

**CITY OF HAYWARD PLANNING COMMISSION  
PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT  
LOCATED AT 21659 MISSION BOULEVARD  
SITE PLAN REVIEW AND DENSITY BONUS APPLICATION NO. 201902713  
VESTING TENTATIVE TRACT NO. 8520**

**DRAFT CONDITIONS FOR APPROVAL**

1. The approval of Site Plan Review, Vesting Tentative Tract Map (#8520) and Density Bonus Application No. 201901824 shall allow for the development of a multi-family residential development including twenty-seven (27) townhouse-style condominiums for ownership and eighteen (18) apartment for rent. The project will include on-site affordability with the reservation of three (3) townhome-style condominiums for moderate income households and one (1) apartment rental for a very-low income household. The application also includes the utilization of two (2) density bonus concessions/incentives, consistent with State law, to modify the common open space requirements and the height limitations. The project site is located on a 1.12-acre vacant infill site at 21659 Mission Boulevard, Assessor Parcel No.428-0006-058-01.
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. 201902713 is approved subject to the architectural, civil, and landscaping plans date stamped July 20, 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. The applicant shall be required to submit a physical color and materials board to the Planning Division at the building plan check phase for final approval of all exterior building finishes, colors, materials, and other architectural details.

16. Prior to recordation of the Final Map, a pedestrian and bicycle cross-access easement shall be recorded between the common area for the townhome-style condominium and the apartment building parcels at the southern edge of the project site between the two properties. Residents of the apartment dwelling units shall be authorized to utilize the common open space that is centrally located to the entire development including the playground, community vegetable garden, and community lawn area as well as obtain access to/from Montgomery Street.
17. All proposed townhome-style condominiums with a Montgomery Street frontage shall be required to install low-perimeter decorative fencing up to three-feet tall with accent landscaping features to be approved by the Planning Division.
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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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).

25. 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.
26. 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.
27. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
28. 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.

29. 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, on file with the Planning Division and included as **Attachment V** 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.
30. 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, on file with the Planning Division and 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.
31. If the developer decides to phase the project, then prior to the execution of the Affordable Housing Agreement, the developer shall submit a Phasing Plan subject to the review and approval of the City Council or designated reviewing authority as specified in the City's Affordable Housing Ordinance(AHO) in effect at the time. Phasing of the project includes any situation where the developer elects to obtain building permits for the market-rate units prior to all affordable units per the AHO, any

situation where the developer seeks to obtain Certificates of Occupancy(COO) for any market-rate units prior to the issuance of COO for all affordable units included in the project, or any other situation specified in the AHO.

Building Division.

32. 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.
33. 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.
34. 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 Fees.

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.

Building Construction:

37. 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.
38. Building construction shall be in accordance with the current California Building Code (CBC) cycle, as amended.

Land Development – Engineering.

39. 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.
40. Utility Services: All new utility service connections to the project shall be installed underground.

County of Alameda Public Works Agency (County Engineering).

41. This project will likely increase the quantity of urban runoff pollution entering the storm drain system. Storm Water Quality Control issues must be appropriately addressed. It is the responsibility of the applicant to comply with Federal, State, or local water quality standards and regulations.
42. The project should be designed so that the development of the property will not result in augmentation in runoff from the site.
43. Prior to the issuance of any building permits on this site, a detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist must be submitted to the Alameda County Public Works Agency office for review. The proposed curb elevations are not to be less than 1.25 feet above the hydraulic grade line, as shown in figure 14 of the Hydrology and Hydraulic Criteria Summary, and at no point shall the curb grade be below the energy grade line.  
  
Copies of the Drainage Review Checklist and Criteria Summary are available from the ACPWA office.
44. Do not block runoff from adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project area.
45. Do not augment runoff to adjacent properties. If development associated with a higher runoff coefficient (C'-value) than the originally anticipated value is proposed, the augmented storm runoff will have to be mitigated.
46. Adequate provision for silt and erosion control in both construction and post-construction phases of development should be provided. Grading should be done in accordance with grading, erosion, and sedimentation control plans approved by the City of Hayward.
47. The ACPWA office recommends that all storm drains be no less than 18-inches in diameter to minimize maintenance problems.
48. The applicant shall be required to obtain an encroachment permit from the County Permit Center before beginning work on Mission Boulevard.
49. Any water well, cathodic protection well, or exploratory boring that is shown on this map, is known to exist, is proposed, or is located during the course of field



operations must be properly destroyed, backfilled, or maintained in accordance with applicable groundwater protection ordinances. The owner or other responsible party should call the Alameda County Water District for additional information.

50. The County of Alameda is planning the construction of street improvements along Mission Blvd including in the vicinity of 21659 Mission Boulevard. The property owner shall be responsible for the installation of the frontage improvements (i.e. Portland cement concrete curb, gutter and sidewalk, a raised Class IV bikeway, landscape areas, street trees, street and pedestrian scale lighting, driveways and pavement tie-in) per the County's Mission Boulevard Improvement Project plans. The owner may defer the improvements by agreeing to contribute their share of the cost of the County administered roadway improvement project by entering into an "AGREEMENT FOR COMPLETION OF PUBLIC STREET IMPROVEMENT WORK" with the County for said improvements along the entire Mission Boulevard frontage of the site prior to the approval of the Project Improvement Plans. Please contact Amber Lo or Kyin Yee Yin, County Public Works Agency at [amberl@acpwa.org](mailto:amberl@acpwa.org) or [kyin@acpwa.org](mailto:kyin@acpwa.org) for any questions.

#### Solid Waste

51. Waste containers for the townhomes and apartment complex will be placed in the staging area no later than 6 a.m. on collection days. Empty waste containers for the apartment complex must be removed from the staging area by noon on collection days.

#### Water Pollution Source Control.

52. 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.

### **CONDITIONS DUE PRIOR TO THE ISSUANCE OF PERMITS.**

#### Land Development – Engineering.

53. Mission Boulevard Permit: Applicant shall secure a permit from the Alameda County Public Works Department before start of any construction or traffic disrupting activity in Mission Boulevard right-of-way.
54. Tract Map 8520: The property owner shall submit for the City's approval a technically correct Final Map, substantially complying with the City approved Tentative Map and showing all easements. The Final map shall be prepared by a California State Licensed Surveyor or qualifying Civil Engineer and shall be submitted together with the following:
- a. Recently issued Title Report listing current property rights, easements and encumbrances
  - b. Lot closure calculations

- c. Proposed Homeowners Association documents including Covenant, Conditions and Restrictions.
55. Improvement Agreement: The property owner shall execute an Improvement Agreement with the City for completion of the required improvements in a timely manner as per plans approved by the City Engineer and post the required securities and liability insurance documents therefor. The required improvements shall include, but not be limited to the following:
- a. On-site grading and drainage improvements shall comply with the requirements of the geotechnical engineering report and stormwater pollution prevention requirements.
  - b. Montgomery Avenue shall have new concrete curb, gutter, sidewalk and driveway fronting the property as per the City Standard Details.
  - c. Montgomery Avenue street pavement, fronting the development, shall be repaired and resurfaced with hot-mix A.C. to provide a minimum Traffic Index 5 (minimum two-inch thick) and mitigate the impacts of the development required pavement cuts.
  - d. City standard LED streetlights on metal poles shall be installed on Montgomery Avenue fronting the development.
  - e. All Utility services to the property shall be underground.
  - f. Improvements required in Mission Boulevard and Montgomery Avenue, north of the Hayward city limits as per plans and permits approved by the Alameda County Public Works Agency.
  - g. Improvements required for potable water service as per plans and permits issued by the East Bay Municipal Utility District.
56. Grading and Drainage: A grading permit issued by the City's Public Works Department is required prior to the issuance of any building permit. The grading permit application shall include privately engineered grading and drainage plans approved by the City Engineer and providing the following:
- a. Existing and finished lot grades; cut and fill quantities; stormwater pollution prevention measures; surface and sub-surface drains, drain inlets and structures shall be shown on the grading and drainage plans.
  - b. Earth retaining structures greater than 4-feet in height (top of wall to bottom of footing) shall require Building Permit(s) from the Building Division of the City's Development Services Department.
  - c. Land disturbance of one or more acres require a Notice of Intent filed with the State Water Resources Control Board (Water Board) along with a Storm Water Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD). Copies of these documents and WDID Number issued by the Water Board must be submitted to the City Engineer when a grading permit is requested.
  - d. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria shall be used to design the storm drain system.
  - e. The project's Stormwater Control Plan shall include drainage management areas, locations and details of all treatment control measures and numeric sizing

calculations in conformance with Alameda County Clean Water Program C3 Technical Design Guidance available online.

57. Plans and construction permits for drainage and other improvements on Montgomery Avenue, north of the project shall be approved by the Alameda County Public Works Agency.
58. Before issuance of a building permit, existing utility pole and its cables on the property shall be removed, relocated or placed underground.
59. Before issuance of a building permit, plans for potable water service shall be approved by the East Bay Municipal Utility District.
60. Before issuance of a building permit, a site grading and improvement permit from the City of Hayward Public Works Department will be required. This permit shall require plans prepared by qualified State licensed professionals and approved by the City Engineer.
61. Before issuance of a building permit, the tract map, condominium plan and its related covenant, conditions and restrictions shall be approved by the City and filed in the County records.

#### Transportation Engineering.

62. Applicant shall prepare, include, and submit the following items as part of the Project's Improvement Plans:
  - a. On-site and Off-site Signing and Striping Plans which shall be prepared in accordance with the latest edition of Caltrans Standard Plan Drawings, the California Manual of Uniform Traffic Control Devices, and the City of Hayward's 2017 Standard Details;
  - b. Turning Analysis using a WB-50 vehicle and the AutoTurns software; and
  - c. On-site and off-site outdoor Photometric Analysis and Lighting Plan(s), including on-street lighting on Montgomery Avenue, prepared in accordance with Hayward Standard Details sheet SD-120 (Lighting Requirements). Please refer to: [www.hayward-ca.gov/documents/hayward-standard-details](http://www.hayward-ca.gov/documents/hayward-standard-details) for additional information

#### Fire Department.

##### *Access:*

63. All public streets, private streets and private courts 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.
64. 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 (Mission Blvd.). 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.

65. Building or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

*Water Supply:*

66. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. The type of fire hydrant shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet) in single-family residential area, capable of flowing 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department. (if applicable based on existing fire hydrant spacing on Mission Blvd. and Montgomery St.)
67. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
68. A fire flow shall be provided in accordance with the 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 13/13D Standards. The resulting fire flow shall not be less than 1,500gpm. (Provide with submittal of building drawings)
69. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the 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 in proximity to the proposed (on Montgomery St).

*Fire Protection:*

70. All buildings are required to install a fire sprinkler system in accordance with NFPA 13/13D based on construction. (Deferred submittal by a licensed C-16 Contractor Required)
71. Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
72. Underground fire service line serving NFPA 13/13D sprinkler system(s) shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-204/216. Water meter shall be minimum one-inch in diameter (if applicable).

73. A fire alarm system with occupant notification shall be provided in accordance with CFC Section 907 and NFPA 72 Standards for all buildings. Fire alarm system shall be equipped with phase 1 recall and phase 2 in-car recall per the California Fire Code (CFC) sec. 607. (a separate submittal is required to the Hayward Fire Department by a Licensed C-10 Contractor)
74. The (R2) apartment building shall be equipped with a Class 3 Standpipe system in accordance with the California Fire Code section 905.
75. An audible alarm bell (device) shall be installed to sound on the exterior of each individual building. The device shall activate upon any fire sprinkler system waterflow activity.
76. An interior audible alarm device shall be installed within each dwelling (R3, R2) in a location to be heard throughout the residence. The device shall activate upon any fire sprinkler system waterflow activity.
77. 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 California Fire Code (CFC) respectively.
78. 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.
79. A minimum 4" self-illuminated address shall be installed on the front of the dwelling in a location to be visible from the street. Otherwise, a minimum 6" address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.

Hazardous Materials.

80. Environmental and Health Based Site Clearance – There exists environmental documentation for this site, including information available from the California State Water Resources Control Board's (SWRCB) GeoTracker website, which identifies existing contamination in soil, groundwater and soil vapor on the site. The contaminants identified include petroleum, volatile organic compounds (VOCs), and perchloroethylene (PCE). There also exists a deed restriction, dated June 8, 2017, that requires various approvals, plans (including Site Mitigation Plan), notifications, remediations and mitigations (including vapor intrusion mitigation). These requirements, as well as certain prohibitions are triggered by actual and potential activities. Such activities include, but are not limited to, excavation, drilling, grading, construction, development, ground water extraction/use, etc.

As a condition of approval, the applicant shall provide environmental screening clearance from the Alameda County Department of Environmental Health's Local Oversight Program (LOP). The LOP contact, Paresh Khatri, can be reached at 510 567-6700. Clearance from the LOP will ensure that the proposed residential project meets development investigation and cleanup standards, including any clearance stipulations, such as a deed restriction or the need for any groundwater/soil

vapor/soil management plan. LOP clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office and the City of Hayward Planning Division prior to issuance of any grading and building permits. In order to obtain these clearances and to meet conditions of the established deed restriction, the applicant shall also work and coordinate with the San Francisco Bay Regional Water Quality Control Board (SFBRWQB).

The applicant shall provide reasonable access as required by the environmental oversight agency for the investigation/mitigation of potential offsite sources of contamination.

81. Electronic Submittal of Environmental Documentation – Environmental Documentation associated with the evaluation, investigation and/or clearance of this site shall be provided in an electronic format to the City of Hayward Fire Department and Planning Division prior to the issuance of the Building or Grading Permit.
82. Grading – A condition of approval 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 an appropriate professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated.
83. Wells, Septic Tank Systems or Subsurface Structures – Any wells, septic tank systems and other subsurface structures shall be removed properly to minimize threats to the health and safety of the development construction workers, future residents or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.
84. Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts – If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Hayward Fire Department (HFD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report shall be required to be submitted to document the activities performed and any conclusions. Below are specific requirements on each:
  - a. Underground storage tank and associate piping: An approved removal plan, including appropriate sampling, a Hayward Fire Department permit for the removal, and follow-up report is required.
  - b. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report is required.
  - c. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.
85. Future Commercial Uses – No commercial use is proposed at this time for the project. If changes are approved that allow commercial uses, then the applicant

shall provide adequate information associated with the use or storage of hazardous materials/waste for evaluation and approval by the Hayward Fire Department to ensure adequate conditions are met.

Solid Waste.

86. 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).
87. 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>.
88. 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 (East Bay Municipal Utility District - EBMUD).

Water:

89. Water service for the proposed development for domestic, irrigation, and fire purposes shall be provided by EBMUD. The applicant and/or developer shall be responsible for coordinating with EBMUD to obtain water service and obtain all required authorizations from their office, including but not limited to, related on- and off-site improvements, infrastructure upgrades, etc.
90. More than one parcel may not be served from a single meter. Separate water meters shall be required for each residential dwelling unit, irrigation, and fire service unless otherwise directed by EBMUD.
91. A main extension, at the applicant/developer's expense, shall be required depending on EBMUD metering requirements and fire flow requirements set by the Hayward Fire Department. Off-site pipeline improvements, also at the applicant/developer's expense, shall be required to serve the proposed development as determined by EBMUD. Off-site pipeline improvements include, but are not limited to, replacement of existing pipelines to the project site.

92. When the development plans are finalized, the project sponsor shall contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the proposed development. Engineering and installation of water mains, off-site pipeline improvements, and meters requires substantial lead time, which should be included within the project sponsor's development schedule. Applicant/Developer must apply for water and fire service with EBMUD's New Business Office. Approved EBMUD requirements must be incorporated into the project improvement plans submitted to the City.
93. Water meters are not allowed to be located in driveways.
94. The applicant/developer shall 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 sponsor's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

Utilities - Sewer Services (City of Hayward).

95. 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 sanitary sewer easement or a minimum 10' wide easement shall be granted to the City.
96. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sanitary Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of approval (refer to the City's website at <https://www.hayward-ca.gov/your-government/departments/engineering-division>).
97. Applicant/Developer shall be responsible for payment of its share of the cost of upgrading the sanitary sewer collection system in Montgomery Avenue and Sunset Boulevard to accommodate the proposed development. The Applicant/Developer share is as follows:
  - a. Apartment Building Project: \$17,718.59 for the 18-unit apartment building (to be paid at issuance of building permit for Apartment Building).
  - b. Townhomes Residential Project: \$984.37 per dwelling unit (to be paid at issuance of building permit for each townhome residential unit).

The developer is responsible for payment of sewer connection fees at the current rates at the time and application for sewer service is submitted. The sewer connection fees are in addition to the sewer impact fee that is described in the sewer comment above related to the upgrade of the sewer collection system.

98. 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.

99. Prior to issuance of the first building permit, detailed landscape and irrigation improvement plans shall be approved by the City. Once approved, electronic copy 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.
100. No building permit shall be issued prior to approval of landscape and irrigation improvement plans.
101. A tree removal permit shall be obtained prior to the removal of any tree in addition to grading and/or demolition permits.
102. Upon completion of installation and acceptance of the project, As-built/Record electronic plans shall be submitted to the Engineering Department by the developer.
103. 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.
104. Landscape Improvement Plans shall include landscape statement: "I have complied with the criteria of City of Hayward Bay-Friendly Water Efficient Landscape Ordinance and applied them for the efficient use of water in the landscape and irrigation design plan."
105. Tree protection plan shall be included on the plans. Tree protection fence or other barriers as recommended by the project arborist shall be provided at the drip line in compliance with Tree Preservation Ordinance during the entire construction period. Construction material, vehicle or construction activities shall not be taken within the drip line or within fenced areas.
106. Correction to Maximum Applied Water Allowance calculation shall be made to show the proposed lawn area as special landscape area.
107. Landscape improvement plan shall be reviewed and approved by EBMUD prior to submitting the improvement plans to the City.
108. Recommendations to placement of Lagerstroemia. Lagerstroemia species is susceptible to mildew and must be located where well ventilated. The species does not like to be in wet-soil condition. Lagerstroemia located at northwest corner of Building 5, between Apartment Building and Building 4 and northeast corner of Building 3 should be evaluated and consider substituting with another tree species that would be more suitable in this microclimate condition or adjust the locations to improve the ventilation.

## **CONDITIONS APPLICABLE DURING CONSTRUCTION**

### **Hazardous Materials.**

109. 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.
110. Hazardous Materials/Waste during Construction - During grading and construction hazardous materials and hazardous waste shall be properly stored, managed and disposed.

### **Land Development – Engineering.**

111. Stormwater City standard curb, gutter, sidewalk, and driveway shall be constructed across the property frontage per plans approved by the City Engineer.
112. Stormwater Pollution Prevention: Stormwater pollution prevention measures approved by the city engineer shall be in place before any ground disturbing activity.
  - a. Stormwater pollution prevention measures shall be upgraded and maintained as needed during construction.
  - b. Qualified SWPPP Practitioner (QSP) shall regularly inspect and submit monthly and final reports to the Public Works Inspector in addition to the submittals to the State Water Quality Control Board.
113. 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.

Utilities – Water (East Bay Municipal Utility District - EBMUD).

- 114. Any upgrades to existing water mains or water main extensions shall be performed by EBMUD per Regulations Governing Water Service to Customers of the EBMUD at the Applicant/Developer expense.
- 115. All water services from existing water mains shall be installed by EDMUD Personnel at the Applicant/Developer expense.

Utilities – Other.

- 116. 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.

- 117. Stormwater Treatment Maintenance: The property owner shall execute the City's standard "Stormwater Treatment Measures Maintenance Agreement" provided by the City. This agreement shall be filed in the public records of the Alameda County.
- 118. Construction of Improvements: All public and private improvements, including punch list items, must be complete prior to the issuance of a certificate of occupancy.
- 119. As-Built Records: As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

Landscaping.

120. If model homes would be opened, model homes shall comply with Municipal Code Article 12, Section 10-12.17 Public Education, Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Article. Proposed signs shall be submitted to the City as a part of the model home permit for an approval:
  - a. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.
  - b. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.
121. 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.
122. 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.
123. 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.
124. 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.
  - c. Prior to the issuance of Certificate of Occupancy for each unit, all landscape and irrigation shall be installed in accordance with the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect. Re-inspection fees shall be applied for each subsequent inspection.
125. 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.
126. All landscape improvements installed by the developer shall be maintained 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. The owner's representative shall inspect the landscaping monthly 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. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

**--END--**