

**HAYWARD CITY COUNCIL**

**RESOLUTION NO. 20-\_\_\_\_**

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

**RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND  
MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING A  
MAJOR MODIFICATION TO AN EXISTING PLANNED DEVELOPMENT DISTRICT  
TO ALLOW FOR THE CONSTRUCTION OF A NEW FUEL FACILITY AT THE  
COSCTO BUSINESS CENTER LOCATED AT 22330 HATHAWAY AVENUE IN  
THE CITY OF HAYWARD**

WHEREAS, in 1983, the City Council adopted Ordinance No. 83-019 and companion Resolution No. 83-256 to conditionally approve Zone Change Application No. 83-10 from the Price Company to change the zoning from Industrial ("I") to Planned Development (PD) District; and

WHEREAS, in 1992, the City Council adopted Resolution No. 92-016 to conditionally approve Zone Change Application No. 90-6 to modify the existing PD district to construct a new, approximately 105,000 square-foot, semipublic warehouse (retail/wholesale center), enlarge the existing tire center, and remodel an existing structure on a 16.61-acre site; and

WHEREAS, in November 2017, Barghausen Engineering (Applicant) on behalf of Costco Wholesale (Owner) submitted a request for a Major Modification to the existing PD district (Application No. 201706217) to develop a fuel facility (gas station) with related site improvements at the Costco Business Center located at 22330 Hathaway Avenue (Assessor Parcel No. 429-0082-003-00); and

WHEREAS, an Initial Study and Mitigated Negative Declaration were prepared to assess the potential environmental impacts of the Project in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission considered the Project at a public hearing held on November 14, 2019 and voted 4:3 to recommend denial of the application to the City Council; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on July 21, 2020 and following a full and fair public hearing, several motions were made by the members of the City Council; however, none of the motions garnered four affirmative votes. Because four affirmatives votes were not reached on any motion, all failed, and application was deemed denied; and

WHEREAS, on September 22, 2020, the City Council voted 5-2 to approve a motion to renew debate on the referenced application at a future duly noticed public hearing; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on November 10, 2020 and voted to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve the Major Modification to the existing Planned Development District.

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

**PLANNED DEVELOPMENT FINDINGS**

Pursuant to Section 10-1.2535 of the HMC, the City Council may conditionally approve a major modification to an existing Planned Development application when all the following findings are met:

**A. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies;**

The project site is designated Mixed Industrial (“MI”)<sup>1</sup> in the Hayward 2040 General Plan which allows up to a maximum floor area ratio (FAR) of 0.8. Based on the existing and proposed structures to be located on-site post-project completion, the development and site will not exceed the maximum square-footage development potential of 378,797 square-feet. As stated, the MI land use designation generally applies to older industrial properties within the central part of the city. These properties are typically located near railroad tracks and are generally surrounded by residential neighborhoods and commercial uses. Typical building types include warehouses and light industrial buildings. Future changes to mixed-industrial areas are expected to include building and landscaping improvements, additional infill development on vacant lots, and the redevelopment of underutilized properties. However, the MI land use designation does specify “automobile service and repair stations” as an allowed use within this land use designation. In addition, the proposed project will include landscaping improvements associated with the infill development of a gas station of the underutilized parking lot area at the northernmost corner of the project site. Further, the project aligns with the goals and policies of the following Hayward 2040 General Plan and applicable City policies:

- Goal Economic Development-1. Diversify the economic base of Hayward to support a robust and stable economy with a diverse range of employment, shopping, and cultural opportunities for local residents.
- Economic Development -1.3: Commercial and Industrial Development. The City shall encourage commercial and industrial development by ensuring the availability of suitable sites for development and providing appropriate zoning.

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<sup>1</sup> Hayward 2040 General Plan: <https://www.hayward2040generalplan.com/land-use/mixed>

- Economic Development-1.11: Local-Serving Retail. The City shall encourage the establishment and expansion of commercial businesses that increase local spending within Hayward and provide needed goods and services to local residents and businesses.
- Economic Development -1.13: Regional-Serving Retail. The City shall encourage private-sector investment to physically upgrade existing regional shopping centers and to create new centers at key retail opportunity sites.
- Goal Economic Development-3. Grow the local economy and employment base by supporting efforts to expand and retain local businesses.
- Land Use-1.4: Revitalization and Redevelopment. The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.
- Land Use-5.1: Mix of Uses and Activities. The City shall encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs.

**B. Streets and utilities, existing or proposed, are adequate to serve the development;**

The existing streets and roadway network within the vicinity of the project site are adequate to serve the development of a fuel facility. The project area is accessible via Hathaway Avenue which includes a signalized and non-signalized entrance into the property. A traffic impact analysis was conducted by Kittelson and Associates, a transportation consultant, and determined that the project would result in a less than significant impact related to traffic and transportation in accordance with the CEQA Guidelines. The project also includes revised circulation on-site that will accommodate sufficient queueing for the fuel facility to minimize spillover onto the streets. In addition, the project site is accessible to utilities including electricity, water, and sewer with connections available along Hathaway Avenue that will be able to serve the development for the site landscaping, fire sprinklers, etc.

**C. In the case of a residential development, that the development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development;**

The project does not include any residential uses and as such, this finding is not applicable to this project.

**D. In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development**

**standards, and will have no substantial adverse effect upon surrounding development;**

The development will be in conformity with the applicable performance standards for fuel facilities as its operation will be regulated by local, State, and Federal agencies, including the Hayward Fire Department, the Alameda County Department of Environmental Health, the Bay Area Air Quality Management District (BAAQMD), the State Water Resources Board (Bay Regional Water Quality Control Board), the California Environmental Protection Agency (CalEPA), the United States Environmental Protection Agency (EPA); whom will review specific safety and design features related to the operation of the facility.

The proposed location of the fuel facility allows for enhanced site circulation and queueing for the gas station. The development area for the fuel facility also occupies the most underutilized area of the property comprising of the vacant tire center building and portion with the least used parking during peak hours, and is also the furthest away from residential uses providing an adequate buffer of surface parking and landscaping from the street; thus, will reduce any potential substantial adverse impact on the surrounding industrial developments. In addition, the project site is also located closest to the railroad tracks setback properly from the prominent corner of A Street and Hathaway to ensure an environment of sustained desirability by maintaining a commercial presence along A Street rather than a gas station.

- E. **In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule; and**

The development is not intended to be phased. The project will be constructed in one phase including all associated site improvements with landscaping, on-site circulation, and stormwater management infrastructure.

- F. **Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.**

1. In exchange for the reduction and deficit of parking provide at the site, the applicant has proposed the following amenities:
  - Rehabilitation and conversion of 5,750-square-feet of existing landscaping, beyond the immediate development area, to be updated to be in compliance with WELO which would not otherwise be required;

- Installation of eight (8) electrical Shore Power stations with the capacity to charge sixteen (16) refrigerated commercial delivery trucks to avoid idling vehicles which reduces vehicle emissions and noise generation;
- Conversion and retrofit of all parking lot lighting fixtures for the entire Costco Business Center site, beyond the project area, to LED fixtures for energy efficiency and reduction of light pollution (dark-sky friendly);
- Installation of five (5) electrical vehicle charging stations with capacity to accommodate up to ten(10) vehicles/parking spaces;
- Implementation of a Transportation Demand Management (TDM) program for Costco Business Center employees that will include offering subsidized transit passes to AC Transit, encourage vanpooling/carpooling, and promote ride matching services. Implementation of these amenities will be verified for compliance within the Precise Development Plan prior to the issuance of building permits.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

- A. Pursuant to CEQA Guidelines Section 15220, an Initial Study was prepared for this project with the finding that an MND was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures. The Initial Study found that the project would result in potential impacts to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology/Water Quality, Noise and Mandatory Findings of Significance. With mitigation, any potential impacts would be reduced to a level of less than significant.
- B. A Notice of Intent to Adopt the MND was filed and posted with the Alameda County Clerk on September 27, 2019 for a twenty (20) day public comment period, which expired on October 17, 2019 at 5 p.m. The proposed IS/MND were posted and available for public review at City Hall, the City's website, the Main Library, and delivered to Hayward Weekes Library.
- C. The project complies with CEQA, and the proposed Initial Study and Mitigated Negative Declaration was presented to the Planning Commission, which reviewed and considered the information contained therein prior to the approval of the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward, located at 777 B Street, Hayward, California 94544.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve the Major Modification to the existing Planned Development District, subject to the adoption of the companion ordinance (Ordinance No. 20-\_\_\_\_) rezoning the property located on a site at 22330 Hathaway Avenue, Accessor Parcel Number (APN) 429-0082-003-00, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

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

APPROVED AS TO FORM:

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

**CITY OF HAYWARD CITY COUNCIL  
PROPOSED FUEL FACILITY AT COSTCO BUSINESS CENTER  
LOCATED AT 22330 HATHAWAY AVENUE  
MODIFICATION TO PLANNED DEVELOPMENT APPLICATION NO. 201706217**

**CONDITIONS OF APPROVAL**

1. The approval of Planned Development Modification No. 201706217 shall be limited to the modification of the existing Planned Development District to allow for the demolition of an existing 8,850 square-foot tire center and removal of 105 parking spaces to accommodate the development of a new fuel facility (gas station) with 12 dispensers with 24 fueling positions, construction of a 9,350 square-foot canopy with related site improvements. The project site is located at 22330 Hathaway Avenue, Assessor Parcel No. 429-0082-003-00.
2. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Planned Development Modification No. 201706217 is approved subject to the architectural, civil, and landscaping plans stamped "Exhibit A" on file with the Planning Division, 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 10-1.2560 and 10-1.2565, approval of this modification shall be void one (1) year after the effective date of approval unless the precise development plan has been submitted for review and processing in accordance with all conditions of the preliminary development plan.

Precise development plan approval shall be void one year after the effective date of approval unless a building permit application is accepted for processing by the Building Official.

- a. If the precise development plan is not submitted, or a building permit application is not submitted and accepted for processing within the time period required, a maximum of two 1-year extensions may be approved by the City Council. A request for an extension of time must be filed in the Planning Division at least 30 days prior to the expiration date, and action on the request shall be taken within 30 days of the expiration date of the precise development plan.
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.

**MITIGATION MEASURES (MM)**

12. MM AIR-1: 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. MM BIO-1: If feasible, all vegetation removal shall be conducted during the nonbreeding season (i.e., September 1 to January 31) to avoid direct impacts to nesting birds. If such work is scheduled during the breeding season from February to August, a qualified biologist or ornithologist shall conduct a pre-construction survey to determine if any birds are nesting within the project site. The pre-construction survey shall be conducted within 15 days prior to the start of work from March through May (since there is a higher potential for birds to initiate nesting during this period), and within 30 days prior to the start of work from June through July. If active nests are found during the survey, the biologist or ornithologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the buffer shall be determined by the biologist or ornithologist in consultation with the California Department of Fish and Wildlife, and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance.
14. MM CUL-1: Cultural resources materials may include pre-contact resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock, as well as historic resources such as glass, metal, wood, brick, or structural remnants.
- The applicant shall inform its contractor(s) of the sensitivity of the project site for archaeological deposits, and include the following directive on the project grading plans:
- “The subsurface of the construction site is sensitive for archaeological deposits. If archaeological deposits are encountered during project subsurface

construction, all ground disturbing activities within 25 feet shall be redirected and a qualified archaeologist shall assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archaeological materials. Archaeological deposits can include, but are not limited to, shellfish remains; bones, including human remains; flakes of, and tools made from, obsidian, chert, and basalt; mortars and pestles; historical trash deposits containing glass, ceramics, and metal artifacts; and structural remains, including foundations and wells.”

The City shall verify that the language has been included in the grading plans prior to issuance of a grading permit or other permitted project action that includes ground-disturbing activities on the project site. If the deposits are uncovered on the site and found to be significant (i.e., eligible for listing in the California Register of Historical Resources), the applicant shall be responsible for funding and implementing appropriate mitigation measures. Mitigation measures may include recordation of the archaeological deposit, data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected mitigations, a report documenting methods and findings shall be prepared, and the final report shall be submitted to the Northwest Information Center at Sonoma State University. Significant archaeological materials shall be submitted to an appropriate curation facility and used for public interpretive displays, as appropriate and in coordination with a local Native American tribal representative.

15. MM CUL-2: Section 7050.5 of the California Health and Safety Code states that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner’s authority. If the human remains are of Native American origin, the coroner must notify the California Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Section 5097.98 of the Public Resources Code states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code Section 7050.5, shall immediately notify those persons (i.e., the MLD) it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site.
16. MM GEO-1: A licensed Geotechnical Engineer, or their representative, shall be retained to perform a design-level geotechnical investigation once site development

plans are final. The design-level geotechnical investigation shall include evaluation of potential geologic hazards related to seismic-related ground failure as a result of liquefaction and lateral spreading and the development of detailed recommendations for design and construction of the fuel station as well as installation of below grade fuel tanks and other utilities. The recommendations in the design level geotechnical investigation for the project shall be incorporated into all design and engineering plans. At the end of construction, the Geotechnical Engineer shall provide a letter regarding contractor compliance with project plans and specifications with the recommendations of the design-level geotechnical investigation and any supplemental recommendations issued during construction. The letter shall be submitted for review to the City of Hayward Building Division.

17. MM GEO-2. Should paleontological resources be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a “qualified paleontologist” shall be an individual with the following qualifications: (1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; (2) at least two years of professional experience related to paleontology; (3) proficiency in recognizing fossils in the field and determining their significance; (4) expertise in local geology, stratigraphy, and biostratigraphy; and (5) experience collecting vertebrate fossils in the field. If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.

The project applicant shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the project grading plans:

“The subsurface of the construction site may be sensitive for fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past

life as tracks or plant imprints. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5.”

18. MM HYD-1: Prior to construction, the project applicant shall prepare and implement a SWPPP, meeting Construction General Permit requirements (State Water Resources Control Board Order No. 2009-000–DWQ, as amended) designed to reduce potential adverse impacts to surface water quality through the project construction period. The SWPPP shall be submitted to the City for review and approval prior to the issuance of any permits for ground disturbing activities.

The SWPPP shall be prepared by a Qualified SWPPP Developer, as defined by the California Stormwater Quality Association (CASQA), in accordance with the requirements of the Construction General Permit. These include: BMPs for erosion and sediment control, site management/housekeeping/waste management, management of non-stormwater discharges, run on and runoff controls, and BMP inspection/maintenance/repair activities. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction.

The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate (depending on the Risk Level), sampling of the site effluent and receiving waters. A Qualified SWPPP Practitioner, as defined by the CASQA, shall be responsible for implementing the BMPs at the site and performing all required monitoring and inspection/maintenance/repair activities.

19. MM HYD-2: The project applicant shall fully comply with the Water Board stormwater permit requirements, including Provision C.3 of the MRP. The project applicant shall prepare and implement a SCP for the project. The SCP shall be submitted to the City for review and approval prior to the issuance of any permits for ground disturbing activities. The SCP would act as the overall program document designed to provide measures to address potential water quality impacts associated with the operation of the proposed project. At a minimum, the SCP for the project shall include:
- An inventory and accounting of existing and proposed impervious areas.
  - Low Impact Development (LID) design details incorporated into the project. Specific LID design may include but is not limited to using pervious pavements and green roofs, dispersing runoff to landscaped areas, and/or routing runoff to rain gardens, cisterns, swales, proprietary devices and other small-scale facilities distributed throughout the site.
  - Measures to address potential stormwater contaminants. These may include measures to cover or control potential sources of stormwater pollutants at the project site.

- A Draft Stormwater Facility Operation and Maintenance Plan (Stormwater Maintenance Plan) for the project site, which will include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified in the Stormwater Maintenance Plan. The Stormwater Maintenance Plan must be finalized prior to issuance of building permits for the project.
20. MM NOI-1: The project contractor shall implement the following measures during construction of the project:
- Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
  - Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
  - Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction.
  - Construction haul trucks and materials delivery traffic shall avoid residential areas whenever feasible.
  - Prohibit extended idling time of internal combustion engines by either shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.
  - Ensure that all general construction related activities are restricted to between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays.
  - Designate a "disturbance coordinator" at the City of Hayward who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem, and ensure noise levels do not exceed noise ordinance standards.

**GENERAL**

**Planning Division.**

21. In accordance with Zoning Ordinance Section 10-1.2550, and prior to approval of building permits, the applicant shall submit a Precise Development Plan to the Planning Division for review and approval prior to the issuance of building permits.
22. The Precise Development Plan shall be in substantial conformance with the approved Preliminary Development Plan and shall be submitted either in advance of or in conjunction with the grading permit application.

23. As applicable, the project shall maintain compliance with the development standards and Conditions of Approval of the original Zone Change applications within Ordinance No. 83-019, Resolution No. 83-256, and Resolution No. 92-016; unless otherwise amended within these Conditions of Approval and superseded by local, County, State and/or Federal standards.
24. The applicant shall demonstrate compliance with the proposed amenities associated with the modification of the Planned Development including the additional creation, conversion and rehabilitation of 5,750-square-feet of landscaping beyond the zoning code requirement site within the Precise Development Plan submittal.
25. Rehabilitation and conversion of 5,750-square-feet of existing landscaping outside of the development area to be updated to be in compliance with WELO which would not otherwise be required.
26. Installation of eight (8) electrical Shore Power stations with the capacity to charge sixteen (16) refrigerated commercial delivery trucks to avoid idling vehicles which reduces vehicle emissions and noise generation. Details shall be included within the building permit application prior to or concurrent with the building permit issuance for the gas station canopy structure. Installation of the electrical shore power stations for the quantities references above shall be completed prior to issuance of certificate of occupancy by the Building Division.
27. Conversion and retrofit of all parking lot lighting fixtures for the entire Costco Business Center site, beyond the project area, to LED fixtures for energy efficiency, increased security and visibility, and reduction of light pollution (dark-sky friendly). Details shall be included within the building and grading permit applications prior to or concurrent with the building permit issuance for the gas station canopy structure. Installation of LED light fixtures on-site shall be completed prior to issuance of certificate of occupancy by the Building Division.
28. Installation of five (5) electrical vehicle charging stations with capacity to accommodate up to ten (10) vehicles/parking spaces. Details shall be included within the building permit application prior to or concurrent with the building permit issuance for the gas station canopy structure. Installation of the electrical vehicle charging stations and future conduits for the quantities references above shall be completed prior to issuance of certificate of occupancy by the Building Division.
29. 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.
30. The applicant or designee shall implement Transportation and Parking Demand Management (TDM) measures that include offering subsidized transit passes to employees of the business center for AC Transit. The TDM plan shall be submitted to the Planning Division for review and approval with the Precise Development Plan submittal in accordance with Section 10-2.403 of the HMC.

The Applicant or designee shall advertise and promote the following programs: 1) 511 Ride Matching Assistance, 2) Carpool/Vanpool Incentives, and 3) AC Transit "Easy Pass".

31. The fuel facility shall be limited to operation between the hours of 6 a.m. and 9:30 p.m., Monday through Friday, and 6 a.m. to 8 p.m. Saturday and Sunday.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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).
37. 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.
38. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.

**Building Division.**

39. 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 California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.

40. 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. Supplemental Building Construction and Improvement Tax;

Land Development – Engineering.

41. 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.
42. Utility Services: All existing utility service connections to the property may remain as is; however, all new utility service connections to the fuel facility shall be installed underground.

Fire Department.

Fire Access:

43. 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.
44. All driveways shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus.
45. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane, 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.

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

Land Development – Engineering.

46. Grading, Drainage, and Improvements: A grading permit issued by the Public Works Department is required prior to the issuance of building permits. The grading permit application shall include engineered grading and drainage plans showing finish grades and site drainage along with improvement plans as part of the grading permit application. The grading and drainage plan shall include, but not be limited to the following design & submittal requirements:
- a. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or less (top of wall to bottom of footing) shall be reviewed and approved by Public Works. Earth retaining structures greater than 4-feet in



height shall be reviewed and approved by the Building Division of the Development Services Department. The plans should include all proposed underground pipes, building drains, area drains and inlets. The on-site storm drainage system (if applicable) shall be designed to convey a 10-year storm event.

- b. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the Director of Public Works prior to issuance of a grading permit.
  - c. A soils report must be submitted to and accepted by the City prior to the issuance of a grading permit.
  - d. Repair, overlay, or reconstruction of asphalt pavement may be required related to the development of the project. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
47. Stormwater Runoff Pollution Control Measures: This project must comply with the Alameda Countywide Clean Water Program (ACCP) which requires the implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges from the project site.
- a. The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance the ACCP.
  - b. The property owner shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" as prepared by the City. The Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility for private treatment control and site design measures is bound to the property in perpetuity.
  - c. All proposed treatment control measures shall comply with the Alameda County Cleanwater Program's C.3 Technical Guidance Manual.
48. Grading, drainage and site improvement plans shall be approved by the City before start of any construction activity and request for related permits.
49. Grading plans shall be prepared by a State licensed engineer and shall comply with the local and regional regulations, geotechnical and engineering reports. The plans shall include the provisions for construction Best Management Practices (BMP's), stormwater pollution prevention and noise management in accordance with project mitigation measures.

50. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the State for review and approval. These SWPPP documents shall also be submitted along with the improvement plans to the City for review and approval by the City Engineer in accordance with the project mitigation measures.
51. The storm drain facilities shall be designed to comply with the Alameda Countywide Clean Water Program including the established provision C.3. Any natural or mechanical storm drain filtration systems shall be designed as part of the private storm drain systems.
52. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved by the City Engineer.
53. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all of area tributary to the project site. The developer is required to mitigate augmented runoffs with on-site improvements.
54. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using the City approved specifications.

Transportation Engineering.

55. Plans submitted for building and grading permit shall include a photometric site lighting plan that includes fixtures, mounting heights, light wattage and that demonstrates adequate site lighting without excessive glare, off-site impacts or "hot spots." All lighting shall be reviewed and approved by the City Engineer, Planning Division and Hayward Police Department prior to Building Permit issuance.
56. The applicant shall modify on-site striping to extend the lane lines to the start of the arrow pavement markings and add lane lines to separate the lanes on each side of the pumps.
57. The applicant shall install two sets of R1-1 signs (one on the right and one on the left of the limit line) and install an R5-1 sign on the back side of each R1-1 sign.
58. Prior to final sign-off from the Building Division, the applicant shall be required to repaint the right-turn pavement arrows on Hathaway Avenue between the site driveway signal and "A" Street, and the left-turn arrows at the Costco Business Center signal as approved by the Public Works Department – Transportation Division.
59. The applicant shall provide on-site signing and striping plans for final review and approval by the Transportation Division prior to the issuance of a grading permit.

Fire Department.

60. Per Hayward Fire Code Ordinance 16-23 Section 903.2, fire sprinkler protection shall be provided for the entire canopy (the proposed is greater than 5,000 sq. ft.). Please note that the proposed fuel canopy/island will be provided with an automatic fire sprinkler system conforming to NFPA 13 Standards, unless an alternate means of protection request is approved by the Hayward Fire Department. A final signed and stamped Fire Protection Engineer (FPE) report, prepared by a California Licensed Fire Protection Engineer, to accompany the Alternative Means of Protection (AMP) shall be submitted to the Fire Department for approval prior to building permit issuance.
61. Turning Radius: The minimum inside turning radius shall be 17-feet and the minimum outside radius shall be 45-feet.
62. The minimum number, distribution and spacing of fire hydrants shall be determined based on the available and required water/fire flow. Pipe smaller than 6" in diameter shall not be installed as a private fire service main supplying hydrant.
63. Submit for proper building permits for the construction of the new fuel island to the Building Department. All construction shall meet the intent of California Building and Fire Code(s) with amendments, mechanical code, plumbing code and local ordinance.
64. An approved, clearly identified and readily accessible emergency disconnect switch shall be provided at an approved location to stop the transfer of fuel to the fuel dispensers in event of a fuel spill or other emergency. An emergency disconnect switch for exterior fuel dispensers shall be located within 100ft. of but not less than 20 ft. of the fuel dispensers.
65. Electrical equipment, dispensers, hose, nozzles and submersible or subsurface pumps in used in fuel-dispensing system shall be listed.
66. Dispensing devices, except those installed on top of a protected above-ground tanks that qualified as vehicle-impact resistance, shall be protected against physical damage by mounting on a concrete island 6 inches or more in height, or shall be protected in accordance with Section 312.
67. An approved automatic emergency shutoff valve designed to close in the event of a fire or impact shall be properly installed in the liquid supply line at the base of each dispenser supplied by a remote pump. An emergency disconnect switch for exterior fuel dispensers shall be located within 100 feet of, but not less than 20 from, the fuel dispensers.
68. Where remote pumps are used to supply fuel dispenser, each pump shall have installed on the discharge side of listed leak detection device that will detect a leak in the piping and dispensers and provide an indication.
69. A minimum 6-inch address shall be installed on a contrasting background and shall be in a location approved by the Fire Department.

70. Curbing shall be painted red (where applicable) along the dedicated fire travel lanes and throughout the parking lot area on applicable landscape islands. White letters shall be stenciled with the words "Fire Lane – No Parking". Red painted striping will be required where curbs do not exist
71. Install portable fire extinguishers having a minimum size of 5 lbs. and a minimum rating of 2A:10BC in centrally located and accessible locations (as approved by the Fire Department) with maximum travel distance of 75 feet within the tenant space. A minimum 4A: 40 BC is required on Fuel Island.
72. Where remote pumps are used to supply fuel dispenser, each pump shall have installed on the discharge side of listed leak detection device that will detect a leak in the piping and dispensers and provide an indication.

Water Supply:

73. Type of fire hydrant(s) to be installed shall be Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2" outlet & two 4-1/2" outlets) in other areas.
74. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants.
75. A minimum access width of 26' shall be provided in the vicinity of each proposed fire hydrant.

Fire Protection:

76. If a sprinkler system is required, per the requirement of the Hayward Public Works Department, a static pressure of 80 PSI should be used in fire sprinkler system design when a water test data indicates a higher pressure. The residual pressure should be adjusted accordingly.
77. If a sprinkler system is required, underground fire service line serving NFPA 13 sprinkler system shall be installed in accordance with the Hayward Public Work Department SD-204. Water meter shall be minimum four-inch in diameter. (deferred submittal)
78. If a sprinkler system is required, a Fire Alarm System with Waterflow is required – A Fire Alarm System that activates the occupant alerting shall be installed conforming to all NFPA 72 Standards as well as local City of Hayward Ordinances. (deferred submittal)

Hazardous Materials

79. Submit plans for the construction of the new fueling Island canopy, and installation of new Underground Storage Tank (UST) system/equipment.
80. Prior to building permit issuance, the applicant shall indicate to the City's Hazardous Materials Unit if there will be a Soil Management Plan to screen for any potential soil contamination during soil evacuation for underground tanks and piping.

Solid Waste.

81. Submit the Construction and Demolition Debris Recycling Statement at the time of your building permit. The applicant shall 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>.

Utilities – Water and Sewer.

Water:

82. Water & Sewer Service are available and subject to standard conditions and fees in effect at time of application and payment of fees:
- a. City records indicate that the building is served by a 2” domestic water meter (account # 33825), a 1 ½” irrigation water meter (account # 34843) and a 10” fire service (account #33826). If the existing water services cannot be reused, they must be abandoned by City of Hayward Water Distribution Personnel at the owner’s/applicant’s expense.
  - b. Any modifications needed to the water services and/or water meters (upsized, downsized, relocate, etc.) must be performed by City crews at the owner's/applicant's expense.
83. The proposed fuel facility shall be covered and bermed with appropriate slope inward to contain any materials within the fueling pad area. The fueling area (under the canopy) shall be plumbed to the storm sewer with the following treatment installed prior to discharge:
- a. A Continuous Deflective System (CDS) unit sized appropriate for the volume of fuel projected from the number of fueling pumps present and an oil/water interceptor sized appropriately for carry over of waste from the CDS unit.
84. The CDS unit shall be the first stage of treatment, followed by an oil/water interceptor. An oil-stop valve must be installed prior to discharge to the storm sewer. Both the CDS unit and interceptor shall be maintained by the manufacturer’s recommendation with a minimum cleaning frequency of once per year with quarterly inspections to document condition.
85. City staff maintains the right to conduct inspections at any time and may require additional cleaning and inspections based on the condition of the units. The City may sample the wastewater in the CDS or interceptor from time to time and test for pollution. The fueling area shall be free of debris, trash, and other pollutants. Cleaning of the fueling area must include dry methods first. If water is used to clean the surface area, then the wastewater shall be collected and off-hauled for treatment at a licensed environmental facility for the removal of petroleum-based oils.
86. The fueling facility may not be connected to the City’s sanitary sewer.

87. The existing 10" fire service has a below-grade check valve. Any work/alterations done on the underground fire line requires that an above-ground DCVA be installed, per City of Hayward Standard Detail 204 and 201.
88. All domestic & irrigation water meters must have Reduced Pressure Backflow Prevention Assemblies, per City of Hayward Standard Detail 202. Backflow Prevention Assemblies shall be at least the size of the water meter or the water line on the property side of the meter, whichever is bigger. Backflow devices installed on potable water services shall be lead free. City records indicate that the existing domestic and irrigation services are both protected.
89. The parcel currently has an existing commercial sewer service. No additional sewer capacity will need to be purchased for this application.
90. If a sprinkler system is required, fire services shall be per the sizing requirements of the Fire Department and shall be installed per SD-204 and SD-201. New fire services must be installed by City Water Distribution Personnel at the owner's/applicant's expense. Fire service installations are billed on an actual cost basis with a time and materials deposit due prior to the start of installation.
91. For new services, water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218.
92. For new services - water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.

Sewer:

93. The developer is responsible for payment of sewer connection fees at the current rates at the time of application for water and sewer service.
94. For new services, 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:

95. Detailed landscape and irrigation plans (construction documentation) shall be approved during the building permit process. Plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the

City's Bay-Friendly Water Efficient Landscape Ordinance, Off-Street Parking Regulations and other relevant zoning ordinances:

96. Plant legend shall include the mature size (height x spread/width) and proposed spacing for all shrubs and groundcovers in addition to the botanical name, common name, and water use requirements and its source book. Plant spacing shall not be closer the minimum spread provided in the reference books in the ordinance.
97. Tree Mitigation will allow the cost difference between required and upsized tree to be applied for mitigation. The minimum required size is 15 gallon.
98. Minimum planting area dimension shall be 5 feet including the endcaps in the parking lot.
99. All trees shall be planted a minimum of five feet away from any underground utilities. Two new trees in the endcap islands seems to be proposed right on top of storm drain line. Relocate trees or reroute the storm drain lateral lines. Tree shall also be planted a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the city.
100. Earth berming as shown on the Grading in Parking Lot Planter detail is not allowed for promoting runoff.
101. The irrigation plan shall include proposed point of connection and static water pressure (psi) at point of connection.
102. Worksheet for water budget calculation for Maximum Applied Water Allowance and Estimated Total Water Allowance in compliance with Municipal Code Article 12, Appendix B Water Efficient Landscape. The water budget calculation shall provide Eto for the City of Hayward, 44.2, and the calculation methodology used. For residential developments with more than five or more units shall be considered providing "non-residential landscape" and shall use ET adjustment factor of 0.45.
103. All trees planted as a part of the development and as shown on the approved landscape plans shall be "Protected" and shall be subject to the City's Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with the City's Tree Preservation Ordinance within the timeframe established by the City and pursuant to the Municipal Code.

#### **CONDITIONS APPLICABLE DURING CONSTRUCTION**

##### **Hazardous Materials.**

104. 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.

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

Land Development – Engineering.

106. Stormwater Pollution Prevention: Stormwater pollution prevention measures approved by City Engineer shall be in place before any ground disturbing activity.
- a. Stormwater pollution prevention measures shall be 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.
  - c. The Best Management Practices (BMP's). BMP's shall be maintained during construction and until ground is stabilized.
  - d. Storm drain inlets on-site and fronting the property shall be protected against pollutant entry and labeled "No Dumping - Drains to Bay" using the City approved details.
  - e. All utility services and facilities on the property shall be placed underground.
  - f. Damaged street improvements as a result of the development of the project shall be repaired as required by the City inspector.
107. An encroachment permit shall be secured before undertaking any activity in or affecting the City's right-of-way.
108. All improvements shall be completed as per the plans approved by the City.
109. A copy of the NOI close-out report shall be submitted to the City Engineer.
110. 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 and Sewer.

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

Utilities – Other.

112. All existing utility service connections to the property may remain as is; however, all new 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.

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

Planning Division.

113. Prior to building permit final sign-off, the project site shall be inspected and approved by the Planning Director or their designee to ensure adherence to the Conditions of Approval and project plans.

Land Development – Engineering.

114. Construction of Improvements: developer shall complete all required public and private improvements to the satisfaction of the City Engineer prior to the issuance of a certificate of occupancy.
115. 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.

Landscaping.

116. 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.
117. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Three-inch deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep.
118. Prior to the issuance of Certificate of Occupancy for a specific building, all landscape and irrigation adjacent to the specific building 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 faxed/e-mailed/turn in prior to requesting an inspection from the City Landscape Architect.

**--END--**