

**CITY OF HAYWARD  
PLANNING DIVISION  
CONDITIONAL USE PERMIT**

**CONDITIONS OF APPROVAL**

**February 26, 2016**

**CONDITIONAL USE PERMIT APPLICATION NO. 201505828-** Que Luu (Applicant)  
/Shamco Investment (Owner) requests approval of a conditional use permit to operate a spa with  
full body massage in conjunction with a nail salon at 199 Jackson Street, in the General  
Commercial District, APN: 444-0018-003-01.

**CONDITIONS OF APPROVAL**

**General**

1. Conditional Use Permit Application No. 201505828 shall operate according to the description contained in the attached staff report for this item and as shown on the plans attached as “Exhibit A” entitled “Massage and Facial Nail, 199 Jackson St., Hayward CA 94544”, dated July, 2015, unless otherwise indicated below.
2. This permit becomes void 36 months after the effective date of approval if business operations specific to full body massage have not commenced in accordance with all applicable conditions of approval, or a time extension of this approval has been granted by the Planning Director per Section 10-1.3255. A request for an extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the expiration date (\_\_\_\_\_).
3. The applicant shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Violation of any of the conditions contained herein is cause for revocation of permit, after a public hearing before the duly authorized review body.
5. The business operator shall maintain a valid City of Hayward Business License.
6. The hours of operation for the nail salon/spa shall be between 9:30 a.m. to 9:00 p.m. as stated by the applicant and described in the attached staff. If the applicant or subsequent business operator wishes to extend business hours, the Planning Director shall review and act on any changes.
7. The business operator shall abide by the requirements set forth in the Hayward Municipal Code Chapter 6, Article 10, Massage Permit Ordinance, including the Permit

Requirements set forth in the Hayward Municipal Code Massage Permit Requirement (HMC 6-10.013):

- a. Massage Establishment Permit:
    - i. Except as otherwise provided in section 6-10.04, it shall be unlawful for any person to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the city, the operation of a massage establishment without first having obtained a massage establishment permit issued by the Chief of Police pursuant to this Article. A separate permit shall be obtained for each separate massage establishment and any change in ownership to any establishment.
    - ii. Prior to commencing operations pursuant to a Massage Establishment Permit issued by the Chief of Police, applicants must also obtain appropriate land use approvals pursuant to the City's Zoning Ordinance.
    - iii. A permit issued under this Article does not authorize the permittee to practice massage therapy until the permittee has complied with all business license requirements, zoning/planning requirements, and all other applicable federal, state, and City of Hayward laws and regulations.
  - b. Massage Therapist Certification: Except as otherwise provided in Section 6-10.04, it shall be unlawful for any person to engage in, conduct or carry on the function of a massage therapist without a current, valid certificate from the California Massage Therapy Council ("CAMTC"), or a current, valid license or certificate from the Department of Consumer Affairs to practice massage therapy.
8. Should there be any conflict between the Conditions of Approval contained herein or the conditions contained in a Massage Establishment Permit, the more restrictive shall prevail.
  9. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code provision, must be approved by the Planning Director prior to implementation.
  10. A copy of the Conditions of Approval for the conditional use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public.
  11. Permanent signage shall be approved under a separate Sign Permit. Temporary banners shall only be displayed subject to the provisions of the City's Sign Ordinance regulating promotional events and require approval of a Sign Permit.
  12. The property owner and business operator shall maintain in good repair all buildings, lighting, landscaping, driveway and parking areas. The premises shall be kept clean and in an orderly fashion.

13. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
14. Violation of any of the conditions of approval of the Conditional Use Permit may constitute grounds for revocation pursuant to Section 10-1.3260 of the Zoning Ordinance.

### **Fire Department**

15. The applicant shall apply for and have approved all necessary building permits from the Building Division prior to commencement of the subject use. All improvements shall be in accordance with the Uniform Building Code, and other applicable codes as adopted by the City of Hayward and shall be installed per the approved plans and to the satisfaction of the Building Official and the Planning Director.
16. Design and installation of building address numbers shall be in accordance with the Hayward Fire Department Standards.

### **Utilities**

17. Water and Sewer service are subject to standard conditions and fees in effect at the time of application and payment of fees.
18. Any modifications needed to the water services and/or water meters (upsized, downsized, relocate, etc.) must be performed by City crews at the owner's/applicant's expense.
19. All domestic and irrigation water meters must have Reduced Pressure Backflow Prevention Assemblies, per City of Hayward Standard Detail 202. Backflow Prevention Assemblies shall be at least the size of the water meter or the water line on the property side of the meter, whichever is bigger.

### **Solid Waste and Recycling**

17. City Ordinance, effective March 1, 2015, requires all businesses to separately collect recyclable materials, and all businesses that generate organic waste (food, food-soiled paper, and plant debris) to separately collect those materials. This facility must arrange for a separate recycle bin, and should arrange for an organics bin only if food is served or made onsite. Containers should have a functional, tight fitting lid. For lid repair and replacement, please call Waste Management at (510) 613-8700.
18. Containers should be brought to a location accessible by the waste collection vehicle for servicing, or alternatively, arrangements should be made with Waste Management to service the containers. If trash and recycle bins are to be stored in the back parking lot, the parking lot must allow the collection vehicle a clear turn around space if the backup distance required of the truck is greater than 150 feet. All turns and turn-around areas

shall be designed with a 40-foot turning radius. The truck requires a drive aisle at least 12 feet wide for access.

Approved \_\_\_\_\_  
Date