



## CITY OF HAYWARD AGENDA REPORT

Meeting Date 9/25/03  
Agenda Item 2

**TO:** Planning Commission

**FROM:** Erik J. Pearson, AICP, Associate Planner  
Andrew S. Gaber, P.E., Development Review Engineer

**SUBJECT:** **Site Plan Review No. PL-2002-0647 & Tentative Tract Map No. 7417/PL-2002-0661** – Request to Subdivide a Half-Acre Parcel and Develop Six Townhomes – Dave Atwal for Altima Construction, Ltd. (Applicant/Owner)

The property is located at 455 Laurel Avenue, between Flagg Street and Princeton Street, in a Medium Density Residential (RM) Zoning District

### RECOMMENDATION

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15303(c) *New Construction or Conversion of Small Structures*; and
2. Approve the site plan review application subject to the attached findings and conditions; and
3. Approve the Tentative Tract Map application, subject to the attached findings and conditions.

### DISCUSSION

The site had two dilapidated, abandoned single-family homes. After the buildings were damaged by a fire, they were demolished in March of this year. The property is surrounded by two-story multiple-family buildings on three sides and across the street, to the north, is the former Sunset High School.

The applicant has requested to subdivide the 21,001 square foot (0.48-acre) parcel and build six townhomes. The General Plan designation for the property is Medium Density Residential (MDR), which allows for up to 17.4 dwelling units per acre. The proposed density is less than 13 units per acre. The property is located in a Medium Density Residential (RM) Zoning District, which requires 3,500 square feet of lot area per dwelling unit for a parcel of this size. The property meets the minimum area for six units.

The six townhomes would be contained in two two-story buildings designed in a contemporary architectural style. Each home would have a two-car garage, a balcony over the garage and a

well-defined entry. The proposed buildings have significant architectural relief on the elevation facing the driveway and the roof design has a combination of hips and gables and has varied ridge levels to help reduce the apparent sizes of the buildings. The buildings are approximately 26 feet tall. The RM District allows a maximum building height of 40 feet. The surrounding apartment buildings range from 20 to 23 feet tall.

Each unit would have about 1,600 square feet of living area and a 400 square foot attic area served by a standard stairway. Each unit has the same floor plan and consists of a bedroom, laundry, den/study, full bathroom and a two-car garage on the first floor and two bedrooms, two full bathrooms, kitchen, living and dining rooms on the second floor. The balcony over the garage could be accessed from either the living room or master bedroom. The end unit would have a front door facing Laurel Avenue.

A minimum of 350 square feet of open space per unit or a total of 2,100 square feet is required. A total of 2,620 square feet of open space is proposed. Of the 350 square feet per unit, at least 100 square feet (600 square feet total) must be devoted to group open space. A 700-square foot group open space is proposed at the rear of the site. In addition, the fire truck turn-around between the two buildings will be available as a recreation area. Each unit also has a private open space area of approximately 320 square feet. The playfields and the swim center of the former Sunset High School are located directly across Laurel Avenue and would provide additional recreational opportunities for residents of the project.

The City's Off-Street Parking Regulations require 2.1 parking spaces per unit. A total of 13 parking spaces are required, 2 of which must be available to guests. The proposal includes 14 parking spaces – 12 in the two-car garages and 2 open guest spaces at the rear of the site. On-street parking is also available on Laurel Avenue.

The proposal is consistent with the Burbank Neighborhood Plan, which encourages high quality design with entries and windows facing the street to improve overall streetscape aesthetics. The Plan also encourages requiring adequate resident and guest parking to reduce car parking on streets. The paving on Laurel Avenue is cracked and is in need of resurfacing. The developer will be required to pave to the center of the street for the width of the property.

The project will require the removal of 14 of 21 trees from the site. A report prepared by a certified arborist states that none of the trees are of a desirable species or are in good enough condition to be retained. The seven trees that will be retained along the west and south property lines will provide some screening between the proposed townhomes and the neighboring residential properties. Replacement trees totaling in value equal to those removed will be planted throughout the site.

Children living at the new homes would attend Cherryland Elementary School (2 students), Winton Intermediate School (1 student) and Hayward High School (1 student). When the General Plan was adopted, the Hayward Unified School District determined that these numbers of children could be accommodated at these schools.

The property is a short walk from Western Boulevard, used by AC Transit bus route # 93, which serves Downtown and the Hayward BART station where people can connect to various public transportation options serving the Bay Area.

### **Tract Map**

The proposed subdivision creates 7 parcels; 6 residential lots and 1 lot for the private driveway and common area landscaping. The homeowners' association, who will be responsible for maintaining the common driveway and parking area within the development, will own this parcel. The proposed driveway width is adequate for circulation and Fire Department accessibility requirements.

The formation of a homeowners association and the creation of Conditions, Covenants, and Restrictions (CC&R's) will be required to cover the maintenance of the private driveway and common area landscaping. The common area landscaping includes all areas except the private rear yards and the homes. The CC&R's will also contain a standard condition that if the homeowners association fails to maintain the common areas and driveway, the City of Hayward will have the right to enter the project and perform the work necessary to maintain these areas and lien the properties for their proportionate share of the costs.

There are existing utilities within Laurel Avenue, including sanitary sewer and water, with sufficient capacity to adequately serve the proposed project. Storm drainage will be directed to a system that currently runs within Laurel Avenue. Full frontage improvements; curb, gutter and sidewalk, will be constructed along the Laurel Avenue frontage. Any damaged pavement in Laurel Avenue will be repaired.

### **Environmental Review**

The proposal is categorically exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303(c), *New Construction or Conversion of Small Structures*.

### **Public Notice**

On December 3, 2002, a Notice of Preliminary Meeting was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Burbank Neighborhood Task Force.

Only one neighbor attended the preliminary meeting held on December 12, 2002. The neighbor discussed the issues of utilities, storm drainage and a tree on his property having branches extending into the project site that would need to be pruned. The neighbor was generally not opposed to the project. A condition of approval requires that the applicant retain a certified arborist to oversee pruning of any trees.

On September 5, 2003 a legal advertisement was published in the Daily Review newspaper to notify the public of the pending application and public hearing. Also, on September 5, 2003, a Notice of Public Hearing for the Planning Commission meeting was mailed. In addition, a public

notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

**Conclusion**

The proposed project complies with the Zoning Ordinance, the City's Design Guidelines and the Burbank Neighborhood Plan. The proposal would provide much needed, high quality housing for the City of Hayward and would help to improve the appearance of this portion of Laurel Avenue.

*Prepared by:*



Erik J. Pearson, AICP  
Associate Planner



Andrew S. Gaber, P.E.  
Development Review Engineer

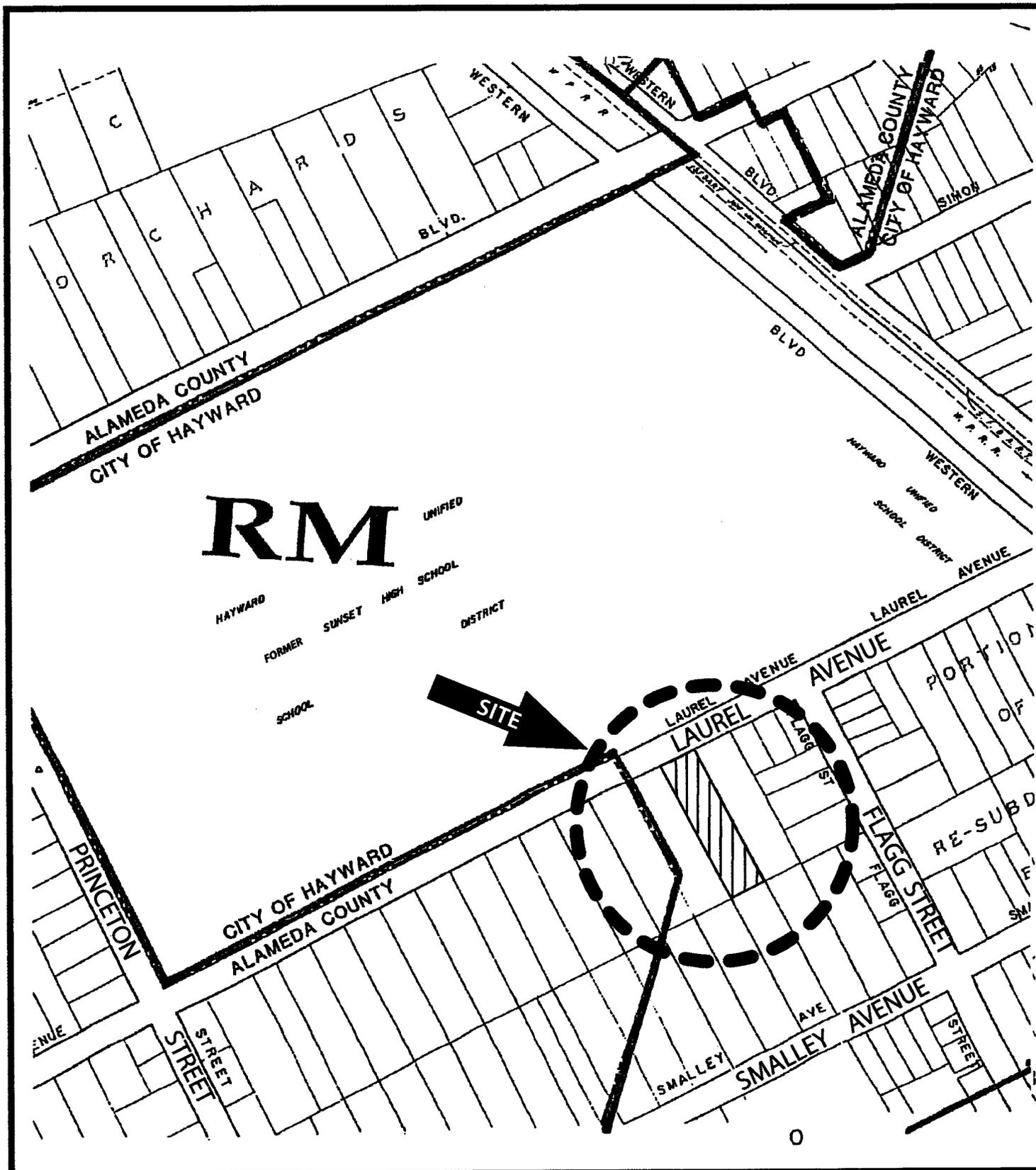
*Recommended by:*



Dyana Anderly, AICP  
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Approval of Site Plan Review Application
- C. Conditions of Approval for Site Plan Review Application
- D. Findings for Approval of Tentative Tract Map
- E. Conditions of Approval for Tentative Tract Map Plans



**Area & Zoning Map**

PL-2002-0647 SPR/TTM

Address: 455 Laurel Avenue

Applicant/Owner: Dave Atwal

RM-Medium Density Residential



**CITY OF HAYWARD  
PLANNING DIVISION  
SITE PLAN REVIEW APPROVAL**

**September 25, 2003**

**Site Plan Review Application No. PL-2002-0647 & Tentative Tract Map No. 7417: Request to Subdivide a 0.48-Acre Parcel and Develop Six Townhomes – Dave Atwal for Altima Construction, Ltd. (Applicant/Owner)**

**The Project Location Is 455 Laurel Avenue, between Flagg Street and Princeton Street, in a Medium Density Residential (RM) Zoning District**

**Findings for Approval:**

- A. That approval of Site Plan Review Application Nos. PL-2002-0647, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15303(c), of the CEQA Guidelines (New Construction Or Conversion Of Small Structures).

**Site Plan Review**

- B. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the proposal addresses the Laurel Avenue frontage and that the building heights are not significantly higher than the surrounding apartment buildings.
- C. The development takes into consideration physical and environmental constraints in that pervious pavers will be used to minimize runoff and therefore minimize grading at the rear of the site.
- D. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines and the Burbank Neighborhood Plan.
- E. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that the use of the property for multiple-family dwellings is the same as the use of surrounding properties.

**ATTACHMENT B**

**CITY OF HAYWARD  
PLANNING DIVISION  
SITE PLAN REVIEW APPROVAL**

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**The Project Location Is 455 Laurel Avenue, between Flagg Street and Princeton Street, in a Medium Density Residential (RM) Zoning District**

**CONDITIONS OF APPROVAL:**

1. Site Plan Review Application No. PL-2002-0647, is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void two years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the site plan review 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 upon the site plan review approval.
3. The permittee 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.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
5. Prior to application for a Building Permit, the following changes shall be made to the plans:
  - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
  - b) Details of address numbers shall be provided. Address number shall be decorative.
  - c) Plans shall show landscaping on each side of the entry sidewalks so that there is landscaping between the buildings and the driveway.

**ATTACHMENT C**

- d) Details of retaining walls shall be included. All retaining walls shall be constructed of reinforced concrete with a decorative facing, approved by the Planning Director and the City Engineer. No retaining walls shall exceed 6 feet in height.
  - e) Show that an exterior hose bib shall be provided for each private yard or porch area.
  - f) The plans shall show that pavement at the driveway entries will be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.
  - g) Show that a 6-foot-high, wood, "good-neighbor" fence shall be erected along all interior property lines (except within 20 feet of the front property line where the fence shall not exceed 4 feet in height).
  - h) The detail of the front wall shall be revised so that there are no sharp points. No part of the wall or pilasters may exceed 4 feet.
  - i) Mailboxes shall be included on the plans. If mailboxes are grouped, they shall be enclosed by a structure compatible with the architecture of the buildings.
  - j) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
  - k) Include detailed landscaping and irrigation plans for all common areas.
  - l) Grading and improvement plans shall be submitted for approval by the Planning Director.
  - m) Plans shall show that all utilities will be installed underground.
6. The approval of this site plan review is tied to the approval of Tentative Map No. 7417 and the associated conditions of approval. No building permit shall be issued for any structure within this application until the City Council has approved the final map and said map is recorded.
7. The applicant or homeowners association shall maintain in good repair all fencing, parking and street 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 buildings shall be repainted, the limitations

of work (modifications) allowed on the exterior of the buildings, 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 homeowners 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. Any graffiti painted on the property shall be painted out or removed within 10 days of occurrence.

8. The garage of each unit shall be maintained for off-street parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors. **This requirement shall be incorporated into the CC&Rs.**
9. The open parking spaces shall be provided for and maintained as visitors' spaces and shall not be used for recreational vehicles, camper shells, boats or trailers. These spaces shall be clearly marked and monitored by the homeowners association. Parking stalls shall be used only for vehicles in operating condition. **The homeowners association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.**
10. 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.
11. Construction employees shall not keep unleashed or barking dogs at the site and shall not play music or radios audible beyond the property lines.
12. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
13. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
14. Future additions to residential units are prohibited.
15. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

#### **Landscaping:**

16. Prior to issuance of any building or grading permits, a revised arborist report shall be submitted. The report shall include the species, size, health, and value of all the trees on this site. The report should also state what trimming needs to be done for the health of the trees and what protection the trees will need during construction. The certified arborist shall be on-site during pruning operations. The City's Tree Preservation ordinance states that each tree removed shall be replaced with a tree of like size and like kind or of equal value to the tree being removed. This would be in addition to the required trees for the proposed plan. Provide a plan that shows how this will be accomplished. Another option may be to relocate some of the existing trees to another portion of the site.
17. A separate tree removal permit is required prior to the removal of any tree.

18. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line (or per the arborist report) throughout the construction period and shall be maintained in a healthy condition throughout the construction period. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition.
19. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans for the site including all common areas shall be prepared by a licensed landscape architect in accordance with the City's Landscape Design Checklist and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.
20. Two 24-inch box street trees shall be planted. The trees should be 20' from a light pole and 5' from any utility. The trees should be about 8 to 10 feet away from any overhead power lines and should be smaller tree varieties with a maximum height of 25 to 30 feet if planted near power lines. Trees shall be planted according to the City Standard Detail SD-122.
21. Minimum 15-gallon evergreen trees shall be planted 20' on-center on the east, south, and west property lines for screening from the adjacent properties. New trees should be located 3 to 5 feet from fences and walls. Root barriers should be provided as necessary
22. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas which shall be approved by the Landscape Architect.
23. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of the first dwelling unit, whichever first occurs.
24. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the fourth home being occupied.
25. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.
26. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair of all improvements shown on the approved plans.
27. Park Dedication In-Lieu Fees are required for four of the new dwelling units. Fees shall be those in effect at the time of issuance of the building permit. (Tentative Map deemed completed on August 5, 2003)

28. Landscape plans shall show that solid building walls and/or fences facing a street or driveway will be buffered with continuous shrubs or vines.
29. Provide self-climbing vines such as Boston Ivy on the exterior walls and retaining walls around the project.

**Solid Waste & Recycling:**

30. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
31. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.
32. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 12/11/02.

**General:**

33. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

**FINDINGS FOR APPROVAL  
TENTATIVE TRACT MAP 7417**

1. The approval of Tentative Map Tract 7417, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project is Categorical Exempt per Section 15332 of the California Environmental Quality Act (CEQA), In-Fill Development Projects.
2. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the City of Hayward Zoning Ordinance.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
6. Existing streets and utilities are adequate to serve the project.
7. None of the findings set forth in Section 64474 of the Subdivision Map Act<sup>1</sup> have been made.

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<sup>1</sup> The findings of Section 64474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CONDITIONS OF APPROVAL**  
**TENTATIVE TRACT MAP 7417**  
455 Laurel Avenue

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.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

**IMPROVEMENTS**

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

**STREETS**

**Public Street**

1. New curb, gutter, sidewalk and tie-in paving, shall be installed along the project frontage of Laurel Ave. Any failed pavement in Laurel Ave. adjacent to the project site, shall be removed and replaced. Improvements shall conform to City Standard Details and shall be approved by the City Engineer.
2. The driveway entrance off of Laurel Ave. shall be 24 feet wide and shall be designed to meet City of Hayward Standard Detail SD-110.

**Private Driveway**

3. The private driveway shall have a 20-foot-wide curb-to-curb width allowing for two 10-foot-wide travel lanes. The design, and improvement plans, shall be approved by the City Engineer.
4. No parking shall be allowed within the private driveway or fire truck turn-around. "No Parking" signs shall be installed along the sides of the private drive.
5. Decorative pavement e.g. interlocking pavers or stamped colored concrete, or bands of decorative paving, etc. shall be installed at the entrance and various locations within the subdivision. The Planning Director shall approve the material, color and design and the City Engineer shall approve the pavement section for the decorative paving.

6. The onsite streetlights and pedestrian lighting shall have a decorative design approved by the Planning Director and the City Engineer. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer.
7. Upon any necessary repairs to the facilities 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 homeowners association established to maintain the common areas within the subdivision boundary.
8. The CC&R's shall include provisions for maintenance of the driveway, decorative pavement, and onsite lighting.

### **Storm Drainage**

9. The subdivision storm drain system shall be a private system owned and maintained by the homeowners association.
10. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff.
11. The project plans shall include storm water pollution prevention and control measures for the operation and maintenance of the project during and after construction for review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. Options include utilization of a grassy swale, use of unit pavers for all paved areas or installation of an inline treatment system,

The project should be designed to direct runoff to the landscaped yards and common space, prior to entry into the storm drain system. Unit pavers should also be used for impervious areas such as the driveway, parking areas and fire truck turn around. If these methods are utilized, the inline treatment system will not be required.

An inline treatment system may be installed along with the storm drain system, but it must include a provision for oil sorbent material to remove oil and grease from storm water runoff. The developer shall prepare a Maintenance Agreement (An example of a maintenance agreement is available on the web at: <http://www.stormwatercenter.net>) and the maintenance agreement shall be recorded with the Alameda County Records Office to ensure that the responsibility for maintenance is bound to the property in perpetuity. The developer shall also provide a statement formally transferring responsibility for maintenance and operation of the system to the Homeowners Association at the completion of the project.

12. The project plan measures 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.
13. The applicant/developer 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.

14. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
15. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.

### **Sanitary Sewer System**

16. The sanitary sewer system shall be designed in accordance with the City of Hayward Standard Details, particularly the Building Court Sewer Main.
17. Onsite sanitary sewer mains shall be located 6 feet from the face of curb within the private driveway.
18. Each residential unit shall have a separate sanitary sewer lateral.
19. All existing sanitary sewer laterals that are not to be reused shall be abandoned. The laterals shall be severed at the sewer main and the wyes shall be plugged using a mechanical plug. This work shall be done by City forces and will be paid for by the developer.

### **Water System**

20. Water service is available subject to standard conditions and fees in effect at the time of application.
21. Water services shall be located 6 feet from sanitary sewer laterals.
22. Each residential unit shall be individually metered. The developer shall install individual radio read water meters.
23. All existing water services to be abandoned shall be abandoned by turning off the corporation stop and cutting the existing line. This work shall be done under the direct supervision of the City Inspector.

### **Fire Protection**

24. Fire Department requirements shall be as follows:
  - a. The private driveway is shown on the plan with a 20-foot roadway width. This driveway shall be posted as a fire lane and no parking of vehicles shall be allowed on either side.

- Red curbing will be required for the entire length of the driveway. Signs shall be posted to allow towing of illegally parked vehicles to ensure adequate fire truck access.
- b. The private driveway shall be designed and engineered to withstand 50,000 lbs. GVW of fire apparatus. In addition, where pavers or decorative concrete is being used, the installation shall also meet the same engineering and design.
  - c. The fire truck turn around shall be designed to the same standards and shall also be red-curbed and posted with "No Parking" signage.
  - d. Addressing of the buildings shall be in agreement with the Hayward Fire Department. All buildings shall have legible and visible address numbers installed so as to be visible from the street. Minimum address numbers and locations of address numbers shall be determined by the Hayward Fire Department.
  - e. One new fire hydrant shall be installed along the private driveway within the development. The type of fire hydrant shall be a double steamer, capable of flowing 1500 GPM at 20 PSI for a 2-hour duration (includes allowance granted 50 percent for fire sprinklers). The design and layout of the hydrants shall be reviewed and approved by the Fire Department prior to construction.
  - f. Blue reflective pavement markers shall be installed at fire hydrant locations.
  - g. If fire hydrants are located so as to be subjected to vehicle impact, crash posts shall be installed around the fire hydrant(s).
  - h. Fire hydrants for the development shall be operational and in-service prior to the start of any combustible construction and /or storage of combustible construction materials.
  - i. The proposed development is for (2) buildings, 2 stories in height, each containing (3) townhouse units with garages at grade. The units will be residential townhouses (R-3 occupancies) constructed with a common wall (1-hour rated each side). Each building will be of Type V-N construction. Building permits shall be reviewed and approved by the Fire Department prior to the start of construction.
  - j. Each building shall have an automatic fire sprinkler system installed in conformance with NFPA13-D (Modified) Standards. Each such building shall have fire sprinkler protection within the garage and attic areas.
  - k. The fire sprinkler protection system shall be supplied from the domestic water lined and be independently controlled.
  - l. Each townhouse shall have an interior alarm system signaling device which will activate upon waterflow of the fire sprinkler system.
  - m. Each townhouse shall have an exterior alarm bell installed in an approved location.
  - n. Each fire sprinkler system shall be equipped with a spare sprinkler head bow located at the riser.
  - o. Smoke detectors shall be installed in each dwelling unit. Installation of the smoke detectors shall meet the State of California Building Code and shall be hard wired electrically with battery back up.

### Utilities

25. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC (phone) Company and local cable company regulations. All facilities necessary to provide service to the dwellings, including transformers and switchgear, shall also be undergrounded.

26. All utilities, including water mains, located underneath decorative paving or "turf block" shall be encased in steel sleeves.
27. All surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed driveway or public streets 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.
28. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

#### **Walls, Fences and Retaining Walls**

29. A perimeter retaining wall with a 6 foot fence on top, is shown on the plans. The developer shall work with the adjacent property owners to have one fence along the property line, rather than two fences back to back. The design and location of this wall/fence will need to be reviewed and approved by the Planning Director and City Engineer. A separate building permit will be required for this structure.

#### **Dedications, Easements and Encroachment Permits**

30. The final map shall reflect all easements needed to accommodate the public portions of the sanitary sewer and water systems that are outside of the private driveway. The easements shall be a minimum of 12 feet wide.
31. Prior to the approval of the final 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.
32. An encroachment permit shall be obtained by the Developer/Contractor prior to commencement of any work within the public right-of-way of any of the 4 peripheral streets.

#### **Subdivision Agreement**

33. The developer shall execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

#### **PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS**

34. Required water system improvements shall be completed and operational prior to the start of combustible construction.

#### **DURING CONSTRUCTION**

35. 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 construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;
- 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;
- f. The developer shall participate in the City's recycling program during construction.
- g. Daily clean up of trash and debris shall occur along all 4 peripheral streets;
- h. 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;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j. 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;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container that 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;
- o. 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;
- p. 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;
- q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place;
- r. 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;
- s. 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;
- t. 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;
- u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
  - v. The applicant/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.
36. A representative of the 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 grading operations with recommended corrective measures given to the contractor and the City Engineer.
37. 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 CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

38. The applicant/developer shall pay the following fees;
- a. Supplemental Building Construction and Improvement Tax;
  - b. School Tax; and
  - c. Park Dedication in-lieu fees for each unit. The amount of the fee shall be in accordance with the fee schedule in effect at the time the vesting tentative map was accepted as complete.
  - d. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.
39. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.
40. Prior to granting occupancy, water services shall be installed by City crews at the developer's expense. The application for water services shall be presented to the City Inspector.
41. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.
42. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

**PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED**

43. 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.
44. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
45. The improvements associated with the Pacific Gas and Electric Company, SBC (phone) company and local cable company shall be installed to the satisfaction of the respective companies.
46. The subdivider shall submit an "as built" plan indicating the following:
  - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, SBC (phone) facilities, local cable company, etc; and;
  - b. All the site improvements, except landscaping species, buildings and appurtenant structures.

**DUE TO THE SIZE OF  
ATTACHMENT A TO THIS REPORT, IT  
IS NOT AVAILABLE FOR WEB  
VIEWING. THE ENTIRE REPORT IS  
AVAILABLE  
FOR REVIEW AT  
THE MAIN LIBRARY  
AND IN THE CITY CLERK'S OFFICE.**