



CITY OF  
**HAYWARD**  
HEART OF THE BAY

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**DATE:** June 26, 2008

**TO:** Planning Commission

**FROM:** Carl T. Emura, ASLA  
Associate Planner

**SUBJECT:** **Conditional Use Permit Application No. PL-2006-0286 – Jamie Tibbits, SCAFCO (Applicant) / LB Stone Properties #18, LLC (Owner) - Request to use the Property for the Outdoor Storage of Construction Materials**

The Property is Located at 2851 McCone Avenue in the Industrial (I) Zoning District (APN 439- 010- 001-00)

**RECOMMENDATION:**

Staff recommends that the Planning Commission:

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

**SUMMARY:**

The applicant is applying for a Conditional Use Permit to allow outdoor storage of steel framing products. Staff is supportive of this application, because the property will be screened from the street by a stucco wall, street trees and other landscaping that will enhance the site and surrounding area. An office/warehouse building will be added to the site at later date, anticipated in the near future, and is not part of this review.

**BACKGROUND:**

The 1.92-acre property was approved for a contractor's storage yard in 1988, for a 10-year period while the previous owner worked on the Bay Area Rapid Transit District service extension from Bay Fair to Dublin-Pleasanton. In 1996, the approval was extended to May 23, 2001. In 2006, the applicant purchased the property and has since operated a storage yard for SCAFCO, a manufacturer and direct supplier of steel framing products and accessories, without the benefit of an approved Conditional Use Permit for major outdoor storage. Major outdoor storage, as defined in the Zoning Ordinance, typically includes the storage of construction materials. The applicant was

informed by staff that a use permit was required when he applied for a business license, since the outdoor storage area exceeds 10 percent of the open yard area.

### Project Description

The property, located at 2851 McCone Avenue in the Industrial (I) District, is minimally developed. The site has a base rock surface and is graded to drain to two on-site drain inlets. Outdoor light fixtures are provided along the perimeter of the property and a slatted chainlink fence screens the storage yard from the street and adjacent properties. A 10-foot by 10-foot building serves as a temporary office. The property is surrounded by concrete tilt up office/warehouses to the east and west, and across McCone Avenue to the South. The Alameda Flood Control Channel and a railroad spur are located to the north. The office/warehouse building to the east has an outdoor storage area adjacent to the site, which is consistent with what is allowed in the Industrial Zoning District.

The applicant requests to store steel framing products in the yard area. Major outdoor storage requires approval of a conditional use permit to ensure that it would occur in maximum harmony with the surrounding area and in accordance with City policies.

The applicant proposes to replace the slatted chainlink fence along the street frontage with an eight-foot-high stucco wall, to add trees, shrubs and groundcover between the street and the wall, and to pave all vehicular circulation ways between the storage aisles. The slatted chainlink fence along the adjacent properties would remain. A second 35-foot-wide entry/exit gate would be added along the frontage of the property.

The applicant proposes to construct a 5,000-square-foot office/warehouse building towards the front of the property. Approval of this Conditional Use Permit does not include plans for this building, which will be submitted under a building permit in the near future. The applicant is currently preparing plans for the building. The building will be required to conform to architectural design standards of the Industrial District.

### **DISCUSSION:**

The steel framing products would be screened from the street by an eight-foot-high stucco wall. As conditioned, the steel framing would not be allowed to be visible from the street. In addition, the required street and perimeter trees would provide adequate screening of the site. The 20-foot wide lanes would provide adequate vehicular circulation within the yard and the new 35-foot driveway would facilitate large flatbeds moving into and out of the site. The orientation of the storage aisles perpendicular to the street and the outdoor lighting facilitates surveillance of the site. Staff believes the stucco wall, trees and additional landscaping would enhance the site and screen the yard area from the street and surrounding properties.

### Conditional Use Permit Findings

In order for the Conditional Us Permit to be approved, the following findings must be made.

- A. *The proposed major outdoor storage is a use that is desirable for the public convenience or welfare.***

The storage yard would enable SCAFECO to provide contractors with a local source of steel framing products and accessories.

- B. *The proposed use will not impair the character and integrity of the surrounding neighborhoods.***

The storage yard is located among warehouses, where outdoor storage would be a compatible use. In addition, the storage yard area will be screened from McCone Avenue by an eight-foot high stucco wall and large canopy street trees. The perimeter will be screened with evergreen trees.

- C. *The proposed major outdoor storage will not be detrimental to the public health, safety, or general welfare.***

The storage yard has been laid out to provide adequate vehicular circulation around storage aisles. In addition, the orientation of the aisles perpendicular to the street and outdoor lighting facilitates surveillance of the yard area.

- D. *The proposed major outdoor storage will be in harmony with applicable City policies as well as the intent and purpose of the zoning district involved.***

The site is intended for industrial development and major outdoor storage is a conditionally permitted use in the Industrial Zoning District. The storage area will be screened, minimizing any visible impacts from the street and surrounding properties. In addition, it meets the purpose of the Industrial Zoning District "to provide for and encourage the development of industrial uses in areas suitable for the same, and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties."

### **ENVIRONMENTAL REVIEW:**

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301 Existing Facilities.

### **PUBLIC NOTICE:**

On June 15, 2006, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Staff received two letters and one email in support of the use of the site. However, two of the respondents indicated the need for landscaping and maintenance along the frontage of the property. One of the respondents also requested a privacy fence, adequate entry and exit points for large vehicles and a suitable office

structure. The plans as submitted would accommodate the respondent's request, with the exception of wrought iron fence. In the near future the temporary office will be replaced with a permanent office/warehouse building.

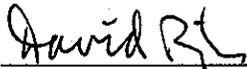
On June 16, 2008, a Notice of Public Hearing for the Planning Commission meeting was mailed. Staff did not receive additional public comment.

Prepared by:



Carl T. Emura, ASLA  
Associate Planner

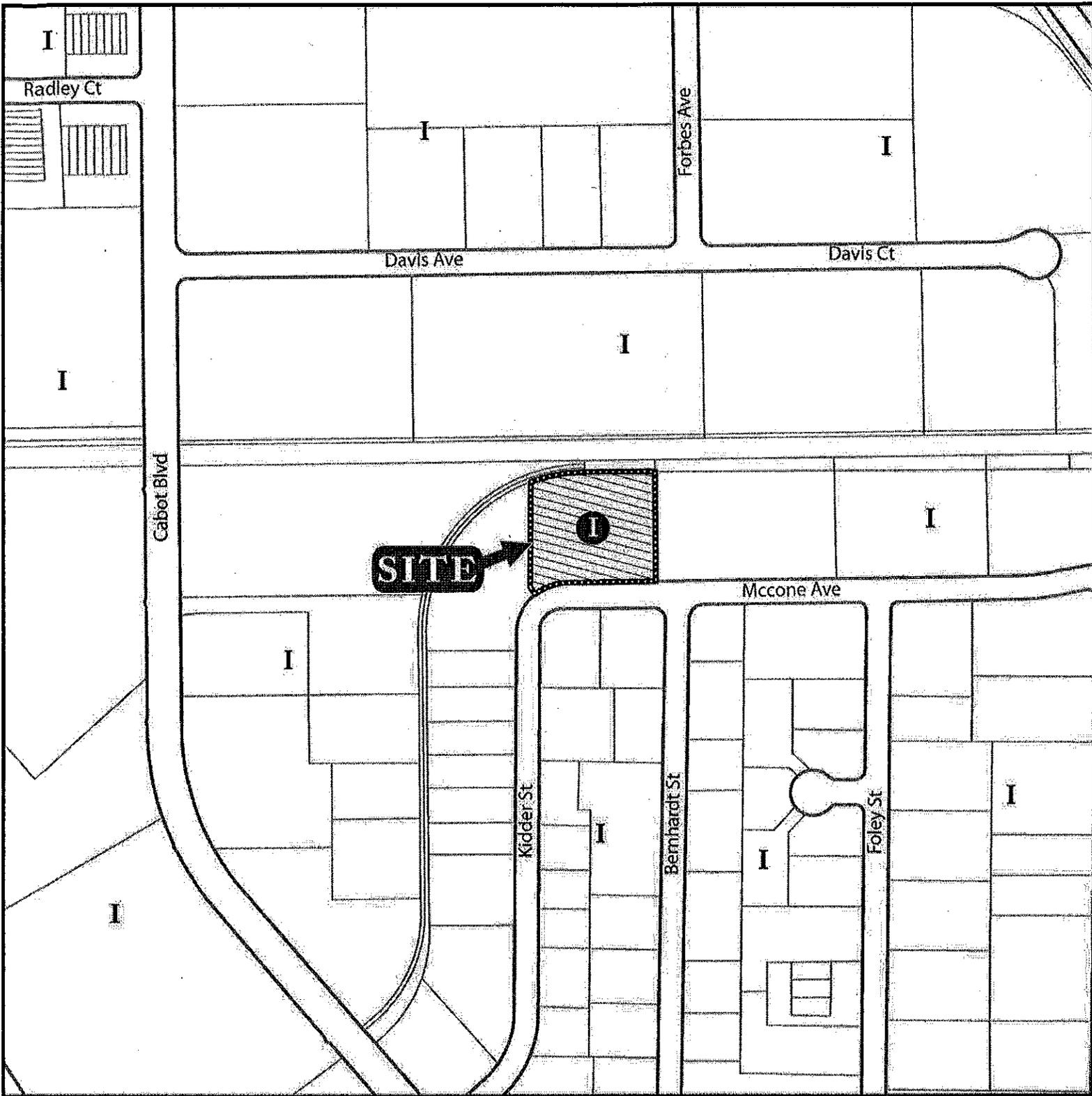
Recommended by:



David Rizk, AICP  
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Approval
- C. Conditions of Approval
- D. Letter from Larry Bryan, Performance Contracting, Inc.
- E. Letter from Ed Espina, Anning Johnson Company
- F. Email from Chris Clevers dated June 22, 2006  
Plans



# Area & Zoning Map

PL-2006-0286 UP

Address: 2851 McCone Avenue

Applicant: Jamie Tibbits

Owner: Lawrence B Stone Properties #18, LLC

## Zoning Classifications

**INDUSTRIAL**  
 I Industrial



**CITY OF HAYWARD  
PLANNING DIVISION  
CONDITIONAL USE PERMIT APPROVAL  
June 26, 2008**

**CONDITIONAL USE PERMIT APPLICATION NO. PL-2008-0286: Jamie Tibbits, SCAFCO (Applicant)/LB Stone Properties #18, LLC (Owner) – Request to use property for the outdoor storage of construction materials**

The property is located at 2851 McCone Avenue in the Industrial (I) Zoning District. (APN 439-010-001-00)

**FINDINGS FOR APPROVAL**

- A. Approval of Use Permit Application No. PL-2006-0286 to allow to use the property for the outdoor storage of construction materials in the Industrial Zoning District is exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (e), Existing Facilities, of the CEQA Guidelines
- B. The proposed major outdoor storage is a use that is desirable for the public convenience or welfare in that it provides contractors with a local source of steel framing products and accessories.
- C. The proposed major outdoor storage area use will not impair the character and integrity of the surrounding neighborhoods in that site is located among warehouses, where outdoor storage would be a compatible use. In addition, it will be screened from the McCone Avenue by an eight-foot high stucco wall and large canopy street trees. The perimeter will be screened with evergreen trees.
- D. The proposed major outdoor storage will not be detrimental to the public health, safety, or general welfare in that adequate vehicular circulation is provided around storage aisles and the storage area will be illuminated at night. In addition, the orientation of the aisles perpendicular to the street and outdoor lighting facilitates surveillance of the yard area.
- E. The proposed major outdoor storage will be in harmony with applicable City policies as well as the intent and purpose of the zoning district in that the site is intended for industrial development and major outdoor storage is a conditionally permitted use in the Industrial Zoning District. The storage area will be screened, minimizing any visible impacts from the street and surrounding properties. In addition, it meets the purpose of the Industrial Zoning District “to provide for and encourage the development of industrial uses in areas suitable for the same, and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties”.

**CITY OF HAYWARD  
PLANNING DIVISION  
CONDITIONAL USE PERMIT APPROVAL  
June 26, 2008**

**CONDITIONAL USE PERMIT APPLICATION NO. PL-2008-0286: Jamie Tibbits, SCAFCO (Applicant)/LB Stone Properties #18, LLC (Owner) – Request to use property for the outdoor storage of construction materials**

The property is located at 2851 McCone Avenue in the Industrial (I) Zoning District. (APN 439-0101-001-00)

**CONDITIONS OF APPROVAL**

1. This permit becomes void one year after the effective dated of approval, unless prior to that time, been approved and operation of the establishment has commenced. A request made to the Planning Director for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to June 26, 2008.
2. Any modification to the approved plans or conditions shall require review and approval by the Planning Director.
3. Dedicated storage areas shall be striped to alert employees who are working in the yard as to the proper storage perimeters and allow adequate emergency vehicle access.
4. The trash enclosure shall be covered.
5. The material stored shall not be visible from the street.
6. If it comes to the attention of the Planning Director that there are problems occurring as a result of the outdoor storage, the Director may call the use permit application up to the Planning Commission for consideration of imposing additional conditions or revocation.

**Landscaping**

7. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. City of Hayward Landscape Design Checklist is enclosed for your information.

8. One 24" box street tree is required for every 20 – 40 lineal feet of frontage. 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 City Standard Detail SD-122 (see Landscape Design Checklist). All trees shall be planted a minimum of 5-foot away from any underground utilities, a minimum of 15 feet from a light pole, and a minimum 30 feet from the face of a traffic signal, or as otherwise specified by the city. Root barrier shall be provided for all trees that are located within 7 feet of paved edges or structure.
9. The street face of the 8-foot high stucco wall facing a street shall be buffered with shrubs and vines.
10. All above-ground utilities including irrigation backflow preventer, mechanical equipment and trash enclosures shall be screened from the street with evergreen shrubs.
11. Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, groundcover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.
12. All shrubs shall be a minimum of 5-gallon in size.
13. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb. When the adjacent landscape area is being used as a part of the requirements for the Clean Water Act, slots will be allowed where drainage may be passed through to be filtered by the groundcover. Appropriate groundcover for filtration must be provided.
14. Street tree or any other landscape requirements shall not be compromised due to utility easement or bio-filtration design or location. If there weren't enough room within the 10' front landscape setback area to accommodate utility easement, clean water requirements and any other requirements, expand the front yard landscape area beyond the minimum requirement of 10' in width to meet City Landscape Requirements.
15. Trees or shrubs shall not be located within the bottom of bio-filtration area that would interfere with flow of drainage.
16. Provide automatic irrigation system that provides 100% coverage to the landscape area.
17. Provide a polar type blanket and steel cage for each backflow device.
18. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Final Acceptance. The final acceptance form must be faxed/turn in prior to requesting an inspection to 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.

19. 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.

#### Grading and Drainage

20. Provide a grading and drainage plan. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
21. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3.d of the ACCWP NPDES permit (page 22). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5 – 12 has a section titled "BMP Design Criteria for Flow and Volume." This is available on their website at [www.cabmphandbooks.com](http://www.cabmphandbooks.com).
22. Install Manufacture Filtration System to intercept the surface runoff coming from west side of the site.
23. The proposed width of the biofiltration swale shall be limited within the property boundary.
24. Hydraulic calculations shall be reviewed and approved by ACPW & WCD.
25. The owner shall prepare a Storm Treatment Measures Maintenance Agreement (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.
26. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer.
27. 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.
28. The proposed driveway shall be a maximum of 35 feet with 6' flare.

#### Vehicular Circulation and Parking

29. All parking storage and circulation areas shall be paved. The pavement section shall be approved by the City Engineer.
30. Proposed driveways shall conform to City of Hayward Standard Detail SD-110 (6-foot wide flares).
31. Parking and circulation shall conform to the City's Off-Street Parking Regulations.
32. The gate shall be setback 20 feet from the front property line. Layout of gate shall be approved by the Development Review Engineer.

Fire Department

33. A minimum 6-inch address number shall be installed on the building so as to be visible from the street.
34. Portable fire extinguisher(s) having a minimum rating of 2A:10BC shall be installed within the new building.
35. The storage of construction materials will consist of non-combustible materials (steel studs used for construction). The product will be stored on wood supports. If racks are installed, anchoring requirements will be imposed. Racks are not allowed on base rock surface, and if they are installed, the pavement shall be designed appropriately to withstand the rack weight.
36. There shall be no use and/or storage of hazardous materials on the property unless a review and approval has been conducted by the Hayward Fire Department.
37. There shall be no welding or spraying operations occurring on the property unless a review and approval has been allowed by the Hayward Fire Department.

Carl T. Emura, ASLA  
Associate Planner  
City of Hayward, Planning Division  
777 "B" Street  
Hayward, CA 94541

RE: PL-2006-0286 UP

Dear Mr. Emura;

Thank you for the notification for the above referenced property. We are located in the same neighborhood as this project and are familiar with the type of material they will be storing outside. They are a steel stud manufacturer and one of our suppliers. We are very pleased about this company being located so closely to our facility. They have a top quality product that won't rust or corrode and the studs fit right into the overall makeup of this area.

Thank you, again, for keeping us informed of the areas progress. If we can be of help, please let us know.

Respectfully,



**ATTACHMENT D**



**INTERIOR DIVISION**  
23485 Connecticut Street  
Hayward, CA 94545

**WORLD-CLASS CONSTRUCTION™**

**Larry Bryan**  
Senior Project Manager

743  
Tel: 510-266-7408  
Fax: 510-264-4925  
Cell: 510-760-5051  
larry.bryan@pcg.com

Carl T. Emura, ASLA  
Associate Planner  
City of Hayward, Planning Division  
777 "B" Street  
Hayward, CA 94541

**RECEIVED**

JUL 03 2006

PLANNING DIVISION

RE: Outdoor Storage at 2851 McCone Ave

Dear Mr. Emura;

We received your notice for proposed outdoor storage at the property mentioned above. Our business owns the property to the West and South, across McCone, from there. This company sells steel studs, track, headers, etc. All of which we use in our drywall business. Their proximity to us is wonderful and we look forward to them opening this location as soon as possible. They will definitely be a welcome addition.

Thank you for keeping us up to date with the development of this area.

Respectfully,

Anning Johnson Company

by: *[Signature]*  
Ed Espina

P.S.

The frontage of this property (2851 McCone)  
needs to be landscaped.  
cleared of weeds and shall be

Across from this property is our newly  
constructed and landscaped parking lot

ATTACHMENT E

**From:** Chris Clevers [chris@hikariusa.com]  
**Sent:** Thursday, June 22, 2006 4:08 PM  
**To:** Carl Emura  
**Subject:** PL-2006-0286 UP

**Importance:** High

Carl- we are responding to your notice about the construction storage at 2851 McCone Avenue. We are across the street from the subject property and have no problem with the intended use provided the city require the new owners to maintain the following:

- (1) Properly maintained landscape along the McCone portion of the subject property from the fence to the street. This landscape should provide some type of vegetative screen to obscure the view of the construction material intended to be stored there. This will help eliminate an eyesore for the surrounding property owners and eliminate the potential for unlawful activity during non-business hours.
- (2) A minimum 6' high privacy fence along the McCone portion of the subject property with proper fencing for the remainder of the property to eliminate late night loitering, dumping or other unlawful activity. This privacy fence should be installed in the same location as the current chain link fence and allow for proper landscape from this point to the street to improve the look of the site. A wrought iron look like the property across the street would be an excellent choice.
- (3) Adequate entry and exit points for any large equipment that might be used on the property to avoid traffic problems or potential hardship on the neighboring businesses caused by larger vehicles blocking traffic.
- (4) A more suitable office structure, the portable trailer that has been on the property for many years is not consistent with the quality of buildings in the area. The city should require something more suitable, unless the current trailer can be completely obscured by suitable landscaping.

We have had to look at an inadequately maintained property for some number of years. The current situation allows the city to require the new property owner to bring the properties standard up to that of the surrounding facilities and eliminate an eyesore for the neighboring business.

Chris Clevers  
 VP  
 Hikari Sales USA, Inc.

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**ATTACHMENT F**







