

**CITY OF HAYWARD PLANNING DIVISION
PROPOSED 26-ACRE INDUSTRIAL CAMPUS WITH THREE SPECULATIVE BUILDINGS
AND A THREE-STORY DATA CENTER
CLAWITER ROAD INDUSTRIAL PROJECT, 25800 CLAWITER ROAD
MAJOR SITE PLAN REVIEW AND CONDITIONAL USE PERMIT APPLICATION NO.
201906718**

DRAFT CONDITIONS OF APPROVAL

GENERAL

1. The applicant, permittee, or any agent thereof, or successor shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Site Plan is approved subject to the Architectural, Civil and/or Landscape plans submitted September 15, 2020, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan and/ or design that does not require a variance to any zoning ordinance standard shall be subject to review and approval by the Approving Body, if deemed necessary by the Planning Director. Alterations requiring a variance shall be subject to review and approval by the Planning Commission, if applicable.
3. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
4. Prior to the issuance of the Certificate of Occupancy and/or Final Building Permit approval, the applicant shall contact the Planning Division (Project Planner, or if not available, the Planning Manager) and be subject to a site inspection by the designated project planner to verify that all applicable mitigations and conditions of approval, including architectural materials, colors and design, have been satisfied. The cost of inspection, including any subsequent inspections that are deemed necessary by the City, shall be paid by the applicant.
5. 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.
6. 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.

7. 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.
8. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
9. The Approving Body may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
10. 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.
11. The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
12. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
13. The proposed use(s) shall operate according to these conditions of approval and the approved narrative/plan set submitted September 15, 2020. Any future change, modification or expansion of the approved use shall require the submittal of a new use permit application and be subject to additional review and approval by the City.
14. Within 60 days of following the issuance of a building permit and prior to construction, the applicant shall install one non-illuminated "Coming Soon" sign on the project site that includes a project rendering, a project summary, and developer contact information. The sign shall be constructed of wood or recyclable composite material, be placed in a location at least ten (10) feet back from the property line, and shall not impede pedestrian, bicycle, and vehicular visibility or circulation. The sign shall be maintained in accordance with Section 10-7-709 of the Hayward Municipal Code and may be up to thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height. Sign design, size and location shall be reviewed and approved by the Planning Division (Project Planner, or if not available, Planning Manager) prior to placement.
15. The data center and speculative industrial buildings shall operate according to these conditions of approval and the plans submitted on September 15, 2020,

including the character and intensity of the proposed use, subject to the regulations of the applicable zoning districts. All future phases of the project not included in this entitlement application, including tenant improvements related to the data center and speculative industrial buildings, transformer yard, and transmission lines, shall complete additional review, if required by the Hayward Municipal Code and/or relevant State agencies. Subsequent environmental review may also be required if the future tenant improvements are not adequately analyzed in the IS/MND prepared for this project.

16. The facilities must be conducted in accordance with the approved Sustainability Plan, submitted September 15, 2020.

Site and Building Design

17. 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.
18. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and/or renderings submitted September 15, 2020. Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division (Project Planner, or if not available, Planning Manager) prior to the issuance of a building permit and/or prior to construction.
19. All vents gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed as an architectural element.
20. All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment shall include, but is not limited to, electrical panels, pull boxes, air conditioning units, gas meters, and swimming pool 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. All screening shall be compatible with respect to forms and materials used on the building.
21. If permitted, all above-ground utility meters, air conditioners, 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. All equipment shall be designed to be compatible with respect to location, form, design, exterior materials, and noise generation. The applicant shall obtain planning division (Project Planner, or if not available, Planning Manager) review and approval prior to issuance of any permits.
22. As specified in the project documents, submitted September 15, 2020, Artsource Consultants shall be hired by the applicant to conduct an RFP process to identify an artist and art piece(s) to be incorporated into the site design. All costs related

to the art consultant, RFP process, selected artist, and commissioned art piece(s) shall be assumed by the applicant. Applicant shall be required to allocate one third of one percent (0.33%) of the construction costs of the relevant building permit construction costs for acquisition and installation of Art in the development project. The final selection of the artist and art piece(s) shall be approved by the Planning Division (Project Planner or Planning Manager) prior to issuance of relevant building permits and/or certificates of occupancy.

Signage

23. 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 Sign Permit application shall be required, consistent with Hayward Municipal Code Sign Ordinance requirements.
24. Applicant shall submit an application for a Master Sign Program in accordance with Hayward Municipal Code (HMC) Section 10-7.210, prior to the installation of any signage for the development.

Impact Fees

25. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay impact fees. The impact fees shall be the rate that is in effect at the time of building permit issuance.

Environmental Mitigation

26. If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act
27. The following control measures for construction noise, grading and construction activities shall be adhered to, if applicable, unless otherwise approved by the Planning Director or City Engineer:
 - a. In conformance with Section 4-1.03-4 of the City's Municipal Code, construction activities between 7:00 a.m. and 7:00 p.m. Monday through Saturday or between 10:00 a.m. and 6:00 p.m. on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official, shall not include any individual equipment that produces a noise level exceeding 83 dB measured at 25 feet, nor shall activities produce a noise level outside the project property lines in excess of 86 dB. During all other hours, noise shall not exceed the limits defined in Municipal Code

Section 4-1.03.1 (70 dB daytime or 60 dB nighttime, measured at residential property lines).

- b. Grading and construction equipment shall be properly muffled.
- c. Unnecessary idling of grading and construction equipment is prohibited.
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units.
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise.
- f. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
- g. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
- h. Daily clean-up of trash and debris shall occur on project street frontages, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- i. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
- j. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- k. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions.
- l. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
- m. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- n. Sweep daily (with water sweepers) all paved access roads, parking areas and

staging areas at construction sites.

- o. Sweep public streets daily if visible soil material is carried onto adjacent public streets.
 - p. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more).
 - q. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - r. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
 - s. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - t. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
 - u. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
 - v. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information.
 - w. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains.
 - x. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
28. AQ-1: Generator Operational Restrictions. One of the following measures shall be implemented to reduce average daily nitrogen oxide (NOX) emissions from generator operation for maintenance and testing purposes to a less than significant level, if applicable:

- a. Generator operation for maintenance and testing purposes shall be limited so that the combined operation of the generator engines for testing and maintenance purposes does not exceed 600 hours (25 hours per generator) in any consecutive 12-month period. The operator shall retain records that include the dates and times of all reliable testing. The Bay Area Air Quality Management District (BAAQMD) regulates the maximum number of hours of operation of the generators for maintenance and testing. The BAAQMD will issue individual Permits to Operate for each generator (or groups of generators) as they are constructed. The conditions in each Permit to Operate will be enforceable by the BAAQMD. Prior to issuance of an occupancy permit for Building 4, the applicant shall provide a letter to the Director of Development Services from the BAAQMD and/or a qualified consultant that documents that the sum of the hours of operation permitted and regulated by BAAQMD for the data center combined does not exceed 600 hours in any consecutive 12-month period. This letter shall include a copy of the BAAQMD-approved Permit to Operate. Any change to the number of generators, the model of generators, or the number of hours the generators will be tested shall require additional air quality analysis. Request for such change shall be made to the City of Hayward Development Services Department with documentation that total emissions from maintenance and testing for the data center would not exceed the significance thresholds for NOX on both an average daily period (54 pounds per day) and annual averaging period (10 tons per year). This documentation shall be reviewed and approved by the Planning Manager or designated representative of the Development Services Department prior to the issuance of any planning permits approving changes to the generators; OR:
- b. The future tenant of Building 4 shall comply with the offset requirements in Section 2-2-302 of BAAQMD Regulation 2, Rule 2 (New Source Review) as part of the air permitting process for the proposed generators. These requirements are enforced for any facility with the potential to emit more than 10 tons per year of NOX or precursor organic compounds. For facilities that have the potential to emit more than 10 tons per year but less than 35 tons per year, offsets must be purchased at a 1:1 ratio from the BAAQMD's Small Facility Banking Account or, if the Small Facility Banking Account is exhausted or the permit applicant owns or controls offsets, the permit applicant must provide the required offsets. For facilities that have the potential to emit more than 35 tons per year, federally-enforceable offsets must be purchased at a 1.15:1 ratio. Offsets represent ongoing emission reductions that continue every year, year after year, in perpetuity. The BAAQMD regulates the use of offsets for new air emission sources. The BAAQMD will issue individual Authority to Construct for each generator (or groups of generators) as they are constructed and will include offset requirements as part of the Authority to Construct. The conditions in each Authority to Construct will be enforceable by the BAAQMD. Prior to issuance of an occupancy permit for Building 4, the applicant shall provide

a letter to the Director of Development Services from the BAAQMD and/or a qualified consultant that documents that the required offsets have been purchased. This letter shall include a copy of the BAAQMD-approved Authority to Construct. Any change to the number of generators or the model of generators or an increase in the number of hours the generators will be tested shall require additional air quality analysis. Request for such change shall be made to the City of Hayward Development Services Department with documentation that additional offsets will be purchased, as necessary, to reduce total emissions from maintenance and testing for the data center such that emissions would not exceed the significance thresholds for NOX on both an average daily period (54 pounds per day) and annual averaging period (10 tons per year). This documentation shall be reviewed and approved by the Planning Manager or designated representative of the Development Services Department prior to the issuance of any planning permits approving changes to the generators.

29. BIO-1: Nesting Bird Avoidance and Minimization Efforts. If project construction activities occur during the nesting season (between February 1st and August 31st) a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 14 days prior to construction. The survey shall include the entire project site and a 300-foot buffer to account for nesting raptors. If nests are found the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance by project activity to the nest (up to 300 feet for raptors, up to 150 feet for all other birds). The qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize "typical" bird behavior, if applicable.

During construction, active nests identified during the preconstruction survey shall be monitored by the qualified biologist to determine if construction activities are causing any disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause nest abandonment include, but are not limited to, defensive flights, vocalizations directed towards project personnel/activities, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all project activities if the nesting birds exhibit atypical behavior that may cause nest failure (nest abandonment and loss of eggs and/or young) until a refined appropriate buffer is established. To prevent encroachment, the established buffer(s) should be clearly marked by high visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist. The monitoring biologist, in consultation with the resident engineer and project manager shall determine the appropriate protection for active nests on a case by case basis using the criteria described above. The qualified biologist shall prepare a nest monitoring report at the time monitoring has been completed. The report will document the methods and results of the monitoring, and the final status of the nest (i.e., successful fledging of the nest, nest depredation, nest failure due to

construction activity).

30. BIO-2: Special-status Bat Species Avoidance and Minimization. Focused surveys to determine the presence/absence of roosting bats shall be conducted prior to the initiation of demolition of buildings and removal of mature trees large enough to contain crevices and hollows that could support bat roosting. If no bats or signs of roosting by bats are observed, no further actions are required. If bats or signs of roosting by bats are observed, a qualified biologist will prepare specific recommendations for either partial dismantling to cause bats to abandon the roost, or humane eviction, both to be conducted during seasonal periods of bat activity, if required. If active maternity roosts are identified, the roost shall not be removed during the breeding season (April 15 to August 31) to the extent practicable. If a structure or tree containing a maternity roost must be removed during the breeding season then measures recommended by the qualified biologist shall be implemented to remove or relocate bats from the roost prior to the onset of demolition activities. Such measures may include removal of roosting site during the time of day the roost is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not to re-enter.
31. BIO-3: Tree Preservation Measures. As outlined in the Tree Protection Plan (Traverso Tree Service, as submitted with the September 15, 2020 application), the following tree preservation measures are required to protect trees that will be preserved in place as required by HMC Chapter 10, Article 15.
 - a. Pre-Construction Measures
 - i. Establish a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be the dripline or property line for trees. No grading excavation, construction or storage of materials shall occur within the protection zone.
 - ii. Spread a 4" thick layer of arborist wood chips beneath the driplines of the redwoods along the southeast property line, up to the proposed limit of grading.
 - iii. Prior to construction or grading, but after wood chips are spread, the contractor shall install 6' chain-link fencing to construct a temporary Tree Protection Zone (TPZ) around the redwoods along the southeast property line, as indicated on the tree protection plan.
 - iv. TPZ fencing shall remain in an upright sturdy manner from the start of grading until the completion of construction. Fencing shall not be adjusted or removed without consulting the project arborist.
 - v. Trees to be preserved may require pruning to provide clearance and/or correct defects in structure. All pruning shall be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to

the latest edition of the ANSI Z133 and A300 safety standards as well as the ISA Best Management Practices for Tree Pruning with a tree pruning permit from the City. The pruning contractor shall have the C-27/D-49 license specification.

- vi. All tree work shall comply with the Migratory Bird Treaty Act as well as California Fish and Wildlife Code 3503-3513 to not disturb nesting birds. To the extent feasible tree pruning and removal should be scheduled outside of the breeding season. Breeding bird surveys should be conducted prior to tree work by a qualified biologist. Qualified biologists should be involved in establishing work buffers for active nests if needed.

b. Construction Measures

- i. Prior to beginning work, the contractors working in the vicinity of trees for preservation are required to meet with the Project Arborist at the site to review all work procedure, access routes, storage areas and tree protection measures.
- ii. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist. Any necessary root pruning shall be performed by a qualified arborist and not by construction personnel. Roots shall be cleanly pruned with a handsaw or sawzall, immediately covered with wet burlap, and kept moist until backfilled.
- iii. Should TPZ encroachment be necessary, the contractor shall contact the project arborist for consultation and recommendations.
- iv. The contractor shall keep TPZs free of all construction-related materials including but not limited to debris, fill soil, equipment. The only acceptable material is mulch spread out beneath the trees.
- v. If damages should occur to any tree during construction, it should be evaluated as soon as possible by the Project Arborist so that appropriate treatments can be applied. If the damages to tree result in removal, removed tree shall be replaced to its appraised value provided by the Project Arborist and approved by City Landscape Architect.

c. Landscaping Measures

- i. Tree Protection Zone (TPZ) fencing shall remain in place with the same restrictions until landscape contractor notifies and meets with project arborist. Fences may not be relocated or removed without permission of the Project Arborist.
- ii. Proposed irrigation trenching shall be done by hand and shall occur as

far from the redwoods along the southeast property line as possible. Permanent drip irrigation shall be provided to all preserved redwoods.

- iii. Wood chips shall not be removed; processed mulch made of organic chipped wood in dark brown color may be placed on top of the wood chips for aesthetics.
 - iv. Avoid all fill work, grade changes, and trenching within driplines unless it is performed by hand. Pipes shall be threaded under or through large roots without damaging them.
 - v. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel with a tree pruning permit from City Landscape Architect. Trees shall be irrigated on a schedule to be determined by the Project Arborist. Each irrigation session shall be wet the soil within the Tree Protection Zone to a depth of 30 inch.
32. CR-1: Unanticipated Archaeological Resources. If archaeological resources are encountered during ground-disturbing activities, work within 50 feet of the find shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources.
33. GEO-1: Geotechnical Considerations. The project applicant shall implement the Foundation Recommendations set forth in Section 7 (Foundations) of the Geotechnical Investigations prepared by Cornerstone Earth Group for Buildings 1, 2, 3, and 4 in January 2020. Recommendations include but are not limited to the seismic design criteria (Section 7.2) and shallow foundations (Section 7.3).
- In addition, a comprehensive site-specific design-level geotechnical exploration shall be prepared as part of the design process. The exploration may include borings and laboratory soil testing to provide data for preparation of specific recommendations regarding grading, foundation design, corrosion potential, and drainage for the proposed project. The recommendations set forth in the design-level geotechnical exploration shall be implemented.
34. GEO-2: Geotechnical Considerations. The project applicant shall implement the Grading and Foundation Recommendations set forth in Section 6 (Earthwork) and Section 7 (Foundations) of the Geotechnical Investigations for Buildings 1, 2, 3, and 4 prepared by Cornerstone Earth Group in January 2020.

In addition, a comprehensive site-specific design-level geotechnical exploration shall be prepared as part of the design process. The exploration may include borings and laboratory soil testing to provide data for preparation of specific recommendations regarding grading, foundation design, corrosion potential, and drainage for the proposed project. The recommendations set forth in the design-level geotechnical exploration shall be implemented.

35. GEO-3: Unanticipated Discovery of Paleontological Resources. In the event an unanticipated fossil discovery is made during the course of project development, construction activity should be halted in the immediate vicinity of the fossil, and a qualified professional paleontologist should be notified and retained to evaluate the discovery, determine its significance, and determine if additional mitigation or treatment is warranted. Work in the area of the discovery will resume once the find is properly documented and authorization is given to resume construction work. Any significant paleontological resources found during construction monitoring will be prepared, identified, analyzed, and permanently curated in an approved regional museum repository under the oversight of the qualified paleontologist.
36. GHG-1: Greenhouse Gas Reduction Plan. The project applicant shall prepare and implement a GHG Reduction Plan (GHGRP) that demonstrates emissions reductions from project operation by approximately 16,112 MT of CO₂e per year to 660 MT of CO₂e per year for the lifetime of the project, or by an amount determined through further analysis of project GHG emissions at the time of GHGRP preparation. Potential GHG reduction measures included in the GHGRP may include, but would not be limited to, the following, if applicable:
 - a. Procure greater than 60 percent of the electricity consumed by Buildings 1 through 4 from eligible renewable and zero-carbon energy sources by 2030;
 - b. Implement a transportation demand management program for employees, which may include the following measures:
 - i. Priority parking for carpools and vanpools
 - ii. Subsidized transit passes for employees
 - iii. Retention of a transportation demand management coordinator or creation of a website to provide transit information and/or coordinate ridesharing
 - iv. Inclusion of shower and changing facilities in building design
 - v. Bicycle sharing
 - vi. Emergency ride home program
 - vii. Telecommuting or flexible schedule options to reduce transit time, vehicle miles traveled (VMT), and associated GHG emissions

- c. Directly undertake or fund activities that reduce or sequester GHG emissions (“Direct Reduction Activities”) and retire the associated “GHG Mitigation Reduction Credits.” A “GHG Mitigation Reduction Credit” shall mean an instrument issued by an Approved Registry and shall represent the estimated reduction or sequestration of 1 MT of CO₂e that shall be achieved by a Direct Reduction Activity that is not otherwise required (CEQA Guidelines Section 15126.4[c][3]). A “GHG Mitigation Reduction Credit” must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the California Air Resources Board’s most recent Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation (2013). An “Approved Registry” is an accredited carbon registry that follows approved California Air Resources Board Compliance Offset Protocols. At this time, Approved Registries include American Carbon Registry, Climate Action Reserve, and Verra (California Air Resources Board 2018). Credits from other sources will not be allowed unless they are shown to be validated by protocols and methods equivalent to or more stringent than the California Air Resources Board standards. In the event that a project or program providing GHG Mitigation Reduction Credits to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring GHG Mitigation Reduction Credits specific to the registry involved and shall undertake additional direct investments to recoup the loss.

- d. Obtain and retire “Carbon Offsets.” “Carbon Offset” shall mean an instrument issued by an Approved Registry and shall represent the past reduction or sequestration of 1 MT of CO₂e achieved by a Direct Reduction Activity or any other GHG emission reduction project or activity that is not otherwise required (CEQA Guidelines Section 15126.4[c][3]). A “Carbon Offset” must achieve GHG emission reductions that are real, permanent, quantifiable, verifiable, enforceable, and in addition to any GHG emission reduction required by law or regulation or any other GHG emission reduction that otherwise would occur in accordance with the criteria set forth in the California Air Resources Board’s most recent Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation (2013). If the project applicant chooses to meet some of the GHG reduction requirements by purchasing offsets on an annual and permanent basis, the offsets shall be purchased according to the City’s preference, which is, in order of the City’s preference: (1) within Hayward; (2) within the BAAQMD jurisdictional area; (3) within the State of California; then (4) elsewhere in the United States. In the event that a project or program providing offsets to the project applicant loses its accreditation, the project applicant shall comply with the rules and procedures of retiring offsets specific to the registry involved and shall purchase an equivalent number of credits to recoup the loss.

The GHGRP shall be submitted by the project developer or permittee and reviewed and approved by the City of Hayward as being in compliance with this measure prior to grading or building permit issuance, if applicable. Applicable elements of the approved GHGRP shall be reflected on applicable project site plans and tenant improvement plans prior to certificate of occupancy. No more than 50 percent of the project's total requisite emission reduction over the project's lifetime may be achieved through direct reduction activities and carbon offsets. Condition compliance shall include monitoring and verifying implementation of measures included in the GHGRP.

37. HAZ-1: Regulatory Agency UST Involvement – HFD and RWQCB. Since the project site at 25800 Clawiter Road is listed as a closed HFD UST site (#01-003-009601) and a closed RWQCB LUST site (#01-0701), the applicant shall notify the Hayward City Fire Department UST and the RWQCB LUST of the following:

- a. Current development plan and any modifications to the development plan
- b. Identification of additional underground tank features, if encountered

Additionally, all UST removals (if any) and associated assessment work shall be completed under the direction of HFD and/or RWQCB, as determined by HFD and RWQCB. The UST closure and agency approval documents shall be reviewed and approved by the City of Hayward prior to issuance of grading permit.

Upon identification of UST features onsite, HFD and/or RWQCB could require actions such as: development of removal action workplans; obtaining permits for removal of USTs or other underground features; soil excavation and offsite disposal; assessment of soil and/or groundwater beneath the excavation; and/or completion of UST removal reports or case closure documents.

38. HAZ-2: Regulatory Agency Subsurface Involvement – RWQCB. Since the project site at 25800 and 25858 Clawiter Road is listed as an open RWQCB Cleanup site, the RWQCB Cleanup case #01S0815 shall continue to be utilized for agency oversight of assessment and remediation of this project site through completion of building demolition, subsurface demolition, and construction. The applicant shall notify the SFB RWQCB Cleanup project manager of the following:

- a. Current development plan and any modifications to the development plan
- b. Former onsite use of seven above ground storage tanks that formerly contained wash water, diesel fuel, paint, and paint thinner
- c. Former onsite use of an elevator that may have contained oils containing PCBs
- d. Former onsite use of a subsurface chassis (conveyor) system that may have utilized oils containing PCBs

- e. Former onsite use of two sumps for wash water at the former bus wash facilities: one at the bus wash facility/Water Testing Canopy and one in the northwest corner of the former manufacturing building
- f. Other regulatory UST case listings (HFD and RWQCB) assessment work that will be completed under the direction of other regulatory agencies
- g. All former environmental documents completed for the project site, including 25800 and 25858 Clawiter Road and this Initial Study document

Upon notification of the information above, RWQCB could require actions such as: development of subsurface investigation workplans; completion of soil, soil vapor, and/or groundwater subsurface investigations; installation of soil vapor or groundwater monitoring wells; soil excavation and offsite disposal; completion of human health risk assessments; and/or completion of remediation reports or case closure documents.

If groundwater wells or soil vapor monitoring probes are identified during demolition, subsurface demolition or construction at 25800 and 25858 Clawiter Road, they will be abandoned/destroyed with approval of RWQCB and under permit from the Alameda County Public Works Agency (ACPWA). Demolition activities will be documented in a letter report submitted to RWQCB within 60 days of the completion of abandonment activities. Abandonment of sub-slab vapor points would be completed with RWQCB approval and demolition activities would be documented in a letter report to RWQCB.

The SFB RWQCB closure and agency approval documents shall be submitted and reviewed by the City of Hayward prior to issuance of grading permit.

If the SFB RWQCB determines that Alameda County Department of Environmental Health (ACDEH) or DTSC may be best suited to perform the lead agency duties for the assessment and/or remediation of this project site. Should the lead agency be transferred to ACDEH or DTSC, this and other mitigation measures will still apply to these agencies.

39. HAZ-3: Construction Site Management Plan. The applicant shall implement the September 22, 2020 (or most recent) RWQCB approved Revised Construction Site Management Plan (Revised SMP) (RMD Environmental Solutions 2020) at the project site to address potential issues that may be encountered during redevelopment activities of the property involving subsurface work. The Construction SMP objectives include:
 - a. Communicating information to project site construction workers about environmental conditions,
 - b. Presenting measures to mitigate potential risks to the environment, construction workers, and other nearby receptors from potential exposure to hazardous substances that may be associated with unknown conditions or

unexpected underground structures, and

- c. Presenting protocols for management of known contaminated soil or groundwater encountered during construction activities.

The Construction SMP identifies the project contacts, responsibilities, and notification requirements, and outlines the procedures for Health and Safety; Soil Management; Contingency Measures for Discovery of Unexpected Underground Structures; Erosion, Dust, and Odor Management; Groundwater Management; Waste Management; Stormwater Management; and Written Records and Reporting. The Construction SMP shall be reviewed and approved by the City of Hayward prior to issuance of grading permit.

- 40. HAZ-4: Post-Construction Risk Management Plan. Following construction and during operation of the project site, the August 31, 2020 (or most recent) Post-Construction Risk Management Plan (RMP) approved by the RWQCB shall be implemented (RMD Environmental Solutions 2020). The RMP documents the requirements for the long-term management of activities at the Project site to mitigate potential risks and reduce/minimize exposure to construction workers, occupants, and other site users associated with residual chemical concentrations detected in soil, soil vapor, and groundwater that do not warrant active remediation.

This RMP will be incorporated by reference in a Covenant and Environmental Restriction on Property (Land Use Covenant, or LUC), which will be recorded for the project site in the Official Records of Alameda County, California prior to certificate of occupancy.

The RMP will include requirements regarding the following:

- a. Land Use Expectation and Limitations – future land use at the project site will be limited to industrial, commercial, and/or office space use
- b. Project Site Development and Occupancy Modifications - modifications to the project site or subsurface work will be conducted in accordance with the Construction SMP, and any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed by the Property Owner or its designee in accordance with applicable provisions of local, state and federal law
- c. Contingency Reporting - if impacted soil or groundwater is encountered during site activities, RWQCB will be notified and upon completion of subgrade work and any offsite removal of soil and groundwater, a report will be prepared by the Environmental Consultant or its designee and submitted to RWQCB
- d. Regulatory Access - any persons acting pursuant to RWQCB orders, shall have reasonable access to the project site after giving reasonable notice to the Property Owner or Lessor for the purposes of inspection, surveillance,

maintenance, or monitoring.

Specifically, for contingency reporting, the reports will be uploaded to the SWRCB GeoTracker website <https://geotracker.waterboards.ca.gov> (GeoTracker Global ID T10000013771; and the reports will include the following information:

- a. Brief letter documenting RWQCB notification and the scope of work completed;
 - b. Photographs documenting the project site conditions; and
 - c. Recommendations for preventative and/or corrective repair needs that are identified to maintain compliance with the RMP.
41. TCR-1: Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin that may be considered tribal cultural resources are identified during construction, all earth disturbing work within 50 feet of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and in consultation with the on-site Native American monitor. If the archaeologist and Native American monitor determine that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the appropriate Native American tribal representative(s).

Expiration & Revocation

42. In accordance with Hayward Municipal Code (HMC) Sections 10- 1.3075 and 10-1.3200, approval of this Major Site Plan Review and Conditional Use Permit is void 36 months after the effective date of approval unless:
- a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or his/ her designee.
 - b. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval. A request for 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, have secured a business license and shall maintain a valid business license, including annual renewals, required for operation.

43. Unless otherwise specified or approved by the Planning Director, all vacant building(s) on-site shall be demolished within six (6) months from project approval, and the site shall be returned to a “pre-development condition” which includes the capping of any utilities, the planting of sod to prevent erosion, and a 6 foot tall perimeter fence shall be erected within the required front, side and rear yards of a vacant parcel, subject to the standards set forth in Section 10-1.2735.k, Fence Regulations for Vacant Properties. In addition, the property shall be maintained in a weed-free condition and if applicable, by subject to any pre-construction or demolition mitigation required as pursuant to CEQA.
44. Prior to, during and following demolition of vacant structures, the property owner shall be responsible for securing and maintaining the site in accordance with HMC Chapter 4, Article 1, Public Nuisances; HMC Chapter 5, Article 7, Community Preservation and Improvement Ordinance; and the California Building Code, among other applicable regulations.

BUILDING

45. The following comments are for a Planning Application review by the Building Division. These comments are intended to help with the future submittal of a building permit application. Unlike Planning Division conditions of approval, these comments are non-binding when the Planning Application is approved. All Building Code related items will be formally approved during the building permit application process.

For the building permit application drawings, please correct the following items:

- a. Show compliance with bicycle parking regulations per 2019 CalGreen 5.106.4.1. The facility shall provide short term bicycle parking if visitor traffic is anticipated. If there is not visitor traffic expected, please note this in the project data for each building.
- b. Long term bicycle parking is required for this project. Per 2019 CalGreen 5.106.4.1.4, new shell buildings shall provide secure bicycle parking for 5 percent of the anticipated tenant-occupant vehicular parking spaces. Please note this in the project date and show the storage locations on the plans.
- c. The prosed buildings will require restrooms. While the potential office spaces will require restrooms as part of their subsequent tenant improvements, the warehouse occupancies will need restrooms per the 2019 California Plumbing Code. Please provide a plumbing fixture analysis and provide the minimum number of restroom facilities for each building.

LANDSCAPING

46. Detailed landscape improvement plans shall be submitted with phased improvement plans for review and approval, indicating full details (100% construction documents). The plans shall comply with the City’s Bay-Friendly

Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. Once approved, a digital file of the approved and the project landscape architect signed improvement plans shall be submitted to the City for the City's approval signatures. Copies of the signed improvement plans shall be submitted as a part of the building permit submittal.

47. Tree mitigation and tree protection plan shall be included in the landscape improvement plant set, in accordance with the approved conceptual landscape plan included in the September 15, 2020 application.
48. No building permit shall be issued prior to approval of landscape and irrigation improvement plans. All trees shall be planted a minimum of five feet away from any underground utilities, driveway and structure, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, as indicated in the City SD-122, or as otherwise specified by the City, in accordance with the approved conceptual landscape plan included September 15, 2020 planning application.
49. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven feet of pavement or buildings, and as recommended by the manufacturer.
50. All final tree locations shall be field verified by the applicant's landscape architect prior to planting.
51. Detailed landscape construction documents shall be prepared in accordance with the approved conceptual landscape plans and tree protection plan included in the September 15, 2020 submittal.
52. A tree removal permit shall be obtained prior to the removal of any tree in addition to grading and/or demolition permits.
53. Tree Preservation.
 - a. Tree pruning required for clearance during construction must be performed by a qualified arborist and not by construction personnel with a tree pruning permit from the City.
 - b. Any damages to existing trees from the construction activities shall be mitigated with like-kind and like-size trees.
54. Issuance of Certificate of Occupancy.
 - a. Pursuant to HMC Section 10-12.09. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved improvement plans and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the applicant's 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 including the irrigation audit report shall be e-mailed prior to requesting an inspection from the City Landscape Architect at michelle.koo@hayward-ca.gov.

- b. Pursuant to HMC Section 10-12.11. For new construction and rehabilitated landscape projects installed after December 1, 2015, the project applicant shall submit an irrigation audit report done by the third party as required in Appendix C - Certificate of Completion Part 5 to the City. The report may include, but not limited to inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming.
55. Upon completion of the landscape installation per the approved improvement plans, As-Built digital plans shall be submitted to the Engineering Department by the developer.
56. Landscape Maintenance.
- a. 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.
 - b. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection.
 - c. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep.
 - d. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.
 - e. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code.

- f. Routine shearing and hedging of shrubs and perennials shall not be permitted. All plants shall retain natural size and shape.
- g. 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.

UTILITIES

- 57. 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.
- 58. All connections to existing water mains shall only be performed by City of Hayward Water Distribution personnel at the applicant's/developer's expense.
- 59. Any modifications needed to existing water services or meters (upsized, downsized, relocate, abandon, etc.) shall only be performed by City of Hayward Water Distribution personnel at the developer's expense.
- 60. In accordance with September 15, 2020 application, all domestic, irrigation, and fire water service connections shall be made on Clawiter Road. New fire hydrant connections to the existing 12" water main running underneath the railroad tracks may require modifications and/or improvements to the water main.
- 61. All domestic and irrigation water services shall be protected with a reduced-pressure backflow prevention assembly per City of Hayward Standard Detail 202 (SD-202). Backflow prevention assemblies shall be at least the size of the water meter or the size of the water supply line on the property side of the meter, whichever is larger.
- 62. 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.
- 63. 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.

64. 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.
65. If necessary, industrial monitoring structures shall be installed per SD-309 on all points of wastewater discharge.

WATER POLLUTION SOURCE CONTROL

66. A grease interceptor shall be installed in the trash enclosure if a restaurant, café, or similar use is incorporated into any of the buildings in the future. Details for the grease interceptor shall be provided as part of the building permit application. For questions, contact Elisa Wilfong, Water Pollution Source Control Administrator, at (510) 881-7960.

SOLID WASTE

67. Should construction need to be performed, the City requires that construction and demolition debris be recycled per certain ordinance requirements. Submittal of the Debris Recycling Statement is 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.

ENGINEERING

68. A Lot Line Adjustment, Merger, or Parcel Map shall be completed prior to the issuance of a Building Permit for any structure which would cross an existing property line. Legal access shall be provided to all parcels from the Public Way. An approved Tentative Map is necessary prior to the recording of a Parcel Map.
69. Lot owners association or similar governing documents shall be incorporated for maintenance and repair of all common use facilities such as site access routes, drainage collection, detention and treatment measures; fire protection, illumination, landscape and such other improvements, prior to certificate of occupancy

Prior to Issuance of a Building Permit

70. Grading and Drainage: A grading permit is required prior to the issuance of building permits. The grading permit application shall include (24"x36") to engineering scale, grading and drainage plans prepared by licensed civil engineer, showing existing and finished grades, cut and fill quantities, drainage disposal to public drainage facilities and stormwater pollution prevention measures. The grading and drainage plan shall include, but not be limited to, the following design & submittal requirements:

- a. The plans shall include all surface and sub-surface drains, drain inlets and structures.
 - b. Stormwater Requirements Checklist identifying the required stormwater treatment measures shall be submitted with the site grading and drainage plans.
 - c. Project drainage shall be collected and discharged to a public storm drain in Clawiter Road (24-inch City drain) or east of the railroad tracks (48-inch ACFCWCD drain). Augmented runoffs shall be mitigated with on-site detention, ground infiltration or evapotranspiration to control discharge rates to pre-existing level.
 - d. Earth retaining structures greater than 4-feet in height (top to bottom of footing) shall be reviewed and approved by the Building Division of the Development Services Department.
 - e. Land disturbance of one or more acres shall require submittal of a Notice of Intent to the State Water Resources Control Board (Water Board) and to prepare a Storm Water Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD). Copies of these documents and the WDID Number issued by the Water Board must be submitted to the City Engineer prior to issuance of a grading permit.
 - f. The project's Stormwater Control Plan shall include drainage management areas, locations and details of all treatment control measures and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 Technical Design Guidelines.
 - g. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria shall be used to design the storm drain system.
71. Site Improvements: The grading permit application shall also include site improvement plans prepared by a licensed civil engineer and other state licensed and qualified professionals providing construction and design details for the following:
- a. Parking lot, landscaping, plant irrigation, lighting, fire equipment access and other site improvements outside the building shells.
 - b. Storm drain, sewer and water service laterals within the public right-of-way. These will include the water meter boxes and curb-stops.
 - c. Service laterals for gas service and other underground utility services in the public rights-of-way.
72. Encroachment/Major Street Improvement Permit: An Encroachment or a Major

Street Improvement Permit may be required for any work in the public right-of-way unless such work is included in the City's grading permit. This permit shall be secured prior to the issuance of a building permit for new construction.

Improvement plans for work in the public right-of-way shall be prepared by the applicant retained, State licensed and qualified design professionals and approved by the City Engineer, including for the following:

- a. Existing above ground utilities, their poles and structures shall be replaced with underground facilities.
- b. City standard LED street lights on metal poles shall be installed conforming to the City Standard Details. LED illumination shall comply with current City lighting standards. Photometric analysis shall be submitted.
- c. Clawiter Road street pavement, across the project's frontage, shall be ground or reconstructed full width, to correct excessive cross-slope and resurfaced with hot-mix asphalt concrete to provide a traffic index 9 and cross-slope not exceeding 3%. Alternately, the applicant shall reimburse the City for completing the similar improvements.
- d. Damaged frontage improvements shall be replaced with improvements conforming to the City Standard Details (available online).
- e. Driveways and sidewalk fronting the property shall be accessibility compliant.

During Construction

- 73. Stormwater Pollution Prevention: Stormwater pollution prevention measures approved by the city engineer shall be in place before any ground disturbing activity.
 - a. Stormwater pollution prevention measures shall be upgraded and maintained as needed during construction.
 - b. Qualified SWPPP Practitioner (QSP) shall regularly inspect and submit monthly and final reports to the Public Works Inspector in addition to the submittals to the State Water Quality Control Board.
- 74. Remove and replace street improvements damaged during construction of the proposed project and prior to issuance of the Final Construction Report by the City Engineer. Developer is responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.

Prior to Issuance of Certificate of Occupancy

- 75. Stormwater Treatment Measures Maintenance: The property owners jointly or through their association shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement". The executed Agreement shall be

recorded with the Alameda County Recorder's Office.

76. Construction of Improvements: All public and private improvements, including punch list items, must be complete prior to the issuance of a certificate of occupancy.
77. "As-Built" Records: Provide "as-built" record plans in electronic formats to the City Engineer. Electronic plans shall be in "AutoCad" and pdf formats acceptable to the City Engineer.

TRANSPORTATION

78. Applicant shall coordinate with AC Transit to implement improvements to increase bus stop visibility and user comfort (such as benches and shelters) should bus stops along the project frontage be used for active AC Transit bus service. Applicant shall coordinate with AC Transit to ensure compliance with this Condition.

Prior to Issuance of Building Permit

79. Applicant shall submit the following items as part of Improvement Plans to Public Works-Transportation for review prior to issuance of Building Permits:
 - a. An on-site and off-site (fronting City right-of-way) Signing and Striping Plan in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking complaint disabled stalls).
 - b. A Photometric Plan, refer to Hayward's Standard Plans Sheet SD-120 for roadway lighting criteria, link: <https://www.hayward-ca.gov/documents/hayward-standard-detail>
 - c. Turning Analysis using the largest vehicle expected on-site (typically a delivery vehicle) using AutoTurn software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.
80. Applicant shall make a financial contribution of \$49,400.00 to the City of Hayward Public Works Department to fund future bicycle improvements/projects along Clawiter Road as identified in the City's 2020 Bicycle and Pedestrian Master Plan.
81. Applicant shall make a financial contribution of \$500,000.00 to the City of Hayward Public Works Department to fund future transportation improvements/projects at and within the vicinity of the State Route 92/Clawiter Road/Eden Landing Road interchange.
82. Applicant shall ensure that project driveways are designed for pedestrian visibility safety and to the satisfaction of City of Hayward Public Works-Engineering & Transportation staff.

83. Applicant shall clearly delineate sidewalks by removing or minimizing bushes and large signs for improved visibility and other such improvements. Applicant shall propose and indicate pedestrian visibility and safety features in the project's Improvement Plans, including the Signing & Striping plans, and provide said plans to the City for review and approval.
84. Applicant shall install warning signage, such as bikeway signage and caution signage for exiting vehicles, as well as continental crosswalks at all project driveways. Proposed signage and crosswalks and their locations shall be included in the Signing & Striping plans and provided to the City for review and approval.
85. Applicant shall clearly delineate bicycle pathways within the project site, ensuring that on-site bike sharrows are high-visibility and accompanied by appropriate signage. Proposed on-site bicycle striping and signage shall be included in the Signing & Striping plans and provided to the City for review and approval.
86. Upon review of Improvement Plan(s) and required item(s) listed above by Public Works-Transportation, Applicant shall modify Improvement Plan(s) to address any deficiency(ies) or item(s) identified by Public Works-Transportation staff, to the satisfaction of Public Works-Transportation staff or the City Engineer, prior to issuance of Building Permit(s).

FIRE

Fire Prevention

87. Minimum building address shall be 12" high with 1.5" stroke. When building is located greater than 50 feet from street frontage, address shall be minimum 16" high with 1.5" stroke. Tenant space number shall be 6" high with 0.75" stroke on a contrasting background to be visible from the street.
88. Design of the public streets and private streets and courts shall meet all City of Hayward and California Fire Code Standards.
89. All public streets, private streets and private courts shall be designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete.
90. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. 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), unless otherwise approved by Fire Department, capable of flowing minimum of 1,500 gallons per minute. The design and layout of the hydrants shall be reviewed and approved by the Fire Department. (20 new hydrants proposed onsite)
91. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Fire hydrants shall be placed at least 50 feet from the building to be protected. Where it

is not feasible to place them at that distance, they may be in closer proximity in approved locations. A separate fire permit is required for hydrant installation.

92. Blue reflective pavement markers shall be installed at fire hydrant locations. If fire hydrants are located to be subjected to vehicle impacts as determined by the Hayward Fire Department, crash posts shall be installed around the fire hydrant(s).
93. When buildings exceed 30ft. in height, fire apparatus access roads shall have an unobstructed width of not less than 26 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced to provide all-weather driving capability.
94. The new building is not currently approved for high piled storage. A building permit will be required for the installation of storage (pallet) racks greater than 6 feet in height, if any. A Fire Department Annual Operational Permit is required for any combustible storage (floor and/or rack) which exceeds 12 feet in height (Class I-IV type commodities), AND/OR any high hazard storage which includes commodities such as hazardous materials, flammable liquids, plastics, foam and rubber products, or any other classified commodity as dictated by the California Fire Code and NFPA 13 Standards, which exceeds 6ft. in height.
95. Submit for proper building permits for the construction of the building to the Building Department.
96. The new building(s) shall comply with all requirements of the 2019 California Building, California Fire Code(s) and local Ordinances respectfully.
97. Each building is required to install separate fire sprinkler systems in accordance with NFPA 13 Standards. A separate plan/permit is required prior to the installation of the overhead fire sprinkler system. Please refer to NFPA 13 Standards to number of separate fire sprinkler riser (systems) required in each building.
98. Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
99. Underground fire service line serving NFPA 13 sprinkler system shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-204. Water meter shall meet the minimum diameter for a (NFPA 13) commercial grade system.
100. Each building is required to install a separate fire alarm system to monitor water flow. An audible alarm bell (device) shall be installed to sound on the exterior of each individual building. The device shall activate upon any fire sprinkler system water flow activity.
101. Be advised per HFD Ordinance sec. 903.3.1.1: when an automatic sprinkler system is required in a building of undetermined use, the overhead fire sprinkler system shall be designed to a minimum sprinkler density of 0.33/3,750 with a minimum

coverage of 100 sq. ft. per head.

102. If applicable, per the 2019 California Fire Code (CFC) table BB105.1, a minimum fire flow of 8,000gpm for 4 hours is required for this site. A reduction of 50% is allowed if the building is protected with an automatic fire sprinkler system in accordance with NFPA 13.
103. ** EVA – The proposed Emergency Vehicle Access (EVA) crosses an active, existing rail spur. Prior to issuance of building permit or certificate of occupancy for Building 1 & 2, identify design of the existing rail spur and indicate conformance with the 2019 California Fire Code (CFC). The CFC requires that that this roadway be comprised of an all-weather surface suitable of use by fire apparatus. This section shall demonstrate the ability to accommodate the imposed load of fire apparatus by means of an all-weather surface, unless otherwise approved by a Hayward Fire Department official or satisfied.

Hazardous Materials

104. Environmental and Health-Based Site Clearance – Our office has reviewed the baseline “Phase I Environmental Site Assessment, 25800 and 25858 Clawiter Road, Hayward, California” by West Environmental, dated March 2019, provided to the City of Hayward Planning Division as well as other environmental documentation, including information on the State of California Water Resources Control Board Geotracker website for this development:

The information in these records indicate that residual contamination exists on this site. Therefore, this condition requires proper evaluation and regulatory oversight to ensure that the site meets environmental and health-based clearances that are appropriate for this industrial/commercial development. As a condition of approval, the applicant shall provide environmental screening clearance documentation from either the Alameda County Department of Environmental Health’s Local Oversight Program (LOP), Department of Toxic Substances Control (DTSC) or the San Francisco Bay Regional Water Quality Control Board (RWQCB). At this time, the developer has chosen the RWQCB as their oversight agency. Clearance from the RWQCB shall ensure that the proposed industrial/commercial project meets development investigation and cleanup standards, including if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/soil vapor/soil management plan. RWQCB clearance shall be submitted to the Hayward Fire Department’s Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.

105. Electronic Submittal of Environmental Documentation – Environmental Documentation associated with the evaluation, investigation and/or clearance of this site shall be provided in an electronic format to the City of Hayward Fire Department and Planning Division prior to the issuance of the Building or Grading Permit.

106. Demolition/Grading – A condition of approval prior to grading: Structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by an appropriate professional(s) to ensure that hazards posed to development construction workers, the environment, future uses, and other persons are mitigated. Demolition contractor shall contact the Hayward Fire Department's Hazardous Materials Office (phone 510 583-4910) regarding demolition and plans to evaluate and dispose of residual hazardous materials/waste, in particular, associated with remaining equipment. A final report shall be submitted associated with residual hazardous materials management and disposal.
107. Wells, Septic Tank Systems or Subsurface Structures – Any wells, septic tank systems and other subsurface structures shall be protected and removed properly to minimize threats to the health and safety of the development construction workers, future residents, or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.
108. Hazardous Materials/Waste and their Vessels Discovered during Grading/Construction – If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.
109. Underground Storage Tanks, Oil Water Separators, Hydraulics Lifts – If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the Hayward Fire Department (HFD) and appropriate samples shall be taken under the direction of a qualified consultant to ensure that contamination has not occurred to soil or groundwater. A follow-up report shall be required to be submitted to document the activities performed and any conclusions. Below are specific requirements on each:
 - a. Underground storage tank and associate piping: An approved removal plan, including appropriate sampling, a Hayward Fire Department permit for the removal, and follow-up report is required.
 - b. Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report is required.
 - c. Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.
110. Hazardous Materials/Waste During Demolition, Grading and Construction - During demolition, grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.
111. Future Industrial/Commercial Uses – This planning review is being done with the understanding that the buildings being proposed are “Core and Shell” buildings without known tenants and that no hazardous materials are being

proposed on this site as part of this project. Additional review will be required when tenants and their hazardous materials have been identified.

The applicant once tenants are identified, shall provide adequate information associated with the use or storage of hazardous materials/waste for evaluation and approval by the Hayward Fire Department to ensure adequate. Based on this information additional planning land use approvals, Fire Code requirements, Certified Unified Program Agency (CUPA) regulations or other conditions may be required to be met.