

**CITY OF HAYWARD PLANNING COMMISSION
CONDITIONAL USE PERMIT MODIFICATION APPLICATION NO. 202203390
HEART OF THE BAY CAR WASH
391 WEST A STREET**

RECOMMENDED CONDITIONS OF APPROVAL

General

1. Conditional Use Permit Modification Application No. 202203390 shall supersede Conditional Use Permit Application No. 201600398 and shall permit full-service detailing at the existing self-service car wash at 391 West A Street in accordance with the description contained in the attached staff report for this item and as shown in the plans labeled as Attachment IV, unless otherwise indicated below. This permit shall become void three years after the effective date of approval unless the use is established, or a time extension of the approval has been granted by the Planning Director. 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.
2. A copy of the conditions of approval for this Conditional Use Permit Modification must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public. Improvements shall be installed per the approved plans labeled as Attachment V. Violation of any conditions of approval or requirements contained herein shall result in enforcement action by the Code Enforcement Division. Enforcement may include, but is not limited to, fines, fees/penalties, special assessments, liens, or any other legal remedy required to achieve compliance, including revocation.
3. The applicant/operator 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. All permit charges accrued in the processing of Conditional Use Permit Modification Application No. 202203390 shall be paid in full prior to consideration of a request for approval of any extensions and/or submittal of a building permit for the customer seating area and shade structure.
5. Any proposal for alterations to the proposed site plan and/or design which does not require a variance to any zoning ordinance standard must be approved by the Development Services Director or his/her designee prior to implementation.
6. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this

permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.

Planning

7. The operation of the gas station and convenience store shall comply with the conditions of approval of Use Permit Application No. 94-102 and Variance Application No. 95-180-10 except as amended herein (attached hereto as Exhibit A to Attachment III).
8. The north side of the car wash shall have exterior lighting to illuminate the adjacent landscape planter. The light source shall be incorporated into the structure and the design of the lighting shall be reviewed and approved by the Planning Director.
9. Any new exterior lighting shall be LED and shall not spillover onto any adjacent parcels.
10. The hours of operation of the car wash shall be limited from 7:00 AM to 9:00 PM daily. The hours of the detailing service shall be limited from 9:00 AM to 5:00 PM daily.
11. The detailing service shall consist of no more than one employee per shift and cars undergoing full-service detailing shall not occupy more than two parking stalls at any given time.
12. All self-service and full-service car washing and detailing activities shall occur on the subject property. No washing, detailing or temporary parking of vehicles utilizing the self-service or full-service car wash facilities/services shall occur offsite or on any of the adjacent streets.
13. A sign shall be posted reminding customers to be considerate of the neighbors and turn off audio systems while cleaning their vehicles.
14. The ambient noise level at the north property line shared with the senior housing development shall not exceed 75 dBA. If the ambient noise level is found to exceed 75 dBA, the car wash entry and exit doors shall be closed during all wash and dry cycles.
15. All signage shall comply with the provisions of the Sign Regulations contained in Chapter 10, Article 7 of the Hayward Municipal Code.
16. The gas station operator shall maintain in good repair all building exteriors, walls, equipment/trash enclosures, lighting, landscaping, driveways, parking areas and drainage facilities. Any graffiti on the property shall be painted over or removed within 48 hours of occurrence to the satisfaction of the Planning Director.

17. Vending machines are not permitted outside of the convenience store.

Landscaping

18. Existing landscape improvements shall be maintained in accordance with the City's standard maintenance practice and conditions of approval for CUP Application No. 201600398.
 - a. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed performance, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay.
 - b. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection.
 - c. Three inches deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color and the size shall not exceed 1-1/2-inch diameter. The depth shall be maintained at three inches deep.
 - d. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole.
 - e. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect.
 - f. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code.
 - g. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

Transportation

19. The applicant and/or property owner shall maintain adequate visibility and sight distance at all project driveways and access points.
20. Car detailing/car wash operations, including any customer vehicular queuing, shall not encroach into the public right-of-way at any time.

Solid Waste

21. The applicant and/or property owner shall be responsible for litter-free maintenance of the property and shall remove any litter on or within 50 feet of the property daily to ensure that the property and its street frontage remain clear of any abandoned debris or trash per Hayward Municipal Code Section 11-5.22.

During Construction

22. In accordance with Hayward Municipal Code Section 4-1.03-4, construction activities shall be limited from 7:00 AM to 7:00 PM Monday through Saturday and 10:00 AM to 6:00 PM on Sundays or holidays, unless other construction hours are permitted by the City Engineer or Chief Building Official. Construction shall not include any individual equipment that produces a noise level exceeding 83 dBA measured at 25 feet, nor shall construction activities produce a noise level outside the project property lines in excess of 86 dBA.

- End of Conditions -