

**CONDITIONS OF APPROVAL
MAJOR SITE PLAN REVIEW AND CONDITIONAL USE PERMIT NO. 202003917
DEVELOPMENT OF AN INDUSTRIAL CAMPUS COMPOSED OF TWO
SHELL BUILDINGS TOTALING APPROXIMATELY 233,000 SQUARE FEET
AND 155,000 SQUARE FEET WITH RELATED SITE IMPROVEMENTS
AND APPROVAL OF A MITIGATED NEGATIVE DECLARATION
FOR DERMODY PROPERTIES AT 25450-25550 CLAWITER ROAD, HAYWARD**

GENERAL

PLANNING

1. The developer shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Major Site Plan Review and Conditional Use Permit Application No. 202003917 is approved subject to the Architectural, Civil and Landscape plans received by the City on February 25, 2021 (plans dated January 8, 2021), except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan or building 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 her designee prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission, if applicable.
3. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and renderings received by the City on February 25, 2021 (plans dated January 8, 2021), including integral wall art elements. Any revision to the approved colors and materials shall be reviewed and approved by the Planning Division prior to the issuance of a building permit.
4. The employee amenity areas shall be developed in the same locations, sized and with the same amenities shown on the Site Plan and Landscape Plans received by the City on February 25, 2021 (plans dated January 8, 2021). The employee amenity areas and improvements shall be included on the improvement plans and shall be reviewed and approved by the Planning Division prior to the approval of Improvement Plans.
5. Future uses shall follow the use regulations for the IG (General Industrial) District set forth in Hayward Municipal Code Section 10-1.1603, as amended from time to time, with the exception that a Truck Terminal and/or Amazon Last Mile Delivery Station is prohibited at the site.

6. All uses on the site are subject to the limitations on Outdoor Storage and Performance Standards provided in the Industrial Districts regulations set forth in the Hayward Municipal Code, as amended from time to time, unless otherwise permitted through separate permit.
7. The metal screen artwork (Sheet A4.1, Keynote 483) shall be installed above the primary entrances to each building and in accordance with the proposed plans. In addition, the metal screen artwork shall be added to Building 1, east and northeast elevation entrances. The final design and placement shall be provided on the building permit application and shall be reviewed and approved by the Planning Division.
8. 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.
9. All lighting fixtures on the site, the employee amenity areas and in the parking lot 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.
10. 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.
11. 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.
12. All above-ground utility meters, generators, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs or an architectural screen from all perspectives. All equipment shall be designed to be compatible with respect to location, form, design, exterior materials, and noise generation. The applicant shall identify all screens on the building permit and landscape plans prior to the issuance of improvement plans and building permits.

13. No signs are approved with this project. All signage 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.
14. 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.
15. 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 or issuance of a building permit.
16. 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.
17. 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.
18. The Planning Director or designee may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
19. 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.
20. 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.
21. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.

22. 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 prior to placement.
23. Impact Fees. 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 the impact fee rate that is in effect at the time of building permit issuance.
24. In accordance with Hayward Municipal Code (HMC) Sections 10- 1.3085 and 10-1.3255, approval of 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. If a building permit is issued for construction of improvements authorized by this approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on this approval; or
 - b. A time extension of the approval has been granted by the Development Services Director or his/her designee, which requires that a request for an extension of this approval must be submitted in writing to the Planning Division at least 15 days prior to the expiration date of this approval.

MITIGATION MEASURES

25. **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.

During construction, active nests identified during the preconstruction survey shall be monitored by the qualified biologist to determine if construction activities are causing disturbance to the birds 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).

26. **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 significant impacts to historical resources.
27. **GEO-1: Geotechnical Considerations.** The project applicant shall implement all measures and recommendations set forth in the Geotechnical Investigation prepared by Cornerstone Earth Group in August 2020 (on file with the City of Hayward). Recommendations include but are not limited to the following topic areas:
 - All fills shall be completely removed from within building areas and to a lateral distance of at least 5 feet beyond the building footprint or to a lateral distance equal to fill depth below the perimeter footing, whichever is greater. Fills extending into proposed pavement and flatwork areas may be left in place

- provided they are determined to be a low risk for future differential settlement and that the upper 12 to 18 inches of fill below pavement subgrade is re-worked and compacted as discussed in the Geotechnical Investigation.
- All fills, and subgrade areas where fill, slabs-on-grade, and pavements are proposed, shall be placed in loose lifts 8 inches thick or less and compacted in accordance with ASTM D1557.
 - Proposed building foundations shall be designed to tolerate total and differential settlement due to static loads and liquefaction-induced settlement. Foundation spread footings shall bear entirely on natural, undisturbed soil, or engineered fill, and shall be at least 12 inches wide, and extend at least 24 inches below the lowest adjacent grade. Footing excavations shall be filled as soon as possible or be kept moist until concrete placement by regular sprinkling to prevent drying.
 - Proposed slabs-on-grade shall be supported on at least 12 inches of non-expansive fill (NEF) to reduce the potential for slab damage due to soil heave. Industrial building slabs-on-grade shall be at least 6 inches thick and shall have a minimum compressive strength of 3,500 psi. The industrial building slabs shall also be supported on at least 6 inches of non-expansive, crushed granular base having an R-value of at least 50 and no more than 10 percent passing the No. 200 sieve, such as Class 2 aggregate base. Due to the high plasticity of the surficial soils, an additional 6 inches of non-expansive fill (NEF) shall underlie the upper granular base.
 - Ponding of water shall not be allowed adjacent to building foundations, slabs-on-grade, or pavements. Hardscape surfaces shall slope at least 2 percent towards suitable discharge facilities; landscape areas shall slope at least 3 percent towards suitable discharge facilities. Roof runoff shall be directed away from building areas in closed conduits, to approved infiltration facilities, or on to hardscaped surfaces that drain to suitable facilities. Retention, detention or infiltration facilities shall be spaced at least 10 feet from buildings.
 - The project applicant shall retain a Geotechnical Engineer to provide geotechnical observation and testing during earthwork and foundation construction stages of the project. The Geotechnical Engineer shall be allowed to evaluate conditions differing from those encountered and described in the August 2020 Geotechnical Investigation prepared for the project by Cornerstone Earth Group, and may provide supplemental recommendations as necessary, which shall be incorporated into construction plans.

28. **GEO-2: Unanticipated Discovery of Paleontological Resources.** In the event an unanticipated fossil discovery is made during the course of project development, construction activity shall be halted in the immediate vicinity of the fossil, and a qualified professional paleontologist shall 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 shall not resume until after the find is properly documented and authorization is given to resume construction work. Significant paleontological resources found during construction

monitoring shall be prepared, identified, analyzed, and permanently curated in an approved regional museum repository under the oversight of the qualified paleontologist.

29. **GHG-1: Greenhouse Gas Reduction Plan.** The project applicant shall contract with a qualified professional, such as a GHG specialist or sustainability consultant, to prepare and implement a Greenhouse Gas Reduction Program (GHGRP) that includes on-site GHG reduction measures to reduce the project's total remaining GHG emissions to 660 MT of CO₂e per year or less. Potential options include, but would not be limited to:

- Use of all-electric appliance (i.e., elimination of natural gas service).
- Supply 100 percent of electricity from renewable energy resources. Options include opting into East Bay Community Energy Brilliant 100 or Renewable 100 plan (carbon-free energy or renewable), East Bay Community or PG&E's Regional Renewable Choice (opting to supply 100 percent of annual energy usage) Program.
- Implement a transportation demand program. Program measures may include installation of additional electric vehicle charging stations, unbundled parking costs, bicycle amenities (storage, showers, lockers, etc.), carpool or ridesharing programs, free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the project site (e.g., bus stop shelter improvements).
- Install water-efficient fixtures such low flow toilets and faucets.
- Implement a zero-waste program or other feasible waste-reduction measures.

After implementation of feasible on-site GHG reduction measures, the project applicant may also implement one of, or a combination of, the following off-site measures to achieve up to 50 percent of the total necessary GHG emission:

- 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" 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 CARB's most recent *Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation* (CARB 2013). An "Approved Registry" is an accredited carbon registry that follows approved CARB Compliance Offset Protocols. As of April 2021, Approved Registries include American Carbon Registry, Climate Action Reserve, and Verra (CARB 2018). Credits from other sources shall not be allowed unless they are shown to be validated by protocols and methods equivalent to or more stringent than the CARB 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.

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 CO_{2e} 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 CARB’s most recent *Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation* (CARB 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 of Hayward’s preference, which is, in order of Hayward preference: (1) within the city; (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 project’s total requisite emission reduction over the project’s lifetime shall not be achieved entirely or 100 percent through obtaining carbon offsets.

Plan Requirements and Timing. Upon identifying a potential tenant, the applicant shall submit to Development Services Planning & Building Divisions and Public Works – Environmental Services & Transportation Divisions the GHGRP for review and approval prior to issuance of tenant improvements for the first tenant to occupy the space(s). A new GHGRP shall be required for each turnover (i.e., each new tenant) and shall be submitted with applications for tenant improvements or business licenses. The GHGRP shall either reduce the project’s emissions to 660 MT CO_{2e} per year or shall incorporate all feasible actions to reduce emissions associated with electricity demand, transportation, and waste generation and shall purchase 50 percent carbon offsets. Development Services Planning & Building Divisions and Public Works – Environmental Services and Transportation Divisions, as appropriate, shall verify that project plans incorporate required GHG emission reduction measures per the GGRP prior to final design approval. Each emission reduction measure shall include a commitment enforceable by Development Services Planning Division and Public Works – Environmental Services Division.

Monitoring. Development Services Planning Division and Public Works – Environmental Services & Transportation Divisions, as appropriate, compliance monitoring staff shall confirm inclusion of the required GHG emission reduction

measures into the project Conditional Use Permit. Compliance with all components of the GHGRP shall be verified prior to issuance of a Certificate(s) of Occupancy. The tenant shall be required to submit annual reports documenting GHG reduction measures, energy use, water use, solid waste collection, and a bi-annual employee mode of transportation survey. Upon at least three consecutive years of demonstrated compliance, and at the sole discretion of the Development Services Planning Division and Public Works – Environmental Services & Transportation Divisions, as appropriate, annual reporting may be suspended until tenant turnover.

Upon demonstrating compliance with a qualified GHG Reduction Strategy such as future updates to the Climate Action Plan adopted by the City of Hayward, the project may indefinitely suspend GHGRP reporting.

30. **HAZ-1a: Regulatory Agency Subsurface Involvement.** Since the project site is listed as an open RWQCB Cleanup Program Site, the RWQCB Cleanup case # R00003469 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 Alameda County Department of Environmental Health – Local Oversight Program (LOP) shall be the agency with oversight of the remediation. The applicant shall notify the Alameda County Department of Environmental Health – LOP of the following:

- Current development plan and modifications to the development plan
- All former environmental documents completed for the project site, including this Initial Study document

Upon notification of the information above, Alameda County Department of Environmental Health – LOP 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. Subsurface soil, soil vapor, and groundwater investigations, if required, shall be conducted in accordance with a sampling plan that must be reviewed and approved by the Alameda County Department of Environmental Health – LOP.

The Alameda County Department of Environmental Health – LOP closure and agency approval documents shall be submitted and reviewed by the City of Hayward prior to issuance of grading permits.

The Alameda County Department of Environmental Health – LOP may also determine that San Francisco Bay RWQCB 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 RWQCB or DTSC, this and other mitigation measures will still apply to these agencies.

31. **HAZ-1b: Construction Site Management Plan.** The applicant shall develop and implement a Construction Site Management Plan (SMP) 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 shall include:

Communicating information to project site construction workers about environmental conditions,
 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
 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 the project grading permit.

32. **HAZ-1c: Post-Construction Risk Management Plan.** Following construction and during operation of the project site, the project applicant shall develop and implement a Construction Risk Management Plan (RMP). The RMP must be submitted to and approved by the Alameda County Department of Environmental Health – LOP. The RMP shall document 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.

The RMP will include requirements regarding the following:

1. **Land Use Expectation and Limitations** – future land use at the project site will be limited to industrial, commercial, and/or office space use
2. **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

3. **Contingency Reporting** - if impacted soil or groundwater is encountered during site activities, Alameda County Department of Environmental Health – LOP will be notified and upon completion of subgrade work and offsite removal of soil and groundwater, a report will be prepared by the Environmental Consultant or its designee and submitted to Alameda County Department of Environmental Health – LOP
4. **Regulatory Access** - persons acting pursuant to Alameda County Department of Environmental Health – LOP 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>; and the reports will include the following information

- Brief letter documenting RWQCB notification and the scope of work completed;
 - Photographs documenting the project site conditions; and
 - Recommendations for preventative and/or corrective repair needs that are identified to maintain compliance with the RMP.
33. **TRA-1: Pedestrian and Bicycle Safety** (see also Condition Nos. 72 and 73 below). The project applicant shall incorporate the following measures or design features into the project:
 - Ensure that the south driveway on Clawiter Road is designed for pedestrian visibility safety (sidewalks clearly delineated, improved visibility by minimizing bushes and large signs).
 - Coordinate with the City of Hayward to install warning signage (such as caution signage for exiting vehicles) and continental crosswalks at the south driveway.
 - Coordinate with the City of Hayward to install signage (such as bikeway signage and caution signage) for vehicles entering or existing the project driveways.
 - Ensure the on-site bike sharrows are high-visibility and are accompanied by the appropriate signage.
 34. **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).

ENGINEERING

General:

35. Clawiter Road Right-of-way dedication: The project shall dedicate right-of-way to the City on Clawiter Road equal to 39 feet from centerline, an approximately nine foot width, to straighten the east right-of-way line across the project frontage.
36. Lot Line Adjustment: Lot lines shall be adjusted to avoid any building construction across any lot line. City approved lot line adjustment documents shall be filed in the Alameda County's public records prior to the issuance of a building permit.
37. Services across lot lines: Agreements or easement documents for access, drainage and maintenance of shared use facilities across lot lines shall be submitted for the City's review and/or approval. City reviewed/approved such documents shall be filed in the County's public records.
38. Concrete curb, gutter, and sidewalk with driveways shall be extended across the full property frontage along the alignment of existing such improvements. Sidewalks shall be 6 feet wide, measured from face of curb to back of walk. Street pavement shall be extended accordingly.
39. City standard LED streetlights on metal poles shall be installed in Clawiter Road fronting the project.
40. Existing storm drain in Clawiter Road shall be extended to the north terminus of the project site.
41. Existing above-ground utility facilities in Clawiter Road fronting the project shall be replaced with underground facilities.
42. Clawiter Road street pavement, across the project frontage shall be ground or reconstructed for the full roadway width to correct excessive cross-slope, failed pavement sections, and resurfaced and with hot-mix A.C. to provide a Traffic Index of not less than 9 and cross-slope not exceeding 3%. Alternatively, the applicant shall reimburse the City for completing similar improvements.

Due Prior to the Issuance of a Building Permit:

43. Developer shall secure a 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.

44. 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.
45. A soils report prepared by a licensed civil or geotechnical engineer subject to approval by the City Engineer shall be submitted, except when waived by City. The grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the soils report. Final grading and drainage plans for the grading permit shall be reviewed and signed by the soils report engineer indicating compliance with the recommendations in the report have been followed.
46. Structural calculations and details prepared by a licensed civil or structure engineer are required for all earth retaining structures greater than 4-feet in height (top of wall to bottom of footing) and shall be reviewed and approved by the Building Division of the Development Services Department.
47. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer shall be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development (as existed in August 2020) discharge rates to the satisfaction of the City Engineer.
48. 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.
49. 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.

50. The on-site storm conveyance and treatment systems shall be owned and maintained by the property owner.
51. 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.
52. This project involves a land disturbance of one or more acres, the developer is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Engineer prior to issuance of a grading permit. The SWPPP shall utilize 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 for erosion control.
53. 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.
54. All existing public utilities shall be protected in place and if necessary, relocated as approved by the utility owner. No permanent structure is permitted within City easements and no trees or deep-rooted shrubs are permitted within City utility easements, where the easement is located within landscape areas.
55. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City and notify the Supervising Construction Inspector in the City's Public Works Department.

During Construction:

56. 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.

57. 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 or resurfaced as required by the City Engineer. Unused driveways or unused portions thereof shall be removed and replaced with curb, gutter and sidewalk per City standards.

Due Prior to the Issuance of a Certificate of Occupancy

58. All public and private improvements including punch list items must be complete prior to occupancy of any unit.
59. 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.
60. 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.
61. SWPPP Final Report: The project QSP shall prepare and file a Final SWPPP Report with the City and Water Board.
62. 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.
63. 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.

64. 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.

TRANSPORTATION

General

65. Applicant shall maintain adequate sight distance at all project driveway(s), internal driveway(s)/drive aisle(s) and intersection(s).

Due Prior to the Issuance of a Building Permit

66. 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.
67. Applicant shall deposit \$5,000 into a City of Hayward Public Works & Utilities account for the purpose of optimizing the traffic signal at the intersection of Clawiter Road/Winton Avenue.
68. Applicant shall deposit \$205,000 into a City of Hayward Public Works & Utilities account for the purpose of installation of a traffic signal and/or similar traffic operational improvement(s) at the intersection of Clawiter Road/SR-92 EB Ramps/Eden Landing Road.
69. Applicant shall install bikeway warning signage, caution signage for exiting vehicles and high-visibility crosswalks at all project driveways. This item shall be included in the Signing & Striping Plans.
70. Applicant shall install high-visibility bike sharrows on-site and ensure that associated signage is installed. This item shall be included in the Signing & Striping Plans.
71. Applicant shall contribute \$106,072 into a City of Hayward Public Works & Utilities account for the purpose of future installation of a Class IV bicycle lane along the

project frontage on Clawiter Road per the City's adopted Bicycle and Pedestrian Master Plan.

72. 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).

LANDSCAPING

General

73. No building permit shall be issued prior to approval of landscape and irrigation improvement plans.
74. A tree removal permit shall be obtained prior to the removal of any tree in addition to demolition and grading permits.
75. 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.
76. 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.
77. All above ground mechanical equipment shall be screened from the street with five-gallon shrubs.
78. 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.

Due Prior to the Issuance of Building Permit

- 79. Prior to submitting the first 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 submitted as a part of the building permit submittal.

Due Prior to the Issuance of Certificate of Occupancy

- 80. Upon acceptance of the landscape installation in accordance with the approved landscape improvement plans by the City, As-Built digital plans shall be submitted to the Engineering Department by the developer.
- 81. Pursuant to HMC Section 10-12.11, 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.
- 82. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the

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

SOLID WASTE

83. 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.
84. 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 Section 11-5.22.

WATER POLLUTION SOURCE CONTROL

85. Provide all details regarding the sanitary plumbing for the project area. The only acceptable sanitary sewer discharge shall be from normal potable water usage, such as bathroom wastewater, or employee breakroom wastewater. Any other use of water or generation of wastewater, inside or outside the building, requires the user to contact Water Pollution Source Control at 881-7900 for approval and further information.
86. Waste dumpster area/enclosure(s) shall be equipped with a sanitary sewer drain (drain at center of roofed/enclosed trash area with a 5% slope to drain) and a sand/oil/water interceptor if proposed use is grease generating operation (discretion is up to WPSC plan reviewer). Hose bibs by trash enclosure are prohibited.
87. At Building Permit issuance, a Standard Industrial Waste Monitoring Structure (Dwg. No. SD-309 filed 6-15-93 or SD-309 filed 5-10-77) shall be required to be installed at the end of pipe depending on the proposed use(s). The monitoring facility shall normally be situated on the user's premise and not obstructed by landscaping, equipment or parked vehicles, or in the way of oncoming traffic.

FIRE PREVENTION

88. 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.

89. Design of the public streets and private streets and courts shall meet all City of Hayward and California Fire Code Standards.
90. 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.
91. 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). 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. (12 new hydrants proposed onsite)
92. 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.
93. 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).
94. When buildings exceed 30ft. in height, fire apparatus access roads shall have an unobstructed width of not less than 26 feet 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.
95. The new building is not currently approved for high piled storage. A building permit is required for the installation of storage (pallet) racks greater than 6 feet in height. 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.

96. Submit for proper building permits for the construction of the building to the Building Department.
97. The new building(s) shall comply with all requirements of the 2019 California Building, California Fire Code(s) and local Ordinances respectfully.
98. The buildings are 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.
99. Maximum 80 PSI water pressure should be used when water data indicates a higher static pressure. Residual pressure should be adjusted accordingly.
100. 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.
101. 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.
102. 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.
103. 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.

HAZARDOUS MATERIALS DIVISION

104. **Site Clearance** - This project site has had past uses of industrial chemicals with documented release cases that were overseen and closed by the San Francisco Bay Regional Water Quality Control Board. Additionally, an underground diesel storage tank was removed on November 4, 2020. Based on a review of this information there is still residual contamination on site in soil and groundwater.

A Phase I Environmental Site Assessment titled "Phase I Environmental Site Assessment Former Berkeley Farms Milk and Juice Producing Plant, 25500 Clawiter

Rd, Hayward, California”, prepared by RPS Group dated July 2020, has been received by our office. The report identified several recognized environmental concerns identified from past uses of hazardous materials. Based on this and other historic information further work and regulatory oversight will be required related to residual potential contamination on site to ensure human health and groundwater protection has been achieved for this industrial development.

The current property owner/developer and their consultant is working with the Alameda County Department of Environmental Health’s Local Oversight Program (LOP) to achieve environmental clearance for the site for this project. 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 industrial 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, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits. Some allowance may be granted upon approval of the Hayward Fire Department in conjunction with concurrence with the Alameda County Department of Environmental Health’s Local Oversight Program.

Hayward contact is Hugh Murphy at the City of Hayward Fire Department at (510) 583-4924

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. If all final documents cannot be submitted due to the need for grading associated with remediation, installations of mitigations, other similar issue then arrangement shall be agreed upon with the Hayward Fire Department.
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.
107. **Wells, Septic Tank Systems or Subsurface Structures** – Any wells, septic tank systems and other subsurface structures shall be removed properly to minimize threats to the health and safety of the development construction workers, future

residents, or the environment. These structures shall be documented and removed under permit from the appropriate regulatory agency when required.

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 Construction** - During grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed.
111. **Future Uses** - If hazardous materials/wastes storage and/or use by the landlord will be proposed as part of the operation of the facility (e.g., emergency generators, emergency fire pumps, hydraulic elevators, maintenance equipment, etc.) or by any tenant are to be a part of the facility's permanent operations, then a "Chemical Inventory Packet" (indicating type and volume of hazardous materials) shall be prepared and submitted with building plans to the City of Hayward Fire Department at the time of application for construction permits. Any questions please contact Gloria Arredondo at 510 583 4909.

UTILITIES

112. Existing Water Services. The property has an existing two-inch irrigation water meter (account # 35072) and a ten-inch fire service (account # 35073).
113. Existing Sewer Services. The property has an industrial existing sanitary sewer connection with a permitted sewer capacity of 340,000 gpd of wastewater discharge and CBOD and SS limits of 1,948 mg/L and 1,299 mg/L, respectively. This sewer capacity may be distributed between the two proposed industrial buildings. Unless otherwise specified, the sewer capacity shall be evenly distributed between the two buildings.
114. 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.
115. All connections to existing water mains shall only be performed by City of Hayward Water Distribution personnel at the developer's expense.
116. All domestic and irrigation water services shall be protected with a reduced-pressure backflow prevention assembly per City of Hayward Standard Detail 202.
117. All existing and proposed fire services shall have an above-ground double check assembly valve (DCVA) per City of Hayward Standard Detail 201 and 204.
118. 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.
119. 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.
120. 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.
121. Industrial monitoring structures shall be installed per SD-309 on all points of wastewater discharge.

-End-