

**CITY OF HAYWARD PLANNING COMMISSION
PROPOSED COMMERCIAL CANNABIS RETAIL DISPENSARY
WITH ANCILLARY DELIVERY USE
"JIVA LIFE" AT 22701 FOOTHILL BOULEVARD AND 1055 C STREET
CONDITIONAL USE PERMIT APPLICATION NO. 201906312**

DRAFT CONDITIONS OF APPROVAL

GENERAL

1. The approval of Conditional Use Permit No. 201906312 shall be limited to the operation of a commercial cannabis retail dispensary with ancillary delivery services within an existing commercial building located at 22701 Foothill Boulevard and the site parking lot at 1055 C Street. The commercial cannabis retail and ancillary delivery business shall operate consistent with the definition provided below, unless otherwise amended and/or expanded upon, in the Hayward Municipal Code and/or State law.
2. The applicant 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. The applicant, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
4. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City and agreed to by the applicant, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were pulled to construct the project. The applicant acknowledges that the conditions set forth in this approval are not intended to supersede any obligations imposed pursuant to Chapter 6, Article 14 of the Hayward Municipal Code related to commercial cannabis permits, as it may be amended from time to time.
5. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.

Cannabis Dispensary Use & Operations

6. The commercial cannabis distribution operation shall be subject to and comply with the regulations and standards of Chapter 6, Article 14 (Commercial Cannabis

Businesses) and Chapter 10, Article 1, Section 10-1.3600 (Cannabis) of the Hayward Municipal Code.

7. The commercial cannabis distribution operation shall be subject to and comply with the Bureau of Cannabis Control (BCC) California Code of Regulations Title 16, as amended, and all other pertinent State and Local regulations unless otherwise further restricted by these Conditions of Approval and/or the Hayward Municipal Code.
8. The applicant shall take all reasonable steps to discourage and correct conditions that constitute a public or private nuisance in parking areas, sidewalks, alleys and areas surrounding a permitted facility. Such conditions include but are not limited to: smoking; creating a noise disturbance; loitering; littering; accumulation of weeds, junk, trash, and debris, and graffiti. Graffiti must be removed from property and parking lots under the control of the permittee within 72 hours of discovery.
9. The cannabis retail dispensary and retail delivery business may operate per the hours allowed by the State, 9 a.m. and 9 p.m. daily PST. Upon license renewal, the City may impose more restrictive hours of operation due to site specific conditions or as the result of excessive and/or extraordinary calls for service, as determined by the City's Police Department.
10. The retail delivery vehicle(s) shall not be stationed and/or loaded for delivery on the public right-of-way including, but not limited to, the sidewalk, street, median, etc.
11. During the business hours of operation, all retail delivery vehicles shall be stationed on site, in the designated parking area shown on the approved set of plans on file with the Planning Division, date stamped September 10, 2020.
12. After normal business hours, there shall be no delivery vehicles or retail delivery vehicles parked on-site overnight.
13. All loading and unloading of delivery vehicles or retail delivery vehicles shall be done to the rear of the building (parking lot area) as shown on the approved set of plans on file with the Planning Division, date stamped September 10, 2020.
14. The cannabis dispensary shall operate according to these conditions of approval and the business plan date stamped September 10, 2020.included as part of the use permit application, including the hours of operation, intensity of use and mode/character of the proposed dispensary operation. Any future change or modification of the operational plan and/or any expansion of the approved use may require the submittal of a new use permit application and commercial cannabis permit and shall be subject to additional review and approval by the City prior to any change, modification or expansion.
15. The applicant shall provide a detailed Community Benefits program and coordinate the implementation of the proposed Community Benefits program with City staff within six months from use permit approval. The applicant will be subject to annual review and verification on the implementation of the approved Community Benefits program prior to permit renewal.

16. Permittees shall employ only persons at least 21 years of age at any permitted facility within the City of Hayward. Employee records shall be kept and maintained, and proof of age shall be provided to the City upon request. No person under the age of 21 years old shall be in a commercial vehicle or trailer transporting cannabis goods.
17. Permittees shall have an on-site manager at each permitted facility within the City of Hayward who is responsible for overall operation during times that employees are conducting operations and shall provide the City with contact information for all such persons, including telephone number and email address. Permittees shall also provide the City with the name and contact information including phone number of at least one manager that can be reached 24-hours a day.
18. The proposed cannabis use shall operate in a manner to prevent possible diversion of cannabis and shall promptly comply with any track and trace program established by the State.
19. No outdoor storage or uses are permitted. All cannabis related activities are to be conducted wholly indoors. No curbside pickup shall be permitted.
20. The applicant shall notify the City if it intends to transfer ownership or operational control of a Commercial Cannabis Business. The transferee shall be responsible for complying with all applicable local and state licensing requirements. Any conditions imposed upon the transferor by the original use permit shall be binding upon any subsequent transferees. Any transfer of ownership or operational control of a Commercial Cannabis Business which results in a lapse of normal operations for a period of six months or more shall be required to obtain a new use permit and/or commercial cannabis permit, consistent with Hayward Municipal Code Sections [10-1.3170](#) or [10-1.3270](#), as applicable.
21. Cannabis or cannabis products, whether for medicinal or adult recreational use, shall only be sold to individuals authorized by state law to purchase such cannabis or cannabis products.
22. No person who is younger than the minimum age established by state law for the purchase, possession or consumption of cannabis and cannabis-related products shall be allowed on the premises of a permitted Commercial Cannabis Business.
23. Subject to Section 10-1.3607 of the Hayward Municipal Code, consumption or ingestion of cannabis or cannabis products on the premises of a permittee, including outdoor areas and parking lots, is prohibited.

Security

24. The proposed cannabis use shall provide adequate security on the premises, including any on-site security, lighting and alarms, to ensure the public safety and the safety of persons within the facility and to protect the premises from theft. Additionally, all Commercial Cannabis Businesses and Cannabis Operators shall include a security and safety plan that includes the following minimum requirements:

- a. *Security Cameras.* Security surveillance IP video cameras shall be installed at the public and vendor entrances, in the parking lot and throughout the building in accordance with the Security Room Diagram provided in the Conditional Use Permit Application. All cameras shall be maintained in good working order to provide coverage on a twenty-four (24) hour real-time basis of all internal and exterior areas where Cannabis is dispensed. The cameras shall allow for remote access to be provided to the Hayward Police Department. The security surveillance cameras shall be oriented in a manner that provides clear and certain identification of all individuals within those areas. IP cameras shall always remain active and shall be capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for ninety (90) days.

The applicant shall maintain a Video Assessment and Surveillance System (VASS) that provides comprehensive coverage, at a minimum, of safe(s), areas of ingress and egress, storage areas, parking lot, loading areas, coverage of all four (4) exterior sides of the property, and adjacent public rights of way.

- b. *Building Security.* All points of ingress and egress to the proposed use shall be secured with Building Code compliant commercial-grade, non-residential door locks and/or window locks. All heating, ventilating, air-conditioning and service openings shall be secured with steel bars and/or metal grating.
- c. *Security Guards.* The applicant shall provide at least two (2) uniformed security guards licensed by the State of California. The security guards shall be stationed at each entrance when in use. The security guard(s) shall maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby resident(s). Said personnel shall carry his/her Guard Card on their person at all times and present it to any Peace Officer upon demand. Said personnel shall be clothed in such a manner as to be readily identifiable. Additional guards may be required at the discretion of the Chief of Police.
- d. *ID Scanners.* Security guards shall use an ID scanner to verify authenticity of IDs for all patrons who enter the business.
- e. *Alarm System.* A professionally monitored security alarm system shall be installed and maintained in good working condition. The alarm system shall include sensors to detect entry and exit from all secure areas and all windows. The applicant shall keep the name and contact information of the alarm system installation and monitoring company as part of the Commercial Cannabis Business's onsite books and records.
- f. *Secure Storage and Waste.* Commercial Cannabis products and associated product distribution and dispensing waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance. Cannabis products shall be secured in a safe and/or vault room with proper locking and security mechanisms. Any safes or vaults smaller than 750-pounds shall be bolted down to the ground.
- g. *Transportation.* The proposed use shall implement procedures for safe and secure transportation and delivery of Commercial Medical and Non-Medical Cannabis,

- including all Cannabis products and currency, in accordance with local and state law. None of the vehicles associated with commercial use shall have markings or advertising that indicates the presence of cannabis on-site.
- h. *Emergency Access.* Security measures shall be designed to ensure emergency access is provided to the Hayward Police Department and Hayward Fire Department for all areas on the premises in the case of an emergency.
 - i. *Background Checks.* All employees, including construct security guards, working in conjunction with the cannabis retail and delivery uses shall be subject to background/LiveScan checks. Additionally, all employees shall furnish the Hayward Police Department a state or federal registered Identification Card, upon request.
 - j. *Inspections.* During regular business hours, the building premises shall be accessible, upon request, to an identified Hayward Police Department, Building Division or Code Enforcement employee for random and/or unannounced inspections.
 - k. *Records Retention.* A licensed retailer must maintain financial records, personnel records, training records, contracts, permits, security records, destruction records, data entered into track-and-trace, and an accurate record of all sales for seven years. All records must be made available to the Hayward Police Department upon request
 - l. *Local Contact.* Cannabis Operators shall also identify a local contact who will be responsible for addressing security and safety issues and shall provide and keep current that contact information to the Hayward Police Department as part of the permitting process.

Odor Control

- 25. No cannabis odors shall be detectable outside of the facility. The applicant shall incorporate and maintain adequate on-site odor control measures such that the odors resulting from cannabis stored and sold on-site cannot be readily detected from outside of the structure in which the Business operates or from other non-cannabis businesses adjoining the Commercial Cannabis Business.
- 26. No cannabis plants (at any maturity or health level), with the exception of cannabis seeds, shall be permitted to be stored at the premises.
- 27. The building permit applicant shall include duct work, filters and other recommendations included in the Odor Mitigation Plan and shall be certified by a professional engineer or industrial hygienist. The Odor Mitigation Plan submittal shall include the following:
 - a. Operational processes and maintenance plan, including activities undertaken to ensure the odor mitigation system remains functional;
 - b. Staff training procedures; and

- c. Engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources. All odor mitigation systems and plans submitted pursuant to this subsection shall be consistent with accepted and best available industry-specific technologies designed to effectively mitigate cannabis odors.

Commercial Cannabis Permit

- 28. The applicant shall obtain and maintain a valid Commercial Cannabis Permit from the City, including any other applicable State and local permits. Commercial Cannabis Permit applications and renewals are subject to the requirements of HMC Section 6-14.15. **Commercial Cannabis Permits are valid for a period of one year from the date that the permittee received land use approval and shall be renewed annually.** The permit is invalid if the term has expired and the annual fee, as established in the City of Hayward Master Fee schedule, has not been timely paid in full. Non-payment will result in a violation penalty fee in accordance with the Master Fee Schedule for Cannabis uses. Additionally, the City may invalidate or suspend a Commercial Cannabis Permit for excessive calls for service or nuisance citations.
- 29. The proposed commercial cannabis use shall not commence operations until the Business can demonstrate compliance with all necessary state and local licenses (dual licensing) and agency permits. Failure to demonstrate dual licensing in accordance with the Hayward Municipal Code shall be grounds for revocation of a City approved permit. Revocation of a local permit and/or a state license shall terminate the ability of the Commercial Cannabis Business to operate until a new permit and/or state license is obtained.
- 30. The applicant shall maintain books, records, accounts, public safety calls for service, and all data and information relevant to its operations of the commercial cannabis use, including the implementation of the proposed community benefits component, and allow the City access to such records for purposes of conducting an audit or examination to determine compliance with the Hayward Municipal Code, and other local regulations, including compliance with local tax obligations. Prior to the applicant's commercial cannabis permit renewal each year, the applicant shall provide these records to the City for review to verify compliance.

Delivery Operations

- 31. No cannabis or cannabis products shall be delivered to individuals who are under 21 years of age.
- 32. The delivery driver shall not deliver cannabis to an individual who is visibly intoxicated at the time of delivery.
- 33. The delivery driver shall not deliver cannabis to an individual if there is reason to believe the cannabis will be diverted to a person under 21 years of age, or a person who is not a qualified medical marijuana patient
- 34. All money received by the delivery driver shall be promptly stored in the delivery vehicle's secure container.

35. Upon returning to the business location, the delivery driver and a staff manager shall reconcile the delivery manifest, delivery log, remaining inventory, and all money received.
36. Prior to the close of business for the day, the manager shall ensure that all delivery information is entered into the applicant's records.
37. Prior to engaging in delivery operations, and at any time during normal business hours, each delivery vehicle shall be inspected and approved by the Chief of Police.
38. Each delivery vehicle shall not have any identification or markings relating to cannabis. Each delivery vehicle shall be equipped with a secure container.
39. Each delivery vehicle shall be equipped with a dual-facing video camera and recording system affixed to the vehicle and positioned in such a way as to capture the driver/interior of the vehicle, as well as the front outside of the vehicle.
40. All cannabis transactions between the driver and the customer shall be recorded via a body worn camera. Notification shall be made to the customer prior to the transaction advising all sales of cannabis are video and audio recorded. Video recordings from each delivery vehicle recording system shall be retained for 90 days.
41. The delivery vehicle video and recording system must be of adequate quality, color rendition, resolution, and position to allow the ready identification of any individual driving the delivery vehicle, approaching the delivery vehicle, or occupying the passenger compartment of the delivery vehicle.
42. Delivery vehicle video recordings shall be made available and accessible to the Chief of Police and any other city official charged with enforcing the provisions of this Code immediately upon request for review and copying.
43. The delivery vehicle shall be equipped with a GPS tracking system with the following minimum capabilities:
 - a. Live remote monitoring of the delivery vehicle from when it leaves the collective to when it returns to the collective and is no longer in service as a delivery vehicle,
 - b. Live updates at no greater than ten (10) second intervals
 - c. Storing historical GPS data for at least 90 days
 - d. A cell phone does not meet the GPS tracking system requirement;
 - e. Access to both live and historical GPS tracking system data shall be provided to the Chief of Police;
44. The applicant shall obtain and maintain for each delivery vehicle and driver all of the insurance requirements as may be presently or in the future required by any financial responsibility laws of the State of California regarding Commercial Car Insurance;
45. Should the insurance coverage for any driver or vehicle be revoked or cancelled, such driver or vehicle shall be taken out of service immediately.

Interior and Exterior Building Design

46. The building colors, materials, architectural features shown on the building permit plans shall match those shown on the plans and renderings, except as modified in these conditions of approval. All final colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit. The applicant shall be required to subject a physical colors and materials board for Planning Division staff review along with their building permit application package.
47. Storefront windows shall be kept clear and free of all interior or exterior obstructions including but not limited to display cases, curtains, black out windows, and other methods of obscuring light and views into the building.
48. Interior fixtures and structures including, but not limited to, interior cornice shall not block windows and shall not be placed in a manner to be visible from the sidewalk or entries. Interior fixtures shall be sized and/or placed in a manner to ensure that cannabis is not visible from the public right-of-way.
49. Windows shall not be blacked out or covered with interior shutters or curtains in a manner to block views into the tenant space; however, can be frosted or some similar feature to prevent direct and completely open views into the dispensary area.
50. All vents gutters, downspouts, flashings, electrical conduits, and other utilitarian fixtures shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
51. All lighting fixtures affixed to the building shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, shall be recessed/shielded to minimize visual impacts.
52. All exterior and rooftop mechanical equipment shall be screened. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and other equipment. All rooftop screening and mechanical equipment shall be shown on the project plans and be subject to final review and approval by City staff prior to the issuance of an occupancy permit.
53. Any above-ground structures that may be required to provide utilities for the project shall be compatible as to location, form, design, exterior materials, and noise generation. The applicant shall obtain staff approval prior to issuance of any permits.

Signage

54. No signs are approved with this project. Any signs placed on-site or off-site shall be reviewed and approved by the Planning Division and a separate Sign Permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.

Expiration & Revocation

55. This Use Permit approval 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 a time extension of the approval has been granted by the Planning Director.
 - b. If a building permit is issued for construction of improvements authorized by the use permit 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 the conditional use permit approval. A request for an extension must be submitted in writing to the Planning Division at least 30 days prior to the above date.
 - c. Business operations have commenced in accordance with all applicable conditions of approval.
 - d. If this conditionally/administratively permitted use cease operation for a period of more than six consecutive months, it shall be deemed to be discontinued, and the use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new use permit.
56. The Planning Commission may require modification, discontinuance or revocation of this Conditional Use Permit if its determined that the use is operated or maintained in a manner that it:
- a. Adversely affects the health, peace or safety of persons living or working in the surrounding area;
 - b. Contributes to a public nuisance; or
 - c. Has resulted in excessive nuisance activities including disturbances of the peace, illegal drug activity, diversion of commercial cannabis or commercial cannabis products, public intoxication, smoking in public, harassment of passerby, littering, or obstruction of any street, sidewalk or public way; or
 - d. Violates any provision of the Hayward Municipal Code or condition imposed by a City issued permit, or violates any provision of any other local, state, regulation, or order, including those of state law or violates any condition imposed by permits or licenses issued in compliance with those laws.

CODE ENFORCEMENT DIVISION

- 57. To the extent permissible by law, the City Manager and designees, and Code Enforcement shall have the right to enter and inspect during reasonable hours of operation all areas of the Commercial Cannabis establishment for the purposes of ensuring compliance with all pertinent Cannabis regulations and requirements. If the Cannabis permit holder or agents refuse to grant permission to enter, inspect and investigate, the City may seek an inspection warrant pursuant to the California Code of Civil Procedures.
- 58. Every owner of real property within the City is required to manage the property in a manner so as not to violate the provisions of the Cannabis Ordinance and/or any State and Municipal regulations. The property owner remains ultimately liable for all

penalties and fees as a result of violation of any of the requirements for the Commercial Cannabis operation thereof regardless of any contract or tenant agreement or other third parties.

59. Prior to the issuance of the annual Commercial Cannabis Permit and occupancy, the applicant shall provide a comprehensive flow chart or diagram that illustrates the product location at each phase of the business operation, from start to finish and up to the release to the consumer.
60. The Commercial Cannabis establishment shall maintain, and visibly post valid copies all required State, Local, and Municipal permits, including but not limited to the State of California Cannabis Bureau license, Hayward Cannabis Permit, Hayward business license, and other pertinent permit and licenses according to the specific cannabis use.
61. Permittees shall correct all nuisance conditions, including but not limited to smoking, noise disturbance, loitering, littering, and graffiti in parking areas, sidewalks, alleys and areas surrounding a permitted facility at a
62. Violation of the conditions of approval, the City of Hayward Municipal Code, and/or local and state cannabis requirements and regulations is declared to be a public nuisance which may be enjoined by civil action or pursuant to the procedures provided in the municipal code for abatement of nuisance conditions, including but not limited to Chapter 5, Article 7 and Chapter 1, Article 7 of the Hayward Municipal Code.
63. All Commercial Cannabis Business premises shall be accessible during regular business hours, upon request, to an identified Hayward Police Department or Code Enforcement employee for random and/or unannounced inspections. Verified cannabis violations will result in penalty fee in accordance with the adopted Master Fee Schedule for Cannabis uses. The City may suspend or revoke the Commercial Cannabis Permit for excessive calls for service or nuisance conditions.

BUILDING DIVISION

64. The project will require a building permit application and the associated plan review process. During the building permit review stage, detailed comments will be provided. For the building permit submittal drawings, a lighting plan and T-24 energy report shall be included in the set.

PUBLIC WORKS ENGINEERING AND TRANSPORTATION

65. City's Encroachment Permit shall be secured for any work proposed in the public sidewalk or parking lot.
66. Applicant shall submit on-site and off-site outdoor lighting and photometric analysis plan in conjunction with the building permit submittal. The photometric site lighting plan shall include fixtures, mounting heights, light wattage and that demonstrates adequate site and off-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 issuance of building permits.

UTILITIES AND ENVIRONMENTAL SERVICES

67. Complete the Hayward Wastewater Discharge Survey and include with plans for the building permit application.
68. Water Services. The property has an existing ¾" domestic water meter (account # 13268). Based on the preliminary proposed floor plans, this water meter may be sufficient for the proposed improvements.
69. Sanitary Sewer Services. The property has an existing commercial sanitary sewer connection with a "grandfathered" sewer capacity of 210 gallons per day of domestic-strength wastewater discharge. Additional sewer capacity may need to be purchased to additional accommodate wastewater discharge from the proposed business.
70. Irrigation Water Services. If the property will have over 500 square feet of irrigated landscapes, a separate irrigation water meter will be required.
71. Backflow Devices. All domestic and irrigation services must have a reduced-pressure (RP) backflow prevention assemblies per City of Hayward Standard Detail 202 (SD-202). Backflow prevention assemblies shall be at least the size of the water meter or the water line on the property, whichever is larger.

SOLID WASTE

72. 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 Projects. All trash enclosures shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof and incorporate a roof, and doors which are compatible with the design of the primary building on site. 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).
73. The owner or property manager shall be responsible for litter-free maintenance of the property and shall remove any litter on or within 50 feet of the property daily to ensure that the property and its street frontage remain clear of any abandoned debris or trash per Municipal Code Sec.11-5.22.
74. The permittee shall use a certified cannabis hauler to pick up cannabis waste. The certified third-party vendor approved by the City, shall conduct the removal and rendering of failed cannabis products on-site. The certified cannabis waste hauler shall provide the bins for the applicant to dispose of any cannabis waste. These cannabis waste bins will be required to be stored in the applicant's interior storage area of the building. The applicant will request certified cannabis waste hauler to visit their facility at a scheduled time. Cannabis waste or cannabis related products shall be stored outdoors.
75. All trash bins must be removed from public right of way within four hours after collection.

76. Any waste, recycles, or organics not serviced by the City must be disposed of by the applicant as deemed necessary or as require by the City of Hayward.
77. Construction & Demolition Debris: The City requires that construction and demolition debris be recycled per certain ordinance requirements. Submittal of the Debris Recycling Statement will be required at the time of your building permit. The form can also be found at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>. You may also visit Hayward's [Green Halo webpage](#) and create a waste management plan instead of filling in the Debris Recycling Statement.

TRANSPORTATION

78. Applicant shall submit an on-site and off-site (fronting City ROW) Photometric Plan. Refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria, link: www.hayward-ca.gov/documents/hayward-standard-details which shall be reviewed and approved by Public Works-Transportation prior to issuance of Building Permits.
79. Applicant shall submit an on-site and off-site (fronting City ROW) Signing and Striping Plan. Refer to Caltrans' latest Standard Plans Sheet A90A for more information on marking compliant disabled marking stalls. Signing & Striping Plan shall be submitted to and reviewed/approved by Public Works-Transportation prior to issuance of Building Permits.
80. Applicant shall submit a Turning Analysis using the largest vehicle expected on-site (typically a delivery vehicle) using AutoTurn software. Turning Analysis shall not depict vehicles backing into Foothill Blvd. Turning Analysis shall be submitted to and reviewed/approved by Public Works-Transportation prior to issuance of Building Permits.

LANDSCAPE

81. Prior to issuance of building permit, detailed landscape and irrigation improvement plans prepared by a licensed landscape architect shall be approved by the City and submitted concurrently with the building plan check review process. The plans shall comply with the City's Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. The landscape plan shall be prepared on a surveyed map, and shall identify all existing tree species, locations and trunk diameter size measured at fifty-four inches from the ground. The landscape plan shall identify the status of existing trees for preservation and removal and identify proposed trees from the existing.
82. All existing landscape in the public right-of-way shall be protected during entire construction period. Any damaged trees, shrubs, groundcovers, or irrigation system shall be replaced and repaired at the developer's expense and shall be inspected and accepted by the City.
83. Downtown Specific Plan Chapter 6, Section 3,2,020.B. 16 tree planting shall be required for gross site area acre minus building coverage. The parking lot is 0.25

- acre; therefore, four 15-gallon parking shade trees shall be provided within the parking area providing uniform shade to parking spaces.
84. The driveway curb from Foothill Boulevard to first 90-degree standard parking space against the building shall be contiguous to form an endcap.
 85. Water efficient and weather-based irrigation system in compliance with Bay-Friendly Water Efficient Landscape Ordinance shall be provided for existing and proposed landscape.
 86. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed 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.
 87. Landscaping 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. Routine shearing and hedging of shrubs and perennials shall not be permitted. All plants shall retain natural size and shape. 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.

HAYWARD FIRE DEPARTMENT

General:

88. Building Permits and approvals will be required for the construction/ alterations of the building to the City of Hayward Building Department. All building alterations shall be approved prior to the installation of proposed fire protection systems.

Access:

89. Address and premise identification approved numbers shall be placed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property. Dimensions of address numbers or letters on the front of the buildings shall be approved by the fire department.

Water Supply:

90. 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 when building exceeding 3,600 square feet. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500gpm. (Provide waterflow information with the submittal of building permits)
91. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the California Fire Code (CFC). 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. (Note hydrant locations with subsequent submittals)

Fire Protection:

92. Duct smoke detectors that are installed within the HVAC system (AHU's and Smoke Dampers) shall meet the California Mechanical Code for installation and the California Fire Code. Such detectors shall be interconnected to the buildings' main fire alarm control panel and zoned separately. (deferred submittal, if applicable)
93. 2A:10BC type fire extinguishers are required throughout the building for every 75' of travel or every 3,000 square feet of space including dining and service areas.
94. An automatic fire sprinkler system in accordance with NFPA 13 Standards shall be installed in this building. A separate fire permit is required for the fire sprinkler system installation. A State Licensed C16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation. Maximum static pressure of 80 PSI should be used when the test data indicates higher pressures. (Deferred submittal by licensed C16 contractor)
95. 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.
96. Underground fire service lines that serve NFPA 13 systems shall be connected to the city water main per Hayward Public Works Dept. SD-204 Standards. (separate submittal from overhead fire sprinkler system)