

**CITY OF HAYWARD PLANNING COMMISSION  
PROPOSED MAJOR AUTOMOTIVE REPAIR USE  
LOCATED AT 629 JEFFERSON STREET  
CONDITIONAL USE PERMIT APPLICATION NO. 202002682**

**DRAFT CONDITIONS OF APPROVAL**

**GENERAL**

1. The developer 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. The permittee, property owner or designated representative shall allow the City's staff to access the property for site inspection(s) to confirm all approved conditions have been completed and are being maintained in compliance with all adopted city, state and federal laws.
3. 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.
4. All outstanding fees owed to the City, including permit charges and staff time spent processing or associated with the development review of this application shall be paid in full prior to any consideration of a request for approval extensions and/or the issuance of a building permit.
5. 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.
6. 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.

7. The Planning Commission may revise or revoke the conditions of this use permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
8. The proposed use shall operate according to these conditions of approval and the approved narrative/plan set dated March 2020. Any future change, modification or expansion of the approved use shall require the submittal of a new use permit application and be subject to additional review and approval by the City.
9. The hours of operation of the automobile repair business shall be between 9:00 a.m. and 5:00 p.m. Pacific Time, Monday through Friday. Repair, and permitted work on automobiles shall be limited to the vehicle servicing ports in the interior of the buildings on the site.
10. Prior to operation, issuance of a Building Permit or the Certificate of Occupancy, the applicant shall contact the Planning Division and be subject to a site inspection by the designated project planner to verify that all applicable mitigations and conditions of approval have been satisfied. The cost of inspection, including any subsequent inspections that are deemed necessary by the City, shall be paid by the applicant.
11. If future modifications to the existing buildings are proposed, the applicant or permittee shall submit for proper building permits for the construction or alterations of the building to the Building Department.
12. The future installation of a new equipment (anchoring) and spray booth shall require a separate permit thru the City of Hayward Building Division.

#### **EXPIRATION**

13. This Use Permit approval is void 36 months after the effective date of approval unless:
  - a. Prior to the expiration of the 36-month period, a building permit application has been submitted and accepted for processing by the Building Official or a time extension of the approval has been granted by the Planning Director.
  - b. If a building permit is issued for construction of improvements authorized by the conditional use permit approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance on the conditional use permit approval. A request for an extension must be submitted in writing to the Planning Division at least 30 days prior to the above date.
  - c. Business operations have commenced in accordance with all applicable conditions of approval, have secured a business license and shall maintain a valid business license, including annual renewals, required for operation.

14. All administrative and conditionally permitted uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new use permit.

#### **PLANNING**

15. The proposed security gate shall be reviewed and approved by Public Works, Planning and Fire prior to occupancy to ensure it meets the City's required accessibility and safety requirements per the Hayward Municipal Code Section 10-14.203.
16. The applicant/permittee shall make the following modifications to the parking on site:
  - a. Provide a 5-foot wide landscape planting strip along the site's southwestern boundary.
  - b. All parallel parking stalls shall be 23 feet long by 9 feet wide.
17. Building signage shall require a separate sign permit.

#### **LANDSCAPING**

18. The applicant/permittee shall provide for landscaping and irrigation on site as follows:

##### *Landscaping*

- a. Existing soil shall be amended with organic compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six (6) inches into landscape area.
- b. Plant two twenty-four-inch-box low watering required trees like Lagerstroemia species or Prunus 'Saratoga' on the Jefferson Street frontage adjacent to the parking on site, in accordance with the City Standard Detail SD-122.
- c. Plant 5-gallon low watering required shrubs under trees and in the planting strip along the site's southwestern boundary. Spacing of shrubs shall not be less than the plant spread at maturity shown in the reference books listed in the City's Bay-Friendly Water Efficient Landscape Ordinance, HMC Section 10-12.05(b)(2).
- d. Tree shall be located a minimum of five feet from lateral service lines and driveways and a minimum of fifteen feet from a light pole or as otherwise specified by the City.
- e. Three inches deep organic recycled chipped wood mulch in dark brown color shall be provided in all planting areas. The size of mulch shall not exceed one and a half inch in diameter. Mulch shall be pulled away minimum of six inches from the base of tree trunk and two to three inches from base of shrubs.

*Irrigation*

- a. Weather-based automatic irrigation controller controlled efficient irrigation system shall be provided. The rain sensor shall be located in an open area where the sensor could detect and measure accurate rainfall and could be easily accessible for periodic maintenance.
  - b. Tree shall be irrigated with two tree bubblers in a combination of one flood and one pre-assembled deep root watering bubblers on a separate valve to each tree. Flow rate of each bubbler device shall not exceed 0.25 gallons per minute.
  - c. For shrub irrigation, low volume drip irrigation shall be provided.
  - d. For under 1,000 square feet of irrigated landscape doesn't require a dedicated irrigation water meter: contact Michelle Tran at Public Works Utilities, michelle.tran@hayward-ca.gov.
  - e. If the total landscape area would be less than 1,000 square feet, shut-off valve shall be provided at the point of connection, then backflow prevention device shall be provided. Anti-siphon valve shall not be allowed for commercial and industrial properties.
19. Detailed landscape and irrigation improvement plans shall be submitted prior to commencement of operations for review and approval by the City prior to occupancy. The plan shall be prepared on an accurately surveyed base and the plan base information shall show all underground and above ground utility information. The plans shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes.
  20. The landscape and irrigation plans for the property less than 1,000 square feet can be prepared by an unlicensed landscape design professional as long as compliance with relevant ordinances is met.
  21. Final inspection from the City Landscape Architect is required once the facility is ready for operations and before commencement of operations. Please contact the City Landscape Architect at 510-583-4208 at least 72 hours before the desired final inspection appointment.
  22. The applicant/permittee shall maintain the landscaping in a healthy, weed-free condition at all times. The depth of mulch shall be maintained at three inches. Tree stakes shall be removed when the tree trunk size exceeds the diameter of tree stake or stable establishment of tree roots. Unmaintained landscaping shall be considered violation of Municipal Code.
  23. All trees planted 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. 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.

24. Routine shearing and hedging of shrubs and perennials shall not be permitted. All plants shall retain natural size and shape.

#### **FIRE PREVENTION**

25. The change from minor to major automobile repair use will require additional fire protection system(s) namely the installation of a new ancillary fire suppression system per the 2019 California Fire Code (CFC) for the proposed paint spray booth. (Separate permit required)
26. The new operation shall conform to all requirements of the California Fire Code (CFC) Chapter 24 FLAMMABLE FINISHES, Chapter 35 WELDING AND OTHER HOT WORK, Chapter 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS, Chapter 5 FIRE SERVICE FEATURES.
27. An Annual Fire Department Regulatory inspection of the property with associated fees is mandated for this operation. Additional fees and inspection required annually for Hot works, Spraying and Dipping.
28. A minimum 40: BC type fire extinguisher is required within 30 ft. of the spray booth area.
29. Where protecting automated spray application operations, automatic fire-extinguishing system shall be equipped with an approved interlock feature that will, upon discharge of the system, automatically stop the spraying operations and work piece conveyor into and out of the flammable vapor area.
30. Electrical wiring and equipment in flammable vapor areas shall be of an explosion proof type approved for use in such hazardous locations. Such area shall be Class I Division 1 or Class II Division 1 hazardous

#### **HAZARDOUS MATERIALS**

31. Hazardous Materials – The storage and use of hazardous materials shall meet the requirements of Chapter 50 of the 2019 California Fire Code as adopted by the City of Hayward.
32. Flammable and Combustible Liquid Storage and Use – The storage and use of flammable and combustible liquids shall meet the requirements of Chapter 57 of the 2019 California Fire Code as adopted by the City of Hayward.
33. Hazardous Materials Permit – The applicant shall apply for and keep current an annual Unified Hazardous Materials/Hazardous Waste Management Regulatory Program Permit.
34. Hazardous Materials Business Plan (HMBP) / California Environmental Reporting System (CERS) – Applicant is required to submit a complete Hazardous Materials and Business Plan (HMBP) to the California Environmental Reporting System (CERS) including facility information, hazardous materials Inventory/facility map and Emergency response/training Plan (see <http://cers.calepa.ca.gov>). A complete

HMBP will be required to be submitted at the time of the final Fire Department Inspection.

35. Hazardous Waste Management – Hazardous wastes, shall be managed according to California Health and Safety Code (HSC), Division 20, Chapter 6.5, and California Code of Regulations (22 CCR), Title 22, Division 4.5, Chapter 11, as well as local ordinances.
36. Environmental Protection Agency (EPA) Number – Facility shall obtain and keep current an EPA Id number for the generation and disposal of hazardous waste that is generated on-site.
37. Labeling Guidelines – All piping, containers and storage areas for hazardous materials shall be appropriately identified following the Hayward Fire Department's Labeling Guidelines, which can be obtained by calling the Hazardous Materials Office at 510-583-4910
38. Placarding – Due to the number of hazardous materials being contained within the building, NFPA 704 placards shall be provided for the exterior of the building.
39. Secondary Containment – Containers or tanks used for the storage of hazardous liquids and having a volumetric capacity of 55 gallons or more require secondary containment as stipulated in the Hayward City Ordinance and the California Fire Code (CFC). Secondary containment shall be provided as specified in the Secondary Containment Guidelines, which can be obtained by contacting the Hazardous Materials Office at 510-583-4910.
40. Additional Permit – Additional Spray paint booth permit may be required.
41. Final Hazardous Materials Inspection is required – Final inspection from the Hazardous Materials Office is required once the facility is ready for operations and before commencement of operations. Final Hazardous Materials Inspection is required – Final inspection from the Hazardous Materials Office is required prior to storage/use of any hazardous materials on site. Please contact the Hazardous Materials Office at (510) 583-4900 at least 48 hours before the desired final inspection appointment.

#### **SOLID WASTE**

42. The owner or property manager 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 Municipal Code Sec.11-5.22.

#### **ENGINEERING**

43. The applicant/permittee shall secure an encroachment permit and replace existing driveway with accessibility compliant driveway as per the City Standard Details 108-A, during construction. The applicant/permittee shall secure an encroachment permit and replace existing driveway with accessibility compliant driveway as per the City Standard Details 108-A