



**CITY OF HAYWARD
AGENDA REPORT**

Planning Commission

Meeting Date: 05/10/01

Agenda Item: 1

TO: Planning Commission

FROM: Erik J. Pearson, Associate Planner & Tim Koonze, Development Services Specialist

SUBJECT: Use Permit No. 01-160-02 & Tentative Map Tract 7306 – The Olson Company (Applicant); Annie Garcia & Leonard Perrillo (Owners): Request to develop 19 single family detached condominium units on 1.79 acres. The property is located at 24807 – 24899 O’Neil Avenue in the RH-SD2 (High-Density Residential with the Special Design Overlay) Zoning District.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15332, *Infill Development Projects*; and
2. Approve the use permit, subject to the attached findings and conditions of approval; and
3. Approve the tentative tract map, subject to the attached findings and conditions of approval.

BACKGROUND:

This property was zoned Industrial (I) District when the City adopted its Zoning Ordinance in 1959 and in 1989 the zoning was changed to Medium-Density Residential (RM). In 1991 the Mission-Foothills Neighborhood Task Force recommended this area to be rezoned from Medium-Density Residential to High-Density Residential (RH) in order to provide more opportunities for affordable home ownership. The City Council concurred with the Task Force and approved the rezoning in 1992. None of the units are proposed to be “affordable”, but the project does provide for lower cost owner-occupied single-family housing, as the homes are not located on individual lots of traditional size.

On November 12, 1998, the Planning Commission approved a 14-unit condominium project on 0.82 acres to the north of the subject site located at 24709 O’Neil Avenue (SPR-98-130-11/Tract 7040). On November 2, 2000, the Commission extended that approval to expire on

November 12, 2001. Only one lot separates that project from the application now being considered. In an effort to connect the two projects, the applicant contacted the owner of the house in between and he was not interested in moving. If this parcel is developed in the future, there will be three separate subdivisions in a row. Each project will have direct access from O'Neil Avenue, but none will be interconnected.

Setting

The property is located at the corner of Orchard and O'Neil Avenues, in the Mission Foothills Neighborhood Plan area. The site is approximately 1.8 acres, and is in the High-Density Residential with the Special Design Overlay (RH-SD2) zoning district.

The site is currently developed with three single-family residences and six accessory buildings. Immediately to the north is a single-family residence situated on an approximately $\frac{3}{4}$ acre parcel. The BART tracks and the Western Pacific Railroad both border the west side of the property. On the south side of the property is a landscaped portion of the Orchard Avenue right-of-way, which is a relatively large area due to the slope for the underpass.

Project Description

This proposal includes the creation of 19 condominium units to be developed as detached single-family homes. All homes will have three bedrooms and range in size from 1240 square feet to 1619 square feet. Each home will have a fenced private yard area, a two-car garage, and some units have driveways long enough to provide additional off-street parking. Two of the lots will have tandem garages. The four homes along O'Neil Avenue will face O'Neil and have their garages face the internal streets. All homes will meet the City's Design Guidelines as required in the conditions of approval.

The RH District allows for multiple-family dwellings as a primary use. Single-family dwellings are permitted as a use allowed with an administrative use permit, however, due to the fact that the project involves a Tentative Tract Map, staff is presenting the project to the Planning Commission for consideration. Staff has also brought the Use Permit to the Commission because the project is somewhat unusual in that it involves multiple single-family dwellings arranged on non-standard lots with condominium ownership. The RH zoning requires a minimum lot area of 1,500 square feet (gross area) per unit. The proposal has approximately 4,104 square feet per unit (gross area) or 2,889 square feet of net area (exclusive of streets) per unit. In effect, the project is a hybrid between a multi-family development and single-family dwellings.

The General Plan designation for the site is High Density Residential (HDR) which allows for a density range of 17.4 to 34.8 dwelling units per acre. For the 1.79-acre parcel this equates to 31 to 62 units. The proposal, with a density of 10.6 dwelling units per acre is well below the maximum number of units permitted by the General Plan. Currently there is no policy to require a *minimum* density.

Discussion – Use Permit

The High-Density Residential (RH) Zoning District regulations require 20-foot front and rear yard setbacks and 10-foot side yard setbacks at the perimeter of the site. The proposal meets the minimum setbacks as proposed. The maximum lot coverage permitted is 65 percent. The project will cover 0.42 acres or 23 percent of the site with structures. All of the buildings are between 20 and 22 feet tall and are well below the 40-foot height limit for multiple-family high-density units. The dwellings will also be below the 30-foot height limit normally applied to single-family residences.

For multi-family (attached) projects with more than three units, the RH zone requires 350 square feet of usable open space per unit, 100 square feet of which must be group open space. While this equates to 6,650 square feet total for 19 units, the project offers a total of 14,985 square feet of usable open space. Each unit has a private fenced-in yard ranging in size from 301 to 1,300 square feet¹. The project also includes a common open space area of approximately 1,450 square feet between units 10 and 11, which is required to be developed with recreational amenities. With 19 units in the project, 1,900 square feet would normally be required. Although the project provides only 1,452 square feet of group open space, the private yards average 712 square feet, which exceeds the total open space typically required in the RH zone.

The project is located within the Mission Corridor Special Design Overlay District (RH-SD2) which requires a Spanish Ranch style with low pitched tile roofs, textured warm earthtone of off-white colors, French doors and windows, and wooden elements such as exposed posts and beams. These requirements are intended for multi-family units designed to surround a central courtyard.

The homes are broken in their mass by varied low-pitched hip and gable tile roofs with variations in building façades including pop-out elements, decorative windows and pipe vent accents. Three of the five front elevation plans have arched entries. In order to help meet the design standards for the overlay district, staff has included a condition of approval in Attachment C requiring trowel-textured stucco on all exteriors. As conditioned, staff believes that the project complies with the spirit of the overlay district and the City of Hayward Design Guidelines.

Section 10-1.545(i) of the Zoning Ordinance requires a 10-foot wide landscaping strip along the property line abutting the BART right-of-way. This section further requires a minimum of one 15-gallon buffer tree be planted for every 20 lineal feet of property line and that “the approving authority may waive the requirement if it would not accomplish the intent of City policies as they relate to landscaping due to existing structures or other obstructions to viewing landscaping.” The acoustical consultant (see attached report dated February 1, 2001) has recommended a 14-foot high soundwall to mitigate the impacts of the passing trains for the

¹ Private yard areas were calculated by the applicant based on *usable* areas with a minimum dimension of 10 feet.

new homes. The applicant has noted that creating a 10-foot wide landscape strip on the BART side of the wall would create problems for maintenance access to the area. Staff concurs and recommends that the requirement be waived. The applicant will, however, plant the required buffer trees on the project side of the wall. The landscape strip was not required for the project located at 24709 O'Neil Avenue nor for Atherton Place, both of which are adjacent to the BART tracks. Staff has recommended that vines be required on the BART side of the wall as was required for Tract 7040. The BART side of the wall is accessible for maintenance purposes via the Orchard Avenue right-of-way at the south end of the wall.

A concern of staff's with the project is the availability of parking, especially when residents entertain guests. Every unit will have a two-car garage meeting the minimum interior dimensions. Only seven of the 19 units have driveways long enough to accommodate parking. The project will have six spaces available for visitors. If the project were considered a multiple-family development, 2.1 parking spaces would be required for each unit or 40 spaces total. The proposal includes 44 parking spaces. There will also be a parking lane provided on O'Neil Avenue, which will accommodate seven spaces along the project frontage.

Lots 3 and 8 are situated such that adequate space is not provided for vehicles to back out of the garages without having to either make a three-point turn or back more than 100 feet. Staff has informed that applicant that this situation is unacceptable, however the applicant feels that requiring residents to make a three point turn when backing out of a garage is reasonable. Staff has studied the map to see if there is a way to adjust the locations of the buildings and roadway curbs. The only option staff could find is to remove one of the residences to allow more area for sufficient roadway/backout space. The Commission may decide to either accept the plan as it is designed or require that the lots and roadways be rearranged (most likely losing a unit) such that a three-point turn is not necessary. It is staff's recommendation that the tentative map be revised to meet City standards for vehicle turn around space.

Discussion – Tract Map and Utilities

The project is proposed as a condominium subdivision in order to achieve ownership of detached single-family homes at a higher density. To create individual lots would have required a zone change to a planned development that would have produced extremely small parcels ranging in size from 1,850± sq. ft. to 3725± sq. ft. and created numerous private use, common area and utility easements. A condominium project eliminates the small lots and greatly reduces the number and types of easements while still allowing individual ownership of the units. A homeowners association will maintain all common areas and front yards, however, each unit will be afforded a fenced private yard area that will be maintained by the individual unit owners.

Consistent with smart growth principles, the interior street curb radii were reduced from the standard 20 feet to 10 feet in order to promote a more pedestrian friendly movement. There are facilities within Orchard and O'Neil Avenues that can adequately serve the project. The sanitary sewer and water mains within the subdivision are public systems owned and maintained by the city of Hayward. The on-site storm drain system will be a private system

owned and maintained by the homeowners association. The system will be designed to be sensitive to the trees to be saved as recommended in the arborist report prepared for the project as discussed below.

ENVIRONMENTAL REVIEW:

The proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15332, *Infill Development Projects*. In order to qualify for this exemption a project must satisfy several conditions including, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. To ensure that the project would not result in any significant environmental impacts, the following reports have been submitted by the applicant: a tree report prepared by a Certified Arborist, a noise analysis and a vibration analysis prepared by an acoustical consultant, and Phase One and Phase Two Environmental Site Assessments which document the presence of hazardous materials on the site.

Trees

The applicant has submitted a report by Hortscience, Inc. dated January 2001. The site was surveyed and the report prepared by a Certified Arborist. The arborist surveyed 82 trees (eight of which are located in the City's Orchard Avenue right-of-way) representing 24 species, the most common species being California incense cedar. Seven (7) trees were rated as being in good condition and suitable for preservation. Six (6) trees are recommended to be preserved, some of which are rated as being in moderate condition. Three of the trees to be saved are along the northern property line, which are incense cedars and will require a storm drain line to be relocated to avoid damage to the trees' roots. This has been made a condition of approval. Two of the trees to be saved, located along the southerly property line, will require the elimination of a portion of the storm drain line behind units 16 and 17. This has been included in the conditions of approval in Attachments C and E. The arborist recommends removal of some trees located within the Orchard Avenue right-of-way, however, these trees may only be permitted to be removed by the City Landscape Architect if deemed appropriate upon review of the final landscape plan.

There is a 30-inch diameter California bay tree located near the entrance to the project near O'Neil Avenue that the arborist report rates as being in moderate condition. The tree provides a nice canopy over the street and would be of great aesthetic value to retain it. The City's Landscape Architect feels that the tree is a healthy specimen worthy of protection. It has been made a condition of approval that the entrance be redesigned to protect the tree. Please note that in order to preserve the tree, yard areas for one of the dwellings may be reduced. If the yard area must be reduced to less than 350 square feet, the units will be required to be made a duplex.

Noise/Vibration

Reports prepared by acoustical consultants Charles M. Salter Associates, Inc. dated February 1, 2001 and March 19, 2001 address noise and vibration impacts respectively. The noise analysis concludes that a soundwall constructed 14 feet above grade will "attenuate the noise levels in outdoor use areas to meet the City's 'conditionally acceptable' noise goal for outdoor use areas." In order to meet the indoor noise limit, STC 35 windows are required for the second floor of Lots 8 through 12 and STC 30 windows are required for Lots 6, 7, 13, and 14. These requirements have been made conditions of approval in the Attachment C.

Charles M. Salter Associates, Inc. states that no vibration mitigation is needed for the Union Pacific Railroad which has, on average, up to 4 freight train pass-bys per day. The BART line will expose residents to train passes every 5 to 7 minutes, or over 100 pass-bys per day. The consultant recommends retaining a qualified vibration consultant to help design the homes so that vibrations will be reduced below the Federal Transit Administration's limit of 72dB. This has been made a condition of approval in Attachment C.

Phase One and Phase Two Environmental Site Assessments

Phase One and Phase Two Environmental Site Assessments have been submitted and are pending approval by the City's Hazardous Materials Division of the Fire Department. Final clearance from this Department has been made a condition of approval.

PUBLIC NOTICE:

On January 29, 2001 a Referral Notice was mailed 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 Mission Foothills Neighborhood Plan Task Force members. The Referral Notice provided an opportunity for persons to comment on the project. Staff received no public comments regarding the project.

On April 30, 2001 a Notice of Public Hearing for the Planning Commission meeting was mailed 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 Mission Foothills Neighborhood Plan Task Force members.

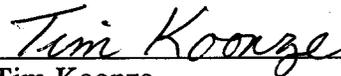
CONCLUSION:

The proposed project is consistent with adopted land use policies of the Housing Element of the General Polices Plan and the Mission-Foothill Neighborhood Plan. Both encourage high-density housing and the opportunities for home ownership. Staff recommends approval of the project subject to the attached conditions.

Prepared by:



Erik J. Pearson, AICP
Associate Planner



Tim Koonze
Development Services Specialist

Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Approval for Use Permit 01-160-02
- C. Conditions for Approval for Use Permit 01-160-02
- D. Findings for Approval for Tentative Map Tract 7306
- E. Conditions for Approval for Tentative Map Tract 7306
- F. Plans (Tentative Map, Utilities, Landscape Plan, Architectural)

FINDINGS

USE PERMIT APPLICATION NO. 01-160-02

The Olson Company (APPLICANT)
Annie Garcia & Leonard Perrillo (OWNERS)
24807 - 24899 O'Neil Avenue

Findings for Approval – Request to develop 19 single family detached condominium units on 1.79 acres.

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15332, *Infill Development Projects*; and
- B. The proposed project is desirable for the public convenience and welfare in that it provides much needed housing to the community at large in that the units will be owner-occupied and maintained by a homeowners association; and
- C. The proposed condominium subdivision will not impair the character and integrity of the zoning district and surrounding area in that the design and materials incorporated in the buildings and the landscaping improvements will enhance and be complementary and compatible with the architectural character of the surrounding commercial and residential area in that the project incorporates Spanish mission style architectural elements required by the zoning district; and
- D. The proposed project will not be detrimental to the public health, safety, or general welfare in that the proposal will meet all requirements of all applicable Building and Fire codes; and
- E. The proposed use is in harmony with applicable City policies and the intent and purpose of the Residential High Density Zoning District in that it provides a higher density of residential units while maintaining a single-family appearance and ownership; and
- F. That the proposal is consistent with the policies and strategies of the Mission Foothills Neighborhood Plan.

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. 01-160-02

The Olson Company (APPLICANT)
Annie Garcia & Leonard Perrillo (OWNERS)
24807 - 24899 O'Neil Avenue

1. The proposed improvements shall be constructed and installed according to the plans labeled Exhibit "A", except as required to be modified by these conditions of approval. This approval is void two years after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modifications to the approved plans or conditions shall require prior review and approval from the Planning Director.
2. Prior to final inspection/occupancy, all improvements and conditions of approval shall be completed to the satisfaction of the Planning Director.
3. The final map shall be filed and approved by the City and in the County Records Office prior to the issuance of a certificate of occupancy of any home with the exception of those homes used as models.
4. A vibration consultant shall be retained to determine proper mitigation in the design of the residences subject to vibrations exceeding the Federal Transit Authority's standards. The mitigation shall reduce the vibrations to a level below the Federal Transit Authority's standards and shall be incorporated into the construction plans.
5. A 14-foot soundwall shall be constructed along the westerly property line as recommended by the acoustical consultant and as shown in the architectural drawings.
6. STC 35 windows shall be installed on the second floor of Lots 8 through 12 and STC 30 windows shall be installed on the homes on Lots 6, 7, 13, and 14 as recommended by the acoustical consultant. All window specifications shall be noted on the construction plans.
7. Mechanical ventilation (i.e., air conditioning systems) shall be installed in units 6, 7, 8, 12, 13 and 14 to ensure that windows can remain closed for a prolonged period of time and to comply with the fresh air exchange requirements by the Uniform Building Code.
8. In units not required to have air conditioning, ventilation systems shall be designed to easily accommodate an air conditioner.
9. The garage of each unit shall be maintained for off-street parking and shall not be converted to living area or storage. This requirement shall be incorporated into the project's CC&R's.

10. Open parking spaces shall not be used by project residents. Spaces shall be marked as "visitor only". Vehicles parked contrary to this provision shall be removed by the project homeowners association. This requirement shall be reflected in the CC&Rs of the homeowner association.
11. Each unit garage shall be equipped with an automatic garage door opening mechanism.
12. Utility meters shall be located at the side of the condominium units and shall be screened by plant material or other approved material and shall provide sufficient distance for reader access.
13. No external individual television or radio transmission or reception antennas shall be permitted except for small satellite dishes inconspicuously located; a central television reception antenna or enclosed attic antennas shall serve all dwelling units; cable television transmission lines shall be underground.
14. Mechanical equipment, such as air conditioners, shall be prohibited on the roof of any building.
15. The homeowners association shall maintain in good repair all building exteriors, fencing, parking surfaces, landscaping, irrigation system, lighting, drainage improvements, soundwall, etc.
16. The site plan shall be revised to show fencing at least 5 feet from curbs.
17. The site plan and tentative tract map shall be revised to provide adequate vehicle turn around space so that no vehicle is required to make a three point turn when backing out of a garage. Turning radii shall be approved by the City Engineer.
18. The building plans shall show building exteriors to be finished with a trowel textured stucco.
19. Colors and material samples for all exteriors shall be submitted for approval by the Planning Director. Any changes in color shall be approved as a modification to the Use Permit approval and by the Homeowners Association.
20. Street lighting shall be of a decorative Spanish design and shall be so noted on the construction plans.
21. The street intersection with O'Neil shall be redesigned to avoid tree number 692 (the 30-inch California bay tree). The redesign shall not result in usable yard areas less than 350 square feet and may result in two units being combined into a duplex.
22. The plans shall be revised to provide adequate back out space for units 3 and 8 to the satisfaction of the City Engineer.
23. Fence locations shall be adjusted per Exhibit A.

24. In order to meet the City's Design Guidelines, at least 50 percent of the houses shall include the following features:
- Additional stories (considered the area above the first floor plane) should be smaller in area than the first story, with the stairwell being considered in the calculation. At least one side building wall above the first floor level should be set in from the minimum side yard setback so as to minimize the appearance of bulk associated with the homes.
 - The height of at least one second-story exterior side building wall should be lower than the opposite side building wall.

Landscaping Conditions:

25. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans for all common areas and the area between Orchard Avenue and the south property line 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*. Plans shall include recreational amenities (such as benches, tables, barbecue or a swing set) in the group open space between units 10 and 11.
26. Vines shall be planted on both sides of the soundwall using small holes evenly spaced in the wall to allow the vines to grow on both sides from one plant.
27. As required by the Planning Director, a street tree plan and common area landscaping and irrigation plans shall be submitted for review and approval by the City either prior to approval of improvement plans or prior to the issuance of building permits. Front common areas shall be limited to a maximum 50% Fescue turf. One 24" box interior street tree shall be provided at each unit. Trees shall be planted according to the City Standard Detail SD-122.
28. 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 occurs first.
29. 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.
30. 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 common area landscaping, open space amenities and sound walls. 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.

31. The homeowners association shall be responsible for maintaining the front yard landscaping and street trees, replacing any dead or dying plant material and repairing or replacing fences and walls. This shall be reflected in the CC&R's.
32. Park Dedication In-Lieu Fees are required for each new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.
33. Trees to be removed and to remain shall be indicated on the Landscape and Grading plans. Trees to be removed shall approved by the City Landscape. A tree removal permit is required prior to the removal of any tree 10" in diameter, or larger. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
34. 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 if 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.
35. 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.
36. Storm drain lines and permanent yard fencing shall be sensitive to the trees prescribed to be saved by the arborist in the report by Hortscience dated January, 2001. This shall be reflected on the Final Map.
37. Final improvement plans shall be accompanied by a report from the project arborist listing adequate protection measures to ensure the long-term health of trees 640, 642, 643, 681, 683, 684 and 692.

Fire Department Conditions:

38. Phase One and Phase Two Environmental Site Assessments shall be approved by the City's Hazardous Materials Division of the Fire Department and any other responsible agencies prior to the issuance of any permits.
39. A new fire hydrant shall be installed at lot #5. Type of fire hydrant shall be modified steamer capable of flowing 1500 GPM @ 20 PSI.
40. Building addresses shall be installed so as to be visible from the street. Minimum 6" address numbers of 4" self-illuminated numbers are acceptable.

Utilities

41. Proposed water layout needs revisions before approval can be granted. All water mains within the development must be 5 feet from face of curb. Eliminate the portions of dead end mains and relocate proposed water meter locations serving units 4, 9 & 18.
42. Show proposed fire hydrant locations on plans.
43. Remote read water meters shall be installed as per City of Hayward Utility standards.
44. Please add the following notes to plans:
 - a. The property owner shall provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
 - b. Operation of valves on the Hayward Water System shall be performed by City of Hayward Water Distribution Personnel Only.
 - c. Water and Sewer service shall be made available subject to standard conditions and fees in effect at time of application for service.

**FINDINGS FOR APPROVAL
TENTATIVE TRACT MAP 7306**

- A. That approval of Tentative Tract Map 7306, 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.
- 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 7306**

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.

A. 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 with a 24-foot-wide curb to curb street section within a 25-foot-wide right-of-way. The street section shall be designed to public street standards and shall comply with City Standard Detail SD-102.
2. The entrance to the private street shall be designed per City Standard Detail SD 110A utilizing a 30-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 six curb returns on the main interior street shall have a 10-foot radii.

O'Neil Avenue

5. The street improvements within O'Neil Avenue shall conform to a 48-foot-wide curb-to-curb street section within a 68-foot-wide street right-of-way. The street improvements may be modified as necessary to save the existing 30-inch California bay tree.

6. Streetlights, that conform to City Standard Detail SD-120, shall be installed across the O'Neil Avenue property frontage. The locations of these lights shall be approved by the City Engineer.

Storm Drainage

7. The subdivision storm drain system shall be a private system owned and maintained by the homeowners association.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.

Sanitary Sewer System

15. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application.

16. The on-site sanitary sewer system shall be a public 8-inch building court main, designed in accordance with the City of Hayward standard details.

17. Each unit shall have a separate sanitary sewer lateral.

Water System

18. Water service is available subject to standard conditions and fees in effect at the time of application.

19. 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.

20. Each unit shall be individually metered. The developer shall install individual radio read water meters.

Utilities

21. 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.

22. Street lighting shall be installed along O'Neil Avenue on both street frontages in accordance with City of Hayward Standard Detail SD-120. The location of the streetlights shall be approved by the City Engineer.

23. 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.

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

Landscaping and Irrigation

25. 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*.

26. 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. It shall be

noted in the CC&Rs that the trees must be maintained or replaced if necessary in perpetuity.

27. 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.
28. Landscape plans shall specify site amenities such as benches, tables, fencing, play equipment and barbecues for the common open space areas.
29. 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

30. All proposed retaining walls shall be constructed with decorative reinforced concrete and finished with natural rock or an equivalent surface.

Dedications, Easements and Encroachment Permits

31. The final map shall reflect:
 - a. Dedicate a 9-foot-wide strip of land across the O'Neil Avenue property frontage to achieve an ultimate 68-foot-wide right-of-way, 34 feet on either side of the street centerline. The street improvements may be modified to save the existing 30-inch California Bay tree.
 - b. Dedication of a 6-foot-wide public utility easement (PUE) abutting the O'Neil Avenue right-of-way.
 - c. Dedication of public utility easements (PUE) abutting the proposed private street right-of-way. The location and PUE widths shall be approved by the City Engineer.
 - d. Dedication of public water or sanitary sewer easements where these public utilities extend beyond the proposed private street.

Conditions, Covenants, and Restrictions

32. 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 structure or color of the 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

33. 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

34. 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 on O'Neil Avenue;
 - 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.

35. 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.
36. The minimum soils sampling and testing frequency shall conform to the recommendations of the soils engineer and Chapter 8 of the Caltrans Construction Manual.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

37. 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 issuance of a building permit;
 - 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.
38. Any damaged curb, gutter and/or sidewalk along the O'Neil Avenue property frontage shall be repaired or replaced to the satisfaction of the City Engineer.
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.
43. 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

44. 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.
45. An AC overlay along the O'Neil Avenue 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.
46. 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.
47. 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.