

**CITY OF HAYWARD PLANNING COMMISSION  
CONDITIONAL USE PERMIT APPLICATION NO. UP-25-0035  
MANHEIM AUCTIONS OUTDOOR STORAGE YARD - 2348 INDUSTRIAL PARKWAY WEST  
DRAFT CONDITIONS OF APPROVAL**

**General**

*Planning*

1. 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.
2. The approved use shall operate in accordance with these conditions of approval and the approved Project Plans prepared by HPA, Inc., et al., and Business and Operations Plan prepared by Layline LLC attached to the April 23, 2026 Planning Commission staff report as Attachments IV and V, respectively. Any future changes to the approved plans and Business and Operations Plan may require the submittal of an application for a modification of this conditional use permit and shall be subject to additional review and approval by the City prior to their implementation.
3. The Applicant/operator, property owner or designated representative shall allow the City's staff to access the property for site inspections to confirm all approved conditions have been completed and are being adhered to in compliance with all adopted City, state and federal laws.
4. 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.
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 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.
7. A copy of these conditions of approval must be kept on the premises at all times.
8. The Applicant/operator shall install surveillance cameras in locations throughout the premises to be determined in coordination with the Hayward Police Department to deter vehicle theft attempts when the facility is closed.

9. The operator of the approved use shall maintain a current valid business license from the City of Hayward at all times for as long as the business remains in operation.
10. 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.
11. All uses operating under a conditional use permit that cease operation for a period of more than six (6) consecutive months shall be deemed to be discontinued, and the conditional use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining approval of a new conditional use permit from the Planning Commission.

*Building*

12. Indoor vehicle storage may trigger mechanical ventilation upgrades per the California Mechanical Code (CMC). The architect of record shall confirm this prior to submitting the building permit application, if applicable.

*Fire Safety*

13. Minimum fire/water flow shall comply with the current edition of the California Fire Code (CFC). The resulting fire flow shall not be less than 1,500 gallons per minute (gpm) at 20 lbs. per square inch (psi). Existing fire hydrants onsite shall have a minimum of 36-inch clearance space in conformance with the CFC.
14. Portable fire extinguishers having a minimum size of 5 lbs. and a minimum rating of 2A:10BC shall be installed in each building in centrally located and accessible locations with maximum travel distance of 75 feet within the tenant space.
15. The primary building is not currently approved for high piled storage. A building permit shall be required for the installation of storage racks greater than 6 feet in height. A Fire Department annual operation permit is required for any combustible storage (floor and/or rack) which exceeds 12 feet in height (Class I-IV type commodities), and/or any high hazard storage which includes commodities such as hazardous materials,

flammable liquids, plastics, foam and rubber products, or any other classified commodity as dictated by the CFC and National Fire Protection Association (NFPA) 13 Standards, exceeding 6 feet in height.

16. A minimum 6-inch address shall be installed on the front of the building on a contrasting background to be visible from the street.
17. A fire alarm system shall be provided to monitor the overhead fire sprinkler system for water flow. (Separate deferred submittal by C10 contractor)
18. The overhead fire sprinkler system shall be serviced at intervals as prescribed by NFPA 25 standards.
19. Emergency vehicle access roadways having a minimum width of 26 feet shall be maintained on the property at all times.
20. All electrified gates shall be equipped with a Knox (key switch) product for rapid entry by emergency responders.

#### *Hazardous Materials*

21. Vehicle maintenance shall only be done in the designated location shown on the plans within the garage. No vehicle maintenance shall be conducted outside. According to the Applicant, only light maintenance activities will be conducted at the site (e.g., oil and fluid changes, battery installation/replacement, tire changes, windshield replacement, etc.). Heavy maintenance such as engine overhaul, installation or removal, sheet metal replacement/installation, welding of vehicles or any other activities are not authorized under this Conditional Use Permit and would require approval of a modification to it.
22. The on-site repair facility shall comply with Chapter 23 Section 2311 of the 2022 CFC as adopted by the Hayward Fire Department.
23. The Applicant shall notify and obtain approval for any chemicals (types, amounts, quantities, volumes, container size, types, etc.) from the city of Hayward Fire Department's Hazardous Materials Division prior to the chemicals being brought on site and prior to occupancy.
24. The Applicant shall apply for and keep current an annual Consolidated Unified Hazardous Materials/Hazardous Waste Management Regulatory Program Permit. An initial application for a "Consolidate Permit/Registration" shall be submitted prior to final Fire Department inspection.
25. The storage and/or use of hazardous materials/wastes shall be electronically reported through the California Environmental Reporting System (CERS) for the Hazardous Materials Business Plan (HMBP) elements (facility information, hazardous materials inventory/facility map, and emergency response/training plan. See <http://cers.calepa.ca.gov>).

26. Quantities of hazardous materials/waste shall not be stored and used in amounts greater than the maximum allowable quantities (MAQs) in the 2022 CFC as adopted by the Hayward Fire Department.
27. The storage and use of hazardous materials shall meet the requirements of Chapter 50 of the 2022 CFC as adopted by the Hayward Fire Department.
28. Tanks, machinery, piping, and other equipment storing, conveying, or utilizing hazardous materials shall be braced and anchored in accordance with seismic design requirements of the California Building Code (CBC).
29. No above-ground tanks shall be allowed on the property. Fire Department approval shall be required for any new tanks under a separate permit.
30. All tanks and the building on the subject property shall be labeled with NFPA 704 placarding.
31. All tanks and other containers shall be properly identified with signage stating their respective contents.
32. Piping, tubes, valves, fittings, and related components shall be designed and fabricated from materials compatible with the materials to be contained. Piping being used to convey hazardous liquids/gases shall be of adequate strength and durability and shall be pneumatically tested at 150% of the maximum anticipated pressure of the system for a 24-hour period or it shall be tested according to manufacture guidelines.
33. All piping shall be appropriately labeled with the type of content(s) and directional arrows showing the flow of the product every 20 feet.
34. The classification of electrical in and around areas of hazardous materials storage and use shall be appropriate per the CBC as adopted by the Hayward Fire Department.
35. Protective bollards or other approved means shall be provided to protect aboveground tanks or containers containing hazardous materials/waste from any potential vehicular impact. Installation of such bollards shall be in compliance with CFC Section 312.2.
36. Containers or tanks used for the storage of hazardous liquids or hazardous waste having a volumetric capacity of 55 gallons or more require secondary containment as stipulated in the Hayward City Ordinance and the CFC. If the facility is subject to Above Petroleum Storage Act (APSA), 1,320 gallons of petroleum shall have a Spill Prevention, Control, and Countermeasures (SPCC) Plan.
37. Secondary containment shall be constructed of material that is of sufficient thickness, density, and composition so as not to be structurally weakened as a result of contact with the released hazardous material/waste and so as to be capable of containing hazardous materials/waste released from a primary container for a period of time equal to or longer than the maximum anticipated time sufficient to allow recovery of the discharged hazardous material/waste.

38. All hazardous waste shall be managed and disposed of per Title 22 of the California Code of Regulations. All tanks/containers holding hazardous waste shall be properly labeled and identified with a hazardous waste label. Labeling shall include Generator information, accumulation start date, contents, physical state, and hazard of the waste. Provisions shall also be made for the management and disposal of universal/electronic wastes which are considered a category of hazardous waste.
39. Any compressed gas cylinders shall be chained, secured, 1/3 down from the top and 2/3 down from the top and labeled with contents of compressed gas cylinders. Compressed gas tanks shall be seismically anchored per the CBC.

*Engineering*

40. An Encroachment Permit shall be secured before start of any construction related activity in the city street right-of-way, including storage of equipment or material in the city street, excavations for utility services to the property, and/or construction of the City-required improvements in the street right-of-way.

*Transportation*

41. Pursuant to City of Hayward Traffic Code Article 9, the Property Owner shall maintain adequate visibility and sight distance, as defined by City of Hayward Traffic Code, at all project driveways and access points.
42. Pursuant to City of Hayward Traffic Code Section 6.11, the Property Owner shall require that the operator of any vehicle exceeding the maximum gross weight, as defined in Traffic Code Section 6.11, shall drive on City-designated truck routes and none other while within Hayward city limits, except where Traffic Code Section 6.11 grants exception, when coming from or going to the subject property. This Condition shall be included in any and all tenant lease agreements and documentation confirming as such shall be made available to the City of Hayward upon request. Information pertaining to City-designated truck routes can be found online here: <https://hayward.maps.arcgis.com/apps/mapviewer/index.html?webmap=cf702c85053a460c8744d1e9bc74240a>.
43. The Property Owner shall maintain, in fully functional condition and good repair, all pavement markings and signage within the subject property. This shall include, but is not limited to, all pavement markings and signage on and along private drive aisles and streets and within the subject property's parking lots.

*Utilities*

44. Any modifications to existing water services including, but not limited to, upsizes, downsizes, relocations, and abandonments shall be performed by City of Hayward Water Distribution personnel at the Applicant's expense.
45. Only City of Hayward Water Distribution personnel shall perform operation of valves on the City's public water system.

46. The Applicant is responsible for applicable water and sewer installation and connection fees at the current rates in effect at the time of application for water and/or sewer service and/or at building permit issuance. The current utility installation and connection fees are available on the City's website at [www.hayward-ca.gov/water-service/connection-fees](http://www.hayward-ca.gov/water-service/connection-fees).
47. The Applicant shall install an above-ground reduced pressure (RP) backflow prevention assembly on all water services per City Standard Detail No. 202 (SD-202), if not already existing or if not installed to the current standards to the satisfaction to the City of Hayward Cross Control Specialist. Backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger. Backflow prevention assemblies installed on potable water sources shall be lead-free. Standard Detail SD-202. Backflow preventions assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is larger.
48. A Standard Industrial Waste Monitoring Structure shall be installed per City Standard Detail No. 309 (SD-309), if not already existing on site. The monitoring structure shall be situated on the user's premises and not obstructed by landscaping, equipment or parked vehicles, or be in the way of oncoming traffic. The aggregate flow from the business operations, including domestic waste, shall be discharged through the SD-309 monitoring structure. In the event of a multi-tenant building, the monitoring structure shall be installed on each tenant's dedicated sanitary sewer line and not comingled with other tenant's waste and domestic waste.

#### *Solid Waste*

49. All construction and demolition debris shall be recycled. If any construction and demolition activities are to be done in the future, then submittal of the Debris Recycling Statement is required at the time of building or demolition permit application. The Statement form can be found online at <http://www.hayward-ca.gov/services/city-services/construction-and-demolition-debris-disposal>. You may also visit the City's Green Halo website at <https://wastetracking.com/city/hayward/> and create a waste management plan online instead of completing the Debris Recycling Statement.
50. Trash enclosures are required to be self-contained with a sanitary sewer connection with no drainage beyond the walls of the enclosure. Hose bibs are prohibited and approved clean-up methods include dry clean-up methods and/or a service that cleans and collects wash water for proper off-haul and disposal of treated waste. Please call the Water Pollution Source Control (WPSC) Division at (510) 881-7900 to reach an inspector. for inquiries.

#### **Prior to the Issuance of Building Permit**

##### *Planning*

51. All outstanding fees owed to the City for the staff time spent processing and obtaining the approval of this Conditional Use Permit application shall be paid in full prior to

consideration of any approval extension requests and/or the issuance of a building permit to construct the project.

*Engineering*

52. An Encroachment Permit shall be secured before start of any construction related activity in the city street right-of-way including storage of equipment or material in the city street, excavations for utility services to the property, and/or construction of the City-required improvements in the street right-of-way.
53. The Applicant shall make the following improvements to the City's public right-of way:
  - Sidewalk: Replace the existing sidewalk along the project frontage to conform to City Standard Detail SD-108, including installation of an ADA-compliant City Standard sidewalk.
  - Driveway Approach: Install a new City Standard driveway approach in accordance with City Standard Detail SD-110.
  - Replacement of damaged curb, gutter and sidewalk fronting the property matching existing such improvements.
  - Replacement of street asphalt pavement fronting the property to the street centerline with a minimum 2.5-inch-thick hot-mix asphalt concrete.

**During Construction**

*Engineering*

54. A City encroachment permit must be secured before the start of any traffic-disrupting or construction-related activity within the City's public right-of-way.
55. The Applicant shall remove and replace curb, gutter, sidewalks, driveways, signs, pavement, pavement markings, etc. damaged during construction of the proposed project prior to issuance of the Final Construction Report by the City Engineer. Damaged pavement surfaces shall be repaired or resurfaced as required by the City Engineer. Multiple trenches in the street shall be paved back in one patch if cut less than 20 feet apart.
56. Effective erosion control measures shall be in place before start of any construction activity on-site. Such measures shall prevent the discharge of pollutants and sediments into the street or storm drain and shall be maintained during entire construction period. Mud shall not be tracked to the street at any time.

**Prior to Issuance of Certificate of Occupancy/Business License**

*Hazardous Materials*

57. The Applicant shall submit a complete Hazardous Materials Business Plan (HMBP) to the Hazardous Materials Division prior to the final Fire Department inspection.

*Engineering*

58. All construction activities shall be completed, reviewed, and approved by the City's Public Works Inspection staff prior to issuance of a Certificate of Occupancy or Business License, whichever occurs last.
59. All improvements, including the installation of a new driveway, water services and meters, gas and other utility services, shall be completed and attested to by the City Engineer prior to issuance of a Certificate of Occupancy or Business License, whichever occurs last. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

-End of Conditions-