

**CITY OF HAYWARD PLANNING COMMISSION
PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT
LOCATED AT 24997 O'NEIL AVENUE
SITE PLAN REVIEW AND DENSITY BONUS APPLICATION NO. 201901824**

DRAFT CONDITIONS FOR APPROVAL

1. The approval of Site Plan Review and Density Bonus Application No. 201901824 shall allow for the development of three-story, multi-family residential development with nine (9) apartment units, one (1) dwelling unit on which will be reserved for an affordable unit for very-low household. The application also includes the utilization of one (1) density bonus concessions/incentives, consistent with State law, to modify the common open space requirements. The project site is located on a 0.27-acre vacant infill site at 24997 O'Neil Avenue, Assessor Parcel No. 444-0057-006-00.
2. 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.
3. Site Plan Review and Density Bonus Application No. 201901824 is approved subject to the architectural, civil, and landscaping plans date stamped May 11, 2020, except as modified by the conditions listed below.
4. 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 or exception shall be subject to review and approval by the Planning Commission.
5. The permittee, property owner and/or designated representative shall allow City staff access to 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.
6. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set submitted to the Building Division for plan check review.
7. 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.
8. In accordance with Hayward Municipal Code (HMC) Section 10- 1. 3055, approval of this Site Plan Review is void 36 months after the effective date of approval unless:
 - a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her

- designee. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or
- b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.
9. 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.
 10. 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.
 11. 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. Violation of any of the conditions of approval of this conditional use permit may constitute grounds for revocation pursuant to the Zoning Ordinance.
 12. Consistent with General Plan Policies NR-2.2 and NR-2.7, in order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.

- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - f. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - i. A publicly visible sign shall be posted with the telephone number and person to contact at the City of Hayward regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.
13. In compliance with the General Plan Policy NR-2.2 and NR-2.15, the project applicant shall implement the following design features to ensure that operational air quality impacts would not occur.

Indoor Air Quality:

In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include one of the following methods:

- a. The project applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and these measures shall be included in the project construction plans. These features shall be submitted to the City's Planning Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.
 - 1. For sensitive uses (residences, day care centers, and playgrounds) sited within the overlay zone from Mission Boulevard, the applicant shall install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter

from entering the building. Either HEPA filters or ASHRAE 85 percent supply filters shall be used.

The project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the project CC&Rs and/or distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.

Exterior Air Quality:

- b. To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.
 - c. Alternative to (c) above, an HRA could be prepared and implemented to take into account the risk specifics of the site, as more fully described in item (b) above.
14. 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.

GENERAL

Planning Division.

- 15. All final exterior building finishes, paint colors, materials and other architectural details shall be reviewed and approved by the Planning Division prior to issuance of a building permit for the project.
- 16. 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.
- 17. All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen from all perspectives, unless other noise mitigation is required. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.

18. 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.
19. 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 enough width such that they are legible to the public from the street fronting the property.
20. 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.
21. 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.
22. No building signage 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 Sign Ordinance requirements of the Hayward Municipal Code (HMC).
23. All rooftop mechanical equipment, other than solar panels, shall be fully and completely screened from view by the proposed roof structure or appropriate screening that is reviewed and approved by the Planning Division. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building code. Roof apparatus and utilitarian equipment such as vents shall be painted to match surface to which it is adhered.
24. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for meter-reading by utility staff must be provided to all meters.
25. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
26. 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.

Affordable Housing.

27. This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in Chapter 10, Article 17 of the HMC. The applicant shall comply with the affordable housing requirements as reflected in the attached Affordable Housing Plan, included as Attachment VI, and detailed per Section 10-17.510 Affordable Housing Plan. No building permit(s) will be issued for any non-City restricted units in the Project until permits for all affordable units have been obtained or are obtained simultaneously. No Certificate(s) of Occupancy will be issued for any non-City restricted units in the Project until Certificate(s) of Occupancy for all affordable units have been obtained or are obtained simultaneously.
28. In addition to the Affordable Housing Plan and pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall also enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance and the Affordable Housing Plan, included as **Attachment V** to the staff report, prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.

Building Division.

29. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures and/or tenant improvements shall be constructed and installed in accordance with the Hayward REACH Code, California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
30. The project shall comply with disabled access provisions of 2019 California Building Code Chapter 11A, as amended. All required accessible and/or adaptable units shall be called out on the plans and unit counts shall comply with the counts required in the code.
31. Prior to issuance of certificate of occupancy or final inspection, the developer shall pay the following additional fees/taxes, in accordance with existing regulations. The amounts of the fees/taxes shall be in accordance with the fee schedule or codes in effect at the time of building permit application submittal, unless otherwise indicated herein:
 - a. Building Construction and Improvement Tax;
 - b. Supplemental Building Construction and Improvement Tax;
 - c. School Impact Fee; and
 - d. Park Dedication In-Lieu Fee, as applicable.

Water Pollution Source Control.

32. The only acceptable sanitary sewer discharge shall be from normal potable water usage, such as bathroom wastewater. Any other use of water or generation of wastewater, inside or outside the building, requires the user to contact Water Pollution Source Control at 881-7900 for approval and further information.

Land Development – Engineering.

33. 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.
34. Utility Services: All new utility service connections to the project shall be installed underground.

Fire Department.

Fire Access:

35. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet an unobstructed vertical clearance of not less than 13 feet 6 inches. The minimum fire apparatus access road with a fire hydrant is 26 feet.
36. All driveways shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete. Design of the public streets and private streets and courts shall meet City of Hayward Fire Department Standards.
37. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane, 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.
38. 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.

Building Construction:

39. Building Address – A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. A minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.
40. Building construction shall be in accordance with the current California Building Code (CBC) cycle, as amended.

CONDITIONS DUE PRIOR TO THE ISSUANCE OF PERMITS.

Land Development – Engineering.

41. Dedicate street right-of-way to the City across the property frontage as required by the City Engineer and generally conforming to the existing in the block.
42. A final geotechnical study report shall be submitted with recommendations for the proposed site improvements and fronting street pavement design (Traffic Index 7).
43. The development required stormwater treatment area shall not be in the area to be dedicated for street right-of-way.
44. Stormwater discharge from the development site shall not exceed the pre-development rate. Excess flow shall be detained on-site.
45. Site grading, drainage, and street improvement plans, prepared by the State licensed engineer, shall be approved by the City Engineer. The plans shall also address Storm Water Pollution Prevention measures identified in the Stormwater Requirements Checklist.
46. Street pavement shall be designed for a Traffic Index 7.
47. Street improvement plans shall comply with the City Standard Details 2017.
48. Street improvements shall include a City standard drain inlet fronting the property with an underground pipe connection to an existing public drain.

Transportation Engineering.

49. The applicant shall provide a signing and stripping plans showing compliance with the Americans with Disabilities Act (ADA) and general parking striping.
50. Plans submitted for building and grading 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.

Fire Department.

Access:

51. All fire apparatus access roads shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. This standard is also applicable to pavers or decorative concrete. Design of the public streets and private streets and courts shall meet City of Hayward Fire Department Standards.
52. Fire hydrants shall be Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2” outlet & two 4-1/2” outlets). Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants. (if applicable)

53. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced to provide all-weather driving capability. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus accesses.

Water Supply:

54. A fire flow shall be provided in accordance with the 2019 California Fire Code Table B105.1 based on the construction type and building area. 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.
55. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants.
56. A minimum access width of 26' shall be provided in the vicinity of each proposed fire hydrant.

Fire Protection:

57. An automatic fire sprinkler system shall be designed and installed conforming to NFPA 13 Standards is required. A separate fire permit is required for the fire sprinkler system installation. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation. (Deferred Submittal)
58. A maximum static pressure of 80 PSI should be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly.
59. A manual fire alarm system conforming to NFPA 72 Standards shall be installed for this building. This alarm system shall be designed and installed by a licensed C10 and/or Fire Alarm contractor. (Deferred Submittal)
60. An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser. The device shall activate upon any fire sprinkler system water flow activity.
61. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity.
62. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC) and NFPA 72 Standards.
63. 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.
64. Minimum building address shall be 4" high with 1.5" stroke. When building is located greater than 50 feet from street frontage, address shall be minimum 16"

high with 1.5" stroke. Tenant space number shall be 6" high with 0.75" stroke on a contrasting background to be visible from the street.

Solid Waste.

65. All trash enclosures must adhere to all the basic design guidelines provided in Section 3 of the City's Standard Design Requirements for Collection & Storage of Trash, Recyclables and Organics for Commercial (Business) and Multi-Family Projects. The building permit submittal shall include a detailed set of plans that show the design details of the enclosures, including the location of all bins and label each bin with the capacity (ex: three cubic yards, four cubic yards, etc.) as well as the type of waste (trash, recyclables, organics).
66. Submit the Construction and Demolition Debris Recycling Statement at the time of your building permit. The applicant will only need to submit the top "applicant" half of the form during the building permit. The bottom half of the form should be completed upon completion of the project to receive final building inspection approval. The form can be located online at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.
67. Per City Ordinance, all businesses are required to arrange for separate collection of recyclables. In addition, food related businesses are required to separately collect organics (compostable materials). For more information, please visit <http://www.recyclingrulesac.org/city/city-of-hayward/>. Please see Section 2 of attached for capacity needs. Also, see Section 3 of attached for trash enclosure design requirements, should an enclosure be deemed necessary.

Utilities – Water and Sewer.

Water:

68. On the plans for the building permit application, provide additional details for the proposed water meters and manifold service configuration shown on Sheet C4. Show the spacing between the water meters to scale.
69. Water and sewer service are available and subject to standard conditions and fees in effect at time of application and payment of fees.
70. All connections to existing water mains shall only be performed by City of Hayward Water Distribution personnel.
71. Domestic Water Services. The property no existing water services. Each residential dwelling unit is required to be served by separate domestic water meters. A minimum 5/8" domestic water meter is required for each unit. Water service connection fees will be assessed during the building permit application.
72. Irrigation Water Services. The property will have over 1,524 square feet of irrigated landscapes. A separate irrigation water meter is required.
73. Fire Water Services. Fire services shall be per the sizing requirements of the Fire Department and shall be installed per SD-204 and SD-201. New fire services must

be installed by City Water Distribution Personnel at the owner's/applicant's expense. Fire service installations are billed on an actual cost basis with a time and materials deposit due prior to the start of installation.

74. Sewer Services. The property has no existing sewer connection. The building may be served by one sanitary sewer lateral. Sewer connection fees will be assessed during the building permit application.
75. The developer shall install reduced-pressure backflow prevention assemblies on each irrigation and non-residential domestic water meter, per Standard Detail 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.
76. Water meters must be located a minimum of two feet from top of the driveway flares as per City Standard Detail 213 through 218.
77. Water mains and services, including the meters, must be located "at least 10 feet horizontally from and one foot vertically above, any parallel pipeline conveying untreated sewage, ..." (such as a sanitary sewer lateral) per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572.
78. 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. 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

Landscaping.

79. Prior to approval of building grading permit, detailed landscape and irrigation improvement plans prepared by a licensed landscape architect on an accurately surveyed base plan shall be approved by the City. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. Once approved, a digital file of the approved landscape and irrigation improvement plans shall be submitted to the Engineering Department for signatures and copies of the signed plans shall be included in the building permit submittal.
80. No building permit shall be issued prior to approval of landscape and irrigation improvement plans by the City.
81. Following notes shall be added to Planting Plan.
 - a. All final tree locations shall be field verified by the project landscape architect prior to planting.
 - b. All trees shall be planted a minimum of five feet away from any underground utilities, driveway and structure, a minimum of fifteen feet from a light pole, and

- a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the City.
- c. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as recommended by the manufacturer.
82. Pursuant to HMC Article 12, Appendix B Water Efficient Landscape Worksheet for water budget calculation shall use the latest methodology provided in Appendix B. Two Maximum Applied Water Allowance (MAWA) calculations provided on the plan shall match each other. Landscape water allowance under Part One Box B in the middle column doesn't match the MAWA in the left column. Estimated Total Water Use calculation shall be provided in compliance with Appendix B.
83. All trees planted as a part of the development and as shown on the approved landscape plans shall be "Protected" and shall be subject to the City's Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with the City's Tree Preservation Ordinance within the timeframe established by the City and pursuant to the Municipal Code.

CONDITIONS APPLICABLE DURING CONSTRUCTION

Hazardous Materials.

84. Hazardous Materials/Waste and their vessels discovered during Grading/Construction – If hazardous materials/waste or their containers are discovered during grading/construction the Hayward Fire Department shall be immediately notified at (510) 583-4910.
85. Hazardous Materials/Waste during Construction - During grading and construction hazardous materials and hazardous waste shall be properly stored, managed and disposed.

Land Development – Engineering.

86. Stormwater City standard curb, gutter, sidewalk, and driveway shall be constructed across the property frontage per plans approved by the City Engineer.
87. Install City standard drain inlet in street fronting the property with an underground pipe connection to an existing public drain.
88. Street pavement fronting the property shall be reconstructed or improved to provide Traffic Index 7 load bearing capability. Install pavement markings, striping and traffic signage as required.
89. New improvement in street right-of-way shall conform to grades and form of existing adjoining improvements.
90. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the City Engineer:

- a. Construction activities on the project site shall be in conformance with Section 4-1.03-4 of the City's Municipal Code unless otherwise permitted by the City Engineer or Chief Building Official and 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. 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.
 - c. 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.
 - d. 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;
 - e. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - f. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
 - g. 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;
 - h. 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.
91. 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.

Utilities –Water and Sewer.

92. All connections to existing water mains shall be performed by City Water Distribution Personnel at the Applicant/Developer expense.

93. All water services from existing water mains shall be installed by City Water Distribution Personnel at the Applicant/Developer expense. The Developer may only construct new services in conjunction with their construction of new water mains.

Utilities – Other.

94. All service to the development shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. Transformers and switch gear cabinets shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted City approval as part of the Improvement Plans prior to installation. (DS/PW-ET)

CONDITIONS DUE PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY AND POST-CONSTRUCTION:

Land Development – Engineering.

95. Site grading, drainage and street improvements shall be completed per plans approved by the City Engineer.
96. Street right-of-way dedication documents shall be approved by the City and filed in the County Recorder's public records.
97. Stormwater Pollution Prevention measure maintenance agreement shall be executed and filed in the County Recorder's public records.
98. Street improvement "as-built" plans shall be approved by the City Engineer and the City shall be provided with the same in electronic and photomylar medias.

Landscaping.

99. Issuance of Certificate of Occupancy:
 - a. Pursuant to HMC Section 10-12.09. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be submitted to the City prior to requesting an inspection from the City Landscape Architect.
 - b. Pursuant to HMC Section 10-12.11. For new construction and rehabilitated landscape projects installed after December 1, 2015, the project applicant shall submit an irrigation audit report done by the third party as required in Appendix C - Certificate of Completion Part 5 to the City. The report may include, but not limited to inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation

controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming.

100. Landscape Maintenance.

- a. Landscaping shall be maintained by property owner 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.
- b. 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.
- c. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep.
- d. 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.
- e. 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.

101. Irrigation systems shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

102. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three-inch deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep.

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