

**CITY OF HAYWARD
PLANNING COMMISSION
CONDITIONAL USE PERMIT
APPLICATION NO. PL-2016-06805
CONDITIONS OF APPROVAL**

EFFECTIVE DATE: MAY 26, 2017

Planning Division

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
3. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
4. All signs shall comply with the City of Hayward Sign Regulations. A sign permit shall be obtained prior to the installation of any signage.
5. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
6. The applicant shall be responsible for graffiti-free maintenance of the property, and shall remove any graffiti within 48 hours of occurrence or City notification.
7. 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.
8. The applicant, property owner, or designated representative, shall allow code enforcement staff access to the property for site inspections to confirm all approved use conditions have been completed and are being maintained in compliance with all adopted city, state, and federal laws.

9. The Planning Director may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
10. All outstanding fees owed to the City, including staff time spent processing this application, shall be paid in full prior to issuance of a building permit or certificate of occupancy.
11. The proposed use shall be operated according to these conditions of approval, the narrative/plans, and the material/color board labeled Exhibit "A" in the project files.
12. A copy of these conditions of approval shall be included on a full-size sheet in the building permit plan set.
13. No truck or vehicle rental shall be conducted from the premises.
14. There shall be no outdoor storage of any kind.
15. The building permit plans shall clearly indicate the dimensions of the proposed parking spaces, which shall be 9'-0" wide by 19'0" long.
16. An elevation of the security gate shall be provided with the building permit plans and shall comply with the Article 14 of the Hayward Municipal Code, which regulates the placement and design of Security Gates.
17. The window locations shown on the west elevation of Building B shall be revised to be consistent with the window locations shown on the second floor plan of Building B on the building permit plans.
18. A solar photovoltaic system shall be installed on the rooftops of the new buildings within two (2) years of the issuance of the Certificate of Occupancy.
19. All rooftop equipment, including the photovoltaic system, shall be adequately screened from view.
20. An exterior lighting plan shall be provided with the building permit plans. The lighting plan shall conform to the exterior lighting standards for the Industrial District per Section 10-1.1645.m of the Hayward Municipal Code.
21. The two lots where the proposed buildings will be located (APNs 439-0001-008-00 and 439-0001-009-00) shall be merged and that Certificate of Merger recorded prior to issuance of a building permit.
22. This approval is void three (3) years after the effective date of approval unless a building permit application has been submitted and accepted for processing by the

Building Official and substantial improvements have been made as determined by the Planning Director.

23. Any modification to this permit or the plans, dated April 26, shall require review and approval by the Planning Director and/or the Planning Commission, if necessary.
24. Violations of any approved land use conditions or requirements will result in further enforcement actions 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 instituting a revocation hearing before the Planning Commission.
25. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/ or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were pulled to construct the project.

Building Division

26. The project shall comply with the new 2016 California Building Code.
27. The applicant/project developer shall provide the allowable area calculations, exiting diagrams, T-24 energy report, and structural calculations with the building permit application.
28. A plumbing fixture count based on the 2016 California Building Code shall be submitted with the building permit application.

Development Review Services Engineering / Public Works Engineering

Improvement Plans, Lighting, and Geotechnical report

29. Improvement and landscape plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following design requirements:
 - a. Any damaged and/or broken curb and gutter along the property frontages, as determined by the City Inspector, shall be removed and replaced.
 - b. Half street 2" grind and overlay shall be installed along the project frontage on Thunderbird Place.
 - c. One (1) new standard LED streetlight shall be installed along project frontage on Thunderbird Place. The property owner/project developer shall provide a streetlight design plan for review and approval by the Engineering Division prior to issuance of a building permit.

Grading

30. Prior to the issuance of a grading permit and/or the beginning of any on-site construction activity, the project developer's engineer shall submit a completed building permit application comprising of: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
31. Three (3) copies of the Geotechnical and Soil Investigation Reports in bound form, wet-stamped and signed by a qualified engineer, shall be provided to the City prior to issuance of a grading permit.
32. A copy of the Notice of Intent (NOI) receipt from the State Water Resource Control Board shall be provided to the City prior to issuance of a grading permit.

Storm Drain System

33. The storm drain facilities shall be designed to comply with the Alameda Countywide Clean Water Program including the established provision C.3. Any natural or mechanical storm drain filtration systems shall be designed as part of the private storm drain systems.
34. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the State for review and approval. These SWPPP documents shall also be submitted along with the improvement plans to the City for review and approval by the City Engineer. The certification page of the SWPPP shall be signed by the owner/developer and the person who prepared the report. The SWPPP and Storm Water Management Plan (SWMP) reports are to be submitted in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the engineer. Documents that are clipped or stapled will not be accepted.
35. The latest edition of the Alameda County Flood Control and Water Conservation District's Hydrology and Hydraulics Criteria Summary shall be used to design the storm drain system. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be reviewed and approved by the City Engineer.
36. The on-site storm drain system shall be a private system owned and maintained by the property owner/project developer.
37. An erosion and sedimentation control plan to prevent soil, dirt, debris, and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook, shall be approved by the City Engineer.
38. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all

of area tributary to the project site. The project developer is required to mitigate augmented runoffs with on-site improvements.

39. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using the City approved specifications.

Storm Water Quality Requirements

40. The following materials related to the storm water quality treatment facility requirements shall be submitted with improvement plans or the grading permit application:
- a. The property owner/project developer shall enter into the City's standard "Stormwater Treatment Measures Maintenance Agreement" (as prepared by the City and available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance responsibility is bound to the property in perpetuity.
 - b. The plans shall identify BMPs appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. Grassy swale shall be installed to intercept the surface runoff and an engineered soil fill with a minimum infiltration rate of 5 inches per hour shall be used.
 - c. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page 30). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5-12 has a section titled "BMP Design Criteria for Flow and Volume". These materials are available on the internet at www.cabmphandbooks.com.
 - d. 100% of the design stormwater runoff from new or replaced impervious surfaces on-site shall be treated.
 - e. Overflow inlets within all proposed Treatment Control Measures utilizing Bioretention (i.e. Bioretention Basins, Flow-thru Planter Boxes) shall be a minimum of six (6) inches above the top of the Bioretention Soil Mix.
 - f. The following documents shall be completed and submitted with the improvement and/or grading plans:
 - i. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet;
 - ii. Development and Building Application Information Impervious Surface Form;
 - iii. Project Applicant Checklist of Stormwater Requirements for Development Projects;
 - iv. C.3 and C.6 Data Collection Form; and
 - v. Numeric Sizing Criteria used for stormwater treatment (calculations).

41. The developer shall be responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

Fire Department

Access

42. Fire apparatus access roads shall be designed and maintained to support the imposed load of fire apparatus 75,000 lbs. and shall be surfaced to provide all-weather driving capability.
43. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane and fire apparatus access roads 26 feet to 32 feet shall be posted on one side as a fire lane. The "No Parking" sign shall meet the City of Hayward Fire Department fire lane requirements.

Water Supply

44. Based on provided building area of 34,872 square feet and construction type IIB, the minimum required fire flow for this site is 4,000 GPM at 20 PSI. The water flow test data should be less than 5 years old.
45. The number and distribution of fire hydrants shall be provided in accordance with the California Fire Code and Local Ordinances.
46. The Fire Department Connection (FDC) shall be located on the street/fire apparatus access side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access. The FDC shall be so located that the fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus.

Fire Protection

47. The automatic fire sprinkler system shall be designed and installed conforming to NFPA 13. A separate fire permit is required for the fire sprinkler system installation. A State Licensed C-16 Fire Sprinkler Contractor shall be responsible for the fire sprinkler system installation. (Deferred Submittal)
48. A maximum static pressure of 80 PSI should be used when test data indicates higher pressures. Residual pressures used in the calculation should also be adjusted accordingly.
49. New fire hydrants shall be double steamer type equipped with (2) 4-1/2" outlets and (1) 2-1/2" outlet. Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants. Vehicular protection may be required for the fire hydrants. The number of hydrants required will be

determined based on the required fire flow to the site. Spacing and locations of fire hydrants shall be subject to review and approval by the Hayward Fire Department. (if applicable)

50. A Fire Alarm System shall be installed in accordance with the California Fire Code (CFC) and all NFPA 72 Standards. (Deferred Submittal)
51. Underground fire service line serving NFPA 13 sprinkler system(s) shall be installed in accordance with NFPA 24 and the Hayward Public Work Department SD-216/204. Water meter shall be minimum of four-inch for a (NFPA 13) commercial grade system. (Deferred Submittal)
52. An audible alarm bell (device) shall be installed to sound on the exterior of the building. The device shall activate upon any fire sprinkler system water flow activity.

Hazardous Materials

53. The applicant/developer shall submit a Phase 1 Environmental assessment and any other records regarding site contamination, investigation, remediation, or clearances from other regulatory agencies prior to issuance of a grading permit or at building permit application submittal, whichever is earlier. If required, final clearance shall be obtained from either the California Regional Water Quality Control Board or Department of Toxic Substance Control to ensure that the property meets residential development investigation and cleanup standards. Allowance may be granted for some grading activities if necessary to ensure environmental clearances.
54. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4900 if hazardous materials or associated structures are discovered during demolition or during grading. These shall include, but shall not be limited to: actual/suspected hazardous materials, underground tanks, or other vessels that may have contained hazardous materials.
55. If hazardous materials storage and/or use are to be a part of the facility's permanent operations, then a Chemical Inventory Packet shall be prepared and submittal with building plans to the City of Hayward Fire Department at the time of application for construction permits.

Landscape

56. No building permit shall be issued without approval of landscape and irrigation plans. Detailed landscape and irrigation plans prepared by a licensed landscape architect in full compliance with the Bay-Friendly Water Efficient Landscape Ordinance shall be included in the first building permit submittal package. The proposed tree protection measures shall be included in the landscape plan.

57. A tree preservation bond equal to the approved appraised value of Redwood Trees (\$73,100) shall be submitted to the City prior to commencement of any work at the subject property.
58. Existing trees shall be protected in accordance with the Tree Preservation Ordinance. Any existing trees damaged during construction shall be replaced to the approved appraised value.
59. Minimum twelve-inch wide large size Noiya Cobblestone band shall be installed around the cleanout to grade (COTG) and overflow drain in the flow-thru planters.
60. Three-inch deep organic recycled chipped wood mulch in Dark Brown Color shall be required in all planting areas including in the flow-thru planter.
61. Prior to the issuance of the Certificate of Occupancy, all landscape and irrigation shall be completed in accordance with the approved plan and accepted by the City Landscape Architect. Before requesting an inspection from the City Landscape Architect, the project landscape architect shall inspect and accept landscape improvements and complete Appendix C (Certificate of Completion in the City's Bay-Friendly Water Efficient Landscape Ordinance). The completed Certificate of Completion Part 1 through Part 7 shall be faxed, e-mailed, or submitted in person prior to requesting an inspection from the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements. The fax number for the Development Services Department is 510-583-3649.

Utilities and Environmental Services

Utilities

62. All new water services from existing water mains shall be installed by the City's Water Distribution personnel. The applicant/developer shall be required to pay water facilities fees and installation charges for connections to water mains and work performed by City forces.
63. All domestic and irrigation water services shall have Reduced Pressure Backflow Prevention Assemblies, per City of Hayward Standard Detail SD-202.
64. All fire services shall have Double Check Valve Assemblies, per City of Hayward Standard Detail SD-201.

Solid Waste

65. Waste containers shall be kept inside the existing trash enclosures outside of collection times.

66. Separate collection of recyclables shall be required per City Ordinance. For more information, please visit <http://www.recyclingrulesac.org/city/city-of-hayward/>.
67. The applicant/project developer shall submit the Construction and Demolition Debris Recycling Statement at the time of building permit submittal. Only the top “applicant” half of the form must be submitted during the building permit stage. The bottom half of the form should be completed upon completion of the project to receive final building inspection approval. The form can be found online at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>.