



CITY OF HAYWARD AGENDA REPORT

Meeting Date 11/17/05
Agenda Item 1

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: Use Permit Application No. PL-2005-0529– Sheri Chefalo for Brinkman Investments, LP (Applicant/Owner) - Request for a Conditional Use Permit for an Existing Mini-Storage Facility

The Property is Located at 24801 Industrial Boulevard, bordered by Depot Road and Clawiter Road in an Industrial Zoning District.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Sections 15301, *Existing Facilities*; and
2. Approve the Use Permit, subject to the attached findings and conditions of approval.

DISCUSSION:

The applicant has requested a Conditional Use Permit for an existing mini-storage facility. No significant changes are proposed. The property owner has refinanced the property and must obtain the Use Permit to satisfy the lender. The establishment was constructed in 1973, when a Use Permit was not required for a public storage facility. In 1999, the property became a legal, nonconforming use when the Industrial District zoning regulations were amended to require a Conditional Use Permit for a public storage facility.

The property is surrounded by Clawiter Road to the west, Depot Road to the south, Industrial Boulevard to the east and to the north in a multi-tenant industrial building that includes at least two auto repair businesses. The approximately 3.7-acre property is developed with five buildings containing 572 storage units. One of the buildings contains an office and manager's apartment. The owner intends to convert the apartment to storage space for the office.

The property is enclosed by a chain-link fence with wood slats. The fencing is covered with ivy and provides an attractive visual screen from the surrounding streets. In addition to the main entrance on Industrial Boulevard, there are four driveways with gates that typically remain closed – two on Clawiter Road and two on Industrial Boulevard. The Fire Department determined that these gates are necessary for fire truck access in and out of the property. A lock box has been installed

recently so that the Fire Department can unlock the gates at the main entrance when necessary. The other four gates would be required to have chains that can be cut by the Fire Department. None of the buildings have fire sprinklers and the nearest fire hydrants are located on the opposite side of Industrial Boulevard and on the southwest corner of Clawiter Road and Depot Road. The Fire Department has asked the owner to have four fire hydrants installed – one near each closed gate. The owner has already made arrangements with the Public Works Department to have these hydrants installed by the City. The Fire Department has also asked the owner to consider installing an early warning fire alarm system.

There are four parking spaces in the area of the office and seven more throughout the property located at the ends of the storage buildings. The City's Off-street Parking Regulations require five parking spaces near the office. The owner would be required, as a condition of approval, to provide at least five parking spaces in the area near the office outside the fences and gates that secure the rest of the property. As part of the redesign of the parking area, the owner would be required to demonstrate that the trash enclosure meets current requirements.

In 1974, two pole signs were installed – one at the corner of Clawiter Road and Depot Road and one near the main entrance. The City's sign ordinance no longer allows pole signs and such signs are typically required to be removed when a use permit is approved. The removal of the pole signs has been included in the conditions of approval.

The landscaping around the perimeter of the property has been neglected in recent years. Many trees have been severely pruned or topped and some have been removed. The irrigation system is in need of repair and ground cover is missing in many areas. The conditions of approval require the restoration of the irrigation system and plant materials.

ENVIRONMENTAL REVIEW:

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Sections 15301, *Existing Facilities*.

PUBLIC NOTICE:

On October 18, 2005, a Referral Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. The Referral Notice provided an opportunity for persons to comment on the project. No comments were received.

On November 7, 2005, a Notice of Public Hearing for the Planning Commission meeting was mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to help notify neighbors and interested parties residing outside the 300-foot radius.

CONCLUSION:

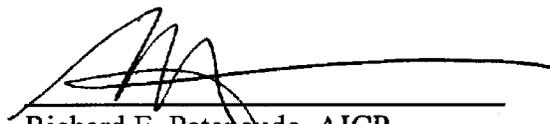
The proposed project is consistent with adopted land use policies of the General Plan. The project also meets all applicable requirements of the Zoning Ordinance and other applicable

ordinances and will be compatible with the surrounding neighborhood. Staff recommends that the Use Permit be approved.

Prepared by:

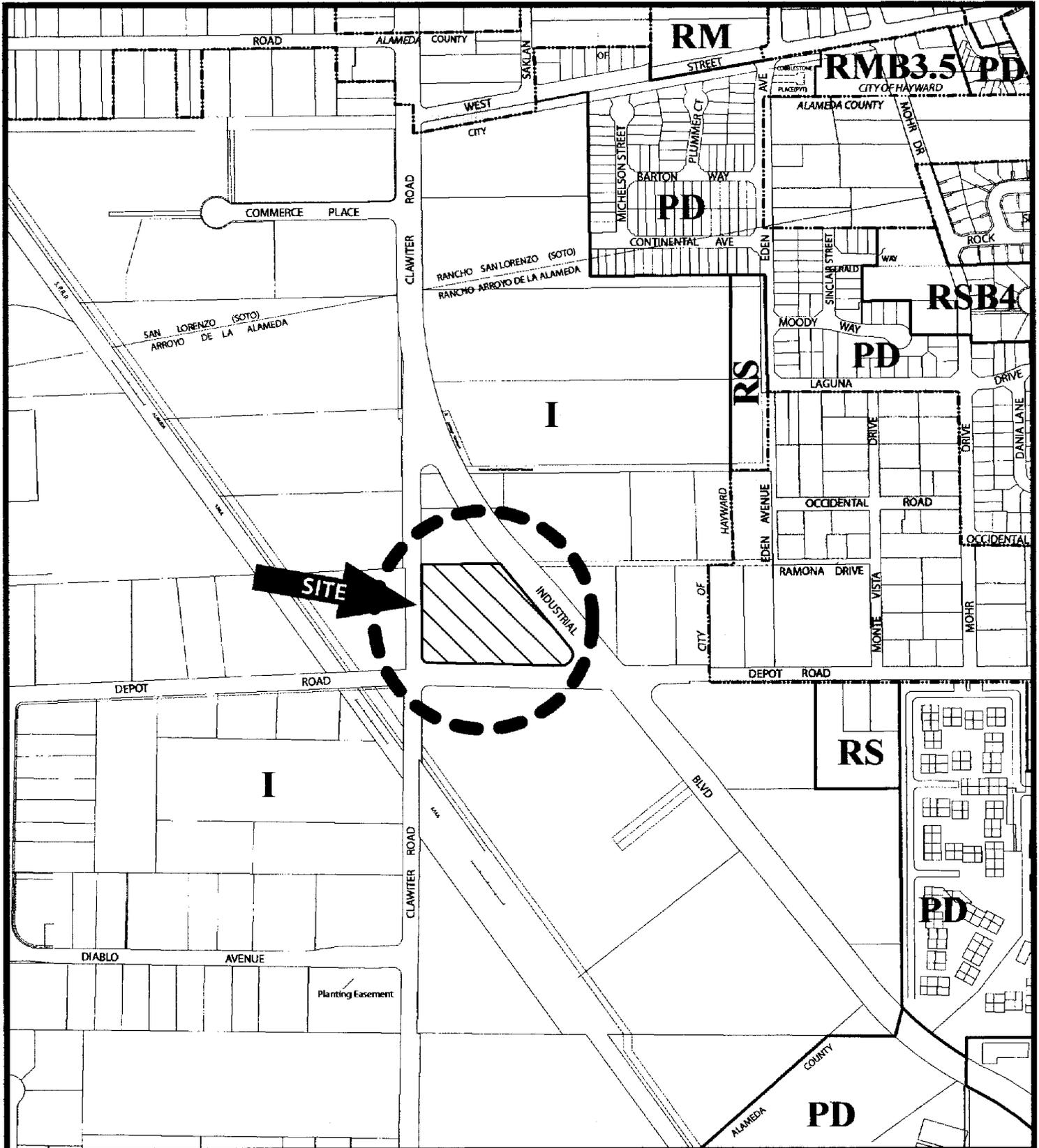

Erik J. Pearson, AICP
Associate Planner

Recommended by:


Richard E. Patenaude, AICP
Acting Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Approval
- C. Conditions of Approval
Plans



Area & Zoning Map

PL-2005-0529 UP

Address: 24801 Industrial Blvd

Applicant: Sheri Chefalo

Owner: Brinkman Investments, LP

I - Industrial

PD - Planned Development

RM - Medium Density Residential, Min. lot size 2500 sq. ft.

RMB3.5 - Medium Density Residential, Min lot size 3500 sq. ft.

RS - Single-Family Residential, Min. lot size 2500 sq. ft.

RSB4 - Single-Family Residential, Min. lot size 5000sq. ft.



FINDINGS FOR APPROVAL

USE PERMIT APPLICATION NO. PL-2005-0529

Sheri Chefalo for Brinkman Investments, LP (Applicant/Owner)

24801 Industrial Boulevard

Request for a Conditional Use Permit for an Existing Mini-Storage Facility.

General

- A. The approval of Use Permit application No. PL-2005-0529, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project reflects the City's independent judgment, and the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15301 of the CEQA Guidelines (*Existing Facilities*).

Use Permit

- B. The use is desirable for the public convenience or welfare in that the mini-storage facility is one that serves a need within the community and the streetscape will be improved new landscaping.
- C. The use will not impair the character and integrity of the zoning district and surrounding area in that the conditions imposed on the operation of the storage facility will ensure that the use will have no significant impact on surrounding properties.
- D. The use will not be detrimental to the public health, safety, or general welfare in that the use of the property established over 30 years ago will not change.
- E. The mini-storage facility is in harmony with applicable City policies and the intent and purpose of the zoning district involved in that the site is intended for industrial development and use and the open storage area is a conditionally permitted use in the Industrial district.

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. PL-2005-0529
Sheri Chefalo for Brinkman Investments, LP (Applicant/Owner)
24801 Industrial Boulevard

Request for a Conditional Use Permit for an Existing Mini-Storage Facility.

General

1. Application Nos. PL-2005-0529 is approved subject to the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time all applicable conditions of approval have been completed, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division 15 days prior to the above date.
2. 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.
3. 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.
4. The two pole signs shall be removed within 30 days of the effective date of this permit. The signs may be replaced with signs permitted by the Sign Ordinance, subject to approval by the Planning Director.
5. Banners may only be displayed subject to the provisions of the City's Sign Ordinance regulating promotional events and require approval of a Sign Permit.
6. Within 30 days of the effective date of this permit, a plan shall be submitted showing that 5 parking spaces will be provided.
7. Details of the trash enclosure shall be submitted with the parking plan. The trash enclosure shall meet current standards including having a solid roof and shall meet the size and design requirements outlined in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 9/21/05.
8. The installation of an approved parking layout and trash enclosure modifications (if any) shall be completed within 60 days of the approval of the plans.
9. The storage yard shall have security lighting installed that complies with the City's Security Ordinance. A lighting plan designed by a qualified lighting designer shall be submitted with parking lot plans. Installation of any additional lighting shall be completed within 60 days of the approval of the plans.
10. No truck or vehicle rental shall be conducted from the premises.
11. A copy of the conditions of approval for the 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.

ATTACHMENT C

12. The property owner shall maintain in good repair all fencing, walls, buildings, lighting, gravel areas and driveways. The premises shall be kept clean and in an orderly fashion.
13. No materials may be stored outdoors.
14. Any vehicles stored on the property shall be in working condition and shall maintain current registration with the Department of Motor Vehicles.

Landscaping

15. The trees that were removed without a permit on Industrial Boulevard must be replaced to equal the trees on the other streets. These trees must be a minimum 24-inch box size.
16. The trees that are dying, in extremely poor health or that have been topped, particularly those along Clawiter Road must be replaced with 36-inch box trees of appropriate species. Where the trees are directly under the powerlines, evergreen trees with a maximum mature height of 25 to 30 feet should be used as the replacement trees.
17. It appears that trees have been removed in the location of the pole signs. These trees must also be replaced.
18. One 24" box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the most current City Standard Detail SD-122.
19. Flowering vines such as Clematis armandii, Gelsemium sempervirens, Hardenbergia or Solanum shall be planted at 10 feet on center along the existing fence on all street frontages where landscaping is missing.
20. Where shrubs have died back or been removed, new shrubs shall be planted to screen all drives and parking. These shrubs shall have a minimum height of three feet.
21. The irrigation must be restored to a working condition with pop-up type heads or bubblers. Above grade spray heads or risers may not be used. Where the Ivy is in good condition, it may remain. Where the groundcover must be replaced, Vinca minor (Periwinkle), Fragaria (Wild Strawberry), Gazania or similar herbaceous groundcover that will provide 100% coverage of the landscape areas within two years should be used, as Ivy is on Alameda County's list of invasive species.
22. If a new layout of the parking area is required, six foot wide landscaped ends caps must be provided at each end of each row of parking with a 15-gallon shade tree and appropriate shrubs, groundcover and irrigation.
23. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
24. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
25. All above ground utilities and mechanical equipment shall be screened from the street with shrubs.

26. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) 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 Municipal Code.
27. Trees shall be preserved in accordance with the Tree Preservation Ordinance. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
28. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

Engineering

29. Any cracked, broken or damaged concrete driveways, sidewalks or curb and gutter shall be repaired or replaced to the satisfaction of the City Engineer. Plans submitted for the changes to be made to the parking lot area shall indicate areas to be repaired.

Fire Department

30. Install (4) new public fire hydrants in strategic locations along Industrial Boulevard and Clawiter Road. The fire hydrants will be installed and maintained by the City. The applicant has arranged for the installation with Public Works (Edith Jacklin).
31. It is recommended that the applicant and the property owner review each building interior and provide construction improvements (fire blocking) that will create area separations between each 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 each of the buildings' open air attic space be blocked with sheet rock construction. Installation shall be in compliance with the California Building Code.
32. The main (automated) gate has already had a fire key switch installed as required. The existing perimeter gates will need to have chains and locks installed that are capable of being cut off by the Fire Department.

Revocation

33. Violation of any of the above conditions is cause for revocation of this permit, subject to a public hearing before the duly authorized reviewing body.