



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **PLANNING COMMISSION**

**JUNE 26, 2014**

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CITY OF HAYWARD  
777 B STREET, HAYWARD, CA 94541-5007  
(510) 583-4205 / [www.hayward-ca.gov](http://www.hayward-ca.gov)  
LIVE BROADCAST – LOCAL CABLE CHANNEL 15

**AGENDA**  
**HAYWARD PLANNING COMMISSION**  
**THURSDAY, JUNE 26, 2014 , AT 7:00 PM**  
**COUNCIL CHAMBERS**

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**MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:**

Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

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**ROLL CALL**

**SALUTE TO FLAG**

**PUBLIC COMMENT:** (The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action).

**ACTION ITEMS:** (The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item).

**PUBLIC HEARINGS:** For agenda item No. 1 and agenda item No. 2, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

1. Conditional Use Permit No. PL-2013- 0090 – Request to Continue Operation of an Automobile Dismantling Yard – Paul Dorris, Dorris Auto Wreckers, Inc. (Applicant/Owner). The Proposed Project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301 Class 1, Existing Facilities. The Property is Located at 3720 Depot Road in the Industrial (I) Zoning District. APN: 439-0070-003 and 439-0070-004

**[Staff Report](#)**



Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

- [Attachment I - Area & Zoning Map](#)
- [Attachment II - Findings for Approval](#)
- [Attachment III - Conditions of Approval](#)
- [Attachment IV - Resolution 77-403](#)
- [Attachment V - Resolution Z-03-04](#)
- [Attachment VI - Letter from Peggy M. O'Laughlin](#)
- [Attachment VII - Plans](#)

2. Conditional Use Permit Application No. PL-2013-0504 – Request to Construct a New Three-Story Self-Storage Facility with an Office at 28410 Hesperian Boulevard (APN 463-0025-015-02), in the Industrial (I) Zoning District - The proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, In-Fill Development Projects – Brad Bailey for BSB Company (Applicant) / Xin Mian Pan (Owner)

**Staff Report**

- [Attachment I - Findings for Approval](#)
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- [Attachment XII - Applicant Findings](#)

**COMMISSION REPORTS:**

3. Oral Report on Planning and Zoning Matters
4. Commissioners' Announcements, Referrals

**APPROVAL OF MINUTES**

5. [May 22, 2014](#)  
[June 5, 2014](#)

**ADJOURNMENT**

**PLEASE TAKE NOTICE** that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

**NOTE:** Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

**DATE:** June 26, 2014

**TO:** Planning Commission

**FROM:** Carl T. Emura

**SUBJECT:** **Conditional Use Permit No. PL-2013- 0090** – Request to Continue Operation of an Automobile Dismantling Yard – Paul Dorris, Dorris Auto Wreckers, Inc. (Applicant/Owner). The Proposed Project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301 Class 1, Existing Facilities. The Property is Located at 3720 Depot Road in the Industrial (I) Zoning District. APN: 439-0070-003 and 439-0070-004

## **RECOMMENDATION**

That the Planning Commission finds that the proposed Project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301 Class 1, Existing Facilities, and approves the request to continue operation of an Automobile Dismantling Yard, subject to the attached Findings and Conditions of Approval.

## **SUMMARY**

The Dorris Auto Wrecking Yard, along with other auto wrecking yards along Depot Road, was annexed into Hayward in 2007. Upon annexation, the auto wrecking yards were to apply for a Conditional Use Permit. This was delayed until properties could be identified that would be impacted by the Interstate 880/ State Route 92 Reliever Route Project. The project would extend the existing Whitesell Street north, bisecting some auto wrecking yards including the Dorris Auto Wrecking Yard, and connect the new roadway to the existing intersection of Depot Road and Cabot Boulevard. The applicant plans to continue operating the wrecking yard with yards on both sides of the new road, with essentially the same layout of yard areas and buildings except areas impacted by the road extension. Landscape and other site improvements will be made along the Depot Road frontage and both sides of the Whitesell Street extension fronting the applicant's property. The approval will be for ten (10) years and can be renewed administratively for another ten (10) year period. As conditioned, staff supports approval of the application.

## **BACKGROUND**

The Dorris Auto Wrecking Yard is composed of two parcels (one 4.76 acres and the other 2.81 acres) totaling 7.57 acres and contains a single-family dwelling, office, multiple storage buildings, dismantling and automobile storage areas. The owners live on the premises and provide on-site security for the facility. The facility is not connected to the public sewer and water systems. A

septic system and water well located on the site serve the property. The business has twenty (20) employees and are open to the public from 8 am to 5:30 pm, seven days a week.

The site is located in proximity to the City's Sanitary Sewer Waste Water Treatment Plant to the south, to several automobile dismantling yards to the west, to the Russell City Energy Center further southwest, a truck storage yard to the east and across Depot Road to the north are light industrial buildings and businesses.

The wrecking yard operated under a Conditional Use Permit first issued under the County of Alameda in 1967 and renewed every five years thereafter with the last renewal expiring upon annexation of the property into the City of Hayward which occurred in 2007 (see Attachment V) . Once under the City of Hayward's jurisdiction, approval of a Conditional Use Permit was required from the City.

During the same year, the City Council approved a funding agreement with the Alameda County Transportation Improvement Agency (ACTIA) for preliminary engineering and environmental work for the Interstate 880/ State Route 92 Reliever Route Project, which included property acquisition for right-of way for the extension of Cabot Boulevard to Whitesell Street. The City deferred the requirements for Conditional Use Permits for the auto dismantling yards along Depot Road that used to be in unincorporated Alameda County until the route was determined and affected parcels were identified. The City held a Public Informational Meeting on this project in February 2011 and began informing the Automobile Wreckers of the route and the requirements for Conditional Use Permits to continue operating automobile wrecking facilities along Depot Road.

The Whitesell Street Extension divides the Dorris Auto Wrecking Yard into a 4.63acre north yard, fronting Depot Road and a 2.4 acre south yard fronting the Whitesell Street extension. The Dorris Auto Wrecking Yard will continue to operate the dismantling yards on both portions. An office and parking area would be added to the south yard and a masonry wall and landscaping would be provided along the frontage on both sides of the property. The layout of the yard area and existing buildings on both yards will essentially remain the same, except where the new road extension divides the existing property.

In 1977, the City Council adopted Resolution 77-403 establishing "Policy and Development Standards for Automobile Wrecking and Salvage Yards" (Attachment IV). Such standards were developed by the Planning Commission and the policy required all wrecking yards to obtain a Conditional Use Permit, indicating the value such uses provide, and requiring the yards to comply with development standards outlined in the resolution.

The Policy states:

1. Automobile wrecking and salvage yards are a necessary element in industry and should be provided for. These uses are a business and should be conducted in a business-like manner and appear so as to be a credit, not a detriment, to industrial areas.
2. Automobile wrecking and salvage yards will only be permitted to locate on the southerly side of Depot Road in the vicinity where existing facilities are presently situated and on the

northwesterly side of West Winton Avenue where parcels have been granted prior use permits for this type of operation. Expansion of or location of new facilities on West Winton Avenue will only be granted upon the demonstrated need and/or desirability of this type of use adjacent to neighboring properties.

3. No use permits for automobile wrecking and salvage yard will be granted unless:
  - a) The property on which the operation is to be located has full frontage improvements (curb, gutter, sidewalk if required, storm, sewer and matching pavement) per the Precise Plan Lines of the City; and
  - b) The proposed site is served by public sewer and water facilities.
4. Use permits granted for the establishment of automobile wrecking and salvage yards will be limited to ten (10) years. If at the end of this time period, the owner or operator has had no violations of the use permit conditions, the permit will be administratively renewed for another ten (10) year period. During stated period, the use will be subject to periodic inspections. Violations of the conditions will be cause for revocation of the permit after a public hearing before the duly authorized review body.

## DISCUSSION

The Dorris Wrecking Yard, as conditioned, complies with Resolution 77-40 “Policy and Development Standards for Automobile Wrecking and Salvage Yards.” It is located on the southern side of Depot Road where wrecking yards are allowed.

Full frontage improvements would be required to be installed on both Depot Road and along the Whitesell Street Extension. Along Depot Road, the parking lot would be reconfigured to allow a ten-foot landscape strip. As conditioned, any damaged curb and gutter will be replaced as determined by the City Engineer, new sidewalk installed and both yards shall be served by public water and sewer facilities. Along the Whitesell Street Extension frontages, sidewalk and curb and gutter improvements, landscaping, masonry wall and other site improvements will be installed by the City in conjunction with construction of the new road extension by the City

As conditioned, the Conditional Use Permit would terminate in ten (10) years (July 2024) and be eligible to be renewed for another ten (10) years. Staff supports the application and makes the following findings:

1. **The Automobile Dismantling Yard is desirable for the public convenience and welfare.**  
*The Automobile Dismantling Yard provides a place to recycle unusable automobiles in an environmentally safe manner and provides consumers an opportunity to save money on automobile parts.*
2. **The Automobile Dismantling Yard will not impair the character and integrity of the zoning district and surrounding area.**  
*The Automobile Dismantling Yard is located in proximity to other heavy industrial uses that operate outdoors. In addition the site will be improved with a new parking lot and landscaping along Depot Road and the Whitesell Street Extension.*

**3. The Automobile Dismantling Yard will not be detrimental to the public health, safety, or general welfare.**

*The Automobile Dismantling Yard will be approved with conditions to properly regulate the operating procedures and activities associated with the use as regulated by the State Regional Water Quality Board, City of Hayward Water Pollution Source Control and the Fire Department requirements.*

**4. The Automobile Dismantling Yard is in harmony with applicable City policies and the intent and purpose of the zoning district involved.**

*The Industrial District Section of the Zoning Ordinance states: “The purpose of the Industrial (I) District is to provide for and encourage the development of industrial uses in areas suitable for same, and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties.” The Automobile Dismantling Yard is located in proximity to the City’s Water Treatment Plant, the Russell City Energy Center and other auto dismantling yards, all of which operate outdoors and would not be suitably located adjacent to other uses allowed in the Industrial District where it might lower property values, generate nuisances and have greater environmental impacts. As conditioned, improvements would be required along the street frontage along Depot Road and within the site to comply with the City’s current development standards for auto dismantling uses adopted by the City Council in 1977*

## **ENVIRONMENTAL REVIEW**

It has been determined that the Conditional Use Permit is exempt from the provisions of California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15301 Class 1, Existing Facilities.

## **PUBLIC CONTACT**

An official notice of this application was sent on March 29, 2013, to property owners and tenants within a 300-foot radius. Staff did not receive any responses. On June 13, 2014, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor’s records and posted in the Daily Review. After the notice was distributed, staff received a letter from Peggy M. O’Laughlin, attorney representing Dorris Auto Wreckers (See Attachment VII) challenging the City’s right to impose conditions and require additional improvements to a previously approved auto wrecking facility and requested that the two fire hydrants along the Whitesell Street Extension (Condition No. 48) be the responsibility of the City to install and that improvements along Depot Road not be required (Conditions No. 14, 15, 19, 20, 23, 27 and 28).

## **NEXT STEPS**

Assuming the Commission approves the Conditional Use Permit application, after the 10-day appeal period expires, if no one appeals the decision, the applicant may submit improvement plans for building permits.

Prepared by: Carl T. Emura, ASLA, Associate Planner

Recommended by:



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Sara Buizer, AICP  
Interim Planning Manager

Approved by:



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David Rizk, AICP  
Development Services Director

Attachments:

- Attachment I - Area and Zoning Map
- Attachment II - Findings of Approval
- Attachment III – Conditions of Approval
- Attachment IV – Resolution 77-403-Policy and Development Standards for Automobile Wrecking and Salvage Yards.
- Attachment V – County Resolution No. Z-03-04 Concerning C-8101
- Attachment VI – Letter from Peggy M. O’Laughlin dated June 17, 2014
- Attachment VII - Plans



# Area & Zoning Map



## PL-2013-0090 CUP

Address:  
3720 Depot Road

Applicant:  
Paul Dorris

Owner:  
Paul Dorris

### Zoning Classifications

**INDUSTRIAL**  
I Industrial



**CITY OF HAYWARD  
PLANNING DIVISION  
CONDITIONAL USE PERMIT APPLICATION  
June 26, 2014**

**CONDITIONAL USE PERMIT NO. PL-2013-0090 – Paul Dorris (Applicant/Owner) –**  
Request to Continue Operation of an Automobile Dismantling Yard.

The site is located at 3720 Depot in the Industrial (I), (APN: 439-0070-003 and 439-0070-004).

**FINDINGS FOR APPROVAL**

- A. Approval of Use Permit Application No.PL-2013-0090 - Request to Operate an Automobile Dismantling Yard is exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to project is Categorical Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301 Class 1, Existing Facilities;
- B. The Automobile Dismantling Yard is desirable for the public convenience and welfare in that it provides a place to recycle unusable automobiles in an environmentally safe manner and provides consumers an opportunity to save money on automobile parts.
- C. The Automobile Dismantling Yard will not impair the character and integrity of the zoning district and surrounding area in that it is located in proximity to other heavy industrial uses that operate outdoors. In addition, the site will be improved with a new parking lot and landscaping along Depot Road and the Whitesell Street Extension.
- D. The Automobile Dismantling Yard will not be detrimental to the public health, safety, or general welfare in that the facility will be approved with conditions to properly regulate the operating procedures and activities associated with the use as regulated by the State Regional Water Quality Board, City of Hayward Water Pollution Source Control and the Fire Department requirements.
- E. The Automobile Dismantling Yard is in harmony with applicable City policies and the intent and purpose of the zoning district involved in that the Industrial District Section of the Zoning Ordinance states:

*“The purpose of the Industrial (I) District is to provide for and encourage the development of industrial uses in areas suitable for same, and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties.”*

The Automobile Dismantling Yard is located in proximity to the City’s Water Treatment Plant, the Russell City Energy Center and other auto dismantling yards, all of which operate outdoors, and would not be suitably located adjacent to other uses allowed in the Industrial District where it might lower property values, generate nuisances and have greater environmental impacts. As conditioned, improvements would be required along the street frontage along Depot Road to comply with the City’s current development standards for auto dismantling use adopted by the City Council in 1977

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

June 26, 2014

**CONDITIONAL USE PERMIT NO. PL-2013-0090** – Paul Dorris, Dorris Auto Wreckers (Applicant/Owner) – Request to allow continued operation of an auto dismantling yard.

The site is located at 3720 Depot Road in the Industrial (I) District, APN 439-0070-004 and 439-0070-003-00.

This approval is void three years after the effective date of approval unless substantial improvements have been made as determined by the Planning Director. Improvements shall be installed per the approved plan labeled Exhibit “A”. Any modification to this permit shall require previous review and approval by the Planning Director.

**CONDITIONS OF APPROVAL**

General

1. The Conditional Use Permit shall be limited to ten (10) years. If at the end of this time period, the owner or operator has had no violations of the use permit conditions, the permit will be administratively renewed for another ten (10) year period. During stated period, the use shall be subject to periodic inspections. Business Licenses shall be renewed annually. Violation of the conditions of approval and any related permit requirements may result in revocation of this use permit at a public hearing before the Planning Commission.
2. If determined to be necessary for the public safety and general welfare, the City may impose additional conditions or restrictions on this permit.
3. A copy of the conditions of approval for this 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.
4. All buildings erected without building permits shall be legalized via permits approved by the City, or torn down.
5. All operations and physical improvements shall be conducted in accordance with the requirements of all Municipal, County, State, and Special District codes and regulations.
6. No loading or unloading shall take place on the public streets.
7. Materials shall be stacked no higher than the height of the perimeter fence, nor shall materials be stacked within ten feet (10’) of the fence.

8. The operator shall continue to ensure that engine, gear box, transmission and axle oil, coolant, transmission fluid, wiper washer fluid, power steering fluids, and brake fluid are drained from vehicles prior to staff or customers being allowed to dismantle the automobile.
9. All customers removing automobile parts shall be provided with a drip pan for the purpose of collecting spills that may occur when dismantling cars. The operator shall be responsible for the proper disposal of all contaminants collected in the drip pans at no cost to the customer. The site operator shall inspect customer activities periodically to ensure the drip pans are being used.
10. The engine compartments of all automobiles shall be covered. If there are hoods on the cars they must remain closed during periods of rain. If the automobile is without a hood then an alternative means of cover must be provided, such as a sheet of plywood.
11. Minimum ten-foot (10') wide access aisles shall be provided which shall divide material storage areas into aisles not exceeding thirty-five feet (35') in width.
12. The site shall be served by public sewer and water facilities.

#### Landscaping

13. Prior to the approval of improvement plans or issuance of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes.
14. Fully landscaped street frontage setbacks in compliance with the zoning ordinance shall be provided on Depot Road as well as both sides of the new road to the west.
15. Provide one twenty-four-inch box street tree per 20 to 40 lineal feet in the front landscape setback areas or fraction thereof. All trees shall be planted a minimum of five feet away from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the city. Trees shall be planted according to the City Standard Detail SD-122 and the detail shall be included in the landscape plans.
16. Landscape setback areas could be used for bio-infiltration and bio-retention in compliance with the C3. Stormwater Treatment Program requirements when the City's required landscape could be provided within the required setback areas. A wider landscape area shall be provided when necessary to provide required tree planting. The tree planting requirements shall not be compromised.
17. When bio-infiltration, bio-retention, or bio-detention areas are located adjacent to pavement including curbs, sidewalks, walkways and structure, an additional twelve inches wide leveled landscape area shall be provided before the side slopes in the treatment areas.

18. Provide all above and underground utility information that matches the civil plan such as water meter, water and sewer laterals, catch basins, area drains and drain lateral lines as base information on the landscape plans. Tree planting shall be a minimum five feet away from all underground utilities. Root barriers are required when tree planting is closer than seven feet from underground utilities and hardscape.
19. One fifteen-gallon parking lot shade tree for every six parking stalls as well as within both ends of the parking bay shall be provided in accordance with the Off-Street Parking Regulations. A parking bay shall be terminated on both ends with endcap islands. The island width shall be minimum six feet wide measured from face of curb to face of curb or five (5) feet measured from back of curb to back of curb.
20. Parking stalls and adjacent paving/driveway shall be separated by six-inch raised concrete curbs
21. Solid property fences shall be screened with trees, shrubs, groundcovers and vines. If the space is limited for full landscaping, at minimum self-clinging vines shall be planted to minimize visual impact of the solid wall.
22. The trash enclosure must be screened from public street view on all three sides except on the access side with continuous shrubs and vines that are a minimum 5-gallon in size. When the trash enclosure unit is attached to other structures, the walls that are exposed to Public shall receive landscape screening with shrubs and vines. If vines are not the self-clinging type, a vine support shall be provided.
23. All landscaped area shall be fully irrigated with a system that meets water efficient standards in the ordinance. All new irrigation controllers shall be weather based.
24. All landscape and irrigation shall be completed in accordance with the approved plan. Completed landscape improvements shall be inspected and accepted by the project landscape architect prior to submitting Appendix C. Certificate of Completion, in the City's Bay-Friendly Water Efficient Landscape Ordinance, to the City Landscape Architect. The final acceptance form must be faxed/e-mailed/turned in prior to requesting an inspection with the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements. Fax number is 510-583-3649.
25. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. 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. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species, selected by and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

Public Works – Engineering and Transportation

26. Remove and replace any broken curb and gutter along the property frontage as determined by the City Engineer.
27. Construct five foot-six inch sidewalk adjacent to the curb and gutter along the entire property frontage along Depot Road.
28. Install the bioretention treatment area behind the sidewalk using a Bioretention Soil Mix (BSM) per Attachment L of the C3 Stormwater Technical Guidance dated May 29, 2012.
29. The owner/developer shall execute a “Storm Treatment Measures Maintenance Agreement” (as prepared by the City of Hayward and is available in the Public Works - Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder’s Office to ensure that the maintenance is bound to the property in perpetuity.
30. An encroachment permit shall be obtained from Alameda County Flood Control and Water Conservation District prior to any connection to District maintained facilities. All workmanship and materials shall conform to District standards and specifications.
31. All on-site storm drain inlets shall be labeled with “No Dumping – Drains to Bay” or equivalent, using methods approved by the City.
32. Provide a plan showing the existing site drainage.
33. No permanent structure shall be erected within the right-of-away of the proposed extension of Cabot Boulevard.

Hayward Fire Department - Hazardous Materials Division

34. A written policy is required on the “Removal of Vehicle Hazardous Wastes” addressing when, where, and how wastes are properly removed and disposed. These wastes are to include used oil, used brake fluid, used anti-freeze, freon gases, mercury switches, used fuel, batteries, used absorbent, and air bags. The removal of vehicle hazardous wastes is to only take place on concrete pads preferably under weather protection. This written policy is to include site maps showing dedicated locations for the above work areas and shall be approved by the Hayward Fire Department within three month from approval of this application.
35. Spill control measures are required to capture and clean up any vehicle fluid releases. Spills shall be cleaned immediately upon their occurrence.
36. All hazardous waste liquid containers are required to be labeled with the container’s contents, have secondary containment, and waste generation start dates.
37. Containers greater than 60 gallons are considered tanks and if containing combustible or flammable liquids must be secondary contained and specifically approved by the Hayward Fire Department.
38. Used batteries are to be stored upright, in labeled “used battery” containers.
39. Compressed gas cylinders are to be chained, secured, and labeled. Incompatible gases shall be separated by 20 feet or a non-combustible barrier.

40. Used tires are to be separated from combustible and flammable materials.
41. The facility is to submit an approved California Environmental Reporting System (CERS) electronic reporting document annually.
42. Hazardous waste training of all workers is required on an annual basis. Sign-in log sheets are required to be kept documenting topics and training.
43. NFPA 704 placards (fireman's diamond) are required to be provided for each vehicle fluid removal station and on the exterior of the business's building or entry gate.

#### Hayward Fire Department - Fire Prevention

44. The existing entrance gate on Depot Road shall be widened to 20 feet minimum.
45. The key switch on the entry gate on the fire apparatus road should be provided and mounted on a stationary place on the outside of the gate. The key switch shall be mounted on a permanently affixed monument three (3) to five (5) feet above ground. A separate fire permit is required if it is an automatic gate.
46. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
47. Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane, 26 feet to 32 feet shall be posted on one side of the road as a fire lane. "No Parking" signs shall be installed and shall meet the City of Hayward Fire Department fire lane requirements.
48. A total of two new hydrants are required. Each side of the new road shall be installed with a new hydrant.
49. Each new fire hydrant shall be able to deliver minimum 1,500 GPM water flow.
50. All new fire hydrants shall be Double Steamer Hydrant (Clow Valve Co. Model 865 with one 2-1/2" outlet & two 4-1/2" outlets). Blue reflective fire hydrant blue dot markers shall be installed on the roadways indicating the location of the fire hydrants.
51. A minimum 6-inch address shall be installed on the front of the building/tenant spaces on a contrasting background so as to be visible from the street.

#### Water Pollution Source Control

52. The only acceptable sanitary sewer discharge shall be from normal potable water usage, such as bathroom wastewater, or employee breakroom wastewater. The fluids drainage building shall not have any direct connections to the sanitary sewer. Any other use of water or generation of wastewater, inside or outside the building, requires the user to contact Water Pollution Source Control at 881-7900 for approval and further information.
53. A standard Industrial Waste Monitoring Structure (Dwg. No. SD-309 filed 6-15-93) shall be installed at the end of pipe if not existing.
54. Unprotected bare steel sheet surfaces shall have a corrosion resistant coating (e.g. paint) to minimize the leaching of metals into the environment and/or stormwater collection with rainwater contact.

55. Any exterior painting shall be completed in weather conditions that will allow the paint to dry prior to rainfall.
56. Liquid and dry materials shall have secondary containment sufficient to provide protection from accidental discharge to the sanitary or stormwater collection system.
57. Trash Enclosure Area: (1) Collection bins or garbage cans shall be covered (except when adding or removing waste); (2) Kept free of rust and leaks to minimize, to the maximum extent practicable, the transference of pollutants to the storm water collection system; and (3) Dumpster area drains shall be connected to the sanitary sewer with a solids interception device (if applicable).
58. All wastewater from saw cutting operations shall be captured and kept from discharge to the storm drain system. Saw cutting water may be filtered to remove sand and cement, neutralized to pH less than 12, and the filtered and neutralized water may be discharged to the sanitary sewer on-site.

**HAYWARD CITY COUNCIL**

RESOLUTION NO. 77-403 C.S.

INTRODUCED BY COUNCILMEMBER Oakes

RESOLUTION APPROVING AND ADOPTING A POLICY AND DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING AND SALVAGE YARDS.

BE IT RESOLVED that the City Council of the City of Hayward hereby approves and adopts that certain POLICY AND DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING AND SALVAGE YARDS, as adopted by the Planning Commission on May 5, 1977, a copy of which is attached hereto and hereby referred to for further particulars.

IN COUNCIL, HAYWARD, CALIF., October 11, 1977.

**ADOPTED BY THE FOLLOWING VOTE:**

- AYES:** COUNCILMEMBERS Birchfield, Ratto, Randall, Oakes, Bras, Steele.  
MAYOR Weinreb.
- NOES:** COUNCILMEMBERS None.
- ABSENT:** COUNCILMEMBERS None.

ATTEST:   
CITY CLERK OF THE CITY OF HAYWARD, CALIF.



POLICY AND DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING AND SALVAGE YARDS

Adopted by Planning Commission  
on May 5, 1977

DEVELOPMENT POLICIES

In keeping with these existing goals and policies, the following policies and standards are set forth for the Planning Commission's consideration:

1. Automobile wrecking and salvage yards are a necessary element in industry and should be provided for. These uses are a business and should be conducted in a businesslike manner and appear so as to be a credit, not a detriment, to industrial areas.
2. Automobile wrecking and salvage yards will only be permitted to locate on the southerly side of Depot Road in the vicinity where existing facilities are presently situated and on the northwesterly side of West Winton Avenue where parcels have been granted prior use permits for this type of operation. Expansion of or location of new facilities on West Winton Avenue will only be granted upon the demonstrated need and/or desirability of this type of use adjacent to neighboring properties.
3. No use permits for automobile wrecking and salvage yards will be granted unless:
  - a) The property on which the operation is to be located has full frontage improvements (curb, gutter, sidewalk if required, storm sewer and matching pavement) per the Precise Plan Lines of the City; and
  - b) The proposed site is served by public sewer and water facilities.
4. Use permits granted for the establishment of automobile wrecking and salvage yards will be limited to ten (10) years. If at the end of this time period the owner or operator has had no violations of the use permit conditions, the permit will be administratively renewed for another ten (10)-year period. During stated period, the use will be subject to periodic inspections. Violation of the conditions will be cause for revocation of the permit after public hearing before the duly authorized review body.

DEVELOPMENT STANDARDS

1. Setbacks - A minimum ten-foot (10') setback shall be provided along the full frontage of the property.
2. Fencing - In the event materials are to be stored outside of a building, the following conditions shall apply:
  - a) A painted masonry or concrete-tilt-up wall with recessed decorative panels shall be constructed and maintained along the front of the property behind the required setback. The wall shall be sunk a minimum of eight (8") below grade and constructed to height of ten feet (10') above grade and designed to withstand a fifteen-pound (15#) per square foot wind load.
  - b) The rear and side property lines shall be enclosed and maintained with a chain-link fence with wood batts or a masonry or concrete wall shall be constructed to a minimum height of eight feet (8') above grade, designed to withstand a fifteen-pound (15#) per square foot wind load.
  - c) Materials shall be stacked no higher than the height of the fence nor shall materials be stacked within ten feet (10') of the fence.

Policy and Development Standards for Automobile Wrecking and Salvage Yards (con't)

3. Parking - Minimum off-street parking requirements shall apply as follows:
  - a) Five (5) spaces plus;
  - b) One (1) space for each 20,000 square feet under use, plus;
  - c) One (1) space of adequate size shall be provided for each item of rolling stock equipment stationed on the premises.
  - d) Parking area shall be paved with 2-inch (2") A.C. over six-inch (6") aggregate base or paved in concrete.
  - e) Each parking space shall be provided with a Class "B" Portland Cement concrete bumper block or continuous concrete curb not less than six inches (6") in height above the finished pavement.
  - f) All parking spaces and circulation areas shall comply with the minimum Parking Ordinance Standards as to location, dimension, drainage, surfacing, and marking.
  - g) Parking spaces shall remain open and clear for visitors or customers use and shall not be used for storage or the unloading of abandoned or wrecked vehicles, parts, or other materials associated with the proposed use.
4. Paving - Entire remaining area of lot shall be paved with concrete or asphalt or four inches (4") of crushed rock.
5. Access Aisles - A minimum ten-foot (10')-wide access aisles shall be provided which shall divide material storage areas into aisles not exceeding thirty-five feet (35') in width.
6. Drainage - Prior to installation of paving, a grading and drainage plan shall be approved by the City Engineer and the Alameda County Flood and Water Conservation District.
7. Landscaping -
  - a) The required ten-foot (10') front yard setback shall be landscaped with trees, shrubs and groundcover except where driveways are located. Mounding of earth and other desirable landscape features will be incorporated wherever feasible.
  - b) Additional landscape planters and/or tree wells shall be located in unused portions of parking areas and adjacent to the front ten-foot (10')-high masonry or concrete-tilt-up wall.
  - c) Where any landscaped area adjoins driveways and/or parking areas, Class "B" Portland Cement concrete curbs shall be constructed to a height of six inches (6") above the finished pavement.
  - d) Required landscaped areas shall be watered, fertilized, weeded, pruned, sprayed, or otherwise maintained, including replacement as needed.
8. Irrigation - Within all required landscape areas, a complete automatic sprinkle system with an automatic on/off mechanism shall be installed.

Others

9. New operations shall comply with conditions prior to commencement of the use and/or storage of any vehicle.
10. All operations and physical improvements shall be conducted in accordance with the requirements of all Municipal, County, State, and Special District codes and regulations.
11. No loading or unloading shall take place on public streets.

**RESOLUTION NO. Z-03-04 OF  
THE WEST COUNTY BOARD OF ZONING ADJUSTMENTS  
ADOPTED AT THE HEARING OF JANUARY 8, 2003, CONCERNING C-8101**

**WHEREAS** DORRIS AUTO WRECKERS has filed for CONDITIONAL USE PERMIT, C-8101, to allow continued operation of an auto salvage yard in a M-2-B-E (Heavy Industrial, 5 acre minimum building site area) District, located at 3720 Depot Road, south side, approximately 6/10 mile west of Clawiter Road, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Numbers: 439-0070-003-00 and 439-0070-004-00.

**WHEREAS** the Board did hold a public hearing(s) on said application at the hour of 6:00 p.m. on the 8<sup>th</sup> day of January, 2003, in the Alameda County Public Works Operations Building, 951 Turner Court, Hayward, California; and

**WHEREAS** it satisfactorily appears from affidavits on file that proper notice of said public hearing was given in all respects as required by law; and

**WHEREAS** this application has been reviewed in accordance with the provisions of the California Environmental Quality Act and has been found to be categorically exempt; Article 19, Section 15301, Existing Facilities, Class 5, in that the project involves no expansion of the existing use; and

**WHEREAS** a Pre-Hearing Analysis was submitted recommending the application be conditionally approved; and

**WHEREAS** the Applicant appeared at said public hearing and presented testimony in support of the application; and

**WHEREAS** the Board did hear and consider all said reports, recommendations and testimony as hereinabove set forth; Now Therefore

**BE IT RESOLVED** that the Board finds that:

- (a) The use is required by the public need as auto salvage yards have been acknowledged by the 1977 standards as a necessary element in industry, serving the automotive public, and conserving resources.
- (b) The use will be properly related to other land uses and transportation and service facilities in the vicinity as auto salvage yards have been grouped on the south side of Depot Road and conditioned to be compatible with other industries in the area. Access and parking are provided by the conditions of approval. Special provisions have been made for sewage disposal.

**RESOLUTION NO. Z-03-04**  
**JANUARY 8, 2003**  
**PAGE 2**

- (c) The use, if permitted, under all the circumstances and conditions of this particular case, will not materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injuries to property or improvements in the neighborhood as conditioned herein.
- (d) The use will not be contrary to the specific intent clauses or performance standards established for the District in which it is to be considered as it is provided for in the heavy industrial district and regulated with standard operating conditions consistent with that district.

**BE IT FURTHER RESOLVED** that the Board does hereby approve the said application as shown by materials labeled Exhibit "A" on file with the Alameda County Planning Department

This permit authorizes the continued operation of an auto salvage yard, continued occupancy of one commercial office trailers and a residential unit. All 1977 "Depot Road – Auto Salvage Yards" standards and conditions of approval adopted for Conditional Use Permit, C-3732 (except for permit term) shall be attached hereto and made a part of this permit by reference.

1. Landscaping shall be properly maintained and replaced, if necessary. The property shall be cleared of weeds at all times. All drains shall remain free, clear of all debris and mark the drains that no dumping is allowed.
2. Permittee shall maintain compliance with all requirements of the following Departments:
  - (a) Alameda County Fire Department
  - (b) Environmental Health Services/Hazardous Materials Division
  - (c) Public Works Agency
  - (d) Building Inspection Department
  - (e) Clean Water Program
3. Six (6) months from the public hearing of this application, all above departments requirements shall be complied with a copy of the Fire and Health Department Clearance letters shall be submitted to the Planning Department for the file record. Failure to submit the compliance letter shall be considered as noncompliance of the conditions of approval of permit, C-8101.

**RESOLUTION NO. Z-03-04  
JANUARY 8, 2003  
PAGE 3**

4. Permittee shall maintain the surface of the entire vehicle storage, dismantling area and aisle areas shall be clear of all oil and fluid residue at all times.
5. Permittee shall install and maintain toilet facilities as approved by Environmental Health Services including regular service for chemical toilets.
6. All hazardous materials shall be stored in compliance with the requirements of Alameda County Health Department. There shall be no discharge of contaminated materials into public drainage facilities and Applicant shall comply with all applicable laws in this regard.
7. Materials shall be stacked no higher than eight feet, the height of the side and rear fence. Vehicles and/or vehicle parts shall not be stacked within ten feet of the fence.
8. Expiration in five years.

Pursuant to Section 17-52.050 of the Alameda County Zoning Ordinance said Conditional Use Permit shall be implemented within a term of three (3) years of its issuance or it shall be of no force or effect.

Said Conditional Use Permit shall terminate on January 8, 2008, and shall remain revocable for cause in accordance with Section 17-54.030 of the Alameda County Zoning Ordinance.

**WEST COUNTY BOARD OF ZONING ADJUSTMENTS  
ALAMEDA COUNTY PLANNING DEPARTMENT**

**PRE-HEARING ANALYSIS, JANUARY 8, 2003 W-R  
DORRIS AUTO WRECKERS  
CONDITIONAL USE PERMIT, C-8101**

Application for CONDITIONAL USE PERMIT, C-8101, to allow continued operation of an auto salvage yard in a "M-2-B-E" (Heavy Industrial, 5 acre minimum building site area) District, located at 3720 Depot Road, south side, 6/10 mile west of Clawiter Road, Hayward, Assessor's No. 439-0070-003-00 and 439-0070-004-00.

**PERTINENT FACTS**

History: August 4, 1982, Conditional Use Permit, C-3732 conditionally approved continued operation of an automobile salvage yard subject to 12 standard conditions including expiration in five years.

October 14, 1987, Conditional Use Permit, C-5332 conditionally approved continued operation of an automobile salvage yard subject to 12 conditions, originally adopted with C-3732, including expiration in five years.

October 14, 1992, Conditional Use Permit, C-6151 conditionally approved continued operation of an automobile salvage yard subject to 12 conditions, originally adopted with C-3732, including expiration in five years.

September 10, 1997, Conditional Use Permit, C- 7115, conditionally approved continued operation of an automobile salvage yard subject to 12 conditions, originally adopted with C-3732, including expiration in five years.

Size of Parcel: 7 acres.

Physical Features: Subject site includes two adjacent properties owned by the same property owner. The lot is a rectangular level parcel having 300 feet of frontage and a depth of 1,100 feet. There is a paved parking area across the frontage, which is in a fair condition. There is an office building; a dwelling unit fenced off from the business and the bulk of the property is used for storage of salvaged automobiles and trucks. The site is enclosed by masonry wall fencing across the front and steel and wooden fencing along the sides and rear.

Adjacent Area: The adjacent property to the east, fronting on Depot Road, is used for a trucking operation, and the property to the west is an auto salvage operation, similar to the one proposed in this application. An eight-acre parcel to the back of the subject property is an industrial storage operation. Across Depot Road to the north there are light industrial uses within the city limits of Hayward.

General Plan Designation: This site is within the designated "Industrial Area" of the *General Plan for the Central Metropolitan Eden and Washington Planning Units* adopted by the Alameda County Board of Supervisors on January 13, 1981.

CONDITIONAL USE PERMIT, C-8101  
 JANUARY 8, 2003  
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Environmental Impact: This project is Categorically Exempt from the requirements of the California Environmental Quality Act, Article 19, Section 15301 Existing Facilities, Class, in that the project involves no expansion of the existing use.

#### **REFERRALS:**

County Fire Department: Fire Code requires that the applicant obtain a Fire Permit to operate the wrecking yard. Issues related to accessibility, building locations, water supply and hazardous materials storage requires Fire Department review and approval.

Public Works: Under Ordinance No. 68-3 N.S., the Board of Supervisors established a future width line of 92 foot right-of-way (46 feet from the existing centerline of the street) for the future widening of Depot Road. Public Works recommends that the Applicant be required to dedicate 21 feet of right-of-way and that any dedication, road improvement, and relocation of utility facilities be at no cost to the County. However, Public Works Staff feels that the removal or replacement of the existing improvements is not required at this time.

Public Works recommends that the pot holes in the driveway be repaired and the project should comply with water quality standards and regulations that have been adopted as part of the Alameda County Urban Runoff Clean Water Program.

Health Department: Request an inspection from the County Health Department.

Clean Water: The regional water quality plan must be submitted to the agency and the business should follow the program strictly.

Building Department: Require inspection and building without the benefit of building permits require proper permits.

#### **PLANNING CONSIDERATIONS**

- This application is a request to continue the subject auto salvage operation as approved with standard operating conditions adopted in 1982.
- On the site is a wrecking yard and a residential unit on the eastside of the property, which is fenced off from the main business area. According to Metro Scan and verbal information from the applicant, the dwelling unit has been in existence prior to building permits. This fenced off area is well maintained. However, building and fire inspection should be conducted to ensure safety. In addition to this, applicant and future owners should beware that section 17.52.670 of Zoning Ordinance states that:

*Maintenance and repair of a nonconforming building is permitted, provided, that the aggregate cost of the work done in any period of twelve (12) months on minor alterations or replacement of interior walls, fixtures or plumbing shall not exceed twenty-five (25)*

*percent of the assessed value of the building.*

- The planning staff noticed during a site visit that, the drainage area where the car oils and fluids drain has plastic canopy to protect from rain. However, there are openings that allows rainwater to enter and wash oils and fluids to drains. This can cause environmental concerns. In addition, several stored vehicles were noticed in the storage area that were dripping oils or fluids on the surface. The entire business area is paved creating run-offs with chemical and oil residue mixed in with rainwater. Extra precautions should be taken to ensure that all spills, drips are cleaned up by the right equipment and material authorized or suggested by the health department and the clean water plan. If this information is not available to the applicant, all appropriate information should be gathered from the appropriate agencies and a copy should be submitted to the Planning Department for the file copy. Failure to provide this information shall be looked upon as noncompliance of the conditions of approval.
- The difficulty with maintaining the planted areas in front of the existing masonry fencing is that there is not a system for irrigation. Also, trucks and vehicles have, in the past, had a tendency to run into the planted material. Monitoring compliance of the one of the original conditions (requiring landscaped areas be watered, fertilized, weeded, pruned, sprayed, or otherwise maintained, including replacement as needed) is recommended.
- The deterioration of parking space stripping on existing paving and the development of large pot holes has been an issue in the past, but it is currently in fairly good condition at this time. Though the applicant has patched the holes, there needs to be ongoing repair of potholes and some method of monitoring to ensure compliance.
- Other auto salvage operations in the area appear to have similar problems in terms of compliance with the standard conditions of approval regulating these uses. It appears that with regard to landscaping and pavement maintenance, many of the salvage yards are only brought into compliance when the permits are up for renewal.
- Should annexation of this area be considered during the duration of this application the applicant shall agree to enter into that agreement with the City of Hayward at that time.

#### **TENTATIVE FINDINGS BASED ON INFORMATION AVAILABLE PRIOR TO THE PUBLIC HEARING**

1. Is the use required by the public need?

Yes. Auto salvage yards have been acknowledged by the 1977 standards as a necessary element in industry, serving the automotive public, and conserving resources.

2. Will the use be properly related to other land uses and transportation and service facilities in the vicinity?

Yes. Auto salvage yards have been grouped on the south side of Depot Road and

CONDITIONAL USE PERMIT, C-8101

JANUARY 8, 2003

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conditioned to be compatible with other industries in the area. Access and parking are provided by the conditions of approval. Special provisions have been made for sewage disposal.

3. Will the use, if permitted, under all circumstances and conditions of this particular case, materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood?

No. As conditioned, the use can operate without detrimental effects on the employees, the general public, or the business in the vicinity.

4. Will the use be contrary to the specific intent clauses or performance standards established for the District in which it is to be considered?

No. The use is provided for in the heavy industrial district and regulated with standard operating conditions consistent with that district.

#### PRE-HEARING RECOMMENDATION

Approval subject to the plans marked "Exhibit A" on file with the Planning Department and the following conditions:

1. This permit authorizes the continued operation of an auto salvage yard, continued occupancy of one commercial office trailers and a residential unit. All 1977 "Depot Road - Auto Salvage Yards" standards and conditions of approval adopted for Conditional Use Permit C-3732 (except for permit term) shall be attached hereto and made a part of this permit by reference.
2. Landscaping shall be properly maintained and replaced, if necessary. The property shall be cleared of weeds at all time. All drains shall remain free, clear of all debris and mark the drains that no dumping is allowed.
3. Permittee shall maintain compliance with all requirements of the following departments:
  - a) Alameda County Fire Department
  - b) Environmental Health Services/Hazardous Materials Division
  - c) Public Works Agency
  - d) Building Inspection Department
  - e) Clean water program.
4. **Six (6) months**, of the public hearing of this application, all above departments requirements shall be complied with and a copy of the Fire and Health Department Clearance letters shall be submitted to the Planning Department for the file record. Failure to submit the compliance letter shall not as noncompliance of the conditions of approval

CONDITIONAL USE PERMIT, C-8101

JANUARY 8, 2003

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of permit C-8101.

5. Permittee shall maintain the surface of the entire vehicle storage, dismantling area and aisle areas shall be clear of all oil and fluid residue at all time.
6. Permittee shall install and maintain toilet facilities as approved by Environmental Health Services including regular service for chemical toilets.
7. All hazardous materials shall be stored in compliance with the requirements of Alameda County Health Department. There shall be no discharge of contaminated materials into public drainage facilities and Applicant shall comply with all applicable laws in this regard.
8. Materials shall be stacked no higher than eight feet, the height of the side and rear fence. Vehicles and/or vehicle parts shall not be stacked within ten feet of the fence.
9. By the exercise of this permit, the property owner agrees not to oppose annexation of the property to the City of Hayward.
10. Expiration on January 8, 2008 or upon annexation of the property to the City of Hayward, whichever occurs first.

Planner: Shahreen Basunia

Reviewed By: Phil Sawrey-Kubichek

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Norman E. Matteoni

Peggy M. O'Laughlin

Bradley M. Matteoni

Barton G. Hechtman

Gerry Houlihan

June 10, 2014

Honorable Chairperson and Members  
Planning Commission  
City of Hayward  
777 B Street  
Hayward, CA 94541-5007

**Re. Dorris Auto Wreckers Application for Conditional Use Permit  
(No. PL-2013-0090)**

Dear Hon. Chairperson and Commission Members:

This law firm represents Dorris Auto Wreckers, the applicant for the Conditional Use Permit (CUP) to allow the Dorris family to continue to operate their auto wrecking yard at 3720 Depot Road.

Since 1964, Dorris Auto Wreckers, family-owned and operated, has been in business at this location. From its inception up until the City of Hayward's annexation of its property in 2007, Dorris was in compliance with County of Alameda zoning regulations. At the time Dorris Auto Wreckers was annexed into the City of Hayward it was legally operating under its County CUP C-8101. On Hayward's annexation, the Dorrises were told that they had to file for a CUP with the City. The Dorrises are not seeking any change to their use or operation.

The Planning Commission's consideration of this use permit application and proposed conditions of approval has to be put in this historical context. The Dorris family recognizes the City's authority to require a use permit, but the City must also recognize this is not a *new* permit application but a *renewal* application of an existing permit.



848 The Alameda  
San Jose, CA 95126  
ph. 408.293.4300  
fax. 408.293.4004  
www.matteoni.com

Dorris Auto Wreckers is an existing business, was lawfully permitted in Alameda County, and it has a vested right to continue its use in the City of Hayward. Because the Dorrises have established a vested legal right as to their business on Depot Road, the City cannot impose new conditions of approval, based on development standards established well after Dorris Auto Wreckers was permitted and constructed and in operation, and which conditions would put it out of business.

The other challenge Dorris Auto Wreckers faces, which relates to this CUP application, is the City's proposed condemnation of 23,796 square feet of its land for Interstate 880/Route 92 Reliever Route Project. The project will extend Whitesell Street north through the center of Dorris's 7.576-acre property dividing the property and business in half. The City's own appraisal summary statement, states that the business would not survive the new use permit conditions which the City would seek to impose through a CUP. According to the statement: "Due to the conditional use permit requirements it will not be economically feasible to continue the present use."

The Dorrises are working very hard, under these trying circumstances, to stay in business. They can only do so with the assistance of the City. As to the CUP before you, the Dorrises are asking that you modify the conditions, particularly those impacting their parcel fronting Depot Road, related to the new parking lot, landscaping, side walk, curb and gutters. These conditions are based on 1977 development standards adopted by the City after Dorris Auto Wreckers was fully permitted and in operation and which the County did not impose against the Property. The estimated costs to comply with all of these conditions of approval would put Dorris Auto Wreckers out of business.

## **1. Dorris Auto Wreckers County Use Permits**

Fifty years ago, Dorris Auto Wreckers obtained its use permit in 1964 from the County of Alameda (C-1464). Three years later, in July 1967, the County approved an Adjustment and Use Permit (V-4179 & C-1758). The CUP was renewed five years later in July of 1972 (C-2476) and again every five years thereafter until the last use permit renewal approval by the County in 2003 (C-8101). When the property was annexed into the City of Hayward in 2007, Dorris Auto Wreckers had a valid conditional use permit with the County.<sup>1</sup>

---

<sup>1</sup> It is the Dorrises' position that their County Use Permit issued in 2003 is still valid despite the condition that it expires in 2008. A conditional use permit does not expire automatically even when a condition to CUP provides for such an expiration, there must first be a notice and hearing and any revocation must be reasonable. (See *Community Development Commission v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124, 1131-1132.)

In January 2008, the Dorrises contacted the City's Planning Department on the process to renew their CUP, and were told the processing of CUP applications for properties potentially impacted by the I-880/SR-92 Reliever Route Project was being deferred.

## **2. Dorris Auto Wreckers' Vested Right to Continue Their Business**

The Dorrises have been lawfully operating their auto wrecking yard for 50 years on Depot Road. When they established their business they obtained the required CUP from the County of Alameda and complied with all applicable zoning regulations. They are not proposing any changes to their use, operation or improvements.

Most of the proposed conditions of approval are based on City Council Resolution 77-403 establishing the "Policy and Development Standards for Automobile Wrecking and Salvage Yards and adopted by the City of Hayward in 1977. The staff report states that Dorris Auto Wreckers operated under a conditional use permit first issued under the County of Alameda in 1987. In fact, Dorris Auto Wreckers' first permit was issued 23 years earlier in 1964. Because these standards were adopted thirteen years after Dorris Auto Wreckers began their business in reliance on its County use permit, Dorris contends that the City's new standards may not be constitutionally applied to them so as to prohibit the continuance of their lawful business which was in existence at the time the resolution was adopted. The new standards and conditions effectively prohibit the continuance of their business because neither the business nor property owner can afford to comply with them.

The law protects businesses like Dorris Auto Wreckers from being subject to later enacted zoning regulations and standards under the doctrine of vested rights. The California Supreme Court has explained that "[t]he doctrine of vested rights . . . states that a property owner who, in good faith reliance on a government permit, has performed substantial work and incurred substantial liabilities has a vested right to . . . use the premises as the permit allows." *Communities for a Better Env't v. South Coast Air Quality Dist.* (2010) 48 Cal.4th 310, 323.

As explained by the court in *McCaslin v. City of Monterey Park* (1958) 163 Cal.App.2d 339, 346:

"The general rule against interpretation of a statute or ordinance to give it a retrospective operation, especially where vested rights are affected, is applicable to zoning laws. 'The rights of the users of property as those rights existed under the prevailing zoning conditions

are well recognized and have always been protected.” (Citations omitted).”

See also *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, where the court found that the owner had a vested fundamental right to continue operating his tavern which was established over 35 years ago as a legal nonconforming use and distinguished between an owner seeking a conditional use permit to *begin* a use of property and an owner of an *existing* business and a legal nonconforming use such as Goat Hill Tavern.

There is no doubt the Dorrises in improving their property and establishing their business back in 1964 in good faith reliance on the County Use Permit have a vested right to continue the operation of their business.

Dorris Auto Wreckers also qualifies as a legal nonconforming use. “A nonconforming use is a lawful use existing on the effective date of the zoning restriction and continuing since that time in conformance to the ordinance.” *City of Los Angeles v. Gage* (1954) 127 Ca.App.2d 442, 453. The City of Hayward’s municipal code recognizes legal nonconforming structures and uses. (See Section 10-1.2900 Nonconforming Uses.)

### **3. Proposed Conditions of Approval**

The Dorrises take issue with those conditions of approval specifically related to improvements on that portion of their property fronting Depot Road, their main entrance. The City’s condemnation action splits the business into two parcels divided by the extension of Whitesell Road. The City in a letter dated November 22, 2013 (attached hereto as Exhibit “B”) has agreed to be responsible through the condemnation action for certain street, landscaping, parking, masonry wall, and frontage improvements along both sides of the property’s new border with Whitesell Road. Thus, to the extent the City is responsible for those improvements as set forth in its letter, the Dorrises do not object to the conditions of approval as relating to the new southern parcel and both parcels’ frontages on new Whitesell Road.

As to condition No. 11, which requires both sites to be served by public sewer and water facilities, the construction cost estimate (does not include fees or engineering) for the front parcel alone is substantial (\$335,000 for sewer, water and fire line). The Dorrises have applied for and obtained an extension from the City to connect to the public sewer by March 15, 2017.

As to the requirement of two fire hydrants along the new road (Condition No. 48), these hydrants should be the responsibility of the City as its road project and condemnation have solely necessitated the need for the hydrants at this location.

The proposed conditions for the Depot Road parcel which the business would not be able to afford, given the cost Dorris will have to incur to hook up to sewer and water, and which would result in its shut down are:

14. Fully landscaped street frontage setbacks (10' setback) in compliance with the zoning ordinance.
15. Street trees in front landscape area (one 24" box tree per 20 to 40 lineal feet).
19. One 15 gallon parking lot shade tree for every six parking stalls.
20. Parking stalls and adjacent paving/driveway shall be separated by 6-inch raised concrete curbs.
23. All landscape areas shall be fully irrigated.
27. Construct 5 feet 6 inch sidewalk adjacent to curb and gutter along entire property frontage along Depot Road.
28. Install bio retention treatment area behind sidewalk.

The Dorrises ask that they be allowed to maintain the front of their business basically as it is with conditions of approval for the maintenance and repair of the existing paved parking area and access, and for the replacement and upgrade of the existing landscape areas.

### CONCLUSION

The Dorris family wants to continue to operate their business on Depot Road and believes with the City's assistance they can do so even though the City's road project will be dividing their property. The Dorrises respectfully request that the City modify the permit's condition of approval as described above based on the property's vested rights and legal nonconforming use status.

It is worthy of note that the Dorris Auto Wreckers provides an important public service in assisting with the removal and disposal of derelict, junk and abandoned vehicle from public roadways in the Hayward area.

Yours truly,

  
PEGGY M. O'LAUGHLIN

PMO/jm

cc: David Rizk, Development Services Director (e-mail to [David.Rizk@hayward-ca.gov](mailto:David.Rizk@hayward-ca.gov))  
Sara Buizer, Interim Planning Manager (e-mail to [Sara.Buizer@hayward-ca.gov](mailto:Sara.Buizer@hayward-ca.gov))  
Carl T. Emura, Associate Planner (e-mail to [Carl.Emura@hayward-ca.gov](mailto:Carl.Emura@hayward-ca.gov))  
Juliet Cox, Goldfarb & Lipman (e-mail to [jcox@goldfarblipman.com](mailto:jcox@goldfarblipman.com))

# EXHIBIT A

THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY  
HAYWARD, CALIFORNIA

RESOLUTION NO. 8302 - At meeting held July 17, 1967

Introduced by Commissioner P. J. DeBernardi  
Seconded by Commissioner Howard F. Kuder

WHEREAS Dorris Auto Wrecking, Y-4179, has filed with the Alameda County Planning Commission an application for an adjustment to allow an 8' fence where otherwise the maximum height permitted is 6' in an "M-2-B-5" (Heavy Industrial, 5 acre minimum building site area) District, located at 3720 Depot Road, south side, 3,214' west of the intersection with Clawiter Road, Mt. Eden Area, Eden Township, as shown on a map on file with this Commission; and

WHEREAS this Commission did hold a public hearing on said application at the hour of 1:30 p.m. in the County of Alameda Public Works Building, 399 Elmhurst Street, Baykiedpl California, on the 17th day of July, 1967; and

WHEREAS it satisfactorily appears from affidavits on file that newspaper notice of said public hearing was given in all respects as required by law; and

WHEREAS this Commission does find that:

- (a) There are special circumstances applicable to the property which deprive the property of privileges enjoyed by other property in the vicinity under the identical zoning classification, in that:

The requirement of a fence 8' in height is necessary by Planning Commission policy for recent salvage yards to screen the use from surrounding uses of land.

- (b) The granting of the application will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone, in that:

The Planning Commission policy in regard to salvage yard fences has been rigidly applied for other applications in the area. Pending ordinance amendment would permit fences exceeding 8' in height when required as condition of approval.

- (c) The use will not be detrimental to persons or property in the neighborhood or to the public welfare: Now Therefore

BE IT RESOLVED that this Commission does hereby approve said application as shown on a plot plan labelled "Exhibit A" on file with this Commission, a copy of which shall be forwarded to the County Building Official subject to the following conditions:

- (1) The fence shall be a solid fence of non-combustible new material capable of withstanding wind loads of 15 pounds per sq. ft.; except the fence along Depot Road shall be constructed of new concrete block to a height of 8' and shall be solid except for gate openings.
- (2) The Fence shall be a minimum of 8" into the ground and shall be located as indicated on "Exhibit A" so as to completely enclose the wrecking yard, with the exception of the gate.
- (3) Suitable plant materials shall be installed along the front fence within a minimum 4' plant strip.

Except as specifically stated above, the land and use of this property shall comply with all the provisions of the County Zoning Ordinance.

Said adjustment shall be subject to revocation for cause by the Planning Commission 8 after seven (7) days notice and a hearing by said Commission.

ADOPTED BY THE FOLLOWING VOTE:

THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY  
HAYWARD, CALIFORNIA

RESOLUTION NO. 8301 - At meeting held July 17, 1967

Introduced by Commissioner P. M. DeBernardi  
Seconded by Commissioner George R. Vaughns

WHEREAS Dorris Auto Wrecking, C-1758, has filed with the Alameda County Planning Commission an application for a use permit to allow continued operation of a wrecking yard and expansion of the operation to the adjoining property westerly, in an "M-2-B-5" (Heavy Industrial, 5 acre minimum building site area) District, located at 3720 Depot Road, south side, 3,214' west of the intersection with Clawiter Road, Mt. Eden Area, Eden Township, as shown on a plot plan on file with this Commission; and

WHEREAS this Commission did hold a public hearing on said application at the hour of 1:30 p.m. on the 17th day of July, 1967, in the County of Alameda Public Works Building, 399 Elmhurst Street, Hayward, California; and

WHEREAS it satisfactorily appears from affidavits on file that newspaper notice of said public hearing was given in all respects as required by law; and

WHEREAS this Commission does find that the use will not be detrimental to persons or property in the neighborhood or to the public welfare: Now Therefore

BE IT RESOLVED that this Commission does hereby approve said application as shown on a plot plan labelled "Exhibit A" on file with this Commission, a copy of which shall be forwarded to the County Building Official, subject to the following conditions:

- (1) This permit shall not be valid until such time as the Zoning Enforcement Officer has verified initial compliance with following conditions 3, 4 and 5, and conditions of approval of concurrent Adjustment, V-4179, Resolution No. 8302.
- (2) Said permit shall be valid for a period not to exceed five years from date of compliance per Condition No. 1, and during said period shall be subject to periodic inspections and revocation for cause. Violation of any conditions of approval or of any County or State regulations shall be considered a violation of this permit and cause for revocation.
- (3) Off-street parking spaces shall be provided on the basis of one for each employee; one space for each truck or other mobile equipment maintained and used on the premises; three spaces for each acre made part of this permit.
- (4) Off-street parking spaces and access thereto shall be paved with 2" A.C. over 6" aggregate base or equivalent. The remainder of the area used for the outdoor storage of materials shall be paved with a minimum of 5" crushed rock. 10' wide access aisles shall be provided which shall divide material storage areas into aisles not exceeding 35' in width. Prior to installation of paving, a grading and drainage plan shall be approved by the Alameda County Flood Control and Water Conservation District.
- (5) Materials shall be stacked no higher than the height of the fence nor shall materials be stacked within 5' of the fence.
- (6) There shall be no open fires or burning of materials.
- (7) The applicant shall connect ~~36~~ the City of Hayward public sewer and

Resolution No. 8301

Page 2

July 17, 1967

- (8) A chemical toilet shall be maintained in accordance with the Alameda County Health Code and it shall be serviced on a minimum weekly basis.
- (9) All garbage and non-salvageable wastes shall be disposed of at an approved dump site at intervals of no greater than seven days. Also, such wastes shall be stored in a manner prior to disposal, that does not attract flies and/or rodents or otherwise create a public health problem.

ADOPTED BY THE FOLLOWING VOTE:

AYES: Commissioners DeBernardi, Kauffman, Spencer, Vaughns, and Chairman Gardella.

NOES: Commissioner Kuder.

ABSENT: None.

EXCUSED: Commissioner Enos.

WILLIAM H. FRALEY - PLANNING DIRECTOR & SECRETARY  
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY

# EXHIBIT B



November 22, 2013

Paul R. Dorris, Ruben Dorris, and Dorris Auto Wreckers, Inc.  
3720 Depot Road  
Hayward, CA 94545

RE: City of Hayward – I-880/SR-92 Reliever Route Phase I Project, Project No. 5197  
APN: 439-0070-003 & 004  
Site Address: 3696 & 3720 Depot Road, Hayward, CA

Dear Property Owners:

Per your request at our meeting on October 2, 2013, we are providing a written response to questions and concerns that you raised at the meeting, including improvements on the southerly remainder of your property to be installed by the City.

As part of our continued right-of-way negotiations and in an effort to reach a negotiated settlement, the City is proposing to install the improvements, as conceptually described below, on the Whitesell Street extension and southerly remainder. The intent is to provide the minimum improvements necessary on the Whitesell Street extension and southerly remainder for you to obtain an approved conditional use permit (CUP) issued by the City's Planning Division. The property owner will be responsible for the installation of any improvements above and beyond the minimum improvements necessary to obtain an approved CUP.

**I. Proposed installation by the City of CUP improvements on the Whitesell Street Extension and Southerly Remainder:**

1. Masonry frontage wall.  
*City will install fencing to meet the minimum improvements necessary to obtain an approved CUP. At this time, we expect this to be a 10' high masonry frontage wall on both sides of Whitesell Street.*
2. Driveway gates.  
*The City will install 10' high manually operated metal sliding driveway gates at each approved driveway opening on both sides of Whitesell Street frontage.*
3. Temporary security fencing and driveway gates, if masonry frontage walls not yet installed and through the term of any TCE if encroaching.  
*The City will install an 8' high chain link fence with privacy slats topped with 2' high barbed wire. This will include manually operated sliding driveway gates of similar material installed at each driveway opening. Temporary security fencing on both sides of Whitesell Street frontage will be provided during construction if masonry frontage walls are not yet installed and through the term of any TCE if encroaching.*

**DEPARTMENT OF PUBLIC WORKS  
ENGINEERING & TRANSPORTATION**

777 B STREET, HAYWARD, CA 94541-5007  
TEL: 510/583-4730 • FAX: 510/583-3620 • TDD: 510/247-3340

4. Small building with office and unisex restroom, if staff is required for operations on south side.  
*Should staff be required for operations on the south side of the property, the City will install one small building, composed of the minimum required office area including a unisex restroom, according to the minimum improvements necessary to obtain an approved CUP.*
5. Off-street parking.  
*The number of off-street parking spaces and area to be installed on the south side by the City shall be determined as the difference between the total number of off-street parking spaces to meet the minimum improvements necessary to obtain an approved CUP and the total number of off-street parking spaces required by the existing parcel configuration.*  
  
*For example, if for the new roadway, the property is required to have a total of 25 off-street parking spaces (15 on the north side and 10 on the south side) and for the existing parcel configuration without the new roadway, the property is required to have 20 off-street parking spaces; then, the City would be responsible for installing 5 off-street parking spaces on the south side.*
6. Landscaping and irrigation improvements.  
*The City will install 10' wide landscaping improvements and irrigation pipes on both sides of the Whitesell Street frontage to meet the minimum improvements necessary to obtain an approved CUP. Property owner is responsible for irrigation water to any landscape improvements on private property.*
7. Bioretention area.  
*The bioretention area to be installed on the south side by the City shall be determined as the difference between the bioretention area to meet the minimum improvements necessary to obtain an approved CUP and the bioretention area required by the existing parcel configuration. The landscaping improvement area may potentially be used as the bioretention area.*
8. Water meter(s) for building(s), landscaping and irrigation.  
*The City will install minimum water meter sizes to serve the building on the south side, if a building is required, and/or for the landscaping and irrigation described under item 6 above to meet the minimum improvements necessary to obtain an approved CUP.*
9. Sewer and water laterals and connections.  
*The City will install the minimum sewer and water lateral pipe sizes and associated connections on the south side to meet the minimum improvements necessary to obtain an approved CUP. Owners shall be responsible for storm drain improvements on their property. City will install storm drain connections on the south side from the back of sidewalk to the main storm drain line on Whitesell Street.*
10. Need City to identify PG&E mains service locations.  
*The City will install a PG&E service connection point based on the location of the proposed building, if a building is required, to meet the minimum improvements necessary to obtain an approved CUP.*
11. Security system.  
*The City will restore the security system on the south and north sides to functioning at least equal to the existing system.*
12. Temporary security system.  
*If temporary security fencing is installed, the City will provide a temporary security system during construction on the south and north sides, functioning at least equal to the existing system.*

**II. Property owner's responsibility for proposed CUP improvements on Southerly Remainder:**

1. CUP application fees (both northerly and southerly remainders processed under one CUP).
2. Any other conditions identified by City's Planning Division.

Should you have questions or concerns regarding this letter, please do not hesitate to contact me at (510) 583-4761.

Sincerely,



Angela Louie  
Associate Civil Engineer

cc: Morad Fakhrai, City of Hayward  
Juliet Cox, Goldfarb & Lipman  
Joe Magdaleno, AR/WS





**GENERAL NOTES**

- A. THE SITE PLAN DEPICTION IN THIS DRAWING REFLECTS EXISTING CONDITIONS ALONG WITH REQUESTED POSSIBLE MODIFICATIONS AS DESCRIBED IN NOTE "C" BELOW.
- B. THE SITE IS FULLY PAVED WITH EITHER ASPHALT OR CONCRETE EXCEPT WHERE (E) SHRUBS ARE IN THE PARKING AREA AND (E) SWALE ADJACENT TO STREET.
- C. THE ROAD OVERLAY SHOWN REPRESENTS A PROPOSED FUTURE CONDITION BY THE CITY OF HAYWARD. LOCATION, CONFIGURATION AND RELATED ELEMENTS ARE BY OTHERS AND ONLY SHOWN FOR REFERENCE ONLY PER THE REQUEST OF THE CITY OF HAYWARD. ADDITIONAL INFORMATION HAS BEEN PROVIDED SUCH AS POSSIBLE MODIFIED AISLE WAYS, DRIVEWAYS, FENCED YARD CONFIGURATIONS, LANDSCAPING AND PARKING AREAS.



PROJECT TITLE  
REF: PL-2013-0030 CUP

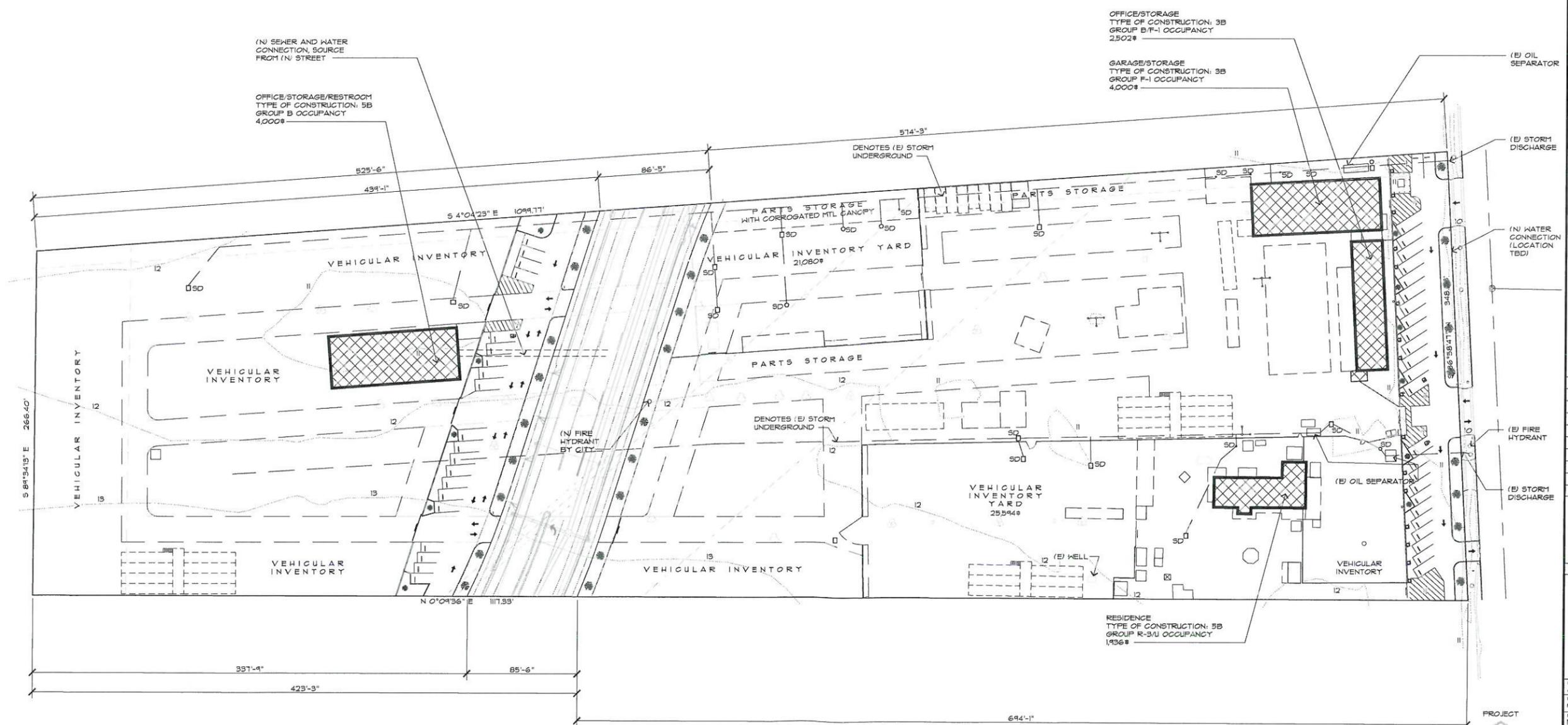
Site Plan as built for:  
**Dorris Auto Wreckers**  
3720 Depot Road  
Hayward, California 94545

REVISIONS		
0	SITE PLAN ASBUILT	2/14/13
1	CITY ROAD OVERLAY	3/1/13
2	CITY COMMENTS	4/28/13
3	CITY COMMENTS	5/28/13
4	CITY COMMENTS	6/11/13
5	CITY COMMENTS	10/10/13

CONDITIONS & RESTRICTIONS  
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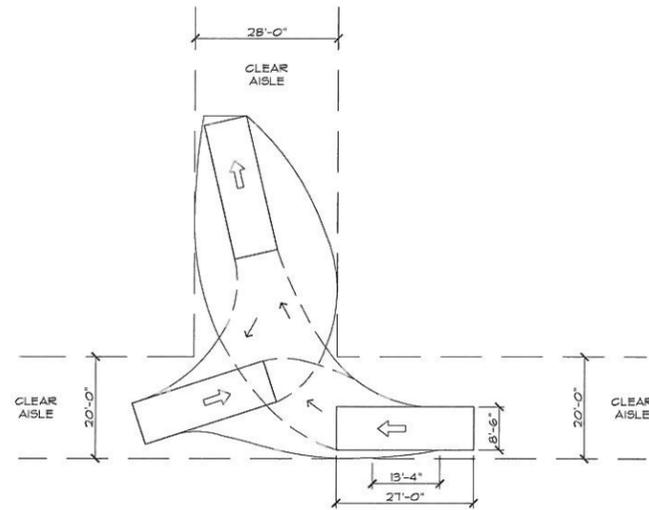
SHEET TITLE  
**SITE PLAN  
EXISTING UTILITIES**

SCALE: AS NOTED	JOB NUMBER: 13-03
DESIGNED BY: M.P.	DATE: 1/8
DRAWN BY: M. HARRIS	DATE: 2/10/13
OWNER INFORMATION: DORRIS AUTO WRECKERS 3720 DEPOT ROAD HAYWARD, CA 94545 (510) 782-4392	DRAWING NO: <b>A13</b>



**SITE PLAN**  
SCALE: 1" = 40'-0"





**TURNING RADIUS GUIDE (KS-41)**  
SCALE: 1" = 16'-0"

**GENERAL NOTES**

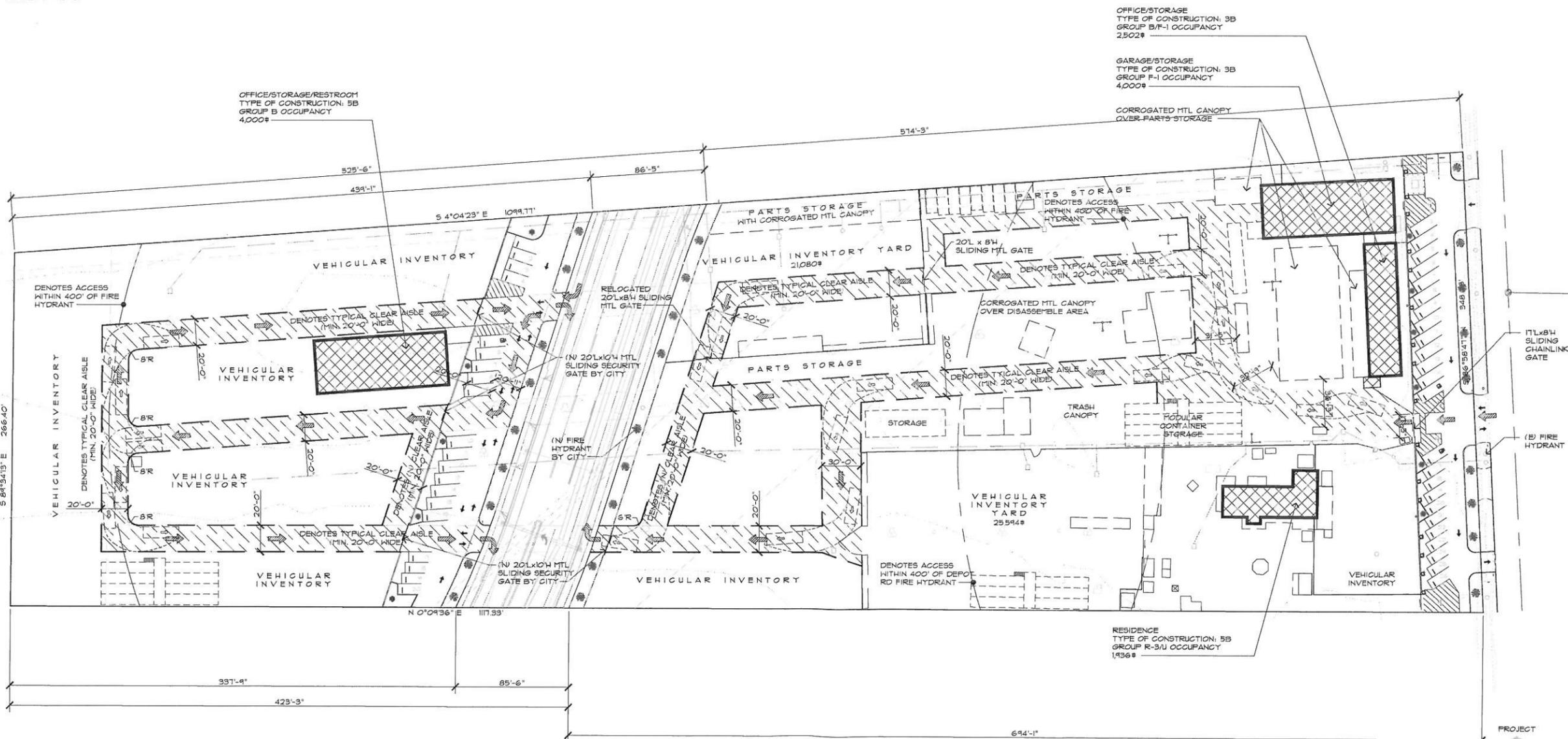
- A. THE SITE PLAN DEPICTION IN THIS DRAWING REFLECTS EXISTING CONDITIONS ALONG WITH REQUESTED POSSIBLE MODIFICATIONS AS DESCRIBED IN NOTE "C" BELOW.
- B. THE SITE IS FULLY PAVED WITH EITHER ASPHALT OR CONCRETE EXCEPT WHERE (B) SHRUBS ARE IN THE PARKING AREA AND (E) SHALE ADJACENT TO STREET.
- C. THE ROAD OVERLAY SHOWN REPRESENTS A PROPOSED FUTURE CONDITION BY THE CITY OF HAYWARD. LOCATION, CONFIGURATION AND RELATED ELEMENTS ARE BY OTHERS AND ONLY SHOWN FOR REFERENCE ONLY PER THE REQUEST OF THE CITY OF HAYWARD. ADDITIONAL INFORMATION HAS BEEN PROVIDED SUCH AS POSSIBLE MODIFIED AISLE HAYS, DRIVEWAYS, FENCED YARD CONFIGURATIONS, LANDSCAPING AND PARKING AREAS.
- D. ACCESS LIMITS TO WITHIN 300' OF A FIRE HYDRANT SHOWN ON PLAN. REMAINDER OF AREA COVERED BY ON SITE FIRE WATER.
- E. AISLE HAYS WILL BE ABLE TO ACCOMMODATE THE TURNING RADII OF TRUCKS AS SHOWN ON PLAN VIEW IN COMPLIANCE WITH DESIGN GUIDE SHOWN ON THIS SHEET.

MPH  
MICHAEL P. HARRIS  
1964 GUNSHOT COURT  
DUBLIN, CA 94568  
(424) 692-6811  
mph@gsa.com



PROJECT TITLE  
REF: PL-2013-0000 CUP

Site Plan as built for:  
**Dorris Auto Wreckers**  
3720 Depot Road  
Hayward, California 94545



**SITE PLAN**  
SCALE: 1" = 40'-0"

REVISIONS		
0	SITE PLAN ASBUILT	2/14/13
1	CITY ROAD OVERLAY	3/1/13
2	CITY COMMENTS	4/28/13
3	CITY COMMENTS	5/28/13
4	CITY COMMENTS	6/11/13
5	CITY COMMENTS	10/13/13

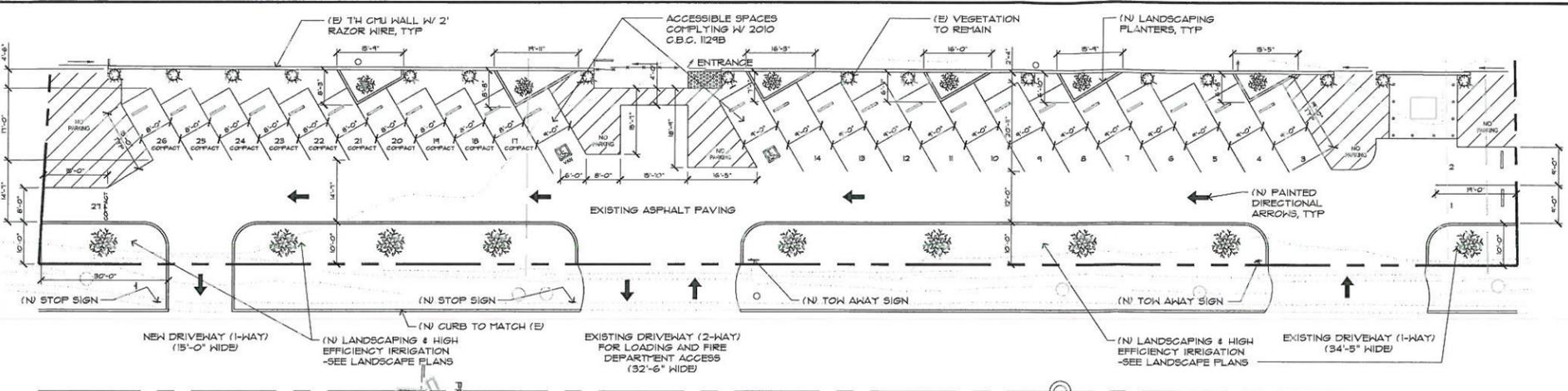
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SHEET TITLE

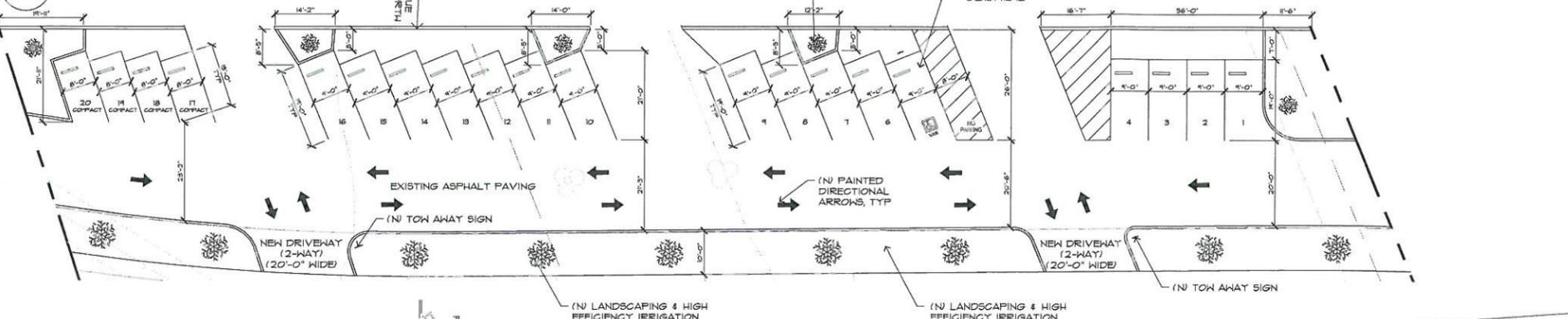
**SITE PLAN  
FIRE SAFETY**

SCALE: AS NOTED	JOB NUMBER: 13-03
DESIGNED BY: R/S	DATE: R/S
DRAWN BY: M. HARRIS	DATE: 2/10/13
OWNER INFORMATION: DORRIS AUTO WRECKERS 3720 DEPOT ROAD HAYWARD, CA 94545 (510) 782-4392	DRAWING NO: <b>A1.4</b>

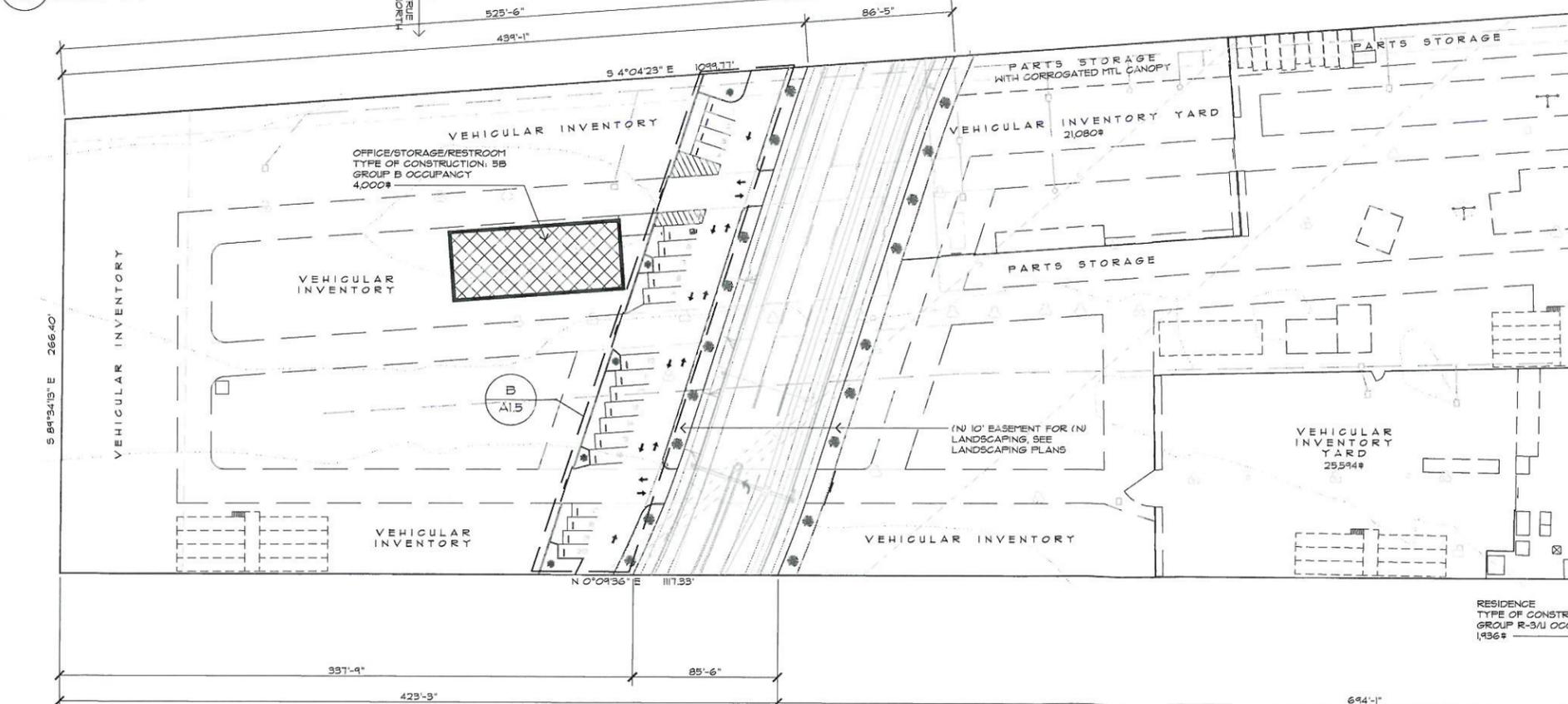




**A ENLARGED PARKING PLAN**  
SCALE: 1" = 16'-0"



**B ENLARGED PARKING PLAN**  
SCALE: 1" = 16'-0"



**SITE PLAN**  
SCALE: 1" = 40'-0"

**GENERAL NOTES**

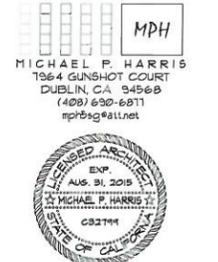
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**PARKING**

EXISTING SITE AREA:	340,98 #
NEW CITY ROAD SITE AREA:	24,856 #
FRONT PROPERTY AREA:	205,850 #
INDUSTRIAL BUILDING AREA:	6,502 #
OFFICE BUILDING AREA:	502 #
RESIDENTIAL SITE AREA:	11,542 #
PARKING & LANDSCAPING BUFFERS AREA:	19,326 #
RESULTANT AREA FOR WRECKING YARD:	162,430 #
REAR PROPERTY AREA:	109,442 #
OFFICE/STORAGE BUILDING AREA:	4,000 #
PARKING & LANDSCAPING BUFFERS AREA:	11,704 #
RESULTANT AREA FOR WRECKING YARD:	87,188 #

REQUIRED PARKING CALCULATIONS - FRONT INDUSTRIAL:	
WRECKING YARD (10-2,350) = 5 * (162,430 / 20,000) =	13 SPACES
GENERAL OFFICE BLDG USE (10-2,340) = (502 / 250) =	2 SPACES
STORAGE BLDG USE (10-2,350) = (16,000 / 500) =	12 SPACES
TOTAL PUBLIC SPACES REQUIRED (10-2,350):	27 SPACES
TOTAL PUBLIC SPACES PROVIDED:	27 SPACES
ALLOWABLE COMPACT SPACES (10-2,610):	50 %
ACCESSIBLE PARKING REQUIRED (INCLUSIVE):	2 SPACES
VAN ACCESSIBLE:	1 SPACE
ACCESSIBLE:	1 SPACE
RESIDENTIAL:	
TOTAL RESIDENTIAL SPACES REQUIRED (COVERED):	2 SPACES
TOTAL RESIDENTIAL SPACES PROVIDED (COVERED):	2 SPACES
REQUIRED PARKING CALCULATIONS - REAR INDUSTRIAL:	
WRECKING YARD (10-2,350) = 5 * (87,188 / 20,000) =	4 SPACES
GENERAL OFFICE BLDG USE (10-2,340) = (400 / 250) =	2 SPACES
STORAGE BLDG USE (10-2,350) = (12,000 / 500) =	18 SPACES
TOTAL PUBLIC SPACES REQUIRED (10-2,350):	24 SPACES
TOTAL PUBLIC SPACES PROVIDED:	20 SPACES
ALLOWABLE COMPACT SPACES (10-2,610):	50 %
ACCESSIBLE PARKING REQUIRED (INCLUSIVE):	1 SPACE
VAN ACCESSIBLE:	1 SPACE



**PROJECT TITLE**  
REF: PL-2013-0030 CUP

Site Plan asbuilt for:  
**Dorris Auto Wreckers**  
 3720 Depot Road  
 Hayward, California 94545

**REVISIONS**

0	SITE PLAN ASBUILT	2/14/13
1	CITY ROAD OVERLAY	3/1/13
2	CITY COMMENTS	4/28/13
3	CITY COMMENTS	5/28/13
4	CITY COMMENTS	6/11/13
5	CITY COMMENTS	10/15/13

**CONDITIONS & RESTRICTIONS**

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**SHEET TITLE**

**SITE PLAN PARKING**

SCALE:	AS NOTED	JOB NUMBER:	13-03
DESIGNED BY:	M.P.	DATE:	1/13
DRAWN BY:	M. HARRIS	DATE:	2/10/13
OWNER INFORMATION:	DORRIS AUTO WRECKERS 3720 DEPOT ROAD HAYWARD, CA 94545 (510) 792-4392		

**A15**



CITY OF  
**HAYWARD**  
HEART OF THE BAY

DATE: June 26, 2014

TO: Planning Commission

FROM: Donna M. Kenney, AICP MCRP, Associate Planner

SUBJECT: Conditional Use Permit Application No. PL-2013-0504 – Request to construct a new Three-Story Self-Storage Facility with an Office at 28410 Hesperian Boulevard (APN 463-0025-015-02), in the Industrial (I) Zoning District - The proposed Project is Categorically Exempt from Environmental Review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, In-Fill Development Projects – Brad Bailey for BSB Company (Applicant) / Xin Mian Pan (Owner)

### **RECOMMENDATION**

That the Planning Commission finds the proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, In-Fill Development Projects, and approves the conditional use permit subject to the attached findings and conditions of approval (Attachments I and II).

### **SUMMARY**

The applicant requests approval of a Conditional Use Permit for a three-story self-storage facility (“Facility”) located on Hesperian Boulevard between Catalpa Way and Industrial Parkway West (Attachment III). The Project site is a single piece of property that carries an Industrial Zoning District designation and is adjacent to the Eden Roc Mobile Home Park. Staff has received concerns from neighboring residents related to traffic, noise, air quality, and lighting and those concerns are addressed as discussed in this staff report. The applicant’s early research indicated storage units are needed in this area and its impacts are expected to be minimal.

### **BACKGROUND**

The site is a vacant 76,626 square foot property that formerly held a single-family residence. During the 1990s and into the early 2000s, the site was a vehicle storage facility for recreational vehicles. The site is zoned Industrial (I), which lists Public Storage Facilities as a Conditional Use under Hayward Municipal Code Sec. 10-1.1615 (b)(1)(d). The site’s General Plan designation is Industrial Corridor (IC), which supports planned business and industrial parks along with supporting office and commercial uses. Comprehensive design standards and use restrictions permit their location adjacent to residential areas.

To the north of the site is the Eden Roc Mobile Home Park (“Park”); eleven homes in the Park on Bourbon Drive are adjacent to the north property line of the proposed Facility. To the east and south along Technology Drive and Century Street are properties that are in a Planned Development (PD) Zoning District, which include a multitude of businesses that includes personal services, wholesale distributors, and manufacturers. To the west are single-family residential units located across Hesperian Boulevard, on Cubberley Street and Court (Attachment IV). The applicant anticipates 10% of the storage units will be rented by businesses for equipment and document storage and 90% will be rented by local residents for household goods storage.

Early on in this application process, staff received several emails from nearby neighbors (268 were notified) concerning traffic, noise, air quality, and lighting, all of which have been attached (Attachment V). Their questions and concerns were shared with the applicant, who worked with staff and submitted a Traffic Generation Forecast Study, a Noise Study, an Air Quality and Greenhouse Gas Emissions Report, and a Conceptual Site Lighting Plan with specification sheet to address those concerns. Staff exchanged emails in March 2014 with one of these mobile home residents to clarify landscaping, lighting, and drainage details on the site plans.

## **DISCUSSION AND STAFF ANALYSIS**

### Project Description

Approval of this Conditional Use Permit would allow the applicant to construct a new 112,880 square foot, three-story self-storage facility with office and restrooms (“Facility”), with a total of 110,980 square feet of storage area. Plans propose a total of 708 storage units ranging in size from 5’ x 5’ to 18’ x 18’ (Attachment VI). According to the applicant, the Facility has a large variety of unit sizes tailored to meet the individual needs and budgets of local residents and businesses. There are 76 of the smallest units, which are 25 square feet in size, and one of the largest size units, which is 324 square feet. The typical size is 100 square feet, of which there are 201. There are a total of 708 units proposed for the three stories of building, which has two elevators. The facility will have many safety features; it will be video monitored, have motion detectors for the interior lighting and a keypad entry into the site. The office will be open from 9 am – 6 pm daily and the storage areas are accessible to customers from 7 am – 7 pm. Two to three employees will be on site during office hours.

The building is proposed to have an exterior treatment of stucco throughout with a sand finish (Color 1) for the second and third stories and split-face block (Color 2) for the first story (Attachment VII). The West elevation, which faces Hesperian Boulevard, provides architectural interest via seven to eight foot high stone veneer (instead of the split face block) at the office first story and four inch foam trim provides separation between the stucco and the veneer. This treatment is carried around the side of the building to the South office elevation and parking area, where the stone veneer stops at the line of exterior roll-up doors. The office area is in the first and second stories of the West elevation and the second and third stories of storage are set back behind it, with parapets of various heights adding depth to this facade.

All windows (two on the West, one on the South, one on the East, and one on the North elevations) are spandrel (opaque) or azurlite (tinted) glass with bronze frames in false arch top window recesses. To break up the long North wall, the applicant has added two faux windows recessed six inches within a wall element that projects six inches from the wall, adding interest and depth to the second and third stories while ensuring privacy to the Mobile Home Park residents. Only the two first story office windows that face Hesperian Boulevard to the West and the parking area to the South utilize the tinted azurlite windows. All other windows are spandrel (opaque) which allows light in but restricts vision out.

The West elevation facing Hesperian Boulevard will include a new six foot high wrought iron fence and security gate with split face columns. The gate will have a key pad for customer access and is regulated by Chapter 10 Article 14, Security Gate Regulations, of the Municipal Code. On the South property line, there is an existing six foot high chain link fence which will be replaced by a seven foot high wrought iron fence. A seven foot high existing block wall will remain towards the rear of the property. There is an existing fence adjacent to the commercial and industrial uses on the East property line and a new six foot tall block wall proposed adjacent to the existing residential housing. A new six foot high block wall is proposed along the North property line adjacent to the mobile home park with wrought iron fencing at the West elevation. Landscaping areas are five to twenty feet wide along the fencing, with the wider areas adjacent to residential neighbors.

The applicant intends to install signage on Hesperian Boulevard, West elevation. The proposed wall sign is required to meet Sign Ordinance regulations and be submitted for approval by the Planning Director prior to installation. The sign will contain the ACE Self Storage logo.

#### Traffic, Circulation and Parking

According to the Traffic Generation Forecast Report dated January 27, 2014 (Attachment VIII), the A.M. Peak Traffic Hour is expected to generate a total of 17 vehicle trips (this number includes both inbound and outbound trips) and the P.M. Peak Traffic Hour is expected to generate a total of 28 vehicle trips (including both inbound and outbound trips). The number calculations are based on trips per 1,000 square feet of storage space. The City's Senior Transportation Engineer agrees with the information and has determined the report satisfactory. The projected number of trips generated by a conditionally approved self-storage facility in the Industrial zoning district is low compared to the trips generated by permitted uses such as banks, retail establishments, wholesale establishments, and medical offices and is therefore, considered insignificant.

Hesperian Boulevard contains a median that will restrict site access to a right turn into the facility and a right turn out of the facility. In addition, drivers heading to the site on southbound Hesperian cannot make a U-turn at Industrial Parkway West, just south of the project site. They must make a left turn onto Industrial Parkway West, which also has a median, then make a left U-turn at the traffic light on Hall Street to come back and make a right turn onto Hesperian Boulevard to head north to the Facility.

Parking for facility customers will be accessible from one driveway on Hesperian Boulevard. There are thirteen parking spaces provided for the site, exceeding the City's Off-Street Parking

Regulations, which requires five open spaces for the office use and two covered spaces for a residential unit. Parking includes two disabled access spaces and one clean air vehicle space. Five spaces are intended to serve the office use and the eight covered spaces near the facility's two elevators serve the storage unit activities. The applicant used Hayward Fire Department standards to design their truck turn-around at the rear of the property.

### Noise

The Noise Study by Frank Hubach and Associates (Attachment IX) studied noise produced by idling trucks in a loading area, roof-top HVAC equipment, patrons yelling, truck lift gates and ramps, loading and related activities. Data from the traffic study was used in the noise analysis as well. There are no openings or access on the north and east sides of the building, which in effect serves to provide an inherent noise barrier for the residents at the mobile home park. Ambient noise was measured at four locations on February 4, 2014 between the hours of 7-8 a.m. and 5-7 p.m., times selected as being the most critical for potential noise impact to the nearby residents. The study concluded the "worst case hourly noise impact is predicted to be insignificant" with only a 1.2 dB(A) increase at the East property line. According to the City of Hayward General Plan, Appendix N, Noise Guidelines for the Review of New Development, the City requires the evaluation of mitigation measures for projects that cause an increase of 3 dB(A) or more at an existing residential area (the acceptable range is 50-70 dB(A) and the unacceptable range is 70-90 dB(A)). The noise impact to the adjacent residences is greatly limited by the building itself and by operations being located on the South side of it. In the fire truck turn around for example, back-up beepers measured 62.4 dB(A) and squealing brakes measured 67.6 dB(A). In conclusion, a 1.2 dB(A) increase in noise during the most critical time periods for residents is insignificant and mitigation measures are unnecessary.

### Air Quality

Calculated at 235.7 metric tons of CO<sub>2</sub>e per year, the Project's Green House Gas (GHG) emissions during construction were found to be below the Bay Area Air Quality Management District's (BAAQMD) significance threshold of 1,100 metric tons per year, according to Sage Environmental Consulting (Attachment X). Additionally Project operation emissions, calculated at 214.1 metric tons per year of CO<sub>2</sub>e, does not exceed BAAQMD's threshold of 1,100 metric tons per year. The Project will not exceed any of the applicable BAAQMD thresholds for air quality or GHG emissions during either construction or operation. Therefore, the analysis, agreed to by staff, found air quality and GHG emission impacts to be below established thresholds, and therefore, insignificant and not requiring mitigation measures.

### Site Lighting

According to the Conceptual Site Lighting Plan ("Lighting Plan"), produced by Photometric Toolbox using the content of the lighting manufacturer's photometric file, there is no lighting proposed for the North elevation (residential side) of the building. Only the South elevation and the southern portions of the East and West elevations have proposed lighting (Attachment XI). The proposed lighting fixtures are wall mounted at nine feet above grade on the building and on ten (10) foot tall light poles at the southeast and southwest corners of the site. Fixtures consist of a bronze metal housing with a clear flat glass lens directed downward. It is Dark-Sky compliant with photo-control activation - the International Dark-Sky Association is the only nonprofit organization fighting to preserve the night sky. The Lighting Plan is regulated by and meets the

requirements of Chapter 41 Section 4109 of the Building Code in that weather and vandal resistant covers and lenses shall be illuminated during the hours of darkness with minimum one (1) footcandle and that no lighting will be installed in a manner that reflects light away from the property. Staff concludes that the Lighting Plan meets the City's standards for security lighting and off-site impacts will be minimal.

*Other Establishments in Hayward* - In addition to this Facility, there are nine other self-storage facilities currently operating in Hayward. The closest facility to the proposed south Hayward site is Industrial Boulevard Self Storage at Arden Road and Industrial Boulevard, approximately .75 miles away on the west side of SR-880. Storage Pro Self Storage on Pacheco Way is the next closest facility at approximately 1.12 miles away on the east side of SR-880. All other facilities are located in the northeast and northwest areas of the City more than 2.8 miles away. The applicant's closest existing ACE Self Storage is in Simi Valley, CA.

### **Conditional Use Permit Findings**

In order for the Conditional Use Permit to be approved, the following findings must be made. Staff's responses to the findings are below and in Attachment XII.

**A. The proposed use is desirable for the public convenience or welfare;**

The proposed self-storage use is desirable for the public convenience or welfare in that it provides a needed service, the storage of household goods and business equipment, for the adjacent residential and the commercial/industrial uses. In addition, the current vacant lot is unattractive and encourages vagrancy and dumping.

**B. The proposed use will not impair the character and integrity of the zoning district and surrounding area;**

The proposed use will not impair the character and integrity of the Industrial zoning district and the surrounding area, including the adjacent mobile home park residents because the proposed building will adequately mitigate noise impacts to surrounding homes, the projected number of trips generated by a conditionally approved self-storage facility in the Industrial zoning district is low compared to the trips generated by possible permitted uses, and the lighting plan meets the City's standards for security lighting with minimal off-site impacts. The proposed architecture aesthetically compliments the area.

**C. The proposed use will not be detrimental to the public health, safety, or general welfare; and**

The proposed use will not be detrimental to the public health, safety or general welfare because it is a low impact use with very little traffic or noise according to the Traffic Generation Forecast Report and Hubach Noise Study. The use is passive, without any industrial work conducted on site. No hazardous materials will be used or kept on site. Adequate City sewer and water infrastructure, including fire service lines, are available, as confirmed by City Public Works Utility and Solid Waste staff.

**D. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.**

The proposed use is in harmony with applicable City policies and the intent and purpose of the Industrial Zoning District in that it promotes a desirable and attractive working environment with a minimum of detriment to surrounding properties. The Project will replace a vacant lot used by the homeless and loiterers with a tasteful, secure, and modern facility that will employ 2-3 people daily. The facility, through employee presence, gate codes, cameras and lighting, it will deter the homeless and loiterers from being there and block their access routes to surrounding properties, which has been a great concern to the neighborhood.

City of Hayward General Plan Policies regarding Land Use promote in fill development that is compatible with the overall character of the surrounding neighborhood.

Land Use Strategy 8-1 encourages the visual integration of projects of differing types or densities through the use of building setbacks, landscaped buffers, or other design features. The building proposed for this Facility is a good buffer itself in that it provides a sound barrier between residential uses in the mobile home park to the north and the heavily used commercial businesses to the east and south of the project site. In addition, an enhanced landscape buffer of twenty feet will separate the proposed building from the mobile home park, adding to the sound reduction capabilities of the building.

Environmental Review - It has been determined that the Project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) guidelines, Section 15332 In Fill Development Projects:

- The project is consistent with its general plan designation of Industrial Corridor (supporting office and commercial uses; design standards and use restrictions permit their location next to a residential area);
- The project is located within city limits on a project site of no more than 5 acres (the site is within city limits and 1.759 acres in size) substantially surrounded by urban uses (mobile home park, single family residential, commercial and industrial businesses);
- The project site has no value as habitat for rare, endangered or threatened species (formerly occupied as a single family residence; Arborist Report; Phase 1 Environmental Assessment);
- Its approval would not result in any significant effects relating to traffic, noise, air quality or water quality (Traffic Generation Forecast Report; Environmental Noise Report; Air Quality and Greenhouse Gas Emissions Report; Phase 1 Environmental Assessment);
- The site can be adequately served by all required utilities and public services.

## **PUBLIC OUTREACH**

On December 20, 2013, an Official Notice of Receipt of Application was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Staff received an email dated December 23, 2013 from an adjacent business owner concerned

with security and accessibility issues because she's "caught people coming over the wall from the 28410 Hesperian yard..."

Staff received a second email dated December 27, 2013 from a resident who states she lives in the mobile home park adjacent to the Project. The resident stated opposition because she would be "...neighbors with a storage company, who does that?" Furthermore, she felt there "...will be a ridiculous amount of traffic..." with an increase in accidents, noise, and theft.

Staff also received an email in opposition on January 17, 2014 with concerns expressed regarding types of landscape trees and the possibility of vermin establishing their homes in the landscape buffer. The email's author recommended a swale to channel rainwater away from the mobile home park and had concerns about a "loading area" that no one knows how often it will be used. These questions and concerns were shared with the applicant, who submitted a Traffic Generation Forecast Study, a Noise Study, an Air Quality and Greenhouse Gas Emissions Report, and a Conceptual Site Lighting Plan with specification sheet to address the concerns. All of these communications can be found in Attachment V.

On June 16, 2014, an Official Notice of this public hearing was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. The hearing was also noticed in *The Daily Review* newspaper on June 14, 2014. Staff had not received any comments as of the writing of this report.

## **SCHEDULE**

The Planning Commission decision begins a 10-day appeal period of the Commission's action to the City Council (or call-up to Council by a Council member), which would expire at 5:00 p.m. on July 7, 2014. If approved and there is no appeal filed within that time period, the applicant may proceed with building permits. If denied and no appeal is filed, the decision of the Planning Commission would be final.

Prepared by: Donna M. Kenney, AICP MCRP

Recommended by:



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Sara Buizer, AICP  
Planning Manager

Approved by:



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David Rizk, AICP  
Development Services Director

Attachments:

Attachment I	Findings for Approval
Attachment II	Conditions of Approval
Attachment III	Area and Zoning Map
Attachment IV	Aerial Photograph with Zoning
Attachment V	Opposition Emails
Attachment VI	Project Plans
Attachment VII	Color and Materials Chart
Attachment VIII	Traffic Generation Forecast Report
Attachment IX	Noise Study
Attachment X	Air Quality and Greenhouse Gas Emissions Report
Attachment XI	Conceptual Lighting Plan
Attachment XII	Applicant Findings

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

**FINDINGS FOR APPROVAL**

**June 26, 2014**

**CONDITIONAL USE PERMIT APPLICATION NO. PL-2013-0504 CUP-** Brad Bailey (Applicant) /Xin Mian Pan (Owner) requests approval of a conditional use permit to construct a new Three-Story Self-Storage Project with office.

The property is located at 28410 Hesperian Boulevard at Industrial Parkway West, Industrial (I) Zoning District (APN 463-0025-015-02).

**FINDINGS FOR APPROVAL**

**A. The proposed use is desirable for the public convenience or welfare;**

The proposed self-storage use is desirable for the public convenience or welfare in that it provides a needed service, the storage of household goods and business equipment, for the adjacent residential and commercial/industrial uses. In addition, the current vacant lot is unattractive and encourages vagrancy and dumping.

**B. The proposed use will not impair the character and integrity of the zoning district and surrounding area;**

The proposed use will not impair the character and integrity of the Industrial zoning district and the surrounding area, including the adjacent mobile home park residents because the proposed building will adequately mitigate noise impacts to surrounding homes, the projected number of trips generated by a conditionally approved self-storage facility in the Industrial zoning district is low compared to the trips generated by possible permitted uses, and the lighting plan meets the City's standards for security lighting with minimal off-site impacts. The proposed architecture aesthetically compliments the area.

**C. The proposed use will not be detrimental to the public health, safety, or general welfare; and**

The proposed use will not be detrimental to the public health, safety or general welfare because it is a low impact use with very little traffic or noise according to the Traffic Generation Forecast Report and Hubach Noise Study. The use is passive, without any industrial work conducted on site. No hazardous materials will be used or kept on site. Adequate City sewer and water infrastructure, including fire service lines, are available, as confirmed by City Public Works Utility and Solid Waste staff.

**D. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.**

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**E. Environmental Review - It has been determined that the Project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) guidelines, Section 15332 In Fill Development Projects:**

- The project is consistent with its general plan designation of Industrial Corridor (supporting office and commercial uses; design standards and use restrictions permit their location next to a residential area);
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- The project site has no value as habitat for rare, endangered or threatened species (formerly occupied as a single family residence; Arborist Report; Phase 1 Environmental Assessment);
- Its approval would not result in any significant effects relating to traffic, noise, air quality or water quality (Traffic Generation Forecast Report; Environmental Noise Report; Air Quality and Greenhouse Gas Emissions Report; Phase 1 Environmental Assessment);
- The site can be adequately served by all required utilities and public services.

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

**CONDITIONS OF APPROVAL**

**June 26, 2014**

**CONDITIONAL USE PERMIT APPLICATION NO. PL-2013-0504 CUP-** Brad Bailey (Applicant) /Xin Mian Pan (Owner) requests approval of a conditional use permit to construct a new Three-Story Self-Storage Facility with an office.

The property is located at 28410 Hesperian Boulevard at Industrial Parkway West, Industrial (I) Zoning District (APN 463-0025-015-02).

**CONDITIONS OF APPROVAL**

**General**

1. Conditional Use Permit Application No. PL-2013-0504 shall operate according to these conditions of approval and the plans approved by the Planning Commission labeled "Exhibit A."
2. This permit becomes void 36 months after the effective date of approval, unless 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. 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 above date. Violation of any condition of approval is cause for revocation of this permit, subject to a public hearing before the Planning Commission.
3. 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.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
5. A copy of these Conditions of Approval must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public.
6. 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.

7. No truck or vehicle rental shall be conducted from the premises.
8. There shall be no outdoor storage of any kind.
9. Restrooms shall be accessible and available to employees and customers per the Plumbing Code.
10. The owner/operator of Ace Self Storage shall maintain in good repair all fencing, walls, buildings, lighting, landscaping, driveway and parking area. The premises shall be kept clean and in an orderly fashion.
11. The applicant shall be responsible for graffiti-free maintenance of the site, and shall remove any graffiti within 48 hours of occurrence or City notification.
12. All utilities that can be undergrounded shall be. All above ground utilities and mechanical equipment shall be screened from the public right-of-way with shrubs.
13. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

#### **Development Review Services**

14. No parking shall be allowed to block the Fire Department truck turn around.
15. No surface runoff shall flow onto adjacent parcels.
16. All storm drain inlets shall be labeled "No Dumping - Drains to Bay," using City-approved methods.
17. The project operation shall implement Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff.
18. The following control measures for construction and noise shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
  - a. Applicant shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Please submit contact information to the Planning Division.
  - b. Applicant shall provide dust control for on-site construction activities.
  - c. Filter materials (such as sandbags, filter fabric, etc.) shall be installed at the storm drain inlet nearest the downstream side of the project site prior to: 1) site dewatering activities; 2) parking lot washing activities; or 3) saw cutting asphalt or concrete activities, or in order to retain any debris or dirt flowing into the storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Filter materials shall be properly disposed

in the trash.

- d. Cleaning machinery, tools, brushes, etc., or rinsing containers, into a street, gutter, storm drain or stream is prohibited (see City's "*Building Maintenance/Remodeling*" flyer for more information).

### **Utilities**

19. Only water distribution personnel shall perform operation of valves on the Hayward Water System. Only water distribution personnel shall install tapping tee and tapping valve and perform the connection on the Hayward Water System.
20. The property is currently served by a 5/8 inch domestic meter. If the existing water service line and meter cannot be reused, it shall be abandoned by City Water Distribution Personnel at the owner/applicant's expense. If there will be more than 5,000 square feet of irrigated landscaping, a separate irrigation meter shall be installed. Any modifications needed to the water services and/or water meters (upsized, downsized, relocate, etc) shall be performed by City crews at the owner's/applicant's expense.
21. Plans indicate a 6 inch fire service will be installed. All fire services shall have a double check detector assembly installed per City of Hayward Standard Detail 204 by City Water Distribution Personnel at the owner's/applicant's expense. Minimum sizing shall be per Fire Department's requirements.
22. All domestic and irrigation water meters shall have Reduced Pressure (RP) 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. Backflow devices installed on potable water services shall be lead free.
23. The parcel is currently served by a septic tank for sewer service. The septic tank shall be abandoned and the property shall connect to the City's sewer system. The minimum sewer connection fee for a non-residential connection is currently \$7,700.

### **Landscape**

24. One 24" box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependent on the species of trees. Trees shall be planted according to the most current City Standard Detail SD-122.
25. All installed landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

26. Landscape improvements shall be installed according to approved plans and Appendix C, Certificate of Completion Part 1 and Part 2, Attachment C, Document of Final Acceptance, and an irrigation schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

### **Fire Department**

27. Flammable or combustible liquids or gasses shall not be used or stored on site.
28. Access requirements for this development shall be in compliance with the California Fire Code and Hayward Fire Department Standards. A minimum 20-foot-wide drive access road with 13 feet-6 inches vertical clearance shall be maintained.
29. Address and premise identification approved numbers shall be maintained on all buildings in such a position as to be plainly visible and legible from the road or street fronting the property.
30. Red-painted curbing and fire lane signage shall be maintained on the private dedicated fire department access road. Business operations shall not interfere with dedicated fire road.
31. A minimum of 4 fire hydrants in strategic locations shall be required. Any new fire hydrants shall be installed and maintained by the City. The applicant shall arrange for the installation with Public Works. Hydrants shall be unobstructed and accessible, minimum three (3) foot clearance.
32. The applicant/property owner shall review the building interior and provide construction improvements (fire blocking) that will create area separations between each of the storage units and in areas with common accessibility. The requirements to meet a minimum 1-hour rating would be highly recommended. This would require that all existing openings and penetrations within the building's open air attic space be blocked with sheet rock construction. Installation shall be in compliance with the California Building Code.
33. Security gate access shall be provided at all times for Police, Fire, City inspection, utility and other health and safety related vehicles. A gate opening system to provide for emergency vehicle access shall be installed to the satisfaction of the Police Chief and Fire Marshal. Said gate shall comply with Hayward Municipal Code Chapter 10 Article 14 Security Gate Regulations and requires a separate permit.
34. An Alternate Method of Protection (AMP) shall be approved by the Fire Department prior to submittal of the first building permit application.

### **Engineering**

35. The existing driveway to be abandoned shall be removed and replaced with standard curb, gutter and sidewalk.

36. The proposed Best Management Practices (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).
37. The project shall be designed with a bioretention area using Bioretention Soil Mix (BSM) per Attachment L of the C.3 Storm Water Technical Guidance dated May 14, 2013.
38. A copy of the Notice of Intent (NOI) from the State Water Resources Control Board shall be provided to the City prior to the start of grading.
39. A Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and Soils Report shall be submitted to the City for review and approval by the City Engineer. The certification page of the SWPPP shall be signed by the Qualified SWPPP Developer (QSD) person who prepared the report. The SWMP and Soils Reports shall be wet-stamped and signed by an engineer. All reports submitted to the City Engineer shall be in bound form – documents that are clipped or stapled will not be accepted.
40. Any street in the vicinity that is damaged as a result of construction of the project shall be repaired or reconstructed by the owner/applicant to the satisfaction of the City Engineer.
41. Any damaged and/or broken curb, gutter and sidewalks along property frontages as a result of construction of the project shall be removed and replaced by the owner/applicant as determined by the City Inspector.
42. All on-site storm drain inlets shall be labeled “No Dumping – Drains to Bay” using City approved methods.
43. The owner/applicant shall execute a Storm Treatment Measures Maintenance Agreement (“Maintenance Agreement”) as prepared by the City of Hayward (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 is bound to the property in perpetuity.
44. The developer shall be responsible for ensuring the contractor is aware of all storm water quality measures and implementing such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or stop work orders.
45. The following items shall be completed and submitted with the improvement and/or grading plans:
  - a. Hydromodification Management Worksheet
  - b. Infiltration/Rainwater Harvesting and Use Feasibility Screening Worksheet
  - c. Development and Building Application Information Impervious Surface Form

- d. Project Applicant Checklist of Stormwater Requirements for Development Projects
  - e. C.3 and C.6 Date Collection Form
  - f. Numeric Sizing Criteria used for stormwater treatment (Calculations)
46. All existing street lights along the property frontages that are not L.E.D. shall be replaced with L.E.D. lights.

### **Water Pollution Source Control**

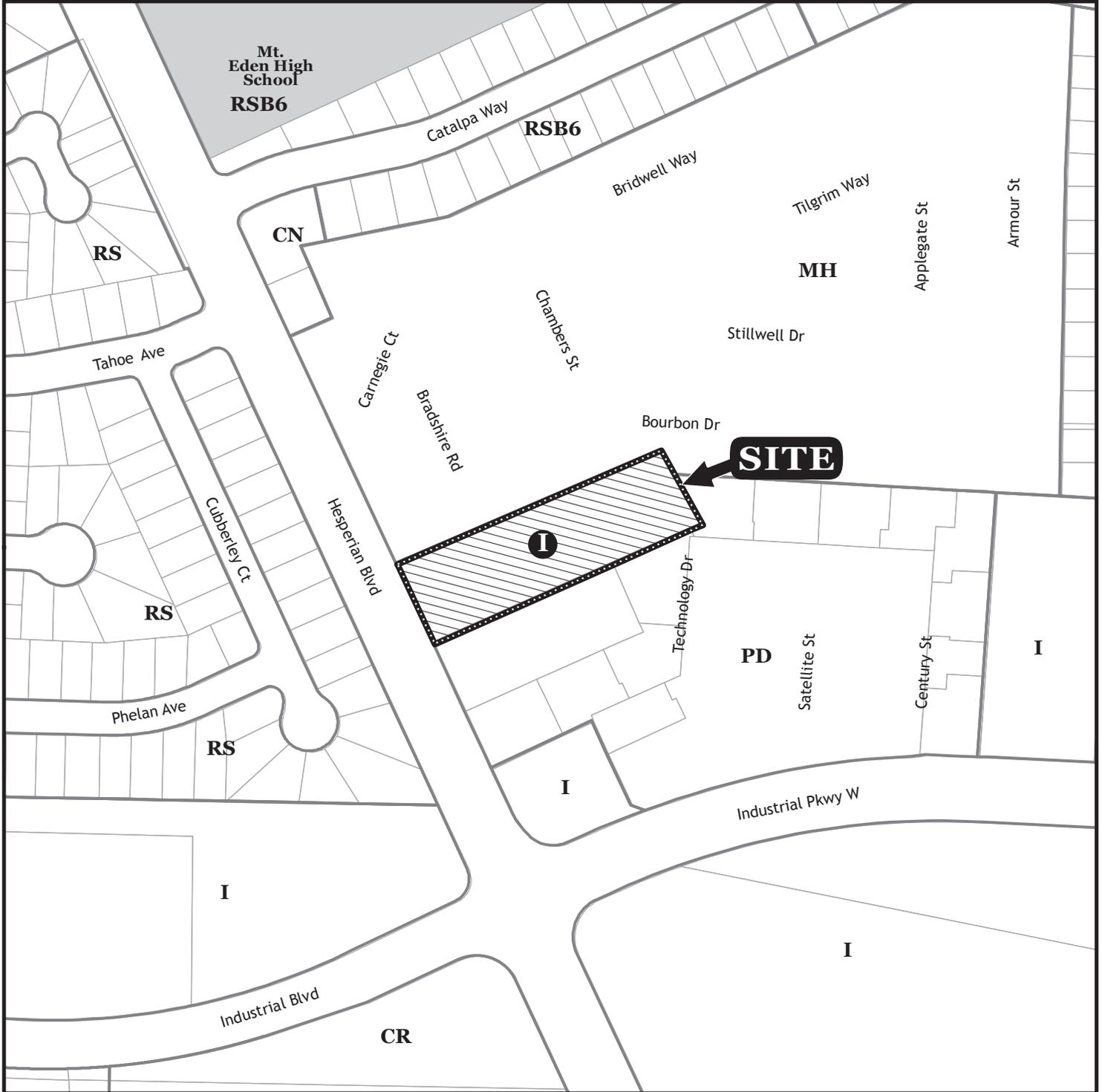
47. The only acceptable sanitary sewer discharge shall be from normal potable water usage, such as bathroom wastewater, or employee break room wastewater. Contact Water Pollution Source Control at (510) 881-7900 if process wastewaters (e.g. wash waters) are proposed to be discharged to the sanitary sewer from this facility.
48. Applicant shall contact the State of California Water Resources Control Board for information regarding a General Industrial Stormwater Permit, and shall obtain such permit if required by the State.

### **Solid Waste and Recycling**

49. The business shall subscribe to at least weekly trash service with the City franchisee.
50. As of July 1, 2012, all businesses with 4 cubic yards or more of weekly trash service shall arrange for the weekly collection of mixed recyclables, e.g. paper, glass, metal, plastic, food and beverage containers. Adequate storage space for recyclables is required by State law. Details of the indoor trash and recycling enclosure area shall be submitted as part of the Building Permit application plan set. The trash and recycling enclosure area shall meet the size and design requirements of the Solid Waste and Recycling Division of the Public Works Department.



# Area & Zoning Map



## PL-2013-0504 CUP

Address:  
**28410 Hesperian Boulevard**

Applicant:  
**Brad Bailey**

Owner:  
**Xin Huang**



### Zoning Classifications

- RESIDENTIAL**
- MH Mobile Home Park
- RS Single Family Residential, min lot size 5000 sqft
- RSB6 Single Family Residential, min lot size 6000 sqft
- COMMERCIAL**
- CN Neighborhood Commercial
- CR Commercial Retail
- INDUSTRIAL**
- I Industrial
- BP Business Park
- OTHER**
- PD Planned Development



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APPLICATION CREATED BY [GIS PLANNING](#)



**Arlynn Camire**

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**From:**  
**Sent:** Friday, December 27, 2013 2:28 PM  
**To:** Arlynn Camire  
**Subject:** 28410 Hesperian Boulevard

Good Afternoon,

I am sending an email to comment in regards to the new, three story self-storage facility in Hayward.

First off, I must say that it is inconsiderate of this new owner to just put a three story self-storage when in fact there is a mobile home park with residents such as myself and it would be literally right next to all of us. We would be neighbors with a storage company, who does that?

I have been living in the park with my parents for many years and it's always been a quiet neighborhood. In fact I, actually now have my own place inside the mobile home park. And it's a great community to live in.

The reasons why I do not want this to go through is because:

1. The property where the new owner wants the self storage, has always been empty for many years, why now?
2. There will be a ridiculous amount of traffic, especially since Costco is already close by us as it is.

It's bad enough there's plenty of traffic trying to get inside the mobile home park after work. It may increase car accidents, because there will be too many cars, how in the world are we as residents supposed to get inside our community with all the people coming and going in and out of this storage facility plus the other traffic that we get on a daily basis? Including the bus that stops by, where we live.

3. Our quiet neighborhood would be loud with a bunch of noises and movement of people going back and forth to this facility.
4. People that have never been on this side of the neighborhood might be wondering around in our community and God forbid we don't get cases of stealing.
5. How would the owner like it if someone built right next door to where he lives a self storage? I really don't think he would like it because it would be literally right next door to him and quite frankly, no one would like that to happen to them.

I hope that this doesn't happen because it's unfair to do this to anyone. The buildings that are close by, such as true fight club, and a dentist office, etc; they are close but they are at a good distance from us.

Please don't allow this to happen us.

Yolanda Vasquez

**Arlynn Camire**

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**From:** Arlynn Camire  
**Sent:** Friday, January 10, 2014 3:18 PM  
**To:** 'Lauren Kawakami'  
**Subject:** RE: Question about the Conditional Use Permit application @ 28410 Hesperian Blvd

Good Afternoon Ms. Kasakami,

I've forwarded your email to the applicant. The height limit for commercial uses in the Industrial District is 40 feet. The height of the proposed building would be 36 feet.

As soon as I hear from the applicant regarding your security concerns, I'll contact you. You should expect an email from me next week.

Please contact me with any questions.

Thank you.

Arlynn J. Camire, AICP  
 Associate Planner  
 City of Hayward  
 777 B Street  
 Hayward, CA 94541-5007  
 Direct 510.583.4206  
 Fax 510.583.3649  
[www.hayward-ca.gov](http://www.hayward-ca.gov)

---

**From:** Lauren Kawakami  
**Sent:** Monday, December 23, 2013 1:03 AM  
**To:** Arlynn Camire  
**Subject:** Question about the Conditional Use Permit application @ 28410 Hesperian Blvd

Dear Ms. Camire -

I'm the co-owner of a commercial property that shares a common wall with 28410 Hesperian Blvd. We are concerned about this project's security measures since I've caught people coming over the wall from the 28410 Hesperian yard even though there's razor wire on top. With an increase in traffic due to it being a storage facility, I'm worried about the safety of our people and property if accessibility isn't tightly controlled. Other businesses in the Pacific Business Park are also concerned about security and accessibility issues.

Also, it seems that a 3-story building will be the tallest structure in this area for quite a distance. An overwhelming majority of the commercial/industrial structures are 2-stories high. What are the height limitations for this zoning district?

My business:  
 The Impact Zone  
 Hayward, CA 94545

My phone# is

Thank you for any information you can provide about the proposed facility and its grounds, including a full description and plans if available.

Best regards,

Lauren Kawakami  
 Co-Owner, The Impact Zone

2 of 9

**Arlynn Camire**

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**From:** Arlynn Camire  
**Sent:** Thursday, January 23, 2014 5:29 PM  
**To:** 'Bonnie'  
**Cc:** Miriam Lens  
**Subject:** RE: Proposed Public Storage Facility

Good Evening Ms. Swope,

The landscape areas are required to be maintained and will not be converted to truck turn-around areas. The applicant will submit a lighting plan and light is required to be downward illuminating not facing adjacent homes. Revised plans will show the adjacent mobile homes and buildings. The applicant is require to submit a noise study. I believe that the trees to be planted in the rear (north side) will be evergreen. Public Works will review the plans for drainage and City standards are required to be met.

Please let me know if you should have additional questions.

Arlynn J. Camire, AICP  
 Associate Planner  
 City of Hayward  
 777 B Street  
 Hayward, CA 94541-5007  
 Direct 510.583.4206  
 Fax 510.583.3649  
[www.hayward-ca.gov](http://www.hayward-ca.gov)

**From:** Bonnie  
**Sent:** Friday, January 17, 2014 4:21 PM  
**To:** Arlynn Camire  
**Cc:** Miriam Lens  
**Subject:** Re: Proposed Public Storage Facility

Good afternoon, Ms. Camire,

Thanks so much for sending these plans. It's difficult, as you might imagine, to see specific numbers & some letters because the attachments arrived at about 62% and enlarging makes some hard to decipher. SO, allowing that I may err in how I read these, I DO have a couple of questions/comments:

(1) Looking at the ELEVATIONS and BOTH SITE PLANS, I see that *east of and adjoining the 55'x30-35' angled bump out at the rear (East side) of the building, a 15'W x 25'D LOADING AREA.*

(A) This would leave only 5' of 'greenscape' (rather than the 20' on the NORTH side) between the PAVED LOADING AREA and the Fire Turn-Around and the property's neighbors, Eden Roc and the Commercial Park.

(B) I realize the renderings don't show if there are existing Eden Roc homes on the Eastern Side of the new development (I'll check. but maybe you already know and can tell me).

(a) If there *are* homes in that area, then the 'active' LOADING AREA will be only 5' from the dividing line and the homes on the other side.

(b) I don't think that qualifies as a 20' break, as *no one knows* how often, what times, etc., the loading zone and 'turn around' would be used and could, potentially, disturb the residents.

(c) I would reason that most clients of the Storage facility (as well as delivery personnel) that use trucks (of any size) would *naturally* rather turn around in the much larger Fire Turn-Around area at the rear of the building than attempt to navigate a 3-point turn in a parking spot.

(1) The 15' W LOADING ZONE, 28' W main driveway and 66' W TURN-AROUND make for a very convenient, attractive and logical space for Clients and delivery personnel to turn around their trucks (or hauled carriers).

(2) Lights, though 'downcast', on the EAST and NORTH SIDES of the building, at 9' above finished grade, would probably be on all night and could, therefore, intrude on the residents at Eden Roc. [Yes, I'm not sure by the renderings whether there'll be lights on the North or East sides of the building, but I suspect there'll be some.]

(3) Trees growing to 36' (as in the renderings) would be lovely, of course, but their breadth would most probably exceed the 20'-wide landscaped area between the development and the Eden Roc property line.

(A) Eden Roc tenants should *not* be impacted by falling leaves of deciduous trees OR overhanging branches. Heavy winds are common hereabouts and leaves of deciduous trees would easily jump the planned 6' high cinderblock wall.

(B) The planned trees are shown centered in the 20' W greenscape on the NORTH and EAST sides of the building, which makes sense. However, to reach 36', as in the renderings, I'd guess *they'd easily exceed 10' on either side of the main trunk*.

(C) One suggestion would be to have trees that mature at a shorter height and are not especially 'dirty' (in dropping lots of leaves).

(4) What is the plan for tending the greenscaped area? Will the Storage facility keep the area on the North neat and tidy? Will grass be mowed on a bi-weekly or monthly basis? Will weeds be kept at bay?

(A) Grass (or weeds) allowed to grow too high will invite mice, rats, raccoons & vermin to make their homes in it, use it for 'Porta-Potties' and to scavenge for food (bugs, mice, etc.), thus making the area dirty, smelly and noisy.

(B) It might be helpful to all involved if a shallow swale runs the entire length (West to East) of the new development's property. This shallow depression between slightly higher slopes on the north & south sides of the 20' greenscape would channel water away from *both* the Storage Facility *and* Eden Roc Mobile Home Park. (The cinderblock wall next to the Eden Roc property would benefit greatly from this channeling of water away from its base.)

[\*\* NDS, Inc. (at <http://www.ndspro.com/> and, for the architects, <http://www.ndspro.com/engineers-and-architects/specifier-info/specifications>)

is a great resource for drainage and irrigation management. Their products could be used in place of, and would be superior to, a simple swale. ]

(5) I strongly recommend that the 29'-Wide (+/-) entrance off Hesperian Blvd. be generously rounded where Hesperian and the driveway meet. After living in Eden Roc for 9 years, I find that a right-turn-signal *and* even my arm out the window are sometimes *not enough* to stop drivers from tailgating or maintaining a high speed even while I'm attempting to turn into the park. I believe a rounded curb would serve to help the Storage facility's clients avoid rear-end collisions.

I think I've covered most of the areas for which I had questions or concerns. Please consider passing my email on to the developer as these might be ideas he/she/they may find helpful.

Do you know when the next public meeting will be held at which we could ask questions or hear information? PLEASE let me know.

Very sincerely,  
Bonnie Swope

=====

On Thu, Jan 16, 2014 at 4:06 PM, Arlyne Camire <[Arlyne.Camire@hayward-ca.gov](mailto:Arlyne.Camire@hayward-ca.gov)> wrote:

Good Afternoon Ms. Swope,

Attached are the proposed plans as requested through Access Hayward. Please contact me with any questions.

Thank you.

Arlyne J. Camire, AICP

Associate Planner

City of Hayward

777 B Street

Hayward, CA 94541-5007

Direct [510.583.4206](tel:510.583.4206)

Fax [510.583.3649](tel:510.583.3649)

[www.hayward-ca.gov](http://www.hayward-ca.gov)

**Donna Kenney**

---

**From:**  
**Sent:** Monday, March 24, 2014 7:36 AM  
**To:** Donna Kenney  
**Subject:** Re: Your email to Ms Lens

I'm so pleased to have received your email. Thank you for your care and responsiveness.

I feel so much more respected by 'the powers that be' because of your informative and proactive emails.

Gratefully,  
 Bonnie Swope

=====

On Mar 20, 2014, at 9:01 AM, Donna Kenney <[Donna.Kenney@hayward-ca.gov](mailto:Donna.Kenney@hayward-ca.gov)> wrote:

Hi Bonnie,

The Planning Commission is a public hearing that all may attend. We've made sure you are on the list to receive a public notice when the project does come to its hearing. I will also put our email exchange in the file so Arlynn can get up to speed when she returns. No worries! We all miss the occasional email.

Judging from the condition of Arlynn's paper and electronic files, she takes her work very seriously, especially neighbor comments. She prints them out for the paper files and scans them for the electronic files. I have no doubt that she circulates the information to the appropriate staff as her notes would indicate, so rest assured that Hayward citizen concerns reign over developer wants. My new responses below will be in purple. Have a great day! Donna

**From:** Bonnie  
**Sent:** Wednesday, March 19, 2014 3:01 PM  
**To:** Donna Kenney  
**Subject:** Fwd: Your email to Ms Lens

Thanks very much, Donna, for getting back to me on the email I send Ms. Lens.

As you did, I also often use a person's original email to write my comments in a contrasting color, as I think all's much clearer that way. SO, I've forwarded back your email to me and I'll put my notes in green. I

I don't use email often, so I didn't see Arlynn's 1.23.14 email to me; am so sorry.

- How would you recommend I keep abreast of the date this project comes before the Planning Commission--*or is there even a public forum for that?* I recall getting a notice that 'neighbors' would be informed about and 'considered' in the planning and implementation of this project and I'd like to know if there'll be an opportunity for my or public input, beyond the information I shared via email.

- Also, I wonder if any of my information was passed on to the developer? I'd be interested to know if they looked into the NDS Drainage System (no, I hold NO stocks in the company, LOL!).
- Hayward Public Works got fully involved, I see...do you know if any of them saw my suggestions?

I'll go to your email (of 3.19.14) now to write my responses and I hope you can reply to the questions above and to my green notes.

Thank you VERY much,  
Bonnie Swope

----- Forwarded message -----

From: **Donna Kenney** <[Donna.Kenney@hayward-ca.gov](mailto:Donna.Kenney@hayward-ca.gov)>

Date: Wed, Mar 19, 2014 at 1:14 PM

Subject: Your email to Ms Lens

To:

Hello Mrs. Swope,

I'm Donna, the Planner sitting in for Arlynne and I was asked to respond to your email to Ms. Lens. Arlynne's file notes indicate that on January 9, 2014, she spoke with the developer about your concerns. I pulled the file for 28410 Hesperian and found an email Arlynne had sent to you on January 23, 2014 in response to your January 17, 2014 email to her. My comments will follow in red ink. Arlynne's comments to you are (in blue):

1. Landscape areas are required to be maintained and will not be converted to turn-around areas. I have been working with Michelle Koo, Landscape Review and can guarantee you that Michelle is trying to get every tree, bush, and flower she can get on that site.

I hope maintenance includes Weed 'n Feed (or equiv.) for lawns as our Mobile Home Park is plagued with weeds, many of which, I suspect, come from that large, neglected plot where this facility will be built. There is no "lawn" per se but the detention basins will be hydroseeded with red fescue and/or river cobble. The hydroseed will be weed-free.

2. The applicant will submit a lighting plan with lighting required to be turned downward. The lighting plan was received by staff on March 5, 2014 and contains downward lighting.

Downward facing lighting is wonderful...if it can have either the 'painted' shield on the bulb itself (they're metal paint, I believe---like an 'eyelid') or a physical shield blocking light from the Park, that's even better. These lights will be very bright to deter vandals, and can certainly keep people awake at night. Please find attached the cut sheet of their lighting showing it is downward-facing (star).

3. Revised Plans will show the adjacent mobile homes and buildings. A plan sheet with an aerial photo showing the adjacent mobile homes and buildings was submitted to staff on March 5, 2014.

Can I see that plan sheet w/ the aerial photo? If so, could you link me up or direct me to it? Please find the aerial photo attached.

4. The applicant is required to submit a noise study. A noise study was submitted to staff on February 6, 2014 and was reviewed.

If I'm not mistaken, City rules are no bothersome noise after 10PM or before 7AM; it seems likely this facility can adhere to those hours. The facility will adhere to City Standards. Noise studies are also useful in determining amounts and locations of landscape buffers or sound barriers too.

5. The trees to be planted on the north will be evergreen. Landscape plans submitted on March 5, 2014 show 17 Italian Blue Cypress evergreens on the north. There are also 12 Black Tea Trees and 1 Fruitless Olive (near Hesperian) on that elevation.

Being tall and narrow, Italian Blue Cypress are a great choice. I don't recall the spacing between the facility and the Park, but planted 4-6 feet apart along the North Face, and in full sun, they should be perfect (as long as they're not *too* close to the Park where the roots would invade it). Depending on the species, the Black Tea Tree can grow to a huge size. If I read you right, they'll be in front, along Hesperian, so they'll not effect the Park. And the Fruitless Olive should be lovely! This species of Black Tea Tree is evergreen with creamy white flowers in the Spring and they are scattered throughout the site. Their height reaches 25-40 feet, perfect screening for this site as the top of the building parapet is 39 feet. The landscape area is 20' wide and their spread is 15'-25'. They are also drought tolerant.

6. Public Works will review drainage and all City Standards will be met.

The Project Routing Sheet shows that the PW Engineering Director, PW Assistant City Engineer, and PW Engineering Reviewer all

received  
co

pies of the project materials to review drainage.

In addition, Planning Graphics, Landscape Review, PW Transportation Review, PW Utilities Director, Solid Waste Review, EDD Review, Housing, Fire Prevention Review, Police-Project Review, and HARD all received copies to review and comment on. All City Standards will be met.

(Did any of those people receive my email and suggestions? If they don't know about the NDS Drainage products, they might be interested, and my suggestions might bring an idea to mind that hadn't occurred to them.) Sorry, but I cannot tell from the files if your email was forwarded directly to them. Hayward employees are often attend training sessions so they can review projects with the most current and efficient techniques available.

The Project is currently with the Fire Department, working on Fire comments.

I'm sure the plans call for enough open space on the North side of their facility for the Fire Department to have full & complete access for fire suppression and rescue for *both* the facility *and* Park residences. Correct, the safety of its citizens comes first in Hayward.

It does not go before the City Council, only the Planning Commission (no date set).

Will the Planning Commission have 'open' meetings? Yes, Planning Commission meetings are public hearings and you are on the notification list.

If you have additional questions, please do not hesitate to call.

I can be reached at this email address or Arlyne's phone (510) 583-4206.

Have a great evening! Best

wishes, Donna

Thank you, again, for your help with my questions!

Very sincerely,

Bonnie Swope

<28410 Hesperian lighting.pdf>

<28410 Hesperian aerial.pdf>

**CODE DATA**

CONSTRUCTIVE TYPE: 8B SPRINKLER  
 OCCUPANCY TYPE: 1 ACCESSORY USE  
 ALLOWABLE AREA: 17,500 SF. AIR  
 ALLOWABLE STORING: 2,500 YD<sup>3</sup> HIGH  
 AREA INCREASES: NONE APPLIED  
 MAX. SPRINKLER: 27 BDC-HGT 11.5'-0"  
 MAX. SPRINKLER: 200'-0"  
 TOTAL ALLOW. AREA: 61,200 SF. AIR, 3 STORES  
 BDC ALLOW. AREA: 18,325 SF. TOTAL  
 BDC PROPOSED NUMBER: 1 STORY  
 BDC PROPOSED AREA: 11,116 SF. TOTAL, 3 STORES

**APPLICANT**

88 COMPANY  
 12345 AVENUE  
 SAN DIEGO, CA 92101  
 CONTACT: BOB MALEY

**APPLICANT'S AGENT**

VALLI ARCHITECTURAL GROUP  
 12345 AVENUE  
 SAN DIEGO, CA 92101  
 CONTACT: ABE VALLI  
 PHONE: 619-555-1234  
 EMAIL: ABE@VALLIARCH.COM

**CIVIL ENGINEER**

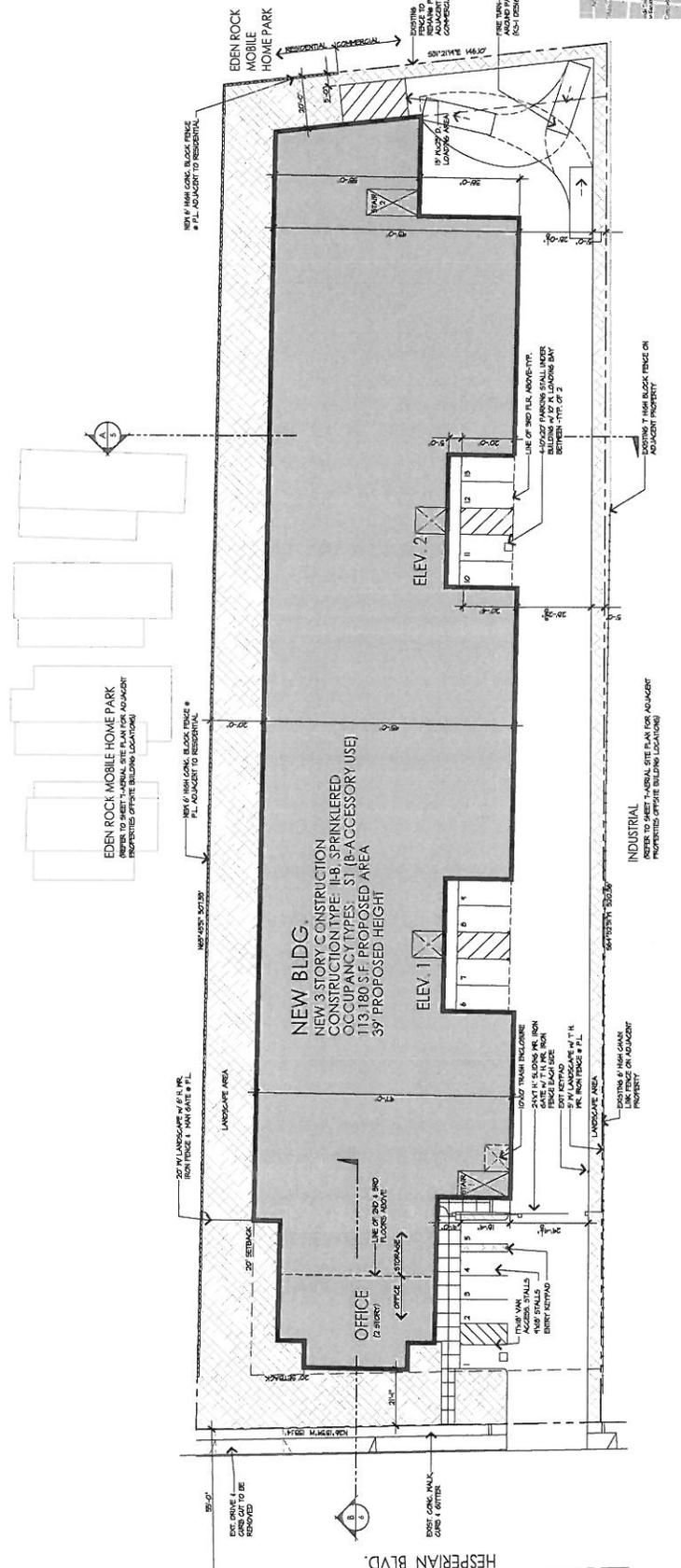
MEANS & ASSOCIATES  
 P.O. BOX 254  
 12345 AVENUE  
 SAN DIEGO, CA 92101  
 CONTACT: ABE VALLI  
 PHONE: 619-555-1234  
 EMAIL: ABE@VALLIARCH.COM

**PROJECT DATA**

ADDRESS: 2840 HESPERIAN BLVD.  
 SITE AREA: 71,624.50 FT.  
 (1.29 AC)  
 EXIST. USE: COMMERCIAL OFFICE  
 MAX. E.A.R.: NONE  
 MAX. LOT COVERAGE: 38.16% (49.8%)  
 EXIST. LOT COVERAGE: 0.50%  
 MAX. LOT COVERAGE: 38.16% (49.8%)  
 LANDSCAPED AREA: 16,622.50 FT.  
 (21.7%)  
 HARDSHIP AREA: 21,844.50 FT.  
 (29.5%)  
 PROPOSED BUILDING AREA: 78,148.00 FT.  
 (108.00 AC)  
 OFFICE: 1,000.00 FT.  
 (11,330.00 SF)  
 SECOND FLOOR TOTAL: 3,200.00 FT.  
 (36,320.00 SF)  
 THIRD FLOOR TOTAL: 3,200.00 FT.  
 (36,320.00 SF)  
 TOTAL STORAGE: 111,100.00 FT.  
 (1,234,000.00 SF)  
 PROPOSED PARKING: 6 SPACES  
 STORAGE: 6 SPACES  
 TOTAL PROVIDED PARKING: 12 SPACES  
 2 SPACES  
 10 SPACES  
 1 SPACE  
 FULL  
 OPEN W/ RECESSIVE

**EDEN ROCK MOBILE HOME PARK**

REFER TO SHEET "LANDSCAPE PLAN FOR ADJACENT PROPERTIES OF THE BUILDING LOCATIONS"



**EDEN ROCK MOBILE HOME PARK**

REFER TO SHEET "LANDSCAPE PLAN FOR ADJACENT PROPERTIES OF THE BUILDING LOCATIONS"

**INDUSTRIAL**

PROPOSED OFFICE BUILDING LOCATIONS

**ACE YOUR STORAGE PLACE**

HESPERIAN BLVD. HAYWARD, CA

**VICINITY MAP**

N.T.S.



**VALLI ARCHITECTURAL GROUP**

12345 AVENUE  
 SAN DIEGO, CA 92101  
 PHONE: 619-555-1234  
 EMAIL: ABE@VALLIARCH.COM

**SITE PLAN**

SCALE: 1" = 30'-0"

13,200

0 30' 60'

NORTH

0 30' 60'

11,116.13

11,116.13

11,116.13

11,116.13

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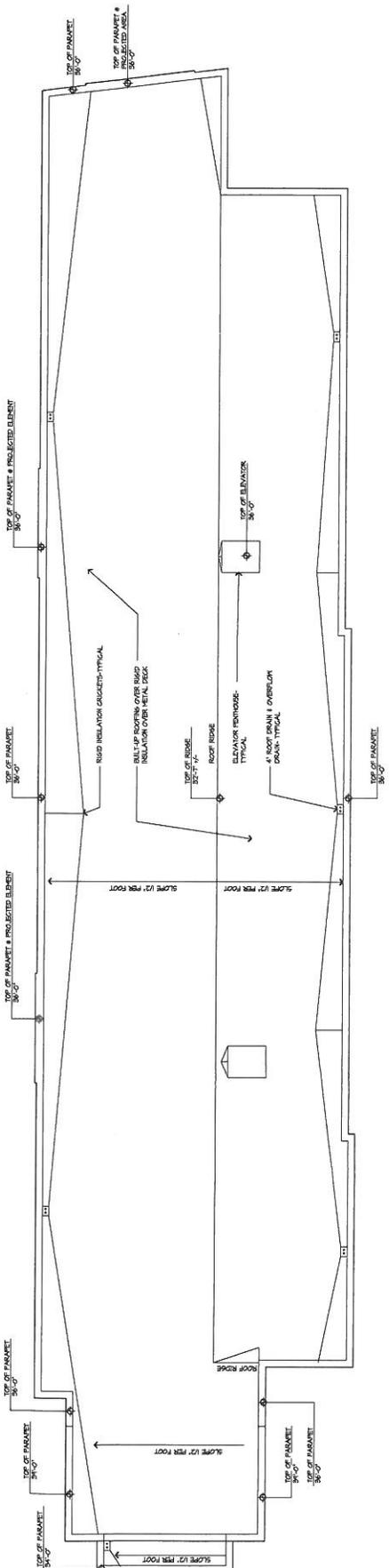
11,116.13

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# ROOF PLAN

UNIT SIZE	UNIT (SF)	QTY.	TOTAL (SF)
5' x 6'	25	74	1850
5' x 7'	35	7	245
5' x 8'	40	2	80
5' x 10'	50	170	8500
5' x 12'	60	1	60
5' x 14'	70	1	70
7' x 10'	70	75	5250
7' x 12'	84	1	84
10' x 10'	100	201	20100
10' x 11'	110	3	330
10' x 12'	120	10	1200
10' x 13'	130	10	1300
10' x 14'	140	131	19450
10' x 17'	170	5	850
10' x 18'	180	17	3060
10' x 20'	200	4	800
10' x 22'	220	4	880
10' x 23'	230	3	690
10' x 24'	240	2	480
10' x 27'	270	4	1080
10' x 30'	300	25	7500
TOTALS	324	783	85,770
AVERAGE UNIT (SQ. FT.)			111.7
GROSS TOTAL AREA			111,770
BTFCBRICT			778

# THIRD FLOOR PLAN



# THIRD FLOOR & ROOF PLANS

ACE YOUR STORAGE PLACE  
 HESPERIAN BLVD. HAYWARD, CA







**GENERAL NOTES:**

**OWNER:** XIM & HUANG PAN  
301 BRENTWOOD AVE.  
S.F. 447  
**APPLICANT:** BSR COMPANY  
ATTN: ERAD BAILEY  
10035 PROSPECT AVENUE  
SANTEE, CA 92071  
(619) 449-9451

**CIVIL ENGINEER:** MILANI & ASSOCIATES  
ATTN: MICHAEL MILANI  
P.O. BOX 5866  
CONCORD, CA 94524  
(925) 803-3024  
(925) 351-2111  
09-30-2015 PLS 5311 EXP  
12-31-2015

**ARCHITECT:** VALLI ARCHITECTURAL GROUP  
ATTN: ARIEL VALLI  
12 JOURNEY SUITE 270  
4000 CALIFORNIA AVE. #200  
SAN DIEGO, CA 92161  
(619) 449-9451  
(619) 449-1777

**GENERAL PLAN LAND USE:** INDUSTRIAL CORRIDOR  
**ZONING:** INDUSTRIAL  
**ADDRESS:** 28410 HESPERIAN BLVD. HAYWARD  
**APN:** 463-0025-015-02  
**SEAL AREA:** 76,625 SF, 1.759 ACRES

THE PROJECT SITE FALLS WITHIN A ZONE AH DESIGNATION, FLOOD DEPTHS OF ONE FOOT (1') TO THREE FEET (3') WITH A BASE FLOOD ELEVATION OF 12.0' (MAD 88 DATUM) THE CURRENT CITY OF HAYWARD WHICH ALL ELEVATION ON THIS SITE PLAN CONFORM WITH. THE FINISH FLOOR ELEVATION FOR THE PROPOSED STRUCTURE SHALL BE 10.0' (MAD 88 DATUM) AND IS SHOWN AS ELEVATION 12.9' (MAD 88 DATUM). THE FINISH FLOOR IS SET 0.9' ABOVE THE FEMA BASE FLOOD ELEVATION OF 12.0'. (MAD 88 DATUM).

**FIRE SERVICE REQUIREMENTS:**

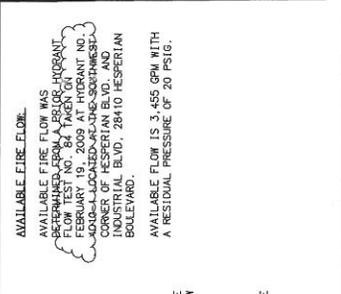
AN EXISTING 12" WATER MAIN WITHIN HESPERIAN BLVD. WILL PROVIDE FIRE WATER TO THE PROJECT SITE.

FIRE FLOW REQUIREMENTS HAVE BEEN DETERMINED AND SET AT 3,650 GPM FLOWING FROM FOUR (4) HYDRANTS. ONE EXISTING HYDRANT WILL BE USED AND THE FOUR REQUIRED HYDRANTS. A NEW PUBLIC HYDRANT WILL BE PROVIDED AT THE PROJECTS INTERSECTION WITH HESPERIAN BLVD. TWO ADDITIONAL PRIVATE HYDRANTS WILL BE PROVIDED ON SITE. THE EXISTING HYDRANTS WILL BE SERVED BY A PROPOSED PRIVATE FIRE LINE. PROPOSED FIRE SERVICE LINES ARE REFLECTED ON THIS PLAN SET.

**AVAILABLE FIRE FLOW:**

AVAILABLE FIRE FLOW WAS DETERMINED BY A FLOOD-HYDRANT TEST PERFORMED ON FEBRUARY 19, 2009 AT HYDRANT NO. 14019-L-LOCATED AT THE SOUTHWEST CORNER OF HESPERIAN BLVD. AND INDUSTRIAL BLVD. 28410 HESPERIAN BLVD.

AVAILABLE FLOW IS 3,455 GPM WITH A RESIDUAL PRESSURE OF 20 PSIG.



**BORELO  
RICHARD & STANLEY**

**LOT 4  
GIFFORD &  
KAWAKAMI**

**CASTILLO, FERDINAN & REGINA  
PM 1869  
89 PM 84**

**FING GRADE AND DRAINAGE  
PLAN**

APN 463-0025-015-02

**USE PERMIT EXHIBIT  
28410 HESPERIAN BLVD.**

CITY OF HAYWARD  
ALAMEDA COUNTY  
CALIFORNIA

84300, 5866  
Concord, CA 94524  
Phone: (925) 674-3024  
Fax: (925) 674-3028



Planning & Mapping  
Surveying  
Land Development Engineering  
Civil Engineering  
Construction Management

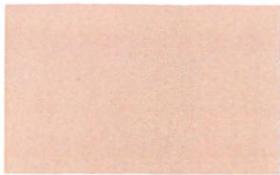
**REVIEW COPY  
SUBJECT TO REVISION  
NOT FINAL**  
THIS NOTICE IS IN ACCORDANCE WITH THE  
APPROVED PLAN APPROVAL OF W.P.

NO.	REVISION	BY	APP.	DATE	SHEET
1					1
2					2

ATTACHMENT VI



- FOAM CORNICE & TRIM  
DUNN EDWARDS PAINT  
DEW 316 'POWDERED'



- STUCCO FINISH- PRIMARY COLOR  
DUNN EDWARDS PAINT  
DE6142 'FLOATING FEATHER'



- STUCCO FINISH-ACCENT COLOR  
DUNN EDWARDS PAINT  
DE6145 'ROCKY RIDGE'



- SPLITFACE & PRECISION CMU  
ANGELES BLOCK 'HARVEST'



- STONE VENEER  
CORONADO LEDGERSTONE 'DAKOTA BROWN'



- METAL ROLL UP DOORS  
JANUS 'DESERT TAN'



- MULLIONS 'BRONZE ANOD. ALUMINUM'



- WINDOWS  
PPG 'AZURIA'

## COLOR AND MATERIALS

ACE SELF STORAGE

HAYWARD, CA

06.10.13



## TRAFFIC SAFETY ENGINEERS

January 27, 2014

Mr. Ariel L. Valli  
 Valli Architectural Group  
 12 Journey #270  
 Aliso Viejo, CA 92656

Dear Mr. Valli:

This report summarizes peak hour trips forecasted for the proposed ACE YOUR STORAGE PLACE project to be located at 28410 Hesperian Blvd in the City of Hayward.

TABLE 1

### PROJECT TRAFFIC GENERATION FORECASTS

Land Use	A.M. Peak Traffic Hour			P.M. Peak Traffic Hour			Daily Traffic
	Inbound	Outbound	Total	Inbound	Outbound	Total	
<u>Generation Rate:</u> Warehousing (Trips per TSF)	0.088	0.061	0.149	0.124	0.124	0.248	1.21
Warehousing (113.180 TSF)	10	7	17	14	14	28	137

TSF denotes 1,000 square feet of floor area

Source of Generation Rate: Trip Generation, 8th Edition, ITE, Land Use Code 151 (Mini-Warehousing)

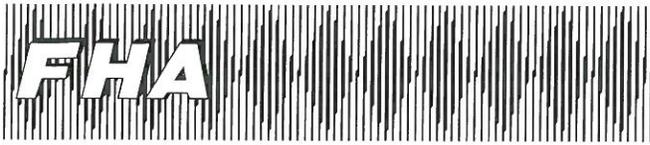
We trust that the above project trip data will be of assistance to the City of Hayward in formulating their decision pertaining to the proposed self-storage project. If you have any questions or need additional information, please do not hesitate to call me.

Respectfully yours,

C. Hui Lai, P.E.  
 Traffic Engineer

CC: Brad Bailey, Project Developer





Brad Bailey  
 BSB Company  
 10035 Prospect Avenue  
 Santee, CA 91901

**RECEIVED**

FEB 06 2014

PLANNING DIVISION

Project: ACE Self Storage  
 28410 Hesperian Blvd., Hayward, CA

Subject: Environmental Noise Control

Dear Brad:

This report addresses noise created during hours of operation including noise created by idling trucks in the loading area and roof-top (HVAC) equipment. This also includes noise from patrons yelling, truck lift gates and ramps, loading and related activities.

This report studies potential increases in ambient noise with data from a site noise survey. The predicted results use time-weighted average values.

### **PROJECT INFORMATION**

It is understood the hours of operation are 7 am to 7 pm. Data from a traffic study have been used in the analyses. Refer to the attached traffic study. The traffic will be primarily to the three groups of parking stalls on the south side of the building. The Fire Turn-Around Path at the south east corner will rarely be used by patrons. There are no openings or access on the north and east sides which serves to provide an inherent noise barrier to the residences.

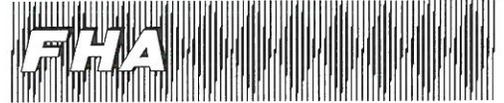
**Frank Hubach Associates, Inc**

4905 Central Ave, Ste 100  
 Richmond, CA 94804

Acoustics and Vibration  
 Engineering Consultants

Phone 510-528-1505  
 Fax 510-528-1506  
 Email: [info@fha-eng.com](mailto:info@fha-eng.com)

ACE Self Storage  
Noise Study  
6 February 2014



### **AMBIENT NOISE TESTING**

Ambient noise was measured at four positions in an east-west array on the site on 4 February 2014 during the hours of 7 - 8 am and 5 - 7 pm. These times were selected as the most critical for potential noise impact to the residents. Refer to the attached Measurement Position Plan. Measurements were made with a Larson Davis 820 data logging sound level meter (SLM) and in accordance with FHA standard methodology (see attached). Supplemental measurements were made with a Bruel & Kjaer 2230 SLM. The noise sources were predominantly traffic on Hesperian Boulevard and jet air traffic.

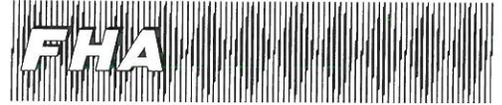
### **ANALYSES**

In general, worst case assumptions have been made with regard to the frequency of occurrence of future noise events. All of the potential noise sources are assumed to occur with each patron visit. The hourly patron traffic is assumed to be the greatest peak hourly trips (28). One-third of that traffic is assumed to be associated with each of three groups of parking stalls. The Fire Turn-Around Path is assumed to be used once an hour by large trucks with back-up beepers and air-brakes.

In addition to the building itself which creates a noise barrier there is an existing 8 feet tall masonry wall along the east property line. Sources of noise are given at fixed distances from archival test data. The adjustments for actual project distances are calculated and barrier noise transmission loss of the building and property line wall included. Refer to the attached Noise Sources. Note that some of the noise sources at projected distances and paths are far less than ambient levels and accordingly deemed prima facie as not contributing to the ambient.

The Summary of ambient noise testing and predicted operational noise levels is attached along with Receptor Positions.

ACE Self Storage  
Noise Study  
6 February 2014



### CONCLUSION

The worst case hourly noise impact is predicted to be insignificant. There is only a 1.2 dB increase in the Leq (energy average) noise level at the eastern boundary. Due to the limited hours of operation, the daily Ldn impact will be even less. The noise impact to the adjacent residences is greatly limited by the building itself and operations being located on the south side. No additional noise mitigation is recommended.

Submitted by:

Frank J. Hubach  
President

attached: Traffic Study (StorageTraffic2.pdf)  
Measurement Positions Plan (Measurement Positions.pdf)  
FHA Standard Noise Methodology (NoiseMeth.pdf)  
Noise Sources (Noise Sources.pdf)  
Receptor Positions (Receptor Positions.pdf)  
Summary (Summary.pdf)

cc: Arlyne Camire, City of Hayward

FJH:fjh

J:\66601\A\NoiseStudy.wpd



# TRAFFIC SAFETY ENGINEERS

January 27, 2014

Mr. Ariel L. Valli  
 Valli Architectural Group  
 12 Journey #270  
 Aliso Viejo, CA 92656

Dear Mr. Valli:

This report summarizes peak hour trips forecasted for the proposed ACE YOUR STORAGE PLACE project to be located at 28410 Hesperian Blvd in the City of Hayward.

TABLE 1

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TSF denotes 1,000 square feet of floor area

Source of Generation Rate: Trip Generation, 8th Edition, ITE, Land Use Code 151 (Mini-Warehousing)

We trust that the above project trip data will be of assistance to the City of Hayward in formulating their decision pertaining to the proposed self-storage project. If you have any questions or need additional information, please do not hesitate to call me.

Respectfully yours,

C. Hui Lai, P.E.  
 Traffic Engineer

CC: Brad Bailey, Project Developer





February 5, 2014

Mr. Brad Bailey  
BSB Company  
10035 Prospect Avenue  
Santee, CA 92701

**RE: Air Quality and Greenhouse Gas Emissions Report  
Construction and Operation of a 3-Story Self Storage Facility  
Located at 28410 Hesperian Boulevard, Hayward, California**

Dear Mr. Bailey

Sage Environmental Consulting LP (SAGE) is submitting this air quality and greenhouse gas (GHG) emissions report for the construction and operation of a 3-story self storage facility to be located at 28410 Hesperian Boulevard, Hayward, CA (the "Project"). This report is designed to address these environmental issues in the context of the City of Hayward's evaluation of Conditional Use Permit No. PL-2013-0504.

## 1. METHODOLOGY

The California Air Pollution Control Officers Association (CAPCOA) has developed the California Emissions Estimator Model (CalEEMod) to provide a uniform platform for governmental agencies to estimate potential emissions associated with both construction and operational use of land use projects.

CAPCOA intended that these emission estimates be suitable for use in California Environmental Quality Act (CEQA) compliant documents for air quality and climate change impacts. CalEEMod calculates both the daily maximum and annual average emission rates for criteria pollutants, as well as the total or annual amount of GHG emissions. Specifically, the CalEEMod model calculates:

- Short term construction emissions associated with demolition, site preparation, grading, actual building construction, painting and paving.
- Operational emissions associated with the fully built out land use development.
- One-time vegetation sequestration changes, including new tree plantings.
- Mitigation impacts, if needed, to both short-term construction and operational emissions.

The purpose of this report is to evaluate the potential impacts to air quality and GHG standards associated with construction and operation of the proposed Project, and recommend any measures that might be necessary to mitigate impacts considered potentially significant in comparison to established regulatory thresholds.

## **2. PROJECT DESCRIPTION**

The proposed project includes the construction of 709 self storage units on a currently vacant parcel of land having a total area of approximately 1.76 acres (76,626 square feet). See Figure 2-1 for an aerial view of the property.

The individual self storage units would vary in size from 25 square feet to 324 square feet. The building housing the storage units would be a 3-story structure, with a height of 39', resulting in a total of 113,128 square feet of storage space to be constructed. See Figure 2-2 for the plan view of the structure.

The proposed project would include a 1,900 square foot 1-story office, featuring 4 parking spaces, as well as 9 parking spaces for use by persons accessing their individual storage units.

The total lot area of 76,626 square feet will be divided as follows:

- Building Footprint: 38,160 square feet (49.8%)
- Landscaped Area: 16,622 square feet (21.7%)
- Hardscaped Area: 21,844 square feet (28.5%)

The CalEEMod Model contains several primary land use categories: Commercial, Educational, Industrial, Residential, Retail, Recreational and Parking, and then further sub-divides these into a total of sixty-three (63) sub-types.

As suggested in the CalEEMod user guide, a land use can be chosen that most closely fits the proposed project, allowing the model to populate with pre-determined defaults. The model can then be modified with any known specific project information.

Although no specific sub-type exists for self storage facilities; the Industrial Land use category contains a sub-type for Unrefrigerated Warehouse – No Rail that allows the CalEEMod model to select several default values.

Project specific construction activity values were then entered into the CalEEMod model to characterize the duration of activity and number and type of construction equipment that would be required to construct the proposed Project.

These site specific values were based on a questionnaire that the applicant completed, estimating both the equipment and number of work days associated with each phase of construction. The questionnaire, complete with the applicant's answers, is found in ATTACHMENT 1.

### 3. THRESHOLDS OF SIGNIFICANCE

The Bay Area Air Quality Management District (AQMD) is the local agency responsible for air quality issues. The Bay Area AQMD has developed significance thresholds for various emissions, including nitrogen oxides (NO<sub>x</sub>); reactive organic gases (ROG); particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) and with a aerodynamic diameter of 2.5 microns or less (PM<sub>2.5</sub>); and greenhouse gases (GHG). These threshold levels of significance are summarized in Table 3-1.

**TABLE 3-1**

<b>MAXIMUM EMISSION THRESHOLDS</b>		
<b>May 2011 Bay Area AQMD Air Quality Guidelines</b>		
<b>Pollutant</b>	<b>Construction</b>	<b>Operational</b>
NO <sub>x</sub>	54 lbs/day	54 lbs/day
ROG	54 lbs/day	54 lbs/day
PM <sub>10</sub>	82 lbs/day	82 lbs/day
PM <sub>2.5</sub>	54 lbs/day	54 lbs/day
GHG	1,100 Metric Tonne of CO <sub>2</sub> e/year	

### 4. AIR QUALITY EVALUATION

#### 4.1 Construction Emissions

Table 4-1 provides a summary of the maximum daily construction emissions associated with the Project, without any mitigation measures, as calculated by the CalEEMod Model. As shown in the table, construction of the Project would result in emissions of NO<sub>x</sub>, ROG, PM<sub>10</sub> and PM<sub>2.5</sub>, as well as two other pollutants - carbon monoxide (CO) and oxides of sulfur (SO<sub>x</sub>). Details of the daily CalEEMod calculations for construction emissions are found in ATTACHMENTS 2-1 and 2-2.

Table 4-1 also presents a comparison of the daily emissions from the Project with the significance thresholds established by the Bay Area AQMD. As shown in Table 4-1, the Project's maximum estimated emissions are below the significance thresholds; therefore, no mitigation measures are required.

**TABLE 4-1**

**MAXIMUM DAILY CONSTRUCTION-RELATED POLLUTANT EMISSIONS (POUNDS PER DAY) WITHOUT MITIGATION**

<b>Activity</b>	<b>Emissions (pounds per day)</b>					
	<b>NO<sub>x</sub></b>	<b>ROG</b>	<b>CO</b>	<b>SO<sub>x</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<b>Maximum Daily Emissions</b>	<b>38.97</b>	<b>5.94</b>	<b>29.87</b>	<b>0.04</b>	<b>7.37</b>	<b>4.37</b>
<b>2011 BAAQMD Construction Threshold</b>	<b>54</b>	<b>54</b>	<b>None</b>	<b>None</b>	<b>82</b>	<b>54</b>
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>N/A</b>	<b>N/A</b>	<b>No</b>	<b>No</b>

## 4.2 Operational Emissions

Maximum daily estimates were made, utilizing CalEEMod, for NO<sub>x</sub>, ROG, CO, SO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> emissions associated with Project operation, similar to previous calculations for construction related emissions. Details of the CalEEMod calculations for daily emissions during Project operation are also found in ATTACHMENTS 2-1 and 2-2.

Table 4-2 provides a summary of the proposed Project's operational emissions, grouped according to the two categories (summer and winter) for which CalEEMod estimates emissions. As shown in Table 4-2, the Project's maximum estimated emissions during operations are below the significance thresholds; therefore, no mitigation measures are required.

**TABLE 4-2**  
**MAXIMUM DAILY OPERATIONAL – RELATED POLLUTANT**  
**EMISSIONS (POUNDS PER DAY) WITHOUT MITIGATION**

Summer (Pounds Per Day)	NO <sub>x</sub>	ROG	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Proposed Project	1.96	3.38	6.84	0.01	0.88	0.25
2011 BAAQMD Operational-Related Threshold	54	54	None	None	82	54
Threshold Exceeded?	NO	NO	N/A	N/A	NO	NO

Winter (Pounds Per Day)	NO <sub>x</sub>	ROG	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Proposed Project	2.15	3.42	7.88	0.01	0.88	0.26
2011 BAAQMD Operational-Related Threshold	54	54	None	None	82	54
Threshold Exceeded?	NO	NO	N/A	N/A	NO	NO

## 5. GREENHOUSE GAS EVALUATION

The Project would produce GHG emissions, principally from combustion of diesel fuel in mobile on-road and off-road equipment during the construction of the Project, as well as GHG emissions produced by construction worker trips to the project utilizing primarily gasoline powered vehicles.

In addition, there are embedded GHG emissions associated with the amount of electricity and water that will be used at the Project site during operation, as well as the GHG emissions produced by gasoline powered vehicle trips to the self storage facility once it is constructed.

GHG emissions consist of carbon dioxide (CO<sub>2</sub>) methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) emissions principally from combustion of fuel. CalEEMod calculates the daily emissions of each of these three GHG associated with both the Project's construction and operation, in terms of pounds/day, as well as calculating the annual emissions of these three GHG.

The CalEEMod model also weights these emissions by their Global Warming Potential (GWP) to produce an equivalent value for carbon dioxide, known as CO<sub>2</sub>e. This overall CO<sub>2</sub>e value is what is needed to compare the total GHG emission levels to the Bay Area AQMD significance threshold of 1,100 metric tonne CO<sub>2</sub>e per year.

### 5.1 Construction Emissions

Table 5-1 summarizes the proposed Project's GHG emissions during construction in terms of CO<sub>2</sub>, CH<sub>4</sub> and N<sub>2</sub>O, as well as the overall CO<sub>2</sub>e from these three GHG. The reported emissions found in Table 5-1 are the combined total from the various construction phases. These emissions are based on the CalEEMod modeling results found in ATTACHMENT 2-3, which combines the calculated daily emissions of GHG, in pounds per day with the maximum days of operation of each construction phase, and converts the total GHG emissions into metric tonne (1000 kg) for comparison to the Bay Area AQMD annual significance threshold.

As shown in Table 5-1, the Project's GHG emissions during construction are below the Bay Area AQMD's significance threshold; therefore, no mitigation measures are required.

**TABLE 5-1  
SUMMARY OF ANNUAL CONSTRUCTION  
RELATED GREENHOUSE GAS EMISSIONS**

Scenario	Emissions (metric tons per year)				Total CO <sub>2</sub> e
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O		
Proposed Project	234.7	0.04	0.00		235.7
<b>2011 BAAQMD Threshold</b>					<b>1,100</b>
<b>Threshold Exceeded?</b>					<b>NO</b>

### 5.2 Operational Emissions

Table 5-2 summarizes the proposed Project's GHG emissions during operation in terms of CO<sub>2</sub>, CH<sub>4</sub> and N<sub>2</sub>O, as well as the overall CO<sub>2</sub>e from these three GHG. The reported emissions found in Table 5-2 are the combined total from the various operational components (i.e. area, energy, mobile, waste and water). These emissions are based on the CalEEMod modeling results found in ATTACHMENT 2-3, which combines the calculated daily emissions of GHG, in pounds per day with the total days of operation, and converts the total GHG emissions into metric tonne for use of comparison to the Bay Area AQMD significance threshold.

As shown in Table 5-2, the Project's GHG emissions during operation are below the Bay Area AQMD's significance threshold; therefore, no mitigation measures are required.

**TABLE 5-2**  
**SUMMARY OF ANNUAL OPERATIONAL**  
**RELATED GREENHOUSE GAS EMISSIONS**

Scenario	Emissions (metric tons per year)				Total CO <sub>2</sub> e
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O		
Proposed Project	210.5	0.17	0.0		214.1
<b>2011 BAAQMD Threshold</b>					<b>1,100</b>
<b>Threshold Exceeded?</b>					<b>NO</b>

## 6. SUMMARY OF FINDINGS

The Project will not exceed any of the applicable Bay Area AQMD thresholds for air quality or GHG emissions during either construction or operation. Therefore, it is proposed that the Project proceed through the CEQA process without the need for mitigation conditions with respect to both air quality and climate change.

If you have questions regarding any of the items contained in this report, please feel free to contact me directly at (760) 724-5732.

Sincerely,

SAGE ENVIRONMENTAL CONSULTING



Paul A. Weir  
Senior Engineer

cc: Anita Doepke, SAGE





Phone: 619-449-8451  
Fax: 619-449-8785

December 20, 2013

Arlynn Camire  
Associate Planner  
City of Hayward  
777 B Street  
Hayward, Ca 94541-5007

**RE: Ace Self Storage 28410 Hesperian Blvd.  
SEC. 10-1.3225 FINDINGS.**

Dear Arlynn,

Following are the findings for Ace Self Storage.

The proposed use is desirable for the public convenience or welfare; because it provides a needed service for the adjacent residential and the industrial/ commercial uses. It is also good for the public welfare because the vacant lot encourages vagrancy and dumping and is unattractive. Additionally the use is low impact in terms of traffic, public utilities and resources.

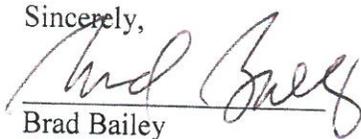
The proposed use will not impair the character and integrity of the zoning district and surrounding area because the use is permitted with an administrative use permit and is an ideal buffer between residential and industrial uses. The proposed architecture is aesthetically complementary the area.

The proposed use will not be detrimental to the public health, safety, or general welfare; because it is a low impact use, there is very little traffic, or noise. It is a passive use without work conducted on site and no hazardous materials are allowed to be stored.

The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved. The use is permitted by right with an administrative use permit and it meets the design guidelines. It is an ideal buffer between the residential to the north and the industrial to the south.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

  
Brad Bailey



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, May 22, 2014, 7:00 p.m.  
777 B Street, Hayward, CA94541**

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**MEETING**

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Vice Chair McDermott.

**ROLL CALL**

Present: COMMISSIONERS: Loché, Márquez, Lavelle  
CHAIRPERSON: Vice Chair McDermott  
Absent: COMMISSIONERS: Trivedi, Faria  
CHAIRPERSON: Lammin

Commissioner Loché led in the Pledge of Allegiance.

Staff Members Present: Ajello, Bristow, Buizer, Conneely, Irizzary, Madhukansh-Singh

General Public Present: 30

**PUBLIC COMMENTS**

None

**PUBLIC HEARING**

1. Establishment of Zoning Regulations Related to the Retail Sales of Tobacco and Tobacco-Related Products, Including Electronic Cigarettes, as well as Proposed New Fees and Amendments to the City's Smoking Pollution Control Ordinance (Text Amendment Application No. PL-2013-0389); the City has Prepared a Negative Declaration, which Concludes that the Project will not have a Significant Negative Impact on the Environment; Applicant: City of Hayward

Associate Planner Ajello provided a synopsis of the staff report.

Neighborhood Partnership Manager Bristow stated that if the tobacco regulations are adopted, a program letter will be sent to the members of the community explaining what the tobacco regulations entail and will give businesses the opportunity to ask questions and attain the necessary licensing. She mentioned that tobacco retailers will receive a copy of the checklist in advance so they know what the annual inspections will include. She pointed out that the funding of the youth decoy program by a grant from Alameda County was no longer available, and the annual Tobacco Retailer License fee being proposed would assist in covering youth decoy operation expenditures encumbered by the Police Department. Ms. Bristow stated the program will be implemented in November 2014 and that unannounced inspections will be performed on tobacco retail establishments. She said that the violations consist of a three stage process: the first violation will be

\$1,500 fine and a 30 day suspension from selling tobacco products, noting that the tobacco retailer would have five days to correct the violation(s); the second violation within a twelve month period will be a \$3,000 fine and a 90 day suspension; the third violation will be a \$5,000 fine and a 120 day suspension or a recommendation for a revocation. In regards to revocation of the Tobacco Retail License (TRL), Ms. Bristow indicated that a large format retailer in violation of the tobacco retail sales regulations would have to go through an administrative hearing and that a small establishment would have to request a public hearing before the Planning Commission.

Hayward Police Department (HPD) Detective Irizarry explained that she coordinates the youth decoy program and mentioned that trained youth decoys between the ages of 15 to 17 years old are used for operations. She stated that the operations involve testing tobacco retail establishments in order to see if retail clerks will sell tobacco products or electronic cigarettes to minors. Detective Irizarry shared that in the last year, the youth decoy program performed three operations and have tested 81 establishments. These operations resulted in the issuance of 12 citations to tobacco retail establishments for the sale of tobacco products to minors. She reported that in analyzing the results of the youth decoy operations, there was a willing to sell rate of 18.5% of tobacco products being sold to minors, noting that this was significantly higher compared to the state average of 8.7%. She indicated the City hopes to reduce the willing to sell rate of tobacco products to minors by instituting the TRL and also by educating tobacco retailers.

In response to Commissioner Márquez' question, Detective Irizarry confirmed that with the passage of the tobacco regulations, youth decoys would continue to be used. She noted that the Hayward Coalition for Healthy Youth (HCHY) provides the Hayward Police Department with trained youth decoys under the age of 18 and additionally, Hayward Police Explorers are used for the program as well.

Neighborhood Partnership Manager Bristow indicated for Commissioner Márquez that if a tobacco retailer was found to be in violation of multiple items on the checklist during a an inspection, this retailer would only be assessed \$1,500 fine for this one visit; she added that violations on subsequent inspections would be assessed accordingly, based upon the number of visits to that establishment.

Associate Planner Ajello noted for Commissioner Loché that the Food and Drug Administration (FDA) currently does not have enough data to conclude what the long term effects of electronic cigarettes are as this is a relatively new product. She added that the FDA is currently collecting data on the experiences and problems that users are having with these products.

Commissioner Loché expressed that there were more than enough existing tobacco retail establishments in Hayward and noted that a significant portion of these establishments were located in the 94544 zip code area. He asked staff why there was an abundance of tobacco retailers in Hayward and whether this was attributable to the high concentration of youth in the City or the absence of regulations on the sale of tobacco related products. Associate Planner Ajello responded that the high number of tobacco establishments may be a result of the City's current Municipal Code not addressing the sale of tobacco products. She noted that the 146 establishments were not just standalone tobacco establishments, pointing out that this included tobacco retailers such as convenience stores and large format retailers that also sold tobacco products.



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
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Commissioner Loché asked if staff had considered relaxing the TRL fees for businesses that were complying as he was concerned with responsible retailers being overburdened with the proposed fees. Neighborhood Partnership Manager Bristow stated the program will be assessed annually and she estimated that staff will be able to determine how the program is performing in two to three years in order to consider adjusting the TRL fees for establishments where compliance has been achieved.

In response to Vice Chair McDermott's question, Associate Planner Ajello responded that Hayward's ordinance was more restrictive on the sale of flavored tobacco products in comparison to other cities that do not have a provision addressing this issue. Vice Chair McDermott asked staff if instituting tobacco retail sales regulations impacted the retention of businesses in other cities. Associate Planner Ajello stated the City of Dublin adopted tobacco regulations in 2012 and according to a Dublin staff member, the implementation of the tobacco regulations do not seem to have impacted local businesses and two new tobacco establishments have even applied to open up in Dublin. She mentioned that Ms. Serena Chen from the American Lung Association informed her that some smaller businesses where the sale of tobacco products was not the primary function of the establishment had discontinued selling tobacco products.

Detective Irizzary indicated for Vice Chair McDermott that two to four youth decoys are used per operation and that the participants are rotated so that the retail clerks do not begin to recognize youth decoys. Detective Irizzary stated that since she took over the program, she has used approximately 10 youth decoys in the past year and half.

Vice Chair McDermott opened the public hearing at 7:35 p.m.

Jocelyn Bonilla, a member of the HCHY shared her experience as working as an undercover youth decoy for two and a half years. She stated that it has been very easy for her to purchase tobacco products as a youth decoy in Hayward. She described that on youth decoy operations, she has been served tobacco and a pipe at a hookah lounge and has been sold electronic cigarettes at tobacco retail establishments. She reported that electronic cigarettes and hookah pens are popular products among teens today. She said that having a requirement of 500 to 1,000 feet distance between tobacco retail sales establishments and sensitive receptors will safeguard against opportunities for teenagers to get access to tobacco products. Ms. Bonilla emphasized that she works as a youth decoy because she cares about the health and wellness of the community and wants tobacco retailers to adhere to laws by not selling tobacco products to minors.

Brandon Ko, a youth decoy and a member of HCHY, shared how easily he was able to purchase tobacco products on youth decoy operations. He described the following experiences while on operations: retail clerks freely selling him tobacco products and rarely asking for his identification card (ID); when his ID was checked, some retail clerks would sell him the product despite him being underage; and that he was offered to try a product inside a tobacco establishment by a salesman. Mr. Ko expressed his concern that tobacco products were easily obtainable by minors and the health and addiction risks that minors faced with tobacco products.

Kendra Jordan, a member of HCHY and a parent of Hayward students, expressed that a number of kids at her children's school use tobacco products and/or have offered them to her children. She encouraged that there be at least a 500 feet requirement separating tobacco retailers from sensitive receptors, such as schools. Ms. Jordan reported that there was a high concentration of tobacco outlets near the following schools: Bret Harte, Cesar Chavez, and Winton Middle Schools; Hayward High School, and Mt. Eden High School. She said that vapor lounges, hookah stores, and electronic cigarette stores should be defined as tobacco retailers. She emphasized that the youth are known to gain access to purchasing tobacco products on their path to and from school. Ms. Jordan stressed that the TRL would be an effective tool in holding the tobacco retailers accountable.

Corina Vasare, a Hayward resident and a parent of Hayward students, was concerned that smoke shops are targeting the youth in the community. She mentioned that there is a smoke shop in her neighborhood which is also near Hayward High School, Bret Harte Middle School and the Hayward Plunge. She indicated that the youth have to pass by this smoke shop on their way to and from school and has also observed that this smoke shop uses a sign spinner to advertise the store. She requested that the City adopt the tobacco ordinance and implement strict regulations on how close smoke shops can operate in proximity to schools.

Andres Orrea, a Hayward student, stated that the current proposal will benefit the community as tobacco products are detrimental to the health of users. He stated that the use of tobacco products by minors will encourage them to use more dangerous substances later on in life and shared that an increasing number of his peers at school are using tobacco products. Mr. Orrea emphasized that the proposed tobacco regulations are intended to protect the youth who are already vulnerable to tobacco products.

Daniel Aguilar, a Hayward student, shared the following problems with the sale of tobacco products: easy access of tobacco products to the youth and no long term punishments for retailers violating the law. He said that he was worried about his generation as tobacco products like vapor pens and hookahs are trending among his friends and classmates. Mr. Aguilar noted that even students in middle schools have gained access to tobacco products. He stated that his friends have indicated to him and also as the youth decoys have demonstrated, the youth are getting access to tobacco products directly from retailers. He emphasized that a strong system such as the TRL would help reduce the accessibility of tobacco products by minors.

Serena Chen, an employee with the American Lung Association, passed sample tobacco products to the Planning Commissioners to give them an idea about the flavored tobacco products that minors were gaining access to absent tobacco regulations. Ms. Chen reported that Berkeley formerly had a 38% willing to sell rate of tobacco products to minors; upon institution of tobacco regulations with sanctions for violating the law, this rate reduced to 4.2%. She underscored that when the TRL is installed, there is a dramatic reduction in the sale of tobacco products to minors and stated that there are 114 cities in California that have the TRL. Ms. Chen noted that because Hayward is a family friendly place and has a large college population, the City has become a magnet for tobacco sellers because the youth are marketed for the sale of tobacco products. Ms. Chen presented a study conducted by UCSF on the contents of the vapor produced by electronic cigarettes and she submitted this for the record.



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Tracy Cross, with the HCHY and coordinator of the youth decoy operations, thanked the City for developing the proposed tobacco regulations. In response to Commissioner Marquez' question, she shared that one tool used to train youth decoys is a mock video of a decoy operation. She mentioned that she recruits teenagers for the youth decoy program through schools and service clubs. Ms. Cross added that once the youth decoys are partnered with a law enforcement agency, they undergo more training.

Commissioner Loché asked how it is determined which tobacco retailers will be inspected. Detective Irizzary responded that inspections are performed once a year and that last year, youth decoys visited 111 stores. She noted that the number of operations performed was dependent upon the availability of resources such as staff time and funding. She indicated for Commissioner Loché that if an establishment was reported to have violations in a given year, then this establishment would be reevaluated the following year.

Vice Chair McDermott expressed concern that waiting one year to reevaluate an establishment found to be in violation of the tobacco regulations was too long. Detective Irizzary responded that if the TRL is adopted, City staff will have additional resources available and also the support of Code Enforcement staff to perform inspections more frequently.

In response Commissioner Loché's question, Detective Irizzary stated that the youth decoy operations performed at big box stores indicate that these stores are usually in compliance and this was attributable to many of these stores being equipped with ID card readers. Her experience has been that gas stations and convenience stores that serve as tobacco retailers have a greater tendency to sell tobacco products to minors.

Rebecca Ramirez, a Hayward resident, expressed that she had concerns about the proposed regulations. She stated that by permitting large format stores to dedicate 5% of the store space towards the sale of tobacco products would be exposing children to tobacco products as children are more likely to accompany their parents into a grocery store rather than a smoke shop. Ms. Ramirez presented for the record a petition containing 700 signatures of Hayward residents who are unaware of the proposed tobacco regulations. She was displeased that residents were not being given the opportunity to vote on the proposed tobacco regulations as it will impact the community at large. She said that the proposed fees will impact the small retailers and will give more business to large retailers and will also result in 250 people becoming jobless.

Sam Kassem, a tobacco retailer in Hayward, stated that even if the tobacco regulations are implemented, minors would find a way to purchase tobacco products. He shared that retailers only make a 10% profit from the sale of tobacco products, adding that retailers sell such products to attract customers in to purchase other products. Mr. Kassem said that tobacco retailers are already assessed many fees, including a tobacco license which they have to obtain from the State of California. He commented that the proposed tobacco regulations in the City were strict compared to Alameda County. He added that the passage of the tobacco regulations might lead to the closure of

some businesses causing them to relocate to other cities. Mr. Kassem emphasized that he does not support the sale of tobacco products to minors.

Mr. Mohammed, a tobacco retailer in Hayward for 19 years, shared that when he refused to sell a tobacco product to a teenager, his life was threatened and he was shot at with a firearm by an adult customer. Vice Chair McDermott encouraged Mr. Mohammed to contact staff to have his specific questions addressed on how his business would be impacted by the proposed tobacco regulations.

Jennifer Mish, a vapor store owner, indicated for Commissioner Loché that the FDA has new information available that second hand smoke from electronic cigarettes is safe. She shared that a hookah pen is similar to a hookah apparatus in that both utilize flavored tobacco; she differentiated an electronic cigarette from a hookah pen by indicating that electronic cigarettes contain flavored nicotine and not flavored tobacco. She further noted that electronic cigarettes produce vapor and not smoke. Ms. Mish said that to categorize electronic cigarettes and hookah pens together is contradictory. She stated that she should not be required to obtain a TRL because the vapor products that she sells at her establishment do not contain tobacco.

Vice Chair McDermott closed the public hearing at 8:12 p.m.

Commissioner Lavelle commented that she does not favor the TRL; however she does favor regulating vapor stores and electronic cigarette stores. She stated that instituting a TRL fee of at least \$400 will be harmful and onerous to already struggling local businesses. She was pleased that staff modified the tobacco regulations to require that large retailers will be required to obtain a TRL. Commissioner Lavelle alternatively spoke in favor of the City implementing a program that would enable staff to work specifically with tobacco retailers in violation of the tobacco regulations. She did not support large retailers being precluded from having to obtain a Conditional Use Permit (CUP). She noted that the implementation of the TRL will create more work for Code Enforcement staff. Commissioner Lavelle pointed out that a bigger problem among young people in the community was the smoking of marijuana, which was an illegal product altogether.

Commissioner Loché stated that as a parent of a teenager, he expressed that the City needs to address the issue of adolescents utilizing electronic cigarettes. He noted that electronic cigarettes are intended to get adults to stop smoking and that the sale of such products should not be hindered by the proposed tobacco regulations. He spoke in favor of the TRL fees being assessed initially in the program as this will help City staff identify which tobacco retailers are operating responsibly. He said in the long term, the City should not continue to penalize business owners who are complying with the tobacco regulations. Commissioner Loché was supportive of the separation requirement between tobacco retailers and sensitive receptors being at least 500 feet, and indicated that he would even be amenable to this being increased to 1,000 feet.

Commissioner McDermott said that as a grandmother of an adolescent, she also favored the staff recommendation. She supported Commissioner Loché's remarks that compliant tobacco retailers be rewarded. She noted that tobacco users get hooked onto these products at a young age and that by marketing tobacco products to kids is how tobacco companies maintain an ongoing business.

Commissioner Márquez stated that the proposed tobacco regulations will improve the image and reputation of Hayward. She commented that although the annual fee may be high, if this is broken



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down on a monthly basis then the fee is approximately \$33 per month. She suggested that after the first couple years of implementing the program, an audit should be conducted to determine which businesses are in compliance and then the fees be scaled back for the establishments acting responsibly. She supported Commissioner Lavelle's concern that the CUP be required of large retailers as well. She mentioned that although she was supportive of the ordinance, she agreed with some of the members of the public who commented that the ordinance lacked some details and needed further revision. Commissioner Márquez pointed out that the ordinance did not contain a list of the different types of sensitive receptors. She appreciated that staff will be sending a checklist of what the inspection will entail to the tobacco retail establishments prior to performing the inspections.

There was no motion on the item due to a lack of support on the item with Commissioner Loché, Commissioner Márquez, and Vice Chair McDermott favoring the staff recommendation and Commissioner Lavelle opposing.

## **COMMISSION REPORTS**

### **2. Oral Report on Planning and Zoning Matters**

Planning Manager Buizer provided the Planning Commissioners with copies of a letter from Mr. Kenneth Henkelman, Director of Facilities at St. Rose Hospital, requesting consideration that some of the lawn and grounds areas of the hospital facility be replaced with a synthetic grass. Planning Manager Buizer indicated that Planning staff still needs to research this matter, commenting that Planning staff will work with the Public Works Utilities and Environmental Services department to understand the situation and explore other alternatives. Commissioner Márquez commented that there might be other aesthetically pleasing options instead of synthetic grass. Commissioner Lavelle suggested that this topic be considered by the Council Sustainability Committee.

### **3. Commissioners' Announcements, Referrals**

Vice Chair McDermott shared that she attended the Hayward Unified School District's (HUSD) Education Summit on Saturday, May 17 at City Hall. She was pleased with the turnout at the event and also the numerous resources that are available to the youth. She commended the HUSD and Superintendent Dobbs for organizing the summit.

Commissioner Márquez announced that the Primary Election is being held on June 3, 2014 and she encouraged Hayward residents to vote.

## **APPROVAL OF MINUTES**

### **4. None**

**ADJOURNMENT**

Vice Chair McDermott adjourned the meeting at 8:35 p.m.

**APPROVED:**

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Vishal Trivedi, Secretary  
Planning Commission

**ATTEST:**

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Avinta Madhukansh-Singh, Senior Secretary  
Office of the City Clerk



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**MEETING**

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Lammin.

**ROLL CALL**

Present: COMMISSIONERS: Loché, Trivedi, McDermott, Faria, Márquez, Lavelle  
CHAIRPERSON: Lammin  
Absent: COMMISSIONERS: None  
CHAIRPERSON: None

Commissioner Loché led in the Pledge of Allegiance.

Staff Members Present: Buizer, Conneely, Madhukansh-Singh, Rizk

General Public Present: 8

**PUBLIC COMMENTS**

City Attorney Lawson announced that Assistant City Attorney Conneely will be retiring effective June 20, 2014.

Derek Gorshow, an employee with Project EAT, noted that the organization SHAPE UP Hayward Steering Committee was formed by Project EAT through a grant from the Kaiser Community Benefit Program whose objectives are to make policy recommendations to the City of Hayward aimed at improving the health of the community. He mentioned that the membership consists of Tennyson High School students and adult allies that are professionals working in the health care field. Mr. Gorshow recommended three policy amendments to the City's General Plan document based upon research and community survey conducted by the committee. He cited the following three areas for improvement in the community: food access (including feeding the homeless, having more farmer's markets, and community gardens in unused spaces); safe places to exercise (sports facilities and improved lighting); and employment (job fairs and paid summer jobs for the youth).

Maria Ceballos, a student at Tennyson High School, noted that she has been working for Project EAT for three years. She shared that her organization surveyed people at different community health events and she presented the following survey results: 31% of the community members surveyed want more community events; 17 % want healthy food stores; and 17% want healthy activities. Ms. Ceballos reported that community members expressed they want community gardens in unused spaces in order to improve food access; they want more sports facilities to provide safe places to exercise; and paid summer jobs for youth employment.

Shamia Sandles, a youth development specialist with Project EAT, proposed that the following three General Plan policies be amended: HQL-3.5 Community Garden Target be modified to state “The City, in cooperation with HARD and other community groups, shall strive to establish community gardens in existing and planned parks, and unused spaces;” ED-1.19 Local Hiring to be modified to “The City shall promote local hiring, including youth employment and paid internships, to increase community ownership and resident retention...”; HQL-1.5 Health Events be modified to “The City Shall provide support to organizations engaged in citywide public health events, such as health fairs, community gardens, youth fitness programs...” Ms. Sandles stated that the proposed amendments to the General Plan will significantly benefit the health of the community.

In response to Commissioner McDermott’s question, Ms. Sandles stated that the survey was conducted in March 2014 and the results were analyzed in April 2014. She noted for Commissioner McDermott that they were unaware that the Hayward 2040 General Plan was being revised and that they presented the information derived from the their study recently. She indicated for Commissioner Faria that there were 60 survey participants.

## **PUBLIC HEARING**

1. Adoption of the Hayward 2040 General Plan and Certification of the Final Environmental Impact Report

Development Services Director Rizk stated that the Hayward 2040 General Plan update began two years ago and that this has been a joint effort by members of the community, members of the General Plan Update Task Force, and staff. He commended Planning Manager Buizer and the consultant team for staying on schedule and being under budget with the comprehensive update to the City’s General Plan.

Planning Manager Buizer presented a synopsis of the staff report. She noted that staff would like to make policy recommendations that were not included in the Staff Report in Attachment VI and these changes included: modifying the policy language to better reflect General Plan Consistency with State Law and to be more inclusive of the comments received by SHAPE UP Hayward after the Staff Report was prepared.

Ms. Buizer proposed the following policy recommendations: M-10.2 Airport Land Use Compatibility “The City shall ensure uses surrounding the Hayward Executive Airport are compatible with existing and planned airport operations ~~and are consistent with the Airport Land use Compatibility Plan for the Hayward Executive Airport~~, and comply with all applicable federal statutes [including 49 U.S.C. 47107], federal regulations [including 14 Code of Federal Regulations 77 et seq.]; the FAA’s Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and state law, with respect to criteria released to land use safety and airspace protection; HAZ-7.1 modified to “The City shall consider all applicable federal statutes [including 49 U.S.C. 47107], federal regulations [including 14 Code of Federal Regulations 77 et seq.], the FAA’s Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and state law, with respect to criteria related to land use safety and airspace protection when...”; HAZ-7.2 Airport Land Use Compatibility Plan modified to “The City shall require all development projects within the Airport Influence Area designated in the Airport Land Use Compatibility Plan of the Hayward Executive Airport ~~to comply with the provisions of the Hayward Executive Airport~~



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~~Land Use Compatibility Plan, except for sections of the plan that have been overruled by the Hayward City Council to comply with all applicable federal statutes [including 49 U.S.C. 47107], federal regulations [including 14 Code of Federal Regulations 77 et seq.], the FAA's Airport Compliance Manual, FAA Advisory Circulars and other forms of written guidance, and state law, with respect to criteria related to land use safety and airspace protection; HAZ-7.3 Commission Review modified to "The City shall ensure...Airport Land Use Commission in compliance with if required by State law.~~

Planning Manager Buizer suggested the following policy recommendations in response to comments received by SHAPE UP Hayward: ED-1.19 Local Hiring modified to "The City shall promote local hiring, including youth employment and paid internships, to increase community..."; HQL-1.5 Health Events modified to "The City shall provide support....such as health fairs, community gardens, youth fitness programs..."; HQL-3.5 Community Garden Target modified to "The City, in cooperation with HARD and other community groups, shall strive....existing and planned parks, and vacant lots."

In response to Commissioner Márquez' question, Planning Manager Buizer indicated that she had received a phone call from Mr. Gorshow about what the SHAPE UP Hayward organization does and that he was not aware that the City was finalizing the Hayward 2040 General Plan. She stated that Mr. Gorshow was pleased that many of SHAPE UP Hayward's concerns were captured in the policy document and he asked if the City would be able to modify some of the General Plan's language. Ms. Buizer said that after reviewing Mr. Gorshow's suggestions, she felt that they were positive edits to the General Plan. Commissioner Márquez thanked staff for adapting SHAPE UP Hayward's suggestions before the adoption of the General Plan. Planning Manager Buizer noted that it was the City's goal to incorporate the Climate Action plan into the General Plan and she pointed out that there were a number of policies and programs in the Draft General Plan that have a globe icon representing the policies aimed at reducing greenhouse gas emissions. She confirmed for Commissioner Márquez that there would still be unmitigated issues with noise and pollution.

Commissioner Trivedi commented that the significant impacts would be a result of the natural growth of the targeted development identified in the plan and stated that this was unavoidable.

Planning Manager Buizer noted for Commissioner Trivedi that staff received comments from Caltrans encouraging the establishment of a regional transportation impact fee program; however, staff has added an implementation program related to local Transportation Impact Fees at the request of the City Council. She indicated that staff would perform a feasibility study to determine if an impact fee ordinance should be adopted that would assess if development projects should pay a fee to offset significant impacts caused by the development; the funds generated from the impact fees could be used to make transportation improvements in the City such as bike lanes, pedestrian lanes, and trails.

Planning Manager Buizer stated that the Transportation Demand Management Plan would evaluate transportation options for how employees working at large employment centers in Hayward could commute to work, underscoring that this was different than the Transportation Impact Fees.

Director Rizk shared that a local Transportation Impact Fee was included in the Draft Capital Improvement Program and this was going to be considered for adoption by the City Council at the end of the month. He stated that if the City were to participate in a program that were to establish a regional Transportation Impact Fee, then this would have to be accomplished with the involvement of other cities and perhaps through the Alameda County Transportation Commission. He stressed that the City does not want to unfairly burden local developers through instituting an impact fee that would contribute to regional transportation networks.

Commissioner Trivedi asked staff if the City was considering smart parking or parking management plans for more efficient use of existing parking spaces. Planning Manager Buizer replied that there are studies underway by the Public Works department looking into parking management in the downtown area, especially as there will be new parking fees for parking at the Downtown Hayward BART station and other Municipal Parking lots are likely to be impacted as a result of this.

In response to Commissioner Trivedi's question about the Loop project, Planning Manager Buizer stated that the City has received grant funding to create a downtown specific plan and staff hoped to begin this process at the end of the year. She noted that the plan will consist of bicycle and pedestrian connectivity plans.

Commissioner Trivedi said that he was pleased with the language in the General Plan about having a Cultural Commission; he recommended that this language contain more specific reference to performance arts and include that Hayward has a performing arts center as this was currently lacking in the community. He pointed out that in Attachment VIII, under "Benefits of Project," bullet point No. 14 did not contain any text. Commissioner Trivedi stated that under M-9.2 Parking Restrictions, in place of "i.e." the statement should read "(e.g. bike lane improvements)."

Planning Manager Buizer noted for Commissioner Lavelle that staff will review the General Plan programs on an annual or biennial basis as part of the City Council's Budget process to ensure that there is adequate funding of the programs. She added that the law stipulates that the amendments to the General Plan cannot exceed four amendments per calendar year, highlighting that multiple items can be modified per amendment.

Commissioner McDermott was concerned with the impacts of short-term construction on air quality as this might have long-term consequences on members of the community.

Commissioner Loché spoke favorably of the addition of the language to the General Plan on promoting local hiring. He supported changing the land use designation at City Center Drive as this would facilitate redevelopment in the area.

Commissioner Faria was pleased with the meeting that was held at City Center and the opportunity it provided for the California Polytechnic State University students and the community to be engaged in making updates to the General Plan.



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Chair Lamnin recommended that it be considered to continue the General Plan Update Task Force. Planning Manager Buizer shared that members of the General Plan Update Task Force have expressed interest in continuing the Task Force as an advisory body to staff and to evaluate the implementation of the General Plan annually. She noted that the City Council would be able to determine if the Task Force should be continued.

Chair Lamnin made the following suggestions to the language of the Hayward 2040 General Plan as shown in Attachment VI to the staff report: Open House comment 15.01 make reference to other jurisdictions since Cherryland is in an unincorporated area; that City Council Work Session comment CC 3 indicate that representatives from the development committee will be consulted regarding impact fees; comment L 3.02 about the County's Healthy Homes Department include other relevant organizations; L 3.05 should note that voters passed Measure D in 2000; and that BART be referenced in L 7.05. Planning Manager Buizer noted for Chair Lamnin that there would be a separate dust control and noise ordinance that will specifically reference construction work and pointed out that new development proposals would be compared to these ordinances. Chair Lamnin requested that the time-frame for the implementation of the traffic flow program be performed sooner as this was expressed as a high priority concern by the community. She supported the recommendations made by SHAPE UP Hayward and disclosed that she briefly served as a member of this organization; however, she was not a member when the research and surveys were conducted by SHAPE UP Hayward.

Chair Lamnin opened and closed the public hearing at 8:04 p.m.

In regards to Mobility Element M-9.2 Parking Reduction, Commissioner Lavelle commented that although the City should be favorable to developers encouraging alternative transit options, she recognized the challenges that were being experienced with the Cannery development and the parking issues residents were encountering. She noted that multiple generations reside in a home nowadays and that these residents may own more vehicles per home than what was planned for by the developer. She cautioned the Planning Commission about approving developments with parking reductions. She favored starting a Cultural Commission that would recognize arts programs in Hayward and agreed with Commissioner Trivedi's comment about the need for a performing arts center in the community. She did not support a development fee being applied to fund public art projects. Commissioner Lavelle appreciated the language in the General Plan about proposed improvements at the Library Park striving to preserve the trees in this area.

Chair Lamnin recommended that the following changes be made to section No. 15 Cultural Commission of the Economic Development Implementation Table of the Policy Document: the statement "reflective of Hayward's diversity" be added so that the sentence states "The City shall establish a Cultural Commission to coordinate the efforts of various arts, culture, and historical groups within Hayward and to assist with cultural event planning reflective of Hayward's diversity; and that the sentence beginning with "The Commission shall also provide..." be removed and be replaced with "The Commission will evaluate potential funding mechanisms for public art and performance projects" so that there is no dictate of how this would be funded.

Commissioner McDermott made a motion that the Planning Commission recommend that the City Council approve the certification of the Environmental Impact Report as being prepared in accordance with the California Environmental Quality Act and City implementing guidelines; adoption of the Statement of Overriding Considerations; and approval of the Mitigation Monitoring and Reporting Program, based on the attached findings; approval of the Hayward 2040 General Plan with staff's recommended changes which would include the changes recommended by the Planning Commission; Amendments to the General Plan Land Use Map for certain properties within the Planning area.

Commissioner Trivedi seconded the motion as the General Plan document was reflective of the community and its values.

AYES: Commissioners Loché, Trivedi, McDermott, Faria, Márquez, Lavelle  
Chair Lamnin  
NOES: None  
ABSENT: None  
ABSTAIN: None

## **COMMISSION REPORTS**

### **2. Oral Report on Planning and Zoning Matters**

Director Rizk noted that the following projects will be underway at the start of fiscal year 2014-2015: comprehensive update to the zoning ordinance, a new downtown specific plan; and zoning revisions to the Industrial Corridor.

### **3. Commissioners' Announcements, Referrals**

Planning Commissioners expressed that it was a pleasure working with Assistant City Attorney Conneely and wished her well in her future endeavors.

Assistant City Attorney Conneely thanked the Planning Commissioners and staff for all their efforts and dedication towards the City and she emphasized that she enjoyed working with them.

Director Rizk indicated for Chair Lamnin that City staff sent a letter to the property owner of Hidden Hills, noting that recreational facilities do have to remain open to residents of the apartment complex, as this was included in the original conditions of approval of the development site.

## **APPROVAL OF MINUTES**

4. The minutes of May 8, 2014, were unanimously approved with Commissioner McDermott making the motion and Commissioner Trivedi seconding.

## **ADJOURNMENT**

Chair Lamnin adjourned the meeting at 8:23 p.m.



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**APPROVED:**

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Vishal Trivedi, Secretary  
Planning Commission

**ATTEST:**

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Avinta Madhukansh-Singh, Senior Secretary  
Office of the City Clerk