

**THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY
HAYWARD, CALIFORNIA**

**RESOLUTION NO. 14-03
VESTING TENTATIVE TRACT MAP 8143 – APRIL 7, 2014**

Introduced by Commissioner Jacob
Seconded by Commissioner Ratto

WHEREAS Hardeep Gill/Shaw Group LP (Subdivider and Applicant) has filed with the Alameda County Planning Department an application for Vesting Tentative Tract Map 8143, to subdivide one parcel containing 3.134 acres into twelve lots in an R-1 (Single Family Residence) District, located at 2492 D Street, north side, 100 feet west of Madeiros Avenue, unincorporated Fairview area of Alameda County, designated Assessor's Parcel Numbers: 416-0200-022-02; and

WHEREAS the Planning Commission held public hearings for the purpose of a preliminary plan review on a proposal to subdivide said parcel into thirteen lots at the hours of 3:00 p.m. on Monday the twenty first of October, 2013, and subsequently on the Monday the seventh day of April, 2014 for the purpose of approval of the vesting tentative tract map; and

WHEREAS the Planning Commission is designated by the Alameda County Subdivision Ordinance as the Advisory Agency for taking action on maps of this type; and

WHEREAS this application has been reviewed in accordance with the provisions of the California Environmental Quality Act (CEQA, 1970, as amended) and pursuant to Section 15162 and 15164 of the CEQA Guidelines, an Addendum was prepared to make minor changes and additions to the Mitigated Negative Declaration adopted in 2004 for development on the site of virtually the same project, documents which together provide a complete evaluation of the potential adverse environmental effects of the project, and for which the Addendum found that all potentially significant impacts could be avoided or reduced to a less-than-significant levels with mitigation measures identified in the prior Mitigated Negative Declaration; and

WHEREAS the prior Mitigated Negative Declaration was circulated for a 30-day public review and comment period in August and September of 2004, by direct mailing to responsible agencies, the State Clearinghouse, and notice to neighboring properties, and comment letters were received from the California Department of Fish and Game, the Regional Water Quality Control Board, the East Bay Municipal Utility District, the Oro Loma Sanitary District, the Alameda County Public Works Agency, and a neighboring property owner; and

WHEREAS the Addendum to the prior Mitigated Negative Declaration, although not required by Section 15164 of the CEQA Guidelines for the use of an Addendum, was made available to the public and to the applicant for a twenty (20)-day period beginning March 17, 2014; and

WHEREAS comment letters raised issues that have been addressed as part of the environmental review process, site plan and engineering refinements, or are addressed by the conditions of approval herein for the Map, subsequent permits, and established protocols; and

WHEREAS the Planning Commission finds based on the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment with the incorporation of mitigation measures identified in the Addendum, and required as part of the Mitigation Monitoring and Reporting Program to be required as a conditions of approval; and

WHEREAS the Addendum to the Mitigated Negative Declaration was prepared by professional environmental planning consultants and was reviewed and revised by the Alameda County Planning Department, and represents the County's independent judgment; and

WHEREAS the Alameda County Planning Department, located at 224 West Winton Avenue, Room 111, Hayward, California is the location and custodian of the administrative record in this matter; and

WHEREAS the project developer will be required to implement the Mitigation Monitoring and Reporting Program as a condition of approval, which shall be accomplished consistent with the timing of each measure set forth in the attached Program; and

WHEREAS the Project site is within the Fairview Area Specific Plan, which designates the site for single-family development with 5,000 square-foot minimum building site area, and 6 units per gross acre of developable site area (excluding areas with slopes greater than 30%, riparian areas, and private streets and similar unservable or undevelopable areas), and the site contains 2.01 gross acres developable site area thus permitting up to 12 dwelling units, as proposed by the Tract Map; and

WHEREAS members of the Planning Commission did conduct a field trip to the project site at the hour of 2:00 p.m. on Monday the 21st day of October, 2013, and did conduct a public hearing on said application at the hour of 3:00 p.m. on the same said day and again on the 7th day of April, 2014, in the Hearing Room of the County Administration Building, 224 West Winton Avenue, Hayward, California, for which notice was given as required by law and at which the Planning Commission took public testimony; and

WHEREAS the Planning Commission did hear and consider all said reports, recommendations and testimony as hereinabove set forth; and

WHEREAS under conditions to be made as part of the map, it is the finding of this Commission that:

1. The proposed map, and the related design and improvements, are consistent with applicable general and specific plans in that the area is planned and zoned for the proposed use under the Fairview Area Specific Plan, the site development density conforms to the Fairview Area

Specific Plan, and the design and mitigation measures protect resources identified as being important in the Fairview Area Specific Plan.

2. The site is physically suitable for the proposed type and density of development in that there is ample building area on each lot, the natural contours and drainage features of the site will be retained to the maximum extent practicable, and geotechnical reports concludes that the site is suited to residential development as provided for in the plan.
3. The design and improvements of the project will not cause substantial environmental damage in that the conditions set forth below will incorporate the mitigation measures identified in the Addendum to the prior Mitigated Negative Declaration, and will reduce potential environmental impacts to a less-than-significant level.
4. The design and improvements of the subdivision will not cause serious public health problems in that public sewer and water services are available to each lot in the land division and stormwater, fire hazard, and similar protections will be in place.
5. The design and improvements of the subdivision will not conflict with easements acquired by the public at large for access through, or for use of, property within the proposed land division in that none are known to exist. The Subdivider will be required to provide final verification of all property boundaries and resolve any disputes prior to recording the Final Map.

WHEREAS improvements, as specified in the conditions of approval of this map, are found to be necessary for the public health and safety and a necessary prerequisite to the orderly development of the surrounding area; and

NOW THEREFORE

BE IT RESOLVED that the Addendum to the Mitigated Negative Declaration previously adopted in 2004 is hereby adopted and that Vesting Tentative Tract Map 8143 is hereby approved as to area, improvements and lot design, flood and water drainage control and as to all requirements of the Alameda County Subdivision Ordinance, subject to the design and statements shown on the copy of the map labeled "Exhibit B, Vesting Tentative Tract Map 8143", and the following conditions:

GENERAL CONDITIONS

1. All conditions must be accomplished prior to or concurrent with filing the Final Map, unless another time of compliance is specified below or on the face of Exhibit "D." Installation of improvements shall be guaranteed under a County-Developer Tract Contract, as approved by the Director of Public Works. All improvements guaranteed under this contract shall be

- completed by the land divider and accepted by the Board of Supervisors, prior to release of improvement guarantees.
2. Prior to release of guarantees, all improvements as specified herein or shown on Exhibit "B" shall be installed in accordance with the improvement plans approved by the Director of Public Works. Inspections shall be certified by a registered Engineer or by Public Works Agency staff, at the option of the Director of Public Works. Fire protection improvements shall be inspected and approved by the Fairview Fire Protection District, through its contract with the City of Hayward Fire Department.
 3. The design and improvement of this land division shall be in conformance with the design and improvement indicated graphically or by statement on Exhibit "B" including road location, grade, alignment, width and intersection design; design and grading of lots; location and design of storm drainage facilities; and location and design of frontage improvements.
 4. All required plans, specifications, and technical data necessary to complete the Final Map shall be filed with the Director of Public Works. Requirements for filing the map, review fees, improvements and inspections of work shall be determined by the Director.
 5. A current title report and copies of the recorded deeds of all parties having record title interest in the property to be divided and if necessary, copies of deeds for adjoining properties, shall be submitted to and accepted by the Director of Public Works.
 6. Where easements are not obtained, rights of entry and drainage releases shall be acquired by the land divider in writing from the adjoining property owners for use of improvement of drainage ways outside the boundary of the tract map. Original copies of right of entry shall be provided to the Director of Public Works.
 7. Subdivider or its successors shall defend, indemnify, and hold harmless Alameda County or its agents, officers, or employees from any claim, action, or proceeding against Alameda County, or its agents, officers, or employees to attack, set aside, void, or annul this tentative map, including any amendments thereto, or underlying environmental documents and actions taken pursuant to the California Environmental Quality Act, Alameda County Zoning Ordinance, other State and County code and ordinance requirements, and any combination thereof. Such indemnification shall include but not be limited to any such proceeding. Alameda County shall promptly notify the subdivider of any such claim, action, or proceeding and shall cooperate fully in the defense. If subdivider or its successors shall fail to adequately defend the County of Alameda, the County may provide its own legal defense and subdivider or its successors shall be responsible for the County's reasonable attorneys' fees.
 8. Secure approval from the Planning Director of Draft Covenants, Conditions and Restrictions (CC&R's) for a homeowners association (HOA) prior to submittal to the Department of Real

Estate (DRE). Final CC&R's as approved by the DRE shall be approved by the Planning Director prior to recordation. The CC&Rs private ownership and financial responsibilities of all infrastructure in the subdivision including but not limited to storm drain facilities, private roadway access, parking areas, common areas, wetland conservation easement, water treatment/bioretenion areas, detention structures, and related auxiliary structures. The CC&Rs shall clearly specify an acceptable funding mechanism for all onsite common improvements.. CC&R's shall be recorded prior to release of improvement guarantees by the Board of Supervisors. Prior to approval of the Final Map, Subdivider shall grant the HOA an irrevocable cash deposit in an amount to be determined by the Planning Director in the review of the Draft CC&Rs for the maintenance of all on-site common improvements. CC&R's shall require the following:

- a. Payment of dues and assessments shall be both a lien against the assessed land and a personal obligation of each property owner within the subdivision.
- b. Each purchaser of property in the subdivision shall be provided with complete disclosures of the CC&Rs including obligations for dues and assessments necessary to maintain the common infrastructure on the site including the street, parking areas, bioretention areas, detention facilities, stream and wetland areas and conservation parcels, and to prohibit damage of or alteration to any such facilities or features, including those located within easements inside individual properties.
- c. The association shall maintain in good repair all fences, walls, and common areas, including parking bays and vehicle turnarounds, and any common utility services and storm drainage easements serving or crossing more than one parcel.
- d. The association shall maintain in perpetuity the bioretention areas, stormwater detention pipes and structures and all pertinent infrastructure installed for the purpose of treating and detaining stormwater runoff.
- e. The association shall maintain any pathways required for maintenance access to all seven bioretention areas shown on Exhibit "B" (Sheet 4, Grading and Drainage Plan), and related stormwater detention and outflow facilities.
- f. Parking within the development shall be permitted in designated locations only; the private street shall be so posted; and the association shall enforce parking restrictions.
- g. All garage parking spaces shall be kept accessible for parking purposes as required by Section 17.52.770 of the Alameda County Zoning Ordinance.
- h. No recreational vehicles, as defined by Section 17.04.010 of the Alameda County Zoning Ordinance, or trailer-hauled boats shall be parked or stored within the project boundaries, and specify that vehicles parked contrary to this provision shall be removed by the homeowners association.
- i. Common landscaped areas, project entry, and parking areas shall be maintained consistent with the approved Landscape Plan for the project.

- j. The association shall review the architecture of any proposed modifications or additions to homes, fences, or other structures within the development, and removal of any trees shown on the approved Landscape Plan.
- k. The association shall be responsible for maintaining the four conservation parcels B, C, D and E in accordance with the approved Landscape Plan and with Bay-Friendly landscaping principles and guidelines as promulgated by the Alameda County Waste Management Authority, and to remove any severe hazards.
- l. The association shall be responsible for bi-annual inspections of the eucalyptus trees within conservation parcel B and removal of any large limbs deemed at risk of falling onto adjacent properties, and removing excess eucalyptus leaves when determined to be hazardous by the Fairview Fire Protection District.

ACCESS/STREET IMPROVEMENTS

- 9. Access road and easements shall be improved as shown on Exhibit “B” and as specified herein below. Said improvements shall be guaranteed under the County-Developer Tract Contract, as approved by the Director of Public Works.
- 10. The Board of Supervisors, under Ordinance No. 1018 N.S., on May 3, 1966, established a future width line for a 80-foot right-of-way. The property owner shall dedicate 10 feet of right-of-way to the County, as shown on Exhibit B. All property dedication to the County will be done in a form and a manner acceptable to the Real Estate Division, Public Works Agency. Dedications of right-of-way shown on the Tract Map and dedications to the Alameda County Flood Control & Water Conservation District (ACFC&WCD) are by separate instrument.
- 11. Install Portland Concrete Cement (PCC) curb, gutter, sidewalk and pavement tie-in along the entire street frontage of “D” Street and along the access road as shown on Exhibit “D.” Such improvements shall extend fully to and match or align with the curb, gutter and sidewalk on D Street bordering the adjacent subdivision to the east (on Glenbrook Lane), on the frontage of 2512 D Street (APN 416-0200-019-09). The Director of Public Works shall have the discretion to require or allow use of asphaltic concrete improvements along D Street.

Improvements to the curb and gutter bordering 2512 D Street (APN 416-0200-019-09) shall provide for a red-painted curb consistent with California Vehicle Code, Section 22514 due to the existing fire hydrant.
- 12. Provide a street-type entrance to the access road from “D” Street.
- 13. A non-exclusive right-of-access easement shall be granted to the owner of the lot at 2512 D Street (APN 416-0200-019-09, outside the subdivision) bordering lots 1 and 2, for access on

the private street generally between that property's narrow western stem and D Street. Granting of such an access easement shall not obligate the owner of the lot at 2512 D Street to be a member of the HOA, nor shall such access easement allow the owner to park vehicles (or any trailer, structure or object) owned or controlled by the owner (including guests' vehicles) in the easement or on designated parking spaces on the private street or elsewhere in the subdivision.

14. The existing bus stop serving Alameda-Contra Costa Transit Agency (AC Transit) Route #95 located on "D" Street in front of the proposed subdivision shall be retained at the frontage of the site or relocated to an approved location within the immediate area. It shall be the responsibility of the Subdivider to secure approval of the relocation with the Public Works Agency and AC Transit.
15. The Subdivider shall install two emergency vehicle turnarounds in the middle section and northern end of the access road, as shown on Exhibit B, approved by the Hayward Fire Department, Fairview Fire Protection District.
16. Access road design, including street width and the access road entrance and turnarounds, shall conform to City of Hayward Fire Department standards.
17. There shall be no parking of vehicles on the access road except where designated on Exhibit "B". Red curbing is required along the access road where the width is less than 36 feet and no parking is provided. Fire lane signage stating "No Parking – Fire Lane" shall be installed and/or stenciled along the curb of the access road every 100 feet as required by the Hayward Fire Department.
18. Any right-of-way dedication, relocation of improvements or public facilities, or road improvements shall be accomplished at no expense to the County.
19. The existing utility pole in the proposed private street intersection area may require relocation. It is the responsibility of the Subdivider to secure approval of the new location with affected utility companies and property owners if it is not relocated within the project site or in the public right-of-way. Relocation of the utility pole shall be accomplished at no expense to the County.
20. Traffic safety and parking restriction signs, devices and street name signs shall be installed in accordance with Alameda County standards. Proposed street name for the private street shall be approved by the Planning Department and such name shall appear on the Final Map.
21. Subdivider or building contractor shall pay required Cumulative Traffic Impact Mitigation (CTIM) fees to the Director of Public Works prior to the release of utility services or occupancy of dwelling units on the project site.

22. The Subdivider shall have prepared for submittal to the Planning Director and the Director of Public Works a Traffic Safety Study of the D Street intersections with the private street, and of the nearby intersections on D Street of Clayton Street, Madeiros Avenue and Glenbrook Lane, to address speeding, pedestrian safety and recommendations for enforcement measures or improvements. The Study shall be prepared at no cost to the County by a professional traffic engineer prior to filing the Final Map, and the scope and content shall be subject to review and acceptance by the Director of Public Works before and after its preparation.

The Subdivider shall also contribute \$15,000 to a separate fund within the homeowners association budget, which shall be reserved for payment partly or in full to the County Public Works Agency, at the discretion of the Agency Director, towards implementing such recommended safety measures or improvements, and/or for additional study and intersection monitoring after one to two years after the last residence to be built in the subdivision has obtained its release of utility services. If the Director fails to expend such funds within five years of the last utility release for physical improvements or additional study, the total or remaining funds shall be transferred to the HOA's general budget.

SITE ALTERATIONS/IMPROVEMENTS

23. Design and improvement of the land division shall comply with recommendations and requirements of the Public Works Agency, Construction & Development Services Division, as detailed in its letter dated March 11, 2014, as amended by these conditions.
24. Prior to issuance of any building permit to construct any house on the project site, the Subdivider or home-builder contractor shall submit an application for Site Development Review as provided by Section 17.54.210 of the Zoning Ordinance for no fewer than four homes in a given application, showing architectural elevation, material details, individual site grading, landscaping features, lighting details, and average height calculations.

The architecture of the proposed homes shall reflect custom or semi-custom designs and shall be developed in a manner that minimizes disturbance of the natural contours of the site. Each home shall be designed individually so that the majority of exterior architectural elements of each house are unique among the proposed homes without extreme contrasts between each other. Pursuant to the requirements of the *Fairview Area Specific Plan*, building lot coverage shall not exceed 40% of each lot, side yards shall be a minimum of 7 feet or up to 10 feet as required by R-1 zone district provisions, and a minimum of 1,000 square feet of private useable open space (areas not visible from the street, with a slope of less than 20%, not covered by off-street parking, and with a minimum dimension of 15 feet) shall be provided on each lot. Building height shall be as regulated by the zoning ordinance.

25. The home proposed for Lot 1 shall be designed so that the “front” of the house is oriented towards D Street. In order to reduce vehicle conflict along D Street, driveway access to Lot 1 shall be via the proposed private street.
26. All roadway and storm drain facilities are to conform to Alameda County's Engineering Design Guidelines and Hydrology and Hydraulics Criteria Summary. All work must be in compliance with Alameda County ordinances, guidelines, and permit requirements. The Subdivider shall obtain a County Stormwater Permit and provide for stormwater protection design solution which conform to the current version of the C.3 Technical Guidance as published by the Alameda County Clean Water Program.
27. All proposed stormwater quality treatment and detention facilities shall incorporate bypasses for both high volume and short-duration storm events and low volume long-duration storm events. The design shall anticipate potential damage to and loss of functionality of the bio-retention areas (BRAs) and provide for safe outflow from upstream on-and off-site directions from the stormwater detention structures through hardscape features and drainage flow pathways. Outfalls shall be designed with appropriate rip-rap or other energy dissipators.

All V-ditches discharging into bio-retention areas shall be fitted with an energy dissipator and an impervious surface spillway to protect each BRA from potential wash out. Slopes above each V-ditch shall be vegetated according to the approved Landscape Plan and with a minimum width parallel to the V-ditch of four feet.
28. Each BRA or other stormwater treatment facility shall conform to the design standards shown in the current version of the C.3 Technical Guidance, including the Attachment L specifications for soil conditions. Paths shall be provided for access to the BRAs located on Lots 8, 9 and 12, which may be comprised of crushed rock or stepping pavers. Similar or more substantial access paths (e.g., concrete steps and walks, or other design approved by the Director of Public Works) may be required based on the approved landscaping and grades for the BRAs on Lots 2 and 3, as may be modified under Condition 21.
29. Site grading shall comply with the requirements of the Alameda County Grading Ordinance, Chapter 15.36. A Grading Permit shall be secured from the Director of Public Works in accordance with the Grading Ordinance. A soils/geologic report shall accompany the Grading Permit application in accordance with the provisions of Chapter 15.36.320 of the Alameda County Grading Erosions and Sediment Control Ordinance.
30. No grading shall be permitted on this site until grading, drainage, erosion and sedimentation control plans have been approved by the Director of Public Works. Grading plans shall also be approved by the Planning Director prior to filing the Final Map or grading of the site and shall generally conform to grading envelope and quantities indicated on Exhibit “D.”

The Subdivider shall provide for all remedial grading work required to render the site suitable for the proposed development. Assessment and mitigation of suspected soil hazards condition shall be fully addressed to the satisfaction of the Director of Public Works in the final project geotechnical/geologic report, construction details and approved grading plan. Specifications for required remedial grading work must be incorporated into the grading plan.

31. The developer shall submit a Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) per the regulations of the General Construction Activities, National Pollutant Discharge Elimination System (NPDES) permit. The SWRCB will require the developer/Subdivider to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), as required by the NPDES General Permit. Copies of the NOI & the SWPPP must be submitted to the Grading Department prior to issuance of a Grading Permit.
32. The structural and hydraulic adequacy of the existing and proposed storm water facilities must be verified by a qualified engineer. Sufficient calculation and supporting material to demonstrate such adequacy shall be provided to the Public Works Agency, and reviewed and approved by the County prior to issuance of a Grading Permit.
33. Permits or agreements from other related state and federal agencies, i.e. the California State Department of Fish and Wildlife, San Francisco Bay Regional Water Quality Control Board and the U.S. Army Corps of Engineers should be obtained in accordance with their guidelines and requirements for the proposed work near/in the delineated waters of the U.S. Evidence of compliance with those agencies' requirements will be required prior to issuance of a Grading Permit.
34. A building permit must be obtained from the Building Department of the Public Works Agency for the construction of the proposed retaining walls, in accordance with the provisions of the Alameda County Building Code.
35. Grading shall not augment rate of flow or concentrate runoff to adjacent properties or block runoff from adjoining properties.
36. No grading work shall be allowed during the rainy season, from October 1 to April 30, except upon a clear demonstration, to the satisfaction of the Director of the Public Works Agency, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.
37. Grading operations and construction activities shall be limited to weekdays (Monday through Friday) and the hours of 7:00 a.m. to 6:00 p.m., unless otherwise authorized by the Director of Public Works. The Subdivider shall provide a clearly visible sign or posting (4' by 8' sign) with the name and phone number, cellular phone number and e-mail of the foreman and project manager to receive calls and messages during construction and after-hours complaints

due to noise, dust, deliveries etc., as well as contact phone numbers of the County Sheriff, Public Works Agency and other agencies responsible for enforcement of these conditions.

38. Subdivider shall post a bond in the amount of \$5,000 to the Public Works Agency to guarantee that its contractors and construction crews will abide by the stated hours of grading operations and construction activities, comply with mitigation measures addressing noise, routing of construction equipment and traffic control policies or as specified in the general provisions of the project's encroachment permits and the Roadway Ordinance, and avoid or prevent substantial encroachment on private property outside the project site boundaries with equipment, materials, survey or construction crews, disposal of any waste or material, alteration of fences or private property conditions, or obstruction of any public or private street for an unreasonable duration (e.g., 15 minutes or more). In the event of a documented complaint of any violation of such limitations, private property rights, mitigation measures or Ordinances, costs shall be levied against the bond to compensate the Public Works Agency for staff or material costs to remedy or enforce such prohibitions. A stop-work order shall be issued by the Director of Public Works Agency in the event of more than three such incidents occurring within any seven day period. The bond amount or remaining funds shall be refunded to the Subdivider after the final release of utility services for the subdivision.
39. Before any demolition or grading, destroy known water wells that do not have documented intent of future use. Obtain a destruction permit from Alameda County Public Works Agency (contact 510-670-6632) for any water well in the remainder of Alameda County.
40. Building Permits shall be obtained by the Subdivider or building contractor prior to the construction of any residence. Plans and documents shall comply with building code submittal requirements in effect at the time of submitting for building permits, and include individual plot plans for each lot. A California licensed architect or engineer shall be designated as the design professional in responsible charge for building permit submittals. Subdivider or contractor shall comply with requirements of the County's Green Building Ordinance and C&D Debris Management Program, as provided in Section 15.08.460 of the County Building Code, or as shown at <http://acgov.org/pwa/about/construction/land/permits/index.htm>, the Building Department's website.
41. The Subdivider shall apply for new address assignments prior to the final map approval.
42. All structures and improvements shall comply with the recommendations and requirements of the City of Hayward Fire Department in its letter of February 1, 2014, including:
 - a. All structures shall be provided with an NFPA 13D Fire Sprinkler System per CFC and NFPA Standards.
 - b. A minimum of (2) Fire Hydrants shall be installed at a location pre-approved by the County and the Hayward Fire Department.

- c. Provide “Fire Lane – No Parking” signage and red curbing where required by the County and the Hayward Fire Department.
 - d. Design of the public street intersection and private street shall be consistent with Nationally Recognized standards, designed and engineered to withstand 75,000 lbs. gross vehicle weight of fire apparatus. Such standard is also applicable to pavers or decorative concrete that may be placed in the intersection or within the private street right-of-way.
 - e. The private street, public street entry, and turnarounds shall be designed with an all-weather surface pavement, and shall meet Hayward Fire Department turning radius requirements.
 - f. Fire lane of 20 to 26 feet wide shall be posted on both sides as a fire lane; 26 feet to 32 feet shall be posted on one side of the road as a fire lane.
 - g. An unobstructed vertical clearance of not less than 13 feet 6 inches shall be maintained at all time for fire apparatus road.
 - h. All buildings shall have a minimum 4 inch self-illuminated address installed on the front of the building so as to be visible from the street. Minimum size numbers shall be 6” inches in height on a contrasting background.
 - i. Blue reflective pavement markers shall be installed at fire hydrant locations.
 - j. All buildings shall be installed with automatic fire sprinkler system in according to the NFPA 13 Standards. The minimum water meter size shall be determined by a qualified designer. Fire permits are required for fire sprinkler system installations per building.
 - k. Design and installation of the fire service line shall meet NFPA 24 Standards and East Bay Municipal Utility District guidelines.
 - l. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).
 - m. CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
43. No grading or ground disturbing activity shall be commenced without also obtaining approval of the Hayward Fire Department Fire Chief of approved grading and street construction plans. Construction of homes shall also not commence prior to approval of building plans by the Fire Chief.
44. The Subdivider or building contractor shall provide at least a 24-hour notice to the Fire Department to schedule an inspection. Inspection requests shall be made by calling the Fire

Marshal's Office at (510) 583-4900 to schedule either a morning inspection (10:00 a.m. to 12:00 p.m.) or an afternoon inspection (1:00 p.m. to 4:00 p.m.). The job copy of APPROVED plans and the job card shall be available on the job site during a scheduled inspection.

45. A permanent water source capable of supplying the required fire flow shall be made available as soon as combustible materials accumulate at the site. Hydrants shall be maintained clear of obstructions and accessible for fire protection during construction.
46. Permanent access to the immediate job site by a heavy fire fighting apparatus shall be provided at the start of construction. The all-weather road shall be at least twenty (20) feet in width, shall have an unobstructed vertical clearance of at least thirteen feet six inches (13' 6"), and shall be capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds (gross vehicle weight).
47. Separate permits from the Hayward Fire Department and the County of Alameda shall be required for new Fire Sprinkler System installation/alterations, and for underground fire service line installation.
48. Subdivider shall prepare a Wildfire Protection Plan, to be approved by the County after consultation with the Fairview Fire Protection District and the City of Hayward Fire Department. The Plan shall address brush clearing, limb pruning, emergency access to the conservation parcels, and other means of reducing and minimizing hazards of wildfires. This Plan shall also include recommendations for landscape, building and roof materials, and provision of fire buffers.
49. The following shall be submitted to the Director of Public Works, prior to acceptance of final improvements by the Board of Supervisors:
 - a. A geotechnical and geological investigation report conforming with Grading Ordinance requirements. This report will be subject to a technical independent geotechnical/geologic review by one of the County's consulting geotechnical/geologic firms. Funding for such review service must be provided by the developer.
 - b. An as-built grading plan prepared by a registered Civil Engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage, and location of surface and subsurface drainage facilities.
 - c. A complete record including location and elevation of all field density tests, and a summary of all field and laboratory tests.
 - d. A declaration by a Civil Engineer and Geologist that all work was done in accordance with the recommendations contained in the soil and geologic investigation report and approved plans and specifications.

- e. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and geologic investigations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval and shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement and seismic activity.
50. A Final Landscape Plan prepared by a Landscape Architect, Architect or qualified landscape design professional shall be submitted to the Planning Director for approval prior to issuance of the first Building Permit. The Landscape Plan shall contain a specific planting plan including a mechanical irrigation plan, planting and staking details, tree protection details (where existing trees are to be preserved) and a landscape maintenance program. For every large, mature tree (those measuring at least 20" diameter breast height (dbh) for native trees or 30" dbh or greater for introduced species) that is to be removed, a minimum of five 15-gallon sized trees or one boxed native specimen tree shall be installed. In order to encourage water conservation, the Landscape Plan shall comply with Alameda County's Landscape Water Efficiency Landscape Ordinance (WELO, adopted by the Board of Supervisors on July 24, 2012) including the following requirements:
- a. Turf shall be limited to 25% of the planted area.
 - b. Non-turf areas shall emphasize water conserving plants. Plants selected shall be well suited to the climate of the region and require minimal water.
 - c. Turf grass perimeters shall be minimized to improve irrigation efficiency.
 - d. For ease of maintenance and reduction of runoff, ground covers other than lawns shall be used on slopes exceeding 10%.

In order to comply with the WELO, the Subdivider shall submit a Landscape Documentation Package that meets the requirements of the WELO including project documents, plans, components, and the Water Efficient Landscape Worksheet, comprised of: a) hydrozone information table; and b) water budget calculations – Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU). The Landscape Documentation Package shall also include: soil management report; landscape design plan; irrigation design plan; and grading design plan. The Landscape Documentation Package shall also be provided to the East Bay Municipal Utility District for its approval. The landscaping and irrigation systems shall be installed to WELO standards and to the satisfaction of the Planning Director.

51. An Encroachment Permit shall be secured from the Director of Public Works prior to commencement of work within the County right-of-way along "D" Street. A cash deposit or bond equivalent to 150 percent of the cost of installing any improvements will be required to obtain this permit. The deposit will be returned upon satisfactory completion of the improvements by the developer. An inspection and permit fee will also be required.

ENVIRONMENTAL MITIGATION MEASURES

52. Lighting Design Plan. The Subdivider shall design lighting to be sensitive to neighboring land uses and to minimize energy use, according to standard County lighting guidelines. The Alameda County Planning Department shall review the design plans to ensure compatibility of the Project with all applicable guidelines. The general lighting guidelines for County projects include the following items:
- Subdivider shall design public area lighting so as to evenly illuminate areas of concern, but so as not to intrude upon private areas any more than necessary. Public areas not essential to security should be illuminated only when necessary for occupation by use of timers or motion detector circuits. Decorative electroliers can be considered for private streets; however, wood poles are not recommended.
 - Subdivider shall use the lowest wattage lamps reasonable for illumination of the area of concern.
 - Subdivider shall install only full cutoff-shielded lights for illumination of public areas.
 - Subdivider shall design and place night time lighting and security lighting so that it is no higher than necessary to illuminate the area of concern for security or visual comfort.
 - Subdivider shall not position night lighting to illuminate areas beyond the site boundaries, nor shall the Subdivider position general lighting to radiate above the horizontal, but shall place lights or install shielded lights to illuminate only the area of concern.
 - Residents shall extinguish any lights not required for onsite security.
 - The Homeowners Association shall enforce these conditions through CC&Rs for the Project and the CC&Rs shall provide for ownership and maintenance of the streetlights, including payment of electrical operating costs and a lighting maintenance budget.
 - Subdivider shall submit a lighting plan for review and approval by the Planning Director prior to issuance of building permits.
 - Streetlights shall be installed 2 feet from the face of curb to the centerline of the electrolier, or in the public utility easement (PUE) behind the sidewalk, opposite from the street. A 4-foot minimum wide walkway shall be provided adjacent to the pole.
53. Implement Site-Specific Dust Abatement Programs. The Project shall demonstrate compliance with all applicable County regulations and operating procedures prior to issuance of building or grading permits, including standard dust control measures consistent with the Bay Area Air Quality Management District CEQA Guidelines:
- During excavation, the construction area shall be watered using equipment and staff that are provided by the Subdivider or prime contractor, as needed, to avoid visible dust plumes. Appropriate non-toxic dust palliative or suppressant, added to water before application, may be used.

- All trucks hauling soil, sand and other loose materials shall be covered or shall maintain at least two feet of freeboard.
 - All unpaved access roads, parking areas and construction staging areas shall be either paved, watered as necessary to avoid visible dust plumes, or subject to the application of (non-toxic) soil stabilizers.
 - All paved access roads, parking areas and staging areas at the construction site shall be swept daily with water sweepers as necessary to control visible dust plumes.
 - If visible soil material is carried onto adjacent public streets, these streets shall be swept at least daily with water sweepers.
 - All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall either be covered or watered as necessary to avoid visible dust plumes.
 - An off-pavement speed limit of 15 miles per hour for all construction vehicles shall be incorporated into the construction contract and enforced by the prime contractor.
 - All inactive portions of the Project Site (those areas which have been previously graded, but inactive for a period of ten days or more) shall be watered with an appropriate dust suppressant, covered or seeded.
 - All earth-moving or other dust-producing activities shall be suspended when the above dust control measures prove ineffective in avoiding visible dust plumes during periods of high winds. The wind speed at which this suspension of activity will be required may vary, depending on the moisture conditions at the Project Site, but suspension of such activities shall be required in any case when the wind speed exceeds 25 miles per hour.
54. Implement Site-Specific Diesel Reduction Programs. The Project Subdivider shall adhere to the following diesel reduction efforts:
- Diesel powered equipment shall be maintained in good working condition, with manufacturer-recommended mufflers, filters, and other equipment.
 - Diesel powered equipment shall not be left inactive and idling for more than ten minutes, and shall comply with applicable BAAQMD rules.
 - Alternative fuels shall be used in heavy construction equipment to the extent feasible.
 - Hours of operation of heavy-duty equipment and/or the amount of equipment in use shall be limited to weekdays, 7:00 a.m. to 7:00 p.m. unless authorized by the Public Works Agency for purposes of necessary activity.
55. Raptor Survey and Buffer Zones. If tree removal or major trimming activities (i.e., including removal of large limbs with a diameter of 6" or more at the point of cutting, or as determined by a qualified wildlife biologist), occurs in the months between February and August (inclusive), a qualified wildlife biologist will conduct a survey to determine the presence or absence of nesting raptors. If occupied nests are observed, the tree or limb removal activity

will not proceed until the biologist has confirmed that the nest is no longer in use and the young have fledged. In addition, tree removal or other tree-trimming activities would be prohibited within a 500-foot buffer zone around the nest tree while the nest is in use. The Applicant or future homeowner's association shall be responsible for procuring a qualified wildlife biologist to conduct such surveys.

56. Pre-construction Surveys for Birds. Preconstruction surveys should be initiated within 14 days prior to earth-disturbing activities during the breeding season. The breeding season begins February 15 and ends August 15. Breeding bird surveys should be conducted for species that could nest in the grassland, blackberry, and eucalyptus trees. If a nesting bird is encountered, a buffer approximately 250 feet from the nest should be established for raptors and 25 feet for other bird species. People, construction equipment, and any human activity should be prohibited within the buffer area. Nevertheless, if the biologist determines that the nesting birds are acclimated to human activity, the buffer may be reduced. If the buffer is reduced, the birds should be periodically observed to ensure that human activity is not causing stress or otherwise disrupting their normal behavior. The buffer can be removed from the nest once the young birds have fledged.
57. Pre-construction Surveys for Bats. The structure on the project site should be surveyed for bats prior to demolition. If a maternity colony of bats occurs in the structure, then demolition should occur after the young bats are able to leave their parents (demolition can typically occur between September 1 and October 15 that is before a wintering colony of bats may begin hibernation). If a wintering colony of bats occurs in the structure, then demolition should occur after the weather warms in the spring but before young are born (demolition can typically occur between March 1 and April 15). Female bats begin to have their pups after April 15 and any maternity roost should not be destroyed if pups are present.
58. CNPS-Listed Plant Species. The Subdivider shall provide for two additional focused surveys of the Project Site by a qualified botanist to determine the presence or absence of CNPS-listed plant species during the blooming periods of the remaining potentially-occurring target species. These focused surveys should be conducted in early-spring (March) and mid-spring. If the plants are found, construction in that portion of the project area will be delayed until the plants reach the appropriate point in their growth, phenologically and physiologically, to be re-located. Either the plants would set seed that would be collected, or in the case of the species which is a bulb, the bulbs would be collected when the plants reach dormancy. Plants would be moved to a suitable location on-site or off-site for planting.
59. Tree Replacement. In the event that removal of large, mature native or introduced trees is approved by the Planning Commission as part of the Project, the Subdivider or homeowners' association shall conform to the requirements of the *Fairview Area Specific Plan* to reestablish at least five, 15-gallon sized trees or one boxed, native specimen tree for every large tree removed, as defined by the *Specific Plan*. The species, location and method of installation shall be approved by the County Planning Director.

60. Cultural Resource Protection Procedures. The Subdivider shall inform all personnel connected with the Project of the possibility of finding archaeological resources (e.g. human remains, artifacts, bone or shell). If during construction such resources are encountered, all work shall be halted within a 100-foot radius of the findings and a qualified archaeologist shall be retained to ascertain the nature of the discovery. Mitigation measures recommended by the archaeologist and approved by the Planning Director shall be implemented.

Additionally, if human remains are found within the Project Area, State law (Public Resources Code Section 15064.5 and the Health and Safety Code Section 7050.5) requires the following steps to be taken:

- There shall be no further excavation or disturbance of the site or any nearby areas reasonably suspected to overlie human remains until the County Coroner is contacted;
 - If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours;
 - The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent;
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods.
61. Conformance with Uniform or International Building Code. The Project shall be designed in accordance with all seismic provisions of the Uniform or International Building Code (UBC or IBC) (the most currently adopted revisions), and with County of Alameda and State of California Standards for residential construction to withstand seismic shaking and related hazards.
62. Conformance with the County Grading Ordinance. The Subdivider shall conform to all requirements and provisions of the Alameda County Grading Ordinance, and the State of California. Under the State requirements, the Project Applicant must obtain a water quality certification or waiver from the Regional Water Quality Control Board. This process ensures conformance to best management practices during construction to control wind and water erosion that could affect surface and ground water quality.
63. Conformance with Geotechnical Report. The Subdivider shall incorporate the recommendations of the Final Geotechnical Report into the design and construction of the Project, subject to the review of the County of Alameda Grading Department and if applicable, by the County's geotechnical/geologic peer review consulting firm.
64. Development Plan Review and Approval. The final development plan for the Project, including grading, major infrastructure and building foundations, shall be reviewed and approved by the Alameda County Public Works Agency to ensure that the Subdivider has

incorporated the recommendations of the Final Geotechnical Report, including County and applicable peer review-based revisions into the design and construction of the Project.

65. Lead and Asbestos Protection Procedures. Lead and asbestos surveys shall be prepared by the Subdivider and a Demolition Plan for safe demolition of existing structures at the Project site shall be prepared as necessary. All transportation of hazardous or contaminated materials from the site shall be performed in accordance with an approved Demolition Plan and Remedial Action Workplan. The Demolition Plan shall address both on-site worker protection and off-site resident protection from both chemical and physical hazards. All contaminated building materials shall be disposed of at appropriate licensed landfill facilities. Prior to demolition, hazardous building materials such as peeling, chipping and friable lead-based paint and asbestos containing building materials shall be removed in accordance with all applicable guidelines, laws and ordinances. The Demolition Plan shall include a program of air monitoring for dust particulates and attached contaminants. Dust control and suspension of work during dry windy days shall be addressed in the Demolition Plan.

A licensed asbestos contractor must perform all asbestos related work if there is more than 100 square feet of asbestos involved. If less than 100 square feet is involved, the contractor is not legally required to have the asbestos licensing. However, the contractor must have proper training and utilize the same controls, protective equipment, exposure monitoring, etc. that are required of a licensed asbestos contractor. For this reason, it is recommended that licensed asbestos contractors perform any asbestos related work regardless of the quantity.

For flaking and peeling lead-based paint the requirements of Title 8, California Code of Regulations, Section 1532.1 (T8 CCR 1532.1) must be followed. These requirements include (but are not limited to) the following:

- Loose and peeling lead-containing paint should be removed prior to building demolition. Workers conducting removal of lead paint must receive training in accordance with T8 CCR 1532.1;
- The lead paint removal project should be designed by a DHS certified lead project designer, project monitor or supervisor;
- Workers conducting removal of lead paint must be certified by DHS in accordance with T8 CCR 1532.1;
- Workers that may be exposed above the Action Level must have blood lead levels tested prior to commencement of lead work and at least quarterly thereafter for the duration of the Project. Workers that are terminated from the Project should have their blood lead levels tested within 24 hours of termination;
- A written exposure assessment must be prepared in accordance with T8 CCR 1532.1; and
- Any amount of lead waste generated from painted building components must be characterized for proper disposal in accordance with Title 22, Section 66261.24.

66. Conformance with the Uniform Fire Code. The Project shall be designed in accordance with all provisions of the Uniform Fire Code (UFC) (the most currently adopted revision), and with County of Alameda, City of Hayward, and State of California Standards for fire safety.
67. Storm Water Pollution Prevention Plan. The following measure shall be used prior to commencement of construction activities:
- The developer shall submit a Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) per the regulations of the General Construction Activities, National Pollutant Discharge Elimination System (NPDES) permit, and as required herein by Condition 27, prepare and implement a Storm Water Pollution Prevention Plan (SWPPP).
 - The SWPPP shall be consistent with the terms of the General Permit, the Manual of Standards for Erosion and Sedimentation Control Measures by the Association of Bay Area Governments (ABAG), policies and recommendations of the local urban runoff program (County of Alameda), and the Staff Recommendations of the RWQCB.
 - The SWPPP shall incorporate specific measures to reduce and treat runoff from developed areas of the site by means of vegetative buffers, grassy swales, or other means, to be effective for the duration of project construction, and shall incorporate Best Management Practices (BMPs) to control sediment and erosion during the grading and building period.
 - A copy of the SWPPP shall be made available at the Project site, but is not required to be submitted to the RWQCB.
68. Storm Water Quality Control Plan (SWQCP). Best Management Practices (BMPs) shall be utilized during construction to ensure that erosion, runoff, and the alteration of existing drainage patterns from grading activities and construction will be minimized. The Subdivider shall submit a SWQCP Plan to the County for review, which shall include details on the BMPs appropriate for this type of construction. The emphasis of the SWQCP shall be to prevent runoff from active construction areas and exposed surfaces into the two existing streams designated by the U.S. Army Corps of Engineers as waters of the United States. Stormwater drainage connections and runoff controls shall be designed and constructed prior to beginning demolition in order to control any additional stormwater runoff created during construction activities. Connections and flow controls shall be established based on estimated natural or current runoff, if needed. The following practices have shown to be efficient, cost effective, and versatile for small construction site operators to implement. The practices are divided into two categories: non-structural and structural. This list is intended as an outline summary; additional requirements may be imposed by the Alameda County Clean Water Program.
- Non-Structural BMPs
- Minimizing Disturbance
 - Preserving Natural Vegetation (where possible)

- Good Housekeeping

Structural BMPs

- Erosion Controls
- Mulch
- Grass
- Stockpile Covers
- Sediment Controls
 - Silt Fence
 - Inlet Protection
 - Check Dams
 - Stabilized Construction Entrances
 - Sediment Traps

69. Storm Drain Design. The Subdivider shall design the storm drain system to slow and detain runoff so that storm water is released into the drainage system at a rate no greater than the existing, pre-Project peak flow rate. The Subdivider shall will be required to obtain a County Stormwater Permit and the stormwater protection design solution must conform to the 2013 version of the C.3 Technical Guidance.
70. Construction Equipment and Hours. Mufflers shall be used on all heavy equipment during construction activities. The Project shall limit the operation of excessively noisy tools or equipment use in construction to the period between 7:00 a.m. and 7:00 p.m. on weekdays (except legal holidays) and between 8:00 a.m. and 5:00 p.m. on weekends and legal holidays. Additionally, the Project developer shall provide adequate muffling and proper maintenance of all construction equipment in use at the Project site. Signs shall be posted to notify the adjacent residents of the period of construction with a name and phone number to call for excessive noise complaints, including the contractor, developer, and County agencies.
71. Alameda County Park Dedication Ordinance Fee. The Subdivider shall pay the required park fee in order to ensure that the Project bears the cost of the individual incremental share of improvements to accommodate the cumulative demand for park and recreation facilities resulting from the increase in population.
72. Routing Plan. The Subdivider shall develop and submit a precise route of access to the property for construction vehicles for the term of construction. Alternative routes that minimize traffic past local residences and passive recreation area should be used if available.
73. Conformance with County Construction Traffic Policy. The Subdivider shall comply with all County requirements with regard to construction traffic, such as warning signage and flag-person controls, as well as pilot cars / escorts for oversize loads.

74. Remove Visual Obstructions (Tree). The tree currently located just east of the proposed driveway should be removed if it is found to obstruct the easterly view of drivers exiting the Project Site.
75. Mitigation monitoring and reporting shall be performed by the Subdivider by providing all necessary personnel, equipment, and efforts necessary to adequately document the performance and satisfaction of each mitigation measure listed above, with reports to be provided to the Planning Director or Director of Public Works as appropriate at the completion of each measure and not later than occupancy of the first new residence within the subdivision. The Mitigation Monitoring and Reporting Program shall be used for this purpose.

SERVICES AND UTILITIES

76. Any known water well without a documented intent of future use that is shown on the map, is known to exist, is proposed, or is located during the course of field operations must be destroyed or backfilled prior to any demolition or grading in accordance with a well destruction permit obtained from the Public Works Agency.
77. All utility distribution facilities within the land division shall be placed underground.
78. Screen utility meters from public view.
79. A letter from the East Bay Municipal Utility District stating that it has agreed to provide water to each lot in the land division shall be submitted to the Director of Public Works.
80. Sanitary sewers are to be provided to service each lot and are to be connected to the Oro Loma Sanitary District system of sewers and installed at the expense of the land divider in accordance with the requirements of said District and the approval by the Director of Public Works. A letter from the Oro Loma Sanitary District stating that it has agreed to provide a connection to its sanitary sewer system for each lot in the land division shall be submitted to the Director of Public Works.
81. Fire protection improvements are to be installed by the land divider in accordance with the requirements of the City of Hayward Fire Department. A letter from this Department stating that it has approved the design and improvement guarantees shall be submitted to the Director of Public Works.

COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY AS DESIGNATED ADVISORY AGENCY