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**DATE:** March 11, 2010

**TO:** Planning Commission

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

**SUBJECT:** **Conditional Use Permit Application No. PL-2007-0195 - Jeanette Conde, Royal Chemical Company (Applicant) / Penta Properties LLC (Owner) – Request for the Outdoor Storage of Plastic Chemical Containers**

The Property Is Located at 2498 American Avenue in the Industrial (I) Zoning District (APN 439-0 010- 006)

**RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Finds that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Facilities and 15303, New Construction or Conversion of Small Structures; and
2. Approves the Use Permit application, subject to the attached findings and conditions of approval.

**BACKGROUND:**

Royal Chemical Company is located at the westerly end of American Avenue in the Industrial Zoning District. It is surrounded by warehouses, light industrial uses and railroad tracks. In 1969, the middle parcel was approved for the construction of a 10,000-square-foot steel building for the blending, packaging and warehousing of chemical detergent compounds. The approval did not include outdoor storage but containers have been stored outdoors for many years. These containers contain or once contained soap detergent additives used in the production of cleaning products and occupy approximately 10,000 square feet of open yard area.

Outdoor storage in excess of 10 percent of the open yard area requires approval of a conditional use permit. The outdoor storage came to light when the applicant applied for a building permit to install five new 7,000-gallon tanks to hold raw detergent compounds. The applicant was then informed that a conditional use permit for was required.

## DISCUSSION:

The conditional use permit is required to ensure harmony with the surrounding area and compliance with City policies. Outdoor storage in the Industrial District, and in an area surrounded by offices, manufacturing facilities and warehouses, is a compatible use when the storage area is screened from the street and proper fire access is provided. Since the storage area is located to the rear of the site, the building screens the majority of the storage area. The two driveways to the rear of the site expose the storage areas through the chain link fences and gates. As conditioned, slats shall be added to the chain link fences and gates to further screen the storage area and a fire lane and turnaround will be demarcated with painted lines. The Fire Department's Hazardous Materials section determined that outdoor storage, as conditioned, would be in compliance with the California Fire Code and the City's Hazardous Material Storage Ordinance. In addition, Water Pollution Source Control also determined that the storage area met the requirements for managing storm water runoff and sanitary sewer discharges, therefore staff is supportive of the application.

### Conditional Use Permit Findings

In order for the Conditional Use 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 Royal Chemical Company to continue operations and provide jobs to the community.

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

The storage yard is located among warehouses and manufacturing facilities where outdoor storage would be a compatible use. In addition, the storage yard area is located at the rear of the site and will be screened from American Avenue by the building and slatted chain link fence and gates.

- 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 fire truck access and turn-around within the outdoor storage area. It also meets the requirements for managing storm water runoff and sanitary sewer discharges.

- 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, and Section 15303, New Construction or Conversion of Small Structures.

**PUBLIC CONTACT**

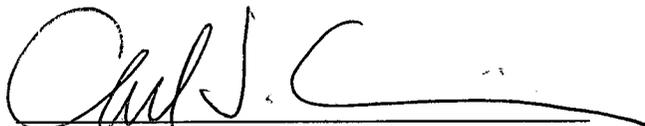
On April 18, 2007, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Staff received an email requesting information about health, safety and environmental issues regarding the type of chemicals, chemicals storage, visibility of the containers and traffic impacts to the surrounding area. Staff responded to the inquiry and the inquirer was satisfied and had no further questions.

On March 1, 2010, a Notice of Public Hearing for the Planning Commission meeting was mailed. Staff did not receive additional public comment.

**NEXT STEPS**

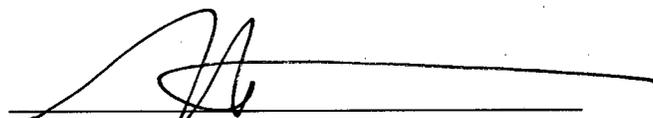
A 10-day appeal period would follow the Planning Commission's decision. If the decision is appealed, the City Council will make the final decision.

Prepared by:



Carl T. Emura, ASLA  
Associate Planner

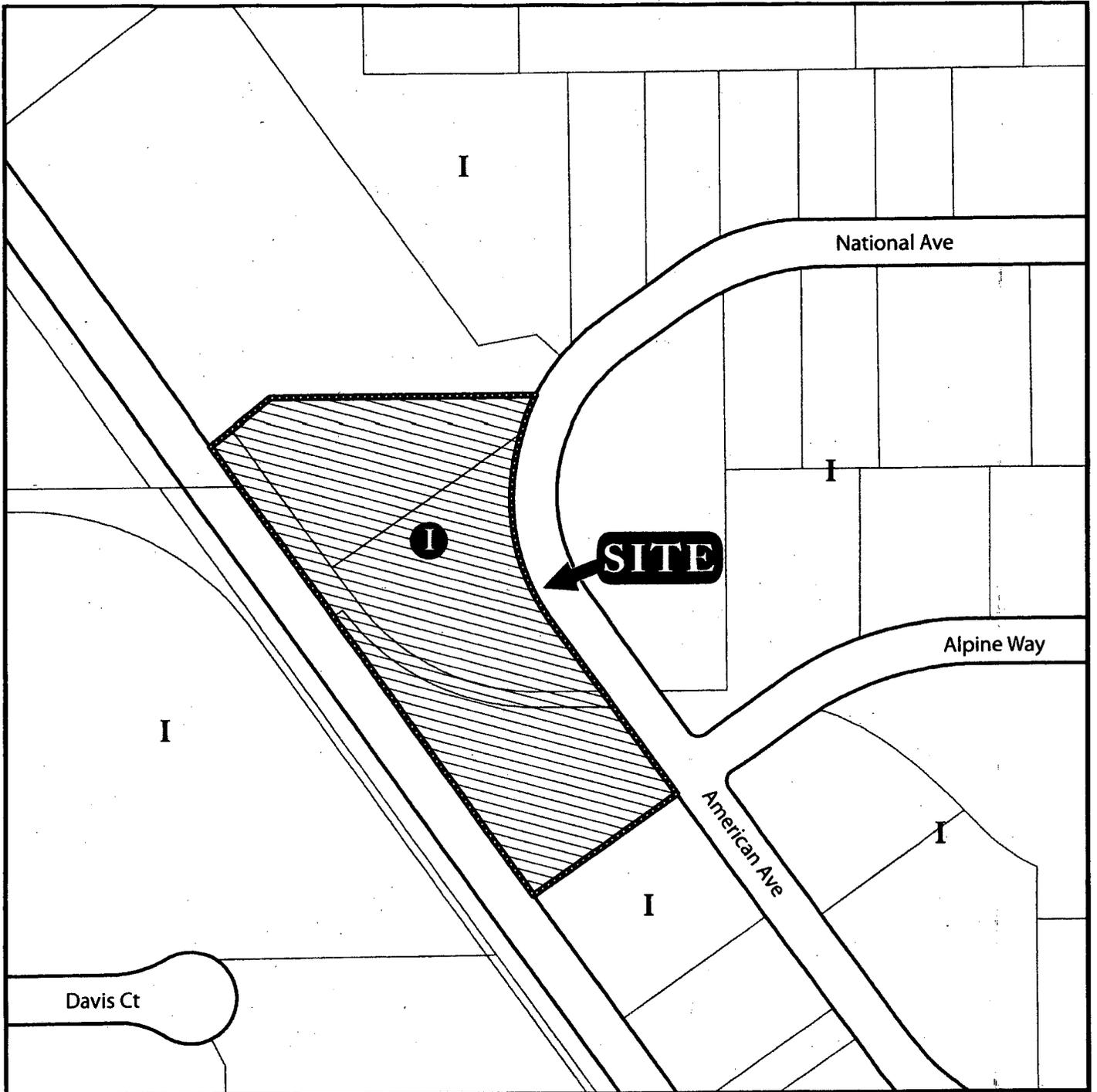
Recommended by:



Richard E. Patenaude, AICP  
Planning Manager

Attachments:

- Attachment A: Area Map
- Attachment B: Findings for Approval
- Attachment C: Conditions of Approval Plans



# Area & Zoning Map

PL-2007-0195 UP

Address: 2490, 2498 American Avenue  
2285 National Ave

Applicant: Jeanette Conde

Owner: Kenneth Knapp

## Zoning Classifications

**INDUSTRIAL**  
I Industrial



**ATTACHMENT A**

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

March 11, 2010

**CONDITIONAL USE PERMIT APPLICATION NO. PL-2007-0195: Jeanette Conde, Royal Chemical Company (Applicant)/Penta Partners, LLC (Owner) - Request for the Outdoor Storage of Plastic Chemical Containers**

The Property Is Located at 2498 American Avenue in the Industrial (I) Zoning District (APN 439-0 010- 006)

**FINDINGS FOR APPROVAL**

- A. Approval of Use Permit Application No.PL-2007-0195 to allow to use the property for the outdoor storage of plastic chemical containers 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 and Section 15303, New Construction and Conversion of Small Structures, of the CEQA Guidelines.
- B. The storage yard would enable Royal Chemical Company to continue operations and provide jobs to the community.
- 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, the storage area is located to the rear of the property and as conditioned, the container shall not be stacked higher than the front chain link fence and gate and the slats shall be added to the chain link fence and gate.
- D. The proposed major outdoor storage will not be detrimental to the public health, safety, or general welfare in that a fire lane and turnaround is provided around the storage area. It also meets the requirements for managing storm water runoff and sanitary sewer discharges.
- 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".

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PLANNING DIVISION  
CONDITIONAL USE PERMIT APPROVAL**

March 11, 2010

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This permit becomes void three years after the effective date of approval, unless prior to that time, improvements to the site, as conditioned, have been completed. 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 March 11, 2013.

**CONDITIONS OF APPROVAL**

1. Any modification to the approved plans or conditions shall require review and approval by the Planning Director.
2. Within 60 days of approval, the dedicated storage areas shall be striped to alert employees who are working in the yard as to the proper storage perimeters. The fire lane and turnaround, to be determined by the Fire Department, shall be striped red to allow adequate emergency vehicle access.
3. The fire access road around the building shall be an all weather paved or concrete surfaced road capable of withstanding 50,000 Gross Vehicle Weight (GVW) fire apparatus imposed load. The fire access road shall have a dedicated fire apparatus turn-around available at within 150' lineal feet from the existing entrance to the site and shall be a minimum of 20' wide with a vertical clearance of 13'-6". The Fire Department approved signage and red-curbings shall mark the dedicated fire apparatus turn-around.
4. Hazardous storage in the outdoor storage yard shall comply with the 2007 CFC and the City of Hayward Hazardous Materials Storage Ordinance. All empty poly drums shall be properly labeled.
5. Within 60 days of approval, slats shall be provided for the front chain link fence and gates. The material stored shall not be visible from the street.
6. The owner shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Graffiti shall be removed within 48 hours after occurrence.
7. 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.

8. 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.



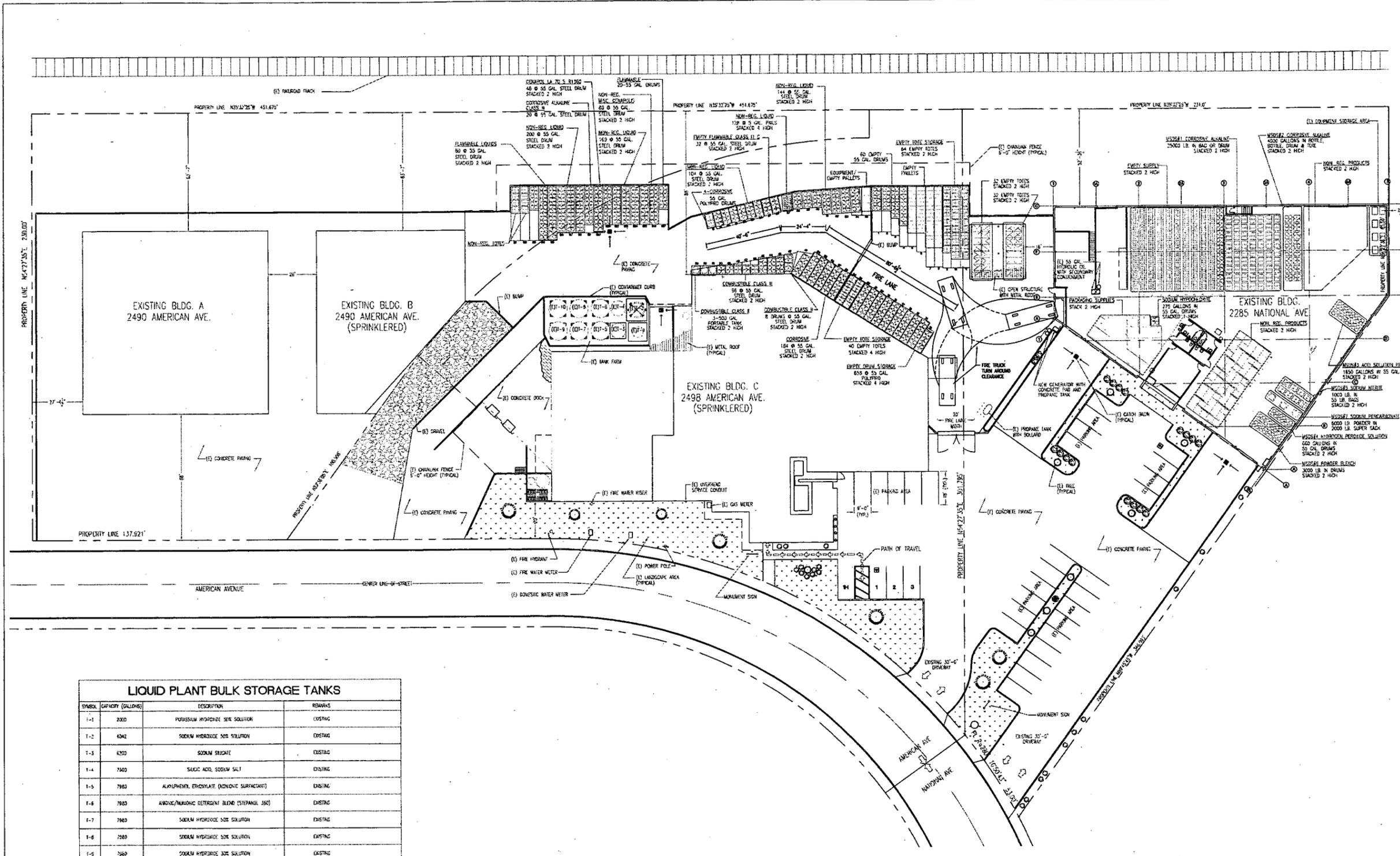
**ROY ASSOCIATES**  
CONSULTING ENGINEERS  
39510 PASSED PADRE PKWY.  
SUITE 250  
FREMONT, CALIFORNIA 94538  
TEL: (510) 794-8881  
FAX: (510) 794-7250

I hereby certify that I am a duly Licensed Professional Engineer in the State of California, License No. 44517, and that I am the author of the design and drawings herein. I am not providing any services herein which require a separate license. I am not providing any services herein which require a separate license. I am not providing any services herein which require a separate license.



**ROYAL CHEMICAL COMPANY**  
SITE PLAN  
2498 AMERICAN AVENUE  
HAYWARD, CALIFORNIA 94545

**ROYAL CHEMICAL COMPANY**  
SITE PLAN



| LIQUID PLANT BULK STORAGE TANKS |                    |  |          |
|---------------------------------|--------------------|--|----------|
| SYMBOL                          | CAPACITY (GALLONS) | DESCRIPTION                                      | REMARKS  |
| T-1                             | 2000               | POTASSIUM HYDROXIDE SOLN SOLUTION                | EXISTING |
| T-2                             | 4042               | SODIUM HYDROXIDE SOLN SOLUTION                   | EXISTING |
| T-3                             | 4200               | SODIUM SILICATE                                  | EXISTING |
| T-4                             | 7000               | SULFURIC ACID, SODIUM SALT                       | EXISTING |
| T-5                             | 7800               | ALUMINUM ETHANOLATE (NONIONIC SURFACTANT)        | EXISTING |
| T-6                             | 7800               | AMMONIUM/ALKALINE DETERGENT BLEND (STEPANOL 580) | EXISTING |
| T-7                             | 7800               | SODIUM HYDROXIDE SOLN SOLUTION                   | EXISTING |
| T-8                             | 7800               | SODIUM HYDROXIDE SOLN SOLUTION                   | EXISTING |
| T-9                             | 7800               | SODIUM HYDROXIDE SOLN SOLUTION                   | EXISTING |
| T-10                            | 7800               | COGNAC OIL, DETHANOLATED (NABU-40-10)            | EXISTING |

**OVERALL SITE PLAN**  
SCALE: 1" = 20'-0"

**Project #**  
**PL-2007-0195 CUP**

**PL-1**