



## CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 04/26/01

Agenda Item \_\_\_\_\_

TO: PLANNING COMMISSION

FROM: Richard Patenaude, Acting Principal Planner

SUBJECT: Conditional Use Permit/Site Plan Review 01-160-03/Vesting Tentative Map Tract 7311 - The Olson Company (*Applicants*)/T.K. Chen et al; David J. Vorous; Olga Deviar; and James K. & Pearl C. Arhontes (*Owners*): Request for a Conditional Use Permit and a Tentative Map to Construct 70 Condominium Multi-Family Residences on 2.73 Acres. *The Property Is Located at Atherton and "D" Streets within the Central City Residential/Commercial (CC-R/C) Sub-Districts.*

### RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council:

- that the project is Categorically Exempt from CEQA review, pursuant to Section 15332 of the Guidelines, *Infill Development Projects*;
- approval of the Conditional Use Permit subject to the attached findings and conditions of approval; and
- approval of the Vesting Tentative Tract Map subject to the attached findings and conditions of approval.

### DISCUSSION:

#### Setting

The property is located in the Central City – Residential (CC-R) and the Central City – Commercial (CC-C) Subdistricts; a Conditional Use Permit is required for this project because the project lies partially within the CC-C Subdistrict. The site is bordered on the north by "D" Street and the Atherton Place townhomes; on the east by Atherton Street and single-family residences; on the south by the Alameda County Housing Authority offices; and on the west by BART and railroad tracks. The property contains a combination of non-conforming single-family residences and heavy commercial uses, and vacant land; the former Miguel's Restaurant was demolished beginning the week of April 9, 2001.

*The Core Area Plan*, a component of the *Downtown Hayward Design Plan* encompasses the northerly end of this site and identifies it as a primary target for new housing development that would take advantage of the surrounding civic amenities. High-density housing is envisioned to repopulate the downtown, increase demand for the businesses in the area and maximize the use of public transit. In light of this *Plan*, the Olson Company was challenged by City staff to maximize the density in consideration of the site's location in proximity to a major transportation station. In response, they have proposed a new type of housing product not presently found in Hayward; this project creates an opportunity for an infusion of live-work units into the Downtown mix. The project density is 35 dwelling units per acre net (without the interior streets); the City's Downtown plans call for a range from 25 to 50 units per acre.

Consistent with the City's policy to encourage home ownership, The Olson Company this project includes a tentative map application so that each unit can be sold separately.

### Design

The "Hayward Lofts" provides housing units with a flexible interior space with which a number of options are available; one may opt to take the space without any custom improvements, while another may ask the developer to formally divide the space into traditional rooms. Each unit will be provided a kitchen, a full bath, and a service (laundry) area as standard. Each building is three stories (40 feet) in height with the street-level units occupying the first two stories, over which is a one-level flat on the third story. The two-story units comprise 1,454 square feet; the one-level flats comprise 1,667 square feet.

The project design is a contemporary urban adaptation of a row house/flat combination. The project maintains a street presence with entry doors providing direct access to the sidewalk along Atherton Street. Atherton Street provides quick pedestrian access to BART. The interior buildings access urban courtyards, designed with a combination of hardscape and landscape.

The first story of the buildings is faced with brick to provide a solid base. The upper stories are faced with a light sand-finish stucco and capped with a cornice. The building face is articulated by recessing the entry areas, and by metal awnings and two-story windows. The metal entry doors and awnings provide splashes of color. While the project introduces a new architectural style to the area, the traditional exterior brick and stucco finishes will be of warm colors that blend with the colors and materials of surrounding buildings. A condition of approval will require additional architectural detailing at building and unit entries.

In the downtown core area, at least 100 square feet of usable open space must be provided for each residence. This project provides this open space in the form of landscaped plaza areas between the buildings with small plazas, vine-covered arbors and seating areas, totaling 31,303 square feet (447 sq.ft./unit). A condition of approval requires recreational amenities for the

residents such as barbecue areas, game tables and play areas. Typically, each unit would also contain some private open space area in the form of balconies or patios. However, since the lower units have direct physical and visual access to the plaza areas, it is appropriate to allow the required open space to be provided by the public plazas. The units have do have additional private open space in the form of roof-top "gardens" at the rate of 144 square feet per unit. The third-level flats also have balconies of 38.5 square feet.

A total of 152 on-site parking spaces are proposed. Each unit is provided a two-car garage. In addition, 12 on-site guest parking spaces are provided along the interior streets. Eighteen cars can also be accommodated along Atherton Street. The Parking Ordinance requires 1.5 parking spaces per unit, for a total of 105.

### Vesting Tentative Tract Map and Utilities

The project is a proposed condominium subdivision that will allow for ownership of each unit. A homeowners association will maintain the streets, private utilities, and all common areas.

There are storm drain and water facilities abutting the subdivision that can adequately serve the project. The existing sanitary sewer system within Atherton Street is inadequate to serve the proposed subdivision. The developer will be required to make off-site sewer improvements that will allow for adequate service to be provided. The sanitary sewer and water mains within the subdivision shall be public systems owned and maintained by the City of Hayward. The on-site storm drain system shall be a private system owned and maintained by the homeowners association.

### ENVIRONMENTAL REVIEW:

An EIR was completed and accepted in 1986 for the entire Redevelopment Area and later a Negative Declaration was adopted for *The Core Area Plan*. The project is consistent with both the Redevelopment Plan and *The Core Area Plan*. An EIR was also completed and accepted for the Downtown Hayward Redevelopment Plan Amendment in 1998. This project introduces no changes in circumstances that indicate the need for further environmental review. Therefore, this project meets the requirements of a Class 32 Categorical Exemption for in-fill development projects in urban areas.

Noise and vibration impacts from the adjacent BART and railroad operations are addressed by the acoustical consultant Charles M. Salter Associates in reports dated February 1 & April 5, 2001. The project is exposed to 65-74 decibels at the units closest to the tracks. Upgraded windows will be required to bring the interior noise levels to an acceptable level. A 14-foot sound wall will be required along the westerly property line to attenuate the exterior noise levels. The conditions of approval also require that the amenities in the public plaza areas include water features to provide "white noise" to attenuate the exterior noise levels for users

of the plazas. A qualified vibration consultant is required to recommend building design measures to reduce vibration for units that are within 100 feet of the BART/railroad tracks.

Only one of the trees on site, a California pepper, is considered to be a "landmark" tree. The other large trees are not considered to be significant in terms of their ultimate growth potential, and saving them is not deemed to be a priority in terms of this project. However, in order to mitigate the loss of the pepper and the other trees, staff recommends that all entry and accent trees be of a 36-inch box size, and all other trees be of a 24-inch box size. This will ensure that all replacement trees are of significant size at the outset of the project.

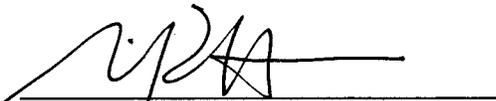
**PUBLIC NOTICE:**

On April 16, 2001, a public hearing notice was mailed to surrounding property owners/residents and the *Burbank Neighborhood Task Force* members and all other interested parties. No response has been received to date.

**CONCLUSION:**

*The Core Area Plan* cites the redevelopment of this site as being critical as both a pedestrian strategy, by reestablishing walking routes to and from the core, and as a strategy for catalyzing future private development in the area. Recommendations in the Plan suggest that the entrances to the units from the public street, and the placement of windows and other features be placed along the street to create a lively pedestrian environment. This project proposed by The Olson Company is consistent with these goals and the design envisioned for the downtown core. This project also proposes a new housing type for Hayward with an urban architectural design that complements the Downtown area.

Prepared by:



Richard E. Patenaude, AICP  
Acting Principal Planner

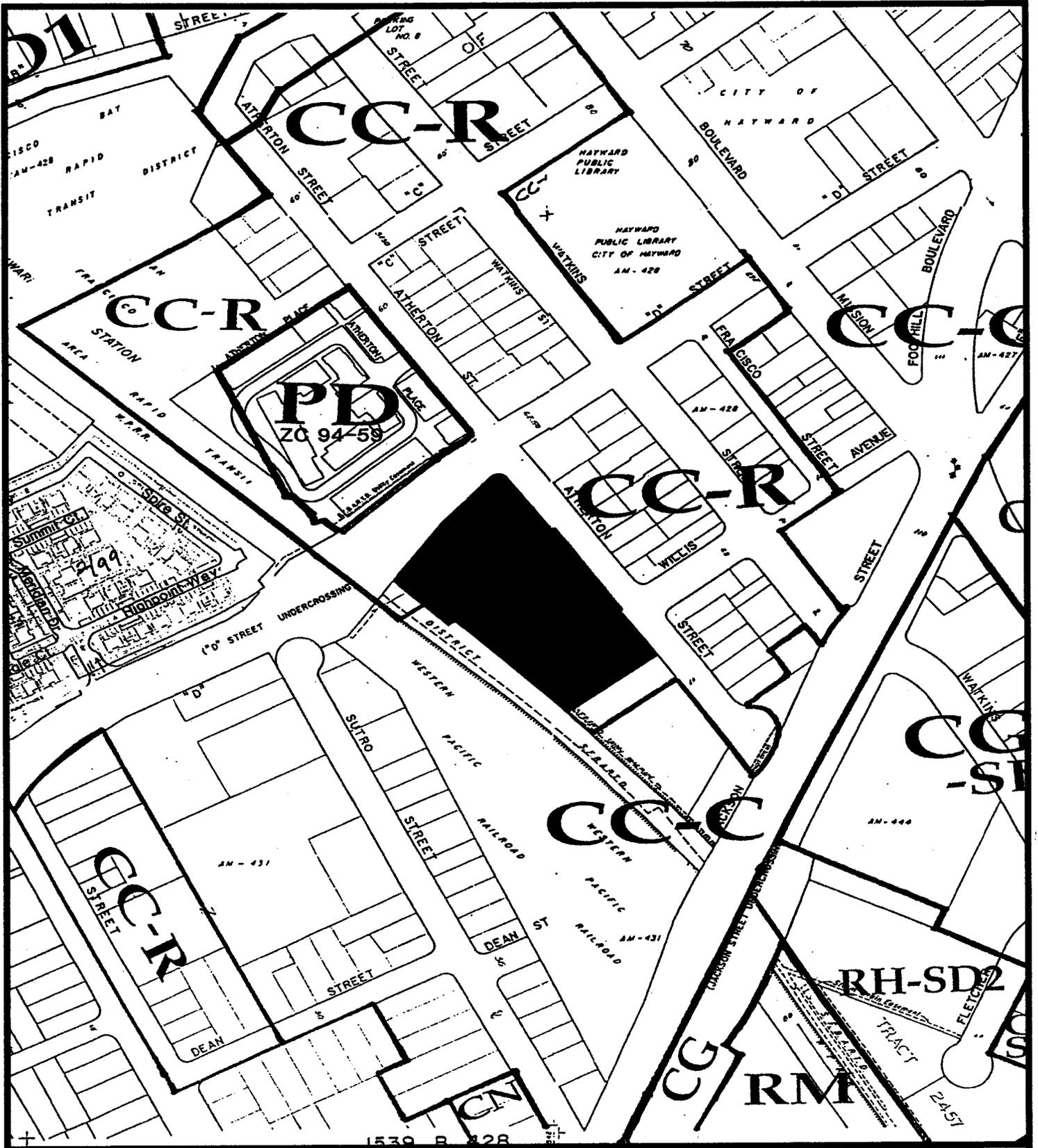
Recommended by:

A handwritten signature in black ink, appearing to be 'Dyana Anderly', written over a horizontal line.

for Dyana Anderly, AICP  
Planning Manager

**Attachments:**

- A - Area Map
  - B - Findings - CUP/SPR 01-160-03
  - C - Conditions - CUP/SPR 01-160-03
  - D - Findings - VTMT 7311
  - E - Conditions - VTMT 7311
- Project Plans



**Area & Zoning Map**

SPR 01-160-03/VTMT 7311

Address: 22845-22865 Atherton Street

Applicant: Olson Company

Owner: Olga De Viar et al

ATTACHMENT A

**FINDINGS FOR APPROVAL**  
**Conditional Use Permit/Site Plan Review No. 01-160-03**  
**22803-22903 Atherton Street**

1. The proposed development is within the scope of the development examined in the program EIR and significant or potentially significant impacts have been avoided or mitigated pursuant to the attached conditions of approval. In addition, the circumstances surrounding the project have not changed significantly and, furthermore, the project meets the conditions enabling a Class 32 Categorical Exemption from CEQA review;
2. The development is compatible with the surrounding area in that the proposed height, bulk and scale are compatible with the Atherton Place residences to the north, and the expected development to the east and south, and pedestrian access is provided to the BART station;
3. The development takes into consideration physical and environmental constraints in that vehicular access is provided at the Atherton Street alignment and the perimeter buildings face Atherton and "D" Streets;
4. The development complies with the intent of City development policies and regulations in that the homes are designed in keeping with the *Core Area Plan*, and the requirements of the CC-C/R (Central City-Commercial/Residential) Zoning Subdistricts; and the development is also consistent with the Downtown Hayward Redevelopment Plan and the General Policies Plan;
5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that multiple-family residences are permitted in the CC-C/R Zoning Subdistricts; and
6. There are special circumstances applicable to the private open space for the lower-level units in that they have direct access to the usable public open space, and sufficient open space is provided within the project area to provide for the residents' enjoyment of outdoor activities.

**CONDITIONS OF APPROVAL**  
**Conditional Use Permit/Site Plan Review No. 01-160-03**  
**22803-22903 Atherton Street**

1. Conditional Use Permit Application No. 01-160-03 is approved subject to the specific conditions listed below. This permit becomes void two years from the effective date of the approval, unless prior to that time a building permit has been accepted for processing by the Building Official, or a time extension is approved.
2. All improvements shown on the approved plans, and as required by these conditions of approval, shall be completed prior to the acceptance of the tract improvements, unless otherwise exempted by the conditions below.

**Architecture**

3. Architectural details shall be incorporated to emphasize each entry door on all elevations. Landings at each front door shall provide adequate space as prescribed by code.
4. The garage of each unit shall include a storage closet that contains 90 cubic feet of storage space. Each garage shall include space for solid waste and recycling containers. An automatic garage door opening mechanism shall be provided for all garage doors.
5. Design and construction plans shall incorporate the recommendations in the Environmental Noise Study, prepared by Charles M. Salter Associates Inc., dated February 1, 2001, to reduce interior noise levels to acceptable standards. In addition, prior to issuance of building permits, a qualified vibration consultant shall review the design and recommend appropriate measures to reduce the transfer of ground vibration from the adjacent BART and railroad operations to the units. The results of the noise and vibration studies shall be provided to the Planning Director and to potential residents.
6. All awnings shall be made of a permanent structural material.
7. Building colors shall be light earth tones to complement the historic architecture and the new construction in the immediate area. A colors and materials board, including accent colors for the metal awnings and railings, shall be presented to the Planning Director for approval. Colors and materials changes shall be used to differentiate the buildings. No changes to colors shall be made after construction unless previously approved by the Planning Director.
8. Downspouts and other rain collection facilities shall be enclosed within the structure.

9. No mechanical equipment shall be placed on the roof unless it is completely screened from view by the proposed roof structure. No individual television or radio transmission or reception antennae shall be permitted unless screened from view or contained within the individual's ownership limits.
10. Park dedication in-lieu fees are required for each dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.

### **Landscaping, Fences, Walls and Entry Features**

11. The roof-top "gardens," for use by the third-story flats, shall each consist of at least 100 square feet in area with a minimum dimension of 10 feet.
12. A decorative masonry or pre-cast wall, 14 feet in height, with molded cap and pilasters shall be constructed along the west property adjacent to the BART right-of-way. The wall shall be offset at consistent intervals to provide landscape and tree planting niches. The wall shall be located at least 3 feet from the property to allow for access for maintenance purposes; this access shall be gated to prevent unauthorized entry.
13. Decorative fencing with pilasters shall be installed on the project perimeter. The fencing along the southerly property line shall be a decorative masonry or pre-cast wall, 6 feet in height, with molded cap and pilasters. The fencing along the northerly (D Street) property line shall be of decorative open metal, such as wrought iron, 6 feet in height, with masonry pilasters with molded caps. A decorative open metal gate shall be installed across the emergency vehicle accesses.
14. An architectural feature, which may include a water wall, fountain or other element, and dramatic landscaping, shall be incorporated at the corner of "D" and Atherton Streets. Entry monumentation for the project shall be included to create an identity for the project.
15. Prior to the issuance of the first building permit, detailed landscaping and irrigation plans, and hardscaping plans, shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
  - a. Entry and accent trees shall be 36-inch box size. Buffer trees shall be 15-gallon size, spaced at 20 feet on center and located along the south and east property line. All other trees shall be 24-inch box size. All trees shall be planted according to City Standard Detail SD-122.
  - b. Landscape/hardscape improvements shall be installed according to the approved plans. The developer's landscape architect shall inspect and approve the installed landscape/hardscape prior to submitting a Certificate of Substantial Completion and scheduling an inspection. Approval by the City Landscape Architect is required prior to issuance of a Certificate of Occupancy.

- c. Trees to be removed or to remain shall be indicated on the landscape and grading plans. Trees to be removed shall be approved by the City Landscape Architect. A tree removal permit is required prior to the removal of any tree 10 inches in diameter or larger. Replacement trees shall be required for any trees removed as determined by the City Landscape Architect.
- d. Prior to the issuance of a grading or building permit, a tree preservation bond, surety or deposit, equal in value to the trees to be preserved, shall be provided by the developer. The bond, surety or deposit shall be returned when the tract is accepted and the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees.
- e. 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 throughout the construction period.
- f. All meters and mechanical equipment shall be screened from view.
- g. A reduced pressure backflow device (per Standard Detail 202) and separate water meter shall be provided for the irrigation system.
- h. The opening of each public plaza shall be marked by a distinctive gateway element, which may consist of a combination of architectural and architectural elements.
- i. The public plazas shall include shade trellises, seating areas, game tables, play equipment, drinking fountains and barbecue facilities appropriate for the number of residents as approved by the Planning Director.
- j. The public plazas shall be equipped with public art at a scale appropriate to the space as approved by the Planning Director. Each plaza shall be equipped with a water feature, which may be incorporated into the public art feature, to create "white noise" to mask the noise created by the BART and railroad movements for those using the public plazas.
- k. The public plazas shall be linked on both ends by pedestrian walkways. The pavement shall be consistent with that used in the plazas. Where crossing the interior streets, the pedestrian walkways shall be raised to provide a traffic-calming element.

### **Lighting/Security**

- 16. Decorative street lights to match those on Watkins and Atherton Streets shall be installed as necessary along "D" and Atherton Streets and according to the criteria and standards of City Standard SD-120.
- 17. Decorative pedestrian lighting, complementary to the architecture, shall be installed as appropriate throughout the interior of the site. Decorative street lighting shall be installed as appropriate along the interior streets. Cut sheets and photometrics for all exterior lighting shall be submitted for Planning Director approval. Light fixtures shall not exceed 16 feet in height.
- 18. All applicable requirements of the Security Ordinance (Ord. No. 90-26 C.S.) shall be met.

### **Prior to the Issuance of a Building Permit**

19. A tentative map shall be submitted for City action and a final map filed in the office of the Alameda County Recorder. The Tentative Map shall include:
  - a. An entry design with security gates approved by the Transportation Services Division Manager and the Fire Marshall.
  - b. Parking space configurations and circulation that conform to the City of Hayward Off-Street Parking Regulations.
  - c. A minimum 10-foot radius at the face of all interior street curb returns.
  - d. Streets with a pavement width no greater than 24 feet where no on-street parking is provided, and 32 feet where on-street parking is provided.
  - e. Handicap curb ramps in compliance with State of California Title 24 Regulations.
  - f. Individual sanitary sewer connections and radio read water meters for each unit.
  - g. Sleeves for public utilities under decorative street paving.
  - h. Within the project, provide a minimum distance of 3 feet from the face of curb to the face of building.
  - i. Fire hydrants spaced 300 feet apart within the site and as approved by the Fire Marshall.
  - j. Precise location and design of utilities shall be approved with the Final Map.
20. Alameda County Flood Control and the City Engineer shall approve a grading and drainage plan.
21. Environmental clearance from the Alameda County Health Care Services Agency, Department of Environmental Health shall be required prior to the commencement of construction activities.
22. The final map shall identify all necessary easements for emergency vehicle access, pedestrian access through City landscape buffers, drainage, water, sewer, utilities, etc. The City Engineer shall approve the dimensions and location of these easements. Public utility easements shall abut the private street right-of-way or be located as approved by the City Engineer.
23. The developer shall participate in the City's recycling program during construction.

### **Homeowners' Association**

24. Conditions, Covenants and Restrictions for the project shall be submitted for the approval of the City and shall include the following:
  - a. 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.

- b. A requirement that the association be managed and maintained by a professional property management company.
  - c. Provisions for towing unauthorized vehicles from the site.
  - d. A requirement that the site shall be maintained in good repair and free of debris at all times.
  - e. A requirement that landscaping shall be maintained in a healthy, weed-free condition 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 30% dieback) shall be replaced within ten days of the inspection.
  - f. A requirement that all trees shall be preserved in accordance with the *Tree Preservation Ordinance*, a tree removal permit is required prior to the removal of any tree.
  - g. Statements to the effect that trees shall not be severely pruned, topped or pollarded, and 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 Municipal Code.
  - h. A requirement that each resident participate in the City's recycling program.
  - i. A prohibition of parking recreational vehicles in open parking spaces.
  - j. A requirement that the building exteriors and walls 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 48 hours of the inspection, or within 48 hours of notification by the City's Community Preservation Officer.
25. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the following:
- a. Buildings.
  - b. Fences, gates and walls.
  - c. Site features, garden structures and signage.
  - d. Landscaping and irrigation throughout the site and behind the sidewalk on "D" Street.
  - e. Private streets and walks.
  - f. Site lighting.

### **Fire Department**

22. Parking shall only be allowed along one side of the main interior street. There shall be no parking on either side of the stub streets or within the hammerhead turn-around area. Red-curb and fire-lane signs shall be installed per City standards.
23. The emergency vehicle access at "D" Street shall have a grade no greater than 15%; an electric gate shall be installed at the entrance.
24. A fire equipment turnaround is required at the end of the longest stub street.

25. Fire hydrants shall be installed with 300-foot spacing. Fire flows shall be a minimum of 4,500 gallons per minute. However, a 50% reduction in fire flow will be granted for fire sprinklers in the buildings, which will allow a fire flow of 2,250 gallons per minute @ 20 PSI. Fire hydrant locations shall be approved by the fire department.
26. All buildings shall be fire sprinklered per NFPA 13 Standards. Each building shall also have a dedicated fire service installed per NFPA 24 Standards. A Class I standpipe system is required within each stairwell and shall be equipped with interior and exterior hose outlets.
27. All buildings shall have a manual and an automatic fire alarm system installed per the 1997 UFC Article 10 and NFPA 72 standards.
28. Fire extinguishers shall be required in each building at each floor level in locations to be approved by the Fire Department.
29. Buildings/dwelling units shall be addressed so as to be visible from both the public plaza areas and the rear streets; the units shall have a minimum 6" number or 4" self-illuminated number is acceptable. The addressing system shall meet the standards of, and be approved by, the Fire Department.
30. This site will be required to undergo a Phase I Site Environmental Assessment; contact Hugh Murphy @ (510) 583-4924.

**FINDINGS FOR APPROVAL**  
**TENTATIVE TRACT MAP 7311**

- A. That approval of Tentative Tract Map 7311, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project is exempt from California Environmental Quality Act (CEQA) under Section 15332, "In-fill Developments".
- B. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, and the General Policies Plan.
- C. The site is physically suitable for the proposed type and density of development.
- D. 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.
- E. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
- F. The design of the subdivision and the proposed improvements are in conformance with the conditions of approval and will not conflict with easements for access through, or use of, property within the subdivision.
- G. Upon completion of the proposed improvements, the existing streets and utilities are adequate to serve the project upon completion of off-site upgrades to the sanitary sewer system serving this development as required by the conditions of approval.
- H. None of the findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the tentative tract map is granted subject to the recommended conditions of approval.

**CONDITIONS OF APPROVAL  
TENTATIVE TRACT MAP 7311**

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.

**PRIOR TO THE RECORDATION OF THE FINAL MAP**

**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:

**Interior Private Streets**

1. The private street shall be designed to public street standards.
2. The entrance to the private street shall be designed per City Standard Detail SD 110A utilizing a 20-foot-face-of-curb radii.
3. The onsite streetlights and pedestrian lighting shall be of a decorative design approved by the Planning Director. The street light locations shall be approved by the City Engineer.
4. The interior private street curb returns shall have a 10-foot radii.
5. The emergency vehicle access onto D Street shall be include a electronically controlled gate with a lock box. The location and design of the gate shall be approved by the Fire Chief and the City Engineer.

**Atherton Street and D Street**

6. Street lights, that conform to City Standard Detail SD-120, shall be installed across the Atherton and D Street property frontages if determined necessary by the City Engineer. The locations of these lights shall be approved by the City Engineer.

ATTACHMENT E

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7. Any driveways to be abandoned shall be removed and replaced with standard curb gutter and sidewalk to match the existing improvements.
8. Any damaged curb, gutter or sidewalk along the property frontages, as determined by the City Engineer, shall be repaired or replaced to the satisfaction of the City Engineer.

### **Storm Drainage**

9. The proposed 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. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the City Engineer.
11. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by 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.
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 adjacent properties. If needed, a drainage system shall be installed along the outside perimeter of the north property line. The necessity of an off-site system, its design and location shall be approved by the City Engineer.
15. The project shall not augment runoff to adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate blocked run-offs or augmented runoffs with off-site and/or on-site improvements.
16. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.

### **Sanitary Sewer System**

17. The developer is responsible for installing a new sewer line extending along Willis Avenue, connecting to the existing line in Watkins Street. Sewage flows from this project shall be directed to the new line.

18. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application.
19. The on-site sanitary sewer system shall be a public system designed in accordance with the City of Hayward standard details. A standard sanitary sewer manhole shall be constructed at the end of the sewer mains.
20. The sewer main shall be located 6-feet from the face of curb within Lanes A, B and C as depicted on the approved Vesting Tentative Map Tract 7311.
21. Each unit shall have a separate sanitary sewer lateral.
22. The minimum separation between sanitary sewer laterals and water services shall be 6-feet.

### **Water System**

23. The on-site water system will be a public system designed to public standards with a looped design that is to be approved by the City Engineer.
24. Water service is available subject to standard conditions and fees in effect at the time of application.
25. The water main shall be located 5-feet from the face of curb.
26. The water service may require a multiple meter manifold designed per City of Hayward Standard Detail SD-219. The necessity of the manifold and its location shall be approved by the City Engineer.
27. Each unit shall be individually metered. The developer shall install individual radio read water meters behind the face of curb. The location of the meters shall be approved by the City Engineer.
28. Operation of valves on the Hayward Water System shall only be performed by City of Hayward Water Distribution personnel.

### **Utilities**

29. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, Pacific Bell Company and AT&T Broadband Company regulations, including transformers.
30. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located within the public utility easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.

31. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

### **Landscaping and Irrigation**

32. Prior to the approval of the improvement plans, a detailed landscaping and irrigation plan for the common areas and front yards shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.

33. Minimum 24" box trees shall be planted along the property frontage. The type, number, and location of these trees shall be approved by the City's Landscape Architect.

34. Construct Class B Portland Cement concrete curbs to a height of 6-inches above the finished pavement anywhere landscaped areas adjoin driveway and parking areas.

35. Landscape plans shall specify site amenities such as benches, tables, fencing, play equipment and barbecues for the common open space areas.

36. Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private terrace.

### **Walls and Trellises and Entry Features**

37. All proposed retaining walls shall be constructed with decorative reinforced concrete.

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

38. The final map shall reflect:

- a. Dedication of the Public Utility Easement within the boundaries of the proposed private streets.
- b. Dedication of public water or sanitary sewer easements within where these public utilities extend beyond the proposed private street.
- c. Dedication of a six-foot-wide public utility easement (PUE) abutting the Atherton Street right-of-way.
- d. Dedication of an emergency vehicle access easement at the north end of "Street A" as identified on the approved vesting tentative map where the access extends beyond the proposed private street.

### **Conditions, Covenants, and Restrictions**

39. Prior to the sale of any individual unit, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the common

area landscaping and open space amenities and CC&R's prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:

- a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
- b. A reserve fund shall be maintained to cover the costs of replacement and repair.
- c. The association shall be managed and maintained by a professional property management company.
- d. Provisions for towing unauthorized vehicles from the site.
- e. A requirement that a Homeowners' Association Architectural Review Committee be established to review and approve all exterior improvements; including fences, walls or changes to individual homes to ensure consistency with the CC&Rs.
- f. The site shall be maintained in good repair, and free of debris at all times.
- g. A requirement that the building exteriors and walls 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 48 hours of inspection or within 48 hours of notification by the City's Community Preservation Officer.
- h. The homeowners' association shall maintain the irrigation system and maintain the landscaping within the common area in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within 10 days.
- i. Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the "Private Landscape Easements" to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance.
- j. A tree removal permit is required prior to the removal of any tree with a diameter of 10-inches or larger.
- k. Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
- l. Each resident shall participate in the City's recycling program.

## **Subdivision Agreement**

40. 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.

## **DURING CONSTRUCTION**

41. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Director of Community and Economic Development/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 the Atherton and D Street frontages;
  - 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 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;
  - 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.
42. 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.

43. 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**

44. The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of vesting tentative map approval;

- a. Supplemental Building Construction and Improvement Tax;
- b. School Tax; and
- c. Park Dedication in-lieu fees for each unit.
- 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.

45. Any damaged curb, gutter and/or sidewalk along the Atherton and D Street property frontages shall be repaired or replaced to the satisfaction of the City Engineer.

46. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.

47. 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.

48. 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.

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

50. The street light electroliers along both the private and public streets shall be in operating condition as approved by the City Engineer.

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

51. 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.

52. All common area landscaping, irrigation and other required improvements shall be installed and attested to by the City Landscape Architect prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
53. An AC overlay along the Atherton Street frontage may be required by the City Engineer, if it is determined that it is necessary due to deterioration resulting from heavy traffic during the construction.
54. The improvements associated with the Pacific Gas and Electric Company, Pacific Bell Company and AT&T Broadband shall be installed to the satisfaction of the respective companies.
55. 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, Pacific Bell facilities, AT&T Broadband, etc; and
  - b. All the site improvements, except landscaping species, buildings and appurtenant structures.