

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Councilmember \_\_\_\_\_

RESOLUTION DENYING THE APPEAL AND APPROVING SITE PLAN REVIEW PERTAINING TO CONSTRUCTION OF A THREE-STORY, 40-UNIT TOWNHOUSE STYLE DEVELOPMENT

WHEREAS, on February 20, 2018, Steven Kodama, Kodama Diseno Architects (Applicant)/ Robert Chen (Owner) submitted a Site Plan Review Application No. 201800932 to construct a 40-unit attached townhouse development at 21229 Oak Street (APN 415-0170-019-00, 415-0170-020-00, 415-0170-021-00, 415-0170-022-00, 415-0170-023-00, 415-0170-024-00, 415-0170-025-00, 415-0170-029-02)

WHEREAS, the Development Service Director approved the Site Plan Review Application No. 201800932 on April 19, 2019 and the decision was appealed on May 7, 2019; and

WHEREAS, the Planning Commission considered the appeal at a public hearing held on July 25, 2019, and denied the appeal and approved the Site Plan Review Application No. 20180932; and

WHEREAS, the appellant appealed the Planning Commission's decision on August 5, 2019 and notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on October 29, 2019; and

WHEREAS, the City Council considered the appeal and the Site Plan Review Application No. 20180932; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

**SITE PLAN REVIEW FINDINGS**

Pursuant to Section 10-1.3025 of the HMC, the City Council may conditionally approve a Site Plan Review application when all the following findings are met:

- A. **The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;**

The proposed three-story, 40-unit townhouse development is compatible with surrounding structures and uses and is an attractive addition to the City of Hayward in that it provides an attractive back drop to the commercial properties fronting Foothill Boulevard. In addition, it provides a transition from the commercial development to the lower density residential development further up from the site.

**B. The development takes into consideration physical and environmental constraints;**

The proposed three-story, 40-unit townhouse development takes into consideration the physical and environmental constraints in that townhouse fronting Oak Street sit lower than street level, lessening the height difference between three story townhouse development and the one and two-story single-family dwellings located on the opposite side of Oak Street.

**C. The development complies with the intent of City development policies and regulations;**

The proposed three-story, 40-unit townhouse development, as conditioned, complies with applicable City polices including the City's Design Guidelines, South Hayward Bart/Mission Boulevard Form-Based Code standards in that it meets all the yard setbacks, building heights, parking and lot coverage requirements. The proposed development is also consistent with the following goals and policies of the *Hayward 2040 General Plan*:

H-3.1 Diversity of Housing Types: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.

Land Use Policy LU-1.3 Growth and Infill Development: The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.

**D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.**

The proposed three-story, 40-unit townhouse development meets the lot requirements and standards identified in Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code for properties within Commercial Office District (CO). The apartment building, as conditioned, will operate in a manner acceptable and compatible with surrounding development in that the applicant is required to comply with the conditions imposed on this project as well as the Fire Code, Building Code, the Zoning Ordinance and other City regulations.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332, Class 32, In-Fill Development Projects, of the CEQA Guidelines in that the proposed project would be consistent with applicable zoning designation and regulations. The project is less than five acres and is substantially surrounded with urban areas. The project site had no value as a habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects related to traffic, noise, air quality or water quality since the site is adequately served by all required utilities and public services.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings and the totality of information presented, hereby denies the appeal and adopts Site Plan Review Application No. 20180932, for the property located at 21339 Oak Street, Assessor Parcel Number's (APN) 415-0170-019-00, 415-0170-020-00, 415-0170-0421-00, 415-0170-022-00, 415-0170-023-00, 415-0170-0424-00415-0170-025-00, 415-0170-029-02), subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**CITY OF HAYWARD PLANNING DIVISION  
SITE PLAN REVIEW  
APPLICATION NO. 20180093  
CONDITIONS OF APPROVAL**

Revised July 25 per Planning Commission Condition

**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. Site Plan is approved subject to the Architectural, Civil and Landscape plans date stamped February 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.

#### Mailboxes

12. 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.
13. Property addresses will be assigned by the Development Services Department, Building Division, prior to issuance of a building permit.

#### Lighting

14. Lighting within the parking area(s) shall be provided and be maintained at a minimum of one foot-candle. 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.
15. 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.
16. All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.

#### Building Color and Materials

17. The building colors and materials shown on the building permit plans shall match those shown on the color/material exhibit and renderings date stamped February 12, 2018. Any revision to the approved colors and materials shall be

reviewed and approved by the Planning Division prior to the issuance of a building permit.

18. 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.

#### Screening of Mechanical Equipment

19. All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units and gas meters. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit. All screening shall be compatible with respect to forms and materials used on the building.
20. 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.

#### Signs

21. No signs are approved with this project. Any signs placed on-site or off-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.

#### Impact Fees

22. 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.
23. The project is subject to the Affordable Housing Ordinance (Chapter 10, Article 17 of the Hayward Municipal Code). Pursuant to section 10-17.205, the applicant may comply with the requirements of the AHO by paying an affordable housing fee, or by providing affordable units on-site or off-site. Alternatively, the applicant may propose additional means of compliance not listed in the AHO that would mitigate the affordable housing impact of the proposed project.
24. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay in lieu fees for each residential unit. The in-lieu fees shall be those that are in effect at the time of building permit issuance. (DS)

Environmental Mitigation

25. 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.
26. 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.
  - h. 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.

- i. 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;
- j. 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;
- k. 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;
- l. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- m. 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;
- n. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- o. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
- p. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- q. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- r. 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;
- s. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- t. 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;
- u. 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;
- v. 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;

- w. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
- x. 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.

Expiration

- 27. 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.
- 28. 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 pulled to construct the project.
- 29. The Planning Director may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
- 30. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
- 31. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.
- 32. The improvement plans shall be graphically legible without overlapping notes and callouts. The line weights shall have hierarchy for clarity and legibility.

33. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the building permit plan set.
34. Prior to building permit issuance, developer shall 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.
35. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

### **Planning**

36. The sidewalk in the public right-of way fronting Oak Street shall be 4 feet wide. Two six inches concrete borders shall be provided perpendicular to the curb and sidewalk on both sides of the 5-foot wide Street Tree planting well.
37. The circular planter fronting Oak Street shall end at the property line and the sidewalk extended in front of it. The steps shall be adjusted to be perpendicular to the sidewalk before it connects to the circular portion of the planter.
38. The driveway, sidewalk shall be a minimum of 5 feet from the building. The planters along the building shall be a minimum of 5 feet deep.
39. An 8-foot high fence shall be provided along the rear property line and a 6-foot high fence along the side property line. The fence shall be approved by the Development Review Director prior issuance of a building permit.
40. A 6-foot high fence and gate shall be provided at the ends of each building row located along the perimeter of the site.
41. A secondary garage door shall be provided mid-way in the "Unit A" garage. A wheel stop shall be provided at the end of the open garage.
42. Ten percent of the total parking spaces provide shall be for visitor parking. Visitor parking stalls shall be clearly marked for visitor's parking.
43. The developer shall comply with the Affordable Housing Ordinance, Chapter 10, Article 17 of the Hayward Municipal Code.

### **Building**

44. The project shall comply with the "solar ready" provisions of the 2016 California Energy Code section 110.10.
45. This project shall comply with the 2016 California Green Building Standards Code (CalGreen). A key requirement from this set of regulations is related to EV charging infrastructure. 2016 CalGreen section 4.106.4.1 outlines the specific requirements for townhomes. A listed raceway shall be installed in each garage to accommodate a future 208/240 volt branch circuit. The service panel shall also be designed to accommodate this future load if the resident chooses to install an EV charging system.
46. Three percent of the parking not located inside private garages shall be designed to accommodate future EV charging devices. 2016 CalGreen sections 4.106.4.2 and 4.106.4.2.1 specify the minimum requirements. For the building

permit submittal application, please clearly document compliance with these requirements on the plans.

## **Engineering**

### General

47. Encroachment/Major Street Improvement Permit Required: Developer shall apply for an Encroachment/Major Street Improvement Permit for all work within the public right-of-way or public easements. No work within the public right-of-way or easements shall be allowed to commence prior to issuance of a valid encroachment permit.
48. Utility Service: All new utility service connections to the project shall be installed underground.

### Prior to the Issuance of Building Permit

49. Lot Merger: Developer shall apply for and receive a Certificate of Merger to merge all lots within the project site into one prior to the issuance of a building permit.
50. Grading and Drainage: A grading permit issued by the Public Works Department is required prior to the issuance of building permits. The grading permit application shall include engineered grading and drainage plans showing finish grades and site drainage. The grading and drainage plan shall include, but not be limited to, the following design & submittal requirements:
  - a. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate entire area tributary to the project site. The developer is required to mitigate augmented runoffs with on-site improvements, including but not limited to on-site detention or ground percolation to control site discharge rate to pre-existing level.
  - b. 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.
  - c. 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.
  - d. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.

- e. 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.
  - f. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system.
  - g. 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.
  - h. The On-site storm conveyance and treatment systems shall be owned and maintained by the property owner.
51. Encroachment/Major Street Improvement Permit Required: Privately engineered design documents shall be submitted to the City Engineer for review and approval prior to issuance of building permits. The engineered plans shall include, but not be limited to, the following design requirements:
- a. Private Street/Driveway access from Oak Street shall be provided for via City Standard driveways.
  - b. City standard concrete curb, gutter and sidewalk, with street trees shall be extended across the proposed development frontage on Oak Street.
  - c. Oak Street pavement across the development frontage will be improved to provide a parking lane and emergency vehicle access (total width not less than 28 feet). The widened street, at its south end, shall have a barrier with reflectors and pavement markings to direct traffic away from the pavement end and above ground facilities.
  - d. City standard LED streetlights on metal poles shall be installed across the development frontage on Oak Street.
52. Street Lighting: Public street lighting along the development frontage and on-site lighting shall comply with current City lighting standards and 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.

During Construction

53. 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.

Prior to Issuance of Certificate of Occupancy

54. Stormwater Treatment Maintenance: The property owner 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.
55. Construction of Improvements: All public and private improvements, including punch list items, shall be complete prior to the issuance of a certificate of occupancy.

**FIRE**

Access

56. When buildings or portion of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access, fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of the building. At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building. This requirement is not currently met with this proposal.
57. Building or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.
58. Fire apparatus access roads and side slopes shall not exceed 10% on grade. Grades steeper than 10% in grade shall be approved by the Fire Chief.

Water Supply

59. A fire flow shall be provided in accordance with the 2016 California Fire Code Table B105.1 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 1,500gpm. (Provide with submittal of building drawings)
60. Water flow/fire flow test data information shall be provided on plans, including static, residual, pitot pressure, and test flow calculated available water flow @ 20 PSI. The data shall be less than 5 years old.
61. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the 2016 California Fire Code. The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. (With the determination of existing fire hydrants, an additional hydrant may be required based on available water supply and proposed roadway dimension.)

## Fire Protection

62. A fire alarm system with occupant notification shall be provided in accordance with 2016 CFC Section 907 and NFPA 72 Standards for all buildings. (a separate submittal is required to the Hayward Fire Department by a Licensed C-16 Contractor)
63. Fire sprinkler monitoring systems should be provided for multi-family residential townhouse buildings in accordance with the California Fire Code and NFPA 72. At a minimum, each fire sprinkler system riser shall have exterior local alarm bell(s). Interior notification device(s) shall be installed within each residential unit.
64. All buildings shall be required to install an automatic fire sprinkler system(s) in accordance with NFPA 13/13D and local ordinance. A separate submittal is required to be made to the Hayward Fire Department by a Licensed C-16 Contractor.
65. Underground fire service lines shall be installed in accordance with NFPA 24. The underground fire line shall be determined based on type of fire sprinkler system proposed.
66. Phase I Environmental Site Assessment – A Phase I Environmental Site Assessment and any other records regarding site contamination, investigation, remediation, or clearances from other regulatory agencies shall be submitted.
67. Notification if Hazardous Materials are Discovered – The Hayward Fire Department’s Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials or associated structures are discovered during demolition, grading or site excavation operations. These shall include but shall not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
68. Demolition – Prior to grading, structures and their contents shall be removed or demolished under a Building 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.
69. Any wells, septic tank systems and other subsurface structures - including hydraulic lifts for elevators - shall be removed properly in order not to pose a threat to the development, construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures shall be documented and done under permit, as required by law.

## **Landscape**

70. Prior to submittal of a building permit, detailed landscape and irrigation improvement plans prepared by a licensed landscape architect on an accurately surveyed base plan shall be submitted to the City’s Landscape Architect. The plans shall comply with the City’s water efficient landscape ordinance

(California Building Code Title 23) and all relevant Municipal Codes. Once approved, Mylar of the approved improvement plans shall be submitted to the City for approval signature. Copies of the signed improvement plans shall be submitted as a part of the building permit submittal.

#### General

- a. Base information shall include property lines, easements, all existing and proposed underground utilities such as water, sewer and storm drain in addition to proposed curbs and sidewalks, special pavements, existing trees shown on the survey plan, and designation of existing trees whether to be preserved or removed.

#### Layout Plan

- a. An enlarged layout plan shall be provided showing all critical dimensions. Minimum planting area dimension shall be five feet measured from back of curb/paving/structure to back of curb/paving/structure.
- b. A minimum of two colors shall be specified for the play surface mats.
- c. Details shall be provided for the installation of the paving/surface material and the design and installation of all the site furnishing, including the play structure, benches, walls, steps, fencing etc. Picnic tables shall be ADA compliant.
- d. Permeable pavers shall be provided in the landscape strip in the public right-of-way fronting Oak Street. Pavers shall satisfy the tree mitigation requirement.

#### Planting Plan

- a. Mature size for trees, shrubs, groundcover and plants in bioretention area shall be provided. Spacing shall be provided for proposed plants along with the reference plant books used to determine size and spacing of plants and trees.
- b. Plant material shall not be spaced closer than their minimum spread at maturity. Trees shall not block lighting or addresses. Trees along the south facing building walls shall be deciduous.
- c. Dark Brown Organic recycled chipped wood mulch, 3-inch deep shall be specified and maintained for all planting areas.
- d. Trees shall be planted according to the City Standard Detail SD-122. The tree rootball shall be resting on native soil. Three-inch diameter tree stakes shall be specified. All hardware shall be galvanized wood screws. No nails shall be allowed.
- e. All trees shall be a minimum of twenty feet from the corner, a minimum of five feet from any underground utilities and a minimum of fifteen feet from a light pole or as otherwise specified by the City.
- f. Root barrier shall be provided for all trees that are located within seven feet of paved edges or structure.

- g. Above ground utilities (e.g. gas or electric meters, backflow devices) shall be screened from public view with shrubs.
- h. Trees 8 & 9 (*Schinus terebinthifolius*), and 10 (*Grevillea robusta*) identified in Arborist Report prepared by Tree Management Experts/Roy Leggitt (ISA, WE-0564A) shall be re-evaluated for their suitability for preservation. The arborist report and plans shall be revised to identify the correct species for Tree 3-9. In addition, the tree south of Tree #10 with tree trunks 8" and 6" shall be evaluated and included in the revised arborist report. The revised report shall include pictures of each of the trees.

#### Irrigation Plan

- a. Irrigation design shall conform to the City's Bay Friendly Water Efficient Landscape Ordinance.
- b. Irrigation controller shall be weather based. Rain or soil moisture sensors shall be provided for each different Hydrozone areas.
- c. Backflow prevention device shall conform to the City Standard Detail SD-202. Detail shall be shown on plans.
- d. Spray head nozzles shall be recessed 24 inches from the edge of hardscape and structure.
- e. Each tree shall be irrigated with two tree bubblers on a dedicated valve. One shall be a preassembled deep root watering bubbler and the second one a flood bubbler. Flow rate for each device shall not exceed 0.25 gallon per minute. Trees with different watering needs shall be on separate valves.
- f. For Water Budget calculations the following shall be used for irrigation efficiency:
  - 1. Spray heads - 0.75
  - 2. Drip - 0.81

#### Bio Retention Basin

- a. Specified plants for bioretention area shall be listed in the suggested plant list in C.3 Stormwater Technical Guidance.
- b. Novia cobblestone shall be specified in the bioretention basin. Pea gravel will not be acceptable.
- c. Minimum twelve inches wide band of large size Noiya Cobblestone shall be provided around overflow catch basin or bubble up basin.
- d. Bio-treatment area, when wider than ten feet, shall be irrigated with matched precipitation rotator type, or as efficient overhead spray irrigation system that allows "cycle and soaking" program function. When the treatment area width is less than ten feet, efficient irrigation system that meets the current ordinance requirements shall be provided. The irrigation for bio-retention area shall be provided on a separate valve.

71. Upon completion of landscape and irrigation installation, the project landscape architect shall conduct an inspection for compliance with the approved landscape and irrigation improvement plans, and the conditions of approval above. Once the installation is fully accepted, Attachment C. Document of Final Acceptance and Appendix C. Certificate of Completion Part 1 through Part 7 shall be completed by the project landscape architect and submitted to City Landscape Architect and request for a landscape inspection for the City's approval for issuance of Certificate of Occupancy. Re-inspection fees shall be applied for each subsequent inspection.
72. All common area landscaping, irrigation and other required improvements shall be installed in accordance with the approved improvement plans prior to 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 to the 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.
73. Tree Preservation Ordinance -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.
  - a. Tree Preservation Bond: For existing trees for preservation, a tree preservation bond 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 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.
  - b. Tree Protection: 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.
  - c. Tree Removal Permit: A separate tree removal permit will be required for all trees that are to be removed in addition to demolition and grading permits from City Landscape Architect prior to removal of trees. Any damaged or removed trees shall be replaced in accordance with the City's Tree Preservation Ordinance. Tree mitigation shall be done above and beyond the required trees.
  - d. Tree Pruning – A pruning permit from City Landscape Architect shall be required prior to pruning of all Protected Trees. 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 by, and size determined by the City

Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

- e. Palm Relocation – The transplanting of the Phoenix canariensis palm shall be carried out in accordance with the ANSI A300 Standards under the supervision of a Certified Arborist. The palm shall be monitored or five years from the time of acceptance by a Certified Arborist. The arborist shall submit guidelines for the palm’s care with the landscape improvement plans for the City’s review and approval. If the palm fails to thrive, it shall be replaced with a like-kind and like size palm.
74. Maintenance - Landscaping shall be maintained and kept in a healthy, weed-free condition at all times.
- a. 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.
  - b. 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.
  - c. The irrigation system shall be maintained to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides. 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.
  - d. Off-site improvements including the public sidewalk, permeable paver and street trees shall be maintained by the development.

### **Utilities**

75. Water Services – East Bay Municipal District (EBMUD) serves this property for water and has provided the following conditions:
- a. Separate dwelling units on the same property shall require separate water meters.
  - b. A main extension, at the project sponsors expense, shall be required to serve the proposed development. When the development plans are finalized, the project sponsors shall contact EMUD’s New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development.
  - c. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the project sponsor’s development schedule.
  - d. No water meters shall be allowed to be located in driveways.
  - e. The project sponsor should be aware that Section 31 of EBMUD’s Water Service Regulations requires that water service shall not be furnished for

new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsors expense.

- f. Due to EBMUD's limited water supply, all customers shall plan for shortages in time of drought.
76. Sewer Services – Oro Loma Sanitary District (OLSD) serves this property for sewer. Plans shall be forward to this OLSD for comments and conditions.

**Solid Waste**

77. 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](http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal).