



CITY OF HAYWARD AGENDA REPORT

Planning Commission
Meeting Date 03/25/99
Agenda Item 1

TO: PLANNING COMMISSION

FROM: Arlyne J. Camire, Associate Planner

SUBJECT: Use Permit No. 99-160-03 - James M.T. Chao Representing Stephen Ng (Applicant), Michael Aminian/Century Medallion Corporation (Owner) - Request to operate a service station including a mini-mart and unspecified retail uses.

The project location is 650 Tennyson Road, on the northwest corner of Tennyson Road and Mission Boulevard in a Neighborhood Commercial Zoning District.

RECOMMENDATION:

It is recommended that the Planning Commission find that the project is exempt from environmental review, and approve the project subject to the attached findings and conditions.

DISCUSSION

Setting

The 30,500-square-foot (0.70 acres) site is located at the northwestern corner of Tennyson Road and Mission Boulevard with approximately 180 feet of frontage on Mission Boulevard, approximately 220 feet of frontage on Tennyson Road, and approximately 90 feet of frontage on East 13th Street. The parcel is developed with a vacated gas station, which comprises 2,072 square-feet on the northeast portion of the site. Several trees are located along the perimeter of the site; most of the site has been paved.

Properties to the east across Mission Boulevard include a health club, a Union 76 service station with a small snack shop, and a used car dealership. Uses to the south across Tennyson Road consist of a gated apartment complex in a Planned Development (PD) Zoning District and the South Hayward BART Station. The property to the west across East 13th Street contains a former drive-through bank used as a German Club, further west are Neighborhood Commercial (CN) and Commercial Office (CO) Zoning Districts. To the north and adjacent to the site is an older, small commercial building housing a tax preparation and record keeping business.

Proposal

The plans indicate that approximately 670 square-feet of the existing 2,072 square-foot building are to be remodeled as a mini-mart to provide convenience store items to service station patrons. The mini-mart would contain the following amenities: cashier area, office, men's and women's restrooms, a walk-in refrigerator, a sales area with shelving and related storage. The gas pump islands would remain, each having two pumps, for a total of eight pumps. The remainder of the building, approximately 1,400 square-feet, would be used for retail sales. The uses, hours and days of operation of the retail space and the service station are not known at this time.

The underground storage tanks were removed in September of 1998. The former operator, Exxon, is monitoring the soil and ground water for elevated levels of contaminants. It is uncertain at this time if the site contamination will be remediated prior to issuance of building permits. However, the City Hazardous Materials Program Coordinator indicates that with monitoring in place, re-use of the site should not pose any problems.

The site plan shows two underground storage tanks to be located in the northeast portion of the site. Prior to issuance of building permits, the applicant will be required to submit a separate tank installation permit to the Fire Department. Also, the service station will be required to comply with all new underground storage tank regulations.

Architecture/Design

There will be only minor changes to the building and the fuel pump canopy. The building is metal with slump stone accents and a terra cotta color, flat tile mansard roof. The front elevation facing West Tennyson Road will contain storefront windows and doors. The canopy will maintain the mansard roof and slump stone columns. Both structures will be earthtone.

Land Use

The project site is located within the Neighborhood Commercial (CN) Zoning District, where service stations are subject to the approval of a conditional use permit. Because the service station has been closed for more than six months, former land use entitlements have been lost and a new use permit is required to reopen. Due to the proximity of South Hayward BART Station and the number of commercial uses in the immediate area (including a 76 Service Station), staff believes there will be no conflict between the proposed use and surrounding uses. Renovation of this facility will also enhance the immediate area and contribute to the area's economic viability.

This project is consistent with the Mission-Garin Neighborhood Plan, which recognizes a need to upgrade the appearance within the plan area, and encourages commercial uses around the BART station area.

Parking and Vehicular Circulation

Twelve parking stalls will be provided, including one stall for persons with physical disabilities, to accommodate the service station staff, patrons and future retail uses. Based on the City's Off-Street Parking Requirements, a total of 11 spaces is required for the proposed project. Therefore, the proposed parking is adequate.

Staff recommends that the most southerly driveway on Mission Boulevard be removed and a new driveway be constructed on East 13th Street. Removal of the driveway, which exits into a right-turn only lane, will improve traffic flow on Mission Boulevard at the intersection. The new driveway proposed by staff would primarily serve the adjacent residential area. Without it, residents wishing to access the site would have to drive out to Mission Boulevard. Staff's recommendations would require a revision to the parking plan, but the total number of spaces would not be affected (See Plans).

Trash/Recycle Service

One 6-foot-high concrete block trash enclosure will be provided. The City Solid Waste Manager has requested modifications to the plans that must be incorporated into design revisions prior to issuance of building permits.

Landscaping

A landscape plan has not been submitted at this time, however, the site plan shows proposed and existing groundcovers and trees to be planted or retained. All landscaping is required to meet the City's landscaping requirements and standards for commercial development. The applicant is required to submit a detailed landscape and irrigation plan prepared by a licensed landscape architect for review and approval prior to issuance of a building permit.

It should be noted that the existing sidewalk is broken in several areas around the site. The applicant is required to replace the sidewalks prior to issuance of an occupancy permit.

Lighting

Lighting plans have not been submitted. Exterior lighting must be designed so that illumination is confined to the property and directed to reflect away from the apartment complex across Tennyson Road. Staff recommends that a lighting plan be submitted for review and approval prior to issuance of a building permit. Said plan must comply with the Security Ordinance provisions and include building and pump canopy lighting.

Signs:

A double-sided monument sign will be located at the corner of Tennyson Road and Mission Boulevard. The applicant is required to submit a sign program for the mini-mart and future

retail spaces. Sign design, color, materials and location are required to be complementary to and reflective of the architectural design of the building.

Environmental Review:

The proposal is defined as a project under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines, however it qualifies for a Categorical Exemption under Section 15332 Class 32 (In-fill Development Projects) of the CEQA Guidelines.

Public Notice:

On March 12, 1999, a Notice of Public Hearing was mailed to every property owner, business and resident within 300 feet of the property as noted on the latest assessor's records, and to former members of the Mission-Garin Neighborhood task force and appropriate public agencies. No one has responded to the notice.

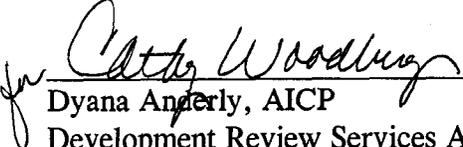
Conclusion:

The renovation of the service station with associated mini-mart and additional retail space will upgrade the area and will be an asset to the surrounding residents and the City of Hayward. Staff believes that because of the project location and surrounding uses the service station will not adversely impact the area.

Prepared by:


Arlynn J. Camire, AICP
Associate Planner

Recommended by:


Dyana Anderly, AICP
Development Review Services Administrator

Attachments:

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

ATTACHMENT B

**FINDINGS FOR APPROVAL
Use Permit Application No. 99-160-03
650 Tennyson Road**

**James M.T. Chao representing Stephen Ng (Applicant)
Michael Aminian/Century Medallion Corporation (Owner)**

Based on the staff report and the public hearing record:

1. That the Planning Commission find that the Categorical Exemption is complete and final in accordance with the California Environmental Quality Act Guidelines and reflects the independent judgment of the Planning Commission based on the fact that the project conforms to Section 15332, In-Fill Development Projects, Class 32 of CEQA.
2. That the proposed use is desirable for the public convenience or welfare since the re-establishment of the service station on the property will provide needed service where it had been previously used by area motorists.
3. That the project, as conditioned, will not impair the character and integrity of the Neighborhood Commercial (CN) zoning district in that it is in character with the surrounding development and uses, and will not conflict with existing uses.
4. That the project, as conditioned, will not be detrimental to the public health, safety, or general welfare as evidenced by the fact that it is in conformance with the Hayward General Plan land use designation and existing zoning districts.
5. That the project is in harmony with applicable City policies as well as the intent and purpose of the zoning district in that the use will be compatible with commercial activity and provides additional commercial services desirable to city residents and commuters.

CONDITIONS OF APPROVAL
Use Permit Application No. 99-160-03
650 Tennyson Road

James M.T. Chao representing Stephen Ng (Applicant)
Michael Aminian/Century Medallion Corporation (Owner)

1. The service station and mini-mart shall be constructed and operated in accordance with these conditions and plans approved by the Planning Commission on March 25, 1999, labeled Exhibit "A" as amended by these conditions of approval.
2. This approval is void one year after the effective date of approval unless the City Building Official has accepted a building permit as complete. Any modification to the approved plans shall require review and approval by the Planning Director.
3. Before authorization for gas or electric service and occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
4. Prior to the issuance of a sign permit, building permit or the installation of any improvements, a signed copy of a "Hazardous Waste and Substances Statement" shall be submitted to the Director of Community and Economic Development/Planning Director
5. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Director of Community and Economic Development/Planning Director.
6. Prior to construction or installation of improvements, a building permit must be obtained from the Development Inspection Services Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.
7. All parking stalls shall be striped.
8. Outside utility meters, when not enclosed in a cabinet, shall be screened allowing sufficient distance for reader access.
9. Open storage is prohibited. Any inoperable vehicle shall be removed from the site within 48 hours.
10. A six-foot masonry wall shall be maintained to the north side of the site. The wall shall be repaired where necessary.
11. All walls shall be treated with a graffiti sealant. All graffiti shall be removed within seven days after occurrence.

12. Public telephones shall be placed within the building or within 20 feet of the primary building entrance. The location shall be to the satisfaction of the Police Department and shall be reflected on the revised site plan submitted to the Development Review Services Division.
13. Signs approved by the Police Chief shall be posted indicating that loitering is prohibited. Management shall discourage patrons and visitors from loitering in public rights-of-way, parking areas, and in front of adjacent properties.
14. Prior to the issuance of building permits, the applicant shall submit a revised site plan and building elevations to the Planning Director for review and approval. Plans shall be prepared and stamped by licensed professionals in their respective fields, e.g., civil engineer, architect, and landscape architect. Plans shall include the following information:
 - a. Occupancy type - Retail (Group M/S-3).
 - b. The trash enclosure area shall indicate proposed dimensions. The enclosure shall provide adequate area for storage of recyclable containers. The trash enclosure elevations shall reflect the materials and colors of the building and the fuel pump canopy.
 - c. The plans shall also indicate the number and type of refuse and recycling containers which will be used. The applicant must ensure that there is adequate space for a garbage truck to service each dumpster. The applicant shall provide for adequate on-site storage capacity for recyclables within the building, including storage space for containers to store paper, glass/plastic/metal beverage containers, and other plastics where these materials are generated. This shall be accomplished to the satisfaction of the Solid Waste Manager prior to issuance of an occupancy permit.
 - d. The most southerly driveway on Mission Blvd shall be removed and a new driveway placed on East 13th Street.
 - e. The proposed storm drainage layout, length, size, and invert between catch basin. Structural control shall be installed into all inlets, to treat surface runoff prior to discharging into the storm drainage system.
 - f. The color(s) proposed for the pump canopy and the retail building.
 - g. Light tubes shall not be used on the pump canopy, however a recessed light box is allowed.
 - h. The location of phones, air, water and trash receptacles available for customer use.
16. Before issuance of a building permit, the applicant shall submit a final sign program to the Director of Community and Economic Development/Planning Director for review and approval:
 - a. The sign program shall be in compliance with the these conditions and the Hayward Sign Regulations for the Neighborhood Commercial Zoning District and regulations for signs at service stations including details of retail tenant, directional, informational, pump signs and all other proposed on-site signage.
 - b. Signs to be located on the building shall use individual channel letters.
 - c. The monument sign shall incorporate a design and materials that are consistent with the primary structure and shall not exceed eight feet in height.

- d. Street numbers shall be no less than 10 inches in height with a minimum 1/2-inch stroke width and of a contrasting color to the background. The address shall be visible from the public right-of-way. The color and design of the street address shall be compatible with the retail signs.
17. Prior to the 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" and the following requirements shall be met:
 - a. In addition to the existing trees, one 24" box street tree is required on Mission Boulevard and three 24" box street trees are required on East 13th Street. Tree species shall be approved by the City and planted according to the City Standard Detail SD-122.
 - b. Existing planters shall be re-landscaped. All existing overgrown shrubs indicated as trees on the Site Plan shall be removed.
 - c. Shrubs and vines shall be incorporated on the sides and rear of the trash enclosure.
 - d. All above ground utilities and mechanical equipment shall be screened from the street with shrubs.
 - e. In addition to the required street trees, the parking area shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area. All tree wells and medians shall be a minimum of 5' wide measured inside the curbs.
 - f. Shrubs shall be incorporated in the planters along all street frontages. The type and spacing of shrubs shall create a continuous 30" high hedge within two years.
 - g. Evergreen vines shall be planted 5 feet apart and shrubs shall be planted along the entire length of the wall on the north property line.
 18. 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% dieback) shall be replaced within ten days of the inspection. Trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.
 19. Trees shall be preserved in accordance with the "Tree Preservation Ordinance." All trees to be preserved or removed shall be indicated on the site and landscape plans, and noted with tree protection measures in compliance with City codes. 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.
 20. 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.

21. Prior to Final Inspection the following shall be completed:
 - a. Landscaping shall be installed per the approved plans and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted.
 - b. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance; the parking stalls shall be striped. Any stalls that serve persons with physical disabilities or compact stalls shall be clearly marked accordingly.
 - c. All broken concrete curbing and sidewalks shall be replaced to the satisfaction of the City Engineer.

22. The applicant shall comply with all requirements of the Uniform Fire Code and the City's Hazardous Materials Ordinance including but not limited to the following:
 - a. If any commercial cooking is to be done a fire protection system is required and must submit specific plans for approval prior to construction.
 - b. Fuel dispensing subject to all requirements of the Uniform Building and Fire Codes.
 - c. Fire Extinguisher required per the Uniform Fire Code
 - d. The applicant must notify the Fire Department immediately of any tanks, abandoned piping or contamination if encountered.
 - e. The applicant shall submit a completed Hazardous Waste and Substance Statement to the Fire Department.
 - f. Location of the emergency pump shut-off, to be approved by the Fire Department, shall be shown on detailed site plans. Pump switch plans are to be submitted to the Fire Department.
 - g. The facility must comply with Uniform Fire Code (UFC) Article 52.
 - h. The entire building shall include fire sprinklers per NFPA 13 and include fire extinguishers throughout. Plans indicating this shall be submitted to the fire department for review and approval prior to issuance of building permits. Sprinklers shall be operational and functioning properly and to the satisfaction of the Fire Department, prior to issuance of occupancy permits. This shall be done.

23. The property owner/management of the service station and retail businesses shall take necessary steps to assure the orderly conduct of employees, patrons, and visitors on the premises. Motorists shall be requested to refrain from playing radios to the degree that surrounding residents and commercial uses would be bothered. Loitering is not permitted.

24. Free air, water and window washing facilities shall be provided to the public during hours of operation.

25. The sale of alcoholic beverages is strictly prohibited unless a conditional use permit for new establishments shall be obtained.

26. The facility shall be made handicapped accessible in compliance with Title 24 and ADA requirements.

27. The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties. Employees shall be required to pick up trash or litter originating from the site and within 300 feet of the perimeter of the property on a daily basis.
28. No obnoxious odors shall be generated on the site.
29. A minimum of two restrooms shall be made available to the public during hours of operation of the service station and the retail businesses.
30. The property owner/applicant shall maintain in good repair all building exteriors, awnings, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas.
31. The project shall comply with the requirements of the Hayward Security Ordinance.
32. The applicant/business operator shall not display any illegal banner signs, portable signs or other illegal signs on the property.
33. The owner shall provide and maintain exterior lighting for the establishment, which is adequate for the illumination and protection of the premises. Lighting shall be installed in such a manner that it does not shine into adjacent properties and properties located across Tennyson Road.
34. The service station management shall provide and maintain interior lighting for the establishment which is adequate for the illumination and protection of the premises and which allows the unaided inspection of personal identification by members of the Hayward Police Department while inside the premises.
35. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by the Uniform Fire Code.
36. The use of exterior loud speakers shall be prohibited.
37. The service station may operate 24 hours a day.
38. Water Pollution Source Control requirements shall include but not be limited to the following:
 - a. If there are to be any roof HVAC units, no polluted waters from these units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
 - b. All washing operations shall be discharged to the sanitary sewer and not the storm drain. Includes mat cleaning and any washing of the trash area.

- c. No storm water shall be discharged to the sanitary sewer without a Wastewater Discharge Permit, which will be issued only if there is no feasible alternative. This means that if washing takes place in the trash area, the wash water shall be discharged to the sanitary sewer. If this area is covered and protected from storm water runoff, a permit is not necessary. If it is not covered, a permit will be required.
 - d. The sanitary sewer discharge from this facility shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300-milligram per liter oil and grease limit.
 - e. Materials, gasoline spill, oil spill, heavy stains, radiator fluid, litter, etc. shall be picked-up by dry methods and sweeping so as not to pollute stormwater runoff.
 - f. All discharges and new connections shall require approval from Water Pollution Source Control.
39. The Utilities System requirements shall include but not be limited to the following:
- a. Prior to granting building permit submittal, submit a gallon per minute demand to verify existing 1" water meter adequate for proposed use to Senior Utility Service Representative to determine proper line and meter size.
 - b. Install separate irrigation meter to avoid sewer charges on irrigation consumption.
 - c. Install reduced pressure backflow prevention assembly for both domestic and irrigation meters, per City Standard Detail SD-202.
 - d. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
 - e. Water service available subject to standard conditions and fees in effect at time of application
40. Replace existing fuel dispensing area concrete pavement. Fuel dispensing areas must be paved with Portland concrete, with 2% slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable. The fuel dispensing area is defined as extending a minimum of 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus a minimum of one foot, whichever is more. This shall be accomplished to the satisfaction of the City Engineer prior to issuance of an occupancy permit.
41. Fuel dispensing area must be covered, and the cover's minimum dimensions must be equal to or greater than the area within the grade break or fuel dispensing area, as defined above. The cover must not drain onto the dispensing area. This shall be accomplished to the satisfaction of the City Engineer prior to issuance of an occupancy permit.
42. Prior to issuance of an occupancy permit, abandoned driveways shall be replaced with City Standard curb, gutter and sidewalk.
43. Repair and/or replace any damaged sidewalks that border the project site, to the satisfaction of the Engineering & Transportation Division, prior to issuance of occupancy permits.

44. Applicant/owner shall obtain encroachment permits from the City of Hayward for all street, sidewalk, curb and gutter work.
45. Prior to issuance of building permits, the applicant shall submit an on-site recycling plan, which would be implemented during the entire construction phase, for review and approval by the Solid Waste Manager.
46. The applicant shall contact the City's franchised hauler, Waste Management of Alameda County to arrange for delivery of containers with sufficient capacity to store construction materials to be landfilled.
47. Future retail uses shall be required to apply for building, sign, and use permits, if necessary, prior to commencing any retail activities.
48. A copy of these conditions of approval shall be included in and made part of any rental and/or lease agreement for the subject site and shall be posted alongside the necessary business license and be visible at all times to employees and patrons.
49. Violation of these conditions is cause for revocation of the use permit after public hearing before the duly authorized review body.
50. If it comes to the attention of the Director of Community and Economic Development/Planning Director that there are problems occurring as a result of the gasoline station and/or retail establishments, the Director may call this use permit application up to the Planning Commission for consideration of imposing additional conditions or restrictions.