

THE PLANNING COMMISSION OF THE COUNTY OF ALAMEDA

RESOLUTION NO. 18-09

AMENDING PRIOR RESOLUTION NO. R-17-13

**ADOPTING AN ADDENDUM TO THE CERTIFIED ENVIRONMENTAL IMPACT
REPORT IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT, AND APPROVING AMENDMENTS TO
VESTING TENTATIVE TRACT MAPS 8296 & 8297**

August 6, 2018

Introduced by Commissioner Rhodes

Seconded by Commissioner Gin

WHEREAS D Street Investments, LLC (Subdivider and Applicant) has filed with the Alameda County Planning Department applications to concurrently approve Vesting Tentative Tract Map 8296 and Vesting Tentative Tract Map 8297, as two adjacent sites comprising a single Project, also referred to herein as the Fairview Meadows /Fairview Orchards Subdivision Project (respectively Maps 8296 & 8297), containing respectively 4.61 and 5.17 acres and a total of 9.78 acres, to be subdivided into a total of 31 single family residential lots (16 plus 15 respectively in Tracts 8296 and 8297), in the R-1-B-E (Single Family Residential, with a combining B-E district overlay, specifying 10,000 square foot minimum building site area per lot) District, (located at 3231, 3247, 3289 and 3291 D Street, unincorporated Fairview area of Alameda County, with designated Assessor's Parcel Numbers (APNs): 417-0240-001-00; 417-0240-006-00; 417-0250-021-00; 417-0240-004-00; 417-0240-012-04; 417-0240-005-00 and 417-0250-001-00; and

WHEREAS the Fairview Municipal Advisory Council held a public hearing on July 17, 2017, to consider the amendments to Tract Maps 8296 & 8297, and after taking public comments and considering a staff report on the proposed amendments, recommended approval of the amendments; and

WHEREAS the Planning Commission held public hearings on the 7th of March, 2016 for the purpose of a preliminary plan review and on the 18th day of September, 2017, for the purpose of approval of the two vesting tentative tract maps; and

WHEREAS the Planning Commission held a public hearing on the 6th of August, 2018 to consider the amendments; and

WHEREAS the Planning Commission is designated by the Alameda County Subdivision Ordinance (Alameda County Ordinance Code, Title 16) 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) with the preparation of an Environmental Impact Report, which provides a complete evaluation of the potential adverse environmental effects of the project; and

WHEREAS an Addendum has been prepared pursuant to Section 15164 of the CEQA Guidelines if minor technical changes additions are necessary that will not have significant new impacts or substantially increase previously identified significant impacts; and

WHEREAS the Draft Environmental Impact Report (Draft EIR) was circulated for a 45-day period, commencing on January 31, 2017 and ending at 5:00 p.m. on March 16, 2017, by direct mailing to responsible agencies, the State Clearinghouse, notice to neighboring properties, and making the Draft EIR available for review by the general public, and comment letters were received from neighboring property owners, the applicant's legal representative and others; and

WHEREAS on February 21, 2017, during the 45-day comment period, the Planning Commission held a public hearing to receive verbal comments on the Draft EIR; and

WHEREAS the Final Environmental Impact Report (Final EIR) with responses to comment letters and oral statements made at the public hearing was completed and began public circulation on September 6, 2017 to all persons who submitted comments, thereby providing more than ten (10) days for review of the Final EIR by the public, including by the members of the Planning Commission; and

WHEREAS comment letters raised issues that have been addressed as part of the environmental review process including the Mitigation Monitoring and Reporting Program (MMRP), site plan and engineering refinements, or are addressed by the conditions of approval herein for the Tract Maps, subsequent permits, and established protocols; and

WHEREAS, the Final EIR found that all potentially significant impacts could be avoided or reduced to a less-than-significant levels with mitigation measures identified in the MMRP; 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 implementation of mitigation measures identified in the MMRP attached hereto as Exhibit C and required as conditions of approval; and

WHEREAS the project developer will be required to implement Exhibit C of this Resolution, 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 Environmental Impact Report was prepared by the Alameda County Planning Department in its role as the lead agency with assistance from professional environmental planning consultants; and

WHEREAS the Project site is within the Fairview Area Specific Plan, which designates the site for single-family development with a 10,000 square-foot minimum building site area. The Specific Plan also provides that in hillside areas (sites with an average slope exceeding 10%), the maximum allowable density is 3.5 units per gross acre of developable area of a site, which includes only areas of less than 30% slope, areas outside private streets, shared driveways, visitor parking,

and riparian areas as defined in the Plan. Because the parcels combined total is 9.59 developable acres, the number of allowed units would be 33, and the proposed number of 31 residential units is compliant with allowable density; and

WHEREAS members of the Planning Commission did conduct a field trip to the project site at the hour of 3:30 p.m., and did conduct a public hearing on said application at the hour of 6:00 p.m. on September 18, 2017 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 time 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 the Planning Commission did hear and consider all reports, recommendations and testimony as hereinabove set forth with regard to the amendments to Resolution 17-13 at its hearing on August 6, 2018; and

NOW THEREFORE

BE IT RESOLVED that the Planning Commission hereby finds and certifies the following with respect to the Project and the Final EIR:

1. The Final EIR was completed in compliance with CEQA;
2. The Final EIR was presented to the Planning Commission, the decision-making body for the lead agency for the Project, and the Planning Commission reviewed and considered the information contained in the Final EIR prior to approving the project;
3. The Final EIR represents the independent judgment and analysis of the Planning Department, the lead agency for the Project;
4. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR, and that each such change is supported by substantial evidence in the record, including Exhibit A for the Fairview Orchards / Fairview Meadows Subdivision Project – Written CEQA Findings.
5. Specific economic, social, technological or other considerations make infeasible the alternatives identified in the Final EIR, as further specified in Exhibit A for the Fairview Orchards / Fairview Meadows Subdivision Project – Written CEQA Findings.
6. Specific economic and social considerations make it infeasible to completely implement one mitigation measure identified in the Final EIR. The Commission determined that adoption of a mitigation measure to preserve the natural topographic features of the site by requiring split pads on two of four lots (1 and 2, but not 8 & 15) within Tract Map 8297 would create additional negative impacts. Specifically, the new residences built on

lots 1 and 2 would have a higher profile on the hilltop location than if the homes were built on the flat pads as proposed without split elevations. The Commission determined that with respect to lots 1 and 2, this mitigation measure was infeasible because the increased negative impact on neighboring homeowners outweighed the protection of a topographic feature within a relatively small area. However, the Commission found that requiring split pads on 8 and 15 would be adequate to mitigate the impact of the project on topography to a less than significant level.

7. The Addendum to the Final EIR dated August 6, 2018 is in compliance with CEQA and indicates that the technical changes to the Project would not result in significant new or different impacts as previously identified in the Final EIR.
8. 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

BE IT FURTHER RESOLVED that the Commission hereby adopts the written findings set forth in Exhibit A for the Fairview Orchards / Fairview Meadows Subdivision Project – Written CEQA Findings.

BE IT FURTHER RESOLVED that the Commission hereby adopts the Mitigation Monitoring and Reporting Program set forth in Exhibit C for the Fairview Orchards / Fairview Meadows Subdivision Project, and hereby requires Subdivider to perform the actions specified in Exhibit C as a condition of approval of the Project;

BE IT FURTHER RESOLVED that under the conditions required herein and made a part of the Vesting Tentative Tract Maps, this Commission hereby finds as follows:

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, and geotechnical reports conclude 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 incorporate mitigation measures identified in the MMRP, 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 no such public easements are known to exist and the private streets will allow existing private easements to be retained, while providing new public easements for emergency access, access to stormwater protection features, and other public improvements. The Subdivider will be required to provide final verification of all property boundaries and resolve any disputes prior to recording the Final Map.

BE IT FURTHER RESOLVED that the improvements 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.

BE IT FURTHER RESOLVED that Vesting Tentative Tract Maps 8296 & 8297 are 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 8296”, and “Exhibit D, Vesting Tentative Tract Map 8297” including Amended Sheet 5 of 15, the requirements of Exhibit C, and the following conditions:

A. 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 B, Exhibit D or Exhibit C. 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 Exhibits “B” and “D” 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, except as modified herein by these conditions.
4. All required plans, specifications, and technical data necessary to complete the Final Maps shall be filed with the Director of Public Works. Requirements for filing the maps, 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 from the adjoining property owners, in writing, for use of improvement of drainage ways outside the boundaries of the tract maps. Original copies of right-of-entry shall be provided to the Director of Public Works.
7. 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 to 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.
8. 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.

9. The Subdivider shall secure approval from the Planning Director of Draft Covenants, Conditions and Restrictions (CC&Rs) for a home owners association (HOA) prior to submittal to the state Bureau of Real Estate (BRE). Final CC&Rs as approved by the BRE shall be approved by the Planning Director prior to recordation. The CC&Rs require private ownership and financial responsibilities of all infrastructure in the subdivision including but not limited to maintenance of storm drain facilities, private roadway access, parking areas, common areas, water treatment/bioretenion areas, detention structures, and related auxiliary structures. The CC&Rs shall clearly specify an acceptable funding mechanism for maintenance of all onsite common improvements. CC&Rs shall be recorded prior to release of improvement guarantees by the Board of Supervisors.

CC&Rs 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 establish a C.3.h agreement with the County Public Works Agency for maintenance and County and state inspection of the bioretention areas, storm-water detention pipes and structures and all pertinent infrastructure installed for the purpose of treating and detaining stormwater runoff, including upgrades and replacement over time as needed based on such inspections.
- e. The agreement between the association and the County regarding maintenance of the bioretention areas shall ensure the association maintains any pathways required for maintenance access to all shown on Exhibit "B" (Sheet 4, Grading and Drainage Plan, Tract 8296) and Exhibit "D" (Sheet 4, Grading and Drainage Plan, Tract 8297), and related stormwater detention and outflow facilities.
- f. All garage parking spaces shall be kept accessible for parking purposes as required by Section 17.52.770 of the Alameda County Zoning Ordinance.
- g. 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 vehicles parked contrary to this provision shall be removed by the homeowners' association.
- h. Common landscaped areas (Parcel A on Tract 8297) shall be maintained in a manner consistent with the approved Landscape Plan for the Project and with Bay-

Friendly landscaping principles and guidelines as promulgated by the Alameda County Waste Management Authority.

- i. The association shall review the architecture of any proposed modifications or additions to homes, fences, or other structures within the development, and any proposed removal of any trees shown on the approved Landscape Plan.

B. STREET/ROADWAY IMPROVEMENTS

10. Access roads in both tracts (Street A in Tract 8296 and Street A in Tract 8297) shall be improved as private streets, as shown on Exhibit “B” and as specified herein below.
 - a. Street design and construction with regards to width, curb return radius, intersection, curb ramps, crosswalks at entrances, grade, drainage and cul-de-sac features shall be in accordance with the current specifications of the County Traffic and Road Departments or as approved by the Director of Public Works.
 - b. Streetlights on public roadways shall meet County standards and, upon acceptance by the Board of Supervisors, they shall be owned and maintained by the County. These lights shall be energized at the PG&E LS-2 rate schedule.
 - c. Streetlights on private streets may be decorative as approved by the Director of Public Works and they shall be owned and maintained by the HOA. These lights shall be energized at the PG&E LS-2 rate schedule.
11. Proposed street names shall be approved by the Planning Department and such names shall appear on the Final Map. The Subdivider shall apply for address assignments prior to the approval of the Final Map.
12. The Subdivider shall construct the access road on each Tract as a cul-de-sac as shown on Exhibit B and Exhibit D, with dimensions approved by the Hayward Fire Department under its contract with the Fairview Fire Protection District and as approved by the Director of Public Works.

The Subdivider shall improve the gravel driveways that serve existing legal and prescriptive easements as shown on Exhibit D, and subject to review and approval of its design by the Director of Public Works, shall construct a safety barrier within Parcel B at the top of the proposed 2:1 slope along the north side of the required driveway.
13. The Subdivider shall install Portland Concrete Cement (PCC) curb, gutters, sidewalk, and pavement tie-in along the Project’s entire D Street frontage as shown on Exhibit B of each Tract by a design which meets current County specifications including those required by the federal Americans with Disabilities Act.
14. There shall be no parking of vehicles on D Street along the entire Project frontage. The Subdivider shall provide for red painting of the curb, and shall install signage to the same effect if required by the Director of Public Works.

15. Any right-of-way dedication, relocation of improvements or public facilities, or road improvements shall be accomplished at no expense to the County.
16. Traffic safety and parking restriction signs, devices and street name signs shall be installed in accordance with Alameda County standards.
17. At the intersection of both of the Project's access streets with D Street, Applicant shall either provide "bulbouts" or a narrower street that reduce the curb-to-curb roadway width to a maximum of 24 feet where pedestrians would cross. These bulbouts shall be on the northernmost 10 feet of both local access streets, allowing for a reduction in pedestrian crossing distances for pedestrians on D Street. The design shall be subject to an encroachment permit and approval of the Director of Public Works.
18. 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. If approved by the Director of Public Works, the Subdivider or building contractor may instead construct off-site sidewalk improvements (including curb and gutter) along adjacent portions of D Street (i.e., not along the Project site frontage) with an encroachment permit subject to approval by the Director of Public Works, at a cost equal to or less than the CTIM fees, in lieu of the full CTIM fee obligation. Such off-site sidewalk improvements shall be constructed concurrently with the sidewalks required under condition 13, and completed and inspected prior to the release of utility services. The Subdivider shall provide documentation of the cost to the Director of Public Works and shall pay as a CTIM fee any difference between the cost of such improvements and the CTIM fee as determined by the Director of Public Works. Such improvements shall aim to maximize pedestrian access between the Project site and Fairview Avenue. The specific location of off-site sidewalk improvements may be subject to a recommendation by the Fairview Municipal Advisory Council through the Site Development Review process for the Project (see condition 24 below).
19. The Subdivider shall budget \$15,000 towards construction of additional off-site sidewalks consistent with the program outlined above in condition 18. In the event that the Director of Public Works does not approve sidewalks on D Street as described in condition 18, the Subdivider shall contribute \$15,000 to a separate fund within the Homeowners Association budget, which shall be reserved for future payment to the County Public Works Agency at the discretion of the Agency Director, towards implementing safety measures or improvements to address speeding, pedestrian safety, sidewalk improvements and/or enforcement. If the Director fails to expend such funds within five years of the last utility release for site improvements, the total or remaining funds shall be transferred to the HOA's general budget. These funds may be focused either on the nearest intersections of D Street at Fairview Avenue and Maud and Fairview Avenues, or to conditions on D Street east of Fairview Avenue.
20. The Applicant shall prepare and submit a Construction and Transportation Control Plan to the Director of Public Works for approval for the duration of construction activities,

indicating by map the principle route(s) of travel of heavy equipment (e.g. bulldozers, grading equipment, drilling machinery, etc.) and material delivery trucks, waste or soil hauling trucks, together with an anticipated schedule, and the numbers of construction workers anticipated at peak phases and stages of construction. The Plan shall provide for a pre-construction survey and assessment of roadway conditions on the routes to be used, and a guarantee of repair and restoration of significant road deterioration. The Plan shall guarantee the provision of warning signage and flag-person controls, as well as pilot cars/escorts for oversize loads. Said Plan shall emphasize alternative routes or a suitable distribution of truck trips that minimize or moderate the burden on any one street, using a combination of East Avenue, Hansen, D Street, Kelly Street and Maud Avenue.

21. 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.

C. BUILDING PERMITS

22. 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 e-mail letter dated October 29, 2015, as amended by these conditions.

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 on the Building Department's website: <http://acgov.org/pwa/construction/land/permits/index.htm>.

23. 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.
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.

25. The architecture of the proposed homes shall reflect semi-custom designs and shall conform to the County's Residential Design Standards and Guidelines to the extent allowed by the *Fairview Area Specific Plan*. Exterior roof elevations, colors and finish materials shall be sufficiently varied among the home designs so as to achieve reasonably diverse exterior architectural elements without extreme contrasts between each other. Pursuant to the requirements of the *Fairview Area Specific Plan* and the R-1-B-E (10,000 square-foot minimum building site area) zone district provisions, building lot coverage shall not exceed 30% of each lot, front yards shall be a minimum of 30 feet deep, side yards shall be a minimum of 15 feet in width and rear yards shall be a minimum of 20 feet in depth. 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 and the *Fairview Area Specific Plan*.

E. STORMWATER MANAGEMENT

26. The Project Applicant shall provide the County with a letter from the owners of the three existing storm drain systems that will provide connection points for collected storm runoff, authorizing and/or giving permission to the Applicant to connect to their facility: (a) the existing storm drain system in the Machado Court neighborhood to the east; (b) the existing storm drain system near the EBMUD property to the west; and (c) the existing storm drain system located at the downslope of "D" Street. In the event that the owners of the off-site drain systems do not provide such permission or agreement to accept stormwater discharge from the two Project sites, the Applicant shall coordinate with the Director of Public Works to provide alternative strategies for release of post-treatment stormwater.
27. As required by the NPDES General Construction Permit and prior to any grading activity on the site, the Project applicant shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall comply with the terms of the Construction General Permit and County ordinances (Chapter 13.08: Stormwater Management and Discharge Control, and Chapter 15.36, Grading, Erosion and Sediment Control).
28. Best Management Practices (BMPs) shall be included as part of the SWPPP and as part of a Stormwater Quality Control Plan (SWQCP) to be submitted to the County. These BMPs shall be implemented at the site during grading and construction to prevent excessive stormwater runoff, to prevent stormwater runoff from carrying materials onto adjacent properties, public streets or to creeks, and to minimize contamination of stormwater runoff. Typical BMPs may include, but are not limited to:
- a. Stormwater drainage connections and runoff controls shall be designed and constructed prior to beginning demolition and/or grading in order to control any stormwater runoff created during these activities. Connections and flow controls shall be established based on estimated natural or current runoff, if needed.
 - b. Only land which will be actively under construction in the near term (e.g., within the next 6-12 months) shall be cleared. Subdivider shall minimize new land

- disturbance during the rainy season, and avoid clearing and disturbing sensitive areas (e.g., steep slopes and natural watercourses) and other areas where site improvements will not be constructed.
- c. Provide temporary stabilization of disturbed soils whenever active construction is not occurring on a portion of the site through water spraying or application of dust suppressants, and gravel covering of high-traffic areas. Provide permanent stabilization during finish grade and landscape the Project site.
 - d. Safely convey runoff from the top of the slope and stabilize disturbed slopes as quickly as possible.
 - e. Delineate the Project site perimeter to prevent disturbing areas outside the Project limits. Divert upstream run-on safely around or through the construction.
 - f. Sediment controls shall be provided at the edge of disturbed areas including such facilities as silt fences, inlet protections, sediment traps and check dams. Silt fences or straw wattles shall be installed prior to any grading at the project site and shall be operable during the rainy season (October 1 to April 30).
 - g. Between October 15 and April 15, all paved areas shall be kept clear of earth materials and debris, and all sediment barriers shall be inspected and repaired at the end of each working day and also after each storm.
 - h. Runoff from the Project site should be free of excessive sediment and other constituents.
 - i. Control soil tracking at points of ingress to and egress from the Project site.
 - j. Retain sediment-laden waters from disturbed active areas within the Project site.
 - k. Perform construction activities in a manner that keeps potential pollutants from coming into contact with stormwater or being transported offsite to eliminate or avoid exposure.
 - l. Store construction, building, and waste materials in designated areas, protected from rainfall and contact with stormwater runoff. Dispose of all construction waste in designated areas, and prevent stormwater from flowing onto or off these areas. Prevent spills and clean up spilled materials.
29. Pursuant to the Municipal Regional Stormwater NPDES Permit (MRP), the Project Subdivider is required to meet performance standards for new development as defined in the NPDES Provision C.3 requirements. The Alameda County Clean Water Program C.3 requirement for the entire project will be 100% collection and treatment of the two sites (Tract Maps 8296 & 8297), as well as 100% collection (only) from the triangular “Silvergate Property” property which is located between the two tracts, and the new private streets. Pursuant to these C.3 provisions, the Project Subdivider shall implement source controls and stormwater treatment measures identified in the Project’s plans and designs to address soluble and insoluble stormwater runoff pollutant discharges.

Specifically, the Project Subdivider shall implement Tier 2 post-construction treatment and detention features specified in Provision C.3 of the Municipal Regional Permit.

The treatment and detention features shall be designed and constructed to incorporate, at a minimum, the hydraulic sizing design criteria as published in the Alameda County Clean Water Program's C.3 Technical Guidance Manual for treatment of stormwater runoff. Specific post-construction measures to be implemented at the Project site should include, but are not limited to, the following:

- a. Drainage from all paved surfaces, including streets, parking lots, driveways and roofs shall be routed through an approved treatment mechanism before being discharged into the storm drain system.
 - b. All rainfall from residential rooftops and in-lot impervious surfaces shall be directly connected to the C.3 treatment features.
 - c. Retention and detention systems shall be designed primarily to store runoff for one to two days after a storm, prior to discharge into the storm drain system. A properly designed retention/detention system will release runoff slowly enough to reduce downstream peak flows, allow fine sediments to settle, and uptake dissolved nutrients from the runoff in wetland vegetation.
 - d. Each bioretention area (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 K Soil Specifications. Paths shall be provided for access to the BRAs that are not directly accessible from the private street, 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 other BRAs, as may be modified under these conditions.
30. The Project's storm drain system shall be designed to provide for over-sized underground conduits (pipes) and/or detention basin that provide for the detention of increased storm water flows attributable to the Project. The amount of required detention storage shall be equal to the difference in volume of the increased runoff attributed to the Project, less the volume of existing runoff from the site(s). Assurances shall be provided for the continued maintenance of these storage facilities in the Homeowners Association C.3.h agreement with the County. The Municipal Regional Stormwater NPDES Permit performance standards and the 2008 Engineering Design Guidelines prepared by the County Public Works Department apply to required flow controls for the typical 10-year design storm, as well as for larger (i.e., 100-year) design storms.
31. All proposed stormwater quality treatment and detention facilities shall incorporate by-passes 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 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.

32. 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.

F. GRADING PERMIT

33. No grading work shall be permitted on this site until a grading plan and an erosion and sedimentation control plan have been reviewed by the County and a grading permit is issued in accordance with the Alameda County Grading Ordinance, and concurrently with a C.6 stormwater permit. The application for a grading permit to the Public Works Agency shall include the following:
 - a. Soils/geologic/geotechnical investigation report.
 - b. Copies of the Notice of Intent (NOI) to comply with the County's NPDES General Construction Permit & the SWPPP.
 - c. Sufficient calculation and supporting material to demonstrate the structural and hydraulic adequacy of the existing and proposed storm water facilities
 - d. Evidence of compliance with permit requirements or agreements from other related state and federal agencies, i.e. the California State Department of Fish and Wildlife, and the San Francisco Bay Regional Water Quality Control Board, in accordance with their guidelines and requirements for the proposed work near/in the delineated waters of the U.S.
34. Pursuant to Section 15.36.240, the preliminary grading plan submitted to obtain a Grading Permit shall include the following:
 - a. Approximate location of cut and fill daylight lines and the limits of grading for all the proposed grading work, including borrow and stockpile areas.
 - b. Location and nature of known or suspected soil or geologic hazard areas as identified by the Project soils engineer (including remedial grading work as required by the soils engineer).
 - c. A conceptual plan for erosion and sediment control including both temporary facilities and long-term stabilization features, such as planting or seeding for the area affected by proposed grading.
 - d. An estimate of the quantities of excavation and fill including quantities to be moved both on- and offsite.
35. A geotechnical/geological investigation report, funded by the developer, shall be submitted to the County for technical in-depth geotechnical/geologic review by one of the County's

consulting geotechnical/geologic firms prior to issuance of a grading permit. 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.

36. Pursuant to Section 15.36.530, unless otherwise recommended in the geotechnical/geologic investigation report, the required setbacks of constructed slopes shall be as follows:
 - a. The setback of an ascending slope from a property line shall be equal to at least one-half (1/2) of the vertical height of the slope, but need not be more than fifteen (15) feet.
 - b. The setback of a descending slope from a property line shall be equal to at least one-fifth (1/5) of the vertical height of the slope, but need not be more than forty (40) feet.
37. No mass grading work shall be conducted during the rainy season, from October 1 to April 30, except upon a clear demonstration, to the satisfaction of the Director of Public Works, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site.
38. For the planned grading work beyond the subject properties, a construction easement should be obtained from the owner(s) of the affected property as required.
39. Grading shall not augment rate of flow or concentrate runoff to adjacent properties or block runoff from adjoining properties.
40. The Project shall be designed in accordance with all seismic provisions of the Uniform or International Building Code (UBC or IBC) (CBC, 2016, in effect in January 1, 2017), and with County of Alameda and State of California Standards for residential construction to withstand seismic shaking and related hazards.
41. The grading of the Project sites shall provide for split pads on Lots 8 and 15 of Tract 8297. Custom grading with the same effect or pier and grade beam construction may be substituted on all or a portion of these lots, to the satisfaction of the Planning Director.
42. The Project Subdivider shall implement the recommendations of the geotechnical and soils engineering report as specified below or as modified by the Director of Public Works based on updated site-specific reports as may be required during the final grading and building permit process and as outlined in Condition 35.
 - a. In Tract 8297, grading procedures shall commence with an over-excavation of fill, soft soils deposits, and residual soils from the area of Lots 4 thru 6.
 - b. 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.

- c. In excavated, level building pads that expose bedrock materials at the surface, conventional strip footing foundations that are structurally integrated to slab-on-grade floors shall be implemented.
 - d. Where level building pad grades have been established by the placement of fill, a foundation system that employs drilled, cast-in-place reinforced concrete piers that extend into the underlying bedrock materials, shall be utilized. Structural loads should determine pier spacing. The piers shall contain steel reinforcement over their entire length, with reinforcement as directed by the project Structural Engineer.
 - e. Concrete slabs-on-grade shall be used for the floor area for the garage and patio areas. In order to reduce the potential for slab cracking, detailed recommendations from the Geotechnical Report shall be implemented.
 - f. All retaining walls shall have a drain blanket consisting of Class II permeable material (conforming to Caltrans specifications) of minimum 12-inches in width or a Geo-composite drain, extending for the full height of the wall, except for 18-inches of compacted soil cover at the surface.
 - g. At the base of cut at rear of Lots 7, 8 and 9 (Tract 8297), a retaining wall that would expose bedrock, may be designed for a drained condition and to resist lateral pressures exerted from soils having an equivalent fluid weight of 40 pcf.
 - h. At the top of cut and below existing retaining wall on Lots 1, 2 And 3 (Tract 8296), a “soldier beam wall” option shall be used for this application, as it is able to be constructed in phases. This would avoid the undermining of the wall above, and the drilled pier support can be designed neglecting the upper portion of pier embedment.
 - i. Mechanically stabilized earth retaining walls shall be designed by the Soils Engineer of Record at the base of fill, Lots 10 through 15 (Tract 8296).
 - j. At the split-level transition in Pads 9 through 16 (Tract 8296), structural retaining walls in the interior foundation footprint shall be used to retain a vertical configuration in the step between upper and lower pads on Lots 9 through 16 (Tract 8296), for a drained condition and to resist lateral pressures exerted from soils having an equivalent fluid weight of 55 pcf.
43. Grading operations 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.

44. 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.

G. FIRE PREVENTION & SAFETY

45. No grading or ground disturbing activity shall be commenced without also obtaining approval of the Hayward Fire Chief of approved grading and street construction plans.
46. All structures and improvements shall comply with the recommendations and requirements of the City of Hayward Fire Department under its contract with the Fairview Fire Protection District, including:
 - a. All structures shall be provided with an NFPA 13D Fire Sprinkler System per CFC and NFPA Standards. The minimum water meter size shall be determined by a qualified designer. Fire permits are required for fire sprinkler system installations per building.
 - b. A minimum of (2) Fire Hydrants shall be installed at a location pre-approved by the County and the Hayward Fire Department.
 - c. Fire lane signage stating "No Parking – Fire Lane" shall be installed and/or stenciled along the curb of D Street every 100 feet for a distance of more than 300 feet, from approximately 30 feet east of the Tract 8297 intersection to 30 feet west of the Tract 8296 intersection.
 - d. Design of the private street intersection shall be consistent with Alameda County Public Works Agency 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 thirteen feet six inches (13' 6") 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. Design and installation of the fire service line shall meet NFPA 24 Standards and East Bay Municipal Utility District guidelines.
 - k. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. 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. Installation shall conform to the California Building Code (CBC).
47. In addition, the following requirements included in the Hayward Fire Department letter dated November 3, 2015 shall be implemented:
- a. Fire apparatus access roads shall not exceed 10% in grade. Grades in excess of 10% shall be approved by the Fire Chief.
 - b. The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 600 feet of a fire hydrant.
 - c. Type of fire hydrant(s) to be installed shall be Modified Steamer Hydrant (Clow Valve Co. Model LB 614 with one 2-1/2" outlet and one 4-1/2" outlet).
 - d. The minimum fire flow shall be provided in accord with the regulations of the Fairview Fire Protection District. A water flow test report less than 5 years old shall be provided.
48. Construction of homes shall also not commence prior to approval of building plans by the Fire Chief.
49. 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.

50. 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.
51. 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).
52. 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.

H. CONSTRUCTION REQUIREMENTS

53. 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 that is to be removed (those measuring at least 20" diameter breast height (dbh) for native trees or 30" dbh or greater for introduced species), a minimum of five 15-gallon-sized trees or one boxed native specimen tree shall be installed.
54. 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%.
55. 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.

56. The Project shall include the following BAAQMD-recommended “Basic” and “Enhanced” construction mitigation measures:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.
 - i. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
 - j. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
 - k. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
 - l. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

- m. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
 - n. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
 - o. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.
 - p. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
 - q. Minimize the idling time of diesel powered construction equipment to two minutes.
 - r. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.
 - s. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
 - t. Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.
 - u. Require all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.
57. Appropriately-timed surveys shall be conducted at the Project site for the following special status plant species:
- a. Bent-flowered fiddleneck (*Amsinckia lunaris*), March - June
 - b. Big-scale balsamroot (*Balsamorhiza macrolepis*), March - June
 - c. Fragrant fritillary (*Fritillaria liliacea*), February - April
 - d. Diablo helianthella (*Helianthella castanea*), March - June
 - e. Hairless popcorn flower (*Plagiobothrys glaber*), March – May
- If none of these species is found, no further measures are required.
58. If any special status plants are found on site during the presence/absence surveys per Condition 57, any such special status plants shall be salvaged prior to construction. Salvage shall be conducted in consultation with CDFW, and may consist of seed collection and relocation or plant transplantation.

59. The Project applicant shall ensure that the following construction-period measures are implemented to minimize the potential take of Alameda Whipsnake (AWS):
- a. In order to prevent AWS from entering construction areas during Project development, a wildlife exclusion fence shall be placed at the property boundary at the southern end of the Project Area. The fence should be at least three feet high and should be entrenched three to six inches into the ground. Exclusion funnels shall be included in the fence design so that terrestrial species are able to vacate the Project area prior to disturbance.
 - b. Monofilament netting, which is commonly used in straw wattle and other erosion preventatives, should not be used on the Project site in order to prevent possible entrapment of both common and special status terrestrial wildlife species.
 - c. Trenches should be backfilled, covered or left with an escape ramp at the end of each work day. Trenches left open overnight should be inspected each morning for trapped wildlife species.
60. Pre-construction surveys for nesting birds protected by the Migratory Bird Treaty Act of 1918 and/or Fish and Game Code of California shall be conducted within 30 days prior to initiation of construction, grading or ground-disturbing activities.
- a. The survey area shall include the Project site and areas within 100 feet of the site, to the extent that access can be obtained.
 - b. If active nests are found, the Project shall follow recommendations of a qualified biologist regarding the appropriate buffer in consideration of species, stage of nesting, location of the nest, and type of construction activity. The buffer shall be maintained until after the nestlings have fledged and left the nest.
 - c. If there is a complete stoppage in construction activities for 30 days or more, a new nesting-survey shall be completed prior to re-initiation of construction activities.
61. Prior to the initiation of ground-disturbing activities (including clearing vegetation and demolition procedures), the developer or contractor shall inform all supervisory personnel and all contractors whose activities may have subsurface soil impacts of the potential for discovering archaeological resources, paleontological resources, tribal cultural resources and/or human remains, and of the procedures to be followed if these previously unrecorded cultural resources are discovered. These procedures shall include:
- a. Halting all ground-disturbing activities within 100 feet of the area where a potential cultural resource has been found;
 - b. Notifying a qualified archaeologist of the discovery; and
 - c. Following a treatment plan prescribed by the appropriate professional if the cultural resource is deemed significant, in accordance with federal or state law.

In the event cultural resources as defined above are encountered during ground-disturbing activities, the developer shall, subject to approval by the County of Alameda, retain an on-

call archaeologist to review the excavation work, assess the significance of the potential cultural resource, and prescribe a treatment plan. The archaeologist will consult with a paleontologist or tribal cultural resource specialist as required. The archaeologist shall report any finds in accordance with current professional protocols. The archaeologist shall meet the Professional Qualifications Standards mandated by the Secretary of the Interior and the California Office of Historic Preservation.

In the event that any human remains are uncovered at the Project site during construction, there shall be no further excavation or disturbance of the site or any nearby area until the Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required, and (if the remains are determined to be of Native American origin) the descendants from the deceased Native American(s) have made a recommendation to 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 as provided in Public Resources Code Section 5097.98.

62. 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.
 - a. The Demolition Plan shall address both on-site worker protection and off-site resident protection from both chemical and physical hazards.
 - b. All contaminated building materials shall be disposed of at appropriate licensed landfill facilities.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. 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:

- i. 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;
 - ii. The lead paint removal project should be designed by a DHS certified lead project designer, project monitor or supervisor;
 - iii. Workers conducting removal of lead paint must be certified by DHS in accordance with T8 CCR 1532.1;
 - iv. 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;
 - v. A written exposure assessment must be prepared in accordance with T8 CCR 1532.1; and
 - vi. Any amount of lead waste generated from painted building components must be characterized for proper disposal in accordance with Title 22, Section 66261.24.

63. The following mitigation measures shall be implemented to reduce construction noise emanating from the Project site to surrounding sensitive land uses:
 - a. Comply with construction hours established within the Alameda County Noise Ordinance (Section 6.60.040) to limit hours of exposure. The County's Municipal Code, Noise Ordinance, limits construction activities to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on weekends, with related provisions (6:60.070.G) directing that construction noise is not exempt from when equipment used for construction, including mufflers, is not maintained in the condition for which it was designed or intended and thereby unnecessarily increases noise levels so as to cause a noise disturbance or exceed the standards set forth in Section 6.60.040 of this chapter. Based on the proximity of existing residential uses and the provisions of the Noise Ordinance, construction work on Sundays and the six major holidays shall be disallowed except for security, environmental maintenance and emergency repairs if needed. No construction work is authorized in the public right-of-way on weekends or on County-designated holidays.
 - b. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - c. Unnecessary idling of internal combustion engines shall be strictly prohibited.
 - d. Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors. Construct temporary

- noise barriers or partial enclosures to acoustically shield such equipment where feasible.
- e. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
 - f. Erect temporary noise control blanket barriers, if necessary, along building façades facing construction sites.
 - g. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
 - h. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site.
 - i. Route construction-related traffic along major roadways and away from sensitive receptors where feasible.
 - j. The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for courtesy notification of adjacent property owners so that construction activities with potential to generate noise disturbance can be anticipated. The notification procedure shall be approved by the Planning Director.
 - k. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.
64. The following measures shall be implemented for the Project to avoid structural damage due to construction vibration and to reduce the perceptibility of vibration levels at nearby sensitive land uses:
- a. Minimize or avoid using clam shovel drops, vibratory rollers, and tampers near the shared property lines of the adjacent land uses.
 - b. When vibration-sensitive structures are within 25 feet of the site, survey condition of existing structures and, when necessary, perform site-specific vibration measurements to direct construction activities. Contractors shall continue to monitor effects of construction activities on surveyed sensitive structures and offer repair or compensation for damage.
 - c. Construction management plans shall include predefined vibration reduction measures, notification of scheduled construction activities requirements for properties adjoining the site, and contact information for on-site coordination and complaints.

65. Residential units located adjacent to D Street on Tract No. 8296 shall be provided with forced-air mechanical ventilation, so that windows can be kept closed at the occupant's discretion to control noise. This will ensure interior noise levels do not reach greater than 45 dBA L_{dn} , consistent with General Plan policies.
66. CO detectors should be placed near the sleeping area of each residence on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
67. 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.

H. SERVICES AND UTILITIES

68. 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:
 - a. 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.
 - b. Subdivider shall use the lowest wattage lamps reasonable for illumination of the area of concern.
 - c. Subdivider shall install only full cutoff-shielded lights for illumination of public areas.
 - d. Subdivider shall design and place nighttime lighting and security lighting so that it is no higher than necessary to illuminate the area of concern for security or visual comfort.
 - e. 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.
 - f. Residents shall extinguish any lights not required for onsite security.
 - g. 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.

- h. Subdivider shall submit a lighting plan for review and approval by the Planning Director prior to issuance of building permits.
 - i. 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.
69. 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.
70. The existing utility pole near the proposed Tract 8297 access roadway intersection at D Street 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.
71. 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.
72. All utility distribution facilities within the land division shall be placed underground.
73. Screen utility meters from public view.
74. 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.
75. 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.

PLANNING COMMISSION OF ALAMEDA COUNTY
ALBERT LOPEZ, SECRETARY