

CONDITIONS OF APPROVAL

Integral Communities (Applicant/Subdivider)

Conditional Use Permit Application No. PL-2012-0069 and Vesting Tentative Tract Map Application No. PL-2013-0070

Condominium Purposes for the Construction of 194 Townhomes and 16,800 square feet of Commercial Space on an 11.33-acre site located at 22301 Foothill Boulevard

Note: New or revised condition text is shown in ***bold underlined italic*** font.
Additional text revisions shown in ***red bold underlined italic*** font.
The changed conditions are Numbers 5, 16, 19, 35c & 64o.

General

1. In accordance with Zoning Ordinance §10-1.1520, subject to all conditions listed below, the approval is for the Conditional Use Permit and Vesting Tentative Tract Map Project as shown in the City's Project files as:

Exhibit A – Conditional Use Permit and Vesting Tentative Tract Map,” submitted by Integral Communities, dated September 10, 2013, Sheets T1, TM-1, TM-2, TM-3, TM-4, TM-5, TM-6, TM-7, TM-8, A0.1, A0.2, A2.0, A2.1, A3.0, A4.0, A.TH.1, A.TH.2, A.TH.3, A.TH.4, A.TH.5, A.TH.6, L1, L2, L3, L4, L5, and EXH, and labeled Conditional Use Permit (CUP) No. PL-2012-0069 and Tentative Tract Map No. PL-2013-0070 (TTM 8129).

2. Project approval shall be void two years after issuance of the building permits, or three years after approval of the conditional use permit and vesting tentative tract map applications, whichever is later, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the project approval.
3. This approval is subject to the Mitigation Monitoring and Reporting Program included in the City's Project files as Exhibit B.
4. The developer/subdivider 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.

PRIOR TO SUBMITTAL OF IMPROVEMENT PLANS AND FINAL MAP

5. The applicant shall include the location of the public access easement to be located adjacent to the San Lorenzo Creek. This easement area shall be wide enough to incorporate some landscape area and a ***ten (10)*** foot wide pedestrian bicycle pathway within the easement area. ***Should there be any areas that cannot accommodate the full ten (10) foot path width, the applicant will be allowed to narrow such areas to eight (8) feet, as approved by the Development Services Director. The ten (10) foot wide path shall extend from Hazel Avenue to City Center Drive.*** All

details related to the *dedicated* public access easement shall be included with the final map for the project. The final map shall be accepted by the City Council once all conditions have been met.

6. Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed, at no cost to the City of Hayward.
7. Unless indicated otherwise, the design for development shall comply with the following:
 - a) All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Articles 1 and 3, and Standard Specifications and Details.
 - b) All construction shall meet the California Building Codes (CBC) and all applicable City of Hayward Building Codes and amendments, including Green Building standards.
 - c) Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Codes and amendments.
8. A Registered Civil Engineer shall prepare all Civil Engineering improvement plans, and a Licensed Architect shall prepare all architectural plans, unless otherwise indicated herein.

Subdivision Improvement Plans

9. The subdivider shall also submit proposed subdivision improvement plans and Final Map that are in substantial compliance with the approved Vesting Tentative Tract Map. Said plans and map shall meet all City standards and submittal requirements. The following information shall be submitted with or in conjunction with improvement plans and final map:
 - a. A detailed drainage plan, to be approved by the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City Engineer, designing all on-site drainage facilities to accommodate the runoff associated with a ten (10) year storm and incorporating onsite storm water detention measures sufficient to reduce the peak runoff to a level that will not cause capacity of downstream channels to be exceeded. Existing offsite drainage patterns, i.e., tributary areas, drainage amount and velocity shall not be altered by the development. The detailed drainage plan shall be approved by the City Engineer and if necessary, the ACFC&WCD prior to issuance of any construction or grading permit.
 - b. A detailed Stormwater Treatment Plan and supporting documents, following City ordinances and conforming to Regional Water Quality Control Board's "Staff recommendation for new and redevelopment controls for storm water programs."

Final Tract Map

10. Prior to recordation, a proposed Final Tract Map shall be submitted for review by the City. The Final Tract Map shall be presented to the City Council for review and action. The City Council meeting will be scheduled approximately sixty (60) days after the Final Map is deemed technically correct, and Subdivision Improvement Plans with supporting documents, reports and agreements are approved by the City. Executed Final Map shall be returned to the City Public Works Department if Final Map has not been filed in the County Recorder's Office within ninety (90) days from the date of City Council's approval.

11. One Final Map shall be filed for the proposed Vesting Tentative Tract Map pursuant to the Government Code 66452.6(a) (1). The Developer/Applicant shall submit a proposed construction phasing and scheduling for the installation of improvements prior to the approval of Final Map.
12. Prior to issuance of a building permit for the project, the developer/subdivider shall submit expected and/or revised sales price information for all residential components of the project. The Applicants estimated pricing for the town homes based on current market condition ranges from approximately \$518,000 to \$608,000. However, pricing will ultimately be governed by market conditions. *Higher income households may generally be in the range of an average annual income of \$133,600. Households meeting this income criteria contribute to meeting the City's goal to have for diverse housing. Such information and documentation, shall include, but not be limited to, construction details and standard specifications that show that all residential units will employ high quality materials and finishes, including for the condominiums/apartments a variety of on-site amenities for all residents, and that each residential unit will incorporate the highest quality construction that caters to executive or higher income households. This information shall be submitted to the Development Services Department for review, consideration and approval.*
13. *Prior to approval of the Final Map, an Inclusionary Housing Agreement (IHA) shall be submitted and approved by the Planning Director related to providing affordable housing units. The Inclusionary Housing Agreement shall conform to the requirements of the City's Inclusionary Housing Ordinance, including possibly the option of paying required in-lieu fees pursuant to the ordinance.*
14. Prior to the recordation of the Final Tract Map, all documents that need to be recorded with the final map shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
15. The final map shall reflect all easements needed to accommodate the project development. The private streets and alleys shall be designated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLS), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE).
16. The final map shall reflect dedication of a strip of land approximately 9.4-foot wide, and a request for quit claim of approximately 5-foot wide along Foothill Boulevard frontage., and dedication of a strip of land 0.5-foot wide as right-of-way, and 9.5-foot wide as Public Utilities, Sidewalk and Access Easement (*PUS PAE* and PUE) encompassing a 5-foot wide sidewalk and 4.5-foot wide planter strip along City Center Drive frontage.

Planning Division

17. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning ordinance standard, must be approved by the Development Services Director or his/her designee, prior to implementation.
18. *The applicant shall provide evidence that some townhome first floor plans be design to be a flexible living space, specifically that the space could have a bedroom, a bathroom and/or a*

kitchenette. This first floor space shall be designed to the residents of that particular space could age in place. Final design details of the space shall be reviewed and approved by the Development Services Director and Building Official.

19. Pursuant to the Central City – Commercial (CC-C) zoning regulations Section 10-1.1555 (Minimum Design and Performance Standards for CC-C, CC-R and CC-P Subdistricts), all projects that contain multiple-family dwellings shall apply ~~any applicable~~ ~~with~~ Minimum Design Criteria and Performance Standards contained in the RH District and all applicable criteria and standards relating to multiple-family dwellings contained in the Minimum Design and Performance Standards for CC-C, CC-R and CC-P Subdistricts. All applicable sections of the building code shall apply to construction of all multiple-family dwelling units including code sections related to ingress and egress requirements, fire code separation standards, and electrical and plumbing requirements. Any attached second dwelling units shall comply with all standards for such units as outlined in Section 10-1.545q. At no time shall the maximum density for the site be exceeded. If such space is not properly permitted as an attached second dwelling unit, all townhome floor plans with ground floor den/game rooms, multi-purpose rooms, “tech” rooms or living suites shall not have either kitchen facilities, 220 watt power, gas lines installed or any other way to be turned into a separate living space.
20. As a prominent design feature of each residential townhome, specific details related to all windows shall be reviewed and approved by the Development Services Director or his or her designee prior to issuance of a building permit for the project. Detailed plans and specifications for each window, awnings, shutters and other window details (window trim, etc.) shall be included for review, consideration and approval.
21. The applicant shall submit final plans and specifications of all proposed roofing material uses on the residential component of the project for review and approval by the Development Services Director of his or her designee. Roofing materials for all residential structures shall consist of varying materials and colors.
22. Prior to issuance of a building permit for the project, all exterior paint colors shall be reviewed and approved by the Development Services Director and at no time shall any of the residential units be painted pink, orange or purple on any exterior elevation.
23. The applicant shall submit development plans for the site that clearly show site amenities for the townhome residents. The applicant shall make every attempt to evenly disburse project amenities throughout the development site. A final site amenity plan shall be reviewed and approved by the Development Services Director prior to issuance of a building permit for the project.
24. The applicant shall make an effort to work with AC Transit to locate a bus stop along one of the project frontages. These frontages are defined as Foothill Boulevard, Hazel Avenue and City Center Drive.
25. All commercial signage shall conform to Section 10-1.1555(q) of the Zoning Ordinance and Chapter 10 Article 7 of the Hayward Municipal Code.

26. All uses located in the 16,800 square feet of commercial space located adjacent to Foothill Boulevard shall conform to Zoning Ordinance Section 10-1.1522: CC-C Permitted Uses.
27. The applicant shall work with the City's Landscape Architect and City Engineer to allow for the large bio-retention area located adjacent to San Lorenzo Creek to be used for a usable open space area for project residents and trail users. The main function of the large bio-retention area is to collect water during rainstorm events where water is filtered back into the ground water ecosystem. This large bio-retention area is excluded from the group open space required on the project site.
28. The applicant or property-owners' association shall maintain all fencing, parking surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the property-owners' association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean.
29. Any satellite dishes for retail use shall be located as near as possible to the center of roofs to limit visibility from the ground.
30. The residents shall not use parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These parking spaces shall be monitored by the property-owners' association. The property-owners' association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.

Landscape

31. Both property owners' associations shall maintain the common area landscaping in a healthy, weed-free condition at all times, and the irrigation system with efficient irrigation water management practices to provide uniform distribution, reduce runoff and promote surface filtration. The landscape maintenance practices shall minimize the use of fertilizers and pesticides that can contribute to runoff pollution. Minimum three inches of organic recycled chipped wood mulch shall be maintained at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over thirty percent dieback) shall be replaced within ten days of the inspection. All trees planted by the developer are "Protected Trees" in accordance with the City's Tree Preservation Ordinance. A tree removal and a pruning permit are required prior to removal and pruning of all Protected Tree. All removed trees shall be replaced in accordance with the City's Tree Preservation Ordinance. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

Storm Water Quality Requirements

32. The following materials related to the Storm water quality treatment facility requirements shall be submitted with improvement plans and/or grading permit application:
- a) A Stormwater Treatment Measures Maintenance Agreement shall be submitted to Public Works - Engineering and Transportation Department staff for review and approval. Once approved, the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
 - b) A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
 - c) Before commencing any grading or construction activities at the project site, the developer shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and provide evidence of filing of a Notice of Intent (NOI) with the State Water Resources Control Board.
 - d) The project plans shall include the storm drain design in compliance with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
 - e) The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff. Roof leaders and direct runoff shall discharge into a landscaped area or a bioretention area prior to stormwater runoff entering an underground pipe system.
 - f) The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit.
 - g) Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, as determined by the City Engineer and Landscape Architect, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance."
 - h) The bioretention treatment area shall be designed using a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5 inches per hour. The proposed bioretention area shall not be used as a turf play field and shall have a decorative fence along the inside perimeter of the meandering sidewalk.
 - i) The following documents pursuant to the Cleanwater Program requirements:
 - i. Hydromodification Management Worksheet;
 - ii. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
 - iii. Development and Building Application Information Impervious Surface Form;
 - iv. Project Applicant Checklist of Stormwater Requirements for Development Projects;
 - v. C.3 and C.6 Data Collection Form; and,
 - vi. Numeric Sizing Criteria used for stormwater treatment (Calculations).
33. The subdivider is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

Public Streets: (Foothill Boulevard, Hazel Avenue and City Center Drive)

34. Improvements for public streets shall incorporate the following:

- a) The design and locations of street approaches including pedestrian ramps shall be approved by the City Engineer. Pedestrian ramps shall be installed at all street intersections and as where required by the City.
- b) The subdivider shall remove and replace any damaged and/or broken sidewalk associated with project demolition and construction, as determined by the City.
- c) The subdivider shall install additional LED illuminated street lights along Hazel Avenue and City Center Drive, of a design identical to the existing lights installed as part of the Route 238 Corridor Improvement Project improvements, at locations approved by the City Engineer. These new street lights shall be part of the City lighting system.
- d) The proposed project entrances off Foothill Boulevard, City Center Drive, and Hazel Avenue shall conform to the City Standard SD-110A and be enhanced with at least ten feet of raised decorative paving (e.g., interlocking pavers or stamped colored concrete, or bands of decorative paving, etc.). The Planning Director shall approve the material, color and design, and the City Engineer shall approve the pavement section for the decorative paving. Decorative pavements shall be capable of supporting a 75,000 lb. GVW load per Fire Department's requirement. Modifications to these requirements, however, may be made when documented by a geotechnical study providing alternative specifications which are necessary to construct and maintain the site in a safe and stable condition.
- e) Foothill Boulevard is on moratorium for planned work involving pavement cuts. If the applicant finds it necessary to cut into Foothill Boulevard to provide utility services and/or street improvements required for development, Foothill Boulevard pavement sections shall be reconstructed with a minimum of two inches of Hot Mix Asphalt (HMA) pavement after the installation of the proposed water main, and fire and irrigation service lines. The limits of pavement reconstruction shall be determined by the City Engineer.
- f) Existing street improvements along the City Center Drive project frontage shall be removed and replaced with a new five-foot wide Portland Cement Concrete sidewalk behind the planter strip and a minimum 4.5-foot wide planter strip behind the curb.
- g) Existing Portland Cement Concrete improvements on Hazel Avenue along the project frontage shall be removed and replaced with a five-foot wide sidewalk adjacent to the property line and a minimum 4.5-foot wide planter strip behind the curb.
- h) Raised medians shall be installed on Hazel Avenue to prohibit left-turn movements from the project site onto Hazel Avenue in a southbound direction. The design and location of such medians shall be approved by the City Engineer and Fire Chief.
- i) Existing pavement section along the Hazel Avenue project frontage shall be reconstructed with a minimum of two inches of Hot Mix Asphalt (HMA) pavement to the lane line.

Private Streets and Alleys

35. Improvements for private streets and alleys shall incorporate the following:

- a) Proposed Street 'A' and Foothill Boulevard intersection shall be redesigned to accommodate truck turning movements (ingress to and egress from retail parking areas.) The redesign shall be approved by the Fire Chief and City Engineer.
- b) Proposed private street and alley improvements and modifications shall be designed and approved by the Fire Chief and the City Engineer prior to the approval of the Final Map.

- c) Pavement Sections for proposed private street and alley improvements shall be designed with a Traffic Index (TI) of five and minimum Asphalt Concrete (AC) thickness of four inches.
- d) The minimum pavement width of "B" Street on the project site shall be twenty-two (22) feet for the section of "B" Street between Hazel Avenue and "C" Street, unless a lesser width is approved by the City Engineer and Fire Marshal.
- e) Except for designated open parking spaces, no curbside parking shall be allowed. "No Parking Fire Lane" (T29 – 'No Parking Sign' in a specific industry format) signs shall be installed and curbs shall be painted red in locations approved by the Fire Chief and City Engineer.
- f) The interior intersections shall be designed to meet Fire Department access and turning movements. Pedestrian ramps shall be installed to facilitate access and circulation throughout the development.
- g) L.E.D. luminaire lights shall be installed within the development and proposed walkway along San Lorenzo Creek. Locations and design shall be approved by the City Engineer and Planning Director.

Storm Drainage

36. Improvements for storm drain systems shall incorporate the following:

- a) The proposed realignment of the existing storm drain in Foothill Boulevard upstream of the subdivision shall not create adverse impacts to the existing upstream drainage system.
- b) The locations and design of storm drains shall meet the City's standard design and be approved by the City Engineer and if necessary, the Alameda County Flood Control and Water Conservation District (ACFC&WCD). Any alternative design shall be approved by the City Engineer prior to installation.
- c) Storm drain pipes in streets and alleys shall be a minimum of twelve inches in diameter with a minimum cover of three feet over the pipe.
- d) The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted, which shall meet the approval of the Alameda County Flood Control and Water Conservation District (ACFC&WCD) and the City. Development of this site shall not augment runoff to the ACFC&WCD's downstream flood control facilities. The hydrology calculations shall substantiate that there will be no net increases in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities. If there is augmented project-generated runoff, off-site and/or on-site mitigation shall be provided.
- e) The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the project hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate unavoidable augmented runoffs with offsite and/or on-site improvements.
- f) No surface runoff is allowed to flow over the sidewalks and/or driveways. Area drains shall be installed behind the sidewalks to collect all runoff from the project site.
- g) All storm drain inlets must be labeled "No Dumping - Drains to Bay," using City-approved methods. Refer to City Standard SD-401A.
- h) An encroachment permit from ACFC&WCD is required for any modification and/or alteration of the existing outfall structures or connections to San Lorenzo Creek, or any work

within District right-of-way and facilities. All workmanship, equipment, and materials shall conform to ACFC & WCD standards and specifications.

- i) The starting water surface elevation(s) for the proposed project's hydraulic calculations and the corresponding determination of grate/rim elevations for all the on-site storm drainage structures shall be based on Federal Emergency Management Agency's Flood Insurance Study for the 100-year storm event.
- j) Post-development flows should not exceed the existing flows. If the proposed development warrants a higher runoff coefficient or will generate greater flow, mitigation measures shall be implemented.

Sanitary Sewer System

- 37. The proposed sewer services shall be approved by the Oro Loma Sanitary District (OLSD), the utility purveyor for the project development.

Water System

- 38. The proposed water services shall be approved by the East Bay Municipal Utility District (EBMUD), the utility purveyor for the project development.

Fire Protection

- 39. A fire flow shall be provided in accordance with the 2010 California Fire Code Table B105.1 based on the construction type and building area when building exceeding 3,600 square feet. 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.
- 40. The minimum number of fire hydrants shall be provided in accordance with the Hayward Fire Code Ordinance and the 2010 California Fire Code Table C105.1. The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department.

All new fire hydrants shall be double steamer type, equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. The capacity of each individual hydrant shall be 1,500 GPM. Vehicular protection may be required for the fire hydrants. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Blue reflective pavement markers shall be installed at fire hydrant locations.

A fire apparatus access road 20 feet to 26 feet wide shall be posted on both sides as fire lanes; a fire apparatus access road 26 feet to 32 feet wide shall be posted on one side of the road as a fire lane. "No Parking" signs along fire lanes shall be installed and shall meet the City of Hayward Fire Department fire lane requirements.

Other Utilities

41. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T (phone) Company and local cable company regulations. All facilities necessary to provide service to the dwellings, including transformers and switchgear, shall also be undergrounded.
42. All electric system, including transformers, shall be installed underground within the development. Design and installation shall be in accordance with Pacific Gas and Electric Company regulations.
43. The joint trench design and location shall meet the approval of the City Engineer.
44. All surface-mounted hardware (fire hydrants, electroliers, etc.) along the private streets and driveways shall be located outside of the sidewalk within the Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Hayward Fire Chief.
45. The developer/subdivider shall provide and install appropriate facilities such as conduit, junction boxes, individual stub-outs, etc., to allow for future installation of a City-owned and maintained fiber optic network within the subdivision.

PRIOR TO ISSUANCE OF BUILDING OR GRADING PERMITS

Planning Division

46. Prior to issuance of building permits, a final map that reflects and is in substantial compliance with the approved vesting tentative tract map, shall be approved by the City Engineer and filed in the office of the Alameda County Recorder.
47. Submit the following documents for review and approval, or for City project records/files:
 - a. Copy of the Notice of Intent filed with State Water Resources Control Board;
 - b. Engineer's estimate of costs, including landscape improvements;
 - c. Signed Final Map;
 - d. Signed Subdivision Agreement; and
 - e. Subdivision bonds.
48. Pursuant to the Municipal Code §10-3.332, the developer shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements. Insurance shall be provided per the terms of the subdivision agreement.
49. Pursuant to the City of Hayward Design Guidelines, exposed or visible retaining walls shall be a maximum of six (6) feet in height. Walls abutting a public street shall be provided a ten (10) foot wide landscape area in front of the walls. Any retaining wall over the maximum six (6) foot height limit shall be screened with vegetation that is irrigated. All plan details associated with the retaining wall screening shall be reviewed and approved by the Development Services Director prior to issuance of a building permit for any retaining wall structure over six (6) feet in height.

50. All final exterior building finishes, paint colors and other architectural details shall be reviewed and approved by the Planning Division in accordance with the City of Hayward's Design Guidelines prior to issuance of a building permit for the project.
51. **The applicant shall submit revised rear elevation drawings and details of each commercial buildings that clearly shows these rear elevations as having more articulation, architecturally broken up and/or architecturally treated to be more interesting as this will be in the view shed of some residents. These revised rear elevation drawings and details shall be reviewed and approved by the Planning Director prior to issuance of a Building Permit for the project.**
52. **The project and units shall be green point rated and obtain a green point rating score of at least 100, as confirmed by an independent qualified green point rater. Also,** the following green building features shall be incorporated into the final project design: water efficient landscaping, use of engineered lumber, high efficiency shower heads, efficient bathroom fixtures and kitchen faucets, energy star appliances, high efficiency HVAC systems, use of low-voc paints, and installation of carbon monoxide detectors. All final green building details shall be reviewed and approved by the Planning and Building Divisions prior to issuance of building permits for the project. **The applicant shall offer solar as an optional feature for each townhome style condominium.**
53. Plans for building permit applications shall incorporate the following:
- a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b. A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. All exterior and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director or his/her designee shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the buildings. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of proposed buildings.
 - c. Plans shall show that all utilities will be installed underground.
 - d. Each townhome dwelling unit shall be provided a minimum of 90 cubic feet of dedicated storage area, accessible from the exterior of the unit.
54. Prior to issuance of building permits:
- a. Documentation including, but not limited to, Covenants, Codes and Restrictions (CC&Rs) shall be recorded to establish the living units and the retail space(s) as condominiums. Before recordation, the CC&Rs shall be submitted to the City Attorney and Planning Director for review and approval.
 - b. The developer shall submit a soils investigation report to the satisfaction of the City Engineer.

55. ~~(Condition to be deleted.)~~ Prior to submittal of building permit applications and plans, the developer/subdivider shall submit information showing that all proposed residential units will attract higher income households. Higher income households has been defined as having an average annual income of \$133,600. Such information and documentation, shall include, but not be limited to, construction details and standard specifications that show that all residential units will employ high quality materials and finishes, including for the condominiums/apartments a variety of on-site amenities for all residents, and that each residential unit will incorporate the highest quality construction that caters to executive or higher income households. This information shall be submitted to the Development Services Department for review, consideration and approval.
54. Prior to issuance of a building permit for the project, the developer/subdivider shall submit expected and/or revised sales price information for all residential components of the project. Pricing for the townhomes range from \$518,000 to \$608,000. This information shall be reviewed and considered by the Development Services Department.
55. ~~(Condition to be deleted.)~~ The applicant shall include 15 additional on-site open uncovered parking spaces for the residential component of the project, or obtain approval of a variance, exception or some other resolution to address on-site parking deficiency, in accordance with City regulations, prior to issuance of a building permit for the Project.
55. The applicant shall provide a designated loading area(s) for the commercial buildings. The number and location for such areas shall be determined by the Development Services Director. All loading areas shall be designed to be visually-screened loading area(s) for the commercial component of the project. Details involving all loading areas shall be reviewed and approved by the Planning Division prior to issuance of a building permit for the Project.
56. **Mitigation Measure 4:** Prior to issuance of a Building Permit, the applicant shall conduct acoustical analysis by a qualified consultant to ensure that indoor or outdoor noise levels of each new residential unit does not that exceed the standards contained in Appendices M and N of the City of Hayward General Plan. If those standards are exceeded, the design of the units should incorporate sound attenuation features that are to be in accordance with the consultant's and/or architect's recommendations and be confirmed via actual readings prior to project finalization and/or Certificates of Occupancy for units.

Landscape

57. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's *Design Guidelines, Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes*. Dripline of the existing trees to be saved shall be shown on the plan.
58. *A mylar of the approved landscape and irrigation improvement plans shall be submitted to the Public Works Department. The size of Mylar shall be twenty-four inches by thirty-six inches*

without an exception. A four-inch by four-inch blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward City Engineer and City Landscape Architect.

59. A tree mitigation plan shall be submitted that identifies those trees to be removed and those that will remain, total dollar amount of mitigation and proposed mitigation trees with sizes and values. Mitigation trees to offset the loss of removed trees shall be provided above and beyond trees required to comply with the City's standards for new development. All removed trees shall be mitigated by replacing them with new trees that are equal in value to removed trees, as established in the approved certified arborist's report. A bond will be required for all trees that are to remain or be relocated. Any trees that are removed or damaged during construction shall be replaced with trees of equal size and equal value.
60. A tree removal permit will be required for all trees that are to be removed, which can be obtained from the City Landscape Architect prior to site demolition.
61. Pedestrian Circulation and Experience: Adequate landscape buffers that meet the City's minimum design standards shall be provided for all walkways, including walkways to residential entrances located next to property lines, especially in regards to reducing visual impacts associated with the adjacent service station property. On-site retail uses shall have a landscape-enhanced pedestrian connection with the residential component of the development, to be approved by the City's Landscape Architect, in order to promote a safe pedestrian-oriented environment/village. The overall pedestrian-oriented experience shall be enhanced with sequencing of spaces in conjunction with walkways that avoids long stretches of sameness and overly large or lineal spaces, with focal elements and site enhancement to be provided offering places to rest and converse with visual interest, to be approved by the City's Landscape Architect.
62. Bicycle Path: A bicycle/pedestrian pathway shall be provided along San Lorenzo Creek.
63. Pedestrian Circulation for Service: Clear path of travel for using communal trash and recycling receptacles shall be provided.
64. Landscaping Plans shall incorporate the following:
 - a) **All submitted plans shall be in scale, and shall be provided with written and graphic scale.**
 - b) **Base Information: All underground utility information including water, storm drain, sewer, vaults and transformers in planting areas shall be provided in landscape plans to avoid conflicts with proposed tree planting.**
 - c) Project data and associated calculations: Shall be provided on plan sheets with the following information: total project area, total irrigated landscape area, required private open space and provided private open space, required group open space and provided group open space, and Maximum Applied Water Allowance (MAWA).
 - d) Required and Proposed Landscape Setback: All setback dimensions shall be clearly provided on the plan. **Pedestrian walkways and sidewalk shall not be encroached from proposed vehicular overhangs or required vehicular backup space. Vehicular back up or driveway or structure shall not abut walkways or sidewalks.**

- e) **Public Sidewalk: Shall provide unobstructed width at all times in compliance with Americans with Disabilities Act.**
- f) **Required Minimum Planting Area Dimension: Minimum planting area dimension shall be five feet measured from back of hardscape to back of hardscape. Hardscape shall include curb, paving, and structure.**
- g) Underground Utilities: Locations and layout of all underground utilities lines, boxes and vaults shall be provided as base information on planting plans to minimize conflict with tree planting.
- h) Fire Hydrants: The City Standard Detail requires fire hydrants to be located on a six feet by six feet concrete pad. The minimum clearance for tree planting is seven feet from the edge of fire hydrants, not from the edge of the concrete pad. The actual size of the pad shall be shown on the planting plans.
- i) Required Street Tree: Per City standards, one twenty-four-inch-box street tree is required for every twenty to forty feet of street frontage within the public right-of-way planting strip or along the following public street frontages: ‘A’, ‘B’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’ and ‘H’ Streets.
- j) Required Private Front Yard Tree: One twenty-four-inch street tree is required for every unit; no unit should be without a tree, except where there are utilities that are located in the proposed planting location. Alternate tree locations shall be reviewed and considered by the Planning Division.
- k) Required Screening Tree: One fifteen-gallon evergreen tree at every twenty feet on center, or an equal/similar tree species approved by the City’s Landscape Architect, shall be planted in the setback area along those abutting property lines.
- l) Landscape Buffer: Different landscape buffer zones shall be established based on the adjacent use and site conditions such as public streets, alleys, neighboring commercial/retail and the Alameda County Flood Control and Water Conservation District’s concrete channel. A landscape buffer shall be provided between the flood control channel property line and the public pedestrian and bicycle pathway abutting it. The bicycle and pedestrian pathway along San Lorenzo Creek shall be interrupted with pockets of varying scale spaces to enhance the experience to be approved by the City’s Landscape Architect.
- m) Required Screening of Above-Ground Utilities including Trash Enclosures and Gas Station Pump Stations: Above ground utilities (e.g. gas or electric meters, backflow devices) and trash enclosures shall be located from public/street view, and shall be screened with trees, shrubs, groundcovers and vines on all three sides except the side where access is located.
- n) Required Parking Shade Tree: Parking areas shall include a minimum of one fifteen-gallon parking lot tree for every six parking stalls. Each parking bay shall end with endcap islands at both ends.
- o) Group Open Space and Site Amenities: A minimum **thirty one-hundred** square feet per unit shall be utilized for group open space. Each group open space shall be identified and square footage of each space shall be provided on building permit application plans. Group open space shall not be counted toward meeting the requirement where the noise level exceeds Ldn levels over sixty-five decibels (db), or where site gradient exceeds five percent slope. Group open space shall be centrally located for all residents and shall be visible. Group open space shall not include the required bio-retention areas, setback areas along the front, side and rear of the property.
- p) C.3 Stormwater Treatment in Landscape Areas:
- i. A minimum twelve-inch-wide leveled landscape area shall be provided around bio-treatment areas located adjacent to hardscape areas such as curbs, sidewalks, walkways

and structures. The City will require a matched precipitation rotator type irrigation system on a separate valve for the stormwater treatment area irrigation. All spray irrigation systems shall be set back twenty-four inches from all impervious hardscape edges such as curbs, sidewalks, walkways and structures.

- ii. Utility boxes and vaults, light fixtures and fire hydrants shall have minimum five feet of clearance from the edge of C.3 Stormwater Treatment areas.
 - iii. Landscape areas could be used to comply with the C.3 Stormwater Treatment requirements; however, all tree planting requirements shall apply. A wider landscape area shall be provided if necessary to accommodate both bio-treatment and tree planting.
 - iv. Sod shall not be used in bio-treatment areas.
 - v. Turf shall not be provided unless provided for recreational purposes.
 - vi. Primary stormwater treatment area shall not be used for recreational purposes; therefore it shall not be counted toward meeting group open space requirements. Sandy-Loam soil type with high percolation rate that meets the C.3 Stormwater Treatment requirements is not suited for recreational surface.
- q) Plant Hydrozone shall be provided. *Alnus rhombifolia* and *Sequoia sempervirens* are listed for high water requiring plants in WUCOLS (Water Use Classifications of Landscape Species) , and shall not be grouped with low water requiring plants. WUCOLS listings in Planting Legend shall be verified again.
- r) Trees with invasive and shallow root systems such as *Magnolia grandiflora* shall not be used unless a minimum eight feet by eight feet of planting area can be provided.
- s) Coniferous trees, such as *Pinus canariensis* and *Sequoia sempervirens* shall not be proposed where those trees will block the views as well as sun exposure to the residential units. Those trees shall be replaced with another type of tree(s). These trees are large trees that shed needles, and require plenty of growing room. Plant these trees only where there would be adequate room to accommodate mature growth and natural growth patterns.
- t) All trees shall be planted twenty feet from a corner, a minimum of five feet away from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the city. Root barrier shall be provided for all trees that are located within seven feet of paved edges or structure. Trees shall be planted according to the City Standard Detail SD-122.
- u) Irrigation Meter: A separate irrigation meter for the commercial development shall be provided from a dedicated irrigation meter(s) for the residential development. The adequate number of irrigation meters for the residential development shall be determined and provided by the developer.
The minimum dimension for all planting areas shall be five feet, including tree wells in parking lots or sidewalks measured from back of curb/paving.
- v) Class B Portland Cement concrete curb shall be constructed to a height of six inches above the adjacent finished pavement when landscape area adjoins driveways or parking areas.

Technical Reports

65. **Mitigation Measure 2:** Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design of the project.

66. **Mitigation Measure 3:** All recommendations outlined in a design-level geotechnical investigation shall be incorporated in the final design in order to mitigate for the presence of expansive soils on the project site.

Fire Protection

67. Fire apparatus roads shall have unobstructed width of 26 feet in the immediate vicinity of buildings. 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.
68. Fire apparatus access roads shall be designed and maintained to support 75,000 pounds, the imposed load of fire apparatus, and shall be surfaced so as to provide all-weather driving capability. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided for all fire apparatus accesses.
69. The proposed 'Extended Fire Access Area' at turning area/corner of "A Street" shall be designed to meet Fire Department's requirement so that Building TH-11 will be provided with a parallel fire apparatus access.

Dead-end fire apparatus access road in excess of 150 feet in length shall be provided with a turnaround that meets Hayward City standards.

70. Building permit plans shall incorporate the following:
- a) All buildings shall have automatic fire sprinkler systems installed in accordance with NFPA 13. Fire permits are required for sprinkler installation.
 - b) Underground fire service lines shall be installed in accordance with NFPA 24.
 - c) Fire sprinkler monitoring systems should be provided for multi-family residential townhouse buildings in accordance with the California Fire Code and NFPA 72. Each fire sprinkler system riser shall have exterior local alarm bell(s). Interior notification device(s) shall be installed within each residential unit.
 - d) Extinguisher placement shall conform to the California Fire Code.
 - e) Address and premise identification 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 buildings shall be approved by the Fire Department.

Hazardous Materials

71. The developer/applicant shall comply to the following:
- a) Contact the Hazardous Materials office at (510) 583-4927 to obtain a Hazardous Materials permit for the removal of the underground fuel storage tank (UST).
 - b) Until such time as the existing underground fuel storage tank (UST) is removed, it shall be properly maintained by the property owner. The owner shall obtain and keep current all conditions of a valid City of Hayward Fire Department Hazardous Materials Consolidated Permit and Underground Storage Tank Operating Permit, including the submittal of all required paperwork, testing results and fees to the City of Hayward Fire Department.

- c) Removal of the UST will require the submittal of formal work plans to the City of Hayward Fire Dept., Hazardous Materials Division. These plans shall include scope of work, and a site plan showing the physical layout of the facility and locations of UST and existing equipment. In addition, State of California UST forms shall be completed and submitted (State forms A/B/C). The tank shall be properly removed prior to obtaining a grading permit from the City of Hayward Fire Department.
- d) Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department. The clearance certificate will ensure that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.
- e) Prior to grading, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and hazardous waste must be properly managed and disposed of in accordance with state, federal and local regulations.
- f) Any wells, septic tank systems and other subsurface structures - including hydraulic lifts for elevators - shall be removed properly in order not to pose a threat to the development construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures shall be documented and done under permit, as required by law.
- g) The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, or other vessels that contain or may have contained hazardous materials.
- h) During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.
- i) Upon completion of construction, the Fire Department will complete a final walk-through inspection. An annual Consolidated Permit for hazardous materials storage may be required for hydraulic elevators, emergency generators, and the operation of general maintenance facilities.

Solid Waste

Applicants must comply with City standards to obtain building permits, as follows:

- 72. Roof Required on Trash Enclosures: Adequate indoor and outdoor storage space for recyclables is required by state law (California Public Resources Code 42910-42912 and Hayward Municipal Code 5-1.27). Federal provisions require a roof on all outdoor trash enclosures (Federal Clean Water Act).
- 73. Residential Collection of Garbage and Recyclables from Townhomes: All residential property owners are required to arrange for weekly collection of recyclables.

The four cubic-yard bins in each enclosure are appropriate for collection of trash and recyclables. However, none of the enclosures includes an interior curb to protect the walls of each enclosure from the metal bins, nor is there a divider to secure each bin in their respective location, as is required and further described below. To deter illegal dumping, a gate on each enclosure is required.

The locations of the enclosures require residents to transport their trash and recyclables for as much as 360 feet. As an alternative, staff recommends providing townhome residents with separate carts for garbage, recyclables and organics (i.e., food scraps, food-soiled paper) that can be stored in each resident's garage. The carts could be placed in front of each garage and serviced weekly by Waste Management. The enclosures accommodate recyclables and trash, not organics (i.e., food scraps or food-soiled paper). The market value of the property will be better maintained if cart services are provided, rather than bin service.

Enclosure design shall be submitted to the City for review and approval.

74. Access to Trash Enclosures by Residents with Physical Disability: Adequate provisions must be made by the property owner and manager to ensure that all residents, regardless of physical ability, are able to easily dispose of their garbage and recyclables in the bins. Any arrangements required to provide reasonable access to these containers is the sole responsibility of the property owner and manager and shall be included in any Covenants, Codes and Restrictions for the property.
75. Commercial Garbage and Recyclables Collection for Two 8,400 Square Foot Retail Buildings: All commercial properties with four cubic yards or more of weekly trash service are required to arrange for weekly collection of recyclables. The enclosures shown on the site plans are inside each of the two retail buildings. The two 10' x 18' enclosures must be retained. An eight-foot long roll-up door is required, rather than the three-foot length shown, to ensure sufficient access to service the bins for trash, recyclables and organics in each enclosure and due to the 5' wide x 7' long bin dimensions. The largest bin with wheels that will fit in each of the two enclosures is four cubic yards.
76. Collection Vehicle Access
- a) If collection vehicles must enter or exit under a structure, the minimum clearance is 14 feet.
 - b) If gates with locks are planned to limit access to the property, the applicant must provide keys or cards 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
77. Requirements for Recycling Construction & Demolition Debris: City regulations require that applicants for all construction, demolition, and/or renovation projects, in excess of \$75,000 (or combination of projects at the same address with a cumulative value in excess of \$75,000) must recycle all asphalt and concrete and all other materials generated from the project. Applicants must complete the Construction & Demolition Debris Recycling Statement and obtain signature approval from the City's Solid Waste Manager prior to the issuance of a building permit.

During Construction

78. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.

Other Requirements

79. Community Facilities District for Public Services: The developer shall pay the costs of providing public safety services to the project should the project generate the need for additional public safety services. The developer may pay either the net present value of such costs prior to issuance of building permits, or the developer may elect to annex into a special tax district formed by the City and pay such costs in the form of an annual special tax. The developer shall post an initial deposit of \$20,000 with the City prior to submittal of improvement plans to offset the City's cost of analyzing the cost of public safety services to the property and district formation.
80. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

81. Required water system improvements shall be completed and operational prior to the start of combustible construction.
82. The developer/subdivider shall be responsible to adhere to all aspects of the approved Storm Water Pollution Prevention Plan (SWPPP) per the aforementioned condition of approval.
83. A representative of the project soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe all grading operations and provide any recommended corrective measures to the contractor and the City Engineer.

PRIOR TO COMPLETION OF SITE IMPROVEMENTS

During Construction

84. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
85. **Mitigation Measure 1**: All diesel powered equipment (\geq 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.
86. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
87. In the event that human remains', archaeological resources, prehistoric or historic artifacts are discovered during construction of 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.

88. 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. Grading and site construction activities shall be limited to the hours 8:00 AM to 5:00 PM Monday through Friday with no work on weekends and Holidays unless revised hours and days are authorized by the City Engineer. Building construction hours are subject to Building Official's approval;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Unnecessary idling of grading and construction equipment is prohibited;
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information.
 - f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
 - g. The developer shall participate in the City's recycling program during construction;
 - h. Daily clean-up of trash and debris shall occur on City Center Drive, Hazel Avenue and Foothill Boulevard and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - i. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
 - j. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
 - k. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - l. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - m. Sweep public streets daily if visible soil material is carried onto adjacent public streets;
 - n. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
 - o. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - p. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;

- q. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- r. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- s. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- t. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
- u. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
- v. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "Building Maintenance/Remodeling" flyer for more information;
- w. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
- x. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

89. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

PRIOR TO CONSTRUCTION COMPLETION AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

During Construction

90. The applicant shall comply with standards identified in General Plan Appendix N – Noise Guidelines for the Review of New Development. Measures to ensure compliance with such standards shall be developed by a state licensed acoustical engineer and incorporated into building permit plans, to be confirmed by the Planning and Building Divisions. Also, confirmation by a state licensed acoustical engineer that such standards are met shall be submitted after construction and prior to issuance of certificates of occupancy.

91. Prior to final inspections, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

Landscape

92. ~~(Condition to be deleted.)~~ A mylar of the approved landscape and irrigation improvement plans shall be submitted to the Public Works Department. The size of Mylar shall be twenty four inches by thirty six inches without an exception. A four inch by four inch blank signing block shall be provided in the low right side on each sheet of Mylar. The signing block shall contain two signature lines and dates for City of Hayward City Engineer and City Landscape Architect.
93. Landscape and tree irrigation improvements shall be installed according to the approved plans prior to the occupancy of each building. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of eighty percent of the dwelling units, whichever first occurs and a Certificate of Completion, as-built Mylar and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract to the Engineering Department by the developer.
94. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted prior to requesting an inspection to the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements.
95. As-built Mylar of the landscape and irrigation improvements, and an Irrigation Schedule shall be submitted prior to Final Approval of the landscaping for the Tract to the Engineering Department by the developer.

Property-Owners' Association

96. Property-owners' association for the commercial and/or residential components of the property shall be created and shall be responsible for maintaining all private streets, alleys, parking bays, private street lights, private utilities, retaining walls and other privately owned common areas and facilities on the site, including, but not limited to landscaping, preservation and replacement of trees, as well as decorative paving that extends into public streets. For any necessary repairs done by the City in locations under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the property-owners' association established to maintain the common areas within the subdivision boundary.
97. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever occurs first, Condominium Plan, and Conditions, Covenants and Restrictions (CC&R's) creating property -owners association for the commercial and/or residential component of the property shall be reviewed and approved by the Planning Director and City Attorney and recorded. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association. The CC&Rs shall include the following provisions:
- a. Each owner shall automatically become a member of the association(s) and shall be subject to a proportionate share of maintenance expenses.
 - b. A reserve fund shall be maintained to cover the costs of improvements and landscaping to be maintained by the Association(s).

- c. The association shall be managed and maintained by a professional property management company.
- d. The property-owners' association(s) shall own and maintain on-site storm drain systems.
- e. The property-owners' association(s) shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The property-owners' association(s) representative(s) shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- f. A provision that if the property-owners' association fails to maintain the decorative retaining walls, landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
- g. A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City.
- h. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
- i. The garage of each unit shall be maintained for off-street parking of two vehicles and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
- j. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the property-owners' association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.
- k. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for reading must be provided to meters.
- l. Any transformer shall be located underground and shall be located within the right-of-way or public utility easement.
- m. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
- n. The CC&Rs shall specify the outdoor collection locations of trash and recycle containers.

Adequate provisions shall be made to ensure that all residents, regardless of physical ability, are able to easily dispose of their garbage and recyclables in the centralized collection containers provided by the City's franchisee.

- o. Streetlights and pedestrian lighting shall be owned and maintained by the property-owners' association and shall have a decorative design approved by the Planning Director and the City Engineer.
- p. Street sweeping of private streets, alleys and parking bays shall be conducted at least once a month.
- q. Balconies may not be used for storage and personal items may not be draped over the railings.
- r. The association shall ensure that no less than 75 percent of the units shall be owner-occupied. The CC&Rs shall further provide that the leasing of units as a regular practice for business, speculative investment or other similar purpose is not permitted. However, to address special situations and avoid unusual hardship or special circumstances, such as a loss of job, job transfer, military transfer, change of school or illness or injury that, according to a doctor, prevents the owner from being employed, the CC&Rs may authorize the governing body to grant its consent, which consent shall not be unreasonably withheld, to a unit owner who wishes to lease or otherwise assign occupancy rights to a specified lessee for a specified period.

Prior to the Issuance of Certificate of Occupancy or Final Report

98. All buildings shall be designed using the California Building Codes in effective at the time of submitting building permit applications.

~~99. ***(Condition to be deleted.)*** All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.~~

100. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

101. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

102. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

103. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of the Vesting Tentative Tract Map is approved. All Park dedication in-lieu fees shall be paid prior to issuance of a Certificate of Occupancy for a residential unit.

104. The developer/subdivider shall be obligated for the following additional fees. The amount of the fee shall be in accordance with the fee schedule in effect at the time Vesting Tentative Tract Map was accepted as complete, unless otherwise indicated herein:
 - a. Supplemental Building Construction and Improvement Tax,
 - b. School Impact Fee
105. Final Hayward Fire Department inspection is required to verify that requirements for fire protection facilities have been met and actual construction of all fire protection equipment have been completed in accordance with the approved plan. Contact the Fire Marshal's Office at (510) 583-4910 at least 24 hours before the desired final inspection appointment.
106. The improvements associated with the Pacific Gas and Electric Company, AT&T (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
107. The Stormwater Treatment Measures Maintenance Agreement for the project, prepared by Public Works Engineering and Transportation Division staff, shall be signed and recorded in concurrence with the Final Map at the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
108. The subdivider shall submit an Auto CAD file format (release 2010 or later) in a CD of approved final map and 'as-built' improvement plans showing lot and utility layouts that can be used to update the City's Base Maps.
109. The developer/subdivider shall submit an "as built" plans indicating the following:
 - a. Approved landscape and irrigation improvements;
 - b. All underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, AT&T (phone) facilities, local cable company, etc.;
 - c. All the site improvements, except landscaping species, buildings and appurtenant structures; and
 - d. Final Geotechnical Report.