

**CITY OF HAYWARD PLANNING COMMISSION
 CONDITIONAL USE PERMIT AND SITE PLAN REVIEW
 WITH WARRANTS AND EXCEPTIONS APPLICATION NO. 202002474
 PROPOSED DRIVE-THROUGH RESTAURANT ESTABLISHMENTS AND
 SIGNIFICANT RENOVATION OF SITE AND EXISTING COMMERCIAL BUILDING
 LOCATED AT 26231 MISSION BOULEVARD**

DRAFT CONDITIONS OF APPROVAL

GENERAL

1. Approval of Conditional Use Permit, Site Plan Review, Warrants and Exceptions Application No. 202002474 authorizes the construction and development of the following items located on a 10.72-acre property with an existing 94,500 square-foot commercial building (formerly K-mart) located at 26231 Mission Boulevard, Assessor Parcel No. 452-0020-009-01:
 - The development of two (2) new drive-through restaurant pad buildings situated along the northern boundary of the project site with floor areas of approximately 3,270 and 3,880 square-feet, respectively. Pad 1 identified as Raising Cane's Chicken Fingers and Pad 2 identified as In-N-Out Burger. Each drive-through restaurant will provide a minimum queueing line that can accommodate up to 22 and 25 standard vehicles, respectively.
 - The significant exterior and interior remodel of the existing 94,500 square-foot commercial building to be demised into three (3) major tenant spaces ranging from 21,000 to 32,100 square-feet in floor area, and six (6) new commercial shop spaces ranging from 1,570 to 1,980 square-feet in floor area, respectively.
 - Warrants to deviate from the following standards from the Urban General (S-T4) and Urban Center (S-T5) zoning districts of the South Hayward BART Form-Based Code: 1) deviation from the 24-foot maximum setback along Harder Road for Pad 2, 2) deviation from minimum 60% frontage buildout requirement along Harder Road for pad buildings, 3) deviation from minimum 30% glazing requirement for first floor facades for Pad 2, 4) deviation from the first later may not be paved with the exception of driveways for the site, and 5) deviation from open parking lot street screen from Mission Boulevard and Harder Road.
 - Exceptions to deviate from the following standards from the Urban General (S-T4) and Urban Center (S-T5) zoning districts of the South Hayward BART Form-Based Code: 1) deviation from Shopfront Frontage with Building Entrance at sidewalk grade along Harder Road, 2) deviation from minimum two-story building height for the pad drive-through restaurant buildings, and 3) deviation from minimum 15% of lot area (70,044 square-feet) open space requirement.
 - Related site improvements including upgrades to the site vehicular and pedestrian circulation, tree planting and site landscaping, stormwater management, outdoor dining areas, and parking configuration.
2. Although the project's development standards shall follow the former South Hayward BART Form Based Code, the future land uses to be located within the primary commercial building on-site (formerly occupied by Kmart) shall comply with permitted,

conditionally permitted, and prohibited land uses found within the Use Table for the Mission Boulevard – Corridor Center (MB-CC) zoning district.

3. The hours of operation that the drive-through restaurants may be open to the public shall be limited to the following: Sunday through Wednesday from 9 a.m. to 2 a.m., and from Thursday to Saturday, from 9 a.m. to 3:30 a.m.
4. The Conditional Use Permit, Site Plan Review, Warrants and Exceptions application is approved subject to the final architectural, civil and/or landscape plans on file with the Planning Division, respectively, 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 Development Services Director or his/her designee prior to implementation. Alterations requiring a Variance shall be subject to review and approval by the Planning Commission, if applicable.
5. Within 60 days of project approval, 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 and 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 prior to placement.
6. The Planning Director or designee may initiate the process revoke this permit per the procedures set forth in Hayward Municipal Code for Conditional Use Permits and Site Plan Review for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
7. 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.
8. In accordance with Section 10-1.3055 and 10-1.3255 of the Hayward Municipal Code, approval of this 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 or a time extension of the approval has been granted by the Planning Director. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or business operations have commenced in accordance with all applicable conditions of approval.
 - b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this

approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.

9. The permittee shall assume the defense of, with counsel to be selected by permittee, 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. The City will make a good faith attempt to promptly notify the permittee of any such claim, action, or proceeding and will cooperate in good faith in the defense.
10. 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.
11. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may initiate the process to 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.

PRIOR TO THE ISSUANCE OF A BUILDING AND/OR GRADING PERMIT

Planning

12. The color and materials to be incorporated on the exterior of the structures shall be pursuant to the design exhibits included with this Approval with final color and materials to be reviewed and approved by the Planning Director for compliance prior to building permit issuance. All vents, gutters, downspouts, flashings, electrical conduits, etc. shall be painted to match the color of the adjacent material unless specifically designed with a contrast color as an architectural element.
13. 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.
14. A copy of these conditions of approval shall be scanned and included on a full-sized sheet(s) in the plan check set submitted to the Building Division.
15. The applicant shall apply for and obtain all permits required for site work from the City and/or outside agencies prior to any site work.
16. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.
17. 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, and gas meters. 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 building permit. All screening shall be compatible with respect to forms and materials used on the building.

18. 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 review and approval prior to issuance of a respective building permit.

Landscape

19. Prior to the issuance of a grading permit or building permit, detailed landscape and irrigation improvement plans prepared by a licensed landscape architect on an accurately surveyed base plan shall be approved by the City. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. Once approved, a digital file of the approved 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 included as part of the final building permit package prior to building permit issuance.
20. No building or grading permit shall be issued without complete landscape and irrigation plans, details and performance specifications that satisfy all landscape and irrigation requirements for the project.
21. A tree preservation bond equaling the total appraised value of the trees for preservation in the approved arborist report shall be submitted to City Landscape Architect prior to issuance of grading or demolition permit whichever occurs first. The bond shall remain in effect throughout the construction period and until completion of the entire project improvements. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
22. A tree removal permit shall be obtained prior to the removal of any tree in addition to demolition and grading permits.
23. Tree shall be located a minimum of 5 feet from lateral service lines and driveways, a minimum of 15 feet from a light pole, and a minimum of 30 feet from the face of a traffic signal, or as otherwise specified by the City.
24. 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.
25. Minimum twelve inches wide band of large size exceeding six-inch diameter cobblestone shall be provided around overflow catch basin or bubble up basin.
26. Backflow prevention device shall conform to the City Standard Detail SD-202 and the detail shall be incorporated into the irrigation detail plan.

Building Division

27. All permittees under this Approval shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures 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. The project shall comply with the City of Hayward's Reach Code for minimum electrification requirements.
28. All permittees under this Approval shall be responsible for the payment of all building permit plan check and inspection fees in addition to all applicable impact fees and taxes including, but not limited to, school district, fire plan check fees, utility connection fees, supplemental construction and building taxes.

Fire Prevention

29. An automatic fire sprinkler system shall be designed and installed conforming to California Fire Code (CFC) and NFPA 13 Standards. A separate fire permit is required for the fire sprinkler system installation. Sprinkler system monitoring is required when there are 20 sprinklers or more than in accordance with the California Fire Code. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation. Pad #1 and #2 proposed the installation of overhead fire sprinkler system(s) to each building. (Deferred submittal required)
30. Fire Sprinkler Alterations are required to provide adequate sprinkler coverage to the newly created tenant spaces of the "Major"/existing building. (Deferred submittal required)
31. A maximum static pressure of 80 PSI should be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly.
32. Where a building fire alarm system or fire sprinkler system is installed, automatic fire extinguishing system shall be monitored by the building fire alarm system in accordance with NFPA 72. Central station monitoring is required, which shall be done by an approved and/or listed central station monitoring company.
33. Fire sprinkler system monitoring by means of a fire alarm system is required for the installation of new fire sprinkler systems as required per the California Fire Code (CFC) with amendments.
34. Proposed new fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants. The number of hydrants required will be determined based on the required fire flow to the site. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.
35. All public and private streets and private courts shall be designed with an all-weather surface pavement. Design of the public streets and private streets and courts shall meet all City of Hayward and California Fire Code Standards. 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.

36. Underground fire service line serving NFPA 13 sprinkler system(s) shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-204. Water meter shall be minimum of four-inch for a (NFPA 13) commercial grade system.
37. An audible alarm bell (device) shall be installed to sound on the exterior of each individual building. The device shall activate upon any fire sprinkler system waterflow activity. (This is required for the “Major” commercial building improvements)
38. A minimum 6” – 12” address shall be installed on each building at a location acceptable to the AHJ. The address shall be installed on a contrasting background and shall be in a location approved by the Hayward Fire Department.
39. Commercial cooking equipment and ventilation hood and duct systems shall have fire protection systems installed per NFPA 96 Standards and other applicable NFPA Standards relative to the fire extinguishing system type. As per the California Fire Code – all new dry-chemical and wet-chemical extinguishing systems shall comply with UL300. Installation shall also conform to UL 300 requirements. Existing dry-chemical and wet-chemical extinguishing systems shall comply with UL300, no later than the second required servicing following the effective date of this section. Such protection shall be tied into the buildings’ central station monitoring. (A separate fire permit is required for the installation).
40. For an “A” occupancy (50 occupants or more and less than 300 occupants). The following requirements shall be applicable:
 - Exit doors leading to the exterior shall have panic hardware installed.
 - Exit illumination signs shall be installed as per the California Building Code, including low-level exit signage.
 - Aisle widths shall comply with the California Building and Fire Code(s) for fixed seating and non-fixed seating.
 - Decorative materials shall be flame treated and a “Certificate of Flame Treatment” shall be presented to the fire department prior to certificate of occupancy.
 - Occupant load signs shall be installed in all dining areas with fixed and non-fixed seating, reflecting the seating capacity for each dining area. In addition, a total capacity shall be posted at the front door stating the maximum seated and standing occupant loads. The maximum (seated) capacity for each restaurant will be noted as (blank)PERSONS.
41. An evacuation plan shall be posted in approved areas within the restaurant. Locations to be approved by the Fire Department.
42. Fire and evacuation drill shall be conducted QUARTERLY by employees

Hazardous Materials

Drive-Through Restaurants:

43. Specific Plans – Specific plans shall be submitted for construction for each tenant. The plans shall provide adequate information as to hazardous materials/wastes use, storage to the satisfaction of the Hayward Fire Department. A “Chemical Inventory Packet” shall

be provided. A Hazardous Materials or "HAZ MAT" page(s) shall be submitted in the plans for review and approval.

44. Carbon Dioxide (CO₂) Tank Permit - Owner/vender is required to obtain a Hayward Fire Dept. permit to install liquid carbon dioxide (CO₂) tanks greater than 100 pounds or 200 cubic feet. All liquid carbon dioxide tanks shall comply with NFPA 55 standards including, seismic restraints, pressure gauges, vent and pressure relief devices, signage and for indoor CO₂ tank locations, a CO₂ detection system capable of detecting and notifying the building occupants of a gas release of CO₂ vapors in excess of 5,000 ppm. Please contact Steve Lowe at (510) 583-4961 for CO₂ Guidelines document.
45. Piping compatibility and pressure tests – Piping, tubes, valves, fittings and related components shall be designed and fabricated from materials compatible with the materials to be contained. Piping being used to convey hazardous liquids/gases shall be of adequate strength and durability and shall be pneumatically tested at 150% of the maximum anticipated pressure of the system for a 24-hour period or it shall be tested according to manufacture guidelines.
46. Cooking Oil Storage/Oil Tanks – Storage of cooking oil shall meet the 2019 California Fire Code (CFC) Chapter 6, Section 608. Specifically, section 608.3 which identified nonmetallic tanks to meet UL2152 Listed with tank capacity not to exceed 200 gallons. Metallic tanks shall either be UL142 or UL80.
47. Secondary Containment – Containers or tanks used for the storage of hazardous liquids having a volumetric capacity of 55 gallons or more require secondary containment as stipulated in the Hayward City Ordinance and the California Fire Code as adopted by the City of Hayward. Secondary containment shall be provided as specified in the Secondary Containment Guidelines, which can be obtained by contacting the Hazardous Materials Office at (510) 583-4910.
48. Piping Labeling - All associated piping to tanks shall be appropriately labeled with the type of contents and directional arrows showing the flow of the product every 20 feet.
49. Placarding – Due to the amount of hazardous materials being contained within the building, NFPA 704 placards shall be provided for the exterior of the building.
50. Annual Consolidate Permit - Owner is required to obtain an annual Consolidated Permit for CO₂ tank volumes over 200 cubic feet.
51. Compressed Gas - Compressed gas cylinders (Helium balloons and carbon dioxide (soda dispensing)) are required to be chained and secured. In addition, Carbon Dioxide cylinders and dewars required special safeguards (oxygen detectors, placards, etc.) and approval from the Fire Department.
52. Securing Compressed Gas – Any compressed gas cylinders shall be chained /secured 1/3rd down from top and 1/3rd up from bottom of cylinder. Cylinders shall be labeled with contents. Compressed gas tanks shall be seismically anchored per the California Building Code.
53. Tank Signage and Placarding – attach signage indicating tank contents and attach corresponding NFPA 704 placards.
54. Label all used kitchen vegetable oil / grease containers and tanks.

55. Final Hazardous Materials Inspection required – Final inspection from the Hazardous Materials Office is required prior of the issuance of a “Certificate of Occupancy” or “Final Building Inspection”. Please contact the Hazardous Materials Office at (510) 583-4900 at least 48 hours before the desired final inspection appointment.

Main Commercial Building:

56. Specific Plans – The main building has not been identified as to the tenants or hazardous materials use/storage. All permittees for occupancies shall provide specific plans that include adequate information related to hazardous materials use, storage, and hazardous waste generation to the satisfaction of the Hayward Fire Department prior to issuance of a building permit. A chemical Inventory Packet shall be provided. A Hazardous Materials or “HAZ MAT” page(s) shall be submitted in the plans for review and approval.

Environmental Clearances - Due to past uses on the site and environmental screening clearance shall be obtained prior to grading or building permit issuance.

57. The applicant shall provide environmental screening clearance from the Alameda County Department of Environmental Health’s Local Oversight Program (LOP). The LOP contact, Paresh Khatri, can be reached at (510) 567-6700 or (510) 777-2478. Clearance from the LOP will ensure that the proposed 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. LOP clearance shall be submitted to the Hayward Fire Department’s Hazardous Materials Office and the City of Hayward Planning Division prior to issuance of any grading and building permits. Allowances for the issuance of grading and building permits prior to LOP screening clearance may be granted if deemed acceptable to the LOP and Hayward Fire Department.
58. 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.
59. Grading – A condition of approval prior to grading: Any 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.
60. Wells, Septic Tank Systems or Subsurface Structures – Any wells, septic tank systems and other subsurface structures shall be removed properly to minimize threats to the health and safety of the development construction workers or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.
61. 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:

- 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.
 - Oil Water Separators: An approved plan, including appropriate sampling, and follow-up report is required.
 - Hydraulic Lifts: An approved plan, including appropriate sampling, and follow-up report is required.
62. Future Commercial/Residential Uses – The site is only being proposed for commercial uses at this time, as more information as to the tenants or uses is available, then the applicant shall provide adequate information as described in these conditions associated with the use or storage of hazardous materials/waste for evaluation and approval by the Hayward Fire Department to ensure adequate conditions/safety measure are met. No residential use is proposed at this time for the project. If changes are approved that allow residential or other sensitive uses, then the applicant maybe required to submit additional information or obtain additional clearances for that use.

Land Development Engineering

63. Developer shall secure the required Street Encroachment and/or Grading Permit prior to the issuance of any Building Permits associated with the project. Plans for Grading Permit shall be prepared by a State licensed Civil Engineer and shall include details for required grading, material stockpiling, earth retaining structures, drainage, utility service connections, stormwater pollution prevention measures, landscape and lighting improvements and improvements in the street right-of-way complying with the Planning approval and necessary to develop the project site.
64. All plans and their related design studies and details shall be prepared by or under the direction of the State licensed and qualified professionals and shall comply with Chapter 10, Article 8 of the Hayward Municipal Code and the current City Standard Details, available online.
65. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. On site drainage shall be collected and conveyed to public drainage system as per plans approved by the City Engineer. The storm drainage system shall be designed to convey a 10-year storm event.
66. Drainage plans should include all proposed underground pipes, building drains, area drains and inlets. All building sites shall be graded to slope away from the building foundations per California Building Code, Chapter 18, Section 1804.3 Site Grading or as required by the Soils Engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
67. The On-site storm conveyance and treatment systems shall be owned and maintained by the property owner.
68. The project's Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted and shall show, at a minimum, drainage management areas,

location and details of all treatment control measures and site design measures, and numeric sizing calculations in conformance with Alameda County Clean Water Program C3 design guidelines.

69. Land disturbance of one or more acres on the project site will require the developer to submit a Notice of Intent to the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP) before start of any construction activity. Copies of these documents must be submitted to the City Engineer prior to issuance of a grading permit. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD) utilizing the California Storm Water Best Management Practices Handbook for Construction Activities, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the City's Grading and Erosion Control ordinances and other generally accepted engineering practices.
70. Developer shall comply with the pre-construction and post-construction requirements of the Municipal Regional Permit (MRP). The project shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

Transportation

71. Applicant shall submit the following items as part of Improvement Plans to Public Works-Transportation for review prior to issuance of Building Permits:
 - An on-site and off-site (west side of Mission Boulevard from Harder Road to Sorenson and both sides of Harder Road from Mission Boulevard to Jane Avenue) Signing and Striping Plan in accordance with Caltrans' latest Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information on marking compliant accessible parking stalls).
 - An on-site and off-site (fronting City right-of-way) 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>
 - Turning Analysis using the largest vehicle expected on-site (typically a delivery vehicle such as WB-40) using AutoTurn software. Turning Analysis shall not depict vehicles backing into public streets/right-of-way.
 - Traffic Signal Plans for the new traffic signal, to be installed by the Applicant, at the intersection of Harder Road/Dollar Street.
72. The Applicant shall install a traffic signal at the intersection of Harder Road and Dollar Street. Installation shall include all necessary SCATS software, equipment (cabinet, controller, video detection, battery backup system, etc.) and modifications (including ADA-compliant curb ramps) to the intersection, as determined by the Public Works Director or his/her designee, necessary to operate the traffic signal and the intersection to the satisfaction of the Public Works Director or his/her designee. Fiber optic installation shall be required between the new signal at Harder Road/Dollar Street and the two adjacent signals at the Harder Road/Mission

Boulevard and Harder Road/Jane Avenue. These modifications shall be included in the Traffic Signal Plans and the Signing & Striping Plans.

73. The Applicant shall upgrade the Harder Road/Jane Avenue intersection by upgrading and/or installing all necessary SCATS software, equipment (may include: cabinet, controller, video detection, battery backup system, etc.), as determined by the Public Works Director or his/her designee, necessary to connect the Harder Road/Jane Avenue traffic signal to the City's SCATS system and the new traffic signal at Harder Road/Dollar Street, to the satisfaction of the Public Works Director or his/her designee. These modifications shall be included in the Traffic Signal Plans and the Signing & Striping Plans.
74. The Applicant shall provide a dedicated 11-foot left-turn lane and a 11-foot shared right/through lane on the northbound approach and a 13-foot-9-inch wide southbound receiving lane at the Harder Road/Dollar Street intersection within the Project Site. This modification shall be included in the Signing & Striping Plans.
75. Applicant shall install high-visibility continental or ladder-style crosswalks and provide pedestrian signal phases along all four legs of the Harder Road/Dollar Street intersection. The signal shall include push-button actuation for pedestrians and APS. This modification shall be included in the Traffic Signal Plans and the Signing & Striping Plans.
76. Applicant shall install continental or ladder-style crosswalks along all four legs of the Harder Road/Jane Avenue intersection. This modification shall be included in the Signing & Striping Plans.
77. Upon review of the Signing & Striping Plans, and if determined by the Public Works Director or his/her designee to be feasible, the Applicant shall stripe two-stage bicycle turn boxes for both the eastbound and westbound left turns at the intersection of Harder Road/Dollar Street. If determined to be feasible by the Public Works Director or his/her designee, this modification shall be included in the Signing & Striping Plans.
78. Upon review of the Signing & Striping Plans, and if determined by the Public Works Director or his/her designee to be feasible, the Applicant shall stripe an advanced stop bar and/or Bike Box on the eastbound approach at the Harder Road/Dollar Street intersection. If determined to be feasible by the Public Works Director or his/her designee, this modification shall be included in the Signing & Striping Plans.
79. Upon review of the Signing & Striping Plans, and if determined by the Public Works Director or his/her designee to be feasible, the Applicant shall stripe green paint to indicate conflict areas (Det 39A) at the project driveway, and on intersection approaches along Harder Road. If determined to be feasible by the Public Works Director or his/her designee, this modification shall be included in the Signing & Striping Plans.
80. The Applicant shall provide green "crossbike" markings to continue the existing bicycle lane and/or clearly delineate space for bicyclists travelling through the

intersection along Harder Road eastbound and westbound at the Harder Road/Dollar Street intersection. Delineation markings shall be installed to the satisfaction of the Public Works Director or his/her designee. This modification shall be included in the Signing & Striping Plans.

81. The Applicant shall provide and maintain clear sight triangles at all project driveways (i.e., free of landscaping and signage).
82. The Applicant shall not modify existing parking restrictions on, or along, any public right-of-way within the project frontages or vicinity.
83. The Applicant shall contribute \$101,818.00 to fund a future Class IV separated bike lane along the project frontages on Harder Road and Mission Boulevard, or similar bicycle facilities or improvements within the project vicinity, as determined by the Public Works Director or his/her designee, in accordance with the City's Bicycle and Pedestrian Master Plan.
84. The Applicant shall install an interim Class II Bike Lane on the south side of Harder Road between Jane Avenue and Dollar Street. Installation shall include striping a 3-foot buffer, Class II Bike Lane markings consistent with City Standards, and Class II Bike Lane signage consistent with City Standards. This modification shall be included in the Signing & Striping Plans.
85. 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 the Public Works Director or his/her designee, prior to issuance of Building Permit(s).

Utilities – Water and Sewer

86. **Utility Plan:** The application for the building permit shall have a utility plan. The utility plan shall show the sizes and locations of all existing and proposed water service lines, water meters, backflow prevention devices, sanitary sewer connections, fire services, and grease interceptors.
87. **Existing Water Services.** The property has an existing 8" fire service (account # 19732), 2" domestic water meter (account # 19749), and a 1 ½" irrigation water meter (account # 22971). Existing water services that cannot be reused for the proposed development shall be abandoned by City Water Distribution Personnel at the developer's or applicant's expense.
88. **Proposed Water & Sewer Services:** Each facility will be required to have separate a water service connection, water meter, and sanitary sewer connection. Each facility with food service and related trash enclosures will be required to have its own underground grease interceptor.
89. **Sewer Impact Fees.** Permittees under this Approval may be subject to sewer collection system impact fees to accommodate the development, as determined by the City of Hayward Public Works & Utilities Department. Permittees shall provide gpd discharge of the development including infiltration and inflow.

90. All public water mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Water Mains (12" Diameter or Less) and Fire Hydrants," latest revision at the time of permit approval.
91. The development's water main and valves shall be private, owned and maintained by the developer or property owner.
92. The development's sanitary sewer mains and manholes shall be private, owned and maintained by the developer or property owner.
93. All connections to existing water mains shall be performed by City Water Distribution Personnel at the Applicant/Developer expense.
94. The water facilities fee for non-residential connections are based on the water meter size required to meet the indoor demand for the operation.
95. The development shall be required to have separate irrigation water meter(s) for irrigation water services.
96. The developer or applicant shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each domestic and irrigation water meter, per SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
97. Fire services shall be per the sizing requirements of the Fire Department and shall have above-ground double-check valve assemblies (DCVA) per SD-204 and SD-201. Tie-ins to the City main lines for new fire services per SD-204 must be installed by City Water Distribution Personnel at the developer's expense.
98. A fire flow test must be completed by Water Distribution personnel. Contact michelle.tran@hayward-ca.gov for additional fire flow data or test requests.
99. 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.
100. 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 one 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.
101. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sanitary Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval (available on the City's website at www.hayward-ca.gov/your-government/departments/engineering-division).
102. The development's sanitary sewer mains and manholes shall be private, owned, and maintained by the property owner.
103. The applicant or developer shall install a grease control device to control fat, oil and grease discharge from any food service establishment. The type, size, and location of the device shall be approved by the Public Works & Utilities Department.

104. The property has an existing commercial sanitary sewer connection, which shall be credited towards the development's sewer connection and capacity fees. The developer is responsible for payment of sewer connection fees at the current rates at the time and application for water and sewer service is submitted. The development's permitted sewer capacity and related sewer capacity fees shall be further assessed during the building permit application. It is anticipated that additional sewer connection and capacity fees shall be assessed.

Water Pollution Source Control

105. If food service is planned for the major tenants or other vendor areas of any of the buildings, then a grease interceptor shall be required to be installed for wastewater treatment of the sanitary discharge from the food service establishment. Storm drain connections from a trash compactor area is prohibited. All trash areas must be plumbed to the sanitary sewer and may be subject to additional treatment such as a grease interceptor if the nature of the trash requires it. Applicant contact the Water Pollution Source Control office at 510-881-7960 for further review and requirements.
106. Trash enclosure needs sanitary connection with 5% grade to drain and a grease interceptor for treatment. Trash enclosures cannot drain to storm drain. Hose bibs by trash enclosures are prohibited. Businesses have the option of hiring a third-party mobile surface cleaner to clean the bins and enclosure on-site with proper protection of the storm drains, or remove the trash bins for off-site cleaning by a third party surface cleaner company and have them returned or exchanged.

Solid Waste

107. Construction & Demolition Debris: 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 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.
108. Per AB 827, all businesses that allow customers to throw away their waste must have front of house sorting with recycling and organics. Please show on your site plan or floor plans where you will have sorting stations for customers. Please note, under this law, the recycling and composting bins provided to the public will be clearly marked with educational signage indicating what is accepted in the local solid waste programs.

DURING SITE IMPROVEMENTS AND/OR BUILDING CONSTRUCTION

Planning

109. 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.

Landscape*Tree Protection During Construction:*

110. 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.
111. 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.
112. 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.
113. Fences will be erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Arborist.
114. 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.
115. 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.

Tree Replacement and Maintenance:

116. Replacement trees shall be planted with sufficient space to accommodate the mature size of the species and maintained sufficiently to ensure establishment. Preserved trees shall also be maintained to ensure the continued long-term health of the tree. Trees on-site will require monitoring and routine maintenance by a landscape specialist such as occasional pruning, fertilization, mulch, pest management, replanting, and irrigation.

Hazardous Materials

117. The Hayward Fire Department Hazardous Materials Office shall be immediately notified at (510) 583-4900 of any unanticipated discovery of any groundwater or soil contamination, or of any actual or suspected hazardous materials (including any vessels or tanks that contain or may have contained such materials) during demolition, construction, or grading.
118. Hazardous Materials/Waste During Construction - During grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.
119. Water Supply During Construction – A permanent water source capable of supplying the required fire flow shall be made available as soon as combustible materials accumulate at the site. Hydrants shall be maintained clear of obstructions and accessible for fire protection during construction.
120. Fire Department Permanent Access During Construction – Permanent access to the immediate job site by a heavy fire fighting apparatus shall be provided at the start of

construction. The all-weather road shall be at least twenty (20) feet in width, shall have an unobstructed vertical clearance of at least thirteen feet six inches (13' 6"), and shall be capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds (gross vehicle weight).

121. Start of Work – The developer or contractor shall not start work on a project without approved plans, unless otherwise specifically allowed by the Fire Chief.
122. Inspections – The developer or contractor shall provide at least a 24-hour notice to the Fire Department to schedule an inspection. Inspection requests shall be made by calling the Fire Marshal's Office at (510) 583-4900 to schedule either a morning inspection (10:00 a.m. to 12:00 p.m.) or an afternoon inspection (1:00 p.m. to 4:00 p.m.). The job copies of APPROVED plans and the job card shall be available on the job site during a scheduled inspection.
123. Additional Fire Inspection Fees – Additional fees will be charged for any requested or required fire inspections beyond the normal number of inspections allowed for the project.
124. Final Fire Department Inspection – A final inspection by the Fire Department is required to verify that requirements for fire protection facilities have been met, and that actual construction of all fire protection equipment has been completed in accordance with the approved plan. The scheduling of a final inspection also requires a 24-hour notice.

Engineering

125. Construction Stormwater Management: Developer shall be responsible for the preventing the discharge of pollutants and sediments into the street and/or the public storm drain system from the project site during construction in accordance with the Hayward Municipal Code Section 11-5.19-11-5.19 of. Projects proposed for construction between October 1st and April 30th, must have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of any land disturbing activity. Trash and debris must be adequately contained at all times. Such measures shall be maintained during the project's construction period. Violations or other noncompliance with stormwater management measures may result in the project being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.
126. Construction Damage: The Developer shall remove and replace curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Damaged pavement surfaces shall be repaired with hot-mix asphalt concrete as per the City Standard Detail SD-126.
127. The following control measures for construction noise, grading and/or construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
 - a. Site construction activities shall be limited to the hours 7:00 a.m. to 7:00 p.m. Monday through Saturday, and from 10 a.m. to 6 p.m. on Sunday and holidays.
 - 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. Daily clean-up of trash and debris shall occur on Harder Road and Mission Boulevard, and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- f. 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.
- g. 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.
- h. 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.
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site.
- j. 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.
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- n. 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;
- o. 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;
- p. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream.
- q. Ensure that supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
- r. 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.

PRIOR TO BUILDING FINAL/ISSUANCE OF CERTIFICATE OF OCCUPANCY

Planning

128. Prior to the issuance of the Certificate of Occupancy or building permit final sign-off, whichever comes first, the applicant shall contact the Planning Division for a final 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.

Engineering

129. All public and private improvements including punch-list items shall be addressed and completed prior to occupancy of any commercial unit.

130. Prior to final inspection and issuance of final certificates of occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Public Works Director and Development Services Director or his/her designees.

131. Post Construction Stormwater Maintenance: The property owner(s) 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.

132. SWPPP Final Report: The project QSP shall prepare and file a Final SWPPP Report with the City and Water Board.

133. Geotechnical Letter: Prior to the issuance of any Certificates of Occupancy, Developer shall submit a confirming letter from the project geologic and/or geotechnical team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.

134. Final Engineer's Report: Prior to the issuance of any Certificate of Occupancy, The Engineer of Record shall submit a confirming letter that all grading, drainage, and engineering components of the project have been performed in conformance with the approved plans and specifications.

135. As-Built Records: As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

Landscape

136. 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.

137. Prior to the issuance of the Certificate of Occupancy or building permit final sign-off, whichever comes first, all landscape and irrigation shall be completed in accordance with the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall

inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7 or applicable parts shall be faxed/e-mailed/submitted prior to requesting an inspection from the City Landscape Architect.

POST COMPLETION OF DEVELOPMENT

138. 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.
139. All lighting fixtures associated with the proposed project 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.
140. The applicant shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti as instructed by City notification per the timeframes codified in Chapter 3, Article 11 (Graffiti Prevention and Abatement Ordinance) of the Hayward Municipal Code.

Solid Waste

141. The premises shall be kept clean and the operator shall be responsible for any trash or litter originating from the premises which is deposited on adjacent properties or ends in the public right of way. Trash containers shall be operable at all times and shall be emptied on a regular daily basis or more often, if necessary.
142. Pad 1 and Pad 2 employees shall be required daily to inspect and pick up trash or litter upon the site and within 300 feet of the perimeter of the property.
143. At Majors 1-3 and Suites 1-6, 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.

Transportation

144. The Applicant and tenant(s) shall limit trucks greater than 30-feet in length from accessing the project site to the greatest extent possible between the hours of 7:00 am and 9:00 am and 4:00 pm and 6:00 pm. In the event that truck access occurs during these hours, Applicant or Tenant(s) shall require and direct the trucks to utilize the projects driveways on Mission Boulevard, provide traffic control measure(s), such as personnel or staff to direct traffic and shall minimize, to the greatest extent possible, impacts to traffic operations along Harder Road and Mission Boulevard.

Landscape

145. 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 size shall not exceed 1-1/2-inch diameter. 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.
- f. 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.
- 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.

-- END --