

**CITY OF HAYWARD PLANNING COMMISSION
VARIANCE & SITE PLAN REVIEW
APPLICATION NO. VAR-25-0005
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 permit.
2. The Variance and Site Plan Review application is approved subject to the Architectural, Civil and Landscape plans electronically date stamped May 11, 2026, except as modified by the conditions listed below. Any proposal for alterations to the conditionally approved site plan and/or design that does not require a variance to any zoning ordinance standard shall be subject to review and approval by the Development Services Director or his/her designee prior to implementation. Alterations requiring a variance shall be subject to review and approval by the Planning Commission, if applicable.
3. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
4. Prior to Building Permit issuance, a deed restriction shall be filed on both parcels to ensure the parking on Parcel B (APN: 439-0070-006-02) shall solely be dedicated to the use operating on Parcel A (439-0070-006-01) in perpetuity to ensure Parcel A meets the Off-Street Parking Regulations within the Hayward Municipal Code (HMC).
5. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were filed to construct the project.
6. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
7. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit 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.
8. A copy of these conditions of approval shall be scanned and included on a separate, full-sized sheet(s) in the building permit plan check set.
 9. The 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.
 10. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
 11. The applicant or future property owners shall be responsible for graffiti-free maintenance of the property and shall remove any graffiti within 48 hours of occurrence or City notification.
 12. The applicant shall apply for and obtain all necessary permits from the City and/or outside agencies prior to any site work.
 13. 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.
 14. 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.
 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

electronically date stamped May 11, 2026. 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 Hayward Municipal Code Sign Ordinance requirements.
22. If human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately, and the Planning Division shall be notified. A qualified archaeologist shall be retained to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.
23. In the event that cultural resources of Native American origin are identified during construction, all earth disturbing work within the vicinity of the find must be temporarily 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.

24. 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.
25. 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.
26. 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.
27. 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.
28. In accordance with Hayward Municipal Code (HMC) Sections 10-3.3355 and 10-1.3055, approval of this Variance 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 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.

Building.

29. The project shall require a building permit and the associated plan review process. Detailed building code comments will be provided during that review.
30. The project shall comply with the edition of the California Building Code (CBC) in effect on the date of the building permit application.
31. As part of the building permit submittal, a soils report shall be submitted.
32. The building permit submittal drawings shall include a plumbing fixture calculation based on the California Plumbing Code. Please note that the City of Hayward allows the use of Table 4-1 for the plumbing code occupant load.
33. The building permit drawings shall include an allowable area calculation based on Chapter 5 of the CBC.
34. Any additional structures on the site require a separate building permit. This includes, but is not limited to, retaining walls, light poles, fences over 7 feet tall and similar structures.

Fire.

35. The number and distribution of fire hydrants shall be provided in accordance with the California Fire Code (CFC) Table C105.1 and Hayward Fire Code Ordinance. The average spacing of fire hydrants is 300 feet. Any portion of the building (sprinklered) or facility should be within 400 feet hose lay distance of a fire hydrant.
36. A fire flow shall be provided in accordance with the CFC Table B105.1 based on the construction and building area. Per Table B105.1, a building comprised of type 1B construction of between 59,001 – 70,900 sq. ft. shall provide a fire flow of 2,750 GPM for 2 hours. A fire flow reduction of up to 50 percent is allowed when the building is provided with automatic sprinkler system in accordance with NFPA 13. The resulting fire flow shall not be less than 1,500gpm.
37. Fire hydrants shall be placed at least 50 feet from the building to be protected. Where it is not feasible to place them at that distance, the Hayward Fire Department (HFD) may allow the hydrants to be placed in closer proximity at approved locations.
38. In accordance with Appendix D of the CFC, aerial access roads are required for buildings that exceed 30ft. The entire side of the building on Whitesell has been identified (D105.3 PROXIMITY TO BUILDING) for aerial ladder access. The existing landscape island/curb within Whitesell Street shall be modified to meet CFC. The developer shall coordinate with the HFD and Transportation Division on the final

design of a mountable curb area to satisfy this code section.

39. Aerial fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of the building. At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the HFD.
40. The fire access apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building/facility measured by an approved route around the exterior of the building or facility.
41. An Automatic Fire Sprinkler System is required and shall be installed in accordance with National Fire Protection Association (NFPA) 13 and the City of Hayward ordinances in the new building. Design and installation shall be performed by a California state-licensed C-16 fire sprinkler contractor. The installation/alteration shall meet the CFC and the NFPA 13 standards.
42. A maximum static pressure of 80 pounds per square inch (PSI) should be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly.
43. Minimum underground fire service line is 4-inch in diameter. The installation of fire service line should comply with the NFPA 24 and the City of Hayward standards.
44. The Fire Department Connection (FDC) serving the overhead fire sprinkler system 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. Fire department connection 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.
45. A standpipe system in conjunction with Chapter 9 of the CFC shall be installed in this building.
46. A Fire Alarm System with occupant notification shall be installed in accordance with CFC and NFPA 72 Standards. The required fire alarm system will be determined based on the occupancy classification and use of the proposed building.
47. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced to provide all-weather driving capability.
48. The outside radius of fire apparatus access roads shall be of minimum 45 feet and

inside radius to be 17 feet. (entrance road flare at the street)

49. Address and premise identification approved numbers shall be placed on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property. Dimensions of address numbers or letters on the front of the buildings shall be approved by the HFD.

Hazardous Materials

50. A Phase I Environmental Site Assessment dated December 11, 2023, was submitted. The Applicant shall provide clearance documentation from the Alameda County Department of Environmental Health's Local Oversight Program (LOP) to ensure that the property meets residential development investigation and cleanup standards. The LOP contact, Paresh Khatri, can be reached at (510) 567-6700 or (510) 777-2478. Agency clearance 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/soil vapor/soil management plan. Agency clearance shall be submitted to the Hayward Fire Department's Hazardous Materials Office, the City of Hayward Planning Division and City of Hayward Public Works/Engineering Division prior to issuance of any grading and building permits.

Prior to submitting plans for grading permits, the applicant must have entered into an agreement with the LOP for environmental clearance.

51. 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.
52. 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.
53. 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.
54. If hazardous materials/wastes or their containers are discovered during grading/construction, the HFD shall be immediately notified at (510) 583-4910.
55. If found on the property, underground vessels and/or structures shall be removed under an approved plan filed with the 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 submitted to the City documenting 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.
56. The facility shall comply with all medical waste handling/disposal issues including working with Alameda County Department of Environmental Health medical waste program. If any waste is determined to be hazardous waste, the facility shall meet the hazardous waste regulations and report hazardous waste to the Hayward Fire Department - Certified Unified Program Agency (CUPA)
 57. Plans shall be submitted to the Building and Fire Departments for approval for the proposed rooftop diesel emergency generator. The plans shall demonstrate compliance with all applicable codes including the CFC as adopted by the City of Hayward and CUPA regulations. A fire protection engineer report prepared/stamped by a California licensed fire protection engineer shall be submitted to the HFD for this project. In addition to other items, this report shall include details associated with the emergency diesel generator including fuel and fuel storage, dispensing and transportation of fuel from the ground level into the building/roof areas. If the design does not satisfy code requirements, the tank may not be located on top of the building for this project.
 58. The applicant shall apply for and keep current an annual Unified Hazardous Materials/Hazardous Waste Management Regulatory Program Permit.
 59. The storage and use of hazardous materials shall be electronically reported through the California Environmental Reporting System (CERS) for the Hazardous Materials Business Plan (HMBP) elements if hazardous materials exceed required reporting levels.
 60. Hazardous materials to be stored and used on-site shall not exceed the maximum allowable quantities (MAQs) as given in Chapter 50 of CFC as adopted by the City of Hayward.
 61. An emergency plan shall be submitted to the HFD as well as other appropriate regulatory agencies to identify how the facility will manage its occupants during an emergency including how occupants will be evacuated. This plan shall be submitted prior to the issuance of building permits.

Water Pollution Source Control

62. The facility shall have grease treatment including a grease interceptor for all kitchen facilities at the building. The grease interceptor shall be a water-tight receptacle receiving and retaining waste containing fats, oils and grease from kitchen facilities, and in all cases shall be located outside place of business or any structure. The minimum size shall be 750 gallons. Additional sizing criteria set forth in the current adopted plumbing code. An adequately sized grease control device is required. Please supply calculations for plumbing plan check as well as all sanitary sewer connections for project in a utility plan during building permit phase of project.

Solid Waste

63. The applicant or operator shall place the waste carts outside of the trash enclosure for servicing days and must provide keys or cards for the trash enclosure roll up door to the service provider (Waste Management of Alameda County (510) 537-5500). Keys and locks may also be obtained from Waste Management for a nominal fee.
64. All businesses must subscribe to at least weekly trash service with the City's franchisee, Waste Management Alameda County.
65. All businesses must separate recyclables and arrange for weekly collection of mixed recyclables, e.g., paper; food and beverage containers made of glass, metal and plastic.
66. All businesses that regularly generate food waste, food-soiled paper or plant debris must separate those organic materials and arrange for weekly collection.
67. The City requires that construction and demolition debris be recycled per certain ordinance requirements. Submittal of a waste management plan is required at the time of your building permit. Please visit Hayward's Green Halo webpage and create a waste management plan. You can also fill out the Debris Recycling Statement instead of filling out the waste management plan in Green Halo. The form can also be found at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.

Utilities.

68. All public water mains and appurtenances shall be constructed in accordance with the City's latest "Specifications for the Construction of Water Mains and Fire Hydrants." Available on the City's website at www.hayward-ca.gov/your-government/departments/engineering-division.
69. 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.” Available on the City’s website at www.hayward-ca.gov/your-government/departments/engineering-division.

70. All connections to existing City of Hayward water mains shall be performed by City of Hayward Water Field Services at the Applicant/Developer’s expense.
71. Any modifications to existing City of Hayward water services, such as, but not limited to, upsizes, downsizes, relocations, and abandonments shall be performed by City of Hayward Water Field Services at the Applicant’s expense.
72. Only City of Hayward Water Field Services shall operate valves on the City of Hayward Water System.
73. The City sanitary sewer easement shall remain accessible to the City at all times. No permanent structures or non-removable improvements shall be placed within the easement unless expressly approved by the City.
74. All private improvements located within the City sanitary sewer easement, including but not limited to fencing, gates, canopy elements, landscaping, irrigation, pavement, and other surface improvements, shall be removable and shall not interfere with City access to the existing sanitary sewer facility. Such improvements are installed at the applicant/property owner’s sole risk and expense. The City may remove, damage, or disturb such improvements as necessary to access, inspect, maintain, repair, replace, or operate the sanitary sewer facility. The City shall not be responsible for repairing, restoring, replacing, or reconstructing such improvements.

Prior to the Issuance of Building Permit

75. 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 and/or at building permit issuance. The current utility installation and connection fees are available on our website at www.hayward-ca.gov/water-service/connection-fees.
76. The Applicant is responsible for payment of sewer connection and/or capacity fees at the current rates at the time when application for water and sewer service is submitted. Sewer connection fees for non-residential connections are calculated based on the volume and strength of the wastewater discharge. The project’s permitted sewer capacity and related sewer capacity fees shall be further assessed during the building permit application.
77. The fire service size will be determined by the Fire Department’s requirements. All fire services shall have an above-ground double check valve assembly (DCVA), per City Standard Detail 204 (SD-204) and 201 (SD-201).
78. The Applicant shall install an above-ground reduced pressure (RP) backflow prevention assembly on all domestic and irrigation water services per City

Standard Detail 202 (SD-202), if not already existing or if not installed to the current standards to the satisfaction to the City of Hayward Cross Control Specialist. Backflow prevention 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. Backflow prevention assemblies installed on potable water sources shall be lead-free. 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.

79. Water mains shall 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 (4) feet from and one (1) foot vertically above any parallel pipeline conveying storm drainage, per the current California Code of Regulations Title 22 Division 4 Chapter 16 Article 4. The minimum horizontal separation distances can be reduced by using higher grade piping materials with approval by the City Engineer.
80. 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.
81. Where two sewer lines converge that are both 6-inch diameter or greater, the connection shall be made at a manhole.
82. The applicant shall submit structural plans and calculations demonstrating that the proposed building foundation adjacent to the City sanitary sewer easement will not surcharge or impose additional structural loading on the existing 24-inch sanitary sewer trunk line and will maintain adequate building support in the event the City excavates within the easement for access, maintenance, repair, replacement, or operation of the sewer facilities.

During Construction

83. Prior to the start of demolition, grading, excavation, foundation work, or other site improvements, the applicant shall CCTV the existing 24-inch sanitary sewer trunk line, as directed by the City, and submit the video and inspection report to the City for review.
84. The City sanitary sewer easement shall remain accessible during construction. Construction activities, staging, fencing, materials, equipment, or temporary improvements shall not obstruct City access to the sanitary sewer facility unless otherwise approved by the City.
85. The applicant shall protect the existing 24-inch sanitary sewer trunk line during construction. Any damage to the sewer facility resulting from construction

activities shall be repaired by the applicant/property owner's sole cost, to the satisfaction of the City.

86. The applicant shall abandon the existing on-site sewer lateral serving the property and connected directly to the City sanitary sewer manhole by slurry-filling the lateral and permanently sealing the connection opening inside the manhole, in coordination with and to the satisfaction of the City.
87. 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

88. Following completion of site improvements, the applicant shall perform a post-construction CCTV inspection of the 24-inch sanitary sewer trunk line and submit the video and inspection report to the City for review. Any damage, displacement, cracking, joint separation, or other sewer defect determined by the City to have resulted from construction activities shall be repaired by the applicant/property owner's sole cost, to the satisfaction of the City.
89. Water services, meters, and backflow prevention devices shall be installed and connected to the satisfaction of the City of Hayward Utilities/Water Field Services prior to final Certificate of Occupancy.

Engineering.

90. The Developer shall be responsible for removal and replacement of curb, gutter, sidewalks, driveways, signs, pavements, pavement markings and such other public infrastructure damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Developer is responsible for documenting the existing conditions prior to the start of construction to serve as a baseline for this requirement.
91. All new utility service connections to the project shall be installed underground.

Prior to the Issuance of Building Permit

92. The developer 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.

93. All plans and their related design studies and details shall be prepared by or under the direction of the State licensed and qualified professionals and shall comply with Chapter 10, Article 8 of the Hayward Municipal Code and the current City Standard Details, available online.
94. 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.
95. The project shall not block runoff from, or augment runoff to, adjacent properties. The developer shall be required to mitigate augmented runoff to maintain post-development site discharge rates to less than or equal to pre-development discharge rates to the satisfaction of the City Engineer.
96. The Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. On site drainage shall be collected and conveyed to public drainage system as per plans approved by the City Engineer. The storm drainage system shall be designed to convey a 10-year storm event.
97. Drainage plans should include all proposed underground pipes, building drains, area drains and inlets. All building sites shall be graded to slope away from the building foundations per California Building Code, Chapter 18, Section 1804.3 Site Grading or as required by the Soils Engineer. On-site collector storm drains shall be sized to minimize potential for blockages. Storm drains shall be designed to prevent standing water.
98. The on-site storm conveyance and treatment systems shall be owned and maintained by the property owner.
99. 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.
100. The Developer shall comply with the pre-construction and post-construction requirements of the Municipal Regional Permit (MRP). The project shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
101. 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.

102. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from the City and notify the Supervising Construction Inspector in the City's Public Works & Utilities Department. Prior to performing any work within the public right-of-way or a City easement, the developer shall submit copies of City Engineer-approved grading and improvement plans, along with any other applicable documents, such as the Stormwater Pollution Prevention Plan (SWPPP). In addition, the developer shall submit material submittals approved by the project engineer, as well as traffic control plans, for review and approval by the City Engineer. The developer shall also notify the Supervising Construction Inspector in the City's Public Works & Utilities Department prior to the commencement of any such work.
103. Because a portion of the proposed building above the ground floor projects into the public right-of-way (ROW), the Applicant/Owner shall, prior to issuance of any Building Permit, enter into an Encroachment Agreement with the City, in a form approved by the City Engineer and City Attorney, authorizing the encroachment. The Encroachment Agreement shall include a City-approved exhibit depicting the ROW line and the horizontal/vertical limits of the encroachment, and shall require, at minimum, ongoing indemnification/defense, insurance naming the City as an additional insured, and maintenance/repair obligations by the Owner and successors. The executed Encroachment Agreement shall be recorded with the Alameda County Recorder's Office against the subject property, and the Applicant/Owner shall provide the City with proof of recordation (recording/instrument number and a copy of the recorded document) prior to Building Permit issuance.

During Construction

104. Developer 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 the Hayward Municipal Code Section 11-5.19 of. Projects proposed for construction between October 1st and April 30th, must have an erosion and sedimentation control program approved, and implemented to the maximum extent possible, prior to the start of any land disturbing activity. Trash and debris must be adequately contained at all times. Such measures shall be maintained during the project's construction period. Violations or other noncompliance with stormwater management measures may result in the project being shut down, including any building permit activity, until full compliance with stormwater management requirements is achieved.

Prior to Issuance of Certificate of Occupancy

105. All public and private improvements shall be completed prior to occupancy.

106. Prior to final inspection and issuance of final certificates of occupancy, all pertinent conditions of approval and improvements shall be completed to the satisfaction of the Public Works Director and Development Services Director or his/her designees.
107. 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.
108. Prior to the issuance of any Certificates of Occupancy, Developer shall submit a confirming letter from the project geologic and/or geotechnical team confirming they have observed all grading activities and that those activities were performed in conformance with their recommendations.
109. Prior to the issuance of any Certificate of Occupancy, The Engineer of Record shall submit a confirming letter that all grading, drainage, and engineering components of the project have been performed in conformance with the approved plans and specifications.
110. As-built records of site grading and improvements completed by the property owner shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.

Transportation.

111. 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 driveway(s) and access point(s), including but not limited to those along Depot Rd. and Whitesell St.
112. 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, shall drive on City designated truck route(s) and none other 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 agreement(s) and documentation confirming as such shall be made available to the City of Hayward upon request. City designated Truck Routes:
<https://hayward.maps.arcgis.com/apps/mapviewer/index.html?webmap=cf702c85053a460c8744d1e9bc74240a>
113. The Property Owner shall maintain, in fully functional condition and good repair, all pavement markings and signage within the subject property. This shall include, but is not limited to, all pavement markings and signage on and along private drive aisles and streets and within the subject property's parking lot(s).

114. The Property Owner shall be responsible for ensuring that vehicles queuing at the security gate do not encroach into the public right-of-way, including but not limited to the sidewalk and/or general purpose travel lane(s), and that vehicles accessing the site shall be fully accommodated within the subject property.

Prior to the Issuance of Building Permit

115. 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.
116. Applicant shall re-stripe the south, east and west high-visibility crosswalks at the intersection of Depot Road and Whitesell St. This item shall be included in the Signing and Striping plans and shall be designed and installed to the satisfaction of the Public Works Director or his/her designee.
117. Applicant shall re-stripe the existing bicycle lanes and markings on both sides of Whitesell Street along the project frontage along 3788 Depot Road and the project frontage along the proposed off-street parking lot on the west side of Whitesell St. This item shall be included in the Signing and Striping plans and shall be designed and installed to the satisfaction of the Public Works Director or his/her designee.
118. Traffic flow/circulation within the off-street parking lot on the west side of Whitesell Street shall be one-way directional from north to south. The north driveway shall serve solely as the parking lot entrance and the south driveway shall serve solely as the parking lot exit. The Applicant shall install directional arrow pavement markings at both the parking lot entrance and exit and within the parking lot to indicate one-way directional traffic flow. Applicant shall install "STOP" and "Do Not Enter" signage, in compliance with the California Manual on Uniform Traffic Control Devices (CA MUTCD), at the south driveway of the proposed parking lot. This item shall be included in the Signing and Striping Plans, which shall be prepared to the satisfaction of the Public Works Director or his/her designee.
119. Applicant shall not modify the width of the existing travel lane and/or existing bicycle lane on Whitesell Street fronting the subject property. If the Applicant replaces the existing median on Whitesell Street along the subject property's frontage with a mountable median in order to meet Fire Department requirements, the new (mountable) median shall be designed to be in compliance with City Standard Details and specifications, including but not limited to those of the Public Works & Utilities Department and the Fire Department, and shall be designed and installed to the satisfaction of the Public Works Director or designee. Any new or replaced impervious surface associated with the mountable median, including asphalt or concrete surfacing, shall be subject to applicable C.3 stormwater

treatment and site design requirements under the City's Municipal Regional Stormwater NPDES Permit. The applicant shall demonstrate compliance through the project's improvement plans and associated stormwater submittals, including treatment of the new impervious surface or an equivalent area, to the satisfaction of the Public Works Director or designee. This item shall be included in the project's improvement plans, as applicable.

120. Applicant shall prepare and submit an on- and off-site Photometric Plan ("Photometric Plan"). The Photometric 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.
121. Pursuant to HMC 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.
122. 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 AutoCAD and using the vehicle template determined by the Public Works Director or his/her designee as the largest vehicle expected on-site. 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.

Landscape.

123. Prior to issuance of the first building permit, detailed landscape improvement plans prepared by a licensed landscape architect on an accurately surveyed base shall be approved as a part of grading permit/ Final Map. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (CBC Title 23) and all relevant Municipal Codes. The plans shall be stamped, signed and dated by the project Landscape Architect. The plans shall include the water efficiency compliance statement and water budget calculations. Once approved by the City, copies of the approved landscape improvement plans shall be submitted as a part of the building permit submittal.
124. A certified arborist is required to be part of the project team to provide guidance with protecting and maintaining the existing trees along Whitesell Street.

125. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code.
126. A Tree Preservation Bond in the amount of \$15,000 for the existing redwood tree shall be submitted to the City Landscape Architect prior to issuance of a building or grading permit for all trees that are designated for preservation. Appraised tree value is used for determining total amount for the tree preservation bond.

Prior to the Issuance of Building Permit

127. No building permit shall be issued prior to approval of landscape and irrigation improvement plans.

During Construction

128. Bio-retention basin(s) shall be completed prior to issuance of the first Certificate of Occupancy.
129. Pursuant to HMC Section 10-12.07-09 and Appendix C, Part 6, provide the soil analysis report to the City's Landscape Architect prior to installation of the landscape to review the soil recommendations.
130. Landscape materials and signage within 10 feet of vehicle ingress and egress points shall be maintained below 3 feet in height so as not to impair visibility or create a traffic hazard.
131. Establish a Tree Protection Zone around each tree to be preserved. The Tree Protection Zone shall be the dripline or property line for the redwood tree and a continuous 6' tall fence with embedded post on the back of walk and curb to be installed along Whitesell St. No grading excavation, construction or storage of materials shall occur within the protection zone.
132. 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.
133. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Project Arborist. Any necessary root pruning shall be performed by a qualified arborist and not by construction personnel. Roots shall be cleanly pruned with a handsaw. A tree pruning permit shall be required for cutting equal or larger than one-inch diameter roots.
134. 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 damages to tree(s) result in removal, removed tree shall be replaced to its appraised value provided by the Project Arborist and approved by City Landscape Architect.

135. Tree protection fencing shall remain until all site work has been completed. Fences shall not be relocated or removed without permission of the Project Arborist.
136. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel with a tree pruning permit from City Landscape Architect.
137. Existing trees designated for preservation shall be irrigated on a schedule to be determined by the Project Arborist. Each irrigation session shall wet the soil within the Tree Protection Zone to a depth of 30 inch.

Prior to Issuance of Certificate of Occupancy

138. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation improvements shall be completed in accordance with the approved plans and accepted by the City Landscape Architect. Before requesting a landscape inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and shall complete Appendix C. Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance. The completed Certificate of Completion Part 1 through Part 7, Project Landscape Architect's punch list, and landscape contractor's corrected photographs of all punch list items (or applicable parts) shall be e-mailed to the City's Landscape Architect prior to requesting an inspection.
139. Bio-retention basin(s) shall be completed prior to issuance of the first Certificate of Occupancy.
140. As-built records of landscape improvements completed by the applicant shall be provided to the City Engineer on electronic media in AutoCAD and pdf formats.
141. Pursuant to HMC Section 10-12.11 and Appendix C, Part 5, the project applicant shall submit an irrigation audit report done by the third party as required in Appendix C - Certificate of Completion Part 5 to the City. The report may include, but not limited to inspection, system tune-up, system test with distribution uniformity, overspray or run off causing overland flow, an irrigation schedule, irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming.
142. Pursuant to HMC Section 10-12.07-09 and Appendix C, Part 6, soil analysis report and documentation verifying implementation of soil report recommendations such as calculation of required compost and receipts of compost showing the matching quantity shall be submitted as a part of Certificate of Completion package.

143. Pursuant to HMC Section 10 Article 12, Appendix C, Part 7, 100% of excavated soil and plant and land clearing debris are required to divert for reuse or recycled purposes and shall be delivered to an authorized facility to maximize recycling. If green waste was diverted and the weigh tags were submitted and signed off by the City's Solid Waste Division at Public Works Utilities and Environmental Services Department, a copy of the signed document shall be submitted in place of Part 7.
144. Please contact Alex Moreno, City of Hayward Public Works & Utilities - Water Distribution at 510-881-7966 or alex.moreno@hayward-ca.gov to schedule to schedule the irrigation backflow inspection.
145. Pursuant to HMC Section 10-12.08 and Appendix C, Part 3, attach a color coded and laminated valve chart and an irrigation schedule on the controller.

-End-