

CONDITIONS OF APPROVAL

*As amended By the City Council on May 26, 2015 - Conditions No. 58 and No. 120 amended;
Revised text shown to **bold, italic underline** font.*

**LA VISTA DEVELOPMENT
28816 MISSION BOULEVARD
Vesting Tentative Tract Map Application No. PL-2005-0156 TTM 7620;
General Plan Amendment Application No. PL-2005-0157 GPA;
Zone Change Application No. PL-2005-0158 ZC**

The DeSilva Group (Applicant)

The effective date of these approvals shall be the same as the effective date of the recordation and execution of documents associated with annexation of the property into Hayward.

Planned Development District No. PL-2005-0158 ZC to accommodate construction of 179 single-family homes shall be developed according to these conditions of approval and in substantial conformance with the preliminary development plan labeled in the City files as "Exhibit A." Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

The Zone Change for the Planned Development District becomes void two years following the effective date of approval of the Preliminary Development Plan by the City Council, unless before that time, a Precise Development Plan is submitted. A one-year extension for the Preliminary Development Plan, approval of which is not guaranteed, may be granted by the City Council, provided the request for such extension is submitted at least 30 days prior to the expiration of the original approval. A request for a second one-year extension, approval of which is not guaranteed, may also be granted by the City Council, provided the request for such second extension is submitted at least 30 days prior to the expiration of the first extension.

This approval is tied to Development Agreement between La Vista L.P., and the City of Hayward (Application No. 2005-0317 DA) and all conditions of approval of that agreement shall also apply to this approval.

The permittee shall assume the defense of, and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.

Any proposals for minor alterations to the proposed site plan and/or design that do not require a variance to the Zoning Ordinance standards must be approved by the Planning Director prior to implementation.

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.

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

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.

In addition to the City of Hayward Standard Specifications and Details, the following requirements and conditions apply, and shall be incorporated in the project plans and specifications as applicable:

PRIOR TO APPROVAL OF THE PRECISE DEVELOPMENT PLAN

1. Prior to submittal of improvement plans and final map(s) for the development, a Precise Development Plan consistent with the approved Preliminary Development Plan shall be submitted for approval by the Planning Director and shall include detailed landscaping and irrigation plans, detailed plans for all site amenities, including decorative paving, decorative electroliers, fencing, sign and entry features, detailed architectural and lighting plans, samples of exterior colors and building materials, and screening of all above-ground utilities, transformers and utility meters. The precise plan shall also reflect the ultimate configuration of the streets and other public improvements, including those associated with the community park/detention basins, additional park area/detention basins or, if applicable, the community center. The Precise Development Plan shall include/address the following:
 - a. A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b. A color and materials board, consistent with that proposed with the preliminary development plan, shall be submitted to the Planning Director for review and approval. No changes to colors shall be made after construction unless previously approved by the Planning Director.
 - c. Adjustments that can be easily accommodated are to be made to lot lines for certain lots to make them compliant with the City’s minimum side yard setback standards, including lots 54, 57,105, 164 and 165, 171, 172 and 173 and 179.
 - d. Enhanced rear elevations shown in the submitted plans indicated as “Exhibit A” shall be used for units on certain street corners (lots 1, 33, 85, 96, 112, 130, 146 and 175) as well as for units on lots along the western and southern perimeter of the development that would be visible from the proposed park area and from nearby residences (lots 1 through 13, 54 through 56, 164 through 171, and 175 through 179).
 - e. No solid wood fencing is allowed along the slopes between rows of homes, except along the base of the slopes on “downhill lots,” nor is solid wood fencing allowed along the rear perimeter of any lots that abut the eastern slopes (lots 56 through 74, 172 and 179), nor along the rear perimeter of lots overlooking the parkland (lots 1 through 13).
 - f. Details and heights of all proposed retaining walls shall be included. All retaining walls shall be constructed of reinforced concrete or be keystone walls, with a decorative facing, approved by the Planning Director and the City Engineer. No retaining wall shall exceed six feet in height, as measured from finished grade.
 - g. Show details for all fencing and walls proposed throughout the development, including retaining walls proposed along the base of sloped between rows of homes.

Masonry walls along perimeter property lines or open space shall be screened with vines and shrubs.

- h. Show details of the proposed two sets of walls, signs and entry columns, the entry monolith and other improvements proposed at the Tennyson Road development entrance, the entry feature at the southern entrance and the landscaping, trails and paths within common open space areas, to be consistent with the architectural style of the project. Such features shall not impede sight distance for drivers in vehicles and shall be reviewed and approved by the Planning Director. The height of the entry columns shall be reduced and one of the two entry walls/columns shall be eliminated, to provide entry features that are more compatible with the rural, open setting of the surrounding area.
- i. No development signage is allowed along Mission Boulevard at Tennyson Road. No other entry features are allowed along Tennyson Road, except those near the entry to the subdivision, in the location as shown on the preliminary development plan.
- j. Pavers and road treatments as shown on the project landscape plans along the Tennyson Road extension within the development shall be required. The specific location, design and materials shall be approved by the Planning Director.
- k. Mitigation Measure I-d: In accordance with MG EIR Mitigation Measure 4.1-3, a detailed lighting plan shall be provided, to be submitted as part of a precise development plan, to incorporate fixtures that shall ensure that lighting off of the project site will be minimized, to prohibit landscape uplighting, with fixtures and plan to be approved by the Planning Director.
Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of homes within the project.
- l. As required by the Planning Director, a street tree plan and landscape and irrigation plans for front yards plus any side or rear yard slopes shall be submitted for review and approval by the City. Where lots have slopes within the property that are 3:1 or greater, all such slopes should be landscaped and irrigated by the developer. Front yards shall be limited to a maximum 50% Fescue turf.
- m. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas.
- n. Standard driveway flares shall be provided at each unit to prevent vehicles from driving over required landscaping and irrigation. A minimum of 5 feet of landscaping shall be provided between the driveways on 2 pack lots.
- o. Given the reduced setbacks of the homes to the back of sidewalk or curb, the joint trench will need to be located within the street to allow installation of required front yard landscaping.
- p. All exposed drainage systems shall be constructed of materials that blend with the natural environment (e.g., grassy swales or river rock).
- q. Show an exterior hose bibs for each private yard, patio or porch area on the ground floor.
- r. Details of address numbers shall be provided. Address number shall be decorative. Building addresses shall be minimum 4-inch self-illuminated or 6-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.

- s. If grouped mailboxes are proposed, they shall be comprised of high quality locking mailboxes within covered decorative shelters. The locations, design, material and color of these structures are to be consistent with the overall project design theme and to be approved by the Planning Director.
- t. All air conditioners and utility connections for air conditioners shall be located such that all external equipment is located within an area that can be screened, and located so as to minimize noise impacts on adjacent properties. Infrastructure for air conditioning systems is required to be installed as a standard feature.
- u. Garbage and recycling receptacle areas shall be adequately screened from public view with landscaping and/or solid screens, to be approved by the Planning Director, or be provided within garages, in which case shall be clear of the required parking area for two cars.
- v. All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened from the streets with minimum five-gallon shrubs and/or an architectural screen, to be approved by the Planning Director.
- w. No mechanical equipment shall be placed on the roof unless it is completely screened from view by the proposed roof structure. Roof apparatus, such as vents, shall be painted to match the roof color. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by Building Code.
- x. Regarding the architectural details/plans for submittal with the Precise Development Plan:
 - i. The variety of garage door designs/details as shown on architectural plans marked as “Exhibit A,” associated with the Preliminary Development Plan, shall be incorporated into final design.
 - ii. The stone veneer trim proposed for Plan 1B shall be used for the trim around the front entry door and garage door.
 - iii. For some of the Plan 2 units in the “two-pack” arrangement, a freestanding wood trellis/arbor over the driveway by the garage shall be incorporated, to provide opportunities for landscaping/vines that would help visually “separate” such units from the adjacent Plan 3 units.
 - iv. For Plan 2A - left elevation, the stone veneer should be continued over the entire wall section in the left-front portion of the home.
 - v. For Plan 2D, the trim around the front entry arch should be stone veneer or some other natural-appearing material, other than stucco, to provide some architectural interest and accentuation of such feature. (Same comment applies to the arch on the front elevation of Plan 3A.)
 - vi. For Plan 2A - enhanced rear elevation, additional wrought iron details should be incorporated into the second floor elevation, outside the master bathroom windows.
 - vii. For Plan 4, rear elevation, consideration should be given to providing additional features and massing (i.e., arch, trellis, etc.) to the support structures for the second floor balcony, to make the balcony appear to be more of an extension of the main structure.
- y. All plant material must be fire, drought, and deer resistant. All areas within 100 feet of the lots must have permanent irrigated landscaping.

- z. The non-irrigated slopes need to be pulled farther away from the project entry, the new houses behind lots 1 through 13, along the street behind lots 55 and 56, and in front of the existing houses to the south where the new road extends to the south, or shall be irrigated. Where areas are proposed to remain in permanent non-irrigated slopes, a method for the short term and long term maintenance for these slopes must be proposed and approved as part of a Fuel Management Plan.
- aa. *Schinus molle* is not on the list of fire resistant plants and should not be used on this site, to be substituted with another species acceptable to the City Landscape Architect, such as *Pistache chinensis* or California native species such as Bay, Buckeye, Redbud, Pacific Dogwood, California Sycamore, or Vine Maple.
- bb. Additional landscaping to be consistent with the approved Fuel Management Plan, shall be provided along the rear property lines of those lots located along the west side of Street “A,” to provide screening of the rear yard areas of those homes.
- cc. Pedestrian access from the development shall be provided as shown on the submitted Preliminary Development Plan marked in the City’s files as “Exhibit A,” with the following enhancements: all paths and trails shall be extended to the community park site from the development, an additional path/trail shall be provided between lots 13 and 55, an additional path/trail shall be provided from the park site to Tennyson Road in the western portion of the tract, to accommodate pedestrians walking up Tennyson Road towards the park. These areas shall include permanent landscaping and entry features.
- dd. Street trees shall be provided in accordance with the City’s standards, which require one 24-inch box tree in the front yard of each lot. Also, 24-inch box trees are required at a minimum average density of at least 20 to 40 feet on center (depending on the species of the trees that are chosen) along all streets within the development and along all portions of Tennyson Road and along the Alquire Parkway connector road leading to the development from the south. Distances between street trees along roads can be varied, but there shall not be any gaps of over 50 feet between trees and the total number of trees shall equal the minimum required.
- ee. Shrubs shall be planted along disturbed slopes to provide for re-vegetation and naturalization of these areas, to be approved by the City’s landscape architect.
- ff. In accordance with the City’s Tree Preservation Ordinance, trees shall be provided to mitigate for any protected trees that are removed, with such trees to be at least equal in value to the trees that are being removed. These mitigation trees are required to be in addition to any required street trees, screening trees, or parking lot trees.
- gg. A Fuel Management Plan and Homeowners’ Educational Addendum is required for the development.
- hh. In accordance with Fire Code requirements for Planned Unit Developments and with the Mission-Garin Area Special Design District standards, an exception to the 12% maximum road grade standard shall be secured from the Hayward Fire Department and the City Engineer, and a determination made by the Planning Director that steeper grades would minimize significant grading.
- ii. A phasing plan shall be submitted with the Precise Plan for approval by the Planning Director, which shall include the possible phasing of common area improvements.

PRIOR TO APPROVAL OF, OR RECORDATION OF, THE FINAL MAP(S)

- 2. The unincorporated territory involved within the boundaries of the vesting tentative map (Tract 7620) shall be annexed into the City of Hayward.

Inclusionary Housing Plan

- 3. Prior to recordation of the final map or first final map, the applicant shall purchase the approximately 3.53 acre property located at the northeast corner of North Lane and Saklan Road (22958 Saklan) in Hayward, shall demolish existing structures and “clean” the property of environmental contaminants, shall sell such property in fee simple to Eden Housing, Inc., for the price of \$1.00 and shall pay for required off-site improvements for such project.

In accordance with the applicant’s Inclusionary Housing Plan, applicant will assure that 27 rental units, affordable to low and very low income households, are constructed as part of a 72-82 unit rental housing development to be built by Eden Housing, Inc. on that property. The balance of the units may be reserved for possible future affordable housing obligations for other properties in which the applicant would have an equitable interest, to be used within five years from the effective date of the associated development agreement.

Also, in accordance with applicant’s Inclusionary Housing Plan, no more than 50 building permits shall be issued for applicant’s La Vista development prior to the commencement of site work for the Saklan Road development. Furthermore, building permits for an additional 50 more housing units on the La Vista Development may be issued if it is determined by the City that substantial progress has been made in development of the Eden Housing site. In the event the Saklan Road project does not reach Certificate of Occupancy for 27 rental units affordable to low and very low income households, applicant shall make 27 units of ownership housing in the La Vista Quarry development available for purchase by households of moderate income at a price set forth for such units in accordance with the City’s Inclusionary Housing Ordinance.

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:

Recreational Facilities

- 4. The applicant shall construct improvements, including drainage facilities, detention basins and maintenance roads and recreational amenities, such as playfields, play structures and trails/paths and parking areas within the approximately 30-acre area designated as Parcels B and P on the vesting tentative tract map, with the costs of such improvements to be equal in value to the required park dedication in-lieu fee in effect at the time building permits are issued for the development. Such fees associated with this Planned Development equal

approximately \$2.14 million, as of July 1, 2005. Such improvements are to be approved by the City after consultation with the Hayward Area Recreation and Park District and shall be reviewed as part of the Precise Development Plan review process.

5. The future construction of a new Community Center shall meet Fire Department access requirements.
6. Prior to issuance of first building permits, the applicant shall contribute \$1.5 million toward construction of a new community center to be located within Parcel B as shown on the vesting tentative tract map, or in the general vicinity. Such contribution shall be in addition to any other obligations.

Streets

7. An Encroachment Permit must be obtained prior to the start of any construction within the City of Hayward right-of-way.
8. An Encroachment Permit must be obtained from the California Department of Transportation (CalTrans) prior to the start of any construction within their right-of-way.
9. Upon any necessary repairs to the facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners association established to maintain the common areas within the subdivision boundary.
10. The site plan shall be reviewed with the Fire Department and Engineering and Transportation Division to ensure that the street and driveway layout is adequate to provide access for emergency, service and utility vehicles, and other commercial trucks. Changes may be necessary including increasing corner radii, driveway widths or intersection alignments.
11. As was originally intended, the temporary traffic signal at the intersection of the La Vista Quarry access road and Mission Boulevard shall be removed when it is no longer needed for Quarry operations, per the original Caltrans' approval of the signal. Removal and modifications to the intersections shall be approved by Caltrans and the City Engineer.
12. The La Vista Quarry access road shall be removed and the area revegetated, to the satisfaction of the City Engineer, CalTrans and the City Landscape architect, prior to acceptance of subdivision improvements.

Tennyson Road

13. The public street (Tennyson Road) shall be extended from Mission Boulevard to the development to provide access for the subdivision. The developer shall obtain, and grant to the City, all necessary right-of-way and slope easements to construct a 36-foot wide street within a 60-foot right-of-way, excluding those portions that cross the State's property. The street shall have a four-foot wide separated sidewalk along one side, extending the full length from Mission Boulevard to the subdivision.

14. The intersection with Mission Boulevard shall be modified to accommodate required traffic lanes, medians and signal equipment. The design for these improvements must be approved by both the City and CalTrans prior to construction.
15. Handicap ramps shall be installed where required by the City Engineer.
16. Decorative pavements shall be capable of supporting a 50,000 lb. gross vehicle weight load. Curb returns shall have a minimum radius of 30 feet at the curb face.
17. The entry features, signs and monuments shall be designed to not impede sight distances.
18. New standard streetlights shall be installed along the street frontage. The design and location shall be approved by the City Engineer. If decorative street lights will be used, the design and spacing must be reviewed and approved by both the Planning Director and City Engineer.
19. The side slopes shall be graded in a naturalistic manner consistent with landform grading techniques, and shall not be uniform engineered slopes, to be approved by the City Engineer.
20. A driveway, or, if necessary, a road approach shall be constructed to provide access to the Durazo (APN: 078C-0650-001-16 and -17), Tavake (APN: 083-0100-001-01) and Ersted (APN: 078C-0461-001-13) properties. The locations and widths shall be approved by the City Engineer. Emergency vehicle access must be provided at all times during construction.

Alquire Parkway

21. The street shall be extended with City standard curb, gutter, sidewalk and conform paving from its existing termination south of the project site to its connection with “A” Street to provide access to the subdivision. Any curb, gutter or sidewalk damaged along the existing frontage shall be removed and replaced.
22. The side slopes shall be graded in a naturalistic manner using landform grading techniques.
23. The eastern-most portions of the existing Alquire Parkway right-of-way shall be abandoned and necessary easements recorded to provide continued access for affected residents and for existing and future underground utilities. Such areas shall be revegetated and landscaped, to the satisfaction of the City Landscape Architect.
24. The connection of the driveway serving the affected residents impacted by the right-of-way abandonment shall be designed as a driveway intersection. The driveway and intersections must be reviewed and approved by the Fire Department.
25. The connection of the new road connecting Alquire Parkway to Bodega Street shall be designed as a driveway intersection. The connector road and intersection must be reviewed and approved by the Fire Department.
26. New standard street lights shall be installed along the street frontage. The design and location shall be approved by the City Engineer.

Interior Public Streets

27. The interior public streets A, B, D and E shall have a 46 foot right-of-way width, 36 feet curb to curb to allow for two travel lanes and parking. Street C shall have a 40 foot right-of-way, 28 feet curb to curb, to allow two travel lanes and parking on the west side. Street design shall utilize standard curb and gutter, and street sections shall be constructed to public street standards. Handicap ramps shall be installed to facilitate access and circulation throughout the development. Roadway slopes currently exceed the allowable 12% grade. Unless redesigned, these slopes must be approved by the City Engineer, Planning Director and Fire Department and may require additional special conditions relative to fire protection and building construction.
28. Street intersections shall be designed and constructed per City Standard Detail SD-110A.
29. Streetlights shall be installed along all street and cul-de-sac frontages. Pedestrian lighting shall be provided throughout the development, including along the trails and interior walkways. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.

Parking and Driveways

30. The applicant/developer shall provide sufficient parking spaces for the development to meet the requirements of the City of Hayward Municipal Code. Parking stall dimensions and driveways shall meet City requirements as approved by the Planning Director and City Engineer.
31. Driveways shall be constructed per Standard Detail SD-109 and shall be the same width as the garage door. Standard driveway flares shall be provided at each unit to prevent vehicles from driving over required landscaping and irrigation. A minimum of 5 feet of landscaping shall be provided between the driveways on 2 pack lots.
32. ADA compliant parking stalls and loading areas shall be located adjacent to each open space within the development. Handicap ramps and accessible pathways shall be provided throughout the project, per federal and state standards and exceptions.
33. If group mailboxes are used throughout the development, parking spaces shall be provided adjacent to the group mailboxes and shall be designated as 10 minute parking only.

Landscaping and Irrigation

34. Prior to the approval of the improvement plans, a detailed landscaping and irrigation plan for all common areas, front yard areas to fence lines and all rear slope areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
35. Prior to issuance of the first 50 building permits for homes, the developer shall form a Landscape and Lighting District to fund operation and maintenance of common areas within the development. Prior to approval of the first final map, the developer shall provide a

\$10,000 deposit to the City to cover the costs associated with formation of the District. The exact limits of responsibility for the District will be determined during processing of the Precise Plan for the development.

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 yard.

Storm Drainage

37. The on-site storm drain system within the development, excluding that located within the public right-of-way, shall be a private system owned and maintained by the homeowners association or property owners.
38. 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 reviewed and approved by the Alameda County Flood Control and Water Conservation District and the City Engineer. Development of this site is not to augment runoff to the District flood control facility downstream, Line D. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design of Line D and any augmented runoff will need to be mitigated on-site.
39. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
40. Mitigation Measure VIII-a: Per State regulations, a Notice of Intent (NOI), and Storm Water Pollution Prevention Plan (SWPPP) and Stormwater Quality Protection Plan shall be prepared and submitted to the State for review and approval. These documents shall also be submitted along with the grading permit application for review and approval by the City of Hayward. Grading and construction plans shall incorporate erosion and sedimentation control measures to be implemented during all phases of construction activities. The improvement plans for the project shall incorporate Best Management Practices (BMP's) designed in accordance with applicable provisions of the Alameda County Clean Water Program NPDES permit Section C.3, including the hydraulic sizing criteria, which will ensure that storm water runoff is treated prior to discharge from the site and that runoff rates are such that downstream impacts are reduced to the maximum extent practical.
41. Mitigation Measure VIII-c: The development plans for the site will not substantially alter the drainage pattern of the area. The development's improvement plans will incorporate BMP's, including erosion and sedimentation control measures, that will treat all water prior to discharge and will ensure that the discharge rate from the site is consistent with existing rates.
42. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.

43. 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 plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area prior to storm runoff entering a pipe system.
44. The tentative map shows several detention ponds to be used for treatment of storm water runoff. If ponds are utilized, they must incorporate access roads around the ponds to facilitate maintenance and allow access to inlet and outlet facilities.
45. The developer shall prepare a Maintenance Agreement for storm water BMP's constructed as part of this project. The Maintenance Agreement shall be reviewed and approved by the City prior to recordation with the Alameda County Recorder's Office. The Agreement shall be recorded to ensure that the responsibility for maintenance is bound to the property in perpetuity.
46. Mitigation Measure VIII-e: Proposed detention basins and project drainage system shall be designed in accordance with Alameda County Flood Control and Water Conservation District's standards, with such design to be supported via hydraulic calculations from the project engineer, to be reviewed and approved by the ACFCD and the City of Hayward Public Works Department. Any increased flow resulting from the proposed development would be required to be mitigated on-site.
47. The project streets, driveways and parking areas shall be designed to facilitate street sweeping, including the layout of the tree and handicap ramp bulb outs.
48. 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.
49. The 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 work order.
50. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
51. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
52. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.

Sanitary Sewer System

53. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application.
54. The development will impact a section of sewer main on Tennyson Road, between the Tennyson Road lift station and I-880, which is currently undersized and has inadequate capacity. A hydraulic analysis must be performed to determine the developer's exact share of the cost to upgrade this line, but this share is currently estimated to be 5%, or \$275,000. The exact amount must be determined and paid prior to recordation of the first final map for the tract.
55. The developer must extend a sewer main along the Alquire Parkway extension/connector road and the along new Bodega Street extension from the connector road to the Browne property line (APN: 083-0265-002-24), to serve the existing residences along Bodega Street.
56. The on-site sanitary sewer system shall have 8-inch public mains, designed with a manhole at all angle points and ending with a manhole. Each parcel shall have a separate sanitary sewer lateral stubbed to the edge of the street right-of-way. The main design and location shall meet the approval of the City Engineer.

Water System

57. Water service is available from the City and is subject to standard conditions and fees in effect at the time of application.
58. **The existing water system in the area is insufficient to provide adequate water service to this development. Pursuant to the terms of an agreement between the City and the developer, the City shall design and construct the water storage reservoir and pump station upgrades for the Garin Reservoir water system to provide adequate water service. The developer will reimburse the City for all costs. In accordance with the terms of the agreement, the reimbursement shall be based on a fixed, per-parcel fee. The fixed fee shall be \$20,534 per parcel for all dwelling units for which a building permit is issued. In the event that building permits for 150 dwelling units are not issued before December 31, 2021, the developer shall required to repay, in full, the outstanding amount at that time. If the developer enters onto any contract to transfer ownership of any parcel or parcels in the development prior to fully satisfying the Developer's reimbursement obligations specified in this Agreement, the Developer shall disclose this Agreement to the prospective buyer, and notify the City in writing within one business day of entering into contract for sale or conveyance of any parcels within the development. The developer shall construct the required water main extensions obtain all necessary easements and right of ways, at no expense to the City, and dedicate these to the City prior to recordation of the first final map for the tract. The City must have access to water main extensions so access roads shall be constructed as directed by the City Engineer.**
59. All water main pipes crossing a fault shall be designed per City Standard Detail SD-227.

60. Provide a new water main along the Alquire Parkway extension/connector road and along the new Bodega Street extension from the connector road to the property line, to serve the existing residences along Bodega Street.
61. Water mains shall be a looped system to prevent water quality problems. The water main at the end of Court “C” shall be extended and connected to provide a looped system, utilizing easements if necessary.
62. Mortar Lined Welded Steel or Ductile Iron Pipe is required in all easements. Control valves are required in the street prior to easements.
63. The developer must connect the proposed water main in the Tennyson Road extension to the existing main in Mission Boulevard with pressure reducing valves.
64. The developer shall provide calculations showing that the proposed water mains are adequate to supply required fire flows.
65. Fire hydrants shall be provided throughout the development and along Tennyson Road and the Alquire Parkway extension/connector road. The locations shall be approved by the Fire Department prior to start of construction. Fire hydrant locations shall be identified with blue reflective pavement markers installed in the street adjacent to the fire hydrant. .
66. Fire hydrants shall be double steamer type which shall be installed per City standards.
67. Fire flow requirements for this development shall be 3,000 gallons per minute at 20 psi. An allowance of up to 50 percent may be granted for fire sprinklers systems installed within each building.

Utilities

68. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC, Comcast and SBC Broadband Company regulations. Transformers, and switch gear cabinets, shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
69. The developer shall submit conceptual undergrounding plans with the Precise Plan submittal. Given the reduced setbacks of the homes to the back of sidewalk or curb, the joint trench will need to be located within the street to allow installation of required frontyard landscaping.
70. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.
71. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.

72. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.
73. Mitigation Measure VII-g: Recommendations of the project geotechnical engineer related to street and utility lines shall be incorporated into the project design. Such recommendations indicate that utility lines are to be placed east of the Hayward earthquake fault trace for the Alquire Parkway extension and that special design features, such as flexible pipes, shutoff valves on either side of the fault trace and use of an outer conduit, be incorporated where utility lines would cross the fault trace for the Tennyson Road extension. The design of water main pipes crossing the Hayward fault trace shall be consistent with the City's Standard Detail 227.

Fire Protection

74. Prior to issuance of a building permit for construction of a Community Center, building construction, fire protection access and available water supply shall be reviewed and approved by the Fire Department.
75. A Fuel Management Plan and Homeowners' Educational Addendum is required for the development. The Fuel Management Plan shall be prepared by a qualified consultant. A copy of the fuel management report shall be submitted to the Fire Department for review and approval, with provisions of the Fuel Management Plan to be integrated into project design.
76. The design and construction of the proposed development shall be in accordance with the City's Urban/Wildland Interface Guidelines, to include, but not be limited to
- a. Class A roofing materials;
 - b. Exterior non-combustible siding materials;
 - c. Spark arrestors on chimney caps;
 - d. Double paned windows;
 - e. Boxed eave construction;
 - f. Wire mesh vent screens;
 - g. Non-combustible perimeter fencing (unless approved by the Fire Department);
 - h. Heavy timber or non-combustible construction materials for exterior decking and balconies (that are attached to the structure), accessory structures such as gazebos, atriums, walkways for decks, etc. If combustible construction materials are proposed for any of the proposed mentioned accessory structures, automatic fire sprinklers shall be provided and installed where applicable.
77. Each single-family dwelling shall be equipped with an automatic fire sprinkler system, designed and installed per NFPA 13-D(Modified) Standards. The fire sprinkler protection shall be supplied from the domestic water line and independently controlled. Fire sprinkler protection shall be provided within all living areas, including fire sprinkler heads within attic and garage space, under crawl spaces and/or any attached decking or balconies constructed with combustible construction materials, with foyers and porches and other areas where access or storage concerns exist.

78. Each single-family dwelling unit shall have an interior alarm signaling device which will activate upon any sprinkler head activation.
79. Each single-family dwelling unit shall have an exterior alarm bell installed in on the fire sprinkler system riser in a location approved by the Fire Department.
80. Each fire sprinkler system shall be equipped with a spare sprinkler head box located at the riser.
81. The fire line service (connected to the domestic water line) shall be installed and arranged per NFPA 13-D Standards. A minimum 1 inch meter shall be required to support the domestic water fixtures and the fire sprinkler system. The control valve for the fire sprinkler system shall be locked with a chain and break-away type of lock if it is exposed (above grade)
82. Residential smoke detectors shall be installed per the California Building Code.
83. Addressing for each single family dwelling shall be assigned and approved by the Fire Department. Numbers shall be a minimum of 4 inches in height (self-illuminated) and be visible from the street.

Grading and Retaining Walls

84. A Geologic Hazard Abatement District (GHAD) shall be formed prior to issuance of the first 50 building permits for residential units. The developer shall either prepare all necessary reports, maps, and supporting documents, which will be reviewed by the City's consultants, or the City will have the necessary reports, maps and supporting documents prepared to form the district. In either case, the developer shall post a deposit with the City prior to the recordation of the first final map to cover the City's costs for formation of the district. The exact extent of the responsibilities of the district shall be determined during the preparation of the Precise Development Plan for the development; however, the majority of the land within the large eastern slope located within Parcel A as shown on the vesting tentative tract map shall be included within the GHAD.
85. All retaining walls shall be constructed with decorative reinforced concrete, or shall be keystone walls. The exposed face of any retaining wall shall not exceed 6 feet from ground to top of wall.
86. Retaining walls shall be setback a minimum of five feet from the back of sidewalk to allow for required landscaping. If trees are to be planted between the walls and the sidewalk, the setback shall be increased to provide sufficient room for the trees.
87. Footings for the retaining walls along the public streets shall be within the parcels owned by the HOA. Drainage shall discharge to the public streets and not onto the private lots.
88. The proposed retaining wall along the Alquire Parkway extension, adjacent to the Moita property, appears to have an exposed face greater than six feet. The grading in the area shall be

revised, or an alternative type of retaining wall, or method of retaining this slope shall be proposed. The proposed solution must be approved by both the Planning Director and the City Engineer.

Dedications, Easements and Deed Restrictions

89. The proposed approximately 15.1-acre community park/detention basins site, shown as Parcel P on the vesting tentative tract map and the approximately 14.6-acre site shown as Parcel B on the vesting tentative tract map for development of a new community center or development of additional parkland/detention basins, shall be dedicated to the City.
90. The proposed reclaimed slope to the east located between the development and Garin Regional Park and contained within Parcel A as shown on the vesting tentative tract map, shall not be developed and shall remain as open space in perpetuity. Such development restrictions shall not apply to those improvements approved with this Planned Development.
91. The final map shall reflect:
- a. Six-foot-wide public utility easements (PUE) along the edge of the public/private streets where necessary as determined by the City Engineer.
 - b. Dedication of all right-of-way and easements for the new water main extension, including access roads.
 - c. Dedication of the right-of-way and easements for the extension of Tennyson Road.
 - d. Dedication of right-of-way and easements for the realignment and extension of Alquire Parkway to its connection with “A” Street within the development.
 - e. Dedication of right-of-way and easements for the new Bodega Street road connection/extension between Alquire Parkway and Bodega Street at the property line.
 - f. Dedication of access roads to the Durazo, Tavake and Ersted parcels if within the boundaries of the development.
 - g. Abandonment of the Alquire Parkway right-of-way under the existing roadway termination. The necessary utility easements shall be shown for the utilities which will remain in place.
 - h. If drainage from the “two-pack” lots crosses property lines, the necessary drainage easements shall be provided.

Subdivision Agreement

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

PRIOR TO ISSUANCE OF GRADING PERMITS

93. Mitigation Measure XI-a: In accordance with Mission-Garin Annexation Project Program Environmental Impact Report (MG EIR) Mitigation Measure 4.9-1, a Construction Noise Management Plan shall be prepared and implemented. Such plan must be approved by the Hayward City Engineer prior to issuance of grading permits and shall contain, at minimum, a

listing of hours of construction operations (which shall be in accordance with the City's construction hours), use of mufflers on construction equipment, limitation of on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor specifications.

94. Mitigation Measure III-b: Prior to the start of any construction or grading activity, including hauling of material to the project site, an asbestos dust mitigation plan approved by the Bay Area Air Quality Management District (BAAQMD) shall be implemented throughout the duration of construction or grading activity. In accordance with the State's "Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations" (CCR Title 17, Division 3, Chapter 1, Subchapter 7.5, Sections 93105 et seq.), the dust mitigation plan must specify dust mitigation practices which are sufficient to ensure that no equipment or operation emits dust that is visible crossing the property line, and must include one or more provisions addressing each of the following topics:
- a. Track-out prevention and control measures.
 - b. Keeping active storage piles adequately wetted or covered with tarps.
 - c. Control for disturbed surface areas and storage piles that will remain inactive for more than seven (7) days
 - d. Control for traffic traveling on project site unpaved roads, parking lots and staging areas.
 - e. Control for earth moving activities.
 - f. Control for off-site transport.
 - g. Post construction stabilization of disturbed areas.
 - h. Air-monitoring for asbestos (if required by the BAAQMD's Air Pollution Control Officer).
 - i. Frequency of reporting.
95. Mitigation Measure IV-a: In accordance with Mitigation Measures 4.3-5 through 4.3-6 of the Mission-Garin Annexation EIR, prior to the start of grading or construction, the U.S. Fish and Wildlife Service (USFWS) shall confirm all habitat assessments conducted by Wetland Research Associates for California red-legged frog and Alameda whipsnake. If California red-legged frogs or Alameda whipsnakes and/or their occupied habitats are determined to be present based on results of habitat assessments or protocol-level surveys, then a project specific California red-legged frog and/or Alameda whipsnake mitigation plan should be developed, approved by the USFWS and CDFG prior to development, and implemented. In accordance with Mitigation Measures 4.3-7 through 4.3-8 of the Mission-Garin Annexation EIR, prior to the start of grading or construction, surveys utilizing protocols acceptable to the resource agencies, including burrowing owl survey protocol and protocol for Golden Eagle surveys established by the California Department of Fish and Game (CDFG), shall be conducted. If such surveys reveal the presence of nesting Golden Eagles within 0.25 mile and in direct line-of-sight distance from project activity, presence of Western burrowing owls within 250 feet, presence of loggerhead shrikes within 200 feet or presence of any other special-status raptors within 300 feet of project activity, construction activity within the above-specified buffer zones shall be completed before the nesting season or be postponed until after the nesting season (March through the end of August). The limit related to presence of Golden Eagles shall be applicable during the entire tenure eagles are

actively nesting within the buffer zone, not just during the typical breeding season. Also, given suitable on-site habitat exists for loggerhead shrike and a nesting pair of red-tailed hawks was observed on site, further raptor and shrike and Golden Eagle surveys following survey protocols established by resource agencies shall be conducted during the nesting season immediately preceding start of grading or construction, to confirm no active raptor nests exist that could be impacted by construction activities.

96. Mitigation Measure IV-c: Prior to the issuance of permits for grading or construction for portions of the proposed Tennyson Road extension that involve areas where potential wetlands have been identified, formal jurisdictional wetland delineation/verification shall be secured from the US Army Corps of Engineers. If such delineation indicates a wetland exists which would be unavoidable and impacted by the proposed Tennyson Road extension or any other portion of the project, a permit/approval from the Corps shall be obtained and a wetland mitigation plan utilizing the standard minimum replacement ratio of 1:1 shall be developed and implemented prior to the start of grading and construction. Such mitigation plan shall be approved by the US Army Corps of Engineers, the California Department of Fish and Game and the California Regional Water Quality Control Board.
97. Mitigation Measure VI-iii: As recommended by the City's geotechnical peer-reviewer, prior to issuance of construction permits, the project geotechnical consultant shall review the final construction plans to ensure that site grading, fault and slope setbacks, foundation designs, subdrainage, etc. are in accordance with the project consultant's recommendations, and provide a plan review letter to the City. Also, the project certified engineering geologist and geotechnical engineer shall be on site during grading, excavations, keyways, cuts, etc. to verify that actual geologic conditions, fault locations and special foundation zones are as anticipated and that appropriate supplemental recommendation be provided, as necessary. The results of such inspections, testing, and/or modifications shall be documented in an "as-built" letter/report prepared by the project engineering geologist/geotechnical engineer and submitted to the City before final approval of permits is granted.
98. Mitigation Measure VII-b(2): In accordance with Mitigation Measure 4.6-1(a) of the MG EIR, prior to start of project grading, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, State Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department, for required site clearances, necessary permit and facility closure with regard to demolition and removal of hazardous material from the site. All work shall be performed by licensed contractors in accordance with state and federal OSHA standards. Worker safety plans shall be included for all demolition plans. Additionally, a Phase I Preliminary Site Assessment (PSA) shall be conducted to assess conditions and activities at the site in association with a surface mining operation that could represent the potential presence of hazardous materials. Also, if justified by the PSA, additional studies, including possibly a Phase II soil and groundwater quality investigation shall be conducted, with remedial measures identified in such investigation to be implemented in accordance with standard practices.
99. Prior to the issuance of a grading permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved on the site that are within

50 feet of any grading or construction. 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, as determined by the City's Arborist.

100. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the issuance of a grading or building permit, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes and per tree preservation guidelines, including installation of tree protection fencing prior to the start of grading, as recommended by the project consulting arborist, Ed Brennan of HortScience, Inc. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.

PRIOR TO ISSUANCE OF BUILDING PERMITS

101. The La Vista Quarry shall cease operations no later than substantial completion of rough grading, and no further surface mining/batch plant activity shall occur on the site. Reclamation in accordance with the approved reclamation plan and as approved by the Surface Mining and Reclamation Act (SMARA) lead agency and the State Office of Mine Reclamation shall be completed prior to issuance of building permits for the proposed homes.

102. Mitigation Measure VI-ai: No habitable structures, including a possible community center, shall be built closer than 50 feet of the active Hayward fault trace and concentrated fault zone, as indicated on the submitted plans. Additionally, special foundation designs shall be incorporated into homes proposed to be built within the identified special foundation zone at the southeast corner of the proposed development. The design of such foundations and location of homes and possible community center shall be in accordance with the recommendations of the project geotechnical consultant, to be confirmed via plan review and "as-built" letters from the project geotechnical consultant, to be submitted prior to issuance of building permits and prior to project finalization, respectively.

103. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscaping and irrigation plans for all common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Because of hillside issues and screening requirements, landscape and irrigation plans will be required for each individual unit. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

104. Required water system improvements shall be completed and operational prior to the start of combustible construction to the satisfaction of the Fire Chief.
105. A minimum 24-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

106. Prior to start of construction involving combustible materials, or as required by the Hayward Fire Department, an additional water tank equal in size to the existing water tank, shall be constructed at the Garin Reservoir Site to the south of the project, and improved with a water system acceptable to the Hayward Fire and Public Works Departments that would bring adequate water supply and pressure to the project site. The construction of the required new water tank may be delayed until completion of tract improvements, if it can be demonstrated to the satisfaction of the City Fire Chief and Public Works Director that connection to the existing water tank at the Garin Reservoir site would be adequate to provide for sufficient fire-fighting capabilities.

Also, prior to the start of construction involving combustible materials, roadways acceptable to the Hayward Fire Department shall be constructed, to provide emergency vehicle access to the project site. Also, a fuel management plan, acceptable to the Hayward Fire Department, shall be implemented throughout construction and incorporated into the design of homes and structures. (MG EIR Mitigation Measure VII-h)

107. Mitigation Measure I-c: In accordance with Mitigation Measure 4.1-1 of the Mission-Garin Annexation Program Project Environmental Impact Report (MG EIR), the additional water tank will be required to be painted neutral, earth-tone colors to blend in with the natural environment and screened with trees and shrubs, in accordance with the City's Hillside Design Guidelines.

DURING CONSTRUCTION

108. Mitigation Measure III-c: In accordance with MG EIR Mitigation Measure 4.2-1, grading activities shall incorporate standard dust control measures, to include, but not be limited to frequent watering of the site, use of soil stabilizers, hydroseeding of graded areas and other measures that comply with Bay Area Air Quality Management District recommendations for dust control. Project construction grading plans shall state such measures on the plans, to be approved by the Hayward Public Works Department staff.

109. Mitigation Measure I-c: Any tree removals shall be replaced with new trees equal in size and species or value, in accordance with the City's Tree Preservation Ordinance, to be approved by the City Landscape Architect.

110. Mitigation Measure IV-e: In accordance with Hayward's Tree Preservation Ordinance, any "protected" trees as defined by the City's Tree Preservation Ordinance that are to be removed as a result of the project shall be replaced with like-size, like-kind trees or trees equal in value to them, as determined by the City's Landscape Architect.

111. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:

- a. Grading and construction activities shall be limited to the hours 7:00 AM to 6:00 PM on weekdays and Saturdays; there shall be no grading or construction activities on Sundays or 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. Letters shall be mailed to surrounding property owners and residents within 300 feet of the project boundary with this information, including the residents/owners at properties along the eastern portions of Overhill Drive.
- f. The developer shall post the property with signs that shall indicate the names and phone number of individuals who may be contacted, including those of staff at the Bay Area Air Quality Management District, when occupants of adjacent residences find that construction is creating excessive dust or odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents with this information prior to commencement of construction.
- g. The developer shall participate in the City's recycling program during construction;
- h. Daily clean-up of trash and debris shall occur on Alquire Parkway and Tennyson Road extension and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- i. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- j. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- k. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- l. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- m. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- n. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- o. 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;
- p. 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;
- q. 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;
- r. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- s. 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;

- t. 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;
 - u. 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;
 - v. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - w. 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.
112. 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.
113. 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.
114. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per conditions of approval above.
115. Mitigation Measure VI-b: All exposed areas within the proposed project limits of grading are to be planted with vegetation, to the satisfaction of the City's Landscape Architect or, if temporary stockpiles of material are created on-site, covered with material to prevent material from being washed away.
116. Construction Administration services shall be provided by the project landscape architect. Services to include:
- a. Observation of irrigation system before burying pipes;
 - b. Observation of plant material upon delivery to the site;
 - c. Observation of layout and placement of plant material upon delivery to the site;
 - d. Observation for maintenance period commencement; and
 - e. Observation for final acceptance.
117. Mitigation Measure VII-b (1): No asbestos-containing material shall be placed within 10 feet of the finished grade surface within the proposed development, including all residential lots, streets and roads, outdoor open space areas and trails within and immediately adjacent to the development, and in the proposed community center and park areas and roads leading to the development (not intended to apply to reclaimed eastern hillside above development). Additionally, material to be used for the upper area "cap" shall be tested in accordance with a State-approved testing method, such as the Air Resources Board's Test Method 435, to confirm such material does not contain more than 0.25 percent asbestos material.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

118. The final map shall be filed and approved by the City and recorded in the County Recorders Office prior to the issuance of a Certificate of Occupancy of any unit.
119. Prior to project completion or occupancy of any residential unit, the existing La Vista Quarry access road shall be removed and revegetated to the satisfaction of the City Landscape Architect and the existing traffic signal at Mission Boulevard serving the quarry access road shall be removed at the owner's expense, to the satisfaction of the City Engineer.
120. The developer shall pay all required fees, including those indicated below, with the amount of such fees to be in accordance with the fee schedule in effect at the time of issuance of the building permits;
- a. Supplemental Building Construction and Improvement Tax;
 - b. Building Construction and Improvement Tax;
 - c. School Impact Fee (payable upon issuance of building permits); and
 - d. Water facilities Fee (payable upon issuance of building permits).
 - e. Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.
 - f. Park dedication in-lieu fees for each dwelling unit shall be calculated at the rate in effect when the building permit for unit is issued, to be applied to improvements associated with the development of the community park.
 - g. Annexation fee for unincorporated areas (prior to recordation of first final map).
 - h. **Garin Hills Reservoir and Pump Station construction fee of \$20,534 for each of the first 150 dwelling units.**
121. Any damaged curb, gutter and/or sidewalk along the Tennyson Road and Alquire Parkway property frontages shall be repaired or replaced to the satisfaction of the City Engineer.
122. All common area landscaping, irrigation and other required improvements in the current phase shall be installed according to the approved plans.
123. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

124. 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.
125. The developer shall submit a final statement of water main extension costs and notarized bill of sale to the Utilities Administration prior to application for water service.

126. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs. All individual lot landscaping shall be installed prior to occupancy of each unit and prior to the final acceptance of tract improvements.
127. An AC overlay along Alquire Parkway 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 of the La Vista development. The developer proposes not to use Alquire Parkway for access during project development.
128. The improvements associated with the Pacific Gas and Electric Company, EBMUD, Comcast and SBC shall be installed to the satisfaction of the respective companies.
129. Landscape improvements and street trees shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy for each unit.
130. 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 Company, EBMUD, SBC and Comcast, etc; and
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures.

Homeowners Association

131. Prior to the sale of any parcel, 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 as depicted on the approved vesting tentative tract map. The exact limits of responsibility for the Association will be determined during processing of the Precise Development Plan for the development.
132. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever first occurs, Covenants, Conditions and Restrictions (CC&R's) shall be prepared for the project which shall be reviewed and approved by the Planning Director and City Attorney that shall include the following provisions:
- 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 improvements and landscaping to be maintained by the Association.
 - c. The association shall be managed and maintained by a professional property management company.
 - d. The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's association representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within 14 days of the inspection. Trees shall not be severely pruned,

- topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Hayward Municipal Code.
- e. Individual property owners are responsible for properly maintaining the front yard landscaping, slope landscaping, and street trees associated with his/her property in a healthy, weed-free condition at all times, with irrigation systems to also be adequately maintained, and to replace any dead or dying plant material (over 30% of the plant dead) within 15 days of first notification. Slope landscaping includes that located in the rear portions of lots 14 through 32, 74 through 84, 113 through 129, 147 through 163 and 172 through 174. The homeowner's association representative shall inspect such areas on a monthly basis. The association maintenance representative shall have the right to enter such areas and charge related maintenance expenses to the individual homeowner, if the homeowner does not adequately maintain such areas within 14 days of written notification to do so.
 - f. A provision that if the homeowners' association fails to maintain the landscaping and irrigation in all common areas for which it is responsible so that owners, their families, tenants, or adjacent owners will be impacted in the enjoyment, use or property value of the project, the City shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs, in accordance with Section 10-3.385 of the Hayward Subdivision Ordinance.
 - g. Views towards the bays shall be preserved by restricting the height of plant materials in the side and rear yards, with the exception of the required street trees, to no more than five feet above the highest grade. Solid hedges or fences that do not allow neighboring views through to the Bay shall not be allowed within the side or rear yards.
 - h. A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City.
 - i. A tree removal permit is required prior to the removal of any protected tree, in accordance with the City's Tree Preservation Ordinance.
 - j. The garage of each unit shall be maintained for off-street parking of two vehicles and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
 - k. No hot tubs, spas or swimming pools area allowed, unless adequately screened and located in rear yards at least five feet from any building and at least three feet (five feet for pools) from any property line or easements established for the benefit of adjacent properties.
 - l. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time

- frame. The premises shall be kept clean and free of debris at all times. Color change selections shall be compatible with the existing setting.
- m. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
 - n. Any transformer shall be located underground and shall be located outside any front or side street yard.
 - o. Any future major modification to the approved site plan shall require review and approval by the Planning Commission.
 - p. The CC&Rs shall specify the outdoor collection locations of trash and recycle containers. In addition, trash and recycle containers shall not be moved to the collection location more than 24 hours prior to collection and shall be removed within 24 hours after collection.
 - q. Upon any necessary repairs to the facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners association established to maintain the common areas within the subdivision boundary.
 - r. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.