

DATE: March 11, 2010

TO: Planning Commission

FROM: Tim R. Koonze, Associate Planner

SUBJECT: **Conditional Use Permit Application No. PL-2009-0595 – UPS Ground (Applicant / Owner) - Request to Operate an Auto Auction with Outdoor Vehicle Storage**

The Property Is Located at 2348 Industrial Parkway West in an Industrial (I) Zoning District.

RECOMMENDATION

That the Planning Commission finds that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Facilities, and approves the conditional use permit subject to the attached findings and conditions of approval.

BACKGROUND

The property is located on the south side of Industrial Parkway West, between Hall Road and Hopkins Street, in an Industrial Zoning District. The 6.65-acre site is a rectangular flat parcel that contains two buildings. In the past, the site was used as a UPS distribution center. It has been vacant for the past six months. The parking and circulation areas are paved. The property is surrounded by industrial uses.

DISCUSSION AND STAFF ANALYSIS

Project Description -

The applicant is proposing to operate an auction of vehicles that have been donated to charity. Currently the auction operates in Oakland and is proposing to relocate to Hayward. Various charity organizations have a contract with the applicant to pick-up, process and sell these vehicles. Auto auction personnel will go to the donor's residence and pick up the vehicle with a tow truck. The vehicle would then be stored at the auction yard until it is sold. After a vehicle has been sold at the auction, it is stored on site until it is picked up by the purchaser, usually within the next four days. A majority of the purchased vehicles are driven or towed off the site with tow trucks. About once a week, a large 10-car transport would come to the site to pick up multiple vehicles that were purchased by the same buyer.

Daily operations are proposed to be from 7:00 a.m. until 6:00 p.m., Monday through Saturday, allowing for the pick-up and delivery of vehicles and to process the associated paperwork. The auctions would be held on Wednesdays from 10:00a.m. until 2:00 p.m. Based on the operation in Oakland, approximately 50 licensed dealers would attend the auction. The auction would be held outdoors between the two existing buildings. Temporary tents are erected during auctions to protect the auctioneers and buyers from the sun or inclement weather.

Vehicles associated with the auto auction would be stored within a secure fenced area. Approximately 340 vehicles would be stored on site. There is perimeter chain link fencing along the sides and rear of the property and fencing with gates on either side of the front building that would provides for the secured parking area. Slats would be required to be installed within the fence to screen the secured parking area.

There are two buildings on the site. The front building closest to the street, consists of an office area and truck loading docks. The office portion of the building would be used for all transactions with buyers. The loading dock portion of the building would not be used. In addition, the applicant does not intend to use the rear building. All buildings, whether used or not, would be maintained. There are no proposals to improve the buildings.

The 94-stall unsecured parking lot adjacent to Industrial Parkway West would be used for the 20 employees, the licensed dealers bidding on the cars, and customers to the site. New landscaping and irrigation would be installed along the property frontage and within this parking area as depicted on the site plan.

A \$2.00 vehicle transaction fee would be paid to the City for every vehicle sold at the auto auction. The fee amount reflects the same fee charged to the Bay Cities Auto Auction. The fee would be paid annually.

Staff supports the proposal. The proposed use would be less intensive than the former distribution facility as fewer truck trips would take place. The site is well designed in that the customer, employee and buyer parking is easily accessible and separated from the drop-off, pick-up and storage of vehicles to be auctioned.

Conditional Use Permit Findings -

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

A. *The proposed auto auction is a use that is desirable for the public convenience or welfare.*

The auction creates an opportunity for buyers to buy unwanted vehicles donated to charity for the purpose of repairing and selling vehicles to the public. The business provides a means to get unwanted vehicles off the street and provide a used car market for the public.

B. *The proposed auto auction will not impair the character and integrity of the surrounding neighborhood.*

The site is in an industrial zoning district surrounded by industrial uses. The auction yard proposes to operate standard business hours and there are no hazardous or flammable materials proposed to be stored on site.

C. *The proposed auto auction will not be detrimental to the public health, safety, or general welfare.*

The auto auction would accommodate all required parking on site. The traffic flow would be less impacting than that for the previous distribution center. The distribution center had numerous large and medium sized trucks entering and exiting the site throughout the day. The auto auction would use tow trucks to deliver vehicles to the site and most vehicles would be driven from the site.

D. *The proposed auto auction will be in harmony with applicable City policies as well as the intent and purpose of the zoning district involved.*

The proposed auto auction would conform to the General Plan Land Use Policy No. 8 Infill Development: "*Promote infill development that is compatible with the overall character of the surrounding neighborhood*". The proposed industrial use is located in an Industrial zoning district surrounded by industrial uses. The auto auction would utilize a vacant parcel and would be compatible to the surrounding industrial uses.

The proposal also conforms with the intent of the Industrial District, as described in the Zoning Ordinance that encourages "*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 proposed development would be utilizing a vacant property in a manner that is compatible to the surrounding uses.

ENVIRONMENTAL REVIEW

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

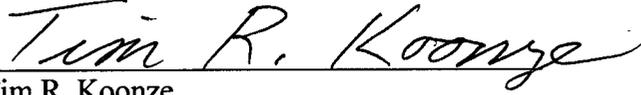
PUBLIC OUTREACH

On March 1, 2010, a Notice of Public Hearing was published in *The Daily Review*. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

SCHEDULE

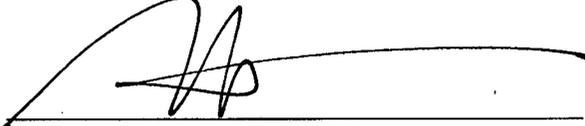
The Planning Commission decision begins a 10-day appeal period. If approved and there is no appeal within that time period, the applicant may proceed with the approved use. If denied, the decision could be appealed and the application would be scheduled for a public hearing before the City Council.

Prepared by:



Tim R. Koonze
Associate Planner

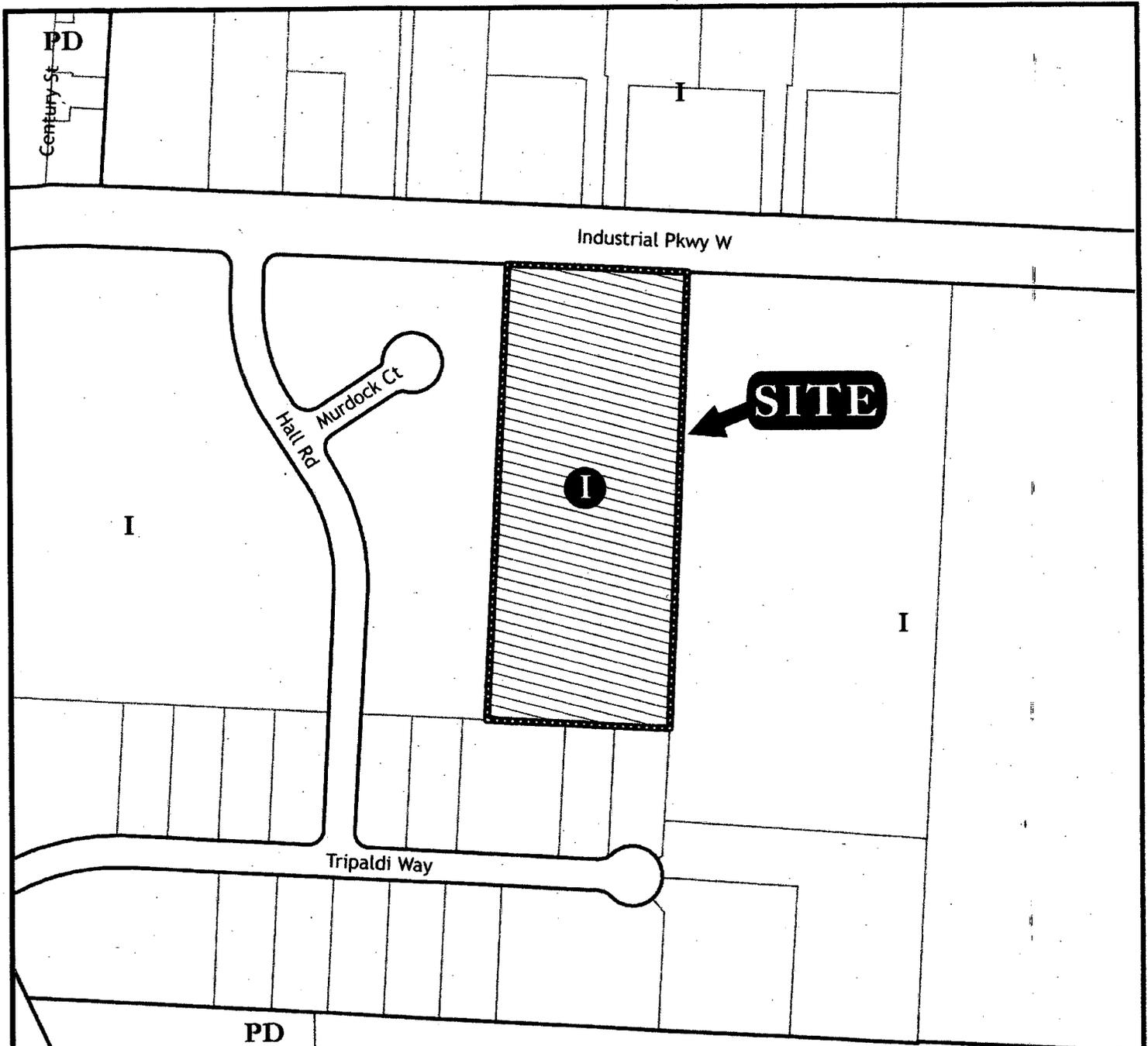
Recommended by:



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-2009-0534 CUP

Address: 2348 Industrial Parkway West

Applicant: Joseph & Sean Mulcahy

Owner: UPS Ground

Zoning Classifications

INDUSTRIAL

I Industrial

OTHER

PD Planned Development



FEET 300 600

ATTACHMENT A

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

March 11, 2010

**Conditional Use Permit Application No. PL-2009-0595 – UPS Ground (Applicant / Owner) -
Request to Operate an Auto Auction with Outdoor Vehicle Storage**

The property is located at 2348 Industrial Parkway West in the Industrial Zoning District (APN 463-0025-012-05)

FINDINGS FOR APPROVAL

A. The proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Facilities

B. *The proposed auto auction is a use that is desirable for the public convenience or welfare.*

The auction creates an opportunity for buyers to buy unwanted vehicles donated to charity for the purpose of repairing and selling vehicles to the public. The business provides a means to get unwanted vehicles off the street and provide a used car market for the public.

C. *The proposed auto auction will not impair the character and integrity of the surrounding neighborhood.*

The site is in an industrial zoning district surrounded by industrial uses. The auction yard proposes to operate standard business hours and there are no hazardous or flammable materials proposed to be stored on site.

D. *The proposed auto auction will not be detrimental to the public health, safety, or general welfare.*

The auto auction would accommodate all required parking on site. The traffic flow would be less than that for the previous distribution center.

E. *The proposed auto auction will be in harmony with applicable City policies as well as the intent and purpose of the zoning district involved.*

The proposed auto auction would conform to the General Plan Land Use Policy No. 8 Infill Development: "Promote infill development that is compatible with the overall character of the surrounding neighborhood." The proposed industrial use is located in an Industrial zoning district surrounded by industrial uses. The auto auction would utilize a vacant parcel and would be compatible to the surrounding industrial uses.

The proposal also conforms with the intent of the Industrial District, as described in the Zoning Ordinance that encourages "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 proposed development would be utilizing a vacant property in a manner that is compatible to the surrounding uses.

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

March 11, 2010

Conditional Use Permit Application No. PL-2009-0595 – UPS Ground (Applicant /Owner) -
Request to Operate an Auto Auction with Outdoor Vehicle Storage

The property is located at 2348 Industrial Parkway West in the Industrial (I) Zoning District (APN 463-0025-012-05)

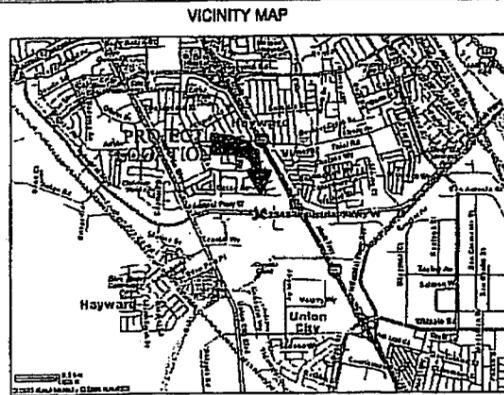
This permit becomes void three years after the effective date of approval, unless prior to that time, a lighting plan and a landscape and irrigation plan have been approved and operation of the establishment has commenced. A request made to the Planning Director for up to a 24 month extension, approval 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. 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. A \$2.00 vehicle transaction fee shall be paid to the City for every vehicle sold by the auto auction. The fee shall be paid at the end of the calendar year and shall be accompanied by supporting documentation.
4. All vehicle loading and unloading, and auction activities, shall be performed within the secured portion of the property. No loading or unloading of vehicles shall occur in the public street or the unsecured parking area.
5. All parking and circulation areas shall be striped and shall conform to the City's Off Street Parking Regulations.
6. Prior to commence of operations, a letter from a qualified illumination engineer shall be submitted to the Planning Director stating that the existing on-site lighting meets the City's Security Ordinance.
7. Slats shall be provided in all perimeter fencing. Existing slats maybe repaired but all fencing and slats must match.

8. 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.
9. Graffiti shall be removed within 48 hours after occurrence.
10. Prior to commencement of operations, the landscaping and irrigation within the front yard shall be refurbish across the property frontage. Landscaping and irrigation shall be installed at the end of the parking bays and a 15-gallon tree shall be installed for every six parking stalls.
11. 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.
12. Prior to commencement of operation, the applicant shall provide the City Public Works Department, Utilities Division, with a gallon per minute demand to determine the appropriate water meter size. Any modifications needed to the water service and/or water meter must be performed by City Water Distribution Personnel at the applicant's expense. All work shall be completed prior to utilizing the property.
13. Prior to commencement of operation, Reduced Pressure Backflow Prevention Assemblies, must be installed for domestic and irrigation water meters pursuant to City of Hayward Standard Detail 202.
14. If it comes to the attention of the Planning Director that there are problems occurring as a result of the auto auction operations, the Director may call the use permit application up to the Planning Commission for consideration of imposing additional conditions or revocation.

CITY OF HAYWARD C.U.P.



PROJECT DESCRIPTION:

THE FACILITY PROPOSES TO AUCTION DONATED VEHICLES ONCE A WEEK ON WEDNESDAYS BETWEEN THE HOURS OF 10:00AM AND 3:00PM TO STATE OF CALIFORNIA LICENSED VEHICLE DEALERS ONLY AND A PORTION OF THE PROCEEDS ARE GIVEN TO MANY CHARITIES. THE FACILITY PROPOSES TO FUNCTION MONDAY THROUGH SATURDAY FROM 9:00AM TO 5:00PM SHIPPING OUT SOLD VEHICLES AND DRIVING IN NEW DONATED VEHICLES FOR THE NEXT AUCTION DAY USING ABOUT TEN (10) FULL TIME EMPLOYEES. AUCTION DAY WILL REQUIRE 20 EMPLOYEES ON THE SITE. THE EXISTING 4,180 SQUARE FOOT OFFICE IS PROPOSED FOR ALL ADMINISTRATIVE AND DAILY NEEDS AND IS ADA COMPLIANT. ALL EMPLOYEE AND DEALER PARKING IS PROVIDED FOR THE PARKING LOT IN FRONT OF THE BUILDING AND NO PARKING WILL BE ALLOWED ON ANY PUBLIC STREET. ALL AUCTION VEHICLES WILL BE BEHIND THE EXISTING GATES ON BOTH SIDES OF THE BUILDING WHICH CAN ACCOMMODATE 300 VEHICLES. THE STORAGE AREA OF THE MAIN BUILDING HAS NO PROPOSED USE. THE AUCTION IS PROPOSED TO TAKE PLACE AT THE REAR PORTION OF THE PROPERTY OUTSIDE OF ANY BUILDING. AUCTION VEHICLES ARE NOT DRIVEN ON SITE AND ARE MOVED USING A FORKLIFT. DONATED VEHICLES ARE TOWED TO THE SITE BY A SINGLE OR DOUBLE TOW TRUCK AND NO LARGER. NO TRACTOR, TRACTOR & TRAILER VEHICLES WILL BE ON THIS SITE. AUCTION VEHICLES ARE SOLD IN THE 'AS IS' CONDITION.

NOTES:

1. NO CHEMICALS OR HAZARDOUS MATERIALS/WASTE IS PROPOSED FOR THIS SITE.
2. NO REPAIRS OR MAINTENANCE TO VEHICLES IS PROPOSED FOR THIS SITE.
3. THE SITE HAS AN EXISTING UNDERGROUND STORM DRAIN, EASEMENT DOCUMENT 2802 175 OF 1071.
4. THE SITE HAS A SHARED DRIVEWAY, EASEMENT DOCUMENT 2844 885 OF 1071.
5. NO GRADING OR EARTH DISTURBANCE IS PROPOSED AS SITE IS COMPLETELY BUILT-OUT.
6. ALL SERVING UTILITIES ARE METTERED AND OPERATIONAL ON THE SITE.
7. THE FACILITY PROPOSES ARMED SECURITY OFFICES FOR THE AUCTION DAY AND TRAFFIC CONTROL.
8. THE AUCTION BUSINESS IS CONDUCTED WITH COMPANY CHECKS AND CREDIT CARDS, RARELY CASH.
9. OFF HOURS SITE SECURITY WILL BE PROVIDED BY A LOCAL VENDOR ONCE IN OPERATION.
10. THERE ARE NO KNOWN ENDANGERED BIOLOGICAL SPECIES ON THIS SITE.
11. THE SITE PREVIOUS USE WAS A FREIGHT FORWARDING TERMINAL THAT DID NOT USE OR GENERATE HAZARDOUS MATERIALS PER UNITED PARCEL SERVICE, THE PROPERTY OWNER.
12. PROPOSED TRASH ENCLOSURE, 2 BAY, ONE FOR RECYCLING MATERIALS 12'W X 7.2D.
13. NO SIGNS ARE PROPOSED FOR THIS SITE.

SITE ANALYSIS:

33'4" X 86'0" OR 0.0 ACRES	=	288,878 S.F.	=	100%
EXISTING OFFICE BUILDING	=	4,180 S.F.	=	1%
EXISTING DOCK WAREHOUSE (NO PROPOSED USE)	=	15,252 S.F.	=	5%
EXISTING BUILDING (NO PROPOSED USE)	=	7,517 S.F.	=	3%
EXISTING BUILDING (NO PROPOSED USE)	=	2,590 S.F.	=	1%
EXISTING BUILDING (NO PROPOSED USE)	=	157 S.F.	=	.5%
EXISTING BUILDING (NO PROPOSED USE)	=	111 S.F.	=	.5%
EXISTING LANDSCAPE/PROPOSED HARDSCAPE	=	5,880 S.F.	=	2%
EXISTING CONCRETE	=	1,095 S.F.	=	1%
EXISTING ASPHALT	=	253,832 S.F.	=	88%

BUILDING OCCUPANCY: TYPE B
TYPE OF CONSTRUCTION: II

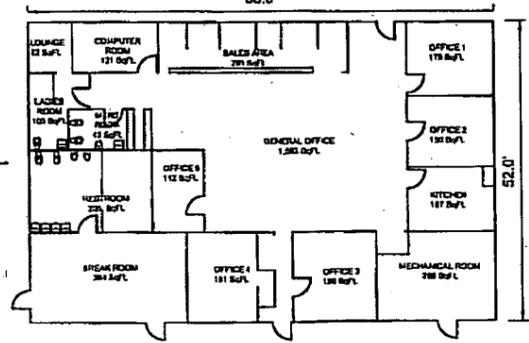
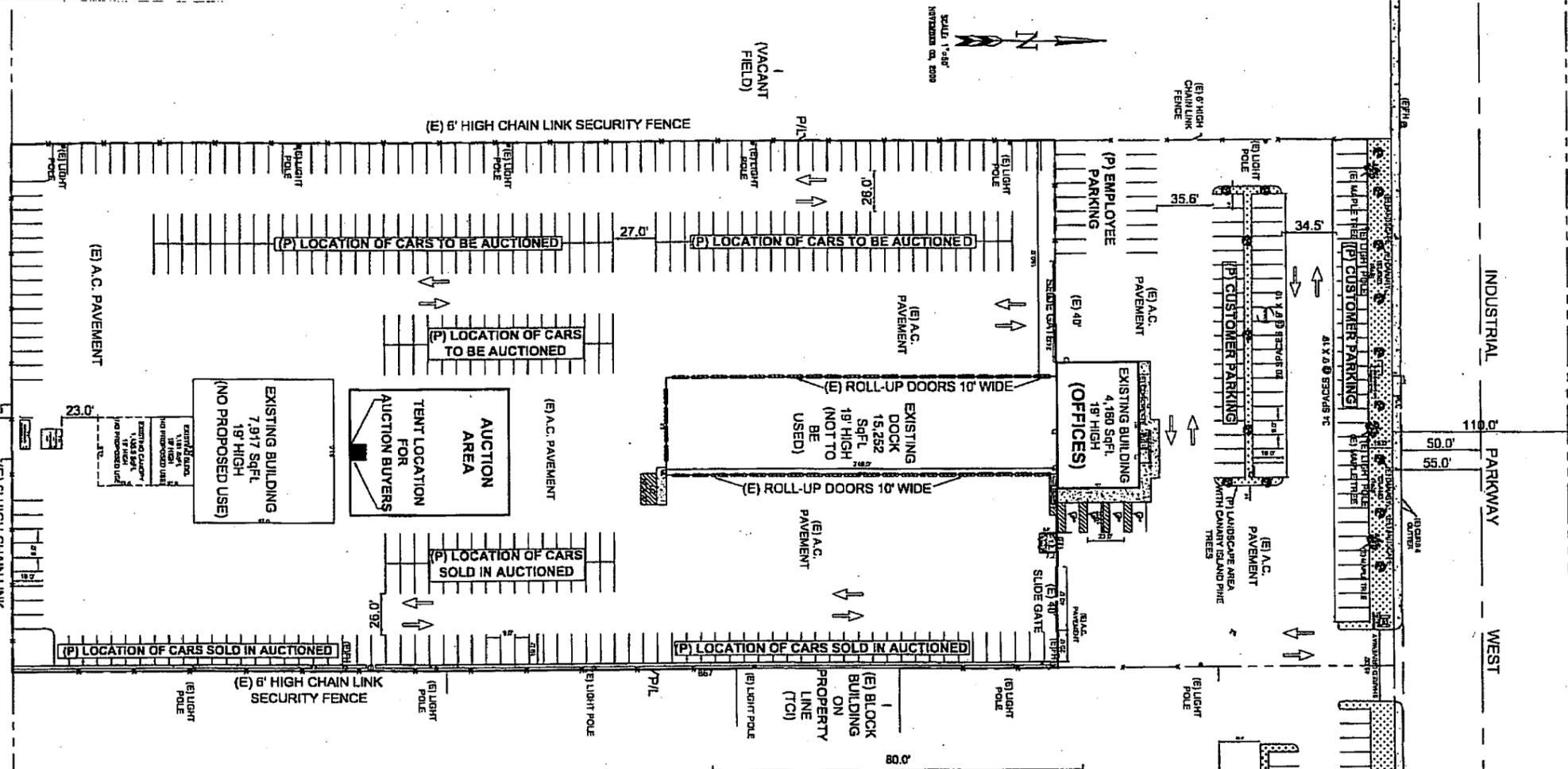
PARKING ANALYSIS:

	Required:	Proposed:
4,180 S.F. OFFICE SPACE 9'x10' @ 1/250	17	30
15,252 S.F. DOCK WAREHOUSE 9'x19' @ 1/1,000	15	30
12,590 S.F. STORAGE BUILDINGS 9'x15' @ 1/1,000	9	30
LOADING ZONE 10' x 20' @ 1/PER USE	1	1
VAN ACCESSIBLE H/C 14' x 10' @ 1/PER 25	4	4
TOTAL	46	95

AUCTION VEHICLE PARKING 340

LEGEND

- PORTLAND CEMENT CONCRETE
- EXISTING LANDSCAPE
- LIGHT POLE
- ASPHALTIC CONCRETE PAVEMENT
- PROPERTY LINE
- LANDSCAPE
- LOADING ZONE
- SIDEWALK
- TRASH ENCLOSURE
- EXISTING
- PROPOSED
- CENTER LINE
- FIRE HYDRANT



RECEIVED
MAR 03 2010
PLANNING DIVISION

Project #
PL-2009-0595 CUP

Project Information

A.P. #: 483002501205
 Site Address: 2346 INDUSTRIAL PARKWAY WEST, HAYWARD, CA 94545
 Appl. Type: C.U.P. For: Plan Storage Building (Bldg) elev. S.F.
 Applicant: DESERT VIEW AUTO AUCTION, INC. Phone No: 818-252-2704
 Address: 14282 DANIELSON
 POWAY, CA 92064
 Owner: UNITED PARCEL SERVICE (UPS) Phone No:
 DAVID BERGMAYER
 Address: PO BOX 1216
 RICHMOND, VA 23218
 Legal Desc:
 Prepared By: All Cities Permit Service Phone No: (909) 355-0375
 Address: P.O. Box 656, Fontana, CA 92334
 Date Prepared: NOVEMBER 3, 2009 Signature:

DESERT VIEW AUTO AUCTION, INC. (11) - 04-10-09