

**CITY OF HAYWARD PLANNING COMMISSION
CONDITIONAL USE PERMIT & MAJOR SITE PLAN REVIEW APPLICATION NO. UP-24-0006
CENTRAL TRANSPORT LOGISTICS CENTER - 2256 CLAREMONT COURT
CONDITIONS OF APPROVAL**

General

Planning

1. This approval of Conditional Use Permit Application No. UP-24-0006 shall permit the demolition of the existing 14,640-square-foot truck terminal at 2256 Claremont Court and construction of a new 45,336-square-foot truck terminal in its place in accordance with the description contained in the attached staff report for this item and as shown in the plans labeled as Attachment IV, unless otherwise indicated below.
2. The applicant shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Construction of the project shall conform to the approved plans shown in Attachment IV to the February 26, 2026, Planning Commission staff report, except as modified by the conditions below. Any proposed modifications to the conditionally approved plans that do not require a variance shall be subject to review and approval by the Planning Director or his/her designee prior to building permit approval. Modifications deemed to be major by the Planning Director or that require a variance shall be subject to review and approval by the Planning Commission, if applicable.
4. The building colors and materials shown on the building permit plans shall match those shown on the approved colored elevations on Sheet A1 prepared by OKW Architects dated August 28, 2024. Any revisions to the approved colors and materials shall be approved by the Planning Director prior to issuance of the building permit.
5. All uses on the site are subject to the limitations on outdoor storage set forth in HMC Section 10-1.1606(L), unless otherwise permitted through a separate permit.
6. This development is subject to payment of Park Impact Fees in accordance with the requirements of the Property Developers – Obligations for Parks and Recreation set forth in HMC Chapter 10, Article 16. The applicant shall pay the impact fee rate that is in effect at the time of building permit issuance.
7. The permittee, property owner or designated representative shall allow the City’s staff to access the property for site inspections to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
8. All exterior lighting shall incorporate a shield to direct illumination downward. No spillover lighting onto adjacent properties is permitted.

9. All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent exterior building material unless specifically designed as an architectural element.
10. All exterior and rooftop mechanical equipment shall be screened or located away from public view. Mechanical and rooftop equipment includes, but is not limited to, backflow prevention devices, electrical panels, pull boxes, heating/ventilation/air conditioning units, and gas meters. All mechanical equipment and its respective screening shall be shown on the building permit 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 and site.
11. No signs are approved with this project. All signage shall require separate approval of a Sign Permit application and be designed in accordance with the standards set forth in HMC Chapter 10, Article 7 - Sign Regulations.
12. 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. This 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.
13. 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.
14. The owner shall maintain in good repair all building exteriors, walls, lighting, trash enclosures, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free at all times.
15. The on-site amenities consisting of the outdoor seating with exercise equipment and half basketball court shall be maintained in good repair for as long as the truck terminal use remains in operation.
16. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to commencing any site work.
17. In accordance with HMC Section 10-1.3255, this Conditional Use Permit approval shall expire 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 a time extension of the approval has been granted by the Planning Director; or
 - b. If a building permit is issued for construction of improvements authorized by the Conditional Use Permit 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 the Conditional Use Permit approval. A request for an extension must be submitted in writing to the Planning Division at least 15 days prior to the above date; or

- c. Business operations have commenced in accordance with all applicable conditions of approval.

Fire Safety

18. A fire flow shall be provided in accordance with the current edition of the California Fire Code (CFC) Table B105.1 based on the construction type and building area. A fire flow reduction of up to 50 percent is allowed when the building is provided with an automatic sprinkler system designed and installed in accordance with National Fire Protection Association (NFPA) 13 Standards. The resulting fire flow shall not be less than 1,500 gallons per minute (gpm).
19. The fire access apparatus access road shall extend to within 150 feet of all portions of the building and all portions of the exterior walls measured by an approved route around the exterior of the building.
20. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 pounds and shall be surfaced to provide all-weather driving capability.
21. Fire apparatus access roads from 20 to 26 feet in width shall be posted on both sides as a fire lane, while access roads from 26 to 32 feet in width shall be posted on one side of the road as a fire lane. "No Parking" signs shall be installed in accordance with City of Hayward Fire Department fire lane requirements.
22. The average spacing between hydrants along fire access roads shall be 300. All portions of the building shall be located within 400 feet hose lay of a fire hydrant. Additional hydrants are required if the above requirement cannot be met.
23. Fire hydrants shall be located not less than 40 feet from the buildings being protected.
24. All new fire hydrants shall be double steamer type equipped with two (2) 4.5-inch outlets and one (1) 2.5-inch outlet. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of all fire hydrants. Vehicular protection may be required for the fire hydrants.
25. A key switch is required and shall be mounted on a stationary place on the outside of the driveway entry gate. The key switch shall be mounted 3 to 5 feet above the ground. The key switch shall be purchased from Hayward Fire Department. A separate fire permit is required if the entry gate is an automatic gate.
26. New Fire Department Connections (FDCs) shall be located on the street/fire apparatus access side of buildings, within 100 feet of a fire hydrant, fully visible and recognizable from the street or nearest point of Fire Department vehicle access. FDCs shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus.

27. The building shall be equipped with an overhead fire sprinkler system designed and installed in accordance with NFPA 13 Standards. A separate permit from the Fire Department shall be required for the fire sprinkler system.
28. All underground fire service lines and fire hydrants shall be installed in accordance with NFPA 24 and shall require a separate permit from the Fire Department.
29. A fire alarm system shall be provided in accordance with the California Fire Code, all applicable Fire Department Ordinances and NFPA 72 Standards for the building.
30. Each fire sprinkler system riser shall have an exterior local alarm bell.
31. Address and premise identification numbers shall be installed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property. The specific locations and dimensions of all address numbers or letters on the front of the buildings shall be subject to approval by the Fire Department.

Hazardous Materials

32. The applicant shall apply for and keep current an annual *Unified Hazardous Materials/Hazardous Waste Management Regulatory Program Permit*. Contact the Hayward Fire Department Hazardous Materials Office at (510) 583-4910 to obtain application instructions.
33. Any and all work associated with the underground storage tank (UST) on site shall be completed under a separate permit.
34. The UST monitoring panel shall have continuous uninterrupted power throughout the entire length of the project.
35. The standby/emergency power generator shall require a separate permit.
36. If hazardous materials are to be transferred through the facility, the facility operator shall notify the Hayward Fire Department's Hazardous Materials Office prior to any hazardous materials being transferred/stored within the building to ensure that additional requirements such as secondary containment, labeling, H-occupancies, etc., will be met. Also, quantities of hazardous materials/waste shall not be stored and used in amounts greater than the maximum allowable quantities (MAQs) in the 2022 California Fire Code as adopted by the City of Hayward.
37. The storage and use of hazardous materials shall meet the requirements of Chapter 50 of the 2022 California Fire Code as adopted by the City of Hayward except as modified by the conditions associated with an accepted AMP if applicable. All containers, tanks, chemical storage areas, and battery charging areas shall be properly labeled.
38. Flammable and combustible liquids in aboveground tanks greater than 60 gallons require the approval of the Fire Marshal and the submittal of a written Alternate Means of Protection (AMP) request. The request should state clearly the practical difficulties that are anticipated should these provisions be imposed and then explain how the

proposed alternative means of protection would meet the spirit and intent of the California Fire Code and secure public safety.

39. An Above-ground Petroleum Storage Act (APSA) Spill Prevention Control Countermeasure (SPCC) Plan is required for storage of petroleum and petroleum products in 55-gallon containers or greater with a total aggregate amount of 1,320-gallons or more stored on site.
40. The storage and use of flammable and combustible liquids shall meet the requirements of Chapter 57 of the 2022 CFC as adopted by the City of Hayward.
41. Containers or tanks used for the storage of hazardous liquids and having a volumetric capacity of 55 gallons or more require secondary containment as stipulated in the Hayward Ordinance and the CFC. Secondary containment shall be provided as specified in the *Secondary Containment Guidelines*, which can be obtained by contacting the Hazardous Materials Office at 510-583-4961.
42. Incompatible materials in storage and storage of materials incompatible with materials in use shall be separated according to Chapter 27, Section 2703.9.8 (Separation of incompatible materials) of the 2022 CFC when the stored materials are in containers having a capacity of more than 5 lbs. or 0.5 gallons.
43. Piping, tubes, valves, fittings and related components shall be designed and fabricated from materials compatible with the materials to be contained. Piping being used to convey hazardous liquids should have adequate strength and durability and shall be pneumatically tested at 150% of the maximum anticipated pressure of the system for a 24-hour period or it shall be tested according to manufacture guidelines.
44. Any compressed gas cylinders shall be chained, secured and labeled with contents of the cylinders. Compressed gas tanks shall be seismically anchored per the CBC.
45. Machinery and equipment utilizing hazardous materials shall be braced and anchored in accordance with seismic design requirements of the CBC.

Alameda County Flood Control & Water Conservation District (ACFCD)

46. No augmented runoff or sheet flow from the project site shall enter ACFCD's Ward Creek right-of-way area.
47. The existing fence south of the project site along the boundary with ACFCD's Ward Creek right-of-way shall be replaced with a County of Alameda SD-800 black vinyl-clad chain-link fence, or better, with a minimum height of six (6) feet measured from the surface elevation of whichever grade is higher between both sides of the property line.
48. For all existing on-site drainage lines that are proposed to be abandoned, the connecting downstream pipes and outfall structures located within ACFCD's Ward Creek right-of-way shall be completely removed.
49. On-site mitigation shall comply with ACFCD's guidelines on zero-augmented runoff policy from new development/re-development. If the proposed project's generated

post-development peak flow will exceed the existing pre-development flow, then the project will be required to provide on-site mitigation.

Utilities

50. Each new tenant space shall be served by a separate water meter to be installed at the applicant's expense.
51. A Standard Industrial Waste Monitoring Structure (City Standard Detail No. SD-309 filed 6-15-93) is required to be installed at end of pipe, if not already existing. The monitoring facility shall be situated on the user's premises and not obstructed by landscaping, equipment, or parked vehicles, or in the way of vehicular traffic. The aggregate flow from all operations shall discharge through the Standard Industrial Waste Monitoring Structure.
52. Trash enclosures are required to be self-contained with a sanitary sewer connection plus a 5% grade to the sanitary drain, with no drainage permitted beyond the walls of the enclosure. Hose bibs are prohibited. Approved clean-up methods include dry clean-up methods and/or a service that cleans and collects wash water for proper off-haul and disposal. Call Water Pollution Source Control (WPSC) at 510-881-7900 for info.
53. All connections to existing water mains shall be performed by City Water Distribution personnel at the applicant's expense.
54. Any modifications to existing water services including, but not limited to, upsizes, downsizes, relocations, and abandonments shall be performed by City Water Distribution personnel at the applicant's expense.
55. Only City of Hayward Water Distribution personnel shall perform operation of valves on the City's Water System.
56. 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 at www.hayward-ca.gov/fireflow.
57. The applicant 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. Where sanitary sewer lines and/or laterals are the same size as the sanitary sewer main, the connection shall be made with a manhole.
59. Water mains and services, including the meters, must be located at least ten (10) feet horizontally from and one (1) foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four (4) feet from and one (1) 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.

60. Water meters and services are to be located a minimum of two (2) feet from top of driveway flares as per City Standard Details 213 (SD-213) through 218 (SD-218). Water meters shall not be located in the driveway. Water meter lids shall be Nicor, Inc. brand.
61. 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, available on the City's website at www.hayward-ca.gov/your-government/departments/engineering-division.
62. 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. Where sanitary sewer lines and/or laterals are the same size as the sanitary sewer line, the connection must be made with a manhole.

Transportation

63. Pursuant to City of Hayward Traffic Code Article 9, the Property Owner shall maintain adequate visibility and sight distance, as defined by City of Hayward Traffic Code, at all project driveways and access points.
64. Pursuant to City of Hayward Traffic Code Section 6.11, the Property Owner shall require that the operator of any vehicle exceeding the maximum gross weight, as defined in Traffic Code Section 6.11, drive only on City-designated truck routes while within Hayward city limits, except where Traffic Code Section 6.11 grants exception, when coming from or going to the subject property. This Condition shall be included in any and all tenant lease agreements, and documentation confirming as such shall be made available to the City of Hayward Transportation Division upon request. Information regarding City-designated Truck Routes can be found online here: <https://hayward.maps.arcgis.com/apps/mapviewer/index.html?webmap=cf702c85053a460c8744d1e9bc74240a>.
65. The Property Owner shall maintain, in fully functional condition and good repair, all pavement markings and signage within the subject property including, but not limited to, those along private streets and within the subject property's parking lots.

Prior to the Issuance of Building Permit

Planning

66. All outstanding fees owed to the City, including permit charges and staff time spent processing the Conditional Use Permit application shall be paid in full prior to consideration of any requests for approval extension or issuance of a building permit.

67. **MM HAZ-1.1:** Prior to issuance of building permits on the project, and consistent with the recommendations of the Phase II Environmental Site Assessment, the applicant shall incorporate into the project plans a vapor barrier and passively vented crawl space beneath all enclosed areas of the proposed building. Vapor barriers are generally constructed using membranes made with high-density polyethylene or other polyolefin-based resins. The vapor barrier shall be resistant to benzene and meet the American Society for Testing and Materials guidelines for a vapor barrier and have a permanence rating of 0.1 perms or less. The thickness and strength of the vapor barrier shall be based on the needs for the building, but the architect, structural engineer and contractor shall utilize material strong enough to easily withstand the building construction and other building considerations. The selected vapor barrier shall be reviewed and approved by the Development Services Director, or her/his designee.
68. A pre-construction nesting bird survey shall be completed prior to any tree removals or the start of any demolition, grading or construction activities if such activities are proposed to commence during the breeding season (February 1 through August 31) in order to avoid impacts to nesting birds. The survey shall be completed by a qualified biologist or ornithologist no more than 14 days before demolition/construction activities begin. The biologist or ornithologist shall inspect all trees and other possible nesting habitats in and within 250 feet of the project boundary. If an active nest is found in an area that would be disturbed by demolition and/or construction, the biologist or ornithologist shall designate an adequate buffer zone to be established around the nest, in consultation with the California Department of Fish and Wildlife (CDFW). The buffer must ensure that the nest shall not be disturbed until the young have left the nest, the nest is vacated, and there is no evidence of second nesting attempts. The developer shall submit a report indicating the results of the survey and any designated buffer zones to the Planning Division prior to the removal of any trees and issuance of a grading permit or demolition permit.
69. Native American Monitoring. Prior to ground-disturbing activities, the applicant shall submit evidence to the Planning Director that a tribal monitor registered with the Native American Heritage Commission for the City of Hayward that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 has been retained. The tribal monitor shall be present during all ground-disturbing activities occurring within the undeveloped portion of the site adjacent to Ward Creek. No monitoring shall be required for ground-disturbing activities within the remainder of the site. The tribal monitor shall have the authority to halt and redirect work should any archaeological or tribal cultural resources be identified during monitoring. If archaeological or tribal cultural resources are encountered during ground-disturbing activities, work within 100 feet of the find must halt and the find must be evaluated for listing in the California Register of Historic Resources (CRHR) and National Register of Historic Places (NRHP). Monitoring may be reduced or halted at the discretion of the tribal monitor in consultation with the City of Hayward, as warranted by conditions such as encountering bedrock, or sediments being excavated are fill, or negative findings during the first 50 percent of the entire area of ground disturbance. If monitoring is reduced to spot checking, spot checking

shall occur when ground-disturbing activities move to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

Building

70. If there is a sidewalk on Claremont Court, then the accessible path of travel shall extend to the public right-of-way.

Hazardous Materials

71. The applicant shall provide environmental screening clearance/oversite documentation from either the Alameda County Department of Environmental Health's Local Oversight Program (LOP), Department of Toxic Substances Control (DTSC) or the San Francisco Bay Regional Water Quality Control Board (RWQCB). Clearance shall ensure that the proposed 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. The clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office and City of Hayward Public Works Department's Engineering Division prior to issuance of any grading and building permits.

Utilities

72. A complete Utility Plan is required with the building permit application submittal. The Utility Plan shall provide the following:
 1. Show the sizes and locations of the existing public water and sanitary sewer mains. If needed, please contact Utilities.Info@hayward-ca.gov for current maps of the City water and sanitary sewer mains.
 2. Show the sizes and locations of all existing and proposed water service lines, water meters, backflow prevention devices, and sanitary sewer laterals.
 3. Show the location of a Standard Industrial Waste Monitoring Structure (City Standard Detail Dwg. No. SD-309 filed 6-15-93).
 4. Show the sizes and locations of existing and proposed fire services and an above-ground double check valve assembly (DCVA) per SD-201 and SD-204.

Engineering

73. The applicant shall secure the required 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.
74. 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 HMC and the current City Standard Details, available online.

75. 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.
76. The applicant shall obtain permits or approvals required from all affected agencies or private parties before start of any construction activity or discharge of drainage across property lines. Copies of applicable permits or approvals shall be provided to the City Engineer upon request.
77. The City Engineer's approval is required for the plans showing required grading, drainage, utility services, landscaping and site improvements.
78. All grading, retaining walls, surface and sub-surface drainage and trench backfill shall be designed and constructed in accordance with the recommendations of the soils report prepared by the project's geotechnical engineer, subject to approval by the City Engineer. Plans for grading and drainage for the grading permit shall be reviewed and signed by the geotechnical engineer certifying that the recommendations in the report were followed.
79. 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.
80. The project shall not block runoff from, or augment runoff to, adjacent properties. The applicant shall be required to mitigate any 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.
81. 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 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.
82. Drainage plans shall 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 CBC, 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.
83. 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.

84. The on-site drainage detention, conveyance and treatment systems shall be owned and maintained by the property owner.
85. Augmented drainage from the new impervious areas shall be detained on site to control the drainage discharge rate to not increase the current flow rate.
86. 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.
87. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the 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.
88. Portions of the project site are located within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area designated "AE" and shall comply with Section 9, Chapter 4 Flood Plain Management of the Hayward Municipal Code. The project shall be subject to the following conditions:
 - a. The lowest floor elevation of the proposed buildings shall be elevated to at least one (1) foot above the base flood elevation (BFE).
 - b. Building utility systems located within the flood zone such as HVAC equipment, electrical, plumbing, and other utility service facilities must be elevated above the BFE or otherwise protected from flood damage.
 - c. An Elevation Certificate (FEMA Form FF-206-FY-22-152) for the proposed structures within the flood zone, based on construction drawings, is required to be submitted prior to issuance of a building permit. In addition, an Elevation Certificate based on finished construction is required to be submitted for the built structure prior to issuance of any certificates of occupancy.
 - d. FEMA has suspended processing new LOMR-F and CLOMR-F applications in 39 California counties, including Alameda, effective July 1, 2023. This suspension remains in place as of December 2025, pending completion of Endangered Species Act consultations. Given this ongoing suspension, and since the applicant does not intend to delay the project until the suspension is lifted, the applicant has elected to not pursue a CLOMR-F at this time. As an alternative during FEMA's suspension, the applicant shall proceed with the following steps, acknowledging that proceeding prior to FEMA's formal map revision carries inherent uncertainties. The applicant

accepts responsibility for any future FEMA determinations regarding the floodplain status of the property and agrees that City approval of grading or building permits does not constitute a guarantee of FEMA's acceptance of a subsequent LOMR-F. As an alternative to a CLOMR-F during FEMA's suspension, the applicant shall: (1) retain a qualified registered civil engineer to prepare and certify a hydrologic and hydraulic analysis demonstrating that the proposed grading and fill will remove the site from the 1 percent annual chance floodplain (100 year flood) and will not result in adverse floodplain impacts to adjacent properties or the public right of way; and (2) fund the City's retention of a qualified independent third party consultant to review and certify the applicant's analysis, plans, and calculations as correct and complete. The applicant shall comply with the applicable requirements set forth in Condition of Approval No. 81 a.-c., above, and as required by Hayward Municipal Code Chapter 9 – Building Regulations, Article 4 – Flood Plain Management, and California Building Code Section 1612. In addition, the applicant shall ensure that all development in the Special Flood Hazard Area complies with the minimum floodplain management criteria of the National Flood Insurance Program (NFIP), as codified in Title 44 of the Code of Federal Regulations (44 CFR), Part 60. As a condition of approval, the applicant shall defend, indemnify, and hold harmless the City, its officers, agents, and employees from any and all claims, actions, or proceedings arising out of or related to floodplain impacts associated with this project, including but not limited to, any reliance on the applicant's floodplain analysis or the absence of a CLOMR-F. It shall be the sole responsibility of the property owner, applicant, and any successor in interest, including any future purchaser or transferee of the property, to pursue a LOMR-F with FEMA at such time as FEMA resumes processing such applications. This responsibility shall be reflected in a written agreement with the City of Hayward, and shall be a continuing obligation, which shall run with the land, and shall be binding upon all future owners, successors, and assigns. The agreement required by this condition shall be in a form approved by the Director of Public Works or their designee and shall be recorded with the Alameda County Recorder's Office. The recorded agreement shall be provided to the City prior to issuance of any Temporary Certificate of Occupancy. No Temporary Certificate of Occupancy shall be issued until the City has received a fully executed and recorded copy of the agreement. The applicant and all successors shall provide written disclosure of this obligation to any subsequent purchaser or transferee of the property at or prior to transfer of title. Failure of any party to provide such disclosure shall not relieve any owner, successor, or assign of the obligation itself, nor limit or diminish the continuing duty to indemnify, defend, and hold harmless the City. Issuance of a Certificate of Occupancy by the City shall not constitute, nor be construed as, a waiver, release, or limitation of any obligation imposed by this condition of approval. All such obligations shall survive issuance of the Certificate of Occupancy and continue in full force and effect.

89. The applicant 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.

90. 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.
91. Improvements in the public street rights-of-way shall comply with the Hayward Standard Details and include the following:
 - a. Existing overhead utilities in Claremont Court across the project frontage shall be undergrounded.
 - b. A new streetlight shall be installed in the Claremont Court cul-de-sac.
 - c. Damaged segments of the concrete curb, gutter and driveway and street pavement in Claremont Court across the project frontage shall be replaced with new improvements to match existing.
 - d. Driveways shall comply with the City Standard Detail SD-110 and have no curb returns
 - e. Any unused driveways shall be replaced with concrete curb, gutter, and sidewalk matching existing in color, form, and grades.
 - f. All failing segments of existing street pavement fronting the project site as determined by the City Engineer shall be replaced with hot-mix Asphalt-Concrete (A.C.) providing a Traffic Index not less than 7.5.
 - g. Full width of existing asphalt concrete in Claremont Court shall be ground a minimum depth of two (2) inches and repaved with a minimum 2-inch hot-mix asphalt concrete to mitigate impacts from vehicles entering and exiting the expanded warehouse facilities.
92. All utility services to the development shall be underground, designed and installed in accordance with the service provider's regulations. Transformers and switch gear cabinets shall be placed underground. Underground utility plans approved by the PG&E must be submitted for City approval prior to installation.

Transportation

93. The applicant shall prepare and submit an on-site and off-site (fronting City right-of-way) Signing and Striping Plan prepared 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 prepared to the satisfaction of the Public Works Director or his/her designee.
94. The applicant shall prepare and submit an on-site and off-site Photometrics Plan ("Photometrics Plan"). The Photometrics Plan shall conform to Standard Details (<https://www.hayward-ca.gov/sites/default/files/documents/standard-details-updated-jan-2020.pdf>) 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.

95. Pursuant to HMC 7-1.10, and if required by the Public Works Director or his/her designee upon review of the Photometrics Plan, the applicant shall install on-site and/or off-site lighting at all locations (including but not limited to street lighting along project frontages) 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.
96. The 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 (typically WB-50).

During Construction

Planning

97. **MM NOI-1.1:** Construction activities shall be conducted in accordance with the provisions of the General Plan and Hayward Municipal Code, which limits temporary construction work to between the hours of 7:00 AM and 7:00 PM, Monday through Saturday, and 10:00 AM to 6:00 PM on Sundays and holidays. Furthermore, the City shall require the construction contractor(s) to adhere to the following construction noise control practices to reduce construction noise levels emanating from the site and minimize disruption and annoyance at existing noise-sensitive receptors in the project vicinity. The construction contractor shall develop a construction noise control plan, which includes the following available construction noise controls:
 - Selection of quieter concrete/industrial saws, excavators, dozers, graders, tractors, loaders, and backhoes, cranes, air compressors, paving equipment, and rollers. No individual device or piece of equipment shall produce a noise level exceeding 83 dBA at a distance of twenty-five (25) feet from the source.
 - Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields/shrouds).
 - Impact tools (e.g., jackhammers, pavement breakers and rock drills) used for construction shall be hydraulically or electrically powered where possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.
98. In accordance with the Air District Basic Construction Mitigation Measures, the following measures shall be implemented during all demolition, grading and construction activities to control dust and exhaust during construction.
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or loose material off-site shall be covered.
 - 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.

- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - 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 per California Airborne Toxic Control Measure Title 13, Section 2485 of CCR). Clear signage shall be provided for construction workers at all access points.
 - 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.
 - A publicly visible sign shall be posted with the contact information of the person to contact at the City of Hayward regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations
99. If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction-related earth-moving activities, all ground-disturbing activities within 100 feet of the resources shall be halted and the Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the qualified archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the Northwest Information Center (NWIC).
100. If archaeological resources are identified, a final report summarizing the discovery of cultural materials shall be submitted to the Planning Manager prior to issuance of certificate of occupancy. This report shall contain a description of the mitigation program that was implemented and its results, including a description of the monitoring and testing program, a list of the resources found and conclusion, and a description of the disposition/ curation of the resources.
101. If human remains are discovered during project construction, all ground disturbing activity within 100 feet of the remains shall be halted and the Planning Manager and the Alameda County Coroner shall be notified immediately, in accordance with Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and

disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of Hayward shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of Hayward, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.

102. Should a unique paleontological resource or unique geological feature be identified at the project site during any phase of construction, all ground-disturbing activities within 25 feet shall cease and the Planning Manager shall be notified immediately. A qualified paleontologist shall evaluate the find and prescribe mitigation measures to reduce impacts to a less-than-significant level. Work may proceed on other parts of the project site while mitigation for paleontological resources or geologic features is implemented. Upon completion of the paleontological assessment, a report shall be submitted to the City and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.

Engineering

103. The applicant shall be responsible for 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 HMC Section 11-5.19-11. 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.
104. The applicant 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.

Prior to Issuance of Certificate of Occupancy

105. The applicant shall update their CERS submittal prior to any final inspection or prior to taking occupancy of the new facility.

Engineering

106. A Certificate of Occupancy shall be granted only after all pertinent conditions of approval are complied with and the required improvements are completed and accepted by the City Engineer. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
107. 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.
108. 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.
109. An Elevation Certificate (FEMA Form 086-0-33FF-206-FY-22-152) based on finished construction is required for the built structure prior to the issuance of any certificates of occupancy.
110. Prior to requesting any Certificates of Occupancy, the applicant shall repair or replace all damaged sections of existing improvements as required by the City Engineer.
111. Prior to requesting any Certificates of Occupancy, the applicant shall submit a letter report from the project geotechnical engineer confirming that all grading activities were observed by them and performed in conformance with the recommendations contained in the project's soils report.
112. 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 were performed in conformance with the approved plans and specifications.
113. As-built records of site grading and improvements completed by the property owner shall be prepared and stamped by the design engineer and shall be provided to the City Engineer on electronic media in AutoCAD .DWG and .PDF formats.

Transportation

114. Pursuant to HMC Chapter 10, Article 30, the Project is subject to Traffic Impact Fees ("TIF") in the amount specified in the City's Master Fee Schedule. The TIF shall be paid by the applicant prior to the date of final inspection or the date of issuance of certificate of occupancy, whichever occurs first. Any future changes in size or use requiring issuance of a building permit or approval of a modification to this use permit or a new use permit, or site plan review may be subject to additional TIF pursuant to HMC, Chapter 10, Article 30.

-End of Conditions-