

**CITY OF HAYWARD PLANNING COMMISSION
TENTATIVE TRACT MAP, SITE PLAN REVIEW AND
ENVIRONMENTAL REVIEW APPLICATION NO. TM-24-0007
1101 & 1103 WALPERT STREET**

DRAFT CONDITIONS OF APPROVAL

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 entitlement.
2. The Tentative Tract Map and Site Plan Review application is approved subject to the Architectural, Civil and Landscape plans date stamped September 8, 2025, except as modified by the conditions below. Any proposed alterations to the site plan and/or design that does not require a variance to any development 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.
3. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
4. 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.
5. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
6. 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 in accordance with Municipal Code Section 10-1.3060. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
12. 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.
13. Prior to operation, issuance of a Building Permit or the Certificate of Occupancy, the applicant shall contact the Planning Division and be subject to a site inspection by the designated project planner to verify that all applicable mitigations and conditions of approval have been satisfied. The cost of inspection, including any subsequent inspections that are deemed necessary by the City, shall be paid by the applicant.
14. Mailboxes shall be constructed of high-quality materials with locking mechanisms and installed in a secure location in accordance with Post Office policy.
15. Property addresses will be assigned by the Development Services Department prior to issuance of a building permit.
16. All lighting fixtures shall incorporate a shield to allow for downward illumination. No spillover lighting to adjacent properties is permitted and all exterior lighting on walls, patios or balconies shall be recessed/shielded to minimize visual impacts.
17. The building colors and materials shown on the building permit plans shall match those shown on the architectural plans, color/material exhibit and/or renderings date stamped September 8, 2025. 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 and/or prior to construction.

18. 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.
19. 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.
20. 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 any permits.
21. No signs are approved with this project. Any signs placed on-site or off-site shall be reviewed and approved by the Planning Division and a building permit application shall be required, consistent with HMC Sign Ordinance requirements.
22. This development is subject to the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. Per HMC Section 10-16.10, the applicant shall pay impact fees for each residential unit. The impact fees shall be those that are in effect at the time of building permit issuance.
23. 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 evaluating 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.
24. In the event cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the City determines 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 archeologist and the appropriate Native American tribal representative.

25. As applicable, if project construction activities occur between February 15 and August 31, 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 to the nest by project activity (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, if active nests are present, the qualified biologist shall monitor the nesting birds to determine if construction activities are causing disturbance to the bird and shall increase the buffer if it is determined the birds are showing signs of unusual or distressed behavior associated with project activities. Atypical nesting behaviors that may cause reproductive harm 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 reproductive 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 marked clearly 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. Any sign of nest abandonment should be reported to the City and CDFW within 48 hours. 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.
26. The following control measures for geologic hazards shall be adhered to, unless otherwise approved by the Planning Director or City Engineer. Per standard City project approval procedures, the City must review final project design plans for conformity with building code requirements prior to project construction. All earthwork, including site grading, wall foundation excavations, placement and compaction of engineered fill, and final surface drainage installation, would be performed in accordance with the recommendations contained in the geotechnical report, as applicable.
27. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
- a. Construction activities shall occur in conformance with the City's Municipal Code unless otherwise permitted by the City Engineer or Chief Building Official;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - d. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise; and

- e. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
28. In order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - f. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - i. A publicly visible sign shall be posted with the telephone number and person to contact at the City of Hayward regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.
29. In accordance with Hayward Municipal Code (HMC) Sections 10-3.246 and 10-1.3055, approval of this Tentative Map and Site Plan Review is void 36 months after the effective date of approval, subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act, 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.

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

Housing

32. This development is subject to the Affordable Housing Ordinance (AHO) requirements outlined in Hayward Municipal Code Chapter 10, Article 17. The Applicant shall comply with the requirements in Section 10-17.410 of the AHO by paying the applicable affordable housing in-lieu fee as set by the resolution in effect at the time of payment. The Applicant shall pay either before the issuance of building permits or before approval of the final inspection/issuance of an occupancy permit. No final inspections for occupancy will be approved and no occupancy permit will be issued for any unit unless the affordable housing in-lieu fees are paid in full.

Building

33. The proposed project will require a building permit and the associated plan review process. Detailed building code comments will be provided during that review.
34. Please be advised that separate structures require separate building permits. This includes but is not limited to the following: retaining walls, mailbox units, trellises, trash enclosures, landscape structures, and similar items. These separate structures may be shown on the improvement plans. However, approval of the improvement plans does not mean these structures were approved if they require building permits. The building code review (when applicable) shall be completed as part of the building permit review set. The building code plan checker will not cross reference the improvement plans for this information. Therefore, all applicable information related to these structures (calculations and details) shall be included in the building permit drawings even if they were already shown on the improvement plans.
35. Please be advised that separate addresses are required for each PG&E meter. Please coordinate the address request application process as early as possible with the City of Hayward Permit Technician assigned to your project.

Fire

36. Fire apparatus access roads shall be designed and maintained to support 75,000

pounds, the imposed load of fire apparatus, and shall be surfaced to provide all-weather driving capability. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus access.

37. Fire sprinkler monitoring systems should be provided for multi-family residential townhouse buildings in accordance with the California Fire Code and National Fire Protection Agency (NFPA) 72. At a minimum, each fire sprinkler system riser shall have exterior local alarm bell(s). Interior notification device(s) shall be installed within each residential unit.
38. All buildings are required to install an automatic fire sprinkler system(s) in accordance with NFPA 13/13D and local ordinance. A State of California Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system design and installation. A separate submittal is required to the Hayward Fire Department by a Licensed C-16 Contractor
39. 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.
40. Underground fire lines shall be installed in accordance with NFPA 13/13D and shall be connected to the City water main per City of Hayward Public Works SD-204/216. The underground fire line will be determined based on type of fire sprinkler system proposed.
41. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).
42. Combination smoke/carbon monoxide detectors shall be installed at approved locations based on the California Building (CBC), California Fire (CFC) Code(s) and NFPA 72 Standards.
43. Carbon Monoxide (CO) detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
44. An interior audible alarm device shall be installed within the dwelling in a location to be heard throughout the home. The device shall activate upon any fire sprinkler system waterflow activity.
45. An audible alarm bell (device) shall be installed on the exterior of the fire sprinkler system riser. The device shall activate upon any fire sprinkler system water flow activity.
46. The proposed development is located within an area identified as the wildland urban interface and subject to additional construction standards. Construction requirements include Class A roofing materials and exterior non-combustible siding materials (stucco), double-pane windows. Wood shake or treat wood shake roofs are prohibited. The building construction shall comply with the requirements contained

in the California Residential Code Section R337, Chapter 7A of the CBC and Chapter 49 of the CFC.

Hazardous Materials

47. An evaluation and regulatory oversight is required to ensure that the site meets environmental and health -based clearances that are appropriate for this development. The applicant shall provide clearance documentation from Alameda County Department of Environmental Health's Local Oversight Program (LOP) to ensure that the property meets the development investigation and cleanup standards.

The Alameda County Department of Environmental Health's Local Oversight Program (LOP) contact, Paresh Khatri, can be reached at (510) 566-7700 or (510) 727-4778. Clearance from the LOP will ensure that the proposed residential project meets development investigation and cleanup standards, including, if necessary, any clearance stipulations, such as a deed restriction or the need for any groundwater/vapor/management plan. LOP clearance shall be submitted to the Hayward Fire Department' 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.

48. 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
49. Prior to grading activities, 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.
50. 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.
51. If hazardous materials/wastes or their containers are discovered during grading/construction, the Hayward Fire Department shall be immediately notified at (510) 583-4910.
52. 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.
53. During grading and construction hazardous materials and hazardous waste shall be properly stored, managed, and disposed of.

Utilities.

54. All connections to existing water mains shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
55. Any modifications to existing water services such as but not limited to upsizes, downsizes, relocations, and abandonments shall be performed by City Water Distribution personnel at the Applicant/Developer's expense.
56. Only City of Hayward Water Distribution personnel shall perform operation of valves on the City of Hayward Water System.
57. The Applicant/Developer is responsible for applicable water and sewer installation and connection fees at the current rates in effect at the time of application for water and/or sewer service. The current utility installation and connection fees are available on our website at www.hayward-ca.gov/water-service/connection-fees.
58. Each residential dwelling unit/home shall be served by its own water meter.
59. Domestic & Fire Water Services.
- a. Separate Domestic and Fire Services: Each residential dwelling unit/home shall have an individual domestic water meter. For fire services, each structure or building shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standard Detail 201 (SD-201) and 204 (SD-204).
 - b. Combined Domestic & Fire Services: The development may install combined residential domestic and fire services for each residence. A minimum 1" water meter is required for residential fire sprinklers. Residential combined domestic and fire services are allowed, per City of Hayward Standard Detail 216 (SD-216). The configuration must have two separate water service lines on the backside of the water meter: one for domestic water service and one for fire water service, as shown on Figure 2B on SD-216.
60. Irrigation Water Services. Separate irrigation water meters and services shall be installed for development's landscaping. The Applicant or Developer shall install an above ground Reduced Pressure Backflow Prevention Assembly (RPBA) on each irrigation water meter, per City Standard Detail 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.

61. Fire flow data may be required for this project. Information regarding existing fire flow data and how to request for new fire flow test data is available on the City's Fire Flow Testing Website.
62. Water mains must be located at least ten (10) feet horizontally from and one (1) foot vertically above any parallel pipeline conveying untreated sewage, 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.
63. Water meters and services are to be located a minimum of two feet from the top of driveway flares as per City Standard Detail 213 (SD-213) through 218 (SD-218) or as shown on the project plans. Water meters shall not be located in the driveway. Water meter lids shall be Nicor, Inc.
64. Where a public water main is in an unpaved easement or under decorative, stamped, or colored concrete, including turf-blocks), the water main shall be constructed of ductile iron. Shut-off valves are required where a water main transitions from a paved area to an unpaved easement.
65. All public water mains and appurtenances shall be constructed in accordance with the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval. "Specifications for the Construction of Water Mains and Fire Hydrants " is available on the City's website.
66. All sanitary sewer mains and appurtenances shall be constructed in accordance with the City's latest "Specifications for the Construction of Sewer Mains and Appurtenances," revision at the time of permit approval, which is available on the City's website.
67. Backflow prevention valves for sanitary sewers shall be installed per City Standard Detail SD-314 if the lowest fixture in any building is below the rim elevation of the nearest upstream manhole or riser.
68. Where sanitary sewer lines and/or laterals are the same size as the sanitary sewer main, the connection shall be made with a manhole.
69. The development shall dedicate a public Water Line Easement (WLE) including rights of ingress and egress for the purpose of construction, reconstruction, and maintenance of public water system facilities within the entire roadway/private street including areas where the public hydrants, water meters, and water boxes are located. The final location and width of the easement shall be to the satisfaction of the City Engineer.
70. The development shall dedicate a public Sanitary Sewer Easement (SSE) including rights of ingress and egress for the purpose of construction, reconstruction, and maintenance of public sewer system facilities (sewer main and manhole) within the entire roadway/private street. The final alignment, location and width of the easement shall be to the satisfaction of the City Engineer and shall be continuous

and contiguous with the City's existing SSE. No structures, bio-retention areas, and deep roots and/or trees shall be built within a Water Line Easement (WLE) or Sanitary Sewer Easement (SSE).

71. The Applicant/Developer shall attempt to make necessary arrangements for the City to acquire a Water Line Easement (WLE) within the adjacent property located at 1137 Walpert St, Hayward, CA for the construction, reconstruction, maintenance, and repair of the public water system facilities. This WLE shall be at minimum 15 feet wide and in a form acceptable to the City Engineer and at no cost to the City. If the off-site water connection can be acquired, the water main on the eastern boundary of the property is not required to be constructed.
72. Water services and meters shall be installed and connected to the satisfaction of the City Water Distribution personnel prior to final Certificate of Occupancy.

Landscape.

73. Pursuant to Chapter 10 Article 12 (Bay Friendly Water Efficient Landscape Ordinance) of Hayward Municipal Code, all landscape design plans for the projects shall address fire safety and prevention. Fire-prone plant materials and highly flammable mulches shall be prohibited.
74. Pursuant to "City of Hayward Hillside Design and Urban/Wildland Interface Guidelines", the development shall maintain a minimum 30 feet defensible space around structures by avoiding flammable species or species that tend to build-up dead branches and foliage.

Engineering.

75. The subdivision shall comply with Chapter 10 Article 3 (Subdivision Ordinance) of the Hayward Municipal Code as determined by the City Engineer. Subdivision improvements required for public health, safety and welfare shall comply with the current Standard Details of the City of Hayward and other agencies standards as applicable. Such improvements include, but are not limited to, the ones needed for: vehicular and pedestrian access, fire protection, safety lighting and signage, drainage collection and disposal, sanitary sewer and solid waste collection and distribution of water electricity, telecommunication, and natural gas.
76. All required and conditioned improvements shall be complete as per the improvement plans approved by the City Engineer or the subdivider shall execute a Subdivision Improvement Agreement prior to Final Map Approval.
77. Unless otherwise stated, all necessary easements shall be dedicated and all improvements shall be designed and installed, at no cost to the City of Hayward.
78. A Home/Property Owners Association (HOA) shall be formed, and its related Covenant, Conditions and Restrictions (CCR) documents shall be filed in the public records of Alameda County prior to the sale of any parcel. Said documents shall be submitted to the City for its review and approval before issuance of the first building permit and before submittal to the State Department of Real Estate (DRE) and filing in the County's public records. The CC&Rs shall include the following provisions:

- a. The HOA shall be managed and maintained by a professional property management company and maintain updated registration information with the Secretary of State.
 - b. The HOA shall own and maintain in fully functional condition and good repair all areas, improvements, common area retaining wall systems, and facilities created for common use of the property owners within the project but not dedicated or accepted by the City for its maintenance.
 - c. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
 - d. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project development approvals.
 - e. The CC&Rs shall describe how the stormwater treatment and site-design measures associated with privately owned improvements and landscaping shall be maintained by the association.
 - f. On-site streetlights and pedestrian lighting shall be owned and maintained by the HOA and shall have a decorative design approved by the Planning Director and the City Engineer.
 - g. Street sweeping of the private street and private parking stalls shall be conducted at least once a month.
79. A Current title report shall be submitted with the final map application to identify current ownership and any existing easements or land use restrictions.

Transportation.

80. Pursuant to City of Hayward Traffic Code Article 9, the Homeowners Association (HOA) shall maintain adequate visibility and sight distance, as defined by City of Hayward Traffic Code, at all project driveway(s) and access point(s).
81. The HOA shall maintain, in fully functional condition and good repair, all pavement markings and signage within, and along the frontage of, the subject property. This shall include, but is not limited to, all pavement markings and signage along private drive aisles and streets, within the subject property's parking lot(s) and within the public right-of-way along the frontage of the subject property, including, but not limited to, the sidewalk.

Solid Waste

82. All refuse containers shall not be placed at the curb any earlier than 6:00 a.m. the day before scheduled collection and shall be retrieved no later than midnight the days the containers are emptied.
83. Pursuant to Chapter 5 Article 10 (Construction and Demolition Debris Waste Reduction and Recycling Requirements) of the Hayward Municipal Code, construction and demolition debris shall be recycled per the ordinance requirements, including the submittal of a waste management plan prior to Building Permit approval. The applicant shall create a waste management plan on Hayward's

Green Halo webpage and agree to the City of Hayward's construction and demolition debris requirements

84. Prior to issuance of certificate of occupancy, all weight tags for construction and demolition of debris waste shall be submitted to the Hayward's Green Halo Webpage or the City of Hayward Public Works, Environmental Services Division.
85. All of the project's concrete and inerts shall be recycled; and 65% of all other construction and demolition debris waste shall be recycled.
86. If there is source-separate material, the construction and demolition debris waste can be disposed of at any facility. If there are mixed loads, the construction and demolition debris waste shall go to a 3rd-party-certified facility. A list of these facilities can be found on the Recycling Certification Institute (RCI) website.
87. If the project requires the use of a debris box roll-off bin, it shall be from Waste Management as they have the exclusive right to provide those in Hayward.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

Landscaping.

88. Prior to issuance of a building or grading permit, detailed landscape improvement plans prepared by a California Licensed Landscape Architect on an accurately surveyed base shall be submitted and approved.
89. Prior to issuance of a grading or demolition permit, the applicant or general contractor must obtain an approved Tree Removal Permit, per Hayward Municipal Code ([HMC](#)) [Section 10-15.13](#) & [Section 10-15.20](#)
90. Pursuant to Chapter 10 Article 15 (Tree Preservation Ordinance) of the HMC, all tree removal mitigation in-lieu fees must be paid prior to the issuance of a building permit. Payment shall be in the form of a check and delivered to the City of Hayward Landscape Architect. In-lieu fees will be aligned with the tree mitigation chart included in the approved plans, date stamped September 5, 2025, and the associated arborist report.
91. Prior to issuance of a building permit, a tree protection bond must be established in an amount equal to the value of the trees that are to remain on site. The Bond will be held for one year after issuance of the Certificate of Occupancy. Bond is to be delivered the City of Hayward Landscape Architect.

Engineering.

92. A Final Map complying with the requirements of the State Subdivision Map Act and Hayward Municipal Code shall be approved by the City Engineer and filed with the Alameda County Clerk-Recorder. City Engineer's approval will require a recent property Title Report, land survey data, lot closure calculations, site grading and improvement plans and other related details.
93. Final Map shall include offers of dedications to the City by the property owner for the following:

- a. A minimum 8-foot-wide right-of-way for Walpert Street across the frontage of the property as per the requirements of the HMC Section 10-4.103.
 - b. A 6-foot-wide non-exclusive public utility easement beyond the Walpert Street right-of-way across the frontage of the property as per Hayward Standard Detail SD-102.
 - c. Easements over, across and under all streets and courts within the development site for emergency vehicle access and installation, maintenance and repair of public utilities.
 - d. All storm drain facilities located within the subdivision boundary—including, but not limited to, pipes, inlets, manholes, junction structures, and appurtenances—shall be owned, operated, and maintained in perpetuity by the homeowners' association (HOA) or its successors. The City of Hayward shall have no responsibility for ownership, operation, or maintenance of storm drain facilities within the subdivision boundary.
 - e. The subdivider shall designate a Slope Easement Area consisting of the portion of land located at the western end of the subdivision, immediately adjoining the terminus of Private Drive A, and extending to the western subdivision boundary along Ward Creek. The Slope Easement Area shall be identified on the Final Map/Condominium Plan to the satisfaction of the City Engineer. The CC&Rs shall include language that the Slope Easement Area shall be owned and maintained by the HOA and that no grading, filling, or construction of improvements (including fences, retaining walls, or landscaping features) shall occur within the Slope Easement Area without the prior written approval of the City Engineer.
 - f. The subdivider shall dedicate to the City of Hayward on the Final Map a non-exclusive access easement over Private Drive A, Court 6, Court 7, and the Slope Easement Area (including the slope/creek bank area along the south end of the subdivision) to allow access and staging for City staff and their authorized representatives, vehicles, materials, and equipment for the purposes of inspection, maintenance, construction, reconstruction, and repair of the City's 18-inch storm drain line downstream of the subdivision boundary. The final alignment, location and width of the easement shall be to the satisfaction of the City Engineer.
 - g. The CC&Rs recorded for the subdivision shall include express obligations on the HOA for perpetual ownership, operation, repair, and replacement of the storm drain facilities within the project boundary.
94. The subdivider shall enter into a recorded storm drain maintenance agreement with the City of Hayward. The agreement shall outline and confirm the HOA's perpetual obligation to own, operate, and maintain all storm drain facilities within the project boundary, including the 18-inch storm drain line located inside the subdivision boundary, up to the point of connection to the City-owned storm drain system downstream of the property. The City of Hayward shall assume ownership and maintenance responsibility only for the storm drain system downstream of the subdivision boundary, beginning at the point where the system leaves the property and discharges into Ward Creek or other City-owned property.

95. A City grading permit shall be secured before any building permit is issued. This permit may include site improvements. The design documents and plans for the site grading and site improvements shall be prepared by or under the direction of a team of State licensed design professionals and approved by the City Engineer. Plans shall provide construction details for all improvements proposed in the project application and required by the City's conditions of approval.
96. Land disturbance of one acre or more requires a Notice of Intent filed with the State Water Resources Control Board (Water Board) along with a Storm Water Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD). Copies of these documents and WDID Number issued by the Water Board must be submitted to the City Engineer when a grading permit is requested.
97. All grading, retaining walls, surface and sub-surface drainage and utility trench backfill shall be designed in accordance with the recommendations of the soils report prepared by the project's geotechnical engineer and subject to approval by the City Engineer. Plans for the site grading and drainage system shall be reviewed, approved and signed by the project geotechnical engineer certifying that the recommendations in the soils report were followed.
98. The developer shall obtain permits or approvals required from all affected agencies or private parties. Copies of applicable permits or approvals shall be provided to the City Engineer upon request.
99. A building permit is required for earth retaining structures exceeding 4 feet in height (measured from the bottom of footing to top of wall). This permit shall require structural calculations and details prepared by a licensed civil or structural engineer and approval by the City's Building Division.
100. Structures and utilities shall be setback from the Ward Creek embankment as described on Page 9 of 14 of the Preliminary Geotechnical Investigation Report for the project. This report recommends projecting a 3 horizontal to 1 vertical line from the toe of the embankment upward toward the development area and setting improvement setback 10 feet farther from where the projected line intersects the finished grade surface. The recommended setback line shall be reviewed and approved by the project's civil/geotechnical engineer. No grading, structure, wall, hardscape, utility, or C.3 facility shall encroach waterward of the City's standard 2H:1V + 20-foot setback line.

The area between the 2H:1V + 20-foot line and the 3H:1V + 10-foot line shall be considered a conditional setback band. Any improvement proposed within this band shall be subject to independent peer review by a City-retained geotechnical engineer, funded by the applicant on a time-and-materials (T&M) basis. The applicant shall revise their geotechnical report, design, and improvement plans as required by the City's peer reviewer until written concurrence is achieved. Where encroachment within the conditional setback band is approved, the final improvement plans shall incorporate all peer reviewer recommendations, including appropriate drainage controls, fill limitations, and construction monitoring requirements. Upon completion, the project geotechnical engineer shall submit a

certification letter confirming conformance with the peer-reviewed design. Peer review approval shall be obtained by the applicant/subdivider prior to City approval of the improvement plans. The final improvement plans shall clearly depict both setback lines labeled as “No-Encroachment Zone” (2H:1V + 20 ft) and “Conditional Review Band” (3H:1V + 10 ft).

101. The project shall not block runoff from, or augment runoff to, adjacent properties. The applicant shall be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.
102. ACFCO’s Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. On-site surface drainage shall be collected and conveyed to a 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.
103. Drainage plans shall include all proposed ditches, 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, or as recommended by the project geotechnical engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.

The project’s Stormwater Control Plan and updated Stormwater Requirements Checklist shall be submitted with the grading permit application 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 Countywide Clean Water Program C.3 Stormwater Technical Guidance.

104. Underground electrical and tele-communication utilities shall be extended along Walpert Street with spare conduits for future use across the project frontage. Existing overhead utilities shall be removed to ensure and maintain adequate fire department access and operational clearance to the buildings, as required for life safety.
105. All utility lines and associated equipment for serving the new units shall be in underground conduits and vaults as per the Hayward Municipal Code Section 10-3.815.
106. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the development.
107. Improvements in public rights-of-way shall comply with the applicable City of Hayward Standard Details and include the following:
 - a. Provide accessibility compliant curb, gutter, sidewalk and driveway across the project’s street frontage.
 - b. Driveways shall comply with City Standard Detail SD-110 and have no curb returns.

- c. All damaged street pavement and street pavement markings fronting the project shall be removed and replaced to the satisfaction of the City Engineer.
- d. Drainage from new impervious surfaces in the public right-of-way (e.g., sidewalk) shall be collected and treated as required by the Municipal Regional Permit 3 issued in 2022.

Transportation.

108. Applicant shall prepare and submit an on-site and off-site (fronting City right-of-way) Signing and Striping Plan in accordance with current Caltrans Standard Plans (refer to Caltrans Standard Plans Sheet A90A for more information regarding marking disabled stalls). Signing and Striping plans shall be included in Improvement Plans and shall be prepared to the satisfaction of the Public Works Director or his/her designee.
109. The Applicant shall stripe a minimum 20 foot red curb on both sides of the subject property's primary access along Walpert Street in order to improve sight distance and visibility for vehicles exiting the subject property. This item shall be included in the Signing and Striping plans and shall be prepared to the satisfaction of the Public Works Director or his/her designee.
110. Applicant shall prepare and submit an on- and off-site Photometric Plan ("Photometric Plan"). The Photometric Plan shall conform to City of Hayward Standard Details (including but not limited to SD-120, Design Criteria for Roadway Lighting and shall be prepared to the satisfaction of the Public Works Director or his/her designee.
111. Pursuant to Hayward Municipal Code Section 7-1.10, and if required by the Public Works Director or his/her designee upon review of the Photometric Plan, the Applicant shall install on- and/or off-site lighting at all locations (including but not limited to street lighting along project frontage(s)) deemed necessary by the Public Works Director or his/her designee in order to comply with City code, Standard Details, lighting specifications and requirements. Proposed lighting shall be included in Improvement Plans, which shall be prepared to the satisfaction of the Public Works Director or his/her designee.
112. Applicant shall prepare and submit a Turning Analysis, which shall be prepared and stamped by a Professional Engineer (P.E.) or Traffic Engineer (T.E.) licensed by the State of California. The Turning Analysis shall be prepared using the Autoturn software package and using the vehicle template determined by the Public Works Director or his/her designee as the largest vehicle expected on-site (generally not to exceed WB-50). The Turning Analysis shall not depict vehicles backing out into the public right-of-way, including but not limited to, sidewalks and general purpose vehicular travel lanes.

DURING CONSTRUCTION

Landscaping.

113. Prior to construction, the project shall include the following tree protection requirements.

- a. A tree protection zone shall be established around each tree to be preserved. The tree protection zone shall be the tree dripline or property line. No grading, excavation, construction or storage of materials shall occur within the tree protection zone.
 - b. A non-movable chain link fence shall be installed around the tree protection zone of each tree to be preserved. No entry shall be permitted into a tree protection zone without permission of the Project Arborist.
114. Trees to be preserved may require pruning to provide clearance and/or correct defects in structure. All pruning shall be performed by an ISA Certified Arborist or Certified Tree Worker and shall adhere to the latest edition of the ANSI Z133 and A300 safety standards as well as the ISA Best Management Practices for Tree Pruning with a tree pruning permit from the City. The pruning contractor shall have the C-27/D-49 license specification.
115. During construction, the project shall comply with the following tree protection requirements.
- a. 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.
 - b. 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, not by construction personnel. Roots shall be cleanly pruned with a handsaw. A tree pruning permit shall be required for cutting roots equal to or larger than one -inch diameter.
 - c. If damages should occur to any existing trees designated for preservation 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 of Hayward Landscape Architect.
 - d. Tree protection fences shall remain until all site work has been completed. Fences shall not be relocated or removed without permission of the Project Arborist.
 - e. 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 of Hayward Landscape Architect.
 - f. Existing trees designated for preservation shall be irrigated on a schedule to be determined by the Project Arborist.

Engineering.

116. Improvements required for public health, safety and welfare shall be installed at no cost to the City in accordance with the current Standard Details and other agencies' standards as applicable.
117. The property owner shall prevent the discharge of silt, dust or other pollutants from the project site into the public storm drainage system as per the Hayward Municipal Code Section 11-5.19. Effective measures for stormwater pollution prevention and erosion control, complying with the Alameda Countywide guidelines shall be in place

prior to the start of any construction activity on-site. Such measures shall prevent the discharge of pollutants and sediments into the street or storm drain and shall be maintained during entire construction period. Mud shall not be tracked to the street at any time.

118. 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 always contained. All such measures shall be maintained in good working condition 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.
119. Arrangements shall be made with the project geotechnical engineer to submit a certification to the City Engineer confirming that grading, drainage and backfill installation related work was performed in general compliance with recommendations in the geotechnical report. All material testing reports will be submitted as attachments to the certification letter report.
120. The applicant shall remove and replace any damaged curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc., within the public right-of-way along the project frontage and at any locations damaged by the construction of the project. Damaged pavement surfaces shall be replaced or repaired as required by the City Engineer. All repairs shall be completed to the satisfaction of the City Engineer.
121. The project owner shall be responsible for adjusting existing utility boxes/vaults to grade and locating and protecting existing communication conduits (fiber optic and copper) along the project's frontages.
122. Consistent with General Plan Policies NR-2.2 and NR-2.7, in order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material to or from the construction site shall be covered.
 - c. Mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
123. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

124. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
125. Qualified SWPPP Practitioner (QSP) shall regularly inspect and submit monthly and final reports to the Public Works Inspector in addition to the submittals to the State Water Quality Control Board.
126. Any applicable water service and meter installation work shall be scheduled after the building permit is issued, and the Water & Sewer Service Application is submitted and approved. The water and sewer utility accounts shall be established at the time when water meters are installed.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

Landscaping.

127. The Applicant and/ or General Contractor shall follow and complete the "Landscape Inspection Procedure" to receive final landscape building permit acceptance and certificate of occupancy. A copy of the "Landscape Inspection Procedure" can be provided by the City of Hayward Landscape Architect.
128. Starting at the commencement of the Certificate of Occupancy, the tree protection bond will be held for one year. The bond is to be held and filed by the City of Hayward Landscape Architect. Prior to the conclusion of the one year waiting period, the trees under the tree protection bond will be inspected for health and vigor by the City of Hayward Landscape Architect.

Engineering.

129. All site grading and improvement related construction activities shall be completed. The applicant shall comply with all pertinent conditions of approval and complete all required improvements. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
130. The project developer shall submit a letter report from the project geotechnical engineer to the City Engineer confirming that all grading activities were observed by them and performed in conformance with their recommendations.
131. The project developer shall submit a letter from the Engineer of Record to the City Engineer confirming that all grading, drainage, and engineering components of the project have been performed in conformance with the approved civil plans and specifications.
132. The project developer shall submit to the City Engineer on electronic media in AutoCAD and .pdf formats the "As-built" records of site grading and completed improvements.
133. The project QSP shall prepare and file a Final SWPPP Report with the City and Water Board. A copy of the document showing filing of the Final SWPPP Report with the Board and its acceptance shall be provided to the City Engineer.

134. The subdivider shall incorporate a Homeowners Association (HOA) and file its related Covenants, Conditions and Restrictions (CC&Rs) documents in the public records of Alameda County prior to the issuance of any building occupancy permit. Said documents shall be submitted to the City for its review and approval before submittal to the State Department of Real Estate (DRE) and filing in the County's public records. The CC&Rs shall include the following provisions:
- a. The HOA shall be managed and maintained by a professional property manager.
 - b. The HOA shall maintain updated registration information with the California Secretary of State.
 - c. The HOA shall own and maintain in fully functional condition and good repair all landscape improvements, private streets and courts, parking areas, walkways, drainage collection, detention, conveyance and treatment system; retaining wall systems, and facilities created for common use of the property owners within the project but not dedicated or accepted by the City for its maintenance.
 - d. The HOA shall arrange for sweeping and cleaning of its owned and maintained streets and vehicle parking areas on a regular basis
 - e. The HOA shall be responsible for complying with the current and all future updates to the Community Preservation and Improvement Ordinance, Hayward Municipal Code Chapter 5, Article 7.
 - f. The HOA shall maintain the common area landscaping in a healthy, weed-free condition and maintain its irrigation system consistent with project approvals.
 - g. The HOA shall own and maintain the on-site lighting system and shall be responsible for its repairs and maintenance.
 - h. The subdivider, as an officer of the HOA and on behalf of the HOA 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.

-End-