a final inspection prior to building occupancy to ensure compliance with all listed conditions of approval.
12. (If applicable) The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
13. The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
14. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.

PRIOR TO CONSTRUCTION

Demolition

15. The property owner shall demolish any vacant structures within 60 days of their being made vacant.
16. The property owner shall be responsible for securing and clearing any vacant structure(s) prior to demolition and commencement of construction activities.
17. Prior to, during and following demolition of vacant structures, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4, Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.

Archaeological Resources

18. If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or 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.

Nesting Birds

19. If project construction activities occur between February 15 and August 31, a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance by project activity to the nest (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior.
20. During construction, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing any disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause reproductive failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be clearly marked by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case by case basis using the criteria described above.

Construction Noise

21. 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. In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between

10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).

- 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.
- f. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
- g. 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.

Site Maintenance

- 22. 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.
- 23. 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.
- 24. 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;
- 25. 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;
- 26. 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;
- 27. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- 28. 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;

29. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
30. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
31. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
32. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
33. 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;
34. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
35. 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;
36. 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;
37. 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;
38. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
39. 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.

PLANNING

General

40. An exterior hose bib shall be provided for each unit that has a porch.
41. The Office Unit shall not be used as living space.
42. Ten percent of the parking spaces shall be designated as Visitor Parking and marked accordingly.
43. Any signs placed on-site shall be reviewed and approved by the Planning Division and a separate Sign Permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.

Density Bonus

44. Seven units shall be designated affordable to moderate income units as required by the Density Bonus Ordinance. The moderate affordable units shall be integrated with the project and reflect the range and number of bedrooms provided in the project as a whole.
45. The development shall be allowed a reduction of the front setback from 20 feet to 10 feet as a concession/incentive for providing 20% of the total units affordable to persons and families of Moderate Income in a common interest development.
46. An Affordable Housing Unit Agreement (AUA) shall be approved by the City. The AUA shall be recorded as a restriction on the parcel on which the Affordable Housing units will be constructed. The approval and recordation of the AUA shall take place prior to final map approval or prior to issuance of building permits for such parcels or units.
47. Affordable Housing Units shall be sold to Moderate Income households at an affordable sales price and housing cost as defined in the Density Bonus Ordinance.
48. Affordable Housing Units shall be owner-occupied by Moderate Income households.
49. The purchaser of each Affordable Housing Unit shall execute an instrument or agreement approved by the City restricting the sale of the Affordable Housing Unit in accordance to the Density Bonus Ordinance during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the Affordable Housing unit and shall contain such provisions as the City may require to ensure continued compliance with the Density Bonus Ordinance and with Government Code Section 65915. With respect to Moderate Income Affordable Housing Units, the instrument or agreement shall provide for equity-sharing as set forth in Government Code Section 65915.

Color and Materials

50. The building colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit.
51. The building shall be painted to visually reduce the massive appearance of the buildings by highlighting forms and shapes. No more than two colors shall be used for the body of the building.
52. All the single car garage doors shall be painted the same color. All the double car garage doors shall be painted the same. The color of the garage doors shall be approved by the Planning Division.
53. All vents gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.

Mailboxes and Addresses

54. 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.
55. Property addresses will be assigned by the Development Services Department, Building Division prior to issuance of a building permit.

Exterior Lighting

56. Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development. Lighting shall be maintained at a minimum of one foot-candle.
57. Plans submitted for building permit shall include a photometric site lighting plan that includes fixtures, mounting heights, light wattage and that demonstrates adequate site lighting without excessive glare, off-site impacts or "hot spots." All lighting shall be reviewed and approved by the City Engineer, Planning Division and Hayward Police Department prior to Building Permit issuance.

Screening of Mechanical Equipment

58. All exterior mechanical equipment shall be screened or located away from public view. Mechanical and equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units and gas meters. All screening shall be compatible with respect to forms and materials used on the building.
59. Any above-ground structures that may be required to provide utilities for the project shall be compatible as to location, form, design, exterior materials, and noise generation. The applicant shall obtain staff approval prior to issuance of any permits.

ENGINEERINGGeneral (these are not tied to a phase of the project)

60. **Utility Services:** All new utility service connections to the project shall be installed underground.
61. **Homeowners Association:** Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Conditions, Covenants and Restrictions (CC&R's), creating a homeowner's association (HOA) for the property, shall be submitted to the City for review and approval. The CC&Rs shall include the following provisions:
 - a. The HOA shall be managed and maintained by a professional property management company.
 - b. The HOA shall own and maintain the private access roads and on-site storm drain systems in the development, excluding those located within the public right-of-way.
 - c. The CC&R's shall describe how the stormwater treatment and site-design measures associated with privately owned improvements and landscaping shall be maintained by the association.
 - d. The HOA shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition.
 - e. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.

- f. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

- 62. **Subdivision Improvement Agreement:** The public improvements conditioned as part of this approval require the execution of a Subdivision Improvement Agreement prior to Final Map Approval that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes surety (i.e. bonds), insurance, and additional deposit for City staff time and City resources to be expended on the project.
- 63. **Required Improvements:** Privately engineered studies and design documents shall be submitted to the Director of Public Works for review and approval prior to final map approval. The engineered plans shall include, but not be limited to, the following design requirements:
 - a. Jackson Street, east of Silva Avenue, shall be reconstructed or improved to provide Asphalt Concrete (AC) street pavement with Traffic Index (TI) 5 load bearing capability, undamaged City Standard concrete curb and gutter along both sides and accessibility compliant sidewalk and driveways on one side.
 - b. Jackson Street, at its east end (away from Silva Avenue), shall have a turn-around for passenger vehicles.
 - c. Jackson Street turn-around shall include a 12-ft. wide driveway to the City's pump station near the railroad right-of-way.
 - d. Jackson Street shall have the city standard LED streetlights on metal poles providing the City specified illumination.
 - e. Jackson Street and Silva Avenue curbs shall be painted red and "No Parking" signs shall be installed where no parking is designated by the Fire Chief and City Engineer.
 - f. Silva Avenue shall be widened to provide a separate lane for vehicles turning left for the condominiums. Install thermoplastic pavement markings and traffic signs as required by the City Engineer.
- 64. **Grading & Drainage:** A fine grading and drainage plan is required and shall be submitted with the Final Map and Improvement Plans for review and approval by the Director of Public Works prior to the issuance of building permits. Developer has the option to apply for a grading permit to rough grade the project site. The grading and drainage plan shall include, but not be limited to, the following design & submittal requirements:
 - a. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or less (top of wall to bottom of footing) shall be reviewed and approved by Public Works. Earth retaining structures greater than 4-feet in height 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. The on-site storm drainage system (if applicable) shall be designed to convey a 10-year storm event.

- b. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the Director of Public Works prior to issuance of a grading permit.
 - c. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
 - d. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted which will show, at a minimum, drainage management areas, location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidelines.
 - e. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system.
 - f. On-site collector storm drains shall be not less than 12-inch in diameter to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
 - g. The On-site storm conveyance and treatment systems shall be owned and maintained by the property owner or HOA.
65. **Street Lighting:** Public street lighting along the development frontage and on-site lighting shall comply with current City lighting standards and the City's Security Ordinance. Lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast a direct light or glare upon adjacent properties or rights-of-way. Photometric analysis/studies shall be submitted for review and approval by the City Engineer.
66. **Undergrounding:** Developer shall complete the underground conversion of the utility facilities fronting the project along and across Jackson Street. Utility undergrounding is required for consistency with the Jackson Street corridor and for more reliable service. Developer shall submit joint trench plans showing the underground conversion to the Director of Public Works for review and approval prior to the issuance of Building Permits.

DURING CONSTRUCTION

67. **Construction Stormwater Management:** Developer shall be responsible for the preventing the discharge of pollutants (sediments) into the street and/or the public storm drain system from the project site.
68. **Construction Damage:** The Developer shall be responsible to remove and replace curb, gutter, sidewalks, driveways, signs, pavement, 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.

69. **Large Tract Development, Releases:** All required improvement leading and adjacent to units to be occupied shall be installed according to the approved plan, including completion of punch list items. The public shall not be allowed to pass through areas of activity to reach occupied units.
70. **Conceptual Multi-Phased Exhibit (Unit Release Plan):** Prior to issuance of certificates of occupancy for any unit within the project, an exhibit showing the proposed phased closures/openings during construction. The exhibit shall detail the number and locations of units to be released and portion of public street and sidewalk to be opened/closed to the public at each phase. Exhibits shall also show access routes and include traffic control plans.
71. Proper measures such as fencing, gates, and signs must be in place to separate adjacent construction activities from occupied units. These measures shall be reviewed and approved by the City Inspector prior to installation and occupancy of units.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

72. **Post Construction Stormwater Maintenance:** The property owner(s)/HOA shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for private treatment control and site design measures is bound to the property in perpetuity.
73. **Construction of Improvements:** All public and private improvements, including punch list items, must be complete prior to the occupancy of 80% of the proposed dwelling units.

TRAFFIC

74. Applicant shall submit to City of Hayward Public Works a Signing & Striping Plan that shall include Silva Avenue, Jackson Street, Jackson Street frontage Road, and the full intersection of Jackson Street / Silva Avenue. The Signing & Striping Plan shall further include location of existing loop detectors on the northbound leg of the intersection of Jackson Street/Silva Avenue AND the proposed new locations of the loop detectors due to applicant's proposed striping modifications.
75. Applicant shall submit Signal Modification Plans as part of Improvement Plans to Public Works for review and approval. Signal modification plans shall be approved by the City Engineer prior to issuance of building permits.
76. Applicant shall install one Speed Radar Feedback sign on Silva Avenue. The location of the speed radar feedback sign shall be shown on the Signing & Striping plan.
77. Applicant shall install city standard streetlights every 150 feet along project frontage on BOTH sides of Jackson Street Frontage Road in a staggered pattern. In addition, applicant shall install one streetlight on Silva Avenue between Jackson Street Frontage Road and Jackson Street. Location of streetlights shall be shown on Improvement Plans and shall be installed prior to issuance of occupancy permits.

78. Applicant shall submit to City of Hayward Public Works a photometric plan for review and approval as part of Improvement Plans.
79. Applicant shall relocate existing loop detectors on the south leg (northbound direction) of the Jackson Street/Jackson Street Frontage Road/Silva Avenue intersection in accordance with approved Signing & Striping plans. Relocation details shall be included in Signal Modification Plans, which shall be approved by the City Engineer prior to issuance of Building permits.
80. Applicant shall be responsible for 100% of the cost of modifications and improvements to the Jackson Street/Silva Avenue intersection and traffic signals to accommodate the applicant's proposed striping changes. Modifications shall be made in accordance with Public Works and City Engineer-approved plans and to the satisfaction of the City Engineer.

BUILDING

General

81. All projects submitted on and after January 1, 2017, all projects must comply with the new 2016 California Codes – Title 24 Code of Regulations.
82. A “J” number for demolition of existing structures on site shall be obtained from the Bay Area Air Quality Management District (BAAQMD) and provided with the Demolition Permit application.
83. The following information shall be provided on plans:
 - A. Occupancy Group
 - B. Type of Construction
 - C. Sprinklers: Yes
 - D. Number of Stories
 - E. Square Footage of Total Floor Area
 - F. Square Footage Per Plan/Unit
84. Newly constructed buildings require a soils investigation. For the permit submittal, include a copy of a geotechnical report as well as a letter of review from the geotechnical engineer indicating that the design drawings have been reviewed and found to be in conformance with the geotechnical recommendations.
85. Deferral of any submittal items (such as trusses, fire sprinkler systems, etc.) shall have prior approval of the Building Official. Please specify the following on the cover sheet of the plans:
 - a. A list of the deferred submittals
 - b. Note that the “deferred items shall be submitted to the design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building without any corrections.”
 - c. Note that “the deferred submittal items shall not be installed until the Building Official has approved their design and submittal documents.”

Architectural

86. Clarify total square footage of building. Due to lack of information related to occupancy group, type of construction, etc., please justify proposed buildings meet the allowable requirements set forth in CBC Table 503. Provide a justification of the building areas on the drawings. Show that the actual building areas are less than the allowable building areas based on the construction type and occupancy group(s).
- If the allowable building area will be modified per CBC 506, provide a calculation on the drawings.
 - If the conditions are met for an unlimited area building per CBC 507, please state on the drawings.
 - If minimum fire separation distances are required as a result of the allowable area modifications, show the required distances on a site plan.
 - If the building contains more than one occupancy group, specify which method of compliance from CBC 508 for mixed use and occupancy will be utilized.
87. Architectural floor plans show "loft" options with closets. These spaces are considered bedrooms. Please revise and ensure minimum light, ventilation and emergency escape and rescue requirements are in compliance with the California Building Code.

Access

88. At least 10 percent, but not less than one of the multistory dwellings in condominiums with 4 or more dwelling units shall comply with the requirements set forth in CBC 1102A.3. Revise plans to graphically units that are accessible and show the following:
- The primary entry to the dwelling unit shall be on accessible route.
 - At least one powder room or bathroom shall be located on the primary level, served by an accessible route
 - All rooms or spaces located on the primary entry level shall be served by an accessible route.
 - Common areas covered by this section shall be accessible as required by this chapter.
89. Amend plans to show accessible route of travel from the following to proposed main entrance of buildings, accessible dwelling units AND common areas (i.e. office, display area, open space 1):
- Accessible parking stalls
 - Public Right of Way
90. Please note display, office, office bath, and other common areas are to be accessible in compliance with CBC 11B.

Energy

91. Per CEnC 100.0(e)2A, newly constructed buildings shall comply with CEnC §10.10 for Solar Ready Buildings. For building permit submittal, ensure that the following information is provided:
- A roof plan showing the solar zone area complying with CEnC 110.10(b).
 - Specify the structural design loads for roof dead and live load for areas designated as the solar zone. [CEnC 110.10(b)4]

- c. Indicate a location for inverters and metering equipment and a pathway for routing of conduit from the solar zone to the point of interconnection with the electrical service. [CEnC 110.10(c)1]

Green Building

- 92. Amend plans to show compliance with Chapter 5 of the 2013 California Green Building Standards Code (CGBSC Section 301.3). Please note this applies if the addition is 1,000 sq. ft. or greater, and/or building alterations have a permit valuation of \$200,000 or above. The code sections relevant to the additions and alterations shall only apply to the portions of the building being added or altered within the scope of the permit work. Reproduce the "Nonresidential Occupancies Application Checklist" onto the plan sheets. Add an additional column to the checklist to indicate where the appropriate requirements are noted within the set of plans.
- 93. Revise site plan to show the following:
 - a. Designated parking for low-emitting, fuel-efficient, and carpool/van pool vehicles shall be provided per CGBSC 5.106.5.2.
 - b. To facilitate future installation of electric vehicle supply equipment, the requirements of CGBSC 5.106.5.3 shall be met.
- 94. The July 1, 2015 Supplement to the 2013 CGBSC has new provisions for electric vehicle (EV) charging to facilitate future installation and use of EV chargers. Please include the following on the drawings per CGBSC 4.106.4.1:
 - a. Install a listed raceway to accommodate a dedicated 208/240-volt branch circuit.
 - b. The raceway shall not be less than nominal 1-inch inside diameter.
 - c. The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box, or other enclosure in close proximity to the proposed location of an EV charger.
 - d. The raceway termination location shall be permanently and visibly marked as "EV CAPABLE".
 - e. The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.
 - f. The service panel or subpanel circuit directory shall identify the reserved overcurrent protective device space(s) as "EV CAPABLE".

FIRE DEPARTMENT

- 95. 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 2010 California Fire Code. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation.
- 96. A maximum static pressure of 80 PSI shall be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly.
- 97. Minimum underground fire service line shall be 4-inch in diameter. The installation of fire service line shall comply with the NFPA 24 and the City of Hayward standards.

98. New fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. 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.
99. An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser.
100. 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 waterflow activity.
101. 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.).
102. 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.
103. 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.
104. 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.
105. 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.
106. Extinguisher placement shall conform to 2010 California Fire Code Section 906.
107. The building shall have an address installed on the front of the building having a minimum 6-inch number height on a contrasting background. The address numbers shall be clearly visible from the street.
108. Provide the following with the Building Permit submittal:
 - a. The required fire flow is **4750 GPM** at 20 PSI. The water/fire flow test data information shall be provided 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. A new test shall be requested to the Hayward Public Works Department's Utilities Division.
 - b. A fire flow shall be provided in accordance with the 2013 California Fire Code Table BB105.1 based on the construction type and building area when building exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500 GPM.

HAZARDOUS MATERIALS

109. Environmental and Health Based Site Clearance – Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either California Regional Water Quality Control Board or Department of Toxic Substance Control and submitted to the Hayward Fire Department to ensure that the property meets residential development investigation and cleanup standards for health and environmental quality. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
110. 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.
111. Former Hazardous Materials/Waste Facility Closure – When a site is being developed on a location where hazardous materials/waste were used, stored or generated then a Closure Plan will need to be filed with the Hayward Fire Department to ensure proper handling, disposal and documentation of materials.
112. 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.
113. 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:
 114. Underground storage tank and associate piping (plan, sampling and Hayward Fire Department permit and follow up report is required)
 115. Oil Water Separators (plan, sampling required and follow up report is required)
 116. Hydraulic Lifts (plan, sampling and follow up report is required)
117. 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.
118. Use of Hazardous Materials or Generation of Hazardous Waste – During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

LANDSCAPE

General

119. Prior to submitting the first building permit, detailed landscape and irrigation improvement plans shall be approved by the City. Once approved, Mylar of the

approved improvement plans shall be submitted to the City for approval signatures. Copies of the signed improvement plans shall be submitted as a part of the building permit submittal.

120. The improvement plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan. The plans shall comply with the City's water efficient landscape ordinance (California Building Code Title 23) and all relevant Municipal Codes.
121. Prior to the approval of improvement plans, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of building permit submittal. The 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 Municipal Codes*. Dripline of the existing trees to be saved shall be shown on the plan.
122. No building permit shall be issued prior to approval of landscape and irrigation improvement plans.
123. Mylar of the approved landscape and irrigation improvement plans shall be submitted to Department of Public Works Engineering. Mylar shall be wet-signed and shall be provided with a bar scale. The size of Mylar shall be twenty-four (24) inches by thirty-six (36) inches without an exception. A signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and two date lines for City of Hayward, Landscape Architect and City Engineer. Upon completion of installation, As-built/Record Mylar shall be submitted to the Engineering Department by the developer.

Tree Removal/Bond

124. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, tree protection measures in compliance with the project arborist's recommendation and the City codes shall be installed.
125. Prior to the issuance of a grading and or demolition permit, a tree removal permit shall be required before removing any existing trees.
126. Tree preservation bond for the amount of \$24,160 for three *Quercus agrifolia* equaling the total appraised value of the trees for preservation in the approved arborist report shall be submitted to City Landscape Architect prior to issuance of grading and/or demolition permit. The bond shall remain 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.

Tree Mitigation

127. The tree mitigation shall include trunk diameter and values of the existing Black Walnut tree and multi-trunk Acacia trees, and replacement costs used shall not exceed \$375.00.

Planting

128. General:

- a. Soil shall be amended with organic compost to bring the soil organic matter to a minimum of 5% by dry weight and incorporating organic fertilizers to recommended levels for planting area. If significant mass grading is planned the soil analysis report shall be submitted as part of the Certificate of Completion.
- b. Fertilizer shall be OMRI certified organic: see Zoning Ordinance Sec. 10-12.06 (a)(1)(B) 7.

129. Tree Planting:

- a. Three Arbutus unedo are planted at 9 to 10 feet on center in front of Unit 11 and 12 that is too close to be acceptable. The similar condition exists for Eriobotrya by Unit 13 and 14, and Lagerstroemia at the edge of bioretention area between Building #1 and #2.
- b. Four Schinus molle are planted too close to sanitary sewer lateral line on the east side of Building #2A. Minimum clearance requirement of 5 feet shall be complied.
- c. Seven 48"-box Lagerstroemia are specified in the 3 feet wide planting area on the northeast side of Building #5. Tree planting hole is proposed to be twice as big as the rootball size. It will be impossible to plant 48"-box tree in a 3 feet wide planting area.
- d. Fire Department requires tree planting to provide a 7 feet clearance from fire hydrant.
- e. Eriobotrya is an excellent tree with fragrant flowers and edible fruits; however, fruits are juicy and have one or several large seeds that could become a slippery issue next to walkway. Also the tree symbol is shown at 10 feet diameter, but the tree will grow larger than the mature size stated on the plant list. The ones at Unit 30 and 31 are also planted in narrow planting area that are measured to be approximately 3 - 4 feet wide.
- f. Provide additional trees north of Unit 39 and 40, west of Unit 37, west of the pathway leading to Unit 25.
- g. Raywood Ash trees in the five (5) foot wide parking lot island shall be changed to Chinese Pistache to minimize root damage to parking lot.

130. Shrubs and Groundcover:

- a. Texas Privet and Xylosma shrubs in the front yard setback shall be changed to a species or cultivar that the minimum spread will not exceed the intended planting area.
- b. Shrubs shall not be planted within two (2) feet of the flow line of the bio-treatment area.
- c. No-mow fescue or alternate ground cover in the bio-treatment areas shall be planted from containers.
- d. All above ground utilities and mechanical equipment shall be screened from the street with five (5) gallon shrubs.

Irrigation

- 131. Manual shut-off valves shall be in "normally closed" position.
- 132. The location and size of the dedicated irrigation water meter shall be identified.
- 133. The size of the backflow prevention device at the connection point to the irrigation water meter can't exceed the size of the meter. Currently the 1-inch irrigation water

meter is indicated on the plan with 1-1/4-inch backflow prevention device. The output can be larger.

134. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

Inspections

135. Inspection for Models: Landscape inspection shall be required prior to issuance of TCO, and another inspection prior to issuance of Certificate of Occupancy at the time of converting the model for sale. The project landscape architect shall inspect and accept the installation prior to requesting an inspection from City Landscape Architect. The project landscape architect 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.
136. 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. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements. Fax number is 510-583-3649.
137. All common area landscaping, irrigation and other required improvements shall be installed in accordance with the approved improvement plans prior to acceptance of tract improvements, or occupancy of eighty-percent (80%) of the dwelling units, whichever first occurs. Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted upon acceptance of the landscape improvements for the Tract to the Department of Public Works Engineering by the developer.
138. Children's playground equipment certification: Health and Safety Code in Chapter 4 titled "Safe Recreational Land Use (115725 – 115800)" calls for compliance with standard of ASTM and federal Consumer Protection and Safety Commission. Playground equipment is required an inspection by a certified playground safety inspector by the National Playground Safety Institute, and the certification letter shall be submitted City Landscape Architect prior to the final inspection and issuance of Certificate of Occupancy.

Tree Preservation

139. 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.

Maintenance

140. Landscaping shall be maintained by HOA and shall be in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay.
141. Routine shearing and hedging of shrubs and perennials shall not be permitted. All plants shall retain natural size and shape.
142. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three inches deep mulch should be maintained in all planting areas.
143. 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.
144. 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.

SOLID WASTE

145. Each unit must accommodate at least a 3-foot by 8-foot space in the garage for waste containers (trash, recyclables, and organics). This area must be allocated outside of the required car parking area, and all containers must be independently accessible. Placing containers, especially 32 gallon sized, under stairway is approved.
146. The City requires that construction and demolition debris be recycled. At the time of your building permit submittal, a Debris Recycling Statement shall be provided for the demolition, renovation and construction of the building. The form can also be found at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.

UTILITIES

Water

147. The development's proposed water main and valves shall be public, owned and maintained by the City. If the water mains are located in a private roadway, either the entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.
148. 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 (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>).
149. Shut-off valves are required at all branches, hydrant lines, and right-of-way/easement transitions (i.e. from/to roadway to/from non-roadway area).

150. 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.
151. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/developer's expense. The developer may only construct new services in conjunction with their construction of new water mains.
152. If existing water services on the property cannot be reused for the proposed development, they shall be abandoned by City Water Distribution Personnel at the applicant's/developer's expense.
Domestic & Fire Services
 - a. Domestic: Each condominium shall have an individual domestic water meter. Facilities for residential meters are calculated based on the domestic water demand for the home (excluding fire service demand).
 - b. Fire: Fire services shall be sized per the requirements of the Fire Department. Dedicated fire services shall be installed per City Standards SD-201 and SD-204.
 - c. Combined Residential Services: The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216. The minimum size for a residential fire service connection is 1 inch (combined or not) and the maximum size for combined services is 2 inches. If the calculated fire demand exceeds 160 GPM, a separate fire service will be required. Note that, per CBC 2010 R313, flow-through or multipurpose systems may not require a backflow device (SD-216 is attached).
153. Irrigation: It is anticipated that one or more separate irrigation water meters and services shall be installed for development landscaping. The applicant/developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
154. All water meters shall be radio-read type.
155. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218. Water meter boxes in driveway aisle areas shall have H-20 traffic rated lids.
156. 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.

Sewer

157. The development's sanitary sewer mains and manholes shall be public, owned and maintained by the City. If the sewer mains are located in a private roadway, either the

entire roadway shall be a public utility easement or a minimum 10' wide easement shall be granted to the City.

158. 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>).
159. 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.
160. Each condominium shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312.